

ORDINANCE NO. O-4703

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 5, 15, 45, 75, 105, 110, AND 115, AND APPROVING A SUMMARY FOR PUBLICATION; FILE NO. CAM19-00342.

1 WHEREAS, the City Council received a recommendation from the
2 Kirkland Planning Commission to amend certain sections of the Kirkland
3 Zoning Code, Ordinance 3719, as amended, as set forth in the staff
4 report dated November 7, 2019, containing the recommendation of the
5 Planning Commission dated October 10, 2019 and bearing Kirkland
6 Planning and Building Department File No. CAM19-00342; and
7

8 WHEREAS, prior to making the recommendation, the Planning
9 Commission, following notice thereof as required by RCW 35A.63.070,
10 held a public hearing on October 10, 2019, on the amendment proposals
11 and considered comments received at that hearing; and
12

13 WHEREAS, pursuant to the State Environmental Policy Act
14 (SEPA), there has been a SEPA Addendum to Existing Environmental
15 Documents issued by the responsible official pursuant to WAC 197-11-
16 625; and
17

18 WHEREAS, in a public meeting on November 19, 2019, the City
19 Council considered the environmental documents received from the
20 responsible official together with the report and recommendation of the
21 Planning Commission; and
22

23 NOW, THEREFORE, the City Council of the City of Kirkland do
24 ordain as follows:
25

26 Section 1. The following specified sections of the Kirkland
27 Zoning Code are amended as set forth in Exhibit A to this ordinance and
28 incorporated by reference.
29

- 30 Chapter 5 – Definitions
- 31 Chapter 15.30
- 32 Chapter 45.50
- 33 Chapter 75.105
- 34 Chapter 105.10
- 35 Chapter 105.60
- 36 Chapter 110.10
- 37 Chapter 110.70
- 38 Chapter 115.80
- 39 Chapter 115.115
40

41 Section 2. If any section, subsection, sentence, clause, phrase,
42 part or portion of this ordinance, including those parts adopted by
43 reference, is for any reason held to be invalid or unconstitutional by any

44 court of competent jurisdiction, such decision shall not affect the validity
45 of the remaining portions of this ordinance.

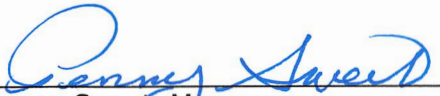
46
47 Section 3. To the extent that the subject matter of this
48 Ordinance is subject to the disapproval jurisdiction of the Houghton
49 Community Council as created by Ordinance 2001, the Ordinance shall
50 become effective with the Houghton community either upon approval
51 of the Houghton Community Council, or upon failure of the Community
52 Council to disapprove the Ordinance within 60 days of its final
53 enactment.

54
55 Section 4. Except as provided in Section 3, this ordinance shall
56 be in full force and effect five days from and after its passage by the
57 Kirkland City Council and publication, pursuant to Kirkland Municipal
58 Code 1.08.017, in the summary form attached to the original of this
59 ordinance and by this reference approved by the City Council, as
60 required by law.

61
62 Section 5. A complete copy of this ordinance shall be certified
63 by the City Clerk, who shall then forward the certified copy to the King
64 County Department of Assessments.

65
66 Passed by majority vote of the Kirkland City Council in open
67 meeting this 19th day of November, 2019.

68
69 SIGNED IN AUTHENTICATION thereof this 19th day of
70 November, 2019.


Penny Sweet, Mayor

Attest:


Kathi Anderson, City Clerk

Approved as to Form:


Kevin Raymond, City Attorney

Publication Date: 11/25/19

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4703

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 5, 15, 45, 75, 105, 110, AND 115, AND APPROVING A SUMMARY FOR PUBLICATION; FILE NO. CAM19-00342.

SECTION 1. Provides amendments to 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 five days after publication of summary.

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 19th day of November, 2019.

I certify that the foregoing is a summary of Ordinance O-4703 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk

Publication Date: 11/25/19

AMENDMENTS TO ZONING CODE CHAPTER 5 – DEFINITIONS

*Text to be added is in **bold and underlined**. Text to be removed is ~~crossed-out~~.*

5.10.xxx Parking Aisle

The area within a parking area (single loaded or double loaded) providing direct access to a parking space.

