

ORDINANCE NO. 4306

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE AND AMENDING ORDINANCE NO. 3719, AS AMENDED, THE KIRKLAND ZONING ORDINANCE, TO AMEND THE ALLOWED GROUND FLOOR USE PROVISIONS IN SPECIFIED SUBAREAS OF CENTRAL BUSINESS DISTRICT ZONES 1B, 2, 3, AND 8; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON10-00027.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission 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 recommendations of the Planning Commission dated May 25, 2011 and bearing Kirkland Department of Planning and Community Development File No. ZON10-00027; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on March 10 and May 12, 2011, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, on February 4, 2011, draft regulations were forwarded to the Washington State Department of Commerce, as required by RCW 36.70A.106, for expedited review; 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 197-11-625; 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;

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 No. 3719, as amended, the Kirkland Zoning Ordinance, be and are hereby amended 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. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code Section 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 7th day of June, 2011.

Signed in authentication thereof this 7th day of June, 2011.




Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

CHAPTER 50 - CENTRAL BUSINESS DISTRICT (CBD) ZONES

50.05 User Guide.

The charts in KZC [50.12](#) contain the basic zoning regulations that apply in the CBD 1 zones 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 50.10



Section 50.10 – 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. The maximum height of structure shall be measured at the midpoint of the frontage of the subject property on the abutting right-of-way, excluding First Avenue South. See KZC [50.62](#) for additional building height provisions.
3. The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Banking and Related Financial Services; and Entertainment, Cultural and/or Recreational Facility; Parks; Government Facility; or Community Facility use. 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, not including alleys and similar service access streets). Buildings proposed and built after April 1, 2009, and buildings that existed prior to April 1, 2009, which are at least 10 feet below the maximum height of structure, shall have a minimum depth of 10 feet and an average depth of at least 20 feet containing the required uses listed above.
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, hotel, and office uses may be allowed within this space subject to applicable design guidelines.
4. Where public improvements are required by Chapter [110](#) KZC, sidewalks on pedestrian-oriented streets within CBD 1A and 1B shall be as follows:
Sidewalks shall be a minimum of 6 feet wide. Sidewalk configuration shall be approved through D.R.
The street level floor of buildings south of Second Avenue South may also include Office Use.
5. Upper story setbacks shall be subject to the following regulations, the term "setback" shall refer to the horizontal distance between the property line and any exterior wall of the building. The measurements shall be taken from the property line abutting the street prior to any potential right-of-way dedication.
 - a. **Lake Street:** No portion of a building within 30 feet of Lake Street may exceed a height of 28 feet above Lake Street except as provided in KZC [50.62](#).
 - b. **Central Way:** No portion of a building within 30 feet of Central Way may exceed a height of 41 feet above Central Way except as provided in KZC [50.62](#).
 - c. **Third Street and Main Street:** Within 40 feet of Third Street and Main Street, all stories above the second story shall maintain an average setback of at least 10 feet from the front property line.
 - d. **All other streets:** Within 40 feet of any front property line, other than Lake Street, Central Way, Third Street, or Main Street, all stories above the second story shall maintain an average setback of at least 20 feet from the front property line.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

Section 50.17

Zone
CBD-2

USE ZONE CHART

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

Section 50.17	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	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)									
				Front	Side	Rear							
.070	Private Club or Lodge	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: <ol style="list-style-type: none"> A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. No structure, other than moorage structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this Zone. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. Veterinary offices are not permitted in this zone. 	
.080	Office Use									D	One per 350 sq. ft. of gross floor area. See KZC 50.60.		

See Special Regulation 3

This special regulation shall not apply to properties located south of Second Avenue South.

Section 50.27

Zone
CBD-3

USE ZONE CHART

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

Section 50.27	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						
.060	Office Use See Spec. Reg. 5.	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 6. 5 &	0'	0'	80%	41' above average building elevation.	D See Spec. Reg. 4.	D	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> 1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 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 D.R. and building permit applications. d. A veterinary office is not permitted if the subject property contains dwelling units. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> a. The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 4. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 5. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply along portions of State Street and Second Avenue South not designated as pedestrian-oriented streets. 6. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.

