CITY OF KIRKLAND
Planning and Community Development Department
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ADVISORY REPORT AND PLANNING DIRECTOR RECOMMENDATION

To: Eric R. Shields, AICP, Planning Director

From: Nancy C. Cox, AICP, Development Review Manager

Date: August 18, 2014

File: MISCELLANEOUS MUNICIPAL AND ZONING CODE AMENDMENTS, FILE NO. CAM13-02129

I. INTRODUCTION

A. APPLICATION

1. Applicant: City of Kirkland
2. Proposal Summary: Minor amendments to Zoning Code text to promote clarity, eliminate redundancy, and/or correct inconsistencies.
3. Areas Affected: The amendments apply city-wide.
4. Review Process: Process IVA. Planning Director takes written comments and makes recommendation to City Council.

B. RECOMMENDATION

Staff recommends approval of the proposed amendments.

II. PROPOSAL

Miscellaneous Zoning Code (KZC) text amendments are proposed. The following code sections are included (see Attachment 1 for the complete roster including proposed code language):

1. KZC 5.10.020 - Definition of Adjoining – *Codify Interpretation 14-3 (Attachment 2)*
2. KZC 5.10.520 - Definition of Medium Density Zones – *Add TL 11 to definition*
3. KZC 5.10.XXX - (NEW) Definition of Transit-Oriented Development (TOD) – *Currently undefined*
4. KZC 5.10.XXX - (NEW) Definition of Transit-Oriented Development (TOD) Zone – *YBD-1 is included*
5. KZC 60.82.010, .020, .030, .040, .050, .060, .070, .080, and .090 - PLA 6F, Height column – *Delete mention of RSX from the height regulation because there is no RSX zone adjoining PLA 6F*
6. KZC 60.182.010 - PLA 16, Detached Dwelling Unit, Special Regulation 4 – *Correct the code reference regarding keeping of horses*
7. KZC 60.182.010 – PLA 16, Detached Dwelling Unit, Special Regulation 5 - *Correct the code reference regarding keeping of horses*
8. KZC 95.52 – Tree Management and Required Landscaping, Prohibited Vegetation – *Clarify that prohibited vegetation need not be retained*
9. KZC 110.40 – Collector Streets – *Change lane width to meet AASHTO guidelines*
10. KZC 115.20 – Animals – *Redo section headings and reorganize section*
11. KZC 115.136 - Size Limitations for Structures Abutting Low Density Zones and Uses – *Corrections due to omissions from last amendment*
12. KZC 150.20 – Process IIA, Compliance with SEPA – *Correct code citation in text*

13. KZC 152.20 – Process IIB, Compliance with SEPA – *Correct code citation in text*
14. KZC 161.40.2.e – Process IVA Minor Code Amendments, Notice Distribution – *Requires list serve to be established*
15. KZC 180 Plate 38 – Measuring Size Limitations for Structures Abutting Low Density Zones and Low Density Uses in the PLA 17 Zone – *Text amendments in Plate to be consistent with #11.*

III. BACKGROUND DISCUSSION

A. PROCESS IVA OVERVIEW

The City Council established Process IVA in 1997 to increase efficiency when enacting minor Zoning Code amendments. It is intended for the review of amendments which are not controversial and do not need extensive policy study. The process was revised and simplified earlier this year (Ordinance No. 4437).

The Planning Department compiles a "roster" of amendments for review through Process IVA and forwards that roster to the City Council at the beginning of the process. Council approval of the roster authorizes the city to distribute a notice and establish a 30 day comment period. Once complete, the Planning Director reviews all comments and the staff report and makes a recommendation on the amendments to the City Council.

Process IVA amendments are within the disapproval jurisdiction of the Houghton Community Council. After reviewing the roster, the Houghton Community Council (HCC) may choose to hold a public meeting or hearing on the amendments. They are copied on the staff report and will take final action after the City Council action.

B. HISTORY

1. On June 17, 2014 the roster was presented to the City Council. The Council had no comment or changes.
2. On June 26, 2014 the roster was presented to the HCC. The HCC chose not to hold a public meeting or hearing on the amendments.
3. On July 3, 2014 the roster was distributed to the Planning Commission, Houghton Community Council, Kirkland Neighborhood Associations and Kirkland Chamber of Commerce. It was posted and published as required by Chapter 161 KZC.