AMENDMENTS TO ZONING CODE CHAPTER 15, SUBSECTION 30

*Text to be added is in **bold and underlined**. Text to be removed is ~~crossed-out~~.*

- DD-3. For lots containing less than 7,200 square feet, the floor area ratio (F.A.R.) requirements of KZC 115.42 shall apply. The maximum floor area ratio is 50 percent of the lot size; provided, that F.A.R. may be increased to 60 percent 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~~ **with the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal.**

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

- DD-12. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:

- a. In RS 35 and RSX 35 zones, F.A.R. is 20 percent of lot size.
- b. In RS 12.5 and RSX 12.5 zones, F.A.R. is 35 percent of lot size.
- c. In RS 8.5 and RSX 8.5 zones, F.A.R. is 50 percent of lot size.
- d. In RS 7.2 and RSX 7.2 zones, F.A.R. is 50 percent of lot size.
- e. In RS 6.3 zones, F.A.R. is 50 percent of lot size.
- f. In RS 5.0 and RSX 5.0 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 following criteria are met:
 - 1) ~~The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to 12 feet horizontal~~ **With the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal;** and
 - 2) A setback of at least 7.5 feet is provided along each side yard.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

A reduced F.A.R. may be required pursuant to subdivision design requirements in Chapter 22.28 KMC.

Not effective within the disapproval jurisdiction of the Houghton Community Council.

- DD-19. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:

- a. In RSA 1 zones, F.A.R. is 20 percent of lot size.

- b. In RSA 4 zones, F.A.R. is 50 percent of lot size.
- c. In RSA 6 zones, F.A.R. is 50 percent of lot size.
- d. 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~~ **with the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal.**

F.A.R. is not applicable for properties located within the jurisdiction of the Shoreline Management Act regulated under Chapter 83 KZC. Back to Table

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

DD-27. For lots containing less than 7,200 square feet, the Floor Area Ratio (F.A.R.) requirements of KZC 115.42 shall apply. The maximum Floor Area Ratio is 50 percent of the lot size; provided, that F.A.R. may be increased to 60 percent if:

- a. ~~The primary roof form of all structures on the site is peaked with a minimum pitch of four feet vertical to 12 feet horizontal~~ **With the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal;** and
- b. A setback of at least 7.5 feet is provided along each side yard.

See KZC 115.42, Floor Area Ratio (F.A.R.) calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

AMENDMENTS TO ZONING CODE CHAPTER 45, SUBSECTION 50

*Text to be added is in **bold and underlined**. Text to be removed is ~~crossed-out~~.*

45.50 Public Park

1. ~~Except as provided for in subsection (3) of this section, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum:~~

~~a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. The required public hearing on a Master Plan proposed within the Houghton Community Municipal Corporation shall be conducted by the Houghton Community Council, which may be a joint hearing with the Parks Board;~~

~~b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following:~~

~~1) A description of the proposal;~~

~~2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies;~~

~~3) An analysis of the consistency of the proposal with applicable developmental regulations, if any;~~

~~4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act;~~

~~5) A summary and evaluation of issues raised and comments received on the proposed Master Plan; and~~

~~6) A recommended action by the City Council.~~

~~c. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds:~~

~~1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan;~~

~~2) It is consistent with the public health, safety, and welfare;~~

~~3) If the Master Plan is proposed within the Houghton Community Municipal Corporation, it shall become effective according to the procedure in KMC 2.12.040.~~

2. ~~In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following:~~

~~a. Location, dimensions, and uses of all active and passive recreation areas;~~

~~b. Potential users and hours of use;~~

- ~~c.—Lighting, including location, hours of illumination, lighting intensity, and height of light standards;~~
- ~~d.—Landscaping;~~
- ~~e.—Other features as appropriate due to the character of the neighborhood or characteristics of the subject property.~~

~~3.—Development and use of a park does not require a Master Plan under this code if it will not involve any of the following:~~

- ~~a.—Lighting for outdoor nighttime activities;~~
- ~~b.—The construction of any building of more than 4,000 square feet;~~
- ~~c.—The construction of more than 20 parking stalls;~~
- ~~d.—The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment.~~

1. Any development or use of a park must be reviewed by the Parks and Community Services Director.

2. Any Development or use of a park proposed within the Houghton Community Municipal Corporation that involves any of the following shall be reviewed through a community review process with a public hearing conducted by the Houghton Community Council:

- a. Lighting for outdoor nighttime activities;**
- b. The construction of any building of more than 4,000 square feet;**
- c. The construction of more than 20 parking stalls;**
- d. The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment.**

The public hearing may be a joint hearing with the Parks Board.

