



## **CITY OF KIRKLAND**

**Planning and Building Department**  
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### **MEMORANDUM**

**To:** Planning Commission and Houghton Community Council

**From:** Nick Cilluffo, Senior Planner  
Allison Zike, AICP, Senior Planner  
Jeremy McMahan, Deputy Planning & Building Director

**Date:** December 3, 2020

**Subject:** 2020 Miscellaneous Code Amendments – Joint Public Hearing  
File Number CAM20-00616

#### **Staff Recommendation**

Conduct a public hearing to receive comments on the proposed draft amendments to the Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC) (see Attachment 1). After conclusion of the public hearing, the Houghton Community Council (HCC) and Planning Commission (PC) have the following options for deliberation:

- Hold a joint deliberation discussion with HCC and PC prior to adjourning, or
- Adjourn the PC meeting, complete HCC deliberation, and make recommendation for PC to consider at future deliberation meeting in January 2021.

Following deliberation, the PC will make a recommendation to City Council on the proposed miscellaneous code amendments. The City Council is anticipated to consider and take action on the recommendation of the PC in early 2021.

#### **Background**

Staff keeps an ongoing list of miscellaneous code amendments that are necessary to reflect current practice, clarify sections of the Zoning and Municipal Codes, maintain consistency with relevant state and/or federal regulations, and promote good planning principles. The KZC and KMC are updated periodically to correct the issues that have been identified and are included on the list.

The proposed 2020 miscellaneous code amendment package is ambitious in scale in an effort to update a substantial number of administrative and non-policy items, as well as several items that require immediate attention to reflect recent policy direction. Additionally, the package was scoped to items that do not have broad public interest and do not necessitate extensive public outreach. Staff has followed all required public notice steps and created a webpage for interested parties to learn more and participate. A summary of the proposed package of amendments, with descriptions of each, is

included in Attachment 1. The proposed code language for each amendment item is included in Attachment 2.

To facilitate review of these items, each amendment is categorized into one of two groups:

Group A – Clarifying, Consistency, and Streamlining Amendments

These amendments (see Table A in Attachment 1) streamline administrative practices, improve consistency between the KMC and KZC, maintain KZC/KMC consistency with state or federal regulations, correct references to other code sections, or clarify code language to reflect implementation based on current practice. These amendments will have little, to no, impact on the community and will not result in any change in the application of the regulations. Staff would not expect these amendments to generate significant discussion at the public hearing because of the nature of the proposed changes. While the amendments in this group vary in type – some are simple code reference or title updates while others amend specific regulatory language – all amendments are benign and have no regulatory implications that differ from current City policies.

Group B – Minor/Moderate Policy Change Amendments

These amendments (see Table B in Attachment 1) represent minor or moderate policy changes. They reflect recent policy direction from Planning Commission and City Council related to other large-scale projects (e.g. rooftop appurtenance amendments and Missing-Middle Housing regulations), or propose changes that will be of high-value to the community and/or staff's implementation of the code. Staff anticipates that amendments within this category will be the focus of discussion at the public hearing.

**Planning Commission Direction**

Staff provided a briefing on the proposed miscellaneous code amendments to PC at their November 12, 2020 meeting. The PC discussed staff's proposed approach to reviewing the code amendments and several specific code amendment items, and provided the following direction to staff in advance of the public hearing:

- The PC agreed with the proposed approach of categorizing the amendments as detailed above. It was suggested that the Group A amendments could be further divided into two sub-groups of: 1) amendments solely to clarify existing regulations or update cross-references between the KZC, KMC, and/or state law; and, 2) amendments intended to streamline existing processes or application of the Zoning Code with immaterial effects on existing regulations.

*Staff Response: While staff was not able to cleanly divide Group A amendments into subgroups, we have supplemented the description of Group A amendments (above) to better explain the various types and nature of these amendments to facilitate review. Additionally, the item descriptions and community impacts noted in Attachment 1 identify the nature of each individual amendments.*

- PC directed staff to defer study of amendment item #31, related to consideration of allowing common recreational space to be provided on rooftops, to a future package of code amendments that will include broader public outreach.

*Staff Response: Item #31 has been removed from the list of miscellaneous code amendments prepared for the public hearing, but will remain on the list of possible future code amendments.*

- PC requested additional background information related to amendment item #34, related to expanding the ground floor office use exceptions to another subarea within the CBD 8 zone.

*Staff Response: Amendment item #34 is included in this package of miscellaneous code amendments per City Council direction provided at their October 6, 2020 regular meeting. Council direction was informed by a staff memorandum on Ground Floor Use Restrictions in the CBD 8 zone (see Attachment 3). It should be noted that staff has been informed that Overlake will not be leasing the particular ground floor space that initiated the Council inquiry. However, the PC should still consider the merits of the draft amendment as they relate to similar provisions in the CBD and make a recommendation to City Council.*

### **Draft Code Amendments**

A summary of the proposed amendments, with related descriptions and anticipated community impact, is included in Attachment 1. The proposed code language for each amendment item is included in Attachment 2. Following the PC's briefing on November 12, 2020, staff further analyzed each code amendment item and removed the below items from the list because they are unnecessary at this time or outside the scope of this project:

- Deferred item #6 (Subdivision Design Requirements for Lot Sizing) due to the complex nature of the code amendment task. Staff will maintain the item as a future code amendment.
- Omitted item #29 (Binding Site Plans) as the Kirkland Municipal Code is currently consistent with state regulations and a code amendment is unnecessary at this time.
- Deferred item #31 (Common Recreational Space Requirements for Certain Residential Uses) per Planning Commission direction to include in a package of amendments that will include broader public outreach.

Other changes to the miscellaneous code amendment list since the PC's briefing include the addition of clarification items related to recently adopted code amendments and now-obsolete terms or phrases. These additions are:

- Items #36 and #37 to clarify certain aspects of the recently amended ADU and Missing Middle Housing regulations. These were discussed by staff at the November 12<sup>th</sup> briefing.

- Item #38 to delete old critical area classifications rendered obsolete with recent Shoreline Management Plan code amendments.
- Item #39 to update the referenced title of the Active (formerly 'Nonmotorized') Transportation Plan and clarify ambiguous phrasing related to when public pedestrian walkway connections may be required in a subdivision.

### **State Environmental Policy Act (SEPA)**

To fulfill environmental review requirements, the proposed code amendments require the City to issue a SEPA addendum to the City of Kirkland 2015 Comprehensive Plan Update Draft and Final Environmental Impact Statement. The SEPA addendum is under review as of the packet publication date. Staff anticipates issuance of the SEPA addendum prior to the public hearing date.

### **Next Steps**

After conclusion of the public hearing, the Houghton Community Council (HCC) and Planning Commission (PC) have the following options for deliberation:

- Hold a joint deliberation discussion with HCC and PC prior to adjourning, or
- Adjourn the PC meeting, complete HCC deliberation, and make recommendation for PC to consider at future deliberation meeting in January 2021.

Following deliberation, the PC will make a recommendation to City Council on the proposed miscellaneous code amendments. The City Council is anticipated to consider and take action on the recommendation of the PC in early 2021.

### **Attachments:**

1. Summary Table - Miscellaneous Code Amendments
2. Draft Miscellaneous Code Amendments
  - Exhibit A: KZC Chapter 20 Permitted Uses and Density/Dimensions Table
  - Exhibit B: KZC Chapter 25 Permitted Uses and Density/Dimensions Table
  - Exhibit C: KZC Chapter 40 Permitted Uses Table
  - Exhibit D: KZC Chapter 15 Permitted Uses Table
3. CBD Ground-floor Retail Memorandum to City Council, September 24, 2020

cc: File Number CAM20-00616



GROUP A - CLARIFYING, CONSISTENCY, AND STREAMLINING AMENDMENTS

Amendment ID#	KMC/KZC	CHAPTER	SECTION	SUB-SECTION	SUB-SECTION	SUB-SECTION	DESCRIPTION OF PROPOSED AMENDMENT	COMMUNITY IMPACT	HCC JURISDICTION
1	KZC	10					<u>Legal Effect/Applicability</u> Add new section that allows administrative amendments by the Planning Director to correct federal or state code reference when the referenced codes are changed (i.e., renumbered).	Streamlines process to keep KZC up to date with state/federal code references.	Yes
2	KZC	20	20	60			<u>Medium Density Residential Zones</u> Clarify that the prohibition on stacked dwelling units applies only to RM 5.0 and RMA 5.0 zones, but that stacked dwelling units are allowed in all other RM zones.	Makes code easier to understand by using explicit language consistent with the current application of the code.	Yes
3	KZC	20	30	060			<u>Medium Density Residential Zones</u> Add footnote to clarify that 0' side setbacks are allowed for attached dwelling units in the RMA zones.	Makes code clearer by adding a footnote reference consistent with the current application of the code.	No
4	KMC	22	20	245			<u>Short Subdivisions Appeals</u> Remove the special requirement that appeals of short plats that involve dedication of a new through road are required to be heard by City Council (rather than standard appeal to Hearing Examiner). The revision would result in all short subdivision appeals being heard by the Hearing Examiner. Change requested by Council with adoption of Citywide connections map.	Makes appeal process consistent for all short plats.	Yes
5	KMC	22	20	340			<u>Subdivisions with final decision made by the Hearing Examiner</u> Allow Planning Director to sign final short plats decided on by the Hearing Examiner, rather than require the Hearing Examiner sign the recording documents.	Streamlines administrative processing of final short plats.	Yes
6	KMC	22	28	030			REMOVED FROM 2020 MISCELLANEOUS CODE AMENDMENT PACKAGE <u>Subdivision Design Requirements for Lot Sizing</u> Clarify applicability of lot size design options and simplify language for clarity.	Improves usability of subdivision code.	Yes
7	KMC	22	Various				<u>Subdivision decisional criteria</u> Update criteria to include all improvements identified in RCW 58.17.100 (add transit stops and sidewalks for walking to school).	Provides consistency with existing state requirements.	Yes

GROUP A - CLARIFYING, CONSISTENCY, AND STREAMLINING AMENDMENTS

Amendment ID#	KMC/KZC	CHAPTER	SECTION	SUB-SECTION	SUB-SECTION	SUB-SECTION	DESCRIPTION OF PROPOSED AMENDMENT	COMMUNITY IMPACT	HCC JURISDICTION
8	KMC	22	16	120			<u>Signing of plat documents</u> Allow the Planning Director to sign final plat documents as allowed under 2017 state legislation (SB 5674).	Streamlines administrative processing of final plats.	Yes
9	KZC	25	30	050			<u>High Density Residential Zones</u> Add footnote to clarify that 0' side setbacks are allowed for attached dwelling units in RMA zones.	Makes code clearer by adding a footnote reference consistent with the current application of the code.	No
10	KZC	25	20	050			<u>High Density Residential Zones</u> Remove requirement for Process I review for additional density in the PLA 6D zone. The Process I review was originally established based on the transition to higher densities and need for significant right-of-way improvements. Those conditions no longer exist as most of the zone has been redeveloped. The revision will make PLA 6D consistent with other medium and high density zones.	Streamlines review process to approve allowable density consistent with other multi-family zoning.	Yes
11	KZC	50	10	3			<u>Central Business District Zones</u> Revise code language to clarify that street-level retail, restaurant, and similar uses are <u>not</u> required along alleys and similar service access streets. See Zoning Interpretation 09-1. Previously codified but still needs clarification.	Provides greater clarity on existing practice.	No
12	KZC	75	5				<u>Historic Landmark Overlay Zone and Historic Residence Designation</u> Add a purpose statement to clarify intent of chapter.	Adds explanation for purpose of this chapter.	Yes
13	KZC	75	15				<u>Historic Landmark Overlay Zone and Historic Residence Designation</u> Remove language allowing "any member of the general public" to apply to designate a property as a Historic Landmark Overlay Zone; resulting in the property owner being the sole party allowed to apply for designation (consistent with who may apply to designate a historic residence).	Members of the general public cannot apply to designate a property with a historic landmark overlay unless they hold fee title to the subject property.	Yes
14	KZC	105	20				<u>Parking Space Requirements</u> Update parking requirements for multi-family in high-transit availability areas for consistency with new state law (RCW). Currently, in applicable areas, the Kirkland Zoning Code requires more parking spaces than allowed under the RCW for certain affordable units and for studio and one-bedroom units.	Minimal; in high-transit availability areas, the minimum amount of required parking for certain affordable units and for studio and one-bedroom multi-family units will be reduced based on state mandate.	Yes

GROUP A - CLARIFYING, CONSISTENCY, AND STREAMLINING AMENDMENTS

Amendment ID#	KMC/KZC	CHAPTER	SECTION	SUB-SECTION	SUB-SECTION	SUB-SECTION	DESCRIPTION OF PROPOSED AMENDMENT	COMMUNITY IMPACT	HCC JURISDICTION
15	KZC	105	103	3			<u>Modifications for vehicular and pedestrian improvements</u> Correct misreferenced code sections and delete duplicative criterion.	Corrects errors in code references and removes duplicative sections.	Yes
16	KZC	112	20	5			<u>Impact Fee Exemptions for Affordable Housing</u> Clarify that impact fee exemptions are only applicable to additional affordable housing provided beyond the basic requirement. Also, add possibility of school impact fee exemptions per KMC 27.08.050.	Provides consistency with KMC and clarifies available exemption within the KZC.	Yes
17	KZC	114	25	1	b		<u>Low Impact Development</u> Revise lapse of approval standards to be consistent with underlying Process I standards.	Makes code easier to understand by improving consistency.	Yes
18	KZC	115	136	1			<u>Size Limitations for Structures Abutting or Within Low Density Zones and Abutting Low Density Uses in PLA 17</u> Clarify which zones are subject to KZC 115.136 by listing those specific zones.	Makes code easier to understand by adding explicit references to applicable zones consistent with the current application of the code.	Yes
19	KZC	115	43	5			<u>Garage Requirements for Detached Dwelling Units in Low Density Zones</u> Add explicit language that a carport is not a "preexisting improvement" that can be utilized to receive a deviation from the subject requirements.	Makes code easier to understand by adding explicit reference to how carports are regulated consistent with the current application of the code.	No
20	KZC	115	10	5			<u>Definitions and Accessory Uses</u> Correctly reference the renamed Washington State Department of Children, Youth, and Families. KZC still includes references to the previous name, Department of Early Learning. Revise code to clarify that if a Family Childcare home does not require a license it must be otherwise permitted by DCYF.	Clarifies code language consistent with the current application of the code.	Yes
21	KZC	115	80	2	c		<u>Legal Building Site Criteria</u> Remove reference to KMC 22.29.042(f) that was removed from KMC with the Accessory Dwelling Unit code updates.	Makes code easier to understand by removing erroneous reference.	Yes

GROUP A - CLARIFYING, CONSISTENCY, AND STREAMLINING AMENDMENTS

Amendment ID#	KMC/KZC	CHAPTER	SECTION	SUB-SECTION	SUB-SECTION	SUB-SECTION	DESCRIPTION OF PROPOSED AMENDMENT	COMMUNITY IMPACT	HCC JURISDICTION
22	KZC	115	115	3	0		<u>Required Yards</u> Clarify that eaves and other building projections allowed under 115.115.3.d are allowed to extend into 5 foot setback when detached garages and/or DADUs are utilizing setback flexibility under 115.115.3.c. This serves to clarify only, and is consistent with how staff currently applies the code.	Makes code easier to understand by using explicit language for clarity on an existing practice.	Yes
23	KZC	115	115	5			<del>REMOVED FROM 2020 MISCELLANEOUS CODE AMENDMENTS PACKAGE</del> <del>Driveway standards</del> Clarify that paving in shared driveway areas is not subject to the driveway standards applied to individual private driveways (i.e., maximum width and required setbacks).	<del>Provides more flexibility and reduces design challenges for driveways where a shared driveways is used.</del>	Yes
24	KZC	118					<u>Hazardous Liquid Pipelines</u> Add requirement for development activity near a hazardous liquid pipelines to submit a Hold Harmless agreement indemnifying the City for any damage resulting from development activity on the subject property which is related to the pipeline. Intention is similar to required hold harmless agreements near geologically hazardous areas. The required agreement will not change development standards near hazardous liquid pipelines.	Makes code more predictable for users by adding an explicit requirement for a hold harmless agreement associated with development near hazardous liquid pipelines.	No
25	KZC	152	85	3			<u>Challenge to the Hearing Examiner's Recommendation</u> Revise code to simplify delivery requirements for parties filing a challenge of the Hearing Examiner's recommendation.	Simplifies process by providing more convenient notice delivery options for community members challenging a Hearing Examiner recommendation.	Yes
26	KZC	All					<u>All Chapters</u> Remove use of term "citizen" from the KZC and replace with "community member".	This revision would remove the term of "citizen" from the Zoning Code, which can be exclusive when interpreted as referring to a person's citizenship status. This revision will instead use a term like "resident, community member, or person" to be more inclusive of all the people our government serves.	Yes
27	KZC	Various					<u>Process IIB/IV/IVA Jurisdiction of the Houghton Community Council</u> Make 60-day HCC disapproval window language consistent with KMC 2.12.040(a).	Improves consistency with KMC and current practice.	Yes
28	KZC	Various					<u>Zoning Designations PLA 6c and BC</u> Remove references to zones PLA 6C and BC from KZC since zoning designations no longer exist.	Omits non-existent zoning designations.	Yes

