

ORDINANCE NO. O-4836

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (ORDINANCE 3719 AS AMENDED) ENACTING A NEW SECTION 115.106 ENTITLED PERSONAL DELIVERY DEVICES AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM22-00195.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend the Kirkland Zoning Code adding section 115.106, as set forth in the report dated June 23, 2022, and bearing Kirkland Planning and Building Department File No. CAM22-00195; and

WHEREAS, prior to making the recommendation, the Kirkland Planning Commission, following notice as required by RCW 36.70A.035, on June 10, 2022, held a public hearing, on the amendment proposals and considered the comments received at the hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there accompanies the legislative proposal and recommendation a Determination of Non-significance issued on November 23, 2022, by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the recommendation of the Planning Commission.

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

Section 1. Creation of a new section of the Kirkland Zoning Code to read as follows:

115.106 Personal Delivery Devices

An Eligible Entity operating a Personal Delivery Device (PDD) as defined under RCW 46.75 may operate on private property in commercial zones, office zones, and industrial zones, and on institutional property within the PLA 1, PLA 14 zones consistent with the following standards:

1. The operation and storage of PDDs shall be reviewed as a Planning and Building Director decision. An Eligible Entity must demonstrate that their proposal meets the standards established in this section.

The decision of the Planning and Building Director in approving or denying an application to operate and store PDDs under this section may be appealed using the appeal provisions, as applicable, of Process I, KZC 145.60.

2. Prior to any decision, the Eligible Entity shall submit to the Planning and Building Director a letter signed by the owner of the property

46 approving the location, time, and manner to which PDDs will operate
47 and be stored on said property. The application shall include an affidavit
48 certifying that the applicant has notified all staff, students, and tenants
49 (if any) on the subject property of the proposed PDD operation and
50 storage.

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52 3. The operation and storage of PDDs shall not inhibit the safe vehicular
53 and pedestrian movement to, from, and on the subject property in
54 accordance with the requirements of the Zoning Code and standards of
55 the Fire Department, the Planning and Building Department, and the
56 Public Works Department.

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58 4. PDD storage shall be located within existing structures or, if located
59 within a separate structure, shall be consistent with the following
60 standards:

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62 a. If the storage area is located within a Design District, it shall
63 conform with the design regulations in KZC 92.
- 64
65 b. Storage areas located adjacent to nonresidential zones may be
66 located in the required side and rear setback yards; except, that
67 all storage areas located adjacent to residential zones, or
68 adjacent to residential uses within nonresidential zones, must
69 meet required setbacks for the primary use.
- 70
71 c. If the storage area is surrounded on all sides by property zoned
72 for industrial use, then the height of the storage shall not exceed
73 the height of the primary structure. In all other cases, the
74 storage area shall not exceed 12 feet in height.
- 75
76 d. If located on an unimproved area of the site, the underlying
77 ground must be improved as required by the Department of
78 Public Works and Planning and Building Department, and no
79 regulated trees, six (6) inches in diameter at breast height (DBH)
80 or greater, may be removed. If impacts are proposed within the
81 Critical Root Zone (CRZ) of existing regulated trees, a report
82 prepared by a Qualified Professional Arborist is required and
83 must meet the standards pursuant to KZC 95.30(3)(c).
- 84
85 e. The required parking and loading spaces for the primary use and
86 the PDD storage and operation must be provided onsite. The
87 parking area requirements for the PDD and storage use will be
88 reviewed pursuant to KZC 105.25 and a parking study may be
89 required.
- 90
91 f. The storage area shall comply with the required land use buffer
92 for the primary use as established in KZC 95.42.
- 93
94 g. The storage area shall conform to lighting regulations of KZC
95 115.85.
- 96
97 h. The storage area shall conform to noise regulations of KZC
98 115.95.

- i. All signage shall conform to the same sign category as the primary use and applicable requirements of Chapter 100 KZC.

5. The Eligible Entity shall maintain liability insurance consistent with the requirements of RCW 46.75.202(4).

6. An Eligible Entity shall obtain a business license to operate and store PDDs in the City.

7. The Eligible Entity shall file with the City an agreement, approved by the City, wherein the operator agrees to defend, save, and hold harmless the City of Kirkland.

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 full force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Kirkland Municipal Code 1.08.017 in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Section 4. 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 _____, 2023.

Signed in authentication thereof this ____ day of _____, 2023.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4836

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SECTION 1. Amends Kirkland Zoning Code Chapter 115 relating to zoning, planning and land use.

SECTION 2. Provides a severability clause for the Ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

SECTION 4. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the ____ day of _____, 2023.

I certify that the foregoing is a summary of Ordinance 4836 approved by the Kirkland City Council for summary publication.

Kathi Anderson, City Clerk