

RESOLUTION R-4848

A RESOLUTION OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE ASSOCIATED WITH THE AMENDMENTS TO THE SHORELINE MASTER PROGRAM, FILE NO. ZON06-00017.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated October 14, 2010 and bearing Kirkland Department of Planning and Community Development File No. ZON06-00017; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on September 30, 2010, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Determination of Non-Significance issued by the responsible official pursuant to WAC 197-11-340; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with report and recommendation of the Planning Commission; and

WHEREAS, the City Council wishes to state its intent to adopt the attached proposed Zoning Code text upon approval of the City's amendments to its Shoreline Master Program by the State Department of Ecology; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kirkland as follows:

Section 1. The City Council hereby approves the proposed Zoning text amendments of Ordinance 3719 as amended, the Kirkland Zoning Ordinance as set forth in Attachment A attached to this resolution and incorporated by reference. The City Council intends to adopt the proposed Zoning text amendments set forth in Attachment A upon the City's final adoption of the amendments to its Shoreline Master Program.

PASSED by majority vote of the Kirkland City Council in open meeting this 16th day of November, 2010

Signed in authentication thereof this 16th day of November, 2010.


Mayor

Attest:


City Clerk

AMENDMENTS TO OTHER CHAPTERS OF THE ZONING CODE

The following regulations apply to all uses in this zone unless otherwise noted: R
CHAPTER 18 – SINGLE-FAMILY RESIDENTIAL A (RSA) ZONES

18.05 User Guide.
The charts in KZC 18.10 contain the basic zoning regulations that apply in each RSA 1, RSA 4, RSA 6 and RSA 8 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 18.08

Section 18.08 – GENERAL REGULATIONS



1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property
2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or b. The maximum horizontal facade shall not exceed 50 feet. See KZC 115.30. Distance Between Structures/Adjacency to Institutional Use, for further details. (Does not apply to Detached Dwelling Unit and Mini-School or Mini-Day-Care Center uses).
3. All subdivisions and short subdivisions in the RSA-1 zone shall be clustered such that development is located away from critical areas. The open space resulting from such clustering shall be placed in a separate tract that includes at least 50 percent of the subject property. Open space tracts shall be permanent and shall be dedicated to a homeowner's association or other suitable organization for purposes of maintenance. Passive recreation, with no development of recreational facilities, and natural-surface pedestrian and equestrian trails are acceptable uses within the open space tract. If access to the open space is provided, the access shall be located in a separate tract. A greenbelt protection or open space easement shall be dedicated to the City to protect the designated open space tract resulting from lot clustering.
4. For properties within the Holmes Point (HP) Overlay Zone, see Chapter 70 KZC for additional regulations.
5. For properties with frontage on Lake Washington, the required yard measured from the high waterline shall be the greater of 15 feet or 15 percent of the average parcel depth. No structure other than a moorage structure shall be waterward of the high waterline.
5. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
6. See Plate 39 for areas identified as heron habitat protection areas and KZC 90.127 for regulations that apply to identified heron habitat protection areas.
6. For properties within the jurisdiction of the Shoreline Management Act, see Chapter 83 KZC for permitted uses, shoreline setback regulations and other additional regulations.

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

Section 18.10									
<div>USE</div> <div>REGULATIONS</div>									
Required Review Process	MINIMUMS		MAXIMUMS		Landscape Category (See Ch. 95)		Sign Category (See Ch. 100)		Required Parking Spaces (See Ch. 105)
					Lot Coverage		Height of Structure		
	Lot Size		REQUIRED YARDS (See Ch. 115)		Front		Side		
Special Regulations (See also General Regulations)									