**GROUP A - CLARIFYING, CONSISTENCY, AND STREAMLINING AMENDMENTS**

Amendment ID#	KMC/KZC	CHAPTER	SECTION	SUB-SECTION	SUB-SECTION	SUB-SECTION	DESCRIPTION OF PROPOSED AMENDMENT	COMMUNITY IMPACT	HCC JURISDICTION
29	KMC	22	04				REMOVED FROM 2020 MISCELLANEOUS CODE AMENDMENTS PACKAGE <u>Binding Site Plans</u> Amend binding site plan regulations to match state regulations	Provides consistency with existing state requirements.	Yes
36	KZC	15	20				<u>Missing Middle Housing Allowances in RSA Zones</u> Clarify that RSA zones can utilize the missing middle housing allowances pursuant to Chapter 113 of the Zoning Code, by clarifying the special regulation related to how many detached dwelling units are allowed on a single lot.	Makes code easier to understand by using explicit language consistent with the current application of the code.	No
37	KZC	113	25				<u>Missing Middle Front Yard Setbacks in RSX and RSA Zones</u> Clarify that Ch. 113 developments on lots with two front property lines or within the shoreline jurisdiction, have the same front yard setback flexibility as units developed as detached-dwelling units under Ch. 15.	Makes code easier to understand by using explicit language consistent with the current application of the code.	No
38	KMC	22					<u>Critical Areas within the Shoreline Jurisdiction</u> Delete obsolete references to old stream classifications.	Omits outdated code language.	Yes
39	KMC/ KZC						<u>Public Pedestrian Walkways</u> Amend obsolete terms and revise with specific instances when public pedestrian walkway connections may be required as part of subdivisions.	Clarifies ambiguous phrase and improves predictability for development requirements.	Yes

**GROUP B - MINOR/MODERATE POLICY AMENDMENTS**

Amendment ID#	KMC/KZC	CHAPTER	SECTION	SUB-SECTION	SUB-SECTION	SUB-SECTION	DESCRIPTION OF PROPOSED AMENDMENT	COMMUNITY IMPACT	HCC JURISDICTION
30	KMC	22	28	050			<u>Subdivision Design Requirements for Cottage Developments</u> Exempt cottage developments from minimum lot width.	Provides greater flexibility in lot design and configuration for cottage developments.	Yes
31	KZC	115	23				REMOVED FROM 2020 MISCELLANEOUS CODE AMENDMENTS PACKAGE <u>Common Recreational Space Requirements for Certain Residential Uses</u> Revise code to allow rooftop amenity space to count towards common recreational space requirements for multi-family development.	Provides more flexibility in options to provide common recreational space for residents, but may result in less private common recreational space being provided at grade. Lot coverage requirements will not be impacted by this change.	Yes
32	KZC	115	115	5	b	1	<u>Parking in Required Yards</u> Allow vehicle parking areas within required front yards for attached and stacked dwelling units, consistent with other uses.	Provides the same flexibility for attached and stacked dwelling units as is currently provided for other uses, and may result in less lot coverage on subject properties.	Yes
33	KZC	40	10				<u>Noise Studies in Industrial Zones</u> Consider consistently requiring a noise study for manufacturing and other potential noise generating businesses in light industrial zones – potentially only when abutting residential zones. The City already has the authority to require applicants to provide a noise study demonstrating how they comply with the maximum environmental noise levels in KZC 115.95, but has previously required studies on a case-by-case basis in Industrial zones.	Provides clearer requirement for future development applicants.	Yes

**GROUP B - MINOR/MODERATE POLICY AMENDMENTS**

Amend ment ID#	KMC/KZC	CHAPTER	SECTION	SUB-SECTION	SUB-SECTION	SUB-SECTION	DESCRIPTION OF PROPOSED AMENDMENT	COMMUNITY IMPACT	HCC JURISDI CTION
34	KZC	50	64	1			<u>Limited Ground Floor Office Use Exceptions for CBD 8</u> Expand the ground floor office use exceptions to another subarea within the CBD 8 zone, identified as "Study Area C" in a 2010-2011 review of ground floor retail requirements. Revisiting expanded flexibility for ground floor uses in this subarea was proposed at the direction of City Council at their October 6, 2020 meeting.	Provides more flexibility for certain types of office uses to occupy the ground floor in a portion of the CBD 8 zone, subject to pedestrian-oriented design standards	No
35	KZC	115	115	3	p		<u>Mechanical Units in Required Yards</u> Revise code to add flexibility for ground-mounted mechanical units to be installed within required front yards when screened, and to allow legally non-conforming units to be replaced on a like-for-like basis as a Planning Official decision. Both of these conditions are routinely approved through a Variance Exception process.	Reduces the process, time, and cost for applicants to receive more flexibility in locating ground-mounted mechanical units. Currently these locations can be allowed with a Variance Exception (Planning Director) decision, and such decisions have been approved in many cases where no alternative location for the unit exists.	Yes





## DRAFT MISCELLANEOUS CODE AMENDMENTS

*Amendments are shown in track changes. Where amendments are being made to a use zone table, those amendments are shown in Exhibits A-D to this document and noted as such below.*

### Amendment #1: Legal Effect/Applicability

KZC 10 (New Section)

#### 10.18 – Administrative Amendments

The Planning Director is authorized to revise citations in this code to maintain accurate references within this code and to other codes such as the Kirkland Municipal Code, Washington Administrative Code, Revised Code of Washington, and any other municipal, state, or federal code referenced herein.

### Amendment #2: Medium Density Residential Zones

KZC 20.20, Permitted Use (PU) Special Regulation 21

See Exhibit A for full KZC Chapter 20.20 Permitted Use table with amended text.

### Amendment #3: Medium Density Residential Zones

KZC 20.30.060, Required Side Yards Column

See Exhibit A for full KZC Chapter 20.30 Density/Dimensions table with amended text.

### Amendment #4: Short Subdivision Appeals

KMC 22.20.245 – Appeals to city council – When.

- (a) The city council will decide an appeal of the planning director's decision on a short subdivision ~~when under the following circumstances:~~
- (1) ~~As approved by the planning director, the short plat would result in the dedication of a new through public right-of-way (including a right-of-way designed for future connection) or the opening of an existing but previously unopened right-of-way; or~~
- (2) ~~The~~ the proposed short plat included a request for modification using the provisions of Chapter 22.24 for "innovative or unusual plats."
- (b) In the above circumstances, this section will govern the procedure for decision on appeal of the planning director's decision on a short subdivision. Such appeals will be heard and decided by the city council rather than by the hearing examiner. The procedures set forth in KZC 145.60 through 145.110 will still apply to the appeal; except, that whenever the term "hearing examiner" appears in those sections, the term "city council" will be substituted.

### Amendment #5: Subdivisions with final decision made by the Hearing Examiner

KMC 22.20.340 – Public hearing – Decision – Final.

The decision by the hearing examiner is the final decision of the city. ~~If the hearing examiner affirms the approval of the proposed short plat, the hearing examiner shall sign the short plat documents on behalf of the city.~~

#### **Amendment #7: Subdivision decisional criteria**

KMC 22.12.230 – Hearing examiner’s decision – Decisional criteria.

In addition to the decisional criteria identified in KZC 150.65(3), the hearing examiner may approve the proposed plat only if he/she finds that:

- (a) There is adequate provision for open spaces, drainageways, rights-of-way, easements, transit stops, water supplysupplies, sanitary waste, power service, parks, playgrounds and schools, including sidewalks and other planning features that assure safe walking routes to and from schools; and
- (b) It will serve the public use and interest and is consistent with the public health, safety and welfare. The hearing examiner shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17 RCW. (Ord. 3705 § 2 (part), 1999)

KMC 22.20.140 – Planning director’s decision – Criteria.

In addition to the decisional criteria identified in KZC 145.45(2), the planning director may approve the short subdivision only if:

- (a) There are adequate provisions for open spaces, drainageways, rights-of-way, easements, transit stops, water supplies, sanitary waste, power service, parks, playgrounds and schools, including sidewalks and other planning features that assure safe walking routes to and from schools; and
- (b) It will serve the public use and interest and is consistent with the public health, safety and welfare. The planning director shall be guided by the policy and standards and may exercise the powers and authority set forth in Chapter 58.17 RCW. (Ord. 3705 § 2 (part), 1999)

#### **Amendment #8: Signing of plat documents**

KMC 22.16.120 – Plat documents – Signed by city clerkplanning director.

Following approval of a final plat by the city council and subject to Section 22.16.100, the city clerkplanning director shall sign the plat signifying approval by the city.

#### **Amendment #9: High Density Residential Zones**

KZC 25.30.050, Required Yards Column

*See Exhibit B for full KZC Chapter 25.30 Density/Dimensions table with amended text.*

#### **Amendment #10: High Density Residential Zones**

KZC 25.20.050, PLA 6D Column

*See Exhibit B for full KZC Chapter 25.20 Permitted Uses table with amended text.*

#### **Amendment #11: Central Business District Zones**

KZC 50.10, GENERAL REGULATIONS

- 3. Except along alleys and similar service access streets, ~~T~~the street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Banking and Related Financial Services;

Entertainment, Cultural and/or Recreational Facility; Parks; Government Facility; or Community Facility. The street level floor of buildings south of Second Avenue South may also include Office Use. The required uses shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building on the abutting right-of-way, not including alleys and similar service access streets). Buildings proposed and built after April 1, 2009, and buildings that existed prior to April 1, 2009, which are at least 10 feet below the maximum height of structure, shall have a minimum depth of 10 feet and an average depth of at least 20 feet containing the required uses listed above.

The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the retail frontage will maximize visual interest. Lobbies for residential, hotel, and office uses may be allowed within this space subject to applicable design guidelines.

#### **Amendment #12: Historic Landmark Overlay Zone and Historic Residence Designation**

KZC 75 (New Section)

##### 75.08 – Historic Landmark Overlay Zone Designation – Intent

The intent of the Historic Landmark Overlay Zone designation is to encourage retention of historic improvements, objects or sites in order to enhance and protect the historic context and character of the city by allowing additional flexibility for allowed uses and nonconformances. In return, the designation ensures that the improvements, objects or sites would not be altered to a degree that the historic features are compromised.

#### **Amendment #13: Historic Landmark Overlay Zone Designation**

KZC 75.15 – Historic Landmark Overlay Zone Designation – Who May Apply/Special Fee Provision

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

#### **Amendment #14: Parking Space Requirements**

KZC 105.20 – Number of Parking Spaces

1. Minimum Spaces – The number of parking spaces required for a use is the minimum required. The applicant shall provide at least that number of spaces, consistent with the provisions of this chapter. If the required number of parking spaces results in a fraction, the applicant shall provide the number of spaces equal to the next higher whole number.
2. Exclusions – The square footage of pedestrian, transit, and/or bicycle facilities, and/or garages or carports, on the subject property shall not be included in the gross floor area calculation used to determine required number of parking stalls.
3. Guest Parking – For medium- and high-density residential uses, parking spaces in addition to the minimum required parking shall be required parking as follows:

- a. A minimum ten (10) percent of the total number of required parking spaces shall be provided for guest parking and located in a common area accessible by guests. If the required number of guest parking spaces results in a fraction, the applicant shall provide the number of spaces equal to the next higher whole number. If the result is a fraction that requires less than one guest stall, no guest parking stall is required if on-street parking is available within 600 feet of the subject property.
- b. Residential dwelling units with driveways that meet the minimum parking stall dimensional standards of this chapter and with an associated garage containing their respective required number of parking stalls may be excluded from the guest parking calculation required in subsection (3)(a) of this section since the driveway can be used to provide guest parking for the associated dwelling unit.
- c. Guest parking stalls located in a common area shall not be leased or assigned to residents.
- d. Guest parking stalls shall not be gated and shall be accessible to guests between 6:00 a.m. and 11:00 p.m.

4. Parking Space Reductions Near Transit – In accordance with RCW 36.70A.620, minimum parking space requirements for specified residential uses are reduced pursuant to subsections a-c below:

- a. For dwelling units that are affordable to very low-income households or extremely low-income households as defined by RCW 36.70A.030, and that are located within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, minimum parking requirements for one-bedroom and studio units are reduced to one parking space per one-bedroom unit and 0.75 space per studio unit. The city will require an applicant to record a covenant that prohibits the rental or sale of a unit subject to this parking reduction for any purpose other than providing for housing for very low-income or extremely low-income individuals.
- b. For senior citizen households or housing units specifically for people with disabilities that are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, minimum parking space requirements are eliminated for residents. Parking requirements for staff and visitors of such housing units will be established pursuant to KZC 105.25. The city will require an applicant to record a covenant that prohibits the rental or sale of a unit subject to this parking restriction for any purpose other than providing for senior citizen households or housing for people with disabilities.
- c. For market rate multifamily dwelling units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum parking requirements for one-bedroom and studio units are reduced to one parking space per one-bedroom unit and 0.75 space per studio unit.
- d. When utilizing parking space reductions for one-bedroom or studio units in above subsections a. and/or c., those dwelling units shall provide additional guest parking consistent with the requirements in KZC 105.20.3. The Planning Official may reduce or eliminate the number of required on-site guest parking spaces for those units where a peak occupancy analysis of on-street parking along the subject property's street frontage, using methodology approved by the City's Transportation Engineer, shows availability of an equal or greater number of available on-street parking spaces.

## **Amendment #15: Modifications for vehicular and pedestrian improvements**

### KZC 105.103 – Modifications

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

- a. For a modification to KZC 105.10 for vehicular access easements or tracts and for KZC 105.60~~(2)~~ ~~and~~ (3) and 105.97 for parking area design, the requirements may be modified if:
  - 1) The modifications will not affect the ability to provide any property with police, fire, emergency medical, or other essential services; and
  - 2) One (1) of the following requirements is met:
    - a) The modification is necessary because of a preexisting physical condition; or
    - b) The modification will produce a site design superior to that which would result from adherence to the adopted standard.
  - 3) Exception: KZC 105.10(2)(g) relating to screening for access easements or tracts will use the modification criteria ~~for buffering~~ in subsection ~~(3)(g)(3)(h)~~ of this section.
- b. For a modification to KZC 105.18 or 105.19 the requirements for pedestrian access may be modified if:
  - 1) The modification is necessary because of the size, configuration, topography or location of the subject property;
  - 2) The modification will provide for equal or improved pedestrian and bicycle safety and convenience; and
  - 3) The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.
- c. For a modification to KZC 105.20 and 105.45, a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study to be sufficient to fully serve the use. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the proposed use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City Transportation Engineer. The study shall provide at least two (2) days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City Transportation Engineer. Approval of a parking reduction shall be solely at the discretion of the City. A decrease in the minimum required number of spaces may be based in whole or part on the provision of nationally accepted TDM (transportation demand management) measures. Data supporting the effectiveness of the TDM measures shall be provided as part of the parking demand and utilization study and approved by the City Transportation Engineer.

For multifamily parking modifications in zones outside of the Totem Lake Urban Center, the parking demand rate result shall be increased by fifteen (15) percent and the resultant total shall then be subject to the visitor parking requirements in KZC 105.20(3).

For multifamily parking modifications in TL zones within the Totem Lake Urban Center, the parking demand rate total shall be subject to the visitor parking requirements in KZC 105.20(3), and the applicant must submit a Transportation Management Plan (TMP) for review and approval of the City Transportation Engineer. At a minimum, requirements for the TMP include:

- 1) A parking management plan for all stalls associated with the development; and
- 2) Confirmation that parking charges will be unbundled from the leases for the development.

The Planning Official shall not approve or deny a modification to decrease the number of parking spaces without first providing notice of the modification request to the owners and residents of property within 300 feet of the subject property and providing opportunity for comment. The Planning Official shall use mailing labels provided by the applicant, or, at the discretion of the Planning Official, by the City. Said comment period shall not be less than seven (7) calendar days. Properties located in the CBD 1A, 1B, 2, and 8 zones that receive parking modification approval under this section are not eligible to utilize the special parking provisions in KZC 50.60(3)(a), Certain Floor Area Exempt from Parking Requirements.

- d. For a modification to KZC 105.40, the requirements for parking area location may be modified if:
  - 1) The proposed parking area will have no adverse impacts on adjacent properties;
  - 2) It is reasonable to expect that the proposed parking area will be used by the subject use; and
  - 3) A safe pedestrian and/or shuttle connection exists, or will be created, between the subject use and the proposed parking area.
- e. For a modification to the landscape and buffer requirements for parking and driving areas, see Chapter 95 KZC.
- f. For a modification to KZC 105.60(1) for parking area design, the requirements may be modified if the reduced dimensions are supported by an adequate and thorough parking design and operational study demonstrating functional and user-friendly parking operations. The study shall be prepared by a licensed transportation engineer or other qualified professional and shall analyze the operational characteristics of the proposed parking, including parking maneuvers, queuing, turnover frequency, safety, and traffic volumes. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. Approval of reduced dimensions shall be solely at the discretion of the City.
- g. For a modification to KZC 105.77, the curbing requirement for parking areas and driveways may be modified if:
  - 1) The modification would result in superior landscaping and/or increased retention of significant natural vegetation;
  - 2) The modification will not result in increased hazards for pedestrians or vehicles; and
  - 3) The modification will not result in increased erosion of unpaved areas onto the parking area, driveway, or rights-of-way.
- h. ~~See Chapter 95 KZC for a modification of the buffering requirements for parking and driving areas.~~  
For a modification to KZC 105.10(2)(g), the screening requirements for access easements or tracts may be modified if:



- 1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or
  - 2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or
  - 3) The modification will provide a visual screen that is comparable or superior to the buffer required by KZC 105.10(2)(g).
- i. For a modification to KZC 105.100, the surface material requirement for parking areas and driveways may be modified if:
- 1) The surfacing material will not enter into the drainage system, or onto public or other private property; and
  - 2) The material will provide a parking surface which is usable on a year-round basis.

