



CITY OF KIRKLAND

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
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MEMORANDUM

Date: January 14, 2013

To: Planning Commission and Houghton Community Council

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Subject: 2013 MISCELLANEOUS ZONING/MUNICIPAL CODE
AMENDMENTS PUBLIC HEARING (CAM13-00669)

I. RECOMMENDATION

- Hold a joint public hearing to receive public testimony on the proposed Miscellaneous Kirkland Zoning Code (KZC) and Municipal Code (KMC) amendment project. The Planning Commission will begin its deliberation during this meeting.
- HCC will deliberate separately on the amendments at its January 27, 2014 meeting and make a recommendation that will be transmitted to the Planning Commission for their consideration.
- Continue Planning Commission deliberation to February 13, at which time the Planning Commission will receive the Houghton Community Council recommendation on those amendments within its jurisdiction, and subsequently make a recommendation that will be transmitted to the City Council for its consideration.

II. BACKGROUND DISCUSSION

Planning staff periodically forwards miscellaneous KZC/KMC amendments to the Planning Commission and the Houghton Community Council (HCC) for consideration. The amendments are selected from an on-going list of issues, code interpretations, requests from the public, requests from City Council, and needs identified by staff.

The complete roster of proposed 2013 Zoning Code and Municipal Code Amendments is Attachment 1 to this memorandum. The work program is

Attachment 2. Further information on the Miscellaneous Code Amendments is available on the City website by following this [link](#).

The joint public hearing follows two meetings where the Houghton Community Council (HCC) and the Planning Commission (PC) met separately to study the various proposed amendments, followed by two joint study sessions. The HCC discussed only the amendments applicable within its jurisdiction.

At the study sessions, staff received direction on the proposed amendments. Based on the HCC and PC direction, a brief summary and the proposed recommendation are provided for each item. Proposed draft amendments to implement the PC and HCC direction are included as attachments.

The City Council's consideration and adoption of the code amendments is scheduled for March 18. The HCC is scheduled to take final action on March 24.

In order to make navigation easier, use the table of contents below to find the page in the memorandum where each item on the roster is discussed.

Please Note: Topics with an asterisk (*) denote items that are not within Houghton's jurisdiction.

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More extensive background information on each of the proposed amendments is contained in staff memorandums prepared for the study sessions preceding the public hearing. The same staff memorandum was prepared for both advisory bodies.

The meeting date corresponding to when each item was studied is noted for each item in Section III below and on the roster (Attachment 1). The associated staff memorandums and audio recording of each study session can be accessed by following the links below. Please refer to these for in depth background information.

June 24 (HCC) [audio](#) and [staff memorandum](#)

June 27 (PC) [audio](#) and [staff memorandum](#)

September 12 (PC) [audio](#) and [staff memorandum](#)

September 23 (HCC) [audio](#) and [staff memorandum](#)

November 21 (joint PC and HCC) [audio](#) and [staff memorandum](#)

December 5 (joint PC and HCC) [audio](#) and [staff memorandum](#)

III. 2013 Amendments

The memo is organized by level of significance. The sections below provide a breakdown of the proposed KZC/KMC amendments, grouped by their policy level implications: "*No Policy*", "*Minor Policy*", "*Moderate Policy*" and "*Major Policy*" changes.

Except for item #14 regarding lot size calculations for small lot and historic preservation subdivisions, a draft amendment for each proposed change is included as an attachment to this memorandum. Item # 14 requires further discussion because there is a question that needs to be resolved prior to preparing a recommendation for consideration by City Council. Also, although there is a preliminary recommendation from the PC for item # 17 (garage setbacks), staff requests further discussion prior to finalizing a recommendation to Council.

Notice: During the production of this document the City of Kirkland moved the hosting of its online codes. All embedded links will forward to the new online code location at: <http://www.codepublishing.com/wa/kirkland/>, but not to the specific chapter or section. When you review the attachments and click on the link to various chapters of the KZC, you will encounter this problem. You can still access the Zoning code by clicking or expanding the link on the left hand navigation bar, or if you wish you can access the Zoning code directly at: <http://www.codepublishing.com/wa/kirkland/?html/KirklandZNT.html>. We apologize for any inconvenience this may cause.

NO POLICY CHANGES

The purpose of these amendments is to clarify and fix inconsistencies within the code. They make no changes to current policies.

1. June 24 & 27, 2013 Clarify Height of 2nd Story above Garage - KZC Chapter 115 Section 115.115.3.o

Purpose: Clean up text in Chapter 115 related to garage height because the maximum allowed height for structures is already provided in the use zone chart for each zone.

Recommendation: Eliminate duplicative text in KZC 115.115.3.o.1)c) and 2)e) addressing garage height. See Attachment 3 for the draft amendment.

2. Delete reference to State Statutes for Schools and Daycares - Various use zone charts already being amended

Purpose: Clean up special regulations for schools, mini-schools, daycares and mini-daycares that reference out of date statutes.

As use zones charts are amended, staff continues the ongoing housekeeping task to delete an existing Special Regulation that references an incorrect section of the Washington Administrative Code (WAC). This is not a substantive change because

State law requires compliance with the State's requirements so Kirkland's codes do not need to include any reference to that effect. The final ordinance will include deletion of these Special Regulations in the charts that are being amended with this round of miscellaneous code amendments.

Recommendation: Delete references to WAC Title 388 regulating schools and day cares in the applicable use zone charts with ordinance adoption.

3. June 24 & 27, 2013 Correct References to State Statute for Timeframe and for Exclusions from Timeframe for Approval of Development Permits – KMC Title 20 Section 20.12.010 (2) and 20.12.300

Purpose: Clean up KMC sections that reference an expired state statute. Correct the RCW referencing the timeframe for approval of a development permit and exclusions thereof, and delete RCW 36.70B.090 which expired in 2000. The correct reference is RCW 36.70B.080. The timeline for processing project permit applications is addressed in this RCW.

Recommendation: Change KMC Section 20.12.010(2) and 20.12.300 to reference RCW 36.70B.080 instead of RCW 36.70B.090. See Attachment 4 for the draft amendment.

4. June 24 & 27, 2013 *Delete Repeated Reference to Horizontal Facade Regulation in PLA 6G – KZC Chapter 60 Section 60.87.130

Purpose: Clean up Special Regulation 3 in the PLA 6G zone to eliminate redundancy with General Regulation 3 in that zone.

Recommendation: Delete Section 60.87.130, Special Regulation 3. See Attachment 5 for the draft amendment.

5. Sept. 12, 2013*Add TL 1B Zone to Definition of Residential Zones – KZC Chapter 5 Section 5.10.785

Purpose: Clarify that the TL 1B zone in Totem Lake should be included in the list of defined Residential Zones.

Recommendation: Add TL 1B to KZC 5.10.785. See Attachment 6 for the draft amendment.

6. Sept. 12 & 23, 2013 Revise Definition of Development Permit – KZC Chapter 5 Section 5.10.215

Purpose: Clean up an outdated reference in the definition of development permit.

"Uniform Building Code" is outdated and should be changed to "KMC Title 21, Buildings and Construction" in the Development Permit definition by ordinance. The definition was updated on an interim basis in 2013 with a Code Reviser's note.

Recommendation: See Attachment 7 for the draft amendment.

7. Sept. 12 & 23, 2013 Correct the Terminology for Flag Lots – KZC Chapter 115 Section 115.115.5.a (1) (b).

Purpose: Clarify section KZC 115.115 that addresses required yards for driveway and parking areas when abutting a flag lot in the same plat. Flag lot is a defined term describing certain types of lots, whereas access to a flag lot is through a panhandle. Panhandle is not a defined term.

Recommendation: Replace the term “panhandle lot” with “flag lot” in 115.115.5.a.1)b). See Attachment 8 for the draft amendment.

8. Sept. 12 & 23, 2013 Delete Reference to Day Care Home Uses and Family Day-Care Home Uses in PLA 15B (KZC 60.175.3.b), PLA 16 (KZC 60.180.2.b) and PLA 17 (KZC 60.185.3.c).

Purpose: Clean up three sections of the General Regulations of KZC Chapter 60 that reference family day care uses. Regulations for this use are located in Chapter 115.

Recommendation: Remove reference to family day care uses in KZC 60.175.3.b, KZC 60.180.2.b and KZC 60.185.3.c. See Attachment 9 for the draft amendment.

MINOR POLICY CHANGES

The proposed minor policy amendments make changes to existing regulations but the changes are generally not considered to be significant.

9. June 24 & 27, 2013 and Sept. 12 & 23, 2013 Provide Time Limits for Tree Removal Permits Not Associated with Development Activity - KZC Chapter 95 Section 95.23.4.

Purpose: To establish a reasonable and predictable timeframe within tree permits not associated with development activity for the completion of tree removal.

The code is currently silent on a timeframe for tree removal in these tree permits. There have been instances where trees are removed years after the permit to approve the removal was approved.

Staff recommendation: See Attachment 10 for the draft amendment (a new subsection 95.23.4.c).

10. Sept. 12 & 23, 2013 Allow Lots with Low Impact Development Standards as Part of a Conventional Subdivision – KZC Section 5.490.7 (new), Chapter 114 and KMC Title 22 Chapter 22.28.041

Purpose: Change code provisions to allow a portion of lots within a subdivision to utilize the LID techniques, rather than requiring all lots to use them. Currently KZC 114 requires all lots in a plat to utilize LID stormwater management standards to receive the benefits provided by this incentive. A more flexible approach may encourage increased utilization of preferred LID techniques. This is an optional approach that allows smaller lots and clustering provided additional low impact development techniques are utilized.

Recommendation: Add a new definition of Low Impact Development Project Site in KZC 5.490.7, revise various sections of KZC Chapter 114 and amend KMC Chapter 22.28.041 accordingly. See Attachment 11 for the draft amendment.

11. Sept. 12 & 23, 2013 and Nov. 21, 2013 Clarify Noise Regulations – KZC Chapter 115 Sections 115.25 and 115.95.

Purpose: Clarify the focus of the two Zoning Code sections that address noise as there has been confusion as to which section is most appropriate for regulating construction activity noise.

Recommendation: Amend KZC 115.25 and 115.95 to clarify that KZC 115.25 addresses development or construction activity noise. See Attachment 12 for the draft amendment.

12. Sept. 12 & 23, 2013 and Nov. 21, 2013 Reorganize and Simplify Process IVA; “Fast Track” Zoning Code Amendments – KZC Chapter 161.

Purpose: Reorganize and simplify the process for amending the Zoning Code for items that are not controversial and do not require policy study.

The Development Services Organizational Review (Zucker) recommended reviewing the code amendment process to simplify when possible. Moving the 30 day comment period after the City Council review of the code amendment roster instead of before was identified as a way to streamline the process. Also, changing the decision-making process from a Planning Director hearing (which no one attended) to a written decision was proposed.

Recommendation: Amend Chapter 161 to make the changes noted above. See Attachment 13 for the draft amendments.

13. Sept. 12 & 23, 2013 Clarify that Subdivision Provisions May Allow Lot Size Reduction Beyond Minimum Lot Size in Zoning Code or Map – KZC Chapter 115 New Section 115.87

Purpose: Highlight the relationship between the subdivision regulations and zoning regulations by explicitly stating that lot size may be reduced if approved under the current provisions of a subdivision review process. Currently the Zoning Code does not mention the possibility of a lot size reduction due to a subdivision approval.

Recommendation: Add a new section, KZC 115.87 Lot Size Flexibility. See Attachment 14 for the draft amendment.

14. Sept. 12 & 23, 2013 and Nov. 21, 2013 Clarify what is Included in Lot Size Calculations for Small Lot and Historic Preservation Subdivisions – KMC Title 22 Chapters 22.28.042(c) and 22.28.048(e).

Purpose: Determine the best way to avoid the unintended consequence of including unbuildable areas in the lot size calculation of small lot single-family and lots using historic preservation provisions.

Small lot single family and historic preservation subdivisions regulations provide incentives to encourage smaller homes and retain historic homes. Current KMC standards regulate what is included in the lot size calculation of the smaller lot to insure that it is compatible with neighborhood character. For that reason, portions of flag lots that are less than 30 feet wide and provide access to the wider buildable portion cannot be included in the calculation of lot area for the smaller lot. But because flag lots are defined to have frontage along the right of way, developers are designing plats which have an intervening access easement between the panhandle portion of the flag lot and the right-of-way. In doing so, that portion of a flag lot that is narrower than 30 feet not connected to the r-o-w can be included in the lot area calculation, even though it is unbuildable area.

Staff had proposed to solve this by eliminating “flag” from the small lot and historic preservation subdivision sections of the KMC. In doing so, regardless of whether there is an intervening access easement, narrow, unbuildable portions that provide access would not be included in the lot size calculations for these small lots.

During their study sessions, the advisory boards wanted to encourage the use of these incentives and they concluded that including the narrow unbuildable area in the calculation of lot size would allow a greater number of lots to take advantage of these incentives. Less clear was whether they wanted Floor Area Ratio (FAR) to continue to be calculated based on the usable lot area or if the unusable lot area could also be included in the FAR calculation.

Recommendation: To be discussed during the hearing. Before drafting the recommendation to CC, staff requests clarification as to the change the PC and HCC are recommending. If the change is to allow the narrow unbuildable area to be used in the lot size calculation but not the FAR calculation, the first version of the amendment is proposed. Whereas if the PC and HCC recommend that the unbuildable area is also used to calculate the FAR, the second version of the amendment is appropriate. The consequence of using both the buildable and unbuildable area in the FAR calculation would be a greater building mass in proportion to lot size in the buildable portion of the lot.

Version 1:

KMC Title 22
SUBDIVISIONS

22.28.042 Lots—Small lot single-family.

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 zones, 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-size for the purpose of calculating the allowed floor area ratio (FAR).
- (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. 4372 § 2 (Att. B) (part), 2012: Ord. 4332 § 1(C) (Exh. C), 2011: Ord. 4330 § 1 (Exh. A), 2011: Ord. 4102 § 1(A), 2007)

22.28.048 Lots—Historic preservation.

Within the low density zones listed below in subsections (a) through (d) of this section, 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.
- (e) 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-size for the purpose of calculating the allowed floor area ratio (FAR).~~

- (f) 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:

- (g) 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.
- (h) 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.
- (i) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded. (Ord. 4372 § 2 (Att. B) (part), 2012; Ord. 4102 § 1(B), 2007)

Version 2:

KMC Title 22

SUBDIVISIONS

22.28.042 Lots—Small lot single-family.

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 zones, 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.~~

~~(c)~~ (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.

~~(d)~~ (e) The FAR restriction shall be recorded on the face of the plat.

~~(e)~~ (f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat. (Ord. 4372 § 2 (Att. B) (part), 2012; Ord. 4332 § 1(C) (Exh. C), 2011; Ord. 4330 § 1 (Exh. A), 2011; Ord. 4102 § 1(A), 2007)

22.28.048 Lots—Historic preservation.

Within the low density zones listed below in subsections (a) through (d) of this section, 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.

~~(e) 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)~~ (f) 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)~~ (g) 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-h) 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-i) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded. (Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4102 § 1(B), 2007)

MODERATE POLICY CHANGES

These are considered more substantive changes to existing regulations.

15. Nov. 21, 2013 Setback Requirements for Schools/Day Cares in Residential Zones – Multiple Zones.

Purpose: Consider reducing building setbacks for schools and day cares in residential zones in Kirkland, taking into account compatibility impacts to the neighborhood.

The PC and HCC concluded that reducing building and structured play area setbacks could impact the abutting properties and there isn't a persuasive argument to change the method currently used. Setbacks for both uses are currently regulated based on the number of students or children that can be accommodated. Front, rear and side required yards for buildings that accommodate 13 to 49 students or children are 20 feet and for buildings that accommodate 50 or more students or children, they are 50 feet.

Recommendation: DO NOT change current setback standards for schools or day care centers because there is no compelling reason to do so.

16. Sept. 12, 2013 and Nov. 21, 2013 *Clustering and Aggregation of Undisturbed Area in Short Plats and Subdivisions in Holmes Point Overlay Zone – KZC Chapter 70 Section 70.15.4 and KZC 95.23 and 95.51

Purpose: Consider the requirement to preserve vegetation, soils, tree cover and wildlife habitat in aggregate rather than by individual lots in new plats as now required in the Holmes Point Overlay Zone. Clarify vegetation replacement and maintenance requirements in this zone.

