



CITY OF KIRKLAND

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
123 FIFTH AVENUE, KIRKLAND, WA 98033
425.587.3225 - www.kirklandwa.gov

MEMORANDUM

Date: August 16, 2012

To: Houghton Community Council

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

Subject: Final Approval – 2012 Miscellaneous Zoning and Kirkland Municipal Code Amendments (File ZON12-00002)

RECOMMENDATION

The Houghton Community Council (HCC) has three options for final action on the 2012 Miscellaneous Zoning and Municipal Code Amendment project. They are:

1. Approve the enclosed Houghton Resolution Numbers R-2012-6, 7, 8, and 9, as approved by the City Council on August 7, 2012. Approval of the resolution would make the ordinances effective within Houghton's jurisdiction;
2. Disapprove all or any of the ordinances by a majority of the Community Council; or
3. Fail to disapprove the ordinances within 60 days after city Council approval. This would have the effect of approving the amendments.

Staff recommends the HCC approve the attached resolution.

CITY COUNCIL ACTION

The City Council considered the Planning Commission's and Houghton Community Council's recommendations at its August 7, 2012 meeting prior to taking action on the ordinances. At the meeting, the City Council adopted the following ordinances as amended (See Exhibits 1 through 4):

O-4369: Amending Chapter 117 of the Kirkland Zoning Code (KZC) as related to Personal Wireless Services Facilities (effective August 18, 2012)

- O-4370: Amending various sections of the KZC and Kirkland Municipal Code (KMC) as related to the keeping of animals (effective August 18, 2012)
- O4371: Adding a new Chapter 118 and amending various sections of the KZC as related to Hazardous Liquid Pipelines (effective August 18, 2012)
- O-4372: Amending various sections of the Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC) as related to various subjects (effective November 1, 2012).

BACKGROUND DISCUSSION

At the August 7, 2012 meeting the City Council adopted the ordinances based on the recommendations by the Planning Commission except for the changes to the Nonconforming density amendments. The Council will hold a public hearing on this section of the code (Chapter 162 Section 162.60) on September 18, 2012 to consider allowing the expansion of the exterior dimensions of nonconforming residential structures.

In addition, the City Council remanded the residential suites (SRO) amendments to the Planning Commission (PC) for further public involvement and study prior to forwarding a recommendation to the City Council.

The adopted regulations address the HCC's concerns on the key topics described in each ordinance and at the joint HCC/ PC public hearing.

- Floor Area Ratio (see Exhibit 4, item M)
- Second story garages (see Exhibit 4, item N)

EXHIBITS

1. Ordinance 4369
2. Ordinance 4370
3. Ordinance 4371
4. Ordinance 4372

Cc: mail list

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 7th day of August, 2012.

Signed in authentication thereof this 7th day of August, 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 7th day of August, 2012.

I certify that the foregoing is a summary of Ordinance O-4369 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.

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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 7th day of August, 2012.

Signed in authentication thereof this 7th day of August, 2012.



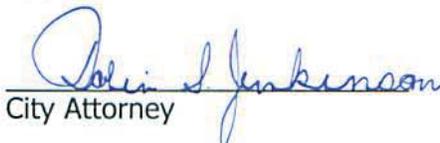
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

ATTACHMENT A
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- *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; and b. Lot size and isolation; and c. Compatibility with surrounding uses; and d. 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>
Large Domestic Animals (Continued)				<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



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.	<p>1. For this use, not more than one dwelling unit may be on each lot, regardless of the size of the lot.</p> <p>2. 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.</p> <p>3. 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).</p> <p>4. Each lot may contain no more than two horses.</p> <p>5. 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).</p> <p>6. On each lot, no outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure.</p> <p>7. This use may have a lot size of less than 35,000 square feet if all of the following standards are met:</p> <p>a. The property must contain at least 16 contiguous acres.</p> <p>b. A Master Plan shall be approved for the entire property.</p> <p>c. 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.</p> <p>d. 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."</p> <p>e. 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.</p> <p>f. 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.</p>

KZC 115.20.6.e for keeping of horses.