C. PUBLIC COMMENT

No comments have been received.

D. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The project is exempt under WAC 197-11-800(19)(b).

E. SUITABILITY AND APPROVAL CRITERIA

According to KZC 161.10 and 161.15, Zoning Code amendments are suitable for review through process IVA if those amendments:

1. Are minor.
2. Are not controversial.
3. Do not need extensive policy study.
4. Promote clarity, eliminate redundancy, or correct inconsistencies.

The roster in Attachment 1 includes a column explaining the reason for the amendment such as "code clean-up," "incorrect code reference," "omission from a recent code

amendment," or for clarification and consistency reasons. All reasons meet the suitability criteria and intent of Chapter 161.

Additional criteria for amending the text of the Zoning Code are found in KZC 135.25:

> The City may amend the text of this code only if it finds that:
>
> 1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
>
> 2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
>
> 3. The proposed amendment is in the best interest of the residents of Kirkland; and
>
> 4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

The proposed amendments are consistent with the criteria in KZC 135.25.

If the Planning Director concludes that the proposed amendments satisfy these criteria, he may recommend that City Council give effect to the proposal by amending the appropriate text. The Planning Director may modify the proposal in any way, but if he materially modifies it, there shall be a new comment period.

IV. ATTACHMENTS

1. Roster of amendments
2. Interpretation 14-3

V. PLANNING DIRECTOR RECOMMENDATION

I concur:

Eric R. Shields

August 14, 2014
date

Cc: Houghton Community Council

Attachment 1

ROSTER OF PROCESS IVA MISCELLANEOUS ZONING CODE AMENDMENTS

File CAM13-02129

#	CODE SECTION	REASON	DRAFT AMENDMENT
1	5.10.20 Definitions Adjoining	Codify interpretation 14-3	Property that touches or is directly across a street, other than a principal or minor arterial, from the subject property. For the purposes of applying the regulations that limit the height adjoining a low density zone, the regulations shall only apply within an area of 100 feet of and parallel to the boundary line of a low density zone (as shown on Plate 18). In cases where the zoning boundary is drawn at the centerline of the right-of-way, the 100-foot area considered to be adjoining shall be determined by measuring from the perimeter property lines of the low density zone.
2	5.10.520 Definitions Medium Density Zones	Omission; TL 11 left out of definition	5.10.520 Medium Density Zones The following zones: RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; WD I; WD III; TL 9B; TL 11; PLA 2, 3B; PLA 6F, H, K; PLA 7C; PLA 9; PLA 15B; and PLA 17.
3	5.10 Definitions	TOD shown on Zoning Map but not defined in Zoning Code	5.10.930.5 Transit-Oriented Development (TOD) – Area where a higher intensity mix of uses is allowed, together with transit facilities, in order to support the increased use of transit and reduce reliance on roads and single-occupant vehicles.
4	5.10 Definitions	YBD-1 not defined	5.10.930.6 Transit-Oriented Development (TOD) Zone – The following zone: YBD-1.
5	60.82 PLA 6F Height column	Code clean-up; there is no RSX zone adjoining PLA 6F	60.82.010, .020, .030, .040, .050, .060, .070, .080, and .090 If adjoining a low density zone ~~other than RSX~~, then 25' above average building elevation. Otherwise 30' above average building elevation.
6	60.182.010 PLA 16 Detached Dwelling Unit	Code clean-up; incorrect code reference	Special Regulation 4. Residential lots must contain a minimum area of 10,000 permeable square feet, which shall comply with KZC ~~115.20(5)(d)~~ 115.20.5 for keeping of horses.

