



MEMORANDUM

Date: June 16, 2011

To: Houghton Community Council

From: Dorian Collins, AICP, Senior Planner
Paul Stewart, AICP Deputy Director

Subject: **FINAL APPROVAL OF RESOLUTION 2011-3, APPROVING ORDINANCES 4307, 4308 AND 4310 ADOPTED BY THE CITY COUNCIL - AMENDMENTS TO THE KIRKLAND ZONING CODE, ZONING MAP AND MUNICIPAL CODE FOR TRANSIT-ORIENTED DEVELOPMENT AT THE SOUTH KIRKLAND PARK AND RIDE (FILE ZON10-00014)**

RECOMMENDATION

Approve enclosed Resolution 2011-3, approving:

- Ordinances 4307 and 4308 adopted by the City Council on June 7, 2011. The ordinances (see Attachments 1-4) provide for amendments to the Zoning Code, Zoning Map and Municipal Code related to new and revised regulations and design guidelines for transit-oriented development at the South Kirkland Park and Ride. The amendments include:
 - A new Chapter 56 and miscellaneous changes to the Table of Contents and Chapters 105, 110 and 180.
 - A change to the Zoning Map, to rezone the Kirkland portion of the South Kirkland Park and Ride from PO (Professional Office) to YBD 1 (Yarrow Bay Business District 1), and
 - A change to the Municipal Code to include the new design review guidelines for the YBD 1 zone and
- Ordinance 4310 adopted by the City Council on June 21, 2011. The ordinance (see Attachments 5 and 6) provides for amendments to the Zoning Code to add three additional words to the YBD 1 Use Zone Chart (approved on June 7, 2011 and described above) to correct an error and clarify the income range for affordable units to be included in a transit-oriented development project.

BACKGROUND

After several months of study sessions, public workshops and a joint public hearing, the Houghton Community Council, at its meeting on April 25th deliberated on the draft code and map amendments in support of transit-oriented development at the South Kirkland Park and Ride. The Community Council voted unanimously to recommend approval of the amendments with a number of changes. The changes addressed concerns of members of the Community Council with regard to building height, public space and design in the gateway area at the intersection of NE 38th Place and 108th Avenue NE. The recommended changes were made to the draft amendments, and included in the recommendation from the Houghton Community Council and Planning Commission to the City Council. The recommendation from the two bodies begins on page 15 of the materials provided to City Council for their study session on this topic ([click here](#)).

On June 7, 2011, the City Council adopted the attached ordinances, numbers 4307 and 4308, approving the recommended amendments. At their meeting, the City Council praised the Houghton Community Council and Planning Commission for their work, and expressed their appreciation for the extensive public involvement process conducted for the project. The Council also noted that the recommendations from the Commission and Community Council effectively addressed the issues and concerns identified by the community during the study process. The City Council supported the recommendations from the Houghton Community Council and the Planning Commission, and the revisions to the Zoning Code and design guidelines include all of the recommended changes. The materials prepared for adoption by the City Council at their regular meeting on June 7th can be viewed [here](#).

At their upcoming meeting on June 21, 2011, the City Council will consider a revision to the development standards contained in the YBD 1 Use Zone Chart, approved under Ordinance 4307. The revision corrects an error and clarifies language in Special Regulation 13 related to the range of affordable housing to be included in transit-oriented development. The intent is to allow a range of affordability levels rather than a specific level. The change includes the addition of three words, shown underlined below:

- “A minimum of 20 percent of the total residential units shall be affordable. A minimum of 10 percent of total residential units shall be affordable at no greater than 50% of median income . . .”

Since the City Council will have met prior to the Houghton Community Council meeting on June 27th, staff will report orally on the action of the Council. The enclosed resolution for approval of the Houghton Community Council includes the revision to be considered by the City Council on June 21st.

Attachments

1. Ordinance 4307
2. Attachments A and B to Ordinance 4307 (all Zoning Code and Zoning Map amendments)

3. Ordinance 4308
4. Design Guidelines for the YBD 1 Zone
5. Ordinance 4310
6. Attachment A to Ordinance 4310

Enclosure

1. Resolution 2011-3

cc: File ZON10-00014
Planning Commission
City Council

ORDINANCE NO. 4307

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, REVISING THE CITY'S REGULATIONS REGARDING TRANSIT-ORIENTED DEVELOPMENT AT THE SOUTH KIRKLAND PARK AND RIDE, AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND AMENDING ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON10-00014.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission and Houghton Community Council dated May 26, 2011, and bearing Kirkland Department of Planning and Community Development File No. ZON10-00014; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission and Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on March 24, 2011, held a joint public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendations of the Planning Commission and Houghton Community Council.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A attached to this ordinance and incorporated by reference.

Section 2. Zoning Map amended: The following specified zone of the Ordinance 3710 as amended, the Kirkland Zoning Map, are amended as follows:

As set forth in Attachment B which by this reference is incorporated herein.

Section 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 5. Except as provided in Section 4, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Section 6. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this ____ day of _____, 2011.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 2011.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

ZONING

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This code contains zoning regulations for the Finn Hill, North Juanita, and Kingsgate annexation areas as adopted by the Kirkland City Council through Ordinance 4196. The effective date of the annexation and Ordinance 4196 zoning regulations is June 1, 2011.

[Click here](#) to view adopted ordinances that have not yet been inserted into the Zoning Code as well as pending regulations under consideration.

