

ORDINANCE O-4811

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (ORDINANCE 3719 AS AMENDED) AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM22-00322.

1 WHEREAS, the City Council has received a recommendation
2 from the Kirkland Planning Commission dated August 25, 2022, to
3 amend certain sections of the Kirkland Zoning Code, as set forth in the
4 memorandum dated September 8, 2022, bearing Kirkland Planning and
5 Building Department File No. CAM22-00322; and
6

7 WHEREAS, prior to making the recommendation, the Kirkland
8 Planning Commission, following notice as required by RCW 36.70A.035,
9 held a public hearing on August 25, 2022, on the amendment proposals
10 and considered the comments received at the hearing; and
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12 WHEREAS, pursuant to the State Environmental Policy Act
13 (SEPA), there has accompanied the legislative proposal and
14 recommendation, a SEPA Addendum to the City of Kirkland 2015
15 Comprehensive Plan Update & Totem Lake Planned Action – Final
16 Environmental Impact Statement issued by the responsible official
17 pursuant to WAC 197-11-625; and
18

19 WHEREAS, in an open public meeting the City Council
20 considered the environmental documents received from the responsible
21 official, together with recommendation of the Planning Commission.
22

23 NOW, THEREFORE, the City Council of the City of Kirkland do
24 ordain as follows:
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26 Section 1. The following specified sections of the Kirkland
27 Zoning Code are amended to read as set forth in Attachment 1 to this
28 ordinance and incorporated by reference: Chapters 5, 15, 20, 25, 30,
29 35, 45, 90, 95, 112, 113, 114, 115, 127, 135, 140, 152, 160, 161, 165,
30 and 180.
31

32 Section 2. If any section, subsection, sentence, clause, phrase,
33 part or portion of this ordinance, including those parts adopted by
34 reference, is for any reason held to be invalid or unconstitutional by any
35 court of competent jurisdiction, such decision shall not affect the validity
36 of the remaining portions of this ordinance.
37

38 Section 3. This ordinance shall be in full force and effect January
39 1, 2023 after its passage by the Kirkland City Council and publication,
40 pursuant to Kirkland Municipal Code 1.08.017, in the summary form
41 attached to the original of this ordinance and by this reference approved
42 by the City Council, as required by law.
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Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this 20 day of September, 2022.

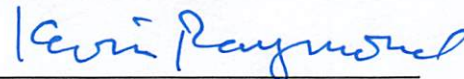
Signed in authentication thereof this 20 day of September, 2022.


Penny Sweet, Mayor

Attest:


Kathi Anderson, City Clerk

Approved as to Form:


Kevin Raymond, City Attorney

Publication Date: 09/26/2022

PUBLICATION SUMMARY
OF ORDINANCE NO. 4811

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE (ORDINANCE 3719 AS AMENDED) AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM22-00322.

SECTION 1. Amends Chapters 5, 15, 20, 25, 30, 35, 45, 90, 95, 112, 113, 114, 115, 127, 135, 140, 152, 160, 161, 165, and 180 of the Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes the publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as January 1, 2023.

SECTION 4. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 20 day of September, 2022.

I certify that the foregoing is a summary of Ordinance 4811 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk

ATTACHMENT 1

NOTE: Only the subsections to be amended are shown. Any subsections and code text not shown in this document will remain unchanged. Amended text is shown in-line with insertions underlined and deletions ~~stricken through~~.

Chapter 5 – DEFINITIONS

(NOTE: only the amended subsections are shown)

.174 Cottage

A detached, single-family dwelling unit containing ~~1,500~~ 1,700 square feet or less of gross floor area. (Ord. 4120 § 1, 2007)

Chapter 15 – LOW DENSITY RESIDENTIAL ZONES

(NOTE: only the amended subsections are shown)

15.05.020 Common Code References

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. For properties within the Holmes Point (HP) Overlay Zone, see Chapter 70 KZC for additional regulations.
4. Review processes, density/dimensions and development standards for shoreline uses (RS, RSA, WD II, PLA 3C zones) can be found in Chapter 83 KZC, Shoreline Management.
5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with Attached Dwelling Units in PLA 3C and Detached Dwelling Unit uses.
6. A hazardous liquid pipeline is located near the RSX 35 zone in the Bridle Trails neighborhood along the eastern boundary of the City, and extends through or near the RSA 1, 4, 6 and 8 zones in the vicinity of 136th Avenue NE. Refer to Chapter 118 KZC for regulations pertaining to properties near hazardous liquid pipelines.
7. Garages shall comply with the requirements of KZC 115.43. ~~These requirements are not effective within the disapproval jurisdiction of the Houghton Community Council.~~

(Ord. 4506 § 2, 2015; Ord. 4476 § 2, 2015)

15.20 Permitted Uses

Permitted Uses Table – Low Density Residential Zones (RS, RSX, RSA, WD II, PLA 3C, PLA 6E, PLA 16)

(See also KZC 15.30, Density/Dimensions Table, and KZC 15.40, Development Standards Table)

Use		Required Review Process:							
		RS	RSX	RSA	WD II	PLA 3C	PLA 6E	PLA 16	
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC				IIB = Process IIB, Chapter 152 KZC None = No Required Review Process			
		NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)							
15.20.010	Attached Dwelling Units	NP	NP	NP	NP	I	NP	NP	
15.20.020	Church	2, 3, 4c	2, 4c	2, 4c, 13	NP	4c IIA	2, 4c	IIA	
15.20.030	Commercial Equestrian Facility	NP	NP	NP	NP	NP	NP	NP	5 IIB
15.20.040	Commercial Recreation Area and Use	NP	NP	NP	NP	NP	NP	NP	6 IIB
15.20.050	Community Facility	2, 3, 4b	2, 4b	2, 4b	4b IIA	4b IIA	2		IIA
15.20.060	Detached Dwelling Unit	None	None	8, 9 None	8, 11 None	None	8 None	None	7, 8 None
15.20.070	Golf Course	4b, 12 IIA	4b, 12 IIA	4b, 12, 13 IIA	NP	NP	NP	NP	NP
15.20.080	Government Facility	2, 3, 4b	2, 4b	2, 4b	4b IIA	4b IIA	2		IIA
15.20.090	Mini-School or Mini-Day-Care Center	I 4a, 4b, 14, 15, 16, 18	I 4a, 4b, 14, 15, 16, 18	I 4a, 4b, 13, 14, 15, 16, 18	NP	I 4a, 4b, 14, 15, 16, 18	None 15, 16, 17, 18, 19	None 15, 16, 17, 18, 19	None 15, 16, 17, 18, 19
15.20.100	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	NP	NP	10 I	10	NP	NP	NP	NP
15.20.110	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50.							
15.20.120	Public Utility	2, 3, 4b	2, 4b	2, 4b	4b IIA	4b IIA	2		IIA

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		Required Review Process:						
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC			IIB = Process IIB, Chapter 152 KZC None = No Required Review Process			
		NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)						
Use		RS	RSX	RSA	WD II	PLA 3C	PLA 6E	PLA 16
15.20.130	School or Day-Care Center	2, 3, 4, 14, 16, 18, 20	2, 4, 14, 16, 18, 20	2, 4, 13, 14, 16, 18, 20	NP	IIA 4, 14, 16, 18, 20	2, 4, 14, 16, 18, 20	IIA 16, 17, 18, 19, 20

Permitted Uses (PU) Special Regulations:

- PU-1. a. No more than two units may be attached to each other.
- b. Attached dwelling units must be designed to look like a detached single-family house using such techniques as limiting the points of entry on each facade, providing pitched roofs and covered porches.
- PU-2. The required review process is as follows:
- a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC.
- b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping.
- PU-3. ~~Reserved. Within the disapproval jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC.~~
- PU-4. May locate on the subject property only if:
- a. It will not be materially detrimental to the character of the neighborhood in which it is located.
- b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- c. The property is served by a collector or arterial street (does not apply to existing school sites).
- PU-5. a. This use may include arenas, stables, roaming and grazing areas, club house and ancillary equestrian facilities.
- b. This use must comply with KZC 80.30 through 80.45.
- c. An improved public equestrian access trail through the subject property and appropriate public signing must be provided. The trail must be located and designed to allow for an eventual connection between NE 60th Street and Bridle Trails State and King County Parks.
- PU-6. a. This use may include activities such as: indoor and outdoor tennis courts, club house, swimming pool, other sport court games and ancillary commercial recreation activities.
- b. Hours of operation may be limited by the City to reduce impacts on residential uses.
- c. Vehicular and pedestrian circulation to and from the property shall be coordinated with the other properties in the vicinity to the maximum extent possible.
- PU-7. If lot size is less than 35,000 square feet, then Process IIB, Chapter 152 KZC.

- PU-8. For this use, only one dwelling unit may be on each lot regardless of the size of the lot, unless the lot is being developed pursuant to the cottage, carriage, or two/three-unit homes regulations in Chapter 113 KZC.
- PU-9. Residential uses abutting Lake Washington may have an associated private shoreline park that is commonly or individually owned and used by residents and guests.
- PU-10. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.
- PU-11. At the northern terminus of the 5th Avenue West vehicular access easement, the average parcel depth shall be measured from the ordinary high water mark to the public pedestrian access easement providing access to Waverly Beach Park.
- PU-12. a. May not include miniature golf.
- b. The following accessory uses are specifically permitted as part of this use:
- 1) Equipment storage facilities.
 - 2) Retail sales and rental of golf equipment and accessories.
 - 3) A restaurant.
- PU-13. This use is not permitted on properties within the jurisdiction of the Shoreline Management Act.
- PU-14. Hours of operation and maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses.
- PU-15. Structured play areas must be set back from all property lines by five feet.
- PU-16. May include accessory living facilities for staff persons.
- PU-17. May locate on the subject property if:
- a. It will serve the immediate neighborhood in which it is located; or
 - b. It will not be materially detrimental to the character of the neighborhood in which it is located.
- PU-18. A six-foot-high fence is required along the property lines adjacent to the outside play areas.
- PU-19. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- PU-20. Structured play areas must be set back from all property lines as follows:
- a. Twenty feet if this use can accommodate 50 or more students or children.
 - b. Ten feet if this use can accommodate 13 to 49 students or children.

(Ord. 4749 § 1, 2021; Ord. 4506 § 2, 2015; Ord. 4476 § 2, 2015)

15.30 Density/Dimensions

Density/Dimensions Table – Low Density Residential Zones (RS, RSX, RSA, WD II, PLA 3C, PLA 6E, PLA 16)

(Refer to KZC 15.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 15.40, Development Standards Table)

Use	Minimum Lot Size	REQUIRED YARDS ¹ (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear			
15.30.010	Attached Dwelling Units	2,3	20 ⁴	10 ³	10 ³	50%	25' above ABE
15.30.020	Church	RS, RSX, RSA: ⁷ PLA 3C: 12,500 sq. ft. PLA 6E: 7,200 sq. ft. PLA 16: 35,000 sq. ft.	20'	20'	20'	70% RSA: 70% ⁶ PLA 3C: 50%	RS, PLA 3C, PLA 6E: 25' above ABE. RSX, RSA, PLA 16: 30' above ABE.
15.30.030	Commercial Equestrian Facility	3 acres	20'	20'	20'	80%	⁴
15.30.040	Commercial Recreation Area and Use	1 acre	20'	20'	20'	80%	38' above ABE ^{4a, b}
15.30.050	Community Facility	None	20'	10' WD II: ⁹	10'	70% RSA: 70% ⁶ PLA 3C: 50%	RS, WD II, PLA 3C, PLA 6E: 25' above ABE. RSA, RSX, PLA 16: 30' above ABE.
			WD II: ¹⁰				
15.30.060	Detached Dwelling Unit	RS, RSX: ^{11, 12, 13} RSA: ^{11, 12, 14, 19} WD II: 12,500 sq. ft. PLA 3C: 12,500 sq. ft. ^{2, 27} PLA 6E: 5,000 sq. ft. ²⁸ PLA 16: 35,000 sq. ft. ^{11, 29, 30}	RS: 20' ^{14, 16} RSX: 20' ^{15, 16} RSA: 20' ^{15, 16, 20} WD II: ^{14, 22, 32} PLA 3C, PLA 6E, PLA 16: 20' ⁴	5/15 ⁹ RSX: 5' ¹⁵ RSA: 5' WD II: ^{23, 24}	10' RS, RSX: 10' ¹⁴	50% RSA: 50% ⁶	RS, PLA 3C, PLA 6E: 25' above ABE. RSX, PLA 16: 30' above ABE. RSA: 30' above ABE. ²¹ WD II: 25' above ABE. ^{23, 24}
15.30.070	Golf Course	1 acre	50'	50'	50'	50% RSA: 50% ⁶	RS: 25' above ABE. RSA, RSX: 30' above ABE.
15.30.080	Government Facility	None	20'	10' WD II: 5/15 ⁹	10'	70% RSA: 70% ⁶ PLA 3C: 50%	RS, WD II, PLA 3C, PLA 6E: 25' above ABE. RSA, RSX, PLA 16: 30' above ABE.
			WD II: ¹⁰				
15.30.090	Mini-School or Mini-Day-Care Center	RS, RSX, RSA: ⁷ PLA 3C: 12,500 sq. ft. PLA 6E: 3,600 sq. ft. PLA 16: 35,000 sq. ft.	20'	5/15 ⁹	10' PLA 3C: 20'	50% RSA: 50% ⁶ PLA 6E: 60%	RS, PLA 3C, PLA 6E: 25' above ABE. RSX, RSA, PLA 16: 30' above ABE.

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Use	Minimum Lot Size	REQUIRED YARDS ¹ (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear			
15.30.100	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	None	See Chapter 83 KZC.			-	See Chapter 83 KZC.
15.30.110	Public Park	Development standards will be determined on a case-by-case basis.					
15.30.120	Public Utility	None	20'	20' WD II: 5/15 ⁹	20'	70% RSA: 70% ⁶ PLA 3C: 50%	RS, WD II, PLA 3C, PLA 6E: 25' above ABE. RSA, RSX, PLA 16: 30' above ABE.
15.30.130	School or Day-Care Center	RS, RSX, RSA: ⁷ PLA 3C: 12,500 sq. ft. PLA 6E: 7,200 sq. ft. PLA 16: 35,000 sq. ft.	If this use can accommodate 50 or more students or children, then:			70% RSA: 70% ⁶ PLA 3C: 50%	RS: 25' above ABE ¹¹ RSX, RSA, PLA 16: 30' above ABE. ¹¹ PLA 3C: 25' above ABE. ⁶ PLA 6E: 25' above ABE. ¹¹
			50'	50'	50'		
			If this use can accommodate 13 to 49 students or children, then:				
			20'	20'	20'		

Density/Dimensions (DD) Special Regulations:

- DD-1. In the WD II zone, for shoreline setbacks see Chapter 83 KZC.
- DD-2. a. Maximum dwelling units per acre is six dwelling units. Not more than one dwelling unit may be on each lot regardless of the size of the lot.
- b. Within a subdivision or short plat the minimum lot size is 5,000 square feet.
- c. Road dedication and vehicular access easements or tracts may not be included in the density calculation or in the minimum lot size per dwelling unit.
- DD-3. For lots containing less than 7,200 square feet, the floor area ratio (F.A.R.) requirements of KZC 115.42 shall apply. The maximum floor area ratio is 50 percent of the lot size; provided, that F.A.R. may be increased to 60 percent if, with the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of four feet vertical to 12 feet horizontal.
- See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.
- DD-4. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24).
- DD-5. The side or rear yard may be reduced to zero feet if the side or rear of the dwelling unit is attached to a dwelling unit on an adjoining lot within the short plat or subdivision.
- DD-6. Except 30 percent for RSA 1 zone. See RSA General Regulation 1 (KZC 15.10.030(1)) and KZC 15.05.020(3).
- DD-7. As established on the Zoning Map. Minimum lot size is as follows:
- a. In RS 35 and RSX 35 zones, the minimum lot size is 35,000 square feet.
- b. In RS 12.5 and RSX 12.5 zones, the minimum lot size is 12,500 square feet.
- c. In RS 8.5 and RSX 8.5 zones, the minimum lot size is 8,500 square feet.
- d. In RS 7.2 and RSX 7.2 zones, the minimum lot size is 7,200 square feet.
- e. In RS 6.3 zones, the minimum lot size is 6,300 square feet.
- f. In RS 5.0 and RSX 5.0 zones, the minimum lot size is 5,000 square feet.
- g. In RSA 1 zones, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area.
- h. In RSA 4 zones, the minimum lot size is 7,600 square feet.
- i. In RSA 6 zones, the minimum lot size is 5,100 square feet.
- j. In RSA 8 zones, the minimum lot size is 3,800 square feet.

