



CITY OF KIRKLAND
Planning and Community Development Department
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MEMORANDUM

To: Kurt Triplett, City Manager

From: Joan Lieberman-Brill, AICP, Senior Planner
Nancy Cox, AICP, Development Manager
Jeremy McMahan, AICP, Planning Supervisor
Eric Shields, AICP, Planning Director

Date: July 26, 2012

Subject: Miscellaneous Zoning and Municipal Code Amendments – Council Action (File ZON12-00002)

RECOMMENDATION

Adopt the enclosed Ordinances consistent with the recommendations of the Planning Commission and Houghton Community Council. The ordinances address different topics that were considered in the 2012 code amendment project:

- Zoning code amendments allowing replacement of some nonconforming personal wireless service facilities (PWSF, i.e. cell antennae);
- Municipal code and zoning code amendments regarding the keeping of animals, including fowl;
- Zoning code amendments regulating activities near hazardous liquid pipelines; and
- A variety of other zoning code and municipal code amendments.

The PWSF, fowl and hazardous liquid pipeline ordinances are written to take effect five days after ordinance publication. The other ordinance would have an effective date of November 1 to allow ample time for dissemination of information to the public and for builders to adjust their plans.

Following City Council action, the amendments applicable in Houghton will be considered by the Houghton Community Council at its August 27, 2012 meeting.

BACKGROUND DISCUSSION

All amendments are included as exhibits to the ordinances.

Planning staff periodically forwards miscellaneous KZC/KMC amendments to the Planning Commission (PC) and the Houghton Community Council (HCC) for consideration using the Process IV review process. The City Council considers approval of the amendments after the PC and HCC hold public hearing on the proposal and the PC prepares a recommendation to the City Council.

The amendments are selected from an on-going list of issues, code interpretations, requests

from the public, requests from City Council, and needs identified by staff. The current roster of proposed amendments is Attachment 1 to this memorandum. Those amendments within the jurisdiction of the HCC are indicated with an asterisk.

The roster is organized into three categories of policy implications: *No Policy Changes*, *Minor Policy*, and *Moderate Policy Changes*. Due to the relatively minor and non-controversial amendments under the *No Policy Changes*, and *Minor Policy*, Changes, the majority of the time in the study sessions and public hearing on this project were spent on items under the *Moderate Policy Changes*. These include:

- Backyard chickens/ fowl
- FAR exemptions for stairwells and vaulted space
- Setbacks for 2nd stories above garages on alleys
- Hazardous liquid pipelines
- Residential Suites (also known as single room occupancy residential facilities or SRO)
- Personal wireless service facilities
- Zoning permit lapse of approval and subdivision time limits
- Electronic readerboards at junior high/middle schools
- Non-conforming density

At the Council's August 7 meeting, staff will present an overview of the recommended code amendments. Mike Miller, Planning Commission Chair, will present the Planning Commission's recommendation. Staff suggests that the Council use the PC recommendations summarized in Exhibit A as a guide for discussion. Those proposed amendments that were the subject of discussion at the public hearing will be the focus of the staff presentation.

A more detailed summary of the proposed amendments is available in the joint June 14 public hearing [Memorandum Part 1 and 2 and additional information presented at the hearing.](#)

The project started with study sessions with the PC and HCC in January 2012. Links to staff memorandums, minutes, and audio recordings for all PC and HCC meetings associated with the amendments are provided below:

- January 12 study (PC) [audio](#), [minutes](#) and [staff memorandum](#)
- January 23 study (HCC) [audio](#), [minutes](#) and [staff memorandum](#)
- February 27 study HCC [audio](#), [minutes](#) and [staff memorandum](#)
- March 8 study (PC) [audio](#), [minutes](#) and [staff memorandum](#)
- April 23 study HCC [audio](#), [minutes](#) and [staff memorandum](#)
- April 26 study (PC) [audio](#), [minutes](#) and [staff memorandum](#)
- May 10 study (PC) [audio](#), [minutes](#) and [staff memorandum](#)
- June 14 joint public hearing (PC and HCC) [audio](#), [minutes](#) and staff [staff memorandum](#).
- June 25 deliberation (HCC) [audio](#), [minutes](#) and [staff memorandum](#)
- July 12 continued deliberation (PC) [audio](#), [minutes](#) and [staff memorandum](#)

PC / HCC JOINT PUBLIC HEARING

After the June 14 joint public hearing was closed, the PC began deliberating on the amendments. The Commission continued the meeting to July 12, to complete deliberation on the remaining amendments and consider the recommendation of the HCC prior to making a

recommendation to City Council. The HCC left at the close of the public hearing and met again on June 25 to deliberate and make its recommendation. Both bodies considered the public comment provided during the hearing and up to the July 5 extended public comment period. The decisional criteria found in KZC Section 135.25 were also considered.

HOUGHTON COMMUNITY COUNCIL RECOMMENDATION

The HCC concurred with the proposed amendments but suggested two changes:

- 1) For regulations clarifying the calculation of Floor Area Ratio (FAR) to account for stairwells and vaulted space, the HCC recommended changes to eliminate/ reduce the potential loss of floor area by including a 100 square foot floor area credit; and
- 2) For regulations specifying a setback for the second stories above garages on alleys, the HCC recommended that the second story be setback the same distance as the garage (as originally recommended by staff), rather than stepping back from the alley as initially recommended by the PC.

Although the HCC preliminarily concurred with the version of the chicken regulations presented at its June 25 meeting (later slightly revised by the PC), they reserved the option to veto the regulations if, after considering other jurisdictions' experiences with complaints about chickens, they find that the regulations would result in unacceptable impacts to neighbors. They also indicated that they may request a limit to the size of chicken tractors (mobile structures housing chickens that move around anywhere on the subject property to allow grazing).

PLANNING COMMISSION RECOMMENDATION

On July 12, the PC recommended approval of the code amendments with the changes to the FAR and garage setback regulations recommended by the HCC. However, the PC recommended that adoption of the Residential Suites amendments be postponed pending a short period of time for additional public process. The PC recommendation is Exhibit A to this memorandum.

EXPERIENCE OF OTHER JURISDICTIONS WITH KEEPING OF CHICKENS:

In response to the request of the HCC, staff has researched the following jurisdictions experiences with complaints regarding backyard chickens. Attachment 2 is a picture and description of the size of a chicken tractor. Seattle Tilth notes that the typical size of the mobile coop is 4 ft. x 8 ft. (32 sq. ft.).

Redmond adopted 2011; one complaint; the property owner was not aware of the compliance code; the only enforcement action needed was to notify the owner of the compliance code and educate him about the regulations.

Seattle adopted 1976, most recently amended in 2012. Two or three complaints are received per month mainly regarding keeping of roosters, which are prohibited in Seattle. About 95% are resolved through voluntarily compliance.

Bellevue adopted 1984, most recently amended in 2009. No complaints regarding noise. Only a couple complaints have been made. Complaints handled by mediation. No violation enforcement because Bellevue only enforces upon amplified noise complaints. The enforcement officer was not able to research the cases.

Lynnwood adopted 2012 no complaints.

Shoreline adopted in 1999, most recently amended in 2006. 21 complaints over 13 years, all resolved through voluntary compliance.

Bothell last revised 2010, No complaints.

Kirkland revised fowl regulations prior to JFK annexation in 2011, to allow 3 chickens on lots smaller than 35,000 sq. ft. in low density RSA zones in JFK only. Four total complaints regarding chickens have been received to date; three in the annexation area and one in pre annexation Kirkland. In JFK, two were noise complaints about individual roosters and the third was an odor complaint. One noise complaint received in winter 2012, has been resolved through voluntary compliance. The other was received in July and is in the process of voluntary compliance. The third was an odor complaint also in JFK, received in July and resolved through voluntary compliance. The complaint in pre annexation Kirkland was also resolved voluntarily about two years ago, and involved a free ranging chicken off the subject property.

PUBLIC INPUT

Notice of the public hearing was posted on the City's website and distributed to the Chamber of Commerce, and various individuals interested in this project. In addition, announcement of the hearing was sent to the Kirkland Neighborhood E-Bulletin, Kirkland Developer's Partnership Forum, and the Miscellaneous Zoning and Municipal Code Amendment Project List Serv. A notification letter was sent to all property owners and residents within 170 feet of the Olympic Pipeline. Background information was available on the project [website](#). All written public comment submitted as part of this project has been consolidated in Exhibit B and was considered by the Planning Commission and Houghton Community Council during this process.

At the public hearing oral testimony was taken on the following proposed amendments:

Chickens/ fowl – Seven people testified about a previous iteration of the proposed amendment that was considered at the public hearing. All were supportive of liberalizing the current rules, but suggested changes to simplify them. Comments included the following:

- increase the minimum number of chickens on small lots to more than two,
- pen and coop standards should be simplified because too much specificity could result in unintended consequences (such as injury to the chicken and that best management practices are better than inflexible specifications which are not practical),
- existing chickens would be made non-conforming in the JFK neighborhoods where they had been allowed without problems,
- there is no reason to require a minimum lot size because setbacks will be self-regulating,
- An allowance for existing chickens to remain should be considered to avoid them from becoming nonconforming, and avoid a compliance and enforcement problem.

Based on the PC direction, the final language in the proposed ordinance addresses these concerns.

Hazardous liquid pipelines – Four people testified. Comments included wanting information about the exact location of the pipeline, and that the required setbacks would be a taking of private property. Two people requested clarification that detached dwelling units would not be subject to the 500 foot setback for "high consequence" land uses. The proposed ordinance explicitly states that single family development is not a high consequence land use.

Residential Suites – Three people testified about the proposed amendment. One individual expressed support, but encouraged the Commission to take more time and get more public involvement. She suggested changes to ensure that the transportation management program has teeth and to ensure adequate guest parking. Two speakers addressed the details on the use and provided background on Redmond projects in terms of who the residents are and how the communities are managed.

2nd stories over garages on alleys – One person testified about a previous iteration of the proposed amendment that was considered at the public hearing. He objected to the proposal and noted that rules should not penalize a second story garage since a garage without a second story could be built up to 25 ft. high without an increased setback, and either structure would have the same impact. The final language in the proposed ordinance was changed to allow the 2nd story to be setback the same as a garage without a second story.

Floor Area Ratio calculation – Two people testified about a previous iteration of the proposed amendment that was considered at the public hearing. One objected because it would affect the value of the property to delete 100 square feet from the home. The other objected to the current method of measuring FAR as floor area and suggested that it should be measured as volume. The final language in the proposed ordinance keeps the 100 sq. ft. exemption.

Personal Wireless Service Facilities – At the public hearing, the Assistant City Attorney addressed the implication of a new federal law regarding upgrading PWSF on towers (monopoles) and responded to Planning Commissioner's questions. The new law requires that local governments approve a request to modify an eligible existing wireless facility if it does not substantially change the physical dimensions of the facility. An AT&T representative spoke in support of the proposed amendments noting that it is reasonable to not allow new platforms on a tower but the City should allow antennas to be replaced or added on an existing platform. The final language in the proposed ordinance reflects this concept. Although there was no testimony at the hearing about proposed code language allowing replacement of antenna or equipment on non-conforming PWSF such as tall utility poles or rooftop antenna, the representative of ATT had commented at previous PC study sessions.

SEPA COMPLIANCE

State Environmental Policy Act (SEPA) materials may be viewed by following this link to the joint PC/HCC June 14 public hearing [staff memorandum](#).

Attachments

1. Amendment roster
2. Chicken tractor pictures

Exhibits

- A. Planning Commission recommendation dated July 26, 2012
- B. Public Comment

cc: ZON12-00002
Mail List

Roster of Miscellaneous Zoning Code and Municipal Code Amendments
*Asterisk notes that these are in the HCC jurisdiction.

NO POLICY CHANGES

These proposed amendments result in no changes to current policy but intend to clarify and fix inconsistencies within the code.

***Code Enforcement - KMC Title 1 Section 1.12.050.(d).(6)**

Purpose: Correct the reference regarding who gets the Hearing Examiner notice of decision after the required public hearing addressing a civil violation.

Single Family Residential RSA 4 and 6 zones Minimum Lot Size - KZC Chapter 18 Section 18.10.010

Purpose: After the approval of the Green Code Project amendments (O-4351) on April 3, 2012, a mistake was discovered in Special Regulation 2 that would allow minimum lot sizes in the RSA 4 and RSA 6 zones to be smaller than was intended. The proposed change will reverse the lot size to that which was in effect prior to the Green Code amendment.

***Trees and Landscaping - KZC Chapter 95 Section 95.23.5.e.1**

Purpose: Correct the reference in subsection 5.e, which refers to the Tree Removal Allowances not associated with development activity, when seeking to cut trees on private property.

Totem Lake 9B - KZC Chapter 55 Section 55.64.010

Purpose: Add the density limitation of 5,000 square feet per dwelling unit for this zone, which was inadvertently missed with the adoption of Ordinance 4158 in 2008. This ordinance implemented the Gordon Hart private amendment request through codification of the TL 9A and 9B zones and established a 5,000 sq. ft. minimum lot size for the TL 9B zone. This minimum lot size is equivalent to the density being codified. In all multifamily zones, a special regulation expresses density as minimum lot area per dwelling unit and this amendment does just that.

***Parking Modification - KZC Chapter 105 Section 105.103.3.c**

Purpose: /correct the code reference for decreasing the number of parking spaces. No change in criteria or process is proposed.

***Process I - KZC Chapter 145 Section 145.22.2.a.**

Purpose: This amendment clarifies that state and federal agencies with jurisdiction must receive a Notice of Application for Process I development proposals.

***Delete reference to Process III - KZC Chapter 152 Section 152.10.**

Purpose: Clean up an outdated reference. Process III (KZC Chapter 155) was deleted from the code in 2011 by Ordinance 4286.

***Delete reference to WAC Title 388, requiring School, Daycare Center, or Mini-School, Mini Day-Care to be subject to requirements of WA State- Various use zone charts already being amended (Chapters 18, 40, 45, 47, 48, 52, 53, 55, and 60)**

Purpose: Delete a special regulation that references an incorrect section of the Washington Administrative Code (WAC) that is not necessary because State law requires compliance regardless of Kirkland's reference to it. The deletion will include all charts that are being amended with this round of Code amendments.

MINOR POLICY CHANGES

The proposed amendments do not clarify existing regulations, but instead change them. However, they are generally not considered significant policy issues.

***Waterfront Districts (WD) I, II and III - KZC Chapter 30 Sections 30.10,20 and 30.**

Purpose: This amendment would add a new general regulation to all three Waterfront District zones to address required rear yard setbacks.

***Required Yards related to a 2nd Story above Garage Rear Yard Setback Encroachment - KZC Chapter 115 Section 115.115.3.o**

Purpose: This code amendment would clarify whether or not a second story above a detached garage, which utilizes an alley for primary vehicular access, may encroach into the rear yard setback.

***Vehicles, Boats and Trailers – Size in Residential Zones Limited - KZC Chapter 115 Section 115.150**

Purpose: Codify current practice allowing oversized vehicle/boat/trailer to be stored in legally constructed fully enclosed structure.

***Front Yard Setback Flexibility in Low Density Residential Zones - KZC Chapters 5, Section 5.10.326.5 Chapter 15, Section 15.10.010, Chapter 17 Section 7.10.010, and Chapter 18 Section 18.10.010,**

Purpose: This code amendment would give some setback relief when a parcel has two opposite front yard setbacks.

MODERATE POLICY CHANGES

These are considered more substantive changes to existing regulations.

***Entertainment, cultural and recreation uses in various zones - KZC Chapter 5 Section 5.10.140, .153, and new definition .279 and various use zone charts (Chapters 40, 45, 47, 48, 52, 53, 55, 60)**

Purpose: This amendment would provide consistency in terminology used for entertainment, cultural and recreation uses in various zones. It would change the definition for "Commercial Recreation Area And Use" to eliminate the distinction between "for profit" and "not for profit" that has plays no role in the suitability of the use to a particular location; provide a new definition for "Entertainment, Cultural and /or Recreational Facility"; change the definition of "

Community Facility to eliminate reference to several uses that are more appropriate in another use listing, and repeal the definition for "Athletic Instructional Facility."

***Floor Area Ratio (FAR) Exemptions - KZC Chapter 115 Section 115.42**

Purpose: This amendment would clarify whether stairwells should be exempt from FAR calculations, and if so, to what extent. It would also consider options to simplify FAR and cut down on review time.

***PLA 16 Miscellaneous Regulations Animals in Residential Zones, Large Domestic Animals, Horses Section 115.20.2.c. and .4 and Equestrian Regulations - KZC Chapter 60 Sections 60.180 and 182.010**

Purpose: The amendments eliminate redundancy between existing PLA 16 zone horse regulations, which apply only there, and Miscellaneous Large Domestic Animals regulations regarding horses, which apply citywide. The amendments also clarify which horse keeping requirements apply specifically to the Kirkland Hunt Club, a master plan development in the PLA 16 zone. In addition, animal regulations now shown in a hard to read chart have been integrated into the text of Section 115.20.

*** Miscellaneous Regulations Animals in Residential Zones, Small Domestic Animals, Chickens - KZC Chapter 115 Section 115.20.2.b. and 4 and KMC Title 8 Chapter 8.08 Fowl**

Purpose: The amendments are proposed to expand the residential zones in which chickens are allowed, determine the maximum number of chickens, and standards for their keeping (setbacks, prohibition on roosters, etc.).

***Application of Small Lot and Historic Residence Subdivision Regulations throughout the City - KMC Title 22 Chapter 22.28.042 and .048 Lots-Small Lot Single Family and Historic Preservation Subdivisions; and KZC Chapter 115 Section 115.07.8 Assessorly Dwelling Units, Chapter 75 Section 75.55 and .65 Historic Landmark Overlay Zone and Historic Residence Designation**

Purpose: Apply small lot and historic subdivision regulations city-wide. The small lot regulations now apply only in the Norkirk, Market, Lakeview and Central Houghton Neighborhoods. Historic designation regulations currently apply only in Market and Norkirk.

***Extension of Land Use Permit Approvals during the Economic Recession – KZC 113.45, 117.100, 142.55, 145.115, 150.135, and KMC 22.16.010,00 22.16.130, 22.20.370**

Purpose: To either codify or discontinue the interim regulations that have been in place since 2009 that allow the City to approve requests for land use permit extensions. Staff will be presenting options to the City Council's Economic Development Committee (EDC) at the end of February and will report back with a recommended direction.

***Non-Conforming Density- Special Provisions for Continued Uses – Limitations on Maintaining, Repairing and Remodeling Structures with Nonconforming Density- KZC Chapter 162 Section 162.60**

Purpose: Provide more flexibility to repair, maintain and remodel structures with nonconforming density without having to bring the density into conformance.

New Hazardous Liquid Pipeline Zoning Code Amendments addressing the Olympic Pipeline now within Kirkland’s jurisdiction - KZC new Chapter 118 and existing Chapter 55 Section 55.49 TL7 use zone chart and Chapter 5 Definitions

Purpose: Draft new KZC regulations addressing hazardous liquid pipelines, and refer to them in the Totem Lake 7 zone, where the pipeline is located.

Delete Heron Habitat Protection Area in Finn Hill Annexation Area – KZC Chapter 90 – Section 90.127

Purpose: Delete Section 90.127 and Plate 39 which refer to Heron Habitat Protection Area regulations and map that was carried over from the County regulations upon annexation. The deletion of Section 90.127 and Plate 39 were inadvertently omitted from Ordinance 4303 dated June 7, 2011, to implement clarification of the City’s Shoreline Master Program. Both the City and King County agree that there is no evidence of heron habitat, which would have been the basis for the County’s regulation.

***Application of Electronic Readerboard Sign Regulations at all High Schools and Junior High/Middle Schools in all Single Family Residential RS, RSX, RSA Zones – KZC Chapters 15, 17, and 18 Sections 15.10.030, 17.10.030, 18.10.030, and 56.20.120**

Purpose: Determine if electronic readerboard signs may be located at all high schools and junior/middle schools in Kirkland. The regulations already apply at Juanita and Lake Washington High Schools.

***Personal Wireless Service Facilities –Flexibility to change non-conforming PWSF – KZC Chapter 117 Sections 117.15, 117.20, 117.80, 117.105.**

Purpose: Determine whether the code should be amended to allow some non-conforming PWSF to be modified.

New Single Room Occupancy (SRO) Regulations KZC

Purpose: Add a new permitted use to appropriate zones, allowing SRO developments.



Common size:

It all depends on the number of chickens, but 4' * 8' is considered a common size; this size is suitable up to 3 chickens. Obviously, the bigger the size the better for chickens. Length may vary from 6' to 11' depending on the owner's preference for portability.



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MEMORANDUM

Date: July 26, 2012

To: Kirkland City Council

From: Mike Miller, Chair, Kirkland Planning Commission

**Subject: Planning Commission Recommendation to adopt the
Miscellaneous Zoning Code (KZC) and Municipal Code (KMC)
Amendments (File ZON2-00002)**

Introduction

We are pleased to submit the recommended Zoning (KZC) and Municipal Code (KMC) Amendments for consideration by the City Council. This effort culminates the work started in January, to clarify, correct, and change these development codes, by addressing various issues identified by the public, the City Council and city staff.

All amendments are included as exhibits to the ordinances.

Issues

The project includes miscellaneous amendments that are listed in the roster as Attachment 1 to the staff transmittal memorandum. Of those, the following issues required the most time for the PC to sort through and are discussed in this memorandum. An asterisk (*) identifies those within the HCC jurisdiction.

- New Fowl regulations *
- Floor area ratio (FAR) exemptions for stairwells/vaulted area *
- Second story garage setbacks from alleys *
- New hazardous liquid pipeline regulations
- Non-conforming personal wireless services facilities (PWSF)*
- Extensions of land use permit approvals*
- Electronic readerboards at junior high/ middle schools*
- New Residential Suites regulations (SRO)*
- Non-Conforming density*

Fowl Regulations*

The PC discussed this subject in great detail. The final recommendation represents a departure from the way fowl are now regulated, by liberalizing the rules and making them generally consistent throughout the City, but recognizing JFK should be treated differently to address those who now have more chickens than the new regulations would allow. During the study sessions and public hearing the PC became more comfortable with less rather than more regulation, and came to a consensus on the maximum number of chickens allowed. After the HCC had completed its review, the PC added one additional provision to grandfather existing roosters in the JFK neighborhoods, outside Houghton's jurisdiction.

Background: The backyard agriculture movement has gained momentum throughout the region as evidenced by the recent adoption or updating of chicken regulations in various nearby communities. Several Kirkland residents requested that the City consider liberalizing existing rules addressing the keeping of chickens, written in the 1980's. They expressed frustration about the prohibition on keeping chickens on the majority of lots within the city, due to the current lot size minimum of at least 35,000 square feet in pre-annexation Kirkland.

Chickens are currently regulated as fowl under the Small Domestic Animals category in section 115.20 KZC Animals in Residential Zones. Small Domestic Animals are: more than 3 dogs, cats, rabbits, more than 4 dogs and cats combined, and all fowl. Currently, the city prohibits small domestic animals on lots less than 35,000 sq. ft. except in the JFK neighborhoods, where 3 female chickens are allowed on any size lot. (Household Pets, including up to 3 cats or dogs are allowed on all lots within the city.) On lots of at least 35,000 sq. ft. a maximum of 20 fowl, including roosters, plus 1 per additional 500 sq. ft. of lot area are allowed. .

The PC's goal was to provide as much consistency throughout the City as possible by balancing the current zoning rules for the entire city with the more liberal standards that existed in the JFK neighborhoods prior to annexation, where up to 1000 chickens were allowed (1 chicken per 2 sq. ft. of structure to house the chicken, up to 2,000 sq. ft.). While we consider that standard extreme and have no interest in promoting hobby farms, we are concerned that residents in King County may have become accustomed to less regulation. We endeavored to craft rules that do not penalize existing chicken owners for practices permitted prior to annexation, while minimizing potential negative impacts to neighbors.

We reviewed neighboring jurisdiction's regulations, examined information from Seattle Tilth, and heard from backyard chicken advocates and individuals concerned about the potential impacts of liberalizing regulations on fowl. We kept in mind the adage that if it isn't broken, don't fix it when considering whether the more lenient King County regulations should apply.

The PC initially considered more detailed coop and run specifications, but eventually concluded prescriptive standards are not necessary. In other jurisdictions, complaints typically have been resolved through voluntary compliance. We also learned that there are resources in the community that are interested in educating people regarding best practices. The Kirkland Coalition of Backyard Agriculture is one such group. Therefore there is no compelling reason to regulate structures housing chickens or their potential impacts more stringently than other small

domestic animals. The same concerns arise about noise, odor and pests regardless of the type of small domestic animals or from household pets for that matter (e.g. household pets include up to 3 dogs).

In the end, we recommend allowing up to 3 fowl, including chickens, on all low density residential lots (rather than only in JFK) plus 1 additional for each additional 1,000 sq. ft. of lot area in excess of 5000 sq. ft., up to a maximum of 20. For lots of at least 35,000 sq. ft. we recommend that the existing rule remain to allow 20 fowl plus an additional chicken for each additional 500 sq. ft. of lot area. Regarding roosters, we considered a citywide map that indicated roughly 690 lots with at least 35,000 sq. ft. (3.2% out of the total number of parcels in low density areas shown on the map) to inform our decision. We recommend roosters continue to be allowed only on these larger lots, except that in JFK existing roosters may remain, regardless of lot size. The Commission was persuaded by many in the community to rely on common sense and self-regulation as is now the case, to prevent potential adverse impacts.

The recommended amendments are contained in Attachment 1 to this memorandum. In addition to the Zoning amendments, a Municipal Code amendment deletes a section that now address fowl that is no longer necessary and is not consistent with the proposed amendment.

Floor Area Ratio (FAR) Exemptions for Stairwells/Vaulted Area *

The final PC recommendation concurs with the HCC recommendation. The amendment prescribes a 100 square foot exemption for a stairwell regardless of its individual footprint in lieu of the current requirement to calculate the actual area of the stairwell. The amendment simplifies the calculation while addressing the objection that two developers expressed about eliminating this exemption entirely. The proposed code KZC language also clarifies how to measure foyers with ceilings higher than 16 feet, that FAR is measured by levels rather than floors, and that carports are included in FAR.

Background: This proposal was initiated by staff to speed up and simplify FAR calculations by clarifying whether stairwells are exempt from this calculation. The intent of FAR is to reduce the perceived mass of the home and does this by limiting the size as a percent of lot area. Currently each detached dwelling unit requires an individual calculation of the gross floor area of a home, and allows several elements to be subtracted (exempted) from the total area. A portion of a stairwell and a portion of a vaulted space (foyer) are among those elements that are exempt from this calculation. The problem is that during building permit review every stairwell must be individually measured to determine the exact square footage that is eligible for exemption, which adds to the review time and complexity of such permits. Another problem is that stairwells do technically add to the mass of a house since they are additional floor area, so exempting even a portion of them is counter to the purpose behind FAR. Staff provided information on the minimum square footage required to meet the uniform building code in order to illustrate that allowing more area to be exempt on a case by case basis can be greater than necessary.

The recommended amendment is Attachment 2 to this memorandum.

Second story garage required rear yard setbacks*

The PC and HCC concurred with the staff recommendation to allow second story garages that take alley access to be set back the same distance as the garage from the rear property line. The KZC is currently silent on this. Staff showed photographs of sites in the city where these now exist, and both advisory bodies discussed several options. The PC expressed some concerns about the perception of mass with a zero setback from an alley, which is allowed when the garage has side alley access. After hearing from builders and architects and considering the recommendation of the HCC, the PC agreed that a zero rear yard is sufficient because the alley itself provides a 16' separation from the property line of the home on the opposite side of the alley. We also acknowledged that requiring a setback for the second story would be inconsistent with current regulations that allow a single story garage with a high ceiling to have a zero setback and be a disincentive to develop detached ADU's.

The recommended amendment is Attachment 3 to this memorandum.

New Hazardous Liquid Pipeline regulations

The recommended amendment was the culmination of much review and discussion. A new chapter of the KZC will address hazardous liquid pipelines, in Kirkland's case the Olympic/British Petroleum Pipeline. The new chapter includes rules to reduce the risk of an accident as a result of construction activity near the pipeline and the risk to various land uses located near them. The regulations address setbacks for "high consequence land uses" that involve high-density on-site populations that are more difficult to evacuate and land uses that serve critical "lifeline" or emergency functions. Setback for other uses, setback modifications, and notification requirements are addressed. The amendments also require development plans to show the location of the pipeline and the applicant to notify the pipeline operator of their proposals. Many of these rules are based on the State model ordinance developed by the Municipal Resource Services Center (MRSC), and the final recommendation was reviewed by the same experts, who offered no revisions to it.

Background: As a result of annexation a portion of the Olympic pipeline is now located within Kirkland's jurisdiction. The PC learned about the risks associated with a liquid fuel pipeline accident and the importance of having regulations governing land use development near them. The greatest risk of an accident occurs when development activity takes place too near the pipeline. These regulations intend to minimize risk. While interstate pipeline facilities are regulated by the Federal Office of Pipeline Safety, and the State Utilities and Transportation Commission acts as their agent, it is the City's responsibility to regulate land use near the pipelines. The City received a pass-through grant from the Pipeline Safety Trust originating from the US department of Transportation, Pipeline and Hazardous Material Safety Administration, to help defray the cost to research and draft these pipeline safety regulations. Staff coordinated with the Fire and Building and Public Works Departments while developing these regulations. During the course of this process, staff provided information about how King County and other jurisdictions regulate the pipeline. The operator and Municipal Resource Services Center (MRSC) expert on this subject made presentations to the PC, and staff worked with these experts to develop the regulations.

The recommended amendment is Attachment 4 to this memorandum.

Non-conforming Personal Wireless Services Facilities (PWSF)*

The PC concurred with the staff recommendation and HCC to allow legal, non-conforming PWSF facilities to be upgraded without bringing the facilities into complete conformance with existing regulations. Staff showed photographs of sites in the city having antenna projecting above rooflines or antenna on tall utility poles as examples. The PC expressed some concern about the aesthetics of towers or monopoles with antenna projecting on platforms or arms. There are several of these in the new neighborhoods that were approved by King County. During the public hearing the Assistant City Attorney described the new federal law which limits the City's ability to deny changes to towers. After learning about the implications of the new law, the PC understands and concurs with the amendments.

Background: AT&T and other carriers are upgrading their facilities to provide better and faster service for their customers. In response to requests to speed up permit processing, staff proposed code amendments that simplify the regulations for non-conforming facilities. No changes are proposed for new facility requests meaning all new facilities will have to comply with the existing code.

The recommended amendment is Attachment 6 to this memorandum.

Extension of Land Use Permit Approvals*

The PC had few questions about this proposal. Staff noted that the Economic Development Committee encouraged the amendments to: 1) codify the interim regulations that have been in place during the economic recession and, 2) consider Engrossed House Bill (EHB) 2152 when preparing the regulations. The length of the Lapse of Approval for zoning permits is proposed to be based on the date of issuance similar to the construction of the EHB. The time limits for final plat submittal as proposed will be consistent with the EHB. The proposed code amendments in the KZC and KMC also make the codes more internally consistent and delete some duplicated sections.

The recommended amendments are Attachments 7 and 8 to this memorandum.

Electronic Readerboards at Junior High Schools*

The HCC recommended that each school site should only be allowed one readerboard even if it contains more than one school and expressed a concern about potential traffic hazards. The PC agreed with these ideas and further recommended that the regulations should apply to private schools as well as public. The final proposed language addresses all of these issues.

Background: The staff, students and parents at Finn Hill Junior High were the instigators of this code amendment (in a good way). They are very proud of their new school and are anxious to have a new sign that will improve communication between their school, families and community. The LWSD then submitted a letter requesting that all junior (now middle) schools

be allowed an electronic readerboard similar to those approved for Lake Washington and Juanita High Schools.

The recommended amendment is Attachment 9 to this memorandum.

New Residential Suite (SRO) regulations*

The Planning Commission is enthusiastic about the potential that this use holds to help diversify Kirkland's housing stock and provide a market based solution to affordable housing choices. However, because these amendments were a late addition to the current package of code amendments, the Commission does not feel that adequate public outreach or Planning Commission consideration has occurred. The fear is that if the amendments are rushed through without adequate consideration, the community reaction may be negative and the true potential may be jeopardized. If we are provided with additional time to get the word out and thoughtfully address potential impacts, we are confident that the concept will be more successful over the long term. We estimate that we could have a considered recommendation to City Council by early October.

Background: Robert Pantley requested an amendment to consider the unique parking requirements for SRO housing. The Council discussed this at the joint meeting with the Planning Commission on April 3rd. Consideration of a code amendment was added to the Planning Work Program and draft amendments were included with this package of minor and moderate amendments. They were first introduced at the joint public hearing on June 14.

SRO's and similar housing types go by many names in different jurisdictions (residential hotels, rooming/boarding house, apodments, congregate housing, residential mini-suites, etc.). The basic concept falls somewhere between a hotel use and a dwelling unit use where individual rooms are rented with limited amenities in the room and additional amenities are shared between rooms. The individual units are very small and the trip generation and parking demand are typically lower than conventional multi-family developments. The individual units do not fit the definition of a dwelling unit because of the shared facilities and they do not fit the definition of a hotel because the units are not intended for transient use.

Attachment 5 contains staff's draft regulations for this use. Due to the limited amenities within these developments and the suggested lower parking requirement, staff recommended that the use only be included in zones within a ¼ mile walk distance of a transit center and with the availability of nearby shops and services to reduce dependence on automobiles. In addition, staff recommended limiting the use to zones that do not have residential density limits. As a result, only CBD 1, 2, 3, 4, 7, and 8 and TL 1A, TL 1B, and TL 2 were considered for inclusion at this time as the zones that meet the identified locational criteria. All of those zones have existing design guidelines and Design Board Review in place, so no new design provisions are necessary to accommodate the use.

Mr. Pantley encouraged consideration of this use as a highly sustainable development pattern with regulations to promote sustainability. Sustainability can occur at many levels including minimizing dependence on automobiles and including green building as a core component of the use. Similar to recent codes for TOD at the South Kirkland Park and Ride and the for

Parkplace redevelopment, the codes for this use have been drafted to advance sustainability measures. The draft code includes a requirement for managed parking that will require a transportation management program to ensure that the parking is adequate and auto dependence is reduced and aggressive green building requirements to reduce the overall environmental footprint of the development.

