#### ORDINANCE NO. <u>4310</u>

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 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:

<u>Section 1.</u> Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, are amended to read as follows:

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

<u>Section 2.</u> 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.

<u>Section 4.</u> 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.

<u>Section 5</u>. 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.

#### 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



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.

| ſ |               |   |                           | DIRECTIONS: FIRST, read down to find useTHEN, across for REGULATIONS |                             |                     |      |              |   |                       |                                |   |  |  |  |
|---|---------------|---|---------------------------|--|-----------------------------|---------------------|------|--------------|---|-----------------------|--------------------------------|---|--|--|--|
|   | 6.10          | USE 9                                   | Required<br>Review        | MINIMUMS   |                             |                     |      |              | MAXIMUMS  |                       |                                |   |  |  |  |
|   | Section 56.10 |   | Process                   | Lot<br>Size  |                             | RED YA<br>9 Ch. 11! |      | Lot Coverage | Height of<br>Structure  | Landscape<br>Category | Sign Category<br>(See Ch. 100) | Roquirod<br>Parking<br>Spaces<br>(Soo Ch.<br>105)                   |  |  |  |
|   |               | ₽                                       |                           |  | Front                       | Side                | Rear | Lot C        |   |                       | ω÷                             |   | Special Regulations<br>(See also General Regulations)  |  |  |
|   |               | Attached or<br>Stacked DwoEing<br>Units | DR,<br>Chapter<br>142 KZC | None   | 5'<br>Soe<br>Spoc.Rog.<br>2 | °.                  | ¢    | 100 %        | 65' above<br>average building<br>elevation. See<br>Spec. Reg.11 | c                     | Spec.<br>Reg.<br>15            | .05 per unit.<br>Restaurant/tav<br>ern: 1 per each<br>125 sq.ft. of | <ol> <li>The required minimum front yard for any portion of the structuro<br/>containing parking facilities shall be 10'.</li> <li>The front setback may be reduced to 0' where retail uses or other<br/>ground floor space is designed to provide direct podestrian access<br/>to the street and located adjacent to a pedestrian criented street,<br/>major pedestrian pathway or adjacent to a transit facility.</li> <li>May include one or more of the other uses allowed in this zone.</li> <li>The following uses are prohibited:         <ul> <li>Drive-through facilities.</li> <li>Drive-through facilities.</li> <li>The outdoor storage, sale, service and/or rental of motor<br/>wehicles, saliboats, motor boats, and recreational trailers</li> <li>At least 50% of the timear frontago of the ground floor along NE<br/>38" Place must include one or more of the following uses: Retail<br/>uses selling goods or providing services, including restaurants of<br/>taverms; Banking and Related Financial Services; School, Days<br/>Care or Mini School or Mini Day-Care Center; Government Facility;<br/>Community Facility; and retail ostabilishments providing<br/>entertainment, cultural and/or recreational activities. The required<br/>uses shall have a minimum depth of 20 foot and an average depth<br/>of at least 30 foet (as measured from the face of the building on<br/>the abutting nght-of-way). The Design Review Board (or Planning<br/>Director if not subject to D.R.) may approve a minor reduction in<br/>the depth requirements in the applicant demonstrates that tho<br/>requirement is not feasible given the configuration of existing or<br/>proposed improvements and that the design of the retail frontage<br/>will maximize visual interest. Lobbies for residential are allowed<br/>within this space subject to applicable design guidelines. The<br/>minimum ground floor story height for these uses shall be 13 feet</li> <li>Commercial uses along NE 38" Place may occupy the first two<br/>floors of a structure. Otherwise, gross floor area constructed<br/>above the ground floor</li></ul></li></ol> |  |  |