[Zoning Code Interpretations](#)

[Chapter 1](#) – User Guide

[Chapter 5](#) – Definitions

[Chapter 10](#) – Legal Effect/Applicability

[Chapter 15](#) – Single-Family Residential (RS) Zones

[Chapter 17](#) – Single-Family Residential X (RSX) Zones

[Chapter 18](#) – Single-Family Residential A (RSA) Zones

[Chapter 20](#) – Multifamily Residential (RM and RMA) Zones

[Chapter 25](#) – Professional Office Residential (PR) and Professional Office Residential A (PRA) Zones

[Chapter 27](#) – Professional Office (PO) Zones

[Chapter 30](#) – Waterfront District (WD) Zones

[WDI Zone](#)

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[Chapter 35](#) – Freeway Commercial (FC) Zones

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[Chapter 40](#) – Neighborhood Business (BN) Zones and Neighborhood Business A (BNA) Zones

[Chapter 45](#) – Community Business (BC, BC 1 and BC 2) Zones

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[Chapter 48](#) – Light Industrial Technology (LIT) Zones

[Chapter 49](#) – Park/Public Use (P) Zones

[Chapter 50](#) – Central Business District (CBD) Zones

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[50.60](#) Special Parking Provisions in the CBD 1, 2, and 8 Zones

[50.62](#) Building Height Provisions in the CBD

[Chapter 51](#) – Market Street Corridor (MSC) Zones

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[Chapter 55 – Totem Lake \(TL\) Zones](#)

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[Chapter 56 – Yarrow Bay Business District \(YBD\) Zones](#)

[YBD 1](#)

[Chapter 60 – Planned Areas \(PLA\)](#)

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CHAPTER 56 – Yarrow Bay Business District (YBD) ZONES**56.05** User Guide.

The charts in KZC 56 contain the basic zoning regulations that apply in the YBD 1 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section
56.08**

Zone
YBD 1

Section 56.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. In addition to the height exceptions established by KZC [115.60](#), the following exceptions to height regulations in the YBD 1 zone are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 56.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Attached or Stacked Dwelling Units	DR, Chapter 142 KZC	None	5' See Spec.Reg. 2	0'	0'	100%	65' above average building elevation. See Spec. Reg.11	C	E. See Spec. Reg. 15	Residential: 1.1 per unit, plus guest parking: .05 per unit. Restaurant/tavern: 1 per each 125 sq.ft. of gross floor area. Retail: 1 per each 350 sq.ft. of gross floor area. Office: 1 per each 350 sq.ft. of gross floor area. Entertainment, cultural, recreational: Chapter 105.25 See also 105.103	<ol style="list-style-type: none"> 1. The required minimum front yard for any portion of the structure containing parking facilities shall be 10'. 2. The front setback may be reduced to 0' where retail uses or other ground floor space is designed to provide direct pedestrian access to the street and located adjacent to a pedestrian oriented street, major pedestrian pathway or adjacent to a transit facility. 3. May include one or more of the other uses allowed in this zone. 4. The following uses are prohibited: <ol style="list-style-type: none"> a. Drive-through facilities. b. The outdoor storage, sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers 5. At least 50% of the linear frontage of the ground floor along NE 38th Place must include one or more of the following uses: Retail uses selling goods or providing services, including restaurants or taverns; Banking and Related Financial Services; School, Day-Care or Mini School or Mini Day-Care Center; Government Facility; Community Facility; and retail establishments providing entertainment, cultural and/or recreational activities. The required uses shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building on the abutting right-of-way). The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the retail frontage will maximize visual interest. Lobbies for residential are allowed within this space subject to applicable design guidelines. The minimum ground floor story height for these uses shall be 13 feet. 6. Commercial uses along NE 38th Place may occupy the first two floors of a structure. Otherwise, gross floor area constructed above the ground floor must be dedicated to residential use.

												<p>KMC 27.04.050.</p> <p>f. Applicants providing affordable housing units may request an exemption from payment of park impact fees for the affordable housing units as established by KMC 27.06.050.</p> <p>g. Applicants providing affordable housing units are eligible for exemption from various planning, building, plumbing, mechanical and electrical permit fees for the affordable housing and moderate income units as established in KMC 5.74.070 and KMC Title 21.</p> <p>h. Property Tax Exemption – A property providing affordable housing units may be eligible for a property tax exemption as established in Chapter 5.88 KMC</p> <p>15. Signs for a development approved under this provision must be proposed within a Master Sign Plan application (KZC 100.80) for all signs within the project.</p> <p>16. Development shall be designed, built and certified to achieve or exceed the following green building standards:</p> <p>a. Evergreen Standard or Built Green 4 star certified for all housing units.</p> <p>b. For the parking garage and non-residential uses, either a LEED Silver CS (Core and Shell) certified or LEED CS checklist with a third party independent verification and inspection to meet the LEED CS Silver Standard.</p> <p>17. This use must be part of a development that includes an increase in the number of parking stalls available exclusively to users of the Park and Ride facility.</p> <p>18. Parking stalls to serve the use must be in addition to those provided as part of the expansion of capacity for the Park and Ride facility.</p>
.020	Office Uses	DR, Chapter 142 KZC	None	20'	5', but 2 side yards must equal at least 15'.	10'	70%	30' above average building elevation.	C	D	If Medical, Dental, or Veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise, one per each 300 sq. ft. of gross floor area.	<p>1. The following regulations apply to veterinary offices only:</p> <p>a. May only treat small animals on the subject property.</p> <p>b. Outside runs and other outside facilities for the animals are not permitted.</p> <p>c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.</p> <p>2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <p>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</p> <p>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</p>
.030	Restaurant or Tavern				10' on each side							20'

.040	Funeral Home or Mortuary				20' on each side				C	B	1 per each 300 sq. ft. of gross floor area.	
.050	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop				10' on each side				B	E		<ol style="list-style-type: none"> 1. May not be located above the ground floor of a structure. 2. Gross floor area cannot exceed 3,000 sq. ft.
.060	Retail Establishment providing banking or related financial service											<ol style="list-style-type: none"> 1. May not be located above the ground floor of a structure.
.070	Church	DR, Chapter 142 KZC	None	20'	20' on each side	20'	70%	30' above average building elevation. See Spec. Reg. 8.	C	B	1 for every 4 people based on maximum occupant load of any area of worship. See Spec. Reg. 1.	<ol style="list-style-type: none"> 1. No parking is required for day-care or school ancillary to the use.
.080	School or Day-Care Center			If this use can accommodate 50 or more students or children, then:					D		See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be

.110	Hospital Facility	DR, Chapter 142 KZC.	One Acre						B	See KZC 105.25.	
.120	Public Utility	DR, Chapter 142 KZC.	None						A		1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.130	Government Facility Community Facility								C See Spec. Reg. 1.		
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.									