Non-Conforming Density*

During the recent review of the Central Houghton and Lakeview Neighborhood Plans, the PC and HCC discussed how best to address numerous properties developed at residential densities greater than allowed by the current zoning. The Commission and Council had received comments from a number of residents of nonconforming condominiums expressing concerns about zoning regulations limiting repair, maintenance and remodeling without bringing density into conformance. At that time, it was agreed to review the regulations as part of the next package of code amendments. The revised regulations entirely eliminate the limits on the value of improvements, remove the requirement to maintain at least 75% of the existing density and generally simplify the code. The remaining restrictions are that density may not be increased and there may be no change in the configuration of exterior walls.

The recommended amendment is Attachment 10 to this memorandum.

Decisional Criteria

The decisional criteria found in KZC Section 135.25 were considered when making this recommendation, and can be viewed by following this link to the joint PC/HCC June 14 public hearing [staff memorandum](#).

Public Participation

The Planning Commission held four study sessions to review the amendments leading up to the June 14 joint public hearing. The Houghton Community Council held 3. The extra PC meeting was to consider hazardous liquid pipeline regulations that are outside of the HCC jurisdiction. At the study sessions the primary topics that the public commented on were the backyard chicken amendment, personal wireless services facilities amendment (Ken Lyons, representing AT&T) and electronic readerboards (Sheri Sanders, representing Lake WA School District).

At the joint hearing with the HCC, 18 people spoke regarding the proposed amendments, a majority of them regarding the backyard chickens and the hazardous liquid pipeline amendments; six on each subject. There were a range of comments about the proposed chicken regulations with people weighing in to support or oppose the iteration being considered. Comments focused on the pros and cons of allowing roosters, how prescriptive the regulations ought to be regarding pen and coop specifications, and maximum number of chickens on lots based on lot size. The pipeline comments were mixed, with people requesting more information about the pipeline, what precautions the operator, BP/Olympic, has in place to minimize the risk of an accident, setbacks and modifications to setbacks, and several requests for clarification that single family homes where the elderly or handicapped live, are not regulated as "high consequence uses, subject to 500 foot setbacks.

Memo to City Council

July 26, 2012

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One person spoke about the SRO amendment after a presentation on the topic by Robert Pantley and an associate. The proponent of the PWSF amendment, AT&T representative Ken Lyons, provided information on the operators need for the wireless amendment.

A total of 25 letters/emails were received prior to or at the hearing. The topics covered were chickens, pipeline regulations, non-conforming density, Personal Wireless Facilities Services, and Residential Suites regulations.

The public comment period was extended to July 5 to receive additional comment. Two comments were received. A letter from Kathy Weber gave a recap of her understanding of the June 14 Planning Commission public hearing deliberations on backyard chickens. Another letter by Ken Lyons stated support of the Personal Wireless Facilities Services amendment as revised and presented at the PC July 12 deliberation continuance meeting.

Attachments

1. Chicken amendment
2. FAR amendment
3. 2nd story garage amendment
4. Hazardous liquid pipeline regulations
5. Residential Suites regulations (SRO)
6. PWSF amendment
7. Zoning permit Lapse of Approval amendments (KZC)
8. Subdivision time limit amendments (KMC)
9. Electronic readerboards amendment
10. Non-conforming density amendment

Cc: ZON12-00002
Mail list

115.20.2. b. Small Domestic Animals

1. The following animals will be regulated as small domestic animals:

- a. More than three (3) dogs per dwelling unit.
- b. More than three (3) cats per dwelling unit.
- c. More than a total of four (4) dogs and cats per dwelling unit.
- d. More than four (4) rabbits per dwelling unit.
- e. Fowl

2. Permitted locations: Low density zones.

3. Required Review Process: None

4. Maximum Number of Adult Animals Per Dwelling Unit Lot:

~~20 per 35,000 sq. ft. of lot area and 1 per each additional 500 sq. ft. of lot area. Maximum of 3 fowl on lots less than 35,000 sq. ft. in RSA zones.~~

a. On lots with an area of less than 35,000 sq. ft.:

- 1) Three (3) Fowl, regardless of lot size
- 2) One (1) additional chicken for each 1000 sq. ft. of lot area above 5,000 sq. ft., up to a maximum of 20 chickens,
- 3) Roosters are prohibited except for those in RSA zones existing prior to August 15, 2012.

b. On lots with an area of 35,000 sq. ft. or more: 20, plus 1 additional for each 500 sq. ft. of lot area above 35,000 sq. ft.;

Minimum Lot Size:

~~35,000 sq. ft. per dwelling unit. No minimum lot size for fowl in RSA zones~~

5. Minimum Setback:

~~Structures and pens used to house animals must be at least 40' from each property line, except structures and pens used to house 3 fowl or less must be at least 10' from each property line~~

a. Structures shall not be located in required yards except as allowed by KZC 115.115 and except for the following:

- 1) Mobile structures (chicken tractors) may be anywhere within a fenced yard.
- 2) Structures may be located within five feet of any property line provided that the property adjacent to the proposed location of the structure is either:
 - i. Occupied primarily by a non-residential use such as a church, school or park; or
 - ii. A permanently dedicated easement or tract that is at least 10 feet in width.

b. Structures larger than 100 square feet shall be at least 40 feet from each property line

6. Special Regulations

- a. Must provide a suitable structure or pen to house the animals.
- b. Must maintain structures and pens in a clean condition;
- c. Fowl may forage or roam freely anywhere within a fenced yard, but adequate measures must be taken to provide safety for the fowl and prevent them from straying onto adjacent property.

~~—The City may limit the number of animals allowed to less than the maximum ;considering:~~

~~— Proximity to dwelling units both on and off the subject property; and~~

~~— Lot size and isolation; and~~

~~— Compatibility with surrounding uses; and~~

~~— Potential noise impacts.~~

~~The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition.~~

~~Roosters are prohibited on lots containing less than 35,000 sq. ft.~~

115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones and attached dwelling units in PLA 3C, shall include the entire area within the exterior walls for each level of the structure. It shall also include the area of all carports, measured as the area of the carport roof. It ~~does~~ shall not include the following:
 - a. Attic area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
 - b. Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23).
 - c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC [115.30](#) for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.
 - d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC [115.30](#) for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R.
 - e. Uncovered and covered decks, porches, and walkways.
 - f. One hundred square feet if the dwelling unit has an internal stair case and/or an area with a ceiling height greater than 16 feet.
 2. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area toward allowable F.A.R. The ceiling height for these areas will be measured to the top of the structural members for the floor above or, if there is no floor above, to the bottom of the structural members for the roof.
 - ~~2. Floor area with a ceiling height greater than 16 feet shall be calculated as follows:~~
 - ~~a. The first 100 square feet of such floor area, in aggregate, shall be calculated only once toward allowable F.A.R.;~~
 - ~~b. Floor area in excess of the first 100 square feet shall be calculated at twice the actual floor area toward allowable F.A.R.~~
- ~~3-3.2. This section is not effective within the disapproval jurisdiction of the Houghton Community Council, except for those lots in PLA 3C that are less than 7,200 square feet or lots that have less than the minimum lot size created through the small lot provisions of KMC 22.28.042, subdivisions.~~

115.115 Required Yards

1. General – *(No Change)*
2. Exceptions and Limitations in Some Zones – *(No Change)*
3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:
 - a. - n. *(No Change)*.
 - o. In low density residential zones:
 - 1) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may be located within five (5) feet of the rear property line, if:
 - a) Garage doors will not extend over the property line when open; and
 - b) The garage complies with KZC [115.135](#), which regulates sight distance at intersections, and-
 - c) The portion of the structure that is located within the required rear yard is no higher than the maximum height allowed in the underlying zone.
 - 2) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may extend to the rear property line, if:
 - a) The lot is 50 feet wide at the rear property line on the alley;
 - b) The garage has side access with garage doors that are perpendicular to the alley;
 - c) The garage eaves do not extend over the property line; and
 - d) The garage complies with KZC [115.135](#), which regulates sight distance at intersections.
 - e) The portion of the structure that is located within the required rear yard is no higher than the maximum height allowed in the underlying zone.
 - 3) Garages without alley access may be located within five (5) feet of the rear property line; provided, that:
 - a) The portion of the structure that is located within the required rear yard is no taller than 15 feet above average building elevation; and
 - b) The rear yard does not abut an access easement that is regulated as a rear property line.
 - p. HVAC and similar types of mechanical equipment may be placed no closer than five (5) feet to a side or rear property line, and shall not be located within a required front yard; provided, that such equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC and similar types of mechanical equipment shall be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC [115.95](#).

Sections:

5.05 User Guide (No change)

5.10. Definitions

5.10.350 346 Ground-Mounted Sign

– All of the following: pole signs, pedestal signs and monument signs.

5.10. 347 Hazardous Liquid Pipeline:

- As defined by RCW 81.88.040, Hazardous liquid means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide. Pipeline, pipeline system, or hazardous liquid pipeline mean all parts of a pipeline facility through which a hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. Pipeline or pipeline system does not include process or transfer pipelines.

5.10. 348 Hazardous Liquid Pipeline Corridor

- The pipeline corridor in which the pipelines and facilities of a hazardous liquid pipeline operator are located, including public rights-of-way and easements over and through public or private property

5.10. 358 High Consequence Land Use

- A land use that if located in the vicinity of a hazardous liquid pipeline represents an unusually high risk in the event of a pipeline failure due to characteristics of the inhabitants or functions of the use. High consequence land uses include:

(1) Land uses that involve a high-density on-site population that are more difficult to evacuate. These uses include:

- schools (through grade 12),
- hospitals, clinics, and other facilities primarily for use by the elderly or handicapped, other than those within single family residences.
- stadiums or arenas,
- day care centers, and does not extend to family day care or adult family homes.

(2) Land uses that serve critical "lifeline" or emergency functions, such as fire and police facilities, utilities providing regional service, or water supplies if exposed to a significant risk that will curtail its lifeline function for a critical period of time.

(3) Uses with similar characteristics as determined by the Planning Official.

118 Hazardous Liquid Pipelines (new chapter)

- 118.010 Purpose
- 118.020 Applicability
- 118.030 Development Notice
- 118.040 Development Application and Submittal Requirements
- 118.050 Setback Requirements
- 118.060 Requirements for Land Use Compatibility
- 118.070 Variances

118.010 Purpose

The purpose of this section is to:

- A. Help prevent and minimize unnecessary risk to the public health, safety, and welfare due to hazardous liquid pipelines;
- B. Minimize the likelihood of accidental damage to hazardous liquid pipelines;
- C. Avoid exposing land uses with either high on-site populations that are difficult to evacuate or that provide emergency response functions to risk of injury or damage in the event of a pipeline failure;
- D. Help reduce adverse impacts in the event of a pipeline failure;
- E. Supplement existing federal and state regulations related to hazardous liquid pipeline corridor management; and
- F. Improve communication between property owners and pipeline operators to minimize the risk of inadvertent damage to hazardous liquid pipelines and to provide guidance to property owners about minimizing further risk through site design or construction.

The provisions of this section are intended to protect the health, safety and welfare of the general public and are not intended to protect any particular individual, class of individuals, or organization.

118.020 Applicability

The provisions of this chapter shall apply to all development activity, landfilling, excavation and construction on properties within 150 feet of any hazardous liquid pipeline corridor, as defined in KZC 5.10.348. This chapter does not apply to the conduct of pipeline operators. The conduct of pipeline operators is regulated by the Federal Pipeline Safety Act, 49 U.S.C. § 60101, et seq., and the Washington State Pipeline Safety Act, RCW 81.88. Pipelines within public rights-of-way are also regulated by the terms and conditions of franchise agreements between the City and pipeline operators. Modifications to existing structures are exempt from this

chapter if they do not involve landfilling, excavation or high consequence land uses, as defined in KZC 5.10.358.

118.030 Development Notice

Prior to conducting any development activity, landfilling, excavation, or construction located within 150 feet of a hazardous liquid pipeline corridor identified on the official City of Kirkland Olympic Pipeline Map, the applicant shall provide notification to the pipeline operator using a form provided by the City.

118.040 Development Permit Application Submittal Requirements

For all activities requiring a development permit:

- A. The applicant shall show the hazardous pipeline corridor and applicable setbacks on site plans, subdivisions and short subdivisions for proposed development on properties to which this chapter applies.
- B. The applicant shall provide verification that the pipeline operator has received and reviewed the development notice required in section 115.52.030. All comments provided by the operator shall be submitted or the operator shall confirm in writing that the operator has no comments.

118.050 Setback Requirements

- A. Hazardous Liquid Pipeline Corridor: No landfilling or excavation and no construction or expansion of structures is allowed within the corridor other than those authorized by the pipeline operator.
- B. Areas Adjacent to the Hazardous Liquid Transmission Pipeline Corridor.
 - 1. All development activity, landfilling, excavation and construction shall be setback a minimum of 25 feet from the edge of the corridor.
 - 2. The Planning Official may expand the setback when necessary to meet the purpose of this section due to site-specific conditions, such as proposed major land surface modification or proximity of the pipeline.
 - 3. The Planning Official may reduce the setback due to site-specific conditions and an applicant's demonstration that the purpose of this section will be met. Factors to be considered shall include but are not limited to:
 - a. Pipeline location as determined using the pipeline operator's normal locating procedures; and
 - b. Type of construction proposed.
 - 4. If the Planning Official reduces the setback from the corridor, the following applies:

- a. The setback shall be a minimum of 30 feet from the nearest edge of the pipeline.
 - b. The setback shall be measured from the nearest edge of the hazardous liquid pipeline.
 - c. The location of the pipeline and the reduced setback shall be shown on all approved site plans and subdivisions.
- C. Exemptions: Streets, utilities, trails and similar uses shall be exempt from subsections B1 and 2 above, provided that the pipeline operator shall be notified prior to landfilling, excavation or construction.
- D. Emergency Work: In the event of any emergency in which a pipeline breaks, is damaged, or is otherwise in such a condition as to immediately endanger the life, health, safety, or property of any person, the pipeline operator shall not be required to comply with this chapter or obtain permits prior to taking corrective action. The pipeline operator shall, however, call 911 immediately upon learning of the emergency.
- E. Setback Protection: Setbacks shall be identified and protected during construction by placement of a temporary barricade and on-site notices. Barricades and on-site notices are subject to review by the Planning Official.

118.060 Requirements for Land Use Compatibility

A. High Consequence Land Uses.

- 1. New high consequence land uses, as defined in KZC 5.10.358, proposed to be located within 500 feet of a hazardous liquid pipeline corridor are prohibited.
- 2. Proposed expansions to existing high consequence land uses located within 500 feet of a corridor shall be reviewed by the Planning Official to ensure that they are designed to avoid increasing the level of risk in the event of a pipeline failure, and where feasible, reduce the risk compared to the existing development. Potential techniques to minimize risk include but are not limited to:
 - a. Site design features, such as maintaining or increasing the distance between occupied structures, or structures that provide critical lifeline functions, and the pipeline and anticipated flow paths for leaking hazardous materials.
 - b. Building features, which do not result in a significant increase in on-site population or which expedite evacuation.
 - c. Technological features which provide accelerated notice of a pipeline failure to high consequence land uses to facilitate evacuation or which help avoid damage in the event of a failure of the pipeline.

- d. Operational features, such as emergency plans and education programs developed in consultation with the Fire Department including:
 - 1) The level of emergency planning and procedures appropriate for the proposed development. Based on the nature, occupancy, or location of a proposed development, the Fire Department may require emergency plans and procedures for any occupancy classifications.
 - 2) Plans and programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem and drills,
 - 3) Emergency plans and procedures shall be consistent with the Kirkland Fire Code and shall be approved by the Fire Department.

- B. Location: Prior to commencing any development activity, landfilling, excavation or construction on properties that abut a corridor, notification shall be given through the one-call locator service prior to commencement of any of the permitted work.

118.070 Variances:

Relief from the setback requirements of this chapter shall be in accordance with the standards and procedures found in KZC 120 - Variances. The City shall provide written notice of the variance proposal to the pipeline operator and any comments provided shall be incorporated into the findings of the decision.

55.47 User Guide.

The charts in KZC 55.51 contain the basic zoning regulations that apply in the TL 7 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 55.49



Section 55.49 – 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. A Hazardous Liquid Pipeline extends through the TL 7 zone. Refer to KZC 118 for regulations pertaining to properties near Hazardous Liquid Pipelines.
- 2.3 Any development activities requiring Design Review approval pursuant to KZC 142.15 in this zone shall be reviewed administratively (ADR), pursuant to KZC 142.25.
- 3.4 Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
- 4.5 Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

5.10.778 Residential Suites

- A structure containing single room living units with a minimum floor area of 120 square feet and maximum floor area of 350 square feet offered on a monthly basis or longer where residents share bathroom and/or kitchen facilities. "Residential Suites" does not include dwelling units, assisted living facility, bed and breakfast house, convalescent center, nursing home, facility housing individuals who are incarcerated as the result of a conviction or other court order, or secure community transition facility.

Note - The Use "Residential Suites" is added to the following Use Zone Charts subject to the regulations noted. Generally, the regulations parallel those for Attached and Stacked Dwelling Units, with the exception of parking requirements and special regulations.

50.12.085 (CBD 1A, 1B)

Use: Residential Suites

Required Review Process: D.R. Chapter 142 KZC

Lot Size: None

Required Yards:

Front: 0'

Side: 0'

Rear: 0'

Lot Coverage: 100%

Height of Structure: CBD 1A – 45' above each abutting right-of-way. CBD 1B – 55' above each abutting right-of-way.

Landscape Category: D

Sign Category: A

Required Parking Spaces: .5 per bed plus 1 per on-site employee. See KZC 50.60. See Spec. Reg. 2 & 3.

Special Regulations:

1. Development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.
2. The property owner shall prepare a Transportation Management Plan (TMP) for review and approval by the City and recording with King County. At a minimum, the TMP shall include the following requirements:
 - a. Charge for on-site parking for tenants who have cars.
 - b. Bus pass subsidies for tenants who don't have cars.
 - c. Lease provisions and monitoring requirements for the property owner to ensure that tenants are not parking off-site to avoid parking charges.
 - d. Adequate bicycle parking to meet anticipated demand.
 - e. Biennial survey of residents documenting transportation choices.

3. After one year of project occupancy, the Planning Official may allow a decrease in the required number of spaces if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study of the property. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two (2) days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer.

50.17.095 (CBD 2)

Use: Residential Suites. See Spec. Reg 2.

Required Review Process: D.R. Chapter 142 KZC

Lot Size: None

Required Yards:

Front: 0'

Side: 0'

Rear: 0'

Lot Coverage: 100%

Height of Structure: 28' above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.

Landscape Category: D

Sign Category: A

Required Parking Spaces: .5 per bed plus 1 per on-site employee. See KZC 50.60. See Spec. Reg. 4 & 5.

Special Regulations:

1. The following provisions, which supersede any conflicting provisions of this chapter, apply only if the subject property is within 200 feet of or includes a portion of Lake Washington:
 - a. Chapter 83 KZC contains regulations regarding shoreline setbacks and public pedestrian walkways.
 - b. No structure, other than moorage structures, may be waterward of the ordinary high water mark. For regulations regarding moorages, see the moorage listings in this zone and Chapter 83 KZC.
2. 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.

3. Development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.
4. The property owner shall prepare a Transportation Management Plan (TMP) for review and approval by the City and recording with King County. At a minimum, the TMP shall include the following requirements:
 - a. Charge for on-site parking for tenants who have cars.
 - b. Bus pass subsidies for tenants who don't have cars.
 - c. Lease provisions and monitoring requirements for the property owner to ensure that tenants are not parking off-site to avoid parking charges.
 - d. Adequate bicycle parking to meet anticipated demand.
 - e. Biennial survey of residents documenting transportation choices.
5. After one year of project occupancy, the Planning Official may allow a decrease in the required number of spaces if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study of the property. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two (2) days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer.

50.27.075 (CBD 3)

Use: Residential Suites. See Spec. Reg. 1.

Required Review Process: D.R. Chapter 142 KZC

Lot Size: None

Required Yards:

Front: 20' See Spec. Reg. 2

Side: 0'

Rear: 0'

Lot Coverage: 80%

Height of Structure: 41' above average building elevation.

Landscape Category: D

Sign Category: A

Required Parking Spaces: .5 per bed plus 1 per on-site employee. See Spec. Reg. 4 & 5.

Special Regulations:

1. 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.
2. 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.
 3. Development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.
 4. The property owner shall prepare a Transportation Management Plan (TMP) for review and approval by the City and recording with King County. At a minimum, the TMP shall include the following requirements:
 - a. Charge for on-site parking for tenants who have cars.
 - b. Bus pass subsidies for tenants who don't have cars.
 - c. Lease provisions and monitoring requirements for the property owner to ensure that tenants are not parking off-site to avoid parking charges.
 - d. Adequate bicycle parking to meet anticipated demand.
 - e. Biennial survey of residents documenting transportation choices.
 5. After one year of project occupancy, the Planning Official may allow a decrease in the required number of spaces if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study of the property. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two (2) days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer.

50.32.085 (CBD 4)

Use: Residential Suites.

Required Review Process: D.R. Chapter 142 KZC

Lot Size: None

Required Yards:

Front: 10'

Side: 0'

Rear: 0'

Lot Coverage: 100%

Height of Structure: 54' above average building elevation.

Landscape Category: D See Spec. Reg. 1

Sign Category: A

Required Parking Spaces: .5 per bed plus 1 per on-site employee. See Spec. Reg. 3 & 4.

Special Regulations:

1. Landscape Category C is required if subject property is adjacent to Planned Area 6C.
2. Development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.
3. The property owner shall prepare a Transportation Management Plan (TMP) for review and approval by the City and recording with King County. At a minimum, the TMP shall include the following requirements:
 - a. Charge for on-site parking for tenants who have cars.
 - b. Bus pass subsidies for tenants who don't have cars.
 - c. Lease provisions and monitoring requirements for the property owner to ensure that tenants are not parking off-site to avoid parking charges.
 - d. Adequate bicycle parking to meet anticipated demand.
 - e. Biennial survey of residents documenting transportation choices.
4. After one year of project occupancy, the Planning Official may allow a decrease in the required number of spaces if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study of the property. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two (2) days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer.

50.47.125 (CBD 7)

Use: Residential Suites. See Spec. Reg. 1.

Required Review Process: D.R. Chapter 142 KZC

Lot Size: None

Required Yards:

Front: 20'

Side: 0'

Rear: 0'

Lot Coverage: 80%

Height of Structure: 41' above average building elevation.

Landscape Category: D

Sign Category: A

Required Parking Spaces: .5 per bed plus 1 per on-site employee. See Spec. Reg. 3 & 4.

Special Regulations:

1. 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.
2. Development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.
 3. The property owner shall prepare a Transportation Management Plan (TMP) for review and approval by the City and recording with King County. At a minimum, the TMP shall include the following requirements:
 - a. Charge for on-site parking for tenants who have cars.
 - b. Bus pass subsidies for tenants who don't have cars.
 - c. Lease provisions and monitoring requirements for the property owner to ensure that tenants are not parking off-site to avoid parking charges.
 - d. Adequate bicycle parking to meet anticipated demand.
 - e. Biennial survey of residents documenting transportation choices.
 4. After one year of project occupancy, the Planning Official may allow a decrease in the required number of spaces if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study of the property. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two (2) days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer.

50.52.115 (CBD 8)

Use: Residential Suites

Required Review Process: D.R. Chapter 142 KZC

Lot Size: None

Required Yards:

Front: 10' See Spec. Reg. 3.

Side: 0'

Rear: 0'

Lot Coverage: 100%

Height of Structure: 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.

Landscape Category: D

Sign Category: A

Required Parking Spaces: .5 per bed plus 1 per on-site employee. See Spec. Reg. 5 & 6.

Special Regulations:

1. This use is not permitted on the street level floor adjacent to Central Way.
2. 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.
3. 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.
4. Development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.
5. The property owner shall prepare a Transportation Management Plan (TMP) for review and approval by the City and recording with King County. At a minimum, the TMP shall include the following requirements:
 - a. Charge for on-site parking for tenants who have cars.
 - b. Bus pass subsidies for tenants who don't have cars.
 - c. Lease provisions and monitoring requirements for the property owner to ensure that tenants are not parking off-site to avoid parking charges.
 - d. Adequate bicycle parking to meet anticipated demand.
 - e. Biennial survey of residents documenting transportation choices.
6. After one year of project occupancy, the Planning Official may allow a decrease in the required number of spaces if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study of the property. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two (2) days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer.

55.09.040 (TL 1A)

Use: Attached or Stacked Dwelling Units or Residential Suites

Special Regulations:

7. Residential Suites development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.

55.15.020 (TL 1B)

Use: Development Containing Both Office Use and Attached or Stacked Dwelling Units or Residential Suites

Special Regulations:

8. Residential Suites development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.

55.15.050 (TL 1B)

Use: Attached or Stacked Dwelling Units or Residential Suites

Special Regulations:

9. Residential Suites development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.

55.21.060 (TL 2)

Use: Attached or Stacked Dwelling Units or Residential Suites

Special Regulations:

3. Residential Suites development shall be designed, built and certified to achieve or exceed one or more of the following green building standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.

KZC CHAPTER 117 PERSONAL WIRELESS SERVICE FACILITIES AMENDMENTS

117.15 Definitions

3. ~~“Approved PWSF antenna or tower” shall mean any personal wireless service facility (PWSF) that has received all required permits, for the installation, maintenance, and reconfiguration of the facility.~~
8. ~~“Existing structure” shall mean, but is not limited to, any existing building, utility pole, water reservoir, other support structure, and structures accessory thereto.~~
13. ~~“Replacement structure shall mean a structure that replaces or is intended to replace an existing structure of a similar design and similar primary purpose, to enable the installation of or additional PWSF on that structure. If a “replacement structure” meets the definition of “tower,” it shall be regulated as a new tower.~~

(Definitions to be renumbered accordingly)

117.20 Applicability

1. ~~New Antennas and Towers PWSF~~ – All new antennas and towers PWSF shall comply with this chapter unless the applicant had a vested application to site said PWSF under a prior version of this chapter, or unless specifically exempted by KZC [117.25](#). See also 2.c. of this section.
2. ~~Approved Antennas and Towers PWSF~~ — Reconfiguration of or additions to an approved antenna or tower is permitted as noted in this chapter. Reconfiguration of or additions to an antenna or tower that was not approved are not allowed unless the entire facility obtains approval as a new facility through the appropriate review process.
3. ~~Existing Antennas and Towers~~
 - a. ~~The useage of existing antennas and towers approved PWSF shall be allowed to continue as they exist as of the effective date of this chapter. Routine maintenance and repair reconfiguration of PWSF antennas shall be permitted on such existing antennas and towers, subject to the limitations below. Activity not included in routine maintenance and repair requires compliance with this chapter except as stated in 2.b and 2.c of this section.~~
 - b. ~~Any reconfiguration pursuant to subsection (3)(a) of this section that increases the height or number of antennas shall be treated and processed as a new facility. PWSF Existing antennas that conform to the provisions of this chapter may be replaced by new PWSF antennas, if such new PWSF antennas are approved as a minor modification pursuant to KZC [117.105](#). However, the replacement of an existing tower, whether that tower conforms or does not conform to the provisions of this chapter, shall be treated and processed as a new facility.~~
 - c. ~~New antenna may be added to existing platforms or arms that are appended to approved towers if such new antenna are approved as a minor modification pursuant to KZC [117.105](#). However, new platforms or arms on approved towers will require compliance with this chapter.~~
 - d. ~~The replacement of existing antennas that do not conform to the provisions of this chapter shall be treated and processed as a new facility.~~
 - e. ~~The replacement of an existing tower, whether that tower conforms or does not conform to the provisions of this chapter, shall be treated and processed as a new facility.~~
4. ~~Equipment Structures~~

- ~~a. The usage of existing equipment structures shall be allowed to continue as it exists as of the effective date of this chapter. Routine maintenance, reconfiguration of, or additions to equipment structures shall be permitted, subject to the limitations below.~~
 - ~~b. Existing equipment structures may be replaced, and new equipment structures may be added to an approved antenna and/or tower; provided, that the new equipment structures conform with the provisions of this chapter, and are approved as a minor modification pursuant to KZC [117.105](#).~~
 - ~~c. Reconfiguration or addition of equipment structures that increases the size of the equipment structure enclosure shall be treated and processed as a new facility.~~
3. Not Approved PWSF – Any PWSF for which there is no record of a permit must be removed or receive a permit to comply with this chapter.
4. Equipment Structures
- ~~a. The usage of existing equipment structures shall be allowed to continue as it exists as of the effective date of this chapter. Routine maintenance, reconfiguration of, or additions to equipment structures shall be permitted, subject to the limitations below.~~
 - ~~b. Existing equipment structures may be replaced, and new equipment structures may be added to an approved antenna and/or tower; provided, that the new equipment structures conform with the provisions of this chapter, and are approved as a minor modification pursuant to KZC [117.105](#).~~
 - ~~c. Reconfiguration or addition of equipment structures that increases the size of the equipment structure enclosure shall be treated and processed as a new facility.~~
45. Other Wireless Communication Facilities – All of the provisions of this chapter, which address personal wireless services and PWSF, shall also be deemed to cover other wireless communications facilities (and, in particular, but without limitation, television, satellite radio, global positioning systems (GPS), and AM/FM radio towers not covered by KZC 115.60.c) to the maximum extent allowed by law.

117.35 Permit Required

In all instances, a permit must be obtained from the City before any PWSF may be constructed on any public or private land or right-of-way, including I-405, and SR 520, and the Burlington Northern Railroad right-of-way within the City limits.

117.80 Departures from Chapter Provisions

Provisions of this chapter shall not be subject to variances described in Chapter [120](#) KZC. However, through Process IIB, Chapter [152](#) KZC, the City may consider departures from chapter provisions for new PWSF, except for the following:

1. The 40-foot height limit for personal wireless service towers in residential zones; and/or
2. The 15-foot limit for antennas projecting above an existing or replacement utility pole or electrical distribution or transmission conductor in residential zones.

117.105 Complete Compliance Required

1. General – Except as specified in subsection (2) of this section, the applicant must comply with all aspects, including conditions and restrictions, of all prior approvals in order to do everything authorized by that approval.

2. Exception – Subsequent or Minor Modification – The Planning Official may approve a subsequent or minor modification to the permit ~~approved~~ for the PWSF if:
 - a. The modification is minor and will not substantially change the PWSF; ~~proposed facility~~; and
 - b. ~~The proposed modification will comply with the provisions of this chapter in effect at the time of the modification request; and~~ There will not be any substantial changes in the impacts on the neighborhood or the City as a result of the change.

Any modification, other than as specified in subsection (2) of this section, must be reviewed and decided upon as a new PWSF ~~approval~~ under this chapter.

PROPOSED LANGUAGE FOR LAND USE PERMIT EXTENSIONS

KZC Chapter 113 - Cottage, Carriage and Two/Three Unit Homes

113.45 Review Process

1. Approval Process – Cottage Housing Development

~~c. Lapse of Approval~~

~~Unless otherwise specified in the decision granting Process I approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the Process I approval within one year after the final decision granting the Process I approval or that decision becomes void. The applicant must substantially complete construction consistent with the Process I approval and complete all conditions listed in the Process I approval decision within three years after the final decision on the Process I approval or the decision becomes void. "Final decision" means the final decision of the Planning Director.~~

~~d. Extensions~~

~~The applicant may apply for a one-time extension, of up to one year, of the time limits under subsection (1)(c) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (1)(c) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the Process I approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (1)(c) of this section.~~

2. Approval Process – Carriage Unit and Two/Three-Unit Home Development

~~e. The lapse of approval and extension provisions in subsections (1)(c) and (1)(d) of this section also apply to carriage unit and two/three-unit home development approved under either Process I or Process IIA.~~

KZC Chapter 117 - Personal Wireless Service Facilities

117.100 Lapse of Approval

For Planning Official decisions required by this chapter and issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 117.95, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the development activity or other actions. For Planning Official decisions required by this chapter and issued on or after January 1, 2015,
~~the applicant must begin construction or submit to the City a complete building permit application for the development activity or other actions approved under this chapter within~~

~~one (1) five (5) years~~ after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC [117.95](#), the running of the ~~one (1) five (5) years~~ is tolled for any period of time during which a court order in said judicial review proceeding prohibits the development activity or other actions.

(new paragraph break) For Planning Official decisions issued on or before December 31, 2014, the applicant must substantially complete construction for the development or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter or the decision becomes void. For Planning Official decisions issued on or after January 1, 2015, the applicant must substantially complete construction for the development or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within ~~two (2) seven (7) years~~ after the final approval on the matter, or the decision becomes void.

(new paragraph break) For development activity or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

Refer to the Lapse of Approval requirements for all other review processes required by this chapter.

KZC Chapter 125 - Planned Unit Development

125.80 Lapse of the Approved PUD

- ~~1. Increased Time — City Council may, by the ordinance approving the final PUD or by the resolution or ordinance approving the preliminary PUD, extend the time limits of KZC [152.115](#) for that PUD. Otherwise, within four years after the final decision of the City of Kirkland approving the preliminary PUD the applicant must have obtained approval of the final PUD and submitted a complete building permit for the PUD or the lapse provisions of KZC [152.115](#) will apply.~~
- ~~2. Effect on Land Use if PUD Lapses — If an approved PUD lapses under the time limits of KZC [152.115](#), or subsection (1) of this section, any development on the subject property must comply with all applicable laws of the City as if the PUD had not been granted.~~

KZC Chapter 142 – Design Review

142.55 Lapse of Approval for Design Review Board Decisions

- ~~1. General — Unless otherwise specified in the decision granting D.B.R. approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the D.B.R. approval within one (1) year after the final decision granting the D.B.R. approval or that decision becomes void. The applicant must substantially complete construction consistent with the D.R. approval and complete all conditions listed in the D.B.R. approval decision within three (3) years after the final decision on the D.B.R. approval or the decision becomes void. “Final decision” means the final decision of the Planning Official or Design Review Board.~~
- ~~2. Extensions~~

- ~~a. Application — The applicant may apply for a one-time extension, of up to one (1) year, of the time limits under subsection (1) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (1) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the D.B.R. approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (1) of this section.~~
- ~~b. Fee — The applicant shall include with the letter of request the fee as established by ordinance.~~
- ~~c. Review Process — An application for a time extension will be reviewed by the Planning Official.~~

~~3. Appeals~~

- ~~a. Who Can Appeal — Any person who is aggrieved by a time extension or denial of a time extension under this section may appeal that determination.~~
- ~~b. How To Appeal — The applicant must file a letter of appeal within 14 days of the approval or denial of the time extension indicating how the determination affects his/her property and presenting any relevant arguments or information on the correctness of the determination. The applicant shall include the appeal fee as established by ordinance.~~
- ~~c. Applicable Procedures — All appeals of decisions under this section will be reviewed and decided upon using Process IIA, described in Chapter [150](#) KZC.~~

For final approvals under this chapter issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void.

