

ORDINANCE 2938

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING BY REFERENCE A REVISED SHORELINE MASTER PROGRAM PURSUANT TO THE REQUIREMENTS OF THE SHORELINE MANAGEMENT ACT (RCW CHAPTER 90.58) ADOPTING REVISED PROCEDURES FOR THE REVIEW AND ISSUANCE OF SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS, CODIFYING SAID REVISED PROGRAM AND PROCEDURES AS CHAPTERS 24.05 AND 24.06, RESPECTIVELY, OF THE KIRKLAND MUNICIPAL CODE AND REPEALING ORDINANCE 2256 AND CHAPTER 24.04 OF THE KIRKLAND MUNICIPAL CODE.

Whereas the Kirkland Planning Commission following hearings thereon held December 19, 1985, January 2, 1986 and January 16, 1986, have recommended to the Kirkland City Council comprehensive revisions to the Kirkland Shoreline Master Program and to the procedures for issuance of Shoreline Substantial Development permits. Said Shoreline Master Program having heretofore been adopted by Ordinance 2256 and approved by the Washington State Department of Ecology as Section 173-19-2512 of the Washington Administrative Code; and

Whereas, pursuant to the State Environmental Policies Act there has accompanied this legislative proposal and recommendation through the entire consideration process, a final determination of non-significance (including supporting environmental documents) issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

Whereas, the City Council has reviewed and considered the recommendation of the planning commission, together with the environmental documents received from the responsible official, now, therefore,

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Adoption by reference:

A. The publication entitled Chapter 24.05 - Shoreline Master Program published by the Kirkland Department of Planning and Community Development bearing the date of February 13, 1986 in departmental file (IV-85-8) is incorporated herein as though fully set forth and hereby adopted as the revised Shoreline Master Program for the City of Kirkland. A copy of said publication shall be endorsed with the title and

number of this ordinance and dated and signed by the mayor and the director of administration and finance (ex officio city clerk) and shall be recorded in the office of the director of administration and finance as a part of this ordinance.

Said program as hereinabove adopted shall be codified as Chapter 24.05 of the Kirkland Municipal Code. Said program as herein adopted shall be submitted to the Washington State Department of Ecology for its review and approval pursuant to the provisions of the Shoreline Management Act (RCW Chapter 90.58).

B. The publication entitled Chapter 24.06 - Shoreline Administration and Procedures published by the Kirkland Department of Planning and Community Development bearing the date of February 13, 1986 and departmental file #IV-85-8, is hereby incorporated herein as though fully set forth and hereby adopted. Said publication shall be endorsed with the title and number of this ordinance and dated and signed by the mayor and the director of administration and finance (ex officio city clerk) and a copy shall be recorded in the office of the director of administration and finance as a part of this ordinance.

Said publication shall be codified as Chapter 24.06 of the Kirkland Municipal Code Shoreline Administration and Procedures.

To the extent that it may be required under the Shoreline Management Act (RCW Chapter 90.58) and the Department of Ecology regulations issued pursuant thereto, the Shoreline Administration and Procedures hereby adopted shall be submitted to the Washington State Department of Ecology for its review and approval.

Section 2. Repealer. Ordinance 2256 and Chapter 24.04 of the Kirkland Municipal Code are each hereby repealed as of the effective date of this ordinance or the approval of the Shoreline Master Program herein adopted by the Washington State Department of Ecology whichever shall last occur.

Section 3. 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 4. Effective date. The provisions of this ordinance adopted by reference shall be in force and effect as of the date of approval of the Revised Shoreline Master Program adopted in Section 1 (A) of this ordinance, by the Washington State Department of Ecology pursuant to the Shoreline Management Act. Except as otherwise specifically provided in this ordinance, all of the provisions of this ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 18th day of February, 1986.

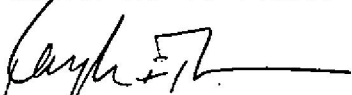
Signed in authentication thereof this 18th day of February, 1986.


MAYOR

ATTEST:

 DEPUTY
CLERK
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

CHAPTER 24.05
SHORELINE MASTER PROGRAM

ORDINANCE 2938

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING BY REFERENCE A REVISED SHORELINE MASTER PROGRAM PURSUANT TO THE REQUIREMENTS OF THE SHORELINE MANAGEMENT ACT (RCW CHAPTER 90.58) ADOPTING REVISED PROCEDURES FOR THE REVIEW AND ISSUANCE OF SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS, CODIFYING SAID REVISED PROGRAM AND PROCEDURES AS CHAPTERS 24.05 AND 24.06, RESPECTIVELY, OF THE KIRKLAND MUNICIPAL CODE AND REPEALING ORDINANCE 2256 AND CHAPTER 24.04 OF THE KIRKLAND MUNICIPAL CODE.

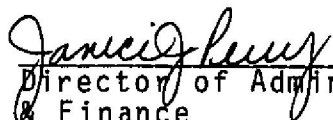
PASSED by majority vote of the Kirkland City Council in regular, open meeting this 18th day of February, 1986.

SIGNED IN AUTHENTICATION thereof this 18th day of February, 1986.

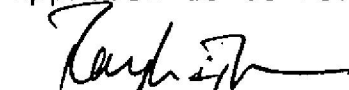


Mayor

Attest:

 DEPUTY
CLERK
Director of Administration
& Finance
(ex officio City Clerk)

Approved as to Form:



City Attorney

1955&56C/272A:br

Published by the
Department of Planning and
Community Development

February 13, 1986
Department File No. IV-85-8

TABLE OF CONTENTSCHAPTER 24.05

PART I - INTRODUCTION

- 24.05.01 Organization
- 24.05.05 User Guide
- 24.05.10 Adoption Authority
- 24.05.15 Applicability
- 24.05.20 Relationship to Other Codes and Ordinances
- 24.05.25 Procedures
- 24.05.30 Policies and Regulations
- 24.05.35 Definitions

PART II - GOALS AND POLICIES

- 24.05.40 User Guide
- 24.05.45 Adoption by Reference
- 24.05.50 Shoreline Use Element Goal and Policies
- 24.05.55 Economic Development Element Goal and Policies
- 24.05.60 Circulation Element Goal and Policies
- 24.05.65 Public Access Element Goal and Policies
- 24.05.70 Recreational Element Goal and Policies
- 24.05.75 Conservation Element Goal and Policies
- 24.05.80 Historical/Cultural Element Goal and Policies
- 24.05.85 Urban Design Element Goal and Policies

PART III - ENVIRONMENTAL DESIGNATIONS

- 24.05.90 User Guide
- 24.05.95 Adoption Criteria
- 24.05.100 Map Adopted by Reference

PART IV - USE REGULATIONS

- 24.05.105 User Guide
- 24.05.110 Shoreline Uses, Developments and Activities
- 24.05.115 Flexibility With a Conditional Use Permit
- 24.05.120 General Regulations - Environmentally Sensitive Areas
- 24.05.125 General Regulations - Historic and Archeological Resources
- 24.05.130 General Regulations - Parking
- 24.05.135 General Regulations - Public Access
- 24.05.140 General Regulations - Land Surface Modification
- 24.05.145 Use Regulations - Detached Dwelling Units
- 24.05.150 Use Regulations - Attached and Stacked Dwelling Units
- 24.05.155 Use Regulations - Restaurants
- 24.05.160 Use Regulations - Retail and Office Uses
- 24.05.165 Use Regulations - Moorage Structures and Facilities
- 24.05.170 Use Regulations - Public Parks
- 24.05.175 Use Regulations - Utilities, Government Facilities, and Transportation Systems
- 24.05.180 Use Regulations - Bulkheads and Other Shoreline Protective Structures

- 24.05.185 Use Regulations - Breakwaters
- 24.05.190 Use Regulations - Dredging
- 24.05.195 Use Regulations - Fill
- 24.05.200 Special Regulations - Authority of the City
- 24.05.205 Special Regulations - Mixed Use Development in Urban
Mixed Use 2 Shoreline Environment
- 24.05.210 Special Regulations - Nonconformance

PART IV - APPENDICES

- 24.05.215 Zoning Code Chapter 5 - Definitions
- 24.05.220 Shoreline Environments and Jurisdiction

TITLE 24 - NATURAL RESOURCES

CAPTER 24.05 - SHORELINE MASTER PROGRAM

Part I	Introduction
Part II	Goals and Policies
Part III	Environmental Designations
Part IV	Regulations
Part V	Appendices

24.05.01 Organization

This Chapter is divided into the following four Parts, consistent with the material to be included within a master program as established in Ch. 173-16 WAC:

1. Part I, Sections 24.05.05 through 24.05.35, contains basic and general information regarding the Shoreline Master Program.
2. Part II, Sections 24.05.40 through 24.05.85, contains the City's goals and policies with respect to the seven program elements established in Ch. 173-16 WAC.
3. Part III, Sections 24.05.90 through 24.05.100, contains information regarding the different shoreline environments to be found within the City.
4. Part IV, Sections 24.05.105 through 24.05.210, contains regulations that apply to the various uses, developments, and activities that are regulated under the Shoreline Master Program.
5. Part V, Section 24.05.215 through the end of this chapter, contains appendices pertaining to this chapter.

PART I - INTRODUCTION

24.05.05 User Guide

This Part, Sections 24.05.05 through 24.05.35, contains basic information regarding the applicability of the Shoreline Master Program, the relationship of the Shoreline Master Program to other documents, and how to use the Shoreline Master Program. It also contains the definitions that will be used throughout the Shoreline Master Program.

24.05.10 Adoption Authority

This title, Chapter 24.05 of the Kirkland Municipal Code, is hereby adopted as the Shoreline Master Program for the City of Kirkland. It is adopted under the authority of Chapter 90.58 RCW and Chapter 173-16 WAC.

24.05.15 Applicability

The regulations of this Chapter apply to all shorelines within the City and to the waters and underlying land of Lake Washington within the City. These regulations do not apply to any portion of a one hundred year floodplain in the City that does not otherwise meet the definition of shoreline.

24.05.20 Relationship to Other Codes and Ordinances

1. General - Most of the uses, developments, and activities regulated in this Chapter are also covered by the Kirkland Comprehensive Plan, the Kirkland Zoning Code, the Kirkland Building Codes and various other provisions of City, state and federal laws. The applicant must comply with all applicable laws prior to commencing any use, development, or activity.
2. Relationship to the Kirkland Zoning Code - The Kirkland Zoning Code, Ordinance 2740, as amended, establishes specific and detailed regulations for most of the uses, development, and activities regulated in this Chapter. The Kirkland Zoning Code and this Chapter are intended to operate together to produce coherent and thorough shoreline regulations. In all cases, uses, developments and activities must comply with both the Kirkland Zoning Code and Shoreline Master Program. If there is a conflict between the two, the more restrictive applies.

24.05.25 Procedures

Please see Chapter 24.06 of the Kirkland Municipal Code for the procedures that the City will use to administer, implement and enforce the Shoreline Master Program within the City, including the procedures that apply to Substantial Development Permits, Shoreline Conditional Use Permits, and Shoreline Variances.

24.05.30 Policies and Regulations

It is the intent of the City that regulations contained within Part IV of this Chapter are mandatory in nature and that a use, development, or activity is not allowable unless it specifically complies with each applicable provision within Part IV. The goals and policies in Part II of this Chapter are intended to form the policy for shoreline uses, developments, and activities, as the basis of the regulations in Part IV and to assist the City in determining whether to grant, modify and grant, or deny each proposed use, development, and activity.

24.05.35 Definitions

1. Adoption by Reference - The definitions in Chapter 90.58 RCW and Chapters 173-14 and 173-16 WAC as now or hereafter established are hereby adopted by reference and apply in this Chapter and Chapter 24.06 of the Kirkland Municipal Code unless, from the context, another meaning is clearly intended.
2. Additional Definitions - In addition to the definitions adopted by reference above, the following definitions apply throughout this Chapter and Chapter 24.06 of the Kirkland Municipal Code unless, from the context, another meaning is clearly intended:
 - a. City, means the City of Kirkland, a municipal corporation.
 - b. Use, development and/or activity, means "development" as that term is defined in RCW Chapter 90.58, RCW.
3. Zoning Code Definitions - The definitions in the Kirkland Zoning Code, Ordinance 2740 as now or hereafter established (see Part V, Section 24.05.215), are hereby adopted by reference and apply in this Chapter and Chapter 24.06 of the Kirkland Municipal Code, unless, from the context, another meaning is clearly intended, provided; however, that if a conflict exists between the definitions in the Kirkland Zoning Code and the definitions adopted or contained above, the definitions adopted or contained above will apply.

PART II - GOALS AND POLICIES

24.05.40 User Guide

This Part, Sections 24.05.40 through 24.05.85, establishes goals and policies for uses, developments and activities on the shorelines of the City. These goals and policies are categorized under the topic headings established in Ch. 173-16 WAC.

24.05.45 Adoption by Reference

The City hereby adopts the policies enunciated in RCW 90.58.020.

24.05.50 Shoreline Use Element Goal and Policies

1. Goal - It is a goal of the City to allow for a diversity of uses within the shoreline area consistent with the dramatically different character of the various shorelines within the city, and to preserve and enhance the natural and aesthetic quality of important shoreline areas while allowing for reasonable development to meet the needs of the city and its residents.

2. Policies

- a. Environmentally sensitive areas should be strictly protected and use of these areas should be prohibited or severely limited.
- b. New uses and developments in shoreline areas that have established and desirable development patterns should be consistent and compatible with what presently exists.
- c. Areas of the shoreline without established development patterns and which are not unique or fragile should allow for a wide range of development options consistent with the Kirkland Zoning Code within established limits to protect the public interest.
- d. Over-water structures other than docks, piers, breakwaters and other similar structures should be prohibited. Water dependent uses should have priority over non-water dependent uses in the shoreline area. Nonetheless, uses such as drydocks, boat yards, and similar marine enterprises are incompatible with the character of the shoreline area and should not be permitted.

- e. Uses in shoreline areas should not degrade water quality nor disrupt any more than is essential the land covered by water and the land area adjacent to the high water line.

24.05.55 Economic Development Element Goal and Policies

1. Goal - It is a goal of the City to allow for commercial development in specific and limited shoreline areas. The nature of this economic development should attract, and be open to, the general public and should not unduly interfere with the character of the shoreline area or with nearby shoreline and upland uses.
2. Policies
 - a. Commercial uses in shoreline area should only be permitted where compatible with existing shoreline and upland development or where land can be aggregated to minimize the impacts from the commercial use.
 - b. Commercial uses should only be permitted where the infrastructure, particularly the roadway system, is presently adequate or is made adequate to accommodate the demands generated by commercial development.
 - c. The nature of commercial development which is permitted in shoreline areas should enhance the opportunity for the public to take advantage of shoreline amenities. Uses that support or enhance the opportunity for public access to the shoreline should be encouraged. This might include uses wherein the public can view and enjoy the aesthetic qualities of the shoreline, lake and vista beyond.
 - d. Commercial uses should not be permitted in any unique or fragile area, unless the impacts to this area are mitigated.
 - e. In shoreline areas where large amounts of land can be aggregated, some degree of flexibility is appropriate to allow for innovative and planned site design within parameters established by the City.

24.05.60 Circulation Element Goal and Policies

1. Goal - It a goal of the City to provide for the safe and efficient movement of vehicles and pedestrians within the shoreline area while recognizing and enhancing the unique, fragile and scenic character of the shoreline area.
2. Policies
 - a. Lake Washington Boulevard and Lake Street South, which provide access to and through much of the City's shoreline area, should be designed and regulated to safely accommodate the vehicular and pedestrian traffic using this corridor, as well as to facilitate egress and ingress from adjacent properties and to enhance the scenic character and recreational use of this corridor, while recognizing that shoreline uses should have primary access to Lake Washington Boulevard and Lake Street South.
 - b. Pedestrian and bicycle movement on and off roadways in the shoreline area should be encouraged wherever feasible.
 - c. Many shoreline areas of the City are served only by minor roadways providing access to a small number of uses, and not allowing for through traffic. This present pattern should continue.
 - d. Where new roadways are needed to serve uses in the shoreline area, these roadways should be the minimum necessary to provide safe and efficient access, including access for emergency vehicles, to the properties to be served.
 - e. Moorage or parking for float planes or helicopters should not be permitted in the shoreline area.
 - f. Priority consideration of the use of Lake Washington Boulevard and Lake Street South should be given to those uses which area adjacent to Lake Washington Boulevard and Lake Street South.