.010	Detached Dwelling Unit	None	As established on the zoning Map. See Spec Regs. 1, 2 and 3.	20'	5'	10'	50% except 30% for the RSA 1 zone. See Gen. Reg. 3.	30' above average building elevation. See Spec. Reg. 8	E	A	2.0 per dwelling unit.
			<div> <div>See each side</div> <div>See Spec. Regs. 5 and 6 and 9</div> </div>	<div> <div>See General Regulation 6 for Holmes Point overlay zone</div> </div>							<ol style="list-style-type: none"> Maximum units per acre is as follows: <ol style="list-style-type: none"> In RSA 1 zone, the maximum units per acre is one dwelling unit. In RSA 4 zones, the maximum units per acre is four dwelling units. In RSA 6 zones, the maximum units per acre is six dwelling units. In RSA 8 zones, the maximum units per acre is eight dwelling units. In RSA 1, 4, 6 and 8 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot. Minimum lot size per dwelling unit is as follows: <ol style="list-style-type: none"> In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area. In RSA 4 zones, the minimum lot size is 7,600 square feet. In RSA 6 zones, the minimum lot size is 5,100 square feet. In RSA 8 zones, the minimum lot size is 3,800 square feet. Road dedication and vehicular access easements or tracts may be included in the density calculation, but not in the minimum lot size per dwelling unit. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: <ol style="list-style-type: none"> In RSA 1 zone, F.A.R. is 20 percent of lot size. In RSA 4 zones, F.A.R. is 50 percent of lot size. In RSA 6 zones, F.A.R. is 50 percent of lot size. In RSA 8 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to 12 feet horizontal. <p><u>F.A.R. is not applicable for properties located within the jurisdiction of the Shoreline Management Act regulated under Chapter 83 KZC.</u></p> <p>See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.</p> <ol style="list-style-type: none"> 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. Garages shall comply with the requirements of KZC 115.43, including required front yard.

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USE ↑	REGULATIONS ⇌		Lot Size	REQUIRED YARDS (See Ch. 115)	Lot Coverage	Height of Structure						
							Front	Side	Rear			
												<div>7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</div> <div>8. Maximum height of structure for properties located within the Juanita Beach Camps Plat (Volume 32, Page 35 of King County Records) or the Carr's Park Plat (Unrecorded) shall be 35 feet above average building elevation.</div> <div>9. 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' 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 Section 83.380 KZC.</div> <div>10. For this use, only one dwelling unit may be on each lot regardless of the size of the lot.</div> <div>11. Residential uses abutting Lake Washington may have an associated private shoreline park that is commonly or individually owned and used by residents and guests.</div>

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USE ↑ REGULATIONS ⇨	Required Review Process	MINIMUMS		MAXIMUMS		Landscape Category (See Ch. 95)		Sign Category (See Ch. 100)		Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
		Lot Size	REQUIRED YARDS (See Ch. 115)	Lot Coverage	Height of Structure							
								Front	Side			Rear
.015 Moorage Facility for 1 or 2 Boats Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	None See Chapter 83 KZC	None	20'	5' See Spec. Reg. 42.	-	60% See Chapter 83 KZC Landward of the high-waterline, 25' above average building elevation. Waterward of the high-waterline, dock and pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck.	E	See Spec. Reg. 8	None	1. Refer to Chapter 83 KZC for additional regulations. 4. Moorage must be for the exclusive use of residents of the subject property. Renting moorage space is not permitted. 2. Moorage structures may not extend waterward beyond a point 150 feet from the high-waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. 3. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. 4. May not treat moorage structure with creosote, oil base or toxic substances. 5. Must provide at least one covered and secured waste receptacle. 6. All utility lines must be below the pier deck and, where feasible, underground. 7. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 8. Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high, and visible from the lake. 9. Covered moorage is not permitted. 10. Aircraft moorage is not permitted. 11. Two or more adjoining waterfront lots may share a mooring facility. If this occurs, the following regulations apply: a. All lots will be taken together as the subject property to determine compliance with the requirements of this use. b. The moorage structure may be built to accommodate two boats for each residential unit on the subject property. c. The owner of each lot must deed to the City the overwater development rights to the property. Upon request, the City will, without cost, deed this right back to the owner of a lot, but the number of boats permitted to moor at the shared moorage facility will be reduced by two. 12. No moorage structure may be within either 25' of a public park or 25 feet of another moorage structure not on the subject property.		