- DD-8. a. Structures exceeding 25 feet above average building elevation must have the ground floor placed below existing grade to the extent possible and screened by a vegetative earthen berm.
- b. Structures can be placed at existing grade if the structures are located on lower ground than adjacent properties and if the adjacent properties are developed and do not contain residential use.

DD-9. Five feet, but two side yards must equal at least 15 feet.

DD-10. The dimension of any required yard, other than as specifically listed, will be determined on a case-by-case basis. The City will use the setback for this use in RS zones as a guide.

DD-11. As established on the Zoning Map. Minimum lot size per dwelling unit is as follows:

- a. In RS 35 and RSX 35 zones, the minimum lot size is 35,000 square feet.
- b. In RS 12.5 zones, the minimum lot size is 12,500 square feet.
- c. In RS 8.5 and RSX 8.5 zones, the minimum lot size is 8,500 square feet.
- d. In RS 7.2 and RSX 7.2 zones, the minimum lot size is 7,200 square feet.
- e. In RS 6.3 zones, the minimum lot size is 6,300 square feet.
- f. In RS 5.0 and RSX 5.0 zones, the minimum lot size is 5,000 square feet.
- g. In RS 35, RSX 35, RS 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 6.3, RS 5.0 and RSX 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot.
- h. In RSA 1 zones, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area.
- i. In RSA 4 zones, the minimum lot size is 7,600 square feet.
- j. In RSA 6 zones, the minimum lot size is 5,100 square feet.
- k. In RSA 8 zones, the minimum lot size is 3,800 square feet.

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

- a. In RS 35 and RSX 35 zones, F.A.R. is 20 percent of lot size.
- b. In RS 12.5 and RSX 12.5 zones, F.A.R. is 35 percent of lot size.
- c. In RS 8.5 and RSX 8.5 zones, F.A.R. is 50 percent of lot size.
- d. In RS 7.2 and RSX 7.2 zones, F.A.R. is 50 percent of lot size.
- e. In RS 6.3 zones, F.A.R. is 50 percent of lot size.

- f. In RS 5.0 and RSX 5.0 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met:
- 1) With the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of four feet vertical to 12 feet horizontal; and
 - 2) A setback of at least 7.5 feet is provided along each side yard.

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

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

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

- DD-13. Residential lots in the RS 35, RSX 35 and PLA 16 zones within the Bridle Trails neighborhood north and northeast of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, and shall comply with regulations for horses in KZC 115.20(5).
- DD-14. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24).
- DD-15. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.
- DD-16. On lots with two front yards that are essentially parallel to one another, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 feet). The front yard shall be the yard adjacent to the front facade of the dwelling unit.
- DD-17. Maximum units per acre is as follows:
- a. In RSA 1 zones, the maximum units per acre is one dwelling unit.
 - b. In RSA 4 zones, the maximum units per acre is four dwelling units.
 - c. In RSA 6 zones, the maximum units per acre is six dwelling units.
 - d. In RSA 8 zones, the maximum units per acre is eight dwelling units.
- Where the maximum number of units results in a fraction, the number shall be rounded up if the fraction is 0.50 or greater. In RSA 1, 4, 6 and 8 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot.
- DD-18. Road dedication and vehicular access easements or tracts may be included in the density calculation, but not in the minimum lot size per dwelling unit.
- DD-19. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:

- a. In RSA 1 zones, F.A.R. is 20 percent of lot size.
- b. In RSA 4 zones, F.A.R. is 50 percent of lot size.
- c. In RSA 6 zones, F.A.R. is 50 percent of lot size.
- d. In RSA 8 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if, with the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of four feet vertical to 12 feet horizontal.

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

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

- DD-20. For properties within the jurisdiction of the Shoreline Management Act that have a shoreline setback requirement as established in Chapter 83 KZC and the setback requirement is met, the minimum required front yard is either: 10 feet or the average of the existing front yards on the properties abutting each side of the subject property. For the reduction in front yard, the shoreline setback is considered conforming if a reduction in the required shoreline setback is approved through KZC 83.380.
- DD-21. Maximum height of structure for properties located within the Juanita Beach Camps Plat (Volume 32, Page 25 of King County Records) or the Carr's Park Plat (Unrecorded) shall be 35 feet above average building elevation.
- DD-22.
 - a. For properties located south of the Lake Avenue West Street End Park, the required front yard may be decreased to the average of the existing front yards on the properties abutting the subject property to the north and south.
 - b. The front required yard provisions shall not apply to public street ends located west of Waverly Way, but the required yard shall be regulated as a side yard.
 - c. The required yard along the east side of the vehicular access easements known as 5th Avenue West or Lake Avenue West is zero feet.
 - d. The required yard along the west side of the vehicular access easements known as 5th Avenue West or Lake Avenue West is either five feet or the average of the existing rear yards on the properties abutting the subject property to the north and south. The garage shall be located to comply with the provisions for parking pads contained in KZC 105.47.
- DD-23. Five feet, but two side yards must equal at least 15 feet or five feet each if Special Regulation DD-24 is met.
- DD-24. The gross floor area of any floor above the first story at street or vehicular access easement level shall be reduced by a minimum of 15 percent of the floor area of the first story, subject to the following conditions:
 - a. The structure must conform to the standard shoreline setback requirements established in Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC 83.380.

- b. The required floor area reductions shall be incorporated along the entire length of the facade of one or both facades facing the side property lines in order to provide separation between neighboring residences.
- c. Uncovered decks with solid railings located along the side property lines on the upper floors and covered decks shall be included in gross floor area calculation.
- d. This provision shall only apply if a residence has more than one story above the street or vehicular access easement level, as measured at the midpoint of the frontage of the subject property on the abutting right-of-way (Plate 36).

DD-25. For properties with a minimum of 45 feet of frontage along Lake Washington, 30 feet above average building elevation.

DD-26. For the increase in height from 25 feet to 30 feet above average building elevation, the structure must conform to the standard shoreline setback requirements established in Chapter 83 KZC, or as otherwise approved under the shoreline setback provisions established in KZC 83.380.

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

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

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

DD-28. Floor Area Ratio (F.A.R.) allowed for the subject property is 60 percent of lot size.

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

DD-29. Floor Area Ratio (F.A.R.) allowed for the subject property is 20 percent of lot size.

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

DD-30. If a Master Plan is approved for the property, this use may have a lot size of less than 35,000 square feet and must meet the following standards:

- a. The property must contain at least 16 contiguous acres.
- b. Residential lots must contain a minimum area of 14,500 square feet capable of being used as a horse paddock area, which shall comply with KZC 115.20(5) for keeping of horses.
- c. The minimum lot size allowed on the property shall be determined and approved as part of the Master Plan. In no case shall the minimum lot size be less than 26,000 square feet.

- d. A commercial equestrian facility, including an arena, stables and paddock areas, must be provided on the property. The facility must be available to the public and not exclusively for the residences within the Master Plan. The facility must meet requirements and special regulations as established for the use listing in this zone entitled "Commercial Equestrian Facility."
- e. An improved public equestrian access trail and appropriate public signing must be provided. The trail must be located and designed so as to allow for an eventual connection between NE 60th Street and the Bridle Trails State and King County Parks.
- f. A coordinated vehicular and pedestrian circulation system for the property as well as other properties in the vicinity shall be provided as part of the Master Site Plan.

DD-31. For school use, structure height may be increased, up to 35 feet, if:

- a. The school can accommodate 200 or more students; and
- b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
- c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
- d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

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

DD-32. For those properties that conform to the standard shoreline setback requirements established in Chapter 83 KZC, either:

- a. Ten feet; or
- b. The average of the existing front yards on the properties abutting the subject property to the north and south. Otherwise, 20 feet.

(Ord. 4703 § 1, 2019; Ord. 4506 § 2, 2015; Ord. 4476 § 2, 2015)

Chapter 20 – MEDIUM DENSITY RESIDENTIAL ZONES

(NOTE: only the amended subsections are shown)

20.10.010 All Medium Density Residential Zones

1. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.
2. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density (does not apply to PLA 6F, PLA 6H, PLA 6K, PLA 7C, PLA 9 and PLA 15B zones).
3. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136, except for the following uses: KZC 20.20.060, Detached, Attached, or Stacked Dwelling Units, and KZC 20.20.180, Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit (does not apply to WD I, WD III, PLA 2, and PLA 3B zones).
4. Where maximum densities are established based on minimum lot size in KZC 20.30.060 and 20.30.070, residential uses shall develop at a minimum of 80 percent of the maximum density allowed.

~~*This general regulation (KZC 20.10.010(4)) is not effective within the disapproval jurisdiction of the Houghton Community Council.*~~

20.30 Density/Dimensions

Density/Dimensions Table – Medium Density Residential Zones

(RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; WD I; WD III; PLA 2; PLA 3B; PLA 6F, PLA 6H, PLA 6K; PLA 7C; PLA 9; PLA 15B; PLA 17)

(Refer to KZC 20.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 20.40, Development Standards Table)

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear (or shoreline setback)		
20.30.010	Assisted Living Facility ¹ 3,600 sq. ft. PLA 6H: 2 acres PLA 17: 2 acres ¹¹	20' RM, RMA: 20' ² WD I: 30' ^{4, 5, 14, 17} WD III, PLA 3B: 30' ^{4, 22, 23}	5' ¹³ RMA: 5' WD I, WD III, PLA 3B: 5' ^{4, 23}	10' WD I, WD III: 5' ⁵ PLA 3B: 5'	60% WD I, WD III, PLA 3B: 80%	RM: 30' above ABE. ⁷ RMA: 35' above ABE. WD I: 30' above ABE. ⁸ WD III: 30' above ABE. ⁹ PLA 3B: 30' above ABE. PLA 6F: 30' above ABE. ¹⁴ PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. ¹⁰ PLA 17: 30' above ABE.
20.30.020	Boat Launch (for nonmotorized boats) None	See Chapter 83 KZC.			-	-
20.30.030	Church 7,200 sq. ft. PLA 15B: 12,500 sq. ft.	20' RM, RMA: 20' ²	20'	20'	70% PLA 15B: 50%	RM: 30' above ABE. ⁷ RMA: 35' above ABE. PLA 6F: 30' above ABE. ¹⁴ PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. ¹⁰ PLA 9: 25' above ABE. PLA 15: 25' above ABE. PLA 17: 30' above ABE.
20.30.040	Community Facility None	20' RM, RMA: 20' ² WD I: 30' ^{14, 17} WD III, ⁴ PLA 3B: 30' ^{22, 23}	10' WD I, WD III: 5' ¹³	10' WD I, WD III: 5' ⁵	70% WD I, WD III, PLA 3B: 80% PLA 15B: 50%	RM: 30' above ABE. ⁷ RMA: 35' above ABE. WD I: 30' above ABE. ⁸ WD III: 30' above ABE. ⁹ PLA 2: 25' above ABE. PLA 3: 30' above ABE. ¹⁴ PLA 6F: 30' above ABE. ¹⁴ PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. ¹⁰ PLA 9: 25' above ABE.

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USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear (or shoreline setback)			
						PLA 15B: 25' above ABE. PLA 17: 30' above ABE.	
20.30.050	Convalescent Center	7,200 sq. ft.	20' RM, RMA: 20' ²	10'	10'	70%	RM: 30' above ABE. ⁷ RMA: 35' above ABE. PLA 6F: 30' above ABE. ²⁴ PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. ¹⁰ PLA 9: 25' above ABE. PLA 17: 30' above ABE.
20.30.060	Detached, Attached or Stacked Dwelling Units	RM, RMA: 3,600 sq. ft. ²¹ WD I, WD III, PLA 3B: 3,600 sq. ft. per unit. PLA 2: 35,000 sq. ft. per unit PLA 6F: 3,600 sq. ft. per dwelling unit PLA 6H: 2 acres with at least 3,600 sq. ft. per unit. PLA 6K: 3,600 sq. ft. with at least 2,400 sq. ft. per unit. PLA 7C: 3,600 sq. ft. ²⁷ PLA 9: 5,000 sq. ft. per unit PLA 15B: 5 acres, with no less than 6,200 sq. ft. per unit. ^{18, 19} PLA 17: 3,600 sq. ft. per unit, with a minimum lot size of 2 acres. ¹¹	RM, RMA: 20' ² WD I: 30' ^{14, 26, 37} WD III: 30' ^{14, 22, 38} PLA 2: 20' ^{12, 13} PLA 6F, PLA 6K, PLA 7C, PLA 9, PLA 17: 20' PLA 3B: 30'. ^{5, 17, 22, 33} PLA 6H: 20' ²⁴ PLA 15: 20'	5' ¹³ RM: Detached units: 5'; attached or stacked units: 5'. ^{12, 33} RMA: 5'. ¹² WD I, WD II: 5'. ^{14, 31} PLA 2: 5'. ^{12, 13, 33} PLA 3B: 5'. ^{5, 17, 33} PLA 6F, PLA 6K, PLA 7C: detached units: 5'; attached or stacked units, 5'. ^{12, 33} PLA 6H: detached units: 5'; attached or stacked units, 5'. ^{12, 24, 25, 33} PLA 9, PLA 17: 5'. ^{12, 33} PLA 15: 20'	RM, RMA: 10' ¹³ WD I, WD II: 14'. ³⁵ PLA 2: 10'. ^{12, 13} PLA 3B: See Chapter 83 KZC. ^{5, 17} PLA 6F, PLA 6K, PLA 7C, PLA 9, PLA 17: 10'. ¹³ PLA 6H: 10'. ^{13, 24, 26} PLA 15: 20'	60% WD I, WD III, PLA 3B: 80% PLA 9, PLA 15: 50%	RM: 30' above ABE. ^{7, 23} RMA: 35' above ABE. WD I: 30' above ABE. ⁸ WD III: 30' above ABE. ⁹ PLA 2: 25' above ABE. ¹³ PLA 3B: 30' above ABE. ¹⁶ PLA 6F: 30' above ABE. ^{23, 24} PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. ^{10, 23} PLA 9: 25' above ABE. PLA 15: 20' PLA 17: 30' above ABE.
20.30.070	Detached Dwelling Unit	RM, RMA: 3,600 sq. ft. ³ WD I, WD III: 3,600 sq. ft./unit ⁶ PLA 3B, PLA 6F, PLA 6K, PLA 7C: 3,600 sq. ft. PLA 6H: 5,000 sq. ft. per unit PLA 9: 8,500 sq. ft. PLA 15B: 12,500 sq. ft. per dwelling unit	20' RM, RMA: 20' ² WD I: 30'. ^{5, 36, 37} WD III: 30'. ^{22, 38}	5' RM, RMA, WD I, WD III, PLA 9: 5'. ¹³ PLA 3B: 5'. ^{5, 33} WD I: 5'. ^{5, 33} PLA 17: 5'. ²⁵	10' WD I: 5'. ³³ WD III: 35' PLA 3B: See Chapter 83 KZC. ⁵	60% WD I, WD III, PLA 3B: 80% PLA 9, PLA 15B: 50%	RM: 30' above ABE. ^{7, 23} RMA: 35' above ABE. ²³ WD I, WD III, PLA 3B: 30' above ABE. This provision may not be varied. PLA 6F: 30' above ABE. ^{23, 24} PLA 6H, PLA 9, PLA 15B: 25' above ABE. PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. ^{10, 23}