24.05.65 Public Access Element Goal and Policies

1. Goal - It is a goal of the City to provide the maximum reasonable opportunity for the public to view and enjoy the amenities of the shoreline area.

2. Policies

- a. Public pedestrian access along the water's edge of all shoreline development, other than single family residential or where unique and fragile shoreline areas would be adversely affected, should be required of all developments.
- b. All developments required to provide public pedestrian access along the water's edge should connect this access to the right of way unless access to the water's edge can easily be gained via existing access points.
- c. All developments required to provide public pedestrian access should be designed to visually and physically separate the public pedestrian access from adjacent private spaces. The separation may be accomplished vertically, horizontally, or by placing and intervening structural or landscape buffer.
- d. In shoreline areas south of the Urban Mixed I Shoreline Environment, development should be controlled to allow for or enhance substantial visual openness from the frontage road to and beyond Lake Washington.
- e. The City should use street ends and other publicly owned or controlled land within the shoreline area as a means of providing additional public access to shoreline areas.
- f. South of the Urban Mixed I Shoreline Environment, the public right-of-way of Lake Street South and Lake Washington Boulevard should be developed to accommodate a pedestrian promenade. The promenade should consist of widened sidewalks, amenities such as benches or shelters and public sign systems identifying crosswalks, historic or scenic features, jogging trails, public parks and access easements.
- g. The City may establish or permit the establishment of reasonable limitations on the time, extent, and nature of public access in order to protect the natural environment and the rights of others.

24.05.70 Recreational Element Goal and Policies

1. Goal - It is a goal of the City to provide substantial recreational opportunities for the public in shoreline areas.
2. Policies
 - a. The City should continue its aggressive program to acquire and develop park land within shoreline areas. The City should also, where feasible, develop street ends within the shoreline area to provide for public recreation. The nature and extent of the recreation opportunities provided within the various lands in the shoreline area owned or controlled by the City depends on the nature of the area involved, the amenities and natural resources to be found in that area, the location of the area and the needs of the community.
 - b. Large or intensive private developments within the shoreline area should be required to provide some public recreation amenities, beyond public pedestrian access along the water's edge.

24.05.75 Conservation Element Goal and Policies

1. Goal - It is a goal of the City to protect and enhance unique and fragile areas of flora and fauna and scenic vistas to help assure the continued availability of these resources for future generations.
2. Policies
 - a. Large, relatively undisturbed areas of wetland are located at the north and south ends of the City. The City should, through acquisition and regulatory means, work to maintain these environmentally sensitive areas for present and future generations.
 - b. Development in shoreline areas should be managed so that impacts on aquatic and land plants and animals are minimized.
 - c. Where possible, steps should be taken to enhance the shoreline area as a spawning ground for salmon and other species of fish and aquatic life.

24.05.80 Historical/Cultural Element Goal and Policies

1. Goal - It is a goal of the City to identify and preserve those areas of the shoreline that are of scientific, educational, or historic value.
2. Policies
 - a. There are strong indications that a Native American village may have existed, perhaps even as late as the early part of the twentieth century, somewhere in the Yarrow Bay area. Steps should be taken to identify, recover, and preserve any artifacts or other resources that may exist in this area.
 - b. Wherever feasible, shoreline development should recognize the former use of much of the City's shoreline area for such uses as boatyards, ferry landings, and industrial sites.
 - c. The large, relatively undisturbed areas of Yarrow Bay and Juanita Bay should be preserved for, amongst other reasons, their educational and scientific value.

24.05.85 Urban Design Element Goal and Policies

1. Goal - It is a goal of the City to encourage development within the shoreline area that is visually coherent, provides visual and physical linkage to the shoreline, and enhances the waterfront.
2. Policies
 - a. The shoreline area within and south of the Urban Mixed I Shoreline Environment is one of the most scenic areas of the City. It also, to a large extent, establishes the visual identity of Kirkland. As such, both public and private development in these areas should be controlled and regulated to provide an urban environment which preserves or enhances the opportunity of the public to enjoy the scenic quality of the shoreline.
 - b. Projects should be encouraged to provide "street furniture," landscaping and other amenities within or adjacent to the right-of-way of Lake Street South and Lake Washington Boulevard to complement the pedestrian promenade along the shoreline.

PART III - ENVIRONMENTAL DESIGNATIONS

24.05.90 User Guide

This part, Sections 24.05.90 through 24.05.100, establishes the different environmental designations for the various shoreline areas of the City. Part IV of this Chapter then establishes different regulations that apply in these different environmental designations.

24.05.95 Adoption Criteria

1. General - Different areas of the City's shoreline have radically different natural characteristics and development patterns. As a result, different environmental designations are needed to properly regulate shoreline uses, developments and activities.
2. Environmental Designations - The City establishes the following environmental designations based on the characteristics and factors listed.
 - a. Conservancy Environment - These are characteristically large undeveloped or sparsely developed areas exhibiting some natural constraints such as wetland conditions, frequently containing a variety of flora and fauna and in a natural or semi-natural state.
 - b. Suburban Residential Environment - These are areas typified by single family residential development medium sized or larger lots in areas where topography, transportation systems, and development patterns make it extremely unlikely that more intensive use would be appropriate.
 - c. Urban Residential Environment - These are areas containing, for the most part, single family residential uses on small lots and multi-family residential developments, with some land being used for restaurants, marinas, and other commercial uses which depend on or benefit from a shoreline location.
 - d. Urban Mixed Use Environment - The two types of areas which are appropriate for this classification, are as follows:

- 1) areas which have been intensively developed with a mix of residential and commercial uses.
- 2) large mostly undeveloped areas without serious environmental constraint and with good access which will allow for more intensive mixed use development.

24.05.100 Map Adopted By Reference

The map identified in Part V, Section 24.05.220, is hereby adopted as the official map of the City designating the various shoreline environments within the City. These designations may be changed, from time to time, by City Council, with the approval of the Department of Ecology in a manner consistent with other amendments to a Shoreline Master Program. This map also generally shows the landward limit of the area within the City that is subject to the jurisdiction of the Shoreline Management Act and this Chapter; Provided, however that this map in no way increases or decreases the areas subject to the Shoreline Management Act and this Chapter which are:

1. all lands covered by Lake Washington; and
2. all lands within 200 feet of the ordinary high waterline of Lake Washington, and
3. all marshes, bogs, and swamps as designated and mapped by the Department of Ecology using the provisions of RCW 34.04.025.

PART IV USE REGULATIONS24.05.105 User Guide

This Part, Sections 24.05.105 through the end of this Chapter, contains regulations that apply to all uses, developments and activities in the shoreline area. This Part also establishes which uses, developments and activities are permitted in which shoreline environments.

24.05.110 Shoreline Uses, Developments and Activities

1. General - The chart in paragraph 2 of this section establishes which uses, developments, and activities are permitted in which of the shoreline environments. This chart also establishes which uses, developments and activities require the issuance of a Conditional Use Permit.
2. Chart - The following chart establishes the uses, developments, and activities which may take place or be conducted within the various shoreline environments as well as the required permit for each. Those uses, developments and activities listed are allowed only if consistent with all pertinent provisions of this Part. If a use, development or activity is not listed in the following chart, it is not permitted, except as provided in Section 24.05.115 of this Chapter, or as provided in Section 90.58.030 R.C.W.

SHORELINE ENVIRONMENT	URBAN MIXED 1 SHORELINE ENVIRON.	URBAN MIXED 2 SHORELINE ENVIRON.	URBAN RESIDENTIAL 1 SHORELINE ENVIRON.	URBAN RESIDENTIAL 2 SHORELINE ENVIRON.	SUBURBAN RESIDENTIAL SHORELINE ENVIRON.	CONSERVANCY 1 SHORELINE ENVIRON.	CONSERVANCY 2 SHORELINE ENVIRON.
Detached Residential	SDP	SDP	SDP	SDP	SDP	CUP	CUP
Attached or Stacked Residential	SDP	SDP	SDP	SDP	NP	NP	NP
Restaurant or Tavern	SDP	SDP	SDP	NP	NP	NP	NP
Retail or Office	SDP	SDP	NP	NP	NP	NP	NP
Moorage Structures and Facilities	SDP	SDP	SDP	SDP	SDP	NP*	NP*
Public Parks	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Utilities Government Facilities, Roads, etc.	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Bulkheads and Similar Structures	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Breakwaters	SDP	SDP	CUP	CUP	NP	NP*	NP*
Dredging	SDP	SDP	SDP	SDP	SDP	NP*	NP*
Filling	CUP	CUP	CUP	CUP	CUP	NP*	NP*

SDP: Substantial Development Permit

CUP: Conditional Use Permit

NP: Not Permitted

*: May be permitted as an accessory to public parks if approved through a C.U.P.

24.05.115 Flexibility With a Conditional Use Permit

In addition to the uses, developments and activities listed in Section 24.05.110 as permitted in the various shoreline environments, any uses, developments or activities may be approved through the issuance of a Conditional Use Permit if all the following conditions are met:

1. The use, development or activity is compatible with existing and permitted uses, developments or activities within the same shoreline environment.
2. No increase in structure height is approved under this section.
3. No industrial use is approved under this section.
4. Complies with the criteria set forth in Section 173-14-140(1)(a-e) of the Washington Administrative Code.

24.05.120 General Regulations - Environmentally Sensitive Areas

1. Location - Environmentally sensitive areas include steep slopes; marshes, bogs, and swamps; floodplains; streams; spawning beaches; and other areas exhibiting serious constraints on development and/or significant possibility of biotic productivity.
2. Development Limitations - All uses, developments, and activities on sites containing environmentally sensitive areas must comply with all applicable local, state, and federal laws pertaining to development in these areas. In addition, the site must be specifically designed so that the hazards from or impact on the environmentally sensitive area will be mitigated.
3. Additional Authority - In addition to any other authority the City may have, the City is hereby authorized to condition or deny a proposed use, development, or activity or to require site redesign because of hazards associated with the use, development or activity on or near an environmentally sensitive area and/or the effect of the proposal on the environmentally sensitive area.

24.05.125 General Regulations - Historic and
Archeological Resources

1. General - Uses, developments, and activities on sites of historic or archeologic significance or sites containing things of historic or archeological significance must not unreasonably disrupt or destroy the historic or archeologic resource.
2. Resource Recovery - Wherever possible, things of historic or archeologic significance should be properly explored, cataloged, and recovered by qualified individuals prior to any disruptive development, use, or activity occurring on the subject property. If items of historic or archeologic significance are discovered after a use, development or activity has commenced, all activity must cease until proper disposition, including resource recovery, can be made of the significant items.
3. Site Design - The City may require that a site be redesigned or that development be postponed for a definite or indefinite period if this is reasonably necessary to protect a historic site or items of historic, archeologic or cultural significance.

24.05.130 General Regulations - Parking

1. Off-Street Parking Required - All uses must provide sufficient off-street parking spaces in order to accommodate the reasonably anticipated number of vehicles that will be coming to the subject property.
2. Access - The City will determine the number, location, and design of all curb cuts and other points of ingress and egress between the subject property and public rights-of-way.
3. Design and Layout - Parking layouts must be designed efficiently to use the minimum amount of space necessary to provide the required parking and safe and reasonable access. Wherever possible, parking should be located out of the shoreline area and should not be located between the building or buildings on the subject property and Lake Washington. Exterior parking areas, other than for detached dwelling units, must be attractively landscaped with vegetation that will not obstruct views of the lake from the public right-of-way.

24.05.135 General Regulations - Public Access

1. General - Except as listed in Paragraph 2 of this section, all uses, developments, and activities must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property at or close to the high waterline. Developments required to provide public access should be designed to visually and physically separate the public pedestrian access from adjacent private spaces. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property.
2. Exceptions - The following uses, developments, and activities are exempt from providing public pedestrian access under this section:
 - a. The construction, repair, remodeling and use of one detached dwelling unit, as well as the construction, remodeling, repair, and use of bulkheads, docks, and other uses, developments and activities incidental to the use of the subject property as habitation for one family.
 - b. All use, development and activity in conservancy environments, or environmentally sensitive areas where the City determines that access would create distinct and unavoidable hazards to human safety or be contrary to City policies regarding the protection of unique and fragile environments.
3. Special Provisions for Plats and Short Plats - Except in the Suburban Residential Shoreline Environment, all plats and short plats must be designed to provide public pedestrian access as stated in Paragraph 1 of this Section.
4. Public Use Facilities
 - a. In addition to the public pedestrian areas required by Paragraph 1 of this Section, the applicant may propose and/or the City may require that benches, picnic tables, a public access pier, or other public use facilities be constructed on the subject property.

- b. If public use facilities are required or proposed, the City will determine the size, location and other regulations for it on a case-by-case basis.
5. Timing - The public pedestrian access required by this Section must be completed and available at the time of occupancy or completion of work; provided, however, that the City may on a case-by-case basis defer the physical availability of public access in the following cases:
 - a. If shoreline development without public pedestrian access exists on both sides of the subject property and the City determines that the size, location and topography of the subject property does not warrant making public waterfront access available until additional adjacent waterfront access can be obtained.
 - b. If preexisting improvements on the subject property physically preclude the provision of public waterfront access within a reasonable period of time.
6. Easements Recorded - In each case where public pedestrian access is required, whether it is physically available at the end of development or deferred until a later date, all owners of the subject property must record an appropriate easement approved by the City Attorney establishing the right of the public to this access.
7. Signs and Regulations - The City shall require the posting of signs, obtained from the City, designating public pedestrian access. The director of the Department of Planning and Community Development is authorized to establish reasonable rules and regulations governing the public's use of public pedestrian access and use areas under this Chapter. Where appropriate, these rules and regulations shall be included within the documents recorded under Paragraph 6 of this Section.

24.05.140 General Regulations - Land Surface Modification

1. General - The regulations of this Section apply to proposed land surface modifications landward of the high waterline. See Sections 24.05.185 and 24.05.195 of this Chapter for regulations that apply to land surface modification waterward of the high waterline (dredging and filling) and Section 24.05.180 of this Chapter regarding land surface modification incidental to the construction of a bulkhead or other shoreline protective structures.
2. Land Surface Modification Within the High Waterline Yard - Land surface modifications within the high waterline yard may be permitted only if no unique or significant natural area of flora or fauna will be destroyed and only for the following purposes:
 - a. The land surface modification is proposed by a public agency to improve public safety, recreation or access.
 - b. The land surface modification is part of a development on the subject property and is to improve access to a pier, dock, or beach.
 - c. The land surface modification is necessary to provide public pedestrian access or a public use area.
 - d. The land surface modification is necessary for the structural safety of a structure.
 - e. There has been severe and unusual erosion within the one year immediately preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion.
3. Land Surface Modification Landward of the High Waterline Yard - Land surface modification landward of the high water line yard is only permitted if it is necessary for an approved development or use of the subject property or if it is incidental to landscaping for an existing use on the subject property.

4. Additional Regulations - All land surface modifications landward of the high waterline must comply with the following requirements:
- a. The land surface modification must be the minimum necessary to accomplish the underlying reason for the land surface modification.
 - b. Care must be taken to not create any direct or indirect adverse impacts on any adjoining property or Lake Washington.
 - c. All surfaces exposed during land surface modification must be revegetated or otherwise covered as quickly as possible to minimize erosion.
 - d. During land surface modification activities techniques should be employed to prevent erosion and runoff onto adjacent properties or into Lake Washington.
 - e. Except as is necessary during construction, dirt, rocks, and similar materials may not be stockpiled on the subject property. If stockpiling is necessary during construction, it must be located as far as possible from the lake and strictly contained to prevent erosion and runoff.
 - f. Material that will be deposited on the subject property must be clean and not contain organic or inorganic substances that could pollute Lake Washington or otherwise be detrimental to water quality or aquatic or shoreline habitats.
 - g. The City may require that land surface modifications be engineered and/or supervised by an engineer or similarly qualified professional.
5. Land Surface Modifications in Conservancy Shoreline Environments - Notwithstanding any other provision of this section, land surface modification in conservancy shoreline environments should not be allowed unless:

- a. It is necessary to rehabilitate a stream or otherwise improve or enhance the natural environment; or
- b. It is proposed by a public agency as part of development or use of the subject property.