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Required Review Process	MINIMUMS		MAXIMUMS		Landscape Category (See Ch. 95)		Sign Category (See Ch. 100)		Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
					Lot Coverage		Height of Structure			
	Lot Size		REQUIRED YARDS (See Ch. 115)							
Front		Side		Rear						

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Lot Size	REQUIRED YARDS (See Ch. 115)	Lot Coverage			Height of Structure							
		Front	Side			Rear						
.020	Church <u>See Spec Regs 1 and 4.</u>	See Spec. Reg. 4. 2.	As established on the Zoning Map. See Spec. Reg. 2. 3	20'	20' on each side	20'	70%, except 30% for RSA 1 zone. See Gen. Reg. 3. See Gen. Reg. 4 for Holmes Point overlay zone.	30' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of worship. See Spec. Reg. 4. 5	1. This use not permitted on properties within the jurisdiction of the <u>Shoreline Management Act. See Chapter 83 KZC.</u> 4. 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 location, land uses within the Master Plan area, parking location, buffering, and landscaping. 2. 3. Minimum lot size is as follows: a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area. b. In RSA 4 zones, the minimum lot size is 7,600 square feet. c. In RSA 6 zones, the minimum lot size is 5,100 square feet. d. In RSA 8 zones, the minimum lot size is 3,800 square feet. 3. 4. The property must be served by a collector or arterial street. 4. 5. No parking is required for day-care or school ancillary to the use.
.030	School or Day-Care Center <u>See Spec. Regs. 1 and 2.</u>	See Spec. Reg. 2. 3.	As established on the Zoning Map. See Spec. Reg. 2. 4.	If this use can accommodate 50 or more students or children, then: 50' on each side		50'	30' above average building elevation. See Spec. Reg. 9. 10.	D See Gen. Regs. 3 and 4.	B See Spec. Reg. 4. 13.	See KZC 105.25.	1. 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, or b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods. c. The property is served by a collector or arterial street. 2. This use not permitted on properties within the jurisdiction of the <u>Shoreline Management Act. See Chapter 83 KZC.</u> 2. 3. 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,	

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Section 18.10		Required Review Process	MINIMUMS		MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
USE ↑ REGULATIONS ⇌	Lot Size		REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
			Front	Side	Rear						
				20'	20' on each side	20'				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 II.B, 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.	
										REGULATIONS CONTINUED ON NEXT PAGE	
.030	School or Day-Care Center (continued)									REGULATIONS CONTINUED FROM PREVIOUS PAGE 3.4. Minimum lot size is as follows: a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area. b. In RSA 4 zones, the minimum lot size is 7,600 square feet. c. In RSA 6 zones, the minimum lot size is 5,100 square feet. d. In RSA 8 zones, the minimum lot size is 3,800 square feet. 4.5. A six-foot-high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 5.6. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 6.7. Structured play areas must be set back from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 7.8. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 8.9. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 9.10. For school use, structure height may be increased, up to 35 feet, if:	

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Section 18.10													
USE ↑ REGULATIONS ⇨													
Required Review Process	MINIMUMS			MAXIMUMS			Special Regulations (See also General Regulations)						
	Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)
Front	Side	Rear											

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Section 18.10		USE ↑ REGULATIONS ⇨		Required Review Process	MINIMUMS		MAXIMUMS		Landscape Category (See Ch. 95)		Sign Category (See Ch. 100)		Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure							
			Front		Side			Rear						
.040	Mini-School or Mini-Day-Care Center See Spec. Regs. 1 and 2.	Process I, Chapter 145 KZC.	As established on the Zoning Map. See Spec. Reg. 2, 3.	20'	5' but 2 side yards must equal at least 15'.	10'	50%, except 30% for RSA 1 zone. See Gen. Reg. 3, 4 for Holmes Point overlay zone.	30' above average building elevation.	E See Gen. Regs. 3 and 4.	B See Spec. Reg. 8.9.	See KZC 105.25.	1. May locate on the subject property if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. This use not permitted on properties within the jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.		
.050	(Reserved)											23. Minimum lot size is as follows: a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area. b. In RSA 4 zones, the minimum lot size is 7,600 square feet. c. In RSA 6 zones, the minimum lot size is 5,100 square feet. d. In RSA 8 zones, the minimum lot size is 3,800 square feet. 34. A six-foot-high fence is required along the property line adjacent to the outside play areas. 45. Hours of operation and the maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses. 56. Structured play areas must be set back from all property lines by five feet. 67. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 78. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 89. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses. 910. May include accessory living facilities for staff persons. 1011. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).		