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USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear (or shoreline setback)			
	PLA 17: 7,200 sq. ft.	PLA 3B: 30 ^{6, 22, 24}					
20.30.080	Entertainment, Cultural and/or Recreational Facility ²⁰	7,200 sq. ft.	20'	10'	10'	60%	25' above ABE.
20.30.090	Golf Course	1 acre	50'	50'	50'	60%	30' above ABE.
20.30.100	Government Facility	None	20' RM, RMA: 20 ² WD I: 30 ^{16, 17} WD III: 30 ^{22, 24} PLA 3B: 30 ^{22, 24}	10' WD I, WD III: 5 ¹¹	10' WD I, WD III: ¹⁵ PLA 3B: See Chapter 83 KZC.	70% WD I, WD III, PLA 3B: 80% PLA 15B: 50%	RM: 30' above ABE. ⁷ RMA: 35' above ABE. WD I: 30' above ABE. ⁸ WD III: 30' above ABE. ⁹ PLA 2, PLA 6H, PLA 9, PLA 15B: 25' above ABE. PLA 3B: 30' above ABE. ¹⁶ PLA 6F: 30' above ABE. ²⁴ PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. ¹⁰
20.30.110	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop ³⁰	7,200 sq. ft.	20 ²	5 ¹¹	10'	60%	RM: 30' above ABE. ⁷ RMA: 35' above ABE.
20.30.120	Hotel or Motel	None	30 ^{22, 24}	5 ¹¹	See Chapter 83 KZC.	80%	30' above ABE. ¹⁶
20.30.130	Marina	None	Landward of the ordinary high water mark: WD I: 30 ^{16, 17} PLA 3B: 30 ^{22, 24} 5 ¹¹ See Chapter 83 KZC. WD I: ¹⁵			80%	Landward of the ordinary high water mark, 30' above ABE. ⁸
			Watward of the Ordinary High Water Mark: See Chapter 83 KZC.				
20.30.140	Mini-School or Mini-Day-Care Center	3,600 sq. ft. PLA 2: 35,000 sq. ft. PLA 9: 5,000 sq. ft. PLA 15B: 12,500 sq. ft. PLA 17: 7,200 sq. ft.	20' RM, RMA: 20 ²	5 ¹¹	10'	60% PLA 9, PLA 15B: 50%	RM: 30' above ABE. ⁷ RMA: 35' above ABE. PLA 2: 25' above ABE. ¹⁵ PLA 6F: 30' above ABE. ²⁴ PLA 6H, PLA 9, PLA 15: 25' above ABE. PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. ¹⁰

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USE	Minimum Lot Size	REQUIRED YARDs (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear (or shoreline setback)			
20.30.150	Nursing Home	7,200 sq. ft.	20' RM, RMA: 20' ²	10'	10'	70%	RM: 30' above ABE. ⁷ RMA: 35' above ABE. PLA 6F: 30' above ABE. ³⁴ PLA 6H, PLA 9: 25' above ABE. PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. ¹⁰
20.30.160	Office Use	³¹	20'	5' ³³	10'	60%	25' above ABE.
20.30.170	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	None	See Chapter 83 KZC.			-	See Chapter 83 KZC. RM, RMA: Landward of the ordinary high water mark; RM, 30' above ABE; RMA: 35' above ABE.
20.30.180	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	None	See Chapter 83 KZC.			-	See Chapter 83 KZC.
20.30.190	Public Access Pier, Boardwalk, or Public Access Facility	None	See Chapter 83 KZC.			-	See Chapter 83 KZC.
20.30.200	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50 for required review process.					
20.30.210	Public Utility	None	20' RM, RMA: 20' ² WD I, WD III: 30' PLA 3B: 30' ³³	20' WD I, WD III: 5' ³³ PLA 3B: 10'	10' RM, RMA, PLA 6F, PLA 15B, PLA 17: 20' WD I, WD III: ³⁵	70% WD I, WD III, PLA 3B: 80% PLA 15B: 50%	RM: 30' above ABE. ⁷ RMA: 35' above ABE. WD I: 30' above ABE. ⁸ WD III: 30' above ABE. ⁹ PLA 2, PLA 6H, PLA 9, PLA 15B: 25' above ABE. PLA 3B: 30' above ABE. ¹⁴ PLA 6F: 30' above ABE. ³⁴ PLA 6K, PLA 17: 30' above ABE. PLA 7C: 30' above ABE. ¹⁰
20.30.220	Restaurant or Tavern	7,200 sq. ft.	30' ^{36, 37}	5' ³³	See Chapter 83 KZC. ³⁵	80%	30' above ABE. ⁸
20.30.230	School or Day-Care Center	7,200 sq. ft. PLA 15B: 12,500 sq. ft.	If this use can accommodate 50 or more students or children, then:			70%	RM: 30' above ABE. ^{7, 32} RMA: 35' above ABE.

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USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage PLA 15B: 50%	Maximum Height of Structure ABE = Average Building Elevation PLA 6F: 30' above ABE. ^{32,34} PLA 6H, PLA 9: 25' above ABE. ³² PLA 6K, PLA 17: 30' above ABE. ³² PLA 7C: 30' above ABE. ^{16,32} PLA 15B: 25' above ABE.
			Front	Side	Rear (or shoreline setback)		
			50'	50'	50'		
			If this use can accommodate 13 to 49 students or children, then:				
			20'	20'	20'		
			RM, RMA: ²				
20.30.240	Water Taxi	None	Landward of the Ordinary High Water Mark			80%	Landward of the ordinary high water mark, 30' above ABE. WD I: Landward of the ordinary high water mark, 30' above ABE. ³
			30'	5' ³³	See Chapter 83 KZC.		

Density/Dimensions (DD) Special Regulations:

- DD-1. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to one and one-half times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met:
- a. Project is of superior design; and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
- DD-2. See KZC 20.10.020(6).
- DD-3. 5,000 square feet in RM 5.0 and RMA 5.0.
- DD-4. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation.
- DD-5. The minimum dimension of any yard, other than those listed, is five feet.
- DD-6. Except 1,800 square feet/unit for up to two dwelling units if the public access provisions of KZC 83.420 are met.
- DD-7. If adjoining a low density zone other than RSX, then 25 feet above average building elevation.
- DD-8. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
- a. The increase is offset by a view corridor that is superior to that required by the General Regulations.
- DD-9. Structure height may be increased to 35 feet above average building elevation if:
- a. The increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
 - b. The increase is offset by a view corridor that is superior to that required by Chapter 83 KZC.
- DD-10. If adjoining a low density zone other than RSX, or detached dwelling unit in Planned Area 7C, then 25 feet above ABE.
- DD-11. Lands upland of the ordinary high waterline only may be included in the calculation of lot area.
- DD-12. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.
- DD-13. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

- DD-14. Any required yard, other than the front required yard or shoreline setback, may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached shall provide the minimum required yard.
- DD-15. Structure height may be increased as long as neither of the following maximums is exceeded:
- a. The structure may not exceed 60 feet above average building elevation.
 - b. The structure may not exceed a plane that starts three and one-half feet above the outside westbound lane of SR 520 and ends at the high waterline of Lake Washington in the zone, excluding the canal.
- DD-16. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
- a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or
 - b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation.
- DD-17. For attached or stacked dwelling units, this yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide the otherwise applicable minimum required yard.
- DD-18. Part of the unit count allowed in Planned Area 15A may be developed in Planned Area 15B. The maximum permitted number of dwelling units on the subject property in Planned Area 15B is computed using the following formula:
- (The total lot area in square feet divided by 6,200) plus the unit count transferred from Planned Area 15A
 = The maximum number of permitted dwelling units.
- DD-19. Subsequent subdivision of an approved Master Plan into smaller lots is permitted; provided, that the required minimum acreage is met for the Master Plan.
- DD-20. The City will determine required yards and structure height based on the compatibility of development with adjacent uses and the degree to which development maintains the existing natural characteristics of the slope.
- DD-21. With a density as established on the Zoning Map. Minimum amount of lot area per dwelling unit is as follows:
- a. In RM 5.0 and RMA 5.0 zones, the minimum lot area per unit is 5,000 square feet.
 - b. In RM 3.6 and RMA 3.6 zones, the minimum lot area per unit is 3,600 square feet.
 - c. In RM 2.4 and RMA 2.4 zones, the minimum lot area per unit is 2,400 square feet.
 - d. In RM 1.8 and RMA 1.8 zones, the minimum lot area per unit is 1,800 square feet.

- DD-22. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:
- a. Substantially, the entire width of the yard (from north to south property line) is developed as a public use area; and
 - b. The design of the public use area is specifically approved by the City.
- DD-23. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.
- DD-24. Buildings may not be closer than 40 feet to any low density zone.
- DD-25. Special Regulation DD-12 shall not supersede Special Regulation DD-24.
- DD-26. Special Regulation DD-13 shall not supersede Special Regulation DD-24.
- DD-27. Minimum amount of lot area per dwelling unit is as follows:
- a. In the PLA 7C zone, the minimum lot area per unit is 3,600 square feet.
- DD-28. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.
- DD-29. The area covered by structures, parking, buffers, and other elements of this use may not be used in calculating residential density in the development.
- DD-30. Gross floor area may not exceed 3,000 square feet.
- DD-31. Must be part of a development that encompasses the entire zone. See PU-37 for the maximum amount of office space allowed.
- DD-32. For school use, structure height may be increased, up to 35 feet, if:
- a. The school can accommodate 200 or more students; and
 - b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
 - c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
 - d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

~~*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*~~

- DD-33. Five feet, but two side yards must equal at least 15 feet.

- DD-34. If adjoining a low density zone, then 25 feet above average building elevation.
- DD-35. The required rear yard for each use shall be the same as the required rear yard for the same use in the RM zone, unless otherwise specified in Special Regulation DD-14.
- DD-36. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:
- a. Within 30 feet of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
 - b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and
 - c. The design of the public use area is specifically approved by the City.
- DD-37. The required 30-foot front yard may be reduced, subject to all of the following conditions:
- a. The existing primary structure does not conform to the minimum shoreline setback standard;
 - b. The proposed complete replacement or replacement of portion of the existing primary structure complies with the minimum required shoreline setback established under the provisions of Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC 83.380;
 - c. The front yard for the complete replacement or the portion of replacement may be reduced one foot for each one foot of the shoreline setback that is increased in dimension from the setback of the existing nonconforming primary structure; provided, that subsection (d) of this regulation is met; and
 - d. Within the front yard, each portion of the replaced primary structure is set back from the front property line by a distance greater than or equal to the maximum height of that portion above the front property line.
- DD-38. The required 30-foot front yard may be reduced, subject to all of the following conditions:
- a. The existing primary structure does not conform to the minimum shoreline setback standard;
 - b. The proposed complete replacement or replacement of a portion of the existing primary structure complies with the minimum required shoreline setback established under the provisions of Chapter 83 KZC, or as otherwise approved under the shoreline setback reduction provisions established in KZC 83.380; and
 - c. The front yard for the complete replacement or the portion of replacement may be reduced one foot for each one foot of the shoreline setback that is increased in dimension from the setback of the existing nonconforming primary structure.

(Ord. 4749 § 1, 2021; Ord. 4495 § 2, 2015; Ord. 4476 § 2, 2015)

Chapter 25 – HIGH DENSITY RESIDENTIAL ZONES
(NOTE: only the amended subsections are shown)

25.10.010 All High Density Residential Zones

The following regulations apply to all uses in these zones unless otherwise noted:

1. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.
2. Where maximum densities are established based on minimum lot size in KZC 25.30.050 and 25.30.060, residential uses shall develop at a minimum of 80 percent of the maximum density allowed.

~~This general regulation (KZC 25.10.010(2)) is not effective within the disapproval jurisdiction of the Houghton Community Council.~~

25.30 Density/Dimensions

Density/Dimensions Table – High Density Residential Zones

(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

(Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.40, Development Standards Table)

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
25.30.010	Assisted Living Facility ¹ 3,600 sq. ft.	20' RM, RMA: 20' ² HENC 2: 10'	5' ⁴ RMA: 5' HENC 2: 0'	10' HENC 2: 0'	60% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ³ RMA: 35' above ABE HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: 30' above ABE. ⁴ PLA 7A, 7B: 30' above ABE. ⁷
25.30.020	Church 7,200 sq. ft.	20' RM, RMA: 20' ² HENC 2: 10'	20' HENC 2: 0'	20' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6D: 30' above ABE. ³ RMA: 35' above ABE HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 6A, PLA 6J: 30' above ABE. ^{5,11} PLA 7A, 7B: 30' above ABE. ⁷
25.30.030	Community Facility None	20' RM, RMA: 20' ² HENC 2: 10'	10' HENC 2: 0'	10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ³ RMA: 35' above ABE HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. ⁷
25.30.040	Convalescent Center 7,200 sq. ft. PLA 6I: None	20' RM, RMA: 20' ² HENC 2: 10'	10' HENC 2: 0'	10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ³ RMA: 35' above ABE HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. ⁷
25.30.050	Detached, Attached or Stacked Dwelling Units 3,600 sq. ft. with at least 1,800 sq. ft. per unit. RM, RMA: 3,600 sq. ft. ⁴ HENC 2: 3,600 sq. ft. No density limit. PLA 6I: 3,600 sq. ft. with at least 2,400 sq. ft. per unit.	20' RM, RMA: 20' ² HENC 2: 10'	Detached units, 5'; attached or stacked units, 5'. ^{4,10} RMA: 5' ¹⁰ HENC 2: 0'	10' ¹¹ HENC 2: 0'	60% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ^{5,11} RMA: 35' above ABE HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: 30' above ABE. ⁴ PLA 7A, 7B: 30' above ABE. ^{5,12}
			RM, RMA: ¹¹ PLA 5A: ³			

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USE		Minimum Lot Size PLA 7A, 7B: 3,600 sq. ft. ¹⁴	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
			Front	Side	Rear			
25.30.060	Detached Dwelling Unit	3,600 sq. ft.	20' RM, RMA: 20' ^d PLA 6I: 10'	5' RM, RMA, HENC 2: 5' ^d	10'	60%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ^{3,12} RMA: 35' above ABE. ¹² PLA 5A, PLA 5D, PLA 5E: 25' above ABE. HENC 2, PLA 6I: 30' above ABE. PLA 7A, 7B: 30' above ABE. ^{7,12}	
25.30.070	Government Facility	None	20' RM, RMA: 20' ^d HENC 2: 10'	10' HENC 2: 0'	10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ³ RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. ⁷	
25.30.080	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	7,200 sq. ft. ⁷	20' ² HENC 2: 10'	5' ^d HENC 2: 0'	10' HENC 2: 0'	60% HENC 2: 80%	HENC 2, RM: 30' above ABE. ³ RMA: 35' above ABE.	
25.30.090	Mini-School or Mini- Day-Care Center	3,600 sq. ft.	20' RM, RMA: 20' ^d HENC 2: 10'	5' ^d HENC 2: 0'	10' HENC 2: 0'	60% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ³ RMA: 35' above ABE. PLA 5D: 30' above ABE. ⁶ HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 7A, 7B: 30' above ABE. ⁷	
25.30.100	Nursing Home	7,200 sq. ft. PLA 6I: None	20' RM, RMA: 20' ^d HENC 2: 10'	10' HENC 2: 0'	10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ³ RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. ⁷	
25.30.110	Office Uses (Stand- Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)	3,600 sq. ft. with at least 1,800 sq. ft. per unit	20'	5' ^d	10'	80%	30' above ABE.	
25.30.120	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	None	See Chapter 83 KZC.			-	Landward of the ordinary high water mark: RM: 30' above ABE. RMA: 35' above ABE.	
25.30.130	Public Park	Development standards will be determined on a case-by-case basis.						