At the study sessions, the PC concurred with the Finn Hill Neighborhood Alliance that until evidence can be provided supporting the advantage of combining undisturbed areas in plats, a regulation to require aggregation within plats is not warranted. They

supported vegetation and maintenance standards for the undisturbed areas on individual lots.

Since the last study session staff has:

- Revised the tree standards in the “Protected Natural Areas” (the term used for the required 25% protected area that is to be preserved in perpetuity). The new standard requires a greater tree density than the remainder of the lot based on the City’s urban forester recommendations. This is necessary to more closely mimic nature in its unaltered state as it attains maturity.

According to experts, areas like Holmes Point, which has been logged in the past, are considered to have a mature tree canopy after about 50 years with a typical tree density of 174 tree credits per acre, while developed areas in Kirkland have a tree density target of 30 tree credits per acre. 30 tree credits do not translate into an appropriately dense ecological element for a Protected Natural Area. The intent is to strike a balance between the size and age of trees which are being preserved with the threshold in which additional enhancement planting of trees is required. 150 tree credits per acre provide adequate environmental functions for a Protected Natural Area. Section 70.15.4.a.1 and 70.15.4.b.3.b.

- Cross referenced the Holmes Point Overlay zone vegetation maintenance and preservation standards with Chapter 95 Tree Management and Required Landscaping, for coordinated administration. Section 70.15.8
- Clarified that the Protected Natural Area will be identified during subdivision review and approved at the building permit stage, except that if the applicant chooses the location of the homes at the plat stage and goes through a voluntary Integrated Development Plan review process, the PNA will be identified on each lot and recorded on the face of the plat with subdivision approval. Section 70.15.7.a
- Explicitly stated that a survey is required with the recorded PNA protection easement. Section 70.15.8.a.2.

The FHNA response to the current iteration of the amendment is positive.

Recommendation: Amend KZC 70.15 and 95.23, 95.30 and 95.51 to codify vegetation and maintenance requirements and establish standards for protected Natural Areas on individual lots (not aggregated areas) in the Holmes Point Overlay Zone. Do not require aggregation of Protected Natural Areas in plats. See Attachment 15 for the draft amendment.

17.Dec. 5, 2013 *Garage Setback Requirements for Detached Dwelling Units in Low Density Zones – KZC Chapter 115 Section 115.43

Purpose: Delete or simplify garage setback requirements.

The PC was in agreement that a setback from the front facade of a home is appropriate to minimize the visual impact of a garage, and that the current setback is not working as intended. They agreed that the setback should not to be measured from a covered entry porch and that placing the garage five-feet behind the remaining front facade (as opposed to 5 feet greater than the required front yard setback for the remainder of the home) would achieve the desired result without limiting garage width. The current garage width is limited to no more than 50% of the total width of the front facade.

While concurring with the five foot offset, staff does not support eliminating the width limitation because it is effective in reducing the impact of the garage on the streetscape and keeps the front door as the most significant feature.

The pictures below are examples where either the garage setback requirement and the width limit are not in effect.



7004 120TH AVE NE

Memo to PC and HCC – 2013 Misc. KZC/KMC Amend.

January 14, 2013

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7012 120TH AVE NE



7015 NE 138TH ST



12837 NE 91ST ST.

Recommendation: Discuss further at the public hearing and choose a version of the amendment as offered below:

Version 1 – PC Recommendation: Amend 115.43.3.a to change the garage setback requirement to five feet behind the front facade of a house and KZC 115.43.3.b to eliminate the existing limit on garage width. See Attachment 16 for the draft amendment.

Version 2 – Staff Recommendation: Keep the garage width limit as is – 50% of the total width of the front facade. Change the garage setback as recommended by the PC.

18.Removed from roster

19.Nov. 21, 2013 ***Rounding of Fractions of Dwelling Units for Calculation of Density in RSA zones– KZC Chapter 18 Section 18.10.010, and KMC Title 22 Section 22.28.030**

Purpose: Restore King Co. rules which allow rounding of the number of lots in RSA zones in Juanita, Finn Hill and Kingsgate Neighborhoods when calculating for density.

This change will allow the number of lots in subdivisions and short plats in the annexation neighborhoods to be calculated based on the same formula as prior to annexation. In RSA zones, the allowable number of lots is determined by the maximum units per acre. The King County formula allows the rounding up of lots when the density is divided into the lot area and it results in a fraction of .50 or greater outright, without going through any additional approval process. For example, take a lot area (including road dedication and vehicular access easements or tracts) that is 11,594 sq. ft. in a RSA 6 zone. Divide 11,594 by 43,560 = .266 multiplied by 6 dwelling units per acre = 1.59 lots. Rounded up = 2 lots.

The intent was to adopt comparable zoning at the time of annexation, and this regulation was inadvertently missed. Restoring it will address this oversight and allow subdivision projects to go forward as anticipated. With this amendment to allow rounding up of lots in the RSA zone, the current subdivision lot size flexibility provision is no longer appropriate within the RSA zones, since lot sizes will already have been reduced with the rounding allowance.

Recommendation: Amend KZC 18.10.010 to allow rounding up of units in RSA zones when the maximum number of units results in a fraction of .50 or greater. Eliminate the eligibility of RSA zones to utilize the lot size reduction provisions of KMC 22.28.030. See Attachment 17 for the draft amendment.

20.Sept. 12 & 23, 2013 Clarify Process to Amend the Text of the Zoning Code – KZC Chapter 135 and KZC Chapter 160 Process IV

Purpose: Establish a procedure for studying potential zoning code amendments that are not associated with a proposal to amend the Comprehensive Plan.

Recommendation: Amend several sections of both KZC Chapter 135 and 160 in order to add provisions for zoning code amendments not related to Comprehensive Plan amendments. See Attachment 18 for the draft amendment.

21.Sept. 12 & 23, 2013 Clarify Zoning Code Administration – KZC Chapter 170 Section 170.50

Purpose: Clarify the relationship between the Comprehensive Plan goals and policies and development regulations in the Zoning Code in a way that is consistent with the Growth Management Act.

Recommendation: Amend KZC 170.50 Conflict of Provisions to generally describe the Comprehensive Plan and Zoning Code and that the Zoning Code prevails in the event of a conflict between the two documents. See Attachment 19 for the draft amendment.

22.Sept. 12 & 23, 2013 Consider Time Limit For Appeal of Interpretations of The Zoning Code – Chapter 170 Sections 170.40 and 170.45

Purpose: Establish a time limit for an appeal of a formal Planning Director Zoning Code Interpretation.

A 14 day appeal period is established for all discretionary zoning processes, including Process I. The existing interpretations appeal process follows all provisions of Process I appeals, except for the timing of the appeal period, for which it is silent. The amendment would bring the appeal period into consistency with this Process, creating continuity in the KZC.

The change will require that the notice of interpretation is posted on the City's website, indicating that a new interpretation has been issued and stating the appeal period. Interpretations would be dated to coincide with the actual posting date. After the appeal period is over the interpretation would be posted to the interpretation link on the web.

Recommendation: Codify a time limit for an appeal of a formal Planning Director Zoning Code Interpretation consistent with Process I, establishing a 14 day appeal period from date of notice. See Attachment 20 for the draft amendment.

23. Sept. 12 & 23, 2013 and Nov. 21, 2013 Reduce Process for Zoning Decisions – Multiple Zones

Purpose: Review instances where there are opportunities to streamline Process I, IIA and IIB permits and consider reducing the required process, where appropriate.

The Development Services Organizational Review (Zucker) states the City should explore further opportunities to streamline and condense land use permitting processes. The following 4 processes were reviewed:

- 23.a Reduce the review process for Minimum Lot Size in KMC 22.28.030(d) from Process IIB to the underlying plat approval process;
- 23.b Reduce the review process in Houghton for variances in KZC 120.10 related to detached dwelling units in any zone from Process IIA to Process I;
- 23.c Reduce the review process for Schools, Daycares and Churches in single family zones in KZC 15.10, 17.10 and 18.10 both for properties less than and greater than 5 acres; and
- 23.d Reduce the review process for Schools, Daycares and Churches in multi-family zones in KZC 120.10 from Process IIA to Process I outside the NE 85th St. sub-area.

Recommendation: Make the changes described in 23.a and 23.b as shown in Attachments 21.A and 21.B. The Planning Commission and Houghton Community Council did not recommend 23.c and 23.d for approval and, therefore, these are not shown.

24. Dec. 5, 2013 Change Landscape Buffer Requirements – KZC Chapter 5 Section 5.10.020

Purpose: Exempt properties along minor arterials from buffer requirements. Currently only principal arterials are considered adequate separation between land uses so that landscape buffers are not required.

Since minor and principal arterials operate similarly and often are designed the same, the PC and HCC concurred that there is no justification for treating them differently. Both of these rights of way are an intervening buffer between land uses.

Recommendation: Amend the definition of “adjoining” to include minor arterials. This will result in adding minor arterials as a street classification that can serve as a buffer instead of a required landscape buffer. See Attachment 22 for the draft amendment.

25. Sept. 12 & 23, 2013 and Nov. 21, 2013 Consider Screening Standards for Stand Alone Solar Arrays Accessory to Single Family Uses– KZC Chapter 115 new Section 115.137 and Chapter 5 new Section 5.10.881.1.

Purpose: A recent installation of a stand-alone solar panel array has prompted concern about compatibility and visual impact. Consider whether screening or other dimensional standards are feasible and appropriate for the ground mounted arrays in residential settings. Also, consider whether ground mounted solar collectors which track or move to follow the sun should be allowed.

The regulations do not address roof mounted solar arrays, except to clarify that solar collectors which extend over a roof, even if they are not attached to it, will be considered roof mounted. The example below illustrates this situation, and staff does not want to discourage similar designs. Although this solar collector is technically ground mounted it is located over the roof of a structure. It is located at 6211 108th Avenue NE in Houghton.



Following a November 21 presentation by Jeremy Smithson of Puget Sound Solar, the HCC and PC concluded that tracking ground mounted arrays are not compatible with low density residential neighborhoods and should not be allowed. While they support alternative energy applications, both advisory bodies consider roof mounted solar collectors a better fit for Kirkland, and directed staff to draft screening requirements to minimize the visual impact of stationary ground mounted collectors, with the understanding that these requirements may discourage their use. On balance they believe preserving community character by limiting visual impact is warranted. Because the return on investment on roof mounted solar systems is three to five years sooner than a ground mounted systems solar professionals note that not many ground mounted collectors are being installed in western Washington.

Attachment 23.A is an email from Jeremy Smithson (Puget Sound Solar) indicating his objection to the proposed screening standard in the attached amendment. He considers this requirement as contrary to state law requiring the protection of access to direct sunlight for solar energy. The City attorney notes that the laws simply authorize and encourage a local jurisdiction to protect access to sunlight for solar. They do not impose any substantive restrictions on the City's ability to regulate. Too he notes that the proposed regulation does not impact roof mounted facilities, only ground mounted.

Recommendation: Add a new section to Chapter 115 to provide performance standards for ground mounted solar collectors in residential zones, including prohibition of tracking systems. Provide a definition for solar collectors. See Attachment 23 for the draft amendment.

MAJOR POLICY CHANGES

26.Removed from roster

27.Nov. 21, 2013 **Eliminate or Revise Horizontal Façade Regulations – KZC Chapter 5 Section 5.10.020 and 5.10.507 and Chapter 115 Section 115.30, new Section 115.136, and Section 115.42, and Multiple Zones**

Purpose: Consider modifications to this regulation which limits the height and width of non-residential uses within 100 feet of a low density zone. Modifications include reducing the distance from low density zones within which the regulations apply, changing regulated structure dimensions, deleting the application of the requirement on sites adjacent to ROW's, adding a modification provision and removing the regulations from individual zones and placing them in Chapter 115.

The intent of the "horizontal façade" regulations is to moderate the scale of commercial and multi-family structures directly next to low density zones so that their scale is comparable to the scale of typical detached dwellings. The regulations strictly limit the size of adjoining commercial and multi-family structures that are taller than one story to segments that are no more than 50 feet wide and are separated from each other by 20 feet. The limitation applies within an area extending 100' from the low density zone. There is no provision for modification.

Although the existing regulations effectively limit the size of commercial and multifamily structures, it has been the experience of planning staff that the regulations are overly restrictive and unnecessarily rigid.

Using the modulation standards of KZC Chapter 92 as a guide, the proposed change adjusts the distance by which the regulations apply to only within 30 feet of a low density. Thus a building set back from a common property line with a low density zone would be required to have a recess of 20 or thirty feet deep, which is twenty feet wide, if the building exceeds a length of 50 feet.

The amendment also would change the modification procedure from a variance (public hearing and Hearing Examiner decision) to a Planning Official decision, if the alternative provides equal or superior modulation of building bulk and mass facing the low density zone, or an existing physical condition of the site or abutting property adequately obscures the visibility of the building.

Recommendation: Amend several KZC sections to reduce the severity of regulations limiting the size of structures on parcels next to low density zones and to simplify the code correspondingly. See Attachment 24 for the draft amendment.

IV. PUBLIC COMMENT

Notice of the public hearing was posted on the City's Planning Commission and Houghton Community Council websites. It was distributed to the Kirkland Neighborhood E-Bulletin, Kirkland Developer's Partnership Forum, and project list serve, Chamber of Commerce, and various individuals interested in this project. Several letters were received since the study sessions that are included in the memorandum. They address the current iteration of the Holmes Point Overlay Zone amendment.

V. CRITERIA FOR AMENDMENT ZONING TEXT

KZC 135.25 establishes the criteria by which changes to the Zoning Code text must be evaluated. These criteria and the relationship of the proposal to them are as follows:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan

The proposed amendments are consistent with the Comprehensive Plan. The proposed amendments are needed to clarify and/or improve upon existing regulations and to fix unintended changes that were made with previous amendments to the KZC. Each proposed amendment has been reviewed to ensure consistency with the Comprehensive Plan. They do not fundamentally change the policies of the City.

2. The proposed amendment bears a substantial relation to public health, safety, or welfare

The proposed amendments bear a substantial relation to public health, safety, and welfare. The amendments further clarify existing regulations which are based on the goals and policies of the Comprehensive Plan.

3. The proposed amendment is in the best interest of the residents of Kirkland

The proposed amendments are in the best interest to the residents of Kirkland. The amendments seek to clarify and/or improve upon the existing regulations and review processes which were originally created based on balancing the needs of various stakeholder groups and the policies of the Comprehensive Plan. The result of the changes should create more certainty and predictability in terms of regulations and process for both the residential and development community.

VI. ENVIRONMENTAL REVIEW

A Determination of Nonsignificance was issued on December 20, 2013 for the Miscellaneous Zoning Code Amendments (see Attachment 25). The DNS fulfills the environmental requirements for the proposed changes.

Attachments:

1. Roster of proposed Zoning Code and Municipal Code amendments.
2. Work Program
3. Clarify height of second story above garage amendment
4. Correct references to state statute for Timeframe and for Exclusions from Timeframe for Approval of Development Permits amendment
5. Delete repeated reference to Horizontal Facade Regulation in PLA 6G amendment
6. Add TL 1B Zone to definition of Residential Zones amendment
7. Revise definition of Development Permit amendment
8. Correct the terminology for Flag Lots amendment
9. Delete reference to Day Care Home Uses and Family Day-Care Home Uses in PLA 15B amendment
10. Provide time limits for Tree Removal Permits Not Associated with Development Activity amendment
11. Allow lots with Low Impact Development standards as part of a conventional subdivision amendment
12. Clarify noise regulations amendment
13. Reorganize and simplify Process IVA; "Fast Track" zoning code amendments
14. Clarify that Subdivision provisions may allow lot size reduction beyond minimum lot size in Zoning Code or Zoning Map amendment
15. Clustering and aggregation of undisturbed area in short plats and subdivisions in Holmes Point Overlay Zone amendment
16. Garage setback requirements for detached dwelling units in low density zones amendment
17. Rounding of fractions for calculation of density in short plats and subdivisions in RSA Zones amendment
18. Clarify process to Amend the Text of the Zoning Code amendment
19. Clarify Zoning Code Administration amendment

Memo to PC and HCC – 2013 Misc. KZC/KMC Amend.

January 14, 2013

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20. Consider time limit for Appeal of Interpretations of the Zoning Code amendment
21. Reduce process for zoning decisions amendment
22. Change to landscape buffer requirements amendment
23. Consider screening standards for stand-alone solar arrays accessory to single family uses amendment,
- 23a. Email from Jeremy Smithson of Puget Sound Solar
24. Revise Horizontal Facade regulations amendment
25. SEPA DNS

Cc: File CAM13-00669

Roster of Miscellaneous Zoning Code and Municipal Code Amendments

*Asterisk notes that amendment is not in the Houghton jurisdiction.