105.58 Location of Parking Areas Specific to Design Districts

If the subject property is located in a Design District, the applicant shall locate parking areas on the subject property according to the following requirements:

1. Location of Parking Areas in the CBD, TC (TL 1, TL 2, TL 3) Zones
 - a. Parking areas shall not be located between a pedestrian-oriented street and a building unless specified in a Conceptual Master Plan in TL 2. (See Plate 34 in Chapter 180 KZC and Chapters 92 and 110 KZC for additional requirements regarding pedestrian-oriented streets).
 - b. On all other streets, parking lots shall not be located between the street and the building on the subject property unless no other feasible alternative exists.
2. Location of Parking Areas in the JBD 2, ~~and the NRHBD~~ and YBD 1 Zones – Parking areas shall not be located between the street and the building unless no other feasible alternative exists on the subject property.
3. Location of Parking Areas in the MSC Zones – Parking areas in the MSC zones shall not be located between the street and the building unless the Planning Official determines that the proposed landscape design provides superior visual screening of the parking area.
4. Location of Parking Areas in Certain TLN and RHBD Zones – Parking areas and vehicular access may not occupy more than 50 percent of the street frontage in the following zones (see Figure 105.58.A):
 - a. TL 4, only properties fronting on 120th Avenue NE;
 - b. TL 5;
 - c. TL 6A, only properties fronting on 124th Avenue NE. Auto dealers in this zone are exempt from this requirement;
 - d. TL 6B, only properties fronting on NE 124th Street;
 - e. TL 10E.

Alternative configurations may be considered through the Design Review process, if the project meets the objectives of the KMC Design Guidelines for the Totem Lake Neighborhood.

- f. In the Regional Center (RH 1A, RH 2A, RH 3 and RH 5A zones west of 124th Avenue). For parcels over two acres in size, parking lots and vehicular access areas may not occupy more than 50 percent of the NE 85th Street property frontage (see Figure 105.58.A). Alternative configurations will be considered through the Design Review process, if the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.



Perking lots and spaces
reside occupy no more
than 50% of the total
street frontage

FIGURE 105.58.A

110.52 Sidewalks and Other Public Improvements in Design Districts

1. This section contains regulations that require various sidewalks, pedestrian circulation and pedestrian-oriented improvements on or adjacent to properties located in Design Districts subject to Design Review pursuant to Chapter 142 KZC such as CBD, JBD, TLN, TC, RHBD, ~~and~~ NRHBD ~~and~~ YBD zones.

The applicant must comply with the following development standards in accordance with the location and designation of the abutting right-of-way as a pedestrian-oriented street or major pedestrian sidewalk shown in Plate 34 of Chapter 180 KZC. See also Public Works Pre-Approved Plans manual for public improvements for each Design District. If the required sidewalk improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property; provided, that a minimum of five feet from the curb shall be retained as public right-of-way and may not be in an easement. Buildings may cantilever over such easement areas, flush with the property line in accordance with the International Building Code as adopted in KMC Title 21. (See Figure 110.52.A and Plate 34).

2. Pedestrian-Oriented Street Standards – Unless a different standard is specified in the applicable use zone chart, the applicant shall install a 10-foot-wide sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street. (See Figure 110.52.A).

