

ORDINANCE O-4392

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING CODE, AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM12-00290.

WHEREAS, the Growth Management Act (GMA), specifically RCW 36.70A.130, mandates that the City of Kirkland review, and if needed, revise its Comprehensive Plan and its official Zoning Code; and

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission to amend certain portions of the Comprehensive Plan for the City, Ordinance 3481 as amended, and the Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated November 29, 2012 and bearing Kirkland Department of Planning and Community Development File No. CAM12-00290; and

WHEREAS, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, held on November 15, 2012, 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, an Environmental Impact Statement issued by the responsible official pursuant to WAC 197-11-460; and

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

WHEREAS, RCW 36.70A.130, requires the City to review all amendments to the Comprehensive Plan concurrently and no more frequently than once every year;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Comprehensive Plan Text, Figures and Tables, and Zoning Code amended: The Comprehensive Plan, Ordinance 3481 as amended, and Zoning Code, Ordinance 3719,

as amended, are hereby amended as set forth in Exhibit A attached hereto and by this reference incorporated herein as though fully set forth.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This Ordinance shall be in full force and effect five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this Ordinance and by this reference approved by the City Council as required by law.

Section 4. A complete copy of this Ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this 11th day of December, 2012.

Signed in authentication thereof this 11th day of December, 2012.




Mayor

Attest:

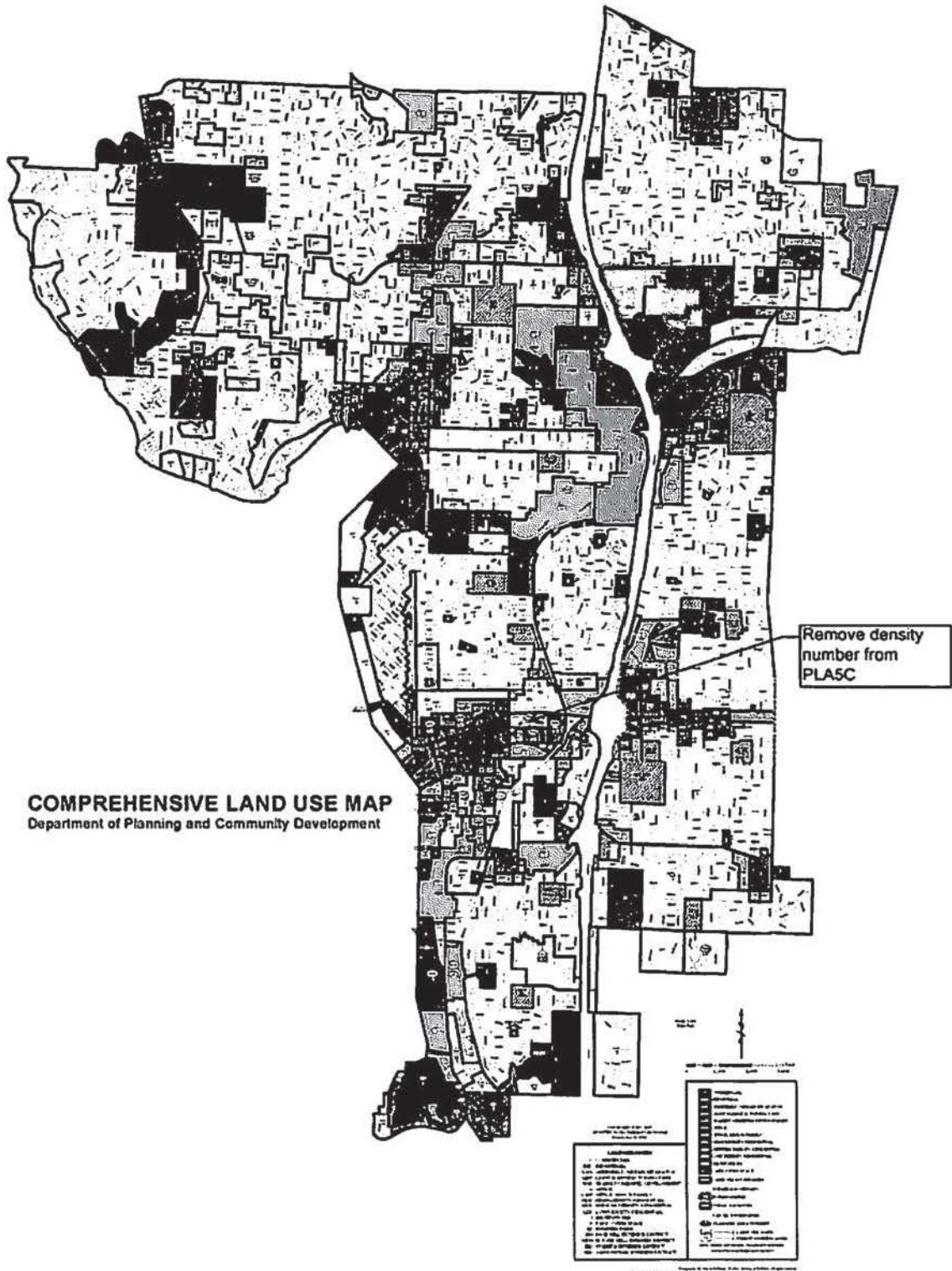


City Clerk

Approved as to Form:



City Attorney



COMPREHENSIVE LAND USE MAP
Department of Planning and Community Development

Remove density
number from
PLASC

LU-1 Comprehensive Land Use Map

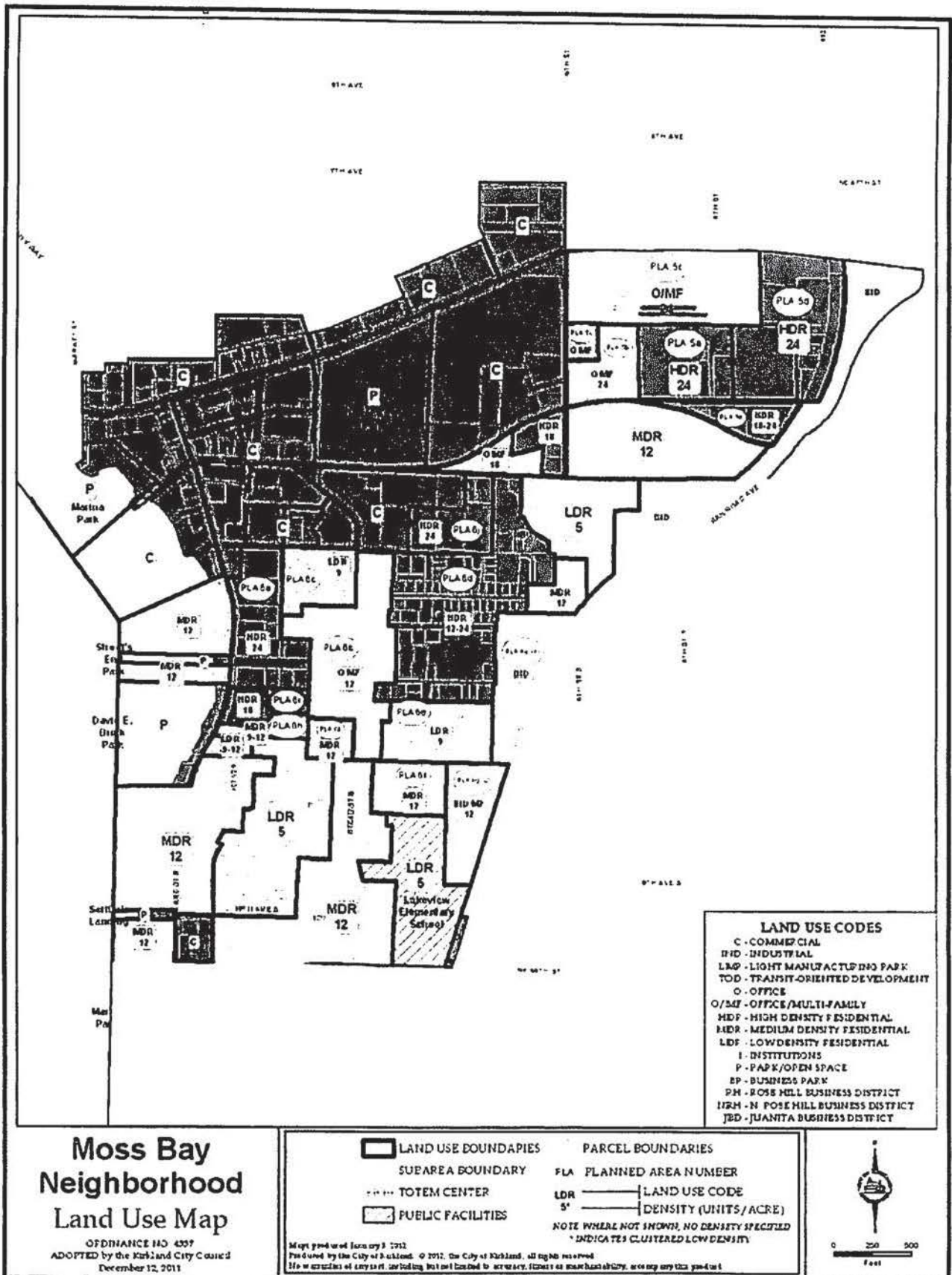


Figure MB-2: Moss Bay Area Land Use

XV.D. MOSS BAY NEIGHBORHOOD

4. PERIMETER AREAS

with no designated density limit.

North C Subarea

Subarea C, located north of Subareas B and A, and north and west of Subarea D, contains office development and the U.S. Post Office facility serving Greater Kirkland. Remaining land should develop as professional office or multifamily residential. ~~As indicated on Figure MB-2, the majority of the area should develop at 24 dwelling units per acre. No density limit should apply to the area south of 4th Avenue and within 180 feet of 6th Street.~~ Structures up to five or six stories in height are appropriate in the area north of Subareas B and A for developments containing at least one acre. The adjacent steep hillside limits potential view obstruction from tall buildings. At the same time, taller than normal structures could themselves take advantage of views to the west while maintaining greater open area on site and enhancing the greenbelt spine. Structures up to four stories in height are appropriate in the eastern portion near Subarea 5D for developments containing at least one acre, if additional building setbacks are provided from residential development to the east in Subarea 5D.

East D Subarea

The easternmost third of PLA 5 is identified as Subarea D. This area has developed in high-density multifamily uses. Any future development should be multifamily residential at a density of up to 24 dwelling units per acre.

South E Subarea

The most southerly subarea is the smallest and is somewhat isolated from the other subareas. Lying between 2nd Avenue and Kirkland Way, this area could develop with high-density multifamily residential (up to 24 units per acre). Due to sight distance problems on Kirkland Way, access to and from this area should be restricted to 2nd Avenue.

D. PLANNED AREA 6

Concept of "Subareas" discussed.

The bulk of the land south of Kirkland Avenue is contained in Planned Area 6 (Figure MB-2). Within this planned area, land is divided into a number of subareas, based on unique conditions including use conflicts, various parcel ownerships, traffic problems, lack of utilities, and other factors which may influence future development of the land. Due to its location, this planned area also has a special relationship with the Downtown.

Land use in Subarea A discussed.

Land contained in Subarea A lies south of the Downtown area, east of Lake Street, and west of State Street. This land is designated for high-density development due to its nearness to the Downtown and adjacency to Lake Street.

Land use in Subarea B discussed.

The lands along State Street are designated as Subarea B. Much of this land is already developed with office uses making future office development also appropriate. Multifamily development should also be allowed due to its compatibility with offices and adjacent residential uses. Such multifamily development should occur at a density of 12 dwelling units per acre.

Standards for future professional office development along State Street are listed.

Future professional offices along State Street should locate only north of 7th Avenue South, in order to encourage a compact office corridor. The standards pertaining to office development should be as follows:

60.39 User Guide. The charts in KZC 60.42 contain the basic zoning regulations that apply in Planned Area 5C, including sub-zones. 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 60.40

Zone
PLA5C

Section 60.40 – 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 provision of this code may apply to the subject property.
2. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. ~~In density limited zones, two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots.~~ See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. If any portion of a structure is adjoining a low density use within PLA 5A, 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 within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Detached Dwelling Unit uses).
- ~~X~~ ~~Any portion of a structure that exceeds 30 feet above average building elevation must be set back from the front property line one foot for each one foot that the portion of the structure exceeds 30 feet above average building elevation (does not apply to Detached Dwelling and Public Park uses or property within 325 feet of the PLA 5C eastern boundary).~~
- ~~X~~ 4. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
 - a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.
 - b. Any required yard of the subject property abutting the 4th Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
 - c. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
 - d. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.(Does not apply to Public Park uses).