Date(s) note at which study sessions the amendment was reviewed.

(January, 2014)

NO POLICY CHANGES

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

1. June 24 & 27, 2013 Clarify Height of 2nd Story above Garage - KZC Chapter 115 Section 115.115.3.o

Purpose: Clean up text in Chapter 115 related to garage height because the maximum allowed height for structures is already provided in the use zone chart for each zone.

Recommendation: Eliminate duplicative text in KZC 115.115.3.o.1)c) and 2)e) addressing garage height.

2. Delete reference to State Statutes for Schools and Daycares - Various use zone charts already being amended

Purpose: Clean up special regulations for schools, mini-schools, daycares and mini-daycares that reference out of date statutes.

Recommendation: Delete references to WAC Title 388 regulating schools and day cares in the applicable use zone charts.

3. June 24 & 27, 2013 Correct References to State Statute for Timeframe and for Exclusions from Timeframe for Approval of Development Permits – KMC Title 20 Section 20.12.010 (2) and 20.12.300

Purpose: Clean up KMC sections that reference an expired state statute.

Recommendation: Change KMC Section 20.12.010(2) and 20.12.300 to reference RCW 36.70B.080 instead of RCW 36.70B.090.

4. June 24 & 27, 2013 *Delete Repeated Reference to Horizontal Facade Regulation in PLA 6G – KZC Chapter 60 Section 60.87.130

Purpose: Clean up Special Regulation 3 in the PLA 6G zone to eliminate redundancy with General Regulation 3 in that zone.

Recommendation: Delete Section 60.87.130, Special Regulation 3.

5. Sept. 12, 2013*Add TL 1B Zone to Definition of Residential Zones – KZC Chapter 5 Section 5.10.785

Purpose: Clarify that the TL 1B zone in Totem Lake should be included in the list of defined Residential Zones.

Recommendation: Add TL 1B to KZC 5.10.785.

6. Sept. 12 & 23, 2013 Revise Definition of Development Permit – KZC Chapter 5 Section 5.10.215

Purpose: Clean up an outdated reference in the definition of development permit.

Recommendation: Replace “Uniform Building Code” with “KMC Title 21, Buildings and Construction” in KZC 5.10.215.

7. Sept. 12 & 23, 2013 Correct the Terminology for Flag Lots – KZC Chapter 115 Section 115.115.5.a (1) (b).

Purpose: Clarify section KZC 115.115 that addresses required yards for driveway and parking areas when abutting a flag lot in the same plat. Flag lot is a defined term describing certain types of lots, whereas access to a flag lot is through a panhandle. Panhandle is not a defined term.

Recommendation: Replace the term “panhandle lot” with “flag lot” in 115.115.5.a.1)b).

8. Sept. 12 & 23, 2013 Delete Reference to Day Care Home Uses and Family Day-Care Home Uses in PLA 15B (KZC 60.175.3.b), PLA 16 (KZC 60.180.2.b) and PLA 17 (KZC 60.185.3.c).

Purpose: Clean up three sections of the General Regulations of KZC Chapter 60 that reference family day care uses. Regulations for this use are located in Chapter 115.

Recommendation: Remove any reference to Day-Care Home and/or Family Day-Dare Home uses in KZC 60.175.3.b, KZC 60.180.2.b and KZC 60.185.3.c.

MINOR POLICY CHANGES

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

9. June 24 & 27, 2013 and Sept. 12 & 23, 2013 Provide Time Limits for Tree Removal Permits Not Associated with Development Activity - KZC Chapter 95 Section 95.23.

Purpose: To establish a reasonable and predictable timeframe within tree permits for the completion of tree removal.

Recommendation: Add a new subsection, KZC 95.23.4.c to add a one year time limit for tree removal to tree removal permits.

10. Sept. 12 & 23, 2013 Allow Lots with Low Impact Development Standards as Part of a Conventional Subdivision – KZC Section 5.10.490.5 and 490.7 (new), Chapter 114 and KMC Title 22 Chapter 22.28.041

Purpose: Change code provisions to allow a portion of lots within a subdivision to utilize the LID techniques, rather than requiring all lots to use them. Currently KZC 114 requires all lots in a plat to utilize LID storm water management standards to receive the benefits provided by this incentive. A more flexible approach may encourage increased utilization of preferred LID techniques.

Recommendation: Amend definition of Low Impact Development in 5.10.490.5, add a new definition of Low Impact Development Project Site in KZC 5.490.7, revise KZC Chapter 114.15 and 114.20, and amend KMC Chapter 22.28.041 accordingly.

11. Sept. 12 & 23, 2013 and Nov. 21, 2013 Clarify Noise Regulations – KZC Chapter 115 Sections 115.25 and 115.95

Purpose: Clarify the focus of the two Zoning Code sections that address noise.

Recommendation: Amend KZC 115.25 to address only noise generated by development (construction) activity and KZC 115.95 to address all other noise.

12. Sept. 12 & 23, 2013 and Nov. 21, 2013 Reorganize and Simplify Process IVA; “Fast Track” Zoning Code Amendments – KZC Chapter 161

Purpose: Reorganize and simplify the process for amending the Zoning Code for items that are not controversial and do not require policy study.

Recommendation: Amend and reorganize Chapter 161; move the 30 day comment period after the City Council review of the code amendment roster instead of before, and change the Planning Director process from a public hearing to a decision based on written testimony.

13. Sept. 12 & 23, 2013 Clarify that Subdivision Provisions May Allow Lot Size Reduction Beyond Minimum Lot Size in Zoning Code or Map – KZC Chapter 115 New Section 115.87

Purpose: Highlight the relationship between the subdivision regulations and zoning regulations by explicitly stating that lot size may be reduced if approved under a subdivision review process. The Zoning Code does not mention the possibility of a lot size reduction due to a subdivision approval.

Recommendation: Add a new section, KZC 115.87 Lot Size Flexibility.

14. Sept. 12 & 23, 2013 and Nov. 21, 2013 Clarify what is Included in Lot Size Calculations for Small Lot and Historic Preservation Subdivisions – KMC Title 22 Chapters 22.28.042(c) and 22.28.048(e).

Purpose: Determine the best way to avoid the unintended consequence of including unbuildable areas in the lot size calculation of small lot single-family and lots using historic preservation provisions.

Recommendation: To be discussed during the hearing.

MODERATE POLICY CHANGES

These are considered more substantive changes to existing regulations.

15. Nov. 21, 2013 Setback Requirements for Schools/Day Cares in Residential Zones in KZC Chapter 15, 17, 18, 20, 30, 55, 60.

Purpose: Consider reducing building setbacks for schools and day cares in residential zones in Kirkland, taking into account compatibility impacts to the neighborhood.

Recommendation: DO NOT change current setback standards for schools or day care centers because there is no compelling reason to do so.

16. Sept. 12, 2013 and Nov. 21, 2013 *Clustering and Aggregation of Undisturbed Area in Short Plats and Subdivisions in Holmes Point Overlay Zone – KZC Chapter 70 Section 70.15. and KZC 95

Purpose: Consider the requirement to preserve vegetation, soils, tree cover and wildlife habitat in aggregate rather than by individual lots in new plats as now required in the Holmes Point Overlay Zone. Clarify vegetation replacement and maintenance requirements in this zone.

Recommendation: Amend KZC 70.15 and KZC 95 to codify vegetation and maintenance requirements and establish standards for Protected Natural Areas on individual lots in the Holmes Point Overlay Zone. Do not require aggregation of Protected Natural Areas in plats.

17. Dec. 5, 2013 *Garage Setback Requirements for Detached Dwelling Units in Low Density Zones – KZC Chapter 115 Section 115.43

Purpose: Delete or simplify garage setback requirements.

Recommendation: Amend 115.43.3.a to change the garage setback requirement to five feet behind the remainder of the front façade of a house and KZC 115.43.3.b to eliminate the existing limit on garage width.

18. Removed from roster

19. *Rounding of Fractions for Calculation of Density in Plats in RSA zones – KZC Chapter 115 Section 115.125 and Chapter 18 Section 18.10.010, and KMC Title 22 Section 22.28.030

Purpose: Restore King Co. rules which allow rounding of the number of lots in RSA zones in Juanita, Finn Hill and Kingsgate Neighborhoods when calculating for density.

Recommendation: Amend KZC 115.125, KZC 18.10.010 and KMC 22.28.030 to allow rounding up of the number of lots in RSA zones when the maximum number of lots results in a fraction of .50 or greater.

20. Sept. 12 & 23, 2013 Clarify Process to Amend the Text of the Zoning Code – KZC Chapter 135 and KZC Chapter 160 Process IV

Purpose: Establish a procedure for studying potential zoning code amendments that are not associated with a proposal to amend the Comprehensive Plan.

Recommendation: Amend several sections of both KZC Chapter 135 and 160 in order to add provisions for zoning code amendments not related to Comprehensive Plan amendments.

21. Sept. 12 & 23, 2013 Clarify Zoning Code Administration – KZC Chapter 170 Section 170.50

Purpose: Clarify the relationship between the Comprehensive Plan goals and policies and development regulations in the Zoning Code in a way that is consistent with the Growth Management Act.

Recommendation: Amend KZC 170.50 Conflict of Provisions to generally describe the Comprehensive Plan and Zoning Code and that the Zoning Code prevails in the event of a conflict between the two documents.

22. Sept. 12 & 23, 2013 Consider Time Limit For Appeal of Interpretations of The Zoning Code – Chapter 170 Sections 170.40 and 170.45

Purpose: Establish a time limit for an appeal of a formal Planning Director Zoning Code Interpretation.

Recommendation: Codify a time limit for an appeal of a formal Planning Director Zoning Code Interpretation consistent with Process I, establishing a 14 day appeal period from date of notice.

23. Sept. 12 & 23, 2013 and Nov. 21, 2013 Reduce Process for Zoning Decisions – Multiple Zones

Purpose: Review instances where there are opportunities to streamline Process I, IIA and IIB permits and consider reducing the required process, where appropriate.

Recommendation: 23.a) Reduce the review process for Minimum Lot Size in KMC 22.28.030(d) from Process IIB to the underlying plat process; 23.b) Reduce the review process in Houghton for variances in KZC 120.10 related to detached dwelling units in any

zone from Process IIA to Process I; 23.c) DO NOT change the review process for Schools, Daycares and Churches in Single Family zones; and 23.d) DO NOT change the review process for Schools, Daycares and Churches in Multi-family zones.

24. Dec. 5, 2013 Change to Landscape Buffer Requirements – KZC Chapter 5 Section 5.10.020

Purpose: Consider allowing more streets to serve as buffers between land uses instead of requiring landscape buffers. Currently only principal arterials are considered adequate separation between land uses so that landscape buffers are not required.

Recommendation: Amend the definition of “adjoining” (KZC 5.10.020) to include minor arterials. This will result in adding minor arterials as a street classification that can serve as a buffer instead of a required landscape buffer.

25. Sept. 12 & 23, 2013 and Nov. 21, 2013 Consider Screening Standards for Stand Alone Solar Arrays Accessory to Single Family Uses– KZC Chapter 115

Purpose: A recent installation of a stand-alone solar panel array has prompted concern about compatibility and visual impact. Consider whether screening or other dimensional standards are feasible and appropriate for the free standing arrays in residential settings. Also, consider whether solar arrays which track or move with the sun should be allowed.

Recommendation: Add a new section, KZC Chapter 115.137, to provide performance standards for free standing solar arrays in residential zones. Prohibit tracking ground mounted solar arrays.

MAJOR POLICY CHANGES

These are considered substantive changes to existing regulations, and would either have significant policy implications or be a departure from how regulations are currently processed.

26. Removed from roster

27. Nov. 21, 2013 Eliminate or Revise Horizontal Facade Regulations

Purpose: Consider changing this regulation which limits the height and width of non-residential uses within 100 feet of a low density zone. Changes could include deleting the regulation, revising dimensions, deleting the application of the requirement on sites adjacent to ROW's and adding a modification provision.

Recommendation: Amend KZC 5.10.020 and .507, and add a new section 115.136 to reduce the severity of regulations limiting the size of structures on parcels next to low density zones, and to simplify the code correspondingly. Eliminate KZC 115.30 and integrate portions from 115.30 pertaining to floor area ratio into KZC 115.42.

Work Program Miscellaneous Zoning Code/KMC Amendments
(CAM13-00669)
January, 2014

- June 24** **HCC study** review roster & schedule, start review of draft amendments, & provide direction
- June 27** **PC study** review roster & schedule, start review of draft amendments, & provide direction
- Sept 12** **PC study** review draft amendments
- Sept 23** **HCC study** review draft amendments
- Nov 21** **PC/HCC joint study** review draft amendments
- Dec 5** **PC study** review draft amendments & provide direction.
- Jan 23** **PC/HCC joint public hearing** & start PC deliberation
- Jan 27** **HCC deliberation on public hearing** & make recommendation to PC.
- Feb 13** **PC continued deliberation on public hearing** & make recommendation to CC.
- March 18** **CC adoption** of ordinance
- March 24** **HCC final action** on ordinance

CC- City Council
PC- Planning Commission
HCC- Houghton Community Council

KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.115 Required Yards

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

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;
 - d) The garage complies with KZC [115.135](#), which regulates sight distance at intersections; and
 - ~~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.~~

**Title 20
DEVELOPMENT PROJECTS**

Chapters:[20.04](#) **General Provisions**[20.08](#) **Definitions**[20.12](#) **Development Review**[20.12.010](#) Exclusions.[20.12.100](#) Notices.[20.12.200](#) Complete application.[20.12.210](#) Complete application for subdivision.[20.12.220](#) Substantial revision.[20.12.300](#) Time frame for approval.[20.12.310](#) Time frame for subdivisions.**20.12.010 Exclusions.**

(1) By adopting this section, the city is making the following exclusions as provided in RCW 36.70B.140.

(2) The following project permits are excluded from the provisions of RCW 36.70B.060 through 36.70B.~~090-080~~ and RCW 36.70B.110 through 36.70B.130, and from the provisions of Sections [20.04.100](#), [20.04.110](#), [20.04.120](#), and [20.12.300](#): street vacations or other approvals relating to the use of public areas or facilities; designation as historic overlay zone; or master plans.

(3) The following project permits are excluded from the provisions of RCW 36.70B.060 and RCW 36.70B.110 through 36.70B.130, and from Sections [20.04.100](#), [20.04.110](#), and [20.04.120](#): lot line adjustments; building and other construction permits; or similar administrative approvals which are categorically exempt from environmental review under Chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits. (Ord. 3529 § 1 (part), 1996)

20.12.100 Notices.

The applicant for a project permit shall designate a single person or entity to receive determinations and notices provided under this title. (Ord. 3529 § 1 (part), 1996)

20.12.200 Complete application.

A project permit application is complete for purposes of this title when it meets the submission requirements contained in this section. Applications for project permits shall be submitted upon forms provided by the city. A complete application shall include the following:

- (1) A completed project permit application form;
- (2) A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property;

- (3) A property and/or legal description of the site, as required by the applicable development regulations;
- (4) The applicable fee;
- (5) Submission of items required by applicable development regulations and of all required supplemental materials;
- (6) Evidence of adequate water supply as required by RCW 19.27.097;
- (7) Evidence of sewer availability;
- (8) Applications under Title 22, Subdivisions, shall also meet the requirements of Section [20.12.210](#). (Ord. 3529 § 1 (part), 1996)

20.12.210 Complete application for subdivision.

In addition to the requirements for a complete application set forth in Section [20.12.200](#), an application under Title 22, Subdivisions, shall include the following:

- (1) Pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying.
- (2) A sketch or map meeting the requirements of the applicable subdivision regulations.
- (3) Certificate giving full and complete description of the lands which are the subject of the application, including a statement that the application has been made with free consent in accordance with the desires of the owners. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands which are the subject of the application.
- (4) A title report confirming that the title of the lands as described on the application is in the name of the persons signing the certificate.
- (5) Roads not dedicated to the public must be clearly marked as such on the map; otherwise, roads within the boundaries of the subject property shall be considered to have been dedicated to the public. Any dedication, donation, or grant as shown on the maps, sketches, or face of plat shall be considered for all intents and purposes as a quit claim deed to the donee(s) and grantee(s) for his, her or their use for the intended purpose. (Ord. 3529 § 1 (part), 1996)

20.12.220 Substantial revision.

This section applies in the event that an applicant submits a substantially revised project permit application. As of the date of submittal of such revised application, the applicant will be considered to have both withdrawn the original project permit application (whether it was a complete application or not) and to have submitted a new application for review pursuant to this title. The applicability of this section is not affected by whether or not an additional application fee is required due to the substantial revision. (Ord. 3529 § 1 (part), 1996)

20.12.300 Time frame for approval.

The city ~~shall~~ should issue its notice of final decision on a project permit application within one hundred twenty days after the city notifies the applicant that the application is complete. ~~provided, that the city shall instead issue its notice of final decision in a time frame similar to that achieved by the city between 1993 and 1995 if, as of the date the application is filed, state law does not require a shorter time limit. In addition, the one-hundred-twenty-day time limit is subject to exclusions or extensions provided in this title~~

or by state law, especially by RCW 36.70B.090. This time may be extended if additional materials are required during the review of the permit, if the project is appealed, or if other conditions arise as provided in this title or by state law, including but not limited to RCW 36.70B.080. In the event of an extension, the City shall make written findings as to why additional time is needed. (Ord. 3529 § 1 (part), 1996)

20.12.310 Time frame for subdivisions.

(1) This section is to provide for compliance with state law regarding city processing of subdivision applications. Due to multiple amendments of state law during 1995, state law may contain conflicting requirements. Therefore, when this section conflicts with Section [20.12.300](#), the provisions of this section shall prevail, but only to the extent necessary to bring city of Kirkland procedures into compliance with state law.