Required Sidewalk on Pedestrian-Oriented Streets and Major Pedestrian Sidewalks

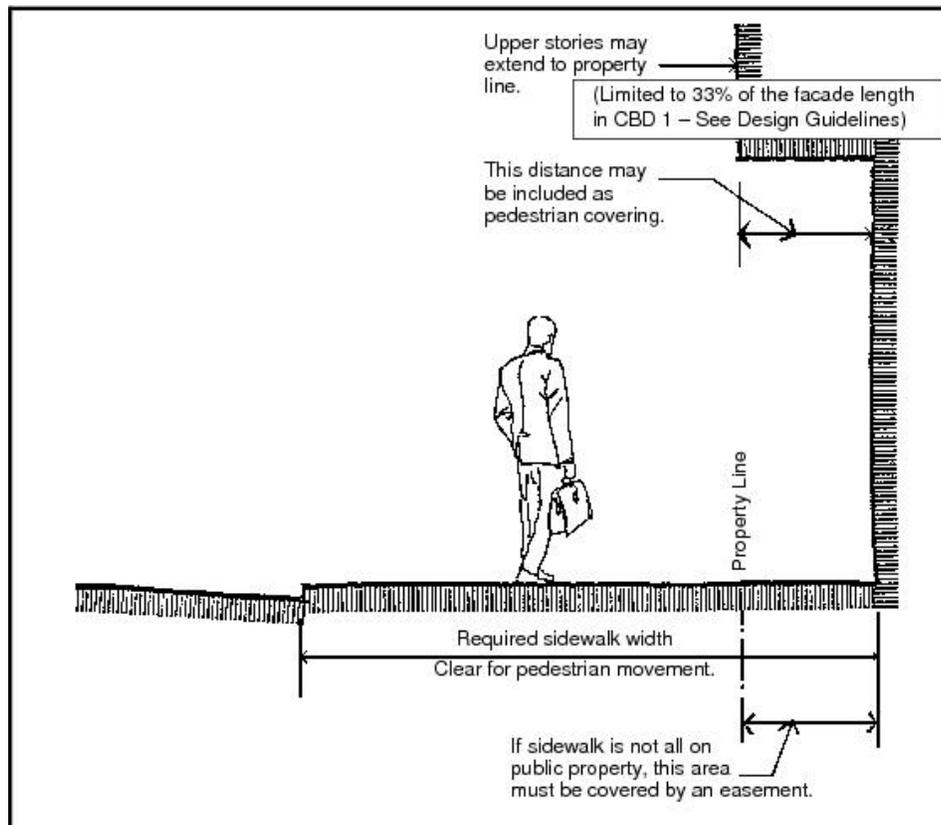
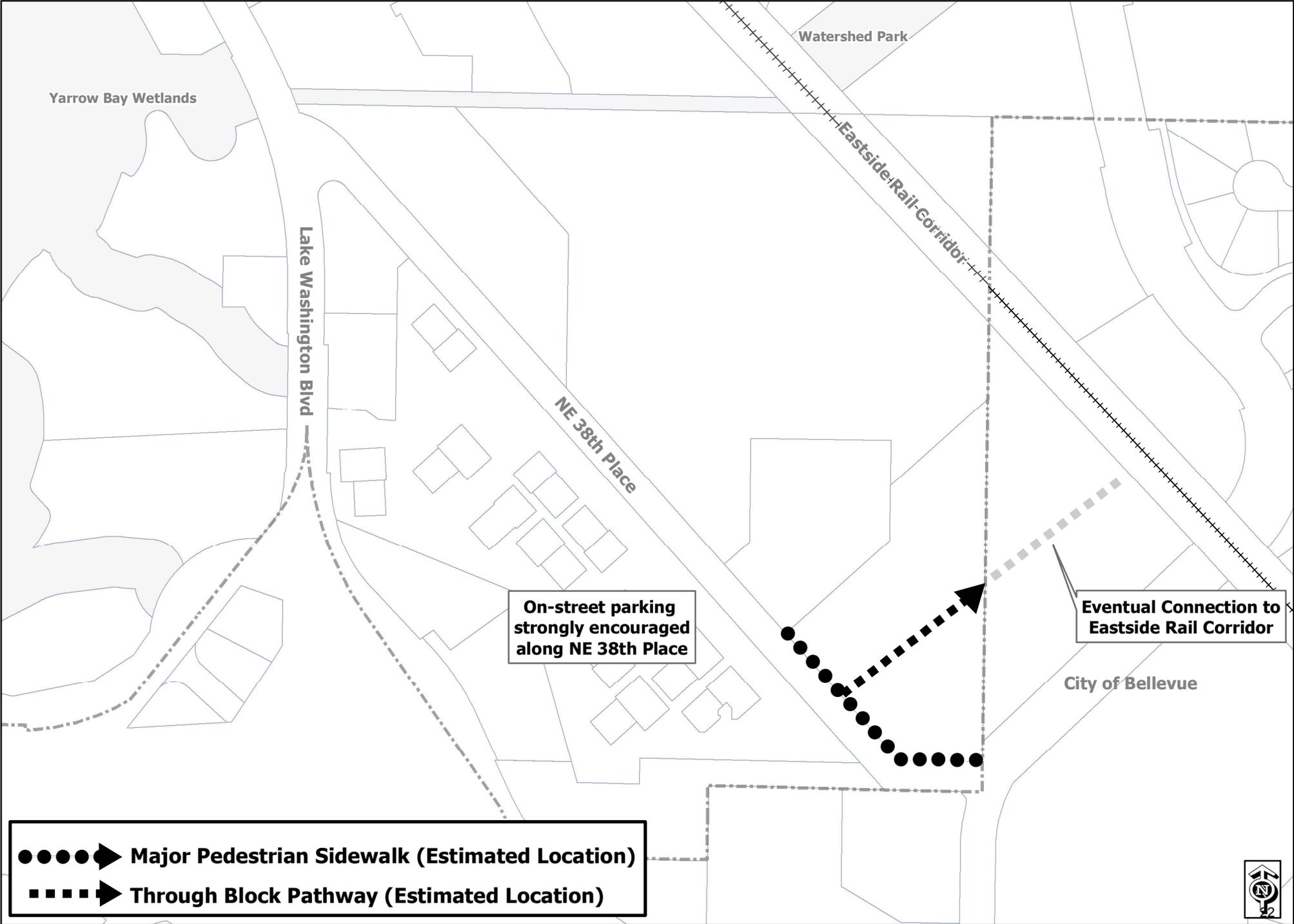