For final approvals under this chapter issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within seven (7) years after the final approval on the matter, or the decision becomes void.

For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

KZC Chapter 145 – Process I

145.115 Lapse of Approval

For final approvals under this chapter issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 145.110, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. For final approval under this chapter issued on or after January 1, 2015, ~~the~~ applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within ~~four (4)~~ five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 145.110, the running of the ~~four (4)~~ five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions.

(new paragraph break) For final approvals under this chapter issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, ~~the~~ applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within ~~six~~ seven (7) years after the final approval on the matter, or the decision becomes void.

(new paragraph break) For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

KZC Chapter 150 – Process IIA

150.135 Lapse of Approval

For final approvals under this chapter issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 150.130, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. For final approval under this chapter issued on or after January 1, 2015, ~~the~~ applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within ~~four~~ five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 150.130, the running of the ~~four~~ five (5) years is tolled for any period of time during which a

court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions.

(new paragraph break) For final approvals under this chapter issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, ~~the~~ applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within ~~six~~ seven (7) years after the final approval on the matter, or the decision becomes void.

(new paragraph break) For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

KZC Chapter 152 - Process IIB

152.115 Lapse of Approval

For final approvals under this chapter issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC [152.110](#), the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. For final approval under this chapter issued on or after January 1, 2015, ~~the~~ applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within ~~four-five~~ (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC [152.110](#), the running of the ~~four-five~~ (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions.

(new paragraph break) For final approvals under this chapter issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, ~~the~~ applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within ~~six~~ seven (7) years after the final approval on the matter, or the decision becomes void.

(new paragraph break) For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

KMC Title 22 Subdivisions

Chapter 22.16 Final Plat Procedure

22.16.010 Final Plat - Submittal – Time limits

A Final Plat shall be submitted to the City Council within seven (7) years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five (5) years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. Any Final Plat not submitted within the time limits set forth in RCW 58.17.140 shall be void.

22.16.130 Plat documents—Recordation with county—When.

After the plat documents are signed, they will be transmitted to the city clerk's office for recording with the appropriate offices in King County. Unless specifically extended in the decision on the plat, the plat must be submitted to the city for recording with King County within six (6) months ~~four years~~ of the date of approval of the preliminary plat or the decision becomes void; provided, however, that in the event judicial review is initiated per Section [22.16.110](#), the running of the six (6) months ~~four years~~ is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat; ~~and provided further, that an approval which would otherwise become void after July 6, 1994, under a provision which is now being amended by the ordinance codified in this section, shall only become void if it would still do so under all amendments made by Ordinance 3421*.~~ (Ord. 3705 § 2 (part), 1999)

Code reviser's note: Ord. 3421* was repealed by Ord. 3433*.

Chapter 22.20 Short Subdivisions

22.20.370 Short plat documents—Recordation—Time limit.

After the short plat documents are signed, they will be transmitted to the city clerk's office for recording with the applicable office in King County. For short plats approved on or before December 31, 2014, the short plat must be recorded with King County within seven (7) years of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat. For short plats approved on or after January 1, 2015, the short plat must be recorded with King County within four-five (5) of the date of approval or the decision becomes void; provided, however, that, in the event judicial review is initiated, the running of the four-five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat; ~~and provided further, that an approval which would otherwise become void after July 6, 1994, under a provision which is now being amended by the ordinance codified in this section, shall only become void if it would still do so under all amendments made by Ordinance 3421*.~~ (Ord. 3705 § 2 (part), 1999)

Code reviser's note: Ord. 3421* was repealed by Ord. 3433*.

**Proposed Language for Electronic Readerboards
KZC Use Zone Charts 15.10.030, 17.10.030, 18.10.030 and 56.20**

Electrical signs shall be permitted at Junior High/Middle Schools and High Schools. One pedestal sign with a readerboard having electronic programming is allowed per site only if:

- a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
- b. The electronic readerboard is no more than 50 percent of the sign area;
- c. Moving graphics and text or video are not part of the sign;
- d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
- e. The electronic readerboard displays messages regarding public service announcements or school events only;
- f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
- g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m.;
- h. The school is located on a collector or arterial street.

The City shall review and approve the location of the sign on the site. The sign shall be located to have the least impact on surrounding residential properties. If it is determined that a proposed electronic readerboard would constitute a traffic hazard the Planning Director may impose restrictions or deny the readerboard.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
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						
.030 School or Day-Care Center	See Spec. Reg. 10.	As established on the Zoning Map. See Spec. Reg. 1.	If this use can accommodate 50 or more students or children, then: 50' 50' on each side 50' If this use can accommodate 13 to 49 students or children, then: 20' 20' on each side 20'			70%	25' above average building elevation. See Spec. Reg. 12.	D	B See Spec. Reg. 8.	See KZC 105.25.	1. Minimum lot size is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 6.3 zones, the minimum lot size is 6,300 square feet. f. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. May locate on the subject property only if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods. c. The property is served by a collector or arterial street (does not apply to existing school sites). 3. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 4. Hours of operation and maximum number of attendees at one (1) time may be limited to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 6. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Car-pooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 8. Electrical signs shall not be permitted. 9. May include accessory living facilities for staff persons. 10. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC.

Replace language in #8 with proposed language

REGULATIONS CONTINUED ON NEXT PAGE



Section 17.10		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						
.030	School or Day-Care Center (continued)									<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <ol style="list-style-type: none"> 3. May locate on the subject property only if: <ol style="list-style-type: none"> a. It will not be materially detrimental to the character of the neighborhood in which it is located; or b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods. c. The property is served by a collector or arterial street. 4. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 5. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 6. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 7. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area 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. 8. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 9. Electrical signs shall not be permitted except at Lake Washington and Juanita High Schools. One pedestal sign with a readerboard having electronic programming is allowed at each high school only if: <ol style="list-style-type: none"> a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face; b. The electronic readerboard is no more than 50 percent of the sign area; c. Moving graphics and text or video are not part of the sign; d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way; e. The electronic readerboard displays messages regarding public service announcements or school events only; f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness; <p>REGULATIONS CONTINUED ON NEXT PAGE</p>	

Replace language in #9 with proposed language





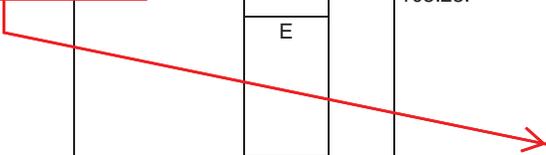
DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 18.10	USE  REGULATIONS 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.030	School or Day-Care Center (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE 8. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area 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. 9. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 10. For school use, structure height may be increased, up to 35 feet, if: 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. 11. May include accessory living facilities for staff persons. 12. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 13. Electrical signs shall not be permitted.	
.040	Mini-School or Mini-Day-Care Center See Spec. Regs. 1 and 2.	Process I, Chapter 145 KZC.	As established on the Zoning Map. See Spec. Reg. 3.	20'	5' but 2 side yards must equal at least 15'.	10'	50%, except 30% for RSA 1 zone. See Gen. Reg. 3. See Gen. Reg. 4 for Holmes Point overlay zone.	30' above average building elevation.	E See Gen. Regs. 3 and 4.	B See Spec. Reg. 9.	See KZC 105.25.	1. May locate on the subject property if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. This use is not permitted on properties within the jurisdiction of the Shoreline Management Act. See Chapter 83 KZC. 3. Minimum lot size is as follows: a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area. b. In RSA 4 zones, the minimum lot size is 7,600 square feet. c. In RSA 6 zones, the minimum lot size is 5,100 square feet. d. In RSA 8 zones, the minimum lot size is 3,800 square feet.

Replace language in #13 with proposed language



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 56.20	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 YARD (See Ch. 115)			Lot Coverage					Height of Structure	
				Front	Side	Rear							
.080	Private Lodge or Club	D.R., Chapter 142 KZC	None	0' adjacent to NE 38th Place and Northup Way. Otherwise, 20'.	0'	0'	80%	In YBD 2, 55' above average building elevation.	C	B	1 per each 300 sq. ft. of gross floor area		
.090	Hospital Facility										B		See KZC 105.25.
.100	Public Utility										A		
.110	Church										C		1 for every 4 people based on maximum occupant load of any area of worship. See Spec. Reg. 2.
.120	School or Day-Care Center										D		See KZC 105.25.
.130	Mini-School or Mini-Day-Care										E		
.140	Government Facility Community Facility	C See Spec. Reg. 1.		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.									
.150	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											

Add #5 with proposed language



162.6035.12 ~~Special Provisions for Continued Uses—~~ Nonconforming Density

The provisions of this section set forth when, and under what circumstances, residential property with nonconforming density may continue in existence or be rebuilt or redeveloped. An existing lawful use of a residential structure which became nonconforming as to density either ~~as a result of amendatory Ordinance No. 2347 or due to other zoning changes implemented to bring about conformity with the Comprehensive Plan~~ shall be allowed to continue in existence, or be remodeled, repaired or maintained subject to the conditions listed below. ~~Redevelopment or rebuilding may not occur unless the structure is destroyed by fire or other casualty (see subsection (4) of this section).~~

1. ~~The provisions of this section apply only to multifamily structures in areas designated by the Comprehensive Plan~~ Zoning Code for multifamily use.
2. ~~Any change in use shall conform to the Comprehensive Plan and zoning regulations in effect at the time such change is made.~~
3. ~~Any change in density shall comply with the provisions of this section.~~
42. Ordinary repairs and maintenance may be carried out consistent with the provisions of this chapter; ~~provided, that there shall be~~ with no limitation on the amount or cost of such repairs and maintenance.
53. Remodeling may be carried out consistent with the provisions of this chapter; provided, ~~that within any 24 month period, the value of all improvements may not exceed 50 percent of either the assessed valuation of the existing structure based on the King County assessed valuation of the structure, or the value of the existing building as determined by the most current Building Standards as published by the International Conference of Building Officials, whichever is greater. If there is no King County assessment for the structure to be remodeled, the most current Building Standards as published by the International Conference of Building Officials shall be used to determine valuation~~ there is no change to the configuration of exterior walls.

~~The density within the remodeled density structure is no greater than~~ must be at least 75 percent of that contained in the original structure. The major exterior dimensions of the structure shall not exceed the major exterior dimensions of the previous structure. Except as noted in this subsection and subsection (7) of this section, this provision shall not reduce any requirements of the zoning, building, or fire codes in effect when the structure is remodeled.

64. Residential property with nonconforming density shall not be subject to the provisions of this chapter relating to destruction by fire or other casualty. In the event a residential structure that is nonconforming as to density is destroyed to any extent by fire or other casualty, the structure may be rebuilt as a residential structure; provided, however, that the number of dwelling units, gross floor area of the structure, and major exterior dimensions of the structure shall not exceed the same dimensions or standards of the previous structure. This subsection shall not reduce any requirements of the zoning,

building, or fire codes in effect when the structure is rebuilt. The property owner shall also have the option of rebuilding the structure at a reduced density, as described in subsection (5) of this section. The provisions of this subsection shall only be available if an application for a building permit is filed within 12 months of fire or other casualty and construction is commenced and completed in conformance with the provisions of the building code then in effect.

- ~~7. Should the number of parking stalls provided on-site be insufficient to meet zoning regulations in effect at the time of remodeling, this deficiency shall be allowed to remain with the remodel; provided, that the number of stalls may not be reduced from the number of stalls on-site with the original structure. Any surplus of parking stalls above those required by the zoning regulations in effect at the time of remodeling may be eliminated.~~
8. ~~The owner of a continued use nonconforming as to density may request the issuance of a "certificate of continued use" which shall identify the property, existing use, density and site characteristics for which the certificate is issued and which shall include the provisions of this chapter.~~

162.35.1213. Any Other Nonconformance

If any nonconformance exists on the subject property, other than as specifically listed in the prior subsections of this section, these must be brought into conformance if:

- a. The applicant is making any alteration or change or doing any other work in a consecutive 12-month period to an improvement that is nonconforming or houses, supports or is supported by the nonconformance, and the cost of the alteration, change or other work exceeds 50 percent of the replacement cost of that improvement; or
- b. The use on the subject property is changed and this code establishes more stringent or different standards or requirements for the nonconforming aspect of the new use than this code establishes for the former use.

The following is correspondence received for the HCC February
27, 2012 meeting



February 27, 2012

City of Kirkland
Planning Department
Attn: Nancy Cox, Development Review Manager
123 Fifth Avenue
Kirkland, WA 98033

VIA EMAIL AND HAND DELIVERY

**RE: Amendments to KZC Chapter 117 – Personal Wireless Service Facilities (PWSF)
Kirkland Planning Commission, Houghton Community Council
AT&T LTE 4G Overlay Project**

Dear Nancy:

Thank you for alerting me to the upcoming discussions with the Kirkland Planning Commission and Houghton Community Council regarding potential changes to the nonconforming requirements that would apply to AT&T's existing wireless facilities in the city. We appreciate this opportunity to comment on and express support for potential code changes that would allow AT&T to more quickly and sensibly upgrade its facilities to provide the latest wireless technologies that Kirkland residents enjoy.

In the past four years, demand for data provided by AT&T has grown exponentially, by 8,000%, prompting AT&T to invest heavily in new generations of technology to keep up. AT&T is in the process of upgrading all of its Kirkland facilities to the latest wireless broadband technology – LTE (also known as a 4G network), which will eventually be capable of 125 Mb/s. By way of comparison, LTE connections will be capable of approximately ten times the current speed of most home cable internet connections of Kirkland residents.

The impact of the upgrading all of AT&T's facilities in Kirkland is fairly modest. Existing sites (ranging from rooftop, utility pole, and monopole facilities) would generally require one antenna per sector to be added/replaced (up to three antennas per site) as well as the addition of a new small equipment cabinet inside existing compound. The change in the visual impact of each site would range from being unnoticeable (where antennas are replaced) to very minor (a few antennas added).

The major issues we have found with Kirkland's wireless code relate to nonconforming requirements that preclude AT&T from upgrading to new technologies on many existing sites without significant compromises. The way the Code is written today, some existing antennas cannot be replaced with a new antennas, even if they were identical, without requiring a new permit. The replacement antennas would be subject to new design requirements, even if they were legally permitted in Kirkland or predecessor jurisdictions. These changes range from having



to lower height, which can lead to an overall loss of coverage, changing the configuration of antennas, which can lead to a significant loss in system efficiency, and in some case, make sites unable to function at all, leading to construction of more facilities to be built to make up the loss. Keep in mind that the visual impact of these minor upgrades is very small to begin with. These wireless facilities already exist and already contribute to the character of the neighborhoods in which they are located.

Overall, the nonconforming requirements are very costly, very time consuming, and don't make sense given the modest level in which the facilities are being modified.

It is important to note that Kirkland's nonconforming requirements for wireless facilities appear to be inconsistent with recent federal legislation (Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, see attached) regarding upgrades/modifications to wireless facilities. The statute says, "local government may not deny, and shall approve any eligible facilities request for a modification... that does not substantially change the physical dimensions of such tower and base station." The modification is defined as the replacement, removal, and addition of antennas/equipment. Even before this recent legislation, there was a question whether Kirkland's nonconforming requirements for wireless facilities were legal, and more practically, enforceable.

Regardless, there are good, practical reasons for the City to change these requirements. With such a large population of technology workers and businesses in and around Kirkland, it is important that new wireless technologies be deployed quickly to support the pace of innovation created by these workers and industries. The City of Kirkland is important to AT&T – we would like to work constructively with the City on regulations that allow for facilities to be upgraded quickly, and do not substantially increase impacts on the community.

We appreciate this opportunity to comment. If you have any questions, feel free to contact me at (206) 227-0020 or at ken.lyons@wirelesscounsel.com.

Sincerely,

A handwritten signature in black ink that reads 'Ken Lyons'.

Ken Lyons
Jurisdictional Relations Director, PNW, LTE

cc: Peter Gonzales, AT&T Mobility
Rich Busch, Busch Law Firm, PLLC
File

The following is correspondence received for the April 23, 2012
HCC meeting

From: [Paul Stewart](#)
To: [Joan Lieberman-Brill](#)
Subject: FW: follow up from meeting Feb 27, 2012 on chicken policy
Date: Wednesday, March 07, 2012 10:39:04 AM
Attachments: [03062012 chickens.docx](#)

-----Original Message-----

From: Kathy Weber [<mailto:kirklandweber@me.com>]
Sent: Tuesday, March 06, 2012 7:45 PM
To: Houghton Council
Cc: Nancy Cox
Subject: follow up from meeting Feb 27, 2012 on chicken policy

To the members of the Houghton Community Council-- After further discussion and research on some of the issues you raised in your meeting February 27, I wanted to respond further, by forwarding you this letter I have addressed to the Planning Commission in advance of their meeting Thursday March 8. Thank you for the work you do on behalf of Kirkland!

Kathy Weber

The following is correspondence received for the April 26, 2012
PC meeting

To: Planning Commission members
From: Kathy Weber
March 6, 2012

Chickens policy and code amendments—There are many residents in addition to myself who are enthusiastic about backyard chickens, but are not attending public meetings on the subject. Unfortunately, several families were confused about the existing chicken policies and already own chickens with lots legally “too small”. Others have decided to enjoy their backyard chickens quietly in hopes that the policies would one day be revised.

I want to express my views on the decisions you are discussing on March 8, 2012, as well as respond to the concerns of several Houghton Community Council members from the meeting on February 27, 2012. Please see my letter dated March 6, 2011 in your meeting packet materials, and I will not repeat myself.

- (1) **Lot size** question: anyone with a single family home should be able to raise chickens in their backyard if they have the desire and the room to do so. If residents have a relatively larger lot for a relatively larger coop they should be able to raise more chickens. Seattle says everyone can have six chickens. Redmond specifically states how many chickens one can own based on the zoning area, from 4-10. Shoreline sensibly states that chickens must have 200 cu ft each in their coop, and regulates the maximum coop size. I begin to like Shoreline’s approach. Currently, Kirkland residents with over 35,000 sq ft lots may own up to 20 chickens, and I favor keeping current rules for these residents with large lots who may already own chickens.
- (2) **Setback** question: it makes sense to me to require setbacks from property lines with other neighbors similarly to a garden shed or dog house.
- (3) **Coop cleanliness**: people who wish to raise chickens are likely to take good care of them. We are willing (Kirkland Coalition for Backyard Agriculture members) to sponsor community building educational forums for residents interested in best practices, after new policies are in place. It is difficult to regulate cleanliness.
- (4) **Lot size for roosters**: Seattle says “no roosters”; Redmond says “no roosters”; Shoreline “discourages roosters”, but allows them; Kirkland allows roosters on lot sizes in excess of 35,000 sq ft; If it is not broken, don’t fix it. There are passionate opinions on roosters. Ok with me if we must prohibit roosters on lot sizes under 35,000 sq ft, but I don’t favor making new, more restrictive rules for lot sizes over 35,000 sq ft. We live in a civil society and we all hear some noises from each other: freeway traffic, lawn mowers, dogs. On the occasion that a chick is mis-sexed when it arrives from the hatchery, it will make a good dinner or can be adopted out by the time it matures enough to crow.

(continued)

Concerns I heard expressed at Houghton Community Council meeting—

- (5) **Rodents:** we all have seen or heard of rats in Kirkland. They have no doubt lived among us for generations. Keeping feed bins closed, airtight, and coops clean are a great deterrant (source: Seattle Tilth). In addition, Redmond requires that coops prohibit points of uncontrolled access to coops larger to than ½ inch. Together, these ideas sound sensible.
- (6) **Noise:** Mature roosters will crow in the morning, and throughout the day. I loved the rooster in my neighborhood that lived here when I moved to Kirkland 12 years ago, but some did not. We will have to decide our policy on roosters. Hens will make some clucking sounds, particularly in the act of laying an egg, approximately one per day per mature hen. In addition, you may hear them briefly, if they are disturbed by a stranger. They are silent at night because they are sleeping. This is no more intrusive than a ball game, a lawn mower, or a neighbor's outdoor dinner.
- (7) **Salmonella risk from purchased eggs:** It is not economically viable to have a profitable business from a few backyard chickens, so rules regarding eggs bought or sold seem a non-issue. It is unlikely that this will be attempted. Existing regs are silent on the potential issues of "eggs for sale". It can stay that way. Any of us must be prudent when extra lettuce or apples are shared between neighbors or when we buy local produce at our farmer's markets. We cannot regulate common sense.

April 26, 2012

BY ELECTRONIC MAIL

City Council Members
City Planning Commission
City of Kirkland
123 5th Avenue
Kirkland, WA 98033

Re: 2012 Misc. Zoning Code Amendments – Study Session
Non-Conforming Density Properties – Chapter 162 Section 162.60
Regulations beyond “density” restrictions – incompatibility with adjacent BN-
Residential Markets

Dear Council Members and Planning Commissioners:

On behalf of my clients, I write you today regarding proposed Kirkland zoning code changes to non-conforming density regulations. The current zoning code amendments for non-conforming densities apply to most of the property owners who have been involved in the BN-Residential Market review. On behalf of my clients, I wish to express support for some of the proposed changes, but to also draw attention to some remaining areas, which seem to unintentionally disfavor, or needlessly restrict the owners of surrounding properties and thus creating more of an inequity of treatment between the BN-Residential Market and neighbors in RM zones.

Historically, all land south of the centerline of 7th Ave. S. (approximately downtown) and north of the centerline of NE 63rd St. experienced a dramatic reduction in development potential due to specific, problematic vehicular ingress and egress along Lake St./Lake Washington Blvd NE. This also avoided creation of greater "cut through traffic" on neighborhood streets like 10th Ave. S. This down zone was for all of the land within the area described in Resolution 2639. A copy is available upon request. Through a legal settlement in 1979, the non-conformance created was due to density concerns only. The existing condominiums and apartments were generally built at 20-30% lot coverage even though the RM properties allow a footprint that can cover 60% of the lot.

City of Kirkland
April 26, 2012
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The 1977 down zone did not address or aim to reduce the allowable lot coverage in the RM zone in contrast to the Comprehensive Plan changes that did require alterations to zoning text in order to restrict size and scale of the two areas identified as Residential Market - Commercial. We advocate restricting lot coverage in the Residential Market commercial zone as a means of managing bulk and scale. This was the work assigned to the Planning Department by Ordinance in 1995 which, to date, has not been modified to the extent that it implements the Comp Plan.

We do object to the entire current planning effort. Several areas of the proposed change to non-conforming densities are very positive. For example, we are pleased to learn that staff recommends removing financial barriers that have kept some owners from repairing, remodeling, or replacing existing structures. There are several structures along Lake St. S./ Lake Washington Boulevard that have been rotting due to inability to work within the constraints that are in place. Also, previous interpretations of what was "repair" and what was "remodeling" were inconsistent. Removing the cost barrier in the new text should be positive for both property owners and the city. Improved properties bring higher tax dollars to Kirkland.

We are also pleased that the City planners have now recognized that where condominium ownership exists, it is not practical to require future development at reduced density. An example of this being that it would be impossible to determine which owners would get to keep their units and which would be displaced. Similarly, a requirement that some of the rebuilt units must be "affordable" would leave the homeowners associations in the helpless position of determining whose units were rebuilt as market rate units and who would reconstruct theirs as affordable dwellings.

However, on the other side of the equation, are those areas of the proposed zoning code changes that limit future development size, scale, etc. These do not appear to be the reason for the historical density restriction. The property owners question why remodel, or redevelopment, would be restricted to the 20%-30% lot coverage footprint that each currently occupies. Development standards currently in place allow a maximum of 60% lot coverage. Further exacerbating this problem for properties around the BN-Residential Market is that the commercial property has not yet had a reduced lot coverage implemented and can currently be built to 80% lot coverage (a four-fold difference in footprint and an even greater difference in overall volume/size of building). It bears repeating that they have been arguing that a "Very Small Building Center" cannot be achieved with 80% lot coverage and is not compatible or integrated into a neighborhood where the lot coverage maximum is 60%. You can imagine the further disparity if buildings are held to 20%-30% coverage as currently exists.

Another consideration is the combination or property aggregation of BN-Residential Market lots, which would further separate the look and feel and compatibility with surrounding RM properties which must keep their current footprints and are precluded from lot aggregation with their own lot line adjustments. The end result should not be even greater "monster buildings" in the Residential Markets properties, adjacent to the more highly restricted, much smaller, RM buildings.

City of Kirkland
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My clients have an additional concern about a newly proposed regulation which would suddenly require a minimum density for these properties alone. The proposal seems to be new to Kirkland and unique to these properties as it requires a floor of 75% of the existing number of units during any redevelopment. This restricts the choices available to property owners. For a building that was built with 24 dwelling units and now zoned for a maximum of 12 units, this would impose an artificial floor of 18 units, which is six units higher than the up to 12 units allowed under RM 3.6 zoning. It is anticipated that most would not want to reduce density, but there may be situations where 24 little rental apartments could be rebuilt as 12 or 14 nice apartments or condos. It is hard to predict the variability and seems a bit over-reaching in regulations if a rebuild has a minimum density as suggested.

My clients would encourage a more simplified non-conforming policy. It would allow for maintaining the non-conforming density no matter the repair, remodel or redevelopment. No increase in non-conforming density would be allowed except that a bonus would be allowed only if they were affordable units. Thus a non-conforming condominium of 24 units could become 27 units if the 3 additional helped the city meet its affordability targets.

In summary, there is support for provisions that would allow buildings to be remodeled/repared with greater ease and that would protect individual condominium owners from having to "draw straws" to see who is compromised by Kirkland regulations.

There is opposition to restrictions on lot coverage and the idea of a minimum density percentage. Opposition is heightened where maintenance of current building footprint creates potential for greater size and scale difference between RM properties and whatever results in lot coverage for BN-Residential Market.

Our final inquiry and comment today relates to the sufficiency of legal notice of the proposed changes to Comp Plan and non-conforming densities. As these changes could have significant impact on some property owners, are we to assume that they have received meaningful notice that these amendments are being considered?

Thank you for your continued hard work to achieve zoning that implements the Residential Market - Commercial as approved by Ordinance in 1995 and on numerous occasions since. Additionally thank you for your careful consideration of the changes suggested for Non-conforming Densities.

Sincerely,



Brian E. Lawler

cc: L. Triplett, City Manager (Email Only)
R. Jenkinson, City Attorney (Email Only)

BACKYARD CHICKEN POLICY UPDATE CONSENSUS April 24, 2012

It is great that we are finally finding coming together on the details of friendlier policies regarding backyard chickens. You have reviewed Kirkland's current policies and those of many neighboring cities. We have discussed at length the desire for more of our City residents to legally raise backyard chickens.

1--HOW MANY chickens on HOW BIG LOT?

KEEP IT THE SAME: All lots exceeding 35,000 sq ft (0.8A) may have 20 chickens (includes ducks). They may have 1 additional bird for every 500 sq ft in excess OF 35,000 sq ft..

ADOPT NEW RULES: Maximum 8 chickens on smaller lots (as Seattle does). When the lot is larger than 10,000 sq ft, 1 additional chicken is permitted for each additional 1000 sq ft.

Note: Do not need minimum lot size because practical aspects of placing a pen will govern. This is a reasonable number of chickens for anyone to have a successful backyard agriculture experience in any neighborhood of Kirkland. The Seattle policies have worked well in an area with more density than many Kirkland neighborhoods. Adopt Seattle policy for lots smaller than 35,000 sq ft.

2—PERMIT OR APPLICATION PROCESS?

KEEP IT THE SAME: No, neither.

Note: Let's spend our time on more important things. Staff is lean and this is unnecessary. Just enough government, rather than too much government, eh?

3—SHOULD ROOSTERS BE ALLOWED?

KEEP IT THE SAME: Only on lots exceeding 35,000 sq feet as they are now. Roosters are prohibited on lots smaller than 35,000 sq ft.

Note: They keep a flock healthier, chickens happier, and are more aggressive at fending off predators. People who have legal roosters on very large lots now should not be penalized by our efforts to expand the property rights and backyard agriculture opportunity for those with lots under 35,000 sq ft. If there is ever an issue we have noise ordinances that will govern any complaint.

4—SETBACKS?

KEEP IT THE SAME: Rules regarding garden structures now say that setback

from neighboring property line should be 5' on the side and 20' at the front. Keep this.

ADOPT NEW RULES: Chicken coop structures must be 10' from dwelling unit on adjacent lot (like Seattle). Advocates for backyard chickens like the idea of measuring distance from neighbor's dwelling, not simply the property line (like Seattle does)

Note: This is both respectful of next door neighbors and is reasonable for residents wishing to have backyard chickens. The setbacks should be comparable to Seattle and to the original King County ordinances governing our annexed areas as stated.

5—COOP CONCERNS: DESIGN, CLEANLINESS, CONSTRUCTION

KEEP IT THE SAME: Must provide a suitable structure or pen to house the animals and must maintain it in a clean condition.

Note: There are best practices in coop design and construction and resources are available for those who want to learn. We do not need to mandate additional details re construction methods, size, or height. There will be personal design choices, and we hope to include some Kirkland coops on the backyard coop tour sponsored by Seattle Tilth. There are best practices for food storage and coop design to keep pests and predators away, and they should remain "best practices" rather than rules.

FOOTNOTE: These are enough rules. Government has bigger things to grapple with. Residents motivated to keep chickens are generally a considerate and responsible group. Any additional rules have unintended consequences. They may penalize our new citizens of the annexed areas in ways that are not at all welcoming. Many in the newly annexed area have modeled the success of backyard chickens without incidents for decades. This is a time to come together with a common purpose. It is reasonable to adopt all of these rules now. It is not reasonable to "go part way" and say we can revisit this later as the process of reviewing and creating policy change in Kirkland is tedious and slow. We have been dialoguing for nearly two years and we aren't yet done. This, summary, however, seems to summarize the growing consensus.

Let us encourage more citizens to enjoy the community fun and fresh healthy food benefits of back yard agriculture!

Kathy Weber
Kirkland Coalition for Backyard Agriculture

From: [Paul Stewart](#)
To: [Joan Lieberman-Brill](#)
Subject: FW: Comments on chicken raising in Kirkland (Chapter 115 Section 115.20.4 "Chickens")
Date: Thursday, April 26, 2012 8:43:15 AM

From: Neil Kauffman [mailto:neil@neilk.org]
Sent: Wednesday, April 25, 2012 7:12 PM
To: Planning Commissioners
Subject: Comments on chicken raising in Kirkland (Chapter 115 Section 115.20.4 "Chickens")

Hello,

I'm writing in favor of reducing the lot requirements for owning chickens in Kirkland. I unfortunately cannot attend the April 26th meeting so I wanted to give my thoughts in writing.

I grew up in Wisconsin and have owned chickens and other animals for much of my life. I feel the current lot size requirements for owning chickens don't reflect the reality of what chickens humanely require.

- Any size single-family lot is large enough to raise several chickens. A small 20 sq foot coop with a 100 sq foot run is plenty of space for 4 chickens to be raised healthily and happily.
- As a comparison, the United Egg Producers current cage sizing recommendation is 67 to 86 sq inches per bird (according to Wikipedia.) While no backyard chicken enthusiast would subject their pets to such confinement it shows the tiny space in which chickens are routinely raised in factory egg farms.
- Chickens can easily be contained to a single lot to allow them to "free range" or forage for food. Fencing requirements for free ranging chickens is a fair condition of ownership as a neighbor's vegetable garden would quickly become a buffet.
- Chickens are omnivores; they will happily kill and eat mice or rats. Rodents are seldom a problem around a coop. Bugs are also a tasty treat and chickens naturally keep them in check.
- Chickens are a quiet pet (excluding roosters). They only make noise (beyond a soft "clucking") when excited or when laying an egg. However, they only lay eggs in the daylight hours (generally late morning/noon.) Chickens are quiet throughout the night.
- Odor from chicken coops is directly proportional to the lack of upkeep. Existing health and safety rules should be sufficient to deter unsanitary conditions. Again, most backyard chicken enthusiasts wouldn't keep their pets in squalid conditions.

I hope the planning commission will vote to reduce the lot requirements based on the above observations.

Thank you,

Neil Kauffman

12627 NE 87th PL
Kirkland, WA 98033

From: [Joan Lieberman-Brill](#)
To: [Caryn Saban](#)
Subject: FW: kirkland chicken policy
Date: Thursday, March 08, 2012 10:37:46 AM

Please put at each Planning Commissioner's place at the dais for tonight's meeting on Misc. Zoning Code Amendments.

-----Original Message-----

From: Linda Hedges [<mailto:linda.s.hedges@gmail.com>]
Sent: Thursday, March 08, 2012 8:59 AM
To: Planning Commissioners
Subject: kirkland chicken policy

Hello,

My name is Linda Hedges and I live in Kirkland at 10815 NE 60th St. I understand that chicken housing policy is being discussed today and simply wanted to express my support for allowing chickens freely on small lots. A friend of mine has a couple chickens in their small back yard on Mercer Island and the chickens are a part of the family. The children play with the chickens, see them as pets, and the eggs are delicious. The chickens are clean and easy to take care of.

Thanks!
Linda Hedges

From: [Paul Stewart](#)
To: [Joan Lieberman-Brill](#)
Subject: FW: Kirkland's Chicken Policy
Date: Thursday, April 26, 2012 8:40:50 AM

From: Nancy Kartes [mailto:nkartes@frontier.com]
Sent: Wednesday, April 25, 2012 9:51 PM
To: Planning Commissioners
Subject: Kirkland's Chicken Policy

Dear Planning Commissioners,

Just over a year ago, I was pleased to speak to you in favor of broadening Kirkland's backyard chicken policy to allow chickens on small lots. I am delighted that you are moving forward in your consideration of this issue, and I appreciate the City staff's research into the regulations of neighboring cities. I have also read and support Kathy Weber's BACKYARD CHICKEN POLICY UPDATE CONSENSUS document dated April 24, 2012.

A well-managed backyard flock is a great source of nutritious eggs; natural weed and insect pest control; and organic fertilizer for backyard veggies. Property owners should be as free to own and care for chickens as they are to own and care for pets.

Thank you for your consideration.