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USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear			
25.30.140	Public Utility	None	20' RM, RMA: 20' ² HENC 2: 10'	20' HENC 2: 0'	RM, RMA, PLA 5D, PLA 6A, PLA 6D, PLA 6J: 20' PLA 5A, PLA 5E, PLA 6I, PLA 7A, 7B: 10' HENC 2: 0'	70% HENC 2: 80%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ³ RMA: 35' above ABE. HENC 2, PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. ⁷
25.30.150	School or Day-Care Center	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then:			70% HENC 2: 80%	RM: 30' above ABE. ^{5, 15} RMA: 35' above ABE. PLA 5A, PLA 5E, PLA 6I: 30' above ABE. ¹⁵ PLA 5D: The lower of 4 stories or 40' above ABE. HENC 2, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ^{5, 15} PLA 7A, 7B: 30' above ABE. ^{7, 15}
			50'	50'	50'		
			If this use can accommodate 13 to 49 students or children, then:				
			20'	20'	20'		
			RM, RMA: ²				

Density/Dimensions (DD) Special Regulations:

- DD-1. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to one and one-half times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met:
- a. Project is of superior design; and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
- DD-2. See KZC 25.10.020(7).
- DD-3. The required yard of any structure abutting a lot containing a low density use within PLA 5 must be increased one foot for each one foot that structure exceeds 20 feet above average building elevation.
- DD-4. Five feet, but two side yards must equal at least 15 feet.
- DD-5. If adjoining a low density zone other than RSX, then 25 feet above average building elevation.
- DD-6. If the development contains at least one acre, then the lower of four stories or 40 feet above average building elevation.
- DD-7. If adjoining a low density zone other than RSX, or detached dwelling unit in PLA 7C, then 25 feet above average building elevation.
- DD-8. With a density as established on the Zoning Map. Minimum amount of lot area per dwelling unit is as follows:
- a. In RM 5.0 and RMA 5.0 zones, the minimum lot area per unit is 5,000 square feet.
 - b. In RM 3.6 and RMA 3.6 zones, the minimum lot area per unit is 3,600 square feet.
 - c. In RM 2.4 and RMA 2.4 zones, the minimum lot area per unit is 2,400 square feet.
 - d. In RM 1.8 and RMA 1.8 zones, the minimum lot area per unit is 1,800 square feet.
- DD-9. Gross floor area may not exceed 3,000 square feet.
- DD-10. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet; provided, that for PLA 5A this special regulation shall not supersede minimum yard requirements when abutting a lot containing a low density use within the PLA 5 zone.
- DD-11. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot; provided, that for PLA 5A this special regulation shall not supersede minimum yard requirements when abutting a lot containing a low density use within the PLA 5 zone.

DD-12. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above average building elevation is allowed.

DD-13. See KZC 25.05.020(3).

DD-14. Minimum amount of lot area per dwelling unit is as follows:

- a. In the PLA 7A zone, the minimum lot area per unit is 2,400 square feet.
- b. In the PLA 7B zone, the minimum lot area per unit is 1,800 square feet.

DD-15. For school use, structure height may be increased, up to 35 feet, if:

- a. The school can accommodate 200 or more students; and
- b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
- c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
- d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

~~*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*~~

(Ord. 4749 § 1, 2021; Ord. 4637 § 3, 2018; Ord. 4476 § 2, 2015)

ATTACHMENT 1

Chapter 30 – OFFICE ZONES
(NOTE: only the amended subsections are shown)

30.30 Density/Dimensions

Density/Dimensions Table – Office Zones

(PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PRA 2.4; PR 1.8; PRA 1.8; PLA 5B, PLA 5C; PLA 6B; PLA 15A; PLA 17A)

(Refer to KZC 30.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 30.40, Development Standards Table)

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
30.30.010	Assisted Living Facility ¹ 3,600 sq. ft. PR, PRA: 3,600 sq. ft. ²	20' PLA 5B: 20' ⁶ PLA 5C: 10'	PR, PLA 6B: 5' ³ PLA 5B: 5' ^{3,6} PRA: 5' PLA 5C: 5' ^{3,7}	10' PLA 5B: 10' ⁶	70%	PR: 30' above ABE. ^{4, 12} PRA: 35' above ABE. ^{4, 3} PLA 5B: 30' above ABE. PLA 5C: 30' above ABE. ^{3, 11} PLA 6B: 30' above ABE. ⁹
30.30.020	Boat Launch (for Nonmotorized and/or Motorized Boats) None	30' ¹²	5' ³	See Chapter 83 KZC.	80%	30' above ABE. ¹⁰
30.30.030	Church 7,200 sq. ft. PO: None PR, PRA: 7,200 sq. ft. ¹⁶	20' PLA 5B: 20' ⁶ PLA 5C: 10'	20' PLA 5B: 20' ⁶	20' PLA 5B: 20' ⁶	70% PLA 17A: 80%	PO: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 12} PRA: 35' above ABE. ^{4, 3} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 60' above ABE. ^{17, 11} PLA 6B: 30' above ABE. ^{9, 22}
30.30.040	Community Facility None	20' PLA 5B: 20' ⁶ PLA 5C: 10' PLA 15A: 30' ¹²	10' PLA 5B: 10' ⁶ PLA 15A: 5' ³	10' PO: 20' PLA 5B: 10' ⁶ PLA 15A: See Chapter 83 KZC.	70% PLA 15A, PLA 17A: 80%	PO, PLA 6B: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 12} PRA: 35' above ABE. ^{4, 3} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 60' above ABE. ^{17, 11} PLA 15A: 30' above ABE. ¹⁹
30.30.050	Convalescent Center 7,200 sq. ft. PO: None PR, PRA: 7,200 sq. ft. ¹⁶	20' PLA 5B: 20' ⁶ PLA 5C: 10'	10' PLA 5B: 5' ^{3, 6}	10' PO: 20' PLA 5B: 10' ⁶	70% PLA 17A: 80%	PO, PLA 6B: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 12} PRA: 35' above ABE. ^{4, 3} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 60' above ABE. ^{17, 11}
30.30.060	Detached, Attached or Stacked Dwelling Units PR, PRA: 3,600 sq. ft. ^{20, 21} PLA 5B: 3,600 sq. ft. with at least 1,800 sq. ft. per unit. PLA 5C: 3,600 sq. ft.	20' PLA 5B: 20' ⁶ PLA 5C: 10' PLA 15A: 30' ^{12, 11, 15}	Detached units: PR: 5' PRA, PLA 6B: 5' ¹⁰ PLA 5C: 5' ^{7, 19} Attached or stacked units: PR: 5' ⁹	10' ¹¹ PLA 5B: 10' ^{6, 11} PLA 15A: 10' ^{11, 15}	70% PLA 15A: 80%	PR: 30' above ABE. ^{4, 12, 22} PRA: 35' above ABE. ^{4, 3, 22} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 30' above ABE. ^{3, 11} PLA 6B: 30' above ABE. ^{9, 22} PLA 15A: 30' above ABE. ¹⁴

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USE	Minimum Lot Size	REQUIRED YARD ^s (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear			
	PLA 6B: 3,600 sq. ft. per dwelling unit. PLA 15A: 7,200 sq. ft. with at least 3,600 sq. ft. per unit PLA 17A: 5,000 sq. ft. per unit		PRA: 5' ¹⁰ PLA 5B: 5' ^{3, 4, 10} PLA 5C: 5' ^{3, 7, 10} PLA 6B, PL 17A: 5' ^{3, 10} PLA 15A: 5' ^{3, 15}				
30.30.070	Detached Dwelling Unit PR, PRA: 3,600 sq. ft. ²² PLA 5C, PLA 6B: 3,600 sq. ft. PLA 15A, PLA 17A: 5,000 sq. ft.	20' PLA 15A: 30' ^{12, 23}	5' PLA 15A: 5' ^{3, 23} PLA 17A: 5' ²⁴	10' PLA 15A: See Chapter 83 KZC. ²³	70% PLA 15A: 80%	PR: 30' above ABE. ^{4, 22, 23} PRA: 35' above ABE. ^{4, 5, 22} PLA 5C: 25' above ABE. PLA 6B: 30' above ABE. ^{8, 22} PLA 15A, PLA 17A: 30' above ABE.	
30.30.080	Development containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and Marina	5 acres with no less than 3,100 sq. ft. per dwelling unit. ^{23, 26, 28}	27				
30.30.090	Development Containing Stacked or Attached Dwelling Units and Office Uses	PR, PRA: 3,600 sq. ft. ²¹ PLA 5B: 3,600 sq. ft. with at least 1,800 sq. ft. per unit. PLA 5C: 3,600 sq. ft. PLA 6B: 3,600 sq. ft. per dwelling unit.	20' PLA 5B: 20' ⁴ PLA 5C: 10'	PR: 5' ⁹ PRA: 5' PLA 5B: 5' ^{3, 4, 10} PLA 5C: 5' ^{3, 7, 10} PLA 6B: 5' ^{3, 10}	PR, PRA: 10' PLA 5B: 10' ^{4, 11} PLA 5C, PLA 6B: 10' ¹¹	70%	PR: 30' above ABE. ^{4, 22, 23} PRA: 35' above ABE. ^{4, 5, 22} PLA 5B: 30' above ABE. PLA 5C: 30' above ABE. ^{8, 18} PLA 6B: 30' above ABE. ^{8, 22}
30.30.100	Funeral Home or Mortuary	PO: None PR, PRA: 7,200 sq. ft. ¹⁶ PLA 6B: 7,200 sq. ft.	20'	20'	20'	70%	PO: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 22} PRA: 35' above ABE. ^{4, 5} PLA 6B: 30' above ABE. ^{8, 22}
30.30.110	Government Facility	None	20' PLA 5B: 20' ⁶ PLA 5C: 10' PLA 15A: 30' ¹²	10' PLA 5B: 10' ⁶ PLA 15A: 5' ⁹	10' PO: 20' PLA 5B: 10' ⁶ PLA 15A: See Chapter 83 KZC.	70% PLA 15A, PLA 17A: 80%	PO, PLA 6B: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 22} PRA: 35' above ABE. ^{4, 5} PLA 5B, PLA 17A: 30' above ABE. PLA 5C: 60' above ABE. ^{17, 18} PLA 15A: 30' above ABE. ¹⁹
30.30.120*	Reserved						
30.30.130	Hospital Facility	1 acre	20'	10'	20'	70%	30' above ABE. ⁹

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USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation		
		Front	Side	Rear				
30.30.140	Marina	None	30' ^{12, 10}	5' ^{1, 30}	10' ³⁰	80%	30' above ABE. ^{19, 30}	
30.30.150	Mini-School or Mini-Day-Care Center	3,600 sq. ft. PO: None PR, FRA: 3,600 sq. ft. ² PLA 17A: 7,200 sq. ft.	20' PLA SB: 20' ⁴ PLA SC: 10'	5' ¹ PRA: 5' PLA SB: 5' ^{4, 6} PLA SC: 5' ^{2, 7}	10' PLA SB: 10' ⁴	70% PLA 17A: 80%	PO, PLA 6B: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 12} PRA: 35' above ABE. ^{4, 5} PLA SB, PLA 17A: 30' above ABE. PLA SC: 30' above ABE. ^{4, 14}	
30.30.160	Nursing Home	7,200 sq. ft. PO: None PR, FRA: 7,200 sq. ft. ¹⁴	20' PLA SB: 20' ⁴ PLA SC: 10'	10' PLA SB: 5' ^{4, 6}	10' PO: 20' PLA SB: 10' ⁴	70% PLA 17A: 80%	PO, PLA 6B, PLA 15A: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 12} PRA: 35' above ABE. ^{4, 5} PLA SB, PLA 17A: 30' above ABE. PLA SC: 60' above ABE. ^{17, 18}	
30.30.170	Office Uses	None PLA 6B: 7,200 sq. ft. PLA 17AB: 7,200 sq. ft. per unit	20' PLA SB: 20' ⁴ PLA SC: 10' PLA 15A: 30' ^{12, 11, 15}	5' ¹ PLA SB: 5' ^{4, 6} PRA: 5' PLA SC: 5' ^{2, 7} PLA 15A: 5' ^{2, 13}	10' PLA SB: 10' ⁴ PLA 15A: 10' ¹¹	70% PLA 15A, PLA 17A: 80%	PO: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 12} PRA: 35' above ABE. ^{4, 5} PLA SB, PLA 17A: 30' above ABE. PLA SC: 30' above ABE. ^{9, 14} PLA 6B: 30' above ABE. ^{9, 22} PLA 15A: 30' above ABE. ¹⁴	
30.30.180	Passenger Only Ferry Terminal	None	30' ¹²	5' ¹	See Chapter 83 KZC.	80%	30' above ABE. ^{19, 30}	
30.30.190	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	None	See Chapter 83 KZC.			-	See Chapter 83 KZC.	
30.30.200	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	None	See Chapter 83 KZC.			-	See Chapter 83 KZC.	
30.30.210	Public Access Pier, Public Access Facility, or Boardwalk	None	See Chapter 83 KZC.			-	See Chapter 83 KZC.	
30.30.220	Public Park	Development standards will be determined on a case-by-case basis.						
30.30.230	Public Utility	None	20' PLA SB: 20' ⁴ PLA SC: 10' PLA 15A: 30' ¹²	20' PO: 10' PLA SB: 20' ⁴ PLA 15A: 5' ¹	20' PLA SB: 20' ⁴ PLA SC: 10' PLA 15A: See Chapter 83 KZC.	70% PLA 15A, PLA 17A: 80%	PO, PLA 6B: 30' above ABE. ⁹ PR: 30' above ABE. ^{4, 12} PRA: 35' above ABE. ^{4, 5} PLA SB, PLA 17A: 30' above ABE. PLA SC: 60' above ABE. ^{17, 18}	

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USE	Minimum Lot Size	REQUIRED YARD ^s (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear			
						PLA 15A: 30' above ABE. ¹⁹	
30.30.240	Restaurant or Tavern	PO: None PR, PRA: 7,200 sq. ft. ¹⁴	20'	10'	PO: 20' PR, PRA: 10'	70%	PO: 30' above ABE. ⁹ PR: 30' above ABE. ^{4,12} PRA: 35' above ABE. ^{4,5}
30.30.245*	Retail Establishment including Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop	PO: None ⁹ PR, PRA: 7,200 sq. ft. ^{14,20}	20'	10'	PO: 20' PR, PRA: 10'	70%	PO: 30' above ABE. ⁹ PR: 30' above ABE. ^{4,12} PRA: 35' above ABE. ^{4,5}
30.30.250*	Retail Establishment other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services	7,200 sq. ft. ¹⁴	20'	10'	10'	70%	PR: 30' above ABE. ^{4,12} PRA: 35' above ABE. ^{4,5}
30.30.260*	Retail Establishment providing banking or related financial service	PO: None PR, PRA: 7,200 sq. ft. ¹⁴	20'	10'	PO: 20' PR, PRA: 10'	70%	PO: 30' above ABE. ⁴ PR: 30' above ABE. ^{9,12} PRA: 35' above ABE. ^{4,5}
30.30.270	School or Day-Care Center	7,200 sq. ft. PO: None PR, PRA: 7,200 sq. ft. ¹⁴	20' PLA 5C: 10'	5' PRA: 5' PLA 5C: 5' ^{1,7}	10'	70% PLA 17A: 80%	PO, PLA 6B: 30' above ABE. ^{9,11} PR: 30' above ABE. ^{4,11,12} PRA: 35' above ABE. ^{4,5,11} PLA 5B, PLA 17A: 30' above ABE. ¹¹ PLA 5C: 60' above ABE. ^{12,13}
			PLA 5B: If this use can accommodate 50 or more students or children, then:				
			50'	50'	50'		
			PLA 5B: If this use can accommodate 13 to 49 students or children, then:				
			20'	20'	20'		
30.30.280	Tour Boat	None	30' ¹²	5'	See Chapter 83 KZC.	80%	30' above ABE. ^{19,20}
30.30.290	Water Taxi	None	30' ¹²	5'	See Chapter 83 KZC.	80%	30' above ABE. ^{19,20}
30.30.295	Government Facility Parking Structure	None	PR 1.8 TOD zone: See DD-33 and DS-13			100%	PR 1.8 TOD zone: 60' above ABE.