Attachment 1

ROSTER OF PROCESS IVA MISCELLANEOUS ZONING CODE AMENDMENTS

7	60.182.010 PLA 16 Detached Dwelling Unit	Code clean-up; incorrect code reference	Special Regulation 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: a. The property must contain at least 16 contiguous acres. 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(5)(d)~~ 115.20.5 for keeping of horses. c. Etc.
8	95.52 Tree Management and Required Landscaping	Clarification; prohibited vegetation need not be retained	95.52 Prohibited Vegetation Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City or required to be retained.
9	110.40 Collector Streets	New National guidelines from AASHTO	110.40 Collector Streets d. Parking lane widths are ~~six~~7.5 ft. minimum.
10	115.20 Animals	Code clean-up; Section format confusing and hard to follow; redo section headings and reorganize ; compare with previous versions to find omissions	115.20 Animals (complete section follows)

ROSTER OF PROCESS IVA MISCELLANEOUS ZONING CODE AMENDMENTS

11	115.136 Size Limitations for Structures Abutting Low Density Zones and Uses	Omissions from recent amendments to horizontal façade regulations adopted by O-4437 on March 18, 2014	115.136 Size Limitations for Structures Abutting or Within Low Density Zones and Abutting Low Density Uses in PLA 17 (complete section follows)
12	150.20 Process IIA	Code clean-up; citation does not exist	150.20 Compliance with SEPA The State Environmental Policies Act (Chapter 43.21 RCW) applies to some of the decisions that will be made using this chapter. The Planning Official shall evaluate each application and, where applicable, comply with SEPA and with state regulations and City ordinances issued under the authority of SEPA. See ~~KMC 24.02.105~~ KMC 24.02.230 regarding consolidation of certain appeals hearings under SEPA with the hearing required under this chapter.
13	152.20 Process IIB	Code clean-up; citation does not exist	152.20 Compliance with SEPA The State Environmental Policies Act (Chapter 43.21 RCW) applies to some of the decisions that will be made using this chapter. The Planning Official shall evaluate each application and, where applicable, comply with SEPA and with state regulations and City ordinances issued under the authority of SEPA. See ~~KMC 24.02.105~~ KMC 24.02.230 regarding consolidation of certain appeals hearings under SEPA with the hearing required under this chapter.

ROSTER OF PROCESS IVA MISCELLANEOUS ZONING CODE AMENDMENTS

14	161.40.2.e Process IVA Minor Code Amendments	Clarification; list serve required to be established (Note: it is already established)	161.40.2.e The notice will be posted on the City's website and the City will provide the public with a means to register to receive all such notices on a timely basis via email or equivalent means of electronic communication.
15	Chapter 180 Plate 38: Measuring Size Limitations for Structures Abutting Low Density Zones and Low Density Uses in the PLA 17 Zone	Omissions from recent amendments to horizontal façade regulations adopted in O-4427 on March 18, 2014	Chapter 180, Plate 38: Measuring Size Limitations for Structures Abutting or Within Low Density Zones & Abutting Low Density Uses in the PLA 17 Zone (new plate to replace existing follows roster)

Roster #10

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.~~a. 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.~~b. Animal Waste – Measures must be taken to properly dispose of animal waste.

~~4.~~c. 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.
~~5. Minimum Requirements – The applicant shall comply with the following requirements regarding the keeping of animals in any zone where a dwelling unit is permitted:~~

~~a.~~2. Household Pets

~~1)~~a. Types – The following animals will be regulated as household pets: Dogs, cats, rabbits, gerbils, guinea pigs, hamsters, mice, cage birds, nonvenomous reptiles and amphibians, and any other animals normally associated with a dwelling unit, and which are typically housed within the 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) Gerbils.~~
~~f) Guinea pigs.~~
~~g) Hamsters.~~
~~h) Mice.~~
~~i) Cage birds.~~
~~j) Nonvenomous reptiles and amphibians.~~

~~k) Other animals normally associated with a dwelling unit, and which are generally housed within the dwelling unit.~~

~~2)~~b. Required Review Process – None.

~~3)~~c. Maximum Number of Adult Animals per Dwelling Unit
~~a)~~1) Three (3) dogs ~~or less per dwelling unit.~~
~~b)~~2) Three (3) cats ~~or less per dwelling unit.~~
~~c)~~3) A total of four (4) dogs and cats ~~per dwelling unit.~~
~~d)~~4) Four (4) rabbits ~~or less per dwelling unit.~~
~~e)~~5) Other: No maximum.

~~4)~~d. Minimum Lot Size – None.