#### **Amendment #16: Impact Fee Exemptions for Affordable Housing**

##### KZC 112.20.5 – Basic Affordable Housing Incentives

##### 5. Impact Fee and Permit Fee Calculation –

- a. Applicants providing a greater number of affordable housing units or a greater level of affordability than is required by this code may request an exemption from payment of:
  - 1) road/Road impact fees ~~for the affordable housing units~~ as established by KMC 27.04.050; and
  - ~~2) Applicants providing affordable housing units may request an exemption from payment of p~~ark impact fees ~~for the affordable housing units~~ as established by KMC 27.06.050.The allowed exemption shall only apply to those units in excess of the minimum required by code unless the development will be utilizing public assistance targeted for low-income housing.
- b. Applicants providing affordable housing units may request an exemption from the payment of school impact fees as established by KMC 27.08.050.
- c. Applicants providing affordable housing units are eligible for exemption from various planning, building, plumbing, mechanical and electrical permit fees for the bonus units allowed under subsection (2)(c) of this section as established in KMC 5.74.070 and KMC Title 21.

#### **Amendment #17: Low Impact Development**

##### KZC 114.25.1.b – Lapse of Approval

- b. Lapse of Approval – Unless otherwise specified in the decision granting Process I approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the Process I approval within five (5) ~~four (4)~~ years after the final decision granting the Process I approval or that decision becomes void. The applicant must substantially complete construction consistent with the Process I approval and complete all conditions listed in the Process I approval decision within seven (7) ~~six (6)~~ years after the final decision on the Process I approval or the decision becomes void. “Final decision” means the final decision of the Planning Director.

**Amendment #18: Size Limitations for Structures Abutting or Within Low Density Zones and Abutting Low Density Uses in PLA 17**

KZC 115.136.1

1. ~~On properties located in~~ In zones ~~where the general regulations require compliance with this section where structure size limitations are established~~, any portion of a structure greater than 15 feet in height shall be no greater than 50 feet in length within 30 feet of the following:
  - a. A parcel in a low density zone, where the subject property is not in a low density zone;
  - b. A parcel within a low density zone containing a detached dwelling unit, where the subject property is in a low density zone;
  - c. A parcel within the PLA 17 zone containing a low density use; or
  - d. A parcel within PLA 3C containing an attached dwelling unit, where the subject property is in PLA 3C.

The structure's length shall be measured parallel to the property line separating the subject property from the abutting low density zone or use. See Plate 38 in Chapter 180 KZC. The 30-foot distance shall be measured from the perimeter property lines of the protected parcel where the zoning boundary is located in a right-of-way. Structures or portions thereof shall be treated as a single structure if any portions of the structures, other than those elements listed in subsection (2)(b) of this section, are located within 20 feet of each other.

**Amendment #19: Garage Requirements for Detached Dwelling Units in Low Density Zones**

KZC 115.43.5 – Deviation from Requirements

5. ~~Deviation from Requirements~~ Modification of Requirements– The Planning Official may ~~allow deviations from~~ modify the requirements of this section if the following criteria are met:
  - a. The modification is necessary because of the size, configuration, 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. For purposes of this modification from requirements, a carport shall not be considered a preexisting improvement; and
  - b. The modification supports the purpose and intent of the garage setback regulations; and
  - c. The modification includes design details that minimize the dominant appearance of the garage when viewed from the street, access easement or tract (for example, casings; columns; trellises; windows; surface treatments or color; single-stall doors; door offsets; narrowed driveway widths; and/or enhanced landscaping); and
  - d. The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.

## **Amendment #20: Accessory Uses and Definitions Related to WA State Department of Children, Youth, and Families**

### KZC 5.10.302 – Definition – Family Child-Care Home

A child-care operation in the family living quarters of the provider's home for no more than 12 children, not including family members who reside in the home or employees of the family child-care home, licensed by the Washington State Department of ~~Children, Youth, and Families~~Early Learning.

### KZC 115.10.5 – Family Child-Care Home

5. Family Child-Care Home – Pursuant to Chapter 43.215 RCW, a family child-care home is a permitted accessory use in any residential or commercial zone which allows residential use. A family child-care home shall be subject to the following regulations:
  - a. The family child-care home is subject to the requirements established by the Washington State Department of Children, Youth, and Families~~Early Learning~~ (DCYFEL) (WAC Title 170).
  - b. The family child-care provider shall be licensed by DCYFEL to operate a family child-care home.
  - c. A safe passenger loading area as certified by the DCYFEL licenser shall be provided.
  - d. The family child-care home shall comply with all applicable building, fire, safety, and health codes enforced by the City.
  - e. The family child-care home shall comply with all applicable use regulations of the Kirkland Zoning Code.
  - f. All signage shall conform with the applicable requirements of Chapter 100 KZC.
  - g. The City has the authority to limit the hours of operation to facilitate neighborhood compatibility.
  - h. Prior to receiving State licensing, the family child-care provider shall provide the City with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the family child-care home. The notification shall:
    - 1) Inform the notified parties that comments may be submitted to the DCYF~~Department of Early Learning~~; and
    - 2) Provide contact information for submitting such comments to the DCYF~~Department of Early Learning~~.
    - 3) The proof of notification shall be in the form of a written affidavit containing:
      - 1) a) The date and means of notification;
      - 2) b) A copy of the notification; and
      - 3) c) A list of the parties to whom the notification was distributed.

## **Amendment #21: Legal Building Site Criteria**

### KZC 115.80.2.c – Exception, Detached Dwelling Units

- c. The lot was created before the enactment of the lawful zoning code by King County; it was annexed to the City of Kirkland in 2011; the lot size is at least 60 percent of minimum lot size applicable under current Kirkland zoning; and development shall comply with the restrictions of KMC 22.28.042(d)~~and~~ (f); or

## **Amendment #22: Required Yards**

### KZC 115.115.3.o – Required Yards, Structures and Improvements

- 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.
  - 2) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may extend to the rear property line, if:
    - a) The lot is 50 feet wide at the rear property line on the alley;
    - b) The garage has side access with garage doors that are perpendicular to the alley;
    - c) The garage eaves do not extend over the property line; and
    - d) The garage complies with KZC 115.135, which regulates sight distance at intersections.
  - 3) Garages and detached accessory dwelling units without alley access may be located no closer than five (5) feet of the rear property line; provided, that:
    - a) The portion of the structure that is located within the required rear yard is no taller than 15 feet above average building elevation; and
    - b) The rear yard does not abut an access easement that is regulated as a rear property line.
  - 4) Detached accessory dwelling units may be located within five (5) feet of an alley.
- 5) Structures permitted under this subsection may include the elements allowed in required yards identified in KZC 115.115.3.d; provided, that:
  - a) The elements do not extend more than 18" from the structure permitted herein;
  - b) The elements do not extend over the rear property line; and
  - c) The total horizontal dimension of the elements, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure.

## **Amendment #24: Hazardous Liquid Pipelines**

### KZC 118.40 – Development Permit Application Submittal Requirements

For all activities requiring a development permit:

- 1. The applicant shall show the hazardous pipeline corridor and applicable setbacks on site plans, subdivisions and short subdivisions for proposed development on properties to which this chapter applies.
- 2. The applicant shall provide verification that the pipeline operator has received and reviewed the development notice required in KZC 118.30. All comments provided by the operator shall be submitted or the operator shall confirm in writing that the operator has no comments.
- 3. Prior to issuance of any development permit, the applicant shall enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage

resulting from development activity on the subject property which is related to a hazardous liquid pipeline.  
The agreement shall be recorded with the King County Recorder's Office.

### **Amendment #25: Challenge to Hearing Examiner's Recommendation**

KZC 152.85.3 – How and When To File a Challenge

#### **3. How and When To File a Challenge**

- a. The challenge may be filed by delivering it to the Planning and Building Department, together with the fee established by ordinance, within seven (7) calendar days of the date of distribution of the Hearing Examiner's recommendation on the application; provided, that if the seventh day falls on a Saturday, Sunday, or legal holiday, the seventh day of the challenge period shall be extended through the next day on which the City is open for business.
- b. Prior to delivery under subsection (3)(a) of this section, ~~The the~~ person filing the challenge shall, ~~prior to delivery under subsection (3)(a) of this section,~~ mail, via postal service or electronically, or personally deliver a copy of the challenge and a notice of the deadline for responding to the challenge as established in subsection (3)(c) of this section to those persons described in subsection (1) of this section. Proof of delivery ~~by mail or personal delivery~~ shall be by affidavit attached to the copy of the challenge letter filed with the Planning and Building Department pursuant to subsection (3)(a) of this section.
- c. Any person receiving a copy of the challenge letter, pursuant to subsection (3)(b) of this section, may file a written response to the challenge. Such response shall be submitted to the Planning and Building Department within seven (7) calendar days after the day the challenge letter was filed with the Planning and Building Department.
- d. Any person filing a response pursuant to this section shall mail, via postal service or electronically, or personally deliver a copy of the response to those persons described in subsection (1) of this section. Proof of delivery ~~by mail or personal delivery~~ shall be by affidavit attached to the copy of the response to the challenge letter filed with the Planning and Building Department pursuant to subsection (3)(a) of this section.

### **Amendment #26: Removal of term "citizen" from Zoning Code**

KZC 90.35.9.h

- h. Community Citizen volunteers doing restoration must be under the direct supervision of City staff.

KZC 90.40.6.f(6)

- 6) For public restoration, community citizen volunteers doing restoration must be under the direct supervision of City staff;

KZC 130.10.1.c

- c. It is initiated by either the City or another party and will implement a citizencommunity-initiated amendment to the Comprehensive Plan approved pursuant to Chapter 140 KZC.

KZC 135.20

135.20 Threshold Determination for ~~CitizenCommunity~~-Initiated Proposals Associated with Amendments to the Comprehensive Plan

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

KZC 135.23

City or ~~citizencommunity~~-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.

KZC 140.20

140.20 Threshold Determination for ~~CitizenCommunity~~-Initiated Requests

1. General – The Planning and Building Department can establish a deadline for submitting ~~citizencommunity~~-initiated requests. Applicants will be required to submit an application, a review fee and any other pertinent information determined necessary to consider the request. The ~~citizencommunity~~-initiated requests shall only be considered in conjunction with the City's regular review of the Comprehensive Plan described in KZC 140.45.

2. Process – ~~CitizenCommunity~~-initiated requests require a 2-step review process using Process IV described in Chapter 160 KZC:

- a. A threshold review to determine those proposals that are eligible for further consideration; and
- b. A final decision.

KZC 140.25

For both City and ~~citizencommunity~~-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan;

KZC 160.20.1

1. General – The City Council shall make a threshold review of each ~~citizencommunity~~-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.

**Amendment #27: Process IIB/IV/IVA Jurisdiction of the Houghton Community Council**

KZC 152.100.2

2. Disapproval Jurisdiction – If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, that approval 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 the application within 60 calendar days after of City Council's ~~adopts final enactment of~~ the ordinance or resolution granting the application. The vote to disapprove the application must be approved by resolution by a majority of the entire membership of the Community Council.

KZC 160.95.1

1. General – If the City Council approves a resolution or ordinance within the disapproval jurisdiction of the Houghton Community Council, that resolution or 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 resolution or ordinance within 60 days after of final enactment by City Council ~~approval~~. The vote to disapprove the resolution or ordinance must be approved by resolution by a majority of the entire membership of the Community Council.

KZC 161.95.1

1. 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 of final enactment by 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.



### **Amendment #28: Zoning Designations PLA6C and BC**

Various KZC sections

*All obsolete references to zoning classifications PLA6C and BC will be deleted.*

### **Amendment #30: Subdivision Design Requirements for Cottage Developments**

KMC 22.28.050 – Lots – Dimensions.

Lots must be of a shape so that reasonable use and development may be made of the lot. Generally, the depth of the lot should not be more than twice the width of the lot. In no case shall a lot be less than fifteen feet in width where it abuts the right-of-way, vehicular-access easement or tract providing vehicular access to the subject lot. For lots smaller than five thousand square feet in size located in “low density zones” as defined in the Zoning Code, the lot width at the back of the required front yard shall not be less than fifty feet unless the garage is located at the rear of the lot or the lot is a flag lot. A covenant shall be signed prior to the recording of the plat to ensure that the garage will be located at the rear of the lot if this option is chosen. This lot width requirement shall not apply to lots developed pursuant to the Cottage, Carriage, or Two/Three-Unit Homes Regulations in KZC 113.

### **Amendment #32: Parking in Required Yards**

KZC 115.115.5.b – Attached and Stacked Dwelling Units (Except Duplexes) and Assisted Living Facilities in Residential Zones

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 – Vehicles may be parked in the required front or rear yard if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least 18 inches in width. This landscape strip may be interrupted by a walkway or pavers providing a lateral connection from the driveway to other hard-surfaced areas, as long as such walkway or pavers do not exceed five (5) feet in width. A driveway and/or parking area shall not be closer than five (5) feet to any side property line (see Plate 14); provided:
      - a) That where access to a legally established lot is provided by a panhandle or vehicle access easement measuring less than 20 feet in width, a driveway not exceeding 10 feet in width, generally centered in the panhandle or access easement, shall be permitted (see Plate 14A); and

- b) That for 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) That any driveway which generally parallels a right-of-way or easement road shall be set back at least five (5) feet from the right-of-way or easement, except for a 20-foot-wide section where the driveway connects with the right-of-way or easement. Such driveway shall not have a width of more than 10 feet within the front or rear yard (see Plate 14B) and shall be separated from other hard-surfaced areas located in the front or rear yard by a landscape strip at least five (5) feet in width. Where more than one (1) driveway is permitted within a front or rear yard, those driveways shall be separated by a landscape strip at least five (5) feet in width.
- 2) Exception – Driveways and/or parking areas may exceed 20 feet in width if:
- a) The driveway/parking area serves a 3-car garage; and
  - b) The subject property is at least 60 feet in width; and
  - c) The garage(s) is (are) located no more than 40 feet from the front property line; and
  - d) The driveway/parking area flares from 20 feet at the property line to a maximum of 30 feet in width.
- 3) The Planning Official may approve a modification to the driveway and/or setback requirements in subsection (5)(a)(1) of this section if:
- a) The Public Works Department requires an on-site vehicular turnaround adjacent to the driveway, which must be the minimum necessary dimension as determined by the Public Works Department; or
  - b) The existing topography of the subject property or the abutting property decreases or eliminates the need for the setback; or
  - c) The location of pre-existing improvements or vegetation on the abutting site eliminates the need for or benefit of a setback; and
  - d) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.
- ~~b. Attached and Stacked Dwelling Units (Except Duplexes) and Assisted Living Facilities in Residential Zones~~
- ~~1) Vehicle parking areas shall have a minimum 20-foot setback from all front property lines and meet the minimum required setbacks from all other property lines for that use.~~
  - ~~2) Driveways shall have a minimum 5-foot setback from all property lines, except for the portion of any driveway which connects with an adjacent street.~~
- ~~eb.~~ Vehicle parking areas for schools and day-care centers greater than 12 students shall have a minimum 20-foot setback from all property lines.
- ~~dc.~~ Other Uses – Parking areas and driveways for uses other than those addressed in subsections (5)(a), ~~and (b), and (c)~~ of this section may be located within required setback yards, but, except for the portion of any driveway which connects with an adjacent street, not closer than five (5) feet to any property line. Where this provision conflicts with a regulation of a specific zone, the regulation of the specific zone shall govern.

- ed. Shared Parking and Shared Driveways – If a parking area or driveway serves two (2) adjacent uses, the shared parking area or driveway may be anywhere in the required setback yard between the uses.
- fe. Exceptions for Projects Requiring Design Review – If a project is reviewed through design review pursuant to Chapter 142 KZC, the driveway shall comply with parking area location and design requirements as determined by the Design Review Board.

### **Amendment #33: Noise Studies in Industrial Zones**

KZC 40.20– Permitted Uses

See Exhibit C for full KZC Chapter 40.20 Permitted Uses table with amended text.

### **Amendment #34: Limited Ground Floor Office Use Exceptions for CBD 8**

KZC 50.64.1

1. This section provides limited exceptions to ground floor office use restrictions in CBD 3 and that portion of CBD 8 located within 110 feet of Market Street or within 175 feet of 3<sup>rd</sup> Street.
2. On the street level floor of buildings in these subareas, the Planning Director may approve certain office uses determined to complement existing pedestrian-oriented uses in the CBD. The applicant must demonstrate that the proposed type of office use is primarily oriented to serving visiting customers and that the design of the street frontage will maximize visual interest. Examples of such uses may include offices for medical, dental, veterinarian, travel agency, and real estate sales but not include offices for administrative, management, medical labs, attorneys, and accountants. The interior space shall orient to the storefront by placing lobby, reception, or accessory sales uses to the front and avoiding uses in the storefront area that would require window coverings.

In the CBD 3 or CBD 8 zones, if an office use is approved pursuant to this section, the required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.