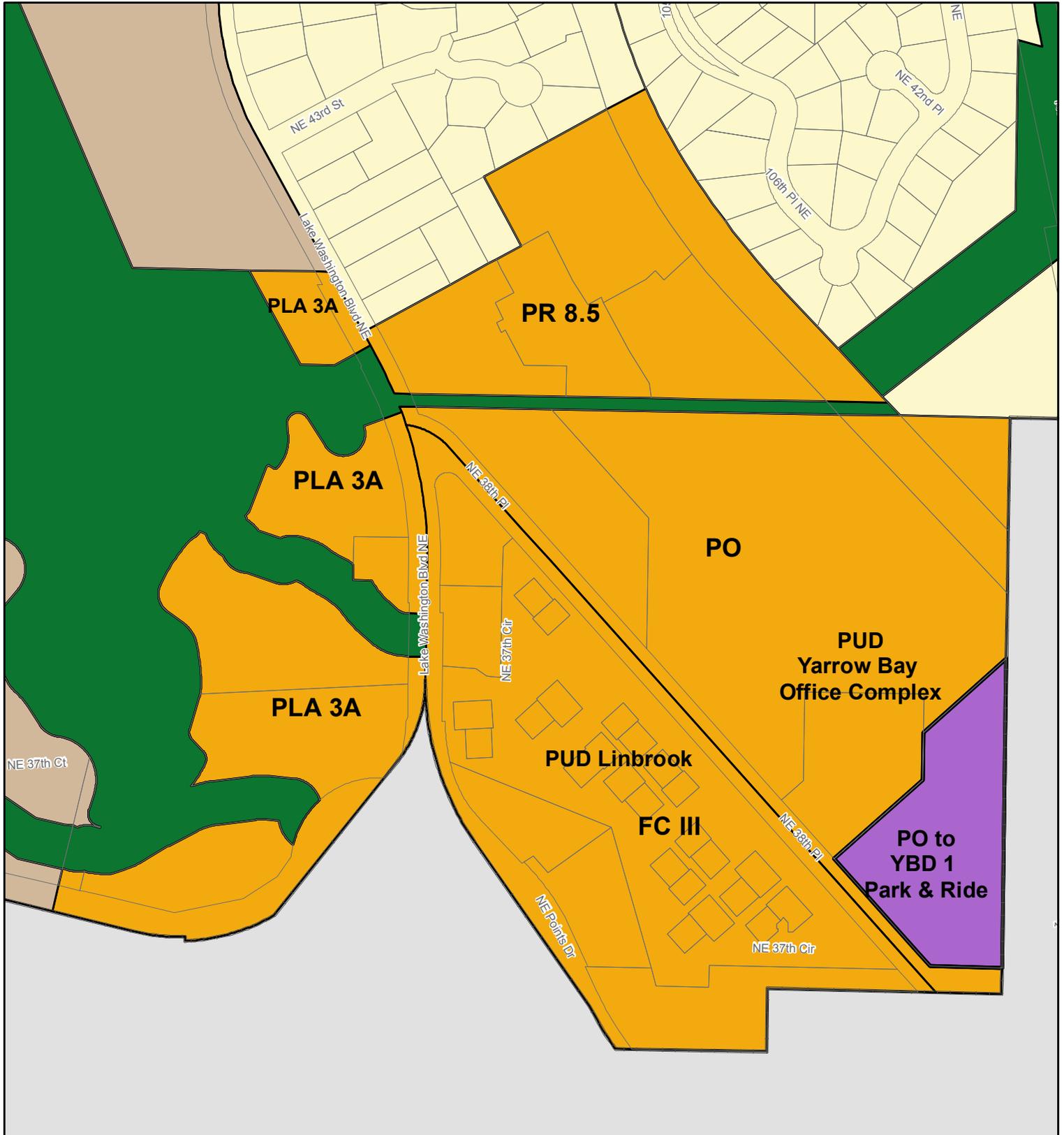
FIGURE 110.52.A

3. Major Pedestrian Sidewalk Standards – If the subject property abuts a street designated to contain a major pedestrian sidewalk in Plate 34, Chapter [180](#) KZC, the applicant shall install that sidewalk on and/or adjacent to the subject property consistent with the following standards:
 - a. Install in the approximate location and make the connections shown in Plate 34;
 - b. A sidewalk width of at least eight feet, unless otherwise noted in Plate 34;
 - c. Have adequate lighting with increased illumination around building entrances and transit stops; and
 - d. If parcels are developed in aggregate, then alternative solutions may be proposed.
4. Streets in the Totem Lake Neighborhood – Streets in the Totem Lake Neighborhood designated as major pedestrian sidewalks in Plate 34.E that are also shown to be within the landscaped boulevard alignment or “Circulator” in Plate 34.D in Chapter [180](#) KZC may have varied or additional requirements, such as wider sidewalks, widened and meandering planting areas, continuous and clustered tree plantings, special lighting, directional signs, benches, varying pavement textures and public art, as determined by the Director of Public Works.
5. NE 85th Street Sidewalk Standards – If the subject property abuts NE 85th Street, the applicant shall install a minimum 6.5-foot-wide landscape strip planted with street trees located adjacent to the curb and a minimum seven-foot-wide sidewalk along the property frontage. Where the public right-of-way lacks adequate width to meet the previous standard, a 10-foot-wide sidewalk with street trees in tree grates may be permitted or in an easement established over private property.

Plate 34L: PEDESTRIAN CIRCULATION IN YBD Attachment 2



Proposed PO to YBD 1 Rezone



 Kirkland City Limits  Tax Parcels  PO to YBD 1

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ORDINANCE NO. 4308

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DESIGN REVIEW GUIDELINES FOR THE YARROW BAY BUSINESS DISTRICT 1 ZONE AND AMENDING SECTION 3.30.040 OF THE KIRKLAND MUNICIPAL CODE, (FILE NO. ZON10-00014).

WHEREAS, the City Council has received from the Kirkland Planning Commission and Houghton Community Council a recommendation to approve design guidelines for the Yarrow Bay Business District 1 zone, as set forth in the report and recommendation of the Planning Commission and Houghton Community Council, dated May 26, 2011 and bearing Kirkland Department of Planning and Community Development File No. ZON10-00014; and

WHEREAS, prior to making the recommendation the Planning Commission and Houghton Community Council, following notice as required by RCW 35A.63.070, held on March 24, 2011 a public hearing on the proposed revisions and considered the comments received at the hearing; and

WHEREAS, in regular public meeting the City Council considered the report and recommendation of the Planning Commission and Houghton Community Council;

NOW, THEREFORE, the City Council of the City of Kirkland ordains as follows:

Section 1. Section 3.30.040 of the Kirkland Municipal Code, entitled "Design Guidelines Adopted by Reference" is hereby amended to read as follows:

3.30.040 Design guidelines adopted by reference.

The design review board in combination with the authority set forth in Chapter 142 of the Zoning Code shall use the following design guidelines documents to review development permits:

- (1) The document entitled "Design Guidelines for Pedestrian Oriented Business Districts" bearing the signature of the mayor and the director of the department of planning and community development dated August 3, 2004, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.
- (2) The document entitled "Design Guidelines for the Rose Hill Business District" bearing the signature of the mayor and the director of the department of planning and community development dated January 3, 2006, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.
- (3) The document entitled "Design Guidelines for the Totem Lake Neighborhood" bearing the signature of the mayor and the director of the department of planning and community development dated June 6, 2006, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

(4) The document entitled "Kirkland Parkplace Mixed Use Development Master Plan and Design Guidelines" bearing the signature of the mayor and the director of the department of planning and community development, dated December 16, 2008, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission prior to amending this document.