24.05.145 Use Regulations - Detached Dwelling Units

- 1. General - This section contains regulations pertinent to the development and use of a detached dwelling unit. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments detached dwelling units are permitted.
- 2. Permitted Use
 - a. The principal use permitted in this section is the use of the subject property and dwelling as a place of habitation for one family.
 - b. In addition to the principal use listed above, accessory uses, developments, and activities normally associated with a detached dwelling unit and residential occupancy are also permitted. This chapter contains specific regulations on bulkheads and other shoreline protective structures, moorage facilities, and other uses, developments and activities which may be conducted accessory to the principal use.
- 3. Lot Size
 - a. The minimum lot sizes established below are based on the entire area of the subject property landward of the high waterline, not just the portion of the subject project within the jurisdiction of the Shoreline Management Act and this Chapter.

b. Except for pre-existing lots, the minimum lot size for a detached dwelling unit is as follows:

- 1) In the Suburban Residential Shoreline Environment, the minimum lot size is 12,500 square feet of lot area landward of the high waterline.
- 2) In all other shoreline environments where detached dwelling units are permitted, the minimum lot size is 5,000 square feet of lot area landward of the high waterline.

4. Required Yards - Over Water Structures Prohibited - The regulations of this paragraph establish the required yards for all buildings and other major structures associated with this use. No building or other major structure may be located within the following required yards:

a. In the Suburban Residential Shoreline Environment the required yards are as follows:

- 1) The front yard is 20 feet.
- 2) The north property line yard is equal to the height of the detached dwelling unit above average grade level minus five feet.
- 3) The south property line yard is five feet.
- 4) The high waterline yard is the greater of either 15 feet or 15% of the average parcel depth.
- 5) If either the north property line yard or the south property line yard is also the front yard of the subject property, it will be regulated as a front yard. In addition, the dimensions of any required yard, other than as specifically listed above, will be determined on a case by case basis.

6) Notwithstanding any of the regulations in this Paragraph 24.05.145(4)(a), if dwelling units exist immediately adjacent both to the north and south of the subject property, the high waterline yard of the subject property is increased or decreased to be the average of the high waterline yards of these adjacent dwelling units. If the high waterline yard is increased as a result of these adjacent dwelling units, the required yard opposite the high waterline yard may be decreased to be the average of the yards of the properties immediately adjacent to the subject property on the north and south.

b. In all other shoreline environments where detached dwelling units are permitted the required yards are as follows:

1) The front yard is 30 feet; provided, however, that this distance may be reduced one foot for each one foot of this yard that is developed as a public use area if:

a) Any portion of a structure that is within 30 feet of the front property line, is set back from the front property line by a distance greater than or equal to the height of that portion of the structure above the front property line; and

b) Substantially the entire width of this yard (from north to south property lines) is developed as a public use area; and

c) The design of the public use area is specifically approved by the City.

2) The north property line yard is the greater of 15 feet or one and one-half times the height of the primary structure above average grade level minus ten feet.

- 3) The south property line yard is 10 feet.
 - 4) The high waterline yard is the greater of 15 feet or 15% of the average parcel depth.
 - 5) The minimum dimension of any required yard other than as listed above is five feet.
- c. No structure regulated under this Section may be located waterward of the high waterline. This Chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities and other components which may be accessory to this use located waterward of the high waterline. In addition, floating homes are not permitted, nor may boats or other water craft be used as dwelling units.

5. Height

- a. In the Suburban Residential Shoreline Environment the height of a structure associated with this use may not exceed 25 feet above average grade level.
- b. In all other shoreline environments wherein detached dwelling units are permitted, the height of structures associated with this use may not exceed 30 feet above average grade level.

24.05.150 Use Regulations-Attached and Stacked Dwelling Units

1. General - This section contains regulations pertinent to the development and use of attached and stacked dwelling units. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments attached and stacked dwelling units are permitted.

2. Permitted Use

- a. The principal use permitted under this section is as dwelling units that are physically connected or attached to each other.
- b. In addition to the principal use listed above, accessory uses, developments, and activities normally associated with residential development and use are also permitted. This Chapter contains specific regulations on bulkheads and other shoreline protective structures, moorage facilities, and other uses, developments and activities which may be conducted accessory to the principal use.

3. Lot Size

- a. The minimum lot sizes established below are based on the entire area of the subject project landward of the high waterline, not just the portion of the subject property within the jurisdiction of the Shoreline Management Act and this Chapter.
- b. Minimum lot size in the Urban Mixed Use 1 Shoreline Environment is 7200 square feet of lot area landward of the high waterline, with at least 1800 square feet of lot area landward of the high waterline per dwelling unit.
- c. The minimum lot size for this use in all other shoreline environments where stacked and attached dwelling units are permitted is 7200 square feet of lot area landward of the high waterline with at least 3600 square feet of lot area landward of the high waterline per dwelling unit.

4. Required Yards -- Over Water Structures Prohibited - The regulations of this paragraph establish the required yards for all buildings and other major structures associated with this use. No building or other major structure may be located within the following required yards:

a. The required yards in the Urban Mixed Use 1 Shoreline Environment are as follows:

- 1) The front, north property line and south property line yards are zero; provided, however, that any portion of a structure that exceeds a height of 30 feet above average grade level must be set back from the front property line one foot for each five feet that portion exceeds 30 feet in height above average grade level.
- 2) The high waterline yard is the greater of 15 feet or 15% of the average parcel depth; provided, however, balconies at least 15 feet above finished grade may extend up to four feet into the high waterline yard.
- 3) The minimum dimension of any required yard other than as listed above is zero.

b. In all other shoreline environments where stacked and attached dwelling units are permitted the required yards are as follows:

- 1) The front yard is 30 feet; provided, however, that this distance may be reduced one foot for each one foot of this yard that is developed as a public use area if:
 - a) Any portion of a structure that is within 30 feet of the front property line is set back from the front property line by a distance greater than or equal to the height of that portion of the structure above the front property line; and
 - b) substantially the entire width of this yard (from north to south property lines) is developed as a public use area; and

- c) the design of the public use area is specifically approved by the City.
 - 2) The north property line yard is the greater of 15 feet or one and one-half times the height of the primary structure above average grade level minus ten feet.
 - 3) The south property line yard is ten feet.
 - 4) The high waterline yard is the greater of 15 feet or 15% of the average parcel depth.
 - 5) The minimum dimension of any required yard other than as listed above is five feet.
- c. No structure regulated under this Section may be located waterward of the high waterline. This Chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities and other components which may be accessory to this use located waterward of the high waterline. In addition, floating homes are not permitted, nor may boats or other water craft be used as dwelling units.

5. Height

- a. In the Urban Mixed Use 1 Shoreline Environment, structures may not exceed 41 feet in height above average grade level.
- b. In all other shoreline environments where stacked and attached dwelling units are permitted, structures may not exceed 30 feet in height above average grade level; provided, however, the height of a structure may be increased to 35 feet above average grade level if the increase does not impair the views of the lake from properties east of Lake Street South and Lake Washington Boulevard. The height of

a structure which is part of a mixed use development in the Urban Mixed Use 2 Environment shall be subject to the requirements of Section 24.04.205.5.

24.05.155 Use Regulations - Restaurants

1. General - This section contains regulations pertinent to the development and use of restaurants. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments restaurants are permitted.
2. Permitted Use
 - a. The principal use permitted in this section is a retail establishment which sells prepared food and beverages, generally with accommodations for consuming the food and beverage on the premises. Drive through and drive in facilities are not permitted.
 - b. In addition to the principal use listed above, accessory uses, developments and activities normally associated with restaurant uses are also permitted. This Chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities, and other uses, developments and activities which may be conducted accessory to the principal use.
3. Lot Size
 - a. In Urban Mixed Use 1 Shoreline Environment there is no minimum lot size for this use.
 - b. In Urban Mixed Use 2 Shoreline Environment see Section 24.05.205 of this Chapter.
 - c. In Urban Residential 1 Shoreline Environment the minimum lot size for this use is 7200 square feet of lot area landward of the high waterline. This lot size is computed by using the entire area of the subject property landward of the high

waterline, not just the portion of the subject property within the jurisdiction of the Shoreline Management Act and this Chapter.

4. Required Yards -- Over Water Structures Prohibited

The regulations of this paragraph establish the required yards for all buildings and other major structures associated with this use. No building or other major structure may be located within the following required yards:

a. In the Urban Mixed use 1 Shoreline Environment, the following required yards apply:

- 1) There is no required front yard; provided, however, that any portion of the structure that exceeds a height of 30 feet above average grade level must be set back from the front property line one foot for each five feet that portion of the structure exceeds a height of 30 feet above average grade level.
- 2) There is no required north property line yard.
- 3) There is no required south property line yard.
- 4) The high waterline yard is the greater of 15 feet or 15% of the average parcel depth; provided, however, that balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.
- 5) The minimum dimension of any required yard other than as listed above is zero feet.

b. In Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this Chapter.

c. In Urban Residential 1 Shoreline Environment the required yards are as follows:

- 1) The front yard is 30 feet; provided, however, that this distance may be reduced one foot for each one foot of this yard that is developed as a public use area, if:
 - a) Each portion of a structure within 30 feet of the front property line is set back from the front property line by a distance greater than or equal to the height of that portion of the structure above the front property line; and
 - b) substantially the entire width of this yard (from north to south property lines) is developed as a public use area; and
 - c) the design of the public use area is specifically approved by the City.
- 2) The north property line yard is the greater of 15 feet or one and one-half times the height of the primary structure above average grade level minus ten feet.
- 3) The south property line yard is 10 feet.
- 4) The high waterline yard is the greater of 15 feet or 15% of the average parcel depth.
- 5) The minimum dimension of any required yard other than as listed above is five feet.

d. No structure regulated under this Section may be located waterward of the high waterline. This Chapter contains

regulations on bulkheads and other shoreline protective structures, moorage facilities and other components which may be accessory to this use located waterward of the high waterline.

5. Height

- a. In the Urban Mixed Use 1 Shoreline Environment structures may not exceed a height of 41 feet above average grade level.
- b. In Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this Chapter.
- c. In the Urban Residential 1 Shoreline Environment, structures may not exceed a height of 30 feet above average grade level; provided, however, that the height of a structure may be increased to 35 feet above average grade level if the increase does not impair the views of the lake from properties east of Lake Street South and Lake Washington Boulevard.

24.05.160 Use Regulations - Retail and Office Use

1. General - This Section contains regulations pertinent to the development and use of retail and office uses. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments retail and office uses are permitted.
2. Permitted Use
 - a. The principal uses permitted in this Section are retail establishments providing goods, services, and lodging directly to the public; and places of employment providing professional, administrative, and similar service functions.

- b. In addition to the principal uses listed above, accessory uses, developments, and activities normally associated with retail and office uses are also permitted. This Chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities, and other uses, developments and activities which may be conducted accessory to the principal use.

3. Lot Size

- a. In the Urban Mixed Use 1 Shoreline Environment, there is no minimum lot size for this use.
- b. In the Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this Chapter.

4. Required Yards - Over Water Structures Prohibited - The regulations of this paragraph establish the required yards for all buildings and other major structures associated with this use. No building or other major structure may be located within the following required yards:

- a. In the Urban Mixed Use 1 Shoreline Environment, the required yards are as follows:
 - 1) The front yard is zero feet; provided, however, any portion of the structure that exceeds a height of 30 feet above average grade level must be set back from the property line one foot for each five feet that portion of the structure exceeds 30 feet above average grade level.
 - 2) The north and south property line yards are zero feet.
 - 3) The high waterline yard is the greater of 15 feet or 15% of the average parcel depth; provided, however, that balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.

- 4) The minimum dimension of any required yard other than as listed above is zero feet.
- b. In the Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this Chapter.
- c. No structure regulated under this Section may be located waterward of the high waterline. This Chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities and other components which may be accessory to this use located waterward of the high waterline.

5. Height

- a. In the Urban Mixed Use 1 Shoreline Environment, structures may not exceed 41 feet above average grade level.
- b. In Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this Chapter.

24.05.165 Use Regulations - Moorage Structures and Facilities

- 1. General - This Section contains regulations pertinent to the development and use of moorage structures and facilities. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments moorage structures and facilities are permitted.
- 2. Permitted Use
 - a. The principal use permitted in this Section is moorage of private pleasure watercraft.
 - b. In the Suburban Residential Shoreline Environment, accessory uses, structures, and facilities are not permitted as part of this use.

c. In shoreline environments where this use is permitted, other than as specified above, the following accessory uses, developments and facilities are permitted as part of this use:

- 1) Boat and motor sales and leasing.
- 2) Boat and motor repair and service, if:
 - a) this activity is conducted on dry land and either totally within a building or totally site screened from adjoining property and the right-of-way; and
 - b) all dry land motor testing is conducted within a building.
- 3) Pumping facilities to remove effluent from boat holding tanks.
- 4) Dry land boat storage; provided, however, that stacked storage is not permitted.
- 5) Meeting and special event rooms.
- 6) Gas and oil sales for boats, if:
 - a) all storage tanks are underground and on dry land; and
 - b) the use has facilities to contain and clean up gas and oil spills.

This accessory use (gas and oil sales) may be conducted within an over water shed that is not more than 50 square feet in area and ten feet high as measured from the deck.

- 7) Boat launch ramps that meet the following requirements.
 - a) the ramp is paved with concrete.

- b) there is sufficient room on the subject property for maneuvering and parking so that traffic impact on the frontage road will not be significant.
 - c) access to the ramp is not directly from the frontage road.
 - d) the design of the site is specifically approved by the City.
- d. Other Sections in this Chapter contain regulations on bulkheads and other shoreline protective structures and other uses, developments and activities which may be conducted accessory to the principal use.
3. Minimum Lot Size - There is no minimum lot size for this use; provided, however, that the subject property must be large enough and be of sufficient dimensions to comply with the site design and other requirements of this Chapter.
4. Limitation on Uses in The Suburban Residential Shoreline Environment
- a. In the Suburban Residential Shoreline Environment, moorage structures and facilities may only be developed and used accessory to detached dwelling units on waterfront lots. Use of moorage structures and facilities in the Suburban Residential Shoreline Environment is limited to the residents and guests of the waterfront lots to which the moorage is accessory. Moorage space may not be leased, rented, sold, or otherwise made available to other than the residents and guests of the waterfront lots to which the moorage is accessory.

- b. In the Suburban Residential Shoreline Environment, moorage structures and facilities may not provide moorage for more than two boats; provided, however, that waterfront lots in this environment are encouraged to develop joint or shared moorage facilities. If this occurs, the joint or shared moorage facility may contain up to two moorages for each waterfront lot participating in the joint or shared moorage facility.
5. Size of Moorage Structures - Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats to be moored. The City will specifically review the size and configuration of each proposed moorage structure to help insure that:
 - a. The moorage structure does not extend waterward beyond the point necessary to provide reasonable draft for the boats to be moored, but not beyond the outer harbor line; and
 - b. The moorage structure is not larger than is necessary to moor the specified number of boats; and
 - c. The moorage structure will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and
 - d. The moorage structure will not adversely affect nearby uses; and
 - e. The moorage structure will not have a significant long term adverse effect on aquatic habitats.
 6. Over-Water Structures - Required Yards
 - a. No structures regulated under this Section, other than moorage structures and sheds associated with gas and oil sales for boats, may be located waterward of the high waterline. Other Sections of this Chapter contain regulations on bulkheads and other shoreline protective structures and breakwaters which may be accessory to

this use and located waterward of the high waterline.

