

ORDINANCE NO. O-4687

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE ORDINANCE 3719 AS AMENDED, TO RH 8 ZONE SECTIONS 53.82, 53.84.020, 53.84.040, 53.84.050, 53.84.060 AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00043.

1 WHEREAS, the City Council has received a recommendation
2 from the Kirkland Planning Commission to amend certain sections of the
3 Kirkland Zoning Code, Ordinance 3719, as amended, as set forth in the
4 staff report dated April 25, 2019 containing the recommendation of the
5 Planning Commission and direction from the City Council from the
6 meetings on April 16, 2019 and May 7, 2019, bearing Kirkland Planning
7 and Building Department File No. CAM19-00043; and

8
9 WHEREAS, prior to making the recommendation, the Kirkland
10 Planning Commission, following notice as required by RCW 36.70A.035,
11 held a public hearing on March 28, 2019, on the amendment proposals
12 and considered the comments received at the hearing; and

13
14 WHEREAS, pursuant to the State Environmental Policy Act
15 (SEPA), a SEPA Addendum to the *City of Kirkland 2015 Comprehensive*
16 *Plan Update Draft and Final Environmental Impact Statement (EIS)* was
17 issued on March 15, 2019 by the responsible official pursuant to
18 Washington Administrative Code WAC 197-11-340 and 197-11-625; and

19
20 WHEREAS, in a public meeting the City Council considered the
21 environmental documents received on May 7, 2019 from the responsible
22 official, together with the report and recommendation of the Planning
23 Commission; and

24
25 NOW, THEREFORE, the City Council of the City of Kirkland do
26 ordain as follows:

27
28 Section 1. Zoning Code Text amended: The following specified
29 sections of the Kirkland Zoning Code are amended as set forth in Exhibit
30 A attached to this ordinance and incorporated by reference:

31
32 Exhibit A: RH 8 zone Sections 53.82, 53.84.020, 53.84.040,
33 53.84.050, and 53.84.060

34
35 Section 2. If any provision of this ordinance or its application to
36 any person or circumstance is held invalid, the remainder of the
37 ordinance or the application of the provision to other persons or
38 circumstances is not affected.

39
40 Section 3. This ordinance shall be in force and effect five days
41 from and after its passage by the Kirkland City Council and publication
42 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
43 form attached to the original of this ordinance and by this reference
44 approved by the City Council.

45 Passed by majority vote of the Kirkland City Council in open
46 meeting this ____ day of _____, 2019.

47
48 Signed in authentication thereof this ____ day of _____, 2019.

Penny Sweet, Mayor

Attest:

Kathi Anderson, City Clerk

Approved as to Form:

Kevin Raymond, City Attorney

53.80 User Guide. The charts in KZC 53.84 contain the basic zoning regulations that apply in the RH 8 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 53.82

Zone
RH 8

Section 53.82 – 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. Development creating four or more new dwelling units that includes lots or portions of lots adjoining 131st Avenue NE or 132nd Avenue NE that are located more than 120 feet north of NE 85th Street shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17), KZC 115.136 establishes additional limitations on structure size.
4. On lots that are not abutting NE 85th Street or are not consolidated with at least one lot abutting NE 85th Street, development shall be subject to the permitted uses and regulations in the RSX zone, except that isolated parcels may be developed independently with office use.
5. If the lot area of the subject property is equal to or greater than 18,000 square feet, maximum building height is 35 feet above average building elevation, except maximum building height is 30 feet within 30 feet of an RSX zone, on lots located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and parcels abutting 131st Avenue NE.
6. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
7. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
9. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-Approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
 - a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

Section 53.82

Zone
RH 8

USE ZONE CHART

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Drive-through and drive-in facilities are not permitted in this zone.
11. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed.
12. For lighting requirements associated with development see KZC 115.85(2).
13. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official:
 - Establishments expected to operate past 9:00 p.m.
 - Retail establishment providing entertainment, recreational or cultural activities.
 - Veterinary offices.
 - Any establishment where animals are kept on site.
 - Establishments involving a large truck loading dock for deliveries.The study shall verify that the noise expected to emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
14. A City entryway feature shall be provided on the parcel located at the northwest corner of the intersection of NE 85th Street and 132nd Avenue, or adjacent parcel under common ownership with such parcel. Entryway features shall include such elements as: a sign, art, landscaping and lighting. See Chapter 92 KZC, Design Regulations.