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

~~6)~~f. Special Regulations
~~a)~~1) Dogs, cats, and rabbits may be housed either inside or outside the dwelling unit.
~~b)~~2) 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.~~3. Small Domestic Animals
~~1) The following animals will be regulated as small domestic animals:~~
~~a) More than three (3) dogs per dwelling unit.~~
~~b) More than three (3) cats per dwelling unit.~~
~~c) More than a total of four (4) dogs and cats per dwelling unit.~~
~~d) More than four (4) rabbits per dwelling unit.~~

~~e)~~a. Fowl.
~~2)~~1) Permitted Locations – Low density zones.
~~3)~~2) Required Review Process – None.
~~4)~~3) Maximum Number of Adult Animals per Lot
a) On lots with an area of less than 35,000 square feet:
i) Three (3) fowl, regardless of lot size.

ii) One (1) additional chicken for each 1,000 square feet of lot area above 5,000 square feet, up to a maximum of 20 chickens.
iii) Roosters are prohibited except for those in RSA zones existing prior to August 15, 2012.
b) On lots with an area of 35,000 square feet or more: 20, plus one (1) additional for each 500 square feet of lot area above 35,000 square feet.
~~5)~~4) Minimum Setback
a) Structures shall not be located in required yards except as allowed by KZC 115.115 and except for the following:
i) Mobile structures (chicken tractors) may be anywhere within a fenced yard.
ii) Structures may be located within five (5) feet of any property line; provided, that the property adjacent to the proposed location of the structure is either:
A) Occupied primarily by a nonresidential use such as a church, school or park; or
B) 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)~~5) 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.

b. Other small domestic animals – Small domestic animals exceeding the numbers specified in 115.20 2.c *(note: this section was part of a chart that was inadvertently deleted when O-4370 was adopted in 2012)*
1) Required Review Process – None.
2) Maximum Number of Adult Animals – 20 per 35,000 sq. ft. of lot area and 1 per each additional 500 sq. ft. of lot area.
3) Minimum Lot Size – 35,000 sq. ft. per dwelling unit.
4) Minimum setback – Structures and pens used to house animals must be at least 40’ from each property line.
5) Special Regulations
a) The City may limit the number of animals allowed to less than the maximum considering:
i) Proximity to dwelling units both on and off the subject property; and
ii) Lot size and isolation; and
iii) Compatibility with surrounding uses; and
iv) Potential noise impacts.

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

~~c.~~4. Bees

~~1)~~a. Required Review Process – None.

~~2)~~b. Maximum Number ~~of Bees per Dwelling Unit~~
~~a)~~1) Lots containing 15,000 square feet or less – maximum of two (2) hives.
~~b)~~2) Lots containing more than 15,000 square feet ~~and~~but less than 35,000 square feet – maximum of five (5) hives.
~~c)~~3) Lots containing 35,000 square feet or more – maximum of 15 hives.

~~3)~~c. Minimum Lot Size – 7,200 square feet.

~~4)~~d. Minimum Setback – Hive must be at least 25 feet from any property line. See also special regulation in subsection ~~(5)(c)(5)(e)~~e.5) of this section.

~~5)~~e. Special Regulations
~~a)~~1) Colonies must be in movable frame hives.
~~b)~~2) Adequate space must be maintained in the hive to prevent overcrowding and swarming.
~~c)~~3) Colonies must be requeened following any swarming or aggressive behavior.
~~d)~~4) All colonies must be registered with the Washington State Department of Agriculture~~, Plant Services Division, 406 General Administration Building, Olympia, WA 98504, prior to April of each year~~.
~~e)~~5) Hives may be located closer than 25 feet to any property line if:
~~i)~~a) Situated eight (8) feet or more above adjacent ground level; or
~~ii)~~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.
~~f)~~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.

