



Frequently Asked Questions— Zoning and Building Requirements

On June 1, 2011, the Finn Hill, North Juanita and Kingsgate neighborhood areas will officially become part of the City of Kirkland. This largely residential area is approximately seven square miles, extending north of Kirkland to approximately NE 145th Street. It will add over 31,000 people to the City's current population of 48,000. The annexation will make Kirkland the 12th largest city in Washington and the 6th largest city in King County.

In November 2009, the question of annexation, zoning regulations, and assumption of indebtedness was placed on the ballot for a vote by annexation area residents. A majority of residents approved annexing to Kirkland and the Kirkland City Council accepted the annexation in December 2009. Annexation voters did not approve the assumption of indebtedness.

To ensure a smooth transition, City and County staff have been negotiating the transfer of services, property and assets that will be guided by the adoption of an Interlocal Agreement which will be approved by the Kirkland City Council and King County Council prior to the effective date.

A series of Frequently Asked Questions (FAQ) handouts have been developed to answer common questions about changes in services, City finances, land use and building permit processes and regulations, and community and neighborhood involvement. The FAQs are available online at www.kirklandwa.gov/annexation and at City Hall.

The City of Kirkland welcomes our new residents and businesses and we look forward to serving you.

Will my zoning change after annexation takes effect?

After June 1, 2011, zoning will be similar to King County zoning that currently applies to properties in the annexation area. Generally, the City zoning establishes the same densities as currently allowed under King County zoning.

In 2008, the City held several workshops with annexation area residents to identify zoning concerns that should be addressed should annexation occur. Following an Open House and a series of public hearings conducted by the City Council in the summer of 2009, the zoning regulations for the annexation area were adopted and annexation area voters approved zoning for the annexation area.

The adopted regulations (per Ordinance 4196) address:

- Rules such as setbacks and building height for single family development, including building homes and subdividing larger parcels.
- Rules for commercial zones, including allowed uses and building heights
- Rules for protections of streams, wetlands, and steep slopes.
- To view Ordinance 4196 go to www.kirklandwa.gov/annexation.



**City of Kirkland
Planning & Community Development
Department**
425-587-3225

planninginfo@kirkland.wa.gov
www.kirklandwa.gov/planning

Fire & Building Department
Building Services Division
425-587-3600
building_services@kirklandwa.gov
www.kirklandwa.gov/building

Annexation Information
425-587-3001
annexation@kirklandwa.gov
www.kirklandwa.gov/annexation

How will development standards change after annexation takes effect?

Generally, the adopted zoning and development standards align closely with King County's current standards. Some key differences in regulations for single family development include:

- The County allows apartments and townhomes in the R-4 through R-8 zones. Kirkland's regulations restrict these zones to single-family homes. Accessory dwelling units (ADU) and cottage housing developments are allowed in the County as well as the City.

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- The County allows building heights of 35–45 feet for homes. Kirkland has a maximum height of 30 feet for homes. The adopted regulations for the annexation area include limited exceptions in the Goat Hill neighborhood area.
- The County allows homes to be built within 10 feet of the front property line. Kirkland requires 20 feet with a reduction to 13 feet for front porches.
- The County does not limit the size of a home relative to the size of the lot (floor area ratio limits). Kirkland limits the size of homes in most residential zones to 50% of the lot area (e.g. 7,200 sq. ft. lot = 3,600 sq. ft. home).
- County and City development standards for multifamily, commercial, and industrial uses are similar. One key difference in the adopted regulations for multifamily zones (in the annexation area) is that the County allows 60-foot building heights while City regulations only allow 35 feet. Detailed comparison charts for various development standards can be found at www.kirklandwa.gov/annexation.

Does the zoning code for the annexation area allow me to have chickens on my property?

Yes. The zoning regulations adopted for the annexation area allow the keeping of three (3) chickens on lots less than 35,000 square feet (more for larger lots). Roosters are not allowed on lots less than 35,000 square feet in the Finn Hill, North Juanita and Kingsgate areas.

For non-annexation area properties, Kirkland’s codes do not allow chickens to be kept on properties smaller than 35,000 square feet. Additional information about City regulations can be found in Chapter 115 of the City’s online zoning code at www.kirklandwa.gov.

Can I comment on proposed land use projects in my neighborhood?

Yes. Certain types of projects (variances, subdivisions, zoning changes, etc.) require public notice and a public comment period. The City’s Planning & Community Development Department coordinates the legal noticing of proposed land use applications and construction projects. Depending on the type of project, the notice may take the form of public notice signs, mailings or a newspaper publication. The City’s “Kirkland Permits” website, www.kirklandpermits.net, provides online searches by permit number, address, neighborhood and person, place or name of business. Online comments for active land use projects can be submitted through the site.

What will happen to buildings or land uses that do not conform to current City zoning standards after annexation takes affect?

Non-conforming buildings or uses are allowed to continue in perpetuity unless certain thresholds are triggered. For example:

If a site is redeveloped, the new development must conform to current rules.

- If a non-conforming use is ceased for more than 90 days, the new use must conform to current codes.
- Kirkland’s zoning also allows for repair and maintenance of non-conformances that are damaged or destroyed by casualty damage (e.g. fire, earthquakes).

Will the City accept my permit issued by King County?

Yes. The City will honor permits issued by King County. The City and King County are in the process of developing an Interlocal Agreement to determine the specifics about which jurisdiction will follow through on the approvals and inspections of current King County permits.

