

KMC Title 22 Subdivisions
Chapter 22.28.xx Design Requirements

New Section

Lots – Small Lot Single Family

In the Market and Norkirk Neighborhoods, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040 and historic preservation provisions of Section 22.28.xx, 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 “small lots” meet the following standards:

- (a) Within the RS 6.3 and RS 7.2 zones, the lots shall be at least 5,000 square feet. ~~the minimum lot size is 5000 square feet.~~
- (b) Within the RS 8.5 zone, the lots shall be at least 6,000 square feet. ~~the minimum lot size is 6000 square feet.~~
- (c) ~~The entire narrow portion of any flag lot that is~~ less than 30 feet wide, and used for driveway access to the buildable portion of the lot may not be counted in the lot area of a small lot.
- (d) ~~The Floor floor Area area Ratio ratio (FAR) shall not exceed .35 percent of lot size or .4.~~ The FAR restriction shall be recorded on the face of the Platplat.
- (e) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat.

ATTACHMENT 1

P.C. public hearing April 26, 07

Section 15.10



USE ZONE CHART

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

Section .010	USE REGULATIONS ↓ ↑	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd 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. 3.	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 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. In the Market and Norkirk Neighborhoods as defined by the Comprehensive Plan, F.A.R. is ((30 percent / 40 percent)) of lot size for small lot(s) created through Section 22.28.xx of the Subdivision Ordinance. <i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i> See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 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). 	

ATTACHMENT 2
 Public Hearing April 24, 2017

115.07 Accessory Dwelling Units

One accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met: (Sections 1-7 not shown).

8. WD I and WD III Zones. Properties located in the WD I and WD III Zones which develop accessory dwelling units must provide public pedestrian access consistent with the regulations contained in KZC 30.15.020 and 30.35.020 for attached or stacked dwelling units.
9. Market and Norkirk Neighborhoods. Within the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, accessory dwelling units are prohibited on lots smaller than the required minimum lot size per dwelling unit approved using the Small Lot Single-family and Historic Preservation subdivision regulations contained in KMC Sections 22.28xx and 22.28.xx.
9. Applicable Codes. The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current Uniform Building Code (UBC) ceiling height requirements if it was legally constructed as habitable space.

10. Permittinga. Application

- 1) The property owner shall apply for an accessory dwelling unit permit with the Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning Department.

- 2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.
- 3) If an ADU was or is created without being part of a project for which a building permit was or is finalized, an ADU inspection will be required for issuance of an ADU permit. The ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

b.

ATTACHMENT

3

P.C. public hearing April 12, 2012 (Revised)

KMC Title 22 Subdivisions
Chapter 22.28.xx Design Requirements

New Section

Lots – Historic Preservation

In the Market and Norkirk Neighborhoods, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030, 22.28.040, and the small lot single-family provisions of Section 22.28.xx, 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 a “historic residence” is preserved on one of the lots, pursuant to the process described in Zoning Code Chapter 75. The lots containing less than the minimum required lot area created shall meet the following standards:

- (a) Within the RS 6.3 and RS 7.2 zones, the lots shall be at least 5,000 square feet.~~the minimum lot size is 5000 square feet.~~
- (b) Within the RS 8.5 zone, the lots shall be at least 6,000 square feet.~~the minimum lot size is 6000 square feet.~~
- (c) Within the WDII zone, the lots shall be at least 7,200 square feet.~~the minimum lot size is 7,200 square feet.~~
- (d) The entire narrow portion of any flag lot that is less than 30 feet wide, that is and used for driveway access to the buildable portion of the lot, may not be counted in the lot area.
- (e) ~~If the historic residence is demolished, destroyed or the historic features are altered without required City approval, the Floor Area Ratio (FAR) on the lot thereafter shall be .3 or .4. The FAR restriction shall be recorded on the face of the Plat.~~
- (f)(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 the historic residence is demolished, destroyed, relocated, or the historic features are altered without required City approval, the floor

area ratio (FAR) on that lot thereafter shall be 25 percent of lot size. The FAR 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 Title 23 of this 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 2 feet less than required by the zoning district as shown on the Kirkland zoning map.
- 2) Floor area ratio may be 5 percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
- 3) Lot coverage may be 5 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.