AMENDMENTS TO ZONING CODE CHAPTER 75, SUBSECTION 105

*Text to be added is in **bold and underlined**. Text to be removed is ~~crossed-out~~.*

75.105 Historic Residence Effect – Demolition, Alteration or Damage

1. If an historic residence is destroyed, relocated, or altered as a result of the action of the property owner, and such action is inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation), the following standards apply:
 - a. The structure shall be reconstructed pursuant to the Secretary of the Interior's Standards for the Treatment of Historic Properties (Reconstruction) (Code of Federal Regulations, 36 CFR Part 68) to replicate the footprint and exterior of the historic residence; or
 - b. The maximum floor area ratio (F.A.R.) of any altered or new structure shall not exceed 25 percent of the lot size, or 75 percent of the gross floor area of the historic residence, whichever is less.
2. If an historic residence is destroyed for any reason outside the control of the property owner, the maximum F.A.R. of the resulting structure shall not exceed 30 percent of the lot size, provided that F.A.R. may be increased up to 35 percent of the lot size if the following criteria are met:
 - a. ~~The primary roof form of all structures is gabled, with a minimum pitch of four (4) feet vertical: 12 feet horizontal~~ **With the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal;** and
 - b. A setback of at least 7.5 feet is provided along each side yard.
3. Accessory dwelling units shall be prohibited in connection with the resulting structure.
4. The historic residence designation shall be removed from the resulting structure.

AMENDMENTS TO ZONING CODE CHAPTER 105, SUBSECTION 10

*Text to be added is in **bold and underlined**. Text to be removed is ~~crossed-out~~.*

105.10 Vehicular Access Easement or Tract Standards

1. Roadway Widths – For vehicular access easements or tracts, minimum standards for widths are established as follows:

a. When no Fire Department access road is required, and the access easement or tract will service one (1) to four (4) detached dwelling units or one (1) to two (2) duplex structures, the minimum standard is 16 feet of unobstructed pavement in a 21-foot-wide easement or tract; ~~for easements or tracts less than 100 feet in length, the~~ The Public Works Department may reduce the standard to 10 feet of unobstructed pavement in a 15-foot-wide easement or tract if the easement or tract and abutting driveways are located to allow for safe ingress and egress.

When an access road is required by the Fire Department, the following standards shall apply:

1) The access road shall extend full width from the public right-of-way to the point at which the distance to the most distant point of the property line of the furthest lot is within 150 feet. Required pavement width shall be unobstructed;

2) If accessing no more than two (2) detached dwelling units or one (1) duplex from the access road;

a) If the total length of the access road is less than 150 feet, the minimum pavement width shall be 16 feet, placed in a 21-foot-wide easement or tract, and no Fire Department vehicle turn-around is required;

b) If the total length of the access road is less than 200 feet but greater than 150 feet, the minimum standard is either:

i. 16 feet of pavement, placed within a 21-foot-wide easement or tract, with an appropriate Fire Department vehicle turn-around placed within an easement or tract at least 25 feet in width; or

ii. 20 feet of pavement, placed within a 25-foot-wide easement or tract, with no Fire Department vehicle turn-around;

c) If the total length of the access road is greater than 200 feet, the minimum pavement width shall be 20 feet, with an appropriate Fire Department vehicle turn-around placed within an easement or tract at least 25 feet in width;

3) If accessing three (3) or four (4) detached dwelling units or two (2) duplex structures from the access road, the minimum standard is 20 feet of unobstructed pavement in a 25-foot wide easement or tract.

