

ORDINANCE O-4450

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE; ADOPTING MINOR AMENDMENTS PURSUANT TO CHAPTER 161 OF THE KIRKLAND ZONING CODE (KZC); AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF THE KZC, ORDINANCE 3719 AS AMENDED: CHAPTER 5 – DEFINITIONS; CHAPTER 60 – PLANNED AREAS (PLA); CHAPTER 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 110 – REQUIRED PUBLIC IMPROVEMENTS; CHAPTER 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS; CHAPTER 150 – PROCESS IIA; CHAPTER 152 – PROCESS IIB; CHAPTER 161 – PROCESS IVA; CHAPTER 180 – PLATES; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM13-02129.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Director to amend certain sections of the Kirkland Zoning Code, Ordinance 3719 as amended, all set forth in that certain report and recommendation of the Planning Director dated August 5, 2014 and bearing Kirkland Department of Planning and Community Development File No. CAM13-02129; and

WHEREAS, prior to making the recommendation, the Kirkland Planning Director, following notice as required by RCW 36.70A.035, considered written comments on the amendment proposals; and

WHEREAS, the amendments are exempt from the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-800(19)(b); and

WHEREAS, in regular public meeting the City Council considered the report and recommendation of the Planning Director;

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

Section 1. The following specified sections of the text of Ordinance 3719, as amended, the Kirkland Zoning Ordinance, are hereby amended to read as set forth in Attachment A attached to this ordinance and incorporated by reference.

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.

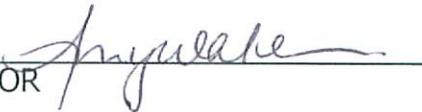
Section 3. To the extent the subject matter of this ordinance is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, This ordinance shall be in full force and effect five days from and after its passage by the Kirkland 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 5. 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 2nd day of September, 2014.

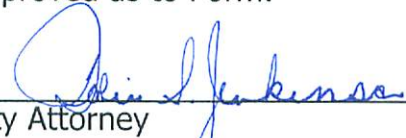
Signed in authentication thereof this 2nd day of September, 2014.

MAYOR 

Attest:


City Clerk

Approved as to Form:


City Attorney

Publication Date: September 8, 2014

File CAM13-02129

#	CODE SECTION	AMENDMENT
1	5.10.20 Definitions Adjoining	Property that touches or is directly across a street, other than a principal or minor arterial, from the subject property. For the purposes of applying the regulations that limit the height adjoining a low density zone, the regulations shall only apply within an area of 100 feet of and parallel to the boundary line of a low density zone (as shown on Plate 18). <u>In cases where the zoning boundary is drawn at the centerline of the right-of-way, the 100-foot area considered to be adjoining shall be determined by measuring from the perimeter property lines of the low density zone.</u>
2	5.10.520 Definitions Medium Density Zones	5.10.520 Medium Density Zones The following zones: RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; WD I; WD III; TL 9B; <u>TL 11</u> ; PLA 2, 3B; PLA 6F, H, K; PLA 7C; PLA 9; PLA 15B; and PLA 17.
3	5.10 Definitions	<u>5.10.930.5 Transit-Oriented Development (TOD) – Area where a higher intensity mix of uses is allowed, together with transit facilities, in order to support the increased use of transit and reduce reliance on single-occupant vehicles.</u>
4	5.10 Definitions	<u>5.10.930.6 Transit-Oriented Development (TOD) Zone – The following zone: YBD-1.</u>
5	60.82 PLA 6F Height column	60.82.010, .020, .030, .040, .050, .060, .070, .080, and .090 If adjoining a low density zone other than RSX , then 25' above average building elevation. Otherwise 30' above average building elevation.
6	60.182.010 PLA 16 Detached Dwelling Unit	Special Regulation 4. Residential lots must contain a minimum area of 10,000 permeable square feet, which shall comply with KZC 115.20(5)(d) <u>115.20.5</u> for keeping of horses.
7	60.182.010 PLA 16 Detached Dwelling Unit	Special Regulation 5. If a Master Plan is approved for the property, this use may have a lot size of less than 35,000 sq. ft. and must meet the following standards: a. The property must contain at least 16 contiguous acres. b. Residential lots must contain a minimum area of 14,500 sq.ft. capable of being used as a horse paddock area, which shall comply with KZC 115.20(5)(d) <u>115.20.5</u> for keeping of horses. c. Etc.
8	95.52 Tree Management and Required Landscaping	95.52 Prohibited Vegetation Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City <u>or required to be retained.</u>
9	110.40	110.40 Collector Streets