- b. The required yards for structures landward of the high waterline are as established in the various shoreline environments by Section 24.05.150 regarding attached and stacked dwelling units.
- c. Waterward of the high waterline, the required setbacks in the Suburban Residential Shoreline Environment are as follows:
 - 1) The north property line setback is 10 feet.
 - 2) The south property line setback is 10 feet.
 - 3) No moorage structure on private property may be within 25 feet of a public park.
 - 4) No moorage structure may be within 25 feet of another moorage structure not on the subject property.
- d. Waterward of the high waterline, the required setbacks in the Urban Mixed Use 1 Shoreline Environment are as follows:
 - 1) If the subject property provides moorage for not more than two boats, the following setbacks apply:
 - a) The north property line setback is 10 feet;
 - b) The south property line setback is 10 feet;
 - c) No moorage structure may be within 25 feet of another moorage structure not on the subject property.
 - 2) If the subject property provides moorage for more than two boats, the following setbacks apply:

- a) The north property line setback is 10 feet.
 - b) The south property line setback is 10 feet.
 - c) No moorage structure on private property may be within 100 feet of a public park.
 - d) No moorage structure may be within 50 feet of an abutting lot that contains a detached dwelling unit.
 - e) No moorage structure may be within 25 feet of another moorage structure not on the subject property.
- e. Waterward of the high waterline, the required setbacks in shoreline environments other than as listed above, wherein this use is permitted are as follows:
- 1) If the subject property provides moorage for not more than two boats, the following setbacks apply:
 - a) The north property line setback is 10 feet.
 - b) The south property line setback is 10 feet.
 - c) No moorage structure on private property may be within 25 feet of a public park.
 - d) No moorage structure may be within 25 feet of another moorage structure not on the subject property.
 - 2) If the subject property provides moorage for more than two boats, the following setbacks apply:
 - a) The north property line setback is 10 feet.

- b) The south property line setback is 10 feet.
- c) No moorage structure on private property may be within 100 feet of a public park.
- d) No moorage structure on private property may be closer to a public park than a line that starts where the high waterline of the park intersects with the side property line of the park closest to the moorage structure and runs waterward towards the moorage structure at a 45 degree angle from that side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening over water structures.
- e) No moorage structure on private property may be closer to a lot containing a detached dwelling unit than a line that starts where the high waterline of the lot intersects with the side property line of that lot closest to the moorage structure and runs waterward towards the moorage structure at a 30 degree angle from that side property line. This setback applies whether or not the subject property abuts the lot containing the detached dwelling unit, but does not extend beyond any intervening over water structures.
- f) No moorage structure may be within 25 feet of another moorage structure not on the subject property.

7. Height of Structures

a. Landward of the high waterline, the maximum permitted height of structures is as follows:

- 1) In the Suburban Residential Shoreline Environment, the maximum height of structures landward of the high waterline is as established for detached dwelling units in that shoreline environment. See Section 24.05.145 of this Chapter.
- 2) In all other shoreline environments where this use is permitted, the maximum height of structures landward of the high waterline is as established in each of those shoreline environments for stacked and attached dwelling units. See Section 24.05.150 of this Chapter.

b. Waterward of the high waterline, pier and dock decks may not exceed a height of 24 feet above mean sea level.

8. Moorage Structures Waterward of the Inner Harbor Line - If the moorage structure will extend waterward of the inner harbor line, the applicant must obtain a lease from the Department of Natural Resources prior to proposing this use.

9. Certain Substances Prohibited - No part of moorage structures or other components that may come into contact with the lake may be treated with or consist of creosote, oil base, toxic, or other substances that would be harmful to the aquatic environment.

10. Certain Moorages Prohibited
Covered moorage is prohibited. Aircraft moorage is prohibited.

24.05.170 Use Regulations - Public Parks

1. General - This Section contains regulations pertinent to the development and use of public parks. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments public parks are permitted.
2. Permitted Uses - This Section allows for the development and use of a broad range of public parks. The level and scope of development, nature and extent of amenities, and type and intensity of activities in and of each park will be determined by the City based on the physical environment, location, surroundings and needs and demands of the community.
3. Height - The maximum height of structures is as follows:
 - a. In the Suburban Residential Shoreline Environment, structures may not exceed a height of 25 feet above average grade level.
 - b. In the Urban Mixed Use 1 Shoreline Environment, structures may not exceed a height of 41 feet above average grade level.
 - c. In all other shoreline environments where parks are permitted, structures may not exceed a height of 35 feet above average grade level.
4. Lot Size and Dimensions - The City will determine the required minimum lot size as well as the maximum bulk and dimensions of buildings and other site components on a case by case basis consistent with other provisions of this Section.
5. Special Considerations in Conservancy Shoreline Environments - In the Conservancy Shoreline Environments, park development must be sensitive to and protective of the unique or fragile natural systems found in these areas.

Development of park facilities in these environments, it must be the minimum necessary in order to support low intensity passive use and enjoyment of these areas. Physical access to these areas must be limited to boardwalks, public access piers or other similar components which define the nature and extent of physical intrusion and are less disruptive to the natural environment.

24.05.175 Use Regulations - Utilities, Government
Facilities and Transportation Systems

1. General - This Section contains regulations pertinent to the development and use of utilities, government facilities and transportation systems. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments utilities, government facilities and transportation systems are permitted.
2. Permitted Uses
 - a. Except as specified in this Section, this Section allows for the development and use of various structures, components and facilities necessary or convenient to the use and operation of a wide range of quasi-public and public utilities, government services and facilities and roadways and other transportation systems.
 - b. Public parks are regulated separately in this Chapter and are not regulated under this Section.
 - c. Maintenance, storage and production facilities are not permitted in shoreline areas.
3. Limitations on Location
 - a. Except for public pedestrian access mandated or permitted by this Chapter and utility lines, infrastructure, roadways and similar components necessary to serve development within the shoreline area,

utilities, government services and facilities, and transportation systems may not be located within shoreline areas unless this location is reasonably necessary for the efficient operation of the utility, government facility or services or transportation system.

- b. Utilities, government facilities and transportation systems may not be located waterward of the high waterline or anywhere in conservancy shoreline environments unless no alternative exists and this location is essential to the operation of the utility, government service or facility or transportation system.

4. Placement and Design

- a. When permitted within shoreline areas, utilities, government services and facilities and transportation systems must be placed and designed to minimize negative aesthetic impacts upon shoreline areas.
- b. Except where this would not be feasible, all utility lines, pipes, conduits, meters, vaults, and similar infrastructure and appurtenances must be placed underground consistent with the standards of the serving utility.

5. Certain Pipelines Prohibited - Except for gas or oil pipelines otherwise permitted in this Section, no pipeline for the transmission of any substance that would be hazardous to the aquatic environment may be constructed within the shoreline area.

6. Height, Bulk, Lot Size, and Dimensional Requirements - The permitted height, bulk, lot size and other dimensional requirements for utilities, government facilities and services, and transportation systems will be made by the City on a case-by-case basis based on the following factors as applicable:

- a. The standards established by the serving utility.

- b. The standards established by the City for the structure or component in question.
- c. The impact of the structure or component on the shoreline area.
- d. The height, bulk and other dimensional requirements established for other uses in the various shoreline environments by this Chapter.

24.05.180 Use Regulations - Bulkheads and Other Shoreline

Protective Structures

- 1. General - This Section contains regulations pertinent to the development and use of bulkheads and other shoreline protective structures. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments bulkheads and other shoreline protective structures are permitted.
- 2. Permitted Uses - This Section allows for the construction and use of walls, rockeries and similar structures that are constructed essentially parallel to the shoreline at the water's edge to prevent erosion of the shoreline.
- 3. Allowable Reasons - A bulkhead or other shoreline protective structures may be constructed only if:
 - a. it is needed to prevent significant erosion of the shoreline; and
 - b. the use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.
- 4. Prohibited Locations - Bulkheads and other shoreline protective structures may not be constructed within a marsh, bog or swamp or between a marsh, bog or swamp and the lake.

5. Design Considerations - Bulkheads and other shoreline protective structure must be designed to minimize the transmittal of wave energy to other properties.
6. Placement - Bulkheads and other shoreline protective structure may not be placed waterward of the high waterline, unless:
 - a. It is to stabilize a fill approved under Section 24.05.195 of this Chapter; or
 - b. There has been severe and unusual erosion within one year immediately preceding the application for the bulkhead or other similar protective structure. In this event, the City may allow the placement of the bulkhead or other similar protective structure to recover the dry land area lost by this erosion.
7. Change in Configuration of the Land - Except as otherwise specifically permitted in this Chapter, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.
8. Backfill - The extent and nature of any backfill proposed landward of a bulkhead or other shoreline protective structure must be approved by the City.

24.05.185 Use Regulations - Breakwaters

1. General - This Section contains regulations pertinent to the development and use of breakwaters. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments breakwaters are permitted.
2. Permitted Uses - This Section allows for the construction and use of offshore structures used to inhibit wave action to create safe boat moorage. Only floating or open pile breakwaters are permitted.
3. Allowable Reasons - The City will permit

the construction and use of a breakwater only if:

- a. the breakwater is essential to the safe operation of a moorage facility; and
 - b. the City determines that the location, size, design, and accessory components of the moorage facility to be protected by the breakwater are distinctly desirable and within the public interest; and
 - c. Any undesirable effects or adverse impacts upon the environment or upon nearby waterfront properties from the breakwater are clearly outweighed by the benefits to the public provided by the moorage facility to be protected by the breakwater.
4. Professional Design and Supervision Required - All breakwaters must be designed and constructed under the supervision of a civil engineer or similarly qualified professional. As part of the application, the engineer or other professional designing the breakwater must certify that it is the smallest possible breakwater to meet the requirements of this Chapter and accomplish the purpose of the breakwater and also is designed to have the minimum possible adverse impacts upon the environment, nearby waterfront properties and navigation.
5. Public Use Required - Unless physically infeasible, public access to and along, and public use of (e.g. sitting, picnicing, fishing, etc.), the breakwater must be provided.
6. Certain Substances Prohibited - No part of the breakwater may be treated with or consist of creosote, oil base, toxic or other substances that would be harmful to the aquatic environment.

24.05.190 Use Regulations - Dredging

1. General - This Section contains regulations pertinent to dredging activities. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments dredging is permitted.
2. Permitted Uses - This Section allows for the displacement and removal of materials from the bottom of the Lake.
3. Allowable Reasons - The City will permit dredging only if:
 - a. no unique or significant natural area of flora or fauna will be destroyed; and
 - b. the dredging will not result in erosion of the shoreline or undermine the stability of neighboring properties; and
 - c. Either:
 - 1) the application for the dredging is filed by a public agency to improve navigability, public recreation or public safety; or
 - 2) the application is to create a public use or recreation area; or
 - 3) the application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or
 - 4) the application is to provide sufficient draft for boat moorage.
4. Disposition of Dredging Spoils - Dredging spoils may not be deposited into the Lake. Dredging spoils may not be deposited onto shoreline areas, except as follows:

- a. Dredging spoils may be used as fill or landscape material for a development in the shoreline area that is otherwise approved by the City under this Chapter. This fill material must be of a type and nature that it will provide proper structural stability and will not create any undesirable effects or adverse impacts upon the environment or neighboring properties.
 - b. The City may permit dredging spoils to be temporarily deposited in the shoreline area for transfer and removal to an approved disposal site. The dredging spoils may not be stored in the shoreline area longer than is reasonably necessary and must be stored in a manner that will protect the environment and neighboring properties from undesirable effects and adverse impacts.
5. Revegetation - The applicant must reestablish any beneficial vegetation that is disrupted or destroyed during dredging.
 6. Minimum Dredging Necessary - The extent of the dredging must be the minimum necessary to reasonably accomplish the purpose for the dredging under Paragraph 3.c of this Section.

24.05.195 Use Regulations - Fill

1. General - This Section contains regulations pertinent to the use of fill. These regulations are founded on the goals and policies established in Part II of this Chapter. Please see the chart contained in Section 24.05.110 of this Chapter to determine in which shoreline environments fill is permitted.
2. Permitted Uses - This Section allows for the creation of dry upland areas by the deposition of sand, silt, gravel or other materials onto areas waterward of the high waterline.
3. Allowable Reasons - The City may permit filling only if:

- a. no unique or significant natural area of flora or fauna will be destroyed; and
 - b. the fill will not result in erosion of the shoreline or undermine stability of neighboring properties; and
 - c. Either:
 - 1) the application is filed by a public agency to improve navigability, public recreation, or public safety; or
 - 2) the application is to create a public use or recreation area.
4. Fill Material - The fill material must be non-dissolving and non-decomposing. The fill material must not contain organic or inorganic materials that would be detrimental to water quality or the existing habitat.
 5. Use of Vegetation - The applicant must stabilize exposed fill areas with vegetation.
 6. Minimum Fill Necessary - The extent of the fill must be the minimum necessary to reasonably accomplish the purpose for the fill under Paragraph 3.c. of this Section.
 7. Professional Design and Supervision - The City may require that the fill be designed and supervised by a civil engineer or similarly qualified professional. The City may require this professional to certify that the fill meets the following requirements:
 - a. The fill is designed and executed to create the least possible undesirable effects and adverse impacts on neighboring properties and the environment.
 - b. The fill is designed and executed to provide permanent structural integrity for the fill and surrounding areas.

24.02.200 Special Regulations - Authority of the City

1. General - In granting any permit under Chapter 24.06 of the Kirkland Municipal Code or the Shoreline Management Act, the City may impose any conditions or restrictions that the City determines are necessary to eliminate or minimize any undesirable effects of granting the permit.
2. Land Outside the Jurisdiction of the Shoreline Management Act - In addition to the authority described above, if a proposed use, development or activity includes areas both inside and outside the jurisdiction of the Shoreline Management Act, the City may impose conditions or restrictions on use, development or activity outside the jurisdiction of the Shoreline Management Act if necessary to eliminate or minimize any undesirable effects on areas within the jurisdiction of the Shoreline Management Act.

24.05.205 Special Regulations - Mixed Use DevelopmentIn Urban Mixed Use 2 Shoreline Environment

1. General - This Section establishes special regulations under which a mixed use development may be permitted in the Urban Mixed Use 2 Shoreline Environment. If the provisions of this Section are specifically inconsistent with any other provisions of this Chapter, the provisions of this Section will apply. The provisions of this Chapter which are not specifically inconsistent with the provisions of this Section apply to development permitted under this Section.
2. Permitted Uses
 - a. A development permitted under this Section must contain the following uses:
 - 1) Attached or stacked dwelling units.
 - 2) A restaurant or tavern.
 - 3) Moorage structures and facilities.

- b. The applicant may propose and/or the City may require or allow the mixed use development to contain the following uses:
- 1) Retail uses.
 - 2) Office uses.
 - 3) Hotels.
 - 4) The accessory uses listed in Paragraph 6 of Section 24.05.165 of this Chapter.
3. Minimum Lot Size - The development must be approved as part of a master plan which encompasses the entire contiguous ownership of the applicant.
4. Number of Dwelling Units - There may not be more than one dwelling unit for each 3100 square feet of land area landward of the high waterline, computed using the entire area of the subject property between the high waterline and Lake Washington Boulevard.
5. Bulk and Site Design Requirements - The City will determine setbacks, lot coverage, structure heights, landscaping and all other bulk and site design elements of the development based on the compatibility of the development with adjacent uses and the degree to which public access, use and views are provided in the proposed development.
6. Public Access, Use and Views - The proposed development must provide substantial opportunities for public access to, use of and views of the waterfront.
- a. A public pedestrian access trail along the entire waterfront of the subject property with connections to Lake Washington Boulevard at or near both the north end and south end of the subject property.
 - b. Waterfront areas developed and open for public use.

- c. Improvements to and adjacent to Lake Washington Boulevard which are open for public use.
 - d. Corridors which allow unobstructed views of Lake Washington from Lake Washington Boulevard. In addition, obstruction of the views from existing developments lying east of Lake Washington Boulevard must be minimized.
7. Waterfront Orientation and Accessibility - All non-residential uses, except office uses, must be located and designed to have substantial waterfront orientation and accessibility from waterfront public use areas.
8. Vehicular Circulation - Vehicular circulation on the subject property must be designed to mitigate traffic impacts on Lake Washington Boulevard and Lake View Drive. Access points must be limited, with primary access located at the intersection of Lake Washington Boulevard and Lake View Drive. The City may require traffic control devices and right-of-way realignment and/or limit development if necessary to further reduce traffic impacts.

24.05.210 Special Regulations - Nonconformance

- 1. General - No work, activity, or other thing may be done which in any way expands, increases, amplifies, intensifies, or in any way makes greater any structure, thing, use, development, or activity which does not comply with this Chapter.
- 2. Abatement and Discontinuance - Structures and uses which do not conform to the provisions of this Chapter must be abated, discontinued and/or made to conform to the provisions of this Chapter if any of the following apply:
 - a. The structure has been abandoned for 90 or more consecutive days or the nonconforming use has ceased for 180 or more consecutive days.