(2) The city shall determine the date from which to measure time lines for approval of subdivisions, to be known as the "CAD". The CAD shall be the date upon which the application was complete, adjusted for any time which is tolled or not counted due to state law, especially RCW 58.17.140. The city shall notify the applicant of the CAD, and may send notice of a revised CAD if the date is caused to be adjusted.

(a) If the application is for a preliminary plat, the notification shall include the following statement:

Processing of your preliminary plat application began as of _____. This date will be called your "CAD". Your application will be processed as quickly as possible. For the first ninety days after your CAD, your application will be called a new application. After ninety days, the time frame for approval will be subject to extensions in twenty-one day increments. You may notify the City that you do not agree to an extension of time for the processing of this application. If the City receives such a notice from you during the first seventy days after your CAD, then your preliminary plat application will be approved, disapproved or returned to you within ninety days after your CAD. Thereafter, if the City receives notice that you do not agree to an extension, your preliminary plat application will be approved, disapproved or returned to you at the end of the current twenty-one day extension period. If the City receives no notice from you concerning time extensions, processing of your application will continue until finished.

(b) If the application is for a short plat or final plat, the notification shall include the following statement:

Processing of your short plat or final plat application began as of _____. This date will be called your "CAD". Your application will be processed as quickly as possible. For the first thirty days after your CAD, your application will be called a new application. After thirty days, the time frame for approval will be subject to extensions in twenty-one day increments. You may notify the City that you do not agree to an extension of time for the processing of this short plat or final plat application. If the City receives such a notice from you during the first twenty days after your CAD, then your application will be approved, disapproved or returned to you within thirty days after your CAD. Thereafter, if the City receives notice that you do not agree to an extension, your short plat or final plat application will be approved, disapproved or returned to you at the end of the current twenty-one day

extension period. If the City receives no notice from you concerning time extensions, processing of your application will continue until finished.

(Ord. 3529 § 1 (part), 1996)

Section 60.87



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.87	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	Detached, Attached or Stacked Dwelling Units. See Spec. Reg. 6.	None	3,600 sq. ft. per dwelling unit	20'	5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'. See Spec. Reg. 7.	10' See Spec. Reg. 8.	60%	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, 30' above average building elevation.	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. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. 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 further details. Site design must provide for a bicycle and pedestrian path connection to Lakeview Elementary School and be available for public use. All vehicular access shall be from 7th Avenue South. Access from 5th Place South is prohibited. This use is only permitted south of 7th Avenue South and only if the entire PLA6G zone south of 7th Avenue South is included. 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. 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.

(Revised 8/12)

KZC Chapter 5 – DEFINITIONS

5.10.785 Residential Zone

– The following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RSA 8; RS 7.2; RSX 7.2; RS 6.3; RSA 6; RS 5.0; RSX 5.0; RSA 4; RSA 1; RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; WD I; WD II; WD III; TL 9B; PLA 2; PLA 3B; PLA 3C; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15B; PLA 16; PLA 17; TL 11, TL 1B.

KZC Chapter 5 – DEFINITIONS

5.10.215 Development Permit – Any permit or approval under this code or ~~the Uniform Building Code~~ KMC Title 21, Buildings and Construction that must be issued before initiating a use or development activity.⁺

KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.115 Required Yards

5. Driveways and Parking Areas – Driveways and parking areas are not allowed in required yards except as follows:

a. Detached Dwelling Units, Duplexes, and Two-Unit Homes and Three-Unit Homes Approved Under Chapter [113](#) KZC

1) General – (no change)

a) (No change)

b) That for ~~panhandle~~ flag lots; a 5-foot setback is not required from any side property line that abuts a neighboring lot that was part of the same plat.

c) (No change)

KZC CHAPTER 60 – PLANNED AREAS (PLA)

Zone PLA 15B

Section 60.175 – GENERAL REGULATIONS

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

- 1.-2. (No change)
3. If any portion of a structure is adjoining 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 in width.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Units and Mini-School or Mini-Day-Care Center/~~Day-Care Home~~-uses).

Zone PLA 16

Section 60.180 – GENERAL REGULATIONS

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

1. (No change)
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).

Zone PLA 17

Section 60.185 – GENERAL REGULATIONS

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

- 1.-2. (No change)
3. If any portion of a structure is adjoining a low density zone or low density use in PLA 17, then:
 - a. A building bulk maximum will apply as follows – either:
 - (1) The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - (2) 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.
 - b. A significant buffer shall be required around all proposed structures and parking areas. This buffer should take the form of up to a 25-foot wide landscaped area OR a lesser dimensioned area furnished with screening walls, fences, berms, or dense stands of trees, but in no case be less than 10 feet.
 - c. A solid screening wall or fence shall be required between any portion of a parking area which is closer than 40 feet to a low density use, low density zone, or the right-of-way of NE 97th Street. Such wall or fence shall be in addition to the landscape materials required by Chapter 95 KZC.(Does not apply to Detached Dwelling Unit, Mini-School or Mini-Day-Care ~~and Family Day-Care-Home~~ uses).
4. – 5. (No change)

Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

KZC 95.23 Tree Removal – Not Associated with Development Activity

1. – 3. (No change)

4. Tree Removal Permit Application Procedure and Appeals.

a. (No change)

b. (No change)

c. Time Limit: The removal shall be completed within one year from the date of permit approval.

KZC Chapter 5 – DEFINITIONS

10.490.5 Low Impact Development (LID)

– A stormwater management and land development strategy applied at the parcel and the subdivision scale that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions.

10.490.7 Low Impact Development Project Site

– The site or portion of a site that utilizes Low Impact Development storm water techniques and facilities pursuant to KZC Chapter 114.

KZC Chapter 114 – LOW IMPACT DEVELOPMENT

Sections:

- [114.05](#) User Guide (No change)
- [114.10](#) Voluntary Provisions and Intent (No change)
- [114.15](#) Parameters for Low Impact Development
- [114.20](#) Design Standards and Guidelines (No change)
- [114.25](#) Review Process (No change)
- [114.30](#) Additional Standards (No change)
- [114.35](#) Required Application Documentation (No change)

114.15 Parameters for Low Impact Development

These standards and incentives address the portion of the project site utilizing the LID stormwater techniques and facilities to meet applicable stormwater requirements. The remainder of the project site must comply with underlying zoning and conventional stormwater requirements. Please refer to KZC [114.30](#) and [114.35](#) for additional requirements related to these standards.

Permitted Housing Types	<ul style="list-style-type: none"> • Detached dwelling units. • Accessory dwelling units. • 2/3 unit homes.
Minimum Lot Size	<ul style="list-style-type: none"> • Individual lot sizes must be at least 50% of the minimum lot size for the underlying zone.
Minimum Number of Lots	<ul style="list-style-type: none"> • 4 lots.
Maximum Density	<ul style="list-style-type: none"> • As defined in underlying zone’s Use Zone Chart. • Bonus density is calculated by multiplying number of lots or units by 0.10. If a fraction of 0.5 or higher is obtained then round to the next whole number.
Low Impact Development	<ul style="list-style-type: none"> • LID techniques must be employed to control stormwater runoff generated from 50% of all hard surfaces. This includes all vehicular and pedestrian access. LID facilities must be designed according to

	Public Works stormwater development regulations as stated in Chapter 15.52 KMC.
Locations	<ul style="list-style-type: none"> Allowed in low density residential zones with the exception of the following: PLA 16, PLA 3C, RSA 1, RSA 8, <u>or the</u> RS 35 and RSX 35 zones in the Bridle Trails neighborhood <u>north and northeast of the Bridle Trails State Park</u>, and the Holmes Point Overlay zone. Any property or portion of a property with shoreline jurisdiction must meet the regulations found in Chapter 83 KZC, including minimum lot size or units per acre and lot coverage.
Review Process	<ul style="list-style-type: none"> Short plats shall be reviewed under KMC 22.20.015 and subdivisions shall be reviewed under KMC 22.12.015. Condominium projects shall be reviewed under KZC 145, Process I.
Parking Requirements	<ul style="list-style-type: none"> 2 stalls per detached dwelling unit. 1 stall per accessory dwelling unit. 1.5 stalls per unit in multi-unit home, rounded to next whole number. See KZC 105.20 for guest parking requirements. Parking pad width required in KZC 105.47 may be reduced to 10 feet. Parking pad may be counted in required parking. Tandem parking is allowed where stalls are share by the same dwelling unit. Shared garages in separate tract are allowed. All required parking must be provided on the LID project site.
Ownership Structure Development Type	<ul style="list-style-type: none"> Subdivision. Condominium.
Minimum Required Yards (from exterior property lines of the LID project)	<ul style="list-style-type: none"> 20 feet for all front yards. 10 feet for all other required yards.
Minimum Required Yards (from internal property lines)	<ul style="list-style-type: none"> Front: 10 feet. Option: Required front yard can be reduced to 5 feet, if required rear yard is increased by same amount of front yard reduction. Side and rear: 5 feet. Zero lot line for 2/3 unit homes between internal units.
Front Porches	<ul style="list-style-type: none"> Must comply with KZC 115.115.3(n), except that front entry porches may extend to within 5 feet of the interior required front yard.

Garage Setbacks	<ul style="list-style-type: none"> • Must comply with KZC 115.43, except that attached garages on front facade of dwelling unit facing internal front property line must be set back 18 feet from internal front property line.
Lot Coverage (all impervious surfaces)	<ul style="list-style-type: none"> • Maximum lot coverage for entire site is based on the maximum lot coverage percentage of <u>the</u> underlying zone <u>and may be aggregated</u>.
Required Common Open Space (RCOS)	<ul style="list-style-type: none"> • Minimum of 40% of entire development. • Native and undisturbed vegetation is preferred. • Allowance of 1% of required common open space for shelters or other recreational structures. • Paths connecting and within required common open space to development must be pervious. • Landscape Greenbelt Easement is required to protect and keep required common open space undeveloped in perpetuity.
Maximum Floor Area ¹ ₂	<ul style="list-style-type: none"> • Maximum floor area is 50% of the minimum lot size of the underlying zone.

Footnotes:

1. The maximum floor area for LID projects does not apply within the disapproval jurisdiction of Houghton.
2. The Maximum floor area for LID projects in RS 35 and RSX 35 zones is 20% of the minimum lot size of the underlying zone.

114.20 Design Standards and Guidelines

1. Required Low Impact Development Stormwater Facilities – Low impact development (LID) stormwater facilities shall be designed to control stormwater runoff from 50 percent of all hard surfaces created within entire the LID portion of the project site development. This includes all vehicular and pedestrian access. LID facilities shall be designed according to Public Works stormwater development regulations, as stated in KMC 15.52.060. The maintenance of LID facilities shall be maintained in accordance with requirements in KMC 15.52.120. The proposed site design shall incorporate the use of LID strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:
 - a. Preservation of natural hydrology.
 - b. Reduced impervious surfaces.
 - c. Treatment of stormwater in numerous small, decentralized structures.

- d. Use of natural topography for drainage ways and storage areas.
 - e. Preservation of portions of the site in undisturbed, natural conditions.
 - f. Restoration of disturbed sites.
 - g. Reduction of the use of piped systems. Whenever possible, site design shall use multifunctional open drainage systems such as rain gardens, vegetated swales or filter strips that also help to fulfill landscaping and open space requirements.
2. Required Common Open Space – Required common open space shall support and enhance the project's LID stormwater facilities; secondarily to provide a sense of openness, visual relief, and community for low impact development projects.
- a. The minimum percentage for required common open space is 40 percent and is calculated using the size of the LID portion of the project site. ~~whole development~~ Wetland and streams shall not be included in the calculation. The required common open space must be located outside of wetlands, ~~and~~ streams, and may be developed and maintained to provide for passive recreational activities for the residents of the development as allowed in Chapter 90 KZC.
 - ab. Conventional surface water management facilities such as vaults and tanks shall be limited within required common open space areas and shall be placed underground at a depth to sufficiently allow landscaping to be planted on top of them. Low impact development (LID) features are permitted, provided they do not adversely impact access to or use of the required common open space for passive recreation. Neither conventional or LID stormwater facilities can result in the removal of healthy native trees, unless a positive net benefit can be shown and there is no other alternative for the placement of stormwater facilities. The Public Works Director must approve locating conventional stormwater facilities within the required common open space.
 - bc. Existing native vegetation, forest litter and understory shall be preserved to the extent possible in order to reduce flow velocities and encourage sheet flow on the site. Invasive species, such as Himalayan blackberry, must be removed and replaced with native plants (see Kirkland Native Plant List). Undisturbed native vegetation and soil shall be protected from compaction during construction.
 - ed. If no existing native vegetation, then applicant may propose a restoration plan that shall include all native species. No new lawn is

permitted and all improvements installed must be of pervious materials.

~~de.~~ Vegetation installed in required common open space areas shall be designed to allow for access and use of the space by all residents, and to facilitate maintenance needs. However, existing mature trees should be retained.

Proposed Change:

KMC Title 22
SUBDIVISIONS
Chapter 22.28
DESIGN REQUIREMENTS

22.28.041 Lots—Low impact development.

- (a) In multiple lot low impact development subdivisions ~~(four lots or more) not located in an RSA 1 zone or in the Holmes Point Overlay described in LID Chapter 114 of Title 23 of this Code,~~ and not subject to Sections [22.28.030](#) and [22.28.040](#), the minimum lot area shall be deemed to have been met if the minimum lot area is not less than fifty percent of the lot area required of the zoning district in which the property is located as identified on the zoning map; provided, that all lots meet the following standards:
 - (1) Within the RSA 6 zone, the lots shall be at least two thousand five hundred fifty square feet.
 - (2) Within the RSA 4 zone, the lots shall be at least three thousand eight hundred square feet.
- (b) The lots within the low impact development meet the design standards and guidelines and approval criteria as defined in Chapter 114 of the Kirkland Zoning Code.

115.25 Development Activities and Heavy Equipment Operation – Limitations On

1. General – It is a violation of this code to engage in any development activity ~~or to operate any heavy equipment~~ before 7:00 a.m. or after 8:00 p.m., Monday through Friday, or before 9:00 a.m. or after 6:00 p.m. Saturday. No development activity ~~or use of heavy equipment~~ may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
2. a. Exception – The Planning Official may grant written permission to engage in a development activity ~~or to operate heavy equipment~~ outside of the hours established by subsection (1) of this section if either:
 - 1) The activity or operation will not impact any residential use; or
 - 2) The permission will facilitate the construction of publicly funded improvements that will serve the general population of the City of Kirkland and such permission is necessary to avoid undue delay of project completion and/or long-term inconvenience or disruption to the general public.
- b. The Planning Official may limit the hours of operation permitted under subsection (1) of this section, if:
 - 1) The reduced hours will best serve the public's health, safety and welfare; or
 - 2) There have been substantial verifiable complaints received by the Planning Department that the ~~operation of heavy equipment or~~ development activity is interfering with the health and repose of residents of a residential use which is permitted in the zone in which the ~~operation of heavy equipment or~~ development activity is located.