(5) The document entitled "Design Guidelines for the Yarrow Bay Business District" bearing the signature of the mayor and the director of the department of planning and community development, dated June 7, 2011, is adopted by reference as though fully set forth herein. The city council shall consult with the planning commission and the Houghton community council prior to amending this document.

~~(5)~~ Text Amended. The following specific portions of the text of the design guidelines are amended as set forth in Attachment A attached to Ordinance 4106 and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2011.

SIGNED IN AUTHENTICATION THEREOF this _____ day of _____, 2011.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

The City of Kirkland



Design Guidelines

Yarrow Bay Business District

Adopted by the City Council
pursuant to Kirkland Municipal Code
Section 3.30.040, Ordinance

Mayor

Eric Shields,
Director,
Planning & Community
Development

Design Guidelines for the Yarrow Bay Business District 1 Zone

<p>1. <i>Ensure high quality building and design</i></p>	<ul style="list-style-type: none"> • Building materials should exhibit permanence. • Building materials and color should be selected to integrate with each other and complement architectural design. • Ornament and applied art should be integrated with the structures and the site environment and not haphazardly applied. • Emphasis should be placed on highlighting building features such as doors, windows, and eaves, and on the use of materials such as wood siding and ornamental masonry. Ornament may take the form of traditional or contemporary elements • Original artwork or hand-crafted details should be considered in special areas.
<p>2. <i>Ensure that regulations support appropriate building scale and massing throughout the site, produce buildings that exhibit high quality design and incorporate pedestrian features and amenities that contribute to a livable urban village character for the TOD.</i></p>	<p><i>Building Scale & Massing</i></p> <ul style="list-style-type: none"> • Large window areas should be avoided. Instead smaller window units should be used to achieve human scale. • Facing the street, buildings above the 2nd story should use upper story step backs to create receding building forms as building height increases to maintain human scale. A rigid stair step or “wedding cake” approach to upper story step backs is not appropriate. Prescribed upper story step backs in the gateway area at the intersection of NE 38th Place and 108th Avenue NE are appropriate to prevent the building from overpowering the gateway design. • Decks and/or balconies should be designed so that they do not significantly increase the apparent mass of the building. • The location of the subject property makes any new multi-story building highly visible from the surrounding streets and properties. Building design should be based on viewpoints or vantages to be identified through the Design Review process. The final arrangement of building mass should therefore address the key vantage points and respond to the context of existing and/or planned improvements, gateway features, and location of plazas and open space. • All building facades should be designed carefully, i.e. there should be no “backside” of a building. • Building facades should be well modulated to avoid blank walls and provide architectural interest. • Landscaping should be used to provide visual interest and help soften building form at appropriate locations, including upper level terraces. • To help moderate the vertical scale of buildings, buildings should incorporate design techniques which clearly define the building’s top, middle, and bottom. <p>Examples include using a sloped roof and strong eave lines to help define the top; using windows, balconies, and</p>

material changes to define a building's middle; and pedestrian-oriented storefronts, awnings, and use of 'earth' materials such as concrete and stone to help define the building's bottom.

- Roof forms should be varied and attractive. Where appropriate, roof forms should also help reinforce the modulation or articulation interval of the building façade.
- Roof forms should be designed to screen rooftop mechanical units
- A predominantly flat roof design is discouraged. For portions of the building where a flat roof design is used, architectural details such as eaves, cornices, or other articulation elements should be used to provide interest at the ground level.
- Vertical building modulation should be used to add variety by avoiding monotonous design. A technique that may be used is to make large buildings appear to be an aggregation of smaller buildings. Different colors and/or materials may be used to help differentiate between façade planes.
- Horizontal building modulation should be used to reduce the perceived mass of a building and to provide continuity at the ground level of large building complexes. Building design should incorporate strong pedestrian-oriented elements at the ground level and distinctive roof treatments. Different colors and/or materials maybe used to help differentiate between façade planes.

High Quality Design

See Policy #1

Pedestrian Features & Amenities

- Pedestrian walkways should be placed throughout the site to allow for efficient access between the residential, commercial, transit center uses, and adjacent streets. The walkways should be situated to minimize walking distance from the public sidewalk and transit facilities to building entrances.
- Pedestrian and bicycle pathways and/or connections should be well-defined and safe.
- Pedestrian connections should be provided to adjacent properties to allow for efficient access to the transit facilities and commercial uses.
- Landscaping should be used to help define and provide visual interest along pedestrian walkways.
- Convenient and safe pedestrian areas should be designed in centralized locations to accommodate transit users.
- Lighting should be provided to walkways and sidewalks through building mounted light and canopy or awning mounted lights.