	Collector Streets	d. Parking lane widths are six <u>7.5 ft. minimum.</u>
10	115.20 Animals	115.20 Animals (complete section follows)
11	115.136 Size Limitations for Structures Abutting Low Density Zones and Uses	115.136 Size Limitations for Structures Abutting <u>or Within</u> Low Density Zones and <u>Abutting Low Density Uses in PLA 17</u> (complete section follows)
12	150.20 Process IIA	150.20 Compliance with SEPA The State Environmental Policies Act (Chapter 43.21 RCW) applies to some of the decisions that will be made using this chapter. The Planning Official shall evaluate each application and, where applicable, comply with SEPA and with state regulations and City ordinances issued under the authority of SEPA. See KMC 24.02.105 <u>KMC 24.02.230</u> regarding consolidation of certain appeals hearings under SEPA with the hearing required under this chapter.
13	152.20 Process IIB	152.20 Compliance with SEPA The State Environmental Policies Act (Chapter 43.21 RCW) applies to some of the decisions that will be made using this chapter. The Planning Official shall evaluate each application and, where applicable, comply with SEPA and with state regulations and City ordinances issued under the authority of SEPA. See KMC 24.02.105 <u>KMC 24.02.230</u> regarding consolidation of certain appeals hearings under SEPA with the hearing required under this chapter.
14	161.40.2.e Process IVA Minor Code Amendments	161.40.2.e The notice will be posted on the City's website <u>and the City will provide the public with a means to register to receive all such notices on a timely basis via email or equivalent means of electronic communication.</u>
15	Chapter 180 Plate 38: Measuring Size Limitations for Structures Abutting Low Density Zones and Low Density Uses in the PLA 17 Zone	Chapter 180, Plate 38: Measuring Size Limitations for Structures Abutting <u>or Within</u> Low Density Zones & <u>Abutting</u> Low Density Uses in the PLA 17 Zone (new plate to replace existing follows roster)

Roster #10

115.20 Animals in Residential Zones

1. General – This section establishes special regulations that govern the keeping of animals as an accessory use in zones where a dwelling unit is permitted.

~~2-a.~~ In addition to the maximum number of adult animals permitted, offspring from one (1) female are permitted at any given time until those offspring are able to survive independently.

~~3-b.~~ Animal Waste – Measures must be taken to properly dispose of animal waste.

~~4-c.~~ Other Regulations – Nothing in this section eliminates the need to comply with King County animal control regulations, state law regulating the keeping of animals, and any other ordinance of the City of Kirkland regulating the keeping of animals.

~~5. Minimum Requirements – The applicant shall comply with the following requirements regarding the keeping of animals in any zone where a dwelling unit is permitted:~~

~~a.2.~~ Household Pets

~~1)a.~~ Types – The following animals will be regulated as household pets: Dogs, cats, rabbits, gerbils, guinea pigs, hamsters, mice, cage birds, nonvenomous reptiles and amphibians, and any other animals normally associated with a dwelling unit, and which are typically housed within the dwelling unit.

~~a) Three (3) dogs or less per dwelling unit.~~

~~b) Three (3) cats or less per dwelling unit.~~

~~c) A total of four (4) dogs and cats per dwelling unit.~~

~~d) Four (4) rabbits or less per dwelling unit.~~

~~e) Gerbils.~~

~~f) Guinea pigs.~~

~~g) Hamsters.~~

~~h) Mice.~~

~~i) Cage birds.~~

~~j) Nonvenomous reptiles and amphibians.~~

~~k) Other animals normally associated with a dwelling unit, and which are generally housed within the dwelling unit.~~

~~2)b.~~ Required Review Process – None.

~~3)c.~~ Maximum Number of Adult Animals per Dwelling Unit

~~a)1) Three (3) dogs or less per dwelling unit.~~

~~b)2) Three (3) cats or less per dwelling unit.~~

~~c)3) A total of four (4) dogs and cats per dwelling unit.~~

~~d)4) Four (4) rabbits or less per dwelling unit.~~

e)5) Other: No maximum.

4)d. Minimum Lot Size – None.