### **Amendment #35: Mechanical Units in Required Yards**

KZC 115.115.3.p – Structures and Improvements Allowed in Required Yards

- p. HVAC and similar types of mechanical equipment may be placed no closer than five (5) feet to a front, side, or rear property line, ~~and may only be located in a required front yard for single-family residential uses pursuant to subsection 2 below~~ ~~and shall not be located within a required front yard~~; provided, that such equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC and similar types of mechanical equipment shall meet the standards below:

  - 1) For properties other than single-family residential, HVAC and similar types of mechanical equipment shall be surrounded by landscaping or a solid screening enclosure, or located in such a manner that they are not visible from adjoining properties or rights-of-way; and

- 2) HVAC and similar types of mechanical equipment may be located in required front yards when there is no feasible alternative location outside of the required front yard, provided that such equipment shall be surrounded by landscaping or a solid screening enclosure, or located in such a manner that they are not visible from adjoining properties or rights-of-way.
- 23) The HVAC and similar types of mechanical equipment shall not violate KZC 115.95 (Noise Regulations) or KZC 115.100 (Odor), or create undue heat or vibration on the adjoining property.
- 4) The Planning Official may approve a modification to the locational provisions in this section for HVAC and similar types of mechanical equipment that are replacing legally nonconforming equipment where no increase in the footprint of the equipment is proposed.

### **Amendment #36: Missing Middle Housing Allowances in RSA Zones**

KZC 15.20, Permitted Use (PU) Special Regulation 8

See Exhibit D for full KZC Chapter 15.20 Permitted Uses table with amended text.

### **Amendment #37: Missing Middle Front Yard Setbacks in RSX and RSA Zones**

KZC 113.25 (not effective in Houghton Community Municipal Corporation), Development Chart for Cottages, Carriage Units and Two/Three-Unit Homes – Minimum Required Yards Row

Please refer to KZC 113.30, 113.35 and 113.40 for additional requirements related to these standards.

	<u>Cottage</u>	<u>Carriage</u>	<u>Two/Three-Unit Home</u>
Max Unit Size	1,700 square feet <sup>1, 2</sup>	800 square feet located above a garage structure in a <u>cottage</u> housing development	Maximum size of a two- or three-unit home is determined by the <u>floor area ratio</u> (F.A.R.) in the underlying zone <sup>3</sup>
Density	Two times the maximum number of <u>detached dwelling units</u> allowed in the underlying zone <sup>4, 5, 6, 7</sup>		
Max <u>Floor Area Ratio</u> (F.A.R.) <sup>8</sup>	Equal to the base zoning allowance for <u>single-family residences</u>		
Development Size <sup>9</sup>	Min. 2 units Max. 24 units	Allowed when included in a <u>cottage</u> project; reviewed as part of <u>cottage</u> project	No development size limitation
	Maximum cluster: 12 units		
Review Process	None		None
Minimum <u>Lot Size</u>	Beyond density restrictions, there is no required minimum <u>lot size</u> for lots created through the subdivision process. (The number of allowed units on the subject property is determined by the density provision of this chart.)		

	<u>Cottage</u>	<u>Carriage</u>	<u>Two/Three-Unit Home</u>
Parking Requirements <sup>10</sup>	<p>Provided a development is within one-half mile of transit service with 15-minute headways during commute hours: 1 space per unit</p> <p>Provided a development is more than one-half mile from transit service with 15-minute headways during commute hours:</p> <p>Units which are 1,000 square feet or less = 1 space per unit</p> <p>Units which are over 1,000 square feet = 1.5 spaces per unit</p> <p>See KZC 105.20 for visitor parking</p> <p>One attached ADU = no additional on-site space required</p>		
Minimum <u>Required Yards</u> (from exterior <u>property lines</u> of subject property)	Front: 20' <a href="#">13, 14, 15</a> Side: 5' Rear: 10'	Must be included in a <u>cottage</u> project	Front: 20' Side: 5' Rear: 10'
Lot Coverage (all <u>impervious surfaces</u> ) <sup>11</sup>	Equal to the base zoning allowance for <u>single-family residences</u>	Must be included in a <u>cottage</u> project	Equal to the base zoning allowance for <u>single-family residences</u>
Height <u>Dwelling Units</u> <u>Accessory Structures</u>	Equal to the base zoning allowance for <u>single-family residences</u> One <u>story</u> , not to exceed 18' above A.B.E.		
Tree Retention	The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter.		
Common <u>Open Space</u>	300 square feet per unit for <u>cottage</u> developments containing 5 or more units and not required for <u>duplexes</u> or <u>triplexes</u> . Can be reduced to 200 square feet per unit if a permanent recreational/communal feature, such as cooking facilities, play equipment or permanent outdoor furniture, is provided. Private <u>open space</u> is also encouraged (see KZC 113.35).		
Community Buildings	Community buildings are encouraged. See KZC 113.30 for further regulations.		
Attached Covered Porches <sup>12</sup>	Each unit must have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 7' on all sides.	NA	Attached covered porches are encouraged as a design feature.
Development Options	Subdivision Condominium		

	<u>Cottage</u>	<u>Carriage</u>	<u>Two/Three-Unit Home</u>
	Rental or Ownership		
<u>Accessory Dwelling Units</u> (ADUs)	Allow attached ADUs as part of a <u>cottage</u> or two-/three-unit home development.		

<sup>1</sup> A covenant restricting any increases in unit size after initial construction shall be recorded against the property. Vaulted space may not be converted to habitable space.

<sup>2</sup> Maximum size for a cottage is 1,700 square feet. A cottage may include an attached garage, not to exceed an additional 250 square feet, and is not included in the maximum square footage limitation.

<sup>3</sup> Maximum size for a two- or three-unit home:

a. Regulated by the floor area ratio (F.A.R.) of the underlying zone. In the disapproval jurisdiction of the Houghton Community Council, where F.A.R. is not applicable, maximum unit size is limited to applicable development regulations found in the underlying zone.

<sup>4</sup> Existing detached dwelling units may remain on the subject property and will be counted as units.

<sup>5</sup> When the conversion from detached dwelling units to equivalent units results in a fraction, the equivalent units shall be limited to the whole number below the fraction.

<sup>6</sup> See KZC 90.170 for density calculation on a site which contains a wetland, stream, minor lake, or their buffers.

<sup>7</sup> To determine equivalent units for a two- or three-unit home, the following formula will be used: Lot area/min. lot size per unit in underlying zone x 2 = maximum units (always round down to nearest whole number).

*Example (RS 7.2 zone): 12,500/7,200 = 1.7 x 2 = 3.4 units, rounded down to 3 units.*

<sup>8</sup> F.A.R. regulations:

a. F.A.R. regulations are calculated using the "buildable area" of the site, as defined in KZC 90.170. Where no critical areas regulated under Chapter 90 KZC exist on the site, F.A.R. regulations shall be calculated using the entire subject property, except as provided in subsection (b) of this footnote.

b. Where native growth protective easements (NGPEs) for slopes result in a restricted area for development, density may be limited to ensure that the F.A.R. on the developed portion of the site remains compatible with surrounding development and generally consistent with the F.A.R. limitation of this chapter.

c. F.A.R. for individual lots may vary. All structures on site, other than median income units and any attached garages for the median income units provided under KZC 113.40, shall be included in the F.A.R. calculation for the development.

<sup>9</sup> Cluster size for cottage developments is intended to encourage a sense of community among residents. A development site may contain more than one cluster, with a clear separation between clusters.

<sup>10</sup> See KZC 105.20 for requirements related to guest parking.

<sup>11</sup> Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.

<sup>12</sup> Requirements for porches do not apply to carriage or two-/three-unit homes.

<sup>13</sup> On corner lots in RSX and RSA zones, 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.

<sup>14</sup> On lots with two front yards that are essentially parallel to one another in RSX and RSA zones, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 feet). The front yard shall be the yard adjacent to the front facade of the dwelling unit.

<sup>15</sup> For properties within the jurisdiction of the Shoreline Management Act that have a shoreline setback requirement as established in Chapter 83 KZC and the setback requirement is met, the minimum required front yard is either: 10 feet or the average of the existing front yards on the properties abutting each side of the subject property. For the reduction in front yard, the shoreline setback is considered conforming if a reduction in the required shoreline setback is approved through KZC 83.380.

### **Amendment #38: Critical Areas within the Shoreline Jurisdiction**

#### KMC 22.08 – Definitions

22.08.054 ~~Class A streams~~Repealed.

22.08.055 ~~Class B streams~~Repealed.

22.08.056 ~~Class C streams~~Repealed.

22.08.190 ~~Primary basins~~Repealed.

22.08.054 Class A streams.

Repealed. For “Class A streams,” see definition in Chapter 83 KZC for properties within jurisdiction of the Shoreline Management Act.

22.08.055 Class B streams.

Repealed. For “Class B streams,” see definition in Chapter 83 KZC for properties within jurisdiction of the Shoreline Management Act.

22.08.056 Class C streams.

Repealed. For “Class C streams,” see definition in Chapter 83 KZC for properties within jurisdiction of the Shoreline Management Act.

22.08.190 Primary basins.

Repealed. “Primary basins” means the watersheds associated with the following seven creeks: (1) Juanita Creek, (2) Forbes Creek, (3) Cochran Springs Creek, (4) Yarrow Creek, (5) Carillon Creek, (6) Denny Creek, and (7) Champagne Creek for properties within jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.

#### KMC 22.28.200 – Preservation of natural features – Land adjacent to streams, lakes or wetlands.

The city may require that any area adjacent to a Type F, NP or Ns stream under Chapter 90 KZC ~~or Class A, B and C stream for properties within a jurisdiction of the Shoreline Management Act under Chapter 83 KZC,~~ a lake, or a wetland be kept in its natural or preexisting state if this is reasonably necessary to prevent hazards to persons or property. In addition, the city may also require that areas around Type F, NP and Ns streams under



Chapter 90 KZC ~~or Class A, B, and C streams for properties within jurisdiction of the Shoreline Management Act under Chapter 83 KZC~~, lakes, wetlands, frequently flooded areas or fish and wildlife habitat conservation areas be kept in their natural or preexisting state if this is reasonably necessary to protect unique and valuable environments.

### **Amendment #39: Public Pedestrian Walkways**

KMC 22.28.170 – Access – Walkways

(a) The city may require the applicant to install pedestrian walkways in those instances identified in KZC 105.19 ~~any of the following circumstances:~~

- ~~(1) If a walkway is indicated as appropriate in the comprehensive plan;~~
- ~~(2) If the walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the city;~~
- ~~(3) Midblock pedestrian access may be required if blocks are unusually long.~~

(b) Pedestrian access shall be provided by means of dedicated rights-of-way, tracts or easements at the city's option.

KZC 105.19 – Public Pedestrian Walkways

1. Public Pedestrian Walkways – Location – In addition to the pedestrian walkways required in KZC 105.18, the City may require the applicant to install pedestrian walkways for use by the general public on the subject property and dedicate public pedestrian access rights in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:

- a. A pedestrian connection is indicated as appropriate in the Comprehensive Plan or ~~Nonmotorized~~ Active Transportation Plan; or designated elsewhere in this code; or
- b. A walkway is reasonably necessary to provide efficient pedestrian access to ~~an designated~~ activity center of the City, such as schools, parks, shopping areas, employment centers, or ~~to~~ transit; or
- c. A through-block pedestrian pathway where specifically required in Design Districts; or
- d. A through-block pedestrian pathway if blocks are unusually long; or
- e. Pedestrian access is necessary to connect between:
  - i. Existing or planned dead-end streets; or
  - ii. Through streets; or
  - iii. An existing street and the Cross Kirkland Corridor or Eastside Rail Corridor; or
  - iv. Other public pedestrian access walkways.

### **EXHIBITS**

- A. KZC Chapter 20.20 and 20.30
- B. KZC Chapter 25.20 and 25.30
- C. KZC Chapter 40.20
- D. KZC Chapter 15.20

**20.20 Permitted Uses**

**Permitted Uses Table – Medium Density Residential Zones**

(RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; WD I; WD III; PLA 2; PLA 3B; PLA 6F, PLA 6H, PLA 6K; PLA 7C; PLA 9; PLA 15B; PLA 17)

(See also KZC 20.30, Density/Dimensions Table, and KZC 20.40, Development Standards Table)

Use		<b>Required Review Process:</b>  I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC  IIB = Process IIB, Chapter 152 KZC None = No Required Review Process  NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
		RM, RMA	WD I	WD III	PLA 2	PLA 3B	PLA 6F	PLA 6H	PLA 6K	PLA 7C	PLA 9	PLA 15B	PLA 17
20.20.010	Assisted Living Facility	None 1, 2, 3, 4, 5	I 3, 4	I 3, 4	NP	IIB 3, 4	None 3, 4, 5	IIA 3, 4, 5	None 3, 4, 5	None 3, 4, 5	NP	NP	IIA 3, 4, 5, 8
20.20.020	Boat Launch (for nonmotorized boats)	NP	I 6	I 6	NP	NP	NP	NP	NP	NP	NP	NP	NP
20.20.030	Church	IIA 2, 14	NP	NP	NP	NP	IIA	IIA	IIA	IIA	IIA	IIA	14, 15, 16
20.20.040	Community Facility	IIA 2, 17, 18	IIA	IIA	IIB 17	IIB	IIA	IIA	IIA	IIA	IIA	IIA 17	15, 16
20.20.050	Convalescent Center	IIA 2, 4	NP	NP	NP	NP	IIA 4	IIA 4	IIA 4	IIA 4	IIA	NP	IIA 4, 16, 17
20.20.060	Detached, Attached, or Stacked Dwelling Units	None 2, 21, 22, 23, 44	I	I 9	IIB 9	IIB 9	None	IIA	None	None	IIB 7	9, 11, 12	IIA 8, 9, 13
20.20.070	Detached Dwelling Unit	None 24	None	None	NP	None	None 24	None 24	None 24	None 24	None 24	None	None 24
20.20.080	Entertainment, Cultural and/or Recreational Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	IIB 25, 26	NP	NP
20.20.090	Golf Course	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	IIA 16, 17, 19, 20
20.20.100	Government Facility	IIA 2, 17	IIA	IIA	IIA 17	IIB	IIA	IIA	IIA	IIA	IIA	IIA 17	15, 16
20.20.110	Grocery Store, Drug Store, Laundromat, Dry	IIA 27	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

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Use		<b>Required Review Process:</b>  I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC  IIB = Process IIB, Chapter 152 KZC None = No Required Review Process  NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
		RM, RMA	WD I	WD III	PLA 2	PLA 3B	PLA 6F	PLA 6H	PLA 6K	PLA 7C	PLA 9	PLA 15B	PLA 17
	Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop												
20.20.120	Hotel or Motel	NP	NP	NP	NP	IIB 10	NP	NP	NP	NP	NP	NP	NP
20.20.130	Marina	NP	I 6, 28	NP	NP	I 6, 28	NP	NP	NP	NP	NP	NP	NP
20.20.140	Mini-School or Mini-Day-Care Center	None 2, 29, 30, 31, 32, 33	NP	NP	IIB 30, 31, 33, 34, 35	NP	None 30, 31, 33, 34, 35	None 30, 31, 33, 34, 35	None 30, 31, 33, 34, 35	None 30, 31, 33, 35	IIA 30, 31, 33, 34, 35	None 30, 31, 33, 35	I 16, 30, 31, 33, 34, 36
20.20.150	Nursing Home	IIA 2, 4	NP	NP	NP	NP	IIA 4	IIA 4	IIA 4	IIA 4	IIA	NP	IIA 4, 16, 17
20.20.160	Office Use	NP	NP	NP	NP	NP	NP	NP	NP	NP	IIB 25, 37, 38, 39	NP	NP
20.20.170	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	I 6	I 6	I 6	NP	I 6	NP	NP	NP	NP	NP	NP	NP
20.20.180	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	NP	I 6	I 6	NP	I 6	NP	NP	NP	NP	NP	NP	NP
20.20.190	Public Access Pier, Boardwalk, or Public Access Facility	NP	I 6	I 6	NP	I 6	NP	NP	NP	NP	NP	NP	NP
20.20.200	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50.40											
20.20.210	Public Utility	IIA 2, 17, 18	IIA	IIA	IIA 17	IIB	None	IIA	IIA	IIA	IIA	IIA 17	15, 16
20.20.220	Restaurant or Tavern	NP	IIA 41, 42	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
20.20.230	School or Day-Care Center	IIA 2, 29, 30,	NP	NP	NP	NP	IIA 30, 33, 34,	IIA 30, 33, 34,	IIA 30, 33, 34,	IIA 30, 33, 35,	IIA 30, 33, 34,	IIA 30, 33, 34,	15 16, 30, 33,

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Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
		RM, RMA	WD I	WD III	PLA 2	PLA 3B	PLA 6F	PLA 6H	PLA 6K	PLA 7C	PLA 9	PLA 15B	PLA 17
		32, 33, 43					35, 43	35, 43	35, 43	43	35, 43	35, 43	34, 36, 43
20.20.240	Water Taxi	NP	I 6	I 6	NP	NP	NP	NP	NP	NP	NP	NP	NP

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**Permitted Uses (PU) Special Regulations:**

- PU-1. Not permitted in RM 5.0 or RMA 5.0.
- PU-2. Within the Rose Hill Business District (RHBD), D.R., Chapter 142 KZC.
- PU-3. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-4. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is combined with an assisted living facility use, the required review process shall be the least intensive process between the two uses.
- PU-5. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside.
- PU-6. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.
- PU-7. Stacked Dwelling Units are not allowed.
- PU-8.
  - a. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation.
  - b. West of Forbes Lake, site design should provide for the continuation of a bicycle or pedestrian path which generally follows the alignment of Slater Avenue NE and extending south to NE 90th Street.
  - c. Adjacent to Forbes Lake, new development should provide for public access to the lake in appropriate locations. Public access should be limited to passive uses, such as walking trails or viewpoints.
  - d. No vehicular connection through this subarea to NE 90th Street is permitted.
  - e. Viewpoints and interpretive information around streams and wetlands should be provided where possible. These features shall be permitted only where protection of natural features can be reasonably assured.
- PU-9. Detached Dwelling Units are not allowed as part of a development containing Attached or Stacked Dwelling Units.
- PU-10.
  - a. The hotel or motel use may include ancillary meeting and conference facilities for the resident clientele and guests of residents, but not the general public.
  - b. The hotel or motel use may not include restaurant, retail, or office uses.
- PU-11. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA 15A and PLA 15B, which are owned by the applicant. The Master Plan will be approved in two stages:
- a. The first stage will result in approval of a Preliminary Master Plan using Process IIB, Chapter 152 KZC. The Preliminary Master Plan shall consist of at least the following:

- 1) A site plan which diagrammatically shows the general location, shape and use of the major features of development.
- 2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the Final Master Plan. The majority of the public use and access areas and off-site right-of-way improvements shall be included in the initial phases of the Final Master Plan.