Nancy Kartes

Kirkland Coalition for Backyard Agriculture

From: [Jeremy McMahan](mailto:Jeremy.McMahan)
To: [Joan Lieberman-Brill](mailto:Joan.Lieberman-Brill); [Paul Stewart](mailto:Paul.Stewart)
Subject: FW: Planning Commission Discussion - Nonconforming DENSITIES
Date: Thursday, April 26, 2012 1:36:30 PM

-----Original Message-----

From: uwkkg@aol.com [<mailto:uwkkg@aol.com>]
Sent: Thursday, April 26, 2012 9:58 AM
To: Jay Arnold; Mike Miller; C Ray Allshouse; Andrew Held; Jon Pascal; Glenn Peterson; Byron Katsuyama; Eric Shields; Jeremy McMahan; Kurt Triplett; Janet Jonson; Robin Jenkinson
Cc: uwkkg@aol.com; neighboringproperties@gmail.com
Subject: Planning Commission Discussion - Nonconforming DENSITIES

Dear Commissioners:

For tonight's meeting, I write on behalf of many of us who currently have "non-conforming" density due to the 1977 downzone.

We appreciate the fact that you have been listening to our concerns about restrictions on ability to repair, remodel and the fact that sometimes it can be confusing as to what is a repair or remodel. Removing these financial constraints altogether, as suggested, should be helpful to property owners and beneficial to overall better repair of buildings in the city (and more tax dollars) Win - Win - Win !!!

Similarly, it appears that you've heard the logical argument that where there are condos, it is impossible to assign certain owners to vacate their units or step forward and have their unit chosen as only rebuildable as "affordable" while others rebuild at market rate.

I would ask that you consider other provisions of the proposal that we contend need changing. The concern was density and not lot coverage (since almost all of the condominiums along LWB/Lake St are built at 20-30% lot coverage - less than half of the allowed 60%). Can anyone provide an explanation why future repairs/remodeling would need to remain at such a low lot coverage? Why couldn't folks decide to build something smaller... or bigger? Are we going to start telling all property owners that they cannot put additions onto their homes or rebuild their residence any bigger than what it is currently?

Also, if owners need to keep to the same building footprint, they are therefore not allowed any lot consolidation. I'm not sure if that is wanted or desired, but it is being argued against by citizens re: BN Residential Markets. We hope that you will not allow that for the BN-Res Mkt, but if you do, please don't restrict surrounding properties from being treated the same. Consolidation would never happen if units must keep their current (unconsolidated) footprint.

We are also concerned about something that could easily be overlooked.

It appears that a new policy is being introduced where any redevelopment could not be done unless it is at least 75% of the current density. Wow, this is getting confusing... Units built to a density of 24 are now under zoning that permits 1-12 dwellings per unit. Then you require a minimum of 18 dwellings per unit if rebuilt.

This conflicts with the density cap of 12 dwellings per acre. Also, some of the developments are very small units and would like to rebuild at a lower number and only slightly larger - that is their vision. Why do we all of a sudden put a density floor on just certain properties.

If we are going to do this, perhaps it should be city-wide. Moreover, it seems like an over-reaching regulation... to us.

Simple answer we think is that you let non-conforming densities exist and keep their density no matter the repair, rebuild or reconstruction but that the density couldn't become any MORE non-conforming. For the benefit of achieving the city's affordability target you might add in an incentive that additional density would only be allowed if it was all "affordable" at the rate of 10% of the units. We would suggest that you leave off the footprint requirement, the two walls that cannot ever be taken down (to foolishly ensure that it's a remodel and not a new building), and the floor density provisions.

Thanks for your past thoughtful consideration of costs to repair and condominium ownership. We truly appreciate your careful and deliberate work. We look forward to your deliberation on these other matters tonight - We are in your hands.

Thank you.

Karen Levenson

The following is correspondence received for the May 10, 2012
PC meeting

From: uwkkg@aol.com
To: [Eric Shields](mailto:Eric_Shields); eknobler@sociuslaw.com
Cc: [Joan Lieberman-Brill](mailto:Joan_Lieberman-Brill)
Subject: Re: Regulations on nonconforming density
Date: Thursday, May 10, 2012 2:14:48 PM

Hi Eric:

While we are cleaning up this language, it would seem a good time to review whether what the language restricts is actually aiming at the right target.... or if it is just hampering something that might not be intended.

For instance, you say below that the proposed amendments would allow different exterior dimensions going forward. That seems reasonable because I think that some of the restriction on dimension related to one certain type of non-conformance (perhaps development of property on the shoreline)... It would however not seem to make sense why condos like mine which only has about 20% lot coverage couldn't be built to perhaps 30% lot coverage ... or 40%, 50% or 60% since our RM3.6 zoning allows 60%.

Also regarding the minimum rebuild density, I think this is a great opportunity to ask if this is doing something that we intend, or is it rather unnecessary ... and perhaps hampers some rebuilding.

Thanks for your email.

Karen Levenson

-----Original Message-----

From: Eric Shields <EShields@kirklandwa.gov>
To: 'uwkkg@aol.com' <uwkkg@aol.com>; '<mailto:eknobler@sociuslaw.com>' <eknobler@sociuslaw.com>
Cc: Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>
Sent: Thu, May 10, 2012 1:30 pm
Subject: Regulations on nonconforming density

Ms. Levenson and Mr. Lawler, I just read your messages to the Planning Commission regarding the above topic. I thought I would clarify that the language about retaining at least 75% of the existing density is not new – it's in the existing code. However, the proposed amendments would make editorial changes and remove requirements that exterior dimensions must remain unchanged. It's not my intent to negate your concerns about the language, but I just wanted you to know that it's not new. It certainly could be removed if the Commission and Council so decide. Eric Shields. DirectorKirkland Department of Planning & Community Developmenteshields@kirklandwa.gov | 425-587-3226

The following is correspondence received for the June 14, 2012
joint PC/ HCC Public Hearing

7804170310
CHRISTIAN KEVIN K CTC
1025 S 220TH ST
DES MOINES WA 98198

Please Read at meeting



RECEIVED
May 31, 2012

JUN 05 2012

AM
PLANNING DEPARTMENT
BY _____

*I Am a disabled AND CAN
attend the meeting. I Am IN FAVOR OF
this pipe line because we need ENERGY FOR
Jobs and our standard of
Living*

Kevin K. Christian

SUBJECT: Announcement of Public Hearing

Dear Interested Citizen,

This letter is to inform you about an upcoming public hearing on proposed land use regulations for development near the BP/Olympic pipelines, which are located near your property or place of business. Prior to annexation, King County regulated land use in or near the Olympic Pipeline corridor. The City of Kirkland now has that responsibility.

BP/Olympic Pipe Line Company operates a 400-mile long petroleum pipeline system from Ferndale, Washington to Portland, Oregon. Two pipelines, 16-inch and 20-inch, pass through the north portion of Kirkland generally along the Puget Sound Energy easement. (See map)

The pipelines are considered "hazardous liquid pipelines" that carry gasoline, diesel, and aviation fuel. These pipelines provide a service transporting petroleum products much more efficiently than by truck. However, if ruptured or damaged, these pipelines can pose a significant risk to public safety and the environment due to the high operating pressure; the highly flammable, explosive, and toxic properties of the transported products; and the potential for fuels and vapor to travel significant distances on the downhill side of the pipelines.

The Federal Office of Pipeline Safety is responsible for regulating these and other interstate pipelines. While the City of Kirkland is precluded from regulating the pipelines, the City's Planning Commission is considering a Zoning Code amendment that would establish City regulations related to land use development near hazardous liquid pipelines. The proposed amendment is intended to:

- Avoid opportunities for accidental damage to the pipelines due to construction equipment and other external forces, by establishing minimum setbacks from the pipeline corridor.
- Reduce risk of injury to people in the event of a pipeline failure by not locating new schools, senior housing, and other "high consequence land uses" near the pipelines.
- Improve communication between property owners and pipeline operators to minimize the risk of inadvertent damage to hazardous liquid pipelines and to provide guidance to property owners about minimizing further risk through site design or construction.

The City's Planning Commission will be holding a joint public hearing with the Houghton Community Council on various amendments to the Kirkland Zoning and Municipal Code on June 14. These will include the proposed Hazardous Liquid Pipeline regulations. You are receiving this announcement because of the proximity of your property to the pipelines and the potential implications to you should you choose to further develop your property.

Opportunities For More Information and to Comment

List Serv: you may sign up to receive e-mails about this miscellaneous zoning and municipal code amendment project at.

[http://www.kirklandwa.gov/depart/Planning/Code Updates/Miscellaneous Code Amendments 2012.htm](http://www.kirklandwa.gov/depart/Planning/Code%20Updates/Miscellaneous%20Code%20Amendments%202012.htm)

Staff Report for the Public Hearing: The staff report to the Planning Commission and Houghton Community Council, which includes the proposed new Hazardous Liquid Pipeline regulations, can be viewed at the City's web site after 5:00 on Friday, June 8 at:

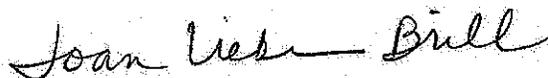
[http://www.kirklandwa.gov/depart/Planning/Planning Commission.htm](http://www.kirklandwa.gov/depart/Planning/Planning%20Commission.htm)

Public Hearing: The Planning Commission will hold a public hearing on the proposed amendment on June 14, 2012 at 7 pm, in the City Hall Council Chambers located at 123 5th Avenue. You are encouraged to attend and provide public comment on the proposed amendment.

After the Commission has finalized their recommendation the City Council will consider adopting the regulations this summer.

If you have any questions or would like more information, please contact me at 425-587-3254 or jbrill@kirklandwa.gov.

Sincerely,



Joan Lieberman-Brill, AICP
Senior Planner
City of Kirkland Planning Department

Enclosures

From: [Eric Shields](#)
To: [Joan Lieberman-Brill](#)
Subject: FW: # 2 For Tonight HCC&KPC - SRO - Please forward this email
Date: Thursday, June 14, 2012 4:53:08 PM

[Eric Shields](#)

From: Uwkkkg@aol.com [mailto:Uwkkkg@aol.com]
Sent: Thursday, June 14, 2012 2:51 PM
To: C Ray Allshouse; Jay Arnold; Andrew Held; Byron Katsuyama; Glenn Peterson; Mike Miller; Jon Pascal; Houghton Council; Janet Jonson; Kurt Triplett
Cc: uwkkkg@aol.com; neighboringproperties@gmail.com
Subject: # 2 For Tonight HCC&KPC - SRO - Please forward this email

Hello again Commissioners and Community Council Members:

My next comments are with respect to the SRO "Single Resident Occupancy" as proposed by Mr Pantley. This, by the way, is a HCC issue. While it is currently not proposed for HCC areas, we all know that sooner or later someone steps forward and says that Houghton shouldn't have special privileges. The code allows SROs within 1/4 mile of Transit Center and Houghton is about to get a Transit Center. HCC, therefore, must have a voice in this discussion.

I would like to comment on the following items

- 1) Zoning Codes that spontaneously appear due to "developer need" rather than as Comprehensive Planning. This is flat out irresponsible. It is not "planning" it is knee-jerk capitulating to developers.
- 2) **Huge changes** in how Kirkland defines residential unit (not having self contained kitchen and other amenities and a huge increase in number of unrelated persons) **should not be processed through as a Moderate Amendment**. This is Huge change in definition of residential unit and likely to be controversial. Minor or moderate code amendments are generally done for things that are non-controversial or will have minor controversy.

SPECIFIC ISSUES:

A) The City Council seemed to ask to have the extra .5 FTE assigned this SRO for further study, yet it seems to be moving forward without that farther study. The concept of 8 residents sharing a kitchen and a building that provides severely reduced parking needs ample time for research - That has not happened. There has been a lack of public outreach on this item (usually this is a sign of something covert or likely not well received).

B) Mr Pantley's experience seems limited to just one or two of these SROs and not over a long period of time. We also have not seen what happens when the owner/management team sells their property. The new owners often do not have the same philosophy as the initial builder/manager.

C) I do not believe that fewer parking spaces and "strict parking management strategies" are effective at reducing America's love affair with cars. In my condo we've had numerous unit owners/renters who start out with one car and the bus. Then they get into a personal-love relationship with someone and that person moves in...with car.... We've had a son come home from serving in the military and move in with Mom.... with car.... And, we have had a grandson lose his job and move in with Grandma... with car. All use their cars to get to jobs that are not on the bus line. All were unexpected additions to our parking lot. In addition to these cars we do allow our unit owners and renters to have guests come by... Not unusual behavior, I'm sure you'll agree.....All these extra cars are parked along the closest nearby neighborhood street.

While the car parking issue is likely relevant in many areas, it will be particularly problematic in Downtown Kirkland CBD. The guests or extra residents will be competing with parking spaces that shoppers and restaurant goers would like.

D) The city council seemed to be asking for a "Pilot" project yet the code as written does not provide for just one "Pilot." It seems to allow as many of these as folks want to build as long as they are within 1/4 mile of transit center. ... So that would allow dozens of these.... and how do we define transit center? Will someone argue for one of these if they are within 1/4 mile of a street served by several bus lines? Wow... we could be the epicenter of SROs!!!

I'll attach the text of my letter to the Editor below. It will hopefully cover some points that I may have missed.

Thanks for taking the time to consider my thoughts as above and those in the Letter to Editor.

Best, Karen Levenson **IS PANTLEY THE NEXT POTALA?**

Why does planning staff, in Kirkland, have conversations with developers and then accommodate them by disregarding the Comprehensive Plan and/or modifying city policies? Why does Kirkland ignore the rules on our books in order to allow developers to move forward? Why doesn't the city reach out to citizens and bring them into the conversation when modifications are requested? Instead citizens only find out about city capitulation after it has happened. No wonder we have continuous public uproar, and with Potala, the legal action.

Why, if we supposedly want to provide for a range of housing in Kirkland, are all the current projects for tiny micro spaces and extreme reduction in city required parking... (e.g. Potala, TOD and now Pantley)???

Doesn't the Growth Management Act require a Comprehensive Planning process wherein citizen participation is actively solicited and the result is something that ensures "coordinated" and "planned" growth across the city? So why does Kirkland act on spontaneous eruptions of "developer need" and allow piecemeal modifications that are incompatible?

The Pantley development proposal is a far cry from anything that is currently allowed by code in the City of Kirkland. Eric Shields, at a recent Planning Commission meeting, stated that there are fundamentally two issues with current code. One being that the city's definition of dwelling unit does not allow for communal like development wherein up to 8 individual bedrooms share a kitchen facility and the definition of "family" as allowed in a dwelling unit greatly surpasses the city's current restriction allowing no more than 5 unrelated occupants.

The other modification that seems determined to move forward is the blessing for greatly reduced parking requirement – only requiring one space per every two units. Where??? At the recent Planning Commission meeting the request was for downtown Kirkland!!! Hello??? With reduced parking??? Mr Pantley claims that they screen tenants and somehow end up with folks that don't have cars. So if that is true, what happens if the resident changes jobs and can no longer get there by bus? Perhaps fall in love and marry someone who has a car? Or even have guests come by? Where are those cars parked?? What if Mr Pantley sells the apartment/condo project to someone else who doesn't screen residents meticulously? We all have seen how overflow parking ends up in our neighborhoods, in front of our house. We don't need more of this. The downtown merchants will also suffer when residents/guests use precious downtown parking stalls.

Those of us who actually live in multifamily have experienced that one car per bedroom is never enough parking. Somehow, those on our commissions and council who live in single family homes think they know better. They've stated that half a space per unit is more than adequate. They've obviously not been HOA president wherein parking issues are a monthly event and annually the attorney gets brought in to arbitrate differences. And this is where one parking space per bedroom is provided and where transit is only a block away!!!

My biggest concern is around PROCESS. This is especially true when established process is circumvented. Things are done in conflict with the city Comprehensive Plan and policies, and in a way that covertly speeds things through. Where is the transparency? This is causing us so much city time and money when we have to sort through our legal defense of such actions.

When the City Council heard Mr Pantley's proposal, they heard that there were code inconsistencies with parking but did not hear about the fact that we have no zone use charts to allow this communal type of housing!!! The second set of code problems was not brought to their attention.

The Council members made comments that they were intrigued by the idea, would like to study this type of housing as part of the work plan, were in favor of looking at the Redmond example and would consider a carefully placed "pilot project." On tape, at 00:49:26 during the 4/3/12 Council Study session, Eric Shields suggested that he might be able to bring this forward in the current set of code amendments. Then on 4/26/12 @ 3:41:00 Mr Shields tells Planning Commission that "The INSTRUCTION from the [City] Council was 'to put it in these code amendments.'" The emphasis on immediately moving this forward, without farther study, and without being limited to a carefully chosen pilot site was not my understanding of Council direction. Perhaps a review of the meeting tape would be helpful.

Why do changes like those proposed by Mr Pantley get considered without going through the process of Private Amendment Request? All other developments asking for modifications seem to wait for this PAR review. Why are Pantley or Potala something different? Is this fair to other developers?

Why is the public as a whole not brought in to consider making a major change in the definition of residential units (to include small, communal units)?

Why are residents not included in the deliberation of dramatic reduction in required parking (size and number of stalls)?

Why does the Notice of the Planning Commission meeting not list this as an item? It is not until you sift through dozens of pages that you come across a discussion of SRO (Single Resident Occupancy)? ... And likely you've never heard a thing about this before.

VERY IMPORTANT TO NOTE: The code amendment, if it goes through is not for a "pilot" or "test" project as the City Council indicated. It adds a new zoning category and would allow for this in numerous areas. It would not be "a test case."

Come on City of Kirkland... Be fair to us as citizens. Respect the Comprehensive Plan that we worked hard on for years. If changes are needed they should be considered only after broad outreach to the citizens and good dialog and thorough study. Sadly, as I began participating more in city planning, I've felt that the Kirkland way is "catch me if you can." Even if you do catch me, you may not have caught me within the 60 day timeframe required for an appeal, or you may not have been involved earlier and aren't therefore a recognized "party of record." This is really a disrespectful and inappropriate way to treat the citizens who pay their taxes and employ you. Something needs to change.

Karen Levenson (Other public replies are below)

Showing 5 comments

Larry Kilbride:

Very well put.. It seems to be more and more (all about the money) If it can be presented by the builders ,who by the way know ALL the Council Members, know when ALL the meetings are and simply put it on their schedules-- then changes can be made WITHOUT public input.. Makes you wonder WHO pays the Council ??

MKelly:

This is, and has long been, a pattern in Kirkland as far back as I started taking notice as a new realtor some 23 years ago. A respected Kirkland realtor colleague of mine recently told me that he stopped going to Council meetings because "everything is predetermined in private meetings" before public hearings and Council vote. That appearing before Council is a waste of time and energy, essentially a dog and pony show for the benefit of legal documentation. This is a very frustrating and helpless feeling that the "process" inflicts upon it's own citizens. It kills the spirit.

I was surprised (not shocked) of hearing that former Councilman Pantley's proposal already had support. The "process" has long been very muddy, heavily weighted in developers favor with little regard for the concerns of citizens, neighborhoods or the permanent impact some of these decisions will have on the future of Kirkland. There is a right way and a wrong way to achieve the goal of high density in appropriate areas. It starts with a transparent process.

Very well written letter Karen. Your quote sums it up. "Sadly, as I began participating more in city planning, I've felt that the Kirkland way is "catch me if you can." Even if you do catch me, you may not have caught me within the 60 day timeframe required for an appeal, or you may not have been involved earlier and aren't therefore a recognized "party of record."

Recall.4.from.KCC:

The comment I like most is that something has to change. Either at the upcoming election or before. There are 4 changes needed.

Recall.4.from.KCC:

Who has already expressed interest in running?... And when??

Chuck Pilcher:

I wonder if Mr. Pantley saw how well the end-run around the Comp Plan seems to be working for the Potala developer and simply saw an opportunity. I don't even like saying this, but It sure appears that our City's plans and processes have lost the respect of Kirkland's leaders

From: [Joan Lieberman-Brill](#)
To: [Houghton Council](#)
Subject: FW: Backyard Agriculture
Date: Wednesday, June 13, 2012 6:01:19 PM

This email was received regarding the proposed chicken amendment, which will be considered at the public hearing June 14.

-----Original Message-----

From: Eric Shields
Sent: Wednesday, June 13, 2012 3:45 PM
To: Joan Lieberman-Brill
Subject: FW: Backyard Agriculture

Eric Shields

-----Original Message-----

From: Terri Butler [<mailto:terri.butler@me.com>]
Sent: Wednesday, June 13, 2012 3:42 PM
To: Planning Commissioners
Subject: Backyard Agriculture

City Council,

I am a Houghton resident with large gardens in the front and back of our house. I have been following the chicken policy discussion and want to let you know of my support. While I don't anticipate raising chickens myself, I work in several neighborhoods in Seattle where chickens are common and have only been a life-enriching addition to the communities.

As the Executive Director of Sustainable Seattle I fully support the enhancement of our "grow local" culture. Thank you for working with Kirkland residents who would like to raise chickens to form policy that will encourage more people to join the green movement.

Sincerely,

Terri Butler

From: [Joan Lieberman-Brill](#)
To: [Houghton Council](#)
Subject: FW: chickens residing in homes less than 5000 sq ft
Date: Wednesday, June 13, 2012 5:59:51 PM

This email was received regarding the proposed chicken amendment, which will be considered at the public hearing June 14. .

-----Original Message-----

From: Eric Shields
Sent: Tuesday, June 12, 2012 9:26 AM
To: Joan Lieberman-Brill
Subject: FW: chickens residing in homes less than 5000 sq ft

-----Original Message-----

From: Barbara Ries [<mailto:wash.wholesalers@comcast.net>]
Sent: Monday, June 11, 2012 10:54 PM
To: Planning Commissioners
Cc: georgine foster
Subject: chickens residing in homes less than 5000 sq ft

How do you think you would like it if all your neighbors had chickens clucking all the time.....i have to say this is one of your most hair brained ideas ever. We no longer live on farmland in Kirkland or Houghton. It's bad enough that you want to change the zoning now you want to have chickens as residents as well.

I think this is an awful idea in every sense of the word. What would ever possess you to pursue an issue so stupid. Have you nothing more important to deal with??? Instead of dealing w/our terrible congestion you up zoning and now chickens. I hope they'll use the orange flags when crossing the street.....

Your city council, city planner etc ought to consider resigning @ once.

From: [Joan Lieberman-Brill](#)
To: [Houghton Council](#)
Subject: FW: chickens
Date: Wednesday, June 13, 2012 6:01:40 PM

This email was received regarding the proposed chicken amendment, which will be considered at the public hearing June 14.

From: Eric Shields
Sent: Tuesday, June 12, 2012 4:40 PM
To: Joan Lieberman-Brill
Subject: FW: chickens

Eric Shields

From: kathilucia@comcast.net [<mailto:kathilucia@comcast.net>]
Sent: Tuesday, June 12, 2012 3:35 PM
To: Planning Commissioners
Subject: chickens

I am in favor of allowing backyard chickens in Kirkland but NOT ROOSTERS as they are too noisy. I do think some research should be done on what other nearby cities do and how they regulate this. I live on Finn Hill.

Kathi Lucia

From: [Eric Shields](#)
To: [Joan Lieberman-Brill](#)
Subject: FW: For Tonight HCC & KPC - NonConforming Density - Please forward
Date: Thursday, June 14, 2012 1:56:05 PM

[Eric Shields](#)

From: Uwkkkg@aol.com [mailto:Uwkkkg@aol.com]
Sent: Thursday, June 14, 2012 1:51 PM
To: C Ray Allshouse; Jay Arnold; Andrew Held; Byron Katsuyama; Glenn Peterson; Mike Miller; Jon Pascal; Houghton Council; Janet Jonson; Kurt Triplett
Cc: uwkkkg@aol.com; neighboringproperties@gmail.com
Subject: For Tonight HCC & KPC - NonConforming Density - Please forward

Good Afternoon Commissioners and Community Council members:

Unfortunately my schedule has just become muddled and I will not be able to join you and present testimony tonight. I therefore submit some "food for thought" which is the opinion that I and some other neighbors share regarding two items on tonight's agenda. In this email I'll address my first set of comments. they are about the Non-conforming Density language changes.

Non-Conforming Density

I would ask that we try and regulate only what we aim to regulate and not throw in "other" restrictions that are unrelated.

Other restrictions may be laudable ... and we may want to look at them citywide, or within certain broader geographies, but they should not just be imposed upon a thin ribbon of homes along Lake Washington Boulevard. They should only be part of the Non-conforming density language if they support the goal of reducing ingress and egress.

History: Density reduced from 24/acre to 12/acre
Reason: Traffic ingress and egress issues

Request # 1: Remove restrictions that would prohibit repair and/or replacement. A falling down building in disrepair doesn't do anything to reduce the number of cars that ingress or egress LWB. Repairs are good for the condo owners, for the look and feel of LWB, for stimulating the economy and for generating more property taxes.

Request # 2: Remove restrictions on lot coverage and the ability to change the footprint of a building. Most of the condos on LWB are built minimally at 20-30% lot coverage even though by zoning they are allowed 60% lot coverage. We don't have this second layer of more restrictive lot coverage (beyond the underlying zoning) anywhere else in the city to my knowledge so the question is fairness.

You will still be maintaining a limit on the number of units so presumably the same number of residents and thus cars.

Worst case... perhaps state that parking may not increase, or number of rooms per unit may not be increased. Otherwise, limiting lot coverage when the issue is traffic ingress and egress seems unrelated.

Of course, if a property has non-conforming density AND non-conforming lot coverage then the second restriction would make sense.

Request # 3: There should not be a lower density limit in addition to the upper limit. That is too restrictive and is not done anywhere else.

Here's a made up example: "Rundown Condominium" is 9 owners 3 levels of 3 units. As the building needs extensive repair, fire code and earthquake upgrades, etc, the rebuild will be quite pricey. The 3 units are owned by elderly, fixed income residents who decide the cost to rebuild is too much for them ... and besides Merrill Gardens has been calling. These 3 sell their shares in the condo to the remaining 6 owners who want to build only 6 units slightly larger (3 stories of 2 or 2 stories of 3). Here's the problem... the code says they have to rebuild @ at least 75% density so 7 need to be built. Why? How is this going to increase ingress and egress to LWB? They are likely going to reduce the number of occupants on the property and car trips.

Goal: Reduce ingress and egress to LWB - A decrease in density actually helps decrease ingress/egress

So what does the "floor" on density accomplish? If you think of GMA, we would prefer to not lose density close to CBD, transit centers, etc. This idea of a "floor" on density is likely not a bad idea but it has nothing to do with the goal. It therefore is unfair to tie this into the text about non conforming densities. A better solution would be to remove this from the non-conforming density discussion and look at it as a GMA issue. It is really not the responsibility of a small "ribbon" of properties along LWB to saddle with the burden of GMA and maintaining density. If Kirkland wants to begin putting "floor" on rebuild density it should be done in a broader context... e.g. all properties within 1/2 mile of CBD may not reduce density below current "as built" by less than 75%.... Just make sure you are not throwing in restrictions that have nothing to do with the ingress and egress goals of the down zone.

Thanks for your consideration.

PS. Please note that these non-conforming properties are next door neighbors to Potala LLC where they are proposing 80% lot coverage and unlimited density. You know that I am not advocating that but I point out the huge chasm.

Karen Levenson

From: [Joan Lieberman-Brill](#)
To: [Planning Commissioners](#); [Houghton Council](#)
Subject: FW: urban chickens
Date: Wednesday, June 13, 2012 6:02:08 PM

This email was received regarding the proposed chicken amendment, which will be considered at the public hearing June 14.

-----Original Message-----

From: Linda Hedges [<mailto:linda.s.hedges@gmail.com>]
Sent: Sunday, June 10, 2012 8:59 PM
To: Joan Lieberman-Brill
Subject: urban chickens

Dear Ms. Lieberman-Brill,

Thank you for updating the policy for chickens in the Kirkland area. I am writing in support of backyard chickens. I live in Houghton and have friends on Mercer Island and in Kirkland with chickens. I believe that urban agriculture and farming improve sustainability and livability of the Kirkland area. I do not believe that chickens pose a health risk, cause noise, odors, or attract rodents.

Chickens become family pets while providing fresh healthy eggs to their owners (and neighbors). I support the ownership of more chickens and roosters in urban areas with larger lots sizes.

Thank you for your time,
Linda Hedges
10815 NE 60th St
Kirkland, WA 98033
425 822 8789

From: [Joan Lieberman-Brill](#)
To: [Houghton Council](#); [Planning Commissioners](#)
Subject: FW: Yarrow Hill Resident
Date: Wednesday, June 13, 2012 6:00:54 PM

This email was received regarding the proposed chicken amendment, which will be considered at the public hearing June 14.

From: Londa Narmita [mailto:londa2@hotmail.com]
Sent: Monday, June 11, 2012 8:38 PM
To: Joan Lieberman-Brill
Subject: Yarrow Hill Resident

We are residents at Yarrow Hill, and are very much against the raising of chickens in our area. We do not need the problems of odors, rats, raccoons etc. Why even make this a consideration? Kirkland is a well kept, clean area. Don't we want to keep it that way?

From: Uwkg@aol.com
To: ktripplett@kirlandwa.gov
Cc: [Robin Jenkinson](#); [Joan Lieberman-Brill](#); [Eric Shields](#); uwkg@aol.com; neighboringproperties@gmail.com
Subject: Fwd: Kirkland Neighborhood News: Public invited to joint Houghton Community ...
Date: Tuesday, May 29, 2012 4:03:42 PM

Hi Kurt:

This question (and comments) are for you. And I hope you can provide some clarity.

I fear we are headed in the same direction as Potala with the Pantley proposal for SRO. It seems to be moving forward without proper procedure and being rushed forward improperly... let me explain...

I listened in to the study session with council wherein they were asked if they wanted to put it on their work program for future study. Mostly all of them (possibly all) seemed interested in further study and there was information on the request for decreased or zero parking. Yes, they agreed to have this be part of the work program for the year and assign some of the extra FTE in the planning department to this evaluation.

Then, barely a week or two later, I see a presentation to Planning Commission indicating that SRO IS being included as a zoning amendment. Mr. Pantley made a presentation to the Planning commission and Eric Shields seemed to indicate that Council was very interested in this (I'll go back and get the exact wording but it seemed that he was indicating they were interested MOVING FORWARD with the concept wherein, my understanding was that they were interested IN STUDYING). There is a big difference between moving forward and merely studying something.

Did I miss something? How did we go from being interested in having this on the upcoming years work program to having it included as a current proposed amendment?

Eric Shields mentioned that two things would have to happen 1) Change in allowed parking and 2) a brand new type of zoning to allow for this type of residence (doesn't fit current definitions or zoning).

Both of these are HUGE issues particularly since I heard (FOR THE FIRST TIME) that one of the two areas this is being proposed is for CBD (the other being Totem Lake).

How in the world is this already in the works as an amendment? How in the world is this considered a MODERATE amendment (IT IS HUGE AND CONTROVERSIAL)?

Also as an FYI, the cover sheet that talks about proposed amendments does not indicate SRO is one of the items to be considered at the meeting, so most folks would not know. Only those who open the meeting packet for some other item would see that SRO is included. If this is being considered, please make sure to properly note this on the cover letter as well as the attachment.

Kurt, I've watched the movement of items from City Council to Planning Commission and back during the past 15 months. Most of the problems that we run into are due to things being misrepresented (intentionally or unintentionally) when they change venue. We currently have one such issue surrounding the Potala project. That is the subject of a future communication.

For now, can you provide some clarity on the SRO and how it got to the point that it is on the zoning amendment schedule already? If I've missed something in the process I'd love to back and review.

Thanks,
Karen Levenson

The next question

From: kirkland@service.govdelivery.com
To: uwkg@aol.com
Sent: 5/29/2012 6:32:38 P.M. Eastern Daylight Time
Subj: Kirkland Neighborhood News: Public invited to joint Houghton Community Council & Planning Commission hearing



Tuesday, May 29, 2012

**Public Invited to Kirkland's Houghton Community Council and Planning Commission
Joint Hearing on Proposed Zoning & Municipal Code Amendments**

You are receiving this email because you have been identified as a stakeholder who may be interested in proposed amendments to the [City of Kirkland's Zoning and Municipal Codes \(Project ZON-12-00002\)](#). You are encouraged to attend a joint public hearing on June 14, 2012 to provide public comment on various proposed City wide miscellaneous amendments to the Zoning and Municipal Codes.

At the public hearing the Planning Commission and Houghton Community Council will take public testimony on the draft amendments and make a recommendation to the City Council. The following list highlights some of the issues being considered (*Follow the link above for the complete list of amendments*) :

- Minor Floor Area Ratio Exemptions (e.g. stairwells and vaulted areas)
- Second Story Above-Garage Setbacks
- Backyard Chickens
- Non-Conforming density standards governing repair and rebuilding
- Standards for development adjacent to Hazardous Liquid Pipelines (Olympic Pipeline)
- Allowing Electronic Readerboard Signs at High Schools and Jr./Middle Schools
- Allowing Historic and Small Lot Subdivisions citywide
- Personal Wireless Facilities (minor modifications on cell towers)

The joint Houghton Community Council and the Planning Commission public hearing is scheduled for Thursday, June 14, 2012. The public hearing begins at 7 p.m. in the Kirkland City Hall Council Chambers, at 123 5th Avenue. The meeting is open to the public. The staff memo and agenda for the public hearing will be available on the City of Kirkland's web site prior to the meeting:

- Visit the [Houghton Community Council webpage](#) after Friday, June 8 after 5 p.m.
- Visit the [Planning Commission webpage](#) after Friday, June 8 after 5 p.m.

If you would like to receive updates via email, subscribe to the "[Miscellaneous Zoning & Municipal Code Amendments](#)" electronic bulletin List Serv. For more information, contact Joan Lieberman-Brill, Kirkland Planning Department at 425-587-3254 or jbrill@kirklandwa.gov

City of Kirkland - Neighborhood Services

123 5th Ave
Kirkland, WA, 98033
(425) 587-3011

e-mail the Neighborhood Services Coordinator at: kpage@kirklandwa.gov

Update your subscriptions, modify your password or e-mail address, or stop subscriptions at any time on your [Subscriber Preferences Page](#). You will need to use your e-mail address to log in. If you have questions or problems with the subscription service, please contact support@govdelivery.com.

This service is provided to you at no charge by the [City of Kirkland](#).