If the Planning Official determines that the hours of operation on a site should be limited pursuant to subsections (2)(b)(1) or (2) of this section, he/she shall provide written notice to the owner of the property affected by this decision one (1) week prior to the imposition of the restriction. The Planning Official shall have the right to repeal this restriction at any time it can be shown that the ~~use of heavy equipment or~~ development activity can and will be conducted so as not to be contrary to subsections (2)(b)(1) and (2) of this section.

115.95 Noise Regulations

1. Maximum Environmental Noise Levels
 - a. State Standard Adopted – The City of Kirkland adopts by reference the maximum environmental noise levels established pursuant to the Noise Control Act of 1974, Chapter 70.107 RCW. See Chapter 173-60 WAC.
2. Noise – Public Nuisance – Any noise which injures; endangers the comfort, repose, health or safety of persons; or in any way renders persons insecure in life, or in the use of property, is a violation of this code. The operation of power equipment, including but not limited to leaf blowers, shall be deemed a public nuisance if such operation occurs during the following hours: before 8:00 a.m. or after 8:00 p.m. Monday through Friday, or before 9:00 a.m. or after 6:00 p.m. Saturday, Sunday, or the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

3. [See KZC 115.25 for requirements related to development activity \(construction work that requires a permit\).](#)
34. Exceptions – Sounds created by emergency generators are exempt from the provisions of this section when:
 - a. Operating as necessary for their intended purpose during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;
 - b. Conducting periodic testing, as required by the manufacturer. Testing shall be limited to the hours after 8:00 a.m. and before 8:00 p.m.
45. Bonds – The City may require a bond under Chapter [175](#) KZC to insure compliance with the provisions of this section.

Chapter 161-Process IVA

Sections:

- [161.05](#) User Guide
- [161.10 Suitability for Process IVA](#)
- [161.15](#) Initiation of Proposals
- [161.20](#) Compliance with SEPA
- [161.25 Suitability for Process IVA](#)
- [161.35](#) Official File
- [161.40](#) Notice
- [161.45](#) ~~Staff Report~~Community Council Proceeding
- [161.55](#) ~~Public Hearing~~Staff Report
- [161.60](#) Material To Be Considered
- [161.65](#) ~~Electronic sound Recording~~
- [161.70](#) Public Comments ~~and Participation at the Hearing~~
- [161.75](#) ~~Continuation of the Hearing~~
- [161.80](#) Planning Director Action
- [161.85](#) Planning Director Recommendation to City Council
- [161.90](#) Publication and Effect
- [161.95](#) Jurisdiction of the Houghton Community Council

161.05 User Guide

Certain proposals to amend this code will be reviewed and decided upon using Process IVA. This is an abbreviated process which will only be used if the proposal is suitable for Process IVA as specified in this chapter. If you wish to participate in a decision that will be made using this process, you should read this chapter.

161.10 Suitability for Process IVA1. General – Process IVA is for:

- a. Minor Zoning Code amendments to promote clarity, eliminate redundancy, or to correct inconsistencies; or
- b. Minor Zoning Map amendments to correct grammatical, labeling, scrivener, or similar errors on the official Zoning Map.

161.15 Initiation of Proposals

Process IVA is used to review and decide upon proposed minor Zoning Code amendments. It is an abbreviated process used for proposals which are not controversial and do not need extensive policy study. The Planning Director periodically prepares a roster of amendments proposed for review under Process IVA- and presents the roster to the City Council. The City Council, by motion, may approve the entire proposed Process IVA roster. Otherwise the City Council may ask for more discussion about the suitability of a subject for Process IVA or could remove a subject from the Process IVA roster.

161.20 Compliance with SEPA

The State Environmental Policies Act (Chapter 43.21C RCW) applies to some of the decisions that will be made using this chapter. The Planning Director shall evaluate each

proposal and, where applicable, comply with SEPA and with state regulations and City ordinances issued under authority of SEPA.

161.25 Suitability for Process IVA

~~1. General — Process IVA is for:~~

- ~~a. Minor Zoning Code amendments to promote clarity, eliminate redundancy, or to correct inconsistencies; or~~
- ~~b. Minor Zoning Map amendments to correct grammatical, labeling, scrivener, or similar errors on the official Zoning Map.~~

~~The Planning Director may propose amendments for review under Process IVA. To do so, the Planning Director shall periodically present to the City Council a roster of proposed amendments for review and decision under Process IVA. The City Council, by motion, may approve the entire proposed Process IVA roster. Otherwise, the City Council may ask for more discussion about the suitability of a subject for Process IVA or could remove a subject from the Process IVA roster.~~

- ~~2. Distribution — Thirty days prior to City Council consideration of the roster of proposed amendments, the Planning Director shall distribute a copy of it to the City Council, the Planning Commission, the Houghton Community Council, neighborhood associations and the Chamber of Commerce.~~

161.35 Official File

- 1. Contents – The Planning Official shall compile an official file containing all information and materials relevant to the proposal and to the City’s consideration of the proposal.
- 2. Availability – The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

161.40 Notice

- 1. Contents – The Planning Official shall prepare a notice ~~of hearing~~ for the proposed amendments. This notice shall contain the following information:
 - a. The citation of the provision that would be changed by the proposal along with a brief description of that provision.
 - b. A statement of how the proposal would change the affected provision.
 - c. A statement of what areas, zones, or locations will be directly affected or changed by the proposal.
 - d. The ~~time and place of the public hearing~~comment deadline.
 - e. A statement of the availability of the official file.
 - f. A statement of the right of any person to submit written comments to the Planning Director, ~~and to appear at the public hearing before the Planning Director to give comments orally.~~

2. Distribution – ~~The Planning Official shall have this notice, or a summary thereof, published once in the official newspaper of the City at least 14 days before the public hearing. Continued hearings may be held at the discretion of the Planning Director, but no additional notice need be published.~~ The Planning Official shall distribute this notice, or a summary thereof, at least 30 days before the Planning Director's consideration of the proposed amendments as follows:
- a. The notice will be published in the official newspaper of the City.
 - b. The notice will be posted on each of the official notification boards of the City.
 - c. The notice will be distributed to the Planning Commission and Houghton Community Council.
 - d. The notice will be distributed to the neighborhood associations and Chamber of Commerce.
 - e. The notice will be posted on the City's website.

161.45 Staff Report

1. ~~General~~ – ~~the Planning Official shall prepare a staff report containing:~~
 - a. ~~An analysis of the proposal and a recommendation on the proposal; and~~
 - b. ~~Any other information the Official determines is necessary for consideration of the proposal.~~
2. ~~Distribution~~ – ~~the Planning Official shall distribute the staff report to the following persons:~~
 - a. ~~The Planning Director, prior to the hearing.~~
 - b. ~~Any person requesting it.~~
 - c. ~~If applicable, to each member of the Houghton Community Council.~~

161.5545 Community Council Proceeding~~Public Hearing~~

1. General – If the proposal is within the disapproval jurisdiction of the Houghton Community Council, the Community Council may consider the proposal at a meeting or hold a public hearing.~~General~~–~~The Planning Director shall hold one or more public hearings on a proposal.~~
2. Notice – If the Community Council holds a hearing, the Planning Official shall give public notice of that hearing as set forth in KZC 160.40.~~Effect~~–~~The hearing of the Planning Director is the hearing for City Council. City Council need not hold another hearing on the proposal.~~
3. Recommendation – The Houghton Community Council may make a recommendation on the proposal. The Planning Official shall include the recommendation of the Houghton Community Council, if available, in the staff report to the Planning Director before the Planning Director makes a final recommendation to the City Council on the proposal.

161.55 Staff Report

1. General – The Planning Official shall prepare a staff report containing:
 - a. An analysis of the proposal and a recommendation on the proposal;
 - b. All public comments; and
 - c. Any other information the Official determines is necessary for consideration of the proposal.
2. Distribution – The Planning Official shall distribute the staff report to the following persons:
 - a. The Planning Director, prior to his/her consideration.
 - b. Any person requesting it.
 - c. If applicable, to each member of the Houghton Community Council.

161.60 Material to Be Considered

Review under Process IVA shall use the decisional criteria established in applicable provisions of this code, including Chapter 135. The City may not consider a specific proposed site plan or project in deciding whether or not an amendment should be approved through this process.

~~161.65 Electronic Sound Recording~~

~~The Planning Director shall make a complete electronic sound recording of each public hearing.~~

~~161.70 Public Comments and Participation at the Hearing~~

~~Any interested person may participate in the public hearing in either or both of the following ways:~~

~~1. By submitting written comments to the Planning Director either by delivering these comments to the Planning Department, prior to the hearing or by giving them directly to the Planning Director at the hearing.~~

~~2. By appearing in person or through a representative, at the hearing and making oral comments. The Planning Director may reasonably limit the extent of the oral comments to facilitate the orderly and timely conduct of the hearing.~~

~~161.75 Continuation of the Hearing~~

~~The Planning Director may for any reason continue the hearing on the proposal.~~

161.80 Planning Director Action

1. General – ~~Following the public hearing, t~~The Planning Director shall consider the proposal in light of all of the information submitted to him/her. The Planning Director may modify the proposal in any way.
2. Modifications Requiring a ~~Rehearing~~New Comment Period – If, ~~following the public hearing,~~ the Planning Director materially modifies the proposal, the Planning Director shall give notice of a new public hearing comment period on the proposal as modified.
3. Recommendation – If the Planning Director determines that the proposal meets the applicable decisional criteria established in KZC 161.60, he/she may recommend that City Council give effect to the proposal by amending the appropriate text.

161.85 Planning Director Recommendation to City Council

1. General – The Planning Director may forward a proposed ordinance to Council which, if passed, would make the recommended amendment to this code. The proposed ordinance may be placed on the City Council consent calendar. The Planning Official shall prepare a Planning Director report on the proposal, containing a copy of the proposal, along with any explanatory information, and the Planning Director recommendation on the proposal.
2. City Council Action – The City Council may pass the proposed ordinance and amend the Zoning Code by passage of the consent calendar. Alternatively, the City Council could carry the topic over as unfinished business or may instead decide to hold a public hearing on the proposed Zoning Code amendment. The City Council may adopt the proposed ordinance at any time subsequent to its receipt of the Planning Director report on the proposed amendment. If the City Council wants to consider adoption of a materially modified ordinance, then the City Council shall first hold a public hearing on the proposal as modified, after notice as provided in this chapter.

161.90 Publication and Effect

1. Publication – If the City Council adopts an ordinance, the City Clerk shall post or publish the ordinance as required by law.
2. Effect – Except as stated in KZC 161.95, the ordinance will be in effect on the date specified in the ordinance.

161.95 Jurisdiction of the Houghton Community Council

1. ~~If applicable, all staff reports or Planning Director reports about the proposed amendments will also be distributed to the Houghton Community council. The Houghton Community Council may decide to take these reports for their information or for their review.~~
2. ~~Process IVA includes only minor Zoning Code amendments which are not quasijudicial. In turn, the Houghton Community Council may limit its review of the proposals. Alternatively, a majority of the members of the Houghton Community Council may choose to hold a public hearing at a nay time on one or more of the Process IVA subjects. Such a public hearing would use the procedures set forth in this chapter.~~
3. General - If the City Council approves an ordinance within the disapproval jurisdiction of the Houghton Community Council, that ordinance shall become effective within the Houghton Community only upon:

- a. Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or
- b. Failure of the Houghton Community Council to disapprove the ordinance within 60 days after City Council approval. The vote to disapprove the ordinance must be approved by resolution by a majority of the entire membership of the Community Council.

KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

Sections:

- [115.05](#) User Guide
- [115.07](#) Accessory Dwelling Units
- [115.08](#) Accessory Structure (Detached Dwelling Unit Uses Only)
- [115.10](#) Accessory Uses, Facilities and Activities
- [115.15](#) Air Quality Regulations
- [115.20](#) Animals in Residential Zones
- [115.23](#) Common Recreational Space Requirements for Certain Residential Uses
- [115.25](#) Development Activities and Heavy Equipment Operation – Limitations On
- [115.30](#) Distance Between Structures/Adjacency to Institutional Use
- [115.33](#) Electric Vehicle Infrastructure
- [115.35](#) Erosion and Sedimentation Regulation
- [115.40](#) Fences
- [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
- [115.43](#) Garage Requirements for Detached Dwelling Units in Low Density Zones
- [115.45](#) Garbage and Recycling Receptacles and Enclosures – Storage Space, Placement and Screening
- [115.47](#) Loading and Service Areas Placement and Screening
- [115.50](#) Glare Regulation
- [115.55](#) Heat Regulation
- [115.59](#) Height Regulations – Calculating Average Building Elevation (ABE)
- [115.60](#) Height Regulations – Exceptions
- [115.65](#) Home Occupations
- [115.80](#) Legal Building Site
- [115.85](#) Lighting Regulations
- [115.87](#) **Lot Size Flexibility**
- [115.90](#) Calculating Lot Coverage
- [115.95](#) Noise Regulations
- [115.100](#) Odor
- [115.105](#) Outdoor Use, Activity and Storage
- [115.110](#) Radiation
- [115.115](#) Required Yards
- [115.120](#) Rooftop Appurtenances
- [115.125](#) Rounding of Fractions of Dwelling Units
- [115.135](#) Sight Distance at Intersections
- [115.138](#) Temporary Storage Containers
- [115.140](#) Temporary Trailers for Construction and Real Estate Sales Offices
- [115.142](#) Transit Shelters and Centers, Public
- [115.150](#) Vehicles, Boats and Trailers – Size in Residential Zones Limited

(New section)

[115.87](#) **Lot Size Flexibility**

Within a subdivision or short plat, a reduction in the minimum lot size may be approved pursuant to subdivision design requirements in Chapter 22.28.KMC

Chapter 70 – HOLMES POINT OVERLAY ZONE

Sections:

[70.05](#) Purpose[70.15](#) Standards[70.25](#) Variations from Standards

70.05 Purpose

The purpose of the Holmes Point minimum site disturbance development standards is to allow infill at urban densities while providing an increased level of protection for the Holmes Point area, an urban residential area characterized by a predominance of sensitive environmental features including but not limited to steep slopes, landslide hazard areas and erosion hazard areas, and further characterized by a low level of roads and other impervious surfaces relative to undisturbed soils and vegetation, tree cover and wildlife habitat. These standards limit the allowable amount of site disturbance on lots in Holmes Point to reduce visual impacts of development, maintain community character and protect a high proportion of the undisturbed soils and vegetation, tree cover and wildlife, and require an inspection of each site and the area proposed to be cleared, graded and built on prior to issuance of a building permit.

70.15 Standards

Within the parcels shown on the Kirkland Zoning Map with an (HP) suffix, the maximum impervious surface standards set forth in Chapter [18](#) KZC are superseded by this (HP) suffix, and the following development standards shall be applied to all residential development:

1. When review under Chapters [85](#) [KZC \(Geologically Hazardous Areas\)](#) or [90](#) [KZC \(Environmentally Sensitive Areas Drainage Basins\)](#) or the City of Kirkland's Surface Water Design Manual is required, the review shall assume the maximum development permitted by this (HP) suffix condition will occur on the subject property, and the threshold of approval shall require a demonstration of no significant adverse impact on properties located downhill or downstream from the proposed development.
2. Total lot coverage shall be limited within every building lot as follows:
 - a. On lots up to 6,500 square feet in size, 2,600 square feet;
 - b. On lots 6,501 to 9,000 square feet in size, 2,600 square feet plus 28 percent of the lot area over 6,500 square feet;
 - c. On lots over 9,000 square feet in size, 3,300 square feet plus 10 percent of the lot area over 9,000 square feet;

- c. On a lot already developed, cleared or otherwise altered up to or in excess of the limits set forth above prior to July 6, 1999, new impervious surfaces shall be limited to five percent of the area of the lot, not to exceed 750 square feet;
- d. For purposes of computing the allowable lot coverage within each lot, private streets, joint-use driveways or other impervious-surfaced access facilities required for vehicular access to a lot in easements or access panhandles within flag lots shall be excluded from calculations.

Summary Table:

Lot Size	Maximum Lot Coverage
Less than 6,500 sq. ft.	2,600 sq. ft.
6,501 sq. ft. to 9,000 sq. ft.	2,600 sq. ft. plus 28% of the lot area over 6,500 sq. ft.
9,001 sq. ft. or greater	3,300 sq. ft. plus 10% of the lot area over 9,000 sq. ft.
Developed, cleared or altered lots	New impervious limited to 5% of the total lot area, but not to exceed 750 sq. ft.