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

Section 60.42	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	3,600 sq. ft.	20'	5'	10'	70%	25' above average building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> For this use, only one dwelling unit may be on each lot regardless of lot size. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units	<p>If the development is south of 4th Avenue and within 180 feet east of 6th Street or within 825' of the eastern boundary of the Administrative Design Review for buildings over 80' above average building elevation, Chapter 142 KZC. Otherwise, none.</p> <p>D.R.</p>	3,600 sq. ft.	10'	5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C - 15'. See Spec. Reg. 4.	10'	See Spec. Reg. 5.	<ul style="list-style-type: none"> If the development contains at least 1 acre, then the lower of 60' or 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then the lower of 40' or 40' above average building elevation. If the development is south of 4th Avenue and within 180' east of 6th Street, and contains at least 0.8 acres, then the lower of 52' or 52' above average building elevation. If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, then the lower of 40' or 40' above average building elevation. Otherwise, 30' above average building elevation. 	D	A	1.7 per unit.	<ol style="list-style-type: none"> The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C. Minimum amount of lot area per dwelling unit is as follows: <ol style="list-style-type: none"> South of 4th Avenue and within 180 feet of 6th Street, none. Otherwise, 1,800 square feet.

USE ZONE CHART

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

Section 60.42	USE ↓ REGULATIONS ↑	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.030	Office Use	If the development is south of 4th Avenue and within 100' east of 6th Street, or within 325' of the PLA 5C eastern boundary, then Administrative Design Review for buildings over 20' above average building elevation, Chapter 142 KZC. Otherwise none. D.R.	None	20' 10'	5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C - 15'.	10'	70%	<ul style="list-style-type: none"> If the development contains at least 1 acre, then the lower of 60' or 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then the lower of 40' or 40' above average building elevation. If the development is south of 4th Avenue and within 180' east of 6th Street, and contains at least 0.8 acres, then the lower of 40' or 52' above average building elevation. If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, then the lower of 30' or 40' above average building elevation. Otherwise, 30' above average building elevation. 	C	D	If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. 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. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.

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

Section 60.42	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	Development Containing Stacked or Attached Dwelling Units and Office Uses. See Spec. Reg. 1.	<p>If the development is south of 4th Avenue and within 180 feet east of 6th Street or within 225 feet of the eastern boundary then Administrative Design Review for buildings over 30 feet above average building elevation, Chapter 142 KZC. Otherwise, none.</p> <p>D.R.</p>	3,600 sq. ft.	<p>20' 10'</p> <p>5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C - 15'. See Spec. Reg. 6.</p>	10'	See Spec. Reg. 7.	70%	<p>• If the development contains at least 1 acre, then the lower of 6 stories or 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then the lower of 4 stories or 40' above average building elevation.</p> <p>• If the development is south of 4th Avenue and within 180' east of 6th Street, and contains at least 0.8 acres, then the lower of 4 stories or 52' above average building elevation.</p> <p>• If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, then the lower of 3 stories or 40' above average building elevation.</p> <p>• Otherwise, 30' above average building elevation.</p>	C	D	See KZC 105.25.	<ol style="list-style-type: none"> 1. A veterinary office is not permitted in any development containing dwelling units. 2. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 4. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. 5. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> 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. 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. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C. 9. Minimum amount of lot area per dwelling unit is as follows: <ol style="list-style-type: none"> a. South of 4th Avenue and within 180 feet of 6th Street, none. b. Otherwise, 1,800 square feet.

Section 60.42



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.42	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						
.050	Church	Process. Chapter 145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000	7,200 sq. ft.	10'	20' on each side	20'	70%	The lower of 6 stories or 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then the lower of 4 stories or 40' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	<ol style="list-style-type: none"> The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. No parking is required for day-care or school ancillary to this use. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.

D.R.

USE ZONE CHART

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

Section 60.42	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	School or Day-Care Center	This use is adjacent to low-density zones. The Process Chapter 145-KZC-Nonor Chapter 142 KZC D.R.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50' 50' on each side 50' 10'			70%	The lower of 6 stories or 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then the lower of 4 stories or 40' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. May locate on the subject property only if: <ol style="list-style-type: none"> It will serve the immediate neighborhood in which it is located, or It will not be detrimental to the character of the neighborhood in which it is located. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. Hours of operation may be limited to reduce impacts on nearby residential uses. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> 20 feet if this use can accommodate 50 or more students or children. 10 feet if this use can accommodate 13 to 49 students or children. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas 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 any nearby residential uses. May include accessory living facilities for staff persons. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.