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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:

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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					Height of Structure
Front	Side	Rear										
.010	Detached Dwelling Unit (continued)	REGULATIONS CONTINUED FROM PREVIOUS PAGE										
											<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'				30' above average building elevation. See Spec. Reg. 9.	D		See KZC 105.25.	<ol style="list-style-type: none"> May locate on the subject property only if: <ol style="list-style-type: none"> It will serve the immediate neighborhood in which it is located; or It will not be detrimental to the character of the neighborhood in which it is located. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. Hours of operation may be limited to reduce impacts on nearby residential uses. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> 20 feet if this use can accommodate 50 or more students or children. 10 feet if this use can accommodate 13 to 49 students or children. 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. May include accessory living facilities for staff persons. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). For school use, structure height may be increased, up to 35 feet, if: <ol style="list-style-type: none"> The school can accommodate 200 or more students; and 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 The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

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"> May locate on the subject property only if: <ol style="list-style-type: none"> It will serve the immediate neighborhood in which it is located; or It will not be detrimental to the character of the neighborhood in which it is located. A six-foot-high fence is required along the property lines adjacent to the outside play areas. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. Structured play areas must be setback from all property lines by five feet. May include accessory living facilities for staff persons. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 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. 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"> 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 7th day of August, 2012.

I certify that the foregoing is a summary of Ordinance O-4370 approved by the Kirkland City Council for summary publication.

City Clerk *Ketur Anderson*

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, CHAPTER 17 SINGLE FAMILY RESIDENTIAL RSX ZONES, CHAPTER 18 SINGLE FAMILY RESIDENTIAL RSA ZONES, CHAPTER 20 MULTI FAMILY RESIDENTIAL RM AND RMA ZONES 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 7th day of August, 2012.

Signed in authentication thereof this 7th day of August, 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.

CHAPTER 17 – SINGLE-FAMILY RESIDENTIAL X (RSX) ZONES

17.05 User Guide.

The charts in KZC [17.10](#) contain the basic zoning regulations that apply in each RSX 35, RSX 12.5, RSX 8.5, RSX 7.2 and RX 5.0 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
 17.08



Section 17.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. 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 and Mini-School or Mini-Day-Care Center uses).

[3 A Hazardous Liquid Pipeline is located near the RSX 35 zone in the Bridle Trails neighborhood along the eastern boundary of the city. Refer to KZC 118 for regulations pertaining to properties near Hazardous Liquid Pipelines.](#)

[link to Section 17.10 table](#)

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

18.05 User Guide.

The charts in KZC [18.10](#) contain the basic zoning regulations that apply in each RSA 1, RSA 4, RSA 6 and RSA 8 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
 18.08

Zone
 RSA

Section 18.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
 2. 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 and Mini-School or Mini-Day-Care Center uses).
3. All subdivisions and short subdivisions in the RSA-1 zone shall be clustered such that development is located away from critical areas. The open space resulting from such clustering shall be placed in a separate tract that includes at least 50 percent of the subject property. Open space tracts shall be permanent and shall be dedicated to a homeowner's association or other suitable organization for purposes of maintenance. Passive recreation, with no development of recreational facilities, and natural-surface pedestrian and equestrian trails are acceptable uses within the open space tract. If access to the open space is provided, the access shall be located in a separate tract. A greenbelt protection or open space easement shall be dedicated to the City to protect the designated open space tract resulting from lot clustering.
 4. For properties within the Holmes Point (HP) Overlay Zone, see Chapter [70](#) KZC for additional regulations.
 5. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
 6. For properties within the jurisdiction of the Shoreline Management Act, see Chapter [83](#) KZC for permitted uses, shoreline setback regulations and other additional regulations.
 7. [A Hazardous Liquid Pipeline extends through or near the RSA 1, 4, 6, and 8 zones in the vicinity of 136th Avenue NE. Refer to KZC 118 for regulations pertaining to properties near Hazardous Liquid Pipelines.](#)

[link to Section 18.10 table](#)

CHAPTER 20 – MULTIFAMILY RESIDENTIAL (RM AND RMA) ZONES

20.05 User Guide.

The charts in KZC [20.10](#) contain the basic zoning regulations that apply in each RM 5, RMA 5, RM 3.6, RMA 3.6, RM 2.4, RMA 2.4, RM 1.8 and RMA 1.8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section
 20.08

Zone
 RM, RMA

Section 20.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. 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. If any portion of a structure is adjoining a low density zone or a low density use in PLA 17, 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 in width.

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

(Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Detached Dwelling Units uses).

4. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:
 Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.
5. If the subject property is located within the North Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies 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 structure. No parking may encroach into the required 10-foot front yard.
6. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation.
 (Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Public Park uses).