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|  |  |  | <ol> <li>Any portion of a structure exceeding two stories in height above<br/>NE 38<sup>th</sup> Place may not exceed 200° in length as measured parallel<br/>to NE 38<sup>th</sup> Place, and shall be separated by at least 30 feet from<br/>any other portion of a structure exceeding two stories above NE<br/>38<sup>th</sup> Place on the subject property.</li> <li>At least 2,500 square feet of public open space shall be provided<br/>in conjunction with new development. The space shall be in one<br/>continuous piece, and designed to be consistent with the design<br/>guidelines for public open space on site.</li> <li>A visible and welcoming pedestrian-created space must be<br/>located botween the sidewalk and the building in the gateway<br/>area.</li> <li>The upper story setback for all floors above the second story within<br/>40° of the property line abutting NE 38<sup>th</sup> Place shall average 15<sup>th</sup><br/>For the purpose of this regulation, the term "setback" shall refer to<br/>the horizontal distance between the property line and any exterior<br/>wall abutting the street prior to any potential right-of-way<br/>dedication. The required upper story setbacks for all floors above<br/>the second story shall be calculated as Total Upper Story Setback<br/>Area, as shown on Plate 35.<br/>Any portion of a structure located within the gateway area, defined<br/>as the area located within a 50-foot radius from the point where the<br/>property line along NE 38<sup>th</sup> Place intersects with the<br/>Kirktand/Bellowue city boundary, shall provide, a minimum, upper<br/>story setbacks of five feet above the second story and ten feet at<br/>the fourth story. The final building façade design shall be based<br/>on the applicable design guidelines and determined through the<br/>Design Review process.</li> <li>Building height of a structure located within the gateway area,<br/>defined as the area located within a 50-foot radius from the point<br/>where the property line along NE 38<sup>th</sup> Place intersects with the<br/>Kirktand/Bellowe average building elevation.</li> <li>A Through-Block Pattway, developed according to the standards<br/>in Section 105, 19.3, must</li></ol> |
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|--|------|------|------|--|--|-----|--|
|  |      |      |      |  |  | 14. | <ul> <li>the same methodology used in the definition of<br/>Affordable Housing Unit in Chapter 5 KZC.</li> <li>b. For owner-occupied housing: <ul> <li>A minimum of 20 percent of total residential units shall<br/>be affordable housing units as defined in KZC Section<br/>5.10.023.1.a.</li> </ul> </li> <li>The following additional (equitations apply to affordable housing<br/>units included in development: <ul> <li>Alternative Affordability Levels – Subject to Planning Director<br/>approval, an applicant for owner-occupied housing may<br/>propose affordability levels different affordability levels, the<br/>Director shall use ratios similar to those in Chapter 112KZC:<br/>112.125.4 (Rounding); 112.35.2 (Affordability Agreement)</li> <li>The following provisions of Chapter 112KZC:<br/>112.15.4 (Rounding); 112.35.2 (Affordabile Housing<br/>Incentives); 112.20 (Basic Affordable Housing<br/>Incentives); 112.30 (Atlemative Compliance).</li> <li>Other provisions for the affordable Housing<br/>Incentives); 112.30 (Atlemative Compliance).</li> <li>Other provisions for the affordable housing units<br/>shall be the same as the type of ewnership for the rest of<br/>the housing units in the development.</li> <li>The affordable housing units at are comparable to units in the<br/>overall development.</li> <li>The affordable housing units is the development.</li> <li>The affordable housing units in the development.</li> <li>The size of the affordable housing units if smaller than<br/>the other units with the same number of bedrocoms in tho<br/>development, must be approved by the Planning<br/>Director. In no case shall the affordable housing units in the<br/>overall development.</li> </ul> </li> </ul> |
|  |      |      |      |  |  |     | o The size of the affordable housing units, if smaller than<br>the other units with the same number of bedrooms in the<br>development, must be approved by the Planning<br>Director. In no case shall the affordable housing units be<br>more than 10 percent smaller than the comparable<br>dwelling units in the development, based on number of<br>bedrooms, or less than 500 square feet for a one-  |
|  |      |      |      |  |  |     | <ul> <li>bedroom unit, 700 square feet for a two-bedroom unit, or<br/>900 square feet for a three-bedroom unit, whichever is<br/>less.</li> <li>The affordable housing units shall be available for<br/>occupancy in a time frame comparable to the availability<br/>of the rest of the dwelling units in the development,<br/>unloss the Planning Director approves a phasing plan<br/>pursuant to KMC 5.88,090.</li> </ul>   |
|  |      |      |      |  |  |     | <ul> <li>The exterior design of the affordable housing units must<br/>be compatible and comparable with the rest of the<br/>dwelling units in the development.</li> <li>The interior finish and quality of construction of the<br/>affordable housing units shall at a minimum be<br/>comparable to entry fevel rental or ownership housing in<br/>the City of Kirkland.</li> </ul>  |
|  |      |      |      |  |  |     | <ul> <li>Applicants may request on exemption from payment of road<br/>impact feos for the affordable housing units as established by</li> </ul>  |