Section 53.84



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.84	USE REGULATIONS 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category	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	Office Use	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation. See Gen. Regs. 3 and 5.	A	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.020	Restaurant								E	1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> May not be located above the ground-floor-street level floor of a structure. Must be oriented toward NE 85th Street. Gross floor area for each individual use may not exceed 4,000 sq. ft. 	
.030	Entertainment, Cultural and/or Recreational Facility									See KZC 105.25.	<ol style="list-style-type: none"> Gross floor area for each individual use may not exceed 4,000 sq. ft. 	

<p>.040 Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.</p> <p style="text-align: center;">❓</p>		<p>D 1 per each 300 sq. ft. of gross floor area.</p>	<p>1. The following uses are not permitted in this zone:</p> <ol style="list-style-type: none"> Vehicle service stations. Automotive service centers. Uses with drive-in facilities or drive-through facilities. Retail establishments providing storage services unless accessory to another permitted use. A retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, recreation trailers, heavy equipment and similar vehicles; provided, that motorcycle sales, service or rental is permitted if conducted indoors. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. Storage of parts unless conducted entirely within an enclosed structure. <p>2. This use <u>must be oriented toward NE 85th Street and</u> may not be located above the <u>ground-street level</u> floor of a structure except for personal service establishments that provide services involving the care of a person, or of a person's apparel, such as laundry and dry cleaning services, beauty shops, barber shops, shoe repair shops and tailors may be located above the <u>ground-street level</u> floor; provided, that the use of exterior areas adjoining residential uses is prohibited.</p>
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Section 53.84



USE ZONE CHART


DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.84	USE ❓ REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category	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						
.040	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. (continued)									REGULATIONS CONTINUED FROM PREVIOUS PAGE		
										<ol style="list-style-type: none"> Gross floor area for each individual use may not exceed 4,000 sq. ft. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46. 		

.050	Stacked Dwelling Units See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation. See Gen. Regs. 3 and 5.	A	A	1.2 per studio unit. 1.3 per 1 bedroom unit. 1.6 per 2 bedroom unit. 1.8 per 3 or more bedroom unit. See KZC 105.20 for visitor parking requirements.	1. This use may not be located on the ground floor of a structure. 1. At least 60% of the linear frontage of the property along NE 85th Street shall only include commercial use. The commercial use shall be at the street level floor and oriented toward NE 85th Street. Commercial uses shall have a minimum depth of 20' and an average depth of at least 30' (as measured from the face of the building along the street). Stacked Dwelling Units are not permitted on the street level floor within 30' of the property line along NE 85th Street. The Planning Director or Design Review Board 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 the design of the retail frontage will maximize visual interest. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.060	Assisted Living Facility, Convalescent Center or Nursing Home See Spec. Reg. 1.										Independent unit: 1.7 per unit. Assisted living facility: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed.	1. This use may not be located on the ground floor of a structure. 1. At least 60% of the linear frontage of the property along NE 85th Street shall only include commercial use. The commercial use shall be at the street level floor and oriented toward NE 85th Street. Commercial uses shall have a minimum depth of 20' and an average depth of at least 30' (as measured from the face of the building along the street). Assisted Living, Convalescent Center or Nursing Home is not permitted on the street level floor within 30' of the property line along NE 85th Street. The Planning Director or Design Review Board 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 the design of the retail frontage will maximize visual interest. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.070	Church										1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to the use.

Section 53.84



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.84	USE REGULATIONS 	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.080	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation. See Gen. Regs. 3 and 5.	A	B	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. 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 nearby residential uses. 3. May include accessory living facilities for staff persons. 4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 5. For school use, structure height may be increased, up to 35 feet, if: <ol style="list-style-type: none"> a. The school can accommodate 200 or more students; and b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.
.090	Public Utility											<ol style="list-style-type: none"> 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.
.100	Government Facility Community Facility								C See Spec. Reg. 1.			
.110	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50 for required review process.										

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4687

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE ORDINANCE 3719 AS AMENDED, TO RH 8 ZONE SECTIONS 53.82, 53.84.020, 53.84.040, 53.84.050, 53.84.060 AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00043.

SECTION 1. Zoning Code text amended in Exhibit A, attached to the Ordinance.

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 _____, 2019.

I certify that the foregoing is a summary of Ordinance O-4687 approved by the Kirkland City Council for summary publication.

Kathi Anderson, City Clerk