- b. The applicant is making structural alterations to any structure that is nonconforming or houses or supports any nonconforming use.
- c. The structure or use did not conform to the Shoreline Master Program in effect when the structure was built or the use commenced.

3. Special Provisions for Damaged Structures

And Improvements - If a nonconforming structure or improvement is damaged by sudden accidental cause, the applicant may reconstruct that improvement. The reconstructed improvement may not be more nonconforming than it was immediately prior to the damage.

PART V - APPENDICES

- 24.05.215 - Zoning Code Chapter 5 - Definitions
- 24.05.220 - Shoreline Environments and Jurisdiction

CHAPTER 5 - DEFINITIONS

5.05 User Guide

The definitions in this Chapter apply for this Code.

5.10 Definitions

The following definitions apply throughout this Code unless, from the context, another meaning is clearly intended:

5. Abandoned - Knowing relinquishment of right or claim to the subject property or structure on that property.
10. Access Drive - A privately owned driving surface which collectively serves 2, 3, or 4 parcels that produce 100 or fewer daily trip ends.
15. Accessory - A use, activity, structure or part of a structure which is subordinate and incidental to the main activity or structure on the subject property.
20. Adjoining - Property that touches or is directly across a street, other than a primary arterial, from the subject property. For the purpose of height regulations, if a structure is more than 100 feet from a low density zone it is not considered as adjoining that zone.
22. Adult Entertainment Activity or Use - All of the following:
 1. Adult theatre means a building or enclosure or any portion thereof used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in Sections 5.10.885 and 5.10.884) for observation by patrons therein and which excludes minors by virtue of age.

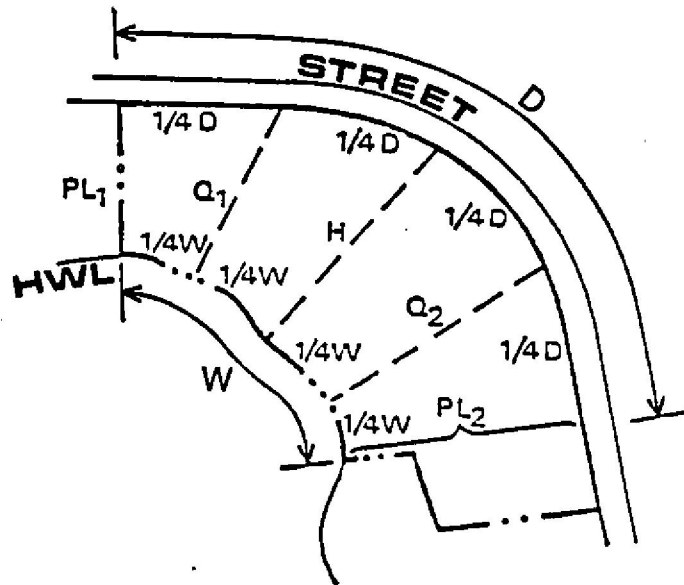
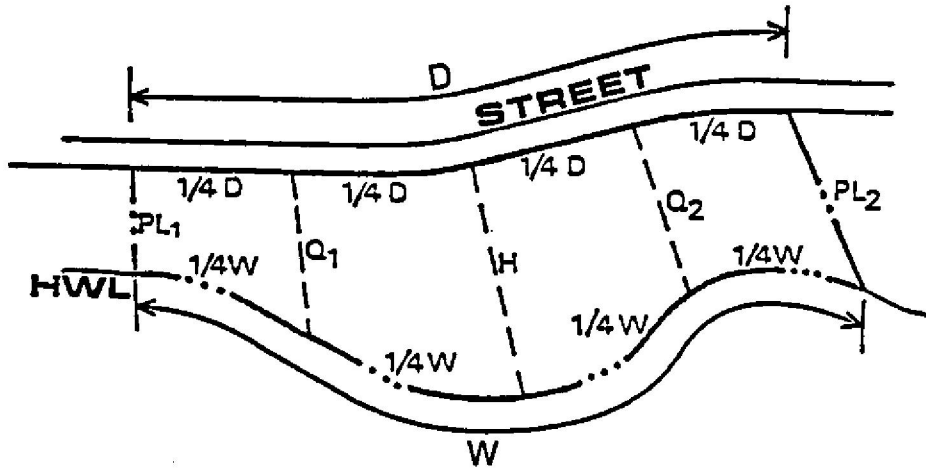
0-2877 (
 2. Adult bookstore means an establishment which in whole or in portion thereof has a substantial or significant portion of its stock and trade books, magazines or other periodicals, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in Sections 5.10.885 and 5.10.884) and which excludes minors by virtue of age.

0-2877 (

- 0-2877
3. Adult cabaret means a cabaret, nightclub or other establishment which features go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers or attendants, who are so clothed or dressed as to emphasize "specified anatomical areas" (defined in Sections 5.10.884) and/or whose performance or other activities include or mimic "specified sexual activities" (defined in Section 5.10.885) and which establishment excludes minors by virtue of age.
25. Air Rights - The right to in some manner control the use of the space above the surface of the ground.
30. Alluvium - Soil deposits transported by surface waters.
35. Alteration - A change or rearrangement of the structural members or exits in a building; an increase in the height or length or depth of the exterior walls of a building; the movement of a structure from one location to another; or, for office or commercial buildings, the changing by the use of partitions of more than one-third of the gross floor area of a single floor.
37. Amend - To change the Zoning Map, text of the Zoning Code, or Land Use Policies Plan in accordance with this Code.
40. Applicant - A person who applies for any permit or approval to do anything governed by this Code and who is the owner, of the subject property; the authorized agent of the owner, or the City.
45. Average Building Elevation - The average elevation of the topography prior to any development activity, at the center of all exterior walls of a building or structure.
50. Average Ground Elevation - The average elevation of the topography, prior to any development activity, at the center of all sides of the structure or improvement.
55. Average Lot Elevation - The average elevation of all corners of a lot as measured from natural or existing topography.
60. Average Parcel Depth - The average of the distance from the high waterline to the street providing direct access to the subject property as measured along the side property lines or the extension of those lines where the water frontage of the subject property ends, the center of the high waterline of the subject property and the quarter points of the high waterline of the subject property. See the following diagram for examples.

Average Parcel Depth =

$$\frac{PL_1 + Q_1 + H + Q_2 + PL_2}{5}$$



0-2791

65. Average Parcel Width - The average of the distance from the north to the south property lines as measured along the high waterline and the front property line.

{ 67. Average Slope - The average grade of a site within each land area representing a distinct topographic change.

70. Backfill - Material placed into an excavated area, pit, trench or behind a constructed retaining wall or foundation.

75. Bearing Capacity - The ability of a soil to support a structure, as measured in pounds per square foot.

80. Bond - A written certificate guaranteeing to pay up to a specified amount of money if specified work is not performed; or any similar mechanism whereby the City has recourse to an identified fund from which to secure performance of specified work.

85. Buffer - Any structural, earth or vegetative form that is located along a boundary for the purpose of minimizing visual and noise impacts. Buffers may include but are not limited to; berms, high shrubs, dense stands of trees, trellises and fences.

90. Building - A roofed structure used for or intended for human occupancy.

95. Building Mounted - All of the following: wall mounted signs, marquee signs, under marquee signs and projecting signs.

100. Building Official - "Building Official", as that term is defined in the Uniform Building Code as adopted in Title 21, Kirkland Municipal Code.

105. Bulkhead - A wall or embankment used for retaining earth.

0-2798

{ 108. Center Identification Sign - A type of building or ground mounted sign which identifies the name of a development containing more than one use or tenant and which does not identify any individual use or tenant. These signs do not have internally lighted sign fields and are constructed with materials, colors, shapes or other architectural features which are the same as the buildings with which the signs are associated.

110. Certificate of Occupancy - "Certificate of Occupancy", as that term is defined in the Uniform Building Code as adopted in Title 21, Kirkland Municipal Code.

FEBRUARY, 1984 (Ordinance 2791)

MARCH, 1984 (Ordinance 2798)

- 115. Changing Message Center - An electronically controlled public service time and temperature sign, message center, or readerboard where different copy changes of a public service or commercial nature are shown on the same lampbank.
- 120. Church - An establishment, the principal purpose of which is religious worship, and for which the principal building or other structure contains the sanctuary or principal place of worship, and which includes related accessory uses.
- 125. City Manager - The chief administrative official of the City.
- 130. Clustered Development - The grouping or attaching of buildings in such a manner as to achieve larger aggregations of open space than would normally be possible from lot by lot development at a given density.
- 135. Code (this) - The Code of the City of Kirkland adopted as Title 23 of the Kirkland Municipal Code.
- 140. Commercial Recreation Area and Use - An area and use operated for profit, with private facilities, equipment or services for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses. The use of such an area may be limited to private membership or may be open to the public upon the payment of a fee.
- 145. Commercial Zones - BN; BC; CBD; FC-I; FC-II; PLA 4, PLA 8, PLA 10A and PLA 13A.
- 150. Common Open Space Suitable for Many Activities - Any area available to all of the residents of the subject property that is appropriate for a variety of active and passive recreational activities, if that area--
 - a. Is not covered by buildings, parking or driving areas of impervious surfaces; and
 - b. Is not covered by dense vegetation that impedes access; and
 - c. Does not contain a slope of more than 15%.
- 155. Community Recreation Area or Clubhouse - An area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community club houses and other similar uses maintained and operated by a non-profit club or organization whose membership is limited to the residents within a specified geographic area.

O-2863

160. Comprehensive Plan - The Land Use Policies Plan and the Shoreline Management Program of the City.
165. Construction Sign - An informational sign which identifies the architect, engineer, contractor and any other individual or corporation involved with the construction of a building or use.
170. Contour Line - The interconnection of points having the same height above sea level.
175. Court of Competent Jurisdiction - The judicial body empowered to adjudicate the question under consideration.
180. Cross Section (Drawing) - A visual representation of a vertical cut through a structure or any other three-dimensional form.
185. Culvert - An open-ended cylindrical structure generally used for the conveyance of storm waters.
190. Curb Cut - The connection of an access drive or a driveway with a street which may entail a structural alteration to the curb by lowering the height of part of the curb.
- (192. Day-Care Center - In RS Zones, A Day-Care
(operation with thirteen (13) or more children at
(any one time. For all other zones, see Day-Care
(Operation.
- 0-2804 (193. Day-Care Home - A Day-Care operation with no
(more than six (6) children at any one time.
- (194. Day-Care Operation - The temporary care of
(children in a residence or structure on a
(regular recurring basis for pay or other
(valuable consideration, including but not
(limited to the furnishing of shelter,
(sustenance, supervision, education or other
(supportive services.
195. Dedication - The deliberate appropriation of land by an owner for public use or purpose, reserving no other rights than those that are compatible with the full exercise and enjoyment of the public uses or purpose to which the property has been devoted.
200. Deleterious Material - Any substance which may cause harm to existing lifeforms with which it comes into contact. Substances used for gardening such as fertilizers or weed control, when applied as directed, are not considered to be deleterious in this Code.

205. Detention of Storm Water - The physical entrapment of water occurring as a result of precipitation and the mechanically controlled release of the entrapped waters into the public storm drainage systems or into a stream or lake.
210. Development Activity - Any work, condition or activity which requires a permit or approval under this Code or the Uniform Building Code.
215. Development Permit - Any permit or approval under this Code or the Uniform Building Code that must be issued before initiating a use or development activity.
220. Differential Settlement - The uneven downward movement of a structure into the soil layers or the uneven compaction of the soil layers.
225. Domestic Animal - An animal which can be and is continually kept or raised in a home or on a farm.
230. Dredging - Removal of earth and other materials from the bottom of a body of water or from a wetland.
235. Dredging Spoils - The earth and other materials removed from the floor of a body of water or a wetland by the dredging process.
- (240. Driveway - An area of the subject property
(designed to provide vehicular access to a
(parking area or structure contained on the
(subject property.
245. Dry Land - The area of the subject property landward of the high waterline.
250. Dwelling Unit - One or more rooms providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, cooking and sanitation.
255. Dwelling Unit, Attached - A dwelling unit that has one or more vertical walls in common with or attached to one or more other dwelling units or other uses and does not have other dwelling units or uses above or below it.
260. Dwelling Unit, Detached - A dwelling unit that is not attached or physically connected to any other dwelling unit or other use.
265. Dwelling Units, Stacked - A dwelling unit that has one or more horizontal walls in common with or adjacent to one or more other dwelling units or other uses and may have one or more vertical walls in common with or adjacent to one or more other dwelling units or other uses.

0-2804

- 270. Easement - Land which has specific air, surface or subsurface rights conveyed for use by someone other than the owner of the subject property or to benefit some property other than the subject property.
- 275. Electrical Sign - A sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.
- 280. Entrance Driveway - A driving surface which provides vehicular access to one parcel containing a use, other than a detached dwelling unit.
- 285. Equestrian - Pertaining to horses and riders.
- 290. Erosion and Deposition - The removal of soils and the placement of these removed soils elsewhere by the natural forces of wind or water.
- 295. Excavate(tion) - The mechanical removal of soils and/or underlying strata.
- 300. Family - An individual or two (2) or more persons of not more than four (4) degrees of affinity or consanguinity and including persons under legal guardianship, or a group of not more than five (5) persons who are not related by four (4) or less degrees of affinity or consanguinity.
- 305. Fast Food Restaurant - An establishment which offers quick food service which is accomplished through a limited menu of easily produced items. Orders are not taken at the customer's table, and food is served in disposable wrappings or containers.
- 310. Fence - A wall or barrier for the purpose of enclosing space or separating parcels of land.
- 315. Fill Material - Dirt, structural rock or gravel, broken concrete and similar structural substances customarily used to raise the level of the ground, but excluding topsoil, bark, ornamental rocks or gravel placed on the surface of the ground.
- 320. Finished Grade - The final contour of the land surface prior to landscaping.
- 325. Floor - The horizontal surface inside a structure designed and intended for human use and occupancy, excluding parking areas.
- 327. Fuel Price Sign - A type of wall-mounted or pedestal sign displaying the price of fuel for motorized vehicles.

O-2798

O-2904

O-2798

SEPTEMBER, 1985 (Ordinance 2904)
 APRIL, 1984 (Ordinance 2798)

330. Glare - The reflection of harsh, bright light, or "the physical effect resulting from high luminancies or insufficiently shielded light sources in the field of view".
335. Government Facility - A use consisting of services and facilities operated by any level of government, excluding those uses listed separately in this Code.
340. Gross Floor Area - The total square footage of all floors in a structure as measured from the interior surface of each exterior wall of the structure. Exterior areas may constitute gross floor area. See Chapter 115 of this Code.
345. Ground Floor - The floor of a structure that is closest in elevation to the finished grade along the facade of the structure that is principally oriented to the street which provides primary access to the subject property.
350. Ground Mounted Sign - All of the following: pole signs, pedestal signs and monument signs.
355. Heat - Added energy that causes substances to rise in temperature, fuse, evaporate, expand or undergo any other related change.
360. High Density Residential Zones - The following zones - RM 2.4; RM 1.8; PLA 5 B, C, D; PLA 6 A, B, D, I, K; PLA 7 B, C; and PLA 9.
365. High Waterline - The line where the water meets the land when the water level of Lake Washington is 21.8 feet above mean sea level based on the Corps of Engineers Datum Point. High Waterline shall be construed to be the same as Ordinary High Water Mark (OHWM), as defined in WAC 173-16-030(10).
370. Home Occupation - An occupation, enterprise, activity, or profession which is incidental to a residential use, which is carried on for profit or customarily carried on for profit; and which is not an otherwise permitted use in the Zone in which it is pursued.
375. Horizontal Dimension - The length of the facade of a structure as measured along a plane.
380. Hospital - An institution specializing in giving clinical, temporary and/or emergency services of a medical or surgical nature to human patients, which is licensed by state law to provide such facilities and services and which entails services for which a patient may be confined within the institution for over 24 hours.
385. Hotel or Motel - A single building or group of buildings containing individual sleeping units intended for transient occupancy.

465. Landscaping - The planting, removal and maintenance of vegetation along with the movement and displacement of earth, topsoil, rock, bark and similar substances done in conjunction with the planting, removal and maintenance of vegetation.