	<ul style="list-style-type: none"> • Low level lighting in the form of bollards or similar style of lighting should be encouraged along pedestrian pathways not adjacent to buildings. • Through-block pathways should be designed so that it is clear that access by the general public is allowed. The following guidelines also apply: <ul style="list-style-type: none"> ○ Because the subject property is steep along NE 38th Place, stairways may be used in the design of the through-block pathway where connecting to the street. If located along NE 38th Place, the stairway should function as a focal entry/exit point and contain design elements that make it a welcoming, safe, and attractive entry. ○ <i>If located within a parking lot, the following guidelines should be incorporated into the design of the through-block pathway.</i> <ul style="list-style-type: none"> ▪ <i>Increased landscaped island size adjoining the pathway. This helps to narrow the driveway width where appropriate to help slow parking lot traffic.</i> ▪ <i>Raised landscape beds</i> ▪ <i>Raised pathway with pavement material, texture, and color different from traffic lanes</i> ▪ <i>Selection of tree species that provide the broadest canopy possible to produce a dense landscaped environment.</i> ○ If the through-block pathway is located between buildings, appropriate plants and trees should be selected based on solar access and the location of proposed improvements.
<p>3. <i>Provide guidance for the streetscapes along NE 38th Place and 108th Avenue NE to ensure buildings do not turn their backs on the streets and development provides a welcoming and attractive presence at this gateway to Kirkland.</i></p>	<p>Streetscape</p> <ul style="list-style-type: none"> • Street trees species should be selected and spaced to allow for visual continuity along NE 38th Place, buffer pedestrians from the street, and provide visibility of ground floor retail uses. • Buildings should be oriented towards the street when located along NE 38th Place. • Design elements such as multiple storefronts, pedestrian-oriented signs, exterior light fixtures, glazing, landscaping, and awnings should be utilized to add human scale and interest at the street level. • Ground floor spaces along NE 38th Place should be transparent with windows of clear vision glass beginning no higher than 2' above grade to at least 10' above grade. Windows should extend across, at a minimum, 75% of the façade length. Continuous window walls should be avoided by providing architectural building treatments, mullions, building modulation, entry doors, and/or columns at appropriate intervals. • Varied window treatments should be encouraged. Architectural detailing at window jambs, sills, and heads should be emphasized. Use of ribbon windows should be avoided. • A street wall is a wall or portion of a wall of a building facing a street. Continuous street walls should incorporate vertical and horizontal modulations into the building form. • Along pedestrian oriented streets, upper story building facades should be stepped back to provide enough space for decks, balconies, and other activities overlooking the street. • Awnings or canopies should be required on facades adjoining sidewalks. Blank walls should be avoided near sidewalks,

	<p>open spaces, and pedestrian areas.</p> <ul style="list-style-type: none"> • Blank walls should not be visible from the street or sidewalk. Where blank walls are unavoidable, they should be treated with landscaping, art, or other architectural treatments. <p>Gateway</p> <ul style="list-style-type: none"> • A gateway is an urban design feature that signifies a sense of place and arrival into a city or neighborhood. A gateway should be designed in the location shown in the Comprehensive Plan. • The design elements of the gateway should include a combination of landscaping, architectural features, and artwork which: <ul style="list-style-type: none"> ○ Contain a highly visible and welcoming public space between the sidewalk and the building which is easily accessible, comfortable, safe, and includes pedestrian amenities; ○ Establish a landmark that reflects the TOD elements of the site; ○ Reinforce NE 38th Place and 108th Avenue NE as a focal point; ○ Transition between Kirkland and Bellevue and the Yarrow Bay Business District to the west; and ○ Are integrated with the TOD building design
<p>4. <i>Minimize the visual impacts of parking facilities from adjacent rights-of-ways.</i></p>	<ul style="list-style-type: none"> • Parking areas should not be located between NE 38th Place and buildings. • Access driveways to parking areas should be minimized. • Parking lots should be designed to provide for clear vehicular and pedestrian circulation and be well organized. • Screening and landscaping should be used to reduce the visual impact of parking lots and/or parking structures to the surrounding neighborhood. • Parking structures shall be designed and located to obscure the view of parked cars from adjacent properties. Parking structures should be located to the back of buildings or underground with intervening uses., • Portions of parking structures visible from the street that cannot be placed behind an intervening use due to site topography, should be constructed with high quality materials and be architecturally compatible with the character of surrounding buildings. <p>In addition, architectural treatment, artwork, building setbacks, and/or dense landscaping should be used to further reduce the visual impact of parking structures along the street.</p> <p>If adjacent to the required gateway, the exterior of parking structure should reflect the design elements of the gateway. Design should avoid the appearance of a parking structure.</p>

5. Foster the creation of vibrant and desirable living environment through the use of high quality design, public amenities, and open space.

High Quality Design

See Policy #1

Public amenities and Open Space

- Public open space should be provided on the subject property which can be used by the general public, residents, and transit users.
- Public open space should be open to the sky except where overhead weather protection is provided (e.g. canopies and awnings). The space should appear and function as public space rather than private space.
- Public open space should be located in close proximity to commercial and retail uses that are required along NE 38th Place. The public open space should be well defined and contain amenities such as outdoor dining, seating areas, art, water features, and/or landscaping. Adequate room for pedestrian movement through the space should be maintained. Additional public open space in a location convenient to the site's transit users may also be appropriate.
- Careful attention should be paid to the transition between transit operations and the building to create a well defined pedestrian space such as a small plaza with landscaping features.
- A combination of lighting, access to sunlight, paving, landscaping, and seating should be used to enhance the pedestrian experience with the public open space.

ORDINANCE NO. 4310

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, REVISING THE CITY'S REGULATIONS REGARDING TRANSIT-ORIENTED DEVELOPMENT AT THE SOUTH KIRKLAND PARK AND RIDE, AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND AMENDING ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON10-00014.

WHEREAS, the City Council approved Ordinance 4307 on June 7, 2011; and

WHEREAS Kirkland Zoning Code Section 56.10.010, Special Regulation 13 must be amended to clarify the reference to the range of affordable housing units to be provided; and

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2011.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 2011.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

CHAPTER 56 – Yarrow Bay Business District (YBD) ZONES

56.05 User Guide.

The charts in KZC 56 contain the basic zoning regulations that apply in the YBD 1 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 56.08