Section 60.42

Zone
PLA5C

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.42	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						
.070	Mini-School or Mini-Day-Care	<p>If the development is south of 4th Avenue and within 180' east of 6th Street, or within 325' of the PLA 5C eastern boundary, then Administrative Design Review for buildings over 30' above average building elevation, Chapter 142 KZC. Otherwise none.</p> <p>D.R.</p>	3,600 sq. ft.	20' 10'	5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C - 15'.	10'	70%	E	B	See KZC 105.25.	<ol style="list-style-type: none"> The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. A six-foot-high fence is required along the property lines adjacent to the outside play areas. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. Structured play areas must be setback from all property lines by 5 feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. May include accessory living facilities for staff persons. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C. 	

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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.080	Assisted Living Facility	<p>If the development is south of 4th Avenue and within 180' east of 6th Street, or within 825' of the eastern boundary, then Administrative Design Review for buildings over 30' above average building elevation. Chapter 142 KZC. Otherwise none.</p> <p>D.R.</p>	3,600 sq. ft.	<p>20' 10'</p> <p>5', but 2 side yards must equal at least 15'. From easterly edge of PLA 5C - 15'.</p>	10'	70%	<p>If the development contains at least 1 acre, then the lower of 6 stories or 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary. Then the lower of 4 stories or 40' above average building elevation.</p> <p>If the development is south of 4th Avenue and within 180' east of 6th Street, and contains at least 0.8 acres, then the lower of 4 stories or 52' above average building elevation.</p> <p>If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, then the lower of 2 stories or 40' above average building elevation.</p> <p>Otherwise, 30' above average building elevation.</p>	D	A	1.7 per independent unit. 1 per assisted living unit.	<p>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</p> <p>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.</p> <p>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 subject property, may be approved if the following criteria are met:</p> <p>a. Project is of superior design; and</p> <p>b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.</p> <p>2. none.</p> <p>3. The assisted living facility shall provide usable recreational 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 recreational space per unit located outside.</p> <p>4. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment.</p> <p>5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>6. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.</p>	

Section 60.42

Zone
PLA5C

USE ZONE CHART

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

Section 60.42	USE ↓ REGULATIONS ↑	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.090	Convalescent Center or Nursing Home	Process - Chapter 45 KZC Chapter 142 KZC D.R.	7,200 sq. ft.	20' 10'	10' on each side	10'	70%	The lower of 6 stories or 60' above average building elevation, except for properties within 325' of the PLA 5C eastern boundary, then the lower of 4 stories or 40' above average building elevation.	C	B	1 for each bed.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 2. If 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. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.
.100	Public Utility		None		20' on each side				A		See KZC 105.25.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment.
.110	Government Facility or Community Facility				10' on each side				C See Spec. Reg. 2.			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. 3. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.
.120	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

92.05 INTRODUCTION

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Market Street Corridor (MSC), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD), Totem Center (TC), Yarrow Bay Business District (YBD) and ~~in areas indicated on the use zone charts for~~ PLA 5C.

Special provisions that apply to a particular Design District are noted in the section headings of the chapter.