5)e. Minimum Setback – Structures and pens must be at least five (5) feet from each property line.

6)f. Special Regulations

a)1) Dogs, cats, and rabbits may be housed either inside or outside the dwelling unit.

b)2) Other household pets must be housed within the dwelling unit. If housed outside of the dwelling unit they will be regulated as small domestic animals.

~~b.3. Small Domestic Animals~~

~~1) The following animals will be regulated as small domestic animals:~~

~~a) More than three (3) dogs per dwelling unit.~~

~~b) More than three (3) cats per dwelling unit.~~

~~c) More than a total of four (4) dogs and cats per dwelling unit.~~

~~d) More than four (4) rabbits per dwelling unit.~~

e)a. Fowl.

2)1) Permitted Locations – Low density zones.

3)2) Required Review Process – None.

4)3) Maximum Number of Adult Animals per Lot

a) On lots with an area of less than 35,000 square feet:

i) Three (3) fowl, regardless of lot size.

ii) One (1) additional chicken for each 1,000 square feet of lot area above 5,000 square feet, up to a maximum of 20 chickens.

iii) Roosters are prohibited except for those in RSA zones existing prior to August 15, 2012.

b) On lots with an area of 35,000 square feet or more: 20, plus one (1) additional for each 500 square feet of lot area above 35,000 square feet.

5)4) Minimum Setback

a) Structures shall not be located in required yards except as allowed by KZC 115.115 and except for the following:

i) Mobile structures (chicken tractors) may be anywhere within a fenced yard.

ii) Structures may be located within five (5) feet of any property line; provided, that the property adjacent to the proposed location of the structure is either:

A) Occupied primarily by a nonresidential use such as a church, school or park; or

B) A permanently dedicated easement or tract that is at least 10 feet in width.

b) Structures larger than 100 square feet shall be at least 40 feet from each property line.

6)5) Special Regulations

a) Must provide a suitable structure or pen to house the animals.

b) Must maintain structures and pens in a clean condition.

c) Fowl may forage or roam freely anywhere within a fenced yard, but adequate measures must be taken to provide safety for the fowl and prevent them from straying

onto adjacent property.

b. Other small domestic animals – Small domestic animals exceeding the numbers specified in 115.20 2.c

1) Required Review Process – None.

2) Maximum Number of Adult Animals – 20 per 35,000 sq. ft. of lot area and 1 per each additional 500 sq. ft. of lot area.

3) Minimum Lot Size – 35,000 sq. ft. per dwelling unit.

4) Minimum setback – Structures and pens used to house animals must be at least 40' from each property line.

5) Special Regulations

a) The City may limit the number of animals allowed to less than the maximum considering:

i) Proximity to dwelling units both on and off the subject property; and

ii) Lot size and isolation; and

iii) Compatibility with surrounding uses; and

iv) Potential noise impacts.

b) The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition.

e.4. Bees

1)a. Required Review Process – None.

2)b. Maximum Number of Bees per Dwelling Unit

a)1) Lots containing 15,000 square feet or less – maximum of two (2) hives.

b)2) Lots containing more than 15,000 square feet and but less than 35,000 square feet – maximum of five (5) hives.

e)3) Lots containing 35,000 square feet or more – maximum of 15 hives.

3)c. Minimum Lot Size – 7,200 square feet.

4)d. Minimum Setback – Hive must be at least 25 feet from any property line. See also special regulation in subsection ~~(5)(e)(5)(e)e.5)~~ of this section.

5)e. Special Regulations

a)1) Colonies must be in movable frame hives.

b)2) Adequate space must be maintained in the hive to prevent overcrowding and swarming.

e)3) Colonies must be requeened following any swarming or aggressive behavior.

e)4) All colonies must be registered with the Washington State Department of Agriculture, Plant Services Division, 406 General Administration Building, Olympia, WA 98504, prior to April of each year.

e)5) Hives may be located closer than 25 feet to any property line if:

i)a) Situated eight (8) feet or more above adjacent ground level; or

ii)b) Situated less than six (6) feet above adjacent ground level and behind a solid fence or hedge six (6) feet in height parallel to any property line within 25 feet of the hive and extending at least 20 feet beyond the hive in both directions.

f)6) Bees living in trees, buildings, or any other space except in movable frame hives; abandoned colonies or diseased bees shall constitute a public nuisance.