- b. For five (5) or more detached dwelling units, a dedicated and improved public right-of-way is required. See Chapter 110 KZC for the required improvements.
- c. For all other uses, the minimum standard is 20 feet of unobstructed paved surface with vertical cast in place curbs and gutters within a 20-foot-wide easement or tract.
- d. A greater pavement width and/or easement or tract width may be required by the Department of Public Works, Fire Department, or Planning and Building Department as determined on a case-by-case basis.

2. General

- a. For subsection (1)(a) of this section, a dwelling unit that meets the following criteria shall not be counted as a "served dwelling unit" on a vehicular access easement or tract (see Plate 21):
 - 1) The dwelling unit is on a lot that abuts and has vehicular access rights to the improved public right-of-way that joins the vehicular access easement or tract; and
 - 2) The Fire Department determines that fire apparatus can service the lot containing the dwelling unit from the abutting improved public right-of-way.
- b. For subsection (1)(a) of this section, the length of the easement or tract shall be measured from the serving improved public right-of-way to the front property line of the furthest lot at the end of the easement or tract.
- c. Vehicular access rights for each lot served by the easement or tract shall be established either by segregating the roadway into a separate tract in which each lot served has an undivided ownership interest and recording the tract document, or by recording a vehicular access easement document. The recorded documents must establish equal maintenance responsibilities for the owners of all lots served by the roadway and require the owners to erect and maintain a sign where the easement or tract joins the serving improved public right-of-way to identify the roadway as "private."
- d. The paved surface in an easement or tract shall have a minimum of two (2) inches of asphalt concrete over a suitably prepared base which has a minimum thickness of four (4) inches of crushed rock or three (3) inches of asphalt-treated base. The Department of Public Works is authorized to modify the standards for a paved surface on a case-by-case basis. Pervious surfaces (such as pervious concrete or asphalt, and modular or grassed modular grid pavement) can be used in compliance with the stormwater design manual adopted in KMC 15.52.060.
- e. A minimum unobstructed vertical clearance of 13 feet, six (6) inches shall be provided in the easement or tract. The easement or tract shall remain unobstructed at all times. No parking, structures or vegetation, with the exception of grass, shall be permitted in the easement or tract.

- f. The paved surface in the easement or tract shall be set back at least five (5) feet from any adjacent property which does not receive access from that easement or tract.
- g. An easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from that easement or tract. The screening shall be:
 - 1) A minimum 5-foot-high sight-obscuring fence; or
 - 2) Vegetation that will provide comparable screening to a 5-foot fence within two (2) years of planting; and
 - 3) Along the entire easement or tract outside the required front yard.
- h. See KZC 105.20 for providing adequate guest parking spaces.
- i. Nonconforming access easements and tracts which were legally created shall not be required to comply with the dimensional standards of subsection (1) of this section.

AMENDMENTS TO ZONING CODE CHAPTER 105, SUBSECTION 60

*Text to be added is in **bold and underlined**. Text to be removed is ~~crossed-out~~.*

105.60 Parking Area Design – General

1. The minimum dimensions for **parking aisles**, parking spaces, and parking areas are displayed in plates in Chapter 180 KZC. These plates apply to parking for all uses except detached dwelling units. Columns may encroach a maximum of six (6) inches into the specified minimum dimensions for parking stall width provided:
 - a. The columns are set back at least two (2) feet from the required driving aisle so as not to encumber vehicles turning into the stall; and
 - b. The columns are not within the center eight (8) feet of the specified minimum dimensions for parking stall length so as to not interfere with opening of vehicle doors of parked cars.
2. Driveways ~~which are not driving aisles~~ **not** within a parking area or structure shall be a minimum width of 20 feet. **Driveways within a parking area or structure shall be a minimum width of 24 feet. This standard may be reduced if the City's Transportation Engineer determines that there are no conflicts due to sight obstructions, location, traffic volumes, or other circulation factors. Driveways shall also comply with Public Works Pre-Approved Plans.**
3. Parking areas must be constructed so that car wheels are kept at least two (2) feet from pedestrian and landscape areas; provided, that parking areas may be constructed in a manner which allows vehicles to overhang a pedestrian or landscape area by up to two (2) feet if the pedestrian or landscape area within the area of vehicle overhang is not required by this or any other code (see Figure 105.60.A).
4. Shared parking lot entrances and driveways between properties shall be installed whenever feasible as determined by the Planning Official.
5. Parking areas must have adequate lighting. Lights in parking lots must be nonglare and must be mounted no more than 20 feet above the ground.