2. Applicability – The provisions of this chapter apply to all new development, with the exception of development in the TL 7 zone. The provisions of Chapters 142 and 162 KZC regarding Design Review and nonconformance establish which of the regulations of this chapter apply to developed sites. Where provisions of this chapter conflict with provisions in any other section of the code, this chapter prevails. For more information on each Design District refer to the Design Guidelines applicable to that Design District adopted by reference in Chapter 3.30 KMC.
3. Design Review Procedures – The City will use Chapter 142 KZC to apply the regulations of this chapter to development activities that require Design Review approval.
4. Relationship to Other Regulations – Refer to the following chapters of the Zoning Code for additional requirements related to new development on or adjacent to the subject property.
 - a. Landscaping – Chapter 95 KZC describes the installation and maintenance of landscaping requirements on the subject property.
 - b. Installation of Sidewalks, Public Pedestrian Pathways and Public Improvements – Chapter 110 KZC describes the regulations for the installation of public sidewalks, major pedestrian sidewalks, pedestrian-oriented sidewalks, or other public improvements on or adjacent to the subject property in zones subject to Design Review. Plate 34 in Chapter 180 KZC provides the location and designation of the sidewalk, pedestrian walkways, pathways or other required public improvements within each Design District.
 - c. Pedestrian Access to Buildings, Installation of Pedestrian Pathways, Pedestrian Weather Protection – Chapter 105 KZC describes the requirements for pedestrian access to buildings and between properties, through parking areas and requirements for pedestrian weather protection. See also Plate 34 in Chapter 180 KZC.
 - d. Parking Area Location and Design, Pedestrian and Vehicular Access – Chapter 105 KZC describes the requirements for parking lot design, number of driveways, or pedestrian and vehicular access through parking areas.
 - e. Screening of Loading Areas, Outdoor Storage Areas and Garbage Receptacles – Chapter 95 KZC describes the location and screening requirements of outdoor storage. Chapter 115 KZC describes the screening of loading areas, waste storage and garbage disposal facilities.
5. Dedication – The City may require the applicant to dedicate development rights, air space, or an easement to the City to ensure compliance with any of the requirements of this chapter.
6. Design Districts in Rose Hill Business District – Various places in this chapter refer to the three (3) Design Districts in the Rose Hill Business District: Regional Center, Neighborhood Center and East End. Figure 92.05.A below describes where these are located. For a more detailed description of each area, see the Design Guidelines for the Rose Hill Business District adopted by reference in Chapter 3.30 KMC.

Chapter 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY

Sections:

- 112.05 User Guide
- 112.10 Purpose
- 112.15 Affordable Housing Requirement
- 112.20 Basic Affordable Housing Incentives
- 112.25 Additional Affordable Housing Incentives
- 112.30 Alternative Compliance
- 112.35 Affordability Provisions
- 112.40 Regulatory Review and Evaluation

112.05 User Guide

This chapter offers dimensional standard flexibility and density and economic incentives to encourage construction of affordable housing units in commercial zones, high density residential zones, medium density zones and office zones.

If you are interested in proposing four (4) more residential units in commercial zones, high density residential zones, medium density zones or office zones, or you wish to participate in the City's decision on such a project, you should read this chapter.

112.10 Purpose

There is a limited stock of land within the City zoned and available for residential development and there is a demonstrated need in the City for housing which is affordable to persons of low and moderate income. Therefore, this chapter provides development incentives in exchange for the public benefit of providing affordable housing units in commercial zones, high density residential zones, medium density zones and office zones.

112.15 Affordable Housing Requirement1. Applicability –

- a. Minimum Requirement – All developments creating four (4) or more new dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations for the Use Zone or the Special Regulations in the Use Zone Chart for the specific use. This subsection is not effective within the disapproval jurisdiction of the Houghton Community Council.
- b. Voluntary Use – All other provisions of this chapter are available for use within the disapproval jurisdiction of the Houghton Community Council and in developments where the minimum requirement does not apply.

- 2. Calculation in Density-Limited Zones – For developments in density-limited zones, the required amount of affordable housing shall be calculated based on the number of dwelling units proposed prior to the addition of any bonus units allowed pursuant to KZC 112.20.

- 3. Calculation in RH and TL Zones and in the Designated Portion of PLA 5C Zone For developments in the RH and TL Zones, and the portion of PLA 5C south of 4th Avenue and within 100 feet of 6th Street, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed. **Zones**

- 4. Rounding and Alternative Compliance – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the

- 6) Roaming and Grazing Areas – Roaming and grazing areas must be at least 20 feet from each property line. The City may permit barns and pens to extend into the property line in common with the abutting property; provided, that an abutting property owner files a signed and notarized statement in support of the request.
- 7) Outdoor Manure Piles
 - a) PLA 16 zone: No outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure.
 - b) All other zones: No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.
6. Bonds – The City may require a bond under Chapter 175 KZC to ensure that the subject property is maintained in a clean condition.