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Section 18.10		USE ↑ REGULATIONS ⇨	Required Review Process	MINIMUMS		MAXIMUMS		Landscape Category (See Ch. 95)		Sign Category (See Ch. 100)		Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)	Lot Coverage	Height of Structure							
				Front	Side	Rear								
.060	Golf Course See Spec. Reg. 1.	Process IIA, Chapter 150 KZC.	1 acre	50'	50' on each side	50'	50%, except 30% for RSA 1 zone. See Gen. Reg. 3. See Gen. Reg. 4 for Holmes Point overlay zone.	30' above average building elevation.	E See Gen. Regs. 3 and 4.	B See KZC 105.25.	1. This use not permitted on properties within the jurisdiction of the Shoreline Management Act. See Chapter 83 KZC. 4-2. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2-3. May not include miniature golf. 3-4. 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.			
.070	Public Utility	See Spec. Reg. 1.	None	20'	20' on each side	20'	70%, except 30% for RSA 1 zone. See Gen. Reg. 3. See Gen. Reg. 4 for Holmes Point overlay zone.	30' above average building elevation.	A See Gen. Regs. 3 and 4.		1. 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. 2. Site design must minimize adverse impacts on surrounding residential neighborhoods. 3. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.			
.080	Government Facility Community Facility				10' on each side	10'	See Gen. Reg. 3. See Gen. Reg. 4 for Holmes Point overlay zone.		C See Spec. Reg. 3.					
.090	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.									1. For properties within the jurisdiction of the Shoreline Management Act, this use may include a public access pier or boardwalk. See Chapter 83 KZC.			

Section 18.10

USE



REGULATIONS



Required Review Process

MINIMUMS

REQUIRED YARDS
(See Ch. 115)

Lot Size

Front

Side

Rear

MAXIMUMS

Height of Structure

**Landscape
Category
(See Ch. 95)**

Sign Category
(See Ch. 100)

**Required
Parking
Spaces
(See Ch. 105)**

Special Regulations
(See also General Regulations)

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

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

Section 20.08



Section 20.08 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Developments creating four or more new detached, attached or stacked dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. If any portion of a structure is adjoining a low density zone or a low density use in PLA 17, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.See KZC 115.30. Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Detached Dwelling Units uses).
4. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:
Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.
5. If the subject property is located within the North Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
6. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation.
(Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Public Park uses).
7. If the subject property is located between NE Juanita Dr. and Lake Washington or 98th Avenue NE and Lake Washington, refer to Chapter 83 KZC for regulations regarding shoreline setbacks and public pedestrian walkways.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

8. If the property is located in the NE 85th Street Subarea, the following shall apply:
 - a. If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.
 - b. If the subject property is located directly north of the RH 4 zone, the applicant shall install a through-block pedestrian pathway pursuant to the standards in KZC 105.19(3) to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. (See Plate 34K).
9. May not use lands seaward of the ordinary high water mark to determine lot size or to calculate allowable density.
- ~~10. May also be regulated under the Shoreline Master Program, refer to Chapter 83 KZC.~~
- ~~10. For properties within the jurisdiction of the Shoreline Management Act, see Chapter 83 KZC for permitted uses, shoreline setback regulations and other additional regulations.~~
11. 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' 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 Section 83.380 KZC. This regulation does not pertain to the School or Day-Care Center uses that accommodate 50 or more students or children.