From: [Joan Lieberman-Brill](#)
To: [Joan Lieberman-Brill](#)
Subject: letter
Date: Tuesday, July 24, 2012 12:54:25 PM

From: jkerick@comcast.net [jkerick@comcast.net]
Sent: Monday, June 11, 2012 4:56 PM
To: Houghton Council
Subject: Chickens

I, too, have been chuckling (and maybe even clucking a bit) about the issue of backyard chicken raising because it didn't seem to be a serious possibility that chickens might come to Kirkland. If Kirkland planners and lawmakers are seriously considering this issue, I would ask you to contact nearby communities that have put in place chicken raising regulations to learn what has worked and what problems may have developed. It is much easier to address problems during the formation of regulations than to correct them after the coop door has been closed. It will be said that the roosters won't crow and chicken manure won't smell, but things just don't work that way. You must plan for just those issues.

In closing, please remember this: Eggs: good. Roosters greeting the dawn: V. bad.

Best regards,

Kay Erickson

Lakeview Neighborhood

Kirkland

From: marshrc1@frontier.com
To: [Joan Lieberman-Brill](#); [Planning Commissioners](#)
Subject: No Chickens
Date: Thursday, June 14, 2012 4:47:44 PM

Re: 2012 Miscellaneous Zoning Code Amendments

We live in Yarrow Hill, just above the newly re-zoned area east of Lake Washington Blvd. We are appalled that the planning commission is actually considering allowing chickens on 5000 sq. ft. lots. Even farms that raise chickens keep the coups a good distance from their homes due to the odor, noise, and attracting other animals such as coyotes (which we have seen in the area on occasion). Would the commissioners want to live next to chicken coups? Farmers keep chicken coups a distance from their homes, that is why chickens should be in the farming area and not a residential area. We strongly oppose having chickens in our neighborhood.

Roger and Cathy Marsh

From: [Fairbanks, Randy](#)
To: [Planning Commissioners](#); [Joan Lieberman-Brill](#)
Cc: eilers.shanna@gmail.com; [Fairbanks, Judi](#)
Subject: Proposed Pipeline Regulations
Date: Thursday, June 14, 2012 4:36:12 PM

Dear Planning Commissioners and Joan Lieberman-Brill,

We had planned to attend tonight's hearing, but it turns up we have a conflict that can't be changed. However, I would like to voice my opposition to the proposed new pipeline regulations. My wife and I live at 13521 NE 129th Place and have for 33 years under King County regulations. During those 3+ decades, neither we nor our neighbors, have ever had an issue with the pipeline (which is buried 3 to 4 ft below the ground surface) or Olympic Pipeline Company. Now, as soon as the City of Kirkland takes over, there is a "problem that needs correcting" (and I voted for annexation). Based on my reading of the proposed regulations, they will reduce our property value by about \$100,000, or possibly more. Our property value represents a significant portion of our retirement. We respectfully request that you modify the regulations so that they incorporate a setback of a 10 ft from the edge of the corridor. With the other regulations regarding notifications, signage, and barricades in place, a 10 ft setback would be more than sufficient to provide protection.

Thank you,
Randy and Judi Fairbanks
13521 NE 129th Place
Kirkland, WA 98034

Randy Fairbanks | Vice President, Forestry & Natural Resources
Direct: 425.482.7814 | Fax: 425.482.7641 | Cell: 425.785.6419
randy.fairbanks@tetrattech.com

Tetra Tech | Sciences
19803 North Creek Parkway | Bothell, WA 98011 | www.tetrattech.com

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 **Think Green - Not every email needs to be printed.**

The following is correspondence received for the June 25, 2012
HCC deliberation meeting

From: [Kathy Weber](#)
To: [Houghton Council](#)
Subject: Post public hearing chicken comments
Date: Monday, June 25, 2012 1:23:20 PM

To the members of the Houghton Community Council:

We listened with interest to the entire public hearing and deliberations of the Planning Commission. We are pleased with what they have decided to recommend re backyard chickens. We hope the the members of HCC see benefit in keeping the policy consistent across Kirkland. This is beneficial to residents who can find one set of policies without numerous exceptions. It makes it easier for people to "follow the rules". As I recall the large map showing lots over 35,000 sq ft had very few parcels in Houghton.

As I heard it, The others have agreed to the following and hope you will too:

Anyone can have 3 chickens.

Anyone with lot over 5000 sq ft may have additional 1 per 1000 sq ft, up to 20.

Anyone with lot over 35,000 sq ft may have additional 1 per 500 sq ft.

Roosters are only permitted on existing lots exceeding 35,000 sq ft.

(not sure if they will allow existing legal roosters on smaller lots in JFK to live out their lives legally)

Coop requirements are to be substantially simplified to say that they will be suitable and kept in a cleanly manner.

Setback requirements will be similar to any garden shed.

These can be consistent across town and are simple to understand!

I realize that some HCC members seemed to be concerned about coops being too near a neighbor's house. I believe that those motivated to keep chickens are generally courteous, and will make thoughtful decisions about coop placement.

Looking forward to legal backyard chickens in Kirkland and fresh eggs!

Kathy Weber
Email: kirklandweber@me.com
Cell: (425) 984-4499

The following is correspondence received for the July 12, 2012
PC deliberation meeting

From: [Nancy Cox](#)
To: ["Ken Lyons"](#)
Cc: [Joan Lieberman-Brill](#)
Subject: RE: Planning Commission Meeting - Thursday, July 12, 2012 at 7:00 pm
Date: Tuesday, July 10, 2012 8:54:50 AM

Ken,

Your email came in before the public comment period was closed (July 5). I will add this to the information handed out on Thursday. If you want to bring a picture or drawing to illustrate the PC might allow it to be shown.

Nancy

From: Ken Lyons [mailto:ken.lyons@wirelesscounsel.com]
Sent: Thursday, July 05, 2012 9:49 AM
To: Nancy Cox
Subject: FW: Planning Commission Meeting - Thursday, July 12, 2012 at 7:00 pm

Hi Nancy:

I went through the new language. I think it will be fine and it addresses the major issue that the Planning Commission was concerned about. As you have seen on some of our applications, we have to use short "T-arms" where we have more than 3 antennas at the same elevation on a tower/pole. I believe the clause for allowing this with proper RF justification has been preserved. Please correct me if I'm wrong.

Hope you had a nice 4th of July.

Best,

Ken Lyons

Jurisdictional Relations Director, PNW, LTE

Busch Law Firm PLLC
(206) 227-0020 mobile
(425) 483-1070 fax
ken.lyons@wirelesscounsel.com

From: Caryn Saban <CSaban@kirklandwa.gov>
Subject: Planning Commission Meeting - Thursday, July 12, 2012 at 7:00 pm

Agenda Item:

1. 2012 Miscellaneous Zoning Code Amendments, File No. ZON12-00002

The Agenda and Meeting Packet are available [here](#).

Caryn Saban

City of Kirkland
Planning & Community Development
425-587-3234
csaban@kirklandwa.gov



Please don't print this e-mail unless you really need to. Reduce, Reuse, Recycle

From: [Kathy Weber](#)
To: [Houghton Council](#)
Subject: Post public hearing chicken comments
Date: Monday, June 25, 2012 1:23:20 PM

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Looking forward to legal backyard chickens in Kirkland and fresh eggs!

Kathy Weber
Email: kirklandweber@me.com
Cell: (425) 984-4499

ORDINANCE O-4369

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING CHAPTER 117 PERSONAL WIRELESS SERVICE FACILITIES OF THE KIRKLAND ZONING ORDINANCE 3719 AS AMENDED; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION , FILE NO. ZON12-00002.

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, and certain sections of the text of the Kirkland Municipal Code, as amended all as set forth in that certain report and recommendation of the Planning Commission dated July 26, 2012 and bearing Kirkland Department of Planning and Community Development File No.ZON12-00002; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission and Houghton Community Council , following notice thereof as required by RCW 35A.63.070, on June 14, 2012, held a joint public hearing, on the amendment proposals and considered the comments received at said hearing; 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 recommendation of the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, 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. 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.

Section 4. 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 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, as required by law.

Section 5. 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 _____, 2012.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 2012.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

ATTACHMENT A
FILE NO. ZON12-00002
2012 MISCELLANEOUS CODE AMENDMENTS
KIRKLAND ZONING CODE (KZC)
***- Subject to Houghton Community Council review**

How to read this document:

- New text is underlined
- Existing text to be deleted is covered by a ~~strike-through~~
- ***Italicized*** text identifies the amendment topic

*** Chapter 117 Personal Wireless Service Facilities**

117.15 Definitions

3. ~~“Approved PWSF antenna or tower” shall mean any personal wireless service facility (PWSF) that has received all required permits for the installation, maintenance, and reconfiguration of the facility.~~
8. ~~“Existing structure” shall mean, but is not limited to, any existing building, utility pole, water reservoir, other support structure, and structures accessory thereto.~~
13. ~~“Replacement structure shall mean a structure that replaces or is intended to replace an existing structure of a similar design and similar primary purpose, to enable the installation of or additional PWSF on that structure. If a “replacement structure” meets the definition of “tower,” it shall be regulated as a new tower.~~

(Definitions to be renumbered accordingly)

117.20 Applicability

1. ~~New Antennas and Towers~~ PWSF – All new ~~antennas and towers~~ PWSF shall comply with this chapter unless the applicant had a vested application to site said PWSF under a prior version of this chapter, or unless specifically exempted by KZC 117.25. See also 2.c. of this section.
2. ~~Approved Antennas and Towers~~ PWSF — ~~Reconfiguration of or additions to an approved antenna or tower is permitted as noted in this chapter. Reconfiguration of or additions to an antenna or tower that was not approved are not allowed unless the entire facility obtains approval as a new facility through the appropriate review process.~~
3. ~~Existing Antennas and Towers~~
 - a. ~~The usage of existing antennas and towers~~ approved PWSF shall be allowed to continue as they exist as of the effective date of this chapter. Routine maintenance and repair reconfiguration of PWSF antennas shall be permitted ~~on such existing antennas and towers, subject to the limitations below. Activity not included in routine maintenance and repair requires compliance with this chapter except as stated in 2.b and 2.c of this section.~~

- ~~b. Any reconfiguration pursuant to subsection (3)(a) of this section that increases the height or number of antennas shall be treated and processed as a new facility. PWSF Existing antennas that conform to the provisions of this chapter may be replaced by new PWSF antennas, if such new PWSF antennas are approved as a minor modification pursuant to KZC 117.105. However, the replacement of an existing tower, whether that tower conforms or does not conform to the provisions of this chapter, shall be treated and processed as a new facility.~~
- ~~c. New antenna may be added to existing platforms or arms that are appended to approved towers if such new antenna are approved as a minor modification pursuant to KZC 117.105. However, new platforms or arms on approved towers will require compliance with this chapter.~~
- ~~d. The replacement of existing antennas that do not conform to the provisions of this chapter shall be treated and processed as a new facility.~~
- ~~e. The replacement of an existing tower, whether that tower conforms or does not conform to the provisions of this chapter, shall be treated and processed as a new facility.~~

~~4. Equipment Structures~~

- ~~a. The usage of existing equipment structures shall be allowed to continue as it exists as of the effective date of this chapter. Routine maintenance, reconfiguration of, or additions to equipment structures shall be permitted, subject to the limitations below.~~
- ~~b. Existing equipment structures may be replaced, and new equipment structures may be added to an approved antenna and/or tower; provided, that the new equipment structures conform with the provisions of this chapter, and are approved as a minor modification pursuant to KZC 117.105.~~
- ~~c. Reconfiguration or addition of equipment structures that increases the size of the equipment structure enclosure shall be treated and processed as a new facility.~~

~~3. Not Approved PWSF – Any PWSF for which there is no record of a permit must be removed or receive a permit to comply with this chapter.~~

~~4. Equipment Structures~~

- ~~a. The usage of existing equipment structures shall be allowed to continue as it exists as of the effective date of this chapter. Routine maintenance, reconfiguration of, or additions to equipment structures shall be permitted, subject to the limitations below.~~
- ~~b. Existing equipment structures may be replaced, and new equipment structures may be added to an approved antenna and/or tower; provided, that the new equipment structures conform with the provisions of this chapter, and are approved as a minor modification pursuant to KZC 117.105.~~
- ~~c. Reconfiguration or addition of equipment structures that increases the size of the equipment structure enclosure shall be treated and processed as a new facility.~~

~~45. Other Wireless Communication Facilities – All of the provisions of this chapter, which address personal wireless services and PWSF, shall also be deemed to cover other wireless communications facilities (and, in particular, but without limitation, television,~~

satellite radio, global positioning systems (GPS), and AM/FM radio towers not covered by KZC 115.60.c) to the maximum extent allowed by law.

117.35 Permit Required

In all instances, a permit must be obtained from the City before any PWSF may be constructed on any public or private land or right-of-way, including I-405, and SR 520, ~~and the Burlington Northern Railroad right-of-way within the City limits.~~

117.80 Departures from Chapter Provisions

Provisions of this chapter shall not be subject to variances described in Chapter 120 KZC. However, through Process IIB, Chapter 152 KZC, the City may consider departures from chapter provisions for new PWSF, except for the following:

1. The 40-foot height limit for personal wireless service towers in residential zones; and/or
2. The 15-foot limit for antennas projecting above an existing or replacement utility pole or electrical distribution or transmission conductor in residential zones.

117.105 Complete Compliance Required

1. General – Except as specified in subsection (2) of this section, the applicant must comply with all aspects, including conditions and restrictions, of all prior approvals in order to do everything authorized by that approval.
2. Exception – Subsequent or Minor Modification – The Planning Official may approve a subsequent or minor modification to the permit ~~approved~~ for the PWSF if:
 - a. The modification is minor and will not substantially change the PWSF; ~~proposed facility~~; and
 - ~~b. The proposed modification will comply with the provisions of this chapter in effect at the time of the modification request; and~~ There will not be any substantial changes in the impacts on the neighborhood or the City as a result of the change.

Any modification, other than as specified in subsection (2) of this section, must be reviewed and decided upon as a new PWSF ~~approval~~ under this chapter.

PUBLICATION SUMMARY
OF ORDINANCE O-4369

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING CHAPTER 117 PERSONAL WIRELESS SERVICE FACILITIES OF THE KIRKLAND ZONING ORDINANCE 3719 AS AMENDED; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION , FILE NO. ZON12-00002.

SECTION 1. Amends Kirkland Zoning Ordinance 3719 Chapter 117 relating to personal wireless service facilities.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Provides that the ordinance is subject to the disapproval jurisdiction of the Houghton Community Council.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 5. Establishes certification by City Clerk and notification of 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 _____, 2012.

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

City Clerk

ORDINANCE O-4370

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: SECTIONS 60.180, 60.182 AND 115.20 RELATING TO ANIMALS IN RESIDENTIAL ZONES; AND REPEALING KIRKLAND MUNICIPAL CODE CHAPTER 8.08 RELATING TO FOWL AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON12-00002.

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, and certain sections of the text of the Kirkland Municipal Code, as amended, all as set forth in that certain report and recommendation of the Planning Commission dated July 26, 2012 and bearing Kirkland Department of Planning and Community Development File No. ZON12-00002; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission and Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on June 14, 2012, held a joint public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a final determination of nonsignificance, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390 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 recommendation of the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Kirkland Municipal Code Chapter 8.08 entitled "Fowl" is hereby repealed.

Section 2. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, as set forth in Attachment A attached to this ordinance and incorporated by reference.

Section 3. 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 4. 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.

Section 5. Except as provided in Section 4, this ordinance shall be in full force and effect full force and effect five days from 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, as required by law.

Section 6. 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 _____, 2012.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 2012.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

ATTACHMENT A
FILE NO. ZON12-00002
2012 MISCELLANEOUS CODE AMENDMENTS
KIRKLAND ZONING CODE
***- Subject to Houghton Community Council review**

How to read this document:

- New text is underlined
- Existing text to be deleted is covered by a ~~strike through~~
- *Italicized text identifies the amendment topic*
- Amendments are listed in code section order to the extent possible

*** Proposed Language For Animals in Residential Zones Section**
115.20 and PLA16

KZC CHAPTER 115 - MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.20 Animals in Residential Zones

1. General –This section establishes special regulations that govern the keeping of animals as an accessory use, in zones where a dwelling unit is permitted.
2. ~~Types of Animals—Animals will be regulated according to the following categories:~~
 - a. ~~Household Pets—The following animals will be regulated as household pets:~~
 - 1) ~~Three (3) dogs or less per dwelling unit.~~
 - 2) ~~Three (3) cats or less per dwelling unit.~~
 - 3) ~~A total of four (4) dogs and cats per dwelling unit.~~
 - 4) ~~Four (4) rabbits or less per dwelling unit.~~
 - 5) ~~Gerbils.~~
 - 6) ~~Guinea pigs.~~
 - 7) ~~Hamsters.~~
 - 8) ~~Mice.~~
 - 9) ~~Cage birds.~~
 - 10) ~~Nonvenomous reptiles and amphibians.~~
 - 11) ~~Other animals normally associated with a dwelling unit, and which are generally housed within the dwelling unit.~~
 - b. ~~Small Domestic Animals—The following animals will be regulated as small domestic animals:~~
 - 1) ~~More than three (3) dogs per dwelling unit.~~
 - 2) ~~More than three (3) cats per dwelling unit.~~
 - 3) ~~More than a total of four (4) dogs and cats per dwelling unit.~~
 - 4) ~~More than four (4) rabbits per dwelling unit.~~
 - 5) ~~Fowl.~~
 - c. ~~Large Domestic Animals—The following animals will be regulated as large domestic animals:~~
 - 1) ~~Horses.~~
 - 2) ~~Cattle.~~

- ~~3) Sheep.~~
- ~~4) Pigs.~~
- ~~5) Goats.~~
- ~~6) Other grazing or foraging animals.~~
- ~~d. Bees~~

2. In addition to the maximum number of adult animals permitted, offspring from one (1) female are permitted at any given time until those offspring are able to survive independently.

3. Animal Waste – Measures must be taken to properly dispose of animal waste.

~~3.~~4. Other Regulations – Nothing in this section eliminates the need to comply with King County animal control regulations, state law regulating the keeping of animals, and any other ordinance of the City of Kirkland regulating the keeping of animals.

~~4.~~5. Minimum Requirements – The applicant shall comply with the following requirements contained within the chart at the end of this section regarding the keeping of animals in any zone where a dwelling unit is permitted.

a. Household Pets -

1. Types – The following animals will be regulated as household pets:

- ~~1)~~a. Three (3) dogs or less per dwelling unit.
- ~~2)~~b. Three (3) cats or less per dwelling unit.
- ~~3)~~c. A total of four (4) dogs and cats per dwelling unit.
- ~~4)~~d. Four (4) rabbits or less per dwelling unit.
- ~~5)~~e. Gerbils.
- ~~6)~~f. Guinea pigs.
- ~~7)~~g. Hamsters.
- ~~8)~~h. Mice.
- ~~9)~~i. Cage birds.
- ~~10)~~j. Nonvenomous reptiles and amphibians.
- ~~11)~~k. Other animals normally associated with a dwelling unit, and which are generally housed within the dwelling unit.

2. Required Review Process: None

3. Maximum Number of Adult Animals Per Dwelling Unit:

- a. Three (3) dogs or less per dwelling unit
- b. Three (3) cats or less per dwelling unit.
- c. A total of four (4) dogs and cats per dwelling unit
- d. Four (4) rabbits or less per dwelling unit.
- e. Other: No maximum

4. Minimum Lot Size: None

5. Minimum Setback: Structures and pens must be at least five (5) feet from each property line

6. Special Regulations:

- a. Dogs, cats, and rabbits may be housed either inside or outside the dwelling unit.

b. Other household pets must be housed within the dwelling unit. If housed outside of the dwelling unit they will be regulated as small domestic animals.

b. Small Domestic Animals –

1. The following animals will be regulated as small domestic animals:

1. a. More than three (3) dogs per dwelling unit.
2. b. More than three (3) cats per dwelling unit.
3. c. More than a total of four (4) dogs and cats per dwelling unit.
4. d. More than four (4) rabbits per dwelling unit.
5. e. Fowl.

2. Permitted locations: Low density zones.

3. Required Review Process: None

4. Maximum Number of Adult Animals Per Lot:

a. On lots with an area of less than 35,000 sq. ft.:

- 1) Three (3) Fowl, regardless of lot size
- 2) One (1) additional chicken for each 1000 sq. ft. of lot area above 5,000 sq. ft., up to a maximum of 20 chickens,
- 3) Roosters are prohibited except for those in RSA zones existing prior to August 15, 2012.

b. On lots with an area of 35,000 sq. ft. or more: 20, plus 1 additional for each 500 sq. ft. of lot area above 35,000 sq. ft.;

5. Minimum Setback:

a. Structures shall not be located in required yards except as allowed by KZC 115.115 and except for the following:

- 1) Mobile structures (chicken tractors) may be anywhere within a fenced yard.
- 2) Structures may be located within five feet of any property line provided that the property adjacent to the proposed location of the structure is either:
 - i. Occupied primarily by a non-residential use such as a church, school or park; or
 - ii. A permanently dedicated easement or tract that is at least 10 feet in width.

b. Structures larger than 100 square feet shall be at least 40 feet from each property line

6. Special Regulations

a. Must provide a suitable structure or pen to house the animals.

b. Must maintain structures and pens in a clean condition;

c. Fowl may forage or roam freely anywhere within a fenced yard, but adequate measures must be taken to provide safety for the fowl and prevent them from straying onto adjacent property.

c. Bees-

1. Required Review Process: None
2. Maximum Number of Bees Per Dwelling Unit:
 - a. Lots containing 15,000 sq. ft. or less - maximum two hives.
 - b. Lots containing more than 15,000 sq. ft. and less than 35,000 sq. ft. - maximum five hives
 - c. Lots containing 35,000 sq. ft. or more - maximum 15 hives
3. Minimum Lot Size: 7,200 sq. ft.
4. Minimum Setback: Hive must be at least 25' from any property line. See also Special Regulation 5.e..
5. Special Regulations:
 - a. Colonies must be in movable frame hives.
 - b. Adequate space must be maintained in the hive to prevent overcrowding and swarming.
 - c. Colonies must be requeened following any swarming or aggressive behavior.
 - d. All colonies must be registered with the Wash. State Dept. of Agriculture, Plant Services Division, 406 General Administration Building, Olympia, WA 98504, prior to April of each year.
 - e. Hives may be located closer than 25' to any property line if:
 - 1) Situated eight (8) feet or more above adjacent ground level; or
 - 2) Situated less than six (6) feet above adjacent ground level and behind a solid fence or hedge six (6) feet in height parallel to any property line within 25 feet of the hive and extending at least 20 feet beyond the hive in both directions.
 - f. Bees living in trees, buildings, or any other space except in movable frame hives; abandoned colonies or diseased bees shall constitute a public nuisance.

d. Horses

1. Required Review Process:
 - a. PLA 16 zone, if part of a recorded master plan: none
 - b. All other zones, including in PLA 16 on lots which are not part of a recorded master plan:
 - 1) On lots 35,000 sq. ft. or greater: none.
 - 2) On lots less than 35,000 sq. ft. the City may approve up to two (2) horses, using Process I, Chapter 145 KZC, based on the following criteria:
 - a) Proximity to dwelling units both on and off the subject property; and
 - b) Lot size and isolation; and
 - c) Compatibility with surrounding uses; and
 - d) Potential noise impacts
2. Maximum Number of Adult Horses:
 - a. PLA 16 zone, if part of a recorded master plan: two (2) horses.

b. RS 35 and RSX 35 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park or residential lots in PLA 16 zone which are not part of a recorded master plan:

1) On lots of at least 35,000 sq. ft: two (2) horses per 35,000 sq. ft. of lot area and up to two (2) additional horses may be kept on a residential lot, providing that an additional 3,000 sq. ft. of paddock area is available for each additional horse. (See subsection 5. for minimum paddock standards)

2) On lots less than 35,000 sq. ft. the City may approve up to two (2) horses using Process I, Chapter 145 KZC; pursuant to subsection 1.b. 2) of this section.

c. All other zones:

1) Two (2) horses per 35,000 sq. ft. of lot area and 1 horse per each additional 17,500 sq. ft. of lot area.

2) If lot size is less than 35,000 sq. ft, the City may approve up to two (2) horses using Process I, Chapter 145 KZC; pursuant to subsection 1.b. 2) of this section.

d. In addition to the maximum number of adult horses permitted, offspring from one (1) female are permitted at any given time until those offspring are able to survive independently.

3. Minimum Lot Size

a. PLA 16 zone, if part of a recorded master plan: 26,000 sq. ft.

b. All other zones, including in PLA 16 on lots which are not part of a recorded master plan:

1) 35,000 sq. ft.

2) May be less than 35,000 sq. ft. if approved through Chapter 145 KZC, Process I, pursuant to subsection 1.b. 2) of this section.

4. Barn Size and Setback:

a. The applicant must provide a suitable barn to house the horses, and must maintain it in a clean condition

b. RS 35 and RSX 35 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park or residential lots in PLA 16 zone, which are not part of a recorded master plan:

1) Size: Barns within the designated paddock area may not exceed 1,200 square feet in footprint, excluding covered overhangs, and must be designed solely for housing of animals and storage of tack, feed, shavings or ancillary equipment.

2) Setbacks: Barns to house horses must be a minimum of 40 feet from habitable dwellings, both on and off the subject property.

c. All other zones, including in PLA 16 on lots that are part of a recorded master plan:

- 1) Size: Barns must not exceed 1,200 sq. ft., plus 10 percent of the lot area that exceeds 7,200 sq. ft. and must meet all other requirements of KZC Section 115.08; Accessory Structure.
- 2) Setbacks: Barns to house horses must be a minimum of 40 feet from each property line. The City may permit barns to extend into the property line in common with the abutting property; provided that:
 - a) An abutting property owner files a signed and notarized statement with the City in support of the request; and
 - b) The barn complies with all other regulations pertaining to setbacks in that zone

4.5. Paddock Size and Setbacks

- a. RS 35 and RSX 35 Zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park or residential lots in PLA 16 zone which are not part of a recorded master plan:
 - 1) Size: Each residential lot must contain an area of at least 10,000 permeable square feet for the purpose of accommodating two (2) horses, capable of being used for or easily converted to a paddock area and barn, and meeting the following standards:
 - a) The paddock must have a minimum width of 40 feet and configured in a contiguous and usable manner to accommodate the feed, storage and manure pile. "Configured in a contiguous and usable manner" shall mean an area, uninterrupted by non-paddock area, having a shape as close to square or rectangular as possible. While the minimum width allowed is 40 feet, the majority of the area must have a width of at least 80 feet.
 - b) The Planning Official is authorized to approve minor deviations from the required dimensions and/or shape of the paddock area due to pre-existing improvements and/or size, shape, or topography of the property.
 - 2) Setbacks:
 - a) The paddock areas must be set back five (5) feet from each property line which abuts a school use or a residential zone other than RS 35, RSX 35 or PLA 16, including part of a recorded master plan, otherwise there is no setback.
 - b) The paddock areas must be set back 10 feet from habitable dwellings and five (5) feet from significant improvements outside the paddock area, such as swimming pools, sports courts, decks and patios, both on and off the subject property.
 - 3) Additional Paddock Requirements
 - a) The area used or reserved for paddock area must be pervious and exclusive of any structures or improvements (except barns) such as storage sheds, residential units, carports, decks, patios, swimming pools, ponds, sports courts, rockeries, or paving, but may contain easily removed features such as children's play equipment, landscaping, trellises, and flagpoles, as long as such features are not embedded in concrete or otherwise permanently mounted. The area shall not be located over a septic tank, drain field, or reserve drain field. Paddock areas shall not be located on

steep slopes (over 15 percent grade) or in areas regulated under Chapter 90 KZC, Drainage Basins.

- b) Direct access to the paddock area must be available to deliver feed and pick up manure from an alley, an easement or an adjacent right-of-way across a side yard of the lot. The access route shall have a minimum unobstructed width of 15 feet and a grade no greater than 12 percent, except that for the first 15 feet in back of the existing or future curb line the grade shall not exceed six (6) percent. Any portion of an access route located within an adjacent equestrian trail easement shall not be paved, but may be surfaced with gravel up to 5/8-inch size.

a-b. All other zones, including in PLA 16 on lots which are part of a recorded master plan:

- 1) Size: Each lot must contain an area of at least 14,500 sq. ft. capable of being used as a horse paddock area and configured to meet the following standards:
 - a) The paddock must be designed in a contiguous and usable manner to accommodate the feed storage and manure pile for two (2) horses. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports.
 - b) Direct access to this area must be available for trucks to deliver feed and pick up manure from an alley, easement, or an adjacent right-of-way across a side yard of the lot.
- 2) Setbacks: Paddocks must be a minimum of 20 feet from each property line. The City may permit horse paddocks to extend into the property line in common with the abutting property; provided that:
 - a) An abutting property owner files a signed and notarized statement with the City in support of the request; and
 - b) The paddock complies with all other regulations pertaining to setback in that zone.

6. Outdoor Manure Piles:

- a. PLA 16 zone: no outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure.
- b. All other zones, no outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.

f. Large Domestic Animals –

1. The following animals will be regulated as large domestic animals:

- ~~1) Horses.~~
- 2) a) Cattle.
- 3) b) Sheep.
- 4) c) Pigs.
- 5) d) Goats.
- 6) e) Other grazing or foraging animals.

2. Required Review Process:

- a) On lots 35,000 sq. ft and greater; none.
- b) If the lot size is less than 35, 000 sq. ft. the city will decide on the permitted number of large domestic animals using Process I, Chapter 145 KZC; based on the following criteria:
 - 1) Proximity to dwelling units both on and off the subject property; and
 - 2) Lot size and isolation; and
 - 3) Compatibility with surrounding uses; and
 - 4) Potential noise impacts

3. Maximum Number of Adult Animals:

- a. Two (2) per 35,000 sq. ft. of lot area and one (1) per each additional 17,500 sq. ft. of lot area.
- b. In addition to the maximum number of adult animals permitted, offspring from one (1) female are permitted at any given time until those offspring are able to survive independently.

4. Minimum Lot Size

- a. 35,000 sq. ft.
- b. May be less than 35,000 sq. ft. if approved through Chapter 145 KZC, Process I pursuant to subsection 2.b. of this section.

5. Structures, Barn and Pen Size and Setback:

- a. The applicant must provide a suitable barn or pen to house the animals, and must maintain that barn or pen in a clean condition.
- b. Size: Barns must not exceed 1,200 sq. ft., plus 10 percent of the lot area that exceeds 7,200 sq. ft. and must meet all other requirements of KZC Section 115.65; Assessorly Structure.
- c. Setbacks: ~~structures~~ Barns and pens used to house animals must be ~~setback at least~~ a minimum of 40 feet from each property line. The city may permit barns and pens to extend into the property line in common with the abutting property; provided that:
 - 1) An abutting property owner files a signed and notarized statement in support of the request and,
 - 2) The barn or pen complies with all other regulations pertaining to setback in that zone.

6. Roaming and Grazing Areas:

Roaming and grazing areas must be at least 20 feet from each property line. The city may permit barns and pens to extend into the property line in common with the abutting property;

provided that an abutting property owner files a signed and notarized statement in support of the request

7. Outdoor Manure Piles:

- a. PLA 16 zone: no outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure.
- b. All other zones, no outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.

6. Bonds – The City may require a bond under Chapter 175 KZC to ensure that the subject property is maintained in a clean condition.