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USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear			
30.30.300	Transit Oriented Development Containing Attached or Stacked Dwelling Units or Residential Suites	None	PR 1.8 TOD zone; see DD-34, DD-35, and DS-15			80%	PR 1.8 TOD: 85' above ABE ²⁴¹

Density/Dimensions (DD) Special Regulations:

- DD-1. In the PR, PRA, PLA 5B and PLA 6B zones, for density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to one and one-half times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met:
- a. Project is of superior design, and
 - b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.
- DD-2. 8,500 square feet if PR 8.5 zone, 7,200 square feet if PR 7.2 zone, 5,000 square feet if PR 5.0 zone.
- DD-3. Five feet but two side yards must equal at least 15 feet.
- DD-4. If adjoining a low density zone other than RSA or RSX, then 25 feet above ABE.
- DD-5. See KZC 30.10.020(2).
- DD-6. The required yard of any structure abutting a lot containing a low density use within PLA 5A must be increased one foot for each one foot that structure exceeds 20 feet above ABE.
- DD-7. From easterly edge of PLA 5C – 15 feet.
- DD-8.
- a. If the development contains at least one acre, 60 feet above ABE, except for properties within 325 feet of the PLA 5C eastern boundary, then 40 feet above ABE.
 - b. If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.8 acres, 52 feet above ABE.
 - c. If the development is south of 4th Avenue and within 180 feet east of 6th Street, and contains at least 0.4 acres, 40 feet above ABE.
- DD-9. If adjoining a low density zone other than RSX, then 25 feet above ABE.
- DD-10. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet; provided, that this special regulation shall not supersede minimum yard requirements when abutting a lot containing a low density use within the PLA 5A zone.
- DD-11. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot; provided, that this special regulation shall not supersede minimum yard requirements when abutting a lot containing a low density use within the PLA 5A zone.
- DD-12. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:

- a. Within 30 feet of the front property line, each portion of a structure is set back from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
 - b. Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and
 - c. The design of the public use area is specifically approved by the City.
- DD-13. The required front yard for any portion of the structure over 30 feet in height above average building elevation shall be 35 feet. This required front yard cannot be reduced under DD-12 above for a public use area.
- DD-14. Structure height may be increased to 40 feet above ABE if:
- a. Obstruction of views from existing development lying east of Lake Washington Boulevard is minimized; and
 - b. Maximum lot coverage is 80 percent, but shall not include any structure allowed within the required front yard under the General Regulations in KZC 60.170; and
 - c. Maximum building coverage is 50 percent, but shall not include any structure allowed within the required front yard under the General Regulations in KZC 60.170 or any structure below finished grade; and
 - d. A waterfront area developed and open for public use shall be provided with the location and design specifically approved by the City. Public amenities shall be provided, such as nonmotorized watercraft access or a public pier. A public use easement document shall be provided to the City for the public use area, in a form acceptable to the City. The City shall require signs designating the public use area; and
 - e. The required public pedestrian access trail from Lake Washington Boulevard to the shoreline shall have a trail width of at least six feet and shall have a grade separation from the access driveway; and
 - f. No roof top appurtenances, including elevator shafts, roof decks or plantings, with the exception of ground cover material on the roof not to exceed four inches in height, shall be on the roof of the building or within the required view corridors.
- DD-15. The minimum dimension of any yard, other than those listed, is five feet. Any required yard, other than the front required yard, may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached shall provide the minimum required yard.
- DD-16. 8,500 square feet if PR 8.5 zone.
- DD-17. Except for properties within 325 feet of the PLA 5C eastern boundary, then 40 feet above ABE.
- DD-18. For properties abutting PLA 5D, any portion of a building exceeding 30 feet above ABE shall be no closer than 50 feet to the easterly edge of PLA 5C.
- DD-19. Structure height may be increased to 35 feet above ABE if:

- a. The increase does not impair views of the lake from properties east of Lake Washington Boulevard; and
 - b. The increase is offset by a view corridor that is superior to that required by the General Regulations.
- DD-20. 8,500 square feet if PR 8.5 zone, 5,000 square feet if PR 5.0 zone.
- DD-21. With a residential density as established on the Zoning Map. Minimum amount of lot area per dwelling unit is as follows:
- a. In PR 8.5 zones, the minimum lot area per unit is 8,500 square feet.
 - b. In PR 5.0 zones, the minimum lot area per unit is 5,000 square feet.
 - c. In PR 3.6 zones, the minimum lot area per unit is 3,600 square feet.
 - d. In PR 2.4 and PRA 2.4 zones, the minimum lot area per unit is 2,400 square feet.
 - e. In PR 1.8 and PRA 1.8 zones, the minimum lot area per unit is 1,800 square feet.
- DD-22. Where the 25-foot height limitation results solely from an adjoining low density zone occupied by a school that has been allowed to increase its height to at least 30 feet, then a structure height of 30 feet above ABE is allowed.
- DD-23. The minimum dimension of any yard, other than those listed, is five feet.
- DD-24. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.
- DD-25. Part of the unit count allowed in Planned Area 15A may be developed in Planned Area 15B. The maximum permitted number of dwelling units on the subject property in Planned Area 15A is computed using the following formula:
- (The total lot area in square feet divided by 3,100) minus the unit count transferred to Planned Area 15B = the maximum permitted number of dwelling units.
- DD-26. The maximum amount of allowable floor area for nonresidential use is computed using the following formula:
- (The maximum number of dwelling units allowed on the subject property - the number of dwelling units proposed) x the average square footage of the dwelling units = amount of square footage available for nonresidential use.
- DD-27. The City will determine required yards, lot coverage, structure height and landscaping based on the compatibility of development with adjacent uses and the degree to which public access, use and views are provided. Also see Chapter 83 KZC for required shoreline setback.
- DD-28. Subsequent subdivision of an approved Master Plan into smaller lots is permitted; provided, that the required minimum acreage is met for the Master Plan.

DD-29. Gross floor area shall not exceed 3,000 square feet.

DD-30. Landward of the ordinary high water mark.

DD-31. For school use, structure height may be increased, up to 35 feet and 40 feet in PRA zones, if:

- a. The school can accommodate 200 or more students; and
- b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
- c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
- d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

~~*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*~~

DD-32. For that portion of the PR 1.8 zone lying between 120th Avenue NE and 124th Avenue NE, the maximum building height of a structure shall be 60 feet above average building elevation.

DD-33. For a government facility parking structure use in a PR 1.8 TOD zone within the Totem Lake Business District (TLBD) the minimum required yards and where they are measured from shall be as follows:

- a) East: 20'. The required yard may be reduced to 0' (zero feet) if the street level floor of the building contains a commercial use designed with a pedestrian-oriented facade with direct access to 116th Way NE. Facade treatments shall include overhead weather protection, public spaces with seating, landscaping, and art, and transparent storefronts. The required yard shall be measured from the 116th Way NE right-of-way.
- b) South: 45'. The 45' required yard shall be measured from the common property line between the TOD zone and the adjoining RM 1.8 zone.
- c) West: 50'. The 50' required yard shall be measured from the common property line between the TOD zone and the adjoining RSX 7.2 zone.
- d) North: 0'. Along common property line with TOD.

DD-34. For transit oriented development containing attached or stacked dwelling units or residential suites use in a PR 1.8 TOD zone within the Totem Lake Business District (TLBD), the minimum required yards and where they are measured from shall be as follows:

- a. East: 20': The Design Review Board may approve a reduction of the east required yard along 116th Way NE to 0' (zero feet) for portions of the structure where the street floor of the building contains:
 - 1) Commercial use is designed with a pedestrian-oriented facade with direct access to 116th Way NE. Facade treatments shall include overhead weather protection; public spaces with seating, landscaping, and art; and transparent storefronts; or

- 2) Residential uses or lobbies that incorporate front entries, porches, and stoops oriented to 116th Way NE.
 - b. South: 10' along common property line with TOD.
 - c. West: 50' See Special Regulation DS-15.
 - d. North: 20'.

DD-35 For transit oriented development containing attached or stacked dwelling units or residential suites use in a PR 1.8 TOD zone within the Totem Lake Business District (TLBD), no portion of a structure located within 10' of the east property line shall exceed 45' above average building elevation.

(Ord. 4733 § 1, 2020; Ord. 4514 § 1, 2016; Ord. 4476 § 2, 2015)

*Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.

ATTACHMENT 1

Chapter 35 – COMMERCIAL ZONES
(NOTE: only the amended subsections are shown)

35.30 Density/Dimensions

Density/Dimensions Table – Commercial Zones (BN, BNA, FHNC, BC 1, BC 2, BCX, HENC 1, HENC 3)

(Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE	Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.010	Assisted Living Facility	BN: None ¹ BNA: None ^{2,3} FHNC: None ³ BC 1, BC 2, HENC 1, HENC 3: None ¹ BCX: None	BN, BNA: ⁴ FHNC: ^{4,19} BC 1, BC 2: ^{4,5} BCX: ⁴ HENC 1, HENC 3: ^{4,20}			
35.30.020*	Attached or Stacked Dwelling Units	BN, BNA: None ^{2,7} FHNC: None ³ BCX, HENC 1, HENC 3: None ¹⁶ BC 1, BC 2: None ¹⁶	BN, BNA, BC 1, BC 2: ⁴ FHNC: ^{4,19} HENC 1, HENC 3: ^{4,20} BCX: ⁴			
35.30.030*	Reserved					
35.30.040	Church	None	10' BN: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80% BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. ⁴ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.050	Community Facility	None	10' BN: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80% BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. ⁴ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.060	Convalescent Center	None	10' BN: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80% BNA: 35' above ABE. ^{9,10} BC 1, BC 2: ¹¹ FHNC: ¹⁹ BCX: 30' above ABE. ⁴ HENC 1, HENC 3: 30' above ABE. ²⁰

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USE		Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
35.30.070	Entertainment, Cultural and/or Recreational Facility	None BN, BNA: None ¹²	10' BCX: 0'	BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	80% ²¹	BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} FHNC: 19' BC 1, BC 2: 11' BCX: 30' above ABE. ⁴ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.080	Government Facility	None	10' BN: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} FHNC: 19' BC 1, BC 2: 11' BCX: 30' above ABE. ⁴ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.090	Hotel or Motel	None	10'	BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0' FHNC: 10'	BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0' FHNC: 10'	80%	FHNC: 19' BC 1, BC 2: 11' BCX: 30' above ABE. ⁴ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.100	Mini-School or Mini-Day-Care Center	None	10' BN: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} FHNC: 19' BC 1, BC 2: 11' BCX: 30' above ABE. ⁴ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.110	Nursing Home	None	10' BN: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} FHNC: 19' BC 1, BC 2: 11' BCX: 30' above ABE. ⁴ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.120	Office Use	None	10' BN: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} FHNC: 19' BC 1, BC 2: 11' BCX: 30' above ABE. ⁴ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.130	Private Lodge or Club	None	10' BN: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴	80%	BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} FHNC: 19' BC 1, BC 2: 11' BCX: 30' above ABE. ⁴

ATTACHMENT 1

USE	Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear			
				BCX, HENC 1, HENC 3: 0'		HENC 1, HENC 3: 30' above ABE. ²⁰	
35.30.140	Public Park	Development standards will be determined on a case-by-case basis.					
35.30.150	Public Utility	None	10' BN: 20'	BN, BNA, FHNC: 20' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 20' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} FHNC: 19' BC 1, BC 2: 11' BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.160	Restaurant or Tavern	None BN, BNA, HENC 1, HENC 3: None ¹²	10' BN, HENC 1, HENC 3: 0' BCX: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	80% ²¹	BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} FHNC: 19' BC 1, BC 2: 11' BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	None	BCX: 20' FHNC, BC 1, BC 2: 10' HENC 1, HENC 3: 0'	BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0' FHNC: 10'	BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0' FHNC: 10'	80% ²¹	FHNC: 19' BC 1, BC 2: 11' BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.180*	Retail Establishment providing banking and related financial services	None BN, BNA, HENC 1, HENC 3: None ¹²	BN, HENC 1, HENC 3: 0' BCX: 20' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	80% ²¹	BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} FHNC: 19' BC 1, BC 2: 11' BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.190*	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	None BN, BNA, HENC 1, HENC 3: None ¹²	BN, HENC 1, HENC 3: 0' BCX: 0' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁴ BCX, HENC 1, HENC 3: 0'	80% ²¹	BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} FHNC: 19' BC 1, BC 2: 11' BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.200	Retail Establishment providing storage services	None	HENC 1, HENC 3: 10'	HENC 1, HENC 3: 0'	HENC 1, HENC 3: 0'	80%	HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	None	BC 1, BC 2: 10'	BC 1, BC 2: 0' ⁴	BC 1, BC 2: 0' ⁴	80%	BC 1, BC 2: 11'

ATTACHMENT 1

USE	Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear			
35.30.220*	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	None BN, BNA: None ¹⁴	BN, HENC 1, HENC 3: 0' BCX: 0' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^d BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^d BCX, HENC 1, HENC 3: 0'	80% ²¹	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.230*	Retail Establishment selling groceries and related items	None BN, BNA: None ¹⁴	BN, HENC 1, HENC 3: 0' BCX: 0' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^d BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^d BCX, HENC 1, HENC 3: 0'	80% ²¹	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.240*	Retail Variety or Department Store	None BN, BNA: None ¹⁴	BN, HENC 1, HENC 3: 0' BCX: 0' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^d BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^d BCX, HENC 1, HENC 3: 0'	80% ²¹	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.250	School or Day-Care Center	None	BN: 0' BNA, FHNC, BC 1, BC 2, BCX, HENC 1, HENC 3: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^d BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ^d BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9, 10, 15} BNA: 35' above ABE. ^{9, 10, 15} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.260*	Reserved						
35.30.270	Vehicle Service Station	22,500 sq. ft.	40'	15'	15'	80%	BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰

Density/Dimensions (DD) Special Regulations:

- DD-1. In BC 1, BC 2 and HENC 1, subject to density limits listed for attached and stacked dwelling units. For density purposes, two assisted living units constitute one dwelling unit.
- DD-2. In the BNA zone and in the FHNC zone for properties containing less than five acres, the gross floor area of this use shall not exceed 50 percent of the total gross floor area on the subject property.
- DD-3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property.
- DD-4. Same as the regulations for the ground floor use.
- DD-5. See KZC 35.10.030(2).
- DD-6. See KZC 35.10.040.
- DD-7. The minimum amount of lot area per dwelling unit is as follows:
 - a. In the BN zone, 900 square feet.
 - b. In the BNA zone:
 - i. North of NE 140th Street, 1,800 square feet.
 - ii. South of NE 124th Street, 2,400 square feet.
- DD-8. See KZC 35.10.030(4) and (5).
- DD-9. If adjoining a low density zone other than RSX or RSA, then 25 feet above ABE.
- DD-10. See KZC 35.10.020(1)(b).
- DD-11. See KZC 35.10.030(5) and (6).
- DD-12. Gross floor area for this use may not exceed 10,000 square feet, except in the BN zone the limit shall be 4,000 square feet.
- DD-13. Reserved.
- DD-14. The gross floor area for this use may not exceed 10,000 square feet. Exceptions:
 - a. Retail establishments selling groceries and related items in the BNA zone are not subject to this limit.
 - b. In the BN zone, the limit shall be 4,000 square feet.
- DD-15. For school use, structure height may be increased, up to 35 feet, if:
 - a. The school can accommodate 200 or more students; and

- b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
- c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.
- d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

~~*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*~~

DD-16. Nine hundred square feet per unit in BC 1 and BC 2.

DD-17. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.

DD-18. See KZC 35.10.050(2).

DD-19. See KZC 35.10.050.

DD-20. See KZC 35.10.060.

DD-21. In the BCX zone, where this use is the ground floor of a mixed use development, 100 percent lot coverage applies to the entire development.