AMENDMENTS TO ZONING CODE CHAPTER 110, SUBSECTION 10

*Text to be added is in **bold and underlined**. Text to be removed is ~~crossed-out~~.*

110.10 General

The applicant shall comply with the provisions of this chapter if the applicant is granted a development permit unless:

1. The cost of the street improvements along the property frontage is greater than 20 percent of the cumulative building alterations in any 5-year period according to the following:
 - a. Street improvement costs shall include, but not be limited to, roadway asphalt, storm drainage, curb and gutter, landscape strip, street trees, and concrete sidewalk.
 - b. For properties with multiple street frontages, the average length of the combined multiple street frontages will be used for the purposes of determining whether street improvements are required. If street improvements are required, the cost of the improvements along any of the multiple street frontages shall not exceed 20 percent of the cumulative building alterations in any 5-year period.
 - c. **For the purpose of this section, s**Street improvement costs shall be evaluated based on the most current edition of the City of Kirkland Department of Public Works Improvement Evaluation Packet (including engineering and administration costs).
 - d. **For the purpose of this section, b**Building alteration costs shall be evaluated using the current Building Valuation Data charts published annually by the International Conference of Building Officials (ICBO) on file with the City Building Official. Any valuations not specified in that publication will be determined by the Building Official. Other site improvements such as driveways, sidewalks, utility lines, sheds, etc., will not be included in the valuation.
 - e. The City shall track the cumulative building alterations in a 5-year time period using historical Building Permit information.
2. The applicant or previous owner of the subject property installed improvements in the adjacent right-of-way as part of a subdivision or discretionary land use permit approved within four (4) years prior to the present development permit application.

AMENDMENTS TO ZONING CODE CHAPTER 110, SUBSECTION 70

*Text to be added is in **bold and underlined**. Text to be removed is ~~crossed-out~~.*

5. Waiver – The City may waive and not require or allow installations of a required improvement under the following circumstances:
- a. If the installation of the improvements will cause a safety hazard or an environmental impact that cannot be mitigated; or
 - b. If the project is for a single-family dwelling alteration that is less than **\$268,000** ~~\$200,000~~-in value, based on building alteration costs in effect on January 1, **2019** ~~2006~~. This threshold shall be reviewed annually and adjusted by a percentage equal to the percentage of increase in building alteration costs, if any (see KZC 110.10(1)(d) for building alteration costs information). **For the purposes of determining building alteration costs in this subsection using the Building Valuation Data charts, the Square Foot Construction Costs shall include new square footage and any existing square footage where more than 50 percent of the structure's exterior walls are removed**; or
 - c. If the development project fronts on a neighborhood access type street in the RS 35, RSX 35 and Planned Area 16 zones within the Bridle Trails neighborhoods north of Bridle Trails State Park; or
 - d. If the City determines that the current level and extent of the improvement in the right-of-way adjacent to the subject property will not be changed in the future; or
 - e. If the City and a neighborhood have agreed upon a street improvement waiver for a particular street (see the Public Works Pre-Approved Plans and Policies Notebook for a description of the Neighborhood Access Street Improvement Modification and Waiver Process).

AMENDMENTS TO ZONING CODE CHAPTER 115, SUBSECTION 80

*Text to be added is in **bold and underlined**. Text to be removed is ~~crossed-out~~.*

115.80 Legal Building Site

1. General – It is a violation of this code to erect any structure on or to use or occupy any lot or parcel unless that lot or parcel is a legal building site. A lot or parcel is a legal building site if it meets all of the following criteria:

- a. It was created or segregated pursuant to all applicable laws, ordinances and regulations.
- b. Except as specified in subsection (2) of this section, it meets the allowable minimum lot size established by this code.
- c. It is either adjacent to, or has a legally created means of access to, a street providing access to the lot or parcel.