- 3. In addition to the maximum area allowed for buildings and other impervious surfaces under subsection (2) of this section, up to 50 percent of the total lot area may be used for garden, lawn or landscaping, provided:
 - a. All significant trees, as defined in Chapter 95 KZC, must be retained. The area limits set forth in this subsection are to be measured at grade level; the area of allowable garden, lawn or landscaping may intrude into the drip line of a significant tree required to be retained under this subsection if it is demonstrated not to cause root damage or otherwise imperil the tree's health;
 - b. Total site alteration, including impervious surfaces and other alterations, shall not exceed 75 percent of the total lot area.
 - c. At least 25 percent of the total lot area shall be designated as a Protected Natural Area (PNA), in a location that requires the least alteration of existing native vegetation.

In general, the PNA shall be located in one contiguous area on each lot unless the City determines that designation of more than one area results in superior protection of existing vegetation. The PNA shall be designated to encompass any critical areas on the lot and, to the

maximum extent possible, consist of existing viable trees and native vegetation that meet the minimum vegetation condition standards set forth in subsection (4.a).

If the lot does not contain an existing area meeting the vegetation requirements of subsection (4.a) or it is not feasible to retain such an area as a result of proposed development, a PNA shall be restored or established to the standards set forth in subsection (4.b).

- e. d If development on the lot is to be served by an on-site sewage disposal system, any areas required by the department of public health to be set aside for on-site sewage disposal systems shall be contained as much as possible within the portion of the lot altered for garden, lawn or landscaping as provided by this subsection. If elements of the on-site sewage disposal system must be installed outside the landscaped area, the elements must be installed so as not to damage any significant trees required to be retained under subsection (3)(a) of this section, and any plants that are damaged must be replaced with similar native plants.

4. Minimum Vegetation Conditions in the Protected Natural Area-

- a. Existing Native Vegetation: Priority is given to designate contiguous areas containing native vegetation meeting the following standards:

- 1) Trees – Viable trees at a tree density of 150 tree credits per acre within the PNA, calculated as described in KZC 95.33.

Example: A 10,000 square foot lot requires a 2,500 sq. ft. PNA (10,000 x 25% = 2,500 sq. ft.). Within the 2,500 sq. ft. PNA, 9 tree credits are required (2,500 sq. ft. / 43,560 sq. ft. = .057 acres x 150 tree credits = 8.6, rounded to 9 tree credits). Note: the tree density for the remaining lot area is 30 tree credits per acre.

- 1) Shrubs – predominately 36 inches high, covering at least 60 percent of the PNA,

- 2) Living ground covers- covering at least 60 percent of the PNA.

- b. Vegetation Deficiencies -

- 1) If the PNA contains insufficient existing vegetation pursuant to subsection a above, the applicant shall restore the PNA with native vegetation to meet minimum supplemental vegetation standards pursuant to Subsection 3) below.

- 2) If the Planning Official determines that it is not feasible to retain an existing vegetation area pursuant to subsection a above, the applicant shall establish a PNA in a location consistent with subsection 3) of this Section, and plant the PNA to meet minimum supplemental vegetation standards.
- 3) Supplemental Vegetation Standards. The applicant shall provide at a minimum:
 - a) Supplemental trees, shrubs and groundcovers selected from the Kirkland Native Plant List, or other native species approved by the Planning Official.
 - b) Trees –planted with a tree density of 150 tree credits per acre as described in KZC 95.33. The minimum size and tree density value for a supplemental tree worth one (1) tree credit in the PNA shall be at least six (6) feet in height for a conifer and at least one (1) inch in caliper (DBH) for deciduous or broad-leaf evergreen trees, measured from existing grade.
 - c) Shrubs - planted to attain coverage of at least 80 percent of the area within two (2) years, and at the time of planting be between two and five gallon pots or balled and burlapped equivalents.
 - d) Living ground covers- planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 80 percent of the Naturalized Area.
- 4) Soil Specifications - Soils in supplemental vegetation areas shall comply with KZC 95.50, particularly those areas requiring decompaction.
- 5) Mulch – Mulch in supplemental vegetation areas shall comply with KZC 95.50.
- 6) Prohibited Plants – Invasive weeds and noxious plants listed on the Kirkland Plant List in the vicinity of supplemental plantings shall be removed in a manner that will not harm trees and vegetation that are to be retained.
- 7) Landscape Plan Required. In addition to the Tree Retention Plan required pursuant to KZC 95.30, application materials shall clearly depict the quantity, location, species, and size of supplemental plant materials proposed to comply with the requirements of this section. Plants installed in the PNA shall be

integrated with existing native vegetation and planted in a random naturalistic pattern. The Planning Official shall review and approve the landscape plan.

4.5 Subdivisions and short subdivisions shall be subject to the following requirements:

- a. New public or private road improvements shall be the minimum necessary to serve the development on the site in accordance with Chapter 110 KZC. The City shall consider granting modifications to the road standards to further minimize site disturbance, consistent with pedestrian and traffic safety, and the other purposes of the road standards; and
- b. Impervious surfaces and other alterations within each lot shall be limited as provided in subsections (2) and (3) of this section. In townhouse or multifamily developments, total impervious surfaces and other alterations shall be limited to 2,600 square feet per lot or dwelling unit in the R-6 and R-8 zones, and 3,300 square feet per lot or dwelling unit in the R-4 zone.

56 Tree Retention Plan The applicant shall submit a tree retention plan required under KZC 95.30. In addition, it shall include the existing conditions and general locations of all shrubs and groundcover on the subject property.

7. The Department of Planning and Community Development shall conduct site inspections prior to approving any site alteration or development on parcels subject to this (HP) suffix condition as follows:

- a. Prior to issuing a permit for alteration or building on any individual lot subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the existing ~~amount of undisturbed area, conditions,~~ tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the proposed Protected Natural Area and the area of the lot proposed to be altered and built on with environmental fencing, 4-foot high stakes and high-visibility tape or other conspicuous and durable means, and shall depict this area on a site plan included in the application.
- b. Prior to approving any subdivision or building permit for more than one dwelling unit on any parcel subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the ~~conditions, amount of undisturbed area,~~ tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the

proposed Protected Natural Area and the area of the proposed grading for streets, flow control and other common improvements, with environmental fencing, 4-foot high stakes and high-visibility tape or other conspicuous and durable means, and shall depict this area on a plot plan included in the application. Development of individual lots within any approved subdivision or short subdivision shall be subject to an individual inspection in accordance with subsection (57)(a) of this section.

As part of the subdivision application, the applicant shall choose the tree retention plan options as required by KZC section 95.30.6. If the applicant chooses integrated review (rather than phased review) the applicant shall show the Protected Natural Area (PNA) on the face of the plat.

8. Tree and Landscape Maintenance Requirements

a. Protected Natural Area(s):

The PNA(s) shall be retained in perpetuity. Prior to final inspection of a building permit, the applicant shall provide:

- 1) a final as-built landscape plan showing all vegetation required to be planted or preserved and
- 2) a recorded PNA protection easement, in a form approved by the City Attorney, to maintain and replace all vegetation that is required to be protected by the City. The agreement shall be recorded with the King County Bureau of Elections and Records. Land survey information shall be provided for this purpose in a format approved by the Planning Official.
- 3) Plants that die must be replaced in kind or with similar plants contained on the Native Plant List, or other native species approved by the Planning Official.

- b. All significant trees in the remaining 75% of the lot shall be maintained in perpetuity, and tree removal will be allowed only for hazardous and nuisance trees pursuant to KZC 95.23.5.d.

69. Pervious areas not covered by impervious surfaces or altered as provided in (2), (3), or (4) of this section, which are not geologically hazardous or environmentally sensitive areas governed by Chapter 85 or 90 KZC, shall be maintained as open space in an undisturbed state, except for the following activities:

- a. Incidental trimming or removal of vegetation necessary for protection of property or public health and safety, or the incidental removal of

vegetation to be used in the celebration of recognized holidays. Replacement of removed hazardous trees may be required;

- b. ~~Areas infested by~~ Noxious weeds may be ~~replanted~~ cleared as long as they are replanted with appropriate native species or other appropriate vegetation and bark mulched to prevent erosion;
- c. Construction of primitive pedestrian-only trails in accordance with the construction and maintenance standards in the U.S. Forest Service "Trails Management Handbook" (FSH 2309.18, June 1987, as amended) and "Standard Specifications for Construction of Trails" (EM-7720-102, June 1996, as amended); but in no case shall trails be constructed of concrete, asphalt or other impervious surface;
- d. Limited trimming and pruning of vegetation for the creation and maintenance of views, and the penetration of direct sunlight, provided the trimming or pruning does not cause root damage or otherwise imperil the tree's health as allowed for in Chapter [95](#) KZC; and
- e. Individual trees or plants may be replaced with appropriate species on a limited basis. Forested hydrological conditions, soil stability and the duff layer shall be maintained.

~~710.~~ Conformance with this (HP) suffix condition shall not relieve an applicant from conforming to any other applicable provisions of the Zoning Code, Subdivision Ordinance, or Shoreline Master Program.

70.25 Variations from Standards

For development activity occurring after July 6, 1999, upon written request from the applicant, the Planning Director may allow up to a 10 percent increase in impervious surface on individual lots over the limits set forth above, provided such increase is the minimum necessary to allow reasonable use of the property and meets all other applicable decision criteria for a variance as provided in Chapter [120](#) KZC, and one or more of the following circumstances applies:

- a. Development of a lot will require a driveway 60 feet or longer from the lot boundary to the proposed dwelling unit;
- b. On-site flow control facilities are required by the Public Works Department;
- c. The requested increase will allow placement of new development on the site in such a way as to allow preservation of one or more additional significant trees, as defined in Chapter [95](#) KZC, that would otherwise be cleared; or

- d. The requested increase is necessary to provide additional parking, access ramp or other facilities needed to make a dwelling accessible for a mobility-impaired resident.

Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

95.23 Tree Removal – Not Associated with Development Activity

1. Introduction Tree and vegetation removal in urban areas has resulted in the loss of beneficial functions provided by trees to the public. The majority of tree canopy within the City of Kirkland is on private property. The purpose of this section is to establish a process and standards to slow the loss of tree canopy on private property, contributing towards the City's canopy goals and a more sustainable urban forest.
2. Permit Required for Removal of Trees on Private Property or City Right-of-Way. It is unlawful for any person (other than City crews) to remove, prune, trim, modify, alter or damage a tree in a public park or on any other City property.
 No person, directly or indirectly, shall remove any significant tree on any property within the City, or any tree in the public right-of-way, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in KZC [95.20](#) and subsection (5) of this section.
3. Tree Removal Permit Application Form. The Department of Planning and Community Development and Public Works Department shall establish and maintain a tree removal permit application form to allow property owners to request City review of tree removal for compliance with applicable City regulations. The tree removal application form shall include at a minimum the following:
 - a. A site plan showing the approximate location of significant trees, their size (DBH) and their species, along with the location of structures, driveways, access ways and easements.
 - b. For required replacement trees, a planting plan showing location, size and species of the new trees in accordance to standards set forth in KZC [95.33](#)(3).
4. Tree Removal Permit Application Procedure and Appeals.
 - a. Applicants requesting to remove trees must submit a completed permit application on a form provided by the City. The City shall review the application within 21 calendar days and either approve, approve with conditions or modifications, deny the application or request additional information. Any decision to deny the application shall be in writing along

with the reasons for the denial and the appeal process.

b. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter [145](#) KZC.

5. Tree Removal Allowances.

a. Except in the Holmes Point Overlay Zone, Any private property owner of developed property may remove up to two (2) significant trees from their property within a 12-month period without having to apply for a tree removal permit; provided, that:

- 1) There is no active application for development activity for the site;
- 2) The trees were not required to be retained or planted as a condition of previous development activity; and
- 3) All of the additional standards for tree removal and Tree Removal Permits as described in subsections (5)(b) through (e) of this section are met.

The Department of Planning and Community Development shall establish and maintain a tree removal request form. The form may be used by property owners to request Department review of tree removal for compliance with applicable City regulations.

b. Tree Retention and Replacement Requirements.

1) Tree Retention. For single-family homes, cottages, carriage units, two/three-unit homes, two (2) trees shall be required to remain on the subject property.

2) Tree Replacement.

a) For every significant tree that is removed and is not required to remain based on subsection (5)(b)(1) of this section, the City encourages the planting of a tree that is appropriate to the site.

b) If a tree removal request is for one (1) or both of the trees required to remain, a Tree Removal Permit and one-for-one replacement is required. The replacement tree shall be six (6) feet tall for a conifer and 2-inch caliper for deciduous or broad-leaf evergreen tree.

c) For all other uses not listed in subsection (5)(b)(1) of this section, a Tree Removal Permit is required and the

required tree replacement will be based on the required landscaping standards in KZC [95.40](#) through [95.45](#).

- c. Shoreline Jurisdiction. Properties located within the City's shoreline jurisdiction are subject to additional tree removal and replacement standards if the tree(s) to be removed are located within the required shoreline setback. See Chapter [83](#) KZC for additional standards.
- d. Removal of Hazard or Nuisance Trees. Any private property owner seeking to remove any number of significant trees which are a hazard or nuisance from developed or undeveloped property or the public right-of-way shall first obtain approval of a Tree Removal Permit and meet the requirements of this subsection.

1) Tree Risk Assessment. If the nuisance or hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a nuisance or hazard tree is required. Removal of nuisance or hazard trees does not count toward the tree removal limit if the nuisance or hazard is supported by a report prepared by a qualified professional and approved by the City.

2) Trees in Critical Areas or Critical Areas Buffers. For hazard or nuisance trees in (a) easements dedicated to ensure the protection of vegetation; (b) critical areas; or (c) critical area buffers, a planting plan is required to mitigate the removal of the hazard or nuisance tree. The priority action is to create a "snag" or wildlife tree with the subject tree. If creation of a snag is not feasible, then the felled tree shall be left in place unless the Planning Official permits its removal in writing.

The intent of preserving vegetation in and near streams and wetlands and in geologically hazardous areas is to support the functions of healthy sensitive areas and sensitive area buffers (see Chapter [90](#) KZC) and/or avoid disturbance of geologically hazardous areas (see Chapter [85](#) KZC).

The removal of any tree in a critical area, or Native Growth Protective Easement will require the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be coordinated with the Planning Official.

3) The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was

located. Selection of native species and timing of installation shall be approved by the Planning Official.

34) Street Trees. Street trees may only be removed if determined to be a hazard or nuisance. If the removal request is for street trees, the Public Works Official may consider whether the tree(s) are now, or may be in the future, part of the City's plans for the right-of-way. The City shall require a one-for-one tree replacement in a suitable location.

e. Forest Management Plan. (no change)

95.30 Tree Retention Associated with Development Activity

1. Introduction. The City's objective is to retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner. To that end, the City requires approval of a tree retention plan in conjunction with all development permits resulting in site disturbance and for any tree removal on developed sites not exempted by KZC [95.20](#). This section includes provisions that allow development standards to be modified in order to retain viable significant trees.

In order to make better decisions about tree retention, particularly during all stages of development, tree retention plans will require specific information about the existing trees before removal is allowed. Specific tree retention plan review standards provided in this section establish tree retention priorities, incentives, and variations to development standards in order to facilitate preservation of viable trees.

A minimum tree density approach is being used to retain as many viable trees as possible with new development activity. The requirement to meet a minimum tree density applies to new single-family homes, cottages, carriage units, two/three-unit homes, and new residential subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting is required. A tree density for existing trees to be retained is calculated to see if new trees are required in order to meet the minimum density for the entire site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the required tree density.

The importance of effective protection of retained trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building plans as necessary.

Properties within jurisdiction of the Shoreline Management Act are subject to additional tree retention and protection regulations as set forth in Chapter [83](#) KZC.