In approving the Preliminary Master Plan, the City shall determine the appropriate review process for the Final Master Plan. The City may determine that the Final Master Plan be reviewed using Process IIA, Chapter 150 KZC, if the Preliminary Master Plan shows the placement, approximate dimensions and uses of all structures, vehicular and pedestrian facilities, open space and other features of development. Otherwise, the Final Master Plan shall be reviewed using Process IIB, Chapter 152 KZC.

- b. The second stage will result in approval of a Final Master Plan using Process IIA, Chapter 150 KZC, or Process IIB, Chapter 152 KZC, as established by the Preliminary Master Plan. The Final Master Plan shall set forth a detailed development plan which is consistent with the Preliminary Master Plan. Each phase of the Master Plan shall set forth a schedule for obtaining building permits for and construction of that phase.
- PU-12.
- a. Must be developed in conjunction with property in Planned Area 15A.
  - b. Vehicular circulation on the subject property must be designed to mitigate impacts on Lake Washington Boulevard and Lakeview Drive. Access points must be limited. The City may require traffic control devices and right-of-way realignment or limit development if necessary to further reduce traffic impacts.
  - c. Obstruction of views from existing development lying east of the Burlington Northern Railroad right-of-way must be minimized.
  - d. Structures, parking areas and roadways must be clustered and located away from areas with soils limitations and outside of the steep ravine located near the middle of Planned Area 15B.
  - e. Development must be consistent with the policies for development on the Houghton Slope in the Comprehensive Plan.
- PU-13. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions:
- a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet.
  - b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet.

The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide

comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.

- PU-14. The property must be served by a collector or arterial street.
- PU-15. The required review process is as follows:
- a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC.
  - b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering and landscaping.
- PU-16. No vehicular connection through this subarea to NE 90th Street is permitted.
- PU-17. Site design must minimize adverse impacts on surrounding residential neighborhoods.
- PU-18. A community facility use is not permitted on properties within the jurisdiction of the Shoreline Management Act.
- PU-19. May not include miniature golf.
- PU-20. The following accessory uses are specifically permitted as part of this use:
- a. Equipment storage facilities.
  - b. Retail sales and rental of golf equipment and accessories.
  - c. A restaurant.
- PU-21. Stacked dwelling units are not permitted in RM 5.0 and RMA 5.0 zones. Stacked dwelling units are permitted in all other RM and RMA zones.
- PU-22. Development located in the RM 3.6 zone in North Rose Hill, lying between Slater Avenue NE and 124th Avenue NE, and NE 108th Place (extended) and approximately NE 113th Place (extended) shall comply with the following:
- a. Each development shall incorporate at least two acres; and
  - b. Significant vegetation that provides protection from I-405 shall be retained to the maximum extent feasible.
- PU-23. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests.
- PU-24. For this use, only one dwelling unit may be on each lot regardless of lot size.

- PU-25. Hours of operation may be limited by the City to reduce impact on residential uses.
- PU-26. The following accessory components are permitted as part of this use:
- a. Retail sales and rental of sports equipment for activity conducted on the subject property.
  - b. A restaurant encompassing not more than 20 percent of the gross floor area of this use.
- PU-27. a. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location.
- b. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area.
  - c. Must be located on a collector arterial or higher volume right-of-way.
  - d. Placement and scale must indicate pedestrian orientation.
  - e. Must mitigate traffic impacts on residential neighborhood.
  - f. May not be located above the ground floor of a structure.
  - g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
  - h. This use is not permitted in an RM zone located within the Rose Hill Business District (RHBD).
  - i. Also see Chapter 83 KZC for properties in shoreline jurisdiction.
- PU-28. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC:
- a. Boat and motor sales leasing.
  - b. Boat and motor repair and service if:
    - 1) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and
    - 2) All dry land motor testing is conducted within a building.
  - c. Meeting and special events rooms.
  - d. Gas and oil sale for boats if:
    - 1) Storage tanks are underground and on dry land; and
    - 2) The use has facilities to contain and clean up gas and oil spills. May have an overwater shed that is not more than 50 square feet and 10 feet high as measured from the deck.
- PU-29. May locate on the subject property if:
- a. It will not be materially detrimental to the character of the neighborhood in which it is located.



- b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- PU-30. A six-foot-high fence is required along the property lines adjacent to the outside play areas.
- PU-31. Structured play areas must be set back from all property lines by five feet.
- PU-32. Hours of operation of the use may be limited and parking and passenger loading areas may be relocated by the City to reduce impacts on nearby residential uses.
- PU-33. May include accessory living facilities for staff persons.
- PU-34. May locate on the subject property if:
- a. It will serve the immediate neighborhood in which it is located; or
  - b. It will not be materially detrimental to the character of the neighborhood in which it is located.
- PU-35. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- PU-36. Hours of operation and maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses.
- PU-37. This use must be part of a primarily residential development that encompasses the entire zone. The maximum amount of allowable floor area for office use is computed using the following formula: (The maximum number of dwelling units allowed on the subject property minus the number of dwelling units proposed) x (the average square footage of the dwelling units proposed) equals the amount of square footage available for office use. In addition, the gross floor area of office use may not exceed 25 percent of the gross floor area of residential use.
- PU-38. May not include offices providing veterinary, medical, dental, or other health-related services.
- PU-39. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:
- a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
  - b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
- PU-40. In the PLA 2 zone, portions of the park located within the wetlands must be devoted exclusively to passive recreation that is not consumptive of the natural environment.
- PU-41. Outside storage is not permitted.
- PU-42. Drive-in or drive-through facilities are prohibited.
- PU-43. Structured play areas must be set back from all property lines as follows:
- a. Twenty feet if this use can accommodate 50 or more students or children.
  - b. Ten feet if this use can accommodate 13 to 49 students or children.

PU-44. If the subject property lies in the RMA 3.6 zone and is adjacent to property within the TL 7B zone, the following shall apply:

- a. Landscaping on the subject property abutting the TL 7B boundary shall comply with KZC 95.42(1). Otherwise, Category D applies.
- b. Developers and residents should be aware that this property lies adjacent to a district containing and allowing future development of uses of a light industry/office nature, and impacts typically associated with these uses, such as noise and odor, may be experienced by residents.

(Ord. 4683 § 2, 2019; Ord. 4498 § 9, 2015; Ord. 4495 § 2, 2015; Ord. 4476 § 2, 2015)

20.30 Density/Dimensions

Density/Dimensions Table – Medium Density Residential Zones

(RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; WD I; WD III; PLA 2; PLA 3B; PLA 6F, PLA 6H, PLA 6K; PLA 7C; PLA 9; PLA 15B; PLA 17)

(Refer to KZC 20.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 20.40, Development Standards Table)

USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear (or shoreline setback)		
20.30.010	Assisted Living Facility <sup>1</sup>	3,600 sq. ft. PLA 6H: 2 acres PLA 17: 2 acres <sup>11</sup>	20' RM, RMA: 20' <sup>2</sup>  WD I: 30' <sup>4, 5, 36, 37</sup>  WD III, PLA 3B: 30' <sup>5, 22, 38</sup>	5' <sup>33</sup> RMA: 5' WD I, WD III, PLA 3B: 5' <sup>5, 33</sup>	10' WD I, WD III: 5, 35 PLA 3B: 5'	60% WD I, WD III, PLA 3B: 80%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. WD I: 30' above ABE. <sup>8</sup> WD III: 30' above ABE. <sup>9</sup> PLA 3B: 30' above ABE. PLA 6F: 30' above ABE. <sup>34</sup> PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup> PLA 17: 30' above ABE.
20.30.020	Boat Launch (for nonmotorized boats)	None	See Chapter 83 KZC.			—	—
20.30.030	Church	7,200 sq. ft. PLA 15B: 12,500 sq. ft.	20' RM, RMA: 20' <sup>2</sup>	20'	20'	70% PLA 15B: 50%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. PLA 6F: 30' above ABE. <sup>23, 34</sup> PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup> PLA 9: 25' above ABE. PLA 15: 25' above ABE. PLA 17: 30' above ABE.
20.30.040	Community Facility	None	20' RM, RMA: 20' <sup>2</sup>  WD I: 30' <sup>36, 37</sup>  WD III, <sup>8</sup>  PLA 3B: 30' <sup>22, 38</sup>	10' WD I, WD III: 5' <sup>33</sup>	10' WD I, WD III: 35'	70% WD I, WD III, PLA 3B: 80% PLA 15B: 50%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. WD I: 30' above ABE. <sup>8</sup> WD III: 30' above ABE. <sup>9</sup> PLA 2: 25' above ABE. PLA 3: 30' above ABE. <sup>16</sup> PLA 6F: 30' above ABE. <sup>34</sup> PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup> PLA 9: 25' above ABE.

The Kirkland Zoning Code is current through Ordinance 4733, passed September 1, 2020.

USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear (or shoreline setback)		
							PLA 15B: 25' above ABE. PLA 17: 30' above ABE.
20.30.050	Convalescent Center	7,200 sq. ft.	20' RM, RMA: 20' <sup>2</sup>	10'	10'	70%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. PLA 6F: 30' above ABE. <sup>34</sup> PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup> PLA 9: 25' above ABE. PLA 17: 30' above ABE.
20.30.060	Detached, Attached or Stacked Dwelling Units	RM, RMA: 3,600 sq. ft. <sup>21</sup> WD I, WD III, PLA 3B: 3,600 sq. ft. per unit. PLA 2: 35,000 sq. ft. per unit PLA 6F: 3,600 sq. ft. per dwelling unit PLA 6H: 2 acres with at least 3,600 sq. ft. per unit. PLA 6K: 3,600 sq. ft. with at least 2,400 sq. ft. per unit. PLA 7C: 3,600 sq. ft. <sup>27</sup> PLA 9: 5,000 sq. ft. per unit PLA 15B: 5 acres, with no less than 6,200 sq. ft. per unit. <sup>18, 19</sup> PLA 17: 3,600 sq. ft. per unit, with a minimum lot size of 2 acres. <sup>11</sup>	RM, RMA: 20' <sup>2</sup> WD I: 30' <sup>14, 36, 37</sup> WD III: 30' <sup>14, 22, 38</sup> PLA 2: 20' <sup>12, 13</sup> PLA 6F, PLA 6K, PLA 7C, PLA 9, PLA 17: 20' PLA 3B: 30' <sup>5, 17, 22, 38</sup> PLA 6H: 20' <sup>24</sup> PLA 15: <sup>20</sup>	5' <sup>33</sup> RM: Detached units: 5'; attached or stacked units: 5' <sup>12, 33</sup> RMA: 5' <sup>12</sup> WD I, WD II: 5' <sup>14, 33</sup> PLA 2: 5' <sup>12, 13, 33</sup> PLA 3B: 5' <sup>5, 17, 33</sup> PLA 6F, PLA 6K, PLA 7C: detached units: 5'; attached or stacked units, 5' <sup>12, 33</sup> PLA 6H: detached units: 5'; attached or stacked units, 5' <sup>12, 24, 25, 33</sup> PLA 9, PLA 17: 5' <sup>12, 33</sup> PLA 15: <sup>20</sup>	RM, RMA: 10' <sup>13</sup> WD I, WD II: <sup>14, 35</sup> PLA 2: 10' <sup>12, 13</sup> PLA 3B: See Chapter 83 KZC. <sup>5, 17</sup> PLA 6F, PLA 6K, PLA 7C, PLA 9, PLA 17: 10' <sup>13</sup> PLA 6H: 10' <sup>13, 24, 26</sup> PLA 15: <sup>20</sup>	60% WD I, WD III, PLA 3B: 80% PLA 9, PLA 15: 50%	RM: 30' above ABE. <sup>7, 23</sup> RMA: 35' above ABE. WD I: 30' above ABE. <sup>8</sup> WD III: 30' above ABE. <sup>9</sup> PLA 2: 25' above ABE. <sup>15</sup> PLA 3B: 30' above ABE. <sup>16</sup> PLA 6F: 30' above ABE. <sup>23, 34</sup> PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. <sup>10, 23</sup> PLA 9: 25' above ABE. PLA 15: <sup>20</sup> PLA 17: 30' above ABE.
20.30.070	Detached Dwelling Unit	RM, RMA: 3,600 sq. ft. <sup>3</sup> WD I, WD III: 3,600 sq. ft./unit <sup>6</sup> PLA 3B, PLA 6F, PLA 6K, PLA 7C: 3,600 sq. ft. PLA 6H: 5,000 sq. ft. per unit PLA 9: 8,500 sq. ft. PLA 15B: 12,500 sq. ft. per dwelling unit PLA 17: 7,200 sq. ft.	20' RM, RMA: 20' <sup>2</sup> WD I: 30' <sup>5, 36, 37</sup> WD III: 30' <sup>22, 38</sup>	5' RM, RMA, WD I, WD III, PLA 9: 5' <sup>33</sup> PLA 3B: 5' <sup>5, 33</sup> WD I: 5' <sup>5, 33</sup> PLA 17: 5' <sup>28</sup>	10' WD I: <sup>5, 35</sup> WD III: <sup>35</sup> PLA 3B: See Chapter 83 KZC. <sup>5</sup>	60% WD I, WD III, PLA 3B: 80% PLA 9, PLA 15B: 50%	RM: 30' above ABE. <sup>7, 23</sup> RMA: 35' above ABE. <sup>23</sup> WD I, WD III, PLA 3B: 30' above ABE. This provision may not be varied. PLA 6F: 30' above ABE. <sup>23, 34</sup> PLA 6H, PLA 9, PLA 15B: 25' above ABE. PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. <sup>10, 23</sup>

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USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear (or shoreline setback)		
			PLA 3B: 30' <sup>5, 22, 38</sup>				
20.30.080	Entertainment, Cultural and/or Recreational Facility <sup>29</sup>	7,200 sq. ft.	20'	10'	10'	60%	25' above ABE.
20.30.090	Golf Course	1 acre	50'	50'	50'	60%	30' above ABE.
20.30.100	Government Facility	None	20' RM, RMA: 20' <sup>2</sup>  WD I: 30' <sup>36, 37</sup>  WD III: 30' <sup>22, 38</sup>  PLA 3B: 30' <sup>22, 38</sup>	10' WD I, WD III: 5' <sup>33</sup>	10' WD I, WD III: <sup>35</sup>  PLA 3B: See Chapter 83 KZC.	70% WD I, WD III, PLA 3B: 80%  PLA 15B: 50%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. WD I: 30' above ABE. <sup>8</sup> WD III: 30' above ABE. <sup>9</sup> PLA 2, PLA 6H, PLA 9, PLA 15B: 25' above ABE. PLA 3B: 30' above ABE. <sup>16</sup> PLA 6F: 30' above ABE. <sup>34</sup> PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup>
20.30.110	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop <sup>30</sup>	7,200 sq. ft.	20' <sup>2</sup>	5' <sup>33</sup>	10'	60%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE.
20.30.120	Hotel or Motel	None	30' <sup>22, 38</sup>	5' <sup>33</sup>	See Chapter 83 KZC.	80%	30' above ABE. <sup>16</sup>
20.30.130	Marina	None	Landward of the ordinary high water mark:			80%	Landward of the ordinary high water mark, 30' above ABE. <sup>8</sup>
			WD I: 30' <sup>36, 37</sup> PLA 3B: 30' <sup>22, 38</sup>	5' <sup>33</sup>	See Chapter 83 KZC. WD I: <sup>35</sup>		
			Waterward of the Ordinary High Water Mark: See Chapter 83 KZC.				
20.30.140	Mini-School or Mini-Day-Care Center	3,600 sq. ft. PLA 2: 35,000 sq. ft. PLA 9: 5,000 sq. ft. PLA 15B: 12,500 sq. ft. PLA 17: 7,200 sq. ft.	20' RM, RMA: 20' <sup>2</sup>	5' <sup>33</sup>	10'	60% PLA 9, PLA 15B: 50%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. PLA 2: 25' above ABE. <sup>15</sup> PLA 6F: 30' above ABE. <sup>34</sup> PLA 6H, PLA 9, PLA 15: 25' above ABE. PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup>

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USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear (or shoreline setback)		
20.30.150	Nursing Home	7,200 sq. ft.	20' RM, RMA: 20' <sup>2</sup>	10'	10'	70%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. PLA 6F: 30' above ABE. <sup>34</sup> PLA 6H, PLA 9: 25' above ABE. PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup>
20.30.160	Office Use	<sup>31</sup>	20'	5' <sup>33</sup>	10'	60%	25' above ABE.
20.30.170	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	None	See Chapter 83 KZC.			—	See Chapter 83 KZC.  RM, RMA: Landward of the ordinary high water mark: RM, 30' above ABE; RMA: 35' above ABE.
20.30.180	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	None	See Chapter 83 KZC.			—	See Chapter 83 KZC.
20.30.190	Public Access Pier, Boardwalk, or Public Access Facility	None	See Chapter 83 KZC.			—	See Chapter 83 KZC.
20.30.200	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50 for required review process.					
20.30.210	Public Utility	None	20' RM, RMA: 20' <sup>2</sup>  WD I, WD III: 30'  PLA 3B: 30' <sup>38</sup>	20' WD I, WD III: 5' <sup>33</sup> PLA 3B: 10'	10' RM, RMA, PLA 6F, PLA 15B, PLA 17: 20'  WD I, WD III: <sup>35</sup>	70% WD I, WD III, PLA 3B: 80%  PLA 15B: 50%	RM: 30' above ABE. <sup>7</sup> RMA: 35' above ABE. WD I: 30' above ABE. <sup>8</sup> WD III: 30' above ABE. <sup>9</sup> PLA 2, PLA 6H, PLA 9, PLA 15B: 25' above ABE. PLA 3B: 30' above ABE. <sup>16</sup> PLA 6F: 30' above ABE. <sup>34</sup> PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. <sup>10</sup>
20.30.220	Restaurant or Tavern	7,200 sq. ft.	30' <sup>14, 36, 37</sup>	5' <sup>33</sup>	See Chapter 83 KZC. <sup>35</sup>	80%	30' above ABE. <sup>8</sup>
			<sup>5</sup>				
20.30.230	School or Day-Care Center	7,200 sq. ft. PLA 15B: 12,500 sq. ft.	If this use can accommodate 50 or more students or children, then:			70% PLA 15B:	RM: 30' above ABE. <sup>7, 32</sup> RMA: 35' above ABE.