470. Landward - Toward dry land.

O-2798

(475. Linear Frontage of Subject Property - The frontage of the subject property adjacent or parallel to all open improved public rights-of-way. Frontage adjacent to I-405 is not applicable except for properties within FC I, FC II, and PLA 10 zones.

480. Lot - A piece of land having a specific account number on the King County Assessor's Map.

485. Low Density Use - A detached dwelling unit on a subject property that contains at least 7,200 square feet.

490. Low Density Zone - The following zones: RS 35, RS 12.5, RS 8.5, RS 7.2, PLA 2, PLA 6C and WD-11.

O-2877

(491. Low Income Household - A household whose total gross income is less than or equal to 80% of the median household income in the Seattle Metropolitan Statistical Area. For low income senior citizen households, total assets shall not exceed the maximum established by the City Council.

O-2877

(492. Low Income Unit - A unit which contains a low income household. In addition, the rent for this type of unit shall not exceed 30% of the gross income of the eligible low income household.

O-2904

(495. Major Stream - All of the following: Forbes Creek, Juanita Creek, Cochran Creek, and Yarrow Creek.

500. Marquee Sign - Any sign which forms part of, or is integrated into, a marquee or canopy and which does not extend horizontally beyond the limits of such marquee or canopy.

505. Master Plan - A complete development plan for the subject property showing: placement, dimensions and uses of all structures as well as streets and other areas used for vehicular circulation.

SEPTEMBER 1985 (Ordinance 2904)

JUNE 1985 (Ordinance 2877)

APRIL 1984 (Ordinance 2798)

510. Maximum Lot Coverage - The maximum percentage of the surface of the subject property that may be covered with structures other than outdoor swimming pools or any other materials which will not allow for the percolation of water into the underlying soils. If the subject property contains more than one use, the maximum lot coverage requirements for the predominant use will apply to the entire development.
515. Medium Density Use - Detached, attached, or stacked dwelling units on a subject property which contains at least 3,600 square feet per unit but not more than 7,199 square feet per unit.
520. Medium Density Zones - The following zones: RS 5.0; RM 3.6; WD-I; WD-III; PLA 3; PLA 6 E, F, G, J; and PLA 7 A.
525. Mean Sea Level - The level of Puget Sound at zero tide as established by the US Army Corps of Engineers.
527. Mini-Day-Care Center - A Day-Care operation with seven (7) to twelve (12) children at any one time.
530. Minor Lake - Any lake shown on the Environmentally Sensitive Areas Map, as adopted by the City Council and on file in the Planning Department, other than Lake Washington.
537. Modify - As used in Chapters 75, 122 and 125, the word modify means to allow or require a deviation from the provisions of this Code.
540. Monument Sign - A sign higher than 5 feet above the average ground elevation which is attached to the ground by means of a wide base of solid appearance. These signs are composed of a sign face and a sign base. The width of the base must be equal to at least 20% of the height of the entire sign, and also must be equal to at least 80% of the width of the sign face. The height of the sign base must be at least 50% of the total sign height. The base and architectural detail must be of color, shape and materials consistent with the character of the primary structures. See Plate 13 in Chapter 180 of this Code for a graphic depiction of a monument sign.

545. Moorage Facility - A use pier, dock, buoy or other structure providing docking or moorage space for waterborne pleasure craft.
550. Multi-Use Complex - All of the following: a group of separate buildings operating under a common name or management; or a single building containing multiple uses where there are specific entranceways for individual uses or groups of uses; or a group of uses on separate but adjoining properties that request treatment as a multi-use complex.
555. Natural Features - Physical characteristics of the subject property that are not manmade.
560. Natural Materials - Materials chemically unaltered from their natural state.
565. Noise - The intensity, duration and character of sound from any and all sources.
570. Non-Conformance - Any use, structure, lot, condition, activity or any other feature or element of private property or the use or utilization of private property that does not conform to any of the provisions of this Code or that was not approved by the City through the appropriate decision-making process required under this Code.
575. Occupant - A person that legally occupies a structure.
580. Odor - Stimulus affecting the olfactory nerves.
585. Off-Site directional Sign - A sign which directs to a business or to merchandise, service, real estate, goods or entertainment which are sold, produced or furnished at a place within the City other than the property on which the sign is located.
590. Office Use - A place of employment providing services other than production, distribution or sale or repair of goods or commodities. The following is a nonexclusive list of office uses: medical, dental or other health care; veterinary, accounting, architectural, engineering, consulting or other similar professional services; management, administrative, secretarial, marketing, advertising, personnel or other similar personnel services; sales offices where no inventories or goods are

available on the premises, real estate, insurance, travel agent, brokerage or other similar services. The following uses are specifically excluded from the definition of office: banks, loan companies and similar financial institutions.

- 0-2863 (595. Office Zones - The following zones: PO; PR 5.0,
0-2904 (PR 3.6, PR 2.4; PR 1.8; PLA 3; PLA 5 B, C; PLA 6
(B, D; PLA 10 B, C; PLA 11; PLA 13B; FC-III.
600. Official Newspaper of the City - The publication designated by Ordinance or Resolution to contain official newspaper publications for City government.
605. Official Notification Boards of the City - The bulletin boards in the public areas of City Hall and the Kirkland Public Library.
610. Open Space - Land not covered by buildings, roadways, parking areas or surfaces through which water cannot percolate into the underlying soils.
612. Ordinary High Waterline - This term has the same meaning as "High Waterline".
615. Oriented - Facing or directed toward.
- 0-2777 (620. Outdoor - Not contained within a building.
(
- 0-2904 (622. Outdoor Storage - Any material, including items
(for storage or sale, lease, processing and
(repair (including vehicles) not in an enclosed
(structure.
625. Outer Harbor Line - The line designated as such on the Official Zoning Map.
630. Owner - In reference to property, the person listed at the King County Assessor's Office as paying the property taxes on the subject property.
- 0-2804 (632. Parking Area - Any area designed and/or used for
(parking vehicles.
635. Parking Space - An area which is improved, maintained and used for the sole purpose of temporarily accommodating a motor vehicle that is not in use.

SEPTEMBER 1985 (Ordinance 2904)

APRIL 1985 (Ordinance 2863)

APRIL 1984 (Ordinance 2804)

NOVEMBER 1983 (Ordinance 2777)

640. Pedestal Sign - A sign that is no higher than 5 feet above average ground elevation and which is attached to the ground by means of one of two types of pedestal:

- a. a solid base, or
- b. at least two legs.

A type a. pedestal sign shall be composed of a sign face and a sign base. The width of the base must be equal to at least 20% of the height of the entire sign, and also must be equal to at least 50% of the width of the sign face. The height of the sign base must be at least 20% of the total sign height and be of solid appearance.

A type b. pedestal sign shall be composed of a sign face and of at least two supporting legs. The legs must be at least 4" in diameter or width. The space between the bottom of the sign face and the average grade elevation must equal at least 20% of the total sign height. See Plate 12 in Chapter 180 of this Code for a graphic depiction of pedestal signs.

645. Pedestrian Orientation - Pertaining to facilities which encourage pedestrian movement and are designed and oriented toward use by pedestrians.

650. Person - Any individual, partnership, association, corporation, unit of government or any other legal entity.

655. Planning Department - The Department of Community Development of the City of Kirkland.

660. Planning Director - The Director of the Department of Community Development of the City of Kirkland or the acting Director of that department.

665. Planning Official - The Director of the Department of Community Development or his/her designee.

(670. Pole Sign - Any ground mounted sign that does
(not meet the definitions of monument or pedestal
(signs and which is composed of two chief
(elements: the sign face and the sign pole or
(pylon which connects the sign face to the ground.

O-2798

APRIL 1984 (Ordinance 2798)

- 675. Political Sign - A sign advertising a candidate for public office, a political party or a particular voting preference during a recognized election period.
- 0-2798 (680. Portable Outdoor Sign - An outdoor sign that is not permanently attached to the ground or a structure.
- 685. Primary Vehicular Access - The major street from which the majority of vehicles enter the subject property.
- 690. Private Advertising Sign - A sign announcing an event, use or condition of personal concern to the sign user such as but not limited to "garage sale" or "lost dog".
- 695. Private Club - An association of persons organized for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
- 700. Private Notice Sign - A sign announcing a restriction on a type of action on the subject property, such as but not limited to; "no trespassing" or "no dumping".
- 705. Private Roadway - A road surface meeting certain City standards, privately owned either singly or cooperatively by the parcels served by the roadway and serving five (5) or more parcels or a lesser number of parcels which collectively produce more than 100 daily trip ends.
- 710. Private Traffic Direction Sign - A sign on private property which provides information for vehicular movement while on the property.
- 0-2798 (715. Projecting Sign - A sign, other than a wall mounted or marquee sign, which is attached to and projects from a structure or building face.
- 720. Property Line - Those lines on the King County Assessor's Map enclosing a lot and those lines defining a recorded vehicular access easement. The following are categories of property lines:
 - 0-2798 (1. Front property line is any property line
 - 0-2904 (that is adjacent to a street or easement more than 20 feet in width.

2. Rear property line is any property line that is farther from and essentially parallel to a front property line except on a lot which contains two or more front property lines; or any property line that is adjacent to a street or easement 20 feet or less in width.
 3. Side property line is any property line other than a front property line or a rear property line.
 4. North property line is the property line running essentially east to west at the northern end of the lot.
 5. South property line is the property line running essentially east to west at the southern end of the lot.
 6. High Waterline - this term is defined separately in this Chapter.
725. Public Access - A portion of private property subject to an easement giving the public the right to stand on or traverse this portion of the property.
727. Public Access Pier or Boardwalk - An elevated structure which is constructed waterward of the high waterline and intended for public use.
730. Public Park - A natural or landscaped area, provided by a unit of government, to meet the active or passive recreational needs of people.
735. Public Services Director - The Director of the Department of Public Services.
740. Public Use Area - A portion of private property that is dedicated to public use and which contains one or more of the following elements: benches, tables, lawns, gardens, piers, exercise or play equipment or similar improvements or features. These elements are to provide the public with recreational opportunities in addition to the right to traverse or stand in this area.
745. Public Utility - A private business organization such as a public service corporation, including physical plant facilities, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include but are not limited to: water supply, electric power, telephone, cablevision, gas and transportation for persons and freight.

- 750. R.S. Driveway - A driving surface which serves one dwelling unit.
- 755. Radio Tower - A structure whose purpose or accessory purpose is the transmission of radio waves and the supporting structure for the transmission antenna or device.
- 0-2798 (760. Real Estate, Off Site Sign - A sign that is readily removable announcing the proposed sale or rental of property or a building other than that upon which the sign is located and providing directions to the subject property.
- 0-2798 (765. Real Estate, On Site Sign - A sign announcing the sale or rental of the property or building upon which the sign is located.
- 0-2791 (767. Regulated Slope - An average slope of 15% or greater when measured between any two five-foot contour intervals (see Plate 15).
- 0-2904 (768. Regulated Wetland - A wetland that serves one or more of the following: serves significant biological functions; serves significant drainage and sedimentation functions; shields other areas from wave action, erosion or storm damage; serves as valuable storage area for storm and flood waters; is a prime natural recharge area; serves significant water purification functions. Although a site specific wetland may not meet the criteria described above, it will be considered a regulated wetland if it is functionally related to another wetland that meets the criteria.
- 770. Replacement Cost - The current cost to reconstruct a structure or part of the structure in a manner similar to its previous condition.
- 775. Required Yard - Those areas adjacent to and interior from the property lines and involving the following designations (if two required yards are coincidental, the yard with the greater dimensions shall predominate):
 - 1. Front: That portion of a lot adjacent to and parallel with any front property lines and at a distance therefrom equal to the required front yard depth.

0-2729

SEPTEMBER 1985 (Ordinance 2904)
 APRIL 1984 (Ordinance 2798)
 FEBRUARY 1984 (Ordinance 2791)
 FEBRUARY 1983 (Ordinance 2729)

- 2. Rear: That portion of a lot adjacent to and parallel with the rear property line and at a distance therefrom equal to the required rear yard depth.
- 3. Side: That portion of a lot adjacent to and parallel with the side property line and at a distance therefrom equal to the required side yard depth. All yards not otherwise categorized shall be designated side yards.
- 4. North Property Line Yard: That portion of a lot adjacent to and parallel with the north property line and at a distance therefrom equal to the required north property line yard depth.
- 5. South Property Line Yard: That portion of a lot adjacent to and parallel with the south property line and at a distance therefrom equal to the required south property line yard depth.
- 6. High Waterline Yard: That portion of a lot adjacent to and parallel with the high waterline and at a distance landward therefrom equal to the required high waterline yard depth.

780. Residential Use - Developments in which persons sleep and prepare food, other than developments used for transient occupancy.

0-2834
0-2904

(785. Residential Zone - The following zones: RS 35;
(RS 12.5; RS 8.5; RS 7.2; RS 5.0; RM 3.6; RM 2.4;
(RM 1.8; WD-I; WD-II; WD III; PLA 2; PLA 5 A, D,
(E; PLA 6 A, C, E, F, I, J, K; PLA 7 A, B, C; PLA
(9; PLA 15 A; and PLA 15 B.

(790. Restaurant or Tavern - Commercial use (excluding fast food restaurants) which sells prepared food or beverages and generally offers accommodations for consuming the food or beverage on the premises.

0-2904

(795. Retail Establishment - A commercial enterprise which provides goods or services directly to the consumer and whose goods are available for immediate purchase and removal from the premises by the purchaser or whose services are traditionally not permitted within an office use.

SEPTEMBER 1985 (Ordinance 2904)

OCTOBER 1984 (Ordinance 2834)

- 800. Retention of Storm Water - The collection of water, due to precipitation, in a given area and the dispersement of these waters through the natural process of groundwater recharge and evaporation or the incorporation of this collection area into a natural stream and lake system and setting.
- 805. Right-of-Way - Land dedicated primarily to the movement of vehicles and pedestrians and providing for primary access to adjacent parcels. Secondly, the land provides space for utility lines and appurtenances and other publically owned devices.
- 810. Right-of-Way Realignment - The changing of the horizontal position of the right-of-way.
- 815. Roofline - The line formed by the outside of the gable of the roof, or if the roof is flat or mansard, the top of the roof or mansard.
- 820. Runoff - The overland or subsurface flow of water.
- 825. Schools - Institutions of learning, excluding those offering post secondary education, offering instruction in the several branches of learning and study required by the Basic Education Code of the State of Washington to be taught in the public, private and parochial schools.
- 830. SEPA - The State Environmental Policy Act - R.C.W. 41:23C.
- 832. Senior Citizen Household - A household which consists of people, all of whom are age 62 or older.
- 835. Shared Access Points - A common point of vehicle access from a right-of-way or vehicle-access-way for more than one parcel or use.

O-2877 ((

JUNE 1985 (Ordinance 2877)

840. Shoreline Master Program - The Ordinance of the City of Kirkland adopted under the authority of Chapter 90.58 R.C.W.
- (845. Sign - Any communication device, structure, or
 (fixture which is intended: to identify a
 (building, use, business, or event, or to promote
 (the sale of a product, goods, or service, using
 (graphics, letters, figures, symbols, trademarks
 (or written copy. Painted wall designs or
 O-2798 (patterns which do not represent a product,
 (service or registered trademark, and which do
 (not identify the user, are not considered
 (signs. If a design or pattern is combined with
 (a sign, only that part of the design or pattern
 (which cannot be distinguished from the sign will
 (be considered as part of the sign.
- (850. Sign Area - The entire area of a sign on which
 (copy is to be placed. Sign structure, archi-
 (tectural embellishments, framework and dec-
 (orative features which contain no written or
 (advertising copy are not included. Sign area is
 (calculated by measuring the perimeter enclosing
 O-2798 (the extreme limits of the module or sign field
 (containing the advertising message; provided,
 (however, that individual letters using a wall as
 (the background, without added decoration or
 (change in wall color, have sign area calculated
 (by measuring the perimeter enclosing each letter
 (and totalling the square footage of these.
- (852. Sign Field. - The background upon which the
 O-2798 (graphics, letters, figures, symbols, trademark,
 (or written copy of a sign are placed.
855. Significant Natural Area - Any area containing a
 concentration of significant trees or an area of
 significant biological importance.
- (860. Significant Trees - Any evergreen tree of eight
 ((8) inches in diameter or greater, and any
 O-2904 (deciduous tree, other than red alder and cotton-
 (wood trees, twelve (12) inches in diameter or
 (greater, measured one foot above the root crown.
865. Silt or Sediment - The soil particles mobilized
 and deposited by the processes of erosion and
 deposition.
870. Single Use Building - A building which contains
 one use.