Properties within the Holmes Point Overlay zone are subject to additional tree retention and protection regulations as set forth in Chapter 70 KZC

95.51 Tree and Landscape Maintenance Requirements

The following maintenance requirements apply to all trees, including street trees, and other vegetation required to be planted or preserved by the City:

1. Responsibility for Regular Maintenance. Required trees and vegetation, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required landscaping elements. Plants that die must be replaced in kind. It is also the responsibility of the property owner to maintain street trees abutting their property pursuant to KZC [95.21](#).
2. Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (3), (4) and (5) of this section:
 - a. All required landscaping shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.
 - b. Any existing tree or other existing vegetation designated for preservation in a Tree Retention Plan shall be maintained for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to KZC [95.23](#) unless:
 - 1) The tree and associated vegetation are in a grove that is protected pursuant to subsection (3) of this section; or
 - 2) The tree or vegetation is considered to be a public benefit related to approval of a planned unit development; or
 - 3) The tree or vegetation was retained to partially or fully meet requirements of KZC [95.40](#) through [95.45](#), Required Landscaping.
3. Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on an approved Tree Retention Plan pursuant to KZC 95.30(2) shall provide prior to occupancy the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the Planning Official determines that preservation is no longer appropriate.
4. Maintenance in Holmes Point Overlay Zone. Vegetation in designated Protected Natural Areas in the Holmes Point Overlay Zone is to be protected in perpetuity pursuant to KZC 70.15.8.a. Significant trees in the remainder of the lot shall be protected in perpetuity pursuant to KZC 70.15.8.b
54. Maintenance of Critical Area and Critical Area Buffers. In critical areas and their buffers, native vegetation is not to be removed without City approval pursuant

to KZC [95.23](#)(5)(d). However, it is the responsibility of the property owner to maintain critical areas and their buffers by removing non-native, invasive, and noxious plants in a manner that will not harm critical areas or their buffers. See also subsection (6) of this section and Chapters [85](#) and [90](#) KZC for additional requirements for trees and other vegetation within critical areas and critical area buffers.

- [65](#). Non-Native Invasive and Noxious Plants. It is the responsibility of the property owner to remove non-native invasive plants and noxious plants from the vicinity of any tree or other vegetation that the City has required to be planted or protected. Removal must be performed in a manner that will not harm the tree or other vegetation that the City has required to be planted or protected.
- [76](#). Pesticides, Herbicides, and Fertilizer. The use of plant material requiring excessive pesticide or herbicide applications to be kept healthy and attractive is discouraged. Pesticide, herbicide, and fertilizer applications shall be made in a manner that will prevent their unintended entry into waterways, wetlands, and storm drains. No application shall be made within 50 feet of a waterway or wetland or a required buffer as established by City codes, whichever is greater, unless done so by a state certified applicator with approval of the Planning Official, and is specifically authorized in an approved mitigation plan or otherwise authorized in writing by the Planning Official.
- [87](#). Landscape Plans and Utility Plans. Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature size both above and below ground. See the Kirkland Plant List for additional standards.

Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones

1. Purpose and Intent – *(no change)*
2. General Requirements *(no change)*
3. Additional Requirements for Garages with Garage Doors on the Front Facade of the Detached Dwelling Unit
 - a. ~~The required front yard for the garage shall be set back eight (8) feet greater than the required front yard for the remainder of the detached dwelling unit~~ The garage shall be five (5) feet behind the longest portion of the front facade. (not including covered entry porches approved under KZC 115.115(3)(n)).
 - b. ~~The garage width shall not exceed 50 percent of the total width of the front facade. (This standard shall not apply if the lot width, as measured at the back of the required yard for the front facade, is less than 55 feet.)~~
 - c. For purposes of this section, the width of the front facade shall not include those items located along the side facades described in KZC [115.115\(3\)\(d\)](#), even if they are outside of a required yard.
4. Exemptions – *(no change)*
5. Deviation From Requirements – *(no change)*
6. *(no change)*

KMC Subdivisions Title 22.28.030 Lots—Size.

All lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland Zoning Code or other land use regulatory document. The following provisions shall not apply to properties located in an RSA zone.

If a property is smaller than that required for subdivision by an amount less than or equal to ten percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may still proceed as long as the shortage of area is spread evenly over all of the lots in the subdivision. In cases where an existing structure or other physical feature (sensitive area, easement, etc.) makes even distribution of the size shortage difficult, an exception to the even distribution may be made.

If a property is smaller than that required for subdivision by an amount greater than ten percent and less than or equal to fifteen percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may also proceed, as long as:

- (a) The shortage of area is spread evenly over all of the lots in the subdivision (unless an existing structure or other physical feature such as a sensitive area or easement makes even distribution of the size shortage difficult); and
- (b) All lots have a minimum lot width at the back of the required front yard of no less than fifty feet (unless the garage is located at the rear of the lot or the lot is a flag lot); and
- (c) In zoning districts for which the Zoning Code establishes a floor area ratio (FAR) limitation, a covenant is signed prior to recording of the plat ensuring that building on the new lots will comply with an FAR restriction at least ten percentage points less than that required by the zoning district as shown on the Kirkland zoning map; and
- (d) If any lot is smaller than the minimum lot size for the zoning district by an amount greater than five percent of the minimum lot size, the subdivision shall be reviewed and decided using process IIB described in Chapter 152 of Title [23](#) of this code. In addition to meeting the decisional criteria found in Chapter 152 of Title [23](#) of this code, approval of the application may only be recommended if the new lots are compatible, with regard to size, with other lots in the immediate vicinity of the subdivision.

A covenant must also be signed prior to recording of the plat to ensure that the garage will be located at the rear of the lot in cases where this option is chosen under subsection (b) of this section. (Ord. 4196 § 2 (Exh. B) (part), 2010; Ord. 3705 § 2 (part), 1999)

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						
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Spec. Regs. 1, 2 and 3.	20' See Spec. Regs. 5, 6, 7 and 10.	5' each side.	10'	50% except 30% for the RSA 1 zone. See Gen. Reg. 3. See Gen. Reg. 4 for Holmes Point overlay zone.	30' above average building elevation. See Spec. Reg. 9.	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> Maximum units per acre is as follows: <ol style="list-style-type: none"> In RSA 1 zone, the maximum units per acre is one dwelling unit. In RSA 4 zones, the maximum units per acre is four dwelling units. In RSA 6 zones, the maximum units per acre is six dwelling units. 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. Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> 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. In RSA 4 zones, the minimum lot size is 7,600 square feet. In RSA 6 zones, the minimum lot size is 5,100 square feet. In RSA 8 zones, the minimum lot size is 3,800 square feet. 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. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: <ol style="list-style-type: none"> In RSA 1 zone, F.A.R. is 20 percent of lot size. In RSA 4 zones, F.A.R. is 50 percent of lot size. In RSA 6 zones, F.A.R. is 50 percent of lot size. 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. F.A.R. is not applicable for properties located within the jurisdiction of the Shoreline Management Act regulated under Chapter 83 KZC. 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, 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. 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.

Where the maximum number of units results in a fraction, the number shall be rounded up if the fraction is .50 or greater.

REGULATIONS CONTINUED ON NEXT PAGE

Attachment 17

KZC Chapter 135 – AMENDMENTS TO THE TEXT OF THE ZONING CODE

Sections:

[135.05](#) User Guide

[135.15-10](#) Initiation of Proposals

[135.1015](#) Applicable Process

[135.20](#) Threshold Determination for Citizen-Initiated Proposals [Associated with Amendments to the Comprehensive Plan](#)

[135.23](#) Proposals Not Associated with Amendments to the Comprehensive Plan

[135.25](#) Criteria for Amending the Text of the Zoning Code

[135.30](#) Moratoria and Interim Land Use Regulations

[135.35](#) Response to a Court or Growth Management Hearings Board Appeal or Decision

135.05 User Guide

This chapter establishes a mechanism for the City to amend the text of this code, the Zoning Code [to bring the development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City](#). If you are interested in proposing an amendment to this code, or if you want to participate in the decision on a proposed amendment, you should read this chapter.

135. ~~15~~10 Initiation of Proposals

An amendment to the Zoning Code may be initiated by the City or requested by the public. ~~through the comprehensive planning process.~~

135.~~10~~ 15 Applicable Process

The City generally will use Process IV described in Chapter [160](#) KZC to review and decide upon a proposal to amend the text of this code. However, some minor Zoning Code amendments will be reviewed under an abbreviated process. The abbreviated Process IVA is described in Chapter [161](#) KZC. Process IVA is used for proposals which are not controversial and do not need extensive policy study.

A proposal to amend Chapters [83](#) and [141](#) KZC requires formal review and approval by the Washington State Department of Ecology as described in Chapter [160](#) KZC.

135.20 Threshold Determination for Citizen-Initiated Proposals [Associated with Amendments to the Comprehensive Plan](#)

Citizen-initiated proposals to amend the Zoning Code associated with a proposal to amend the Comprehensive Plan must follow the [two-step review](#) process described in KZC [140.20](#)(1) and (2), and meet KZC [140.20](#)(3)(a) concerning City resources.

[135.23 Proposals Not Associated with Amendments to the Comprehensive Plan](#)

City or Citizen-initiated proposals to amend the Zoning Code not associated with a proposal to amend the Comprehensive Plan shall be docketed by the Planning Official for possible future development regulation amendment. The Planning Official shall introduce all or a portion of docketed proposals to the Planning Commission.

135.25 Criteria for Amending the Text of the Zoning Code

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.

135.30 Moratoria and Interim Land Use Regulations

1. General – Nothing shall prevent the City Council from establishing or extending development moratoria or interim land use regulations in accordance with the procedures set forth in RCW 35A.63.220 and 36.70A.390, as those sections exist or may be hereafter amended or superseded.
2. Disapproval Jurisdiction

If the City Council establishes or extends a moratorium or interim land use regulations within the disapproval jurisdiction of the Houghton Community Council, that City Council action shall become effective only upon:

- a. Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or
- b. Failure of the Houghton Community Council to disapprove it within 60 calendar days after City Council approves the resolution or ordinance establishing or extending the moratorium or interim land use regulations. The vote to disapprove the action must be approved by resolution by a majority of the entire membership of the Community Council.

135.35 Response to a Court or Growth Management Hearings Board Appeal or Decision

The City may use the process described in KZC [135.30](#) to make an amendment to the Zoning Code in response to a court or Growth Management Hearings Board appeal or decision.

KZC Chapter 160 – PROCESS IV

Sections:

- [160.05](#) User Guide
- [160.15](#) Initiation of Proposals
- [160.20](#) Compliance with SEPA
- [160.25](#) [Amendments to Comprehensive Plan and Related Zoning Map and Code Amendments](#) - Threshold Review
- 160.30 Amendments to the Zoning Code Not Related to [Comprehensive Plan Amendments](#)
- [160.35](#) Official File
- [160.40](#) Notice
- [160.45](#) Staff Report
- [160.50](#) Community Council Proceeding
- [160.55](#) Public Hearing
- [160.60](#) Material To Be Considered
- [160.65](#) Electronic Sound Recordings
- [160.70](#) Public Comments and Participation at the Hearing
- [160.75](#) Continuation of the Hearing
- [160.80](#) Planning Commission Action
- [160.85](#) Planning Commission Report to City Council
- [160.90](#) Publication and Effect
- [160.95](#) Jurisdiction of the Houghton Community Council
- [160.100](#) Jurisdiction of the Washington State Department of Ecology

160.05 User Guide

Various places in this code indicate that certain proposals to amend the Zoning Map, this code, and the Comprehensive Plan must be reviewed and decided upon using Process IV. This chapter describes how Process IV works.

If you wish to participate in a decision that will be made using this process, you should read this chapter. However, this chapter applies only if another provision of this code specifically states that a decision on a proposed amendment will be made using Process IV.

160.15 Initiation of Proposals

A proposal that will be reviewed using this chapter may be initiated by the City Council or Planning Commission. In addition, the public may submit proposals to the City as part of the City's process to amend the Comprehensive Plan or this code.

160.20 Compliance with SEPA

The State Environmental Policies Act (Chapter 43.21C RCW) applies to some of the decisions that will be made using this chapter. The Planning Director shall evaluate each proposal and, where applicable, comply with SEPA and with state regulations and City ordinances issued under authority of SEPA.

160.25 Amendments to Comprehensive Plan and Related Zoning Map and Code Amendments - Threshold Review

1. General – The City Council shall make a threshold review of each citizen-initiated proposal to amend the Comprehensive Plan pursuant to KZC [140.20](#) and to amend the Zoning Code and/or Zoning Map done in conjunction with the process to amend the Comprehensive Plan.
2. Threshold Review
 - a. The Planning Commission shall review each proposal and make a threshold recommendation to the City Council to determine those proposals eligible for further consideration. The recommendation shall be consistent with KZC [160.60](#) and based on the criteria described in Chapter [135](#) KZC for Zoning Code amendments and in Chapter [140](#) KZC for Comprehensive Plan amendments.
 - b. The Houghton Community Council may review any proposal within its jurisdiction and also make a recommendation to the Planning Commission and City Council.
 - c. The Planning Department shall provide the Planning Commission and Houghton Community Council with a staff report for the threshold review consistent with KZC [160.45](#) and include an analysis of the threshold criteria.
3. Threshold Decision – After consideration of the Planning Commission and Houghton Community Council recommendations, the City Council shall decide one (1) of the following:
 - a. The proposal has merit and shall be considered by the Planning Commission and City Council during the current year; or
 - b. The proposal has merit, but should be considered at a subsequent amendment phase; or
 - c. The proposal does not have merit and shall not be given further consideration.

160.30 Amendments to the Zoning Code Not Related to Amendments to the Comprehensive Plan.

Review – the Planning Commission shall review each proposal and make a recommendation to the City Council. The recommendation shall be based on the criteria described in Chapter 135 KZC for Zoning Code amendments.

160.35 – 160.100 (No Change)

KZC Chapter 170 –CODE ADMINISTRATION

170.50 Conflict of Provisions

1. ~~The standards, procedures, and requirements of the code are the minimum necessary to promote the health, safety, and welfare of the residents of Kirkland. The City is free to adopt more rigorous or different standards, procedures, and requirements whenever this becomes necessary. Except as provided in subsection (4) of this section, if~~ the provisions of this code conflict one ~~(1)~~ with another, or if a provision of this code conflicts with the provision of another ordinance of the City, the most restrictive provision or the provision imposing the highest standard prevails.
2. The Comprehensive Plan is the generalized coordinated land use policy statement of the City and serves as the guide for the adoption of specific zoning regulations.
3. The Zoning Code provides for the implementation of the goals and policies of the Comprehensive Plan through adoption, administration and enforcement of zoning maps, land use regulations, programs, and procedures.
4. In the event of any conflict or inconsistency between the regulations of the Zoning Code and the provisions of the Comprehensive Plan, the regulations of the Zoning Code shall prevail. The Planning Director shall use the criteria in section 170.40 of this Chapter to determine if there is a conflict or inconsistency and may issue an interpretation.

Chapter 170 – CODE ADMINISTRATION

170.40 Interpretations of This Code – General

1. Criteria – The Planning Director may, acting on his/her own initiative or in response to an inquiry, issue interpretations of any of the provisions of this code. The Director shall base his/her interpretations on:
 - a. The defined or common meaning of the words of the provision; and
 - b. The general purpose of the provision as expressed in the provision; and
 - c. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan.
2. Effect – An interpretation of this code will be enforced as if it is part of this code.
3. Availability – All interpretations of this code, filed sequentially, are available for public inspection and copying in the Planning Department during regular business hours. The Planning Official shall also make appropriate references in this code to these interpretations. The interpretation shall be posted on the City's website.

KZC 170.45 Interpretations of This Code – Appeal

1. Who Can Appeal – Any person who is aggrieved by an interpretation issued by the Planning Director may appeal that interpretation ~~at any time~~.
2. Time To Appeal - within 14 days following the date the interpretation is posted to the City website.
3. How To Appeal – The applicant must file a letter of appeal indicating how the interpretation affects his/her property and presenting any relevant arguments or information on the correctness of the interpretation. The applicant shall include the appeals fee as established by ordinance.
4. Applicable Procedures – All appeals of interpretations of this code will be reviewed and decided upon using the appeal provisions of Process I, described in Chapter [145](#) KZC. Notice of the interpretation shall be posted on the City's website.
5. Effect – If the interpretation of the Planning Director is modified, the Planning Official shall:
 - a. Place the modifying decision in the Interpretation File; and

- b. Change or remove, as appropriate, the interpretation that was modified; and
- c. Change the reference in this code to reflect the modification.

KMC 22.28 DESIGN REQUIREMENTS**22.28.010 (No change)****22.28.020 (No change)****22.28.030 Lots—Size.**

All lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland Zoning Code or other land use regulatory document. If a property is smaller than that required for subdivision by an amount less than or equal to ten percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may still proceed as long as the shortage of area is spread evenly over all of the lots in the subdivision. In cases where an existing structure or other physical feature (sensitive area, easement, etc.) makes even distribution of the size shortage difficult, an exception to the even distribution may be made.