The following chart will be deleted:

TYPE OF ANIMAL ↓	REGULATIONS ↓	Required Review Process	MAXIMUM	MINIMUMS		Special Regulations
			Number of Adult Animals	Lot Size	Setback	
Household Pets		None	Per Dwelling Unit Dogs: 3 Cats: 3 Dogs and Cats: A total of 4 animals Rabbits: 4 Other: No maximum	As required for a dwelling unit in the zone in which the subject property is located.	Structures and pens must be at least 5' from each property line.	1. Household pets, excluding dogs, cats, and rabbits, must be housed within the dwelling unit. If housed outside of the dwelling units, household pets, excluding dogs, cats, and rabbits, will be regulated as small domestic animals.
Small Domestic Animals		None	20 per 35,000 sq. ft. of lot area and 1 per each additional 500 sq. ft. of lot area. Maximum of 3 fowl on lots less than 35,000 sq. ft. in RSA zones.	35,000 sq. ft. per dwelling unit. No minimum lot size for fowl in RSA zones.	Structures and pens used to house animals must be at least 40' from each property line, except structures and pens used to house 3 fowl or less must be at least 10' from	1. The City may limit the number of animals allowed to less than the maximum considering: a. Proximity to dwelling units both on and off the subject property; and

				each property line.	<p>b. Lot size and isolation; and</p> <p>c. Compatibility with surrounding uses; and</p> <p>d. Potential noise impacts.</p> <p>2. The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition.</p> <p>3. Roosters are prohibited on lots containing less than 35,000 sq. ft.</p>
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TYPE OF ANIMAL ↓	REGULATIONS ↓	Required Review Process	MAXIMUM	MINIMUMS		Special Regulations
			Number of Adult Animals	Lot Size	Setback	
Large Domestic Animals	<p>If lot size is less than 35,000 sq. ft., then Process I, Chapter 145-KZC</p> <p>Otherwise none</p>	<p>2 per 35,000 sq. ft. of lot area and 1 per each additional 17,500 sq. ft. of lot area</p> <p>If lot size is less than 35,000 sq. ft., then only 1 horse</p>	<p>35,000 sq. ft. per dwelling unit</p> <p>May be less if approved through Chapter 145-KZC, Process I</p>	<p>Structures and pens used to house animals must be at least 40' from each property line subject to Special Regulation 1.</p> <p>Roaming, grazing areas and horse paddock areas must</p>	<p>1. If an abutting property owner files a signed and notarized statement in support of the request, the City may permit areas for roaming or grazing, horse paddock areas and structures or pens to extend into the property line in common with the abutting property; provided, that the structure or pen complies with all other regulations pertaining to setback in that zone.</p>	

				<p>be at least 20' from each property line, subject to Special Regulation 1.</p>	<p>2. The City may limit the number of animals allowed to less than the maximum considering:</p> <ul style="list-style-type: none">a. Proximity to dwelling units both on and off the subject property; andb. Lot size and isolation; andc. Compatibility with surrounding uses; andd. Potential noise impacts. <p>3. The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition.</p> <p>4. No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.</p> <p>5. For residential lots containing one (1) or more horses other than those regulated below in Special Regulation 6, each lot must contain an area of at least 14,500 sq. ft. capable of being used as a horse paddock area and configured in a contiguous and usable manner to accommodate the feed storage and manure pile for two (2) horses. This area must be exclusive of any</p>
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				<p>structures, including storage sheds, barns, residential units and carports. Direct access to this area must be available for trucks to deliver feed and pick up manure from an alley, easement, or an adjacent right-of-way across a side yard of the lot.</p> <p>6. For residential lots in RS 35 and RSX 35 Zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park or residential lots in PLA 16 which are not part of a recorded master plan, the required review process shall be "None," and the maximum number of adult animals and minimum lot size and setback regulations shall not apply. Instead, the following regulations shall apply:</p> <p>a. Up to two (2) additional horses may be kept on a residential lot, providing that an additional 3,000 square feet of paddock area is available for each additional horse.</p> <p>(CONTINUED ON NEXT PAGE)</p>
<p>Large Domestic Animals (Continued)</p>				<p>b. Each residential lot must contain an area of at least 10,000 permeable square feet for the purpose of accommodating two (2) horses, capable of being used for or easily converted to a paddock</p>

				<p>area and barn, having a minimum width of 40 feet and configured in a contiguous and usable manner to accommodate the feed, storage and manure pile. "Configured in a contiguous and usable manner" shall mean an area, uninterrupted by non-paddock area, having a shape as close to square or rectangular as possible. While the minimum width allowed is 40 feet, the majority of the area must have a width of at least 80 feet. The Planning Official is authorized to approve minor deviations from the required dimensions and/or shape of the paddock area due to pre-existing improvements and/or size, shape, or topography of the property.</p> <p>c. The area used or reserved for paddock area must be pervious and exclusive of any structures or improvements (except livestock barns) such as storage sheds, residential units, carports, decks, patios, swimming pools, ponds, sports courts, rockeries, or paving, but may contain easily removed features such as children's play equipment, landscaping, trellises, and flagpoles, as long as such features are not embedded in concrete or otherwise permanently mounted.</p>
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				<p>The area shall not be located over a septic tank, drain field, or reserve drain field. Paddock areas shall not be located on steep slopes (over 15 percent grade) or in areas regulated under Chapter 90 KZC, Drainage Basins.</p> <p>d. Direct access to the paddock area must be available to deliver feed and pick up manure from an alley, an easement or an adjacent right-of-way across a side yard of the lot. The access route shall have a minimum unobstructed width of 15 feet and a grade no greater than 12 percent, except that for the first 15 feet in back of the existing or future curb line the grade shall not exceed six (6) percent. Any portion of an access route located within an adjacent equestrian trail easement shall not be paved, but may be surfaced with gravel up to 5/8 inch size.</p> <p>e. The paddock areas must be set back five (5) feet from each property line which abuts a school use or a residential zone other than RS 35, RSX 35 or PLA 16.</p> <p>(CONTINUED ON NEXT PAGE)</p>
<p>Large Domestic Animals (Continued)</p>				<p>f. The paddock areas must be set back 10 feet from habitable dwellings and five (5)</p>

<p>Bees</p>	<p>None</p>	<p>Lots containing 15,000 sq. ft. or less: Maximum of two (2) hives.</p> <p>Lots containing more than 15,000 sq. ft. but less than 35,000 sq. ft.: Maximum of 5 hives.</p>	<p>7,200 sq. ft.</p>	<p>Hive must be at least 25' from any property line. See also Special Regulation 5.</p>	<p>feet from significant improvements outside the paddock area, such as swimming pools, sports courts, decks and patios. Livestock barns must be set back 40 feet from habitable dwellings.</p> <p>g. Livestock barns permitted within the designated paddock area may not exceed 1,200 square feet in footprint, excluding covered overhangs, and must be designed solely for housing of animals and storage of tack, feed, shavings or ancillary equipment.</p> <p>h. Special Regulations 2, 3, and 4 also apply to these zones.</p> <p>i. Interpretations of the Zoning Code which directly or indirectly involve application of regulations about horse paddock areas shall be liberally construed in favor of an equestrian character for the neighborhood.</p> <p>1. Colonies shall be in movable frame hives.</p> <p>2. Adequate space shall be maintained in the hive to prevent overcrowding and swarming.</p> <p>3. Colonies shall be requeened following any swarming or aggressive behavior.</p> <p>4. All colonies shall be registered with the</p>
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		<p>Lots containing 35,000 sq. ft. or more: Maximum of 15 hives.</p>		<p>Wash. State Dept. of Agriculture, Plant Services Division, 406 General Administration Building, Olympia, WA 98504, prior to April of each year.</p> <p>5. Hives may be located closer than 25' to any property line if:</p> <p>a. Situated eight (8) feet or more above adjacent ground level; or</p> <p>b. Situated less than six (6) feet above adjacent ground level and behind a solid fence or hedge six (6) feet in height parallel to any property line within 25 feet of the hive and extending at least 20 feet beyond the hive in both directions.</p> <p>6. Bees living in trees, buildings, or any other space except in movable frame hives; abandoned colonies or diseased bees shall constitute a public nuisance.</p>
<p>In addition to the maximum number of adult animals permitted, offspring from one (1) female are permitted at any given time until those offspring are able to survive independently.</p>				

60.179 User Guide.

The charts in KZC [60.182](#) contain the basic zoning regulations that apply in Planned Area 16, including sub-zones. 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 60.180

A black triangle pointing to the right with the text "Zone PLA16" inside in white.

Zone
PLA16

Section 60.180 – 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. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The maximum horizontal facade shall not exceed 50 feet.

See KZC [115.30](#), Distance Between Structures/Adjacency to Institutional Use, for further details.

(Does not apply to Detached Dwelling Unit, Commercial Equestrian Facility, Commercial Recreation Area and Use and Mini-Day-Care Center or Day-Care Home uses).

- ~~3. Must provide an improved public equestrian access trail and appropriate public signage. The trail must be located and designed so as to allow for an eventual connection between N.E. 60th Street and the Bridle Trails State and King County Parks (does not apply to Detached Dwelling Unit, Commercial Equestrian Facility, Commercial Recreation Area and Use and Public Parks uses).~~

[lin](#)

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

Section 60.182	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						
.010	Detached Dwelling Unit	If lot size is less than 35,000 sq. ft., then Process IIB, Chapter 152 KZC. Otherwise, None.	35,000 sq. ft. except as established under Special Regulation 7.	20' See Spec. Regs. 3 and 9.	5', but 2 side yards must equal at least 15'.	10'	50%	30' above average building elevation.	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> For this use, not more than one dwelling unit may be on each lot, regardless of the size of the lot. Floor Area Ratio (F.A.R.) allowed for the subject property is 20 percent of lot size. See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). Each lot may contain no more than two horses. Residential lots must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart). On each lot, no outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure. This use may have a lot size of less than 35,000 square feet if all of the following standards are met: <ol style="list-style-type: none"> The property must contain at least 16 contiguous acres. A Master Plan shall be approved for the entire property. The minimum lot size allowed on the property shall be determined and approved as part of the Master Plan. In no case shall the minimum lot size be less than 26,000 square feet. A commercial equestrian facility, including an arena, stables and paddock areas, must be provided on the property. The facility must be available to the public and not exclusively for the residences within the Master Plan. The facility must meet requirements and special regulations as established for the use listing in this zone entitled "Commercial Equestrian Facility." An improved public equestrian access trail and appropriate public signing must be provided. The trail must be located and designed so as to allow for an eventual connection between N.E. 60th Street and the Bridle Trails State and King County Parks. A coordinated vehicular and pedestrian circulation system for the property as well as other properties in the vicinity shall be provided as part of the Master Site Plan.

KZC 115.20.6.e for keeping of horses.

5

7

5. If a Master Plan is approved for the property, this use may have a lot size of less than 35,000 sq. ft. and must meet the following standards:

4

b. Residential lots must contain a minimum area of 14,500 sq. ft. capable of being used as a horse paddock area, which shall comply with KZC 115.20.6.e for keeping of horses.

e.

REGULATIONS CONTINUED ON NEXT PAGE

Section 60.182

Zone
PLA16

USE ZONE CHART

Section 60.182		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						
.010	Detached Dwelling Unit (continued)										<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p>6. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>7. Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the dis-approval jurisdiction of the Houghton Community Council.</p>

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Section 60.182

Zone
PLA16

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.182	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						
.020	Commercial Equestrian Facility See Special Regulation 1.	Process IIB	3 acres	20'	20'	20'	80%	See Special Regulation 4.	C	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. This use may include arenas, stables, roaming and grazing areas, club house and ancillary equestrian facilities. 2. This use must comply with KZC 80.30 through 80.45. 3. An improved public equestrian access trail through the subject property and appropriate public signing must be provided. The trail must be located and designed to allow for an eventual connection between N.E. 60th Street and Bridle Trails State and King County Parks. 4. Structures exceeding 25 feet above average building elevation must have the ground floor placed below existing grade to the extent possible and screened by a vegetative earthen berm. 5. Existing natural vegetation must be maintained to the greatest extent possible.
.030	Commercial Recreation Area and Use See Special Regulation 1.		1 acre	20'	20'	20'		38' above average building elevation. See Special Regulation 3.				<ol style="list-style-type: none"> 1. This use may include activities such as: indoor and outdoor tennis courts, club house, swimming pool, other sport court games and ancillary commercial recreation activities. 2. Hours of operation may be limited to reduce adverse impacts on a residential neighborhood. 3. Structures exceeding 25 feet above average building elevation must have the ground floor placed below existing grade to the extent possible and screened by a vegetative earthen berm. Structures can be placed at existing grade if the structures are located on lower ground than adjacent properties and if the adjacent properties are developed and do not contain residential use. 4. A 20-foot wide sight-obscuring landscape buffer must be provided along the west and south perimeter of the property. 5. Existing natural vegetation must be maintained to the greatest extent possible. 6. Vehicular and pedestrian circulation to and from the property shall be coordinated with the other properties in the vicinity to the maximum extent possible.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.182	USE ↓ REGULATIONS ↓	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	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						
.040	Church	Process IIA, Chapter 150 KZC.	35,000 sq. ft.	20'	20' on each side	20'	70%	30' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 1.	1. No parking is required for day-care or school ancillary to the use.
.050	School or Day-Care Center			If this use can accommodate 50 or more students or children, then: 50' 50' on each side 50'			70%	30' above average building elevation. See Spec. Reg. 9.	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 9. For school use, structure height may be increased, up to 35 feet, if: 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.
				If this use can accommodate 13 to 49 students or children, then: 20' 20' on each side 20'								

Section 60.182

Zone
PLA16

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.182	USE ↓ REGULATIONS ↑	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	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						
.060	Mini-Day-Care Center	None	35,000 sq. ft.	20'	5', but 2 side yards must equal at least 15'.	10'	50%	30' above average building elevation.	E	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. May locate on the subject property only if: <ol style="list-style-type: none"> a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 5. May include accessory living facilities for staff persons. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 7. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 8. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses.
.070	Public Utility	Process IIA, Chapter 150 KZC.	None	20'	20' on each side	20'	70%	30' above average building elevation.	A			<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.
.080	Government Facility or Community Facility				10' on each side	10'			C See Spec. Reg. 1.			
.090	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

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PUBLICATION SUMMARY
OF ORDINANCE O-4370

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: SECTIONS 60.180, 60.182 AND 115.20 RELATING TO ANIMALS IN RESIDENTIAL ZONES; AND REPEALING KIRKLAND MUNICIPAL CODE CHAPTER 8.08 RELATING TO FOWL AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON12-00002.

SECTION 1. Repeals Kirkland Municipal Code Chapter 8.08.

SECTION 2. Amends Kirkland Zoning Ordinance Sections 60.180, 60.182 and 115.20 relating to animals in residential zones.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Provides that portions of the ordinance may be subject to the disapproval jurisdiction of the Houghton Community Council.

SECTION 5. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 6. Establishes certification by City Clerk and notification of 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 _____, 2012.

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

City Clerk

ORDINANCE O-4371

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND ADDING A NEW CHAPTER 118 HAZARDOUS LIQUID PIPELINES; AND AMENDING CHAPTER 5 DEFINITIONS AND CHAPTER 55 TOTEM LAKE ZONE TL7 OF THE KIRKLAND ZONING ORDINANCE 3719 AS AMENDED; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON12-00002.

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 recommendation of the Planning Commission dated July 26, 2012 and bearing Kirkland Department of Planning and Community Development File No.ZON12-00002; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission and Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on June 14, 2012, held a joint public hearing, on the amendment proposals and considered the comments received at said hearing; 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 recommendation of the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, 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. 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.

Section 4. 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 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, as required by law.

Section 5. 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 _____, 2012.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 2012.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

ATTACHMENT A
FILE NO. ZON12-00002
HAZARDOUS LIQUID PIPELINE ZONING CODE AMENDMENTS
KIRKLAND ZONING CODE (KZC)

How to read this document:

- New text is underlined
- Existing text to be deleted is covered by a ~~strike-through~~
- ***Italicized*** text identifies the amendment topic

New Chapter 118 Hazardous Liquid Pipelines

Chapter 118 Hazardous Liquid Pipelines

Sections:

118.010	Purpose
118.020	Applicability
118.030	Development Notice
118.040	Development Application and Submittal Requirements
118.050	Setback Requirements
118.060	Requirements for Land Use Compatibility
118.070	Variances

118.010 Purpose

The purpose of this section is to:

- A. Help prevent and minimize unnecessary risk to the public health, safety, and welfare due to hazardous liquid pipelines;
- B. Minimize the likelihood of accidental damage to hazardous liquid pipelines;
- C. Avoid exposing land uses with either high on-site populations that are difficult to evacuate or that provide emergency response functions to risk of injury or damage in the event of a pipeline failure;
- D. Help reduce adverse impacts in the event of a pipeline failure;
- E. Supplement existing federal and state regulations related to hazardous liquid pipeline corridor management; and
- F. Improve communication between property owners and pipeline operators to minimize the risk of inadvertent damage to hazardous liquid pipelines and to provide guidance to property owners about minimizing further risk through site design or construction.

The provisions of this section are intended to protect the health, safety and welfare of the general public and are not intended to protect any particular individual, class of individuals, or organization.

118.020 Applicability

The provisions of this chapter shall apply to all development activity, landfilling, excavation and construction on properties within 150 feet of any hazardous liquid pipeline corridor, as defined in KZC 5.10.348. This chapter does not apply to the conduct of pipeline operators. The conduct of pipeline operators is regulated by the Federal Pipeline Safety Act, 49 U.S.C. § 60101, et seq., and the Washington State Pipeline Safety Act, RCW 81.88. Pipelines within public rights-of-way are also regulated by the terms and conditions of franchise agreements between the City and pipeline operators. Modifications to existing structures are exempt from this chapter if they do not involve landfilling, excavation or high consequence land uses, as defined in KZC 5.10.358.

118.030 Development Notice

Prior to conducting any development activity, landfilling, excavation, or construction located within 150 feet of a hazardous liquid pipeline corridor identified on the official City of Kirkland Olympic Pipeline Map, the applicant shall provide notification to the pipeline operator using a form provided by the City.

118.040 Development Permit Application Submittal Requirements

For all activities requiring a development permit:

- A. The applicant shall show the hazardous pipeline corridor and applicable setbacks on site plans, subdivisions and short subdivisions for proposed development on properties to which this chapter applies.
- B. The applicant shall provide verification that the pipeline operator has received and reviewed the development notice required in section 115.52.030. All comments provided by the operator shall be submitted or the operator shall confirm in writing that the operator has no comments.

118.050 Setback Requirements

- A. Hazardous Liquid Pipeline Corridor: No landfilling or excavation and no construction or expansion of structures is allowed within the corridor other than those authorized by the pipeline operator.
- B. Areas Adjacent to the Hazardous Liquid Transmission Pipeline Corridor.
 - 1. All development activity, landfilling, excavation and construction shall be setback a minimum of 25 feet from the edge of the corridor.

2. The Planning Official may expand the setback when necessary to meet the purpose of this section due to site-specific conditions, such as proposed major land surface modification or proximity of the pipeline.
 3. The Planning Official may reduce the setback due to site-specific conditions and an applicant's demonstration that the purpose of this section will be met. Factors to be considered shall include but are not limited to:
 - a. Pipeline location as determined using the pipeline operator's normal locating procedures; and
 - b. Type of construction proposed.
 4. If the Planning Official reduces the setback from the corridor, the following applies:
 - a. The setback shall be a minimum of 30 feet from the nearest edge of the pipeline.
 - b. The setback shall be measured from the nearest edge of the hazardous liquid pipeline.
 - c. The location of the pipeline and the reduced setback shall be shown on all approved site plans and subdivisions.
- C. Exemptions: Streets, utilities, trails and similar uses shall be exempt from subsections B1 and 2 above, provided that the pipeline operator shall be notified prior to landfilling, excavation or construction.
- D. Emergency Work: In the event of any emergency in which a pipeline breaks, is damaged, or is otherwise in such a condition as to immediately endanger the life, health, safety, or property of any person, the pipeline operator shall not be required to comply with this chapter or obtain permits prior to taking corrective action. The pipeline operator shall, however, call 911 immediately upon learning of the emergency.
- E. Setback Protection: Setbacks shall be identified and protected during construction by placement of a temporary barricade and on-site notices. Barricades and on-site notices are subject to review by the Planning Official.

118.060 Requirements for Land Use Compatibility

A. High Consequence Land Uses.

1. New high consequence land uses, as defined in KZC 5.10.358, proposed to be located within 500 feet of a hazardous liquid pipeline corridor are prohibited.
2. Proposed expansions to existing high consequence land uses located within 500 feet of a corridor shall be reviewed by the Planning Official to ensure that they are designed to avoid increasing the level of risk in the event of a pipeline failure, and where feasible,

reduce the risk compared to the existing development. Potential techniques to minimize risk include but are not limited to:

- a. Site design features, such as maintaining or increasing the distance between occupied structures, or structures that provide critical lifeline functions, and the pipeline and anticipated flow paths for leaking hazardous materials.
 - b. Building features, which do not result in a significant increase in on-site population or which expedite evacuation.
 - c. Technological features which provide accelerated notice of a pipeline failure to high consequence land uses to facilitate evacuation or which help avoid damage in the event of a failure of the pipeline.
 - d. Operational features, such as emergency plans and education programs developed in consultation with the Fire Department including:
 - 1) The level of emergency planning and procedures appropriate for the proposed development. Based on the nature, occupancy, or location of a proposed development, the Fire Department may require emergency plans and procedures for any occupancy classifications.
 - 2) Plans and programs for occupants and employees concerning pipeline safety, such as what to be aware of and how to respond in the event of a problem and drills,
 - 3) Emergency plans and procedures shall be consistent with the Kirkland Fire Code and shall be approved by the Fire Department.
- B. Location: Prior to commencing any development activity, landfilling, excavation or construction on properties that abut a corridor, notification shall be given through the one-call locator service prior to commencement of any of the permitted work.

118.070 Variances:

Relief from the setback requirements of this chapter shall be in accordance with the standards and procedures found in KZC 120 - Variances. The City shall provide written notice of the variance proposal to the pipeline operator and any comments provided shall be incorporated into the findings of the decision.

New Chapter 5 Definitions For Hazardous Liquid Pipelines

Chapter 5 Definitions
Section 5.05 User Guide (No change)
Section 5.10 Definitions

5.10. ~~350-346~~ Ground-Mounted Sign (no change)

5.10. 347 Hazardous Liquid Pipeline:

- As defined by RCW 81.88.040, Hazardous liquid means: (a) Petroleum, petroleum products, or anhydrous ammonia as those terms are defined in 49 C.F.R. Part 195 in effect March 1, 1998; and (b) carbon dioxide. Pipeline, pipeline system, or hazardous liquid pipeline mean all parts of a pipeline facility through which a hazardous liquid moves in transportation, including, but not limited to, line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations and fabricated assemblies therein, and breakout tanks. Pipeline or pipeline system does not include process or transfer pipelines.

5.10. 348 Hazardous Liquid Pipeline Corridor

- The pipeline corridor in which the pipelines and facilities of a hazardous liquid pipeline operator are located, including public rights-of-way and easements over and through public or private property

5.10. 358 High Consequence Land Use

- A land use that if located in the vicinity of a hazardous liquid pipeline represents an unusually high risk in the event of a pipeline failure due to characteristics of the inhabitants or functions of the use. High consequence land uses include:

(1) Land uses that involve a high-density on-site population that are more difficult to evacuate. These uses include:

- schools (through grade 12),
- hospitals, clinics, and other facilities primarily for use by the elderly or handicapped, other than those within single family residences.
- stadiums or arenas,
- day care centers, and does not extend to family day care or adult family homes.

(2) Land uses that serve critical "lifeline" or emergency functions, such as fire and police facilities, utilities providing regional service, or water supplies if exposed to a significant risk that will curtail its lifeline function for a critical period of time.

(3) Uses with similar characteristics as determined by the Planning Official.

Chapter 55 Zone Totem Lake TL7 Zone

Section 55.49 General Regulations

55.47 User Guide.

The charts in KZC 55.51 contain the basic zoning regulations that apply in the TL 7 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
55.49**

Zone
TL 7

Section 55.49 – 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. [A Hazardous Liquid Pipeline extends through the TL 7 zone. Refer to KZC 118 for regulations pertaining to properties near Hazardous Liquid Pipelines.](#)
- 2.3 Any development activities requiring Design Review approval pursuant to KZC 142.15 in this zone shall be reviewed administratively (ADR), pursuant to KZC 142.25.
- 3.4 Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
- 4.5 Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

PUBLICATION SUMMARY
OF ORDINANCE O-4371

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND ADDING A NEW CHAPTER 118 HAZARDOUS LIQUID PIPELINES; AND AMENDING CHAPTER 5 DEFINITIONS AND CHAPTER 55 TOTEM LAKE ZONE TL7 OF THE KIRKLAND ZONING ORDINANCE 3719 AS AMENDED; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON12-00002.

SECTION 1. Amends Kirkland Zoning Ordinance 3719 by adding a new Chapter 118 relating to hazardous liquid pipelines, amending Chapter 5 relating to definitions and amending Chapter 55 relating to the TL7 Zone.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Provides that the ordinance is subject to the disapproval jurisdiction of the Houghton Community Council.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 5. Establishes certification by City Clerk and notification of 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 _____, 2012.

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

City Clerk

ORDINANCE O-4372

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING ORDINANCE 3719 AS AMENDED: 5, 15, 17, 18, 30, 40, 45, 47, 48, 52, 53, 55, 56, 60, 75, 90, 95, 105, 113, 115, 117, 125, 142, 145, 150, 152, 162; AMENDING TITLE 1 AND TITLE 22 OF THE KIRKLAND MUNICIPAL CODE; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON12-00002.

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, and certain sections of the text of the Kirkland Municipal Code, as amended all as set forth in that certain report and recommendation of the Planning Commission dated July 26, 2012 and bearing Kirkland Department of Planning and Community Development File No.ZON12-00002; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission and Houghton Community Council , following notice thereof as required by RCW 35A.63.070, on June 14, 2012, held a joint public hearing, on the amendment proposals and considered the comments received at said hearing; 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 recommendation of the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, as set forth in Attachment A attached to this ordinance and incorporated by reference.

Section 2. Municipal Code text amended. The following specified sections of the Kirkland Municipal Code, as set forth in Attachment B attached to this ordinance and incorporated by reference.

Section 3. 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 4. 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.

Section 5. Except as provided in Section 4 this ordinance shall be in full force and effect November 1, 2012 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, as required by law.

Section 6. 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 _____, 2012.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 2012.

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

ATTACHMENT A
FILE NO. ZON12-00002
2012 MISCELLANEOUS CODE AMENDMENTS
KIRKLAND ZONING CODE (KZC)
***- Subject to Houghton Community Council review**

How to read this document:

- New text is underlined
- Existing text to be deleted is covered by a ~~strike-through~~
- ***Italicized*** text identifies the amendment topic
- Amendments are listed in code section order to the extent possible

A. **Proposed Language For Opposite Front Yard Setback Flexibility**

KZC CHAPTER 5 – DEFINITIONS

5.10 Definitions

5.10.326.5 Front Façade – The face of a building essentially parallel to the street, access easement or tract serving the subject property. The front facade may have multiple planes, including a covered entry porch. On a corner lot, or other lot with two or more front yards, the front facade shall be the facade that includes the main entry.

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

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						
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Spec. Reg. 1.	20' See Spec. Regs. 3 and 6.	5', but 2 side yards must equal at least 15 feet.	10'	50% See Spec. Reg. 5.	25' above average building elevation.	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> In RS 35 zones, the minimum lot size is 35,000 square feet. In RS 12.5 zones, the minimum lot size is 12,500 square feet. In RS 8.5 zones, the minimum lot size is 8,500 square feet. In RS 7.2 zones, the minimum lot size is 7,200 square feet. In RS 6.3 zones, the minimum lot size is 6,300 square feet. In RS 5.0 zones, the minimum lot size is 5,000 square feet. In RS 35, 12.5, 8.5, 7.2, 6.3 and 5.0 zones, not more than one (1) dwelling unit may be on each lot, regardless of the size of each lot. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: <ol style="list-style-type: none"> In RS 35 zones, F.A.R. is 20 percent of lot size. In RS 12.5 zones, F.A.R. is 35 percent of lot size. In RS 8.5 zones, F.A.R. is 50 percent of lot size. In RS 7.2 zones, F.A.R. is 50 percent of lot size. In RS 6.3 zones, F.A.R. is 50 percent of lot size. In RS 5.0 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met: <ol style="list-style-type: none"> The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical: 12 feet horizontal; and A setback of at least 7.5 feet is provided along each side yard. This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council. See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. A reduced F.A.R. may be required pursuant to subdivision design requirements in Chapter 22.28 KMC. On corner lots with two required front yards, one (1) may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

4. On lots with two front yards that are essentially parallel to one another, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 foot yard). The front yard shall be the yard adjacent to the front facade of the dwelling unit.

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REGULATIONS CONTINUED ON NEXT PAGE

Section 15.10



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
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						
.010	Detached Dwelling Unit (continued)									<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p><u>6</u> Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart).</p> <p><u>7</u> Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.</p>		



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 17.10	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						
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Spec. Reg. 1.	20' See Spec. Reg. 6.	5' each side. See Spec. Reg. 3.	10'	50% See Spec. Reg. 5.	30' above average building elevation.	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> 1. Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> a. In RSX 35 zones, the minimum lot size is 35,000 square feet. b. In RSX 8.5 zones, the minimum lot size is 8,500 square feet. c. In RSX 7.2 zones, the minimum lot size is 7,200 square feet. d. In RSX 5.0 zones, the minimum lot size is 5,000 square feet. In RSX 35, 8.5, 7.2 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot. 2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: <ol style="list-style-type: none"> a. In RSX 35 zones, F.A.R. is 20 percent of lot size. b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size. c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size. d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size. e. In RSX 5.0 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met: <ol style="list-style-type: none"> i. The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical: 12 feet horizontal; and ii. A setback of at least 7.5 feet is provided along each side yard. See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. 3. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 5. Residential lots in RSX zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart). 6. Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.
4. On lots with two front yards that are essentially parallel to one another, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 feet). The front yard shall be the yard adjacent to the front facade of the dwelling unit.											5 → 6 7	

Section 18.10	USE () REGULATIONS	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					Height of Structure
				Front	Side	Rear						
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Spec. Regs. 1, 2 and 3.	20' See Spec. Regs. 5 and 6.	5' each side.	10'	50% except 30% for the RSA 1 zone. See Gen. Reg. 3.	30' above average building elevation. See Spec. Reg. 8.	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> 1. Maximum units per acre is as follows: <ol style="list-style-type: none"> a. In RSA 1 zone, the maximum units per acre is one dwelling unit. b. In RSA 4 zones, the maximum units per acre is four dwelling units. c. In RSA 6 zones, the maximum units per acre is six dwelling units. d. In RSA 8 zones, the maximum units per acre is eight dwelling units. In RSA 1, 4, 6 and 8 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot. 2. Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area. b. In RSA 4 zones, the minimum lot size is 7,600 square feet. c. In RSA 6 zones, the minimum lot size is 5,100 square feet. d. In RSA 8 zones, the minimum lot size is 3,800 square feet. 3. Road dedication and vehicular access easements or tracts may be included in the density calculation, but not in the minimum lot size per dwelling unit. 4. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: <ol style="list-style-type: none"> a. In RSA 1 zone, F.A.R. is 20 percent of lot size. b. In RSA 4 zones, F.A.R. is 50 percent of lot size. c. In RSA 6 zones, F.A.R. is 50 percent of lot size. d. In RSA 8 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to 12 feet horizontal. See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. 5. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement. 6. Garages shall comply with the requirements of KZC 115.43, including required front yard. 7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 8. Maximum height of structure for properties located within the Juanita Beach Camps Plat (Volume 32, Page 35 of King County Records) or the Carr's Park Plat (Unrecorded) shall be 35 feet above average building elevation.
6. On lots with two front yards that are essentially parallel to one another, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 foot yard). The front yard shall be the yard adjacent to front facade of the dwelling unit.												
7 8 9												

B. *Proposed Language For Entertainment, Cultural, and Recreation Uses

KZC CHAPTER 5 – DEFINITIONS

5.10 Definitions

5.10.042 ~~Athletic Instructional Facility~~—An establishment related to recreational activities that provide instructional classes in gymnastics, swimming and dance, exclusive of athletic clubs or fitness clubs.

5.10. 140 ~~Commercial Recreation Area and Use~~ - An area and use operated for profit, with private facilities, equipment and services for recreational purposes. A commercial recreational facility, including swimming pools, tennis courts, playgrounds facilities and/or other similar uses. The use of such an area may be limited to private membership or may be open to the public upon the payment of a fee.

5.10.153: Community Facility - A use which serves the public and is generally of a public service, noncommercial nature, ~~such as use shall include food banks, clothing banks, and other nonprofit social service organizations; nonprofit recreational facilities; and nonprofit performing arts centers.~~

5.10.279 Entertainment, Cultural and/or Recreational Facility – A facility providing entertainment, cultural and/or recreational services, including but not limited to: theaters, performing arts centers, museums, bowling alleys, swimming pools, tennis courts, play facilities, dance studios and physical fitness facilities.

KZC CHAPTER 48 – LIGHT INDUSTRIAL TECHNOLOGY (LIT) ZONES

48.15 Use Zone Chart

New Section: 48.15. 220 (*Add new use listing - Entertainment, Cultural and / or Recreational Facility*)

Use Regulation: Entertainment, Cultural and / or Recreational Facility

Required Review Process: Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.

Lot Size: None

Required Yards:

Front 20

Side 0

Rear 0

Lot Coverage: 80%

Height of Structure: If adjoining a low density zone other than RSX, then 25' above average Building elevation (does not apply to institutional uses in low density zones). Otherwise, 35' above average

Landscape Category: B

Sign Category: E

Required Parking Spaces: See KZC 105.25

Special Regulations: None

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 45.10	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						
.080	Hotel or Motel	None	None	BC: 20'	0'	0'	80%	See Gen. Regs. 5 and 6.	B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.090	A Retail Establishment providing entertainment, recreational or cultural activities			BC 1 and BC 2: 10'	See Gen. Regs. 4 and 5.	See Gen. Regs. 4 and 5.					1 per every 4 fixed seats.	
.100	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	
.110	Stacked Dwelling Unit. See Special Regulation 1.		900 square feet per unit in BC 1 and BC 2, otherwise none.	Same as the regulations for the ground floor use. See Spec. Reg. 1.						A	1.7 per unit.	1. This use, with the exception of a lobby, may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.120	Church		None	BC: 20'	0'	0'	80%	See Gen. Regs. 5 and 6.	C	B	1 for every four people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.

Entertainment, Cultural and/or Recreational Facility



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

Section 47.10	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						
.070	Office Use	None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	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. 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 development permit application. 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.
.080	Hotel or Motel								B	E	1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> May include ancillary meeting and convention facilities. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.090	A Retail Establishment providing entertainment, recreational or cultural activities										1 per every 4 fixed seats.	
.100	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	
.110	Stacked Dwelling Unit. See Special Regulation 1.			Same as the regulations for the ground floor use. See Spec. Reg. 1.						A	1.7 per unit.	<ol style="list-style-type: none"> This use, with the exception of a lobby, may not be located on the ground floor of a structure. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Entertainment, Cultural and/or Recreational Facility

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

Section 40.10	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						
.010	Retail Establishment selling groceries and related items	None	None	BN zone: 20'	10' on each side	10'	80%	If adjoining a low density zone other than RSX or RSA, then 25' above average building elevation.	B	D	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Except for retail establishments selling groceries and related items in the BNA zone, gross floor area for this use may not exceed 10,000 square feet. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. A delicatessen, bakery, or other similar use may include, as part of this 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 this use; and It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.
.020	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art			BNA zone: 10'				Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.				
.030	Retail Variety or Department Store											
.040	Retail Establishment providing banking and related financial services											
.050	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services											
.055	Retail Establishment providing entertainment, recreational or cultural activities See Spec. Reg. 5.									1 per every 4 fixed seats.	<ol style="list-style-type: none"> Gross floor area for this use may not exceed 10,000 square feet. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. For restaurants with drive-in or drive-through facilities, one outdoor waste receptacle shall be provided for every eight parking stalls. Retail Establishment providing entertainment, recreational or cultural activities only allowed in BNA zone. 	
.060	Restaurant or Tavern									1 per each 100 sq. ft. of gross floor area.		

Entertainment, Cultural and/or Recreational Facility

Entertainment, Cultural and/or Recreational Facilities are

Section 52.12

Zone
JBD-1

USE ZONE CHART

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

Section 52.12	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	A Retail Establishment providing entertainment, recreational, or cultural activities	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	30' above average building elevation.	D	E	See KZC 105.25.	
.070	A Retail Establishment other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services. See Spec. Regs. 1 and 4.								D See Spec. Reg. 3.		1 per each 300 sq ft. of gross floor area.	<ol style="list-style-type: none"> The following uses are not permitted in this zone: <ol style="list-style-type: none"> Retail establishments providing storage services unless accessory to another permitted use. Automobile sales and/or rental facilities. Outdoor storage of bulk commodities, except in the following circumstances: <ol style="list-style-type: none"> If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure, or; If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. Drive-in and drive-through facilities are permitted only if these facilities do not compromise the pedestrian orientation of the development. The location and specific design of the facilities required Planning Official approval. Landscape Category B will be required if the use includes drive-through facilities. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.