2. Exception, Detached Dwelling Units – An applicant may build one (1) detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if:

~~a. The applicant applies for necessary permits to construct the unit within five (5) years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County subdivision and zoning laws; or~~

~~a~~**b.** There is or ever has been a residence on the subject property. At any time, the applicant may remodel, rebuild, or enlarge that one (1) residence; provided, that all other Zoning Code requirements are met; or

b~~e.~~ The lot size was **created after the enactment of the lawful zoning code by the City of Kirkland or King County and the lot size was** approved pursuant to all applicable laws, ordinances and regulations **in effect at the time it was created**; or

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

d. The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 17, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right-of-way subsequent to May 17, 1972.

AMENDMENTS TO ZONING CODE CHAPTER 115, SUBSECTION 115

*Text to be added is in **bold and underlined**. Text to be removed is ~~crossed-out~~.*

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

a. Detached Dwelling Units, Duplexes, and Two-Unit Homes and Three-Unit Homes Approved Under Chapter 113 KZC

1) General – Vehicles may be parked in the required front or rear yard if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least ~~five (5) feet~~ **eighteen (18) inches** in width. This landscape strip may be interrupted by a walkway or pavers providing a **lateral** connection from the driveway to other hard-surfaced areas, as long as such walkway or pavers ~~cover no more than 20 percent of the landscape strip~~ **do not exceed 5 feet in width**. A driveway and/or parking area ~~located in a required front yard~~ shall not be closer than five (5) feet to any side property line (see Plate 14); provided:

a) That where access to a legally established lot is provided by a panhandle or vehicle access easement measuring less than 20 feet in width, a driveway not exceeding 10 feet in width, generally centered in the panhandle or access easement, shall be permitted (see Plate 14A); and

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

c) That any driveway which generally parallels a right-of-way or easement road shall be set back at least five (5) feet from the right-of-way or easement, except for a 20-foot-wide section where the driveway connects with the right-of-way or easement. Such driveway shall not have a width of more than 10 feet within the front or rear yard (see Plate 14B) and shall be separated from other hard-surfaced areas located in the front or rear yard by a landscape strip at least five (5) feet in width. Where more than one (1) driveway is permitted within a front or rear yard, those driveways shall be separated by a landscape strip at least five (5) feet in width.

2) Exception – Driveways and/or parking areas may exceed 20 feet in width if:

a) The driveway/parking area serves a 3-car garage; and

b) The subject property is at least 60 feet in width; and

c) The garage(s) is (are) located no more than 40 feet from the front property line; and

- d) The driveway/parking area flares from 20 feet at the property line to a maximum of 30 feet in width.
- 3) The Planning Official may approve a modification to the driveway and/or setback requirements in subsection (5)(a)(1) of this section if:

a) The Public Works Department requires an on-site vehicular turnaround adjacent to the driveway, which must be the minimum necessary dimension as determined by the Public Works Department; or

~~a~~b) The existing topography of the subject property or the abutting property decreases or eliminates the need for the setback; or

~~b~~c) The location of pre-existing improvements or vegetation on the abutting site eliminates the need for or benefit of a setback; and

~~c~~d) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

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

1) Vehicle parking areas shall have a minimum 20-foot setback from all front property lines and meet the minimum required setbacks from all other property lines for that use.

2) Driveways shall have a minimum 5-foot setback from all property lines, except for the portion of any driveway which connects with an adjacent street.

c. Vehicle parking areas for schools and day-care centers greater than 12 students shall have a minimum 20-foot setback from all property lines.

d. Other Uses – Parking areas and driveways for uses other than those addressed in subsections (5)(a), (b), and (c) of this section may be located within required setback yards, but, except for the portion of any driveway which connects with an adjacent street, not closer than five (5) feet to any property line. Where this provision conflicts with a regulation of a specific zone, the regulation of the specific zone shall govern.

e. Shared Parking and Shared Driveways – If a parking area or driveway serves two (2) adjacent uses, the shared parking area or driveway may be anywhere in the required setback yard between the uses.

f. Exceptions for Projects Requiring Design Review – If a project is reviewed through design review pursuant to Chapter 142 KZC, the driveway shall comply with parking area location and design requirements as determined by the Design Review Board.