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Section 20.10	USE ↑ REGULATIONS ⇌	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Detached Dwelling Units	None	5,000 sq. ft. in an RM and RMA 5.0. Otherwise, 3,600 sq. ft.	20' See Gen Reg. 11.	5', but 2 side yards must equal at least 15'.	10'	60%	RM zone: If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of the size of the lot. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. If the property is in an RM 1.8, 2.4, or 3.6 zone and contains less than 5,000 sq. ft., each side yard may be five feet. 4. No structures, other than moorage structures or public access piers, may be waterward of the ordinary high water mark. See Chapter 83 KZC.
.020	Detached, Attached or Stacked Dwelling Units Stacked Dwelling Units are not permitted in RM and RMA 5.0.	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	3,600 sq. ft. with a density as established on the Zoning Map. See Spec. Reg. 1.	RM zone: 5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'. See Spec. Reg. 6. RMA zone: 5'				D See Spec. Regs. 4 and 9.		1.7 per unit.	1. 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 sq. ft. b. In RM 3.6 and RMA 3.6 zones, the minimum lot area per unit is 3,600 sq. ft. c. In RM 2.4 and RMA 2.4 zones, the minimum lot area per unit is 2,400 sq. ft. d. In RM 1.8 and RMA 1.8 zones, the minimum lot area per unit is 1,800 sq. ft. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. 4. Except for low density uses, if the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies. 5. 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:	
See Gen Reg. 10.												

See Gen Reg. 10.

								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. REGULATIONS CONTINUED ON NEXT PAGE
.020	Detached, Attached or Stacked Dwelling Units (continued)							REGULATIONS CONTINUED FROM PREVIOUS PAGE 6. 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. 7. 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. 8. 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. 9. When a low density use adjoins a detached dwelling unit in a low density zone, Landscape Category E applies. 10. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests. 11. No structures, other than moorage structures or public access piers, may be waterward of the ordinary high water mark. See Chapter 83 KZC.
.030	Church	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20' See Gen Reg. 11	20'	20'	70%	RM zone: If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. RMA zone: 35' above average building elevation.
				C See Spec. Reg. 3.	B	1 for every 4 people based on maximum occupancy load of worship. See Spec. Reg. 2.		

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
Section 20.10											
USE ↑ REGULATIONS ↓	Require d Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)		Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure	Lot Coverage				
			Front	Side Property Line	Shoreline Setback						
.040	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	See Chapter 83 KZC.	None	30' See also Spec- Reg- 3- See Chap 83 KZC	5'-but 2 side-yards must equal at least 15'- See Chap 83 KZC	See Chapter 83 KZC.	Landward of the ordinary high water mark 30' above average building elevation. RM Zone 30' above average building elevation. RMA Zone: 35' above average building elevation.	B	B	None	1. Refer to Chapter 83 KZC for additional regulations. 3. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback 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 e. The design of the public use area is specifically approved by the City.

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

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS																		
Section 20.10		USE ↑ REGULATIONS ⇨		Required Review Process		MINIMUMS		MAXIMUMS		Landscape Category (See Ch. 95)		Sign Category (See Ch. 100)		Required Parking Spaces (See Ch. 105)		Special Regulations (See also General Regulations)		
		Lot Size		REQUIRED YARDS (See Ch. 115)					Height of Structure									
		Front		Side		Rear												
.050	School or Day-Care Center	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, Process II.A, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50' each side If this use can accommodate 13 to 49 students or children, then: 20' each side <u>See Gen Reg. 11</u>			20'	20'	70%	RM zone: If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg. 8. RMA zone: 35' above average building elevation.	D	B	See KZC 105.25.	1. 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 must minimize adverse impacts on surrounding residential neighborhoods. 2. A six-foot-high fence is required only along the property line adjacent to the outside play areas. 3. 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. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 8. 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. <i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i>				