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USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation  PLA 6F: 30' above ABE. <sup>32, 34</sup> PLA 6H, PLA 9: 25' above ABE. <sup>32</sup> PLA 6K, PLA 17: 30' above ABE. <sup>32</sup> PLA 7C: 30' above ABE. <sup>10, 32</sup> PLA 15B: 25' above ABE.
			Front	Side	Rear (or shoreline setback)		
			50'	50'	50'		
			If this use can accommodate 13 to 49 students or children, then:				
			20'	20'	20'		
			RM, RMA: <sup>2</sup>				
20.30.240	Water Taxi	None	Landward of the Ordinary High Water Mark			80%	Landward of the ordinary high water mark, 30' above ABE. WD I: Landward of the ordinary high water mark, 30' above ABE. <sup>8</sup>
			30'	5' <sup>33</sup>	See Chapter 83 KZC.		

**Density/Dimensions (DD) Special Regulations:**

- DD-1. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1-1/2 times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met:
- a. Project is of superior design; and
  - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
- DD-2. See KZC 20.10.020(6).
- DD-3. 5,000 square feet in RM and RMA 5.0.
- DD-4. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation.
- DD-5. The minimum dimension of any yard, other than those listed, is five feet.
- DD-6. Except 1,800 square feet/unit for up to two dwelling units if the public access provisions of KZC 83.420 are met.
- DD-7. If adjoining a low density zone other than RSX, then 25 feet above average building elevation.
- DD-8. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
- a. The increase is offset by a view corridor that is superior to that required by the General Regulations.
- DD-9. Structure height may be increased to 35 feet above average building elevation if:
- a. The increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
  - b. The increase is offset by a view corridor that is superior to that required by Chapter 83 KZC.
- DD-10. If adjoining a low density zone other than RSX, or detached dwelling unit in Planned Area 7C, then 25 feet above ABE.
- DD-11. Lands upland of the ordinary high waterline only may be included in the calculation of lot area.
- DD-12. 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.
- DD-13. 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.



- DD-14. Any required yard, other than the front required yard or shoreline setback, 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 shall provide the minimum required yard.
- DD-15. Structure height may be increased as long as neither of the following maximums is exceeded:
- a. The structure may not exceed 60 feet above average building elevation.
  - b. The structure may not exceed a plane that starts 3.5 feet above the outside westbound lane of SR 520 and ends at the high waterline of Lake Washington in the zone, excluding the canal.
- DD-16. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
- a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or
  - b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.
- DD-17. For attached or stacked dwelling units, this 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 the otherwise applicable minimum required yard.
- DD-18. Part of the unit count allowed in Planned Area 15A may be developed in Planned Area 15B. The maximum permitted number of dwelling units on the subject property in Planned Area 15B is computed using the following formula:
- (The total lot area in square feet divided by 6,200) plus the unit count transferred from Planned Area 15A  
= The maximum number of permitted dwelling units.
- DD-19. Subsequent subdivision of an approved Master Plan into smaller lots is permitted; provided, that the required minimum acreage is met for the Master Plan.
- DD-20. The City will determine required yards and structure height based on the compatibility of development with adjacent uses and the degree to which development maintains the existing natural characteristics of the slope.
- DD-21. With a density as established on the Zoning Map. Minimum amount of lot area per dwelling unit is as follows:
- a. In RM 5.0 and RMA 5.0 zones, the minimum lot area per unit is 5,000 square feet.
  - b. In RM 3.6 and RMA 3.6 zones, the minimum lot area per unit is 3,600 square feet.
  - c. In RM 2.4 and RMA 2.4 zones, the minimum lot area per unit is 2,400 square feet.
  - d. In RM 1.8 and RMA 1.8 zones, the minimum lot area per unit is 1,800 square feet.

- DD-22. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:
- a. Substantially, the entire width of the yard (from north to south property line) is developed as a public use area; and
  - b. The design of the public use area is specifically approved by the City.
- DD-23. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.
- DD-24. Buildings may not be closer than 40 feet to any low density zone.
- DD-25. Special Regulation DD-12 shall not supersede Special Regulation DD-24.
- DD-26. Special Regulation DD-13 shall not supersede Special Regulation DD-24.
- DD-27. Minimum amount of lot area per dwelling unit is as follows:
- a. In the PLA 7C zone, the minimum lot area per unit is 3,600 square feet.
- DD-28. 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.
- DD-29. The area covered by structures, parking, buffers, and other elements of this use may not be used in calculating residential density in the development.
- DD-30. Gross floor area may not exceed 3,000 square feet.
- DD-31. Must be part of a development that encompasses the entire zone. See PU-37 for the maximum amount of office space allowed.
- DD-32. For school use, structure height may be increased, up to 35 feet, if:
- a. The school can accommodate 200 or more students; and
  - b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
  - c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
  - d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*

- DD-33. Five feet but two side yards must equal at least 15 feet.

- DD-34. If adjoining a low density zone, then 25 feet above average building elevation.
- DD-35. The required rear yard for each use shall be the same as the required rear yard for the same use in the RM zone, unless otherwise specified in Special Regulation DD-14.
- DD-36. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:
- a. Within 30 feet of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
  - b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and
  - c. The design of the public use area is specifically approved by the City.
- DD-37. The required 30-foot front yard may be reduced, subject to all of the following conditions:
- a. The existing primary structure does not conform to the minimum shoreline setback standard;
  - b. The proposed complete replacement or replacement of portion of the existing primary structure complies with the minimum required shoreline setback established under the provisions of Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC 83.380;
  - c. The front yard for the complete replacement or the portion of replacement may be reduced one foot for each one foot of the shoreline setback that is increased in dimension from the setback of the existing nonconforming primary structure; provided, that subsection (4)(d) of this section is met; and
  - d. Within the front yard, each portion of the replaced primary structure is set back from the front property line by a distance greater than or equal to the maximum height of that portion above the front property line.
- DD-38. The required 30-foot front yard may be reduced, subject to all of the following conditions:
- a. The existing primary structure does not conform to the minimum shoreline setback standard;
  - b. The proposed complete replacement or replacement of a portion of the existing primary structure complies with the minimum required shoreline setback established under the provisions of Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC 83.380; and
  - c. The front yard for the complete replacement or the portion of replacement may be reduced one foot for each one foot of the shoreline setback that is increased in dimension from the setback of the existing nonconforming primary structure.

(Ord. 4495 § 2, 2015; Ord. 4476 § 2, 2015)

Kirkland Zoning Code  
CHAPTER 25 – HIGH DENSITY RESIDENTIAL  
ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;  
PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,  
PLA 6J; PLA 7A, PLA 7B)

**25.20 Permitted Uses**  
**Permitted Uses Table – High Density Residential Zones**

(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

(See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

Use		<b>Required Review Process:</b>  I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC  DR = Design Review, Chapter 142 KZC None = No Required Review Process  NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)									
		RM, RMA	HENC 2	PLA 5A	PLA 5D	PLA 5E	PLA 6A	PLA 6D	PLA 6I	PLA 6J	PLA 7A, B
25.20.010	Assisted Living Facility	None 1, 2, 3, 4	None 1, 2, 3, 4	None 2, 3, 4	None 2, 3, 4	None 2, 3, 4	None 2, 3, 4	I or None 2, 3, 4, 5	IIA 2, 3, 4	None 2, 3, 4	None 2, 3, 4
25.20.020	Church	IIA 1, 6	IIA 1, 6	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.030	Community Facility	IIA 1, 7, 8	IIA 1, 7, 8	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.040	Convalescent Center	IIA 1, 3	IIA 1, 3	I 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3
25.20.050	Detached, Attached, or Stacked Dwelling Units	None 1, 9	None 1, 9	None	None	None	None	I or None 5, 12	None	None	None
25.20.060	Detached Dwelling Unit	None 13	None 13	None 13	None 13	None 13	None 13	None 13	None 13	None 13	None 13
25.20.070	Government Facility	IIA 1, 8	IIA 1, 8	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.080	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	IIA 14	IIA 14	NP	NP	NP	NP	NP	NP	NP	NP
25.20.090	Mini-School or Mini-Day-Care Center	None 1, 15, 16, 17, 18, 19	None 1, 15, 16, 17, 18, 19	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 21

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CHAPTER 25 – HIGH DENSITY RESIDENTIAL  
ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;  
PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,  
PLA 6J; PLA 7A, PLA 7B)

Use		<b>Required Review Process:</b>  I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC  DR = Design Review, Chapter 142 KZC None = No Required Review Process  NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)									
		RM, RMA	HENC 2	PLA 5A	PLA 5D	PLA 5E	PLA 6A	PLA 6D	PLA 6I	PLA 6J	PLA 7A, B
25.20.100	Nursing Home	IIA 1, 3	IIA 1, 3	I 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3
25.20.110	Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)	NP	NP	NP	NP	NP	NP	NP	NP	NP	None 22, 23, 24
25.20.120	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	I 11	I 11	NP	NP	NP	NP	NP	NP	NP	NP
25.20.130	Public Park	See KZC 45.50 for required review process.									
25.20.140	Public Utility	IIA 1, 8	IIA 1, 8	None	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.150	School or Day-Care Center	IIA 1, 10, 15, 16, 18, 19	IIA 1, 10, 15, 16, 18, 19	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 21, 25	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 21

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PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,  
PLA 6J; PLA 7A, PLA 7B)

**Permitted Uses (PU) Special Regulations:**

- PU-1. Within the Rose Hill Business District (RHBD) and HENC 2, D.R., Chapter 142 KZC.
- PU-2. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-3. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
- PU-4. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside.
- PU-5. ~~Reserved. If between 1,800 and 3,600 square feet of lot area per unit, then Process I, Chapter 145 KZC. If 3,600 square feet of lot area per unit or more, then None.~~
- PU-6. The property must be served by a collector or arterial street.
- PU-7. A community facility use is not permitted on properties within the jurisdiction of the Shoreline Management Act.
- PU-8. Site design must minimize adverse impacts on surrounding residential neighborhoods.
- PU-9. Development located in the RM 3.6 zone in North Rose Hill, lying between Slater Avenue NE and 124th Avenue NE, and NE 108th Place (extended) and approximately NE 113th Place (extended) shall comply with the following:
  - a. Each development shall incorporate at least two acres; and
  - b. Significant vegetation that provides protection from I-405 shall be retained to the maximum extent feasible.
- PU-10. Structured play areas must be set back from all property lines as follows:
  - a. Twenty feet if this use can accommodate 50 or more students or children.
  - b. Ten feet if this use can accommodate 13 to 49 students or children.
- PU-11. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.
- PU-12. If proposed development contains less than 3,600 square feet of lot area per unit, the following right-of-way improvements shall be required on rights-of-way which serve the subject property. The improvements shall extend from State Street to the eastern boundary of the subject property/frontage on the right-of-way.
  - a. On 2nd Avenue South, 3rd Avenue South, and 5th Avenue South:  
  
20 feet of paved surface, six-inch vertical curb on each side, five-foot sidewalk on north side adjacent to curb and two-foot utility strip on each side. In addition, right-of-way dedication on 5th Avenue South will be required as necessary to install these improvements.

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ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;  
PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,  
PLA 6J; PLA 7A, PLA 7B)

b. On 4th Avenue South:

24 feet of paved surface, six-inch vertical curb on each side, five-foot sidewalk on north side adjacent to curb and five-foot six-inch utility strip on each side.

- PU-13. For this use, only one dwelling unit may be on each lot regardless of the size of the lot.
- PU-14. a. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location.
- b. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area.
- c. Must be located on a collector arterial or higher volume right-of-way.
- d. Placement and scale must indicate pedestrian orientation.
- e. Must mitigate traffic impacts on residential neighborhood.
- f. May not be located above the ground floor of a structure.
- g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- h. This use is not permitted in an RM zone located within the Rose Hill Business District (RHBD).
- PU-15. May locate on the subject property if:
- a. It will not be materially detrimental to the character of the neighborhood in which it is located.
- b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- PU-16. A six-foot-high fence is required along the property line adjacent to the outside play areas.
- PU-17. Structured play areas must be set back from all property lines by five feet.
- PU-18. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.
- PU-19. May include accessory living facilities for staff persons.
- PU-20. May locate on the subject property only if:
- a. It will serve the immediate neighborhood in which it is located; or
- b. It will not be materially detrimental to the character of the neighborhood in which it is located.
- PU-21. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.

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ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;

PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,

PLA 6J; PLA 7A, PLA 7B)

PU-22. This use is permitted only in PLA 7B, extending 50 feet west of the property line adjoining 4th Street, south of 4th Avenue.

PU-23. The following regulations apply to veterinary offices only:

- a. May only treat small animals on the subject property.
- b. Outside runs and other outside facilities for the animals are not permitted.
- c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.
- d. A veterinary office is not permitted in any development containing dwelling units.

PU-24. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:

- a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
- b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

PU-25. May locate on the subject property only if:

- a. It will serve the immediate neighborhood in which it is located; or
- b. It will not be materially detrimental to the character of the neighborhood in which it is located; or
- c. The property is served by a collector or arterial street.

(Ord. 4683 § 2, 2019; Ord. 4637 § 3, 2018; Ord. 4476 § 2, 2015)



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ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;  
PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,  
PLA 6J; PLA 7A, PLA 7B)  
**25.30 Density/Dimensions**

**Density/Dimensions Table – High Density Residential Zones**

(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

(Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.40, Development Standards Table)

USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
25.30.010	Assisted Living Facility <sup>1</sup>	3,600 sq. ft.	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	5' <sup>4</sup> RMA: 5' HENC 2: 0'	10' HENC 2: 0'	60% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: 30' above ABE. <sup>6</sup> PLA 7A, 7B: 30' above ABE. <sup>7</sup>
			PLA 5A: <sup>3</sup>				
25.30.020	Church	7,200 sq. ft.	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	20' HENC 2: 0'	20' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6D: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 6A, PLA 6J: 30' above ABE. <sup>5, 12</sup> PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.030	Community Facility	None	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	10' HENC 2: 0'	10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.040	Convalescent Center	7,200 sq. ft. PLA 6I: None	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	10' HENC 2: 0'	10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.050	Detached, Attached or Stacked Dwelling Units	3,600 sq. ft. with at least 1,800 sq. ft. per unit. RM, RMA: 3,600 sq. ft. <sup>8</sup> HENC 2: 3,600 sq. ft. No density limit. PLA 6I: 3,600 sq. ft. with at least 2,400 sq. ft. per unit.	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	Detached units, 5'; attached or stacked units, 5'. <sup>4, 10</sup> RMA: 5'. <sup>10</sup> HENC 2: 0'	10'. <sup>11</sup> HENC 2: 0'	60% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5, 12</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: 30' above ABE. <sup>6</sup> PLA 7A, 7B: 30' above ABE. <sup>7, 12</sup>
			RM, RMA: <sup>13</sup> PLA 5A: <sup>3</sup>				

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ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;  
PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,  
PLA 6J; PLA 7A, PLA 7B)

USE		Minimum Lot Size  PLA 7A, 7B: 3,600 sq. ft. <sup>14</sup>	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
25.30.060	Detached Dwelling Unit	3,600 sq. ft.	20' RM, RMA: 20' <sup>2</sup> PLA 6I: 10'	5' RM, RMA, HENC 2: 5' <sup>14</sup>	10'	60%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5, 12</sup> RMA: 35' above ABE. <sup>12</sup> PLA 5A, PLA 5D, PLA 5E: 25' above ABE. HENC 2, PLA 6I: 30' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7, 12</sup>
25.30.070	Government Facility	None	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	10' HENC 2: 0'	10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.080	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	7,200 sq. ft. <sup>9</sup>	20' <sup>2</sup> HENC 2: 10'	5' <sup>14</sup> HENC 2: 0'	10' HENC 2: 0'	60% HENC 2: 80%	HENC 2, RM: 30' above ABE. <sup>5</sup> RMA: 35' above ABE.
25.30.090	Mini-School or Mini-Day-Care Center	3,600 sq. ft.	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	5' <sup>14</sup> HENC 2: 0'	10' HENC 2: 0'	60% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. PLA 5D: 30' above ABE. <sup>6</sup> HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.100	Nursing Home	7,200 sq. ft. PLA 6I: None	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	10' HENC 2: 0'	10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.110	Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)	3,600 sq. ft. with at least 1,800 sq. ft. per unit	20'	5' <sup>14</sup>	10'	80%	30' above ABE.
25.30.120	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	None	See Chapter 83 KZC.			—	Landward of the ordinary high water mark: RM: 30' above ABE. RMA: 35' above ABE.
25.30.130	Public Park	Development standards will be determined on a case-by-case basis.					