d.5. Horses

1)a. Required Review Process

a)1) PLA 16 zone, if part of a recorded master plan: none.

b)2) All other zones, including in PLA 16 on lots which are not part of a recorded master plan:

i)a) On lots 35,000 square feet or greater: none.

ii)b) On lots less than 35,000 square feet the City may approve up to two (2) horses, using Process I, Chapter 145 KZC, pursuant to subsection 5.b.2)b) of this section, based on the following criteria:

A) ~~Proximity to dwelling units both on and off the subject property; and~~

B) ~~Lot size and isolation; and~~

C) ~~Compatibility with surrounding uses; and~~

D) ~~Potential noise impacts.~~

2)b. Maximum Number of Adult Horses

a)1) PLA 16 zone, if part of a recorded master plan: two (2) horses.

b)2) RS 35 and RSX 35 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park or residential lots in PLA 16 zone which are not part of a recorded master plan:

i)a) On lots of at least 35,000 square feet: two (2) horses per 35,000 square feet of lot area and up to two (2) additional horses may be kept on a residential lot, providing that an additional 3,000 square feet of paddock area is available for each additional horse. (See subsection ~~(5)(d)(5)~~5.e of this section for minimum paddock standards.)

ii)b) On lots less than 35,000 square feet the City may approve up to two (2) horses using Process I, Chapter 145 KZC; pursuant to subsection ~~(5)(d)(1)(b)(ii)~~ of this section based on the following criteria:

i) Proximity to dwelling units both on and off the subject property; and

ii) Lot size and isolation; and

iii) Compatibility with surrounding uses; and

iv) Potential noise impacts.

e)3) All other zones:

i)a) Two (2) horses per 35,000 square feet of lot area and one (1) horse per each additional 17,500 square feet of lot area.

ii)b) If lot size is less than 35,000 square feet, the City may approve up to two (2) horses using Process I, Chapter 145 KZC; pursuant to subsection (5)(d)(1)(b)(ii) of this section.

d) ~~In addition to the maximum number of adult horses permitted, offspring from one (1) female are permitted at any given time until those offspring are able to survive independently.~~

3)c. Minimum Lot Size

- a)1) PLA 16 zone, if part of a recorded master plan: 26,000 square feet.
- b)2) All other zones, including in PLA 16 on lots which are not part of a recorded master plan:
 - i)a) 35,000 square feet.
 - ii)b) May be less than 35,000 square feet if approved through Chapter 145 KZC, Process I, ~~pursuant to subsection (5)(d)(1)(b)(ii) of this section.~~

4)d. Barn Size and Setback

- a)1) The applicant must provide a suitable barn to house the horses, and must maintain it in a clean condition.
- b)2) RS 35 and RSX 35 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park or residential lots in PLA 16 zone, which are not part of a recorded master plan:
 - i)a) Size – Barns within the designated paddock area may not exceed 1,200 square feet in footprint, excluding covered overhangs, and must be designed solely for housing of animals and storage of tack, feed, shavings or ancillary equipment.
 - ii)b) Setbacks – Barns to house horses must be a minimum of 40 feet from habitable dwellings, both on and off the subject property.
- e)3) All other zones, including in PLA 16 on lots that are part of a recorded master plan:
 - i)a) Size – Barns must not exceed 1,200 square feet, plus 10 percent of the lot area that exceeds 7,200 square feet and must meet all other requirements of KZC 115.08, Accessory Structure.
 - ii)b) Setbacks – Barns to house horses must be a minimum of 40 feet from each property line. The City may permit barns to extend into the property line in common with the abutting property; provided, that:
 - A)i) An abutting property owner files a signed and notarized statement with the City in support of the request; and
 - B)ii) The barn complies with all other regulations pertaining to setbacks in that zone.

5)e. Paddock Size and Setbacks

- a)1) RS 35 and RSX 35 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park or residential lots in PLA 16 zone which are not part of a recorded master plan:
 - i)a) Size – Each residential lot must contain an area of at least 10,000 permeable square feet for the purpose of accommodating two (2) horses, capable of being used for or easily converted to a paddock area and barn, and meeting the following standards:
 - A)i) The paddock must have a minimum width of 40 feet and configured in a contiguous and usable manner to accommodate the feed, storage and manure pile. “Configured in a contiguous and usable manner” shall mean an area, uninterrupted by non-paddock area, having a shape as close to square or rectangular as possible. While the minimum width allowed is 40 feet, the majority of the area must have a width of at least 80 feet.