.060	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop See Spec. Reg. 9.	Process II.A, Chapter 150 KZC. Also see Chapter 83 KZC for properties in shoreline jurisdiction.	7,200 sq. ft.	20 <u>See Gen Reg. 11.</u>	5' but 2 side yards must equal at least 15.	10'	60%	RM zone: If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> 1. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location. 2. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area. 3. Must be located on a collector arterial or higher volume right-of-way. 4. Placement and scale must indicate pedestrian orientation. 5. Must mitigate traffic impacts on residential neighborhood. 6. Gross floor area may not exceed 3,000 square feet. 7. May not be located above the ground floor of a structure. 8. Hours of operation may be limited to reduce impacts on nearby residential uses. 9. This use is not permitted in an RM zone located within the NE 85th Street Subarea.
.070	Mini-School or Mini-Day-Care	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	3,600 sq. ft.					RM zone: If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. May locate on the subject property if: <ol style="list-style-type: none"> a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. A six-foot-high fence is required along the property line adjacent to the outside play areas. 3. Structured play areas must be set back from all property lines by five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

.080	Assisted Living Facility (Not permitted in RM 5.0 or RMA 5.0)	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, none.	3,600 sq. ft.	20' See <u>Gen. Reg. 11.</u>	RM zone: 5' but 2 side yards must equal at least 15'. RMA zone: 5.	10'	60% RM zone: If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. RMA zone: 35' above average building elevation.	D See Spec. Reg. 6.	A	1. 7 per independent unit. 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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. 3. 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 11B, 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. 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. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 6. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies.
.090	Convalescent Center or Nursing Home	Within the NE 85th Street Subarea, D.R., Chapter 142 KZC. Otherwise, Process 11A, Chapter 150 KZC.	7,200 sq. ft.	10' on each side		70%	C See Spec. Reg. 2.	B	1 for each bed.	1. 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. 2. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then Landscape Category A applies.	
.100	Public Utility	Within the NE 85th Street Subarea, D.R.,	None	20' on each side	20'	70% RM zone: If adjoining a low density zone other	A See Spec. Regs. 2 and 3.	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.	

.110	Government Facility Community Facility	Chapter 142 KZC. Otherwise, Process II.A, Chapter 150 KZC.	10' on each side	10'	than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. RMA zone: 35' above average building elevation.	C See Spec. Regs. 2 and 3.	<p>3. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then Landscape Category A applies.</p> <p>4. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:</p> <p>a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;</p> <p>b. The electronic readerboard is no more than 50 percent of the sign area;</p> <p>c. Moving graphics and text or video are not part of the sign;</p> <p>d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;</p> <p>e. The electronic readerboard displays messages regarding public service announcements or City events only;</p> <p>f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;</p> <p>g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;</p> <p>h. It is located to have the least impact on surrounding residential properties.</p> <p>If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.</p> <p>5. A Community Facility use is not permitted on properties within the jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.</p>
.120	Public Park	Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.	10' on each side	10'	than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. RMA zone: 35' above average building elevation.	C See Spec. Regs. 2 and 3.	<p>1. If any portion of a structure is adjoining a low density zone, then either:</p> <p>a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or</p> <p>b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.</p> <p>See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for more details</p> <p>2. For properties within the jurisdiction of the Shoreline Management Act, this use may include a public access pier or boardwalk. See Chapter 83 KZC.</p>

30.19 User Guide. The charts in KZC 30.25 contain the basic zoning regulations that apply in the WD II zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 30.20



Section 30.20 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
3. The required yard abutting an unopened right-of-way shall be a side property rather than a front property line.
4. May also be regulated under the Shoreline Master Program, refer to KZC Chapter 83

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



Section 30.25										
<div>USE</div> <div>REGULATIONS</div>										
Required Review Process	MINIMUMS				MAXIMUMS		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS			
	REQUIRED YARDS (See Ch. 115)				Lot Coverage					Height of Structure
	Front	North Property Line	South Property Line	Shoreline Setback	Side Property Line					