**Chapter 75 – HISTORIC LANDMARK OVERLAY ZONE AND HISTORIC RESIDENCE
DESIGNATION**

Sections:

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75.10	<u>Historic Landmark Overlay Zone Designation – Required Review</u>
75.15	<u>Historic Landmark Overlay Zone Designation – Who May Apply/Special Fee Provision</u>
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75.05 User Guide

This chapter establishes a mechanism for designating certain areas or improvements in the City as historic landmarks or historic residences. This chapter also contains regulations that govern the use and alteration of any area or improvement that has been designated as an historic landmark or historic residence.

1. Historic Landmarks: Various places on the Zoning Map contain an “HL” within a dashed line. This indicates that this area has been designated as an Historic Landmark Overlay Zone where special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

If you are interested in proposing that an area or structure be designated as an historic landmark or if you wish to participate in the City’s decision on a proposed designation you should read KZC 75.10 through 75.25.

If you are interested in conducting a use or altering the appearance of an area or structure that has been designated as an historic landmark or if you wish to participate in the City’s decision on a proposed use or alteration of a designated historic landmark, you should read KZC 75.30 through 75.50.

2. Historic Residences: In the Norkirk and Market Neighborhoods, where an historic residence has been designated, special regulations apply. These special

regulations add to and in some cases supersede the other regulations of this code.

If you are interested in proposing that a structure be designated as an historic residence or if you wish to participate in the City's decision on a proposed designation you should read KZC 75.55 through 75.70.

If you are interested in altering the appearance of structure that has been designated as an historic residence, or if you wish to participate in the City's decision on a proposed alteration of a designated historic residence, you should read KZC 75.75 through 75.110.

75.10 Historic Landmark Overlay Zone Designation – Required Review

The City will review and decide upon each proposal to designate an area as an Historic Landmark Overlay Zone on the Zoning Map using the nonproject quasijudicial rezone provisions of Chapter 130 KZC.

75.15 Designation – Who May Apply/Special Fee Provision

The City, the person holding fee title to the subject property, or any member of the general public may apply to designate a property as an Historic Landmark Overlay Zone. To the extent that these provisions are inconsistent with the provisions of Chapter 130 or 152 KZC, the provisions of this section govern.

75.20 Historic Landmark Overlay Zone Designation – Criteria

1. The City may approve the designation of an area as an Historic Landmark Overlay Zone only if it finds that:

a. The applicable criteria of Chapter 130 KZC are met; and

b. Either:

1) The property contains an object, improvement, or site that is more than 40 years old, and that possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

a) Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or

b) Is associated with the lives of persons significant in national, state or local history; or

c) Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

d) Has yielded, or may be likely to yield, information important in prehistory or history; or

e) Is an outstanding work of a designer or builder who has made a substantial contribution to the art; or

2) The property contains an object, improvement or site which does not meet the criteria listed in subsection (1)(b)(1) of this section but which is:

- a) A religious property deriving primary significance from architectural or artistic distinction or historic importance; or
- b) A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with an historic person or event; or
- c) A birthplace, grave or residence of an historic figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life; or
- d) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historic significance; or
- g) A property achieving significance within the past 40 years if it is of exceptional importance.

NOTE: The criteria listed in subsection (1)(b) of this section are, with slight modification, the criteria used in evaluating entries to the National Register under the National Historic Preservation Act of 1966.