115.23 Common Recreational Space Requirements for Certain Residential Uses

1. General – Residential developments identified herein by zone and use listing shall comply with the common recreational space requirements of this section:
 - a. RM and RMA Zones: "Detached, Attached, or Stacked Dwelling Units," KZC 20.10.020;
 - b. PR and PRA Zones: "Detached, Attached or Stacked Dwelling Units," KZC 25.10.020;
 - c. NRH 5 Zone: "Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Office Uses)," KZC 54.36.010;
 - d. NRH 6 Zone: "Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Office Uses)," KZC 54.42.010;
 - e. PLA 5A Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.32.020;
 - f. PLA 5B Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.37.020; and "Development Containing Stacked or Attached Dwelling Units and Office Uses," KZC 60.37.040;
 - g. PLA 5C Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.42.020; and "Development Containing Stacked or Attached Dwelling Units and Office Uses," KZC 60.42.040; *Maximum required common recreational open space for PLA 5C is 4800 square feet/acre.*
 - h. PLA 5D Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.47.020;
 - i. PLA 5E Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.52.020;
 - j. PLA 6A Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.57.020;
 - k. PLA 6B Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.62.020; and "Development Containing Stacked or Attached Dwelling Units and Office Uses," KZC 60.62.040;
 - l. PLA 6D Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.72.020;
 - m. PLA 6F Zone: "Detached, Attached or Stacked Dwelling Units," KZC 60.82.020;

- 2) Any development in the following zones within the NE 85th Street Subarea: RH 8, PR 3.6, RM, PLA 17A.
 - 3) Any development in the MSC 1, MSC 2, and MSC 4 zones located within the Market Street Corridor.
2. Administrative Design Review (A.D.R.) – All other development activities not requiring D.B.R. review under subsection (1) of this section shall be reviewed through the A.D.R. process pursuant to KZC 142.25.
3. Exemptions from Design Review – The following development activities shall be exempt from either A.D.R. or D.B.R. and compliance with the design regulations of Chapter 92 KZC:
- a. Any activity which does not require a building permit; or
 - b. Interior work that does not alter the exterior of the structure; or
 - c. Normal building maintenance including the repair or maintenance of structural members; or
 - d. Any development listed as exempt in the applicable Use Zone Chart.

142.25 Administrative Design Review (A.D.R.) Process

- 1. Authority – The Planning Official shall conduct A.D.R. in conjunction with a related development permit pursuant to this section.

The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter 92 KZC, or in zones where so specified, with the applicable design guidelines adopted by KMC 3.30.040. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:

- a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.
- b. Design guidelines for the Rose Hill Business District (RHBD), the Totem Lake Neighborhood (TLN) and Yarrow Bay Business District (YBD) as adopted in KMC 3.30.040.
- c. For review of attached or stacked dwelling units within the NE 85th Street Subarea and the Market Street Corridor, Appendix C, Design Principles for Residential Development contained in the Comprehensive Plan.

the PLA5C zone

- 2. Application – As part of any application for a development permit requiring A.D.R., the applicant shall show compliance with the design regulations in Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040, by submitting an A.D.R. application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application form, as well as application materials required as a result of a pre-design conference.
- 3. Pre-Design Conference – Before applying for A.D.R. approval, the applicant may schedule a pre-design meeting with the Planning Official. The meeting will be scheduled by the Planning Official upon written request by the applicant. The purpose of this meeting is to provide an opportunity for an applicant to discuss the project concept with the Planning Official and for the Planning Official to designate which design regulations, or design guidelines, apply to the proposed development based primarily on the location and nature of the proposed development.

4. A.D.R. Approval

- a. The Planning Official may grant, deny, or conditionally approve the A.D.R. application. The A.D.R. approval or conditional approval will become conditions of approval for any related development permit, and no development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval.
 - b. Additions or Modifications to Existing Buildings
 - 1) Applications involving additions or modifications to existing buildings shall comply with the design regulations of Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040 to the extent feasible depending on the scope of the project. The Planning Official may waive compliance with a particular design regulation if the applicant demonstrates that it is not feasible given the existing development and scope of the project.
 - 2) The Planning Official may waive the A.D.R. process for applications involving additions or modifications to existing buildings if the design regulations are not applicable to the proposed development activity.
5. Lapse of Approval – The lapse of approval for the A.D.R. decision shall be tied to the development permit and all conditions of the A.D.R. approval shall be included in the conditions of approval granted for that development permit.
6. Design departure and minor variations may be requested pursuant to KZC 142.37.