.010	Detached Dwelling Units	None	12,500 sq. ft.	For those properties that conform to the standard shoreline setback requirements established in Chapter 83 KZC, either: a. 10' or b. The average of the existing front yards on the property abutting the subject property to the			See Chapter 83 KZC	5', but 2 side yards must equal at least 15' OR 5' in each side if Spec Reg 5 is met.	50%	For properties with a minimum of 45' of frontage along Lake Washington, 30' above average building elevation. See Special Reg 11 Otherwise, 25' above average building elevation	E	A	2.0 per unit.	1. No structure, other than a moorage structure, may be waterward of the ordinary high water mark. For the regulations regarding moorage, see Chapter 83 KZC. 2. For this use, only one dwelling unit may be on each lot regardless of lot size. 3. For properties located south of the Lake Ave W Street End park, the required front yard may be decreased to the average of the existing front yards on the properties abutting the subject property along both side property lines even if the required shoreline setback is not met. 4. The dimensions of any required yard, other than as specifically listed, will be determined on a case-by-case basis, unless otherwise specified in this section. The City will use the setback for this use in RS zones as a guide for this use. 5. The gross floor area of any floor above the first story at street or vehicular access easement level shall be reduced by a minimum of 15% of the floor area of the first story, subject to the following conditions: a. The structure must conform to the standard shoreline setback requirements established in Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in Section 83.380 KZC. b. The required floor area reductions shall be incorporated along the entire length of the facade of one or both facades facing the side property lines in order to provide separation between neighboring residences. c. This provision shall not apply to residences that do not contain a ceiling height greater than 16 feet only d. A residence has more than one story above the street or vehicular access easement level, as measured at the midpoint of the frontage of the subject property on the abutting right-of-way (Plate 36). e. The calculation of gross floor area shall apply the provisions established in KZC 115.42.1. Uncovered
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DIRECTIONS: FIRST, read down to find use... **THEN**, across for REGULATIONS

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS													
Section 30.25													
USE REGULATIONS													
Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)		Sign Category (See Ch. 100)		Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
	Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage	Height of Structure						
		Front	North Property Line	South Property Line	Shoreline Setback								

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

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS														
Section 30.25		Required Review Process	MINIMUMS		MAXIMUMS		Landscape Category (See Ch. 95)		Sign Category (See Ch. 100)		Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
USE  	Lot Size		REQUIRED YARDS (See Ch. 115)				Lot Coverage	Height of Structure						
			Front	North Property Line	South Property Line	Shoreline Setback			Side Property Line					
											measured from the ordinary high water mark to the public pedestrian access easement providing access to Waverly Beach Park.			
.020	Piers, docks, boat lifts and canopies serving Detached Dwelling Unit	See Chapter 83 KZC	None	Landward of the <div><div>20'</div><div>5'</div><div>10'</div><div>--</div></div> Waterward of the High Waterline <div><div>--'</div><div>40'</div><div>40'</div><div>--</div></div> In addition, no moorage structure may be within either: a. 25' of a public park; or b. 25' of another moorage structure not on the subject property. See Special Regulation 4. See Chapter 83 KZC				5', but 2' side yards must be equal at least 15'	See Chapter 83 KZC Landward of the High Waterline 25' above average building elevation. Waterward of the High Waterline, deck and pier decks may not be more than 24" above mean sea level. Diving boards and similar features may not be more than 3' above the deck.	E	See Spec. Reg. 8.	None	Refer to Chapter 83 KZC for additional regulations.	
.030	Public Utility	Process IIA, Chapter 150 KZC.	None	20'	20'	20'	The greater	5', but 2' side yards	70%	25' above average building	A	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods.

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

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS															
Section 30.25		USE ↑ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
				Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage					Height of Structure	
					Front	North Property Line	South Property Line	Shoreline Setback High Water Line							Side Property Line
.040	Government Facility Community Facility				of 45 feet or less or 15% of the average parcel depth. See Chapter 83 KZC	must be equal at least 15'		elevation	C See Spec. Reg. 4.			2. If any portion of a structure is adjoining a detached dwelling unit in a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The maximum horizontal facade shall not exceed 50 feet. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for more details. 3. If either a north property line yard or the south property line yard is also the front yard of the subject property, it will be regulated as a front yard. The dimension of any required yard, other than as specifically listed, will be determined on a case-by-case basis. The City will use the setback for this use in RS zones as a guide. 4. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses			
.050	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.													
		1. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet. See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for more details. 2. The provisions of Chapter 90 KZC limiting development in and around wetlands do not apply to a public park. If the development is approved as part of a Master Plan. 3. This use may include a public access pier or boardwalk. See KZC 30-15-090 Chapter 83 KZC for regulations regarding these uses.													