SEPTEMBER 1985 (Ordinance 2904)
 APRIL 1984 (Ordinance 2798)

875. Sloping Rip Rap Design - Embankment protection created by the overlaying of rocks over a natural embankment or over a cut in the embankment, and designed to dissipate waves such that any deflected waves do not cause harm to other embankments.
880. Small Animals - Dogs, cats, birds, small exotic animals (snakes, gerbils, mice, guinea pigs, etc.), and foxes, bob cats and similar small wild animals.
- O-2791 (881. Soft Compressible Soils - Soils susceptible to a decrease in volume when subjected to load.
- (882. Solid Screening Fence - A uniformly finished fence at least 6' high which is opaque or perforated provided that no more than 50 percent of the face is open.
- O-2877 (
- (883. Special Needs Housing - Housing which is specifically designed and maintained to meet the needs of senior citizen households, mentally, physically or emotionally impaired persons or low income households.
- O-2877 (
- (884. Specified anatomical areas - Both of the following:
- O-2877 (
1. Less than completely and opaquely covered:
 - a. Human genitals, pubic region;
 - b. buttock;
 - c. breast below a point immediately above the top of the areola;
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- O-2877 (885. Specified sexual activities - All of the following
- (
- (1. Human genitals in a state of sexual stimulation or arousal;
- (
- (2. Acts of human masturbation, sexual intercourse or sodomy;
- O-2791 (
- (3. Fondling or other erotic touching of human genitals, pubic region, buttock or breast.
- (

JUNE 1985 (Ordinance 2877)
 FEBRUARY 1984 (Ordinance 2791)

- 0-2791 (886. Storm Drainage - The movement of water, due to
 0-2877 (precipitation, either surficially or
 (subsurficially.
890. Story - The area between and including, the surface of a floor, the ceiling above and the horizontal supporting members for the ceiling. If the floor surface is on average not more than 6 feet above the finished grade, the area between the floor surface and the ceiling above is not a story.
895. Stream - A course or route, formed by nature or modified by man and generally consisting of a channel with a bed, banks, or sides throughout substantially all its length, along which surface waters naturally and normally flow in draining from higher to lower lands.
900. Street - A right-of-way or a private roadway.
905. Street Providing Direct Vehicle Access - The street from which a vehicle can enter the subject property without traversing another street or piece of property. In the case of a multiuse complex, the street providing direct vehicular access is the exterior street that borders the complex and not an internal street surrounded by the complex.
910. Structure - Anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially built-up or composed of parts joined together in some definite manner.
915. Structural Alterations - Any change in the supporting member of a building or structure.
920. Subject Property - The entire lot, series of lots or parcels on which a development or use is or will locate and that is otherwise subject to the provision of this Code.
- (923. Temporary Commercial Sign - A sign associated
 (with a business; painted on a window or con-
 (structed of cloth, paper or similar flexible
 0-2798 (materials; readily removable; and displaying a
 (temporary commercial message; but not including
 (a real estate, on-site or real estate, off-site
 (sign.
925. Topsoil - The uppermost strata of soil containing a large percentage of organic materials and which is capable of providing suitable nourishment for vegetation.

930. Traffic Control Devices - Signs, signals, stripes and other mechanical or graphic items which control the flow or direction of vehicular and pedestrian traffic.

935. Under Marquee Sign - A sign which is attached to and suspended from a marquee or canopy but does not extend beyond the marquee or canopy.

940. Uniform Building Code - The Uniform Building and related Codes as amended and adopted in Title 21 of the Kirkland Municipal Code.

O-2791 (

945. Uniform Sign Code - The Uniform Sign Code as amended and adopted in Chapter 21.16 of the Kirkland Municipal Code.

955. Use - The nature of the activities taking place on private property or within structures thereon. Each separate listing under the "Use" column in the Chapters 15 through 65 of this Code is a separate use.

960. Use Zone - The zoning designations on the zoning map as follows:

O-2834 (

O-2798 (

RS 35	FCI	PLA 4	PLA 6 I	
RS 12.5	FC II	PLA 5 A	PLA 6 J	
RS 8.5	FC III	PLA 5 B	PLA 6 K	
RS 7.2	PO	PLA 5 C	PLA 7 A	
RS 5.0	BN	PLA 5 D	PLA 7 B	
RM 3.6	BC	PLA 5 E	PLA 7 C	
RM 2.4	CBD-A	PLA 6 A	PLA 8	
RM 1.8	CBD-B	PLA 6 B	PLA 9	
WD I	CBD-C	PLA 6 C	PLA 10	
WD II	CBD-D	PLA 6 D	PLA 11	
WD III			PLA 12	
PR 5.0	LI	PLA 6 E	PLA 13 A	
PR 3.6	PLA 1	PLA 6 F	PLA 13 B	
PR 2.4	PLA 2	PLA 6 G	PLA 15 A)	O-2834
PR 1.8			PLA 15 B)	
PO	PLA 3	PLA 6 H	P	

965. Vehicle Service Station - A commercial use supplying petroleum products that are for immediate use in a vehicle.

970. Vehicle Storage Area - An outside area which is used for the storage of operational vehicles.

975. Wall Sign - A sign attached to and extending not more than eighteen (18) inches from the facade or face of a building with the exposed face of the sign parallel to the facade or face of the building.

APRIL 1984 (Ordinance 2798)
 FEBRUARY 1984 (Ordinance 2791)
 OCTOBER 1984 (Ordinance 2834)

980. Waterward - Toward the body of water.

0-2847

(985. Wetland - Those areas that are inundated or
(saturated by surface or groundwater at a fre-
(quency and duration sufficient to support, and
(that under normal circumstances do support, a
(prevalence of vegetation typically adapted for
(life in saturated soils conditions. Wetlands
(generally include swamps, marshes, bogs, and
(similar areas.

990. Wholesale Trade - A commercial establishment
which sells to retail establishments.

995. Zones - Use zones.

1000. Zoning Map - The map designated as such and
adopted by the City showing the geographical
location of use zones within the municipal
boundaries.

CHAPTER 10 - LEGAL EFFECT/APPLICABILITY

10.05	User Guide
10.10	Time of Effect
10.15	Authority
10.20	Map Incorporated
10.25	Zoning Categories Adopted
10.30	Overlay Designations Adopted
10.35	Zoning Boundary Interpretation
10.40	Unzoned Property
10.45	Annexed Property

10.05 User Guide

This chapter contains a variety of information regarding the effect and applicability of this Code and amendments to this Code. It also contains information regarding the Zoning Map, the symbols on that map and the boundaries on that map.

10.10 Time of Effect

1. General - Except as specified in paragraph 2 of this Section, this Code, including amendments, applies to every development, use, action or activity commenced or engaged in after the effective date of this Code, or amendment.
2. Exception - Applicants Choice - If a complete application for a development permit is submitted before the effective date of this Code, or amendment hereto, the applicant may choose to either have that application, and all subsequent development permits necessary to complete construction as specified in the first development permit, processed and decided upon under the Zoning Code in effect on the date of application or under the provisions of the Zoning Code in effect on the date the development permit is decided upon. The applicant must make a complete choice regarding which provisions apply. If an applicant chooses to proceed under the prior Zoning Code, he or she shall proceed, without unreasonable delay, to conclude development. If the applicant does unreasonably delay, the provisions of this Code will apply to all development permits and activities commenced or engaged in after the delay.

10.15 Authority - This Code is adopted under the authority of Article XI, Section 11 of the Washington State Constitution and Chapter 35A.63 of the Revised Code of Washington.

10.20 Map Incorporated - The map, or set of maps, entitled City of Kirkland Zoning Map and signed by the Mayor is hereby adopted as part of this Code. See Chapter 130 for information regarding amending this map.

10.25 Zoning Categories Adopted - The City is divided into the following zoning categories:

<u>Zoning Category</u>	<u>Symbol</u>
1. Single Family Residential Zones	RS (followed by a designation indicating minimum lot size per dwelling unit)
2. Multi Family Residential Zones	RM (followed by a designation indicating minimum lot size per dwelling unit)
3. Professional Office/ Residential Zones	PR (followed by a designation indicating minimum lot size per dwelling unit)
4. Professional Office Zones	PO
5. Waterfront Districts	WD (followed by a designation indicating which Waterfront District)
6. Freeway Commercial Zones	FC (followed by a designation indicating which Freeway Commercial Zone)
7. Neighborhood Business	BN
8. Community Business	BC
9. Central Business District	CBD (followed by a designation indicating which sub-zone within the Central Business District)
10. Light Industrial Zones	LI
11. Planned Areas	PLA (followed by a designation indicating which Planned Area, and in some cases, which sub-zone within a Planned Area)
12. Park/Public Use Zones	P

10.30 Overlay Designations Adopted

The following Overlay Zones apply in various areas:

	<u>Overlay Zoning Category</u>	<u>Symbol</u>
0-2791	(1. Adult Activities Overlay Zone	"AE"
	(2. Historic Landmark Overlay Zone	"HL"
	3. Equestrian Overlay Zone	"EQ"

10.35 Zoning Boundary Interpretation

1. Following Property Lines - Where a zone boundary is indicated as approximately following a property line, the property line is the zone boundary.
2. Following Streets - Where a zone boundary is indicated as following a street, the mid point of the street is the zone boundary.
3. Lakes - Where a zone abuts upon or extends into a lake, the zone boundary extends into that lake to the full limit and territorial extent of the police power, jurisdiction and control of the City of Kirkland.
4. Other Cases - Where a zone boundary is not indicated to follow a property line or street, the boundary line is as drawn, based on the scale shown on the Zoning Map.
5. Classification of Vacated Rights-of-Way - Where a right-of-way is vacated, the area comprising the vacated right-of-way will acquire the classification of the property to which it reverts.

10.40 Unzoned Property

Any property within the City of Kirkland which, for any reason, does not indicate a zone designation, will be construed to be within the RS 35. zone.

10.45 Annexed Property

Whenever, prior to annexation, a proposed extended Comprehensive Plan and zoning regulations and/or map have been prepared and adopted by the City pursuant to RCW 35A.14.330, that plan and zone regulation and/or map will, upon the effective date of annexation, be deemed to amend this Code to the extent set forth in the annexation ordinance. Any other property or area which may, because of annexation, become a part of the City, will be deemed to be zoned with a classification the same as, or as nearly comparable as possible with the classification that the property was zoned immediately prior to annexation.

0-2938

JUANITA DR NE

JUANITA BAY C 1

98th AVE NE

APPENDIX 1

CITY OF KIRKLAND SHORELINE ENVIRONMENTS AND JURISDICTION

LAKE WASHINGTON

SR

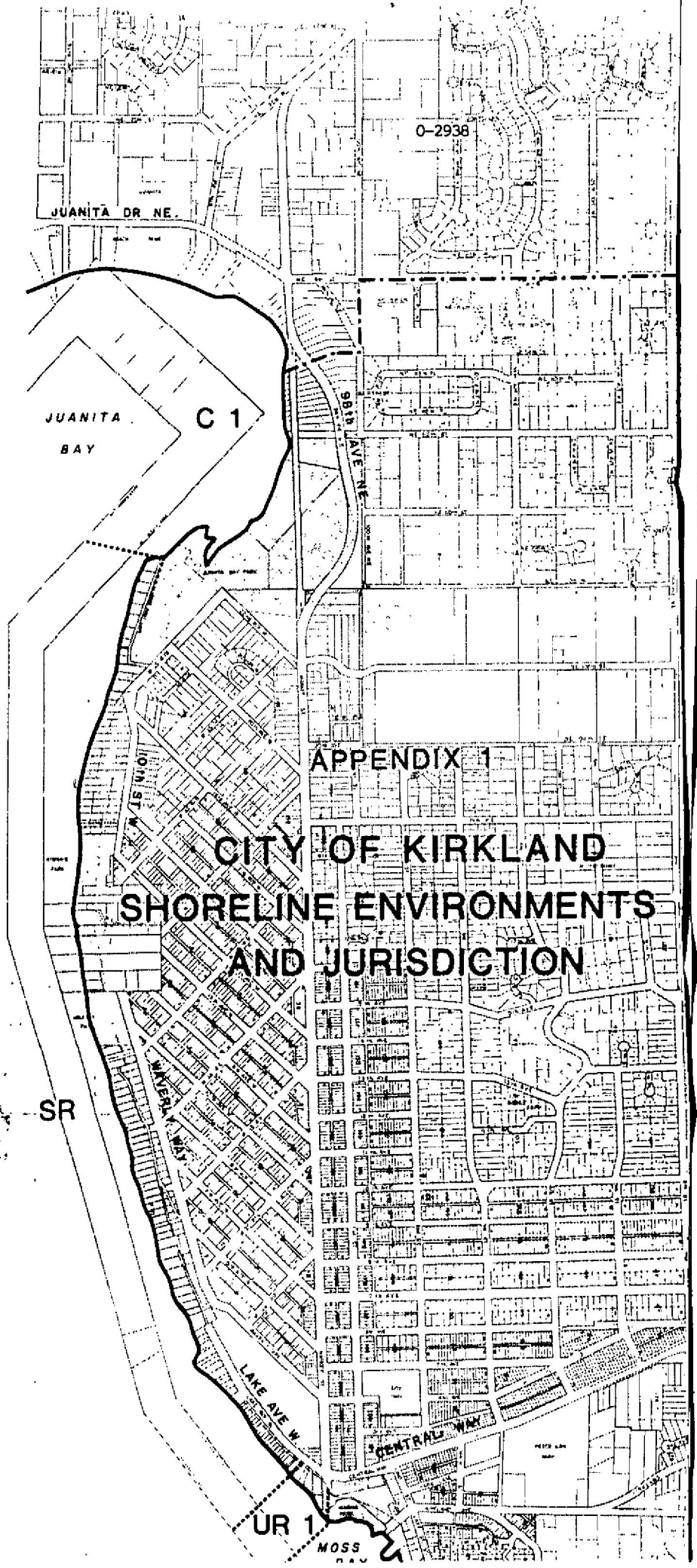
WATERWAY

LAKE AVE W

CENTRAL WAY

UR 1

MOSS



JUANITA DR NE.

JUANITA BAY C 1

98TH AVENUE

APPENDIX 1 CITY OF KIRKLAND SHORELINE ENVIRONMENTS AND JURISDICTION

LAKE WASHINGTON

SR

MAVERLY WAY

LAKE AVE W

CENTRAL WAY

UR 1

MOSS BAY
UM 1

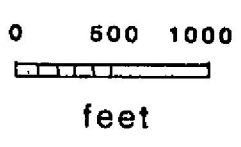
LEGEND

- C 1 Conservancy Environment 1
- C 2 Conservancy Environment 2
- UM 1 Urban Mixed 1
- UM 2 Urban Mixed 2
- UR 1 Urban Residential 1
- UR 2 Urban Residential 2
- SR Suburban Residential

Shoreline Master Program Jurisdiction and Associated Wetlands *

Environment Boundaries

City Limits



* SMP Jurisdiction boundaries are approximate

UR 1

LAKE ST. SO.