142.35 Design Board Review (D.B.R.) Process

1. Timing of D.B.R. – For any development activity that requires D.B.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity. An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.
2. Public Meetings – All meetings of the Design Review Board shall be public meetings and open to the public.
3. Authority – The Design Review Board shall review projects for consistency with the following:
 - a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30 KMC.
 - b. Design Guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in Chapter 3.30 KMC.
 - c. The Design Principles for Residential Development contained in Appendix C of the Comprehensive Plan for review of attached and stacked dwelling units located within the NE 85th Street Subarea and the Market Street Corridor.
 - d. The Parkplace Master Plan and Design Guidelines for CBD 5A as adopted in Chapter 3.30 KMC.
the PLASC zone

application for the proposed development. No development permit for the subject property requiring D.B.R. approval will be issued until the proposed development is granted D.B.R. approval or conditional approval. The terms of D.B.R. approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the D.B.R. approval or conditional approval. The Planning Official shall send written notice of the D.B.R. decision to the applicant and all other parties who participated in the conference(s) within 14 calendar days of the approval. If the D.B.R. is denied, the decision shall specify the reasons for denial. The final D.B.R. decision of the City on the D.B.R. application shall be the date of distribution of the written D.B.R. decision or, if the D.B.R. decision is appealed, the date of the City's final decision on the appeal. Notwithstanding any other provision of this code, if an applicant submits a complete application for a building permit for the approved D.B.R. development within 180 days of the final D.B.R. decision, the date of vesting for the building permit application shall be the date of the final D.B.R. decision.

Additional Approval Provision for TL 2 and TL 5 – The Notice of Approval for a Conceptual Master Plan (CMP) shall set thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a CMP in TL 2 or TL 5. The Notice of Approval shall also include a phasing plan for all improvements shown or described in the CMP.

Additional Approval Provision for RHBD – The Design Review Board shall determine the thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a Conceptual Master Plan (CMP) in the RHBD. The Notice of Approval for the CMP will state the thresholds for future review of projects and also include a phasing plan for all improvements shown or described in the CMP.

142.37 Design Departure and Minor Variations

1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:
 - a. In the CBD and YBD: minimum required yards; and
 - b. In the Totem Center: minimum required yards, floor plate maximums and building separation requirements; and
 - c. In the RHBD, ^{the PLASC zone} and the TLN: minimum required yards, landscape buffer and horizontal facade requirements; and
 - d. In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards and horizontal facade requirements; and
 - e. In the MSC 2 zone of the Market Street Corridor: height (up to an additional five (5) feet), minimum required front yards and horizontal facade requirements; and
 - f. In the MSC 3 zone of the Market Street Corridor: horizontal facade requirements.

This section does not apply when a design regulation permits the applicant to propose an alternate method for complying with it or the use zone chart allows the applicant to request a reduced setback administratively.
2. Process – If a design departure or minor variation is requested, the D.R. decision, including the design departure or minor variation, will be reviewed and decided upon using the D.B.R. process.

PUBLICATION SUMMARY
OF ORDINANCE O-4392

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING AND LAND USE AND AMENDING THE COMPREHENSIVE PLAN, ORDINANCE 3481 AS AMENDED, AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING CODE, AS REQUIRED BY RCW 36.70A.130 TO ENSURE CONTINUED COMPLIANCE WITH THE GROWTH MANAGEMENT ACT AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM12-00290.

SECTION 1. Amends the following portions of the Kirkland Comprehensive Plan and Kirkland Zoning Code.

- A. Comprehensive Plan – LU-1 Comprehensive Land Use Map
- B. Comprehensive Plan – Moss Bay Area Land Use Figure MB-2
- C. Comprehensive Plan – Moss Bay Neighborhood 4. Perimeter Areas – North C Subarea text
- D. Zoning Code – Zone PLA 5C – Section 60.40 General Regulations
- E. Zoning Code – Zone PLA 5C Section 60.42 Use Zone Chart
- F. Zoning Code – Section 92.05 Introduction to Design Regulations
- G. Zoning Code – Section 112.15 Affordable Housing Requirement
- H. Zoning Code – Section 115.23 Common Recreational Space Requirements for Certain Residential Uses
- I. Zoning Code – 142.25 Administrative Design Review Process
- J. Zoning Code – 142.35 Design Board Review Process
- K. Zoning Code – 142.37 Design Departure and Minor Variations

SECTION 2. Provides a severability clause for the Ordinance.

SECTION 3. Authorizes publication of the Ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as five days after publication of summary.

SECTION 4. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 11th day of December, 2012.

I certify that the foregoing is a summary of Ordinance O-4392 approved by the Kirkland City Council for summary publication.



City Clerk