Entertainment, Cultural and/or Recreational Facility

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

Section 52.17	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							
.010	Vehicle Service Station See Spec. Reg. 1.	D.R., Chapter 142 KZC.	22,500 sq. ft.	0'	0'	0'	80%	26' above average building elevation.	A	E	See KZC 105.25. 1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.		
.020	Automotive Service Center See Spec. Reg. 1.		None	0'	0'	0'						1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 3.	1. This use specifically excludes new or used automobile sales or rentals. 2. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining a residential use. Windows are permitted if they are triple-paned and unable to be opened. 3. Ten percent of the required parking spaces on site must have a minimum dimension of 10-feet wide by 30-feet long for motor home/travel trailer use. 4. Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations. 5. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential use complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
.030	Retail Establishment providing boat sales, service, or repair. See Spec. Reg. 1.		See KZC 105.25.	1. Boat rental and used boat sales are allowed as part of this use. 2. Storage of parts must be conducted entirely within an enclosed structure. 3. Outdoor boat parking and storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.									
.040	Restaurant or Tavern	D			1 per each 100 sq. ft. of gross floor area.	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. c. Landscape Category B shall apply.							
.060	A Retail Establishment providing entertainment, recreational, or cultural activities												

Entertainment, Cultural and/or Recreational Facility

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 52.27	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						
.010	Retail Establishment providing boat sales, service, or repair. See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	A	E	See KZC 105.25.	1. Boat rental and used boat sales are allowed as part of this use. 2. Storage of parts must be conducted entirely within an enclosed structure. 3. Outdoor boat parking and storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.020	Restaurant or Tavern								C		1 per each 100 sq. ft. of gross floor area.	1. Drive-in or drive-through facilities are prohibited.
.040	A Retail Establishment providing entertainment, recreational, or cultural activities										See KZC 105.25.	

Entertainment, Cultural and/or Recreational Facility

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 52.32	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						
.010	Retail Establishment providing boat sales, service, or repair. See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> Boat rental and used boat sales are allowed as part of this use. Gross floor area for this use may not exceed 10,000 square feet. Storage of parts must be conducted entirely within an enclosed structure. Outdoor boat parking and storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.020	Restaurant or Tavern								C		1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Gross floor area for this use may not exceed 10,000 square feet. Drive-in or drive-through facilities are prohibited.
.040	A Retail Establishment providing entertainment, recreational, or cultural activities										See KZC 105.25.	<ol style="list-style-type: none"> Gross floor area for this use may not exceed 10,000 square feet.

Entertainment, Cultural and/or Recreational Facility

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 52.42	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							
.010	Restaurant or Tavern. See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	C	E	1 per each 100 sq. ft. of gross floor area.	1. This use is not allowed east of NE 120th Place. 2. Gross floor area for this use may not exceed 10,000 square feet. 3. Drive-in or drive-through facilities are prohibited.	
.030	A Retail Establishment providing entertainment, recreational, or cultural activities. See Spec. Reg. 1.										See KZC 105.25.	1. This use is not allowed east of NE 120th Place. 2. Gross floor area for this use may not exceed 10,000 square feet.	

Entertainment, Cultural and/or Recreational Facility

Section 60.132

Zone
PLA9

USE ZONE CHART

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

Section 60.132	USE ↓ REGULATIONS ↑	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	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						
.050	Recreation establishments providing one or more of the following activities: 1. golf 2. swimming 3. tennis or other racquet sports 4. handball 5. jogging or other exercise 6. field sports 7. health club or spa facilities.	Process IIB, Chapter 152 KZC.	7,200 sq. ft.	20'	10' on each side	10'	60%	25' above average building elevation.	B	D	See KZC 105.25.	<ol style="list-style-type: none"> Hours of operation may be limited to reduce impact on residential areas. The area covered by structures, parking, buffers, and other elements of this use may not be used in calculating residential density in the development. The following accessory components are permitted as part of this use: <ol style="list-style-type: none"> Retail sales and rental of sports equipment for activity conducted on the subject property. A restaurant encompassing not more than 20 percent of the gross floor area of this use.
.060	Church	Process IIA, Chapter 150 KZC.			20' on each side	20'	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	<ol style="list-style-type: none"> No parking is required for day-care or school ancillary to this use.

Entertainment, Cultural and/or Recreational Facility

Section 53.06



USE ZONE CHART

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

Section 53.06	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						
.050	Office Use	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	67' above average building elevation.	C	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.
.060	Hotel or Motel								B	E	1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> May include ancillary meeting and convention facilities. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirements for these ancillary uses shall be determined on a case-by-case basis.
.070	A-Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	
.080	Attached or Stacked Dwelling Unit								D	A	1.7 per unit.	<ol style="list-style-type: none"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.
.090	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	

Entertainment, Cultural and/or Recreational Facility

Section 53.24

Zone
RH 2A, 2B,
2C

USE ZONE CHART

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

Section 53.24	USE ↓ REGULATIONS ↑	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	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						
.010	Vehicle Service Station See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	22,500 sq. ft.	20' See Spec. Reg. 2.	0' See Spec. Reg. 2.	0' See Spec. Reg. 2.	80%	35' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> This use is permitted only in RH 2A. Gas pump islands must be set back a minimum of 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 95.40 through 95.45, required landscaping, for further regulations.
.020	Automotive Service Center See Spec. Reg. 1.		None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	In RH 2A and RH 2B: 80% In RH 2C: 70%	In RH 2B: 55' above average building elevation. In RH 2A: 67' above average building elevation.			1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 2.	<ol style="list-style-type: none"> This use is permitted only in RH 2A. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/ travel trailer use. Parts and tires must be stored entirely within an enclosed structure. Outdoor vehicle parking or storage must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.030	Restaurant or Tavern										1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> This use is permitted in RH 2B only if developed in conjunction with the RH 2A zone. This use is not permitted in RH 2C. For restaurants with drive-in or drive-through facilities: <ol style="list-style-type: none"> One outdoor waste receptacle shall be provided for every eight parking stalls. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.040	A Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	<ol style="list-style-type: none"> This use is permitted in RH 2B only if developed in conjunction with the RH 2A zone. This use is not permitted in RH 2C.

Entertainment, Cultural and/or Recreational Facility



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.34	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						
.050	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 3. For a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles, the following shall apply: a. For the number of required parking stalls see KZC 105.25. b. Parts must be stored entirely within an enclosed structure. c. See KZC 95.40 through 95.45, required landscaping, for further regulations.	
.060	Hotel or Motel	D.R., Chapter 142 KZC.	Less than 6 acres.	10'	0'	0'	80%	35' above average building elevation.	B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.070	A Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	

Entertainment, Cultural and/or Recreational Facility

Section 53.54



USE ZONE CHART

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

Section 53.54	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						
.010	Vehicle Service Station See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	22,500 sq. ft.	20' See Spec. Reg. 4.	15' See Spec. Reg. 4.	15' See Spec. Reg. 4.	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> This use is permitted only if the subject property abuts NE 85th Street. This use is not permitted in the RH 5B zone. May not be more than two vehicle service stations at any intersection. Gas pump islands must be set back at least 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 95.40 through 95.45, required landscaping, for further regulations.
.020	Automotive Service Center See Spec. Reg. 1.		None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'					1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 4.	<ol style="list-style-type: none"> This use is not permitted in the RH 5B zone. This use specifically excludes a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of a building adjoining any residential zone. Windows are permitted if they are triple-paned and unable to be opened. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. Parts and tires must be stored entirely within an enclosed structure. Outdoor vehicle parking or storage must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.030	A Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	
.040	Restaurant or Tavern See Spec. Regs. 1 and 2.										1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Taverns and restaurants with drive-in or drive-through facilities are not permitted uses in an RH 5B zone. For restaurants with drive-in or drive-through facilities: <ol style="list-style-type: none"> One outdoor waste receptacle shall be provided for every eight parking stalls. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

Entertainment, Cultural and/or Recreational Facility

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

Section 53.74	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						
.030	Office Use	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	30' above average building elevation.	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.
.040	Hotel or Motel								E	1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> May include ancillary meeting and convention facilities. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis. 	
.050	A Retail Establishment providing entertainment, recreational or cultural activities									See KZC 105.25.		
.060	Private Lodge or Club								B	1 per each 300 sq. ft. of gross floor area.		
.070	Attached or Stacked Dwelling Units								A	1.7 per unit.	<ol style="list-style-type: none"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 	

Entertainment, Cultural and/or Recreational Facility

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 (See Ch. 100)	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						
.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. 2 and 3.	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 of a structure. Gross floor area for each individual use may not exceed 4,000 sq. ft.
.030	A Retail Establishment providing entertainment, recreational or cultural activities										See KZC 105.25.	<ol style="list-style-type: none"> Gross floor area for each individual use may not exceed 4,000 sq. ft.
.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.									D	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> The following uses are not permitted in this zone: <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.

Entertainment, Cultural and/or Recreational Facility

REGULATIONS CONTINUED ON NEXT PAGE

(Revised 4/11)

Section 55.21

Zone
TL 2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.21	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						
.020	Any Retail Establishment, Other than Those Specifically Listed in this Zone, Selling Goods or Providing Services Including Banking and Other Financial Services	D.R., Chapter 142 KZC.	Less than 1.5 acres.	0'	0'	0'	80%	30' above average building elevation.	D See Spec. Reg. 5.	E	1 per 300.	<ol style="list-style-type: none"> Must be developed to be compatible with the approved Conceptual Master Plan for adjacent properties, with respect to signs, parking and pedestrian and vehicular access. Any vehicle service or repair activity must be entirely contained within an enclosed structure, and the orientation of the use and activity must be away from pedestrian circulation routes and spaces. Vehicle sales are permitted only if the vehicles are displayed in an indoor showroom, and the showroom does not occupy more than 10,000 square feet. Location of drive-through facilities must not compromise the pedestrian orientation of the development. The location and specific design of the facilities requires Planning Official approval. Landscape Category B will be required if the use includes drive-through facilities. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. The following uses are not permitted in this zone: <ol style="list-style-type: none"> Retail establishments providing storage services unless accessory to another permitted use. Outdoor storage of bulk commodities, except in the following circumstances: <ol style="list-style-type: none"> If the square footage of the storage area is less than five percent of the total square footage of the retail structure; or If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses.
.030	Restaurant or Tavern									1 per 100.		
.040	A Retail Establishment Providing Entertainment, Recreational, or Cultural Activities									See KZC 105.25.		

Entertainment, Cultural and/or Recreational Facility



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.33	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 YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.080	A-Retail Establishment providing entertainment, recreational or cultural activities	D.R., Chapter 142 KZC	None	20'	0'	0'	80%	35' above average building elevation.	B	E	1 per every 4 fixed seats.	
.090	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	
.100	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone.			Same as the regulations for the ground floor use. See Spec. Reg. 1.				TL 4A and TL 4B: 65' above average building elevation. See Spec. Reg. 5. TL 4C: 45' above average building elevation. See Spec. Reg. 5.	D	E	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwelling units. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. No more than 10 percent of the ground floor of a structure may contain residential use. 4. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 5. The equivalent of the additional gross floor area constructed above 35 feet over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor. 6. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.110	Church			20'	0'	0'	80%	35' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Spec. Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.

Entertainment, Cultural and/or Recreational Facility

Section 55.39

Zone
TL 5

USE ZONE CHART

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

Section 55.39	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 YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	A-Retail Establishment providing entertainment, recreational or cultural activities	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	35' above average building elevation. See General Regulation 3.	B	E	1 per every 4 fixed seats.	
.100	Private Lodge or Club			C	B	1 per each 300 sq. ft. of gross floor area.						
.110	Attached or Stacked Dwelling Unit See Spec. Reg. 1.			See Spec. Regs. 1 and 2.					A	1.7 per unit.	<ol style="list-style-type: none"> No more than 10 percent of the ground floor of a structure may contain residential use. At least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. At least two stories of the building must be dedicated to residential use. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 	
.120	Church			10'	0'	0'			80%	35' above average building elevation. See Gen. Reg. 3.	C	

Entertainment,
Cultural and/or
Recreational
Facility

Section 55.45

Zone
TL 6A,
6B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.45	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 YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Office Use	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' above average building elevation.	C	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. 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 development permit application. 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.
.070	Hotel or Motel								B	E	1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> May include ancillary meeting and convention facilities. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.080	A Retail Establishment providing entertainment, recreational or cultural activities											
.090	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	

Entertainment,
Cultural and/or
Recreational
Facility

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.51	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 YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	A Retail, Variety or Department Store	D.R., Chapter 142 KZC. See Gen. Reg. 2.	None	20'	0'	0'	80%	35' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area. 1. This use must contain at least 75,000 square feet of gross floor area. 2. Outdoor storage for this use must be buffered as established in Chapter 95 for Landscaping Category A. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. No drive-through or drive-in facilities are permitted.	
.140	A multi-use complex or mixed use building containing 7 or more restaurants, taverns, retail establishments, or churches									See KZC 105.25. 1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A. 2. No drive-through or drive-in facilities are permitted. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are 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. 5. Churches are limited to no more than 15 percent of the gross floor area of the complex.		
.150	Athletic Instructional Facility											
.160	Hotel or Motel									1 per each room. See Spec. Reg. 2.	1. May include meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for those ancillary uses shall be determined on a case-by-case basis.	

Entertainment, Cultural and/or Recreational Facility

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.57	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscaping Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Hotel or Motel See Gen. Reg. 2.	D.R., Chapter 142 KZC. See Gen. Reg. 8.	None	10'	5' each side	10'	70%	35' above average building elevation.	B	E	See KZC 105.25.	<ol style="list-style-type: none"> The following uses are not allowed: The sale, service, and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers, vehicle service station, and storage services; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and are dependent on this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Outdoor storage and drive-in or drive-through facilities are not permitted.
.020	A Retail Establishment providing entertainment or recreational activity											
.030	Athletic, Exercise, or Health Club/Facility See Gen. Reg. 2.											
.040	Any Retail Establishment, other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services. See Spec. Reg. 1.											
.050	Restaurant or Tavern											

Entertainment,
Cultural and/or
Recreational
Facility

Section 55.81

Zone
TL 10C

USE ZONE CHART

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

Section 55.81	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 YARD (See Ch. 115)									
				Front	Side	Rear							
.140	Restaurant or Tavern See Spec. Reg. 1.	D.R., Chapter 142 KZC	None	20'	0'	0'	80%	Where adjoining a low density zone, then 30' above average building elevation. Otherwise 35' above average building elevation.	B	E	1 per each 100 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. It is not located in a separate structure from the primary use; c. The use is integrated into the design of the building; d. There is no vehicle drive-in or drive-through.	
.150	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											
.160	Commercial Recreation Area and Use	D.R., Chapter 142 KZC	None	20'	0'	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise 35' above average building elevation.	A	E	See KZC 105.25.	1. The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between I-405 and 116th Avenue NE. 2. The use shall be conducted within a wholly enclosed building. 3. The structure containing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.	

Entertainment,
Cultural and/or
Recreational
Facility

Section 55.87

Zone
TL 10D

USE ZONE CHART

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

Section 55.87	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 YARD (See Ch. 115)									
				Front	Side	Rear							
.150	Commercial Recreation Area and Use	D.R., Chapter 142 KZC	None	20'	0'	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> 1. The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between I-405 and 116th Avenue NE. 2. The use shall be conducted within a wholly enclosed building. 3. The structure containing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space. 	
.160	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											

Entertainment,
Cultural and/or
Recreational
Facility

Section 55.93

Zone
TL 10E

USE ZONE CHART

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

Section 55.93	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 YARD (See Ch. 115)									
				Front	Side	Rear							
.130	Commercial Recreation Area and Use	D.R., Chapter 142 KZC	None	20'	0'	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> 1. The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between I-405 and 116th Avenue NE. 2. The use shall be conducted within a wholly enclosed building. 3. The structure containing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space. 	
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											

Entertainment, Cultural and/or Recreational Facility

**C. Proposed Language For Single Family Residential RSA 4 and 6 Zones
Minimum Lot Size**

KZC CHAPTER 18 – SINGLE FAMILY RESIDENTIAL A (RSA) ZONES

18.10 RSA Use Zone Chart

18.010 Special Regulations

1. (no change)
2. Minimum lot size per dwelling unit is as follows:
 - a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area.
 - b. In RSA 4 zones, the minimum lot size is ~~7,600~~ ~~3,800~~ square feet.
 - c. In RSA 6 zones, the minimum lot size is ~~5,100~~ ~~2,550~~ square feet.
 - d. In RSA 8 zones, the minimum lot size is 3,800 square feet.
3. (No Further changes)

D. *Delete Incorrect Reference to WAC Title 388 requiring schools/mini schools, daycare centers/mini day care to be subject to State requirements

~~These uses are subject to the requirements established by the Department of Social and Health Services (WAD Title 388)~~

This change will be made to KZC Special Regulations for the following sections:

Section	Zone
18.030 Special Regulation 12 & .040 Special Regulation 11	RSA
40.10.120 Special Regulation 10 & .130 Special Regulation 7	BN, BNA
45.10. 130 special Regulation 7 & .140 Special Regulation 7	BC, BC1, BC 2
47.10.130 Special Regulation 7 & .140 Special Regulation 7	BCX
48.15.130.Special Regulation 8 & .140 Special Regulation 8	LIT
52.12.140 Spec. Reg. 5 & .150 Special Regulation 6	JBD-1
52.17.130 Spec. Reg. 5 & .140 Special Regulation 5	JBD-2
52.27.110 Spec. Reg. 5 & .120 Special Regulation 5	JBD- 4
52.32.100 Spec. Reg. 5 & .110 Special Regulation 5	JBD-5
52.42.090 Special Regulation 5 & .110 Special Regulation 5	JBD-6
53.06.110 Special Regulation 6	RH 1A
53.24.130 Special Regulation 6	RH 2 A, B
53.34.110 Special Regulation 6	RH 3
53.54.110 Special Regulation 6	RH 5 A, B
53.74.100 Special Regulation 6	RH 7
53.84.080 Special Regulation 6	RH 8

55.21.100 Special Regulation 6	TL 2
55.33.120 Special Regulation 7	TL 4 A, B, C
55.39.130 Special Regulation 7	TL 5
55.45.140 Special Regulation 7	TL 6 A, B
55.51.230 Special Regulation 7	TL 7
55.57.100 Special Regulation 6	TL 8
55.64.040 Special Regulation 7 & .050 Special Regulation 7	TL 9B
55.81.100 Special Regulation 7	TL 10 C
55.87.110 Special Regulation 8	TL 10 D
60.132.070. Special Regulation 8 & .080 Special Regulation 8	PLA 9
60.182.050 Special Regulation 8 & .060 Special Regulation 6	PLA 16

E. *Proposed language for electronic readerboard amendments – insert the following language into KZC Use Zone Charts 15.10.030, 17.10.030, 18.10.030 and 56.20 where indicated.

Electrical signs shall be permitted at Junior High/Middle Schools and High Schools. One pedestal sign with a readerboard having electronic programming is allowed per site only if:

- a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
- b. The electronic readerboard is no more than 50 percent of the sign area;
- c. Moving graphics and text or video are not part of the sign;
- d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
- e. The electronic readerboard displays messages regarding public service announcements or school events only;
- f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
- g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m.;
- h. The school is located on a collector or arterial street.

The City shall review and approve the location of the sign on the site. The sign shall be located to have the least impact on surrounding residential properties. If it is determined that a proposed electronic readerboard would constitute a traffic hazard the Planning Director may impose restrictions or deny the readerboard.



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
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						
.030 School or Day-Care Center	See Spec. Reg. 10.	As established on the Zoning Map. See Spec. Reg. 1.	If this use can accommodate 50 or more students or children, then: 50' 50' on each side 50' If this use can accommodate 13 to 49 students or children, then: 20' 20' on each side 20'			70%	25' above average building elevation. See Spec. Reg. 12.	D	B See Spec. Reg. 8.	See KZC 105.25.	1. Minimum lot size is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 6.3 zones, the minimum lot size is 6,300 square feet. f. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. May locate on the subject property only if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods. c. The property is served by a collector or arterial street (does not apply to existing school sites). 3. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 4. Hours of operation and maximum number of attendees at one (1) time may be limited to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 6. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Car-pooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 8. Electrical signs shall not be permitted. 9. May include accessory living facilities for staff persons. 10. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC.

Replace language in #8 with proposed language

REGULATIONS CONTINUED ON NEXT PAGE



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 18.10	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						
.030	School or Day-Care Center (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE 8. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area 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. 9. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 10. For school use, structure height may be increased, up to 35 feet, if: 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. 11. May include accessory living facilities for staff persons. 12. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 13. Electrical signs shall not be permitted.	
<div style="border: 1px solid red; padding: 5px; display: inline-block; color: red;"> Replace language in #13 with proposed language </div>												
.040	Mini-School or Mini-Day-Care Center See Spec. Regs. 1 and 2.	Process I, Chapter 145 KZC.	As established on the Zoning Map. See Spec. Reg. 3.	20'	5' but 2 side yards must equal at least 15'.	10'	50%, except 30% for RSA 1 zone. See Gen. Reg. 3. See Gen. Reg. 4 for Holmes Point overlay zone.	30' above average building elevation.	E See Gen. Regs. 3 and 4.	B See Spec. Reg. 9.	See KZC 105.25.	1. May locate on the subject property if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. This use is not permitted on properties within the jurisdiction of the Shoreline Management Act. See Chapter 83 KZC. 3. Minimum lot size is as follows: a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area. b. In RSA 4 zones, the minimum lot size is 7,600 square feet. c. In RSA 6 zones, the minimum lot size is 5,100 square feet. d. In RSA 8 zones, the minimum lot size is 3,800 square feet.
											REGULATIONS CONTINUED ON NEXT PAGE	

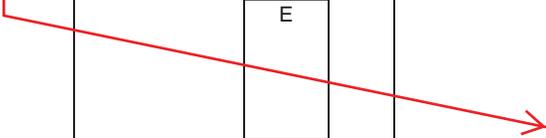
Section 17.10		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage				
USE ↓	REGULATIONS ↓		Front	Side	Rear						
.030	School or Day-Care Center (continued)										<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <ol style="list-style-type: none"> 3. May locate on the subject property only if: <ol style="list-style-type: none"> a. It will not be materially detrimental to the character of the neighborhood in which it is located; or b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods. c. The property is served by a collector or arterial street. 4. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 5. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 6. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 7. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area 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. 8. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 9. Electrical signs shall not be permitted except at Lake Washington and Juanita High Schools. One pedestal sign with a readerboard having electronic programming is allowed at each high school only if: <ol style="list-style-type: none"> a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face; b. The electronic readerboard is no more than 50 percent of the sign area; c. Moving graphics and text or video are not part of the sign; d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way; e. The electronic readerboard displays messages regarding public service announcements or school events only; f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness; <p>REGULATIONS CONTINUED ON NEXT PAGE</p>

Replace language in #9 with proposed language



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 56.20	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 YARD (See Ch. 115)			Lot Coverage					Height of Structure	
				Front	Side	Rear							
.080	Private Lodge or Club	D.R., Chapter 142 KZC	None	0' adjacent to NE 38th Place and Northup Way. Otherwise, 20'.	0'	0'	80%	In YBD 2, 55' above average building elevation.	C	B	1 per each 300 sq. ft. of gross floor area		
.090	Hospital Facility										B		See KZC 105.25.
.100	Public Utility										A		
.110	Church										C		1 for every 4 people based on maximum occupant load of any area of worship. See Spec. Reg. 2.
.120	School or Day-Care Center										D		See KZC 105.25.
.130	Mini-School or Mini-Day-Care										E		
.140	Government Facility Community Facility	C See Spec. Reg. 1.		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.									
.150	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.											

Add #5 with proposed language



F. *Proposed Language For Rear Yard Setbacks in Waterfront District Zones

30.05 User Guide.

The charts in KZC [30.15](#) contain the basic zoning regulations that apply in the WD I 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 30.10



Zone
WDI

Section 30.10 – 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. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter [5](#) KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter [112](#) KZC for additional affordable housing incentives and requirements.
3. The required rear yard for each use shall be the same as the required rear yard for the same use in the RM zone, unless otherwise specified in section 30.15.020.5. (does not apply to Public Access Pier, Boardwalk or Public Access Facility; Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit; Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units; Boat Launch; or Water Taxi)
3. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:
 - a. Within 30 feet of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
 - b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and
 - c. The design of the public use area is specifically approved by the City.

(Does not apply to Public Access Pier, Boardwalk or Public Access Facility; Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit; Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units; Public Park; Public Utility Uses; Boat Launch; or Water Taxi.)
4. The required 30-foot front yard may be reduced, subject to all of the following conditions:
 - a. The existing primary structure does not conform to the minimum shoreline setback standard;
 - b. The proposed complete replacement or replacement of portion of the existing primary structure comply with the minimum required shoreline setback established under the provisions of Chapter [83](#) KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC [83.380](#);
 - c. The front yard for the complete replacement or the portion of replacement may be reduced one foot for each one foot of the shoreline setback that is increased in dimension from the setback of the existing nonconforming primary structure; provided, that subsection (4)(d) of this section is met; and
 - d. Within the front yard, each portion of the replaced or portion of replaced primary structure is set back from the front property line by a distance greater than or equal to the maximum height of that portion above the front property line.

(Does not apply to Public Access Pier, Boardwalk or Public Access Facility; Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit; Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units; Public Park; Public Utility Uses; Boat Launch; or Water Taxi).
5. A view corridor must be maintained across 30 percent of the average parcel width. Refer to Chapter [83](#) KZC for additional details.
6. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density
7. May also be regulated under the Shoreline Master Program; refer to Chapter [83](#) KZ

30.19 User Guide.

The charts in KZC [30.25](#) contain the basic zoning regulations that apply in the WD II 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 30.20



Zone
WDII

Section 30.20 – 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. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
3. The required yard abutting an unopened right-of-way shall be a side property rather than a front property line.
4. [The required rear yard for each use shall be the same as the required rear yard for the same use in the RS zone, unless otherwise specified in sections 30.25.010.9 and 30.25.010.10. \(does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit;](#)
45. May also be regulated under the Shoreline Master Program; refer to Chapter [83](#) KZC.
56. Residential uses abutting Lake Washington may have an associated private shoreline park that is commonly owned and used by residents and guests.

[link to Section 30.25 table](#)



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 30.25	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	Shoreline Setback	Side Property Line						
.010	Detached Dwelling Unit	None	12,500 sq. ft.	For those properties that conform to the standard shoreline setback requirements established in Chapter 83 KZC, either: a. 10' or b. The average of the existing front yards on the properties abutting the subject property to the north and south. Otherwise, 20'. See Spec. Regs. 3, 6, 7 and 11.	See Chapter 83 KZC.	5', but 2 side yards must equal at least 15' or 5' on each side. See Spec. Reg. 5.	50%	For properties with a minimum of 45' of frontage along Lake Washington, 30' above average building elevation. See Spec. Reg. 12. Otherwise, 25' above average building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> 1. No structure, other than a moorage structure, may be waterward of the ordinary high water mark. For the regulations regarding moorage, see Chapter 83 KZC. 2. For this use, only one dwelling unit may be on each lot regardless of lot size. 3. For properties located south of the Lake Avenue West Street End Park, the required front yard may be decreased to the average of the existing front yards on the properties abutting the subject property to the north and south. 4. The dimensions of any required yard, other than as specifically listed, will be determined on a case-by-case basis, unless otherwise specified in this section. The City will use the setback for this use in RS zones as a guide for this use. 45. The gross floor area of any floor above the first story at street or vehicular access easement level shall be reduced by a minimum of 15 percent of the floor area of the first story, subject to the following conditions: <ol style="list-style-type: none"> a. The structure must conform to the standard shoreline setback requirements established in Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC 83.380. b. The required floor area reductions shall be incorporated into one or both facades facing the side property lines in order to provide separation between neighboring residences. (See Plate 36.) c. This provision shall not apply to residences that do not contain a ceiling height greater than 16 feet above the street or vehicular access easement level, as measured at the midpoint of the frontage of the subject property on the abutting right-of-way. d. The calculation of gross floor area shall apply the provisions established in KZC 115.42(1). 56. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24).

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 30.25



USE ZONE CHART

Section 30.25		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				
Front	Shoreline Setback	Side Property Line									
.010	Detached Dwelling Unit (Continued)										<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p>6 * The front required yard provisions shall not apply to public street ends located west of Waverly Way, but the required yard shall be regulated as a side yard.</p> <p>7 * Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>8 * Garages shall comply with the requirements of KZC 115.43, including required front yard. These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.</p> <p>9 * The required yard along the east side of the vehicular access easements known as 5th Avenue West or Lake Avenue West is zero feet.</p> <p>10 * The required yard along the west side of the vehicular access easements known as 5th Avenue West or Lake Avenue West is either five feet or the average of the existing rear yards on the properties abutting the subject property to the north and south. The garage shall be located to comply with the provisions for parking pads contained in KZC 105.47.</p> <p>11 * For the increase in height from 25' to 30' above average building elevation, the structure must conform to the standard shoreline setback requirements established in Chapter 83 KZC, or as otherwise approved under the shoreline setback provisions established in KZC 83.380.</p> <p>12 * At the northern terminus of the 5th Avenue West vehicular access easement, the average parcel depth shall be measured from the ordinary high water mark to the public pedestrian access easement providing access to Waverly Beach Park.</p>

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 30.25	USE ↓ REGULATIONS ↑	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Shoreline Setback	Side Property Line						
.020	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	See Chapter 83 KZC.	None	See Chapter 83 KZC.			-	See Chapter 83 KZC.	See Chapter 83 KZC.	See Chapter 83 KZC.	None	1. Refer to Chapter 83 KZC for additional regulations.
.030	Public Utility	Process IIA, Chapter 150 KZC.		20'	See Chapter 83 KZC.	5', but 2 side yards must equal at least 15'.	70%	25' above average building elevation.	A	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The maximum horizontal facade shall not exceed 50 feet. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for more details. 3. The dimension of any required yard, other than as specifically listed, will be determined on a case-by-case basis. The City will use the setback for this use in RS zones as a guide. 4. 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 nearby uses.
.040	Government Facility Community Facility			C See Spec. Reg. 4.								

Section 30.25

Zone
WDII

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 30.25	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	Shoreline Setback	Side Property Line						
.050	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.						1. If any portion of a structure is adjoining a low density zone, then either: <ol style="list-style-type: none"> a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The maximum horizontal facade shall not exceed 50 feet in width. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for more details. 2. This use may include a public access pier or boardwalk. See Chapter 83 KZC for regulations regarding these uses.				

The charts in KZC [30.35](#) contain the basic zoning regulations that apply in the WD III 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 30.30


Section 30.30 – 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. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter [5](#) KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter [112](#) KZC for additional affordable housing incentives and requirements.
3. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
4. [The required rear yard for each use shall be the same as the required rear yard for the same use in the RM zone, unless otherwise specified in section 30.35.020.5. \(Does not apply to Public Access Pier, Boardwalk, or Public Access Facility; Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit; Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units; Boat Launch; or Water Taxi\).](#)
- 4-5 The required 30-foot front yard may be reduced, subject to all of the following conditions:
 - a. The existing primary structure does not conform to the minimum shoreline setback standard;
 - b. The proposed complete replacement or replacement of portion of the existing primary structure comply with the minimum required shoreline setback established under the provisions of Chapter [83](#) KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC [83.380](#);
 - c. The front yard for the complete replacement or the portion of replacement may be reduced one foot for each one foot of the shoreline setback that is increased in dimension from the setback of the existing nonconforming primary structure; provided, that subsection (4)(d) of this regulation is met; and
 - d. Within the front yard, each portion of the replaced or portion of replaced primary structure is set back from the front property line by a distance greater than or equal to the maximum height of that portion above the front property line.

(Does not apply to Public Access Pier, Boardwalk, or Public Access Facility; Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit; Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units; Public Park; Public Utility Uses; Boat Launch; or Water Taxi).
- 5-6 The required 30-foot front yard may be reduced, subject to the following conditions:
 - a. The existing primary structure does not conform to the minimum shoreline setback standard;
 - b. The front yard may be reduced one foot for each one foot of the shoreline setback that is increased in dimension;
 - c. The new or remodeled primary structure must comply with the minimum required shoreline setback established under the provisions of Chapter [83](#) KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC [83.380](#); and
 - d. Within 30 feet of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line.
67. May also be regulated under the Shoreline Master Program, Chapter [83](#) KZC.

[link to Section 30.35 table](#)

G. Proposed Language For Totem Lake 9B to clarify the density limitation

1. Minimum lot area per dwelling unit in TL 9B zone is 5,000 sq. ft.

DIRECTIONS: FIRST, read down to find use...THEN, across for RE												
Section 55.64	USE ↓ REGULATIONS ↓	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Detached Dwelling Units	Process IIA, Chapter 150 KZC	5,000 sq. ft.	20'	5'	10'	60%	30' above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of the size of the lot. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units				5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'. See Spec. Reg. 3.	10' See Spec. Reg. 4.		Detached dwelling units: 30' Attached and/or stacked dwelling units: 50' above average building elevation. See Spec. Reg. 5.	D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. 3. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 4. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. 5. For attached and/or stacked dwelling units, at least 10 percent of the units provided in new residential developments of four units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.
.030	Church		7,200 sq. ft.		20'	20'	70%	30' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of worship. See Spec. Reg. 2.	1. The property must be served by a collector or arterial street. 2. No parking is required for day-care or school ancillary to the use.