~~3) This subsection applies only to those areas annexed to the City on January 1, 1988, by Ordinance 3062, 3063, and 3064 (known as the Lower Juanita, North Rose Hill and South Rose Hill areas):~~

~~For a 12-month period beginning January 1, 1988, and ending December 31, 1988, the City shall approve the designation of an area as an Historic Landmark Overlay Zone if the site has been proposed by the King County Landmarks Commission subject to the conditions of Chapter 130-KZC.~~

75.25 Historic Landmark Overlay Zone Designation – Required Elements of Recommendation

If City Council adopts an ordinance designating an area as an Historic Landmark Overlay Zone on the Zoning Map, this ordinance must include the following information:

- 1. The boundaries of the area and description of the improvement, object, or site or significance, sufficient to identify its location.
- 2. The significant features of the improvement, object, or site to which the restrictions of KZC 75.30 through 75.50 apply.

75.30 Historic Landmark Overlay Zone Effect – General

If the City Council enacts an ordinance to designate an area as an Historic Landmark Overlay Zone, an “HL” will be placed on the area on the Zoning Map. This will have the following effects:

1. No feature identified as significant under KZC 75.25(2) may be altered in any manner except as provided in KZC 75.35 through 75.50.
2. The City may require that a sign be conspicuously posted on the subject property identifying the historic landmark.
3. The other requirements of this code apply to the subject property unless they conflict with a specific provision of this section through KZC 75.50. Where a conflict exists, the provisions of this chapter govern.

| 75.35 Historic Landmark Overlay Zone Effect – Review Requested To Alter

The City will review and decide upon any proposal to alter a designated significant feature of an Historic Landmark Overlay Zone using Process IIB, described in Chapter 152 KZC.

| 75.40 Historic Landmark Overlay Zone Effect – Criteria for Alteration

The City will review any proposed alteration to a significant feature of an historic landmark using the following criteria:

1. The extent to which the proposed alteration would adversely affect the significant features or site as an historic landmark; and
2. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and
3. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance.

| 75.45 Historic Landmark Overlay Zone Effect – Nonconforming Elements

Nonconformance on the subject property need not be corrected if correcting the nonconformance would require altering a feature designated as significant or the acquisition of additional property or facilities.

| 75.47 Historic Landmark Overlay Zone Effect – Modification of Code Provisions

1. General – The provisions of this section establish the circumstances under which the City may modify any of the provisions of this code for an historic landmark, except:
 - a. The City may not modify any of the provisions of this chapter; and
 - b. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under this chapter; and
 - c. The City may not modify any of the procedural provisions of this code; and
 - d. The City may not modify any provision that specifically applies to development on a wetland, flood plain, or regulated slope; and
 - e. The City may not allow any use in a low density zone that is not specifically allowed in that zone unless the subject property contains at least 35,000 square feet.
2. Review Procedure – The City will review and decide upon any proposal to modify the provisions of this code for an historic landmark using Process IIB, described in

Chapter 152 KZC. Modifications may be proposed in conjunction with or subsequent to a proposal to designate the subject property as an Historic Landmark Overlay Zone as provided in KZC 75.10 through 75.25.

3. Criteria for Modification – The City may approve a modification under the provisions of this section only if it finds that the following requirements are met:
 - a. The proposed modification would promote or aid in the preservation or rehabilitation of an historic landmark; and
 - b. Either:
 - 1) The historic landmark for which the modification is proposed is located on property which abuts one of the following rights-of-way:
 - a) Market Street between Central Way and N.E. 106th Street.
 - b) State Street between N.E. 68th Street and 2nd Avenue South.
 - c) Lake Washington Blvd. and Lake Street South between Northup Way and Third Avenue South; or
 - 2) The proposed modification would not promote traffic, noise, light view blockage or other impacts which are incompatible with adjacent properties or the surrounding neighborhood.

75.50 Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic landmark complies with the conditions of its approval.