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ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;  
PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,  
PLA 6J; PLA 7A, PLA 7B)

USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
25.30.140	Public Utility	None	20' RM, RMA: 20' <sup>2</sup> HENC 2: 10'	20' HENC 2: 0'	RM, RMA, PLA 5D, PLA 6A, PLA 6D, PLA 6J: 20' PLA 5A, PLA 5E, PLA 6I, PLA 7A, 7B: 10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5</sup> RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. <sup>7</sup>
25.30.150	School or Day-Care Center	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then:			70% HENC 2: 80%	RM: 30' above ABE. <sup>5, 15</sup> RMA: 35' above ABE. PLA 5A, PLA 5E, PLA 6I: 30' above ABE. <sup>15</sup> PLA 5D: The lower of 4 stories or 40' above ABE. HENC 2, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. <sup>5, 15</sup> PLA 7A, 7B: 30' above ABE. <sup>7, 15</sup>
			50'	50'	50'		
			If this use can accommodate 13 to 49 students or children, then:				
			20'	20'	20'		
			RM, RMA: <sup>2</sup>				

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ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;  
PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,  
PLA 6J; PLA 7A, PLA 7B)

**Density/Dimensions (DD) Special Regulations:**

- DD-1. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1-1/2 times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met:
- a. Project is of superior design; and
  - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
- DD-2. See KZC 25.10.020(7).
- DD-3. The required yard of any structure abutting a lot containing a low density use within PLA 5 must be increased one foot for each one foot that structure exceeds 20 feet above average building elevation.
- DD-4. Five feet but two side yards must equal at least 15 feet.
- DD-5. If adjoining a low density zone other than RSX, then 25 feet above average building elevation.
- DD-6. If the development contains at least one acre, then the lower of four stories or 40 feet above average building elevation.
- DD-7. If adjoining a low density zone other than RSX, or detached dwelling unit in PLA 7C, then 25 feet above average building elevation.
- DD-8. With a density as established on the Zoning Map. Minimum amount of lot area per dwelling unit is as follows:
- a. In RM 5.0 and RMA 5.0 zones, the minimum lot area per unit is 5,000 square feet.
  - b. In RM 3.6 and RMA 3.6 zones, the minimum lot area per unit is 3,600 square feet.
  - c. In RM 2.4 and RMA 2.4 zones, the minimum lot area per unit is 2,400 square feet.
  - d. In RM 1.8 and RMA 1.8 zones, the minimum lot area per unit is 1,800 square feet.
- DD-9. Gross floor area may not exceed 3,000 square feet.
- DD-10. 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; provided, that for PLA 5A this special regulation shall not supersede minimum yard requirements when abutting a lot containing a low density use within the PLA 5 zone.
- DD-11. 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; provided, that for PLA 5A this special regulation shall not supersede minimum yard requirements when abutting a lot containing a low density use within the PLA 5 zone.

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ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2;

PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I,

PLA 6J; PLA 7A, PLA 7B)

DD-12. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.

DD-13. See KZC 25.05.020(3).

DD-14. Minimum amount of lot area per dwelling unit is as follows:

- a. In the PLA 7A zone, the minimum lot area per unit is 2,400 square feet.
- b. In the PLA 7B zone, the minimum lot area per unit is 1,800 square feet.

DD-15. For school use, structure height may be increased, up to 35 feet, if:

- a. The school can accommodate 200 or more students; and
- b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
- c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
- d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*

(Ord. 4637 § 3, 2018; Ord. 4476 § 2, 2015)

Kirkland Zoning Code

**40.20 Permitted Uses**  
**Permitted Uses Table – Industrial Zones (LIT, PLA 6G)**

(See also KZC 40.30, Density/Dimensions Table, and KZC 40.40, Development Standards Table)

Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)	
		LIT	PLA 6G
40.20.020	Auction House	None 7, 8	NP
40.20.040	Breweries, Wineries, and Distilleries	None 7, 10, <u>12</u>	None 10, 11, 12, 13, 14, 15
40.20.050	Community Facility	None 7, <u>12</u>	IIA 12
40.20.060	Day-Care Center	See KZC 40.20.250, School or Day-Care Center	None 16, 17, 18, 19
40.20.080	Entertainment, Cultural and/or Recreational Facility	None 7	NP
40.20.090	Government Facility	None 7, <u>12</u>	IIA 12
40.20.100	Hazardous Waste Treatment and Storage Facilities	None 7, <u>12</u> , 20	NP
40.20.110	High Technology	None 7, <u>12</u> , 14, 21	None 12, 15, 21
40.20.120	Industrial Laundry Facility	None 7, <u>12</u> , 14	None 11, 12, 13, 14, 15
40.20.130	Kennel	None 7, <u>12</u> , 23, 24	NP
40.20.140	Manufacturing	NP	None 11, 12, 13, 14, 15
40.20.150	Mini-Day-Care Center	None 7, 16, 17, 18	None 16, 17, 18, 19

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Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)	
		LIT	PLA 6G
40.20.160	Office Use	None 7	None 12, 15
40.20.170	Packaging of Prepared Materials: Manufacturing	None 7, 11, <u>12</u> , 14	NP
40.20.180	Public Park	See KZC 45.50 for required review process.	
40.20.190	Public Utility	None <u>7</u> , <u>12</u>	IIA 12
40.20.200	Recycling Center	None 7, <u>12</u> , 26	NP
40.20.210	Restaurant	None 7, 19, 27	NP
40.20.220	Retail Establishment Providing Banking and Related Financial Services	None 7, 19, 27	NP
40.20.230	Retail Establishment Providing Rental Services	None 7	NP
40.20.240	Retail Establishment Providing Storage Services	None 7, 28, 29	None 28, 29
40.20.245	Retail Establishment Selling Marijuana or Products Containing Marijuana	None 7, 30, 31	NP
40.20.250	School or Day-Care Center	None 7, 16, 17, 18	Schools are NP, see KZC 40.20.060 for Day-Care Centers
40.20.260	Vehicle or Boat Repair, Services, Storage, or Washing	None <u>7</u> , <u>12</u> , 25	NP
40.20.270	Warehouse Storage Service	None <u>7</u> , <u>12</u> , 14	None 11, 12, 13, 14, 15
40.20.280	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control	None <u>7</u> , <u>12</u>	None 11, 12, 13, 14, 15

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Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC  DR = Design Review, Chapter 142 KZC None = No Required Review Process  NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)	
		LIT	PLA 6G
40.20.290	Wholesale Printing or Publishing	None 7, <u>12</u> , 14	None 11, 12, 13, 14, 15
40.20.300	Wholesale Trade	None 7, <u>12</u> , 14	None 11, 12, 13, 14, 15

The Kirkland Zoning Code is current through Ordinance 4733, passed September 1, 2020.



**Permitted Uses (PU) Special Regulations:**

- PU-1 – PU-6. Reserved.
- PU-7. Within the Rose Hill Business District (RHBD), D.R., Chapter 142 KZC.
- PU-8. Livestock auctions are not permitted.
- PU-9. Reserved.
- PU-10. May include tasting rooms, accessory retail sales, or office utilizing not more than 20 percent of the gross floor area (50 percent if the property is located within 150 feet of the Cross Kirkland Corridor).
- PU-11. The following manufacturing uses are permitted:
- a. Food, drugs, stone, clay, glass, china, ceramic products, electrical equipment, scientific or photographic equipment, fabricated metal products;
  - b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities;
  - c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations;
  - d. Packaging of prepared materials;
  - e. Textile, leather, wood, paper and plastic products from pre-prepared material; and
  - f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes.
- PU-12. Prior to issuance of a development permit, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
- PU-13. Outdoor storage and fabrication are not permitted.
- PU-14. No more than 20 percent of the gross floor area may be utilized for accessory uses such as wholesale, office, retail or service.
- PU-15. Use shall not create noise, glare, light, dust, fumes, and other adverse conditions which disrupt the residential character of the surrounding area.
- PU-16. A six-foot-high fence is required along the property lines adjacent to the outside play areas.
- PU-17. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- PU-18. May include accessory living facilities for staff persons.
- PU-19. This use is permitted if accessory to a primary use, and:

- a. It will not exceed 20 percent of the gross floor area of the building; and
  - b. The use is integrated into the design of the building.
- PU-20. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210.
- PU-21. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors.
- PU-22. Reserved.
- PU-23. Must provide suitable shelter for the animals.
- PU-24. Must maintain a clean, healthful environment for the animals.
- PU-25. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
- PU-26. May deal in metal cans, glass, and paper. Other materials may be recycled if the Planning Director determines that the impacts are no greater than those associated with recycling metal cans, glass, or paper. The individual will have the burden of proof in demonstrating similar impacts.
- PU-27. This use is permitted if accessory to a primary use, and there is no vehicle drive-in or drive-through.
- PU-28. May include accessory living facilities for resident security manager.
- PU-29. This use not permitted if any portion of the subject property is located within 150 feet of the Cross Kirkland Corridor.
- PU-30. Permitted only where 50 percent of the boundaries of the LIT zone adjoin commercial zones.
- PU-31. Not permitted on school walk routes shown on Plate 46.

(Ord. 4683 § 2, 2019; Ord. 4650 § 1, 2018; Ord. 4494 § 2, 2015; Ord. 4479 § 2, 2015; Ord. 4476 § 2, 2015)

Kirkland Zoning Code

**15.20 Permitted Uses**  
**Permitted Uses Table – Low Density Residential Zones (RS, RSX, RSA, WD II, PLA 3C, PLA 6E, PLA 16)**

(See also KZC 15.30, Density/Dimensions Table, and KZC 15.40, Development Standards Table)

Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC NP = Use Not Permitted # = Applicable Special Regulations (listed after the table) IIB = Process IIB, Chapter 152 KZC None = No Required Review Process						
		RS	RSX	RSA	WD II	PLA 3C	PLA 6E	PLA 16
15.20.010	Attached Dwelling Units	NP	NP	NP	NP	I 1	NP	NP
15.20.020	Church	2, 3, 4c	2, 4c	2, 4c, 13	NP	IIA 4c	2, 4c	IIA
15.20.030	Commercial Equestrian Facility	NP	NP	NP	NP	NP	NP	IIB 5
15.20.040	Commercial Recreation Area and Use	NP	NP	NP	NP	NP	NP	IIB 6
15.20.050	Community Facility	2, 3, 4b	2, 4b	2, 4b	IIA 4b	IIA 4b	2	IIA
15.20.060	Detached Dwelling Unit	None	None	None 8, 9	None 8, 11	None	None 8	None 7, 8
15.20.070	Golf Course	IIA 4b, 12	IIA 4b, 12	IIA 4b, 12, 13	NP	NP	NP	NP
15.20.080	Government Facility	2, 3, 4b	2, 4b	2, 4b	IIA 4b	IIA 4b	2	IIA
15.20.090	Mini-School or Mini-Day-Care Center	I 4a, 4b, 14, 15, 16, 18	I 4a, 4b, 14, 15, 16, 18	I 4a, 4b, 13, 14, 15, 16, 18	NP	I 4a, 4b, 14, 15, 16, 18	None 15, 16, 17, 18, 19	None 15, 16, 17, 18, 19
15.20.100	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	NP	NP	I 10	10	NP	NP	NP
15.20.110	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50.						
15.20.120	Public Utility	2, 3, 4b	2, 4b	2, 4b	IIA 4b	IIA 4b	2	IIA

The Kirkland Zoning Code is current through Ordinance 4733, passed September 1, 2020.

Kirkland Zoning Code

Use		<b>Required Review Process:</b> I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)						
		RS	RSX	RSA	WD II	PLA 3C	PLA 6E	PLA 16
15.20.130	School or Day-Care Center	2, 3, 4, 14, 16, 18, 20	2, 4, 14, 16, 18, 20	2, 4, 13, 14, 16, 18, 20	NP	IIA 4, 14, 16, 18, 20	2, 4, 14, 16, 18, 20	IIA 16, 17, 18, 19, 20

The Kirkland Zoning Code is current through Ordinance 4733, passed September 1, 2020.

**Permitted Uses (PU) Special Regulations:**

- PU-1. a. No more than two units may be attached to each other.
- b. Attached dwelling units must be designed to look like a detached single-family house using such techniques as limiting the points of entry on each facade, providing pitched roofs and covered porches.
- PU-2. The required review process is as follows:
- a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC.
- b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping.
- PU-3. Within the disapproval jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC.
- PU-4. May locate on the subject property only if:
- a. It will not be materially detrimental to the character of the neighborhood in which it is located.
- b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- c. The property is served by a collector or arterial street (does not apply to existing school sites).
- PU-5. a. This use may include arenas, stables, roaming and grazing areas, club house and ancillary equestrian facilities.
- b. This use must comply with KZC 80.30 through 80.45.
- c. An improved public equestrian access trail through the subject property and appropriate public signing must be provided. The trail must be located and designed to allow for an eventual connection between NE 60th Street and Bridle Trails State and King County Parks.
- PU-6. a. This use may include activities such as: indoor and outdoor tennis courts, club house, swimming pool, other sport court games and ancillary commercial recreation activities.
- b. Hours of operation may be limited by the City to reduce impacts on residential uses.
- c. Vehicular and pedestrian circulation to and from the property shall be coordinated with the other properties in the vicinity to the maximum extent possible.
- PU-7. If lot size is less than 35,000 square feet, then Process IIB, Chapter 152 KZC.
- PU-8. For this use, only one dwelling unit may be on each lot regardless of the size of the lot, unless the lot is being developed pursuant to the Cottage, Carriage, or Two/Three-Unit Homes regulations in KZC 113.

- PU-9. Residential uses abutting Lake Washington may have an associated private shoreline park that is commonly or individually owned and used by residents and guests.
- PU-10. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.
- PU-11. At the northern terminus of the 5th Avenue West vehicular access easement, the average parcel depth shall be measured from the ordinary high water mark to the public pedestrian access easement providing access to Waverly Beach Park.
- PU-12. a. May not include miniature golf.
- b. The following accessory uses are specifically permitted as part of this use.
- 1) Equipment storage facilities.
  - 2) Retail sales and rental of golf equipment and accessories.
  - 3) A restaurant.
- PU-13. This use is not permitted on properties within the jurisdiction of the Shoreline Management Act.
- PU-14. Hours of operation and maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses.
- PU-15. Structured play areas must be set back from all property lines by five feet.
- PU-16. May include accessory living facilities for staff persons.
- PU-17. May locate on the subject property if:
- a. It will serve the immediate neighborhood in which it is located; or
  - b. It will not be materially detrimental to the character of the neighborhood in which it is located.
- PU-18. A six-foot-high fence is required along the property lines adjacent to the outside play areas.
- PU-19. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- PU-20. Structured play areas must be set back from all property lines as follows:
- a. Twenty feet if this use can accommodate 50 or more students or children.
  - b. Ten feet if this use can accommodate 13 to 49 students or children.

(Ord. 4506 § 2, 2015; Ord. 4476 § 2, 2015)



**CITY OF KIRKLAND**  
**Planning and Community Development Department**  
**123 Fifth Avenue, Kirkland, WA 98033**  
**425.587-3225 - [www.kirklandwa.gov](http://www.kirklandwa.gov)**

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**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Jeremy McMahan, Deputy Director of Planning & Building  
Adam Weinstein, AICP, Director of Planning & Building

**Date:** September 24, 2020

**Subject:** Ground Floor Retail Restrictions – Walk-in Urgent Care Discussion

**RECOMMENDATION**

Council review options to allow walk-in urgent care clinics in Central Business District (CBD) zones requiring ground floor retail.