B)ii) The Planning Official is authorized to approve minor deviations from the required dimensions and/or shape of the paddock area due to pre-existing improvements and/or size, shape, or topography of the property.

ii)b) Setbacks

A)i) The paddock areas must be five (5) feet from each property line which abuts a school use or a residential zone other than RS 35, RSX 35 or PLA 16, including part of a recorded master plan, otherwise there is no setback.

B)ii) The paddock areas must be 10 feet from habitable dwellings and five (5) feet from significant improvements outside the paddock area, such as swimming pools, sports courts, decks and patios, both on and off the subject property.

iii)c) Additional Paddock Requirements

A)i) The area used or reserved for paddock area must be pervious and exclusive of any structures or improvements (except barns) such as storage sheds, residential units, carports, decks, patios, swimming pools, ponds, sports courts, rockeries, or paving, but may contain easily removed features such as children's play equipment, landscaping, trellises, and flagpoles, as long as such features are not embedded in concrete or otherwise permanently mounted. The area shall not be located over a septic tank, drain field, or reserve drain field. Paddock areas shall not be located on steep slopes (over 15 percent grade) or in areas regulated under Chapter 90 KZC, Drainage Basins.

B)ii) Direct access to the paddock area must be available to deliver feed and pick up manure from an alley, an easement or an adjacent right-of-way across a side yard of the lot. The access route shall have a minimum unobstructed width of 15 feet and a grade no greater than 12 percent, except that for the first 15 feet in back of the existing or future curb line the grade shall not exceed six (6) percent. Any portion of an access route located within an adjacent equestrian trail easement shall not be paved, but may be surfaced with gravel up to 5/8-inch size.

b)2) All other zones, including in PLA 16 on lots which are part of a recorded master plan:

i)a) Size – Each lot must contain an area of at least 14,500 square feet capable of being used as a horse paddock area and configured to meet the following standards:

A)i) The paddock must be designed in a contiguous and usable manner to accommodate the feed storage and manure pile for two (2) horses. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports.

B)ii) Direct access to this area must be available for trucks to deliver feed and pick up manure from an alley, easement, or an adjacent right-of-way across a side yard of the lot.

ii)b) Setbacks – Paddocks must be a minimum of 20 feet from each property line. The City may permit horse paddocks to extend into the property line in common with the abutting property; provided, that:

A)i) An abutting property owner files a signed and notarized statement with the City in support of the request; and

B)ii) The paddock complies with all other regulations pertaining to setback in that zone.

6)f.) Outdoor Manure Piles

- a)1) PLA 16 zone: No outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure.
- b)2) All other zones: No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.

e.6. Large Domestic Animals

1)a. Types - The following animals will be regulated as large domestic animals: cattle, sheep, pigs, goats, and other grazing or foraging animals.

- a) ~~Cattle.~~
- b) ~~Sheep.~~
- c) ~~Pigs.~~
- d) ~~Goats.~~
- e) ~~Other grazing or foraging animals.~~

2)b. Required Review Process

- a)1) On lots 35,000 square feet and greater: none.
- b)2) If the lot size is less than 35,000 square feet the City will decide on the permitted number of large domestic animals using Process I, Chapter 145 KZC; based on the following criteria:
 - i)a) Proximity to dwelling units both on and off the subject property; and
 - ii)b) Lot size and isolation; and
 - iii)c) Compatibility with surrounding uses; and
 - iv)d) Potential noise impacts.

3)c. Maximum Number of Adult Animals

- a)1) Two (2) per 35,000 square feet of lot area and one (1) per each additional 17,500 square feet of lot area.
- B2) The City may limit the number of animals allowed to less than the maximum pursuant to the criteria in 6.b.2).
- b) ~~In addition to the maximum number of adult animals permitted, offspring from one (1) female are permitted at any given time until those offspring are able to survive independently.~~

4)d. Minimum Lot Size

- a)1) 35,000 square feet.
- b)2) May be less than 35,000 square feet if approved through Chapter 145 KZC, Process I, ~~pursuant to subsection (5)(e)(2)(b) of this section.~~

5)e. Structures, Barn and Pen Size and Setback

- a)1) The applicant must provide a suitable barn or pen to house the animals, and must maintain that barn or pen in a clean condition.
- b)2) Size – Barns must not exceed 1,200 square feet, plus 10 percent of the lot area that exceeds 7,200 square feet and must meet all other requirements of KZC 115.08, Accessory Structure.

e)3) Setbacks – Barns and pens used to house animals must be a minimum of 40 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:

i)a) An abutting property owner files a signed and notarized statement in support of the request; and

ii)b) The barn or pen complies with all other regulations pertaining to setback in that zone.