Zone
YBD 1

Section 56.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. In addition to the height exceptions established by KZC [115.60](#), the following exceptions to height regulations in the YBD 1 zone are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 56.10	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Attached or Stacked Dwelling Units	DR, Chapter 142 KZC	None	5' See Spec.Reg. 2	0'	0'	100%	65' above average building elevation. See Spec. Reg.11	C	E. See Spec. Reg. 15	Residential: 1.1 per unit, plus guest parking: .05 per unit. Restaurant/tavern: 1 per each 125 sq.ft. of gross floor area. Retail: 1 per each 350 sq.ft. of gross floor area. Office: 1 per each 350 sq.ft. of gross floor area. Entertainment, cultural, recreational: Chapter 105.25 See also 105.103	<ol style="list-style-type: none"> 1. The required minimum front yard for any portion of the structure containing parking facilities shall be 10'. 2. The front setback may be reduced to 0' where retail uses or other ground floor space is designed to provide direct pedestrian access to the street and located adjacent to a pedestrian oriented street, major pedestrian pathway or adjacent to a transit facility. 3. May include one or more of the other uses allowed in this zone. 4. The following uses are prohibited: <ol style="list-style-type: none"> a. Drive-through facilities. b. The outdoor storage, sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers 5. At least 50% of the linear frontage of the ground floor along NE 38th Place must include one or more of the following uses: Retail uses selling goods or providing services, including restaurants or taverns; Banking and Related Financial Services; School, Day-Care or Mini School or Mini Day-Care Center; Government Facility; Community Facility; and retail establishments providing entertainment, cultural and/or recreational activities. The required uses shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building on the abutting right-of-way). The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the retail frontage will maximize visual interest. Lobbies for residential are allowed within this space subject to applicable design guidelines. The minimum ground floor story height for these uses shall be 13 feet. 6. Commercial uses along NE 38th Place may occupy the first two floors of a structure. Otherwise, gross floor area constructed above the ground floor must be dedicated to residential use.

												<p>KMC 27.04.050.</p> <p>f. Applicants providing affordable housing units may request an exemption from payment of park impact fees for the affordable housing units as established by KMC 27.06.050.</p> <p>g. Applicants providing affordable housing units are eligible for exemption from various planning, building, plumbing, mechanical and electrical permit fees for the affordable housing and moderate income units as established in KMC 5.74.070 and KMC Title 21.</p> <p>h. Property Tax Exemption – A property providing affordable housing units may be eligible for a property tax exemption as established in Chapter 5.88 KMC</p> <p>15. Signs for a development approved under this provision must be proposed within a Master Sign Plan application (KZC 100.80) for all signs within the project.</p> <p>16. Development shall be designed, built and certified to achieve or exceed the following green building standards:</p> <p>a. Evergreen Standard or Built Green 4 star certified for all housing units.</p> <p>b. For the parking garage and non-residential uses, either a LEED Silver CS (Core and Shell) certified or LEED CS checklist with a third party independent verification and inspection to meet the LEED CS Silver Standard.</p> <p>17. This use must be part of a development that includes an increase in the number of parking stalls available exclusively to users of the Park and Ride facility.</p> <p>18. Parking stalls to serve the use must be in addition to those provided as part of the expansion of capacity for the Park and Ride facility.</p>
.020	Office Uses	DR, Chapter 142 KZC	None	20'	5', but 2 side yards must equal at least 15'.	10'	70%	30' above average building elevation.	C	D	If Medical, Dental, or Veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise, one per each 300 sq. ft. of gross floor area.	<p>1. The following regulations apply to veterinary offices only:</p> <p>a. May only treat small animals on the subject property.</p> <p>b. Outside runs and other outside facilities for the animals are not permitted.</p> <p>c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.</p> <p>2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <p>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</p> <p>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</p>
.030	Restaurant or Tavern				10' on each side	20'			B	E	1 per each 100 sq. ft. of gross floor area.	<p>1. Drive-in or drive-through facilities are prohibited.</p>

.040	Funeral Home or Mortuary				20' on each side				C	B	1 per each 300 sq. ft. of gross floor area.	
.050	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop				10' on each side				B	E		<ol style="list-style-type: none"> 1. May not be located above the ground floor of a structure. 2. Gross floor area cannot exceed 3,000 sq. ft.
.060	Retail Establishment providing banking or related financial service											<ol style="list-style-type: none"> 1. May not be located above the ground floor of a structure.
.070	Church	DR, Chapter 142 KZC	None	20'	20' on each side	20'	70%	30' above average building elevation. See Spec. Reg. 8.	C	B	1 for every 4 people based on maximum occupant load of any area of worship. See Spec. Reg. 1.	<ol style="list-style-type: none"> 1. No parking is required for day-care or school ancillary to the use.
.080	School or Day-Care Center			If this use can accommodate 50 or more students or children, then:					D		See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be

.110	Hospital Facility	DR, Chapter 142 KZC.	One Acre						B	See KZC 105.25.	
.120	Public Utility	DR, Chapter 142 KZC.	None						A		1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.130	Government Facility Community Facility								C See Spec. Reg. 1.		
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.									

RESOLUTION 2011-3

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL APPROVING ORDINANCES NOS.4307 AND 4308 ADOPTED BY THE KIRKLAND CITY COUNCIL ON JUNE 7, 2011 ADOPTING ZONING CODE, ZONING MAP AND MUNICIPAL CODE AMENDMENTS, AND APPROVING ORDINANCE NO.4310, ADOPTED BY THE KIRKLAND CITY COUNCIL ON JUNE 21, 2011, ADOPTING ZONING CODE AMENDMENTS (FILE NO. ZON10-00014).

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Ordinance Nos. 4307, 4308 and 4310 adopting the amendments to the Zoning Code, Zoning Map and Municipal Code.

WHEREAS, the subject matter of these ordinances, pursuant to Ordinance 2001, are subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon approval by the Houghton Community Council or the failure of said Community Council to disapprove these ordinances within 60 days of the date of the passage of these ordinances; and

WHEREAS, on March 24, 2011 the Houghton Community Council held a joint hearing with the Planning Commission on the proposed amendments and, following the close of the public hearing, recommended that the City Council approve the amendments; and

WHEREAS, the subject of these ordinances was reviewed and discussed by the Houghton Community Council at a meeting held on June 27, 2011; and

WHEREAS, the Houghton Community Council elects to exercise its jurisdiction with respect to Ordinances 4307, 4308 and 4310 by approving the ordinances;

NOW, THEREFORE, be it resolved that Ordinances 4307, 4308 and 4310 are hereby approved and shall be effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this ____ day of _____, 2011.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 2011.

Chair, Houghton Community Council

City Clerk