If a property is smaller than that required for subdivision by an amount greater than ten percent and less than or equal to fifteen percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may also proceed, as long as:

(a) The shortage of area is spread evenly over all of the lots in the subdivision (unless an existing structure or other physical feature such as a sensitive area or easement makes even distribution of the size shortage difficult); and

(b) All lots have a minimum lot width at the back of the required front yard of no less than fifty feet (unless the garage is located at the rear of the lot or the lot is a flag lot); and

(c) In zoning districts for which the Zoning Code establishes a floor area ratio (FAR) limitation, a covenant is signed prior to recording of the plat ensuring that building on the new lots will comply with an FAR restriction at least ten percentage points less than that required by the zoning district as shown on the Kirkland zoning map; and

(d) If any lot is smaller than the minimum lot size for the zoning district by an amount greater than five percent of the minimum lot size, the subdivision ~~may be approved shall be reviewed and decided using process IIBIIA described in Chapter 152150 of Title 23 of this code. In addition to meeting the decisional criteria found in Chapter 152150 of Title 23 of this code, approval of the application may only be recommended~~ if the new lots are compatible, with regard to size, with other lots in the immediate vicinity of the subdivision.

A covenant must also be signed prior to recording of the plat to ensure that the garage will be located at the rear of the lot in cases where this option is chosen under subsection (b) of this section. (Ord. 4196 § 2 (Exh. B) (part), 2010; Ord. 3705 § 2 (part), 1999)

Chapter 120 – VARIANCES

Sections:

- [120.05](#) User Guide
- [120.10](#) Process for Deciding Upon a Proposed Variance
- [120.12](#) Expansion or Modification of an Existing Structure
- [120.15](#) Application Information
- [120.20](#) Criteria for Granting a Variance
- [120.25](#) What May Not Be Varied

120.05 User Guide

This chapter establishes a mechanism whereby the provisions of this code can be varied on a case-by-case basis if the application of these provisions would result in an unreasonable and unusual hardship. While almost any provision may be varied, there are some limitations.

If you are interested in applying to see if a provision of this code can be varied in a particular case, or if you wish to participate in the City's decision on a proposed variance, you should read this chapter.

120.10 Process for Deciding Upon a Proposed Variance

~~The following subsection is not effective within the disapproval jurisdiction of the Houghton Community Council:~~

- ~~1.~~ The City will use Process IIA, described in Chapter [150](#) KZC, to review and decide upon an application for a variance except as to property located within an RS, RSA or RSX Zone or for a detached dwelling unit in any zone. For variance applications as to property located within an RS, RSA or RSX Zone or for a detached dwelling unit in any zone, the City will use Process I described in Chapter [145](#) KZC; provided, however, that while the content of the notice shall be per KZC [145.22\(1\)](#), the distribution of the notice shall be per KZC [150.22\(2\)](#).

~~The following subsection is effective only within the disapproval jurisdiction of the Houghton Community Council:~~

- ~~2.~~ ~~The City will use Process IIA, described in Chapter [150](#) KZC, to review and decide upon an application for a variance except as to property located within an RS, RSA or RSX Zone. For variance applications as to property located within an RS, RSA or RSX Zone, the City will use Process I described in Chapter [145](#) KZC; provided, however, that while the content of the notice shall be per KZC [145.22\(1\)](#), the distribution of the notice shall be per KZC [150.22\(2\)](#).~~

120.12 Expansion or Modification of an Existing Structure

If the expansion or modification of an existing structure requires a variance under this chapter, the Planning Director may approve such expansion or modification without requiring the variance process if all of the following criteria are met:

1. The request complies with the criteria in KZC [120.20](#); and
2. The gross floor area of the structure is expanded by less than five (5) percent; and

3. The Planning Director determines that the change or alteration will not have significantly more or different impact on the surrounding area than does the present development.

An approval granted pursuant to this subsection shall be valid for a period of four (4) years following the date of approval, during which time a complete building permit application for the expansion or modification shall be submitted to the City. Within six years following the date of approval granted pursuant to this subsection, the applicant shall substantially complete construction of the expansion or modification and any permit conditions applicable thereto, or the approval becomes null and void.

120.15 Application Information

~~In addition to the application materials required in Chapter 150 KZC, t~~he applicant shall submit a completed application on the form provided by the Planning Department, along with all the information listed on that form.

120.20 Criteria for Granting a Variance

The City may grant a variance only if it finds that:

1. The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole; and
2. The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; and
3. The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.

120.25 What May Not Be Varied

The City may grant a variance to any of the provisions of this code except:

1. The City may not grant a variance to any provision establishing the uses that are permitted to locate or that may continue to operate in any zone; and
2. The City may not grant a variance to any of the procedural provisions of this code; and
3. The City may not grant a variance to any provision that specifically states that its requirements are not subject to variance.

Chapter 5 – DEFINITIONS

5.10.020 Adjoining

– 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).

Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

Sections:

- 115.05 User Guide
- 115.07 Accessory Dwelling Units
- 115.08 Accessory Structure (Detached Dwelling Unit Uses Only)
- 115.10 Accessory Uses, Facilities and Activities
- 115.15 Air Quality Regulations
- 115.20 Animals in Residential Zones
- 115.23 Common Recreational Space Requirements for Certain Residential Uses
- 115.25 Development Activities and Heavy Equipment Operation – Limitations On
- 115.30 Distance Between Structures/Adjacency to Institutional Use
- 115.33 Electric Vehicle Infrastructure
- 115.35 Erosion and Sedimentation Regulation
- 115.40 Fences
- 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
- 115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones
- 115.45 Garbage and Recycling Receptacles and Enclosures – Storage Space, Placement and Screening
- 115.47 Loading and Service Areas Placement and Screening
- 115.50 Glare Regulation
- 115.55 Heat Regulation
- 115.59 Height Regulations – Calculating Average Building Elevation (ABE)
- 115.60 Height Regulations – Exceptions
- 115.65 Home Occupations
- 115.80 Legal Building Site
- 115.85 Lighting Regulations
- 115.90 Calculating Lot Coverage
- 115.95 Noise Regulations
- 115.100 Odor
- 115.105 Outdoor Use, Activity and Storage
- 115.110 Radiation
- 115.115 Required Yards
- 115.120 Rooftop Appurtenances
- 115.125 Rounding of Fractions of Dwelling Units
- 115.135 Sight Distance at Intersections
- 115.137 Solar Energy Systems in Residential Zones
- 115.138 Temporary Storage Containers
- 115.140 Temporary Trailers for Construction and Real Estate Sales Offices
- 115.142 Transit Shelters and Centers, Public
- 115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited

115.137 Solar Energy Systems in Residential Zones

- 1) Roof Mounted – Roof mounted solar collectors are allowed in all residential zones pursuant to KZC Section 115.60.2 Height Regulations - Exceptions. For the purpose of this section, a solar collector will be considered to be roof mounted if it extends across the roof of a structure without being attached.
- 2) Ground Mounted – Ground mounted solar collectors are allowed in all residential zones subject to the following standards:
 - a) Location: Ground mounted solar collectors shall be placed behind a plane extending across the width of the property at the front facade of the dwelling unit or other structure located closest to the front property line.
 - b) Height: The maximum permitted height of a solar collector is 6 feet above finished grade.
 - c) Screening: A six foot high solid fence or vegetation providing equal screening shall be installed /planted to screen the solar collectors from adjacent properties.
 - d) Ground mounted solar collectors that move to follow the angle of the sun are prohibited.

Chapter 5 – DEFINITIONS

5.10. 881.1 Solar Collector:

Any of various devices for the absorption of solar radiation for the heating of water or buildings or the production of electricity

5.10.881.42 Solar Panel

A panel designed to absorb the sun's rays for generating electricity or heating.

From: Jeremy Smithson [mailto:jeremy@pugetsoundsolar.com]
Sent: Friday, January 03, 2014 8:42 AM
To: Joan Lieberman-Brill
Subject: Re: FW: 25. Solar Chapter 115.docx

Hi Joan,

Item 'c' stands out as too vague and restrictive. Is screening required for swing sets or other structures that may be installed in people's back yards? To single out a solar array in this manner is not consistent with current practice, in my view, and could be contrary to state law that requires the protection of access to direct sunlight for solar energy. I think it should be dropped altogether.

On Thu, Jan 2, 2014 at 8:48 AM, Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov> wrote:

Hi Jeremy,

I am checking to see if you've had the chance to review the proposed ground mounted solar regulations in low density residential zones in Kirkland. I'd really appreciate your eyes on this to provide some a reality check.

Either give me a call or shoot me an email. I need to get this finalized no later than tomorrow at 5PM.

I did check with the City Attorney who affirmed that regulations limiting ground mounted would be consistent with the laws already in place.

Thanks again.

Joan

Revise or eliminate the following definitions:

Chapter 5 – DEFINITIONS

5.10.020 Adjoining

– Property that touches or is directly across a street, other than a principal 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).

~~**.507 Maximum Horizontal Facade**~~

~~The widest cross-section of the building(s) in the area adjoining the low density zone or within 100 feet of the adjoining lot containing the detached dwelling unit or low density use. The cross-section width is measured parallel to the zone or lot(s). (See Plate 38.)~~

Revise or Eliminate Plate 38, to be consistent with new Section 115.136

For the following use zone charts delete the following language and replace it with new Section 115.136:

- ~~a. 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).~~

For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17) Section 115.136 establishes additional limitations on structure size.

RS Zone, 15.08, General Regulation 2	PLA 6A Zone, 60.55, General Regulation 3
RSX Zone, 17.08, General Regulation 2	PLA 6B Zone, 60.60, General Regulation 3
RSA Zone, 18.08, General Regulation 2	PLA 6C Zone, 60.65, General Regulation 2
RM, RMA Zone, 20.08, General Regulation 3	PLA 6D Zone, 60.70, General Regulation 3
PR, PRA Zone, 25.08, General Regulation 3	PLA 6E Zone, 60.75, General Regulation 2
PO Zone, 27.08, General Regulation 2	PLA 6F Zone, 60.80, General Regulation 3
WDII Zone, 30.25.030, 30.25.040, Special Regulation 2	PLA 6G Zone, 60.85, General Regulation 3
WDII Zone, 30.25.050, Special Regulation 1	PLA 6G Zone, 60.87.130, Special Regulation 3
BN, BNA Zone, 40.08, General Regulation 2	PLA 6H Zone, 60.90, General Regulation 3

BC, BC-1, BC-2 Zone, 45.08, General Regulation 2	PLA 6I Zone, 60.95, General Regulation 3
BCX Zone, 47.08, General Regulation 2	PLA 6J Zone, 60.100, General Regulation 3
LIT Zone, 48.10, General Regulation 2	PLA 6K Zone, 60.105, General Regulation 3
P Zone, 49.10, General Regulation 2	PLA 6A Zone, 60.55, General Regulation 3
MSC-1, 4 Zone, 51.08, General Regulation 3	PLA 6B Zone, 60.60, General Regulation 3
MSC-2 Zone, 51.18, General Regulation 2	PLA 6C Zone, 60.65, General Regulation 2
MSC-3 Zone, 51.28, General Regulation 2	PLA 6D Zone, 60.70, General Regulation 3
RH 5A, 5B Zone, 53.52, General Regulation 2	PLA 6E Zone, 60.75, General Regulation 2
RH 5C Zone, 53.57, General Regulation 2	PLA 6F Zone, 60.80, General Regulation 3
RH 8 Zone, 53.82, General Regulation 2	PLA 6G Zone, 60.85, General Regulation 3
NRH1B Zone, 54.10, General Regulation 3	PLA 6G Zone, 60.87.130, Special Regulation 3
NRH2 Zone, 54.16, General Regulation 2	PLA 6H Zone, 60.90, General Regulation 3
NRH3 Zone, 54.22, General Regulation 2	PLA 6I Zone, 60.95, General Regulation 3
TL 10A Zone, 55.67, General Regulation 2	PLA 6J Zone, 60.100, General Regulation 3
TL 10B Zone, 55.73, General Regulation 2	PLA 6K Zone, 60.105, General Regulation 3
TL 11 Zone, 55.97, General Regulation 3	PLA 7A, B, C Zone, 60.110, General Regulation 3
PLA 1 Zone, 60.12.040, 60.12.050, 60.12.060, Special Regulation 2	PLA 9 Zone, 60.130, General Regulation 3
PLA 1 Zone, 60.12.070, Special Regulation 1	PLA 14 Zone, 60.168a, General Regulation 2
PLA 3C Zone, 60.25, General Regulation 2	PLA 15B Zone, 60.175, General Regulation 3
PLA 5A Zone, 60.30, General Regulation 3	PLA 16 Zone, 60.180, General Regulation 2
PLA 5B Zone, 60.35, General Regulation 3	PLA 17 Zone, 60.185, General Regulation 3
PLA 5C Zone, 60.40, General Regulation 3	PLA 17A Zone, 60.190, General Regulation 3
PLA 5D Zone, 60.45, General Regulation 3	
PLA 5E Zone, 60.50, General Regulation 3	

New Section 115.136:

115.136. Size Limitations for Structures Abutting Low Density Zones and Uses.

1. Size Limits – On properties located in other than low density zones, any portion of a structure 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 (see Plate 38). In applying this regulation, 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 below, 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 a low density zone by another developed parcel; and
 - 3) Detached dwelling units separated from each other by at least 10 feet;
 - b. The following elements of a structure are not subject to the 20 feet separation established in Section 1 above:
 - 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 feet from the wall of a structure; and
 - 4) Porches that extend no more than five feet from the wall of a structure if:
 - a) The porch is no higher than one story and the finished floor of the porch is no more than four feet above finished grade;
 - b) Three 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% 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 Section 1 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 Section 1.
- The decision on the modification shall be made using the required review process for the proposed use.

Delete Section 115.30:

115.30—Distance Between Structures/Adjacency to Institutional Use

1. Distance Between Structures

a. Apply to:

- 1) ~~Calculation of F.A.R. for detached dwelling units in low density zones, and~~
- 2) ~~Regulation of maximum horizontal facade (See KZC 5.10.507 for definition).~~

- ##### **b. General –** ~~For purposes of the regulation in this code regarding maximum horizontal facade for any use in any zone to which the maximum horizontal facade limitations apply, and F.A.R. calculation for detached dwelling units in low density residential zones only, two (2) structures will be treated and considered as one (1) structure if any elements of the structures, other than as specified in subsection (1)(c) of this section, are closer than 20 feet to each other. In addition, two (2) structures connected by a breezeway or walkway will be regulated as one (1) structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.~~

c. Exceptions

- 1) ~~Elements of a structure no higher than 18 inches above finished grade may be closer than 20 feet to another structure.~~
- 2) ~~Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies may extend 18 inches from each structure toward the other.~~

- ~~3) Detached dwelling units approved and constructed as a "Detached, Attached, or Stacked Dwelling Unit" are excluded from horizontal facade regulations if they are separated by at least 10 feet.~~
- ~~4) Porches and stairs may extend five (5) feet from each structure toward the other 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;~~
 - ~~c) No deck, balcony, or living area will be placed on the roof of the porch; and~~
 - ~~d) The width of the porch will not exceed 50 percent of the facade to which it is attached.~~
 - ~~e) Allowed exceptions to the above criteria are:~~
 - ~~i) Solid walls or railings may extend up to 42 inches above the porch floor; and~~
 - ~~ii) Eaves on the porch roof may extend an additional 18 inches beyond the porch.~~
- ~~2. Adjacency to Institutional Uses — If a structure is located adjacent to an institutional use which is located in a low density zone, the maximum horizontal dimension provision of 50 feet may be waived by the Planning Director~~

Integrate existing requirements from 115.30 pertaining to the calculation of FAR into Section 115.42:

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 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 staircase 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.
3. Separate structures will be regulated as one structure if any elements of the structures, except for the elements listed in Section b.4) below, are closer than 20 feet to each other.
- a. Two structures connected by a breezeway or walkway will be regulated as one structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.
 - b. Elements of structures that may be closer than 20 feet to each other are:
 - 1) Elements of a structure no higher than 18 inches above finished grade;
 - 2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies extending no more than 18 inches from the wall of a structure;
 - 3) Stairs extending no more than five feet from the wall of a structure;
 - 4) Porches extending no more than five feet from the wall of a structure if:
 - a) The porch is no higher than one story and the finished floor of the porch is no more than four feet above finished grade;
 - b) Three sides of the porch are open other than railings and solid walls no higher than 42 inches;
 - c) No deck, balcony, or living area is placed on the roof of the porch;
 - d) The length of the porch does not exceed 50% of the wall of the structure to which it is attached;
 - e) Porch eaves may extend an additional 18 inches from the edge of the porch.

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.