7. If the subject property is located between NE Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, refer to Chapter [83](#) KZC for regulations regarding shoreline setbacks and public pedestrian walkways.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

8. If the property is located in the NE 85th Street Subarea, the following shall apply:
- If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.
 - If the subject property is located directly north of the RH 4 zone, the applicant shall install a through-block pedestrian pathway pursuant to the standards in KZC [105.19](#) to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. (See Plate 34K).
9. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
10. For properties within the jurisdiction of the Shoreline Management Act, see Chapter [83](#) KZC for permitted uses, shoreline setback regulations and other additional regulations.
11. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests.
12. For properties within the jurisdiction of the Shoreline Management Act that have a shoreline setback requirement as established in Chapter [83](#) KZC and the setback requirement is met, the minimum required front yard is either: 10 feet or the average of the existing front yards on the properties abutting each side of the subject property. For the reduction in front yard, the shoreline setback is considered conforming if a reduction in the required shoreline setback is approved through KZC [83.380](#). This regulation does not pertain to the School or Day-Care Center uses that accommodate 50 or more students or children.
13. [A Hazardous Liquid Pipeline extends through or near the RMA 2.4 and RMA 3.6 zones in the vicinity of 136th Avenue NE. Refer to KZC 118 for regulations pertaining to properties near Hazardous Liquid Pipelines.](#)

[link to Section 20.10 table](#)

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, CHAPTER 17 SINGLE FAMILY RESIDENTIAL RSX ZONES, CHAPTER 18 SINGLE FAMILY RESIDENTIAL RSA ZONES, CHAPTER 20 MULTI FAMILY RESIDENTIAL RM AND RMA ZONES 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 7th day of August, 2012.

I certify that the foregoing is a summary of Ordinance O-4371 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; 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 7th day of August, 2012.

Signed in authentication thereof this 7th day of August, 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.

5

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.	1. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. 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.	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										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.	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.

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. Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' 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'													
.030	Retail Variety or Department Store																
.040	Retail Establishment providing banking and related financial services																<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.
.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"> 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

(Revised 4/11)

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							See KZC 105.25.					

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

Zone
RH 1A

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

(Revised 4/10)

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	
.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.	<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.
.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.	1. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. 2. 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.	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.	
.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.	1. 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

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.	<ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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.	<ol style="list-style-type: none"> 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										1 per every 4 fixed seats.	
.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		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						
.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"> 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. The use shall be conducted within a wholly enclosed building. 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. 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"> 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. The use shall be conducted within a wholly enclosed building. 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. 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.	
.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

Replace language in #13 with proposed language



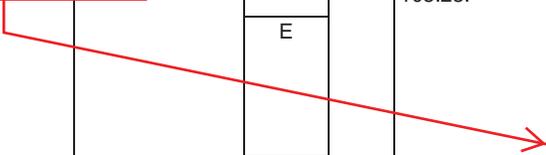
Section 17.10		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
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										See KZC 105.25.		
.100	Public Utility												
.110	Church										1 for every 4 people based on maximum occupant load of any area of worship. See Spec. Reg. 2.		<ol style="list-style-type: none"> 1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.
.120	School or Day-Care Center										See KZC 105.25.		<ol style="list-style-type: none"> 1. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 2. Structured play areas must be set back from all property lines by five feet. 3. 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. 4. May include accessory living facilities for staff persons.
.130	Mini-School or Mini-Day-Care												
.140	Government Facility Community Facility												
.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



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



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](#)

Section 30.25	USE ↓ REGULATIONS ↑	DIRECTIONS: FIRST, read down to find use...THEN, across for 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)
				Front	Shoreline Setback	Side Property Line	Lot Coverage	Height of Structure				
.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 1 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 2 Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>8 3 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 10 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 11 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 12 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 13 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>

Section 30.25	USE ↓ REGULATIONS ↑	DIRECTIONS: FIRST, read down to find use...THEN, across for 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				
.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.	None	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"> The height of that portion of the structure shall not exceed 15 feet above average building elevation, or 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.				

30.29 User Guide.

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)~~

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.
 - b_c. 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.B.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.~~

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; 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, and 152 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 7th day of August, 2012.

I certify that the foregoing is a summary of Ordinance O-4372 approved by the Kirkland City Council for summary publication.



City Clerk

RESOLUTION 2012-6

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL APPROVING ORDINANCE NO. 4369 ADOPTED BY THE KIRKLAND CITY COUNCIL ON AUGUST 7, 2012, RELATING TO LAND USE; APPROVING AN AMENDMENT TO CHAPTER 117 PERSONAL WIRELESS SERVICE FACILITIES (PWSF) OF THE KIRKLAND ZONING ORDINANCE 3719 AS AMENDED, AS APPLIED FOR BY CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON12-00002 AND SETTING FORTH CONDITIONS OF THE APPROVAL.

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Ordinance No. 4369, adopting the amendments to the Zoning Code.

WHEREAS, the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon approval by 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; and

WHEREAS, the subject matter of this ordinance was reviewed and discussed by the Houghton Community Council at the joint public hearing with the Planning Commission on June 14, 2012 and a meeting held on June 25, 2012, and at said meeting the Houghton Community Council provided recommendations on said subject matter; and

WHEREAS, the subject matter of this ordinance will serve the interests and promote the health, safety, and welfare of the Houghton Community Municipal Corporation;

NOW, THEREFORE, be it resolved that Ordinance 4369 is hereby approved and effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this ____ day of _____, 2012.