| . Drive-in or drive-through tackities are prohibited.   | 1 per each 100<br>sq. ft. of gross<br>floor area.   | Э | 8 |   | 50. | side<br>each<br>10' on                                   |      |                          | Restautant of<br>Tavem | 020. |
|---|---|---|---|---|-----|--|------|--------------------------|------------------------|------|
| 1. The following regulations apply to veterinary offices only. <ol> <li>a. May only treat small animats on the subject property.</li> <li>b. Outside nues and other outside teclibides for the animats are not promitted.</li> <li>c. Site must be designed so that noise from this use will not be animited.</li> <li>c. Site must be designed so that noise from this use will not be autibled for the subject property.</li> <li>c. Site must be designed so that noise from this use will not be availed for the subject property.</li> <li>c. Site must be designed so that noise from this use will not be availed for the subject property.</li> <li>c. Site must be designed so that noise from this use will not be availed only in an unst be submitted with the subject only it so that noise from the premises of this use the providence of the subject only it.</li> <li>c. And another and the unstabled on the premises of this use with another and the use and in the development permitted only it:         <ul> <li>as another and the unstabled on the use the subordinate be undiany assembled on this use and the premises on the substable of the unstabled on the use.</li> <li>b. The ancillary assembled of manufacture of goods are subordinate by the unward spheratorics and an unstable of the use and the premised on the use.</li> <li>b. The ancillary assembled or manufacture of the use with ancillary assembled or manufacture of the use and the premised on the use.</li> <li>b. The ancillary assembled or manufacture of the use and the premised of the use and the premised on the use.</li> <li>b. The ancillary assembled or manufacture of the use and the premised of the use.</li> <li>b. The ancillary assembled or manufacture of the use and the premised of the use.</li> <li>b. The ancience and the and the and the premised or the use.</li> <li>c. and the use and integration and the aneothere and the premised or the use.&lt;</li></ul></li></ol>  | If Medical, or<br>Dantal, or<br>orlica, then one<br>per each 300<br>finor area.<br>Otherwise, cne<br>finor area.<br>Otherwise, cne<br>per each 300<br>finor area. | a | c | 30° 8bove<br>average buliding<br>elevation. | -01 | S', bu' 2<br>side<br>yards<br>foast<br>15.<br>15.<br>15. | өлоЙ | 142 KZC<br>Crapter<br>DR |                        |      |
| <ul> <li>KMC 27,04,050.</li> <li><sup>1</sup> Applicants providing affordable housing units may request an exemption from payment of park impact fees for the exemption from payment of park impact fees for the exemption from payment of park impact fees for the exemption from payment of park impact fees for the exemption from payment of park impact fees for the exemption from various planning. During affordable housing in the set at the exemption from the set at the exemption from the exemption from various planning. During affordable housing house affordable housing affordable housing affordable housing house affordable housing affordable house affordable house affordable house affordable house affordable house affordable house house a</li></ul> |   |   |   |   |     |  |      |                          |                        |      |