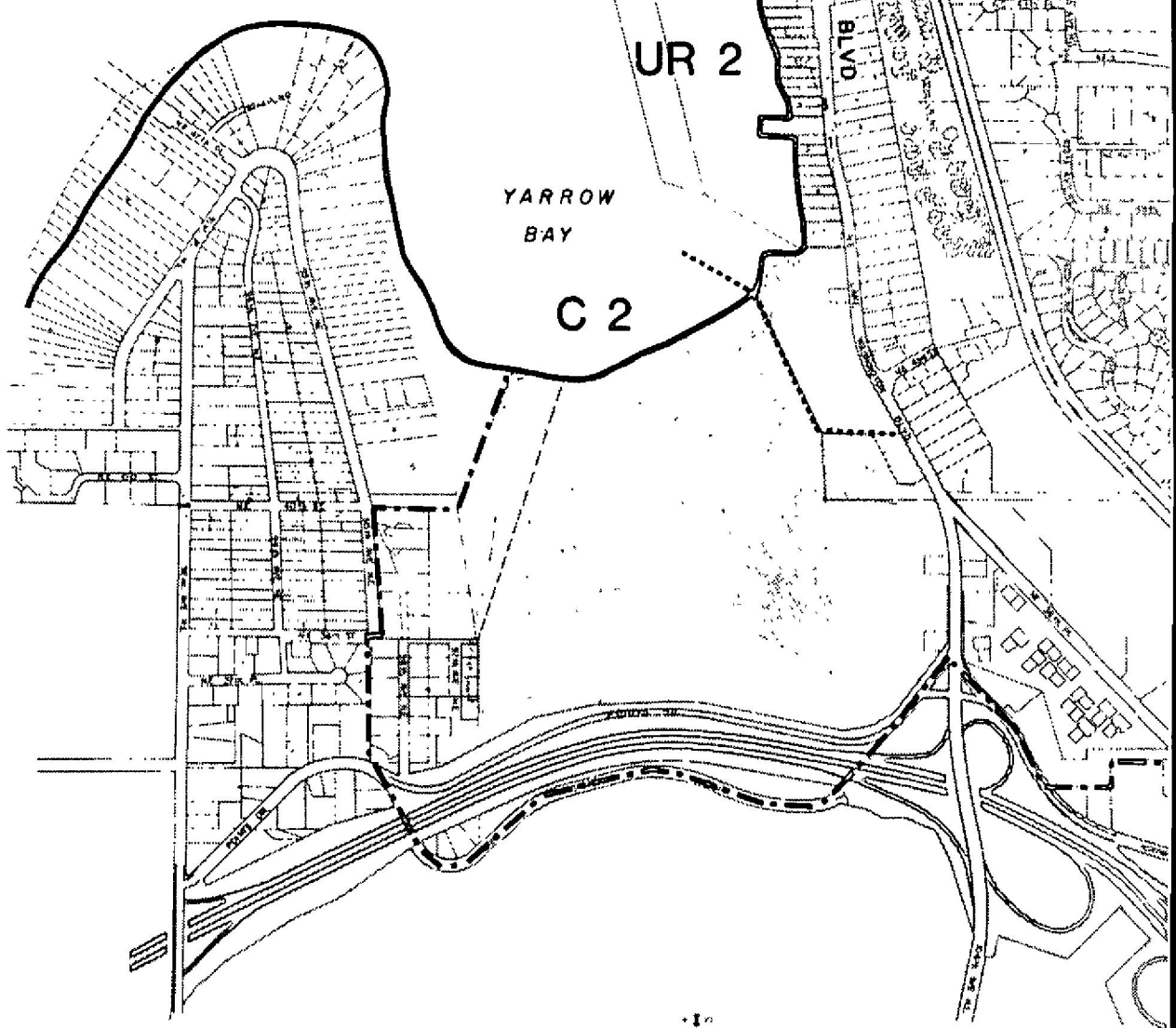
UM 2

UR 2

LAKE WASHINGTON BLVD


YARROW BAY

C 2



LEGEND

- C 1 Conservancy Environment 1
- C 2 Conservancy Environment 2
- UM 1 Urban Mixed 1
- UM 2 Urban Mixed 2
- UR 1 Urban Residential 1
- UR 2 Urban Residential 2
- SR Suburban Residential

 Shoreline Master Program
Jurisdiction and
Associated Wetlands *

 Environment Boundaries

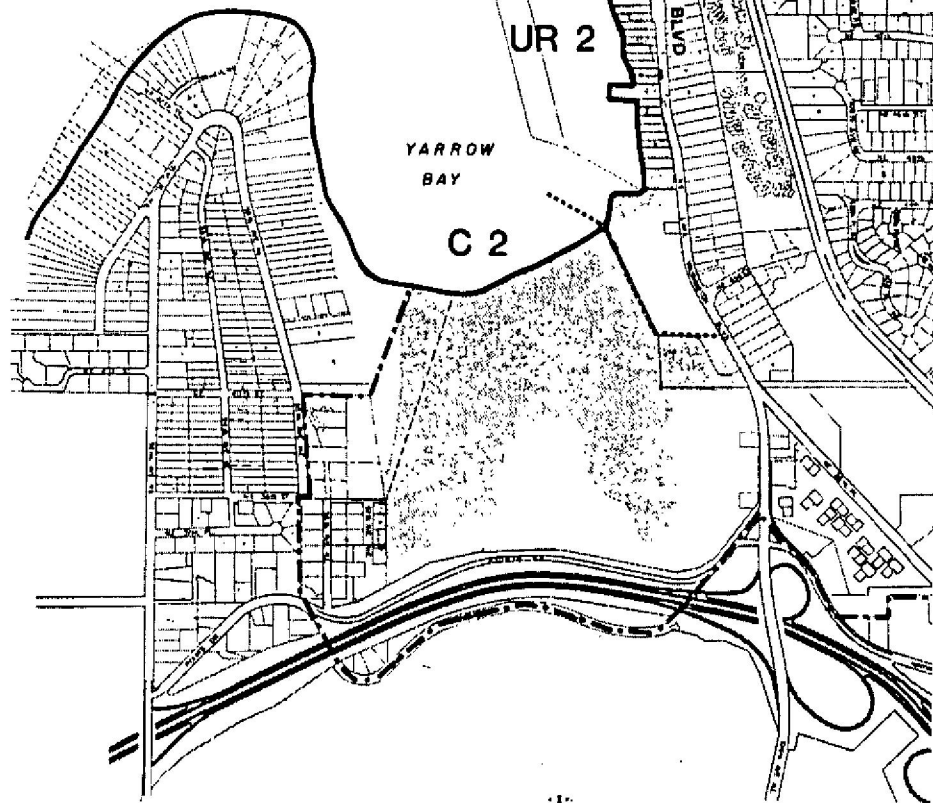
 City Limits

0 500 1000



feet

* BMP jurisdiction boundaries are approximate



CHAPTER 24.06

SHORELINE ADMINISTRATION AND PROCEDURES

ORDINANCE 2938

AN ORDINANCE OF THE CITY OF KIRKLAND ADOPTING BY REFERENCE A REVISED SHORELINE MASTER PROGRAM PURSUANT TO THE REQUIREMENTS OF THE SHORELINE MANAGEMENT ACT (RCW CHAPTER 90.58) ADOPTING REVISED PROCEDURES FOR THE REVIEW AND ISSUANCE OF SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS, CODIFYING SAID REVISED PROGRAM AND PROCEDURES AS CHAPTERS 24.05 AND 24.06, RESPECTIVELY, OF THE KIRKLAND MUNICIPAL CODE AND REPEALING ORDINANCE 2256 AND CHAPTER 24.04 OF THE KIRKLAND MUNICIPAL CODE.


PASSED by majority vote of the Kirkland City Council in regular, open meeting this 18th day of February, 1986.

SIGNED IN AUTHENTICATION thereof this 18th day of February, 1986.




Mayor

Attest:



DEPUTY CLERK
Director of Administration & Finance
(ex officio City Clerk)

Approved as to Form:



City Attorney

1957C/272A:br

Published by the
Department of Planning and
Community Development

February 13, 1986
Department File No. IV-85-8

TABLE OF CONTENTSCHAPTER 24.06

24.06.01	User Guide
24.06.05	Administrative Responsibilities in General
24.06.10	Applicability of the Shoreline Master Program
24.06.15	Exemption from Permit Requirements
24.06.20	Letter of Exemption Issued in Certain Cases
24.06.25	Prior Review of Exempt Actions
24.06.30	Application Materials to be Adopted
24.06.35	Notice of Applications and Hearings
24.06.40	Substantial Development Permits
24.06.45	Conditional Use Permits
24.06.50	Variances
24.06.55	Permits
24.06.60	Filing With Department of Ecology and Attorney General
24.06.65	Requests for Review
24.06.70	Time to Commence and Complete Development
24.06.75	Revision to Issued Permits
24.06.80	Enforcement Authority
24.06.85	Additional Authorities and Responsibilities

9995B/272A

CHAPTER 24.06 - SHORELINE ADMINISTRATION AND PROCEDURES

24.06.01 - USER GUIDE

This Chapter contains the provisions regarding the City's administration and enforcement of the Shoreline Management Act and the Kirkland Shoreline Master Program (Chapter 24.05 of the Kirkland Municipal Code), as well as the permit system applicable to the Shoreline Management Act and Shoreline Master Program in the City.

24.06.05 Administrative Responsibilities In General

Except as otherwise specifically established in this Chapter or Chapter 24.05 of the Kirkland Municipal Code, the Department of Planning and Community Development of the City of Kirkland is responsible for the administration of the Shoreline Management Act and the Shoreline Master Program in the City of Kirkland.

24.06.10 Applicability of the Shoreline Master Program

The Shoreline Master Program applies to all development as that term is defined in RCW 90.58.030, whether or not that development is exempt from the requirement of obtaining a permit under this Chapter.

24.06.15 Exemption From Permit Requirements

All development, except as specified in RCW 98.58.030(3)(e) must obtain a permit prior to commencement. Chapter 24.05 of the Kirkland Municipal Code and this Chapter specify which permit is required.

24.06.20 Letter of Exemption Issued in Certain Cases

WAC Section 173-14-115 establishes the circumstances under which the City will issue a letter stating that a proposed development is exempt from the permit requirements of the Shoreline Management Act and this Chapter.

24.06.25 Prior Review of Exempt Actions

Applicants are encouraged to consult with the City prior to commencing any work on a development which the applicant feels is exempt from the permit requirements of the Shoreline Management Act and this Chapter. The City will review these proposed

developments for consistency with the requirements of the Shoreline Management Act and the Shoreline Master Program to determine if the City concurs that the development is exempt from permit requirements.

24.06.30 Application Materials To Be Adopted

The Department of Planning and Community Development of the City is hereby directed to adopt and publish application forms and materials for permits required under this Chapter. At a minimum, these application forms and materials will require the information specified in WAC 173-14-110.

24.06.35 Notice of Applications and Hearings

1. Contents - Public notices of pending applications and hearings on permits under the Shoreline Management Act and this Chapter will, at a minimum, contain the information specified in WAC 173-14-070.
2. Distribution - Notice of all pending applications for permits under the Shoreline Management Act and this Chapter will be distributed as follows:
 - a. Notice will be published in the official newspaper of the City on the same day of the week for two consecutive weeks. The latter of these two newspaper publications will be at least 30 days prior to the date of any public hearing on the permit, or if no public hearing is to be held, 30 days before the City makes any decision on the application.
 - b. At least 14 days prior to the date of any public hearing on the permit, or if no public hearing will be held, at least 14 days before the City makes any decision on the application, the City will distribute the notice of the application as follows:
 - 1) at least three copies of the notice will be conspicuously posted on or near the subject property. Of these, at least one will be posted on every public right-of-way providing primary vehicular access to any property that abuts the subject property.

- 2) a copy of the notice will be posted on each of the official notification boards of the City.

24.06.40 Substantial Development Permits

1. General - This section establishes the procedures and criteria that the City will use to review and decide upon each application for a Substantial Development Permit under the Shoreline Management Act and the Shoreline Master Program.
2. Procedures
 - a. If the proposal that requires a Substantial Development Permit also requires approval through Chapters 145, 150, 152, or 155 of Ordinance 2740, as amended (the Kirkland Zoning Code), the Substantial Development Permit will be heard and decided upon using the provisions of whichever of the above listed Chapters of Ordinance 2740 applies; provided, however, that if the provisions of this Chapter conflict with the provisions of the applicable Chapters of Ordinance 2740, the provisions of this Chapter will be followed.
 - b. If the provisions of Paragraph 2(a) of this Section 24.06.40 do not apply, the Substantial Development Permit will be reviewed and decided upon by the City using the provisions of Chapter 152 of Ordinance 2740, as amended (the Kirkland Zoning Code) to the extent that those provisions do not conflict with the provisions of this Chapter. If a conflict exists, the provisions of this Chapter will be followed.
3. Criteria - WAC 173-14-100 establishes that a Substantial Development Permit may only be granted when the proposed development is consistent with all of the following:
 - a. The policies and procedures of the Shoreline Management Act.
 - b. The provisions of WAC Chapter 173-14.
 - c. Chapter 24.05 of the Kirkland Municipal Code.

24.06.45 Conditional Use Permits

1. General - This section establishes the procedures and criteria that the City will use to review and decide upon each application for a Conditional Use Permit under the Shoreline Management Act and the Shoreline Master Program. Sections 24.05.110 and 24.05.115 of the Kirkland Municipal Code establish what uses developments and activities require the issuance of a Conditional Use Permit.
2. Procedures - The City will review and decide upon each application for a Conditional Use Permit under the Shoreline Management Act and the Shoreline Master Program using the provisions of Chapter 155 of Ordinance 2740, as amended (the Kirkland Zoning Code) to the extent that those provisions do not conflict with the provisions of this Chapter. Where a conflict exists, the provisions of this Chapter will be followed.
3. Criteria - WAC 173-14-140 establishes the criteria under which the City may issue a Conditional Use Permit. In addition, the City will not issue a Conditional Use Permit for a use which is not listed as allowable in the Shoreline Master Program unless the applicant can demonstrate that the proposed use has impacts on nearby uses and the environment essentially the same as the impacts that would result from a use allowed by the Shoreline Master Program in that shoreline environment.
4. Approval by Department of Ecology - Once the City has approved a Conditional Use Permit it will be forwarded to the State Department of Ecology for its review and approval/disapproval jurisdiction under WAC 173-14-130.

24.06.50 VariANCES

1. General - This section establishes the procedures and criteria that the City will use to review and decide upon each application for a Variance under the Shoreline Management Act.
2. Purpose of a Variance - Under WAC 173-14-150, the purpose of a Variance is strictly limited to granting relief to specific bulk, dimensional or performance standards of the Shoreline Master

Program where there are extraordinary or unique circumstances relating to the subject property such that the strict implementation of the Shoreline Master Program would impose unnecessary hardship on the applicant or thwart the policies set forth in RCW 90.58.020.

3. Procedures - The City will review and decide upon each application for a Variance under the Shoreline Management Act using the provisions of Chapter 155 of Ordinance 2740, as amended (the Kirkland Zoning Code) to the extent that those provisions do not conflict with the provisions of this Chapter. Where a conflict exists, the provisions of this Chapter will be followed.
4. Criteria - WAC 173-14-150 establishes the criteria under which the City may grant a Variance.
5. Approval by Department of Ecology - Once the City has approved a Variance, it will be forwarded to the State Department of Ecology for its review and approval/disapproval jurisdiction under WAC 173-14-130.

24.06.55 Permits

After approving a Substantial Development Permit, Conditional Use Permit or Variance under the Shoreline Management Act and the Shoreline Master Program the City will issue a permit containing, at a minimum, the information specified in WAC 173-14-120.

24.06.60 Filing With Department of Ecology and Attorney General

WAC 173-14-090 establishes the requirements and procedures for filing decisions on permits with the Department of Ecology and the Office of Attorney General.

24.06.65 Requests for Review

WAC 173-14-170 and 173-14-174 establish the procedures and time periods for requesting review of decisions on Substantial Development Permits, Conditional Use Permits and Variances and other decisions under the Shoreline Management Act and the Shoreline Master Program.

24.06.70 Time to Commence and Complete Development

WAC 173-14-060 establishes time requirements for commencing and completing work authorized by a permit under the Shoreline Management Act and the Shoreline Master Program. The City may, on a case by case basis, issue permits for a fixed time period as authorized in WAC 173-14-060.

24.06.75 Revision to Issued Permits

WAC 173-14-064 establishes the procedure and criteria under which the City may approve a revision to a permit issued under the Shoreline Management Act and the Shoreline Master Program.

24.06.80 Enforcement Authority

WAC 173-14-180 contains authority for the City to issue regulatory orders to enforce the Shoreline Management Act and the Shoreline Master Program. In addition, the City shall have any and all other powers and authority granted to or devolving upon municipal corporations to enforce ordinances, resolutions, regulations, and other laws within its territorial limits.

24.06.85 Additional Authorities and Responsibilities

The City shall have any and all additional authority and perform any and all additional responsibilities now or hereafter granted to or devolving upon municipal corporations with respect to the administration and enforcement of the Shoreline Management Act and Shoreline Master Program.