~~d.~~5. Horses

~~1)~~a. Required Review Process

~~a)~~1) PLA 16 zone, if part of a recorded master plan: none.
~~b)~~2) All other zones, including in PLA 16 on lots which are not part of a recorded master plan:
~~i)~~a) On lots 35,000 square feet or greater: none.
~~ii)~~b) On lots less than 35,000 square feet the City may approve up to two (2) horses, using Process I, Chapter 145 KZC, pursuant to subsection 5.b.2)b) of this section.~~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)~~b. Maximum Number of Adult Horses
~~a)~~1) PLA 16 zone, if part of a recorded master plan: two (2) horses.
~~b)~~2) 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:
~~i)~~a) On lots of at least 35,000 square feet: two (2) horses per 35,000 square feet of lot area and 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. (See subsection ~~(5)(d)(5)~~5.e of this section for minimum paddock standards.)
~~ii)~~b) On lots less than 35,000 square feet the City may approve up to two (2) horses using Process I, Chapter 145 KZC; ~~pursuant to subsection (5)(d)(1)(b)(ii) of this section.~~based on the following criteria:
i) Proximity to dwelling units both on and off the subject property; and
ii) Lot size and isolation; and
iii) Compatibility with surrounding uses; and
iv) Potential noise impacts.
~~c)~~3) All other zones:
~~i)~~a) Two (2) horses per 35,000 square feet of lot area and one (1) horse per each additional 17,500 square feet of lot area.
~~ii)~~b) If lot size is less than 35,000 square feet, the City may approve up to two (2) horses using Process I, Chapter 145 KZC; pursuant to subsection (5)(d)(1)(b)(ii) 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)~~c. Minimum Lot Size
~~a)~~1) PLA 16 zone, if part of a recorded master plan: 26,000 square feet.

~~b)~~2) All other zones, including in PLA 16 on lots which are not part of a recorded master plan:
~~i)~~a) 35,000 square feet.
~~ii)~~b) May be less than 35,000 square feet if approved through Chapter 145 KZC, Process I~~, pursuant to subsection (5)(d)(1)(b)(ii) of this section~~.

~~4)~~d. Barn Size and Setback
~~a)~~1) The applicant must provide a suitable barn to house the horses, and must maintain it in a clean condition.
~~b)~~2) 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:
~~i)~~a) 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.
~~ii)~~b) Setbacks – Barns to house horses must be a minimum of 40 feet from habitable dwellings, both on and off the subject property.
~~c)~~3) All other zones, including in PLA 16 on lots that are part of a recorded master plan:
~~i)~~a) Size – Barns must not exceed 1,200 square feet, plus 10 percent of the lot area that exceeds 7,200 square feet and must meet all other requirements of KZC 115.08, Accessory Structure.
~~ii)~~b) 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)~~i) An abutting property owner files a signed and notarized statement with the City in support of the request; and
~~B)~~ii) The barn complies with all other regulations pertaining to setbacks in that zone.

~~5)~~e. Paddock Size and Setbacks
~~a)~~1) 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:
~~i)~~a) 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)~~i) 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)~~ii) 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.
~~ii)~~b) Setbacks
~~A)~~i) The paddock areas must be 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)~~ii) The paddock areas must be 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.
~~iii)~~c) Additional Paddock Requirements
~~A)~~i) 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)~~ii) 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.
~~b)~~2) All other zones, including in PLA 16 on lots which are part of a recorded master plan:
~~i)~~a) Size – Each lot must contain an area of at least 14,500 square feet capable of being used as a horse paddock area and configured to meet the following standards:
~~A)~~i) 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)~~ii) 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.
~~ii)~~b) 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)~~i) An abutting property owner files a signed and notarized statement with the City in support of the request; and
~~B)~~ii) The paddock complies with all other regulations pertaining to setback in that zone.

~~6)~~f. Outdoor Manure Piles

~~a)~~1) PLA 16 zone: No outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure.
~~b)~~2) All other zones: No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.

~~e.~~6. Large Domestic Animals

~~1)~~a. Types - The following animals will be regulated as large domestic animals: cattle, sheep, pigs, goats, and other grazing or foraging animals.
~~a) Cattle.~~
~~b) Sheep.~~
~~c) Pigs.~~
~~d) Goats.~~
~~e) Other grazing or foraging animals.~~

~~2)~~b. Required Review Process
~~a)~~1) On lots 35,000 square feet and greater: none.
~~b)~~2) If the lot size is less than 35,000 square feet the City will decide on the permitted number of large domestic animals using Process I, Chapter 145 KZC; based on the following criteria:
~~i)~~a) Proximity to dwelling units both on and off the subject property; and
~~ii)~~b) Lot size and isolation; and
~~iii)~~c) Compatibility with surrounding uses; and
~~iv)~~d) Potential noise impacts.