Attachment A O-4310

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

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|      |   |                           |      | 50  | 50' on<br>oach<br>sido  | 50 <sup>-</sup><br>If this<br>use can<br>accom<br>modate<br>13 to 49<br>student<br>s or<br>children<br>, then: |     |   |   |   |                 | <ul> <li>designed to reduce impacts on any nearby residential uses.</li> <li>7. These uses are subject to the requirements established by the Department of Social Health Services (WAC Title 388).</li> <li>8. For school use, structure height may be increased, up to 35 feet, if: <ul> <li>a. The school can accommodate 200 or more students; and</li> <li>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</li> <li>c. The increased height is not specifically inconsistent with the applicate neighborhood plan provisions of the Comprehensive Plan.</li> <li>d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</li> <li>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</li> </ul> </li> </ul> |
|------|---|---------------------------|------|-----|---|--|-----|---|---|---|-----------------|---|
| .09  | Mini-School or<br>Mini-Day-Care           | DR.<br>Chapter<br>142 KZC | None | 20' | 5°, but 2<br>side<br>yards<br>must<br>equal at<br>loast<br>15°. | 10 <sup>.</sup>  | 70% | 30' above<br>average building<br>elevation. | E | 8 |                 | <ol> <li>A six-foot-high fence is required along the property lines adjacent to<br/>the outside play areas.</li> <li>Hours of operation may be limited by the City to reduce impacts on<br/>nearby residential uses.</li> <li>Structured play areas must be setback from all property lines by five<br/>feet.</li> <li>An on-site passenger loading area may be required depending on<br/>the number of attendees and the extent of the abutting right-of-way<br/>improvements</li> <li>The location of parking and passenger loading areas shall be<br/>designed to reduce impacts on nearby residential uses.</li> <li>May include accessory living facilities for staff persons.</li> <li>These uses are subject to the requirements established by the<br/>Department of Social and Health Services (WAC Title 388).</li> </ol>   |
| .100 | Convalescent<br>Center or Nursing<br>Home | DR,<br>Chapter<br>142 KZC |      |     | 10 <sup>°</sup> on<br>each<br>sido                              | 20'  |     |   | ¢ |   | 1 for each bed. |   |

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| .110 | Hospital Facility                               |                       | One<br>Acre |                                   |           |                         |         | B            |  | See KZC<br>105.25. |  |
|------|---|-----------------------|-------------|-----------------------------------|-----------|-------------------------|---------|--------------|--|--------------------|--|
| .120 | Public Utility                                  | DR,<br>Chapter        | None        |                                   |           |                         |         | A            |  |                    | <ol> <li>Landscape Category A or B may be required dopending on the type<br/>of use on the subject property and the impacts associated with the</li> </ol> |
|      | Government<br>Facility<br>Community<br>Facility | 142 KZC.              | 2C.         | KZC. C<br>See<br>Spec.<br>Reg. 1. |           | use on the nearby uses. |         |              |  |                    |  |
| .140 | Public Park                                     | Developme<br>process. | nt standard | is will be dele                   | amined or | n a case-l              | oy-case | uired review |  |                    |  |

( () PASSED by majority vote of the Kirkland City Council in open meeting this  $21^{st}$  day of June 2011.

SIGNED IN AUTHENTICATION thereof this  $21^{\rm st}$  day of June, 2011.

oc ho Mayor

Attest:

City Clerk

Approved as to Form:

nos City Attorney

## PUBLICATION SUMMARY OF ORDINANCE NO. <u>4310</u>

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 APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON10-00014.

SECTION 1. Provides that regulations relating to Kirkland Zoning Code Section 56.10.010, Special Regulation 13 and approved in Ordinance 4307 are amended to clarify the reference to the range of affordable housing units to be provided in transit-oriented development at the South Kirkland Park and Ride, and that the amendments are attached to the Ordinance as Attachment A.

SECTION 2. Provides a severability clause for the ordinance.

<u>SECTION 3.</u> Provides that the Ordinance may be subject to the disapproval jurisdiction of the Houghton Community Council.

<u>SECTION 4</u>. 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 this summary.

<u>SECTION 5.</u> Provides that the City Clerk shall send a certified copy of the 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 21<sup>st</sup> day of June, 2011.

I certify that the foregoing is a summary of Ordinance 4310 approved by the Kirkland City Council for summary publication.

Noter Anderson