**BACKGROUND**

The City Council received an inquiry from Carl Hossman, a property owner located in Downtown Kirkland's Central Business District 8 (CBD 8) zone asking about allowing Overlake Hospital to expand to the ground floor of his building by opening an urgent care clinic. Currently, as described in more detail below, office uses on the ground floor in the CBD 8 zone are not allowed unless they have a significant retail component. Overlake Hospital currently occupies a portion of the second story of the building. Opus Bank is the current tenant of the corner ground floor space and is vacating the space due to a merger (see Attachment 1). The City Council discussed the inquiry at their September 15 meeting and directed staff to report back with more information and options for consideration.

An urgent care clinic would be defined as an office use in the Kirkland Zoning Code (KZC). Similar to many pedestrian-oriented business district zones in Kirkland, the CBD 8 zone contains the following restriction on office uses:

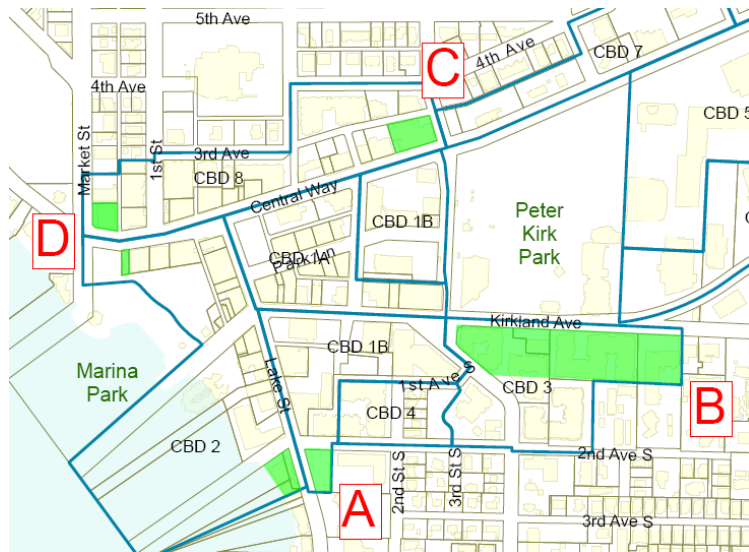
*This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way (see KZC 50.64 for limited exceptions).*

The regulation does provide some flexibility for the Planning Director to reduce the depth requirement for the retail space if the applicant demonstrates that the proposed configuration provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. Reducing the depth requirement may not be a viable solution here because there is not a retail tenant proposed and the current space is not amenable to being partitioned to create a 30' deep retail space.

Many cities have similar ground floor retail requirements in their downtowns and similar areas in order to encourage pedestrian activity, add interest, and foster thriving and dynamic commercial districts.

Kirkland's ground floor use restrictions are based on long-time Comprehensive Plan policies that set the vision for the type of downtown envisioned by the community. Some form of ground floor retail restrictions have been in place in the downtown core for over 40 years. The vision and policy direction for the downtown area are found in the Downtown Plan section of the Moss Bay Neighborhood Plan.

In 2010-2011, the City conducted the most recent review of ground floor retail requirements. At that time, the City Council decided to retain all regulations, but scoped a specific review of "end of the block" study areas in CBD 2, CBD 3, and CBD 8 as illustrated in the map below. Study Area C on the map is the Hossman building, subject of the current inquiry.



Green highlighted areas indicate study areas from 2010 amendments

After consideration and recommendations by the Planning Commission, the City Council ultimately amended the KZC to allow office uses outright in Study Area A and to allow additional authority for the Planning Director to approve office uses (including medical) subject to new design standards (outlined below) in Study Areas B and D. The objective was to allow offices that generate higher customer traffic while continuing to preclude offices that generate low customer traffic. The decision at the time was to not allow the additional flexibility for Study Area C, finding that the then-future transit center project would create more pedestrian traffic to that area and that office uses in this area would be detrimental to retailers to the east and west. The new design standards for Study Areas B and D provide the following additional flexibility:

*On the street level floor of buildings in these subareas, the Planning Director may approve certain office uses determined to complement existing pedestrian-oriented uses in the CBD. The applicant must demonstrate that the proposed type of office use is primarily oriented to serving visiting customers and that the design of the street frontage will maximize visual interest. Examples of such uses may include offices for medical, dental, veterinarian, travel agency, and real estate sales but not include offices for administrative, management, medical labs, attorneys, and accountants. The interior space shall orient to the storefront by placing lobby, reception, or accessory sales uses to the front and avoiding uses in the storefront area that would require window coverings.*



## **POLICY DISCUSSION**

There are recent changes in health care and public health that should be considered in deciding how to proceed on this request. First, health care delivery has evolved with providers developing a more retail-based approach to service delivery. This approach benefits the industry by expanding the customer base through ease of access and by virtue of placing services at highly visible retail locations. Second, the current pandemic highlights the need for convenient access to health care services in urban environments. Having health care providers like Overlake and Evergreen in Kirkland's urban centers may make the community more resilient. In addition to their hospitals, [Overlake](#) and [Evergreen](#) provide walk-in urgent care clinics around the region. A description of Overlake's business model and photos of clinics is included as Attachment 2.

Another policy consideration is the fact that COVID 19 is keeping us in a "period of uncertainty." Commerce in general has shifted dramatically since March to adapt to the rapid shift in how we work and how we shop. This shift has been catastrophic for traditional brick and mortar retail across the globe. No credible expert can predict how or when this will sort itself out. This uncertainty is challenging the community's desire to be nimble and responsive, while avoiding missteps that could be detrimental to economic recovery and the long-term viability of the fragile retail sector.

Options: Staff suggests Council consideration of the following Zoning Code amendment options in discussing this request. The options are presented in order of complexity in terms of timing, public involvement, and level of policy concern, starting with the least complex to more complex options.

Option 1: Consider application of the 2010 office/retail amendment discussed above to Study Areas C, which is a subarea of CBD 8. This would allow the Overlake Urgent Care clinic, subject to design standards. Staff is confident that this amendment could be included for consideration in the current package of low policy-level miscellaneous code amendments currently underway and tentatively slated for adoption in January, 2021.

Option 2: Review the entire CBD for applicability of the 2010 office/retail amendment.

Option 3: Review all zones in Kirkland with similar ground floor retail requirements for applicability of the 2010 office/retail amendment.

Staff Recommendation: Staff recommends Option 1. This would be a previously studied, surgical solution to a current issue. This option would allow new use changes, but only with Planning Director approval to ensure the proposal complements the CBD pedestrian-oriented uses. Staff has reviewed the design requirements with Overlake and their architects, and they have indicated that they can meet the standards. Options 2 or 3 (or broader options identified by Council) could be added to the Planning Work Program for future study, allowing time for a more robust process that is commensurate with the potential impact of the desired policy consideration.

### Attachments:

1. QAlert Inquiry
2. Overlake Business Plan and Examples

### Service Request Details

**ID** 9836

**Date/Time** 9/15/2020 3:26 PM

**Type** Contact City Council

**Address** Kirkland

**Comments** Thank you for taking the time to talk to me today about the future of first floor retail. As I mentioned, Opus Bank was bought out and the new bank will be closing the branch. Hearing this, my upstairs tenant, Overlake Hospital inquired about the space. They called the City and were told that they were not considered "Retail" unless they used the first 30' to sell items. They can not do that. They had wanted to put an urgent care facility to go along with the Hospital aspect they provide upstairs. Since I guess this is their new model, if they can't get space in my building they said they will probably not renew the lease next year. This is a shame for me as a landlord BUT also for the City of Kirkland. first floor spaces will go dark with out a new zoning plan requiring first floor to be retail.

Thank you for your consideration to what I believe will become a every big problem for small towns like Kirkland.

Sincerely,  
Carl Hossman Jr  
206-660-5170



Overlake Medical Center and Clinics' overall strategic plan is to develop a robust primary / urgent care network within the primary service area ideally in highly visible retail locations. The 2018-2022 Strategic Plan specifically calls for Overlake to "expand primary/urgent care by adding locations and providers to OMC..." The continued expansion of primary care and urgent care throughout our primary service area, through acquisition and development of new clinics, has been an important part of Overlake's network development efforts since 2005.

Overlake currently has 9 traditional primary care clinics and six urgent care clinics, located in Bellevue, Lake Hills, Kirkland, Newcastle, Redmond, Sammamish, and Issaquah. In addition, Overlake operates a primary care clinic at Expedia headquarters, a Senior Health Clinic, and Overlake Concierge Care.

A strong primary care network is essential not only for improved health outcomes, but also for strategic geographic positioning to facilitate patient access to clinical services. Overlake has operated a primary care clinic in the Hossman Building since 2011. Overlake's model is to have primary care and urgent care clinics located in close proximity to each other to facilitate access and continuity of medical care. Currently, Overlake's closest urgent care clinic is the Redmond clinic – a 4.6-mile drive from Kirkland. Other options for urgent care medical services in Kirkland are limited. The growth in the Kirkland Downtown area is conducive to a robust urgent care practice. The location is highly visible and in a retail setting which is desirable for an urgent care practice. Overlake Medical Center and Clinics currently receives about 7% of its market share from residents of Kirkland or \$156K unique patient visits per year.

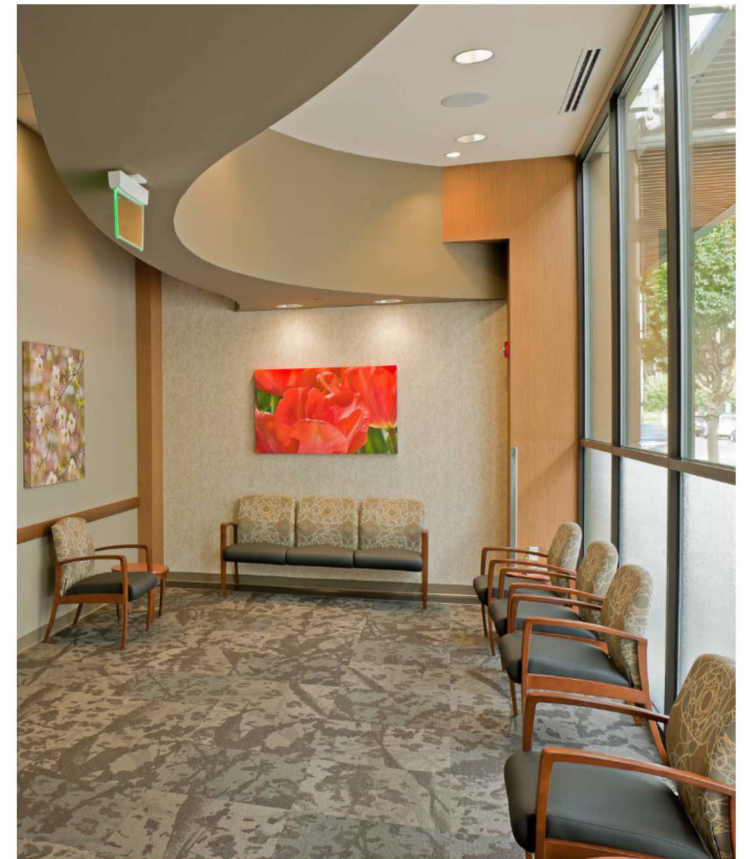
Overlake Urgent Care Clinics treat patients of all ages and work closely with all Overlake locations and providers facilitated by an integrated electronic health record. All of the clinics provide onsite labs and digital X-ray services. Most insurance plans are accepted, as are self-pay options. The Urgent Care locations treat common illnesses such as colds, the flu, earaches, sore throats, migraines, fever or rashes. The clinics also care for minor injuries such as sprains, back pain, minor cuts and burns, minor broken bones or minor eye injuries. The Overlake Urgent Care Clinics have direct access to Overlake Hospital, the emergency room and a network of specialists, allowing us to provide a higher level and coordination of care than most other immediate/urgent care locations. The clinics provide walk-in appointments and have an online system that allows patients to 'get in line' for care to avoid waiting in the clinic. The clinics transfer an average of 2-5 patients a day to the emergency room by either ambulance or patient's own vehicle.

Hours of operation of the Kirkland Urgent Care clinic will be Monday – Saturday from 12 pm – 10 pm. Hours may be adjusted based on market preferences. Staffing will consist of providers (physicians, nurse practitioners, and physician assistants), medical assistants, patient service representatives, registered nurses, and radiology technicians.

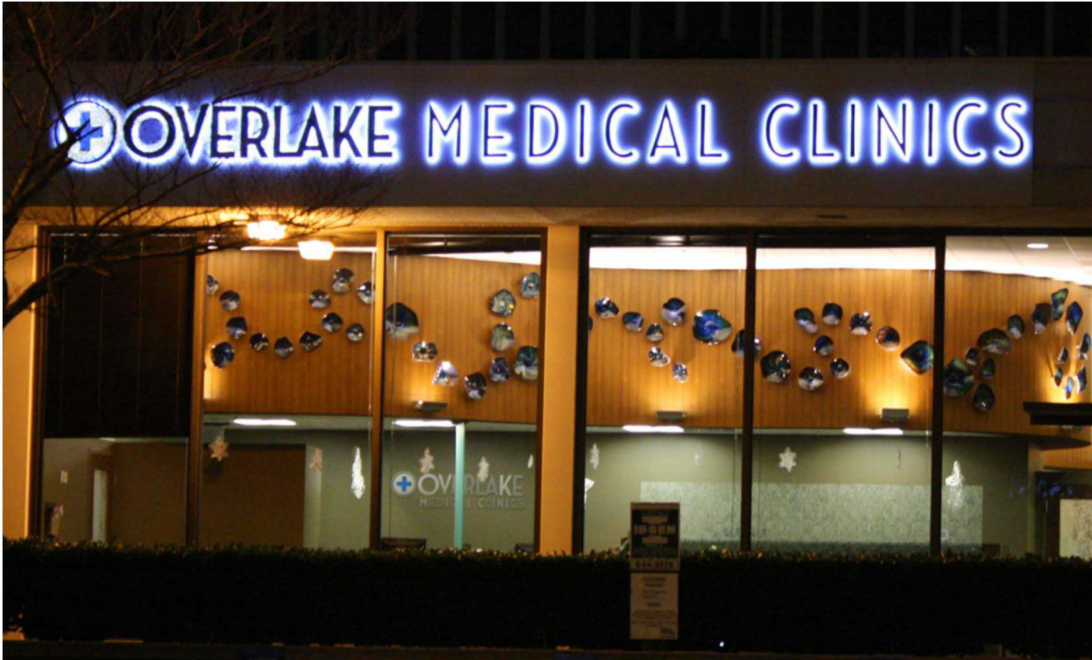
# OVERLAKE MEDICAL CENTER & CLINICS



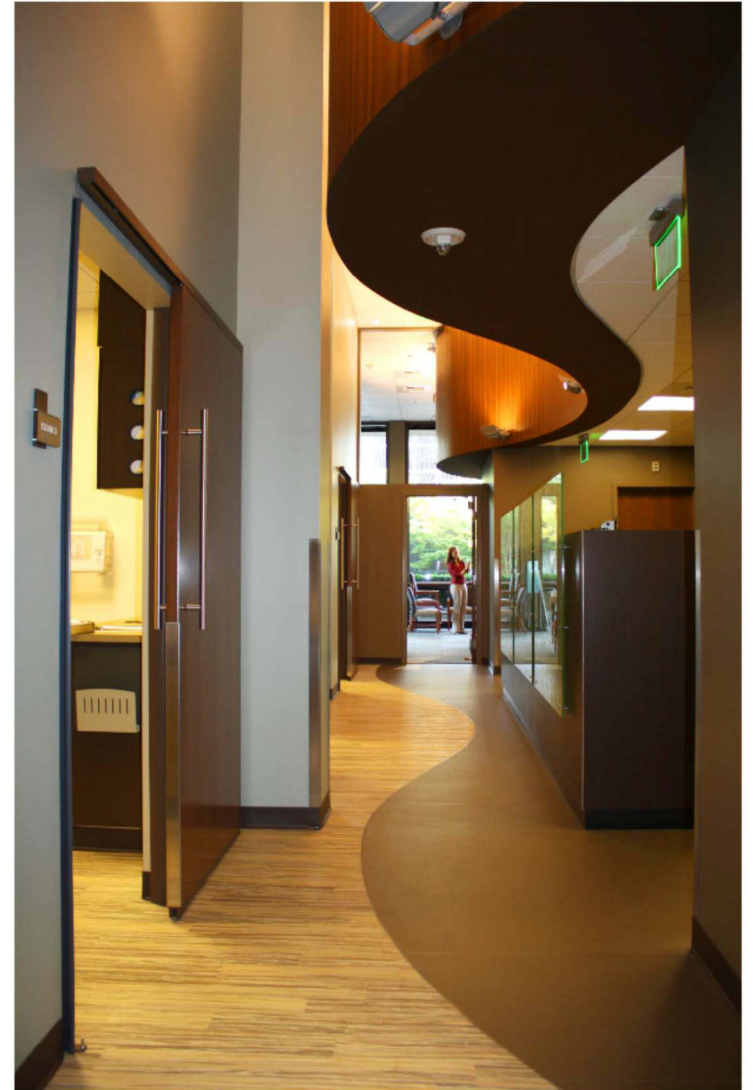
OVERLAKE MEDICAL CLINIC - REDMOND  
Redmond, WA







OVERLAKE MEDICAL CLINIC - BELLEVUE  
Bellevue, WA





OVERLAKE MEDICAL CLINIC - ISSAQUAH  
Issaquah, WA