(see KZC 50.64 for limited exceptions)

Section 50.52

Zone
CBD-8

USE ZONE CHART

Section 50.52		DIRECTIONS: FIRST, read down to find use...THEN, across for 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				
USE ↓	REGULATIONS ↑		Front	Side	Rear						
.060	Private Club or Lodge (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE 4. Ground floor porches and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the facade of the structure.
.070	Office Use See Special Regulation 6.	D.R., Chapter 142 KZC.	None	10' 0' 0'	100%	30 feet above the elevation of 3rd Avenue or 4th Avenue as measured at the projected midpoint of the frontage of the subject property on the nearest applicable right-of-way.	D See Spec. Reg. 4.	D	1 per each 350 sq. ft. of gross floor area. See KZC 50.60.	1. 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. Site must be designed so that noise from this use will not be audible off the subject property. A certificate to this effect signed by an Acoustical Engineer must be submitted with the D.R. and building permit application. A veterinary office is not permitted if the subject property contains dwelling units. 2. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on the office use; and The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses. 3. If the subject property abuts Third Avenue between First Street and Second Street, or Fourth Avenue, the site and buildings must be designed to provide residential character and scale adjacent to Third Avenue and Fourth Avenue. 4. Landscape Category C is required if the subject property is adjacent to Planned Areas 7A or 7B, or PR 3.6 zones. 5. Ground floor porches and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the facade of the structure. 6. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply along portions of Third Avenue not designated as pedestrian-oriented streets.	

See Special Regulation 5.
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& 6

(see KZC 50.64 for limited exceptions)

50.62 Building Height Provisions in the CBD

1. Height shall be measured above the point of measurement (e.g, above average building elevation, or above right-of-way) as specified in the particular use zone charts. For purposes of measuring building height above the abutting right(s)-of-way, alleys shall be excluded.
2. Where retail frontage is required along an abutting street and along Pedestrian-Oriented Streets (see Plate 34 H), the minimum ground floor story height for retail; restaurant and tavern; entertainment, cultural, and/or recreational facility uses shall be 15 feet; provided, however, that in CBD 1A and CBD 1B, any buildings proposed and built after April 1, 2009, or buildings that existed prior to April 1, 2009, which are 10 feet or more below the permitted maximum height of structure, shall be required to provide a minimum 13-foot ground floor story height.

50.64 Limited Ground Floor Office Use Exceptions for CBD 3 and 8

1. This section provides limited exceptions to ground floor office use restrictions in CBD 3 and that portion of CBD 8 located within 110' of Market Street.
2. On the street level floor of buildings in these subareas, the Planning Director may approve certain Office Uses determined to complement existing pedestrian-oriented uses in the CBD. The applicant must demonstrate that the proposed type of Office Use is primarily oriented to serving visiting customers and that the design of the street frontage will maximize visual interest. Examples of such uses may include offices for medical, dental, veterinarian, travel agency, and real estate sales but not include offices for administrative, management, medical labs, attorneys, and accountants. The interior space shall orient to the storefront by placing lobby, reception, or accessory sales uses to the front and avoiding uses in the storefront area that would require window coverings.

In the CBD 3 or CBD 8 zones, if an Office Use is approved pursuant to this section the required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.

PUBLICATION SUMMARY
OF ORDINANCE NO. 4306

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE AND AMENDING ORDINANCE NO. 3719, AS AMENDED, THE KIRKLAND ZONING ORDINANCE, TO AMEND THE ALLOWED GROUND FLOOR USE PROVISIONS IN SPECIFIED SUBAREAS OF CENTRAL BUSINESS DISTRICT ZONES 1B, 2, 3, AND 8; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON10-00027.

SECTION 1. Amends certain text of the Kirkland Zoning Code.

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.

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 7th day of June, 2011.

I certify that the foregoing is a summary of Ordinance 4306 approved by the Kirkland City Council for summary publication.



City Clerk