(Ord. 4784 § 1, 2022; Ord. 4749 § 1, 2021; Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4476 § 2, 2015)

**Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.*

Chapter 45 – INSTITUTIONAL ZONES
(NOTE: only the amended subsections are shown)

45.50 Public Park

1. Any development or use of a park must be reviewed by the Parks and Community Services Director.
2. ~~Any development or use of a park proposed within the Houghton Community Municipal Corporation that involves any of the following shall be reviewed through a community review process with a public hearing conducted by the Houghton Community Council:~~
 - a. ~~Lighting for outdoor nighttime activities;~~
 - b. ~~The construction of any building of more than 4,000 square feet;~~
 - c. ~~The construction of more than 20 parking stalls;~~
 - d. ~~The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment.~~

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

(Ord. 4703 § 1, 2019; Ord. 4476 § 2, 2015)

45.60 Private College and Related Facilities

1. The Master Plan, approved by Resolution R-4203, includes a site plan, which is on file with the City. That site plan is, by reference, incorporated as a part of this code as it pertains to the location, configuration and nature of improvements in the PLA 1 zone.
2. In addition to the site plan referenced above, the adopted Master Plan includes the following special regulations:
 - a. Future development permits shall be reviewed by the Planning and Building Director to ensure consistency with the Master Plan.
 - b. The applicant shall indicate all site improvements and landscaping for the areas to be affected by construction which are proposed to accompany the construction of each facility. The Planning and Building Director shall have the authority to require implementation of these related elements of the Master Plan at such time new facilities, structures or additions are being constructed.
 - c. At the time of application for development of the married student housing information relating to the degree of cutting and filling necessitated shall be provided. Plans for stabilization of nearby slopes shall be included in this information. This information shall indicate to what extent the drainage conditions on the eastern portion of the campus will be disturbed, and what measures will be taken to insure that surrounding properties will not be adversely affected by alternate drainage patterns.
 - d. A 30-foot-wide landscape buffer planted as follows:
 - 1) Two rows of trees planted eight feet on center along the entire length of the buffer. No more than 50 percent of the required trees may be deciduous. At the time of planting, deciduous trees must be at least two inches in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least five feet in height.
 - 2) Shrubs, 18 inches high, planted to attain coverage of at least 60 percent of the buffer area within two years.
 - 3) The buffer shall be provided around the campus perimeter, except along 108th Ave. NE, 114th Ave. NE, I-405, and between on-campus duplex housing and adjacent single-family sites or I-405. The buffer shall incorporate all existing significant trees and vegetation. Where fencing is proposed, it shall be wood, unless alternative fencing is requested in writing by the adjacent neighbor and agreed to by the applicant.

- e. A 15-foot-wide landscape buffer planted pursuant to the requirements of subsections (d)(1) and (2) of this section shall be provided between on-campus duplex housing and adjacent single-family sites. The buffer shall incorporate all existing significant trees and vegetation.
- f. New construction of buildings and parking areas shall preserve existing significant trees to the maximum extent possible.
- g. Storm drainage plans shall accompany any applications for development permits. Said plans shall comply with the requirements of KMC Title 15.
- h. Development permits for additional parking areas shall include a lighting plan for review and approval by the Planning and Building Director. The lighting shall be directed such that it does not negatively impact adjacent residential areas.
- i. All main interior streets shall maintain a driving width of 24 feet plus curb and gutter improvements on both sides of the streets, for a total of 28 feet. Widths of, and improvements to secondary streets and service roads, shall be subject to the review and approval of the Planning and Building Director. It will be necessary for secondary streets and service roads to provide adequate clearance for emergency vehicle access.
- j. The location, material and design of any walkway within the campus shall be at the discretion of the College and its representatives, but will be reviewed by the Planning and Building Director; provided, that the pedestrian/bicycle path in 114th Ave. NE shall be asphalt or concrete, eight feet wide.
- k. The "NO PARKING" signs along 110th Avenue NE, east of the men's dormitory, shall remain indefinitely, to discourage future parking along this street.
- l. Within 30 feet of all outer edges of the campus (except along 108th Ave. NE, 114th Ave. NE, and I-405), no institutional uses or new parking areas are permitted, including any future redevelopment of the maintenance buildings.
- m. The housing unit, south of Gairloch, and west of 114th Ave. NE, shall be separated from abutting properties to the north and east by a dense vegetative buffer of not less than 30 feet.
- n. Parking lots shall include landscaping islands as required by Chapter 105 KZC.
- o. Where adjacent to existing single-family residences, existing campus roadways and parking areas shall be landscaped as much as possible in the space available to provide a visual screen of the roadways and parking areas from the nearby residences. The amount and type of landscaping shall be subject to the review and approval of the Planning and Building Director. An effort shall be made to reduce the amount of asphalt surfacing wherever possible.
- p. Construction of the proposed clock tower shall be subject to the issuance of a Process IIB Permit, to be reviewed by ~~the Houghton Community Council~~, the Kirkland Hearing Examiner and the Kirkland City Council.
- q. The two westernmost campus access drives (adjacent to the Seventh Day Adventist Church and opposite 111th Ave. NE) shall be closed to general vehicle use. The driveway serving The Firs married student housing shall be relocated to lie within the 114th Ave. NE right-of-way.
- r. The District Office shall have only one access point from 108th Avenue NE.
- s. New buildings or building expansions must conform with design guidelines as adopted as part of the Master Plan.
- t. The City is authorized to implement measures, identified in the approved Master Plan, to protect the surrounding neighborhood from parking impacts.
- u. For other regulations applicable to this use, see the Master Plan approved under Resolution R-4203.

v. Structure height shall not exceed 30 feet above average building elevation if located within 100 feet of the campus perimeter, or 40 feet above average building elevation if located greater than 100 feet from the campus perimeter.

3. Deviations from the approved Master Plan may be administratively approved by the Planning and Building Director:

a. Unless:

- 1) There is a change in the use and the Zoning Code establishes different or more rigorous standards for the new use than for the existing use.
- 2) The Planning and Building Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change; and

b. The proposed modification or deviation satisfies all of the following:

- 1) No vehicular ingress or egress from surrounding streets may be changed.
- 2) No roadways, parking lots or structures within 100 feet of the site perimeter may be shifted toward the perimeters. Any other shifting or improvements shall be consistent with the design concept of the College.
- 3) No buffers shown in the approved site plan may be reduced, unless specifically authorized by some other special regulation.
- 4) Reconfigurations of the footprint of the structures shown in the approved plan may be permitted; provided, that such changes are not apparent off-site and do not increase building height.
- 5) Minor new structures not shown on the approved site plan may be permitted; provided, that they are at least 200 feet from the site perimeter, are not apparent from off-site and do not require the significant shifting of roadways, parking areas or other improvements.

~~e. The Planning and Building Director shall notify the Houghton Community Council in writing, at least 40 days before issuance of a decision on a request for a modification of the Master Plan.~~

dc. A Process IIB zoning permit review process is required:

- 1) For any change to the Master Plan that does not meet the above criteria;
- 2) For leasing of any campus facilities to long-term tenants;
- 3) For any increase in student population above 1,200; or
- 4) For a change in all or any part of the Seahawks facility to a use other than a professional football team office and practice facility.

(Ord. 4476 § 2, 2015)

**Chapter 90 – CRITICAL AREAS: WETLANDS, STREAMS,
MINOR LAKES, FISH AND WILDLIFE HABITAT
CONSERVATION AREAS, AND FREQUENTLY FLOODED
AREAS**

(NOTE: only the amended subsections are shown)

90.180 Reasonable Use Exception*

~~A—(Not effective within the Houghton Community Municipal Corporation)~~

1. Purpose – The purpose of the reasonable use exception is to:
 - a. Provide the City with a mechanism to approve limited use and disturbance of a critical area and critical area buffer when strict application of this chapter would deny all economically viable use of the subject property;
 - b. Establish guidelines and standards for the exercise of this authority adjusted to the specific conditions of each subject property; and
 - c. Protect the public health, welfare and safety of the citizens of Kirkland.
2. Reasonable Use – Reasonable use is a legal concept that has been articulated by federal and state courts in regulatory takings cases. Regulatory takings analysis begins with the premise that landowners do not have the right to use their property in a manner that injures the public interest. However, when not injuring the public interest, a landowner should not be forced to solely bear the economic burden of conferring a benefit upon the public, the cost of which rightfully should be spread over the entire community. When a regulation restricts an owner's use of property but advances legitimate public interests, such as the protection of critical areas and buffers as required by the Growth Management Act, RCW 36.70A.130(1), the City evaluates the potential for takings using the following three (3) factors: (1) the regulation's economic impact on the property, (2) the extent of the regulation's interference with investment-backed expectations, and (3) the character of the government action.
3. Reasonable Use Process – If the strict application of this chapter would preclude all reasonable use of the subject property, an owner of the subject property may apply for a reasonable use exception. The application shall be considered under Process I of Chapter 145 KZC.
4. Submittal Requirements – As part of the reasonable use exception request application the applicant shall submit a critical area report pursuant to KZC 90.110, prepared by a qualified critical area professional approved by the City, and also fund peer review of this report by the City's consultant. The report shall include the following:
 - a. For a wetland, the additional report information requirements specified in KZC 90.110(5). For a stream, the additional report information requirements specified in KZC 90.110(6);
 - b. An analysis of whether any other reasonable use with less impact on the critical area and critical area buffer is possible;
 - c. Site design and construction staging of the proposal shall have the least impact to the critical area and critical area buffer;
 - d. A site plan showing:
 - 1) The critical area, critical area buffer and structure setback required by this chapter;
 - 2) The proposed area of disturbance both on and off the subject property pursuant to the disturbance area limitations of subsection (5)(c) of this section;
 - 3) All proposed structures and improvements meeting the conditions of subsection (5) of this section, including:
 - a) Building footprints, including garages;
 - b) Parking areas;
 - c) Driveways;
 - d) Paved surfaces, such as walking paths;

- e) Patios, decks and similar structures;
 - f) Utility and storm water improvements;
 - g) Yard landscaping;
 - h) Retaining walls and rockeries;
- e. A description of protective measures that will be undertaken, such as siltation curtains, compost berms and other siltation prevention measures, and a schedule of the construction activity to avoid interference with wildlife and fisheries rearing, nesting or spawning activities;
- f. An analysis of the impact that the proposed development would have on the critical area and the critical area buffer;
- g. An illustration of how the proposal mitigates for impacts to the critical area and critical area buffers;
- h. An illustration of how the proposal minimizes to the greatest extent possible net loss of critical area functions;
- i. An analysis of whether the improvement is located away from the critical area and the critical area buffer to the greatest extent possible; and
- j. Such other information or studies as the Planning Official may reasonably require.
5. Allowed Use and Maximum Disturbance Limits – Allowed uses and maximum disturbance limits under a reasonable use exception are as follows:
- a. The following land uses may be proposed with a reasonable use exception:
 - 1) Residential zones – one (1) single-family dwelling with a footprint no larger than 750 square feet and a maximum gross floor area of 1,500 square feet, including cantilevered areas, and attached garage not to exceed a footprint and gross floor area of 250 square feet. If no garage is provided, the square footage of garage uses cannot be allocated to the square footage allowances for the primary residence;
 - 2) Commercial or Office zones – office or retail space, subject to the following parameters, with a footprint no larger than 750 square feet and a maximum gross floor area of 1,500 square feet, including cantilevered areas, and attached garage not to exceed a footprint and gross floor area of 250 square feet. If no garage is provided, the square footage of garage uses cannot be allocated to square footage allowances for the commercial or office use:
 - a) An office use, except veterinary offices with outdoor facilities; and
 - b) A limited retail establishment, excluding restaurants and taverns, gas stations, vehicle or boat sales, service or repair, car washes, drive-thru, outdoor seating area and storage.
 - c) In order to limit disturbance and impacts to the critical area and buffer these uses shall:
 - (1) Locate parking on the opposite side of the building from the critical area; and
 - (2) Limit hours of operation to between 8:00 a.m. and 11:00 p.m.
 - b. For purposes of this section, “site” means the subject property, abutting lots, and adjacent right-of-way. The maximum amount of site area that may be disturbed by structure placement and all land alteration associated with the proposed development activity, including but not limited to land surface modification, utility installation, and installation of decks, driveways, paved areas, and landscaping, shall not exceed the following limits:
 - 1) The maximum amount of disturbance shall be limited to building footprints, the minimum walkways and driveways needed to access the property, associated utilities, and a 10-foot buffer around the building

footprint. The location of allowable disturbance shall be that which will have the least impact on the critical area and the critical area buffer given the characteristics and context of the site, critical area, and critical area buffer.

- 2) If the subject property contains 6,000 square feet of area or less, the maximum amount of disturbance shall not exceed 50 percent of the site.
- 3) If the subject property contains more than 6,000 square feet but less than 30,000 square feet, the maximum amount of disturbance shall not exceed 3,000 square feet.
- 4) For the subject property containing 30,000 square feet or more, the maximum amount of disturbance shall be between 3,000 square feet and 10 percent of the lot area, to be determined by the City on a case-by-case basis.
- 5) Public improvements within the right-of-way required by Chapter 110 KZC (for example, required curb, gutter and sidewalk improvements) are not counted in the maximum amount of disturbance. The City shall allow or require modifications to the public improvement standards that minimize the impact to the critical area and buffer and any impacts associated with required public improvements shall be mitigated by the applicant.
- 6) The portion of a driveway located within an improved right-of-way is not counted in the maximum amount of disturbance. However, a driveway or any other private improvement located in an unimproved right-of-way shall be counted in the maximum amount of disturbance. See subsection (8)(a)(2) of this section for calculating the disturbance of on-site driveways.

The applicant shall fund peer review of the proposed maximum amount of disturbance by the City's consultant.

- c. The exemptions in KZC 115.42 do not apply to the square footage limitations in this subsection.
6. Decisional Criteria – The City may approve applications for reasonable use exceptions only if all of the following criteria are met:
- a. There is no feasible alternative to the proposed activities and uses on the subject property, including reduction in size, density or intensity, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations that would allow a reasonable economic use with less adverse impacts to the critical area and critical area buffer.
 - b. The proposal is compatible in design, scale and use with other legally established development in the immediate vicinity of the subject property in the same zone.
 - c. The proposal utilizes to the maximum extent possible innovative construction, design, and development techniques that minimize to the greatest extent possible net loss of critical area functions and values, including pin construction, vegetated roofs, and pervious surfaces.
 - d. The proposed development does not pose an unacceptable threat to the public health, safety, or welfare on or off the subject property.
 - e. The proposal meets the mitigation, maintenance, and monitoring requirements of this chapter.
 - f. The proposed development is on a lot meeting the criteria of KZC 115.80, Legal Building Site.
 - g. The inability to derive reasonable use is not the result of the applicant's actions or that of previous property owners, such as by altering lot lines pursuant to Chapter 22 KMC that results in an undevelopable condition.
 - h. The granting of the exception will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures under similar circumstances.

7. **Process for Extraordinary Circumstances** – If, due to extraordinary circumstances, the allowed use and maximum disturbance limits specified in subsection (5) of this section would preclude all reasonable use of a site, an owner of real property may apply to exceed those limits. The application shall be considered under Process IIA of Chapter 150 KZC. In addition to the criteria in subsection (6) of this section and Chapter 150 KZC, the Hearing Examiner shall take into account the restrictive regulation's economic impact on the property, the extent of the regulation's interference with reasonable investment-backed expectations, and the character of the government action. An applicant may apply to exceed the allowed use and maximum disturbance limits specified in subsection (5) of this section even if the applicant acquired an interest in the property after enactment of the restrictive regulations, but the extent of the regulation's interference with reasonable investment-backed expectations shall be considered in light of the regulations that existed at the time the applicant acquired an interest in the property.