6)f. 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)g. Outdoor Manure Piles

a)1) PLA 16 zone: No outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure.

b)2) All other zones: No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.

6-7. Bonds – The City may require a bond under Chapter 175 KZC to ensure that the subject property is maintained in a clean condition.

Roster #11 and #15

115.136 Size Limitations for Structures Abutting or Within Low Density Zones and Abutting Low Density Uses in PLA 17

1. ~~Size Limits—On properties located in other than low density zones where structure size limitations are established, any portion of a structure greater than 15 feet in height and located within 30 feet of either a low density zone or a parcel within the PLA 17 zone containing a low density use shall be no greater than 50 feet in length, as measured parallel to the property line separating the subject property from the abutting low density zone or use. In applying this regulation, the 30-foot area shall be measured from the perimeter property lines of the properties in low density zones where the zoning boundary is located in a right of way. Structures or portions thereof shall be treated as a single structure if any portions of the structures, other than those elements listed in subsection (2)(b) of this section, are located within 20 feet of each other. See Plate 38.~~ within 30 feet of the following:

- a. A parcel in a low density zone, where the subject property is not in a low density zone;
- b. A parcel within a low density zone containing a detached dwelling unit, where the subject property is in a low density zone;
- c. A parcel within the PLA 17 zone containing a low density use; or
- d. A parcel within PLA 3C containing an attached dwelling unit, where the subject property is in PLA 3C.

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

2. Exceptions

a. The above size limits do not apply to:

- 1) Structures within 30 feet of a parcel containing an institutional use;
- 2) Structures separated from the protected parcel a low density zone by another developed parcel or right-of-way, except other than an alleys; and or an access easement/tract less than or equal to 21 feet in width;
- 3) "Detached Dwelling Unit(s)";
- 3) 4) Detached dwelling units approved and constructed as "Detached, Attached, or Stacked Dwelling Unit" uses that are separated from each other by at least 10 feet;
- 5) "Attached Dwelling Units" uses in PLA 3C;
- 6) "Attached or Stacked Dwelling Units" uses in PLA 15B;
- 7) "Detached, Attached, or Stacked Dwelling Units" uses in PLA 6G;
- 8) "Mini-School or Mini-Day Care Center" uses in all low density zones and in RH 5A, RH 5B, RH 5C, PLA 14, PLA 15B and PLA 17 zones;
- 9) "Public College or University" uses in PLA 14;
- 10) "Private College and Related Facilities" uses in PLA 1;
- 11) "Professional Football, Baseball, or Soccer Practice or Play Facility" uses in PLA 1;
- 12) "Commercial Equestrian Facility or Commercial Recreation Area" uses in PLA 16; and
- 13) "Hazardous Waste Treatment and Storage Facilities" uses in LIT zones.

b. The following elements of a structure are not subject to the 20-foot separation established in subsection (1) of this section:

- 1) Any elements no higher than 18 inches above finished grade;
- 2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies that extend no more than 18 inches from the wall of a structure;
- 3) Stairs that extend no more than five (5) feet from the wall of a structure; and
- 4) Porches that extend no more than five (5) feet from the wall of a structure if:
 - a) The porch is no higher than one (1) story and the finished floor of the porch is no more than four (4) feet above finished grade;
 - b) Three (3) sides of the porch are open, other than solid walls or railings up to a height of 42 inches;
 - c) No deck, balcony or living area is on the roof of the porch;
 - d) The length of the porch does not exceed 50 percent of the wall of the structure to which it is attached; and
 - e) Porch eaves may extend an additional 18 inches from the edge of the porch.