I live in the annexation area, can I continue to keep my oversized vehicle on my property?

Yes. Although City regulations prohibit oversized vehicles (boats, trailers, RVs that are greater than 9' high and 22' long) from parking in residential areas, existing oversized vehicles in the annexation area can remain if they are registered with the City prior to December 1, 2011. The registration is free and will allow the existing vehicle to remain and will allow a one-time replacement if the vehicle is replaced prior to June 1, 2012 under certain conditions. Otherwise, all new vehicles will be required to comply with City regulations. Registration forms are available online at www.kirklandwa.gov (Search: Oversized Vehicle Registration)

Are home occupations allowed in the City of Kirkland?

Yes. Home occupations are allowed in Kirkland city limits. According to Kirkland Zoning Code (KZC), a home occupation is a “for profit” enterprise, activity, or profession which is incidental to a residential use (KZC 115.65). A home occupation use is allowed in the City of Kirkland if it meets certain land use criteria. All home occupations require a valid City business license. Kirkland zoning allows for limited home occupations and requires that they do not intrude on the residential character of the neighborhood. For any specific home occupation permit requirements in the City, call the Kirkland Planning & Community Development Department at 425-587-3225. For business license requirements in the City, call the Licensing Division at 425-587-3141.

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Does the City enforce private covenants, conditions and restrictions (CCRs)?

No. CCRs are typically restrictions on private property that are enacted and enforced by a Home Owner’s Association. CCRs are intended to control the nature and character of a property for the benefit of future owners. Because they are enacted privately and are not part of adopted City or County regulations, the City and County do not enforce CCRs. CCRs will remain in effect following annexation.

If I want to build in the annexation area, will traffic, park and school impact fees change?

Yes, it is likely that impact fee amounts will change. Below is a comparison of current City of Kirkland impact fees vs. King County impact fees. There are many impact fee categories, but because much of the annexation is single-family residential use, only those are listed below:

Single-family Residential Use	City of Kirkland	King County
Traffic Impact Fee	\$3,825 (one overall zone)	\$258–\$2,295 (ranges over 9 zones)*
Park Impact Fee	\$3,845	Land Dedication Required**
School Impact Fee	\$3,125***	\$6,250

*In 2012, the Traffic Impact Fees will be reanalyzed to determine if the existing fee should be adjusted.

** King County does not have Park Impact Fees, but it does have single-family recreational space requirements that must be set aside as part of the development mitigation. If recreation space is not feasible, a fee-in-lieu is required based on the fair market value of the land that would have been set aside as recreation space.

***The School Impact Fees will be phased in over time, with 50% collected starting on June 1, 2011, 80% on March 1, 2012, and 100% on February 28, 2013.

Does the City have a code enforcement program?

Yes. The City’s Code Enforcement Officers respond to formal complaints regarding potential or actual building, zoning and other code violations. If the violation is a life-safety or environmental issue, a formal complaint is not required. To file a complaint, contact the Planning & Community Development Department at 425-587-3225 or submit a complaint form which is available at City Hall or online at www.kirklandwa.gov (Search: Code Enforcement Complaint Form).

Kirkland’s code enforcement process is based on “voluntary compliance.” After receiving a complaint, Code Enforcement staff begin by making sure the parties understand the potential code violation. Typically there are two or three contacts made to try to informally work out the problem. If these contacts are unsuccessful, a Notice of Civil Violation may be issued so that the Hearing Examiner can rule on the case. If a violation is established, then the Hearing Examiner determines penalties and corrective action.

Is tree removal allowed in Kirkland?

It depends. While Kirkland’s regulations promote retention of healthy significant trees with a goal of retaining and enhancing Kirkland’s tree canopy, they also recognize that tree removal is sometimes warranted and necessary. The regulations are organized according to whether or not the tree removal request is associated with development activity.

Tree removal not associated with development activity may be allowed in specific situations such as if the tree is a hazard or nuisance. A tree removal permit is required to confirm code compliance for these cases. In addition, the code allows for the removal of two healthy, significant trees per year under certain circumstances. If this is of interest to you, please submit a [Tree Removal Request form](#) (no fee) so that Planning Department staff can check that the trees you want to remove are within the code allowance.

Tree removal associated with development activity may also be necessary. The regulations require a qualified arborist to evaluate existing trees and require retention of healthy significant trees where feasible. The regulations also establish protection measures to ensure that trees designated for retention are not damaged through the development process.

Kirkland has specific regulations for trees in critical areas like wetlands, streams, and their buffers. There are also unique tree rules for shoreline properties and for properties in the Holmes Point area (see question on following page). For more information, contact the Planning & Community Development Department at 425-587-3225.

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Does the City have shoreline regulations?

Yes. All properties within 200 feet of Lake Washington are subject to the City's Shoreline Master Program (SMP) regulations. These regulations address allowed uses, building and accessory structure setbacks from the shoreline, building height, density, lot coverage (total paved area), pier and bulkhead standards and different tree preservation standards and stream buffer setbacks than those regulations in the area outside of the shoreline area.

Properties next to Lake Washington must replace any tree removed in the required shoreline setback, replacement of removed trees greater than 12" in diameter also require planting of native vegetation and trees 24" in diameter or greater cannot be removed except for hazardous and nuisance trees approved by the City. For more information on the City's SMP for the annexation area, visit www.kirklandwa.gov and search "Annexation Shoreline Master Program."