MINOR AMENDMENTS TO CHAPTERS 135, 140 and 160

Chapter 135 – AMENDMENTS TO THE TEXT OF THE ZONING CODE

Sections:

- [135.05](#) User Guide
- [135.10](#) Applicable Process
- [135.15](#) Initiation of Proposals
- [135.20](#) Threshold Determination for Citizen-Initiated Proposals
- [135.25](#) Criteria for Amending the Text of the Zoning Code
- [135.30](#) Moratoria and Interim Land Use Regulations
- [135.35](#) Response to a Court or Growth Management Hearings Board Appeal or Decision

135.10 Applicable Process

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

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

135.25 Criteria for Amending the Text of the Zoning Code

The City may amend the text of this code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

No changes to Sections 135.05, 135.15 through 135.20 or 135.20 through 135.35

Chapter 140 – AMENDMENTS TO THE COMPREHENSIVE PLAN

Sections:

- [140.05](#) User Guide
- [140.10](#) Applicable Process
- [140.15](#) Initiation of Proposals
- [140.20](#) Threshold Determination for Citizen-Initiated Proposals
- [140.25](#) Factors to Consider in Approving an Amendment to the Comprehensive Plan

140.30	Criteria for Amending the Comprehensive Plan
140.35	Emergency Plan Amendment
140.40	Response to a Court or Growth Management Hearings Board Appeal or Decision
140.45	Responsibility To Review

140.10 Applicable Process

The City will use Process IV described in Chapter [160](#) KZC to review and decide upon a proposal to amend the Comprehensive Plan.

A proposal to amend the Shoreline Area Chapter of the Comprehensive Plan requires formal review and approval by the Washington State Department of Ecology as described in Chapter 160.

140.30 Criteria for Amending the Comprehensive Plan

The City may amend the Comprehensive Plan only if it finds that:

1. The amendment must be consistent with the Growth Management Act.
2. The amendment must be consistent with the countywide planning policies.
3. The amendment must not be in conflict with other goals, policies, and provisions of the Kirkland Comprehensive Plan.
4. The amendment will result in long-term benefits to the community as a whole, and is in the best interest of the community.
5. When applicable, the proposed amendment must be consistent with the Shoreline Management Act and the City's adopted shoreline master program.

No changes to Sections 140.05, 140.15 through 140.25 and 140.35 through 140.45

Chapter 160 – PROCESS IV

Sections:

160.05	User Guide
160.15	Initiation of Proposals
160.20	Compliance with SEPA
160.25	Threshold Review
160.35	Official File
160.40	Notice
160.45	Staff Report
160.50	Community Council Proceeding
160.55	Public Hearing
160.60	Material To Be Considered
160.65	Electronic Sound Recordings
160.70	Public Comments and Participation at the Hearing
160.75	Continuation of the Hearing
160.80	Planning Commission Action
160.85	Planning Commission Report to City Council
160.90	Publication and Effect

[160.95](#) Jurisdiction of the Houghton Community Council

[160.100](#) Jurisdiction of the Washington State Department of Ecology

No change to 160.05 through 160.95

160.100 Jurisdiction of the Washington State Department of Ecology

The Washington State Department of Ecology is authorized under the authority of the Shoreline Management Act of RCW Chapter 90.58 and WAC Chapter 173-26 to approve, deny or propose modifications to the City's shoreline master program (SMP). The City's SMP includes the Shoreline Area chapter of the Comprehensive Plan and Chapters 83 and 141 KZC. For these components of the SMP, the City Council shall take action pursuant to KZC 165.85 and then direct the Planning Official to forward the amended SMP components to the Department of Ecology for formal review and final approval.