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

Chair, Houghton Community Council

City Clerk

RESOLUTION 2012-7

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL APPROVING ORDINANCE NO. 4370 ADOPTED BY THE KIRKLAND CITY COUNCIL ON AUGUST 7, 2012, RELATING TO LAND USE; APPROVING AN AMENDMENT TO THE KIRKLAND ZONING ORDINANCE 3719 AS AMENDED SECTIONS 60.180, 60.182 AND 115.20 RELATING TO ANIMALS IN RESIDENTIAL ZONES; AND REPEALING KIRKLAND MUNICIPAL CODE CHAPTER 8.08 RELATED TO FOWL, AS APPLIED FOR BY CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON12-00002 AND SETTING FORTH CONDITIONS OF THE APPROVAL.

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Ordinance No. 4370, ADOPTING THE AMENDMENTS TO THE ZONING CODE.

WHEREAS, the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon approval by 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; and

WHEREAS, the subject matter of this ordinance was reviewed and discussed by the Houghton Community Council at the joint public hearing with the Planning Commission on June 14, 2012 and a meeting held on June 25, 2012, and at said meeting the Houghton Community Council provided recommendations on said subject matter; and

WHEREAS, the subject matter of this ordinance will serve the interests and promote the health, safety, and welfare of the Houghton Community Municipal Corporation;

NOW, THEREFORE, be it resolved that Ordinance 4370 is hereby approved and effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this ____ day of _____, 2012.

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

Chair, Houghton Community Council

City Clerk

RESOLUTION 2012-8

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL APPROVING ORDINANCE NO. 4371 ADOPTED BY THE KIRKLAND CITY COUNCIL ON AUGUST 7, 2012, RELATING TO LAND USE; AND ADDING A NEW CHAPTER 118 HAZARDOUS LIQUID PIPELINES; AND AMENDING CHAPTER 5 DEFINITIONS, CHAPTER 117 SINGLE FAMILY RESIDENTIAL RSX ZONE, CHAPTER 118 SINGLE FAMILY RESIDENTIAL RSA ZONE, CHAPTER 20 MULTI FAMILY RESIDENTIAL RM AND RMA ZONES AND CHAPTER 55 TOTEM LAKE ZONE TL7, APPROVING AN AMENDMENT TO THE KIRKLAND ZONING ORDINANCE 3719 AS AMENDED SECTIONS, AS APPLIED FOR BY CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON12-00002 AND SETTING FORTH CONDITIONS OF THE APPROVAL.

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Ordinance No. 4371, ADOPTING THE AMENDMENTS TO THE ZONING CODE.

WHEREAS, the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon approval by 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; and

WHEREAS, the subject matter of this ordinance was reviewed and discussed by the Houghton Community Council at the joint public hearing with the Planning Commission on June 14, 2012 and a meeting held on June 25, 2012, and at said meeting the Houghton Community Council provided recommendations on said subject matter; and

WHEREAS, the subject matter of this ordinance will serve the interests and promote the health, safety, and welfare of the Houghton Community Municipal Corporation;

NOW, THEREFORE, be it resolved that Ordinance 4371 is hereby approved and effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this _____ day of _____, 2012.

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

Chair, Houghton Community Council

City Clerk

RESOLUTION 2012-9

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL APPROVING ORDINANCE NO. 4372 ADOPTED BY THE KIRKLAND CITY COUNCIL ON AUGUST 7, 2012, RELATING TO 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, AND 152; AMENDING TITLE 1 AND TITLE 22 OF THE KIRKLAND MUNICIPAL CODE AS APPLIED FOR BY THE CITY OF KIRKLAND DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT FILE NO. ZON12-00002 AND SETTING FORTH CONDITIONS OF THE APPROVAL.

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Ordinance No. 4372, adopting the amendments to the Zoning Code.

WHEREAS, the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon approval by 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; and

WHEREAS, the subject matter of this ordinance was reviewed and discussed by the Houghton Community Council at the joint public hearing with the Planning Commission on June 14, 2012 and a meeting held on June 25, 2012, and at said meeting the Houghton Community Council provided recommendations on said subject matter; and

WHEREAS, the subject matter of this ordinance will serve the interests and promote the health, safety, and welfare of the Houghton Community Municipal Corporation;

NOW, THEREFORE, be it resolved that Ordinance 4372 is hereby approved and effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this ____ day of _____, 2012.

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

Chair, Houghton Community Council

City Clerk