8. **Modifications and Conditions** – The City shall include any conditions and restrictions in the written decision that the City determines are necessary to eliminate or minimize any undesirable effects of approving the proposal. To provide reasonable use of the subject property and reduce the impact on the critical area and critical area buffer, the Planning and Building Director pursuant to a Process I under Chapter 145 KZC or Hearing Examiner pursuant to a Process IIA under Chapter 150 KZC is authorized to approve the following modifications:

a. **Residential**

- 1) Where the applicant demonstrates that the residential development cannot meet the City's code requirements without encroaching into the critical area or critical area buffer:
 - a) The required front yard may be reduced by up to 50 percent; provided, that a minimum 18.5-foot-long parking pad between the structure and the lot line is provided; and
 - b) The required side and rear yards may be reduced to five (5) feet in width.
- 2) The portion of a driveway exceeding 30 feet in length may be exempt from the calculation of the permitted disturbance area; provided, that the driveway length is the minimum necessary to provide access to the building.
- 3) The structure setback from a critical area buffer pursuant to KZC 90.140 may be reduced to five (5) feet in width; provided, that those improvements allowed in this area are limited to:
 - a) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies, and decks above the ground floor extending no more than 18 inches into the structure setback;
 - b) Benches, walkways, paths and pedestrian bridges extending no more than four (4) feet into the structure setback;
 - c) Garden sculpture, light fixtures, trellises and similar decorative structures extending no more than four (4) feet in width into structure setback; and
 - d) Nonnative and native landscaping.
- 4) The garage width requirements of KZC 115.43 for detached dwelling units in low-density zones may be waived.
- 5) The maximum height of structures may be increased up to five (5) feet if needed to reduce the slope of a driveway to a structure based on existing grade. The applicant must demonstrate that the additional height is needed to reduce the steepness of the slope and no other option is available.

b. **Nonresidential** – Where the applicant demonstrates that the nonresidential development cannot meet the City's code requirements without encroaching into the critical area or critical area buffer:

- 1) The required front yard may be reduced by up to 50 percent.

- 2) The structure setback from a critical area buffer may be reduced by five (5) feet in width; provided, that those improvements allowed in this area are limited to:
 - a) Chimneys, bay windows, eaves, cornices, awnings and canopies;
 - b) Benches, walkways, paths and pedestrian bridges extending no more than four (4) feet into the structure setback;
 - c) Light fixtures, trellises and similar decorative structures extending no more than four (4) feet into the structure setback; and
 - d) Nonnative and native landscaping.
- 3) The maximum height of structures may be increased up to five (5) feet if needed to reduce the slope of a driveway to a structure based on existing grade. The applicant must demonstrate that the additional height is needed to reduce the steepness of the slope and no other option is available.
- 4) The portion of a driveway exceeding 30 feet in length may be exempt from the calculation of the permitted site disturbance area; provided, that the driveway length is the minimum necessary to provide access to the building.

9. Lapse of Approval

- a. The reasonable use exception approval expires and is void if the applicant fails to file a complete building permit application within five (5) years of the final decision granting or approving the exception. However, in the event judicial review is initiated per KZC 145.110, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. "Final decision" means the final decision of the Planning and Building Director; and
- b. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within seven (7) years after the final approval on the matter, or the decision becomes void, excluding any applicable tolling period as described in subsection (9)(a) of this section.

10. Complete Compliance Required

- a. General – Except as specified in subsection (8)(b) of this section, the applicant must comply with all aspects, including conditions and restrictions, of an approval granted under this chapter in order to construct the improvements authorized by the approval.
- b. Exception: Subsequent Modification – The Planning Official may approve a subsequent modification to a specific use and site plan that has been approved through the reasonable use exception, provided the change meets the standards of this chapter. Otherwise, the applicant is required to apply for and obtain approval through a Process I pursuant to Chapter 145 KZC for a new reasonable use exception.

~~B (Effective within the Houghton Community Municipal Corporation)~~

- ~~1. Purpose – The purpose of the reasonable use exception is to:

 - ~~a. Provide the City with a mechanism to approve limited use and disturbance of a critical area and critical area buffer when strict application of this chapter would deny all economically viable use of the subject property;~~
 - ~~b. Establish guidelines and standards for the exercise of this authority adjusted to the specific conditions of each subject property; and~~
 - ~~c. Protect public health, welfare and safety of the citizens of Kirkland.~~~~

~~2. — Reasonable Use — Reasonable use is a legal concept that has been articulated by federal and state courts in regulatory takings cases. In a takings case, the decision-maker must balance the public benefit against the owner's interests by considering the nature of the harm the regulation is intended to prevent, the availability and effectiveness of alternative measures, and the economic loss borne by the owner. Public benefit factors include the seriousness of the harm to be prevented, the extent to which the land involved contributes to the harm, the degree to which the regulation solves the problem, and the feasibility of less oppressive solutions.~~

~~3. — Reasonable Use Process — If the strict application of this chapter would preclude all reasonable use of the subject property, an owner of the subject property may apply for a reasonable use exception. The application shall be considered under Process 1 of Chapter 145 KZC.~~

~~4. — Submittal Requirements — As part of the reasonable use exception request application the applicant shall submit a critical area report pursuant to KZC 90.110, prepared by a qualified critical area professional approved by the City, and also fund peer review of this report by the City's consultant. The report shall include the following:~~

~~a. — For a wetland, the additional report information requirements specified in KZC 90.110(5). For a stream, the additional report information requirements specified in KZC 90.110(6);~~

~~b. — An analysis of whether any other reasonable use with less impact on the critical area and critical area buffer is possible;~~

~~c. — Site design and construction staging of the proposal shall have the least impact to the critical area and critical area buffer;~~

~~d. — A site plan showing:~~

~~1) — The critical area, critical area buffer and structure setback required by this chapter;~~

~~2) — The proposed area of disturbance both on and off the subject property pursuant to the disturbance-area limitations of subsection (5)(e) of this section;~~

~~3) — The footprint of all proposed structures and improvements meeting the conditions of subsection (5) of this section, including:~~

~~a) — Buildings;~~

~~b) — Garages and parking areas;~~

~~c) — Driveways;~~

~~d) — Paved surfaces, such as walking paths;~~

~~e) — Patios, decks and similar structures;~~

~~f) — Utility and storm water improvements;~~

~~g) — Yard landscaping;~~

~~h) — Retaining walls and rockeries;~~

~~e. — A description of protective measures that will be undertaken, such as siltation curtains, compost berms and other siltation prevention measures, and scheduling the construction activity to avoid interference with wildlife and fisheries rearing, nesting or spawning activities;~~

~~f. — An analysis of the impact that the proposed development would have on the critical area and the critical area buffer;~~

~~g. — How the proposal mitigates for impacts to the critical areas and buffers;~~

- h. ~~How the proposal minimizes to the greatest extent possible net loss of critical area functions;~~
- i. ~~Whether the improvement is located away from the critical area and the critical area buffer to the greatest extent possible; and~~
- j. ~~Such other information or studies as the Planning Official may reasonably require.~~
5. ~~Decisional Criteria~~ For purposes of this section, "site" means the area of disturbance on the subject property, on abutting lots, and/or within the right of way. The City shall approve applications for reasonable use exceptions only if all of the following criteria are met:
- a. ~~The following land uses may be proposed with a reasonable use exception:~~
- 1) ~~Residential zones one (1) single family dwelling;~~
 - 2) ~~An office use, except veterinary offices with outdoor facilities; and~~
 - 3) ~~A limited retail establishment, excluding restaurants and taverns, gas stations, vehicle or boat sales, service or repair, car washes, drive thru, outdoor seating area and storage. In order to limit disturbance and impacts to the critical area and buffer these uses shall:~~
 - (a) ~~Locate parking on the opposite side of the building from the critical area; and~~
 - (b) ~~Limit hours of operation to between 8:00 a.m. and 11:00 p.m.~~
- b. ~~There is no feasible alternative to the proposed activities and uses on the subject property, including reduction in size, density or intensity, phasing of project implementation, change in timing of activities, revision of road and lot layout, and/or related site planning considerations that would allow a reasonable economic use with less adverse impacts to the critical area and buffer.~~
- e. ~~Unless the applicant can demonstrate unique circumstances related to the subject property, the amount of site area that will be disturbed by structure placement and all land alteration associated with the proposed development activity, including but not limited to land surface modification, utility installation, decks, driveways, paved areas, and landscaping, shall not exceed the following limits:~~
- 1) ~~If the subject property contains 6,000 square feet of area or less, no more than 50 percent of the site may be disturbed.~~
 - 2) ~~If the subject property contains more than 6,000 square feet but less than 30,000 square feet, no more than 3,000 square feet may be disturbed.~~
 - 3) ~~For the subject property containing 30,000 square feet or more, the maximum allowable site disturbance shall be between 3,000 square feet and 10 percent of the lot area, to be determined by the City on a case-by-case basis.~~
 - 4) ~~The amount of allowable disturbance shall be that which will have the least impact on the critical area and the critical area buffer given the characteristics and context of the subject property, critical area, and buffer.~~
 - 5) ~~Public improvements within the right of way required by Chapter 110 KZC (for example required curb, gutter and sidewalk improvements) are not counted in the maximum allowable area of site disturbance. The City shall allow or require modifications to the public improvement standards that minimize the impact to the critical area and buffer and any impacts associated with required public improvements shall be mitigated by the applicant.~~
 - 6) ~~The portion of a driveway located within an improved right of way is not counted in the maximum allowable area of site disturbance. However, a driveway or any other private improvement located in an~~

~~unimproved right of way shall be counted in the maximum allowable area of site disturbance. See subsection (6)(a)(2) of this section for modification to calculating on-site driveways.~~

~~The applicant shall pay for a qualified critical area professional, approved by the City, to assist with the City's determination of the appropriate limit for disturbance.~~

~~d. The proposal is compatible in design, scale and use with other legally established development in the immediate vicinity of the subject property in the same zone and with similar critical area site constraints.~~

~~e. The proposal utilizes to the maximum extent possible innovative construction, design, and development techniques that minimize to the greatest extent possible net loss of critical area functions and values, including pin construction, vegetated roofs, and pervious surfaces.~~

~~f. The proposed development does not pose an unacceptable threat to the public health, safety, or welfare on or off the subject property.~~

~~g. The proposal meets the mitigation, maintenance, and monitoring requirements of this chapter.~~

~~h. The proposed development is on a lot meeting the criteria of KZC 115.80, Legal Building Site.~~

~~i. The inability to derive reasonable use is not the result of the applicant's actions or that of previous property owners, such as by altering lot lines pursuant to Chapter 22 KMC that results in an undevelopable condition.~~

~~j. The granting of the exception will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures under similar circumstances.~~

~~6. Modifications and Conditions—The City shall include any conditions and restrictions in the written decision that the City determines are necessary to eliminate or minimize any undesirable effects of approving the proposal. To provide reasonable use of the subject property and reduce the impact on the critical area and critical area buffer, the Planning and Building Director pursuant to a Process I under Chapter 145 KZC is authorized to approve the following modifications:~~

~~a. Residential~~

~~1) Where the applicant demonstrates that the residential development cannot meet the City's code requirements without encroaching into the critical area or critical area buffer:~~

~~a) The required front yard may be reduced by up to 50 percent; provided, that a minimum of 18.5-foot long parking pad between the structure and the lot line is provided; and~~

~~b) The required side and rear yards may be reduced to five (5) feet in width.~~

~~2) The portion of a driveway exceeding 30 feet in length may be exempt from the calculation of the permitted disturbance area; provided, that the driveway length is the minimum necessary to provide access to the building.~~

~~3) The structure setback from a critical area buffer pursuant to KZC 90.140 may be reduced to five (5) feet in width; provided, that those improvements allowed in this area are limited to:~~

~~a) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies, and decks above the ground floor extending no more than 18 inches into the structure setback;~~

~~b) Benches, walkways, paths and pedestrian bridges extending no more than four (4) feet into the structure setback;~~

~~e) Garden sculpture, light fixtures, trellises and similar decorative structures extending no more than four (4) feet in width into structure setback; and~~

d) ~~Nonnative and native landscaping.~~

4) ~~The garage width requirements of KZC 115.43 for detached dwelling units in low density zones may be waived.~~

5) ~~The maximum height of structures may be increased up to five (5) feet if needed to reduce the slope of a driveway to a structure based on existing grade. The applicant must demonstrate that the additional height is needed to reduce the steepness of the slope and no other option is available.~~

b. ~~Nonresidential~~ ~~Where the applicant demonstrates that the nonresidential development cannot meet the City's code requirements without encroaching into the critical area or critical area buffer:~~

1) ~~The required front yard may be reduced by up to 50 percent.~~

2) ~~The structure setback from a critical area buffer may be reduced by five (5) feet in width; provided, that those improvements allowed in this area are limited to:~~

a) ~~Chimneys, bay windows, eaves, cornices, awnings and canopies;~~

b) ~~Benches, walkways, paths and pedestrian bridges extending no more than four (4) feet into the structure setback;~~

e) ~~Light fixtures, trellises and similar decorative structures extending no more than four (4) feet into the structure setback; and~~

d) ~~Nonnative and native landscaping.~~

3) ~~The maximum height of structures may be increased up to five (5) feet if needed to reduce the slope of a driveway to a structure based on existing grade. The applicant must demonstrate that the additional height is needed to reduce the steepness of the slope and no other option is available.~~

4) ~~The portion of a driveway exceeding 30 feet in length may be exempt from the calculation of the permitted site disturbance area; provided, that the driveway length is the minimum necessary to provide access to the building.~~

7. ~~Lapse of Approval~~

a. ~~The reasonable use exception approval expires and is void if the applicant fails to file a complete building permit application within five (5) years of the final decision granting or approving the exception. However, in the event judicial review is initiated per KZC 145.110, the running of the five (5) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. "Final decision" means the final decision of the Planning and Building Director; and~~

b. ~~The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within seven (7) years after the final approval on the matter, or the decision becomes void.~~

8. ~~Complete Compliance Required~~

a. ~~General~~ ~~Except as specified in subsection (8)(b) of this section, the applicant must comply with all aspects, including conditions and restrictions, of an approval granted under this chapter in order to construct the improvements authorized by the approval.~~

b. ~~Exception: Subsequent Modification~~ ~~The Planning Official may approve a subsequent modification to a specific use and site plan that has been approved through the reasonable use exception, provided the change meets the standards of this chapter. Otherwise, the applicant is required to apply for and obtain approval through a Process 1 pursuant to Chapter 145 KZC for a new reasonable use exception.~~

(Ord. 4701 § 1, 2020; Ord. 4713* § 1, 2019; Ord. 4551 § 3, 2017)

~~*Code reviser's note: Ord. 4713's code amendments to this section were not approved by the Houghton Community Council and are not effective within the Houghton Community Municipal Corporation. Two versions of this section are set out: A, containing the amendments of Ord. 4713, which is not effective within the Houghton Community Municipal Corporation, and B, without the amendments of Ord. 4713, which is effective within the Houghton Community Municipal Corporation.~~

**Chapter 95 – TREE MANAGEMENT AND REQUIRED
LANDSCAPING**

(NOTE: only the amended subsections are shown)

Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

~~(Not effective within the Houghton Community Municipal Corporation)~~

STAFF NOTE: This version of KZC Chapter 95, which was previously disapproved by the Houghton Community Council, becomes wholly effective within the former-HCMC area. No amendments are made to the text of this chapter, except as shown in the amended title above. The current HCMC-only version of KZC Chapter 95 is fully repealed as shown by strikethrough below.