~~3)~~c. Maximum Number of Adult Animals
~~a)~~1) Two (2) per 35,000 square feet of lot area and one (1) per each additional 17,500 square feet of lot area.
~~B~~2) The City may limit the number of animals allowed to less than the maximum pursuant to the criteria in 6.b.2).
~~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)~~d. Minimum Lot Size
~~a)~~1) 35,000 square feet.

~~b)~~2) May be less than 35,000 square feet if approved through Chapter 145 KZC, Process I~~, pursuant to subsection (5)(e)(2)(b) of this section~~.

~~5)~~e. Structures, Barn and Pen Size and Setback
~~a)~~1) 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)~~2) Size – Barns must not exceed 1,200 square feet, plus 10 percent of the lot area that exceeds 7,200 square feet and must meet all other requirements of KZC 115.08, Accessory Structure.
~~c)~~3) Setbacks – Barns and pens used to house animals must be 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:
~~i)~~a) An abutting property owner files a signed and notarized statement in support of the request; and
~~ii)~~b) The barn or pen complies with all other regulations pertaining to setback in that zone.

~~6)~~f. 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)~~g. Outdoor Manure Piles
~~a)~~1) PLA 16 zone: No outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure.
~~b)~~2) All other zones: No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.

~~6.~~7. Bonds – The City may require a bond under Chapter 175 KZC to ensure that the subject property is maintained in a clean condition.

Roster #11 and #15

115.136 Size Limitations for Structures Abutting or Within Low Density Zones and Abutting Low Density Uses in PLA 17

1. ~~Size Limits –~~ On properties located in ~~other than low density~~ zones where structure size limitations are established, any portion of a structure greater than 15 feet in height ~~and located within 30 feet of either a low density zone or a parcel within the PLA 17 zone containing a low density use~~ shall be no greater than 50 feet in length~~,as measured parallel to the property line separating the subject property from the abutting low density zone or use. In applying this regulation, the 30-foot area shall be measured from the perimeter property lines of the properties in low density zones where the zoning boundary is located in a right-of-way. Structures or portions thereof shall be treated as a single structure if any portions of the structures, other than those elements listed in subsection (2)(b) of this section, are located within 20 feet of each other. See Plate 38.~~ within 30 feet of the following:

   a. A parcel in a low density zone, where the subject property is not in a low density zone;

   b. A parcel within a low density zone containing a detached dwelling unit, where the subject property is in a low density zone;

   c. A parcel within the PLA 17 zone containing a low density use; or

   d. A parcel within PLA 3C containing an attached dwelling unit, where the subject property is in PLA 3C.

The structure's length shall be measured parallel to the property line separating the subject property from the abutting low density zone or use. See Plate 38 in Chapter 180 KZC. The 30-foot distance shall be measured from the perimeter property lines of the protected parcel where the zoning boundary is located in a right-of-way. Structures or portions thereof shall be

treated as a single structure if any portions of the structures, other than those elements listed in subsection (2)(b) of this section, are located within 20 feet of each other.

2. Exceptions

a. The above size limits do not apply to:

1) Structures within 30 feet of a parcel containing an institutional use;

2) Structures separated from the protected parcel ~~a low density zone~~ by another developed parcel or right-of-way~~, except~~ other than an alley~~s; and~~ or an access easement/tract less than or equal to 21 feet in width;

3) "Detached Dwelling Unit(s)";

~~3)~~ 4) Detached dwelling units approved and constructed as "Detached, Attached, or Stacked Dwelling Unit" uses that are separated from each other by at least 10 feet;

5) "Attached Dwelling Units" uses in PLA 3C;

6) "Attached or Stacked Dwelling Units" uses in PLA 15B;

7) "Detached, Attached, or Stacked Dwelling Units" uses in PLA 6G;

8) "Mini-School or Mini-Day Care Center" uses in all low density zones and in RH 5A, RH 5B, RH 5C, PLA 14, PLA 15B and PLA 17 zones;