H. Proposed Deletion of Heron Habitat Protection Area in Finn Hill

KZC CHAPTER 90 – DRAINAGE BASINS

90.127 Heron Habitat Protection Areas

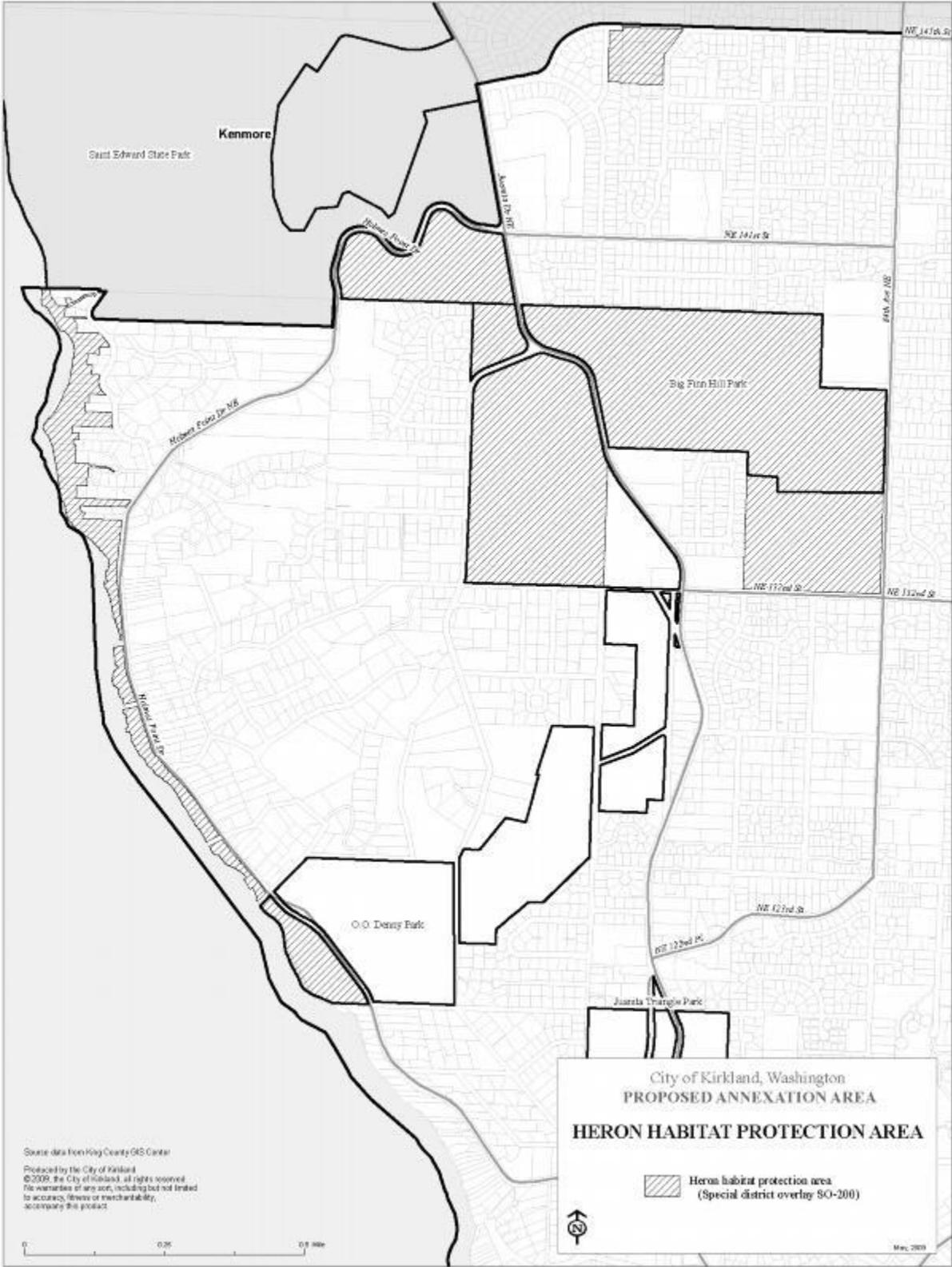
1. Purpose of the Heron Habitat Protection Area — ~~The purpose of the heron habitat protection area designation is to identify and protect areas that provide essential feeding, nesting and roosting habitat for identified great blue heron rookeries. The protection areas contain isolated areas of known heron habitat in the general region surrounding the heron rookery.~~
2. ~~The following development standards shall be applied in addition to all applicable buffers and required yards development permits located within a heron habitat protection area designated in Plate 39:~~
 - a. ~~Subdivisions and short subdivisions adjacent to streams or wetlands within the heron habitat protection area shall provide buffers that are 50 feet greater than required pursuant to this chapter along those streams and wetlands to provide habitat for herons. This additional 50-foot buffer shall be planted with dense native plant material to discourage human intrusion into feeding or nesting and roosting areas. Plantings shall be reviewed and approved by the City.~~
 - b. ~~For subdivisions and short subdivisions adjacent to Lake Washington within the heron habitat protection area, the required high waterline yard shall be increased by 50 feet. This additional 50-foot buffer shall be planted with dense native plant material to discourage human intrusion into feeding or nesting and roosting areas. Plantings shall be reviewed and approved by the City.~~
 - c. ~~New docks, piers, bulkheads, and boat ramps constructed within the heron habitat protection area shall mitigate for loss of heron feeding habitat by providing enhanced native vegetation approved by the City adjacent to the development or between the development and the shoreline. Bulkheads shall be buffered from the water's edge by enhanced plantings of native vegetation approved by the City.~~

KZC CHAPTER 180 – PLATES

~~Plate 39 Heron Protection Area (delete plate)~~

Chapter 180 – PLATES

Plate 39 Heron Habitat Protection ~~Heron Habitat Protection Area (Delete Plate)~~



I. *Proposed Language For Trees and Landscaping

KZC CHAPTER 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

95.23 Tree Removal – Not Associated with Development Activity

95.23.5. Tree Removal Allowances.

a.-d. (No Change)

e. Forest Management Plan.

- 1) A Forest Management Plan must be submitted for developed, significantly wooded sites (over 40 percent canopy coverage) of at least 35,000 square feet in size in which ~~tree removal~~ removal of more than two trees is requested and is not exempt under KZC 95.20. A Forest Management Plan must be developed by a qualified professional and shall include the following:
 - a) A site plan depicting the location of all significant trees (a survey identifying tree locations is not required) with a numbering system of the trees (with corresponding tags on trees in the field). The site plan shall include size (DBH), species, and condition of each tree;
 - b) Identification of trees to be removed, including reasons for their removal and a description of low impact removal techniques pursuant to subsection (5)(e)(2) of this section;
 - c) A reforestation plan that includes location, size, species, and timing of installation;
- 2) (No further changes)

J. *Proposed Language For Parking Modifications

KZC CHAPTER 105 – PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS

105.103 Modifications

1. - 2 (No Change)

3. Modifications – A modification to improvement requirements of this chapter may be required or granted if the applicant demonstrates on submitted plans and/or in writing that the following criteria have been met for modifications to the applicable sections:

a. – b. (No Change)

c. For a modification to KZC [105.20](#) and [105.45](#), a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study to be sufficient to fully serve the use. The study shall be prepared by a licensed transportation engineer or other qualified professional,

and shall analyze the operational characteristics of the proposed use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two (2) days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer. Approval of a parking reduction shall be solely at the discretion of the City. A decrease in the minimum required number of spaces may be based in whole or part on the provision of nationally accepted TDM (transportation demand management) measures. Data supporting the effectiveness of the TDM measures shall be provided as part of the parking demand and utilization study and approved by the City traffic engineer.

The Planning Official shall not approve or deny a modification to decrease the number of parking spaces pursuant to subsection (2)(b) of this section without first providing notice of the modification request to the owners and residents of property within 300 feet of the subject property and providing opportunity for comment. The Planning Official shall use mailing labels provided by the applicant, or, at the discretion of the Planning Official, by the City. Said comment period shall not be less than seven (7) calendar days.

K. *Proposed Language For Application of Small Lot And Historic Preservation Subdivisions Throughout City

KZC CHAPTER 115 - MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.07 Assesory Dwelling Units

One (1) accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met:

1.-7 (no change)

8. ~~Market and Norkirk Neighborhoods~~ Small Lot Single-Family and Historic Preservation Subdivisions - ~~Within the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, a~~ Accessory dwelling units are prohibited on lots smaller than the required minimum lot size approved using the small lot single-family and historic preservation subdivision regulations contained in KMC 22.28.042 and 22.28.048.

9. (No further change)

KZC CHAPTER 75 –HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE DESIGNATION

75.55 Historic Residence Designation – Intent

~~The Norkirk and Market~~ Kirkland Neighborhoods contain many historic houses representing a variety of architectural styles and historic time periods, and providing a record of Kirkland's residential development. The loss of any historic houses in these neighborhoods would constitute an irreparable diminishment of community character. Preventing this loss and protecting community character and historic resources are consistent with and supported by the ~~Community Character Element and by the Norkirk and Market Neighborhood Plans within the Comprehensive Plan.~~ It is in the public interest to

preserve this rich architectural diversity and tangible connections with Kirkland's past. The historic residence designation process provides an opportunity for historic houses in ~~the Market and Norkirk Neighborhoods~~ to be preserved.

A house may be considered for historic residence designation if it retains its overall original form, massing and sufficient original architectural elements to convey its historic character. This could include, for example, a house that has been moved, changes to windows that do not significantly change the original window placement or form, and replacement of siding. Additions and alterations to the historic house will be evaluated on a case-by-case basis.

75.60 (No Change)

75.65 Historic Residence Designation – Who May Apply

The person holding fee title to the subject property ~~in the Market or Norkirk Neighborhoods, as defined in the Comprehensive Plan,~~ may apply to designate a home as an historic residence.

75.70 (no further change)

M. *Proposed Language For Floor Area Ratio (FAR) Exemptions

KZC CHAPTER 115 - MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.42 Floor Area Ratio (F.A.R.) calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3c

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones and attached dwelling units in PLA 3C, shall include the entire area within the exterior walls for each level of the structure. It shall also include the area of all carports, measured as the area of the carport roof. It ~~does~~ shall not include the following:
 - a. Attic area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
 - b. Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23).
 - c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC [115.30](#) for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.
 - d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC [115.30](#) for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R.
 - e. Uncovered and covered decks, porches, and walkways.
 - f. One hundred square feet if the dwelling unit has an internal stair case and/or an area with a ceiling height greater than 16 feet.
2. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area toward allowable F.A.R. The ceiling height for these areas will be measured to the top of the structural members for the floor above or, if there is no floor above, to the bottom of the structural members for the roof.
- ~~2. Floor area with a ceiling height greater than 16 feet shall be calculated as follows:~~
 - ~~a. The first 100 square feet of such floor area, in aggregate, shall be calculated only once toward allowable F.A.R.;~~

- ~~b. Floor area in excess of the first 100 square feet shall be calculated at twice the actual floor area toward allowable F.A.R.~~
- 3. *This section is not effective within the disapproval jurisdiction of the Houghton Community Council, except for those lots in PLA 3C that are less than 7,200 square feet or lots that have less than the minimum lot size created through the small lot provisions of KMC 22.28.042, subdivisions.*

N. *Proposed Language For Required Rear Yard For A Second Story Garage With Alley Access

KZC CHAPTER 115 - MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.115. Required Yards

1 - 2 – (No Change)

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:

a. - n. (No Change).

o. In low density residential zones:

1) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may be located within five (5) feet of the rear property line, if:

a) Garage doors will not extend over the property line when open; and

b) The garage complies with KZC 115.135, which regulates sight distance at intersections, ~~and~~.

c) The portion of the structure that is located within the required rear yard is no higher than the maximum height allowed in the underlying zone.

2) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may extend to the rear property line, if:

a) The lot is 50 feet wide at the rear property line on the alley;

b) The garage has side access with garage doors that are perpendicular to the alley;

c) The garage eaves do not extend over the property line; and

d) The garage complies with KZC 115.135, which regulates sight distance at intersections.

e) The portion of the structure that is located within the required rear yard is no higher than the maximum height allowed in the underlying zone.

- 3) Garages without alley access may be located within five (5) feet of the rear property line; provided, that:
 - a) The portion of the structure that is located within the required rear yard is no taller than 15 feet above average building elevation; and
 - b) The rear yard does not abut an access easement that is regulated as a rear property line.
- p. (no further change)

O. *Proposed Language For Vehicles, Boats and Trailers - Size in Residential Zones

KZC CHAPTER 115 - MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.150 Vehicles, Boats and Trailers - Size in Residential Zones Limited

1. General – Except as specified below, it is a violation of this code to park or store any vehicle, boat or trailer on any lot in a residential zone if that vehicle, boat or trailer, or any combination thereof, is both more than nine (9) feet in height and 22 feet in length, including bumpers and any other elements that are required by federal or state law for the operation of the vehicle, boat or trailer on public roads or waterways.

Except within the disapproval jurisdiction of the Houghton Community Council, any boat that is 16 feet or longer and has a gunwale which is at least five (5) feet from the ground when the boat is sitting on a boat trailer shall not be parked or stored in a required front yard.

2. Exceptions
 - a. A vehicle, boat or trailer of any size may be parked on any lot in the City for not more than 24 hours in any consecutive 7-day period for the exclusive purpose of loading or unloading the vehicle, boat or trailer. Within the disapproval jurisdiction of the Houghton Community Council, the time limitation shall be not more than 48 hours in any consecutive 7-day period.
 - b. A vehicle, boat or trailer of any size may be parked and stored on any lot in the City if it is parked in a legally constructed fully enclosed garage meeting all regulations for that zone.
 - bc. An oversized vehicle, boat or trailer may be parked on a lot in an RSA or RMA zone containing an existing residence if all of the following are met:
 - 1) Within six (6) months of the effective date of annexation, the owner registers the oversized vehicle, boat or trailer parked on his/her property with the City's Planning Department. The owner shall provide the City with a copy of the State vehicle registration license showing that the person obtaining the registration is the owner of the vehicle, boat or trailer and that the address on the vehicle license is the same as the address where the vehicle, boat or trailer is parked;
 - 2) The owner of the vehicle, boat or trailer resides on the lot that contains the vehicle;
 - 3) Within one (1) year of the effective date of annexation, a registered vehicle, boat or trailer under subsection (2)(b)(1) of this section may be replaced with another vehicle,

boat or trailer of the same type and no greater dimensions, provided that the requirements of subsection (2)(b)(1) of this section are met for the replacement vehicle and the replaced vehicle, boat or trailer has been removed from the property;

4) The exception runs with the registered vehicle, boat or trailer parked on a specific lot at the time of annexation and to the owner of the vehicle, boat or trailer who resides on the specific property at the time of annexation.

ed. The City may, using Process I, described in Chapter 145 KZC, approve a request to park or store a vehicle, boat or trailer of any size on a lot in a residential zone if:

1) The parking or storage of the vehicle, boat or trailer will not be detrimental to the character of the neighborhood; and

2) The property abutting the subject property will not be impacted by the parking or storage; and

3) The placement of the vehicle, boat or trailer will not create a potential fire hazard; and

4) The parking or storage is clearly accessory to a residential use on the subject property and the vehicle, boat or trailer is operated by a resident of the subject property.

The City may impose screening requirements, limit the hours of operation of the vehicle, boat or trailer, and impose other restrictions to eliminate adverse impacts of the parking or storage.

~~The applicable review process is Process IIA, Chapter 150 KZC, until June 1, 2011 (Ordinance 4196).~~

P. *Proposed Language For Land Use Permit Extensions

KZC CHAPTER 113 - COTTAGE, CARRIAGE AND TWO/THREE UNIT HOMES

113.45 Review Process

1. Approval Process – Cottage Housing Development

~~c. Lapse of Approval~~

~~Unless otherwise specified in the decision granting Process I approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the Process I approval within one year after the final decision granting the Process I approval or that decision becomes void. The applicant must substantially complete construction consistent with the Process I approval and complete all conditions listed in the Process I approval decision within three years after the final decision on the Process I approval or the decision becomes void. "Final decision" means the final decision of the Planning Director.~~

~~d. Extensions~~

~~The applicant may apply for a one-time extension, of up to one year, of the time limits under subsection (1)(c) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (1)(c) of this section. The~~

~~letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the Process I approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (1)(c) of this section.~~

2. Approval Process – Carriage Unit and Two/Three-Unit Home Development

~~c. The lapse of approval and extension provisions in subsections (1)(c) and (1)(d) of this section also apply to carriage unit and two/three-unit home development approved under either Process I or Process IIA.~~

KZC CHAPTER 117 - PERSONAL WIRELESS SERVICE FACILITIES

117.100 Lapse of Approval

For Planning Official decisions required by this chapter and issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 117.95, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the development activity or other actions. For Planning Official decisions required by this chapter and issued on or after January 1, 2015, ~~the~~ applicant must begin construction or submit to the City a complete building permit application for the development activity or other actions approved under this chapter within ~~one (1) five (5) years~~ after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 117.95, the running of the ~~one (1) five (5) years~~ is tolled for any period of time during which a court order in said judicial review proceeding prohibits the development activity or other actions.

(new paragraph break) For Planning Official decisions issued on or before December 31, 2014, the applicant must substantially complete construction for the development or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter or the decision becomes void. For Planning Official decisions issued on or after January 1, 2015, ~~the~~ applicant must substantially complete construction for the development or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within ~~two (2) seven (7) years~~ after the final approval on the matter, or the decision becomes void.

(new paragraph break) For development activity or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

Refer to the Lapse of Approval requirements for all other review processes required by this chapter.

KZC CHAPTER 125 - PLANNED UNIT DEVELOPMENT

~~125.80 Lapse of the Approved PUD~~

~~1. Increased Time — City Council may, by the ordinance approving the final PUD or by the resolution or ordinance approving the preliminary PUD, extend the time limits of KZC 152.115 for that PUD. Otherwise, within four years after the final decision of the City of Kirkland approving the~~

~~preliminary PUD the applicant must have obtained approval of the final PUD and submitted a complete building permit for the PUD or the lapse provisions of KZC [152.115](#) will apply.~~

~~2. Effect on Land Use if PUD Lapses — If an approved PUD lapses under the time limits of KZC [152.115](#), or subsection (1) of this section, any development on the subject property must comply with all applicable laws of the City as if the PUD had not been granted.~~

KZC CHAPTER 142 – DESIGN REVIEW

142.55 Lapse of Approval for Design Review Board Decisions

~~1. General — Unless otherwise specified in the decision granting D.B.R. approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the D.B.R. approval within one (1) year after the final decision granting the D.B.R. approval or that decision becomes void. The applicant must substantially complete construction consistent with the D.R. approval and complete all conditions listed in the D.B.R. approval decision within three (3) years after the final decision on the D.B.R. approval or the decision becomes void. "Final decision" means the final decision of the Planning Official or Design Review Board.~~

~~2. Extensions~~

~~a. Application — The applicant may apply for a one-time extension, of up to one (1) year, of the time limits under subsection (1) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (1) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the D.B.R. approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (1) of this section.~~

~~b. Fee — The applicant shall include with the letter of request the fee as established by ordinance.~~

~~c. Review Process — An application for a time extension will be reviewed by the Planning Official.~~

~~3. Appeals~~

~~a. Who Can Appeal — Any person who is aggrieved by a time extension or denial of a time extension under this section may appeal that determination.~~

~~b. How To Appeal — The applicant must file a letter of appeal within 14 days of the approval or denial of the time extension indicating how the determination affects his/her property and presenting any relevant arguments or information on the correctness of the determination. The applicant shall include the appeal fee as established by ordinance.~~

~~c. Applicable Procedures — All appeals of decisions under this section will be reviewed and decided upon using Process IIA, described in Chapter [150](#) KZC.~~

For final approvals under this chapter issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development

activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void.

For final approvals under this chapter issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within seven (7) years after the final approval on the matter, or the decision becomes void.

For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

KZC CHAPTER 145 – PROCESS I

145.115 Lapse of Approval

For final approvals under this chapter issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 145.110, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. For final approval under this chapter issued on or after January 1, 2015, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within ~~four (4)~~ five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 145.110, the running of the ~~four (4)~~ five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions.

(new paragraph break) For final approvals under this chapter issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within ~~six~~ seven (7) years after the final approval on the matter, or the decision becomes void.

(new paragraph break) For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

KZC CHAPTER 150 – PROCESS IIA

150.135 Lapse of Approval

For final approvals under this chapter issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 150.130, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. For final approval under this chapter issued on or after January 1, 2015, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within ~~four~~ five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 150.130, the running of the ~~four~~ five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions.

(new paragraph break) For final approvals under this chapter issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within ~~six~~ seven (7) years after the final approval on the matter, or the decision becomes void.

(new paragraph break) For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

KZC CHAPTER 152 - PROCESS IIB

152.115 Lapse of Approval

For final approvals under this chapter issued on or before December 31, 2014, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 152.110, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. For final approval under this chapter issued on or after January 1, 2015, the applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within ~~four~~ five (5) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 152.110, the running of the ~~four~~ five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions.

(new paragraph break) For final approvals under this chapter issued on or before December 31, 2014, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on

the notice of decision within nine (9) years after the final approval on the matter, or the decision becomes void. For final approvals under this chapter issued on or after January 1, 2015, the applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within six-seven (7) years after the final approval on the matter, or the decision becomes void.

(new paragraph break) For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

Q. *Proposed Language For Process I Notice of Application

KZC CHAPTER 145 – PROCESS I

145.22. Notice of Application and Comment Period

1. *(No Change)*

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

- 1) The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.
- 2) The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.
- 3) The notice, or a summary thereof, including a vicinity map, will be distributed to the residents of each piece of property adjacent to or directly across the street from the subject property.
- 4) The notice will be distributed to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.

4)5) The notice will be posted on the City's website.

b. *(no further change)*

R. *Proposed Deletion of Process III

KZC CHAPTER 152 – PROCESS IIB

Sections:

152.05 (No change)

~~152.10 Proposals Requiring Approval through Process III~~

152.12 – 130 (No change)

152.10 Proposals Requiring Approval through Process III

~~If the development, use or activity that requires approval through Process IIB is part of a proposal that requires additional approval through Process III, the entire proposal will be decided upon using Process III.~~

S. *Proposed Language For Non-Conforming Density

KZC CHAPTER 162– NONCONFORMANCE

Sections:

163.05- .57 (no change)

~~162.60 Special Provisions for Continued Uses—Density~~

162.65 (no change)

162.35 Certain Nonconformances Specifically Regulated

1- 11 (no change)

~~162.60~~35.12 ~~Special Provisions for Continued Uses—~~ Nonconforming Density

The provisions of this section set forth when, and under what circumstances, residential property with nonconforming density may continue in existence or be rebuilt or redeveloped. An existing lawful use of a residential structure which became nonconforming as to density ~~either as a result of amendatory Ordinance No. 2347 or due to other zoning changes implemented to bring about conformity with the Comprehensive Plan~~ shall be allowed to continue in existence, or be remodeled, repaired or maintained subject to the conditions listed below. ~~Redevelopment or rebuilding may not occur unless the structure is destroyed by fire or other casualty (see subsection (4) of this section).~~

1. The provisions of this section apply only to multifamily structures in areas designated by the ~~Comprehensive Plan~~ Zoning Code for multifamily use.

~~2. Any change in use shall conform to the Comprehensive Plan and zoning regulations in effect at the time such change is made.~~

~~3. Any change in density shall comply with the provisions of this section.~~

~~4~~2. Ordinary repairs and maintenance may be carried out consistent with the provisions of this chapter; ~~provided, that there shall be~~ with no limitation on the amount or cost of such repairs and maintenance.

~~5~~3. Remodeling may be carried out consistent with the provisions of this chapter; provided, that ~~within any 24-month period, the value of all improvements may not exceed 50 percent of either the assessed valuation of the existing structure based on the King County assessed valuation of the~~

~~structure, or the value of the existing building as determined by the most current Building Standards as published by the International Conference of Building Officials, whichever is greater. If there is no King County assessment for the structure to be remodeled, the most current Building Standards as published by the International Conference of Building Officials shall be used to determine valuation there is no change to the configuration of exterior walls.~~

~~The density within the remodeled density structure is no greater than must be at least 75 percent of that contained in the original structure. The major exterior dimensions of the structure shall not exceed the major exterior dimensions of the previous structure. Except as noted in this subsection and subsection (7) of this section, this provision shall not reduce any requirements of the zoning, building, or fire codes in effect when the structure is remodeled.~~

~~64. Residential property with nonconforming density shall not be subject to the provisions of this chapter relating to destruction by fire or other casualty. In the event a residential structure that is nonconforming as to density is destroyed to any extent by fire or other casualty, the structure may be rebuilt as a residential structure; provided, however, that the number of dwelling units, gross floor area of the structure, and major exterior dimensions of the structure shall not exceed the same dimensions or standards of the previous structure. This subsection shall not reduce any requirements of the zoning, building, or fire codes in effect when the structure is rebuilt. The property owner shall also have the option of rebuilding the structure at a reduced density, as described in subsection (5) of this section. The provisions of this subsection shall only be available if an application for a building permit is filed within 12 months of fire or other casualty and construction is commenced and completed in conformance with the provisions of the building code then in effect.~~

~~7. Should the number of parking stalls provided on site be insufficient to meet zoning regulations in effect at the time of remodeling, this deficiency shall be allowed to remain with the remodel; provided, that the number of stalls may not be reduced from the number of stalls on site with the original structure. Any surplus of parking stalls above those required by the zoning regulations in effect at the time of remodeling may be eliminated.~~

~~8. The owner of a continued use nonconforming as to density may request the issuance of a "certificate of continued use" which shall identify the property, existing use, density and site characteristics for which the certificate is issued and which shall include the provisions of this chapter.~~

~~162.60 — Special Provisions for Continued Uses — Density (Section deleted)~~

ATTACHMENT B
FILE NO. ZON12-00002
2012 MISCELLANEOUS CODE AMENDMENTS
KIRKLAND MUNICIPAL CODE (KMC)
***- Subject to Houghton Community Council review**

KMC Title 1 General Provisions

Chapter 1.12 Code Enforcement

1.12.050 Hearing before the hearing examiner.

(a) Notice. A person to whom a notice of civil violation is issued will be scheduled to appear before the hearing examiner not less than ten calendar days after the notice of civil violation is issued.

(b) Prior Correction of Violation or Payment of Monetary Penalty. Except in the case of a repeat violation or a violation which creates a situation or condition which cannot be corrected, the hearing will be canceled and no monetary penalty will be assessed if the applicable department director approves the completed required corrective action at least forty-eight hours prior to the scheduled hearing.

(c) Procedure. The hearing examiner shall conduct a hearing on the civil violation pursuant to the rules of procedure of the hearing examiner. The applicable department director and the person to whom the notice of civil violation was directed may participate as parties in the hearing and each party may call witnesses. The city shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred and that the required corrective action, if applicable, is reasonable. The determination of the applicable department director as to the need for the required corrective action shall be accorded substantial weight by the hearing examiner in determining the reasonableness of the required corrective action.

(d) Decision of the Hearing Examiner.

(1) The hearing examiner shall determine whether the city has established by a preponderance of the evidence that a violation has occurred and that the required correction is reasonable and shall affirm, vacate, or modify the city's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.

(2) The hearing examiner shall issue an order to the person responsible for the violation which contains the following information:

(A) The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;

(B) The required corrective action;

(C) The date and time by which the correction must be completed;

(D) The monetary penalties assessed based on the criteria in subsection (d)(3) of this section;

(E) The date and time after which the city may proceed with abatement of the unlawful condition if the required correction is not completed.

(3) Assessment of Monetary Penalty. Monetary penalties assessed by the hearing examiner shall be in accordance with the monetary penalty schedule in Section 1.12.040. The hearing examiner shall have the following options in assessing monetary penalties:

(A) Assess monetary penalties beginning on the date the notice of civil violation was issued and thereafter; or

(B) Assess monetary penalties beginning on the correction date set by the applicable department director or an alternate correction date set by the hearing examiner and thereafter; or

(C) Assess no monetary penalties.

(4) Determining Monetary Penalty. In determining the monetary penalty assessment, the hearing examiner shall consider the following factors:

(A) Whether the person responded to staff attempts to contact the person and cooperated with efforts to correct the violation;

(B) Whether the person failed to appear at the hearing;

- (C) Whether the violation was a repeat violation;
 - (D) Whether the person showed due diligence and/or substantial progress in correcting the violation;
 - (E) Whether a genuine code interpretation issue exists; and
 - (F) Any other relevant factors.
- (5) Effect of Repeat Violations. The hearing examiner shall assess a monetary penalty for each repeat violation as set forth in Section 1.12.040.
- (6) Notice of Decision. The hearing examiner shall mail a copy of the decision to the appellant person responsible for the violation and to the applicable department director within ten working days of the hearing.
- (e) Failure to Appear. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the examiner will enter an order finding that the violation appeared and assessing the appropriate monetary penalty. The city will carry out the hearing examiner's order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.
- (f) Appeal to Superior Court. An appeal of the decision of the hearing examiner must be filed with superior court within twenty-one calendar days from the date the hearing examiner's decision was mailed to the person to whom the notice of civil violation was directed, or is thereafter barred. (Ord. 4280 § 1 (part), 2011)

KMC Title 22 Subdivisions

***Chapter 22.16 Final Plat Procedure**

22.16.010 Final Plat - Submittal – Time limits

A Final Plat shall be submitted to the City Council within seven (7) years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five (5) years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015. Any Final Plat not submitted within the time limits set forth in RCW 58.17.140 shall be void.

22.16.130 Plat documents—Recordation with county—When.

After the plat documents are signed, they will be transmitted to the city clerk's office for recording with the appropriate offices in King County. Unless specifically extended in the decision on the plat, the plat must be submitted to the city for recording with King County within six (6) months ~~four years~~ of the date of approval of the preliminary plat or the decision becomes void; provided, however, that in the event judicial review is initiated per Section 22.16.110, the running of the six (6) months ~~four years~~ is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the plat; ~~and provided further, that an approval which would otherwise become void after July 6, 1994, under a provision which is now being amended by the ordinance codified in this section, shall only become void if it would still do so under all amendments made by Ordinance 3421*.~~ (Ord. 3705 § 2 (part), 1999)

Code reviser's note: Ord. 3421* was repealed by Ord. 3433*.

***Chapter 22.20 Short Subdivisions**

22.20.370 Short plat documents—Recordation—Time limit.

After the short plat documents are signed, they will be transmitted to the city clerk's office for recording with the applicable office in King County. For short plats approved on or before December 31, 2014, the short plat must be recorded with King County within seven (7) years of the date of approval or the decision becomes void; provided, however, that in the event judicial review is initiated, the running of the seven (7) years is tolled for any period of time during which a

court order in said judicial review proceeding prohibits the recording of the short plat. For short plats approved on or after January 1, 2015, the short plat must be recorded with King County within four-five (5) of the date of approval or the decision becomes void; provided, however, that, in the event judicial review is initiated, the running of the four-five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the recording of the short plat; and provided further, that an approval which would otherwise become void after July 6, 1994, under a provision which is now being amended by the ordinance codified in this section, shall only become void if it would still do so under all amendments made by Ordinance 3421*. (Ord. 3705 § 2 (part), 1999)

Code reviser's note: Ord. 3421* was repealed by Ord. 3433*.

*Chapter 22.28 Design Requirements

*22.28.042 Lots—Small lot single-family.

~~In the Central Houghton, Market, Norkirk and Lakeview (except for lots located in the PLA 3C and RS 12.5 zone) neighborhoods, as defined in the comprehensive plan~~ Within the RS and RSX 6.3, 7.2 and 8.5 zones, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040, low impact development provisions of Section 22.28.041, and historic preservation provisions of Section 22.28.048, the minimum lot area shall be deemed to be met if at least one-half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size; provided, that such lots meet the following standards:

- (a) Within the RS 6.3, ~~RSX~~ and RS 7.2 zones, the lots shall be at least five thousand square feet.
 - (b) Within the ~~RSX~~ and RS 8.5 zone, the lots shall be at least six thousand square feet.
 - (c) The portion of any flag lot that is less than thirty feet wide and used for driveway access to the buildable portion of the lot may not be counted in the lot area.
 - (d) The floor area ratio (FAR) shall not exceed thirty percent of lot size; provided, that FAR may be increased up to thirty-five percent of the lot size if the following criteria are met:
 - (1) The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to twelve feet horizontal; and
 - (2) All structures are set back from side property lines by at least seven and one-half feet.
 - (e) The FAR restriction shall be recorded on the face of the plat.
 - (f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat.
- (Ord. 4332 § 1(C) (Exh. C), 2011; Ord. 4330 § 1 (Exh. A), 2011; Ord. 4102 § 1(A), 2007)

*22.28.048 Lots—Historic preservation.

~~In the Market and Norkirk neighborhoods, as defined in the comprehensive plan,~~ Within the low density zones listed below in subsections a-d, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030, 22.28.040, low impact development provisions of Section 22.28.041, and the small lot single-family provisions of Section 22.28.042, the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if an "historic residence" is preserved on one of the lots, pursuant to the process described in Chapter 75 of the Kirkland Zoning Code. The lots containing less than the minimum required lot area shall meet the following standards:

- (a) Within the ~~RSA 6,~~ RS 6.3 and RS ~~and RSX~~ 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the ~~RSA 4,~~ RS 8.5 and ~~RSX 8.5~~ zones, the lots shall be at least six thousand square feet.
- (c) Within the ~~RS 12.5, RSX 12.5 and WDII~~ zones, the lots shall be at least seven thousand two hundred square feet.

(d) Within the RS and RSX 35 zones not located north or northeast of the Bridle Trails State Park, the lots shall be at least fifteen thousand and fifty square feet.

(d) The portion of any flag lot that is less than thirty feet wide, and used for driveway access to the buildable portion of the lot, may not be counted in the lot area.

(e) Accessory dwelling units are prohibited. The restriction shall be recorded on the face of the plat.

Lots containing historic residences shall also meet the following standards:

(f) If a historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68), the replacement structure shall be reconstructed in accordance with the criteria established in Section 75.105 of the Kirkland Zoning Code. The replacement restriction shall be recorded on the face of the plat.

(g) As part of subdivision approval, the city may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.

(1) Required yards may be two feet less than required by the zoning district as shown on the Kirkland zoning map.

(2) Floor area ratio may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

(3) Lot coverage may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

(h) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded. (Ord. 4102 § 1(B), 2007)

PUBLICATION SUMMARY
OF ORDINANCE O-4372

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING ORDINANCE 3719 AS AMENDED: 5, 15, 17, 18, 30, 40, 45, 47, 48, 52, 53, 55, 56, 60, 75, 90, 95, 105, 113, 115, 117, 125, 142, 145, 150, 152, 162; AMENDING TITLE 1 AND TITLE 22 OF THE KIRKLAND MUNICIPAL CODE; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON12-00002.

SECTION 1. Amends Chapters 5, 15, 17, 18, 30, 40, 45, 47, 48, 52, 53, 55, 56, 60, 75, 90, 95, 105, 113, 115, 117, 125, 142, 145, 150, 152, and 162 of Kirkland Zoning Ordinance 3719 as amended.

SECTION 2. Amends Title 1 of the Kirkland Municipal Code relating to General Provisions and Title 22 of the Kirkland Municipal Code relating to Subdivisions.

SECTION 3. Provides a severability clause for the ordinance.

SECTION 4. Provides that the ordinance may be subject to the disapproval jurisdiction of the Houghton Community Council.

SECTION 5. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as November 1, 2012.

SECTION 6. Establishes certification by City Clerk and notification of 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 _____, 2012.

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

City Clerk