75.55 Historic Residence Designation – Intent

The Norkirk and Market 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 is 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 the city'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 and 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 Historic Residence Designation – Required Review

The City will review and decide upon each proposal to designate a house as an Historic Residence using the provisions of Process I, Chapter 145 KZC. Noticing is required pursuant to the noticing provisions of Chapter 150 KZC. The review process will include an assessment to

determine eligibility for designation as an historic residence. The assessment must be conducted by staff or consultants meeting the Secretary of the Interior's professional qualification standards (Code of Federal Regulations, 36 CFR Part 61.

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 Historic Residence Designation – Criteria

The City may approve a-the designation of an Historic Residence if it finds the criteria of Section 75.20 1.b are met.

75.75 Historic Residence Designation – Required Elements of Recommendation

If the City designates an Historic Residence through Process I, tThe approval must include the following information:

1. The boundaries of the area and its location address of the historic residence.
2. A description of the historic residence and it's significant features to which the restrictions of KZC 75.80 through 75.110 apply.

75.80 Historic Residence Effect – General

If tThe City designation of es an Historic Residence it will have the following effects:

1. No feature identified as significant under KZC 75.70.2 may be altered in any manner except as provided in KZC 75.85 through 75.110.
2. All The other requirements of this code shall apply to the subject property unless they conflict with a specific provision of KZC 75.55 through KZC 75.110. Where a conflict exists, the provisions of this chapter govern.

75.85 Historic Residence Effect – Review Requested To Alter

The Planning Official will review and decide upon any proposal to alter a designated Historic Residence. This decision is appealable using applicable appeal provisions of Chapter 145 KZC.

75.90 Historic Residence Effect – Criteria for Alteration

1. The Planning Official shall review all proposed alterations to a designated historic residence. No further review is required if the alteration constitutes:
 - a. Ordinary repairs and maintenance which do not alter the appearance of an exterior significant feature and do not utilize substitute materials, or
 - b. Repairs or replacement of utility systems provided that such work does not alter an exterior significant feature.

The Planning Official shall document the proposed alteration. If the proposed alteration does not meet the criteria of 1a or 1b then the criteria in KZC 75.90.2 below must be met.

2. The Planning Official shall review and may approve restorations, major repairs, alterations in appearance, replacement of historic materials and new construction to a designated historic residence, considering the following factors:

1. The extent to which the proposal would utilize in-kind materials, and
2. The extent to which the proposal would adversely affect the significant character defining features of an historic residence.

The review by the Planning Official shall be based on The Secretary of the Interior's Standards for Rehabilitation in KZC 75.95. The Planning Official shall arrange for an analysis to determine if the Criteria for Alteration are met. The person conducting the analysis shall be conducted by staff or consultants meeting the Secretary of the Interior's professional qualification standards (Code of Federal Regulations, 36 CFR Part 61);

1. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and
2. c. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation or code.

~~3. Demolition, relocation, or unauthorized alteration of the historic residence results in removal of the historic residence designation. The maximum Floor Area Ratio (F.A.R.) on the subject property will be .~~

75.95. Historic Residence Effect – The Secretary of the Interior's Standards for Rehabilitation

In determining the adverse impact of an alteration on the significant features of an historic residence, the Planning Official shall consider the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67).

~~The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.~~

~~The Standards (36 CFR Part 67) apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass attached, adjacent, or related new construction.~~

~~The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.~~

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

75.100 Historic Residence Effect – Nonconforming Elements

Any nonconformance on the subject property need not be shall not be required to be corrected if correcting the nonconformance doing so would require the alteration of a feature designated as significant or the acquisition of additional property or facilities.

75.105 Historic Residence Effect – Demolition, alteration or damage

If an historic residence is demolished, or relocated pursuant to Section 75.90.3, destroyed by fire or for any other reason, or altered inconsistent with the Secretary of the Interior's Standards for Rehabilitation:

1. the historic residence designation shall be removed;
2. the maximum floor area ratio (FAR) of the resulting structure shall not exceed 25 percent of lot size; (to be decided) and

3. Accessory dwelling units shall be prohibited on the lot containing the affected residence.

75.110 Historic Residence Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic residence complies with the conditions of its approval.