9) "Public College or University" uses in PLA 14;

10) "Private College and Related Facilities" uses in PLA 1;

11) "Professional Football, Baseball, or Soccer Practice or Play Facility" uses in PLA 1;

12) "Commercial Equestrian Facility or Commercial Recreation Area" uses in PLA 16; and

13) "Hazardous Waste Treatment and Storage Facilities" uses in LIT zones.

b. The following elements of a structure are not subject to the 20-foot separation established in subsection (1) of this section:

1) Any elements no higher than 18 inches above finished grade;

2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies that extend no more than 18 inches from the wall of a structure;

3) Stairs that extend no more than five (5) feet from the wall of a structure; and

4) Porches that extend no more than five (5) feet from the wall of a structure if:

a) The porch is no higher than one (1) story and the finished floor of the porch is no more than four (4) feet above finished grade;

b) Three (3) sides of the porch are open, other than solid walls or railings up to a height of 42 inches;

c) No deck, balcony or living area is on the roof of the porch;

d) The length of the porch does not exceed 50 percent of the wall of the structure to which it is attached; and

e) Porch eaves may extend an additional 18 inches from the edge of the porch.

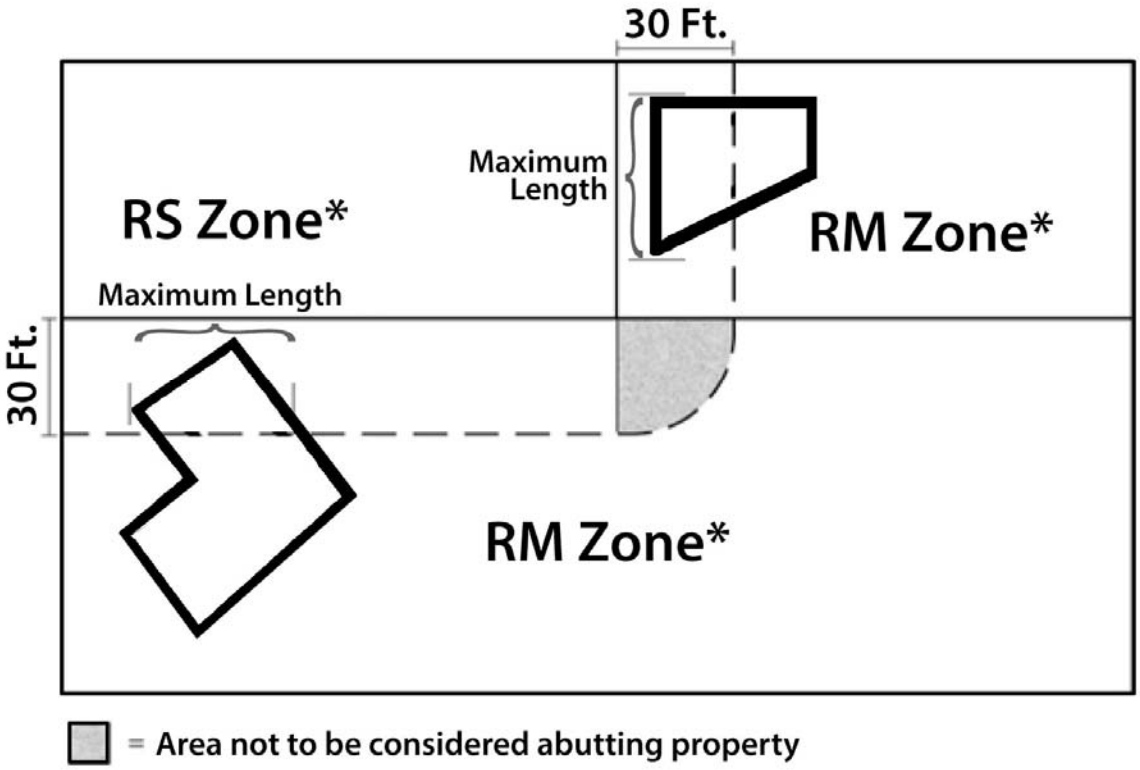
3. Modifications – The City may approve modifications from the dimensional standards specified in subsection (1) of this section if it determines that either:

a. The topography, vegetation or improvements on either the subject property or abutting property adequately obscure the visibility of the structure from the abutting property; or

b. The design of the structure moderates its apparent size as well as or better than strict adherence to the dimensions specified in subsection (1) of this section,

The decision on the modification shall be made by the Planning Director and appeals shall be in accordance with the appeal provisions of Process I, Chapter 145 KZC; provided, that if the development requires a decision through design review, Process I, Process IIA or Process IIB, the decision on the modification and appeals thereof shall be made using the required review process for the development.