3. Modifications – The City may approve modifications from the dimensional standards specified in subsection (1) of this section if it determines that either:

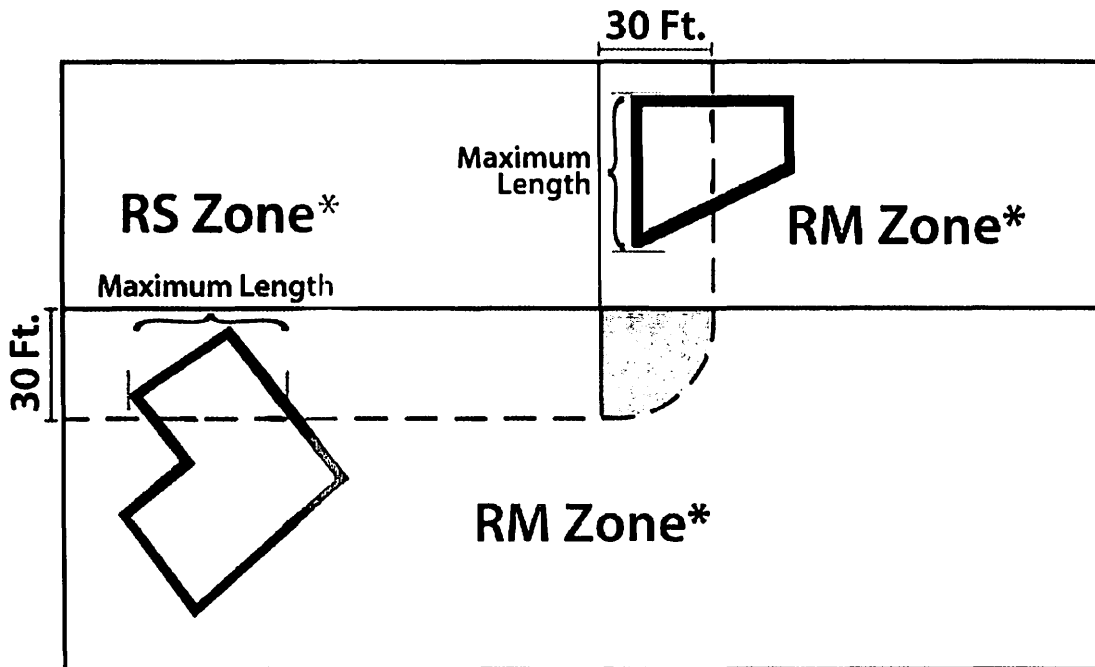
- a. The topography, vegetation or improvements on either the subject property or abutting property adequately obscure the visibility of the structure from the abutting property; or
- b. The design of the structure moderates its apparent size as well as or better than strict adherence to the dimensions specified in subsection (1) of this section,

The decision on the modification shall be made by the Planning Director and appeals shall be in accordance with the appeal provisions of Process I, Chapter

145 KZC; provided, that if the development requires a decision through design review, Process I, Process IIA or Process IIB, the decision on the modification and appeals thereof shall be made using the required review process for the development.

Plate 38: Measuring Size Limitations for Structures Abutting or Within Low Density Zones & Abutting Low Density Uses in the PLA17 zone.

* Used for example only. Size limitations requirements for zones and



 = Area not to be considered abutting property

uses are specified in ~~other than low density~~ (See KZC section 115.136).

PUBLICATION SUMMARY
OF ORDINANCE O-4450

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE; ADOPTING MINOR AMENDMENTS PURSUANT TO CHAPTER 161 OF THE KIRKLAND ZONING CODE (KZC); AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF THE KZC, ORDINANCE 3719 AS AMENDED: CHAPTER 5 – DEFINITIONS; CHAPTER 60 – PLANNED AREAS (PLA); CHAPTER 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING; CHAPTER 110 – REQUIRED PUBLIC IMPROVEMENTS; CHAPTER 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS; CHAPTER 150 – PROCESS IIA; CHAPTER 152 – PROCESS IIB; CHAPTER 161 – PROCESS IVA; CHAPTER 180 – PLATES; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM13-02129.

SECTION 1. Identifies the specific amendments to Ordinance 3719, as amended, the Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Establishes that this ordinance, to the extent it is subject to disapproval jurisdiction, will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

SECTION 4. Authorizes the publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as September 8, 2014.

SECTION 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the 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 2nd day of September, 2014.

I certify that the foregoing is a summary of Ordinance O-4450 approved by the Kirkland City Council for summary publication.



City Clerk