Plate 38: Measuring Size Limitations for Structures Abutting <u>or Within</u> Low Density Zones & <u>Abutting</u> Low Density Uses in the PLA17 zone.



*** Used for example only. Size limitations requirem~~ed~~<u>ents</u> for zones and uses <u>are specified in</u> ~~other than low density (See~~ KZC section 115.136~~)~~.**

CITY OF KIRKLAND
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REVISED ZONING CODE INTERPRETATION

NUMBER	CODE SECTION	EFFECTIVE DATE	APPEAL PERIOD
14-3 (12-3 REVISED)	5.10.020 **DEFINITION OF ADJOINING**	4/25/2014	April 25, 2014 through May 9, 2014.

BACKGROUND:

Ordinance 4437, effective on April 25, 2014, eliminated horizontal facade regulations that were subject to the definition of adjoining. Interpretation 12-3 is revised to reflect this change.

ISSUE:

Properties that "adjoin" low density zones are required to comply with certain height regulations. However, zoning boundaries on the zoning map are not consistently drawn in the same location. For example, in some cases, the zoning boundary is located in the centerline of a right-of-way. In other cases, it follows a property line or edge of a right-of-way. This can impact how height regulations apply to developing properties.

INTERPRETATION:

The 100-foot area considered to be "adjoining" shall be determined by measuring from the perimeter property lines of the low density zone in cases where the zoning boundary is drawn at the centerline of the right-of-way.

APPLICABLE CODE SECTIONS:

Kirkland Zoning Code (KZC) Section 5.10.20 defines "adjoining" as:

> *Property that touches or is directly across a street, other than a principal or minor arterial, from the subject property. For the purposes of applying the regulations that limit the height ~~and horizontal length of facade~~ adjoining a low density zone, the regulations shall only apply within an area of 100 feet of and parallel to the boundary line of a low density zone (as shown on Plate 18).*

ANALYSIS:

KZC Section 170.40.1 states that the Planning Director may issue an interpretation of any of the provisions of the Code. This section requires the Planning Director to base a decision on three criteria which are addressed below.

1. Defined or common meaning of the words of the provision.

   This is not an issue

2. The general purpose of the provision as expressed in the provision.

   The purpose of the height regulation is to mitigate the impacts of height of multifamily, office, or commercial structures located next to detached dwelling units in low density zones.

3. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan.

   The Comprehensive Plan contains a number of policies that protect Kirkland's single family character while still allowing for development to occur. The City's height regulations support these policies by requiring stricter standards for multi-family and non-residential developments within a certain distance from single family uses in low density zones. The definition of "adjoining" bases this distance measurement from the boundary of the low density zone. On the zoning map, low density zone boundaries either follow property lines or are located within the centerline of a right-of-way.

   In applying the definition of "adjoining" to properties where the low density zone is located at the right-of-way centerline, there would be an unnecessary burden on the non-low density use by extending the height regulation an additional 8 to 40 feet onto the property, depending on the width of the right-of-way containing the zoning boundary. It is not the intent of the height regulation to reduce impacts of development on rights-of-way.

APPEAL PERIOD AND PROCEDURE TO APPEAL:

Any person who is aggrieved by this interpretation may appeal it. An appeal, in the form of a letter of appeal and appeal fee established by ordinance, must be delivered to the Planning Department by 5:00 p.m. on May 9, 2014, 14 days following the date the interpretation was posted to the City of Kirkland website. The letter of appeal must indicate how the interpretation affects the appellant's property and present any relevant arguments of information on why the interpretation should not be issued.

Planning Director

4/25/2014

Date