Chapter 95 — TREE MANAGEMENT AND REQUIRED LANDSCAPING

(Effective within the Houghton Community Municipal Corporation)

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95.05 Purpose and Intent

1. — ~~Trees and other vegetation are important elements of the physical environment. They are integral to Kirkland's community character and protect public health, safety and general welfare. Protecting, enhancing, and maintaining healthy trees and vegetation are key community values. Comprehensive Plan Policy NE 3.1 describes working towards achieving a City-wide tree canopy coverage of 40 percent. The many benefits of healthy trees and vegetation contribute to Kirkland's quality of life by:~~

a. — ~~Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus reducing the public and private costs for storm water control/treatment and utility maintenance;~~

b. — ~~Improving the air quality by absorbing air pollutants, mitigating the urban heat island effect, assimilating carbon dioxide and generating oxygen, and decreasing the impacts of climate change;~~

c. — ~~Reducing the effects of excessive noise pollution;~~

d. — ~~Providing cost effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;~~

e. — ~~Providing visual relief and screening buffers;~~

- f. ~~Providing recreational benefits;~~
- g. ~~Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife; and~~
- h. ~~Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community.~~

2. ~~Tree and vegetation removal in urban areas has resulted in the loss to the public of these beneficial functions. The purpose of this chapter is to establish a process and standards to provide for the protection, preservation, replacement, proper maintenance, and use of significant trees, associated vegetation, and woodlands located in the City of Kirkland.~~

The intent of this chapter is to:

- a. ~~Maintain and enhance canopy coverage provided by trees for their functions as identified in KZC 95.05(1);~~
- b. ~~Preserve and enhance the City of Kirkland's environmental, economic, and community character with mature landscapes;~~
- c. ~~Promote site planning, building, and development practices that work to avoid removal or destruction of trees and vegetation, that avoid unnecessary disturbance to the City's natural vegetation, and that provide landscaping to buffer the effects of built and paved areas;~~
- d. ~~Mitigate the consequences of required tree removal in land development through on and off-site tree replacement with the goals of halting net loss and enhancing Kirkland's tree canopy to achieve an overall healthy tree canopy cover of 40 percent City-wide over time;~~
- e. ~~Encourage tree retention efforts by providing flexibility with respect to certain other development requirements;~~
- f. ~~Implement the goals and objectives of the City's Comprehensive Plan;~~
- g. ~~Implement the goals and objectives of the State Environmental Policy Act (SEPA); and~~
- h. ~~Manage trees and other vegetation in a manner consistent with the City's Natural Resource Management Plan.~~
- i. ~~Preserve and protect street trees, trees in public parks and trees on other City property.~~

(Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)

95.10 Definitions

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise. Definitions that apply throughout this code are also located in Chapter 5 KZC.

1. ~~Caliper~~ The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six (6) inches above the ground for up to and including 4-inch caliper size and 12 inches above the ground for larger sizes.
2. ~~Critical Root Zone~~ The area surrounding a tree at a distance from the trunk, which is equal to one (1) foot for every inch of trunk diameter measured at 4.5 feet from grade or otherwise determined by a qualified professional (example: one (1) foot radius per one (1) inch DBH).
3. ~~Crown~~ The area of a tree containing leaf or needle-bearing branches.
4. ~~Diameter at Breast Height (DBH)~~ The diameter or thickness of a tree trunk measured at 4.5 feet from the ground. DBH is also known as Diameter at Standard Height (DSH).

5. ~~Dripline~~—The distance from the tree trunk, that is equal to the furthest extent of the tree's crown.
6. ~~Grove~~—A group of three (3) or more significant trees with overlapping or touching crowns.
7. ~~Hazard Tree~~—A tree that meets all the following criteria:
 - a. ~~A tree with a combination of structural defects and/or disease which makes it subject to a high probability of failure;~~
 - b. ~~Is in proximity to moderate to high frequency targets (persons or property that can be damaged by tree failure); and~~
 - c. ~~The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.~~
8. ~~Impact~~—A condition or activity that affects a part of a tree including the trunk, branches, and critical root zone.
9. ~~Limit of Disturbance~~—The boundary between the protected area around a tree and the allowable site disturbance as determined by a qualified professional measured in feet from the trunk.
10. ~~Nuisance Tree~~—A tree that meets either of the following criteria:
 - a. ~~Is causing obvious physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation, or roof; or~~
 - b. ~~Has sustained damage from past maintenance practices.~~

~~The problems associated with the tree must be such that they cannot be corrected by reasonable practices including but not limited to: pruning of the crown or roots of the tree, bracing, and/or cabling to reconstruct a healthy crown.~~
11. ~~Public Works Official~~—Designee of the Public Works Director.
12. ~~Qualified Professional~~—An individual with relevant education and training in arboriculture or urban forestry, having two (2) or more of the following credentials:
 - ▲ ~~International Society of Arboriculture (ISA) Certified Arborist;~~
 - ▲ ~~Tree Risk Assessor Certification (TRACE) as established by the Pacific Northwest Chapter of ISA (or equivalent);~~
 - ▲ ~~American Society of Consulting Arborists (ASCA) registered Consulting Arborist;~~
 - ▲ ~~Society of American Foresters (SAF) Certified Forester for Forest Management Plans;~~

~~For tree retention associated with a development permit, a qualified professional must have, in addition to the above credentials, a minimum of three (3) years' experience working directly with the protection of trees during construction and have experience with the likelihood of tree survival after construction. A qualified professional must also be able to prescribe appropriate measures for the preservation of trees during land development.~~
13. ~~Retention Value~~—The Planning Official's designation of a tree based on information provided by a qualified professional that is one (1) of the following:
 - a. ~~High, a viable tree, located within required yards and/or required landscape areas. Tree retention efforts shall be directed to the following trees if they are determined to be healthy and windfirm by a qualified~~

professional, and provided the trees can be safely retained when pursuing alternatives to development standards pursuant to KZC 95.32.

1) ~~Specimen trees;~~

2) ~~Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to KZC 95.51(3);~~

3) ~~Trees on slopes of at least 10 percent; or~~

4) ~~Trees that are a part of a grove that extends into adjacent property, such as in a public park, open space, critical area buffer or otherwise preserved group of trees on adjacent private property. If significant trees must be removed in these situations, an adequate buffer of trees may be required to be retained or planted on the edge of the remaining grove to help stabilize;~~

b. ~~Moderate, a viable tree that is to be retained if feasible; or~~

c. ~~Low, a tree that is either (1) not viable or (2) is in an area where removal is unavoidable due to the anticipated development activity.~~

14. ~~Significant Tree—A tree that is at least six (6) inches in diameter at breast height (DBH) as measured at 4.5 feet from the ground.~~

15. ~~Significantly Wooded Site—A subject property that has a number of significant trees with crowns that cover at least 40 percent of the property.~~

16. ~~Site Disturbance—Any development, construction, or related operation that could alter the subject property, including, but not limited to, soil compaction, tree or tree stump removal, road, driveway or building construction, installation of utilities, or grading.~~

17. ~~Specimen Tree—A viable tree that is considered in very good to excellent health and free of major defects, as determined by the City's Urban Forester.~~

18. ~~Street Tree—A tree located within the public right of way; provided, that if the trunk of the tree straddles the boundary line of the public right of way and the abutting property, it shall be considered to be on the abutting property and subject to the provisions of this chapter.~~

19. ~~Tree Removal—The removal of a tree, through either direct or indirect actions, including but not limited to: (1) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (2) removal of at least half of the live crown; or (3) damage to roots or trunk that is likely to destroy the tree's structural integrity.~~

20. ~~Viable Tree—A significant tree that a qualified professional has determined to be in good health, with a low risk of failure due to structural defects, is windfirm if isolated or remains as part of a grove, and is a species that is suitable for its location.~~

21. ~~Wildlife Snag—The remaining trunk of a tree that is intentionally reduced in height and usually stripped of its live branches.~~

22. ~~Windfirm—A condition of a tree in which it withstands average peak local wind speeds and gusts.~~

(Ord. 4551 § 4, 2017; Ord. 4238 § 2, 2010; Ord. 4193 § 1, 2009; Ord. 4010 § 2, 2005)

95.20 Exemptions

The following activities are exempt from the provisions of this chapter:

1. ~~Emergency Tree Removal. Any tree that poses an imminent threat to life or property may be removed. The City must be notified within seven (7) days of the emergency tree removal with evidence of the threat for removing the tree to be considered exempt from this chapter. If the Planning Official determines that the emergency tree~~

removal was not warranted or if the removed tree was required by a development permit, the Planning Official may require that the party obtain a permit and/or require that replacement trees and vegetation be replanted as mitigation.

2. ~~Utility Maintenance.~~ Trees may be removed by the City or utility provider in situations involving interruption of services provided by a utility only if pruning cannot solve utility service problems. Utility maintenance shall conform to a City approved Utility Vegetation Management Plan.

3. ~~Commercial Nurseries or Tree Farms.~~ A nursery or tree farm owner may remove trees that are being grown to be sold as Christmas or landscape trees.

(Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)

95.21 Tree Pruning

1. ~~Tree Pruning of Street Trees.~~ It is the responsibility of the abutting property owner to maintain street trees abutting their property, which may include pruning, watering, and mulching. In order to prune, trim, modify, or alter a street tree, the abutting property owner shall apply for a permit by filing a written application with the City. Pruning shall conform to the most recent version of the American National Standards Institute (ANSI) A300 Part 1—2001 pruning standards or as outlined in an approved Utility Vegetation Management Plan. The City reserves the right to have City or utility crews perform routine pruning and maintenance of street trees.

2. ~~Tree Pruning on Private Property.~~ A permit is not required to prune trees on private property. Pruning which results in the removal of at least half of the live crown will be considered tree removal and subject to the provisions in KZC 95.23.

~~Tree topping is not allowed. If a tree required by this chapter is smaller than six (6) inches in diameter and is topped, it must be replaced pursuant to the standards in Chapter 1.12 KMC. If a tree six (6) inches or larger in diameter is topped, the owner must have a qualified professional develop and implement a 5-year restoration-pruning program.~~

(Ord. 4281 § 1, 2011; Ord. 4238 § 2, 2010)

95.23 Tree Removal—Not Associated with Development Activity

1. ~~Introduction.~~ Tree and vegetation removal in urban areas has resulted in the loss of beneficial functions provided by trees to the public. The majority of tree canopy within the City of Kirkland is on private property. The purpose of this section is to establish a process and standards to slow the loss of tree canopy on private property, contributing towards the City's canopy goals and a more sustainable urban forest.

2. ~~Permit Required for Removal of Trees on Private Property or City Right of Way.~~ It is unlawful for any person (other than City crews) to remove, prune, trim, modify, alter or damage a tree in a public park or on any other City property.

~~No person, directly or indirectly, shall remove any significant tree on any property within the City, or any tree in the public right of way, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in KZC 95.20 or subsection (5) of this section.~~

3. ~~Tree Removal Permit Application Form.~~ The Planning and Building Department and Public Works Department shall establish and maintain a tree removal permit application form to allow property owners to request City review of tree removal for compliance with applicable City regulations. The tree removal application form shall include at a minimum the following:

a. ~~A site plan showing the approximate location of significant trees, their size (DBH) and their species, along with the location of structures, driveways, access ways and easements.~~

b. ~~For required replacement trees, a planting plan showing location, size and species of the new trees in accordance to standards set forth in KZC 95.33(3) and (4).~~

4. ~~Tree Removal Permit Application Procedure and Appeals.~~

a. ~~Applicants requesting to remove trees must submit a completed permit application on a form provided by the City. The City shall review the application within 21 calendar days and either approve, approve with conditions or modifications, deny the application or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process.~~

b. ~~The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145-KZC.~~

e. ~~Time Limit. The removal shall be completed within one (1) year from the date of permit approval.~~

5. ~~Tree Removal Allowances.~~

a. ~~Except in the Holmes Point Overlay zone, any private property owner of developed property may remove up to two (2) significant trees from their property within a 12-month period without having to apply for a tree removal permit; provided, that:~~

1) ~~There is no active application for development activity for the site;~~

2) ~~The trees were not required to be retained or planted as a condition of previous development activity; and~~

3) ~~All of the additional standards for tree removal and tree removal permits as described in subsections (5)(b) through (e) of this section are met.~~

~~The Planning and Building Department shall establish and maintain a tree removal request form. The form may be used by property owners to request Department review of tree removal for compliance with applicable City regulations.~~

b. ~~Tree Retention and Replacement Requirements.~~

1) ~~Tree Retention. For single family homes, cottages, carriage units, two/three unit homes, two (2) trees shall be required to remain on the subject property.~~

2) ~~Tree Replacement.~~

a) ~~For every significant tree that is removed and is not required to remain based on subsection (5)(b)(1) of this section, the City encourages the planting of a tree that is appropriate to the site.~~

b) ~~If a tree removal request is for one (1) or both of the trees required to remain, a tree removal permit and one for one replacement is required. The replacement tree shall be six (6) feet tall for a conifer and 2-inch caliper for deciduous or broad leaf evergreen tree.~~

e) ~~For all other uses not listed in subsection (5)(b)(1) of this section, a tree removal permit is required and the required tree replacement will be based on the required landscaping standards in KZC 95.40 through 95.45.~~

e. ~~Shoreline Jurisdiction. Properties located within the City's shoreline jurisdiction are subject to additional tree removal and replacement standards if the tree(s) to be removed are located within the required shoreline setback. See Chapter 83-KZC for additional standards.~~

d. ~~Removal of Hazard or Nuisance Trees. Any private property owner seeking to remove any number of significant trees which are a hazard or nuisance from developed or undeveloped property or the public right of way shall first obtain approval of a tree removal permit and meet the requirements of this subsection.~~

1) ~~Tree Risk Assessment. If the nuisance or hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a nuisance or hazard tree is required. Removal of nuisance or hazard trees does not count toward the tree removal limit if the nuisance or hazard is supported by a report prepared by a qualified professional and approved by the City.~~

~~2) — Trees in Critical Areas or Critical Areas Buffers. See Chapter 90 KZC.~~

~~3) — The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be approved by the Planning Official.~~

~~4) — Street Trees. Street trees may only be removed if determined to be a hazard or nuisance. If the removal request is for street trees, the Public Works Official may consider whether the tree(s) are now, or may be in the future, part of the City's plans for the right of way. The City shall require a one for one tree replacement in a suitable location.~~

~~e. — Forest Management Plan.~~

~~1) — A Forest Management Plan must be submitted for developed, significantly wooded sites (over 40-percent canopy coverage) of at least 35,000 square feet in size in which removal of more than two (2) trees is requested and is not exempt under KZC 95.20. A Forest Management Plan must be developed by a qualified professional and shall include the following:~~

~~a) — A site plan depicting the location of all significant trees (a survey identifying tree locations is not required) with a numbering system of the trees (with corresponding tags on trees in the field). The site plan shall include size (DBH), species, and condition of each tree;~~

~~b) — Identification of trees to be removed, including reasons for their removal and a description of low impact removal techniques pursuant to subsection (5)(e)(2) of this section;~~

~~e) — A reforestation plan that includes location, size, species, and timing of installation;~~

~~2) — The following Forest Management Plan standards shall apply:~~

~~a) — Trees to remain should be dominant or co-dominant in the stand, healthy and windfirm.~~

~~b) — No removal of trees from critical areas and their buffers, unless otherwise permitted by this chapter.~~

~~c) — No removal of specimen trees, unless otherwise permitted by this chapter.~~

~~d) — No removal of healthy trees that would cause trees on adjacent properties to become hazardous.~~

~~e) — The reforestation plan ensures perpetuity of the wooded areas. The size of planted trees for reforestation shall be a minimum of three (3) feet tall.~~

~~f) — Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, native shrubs, ground cover and stumps shall be retained where feasible. Where not feasible, appropriate erosion control measures to be approved by the City shall be implemented.~~

~~g) — Removal of tree debris shall be done pursuant to Kirkland Fire Department standards.~~

~~h) — Recommended maintenance prescription for retained trees with a specific timeline for such management.~~

~~(Ord. 4650 § 1, 2018; Ord. 4551 § 4, 2017; Ord. 4491 § 3, 2015; Ord. 4437 § 1, 2014; Ord. 4408 § 1, 2013; Ord. 4372 § 1, 2012; Ord. 4238 § 2, 2010)~~

95.25 Sustainable Site Development

All activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purpose and intent of this chapter as described in KZC 95.05.

Applicants requesting alternative compliance shall submit a site assessment report prepared by a qualified professional detailing how the proposed alternative measures will be equal or superior to the benefits provided by the established trees to be removed. Qualifying projects shall implement sustainable site development strategies throughout the construction process as well as contain measurable performance standards for the techniques used. Examples of sustainable site development include building placement with minimal site impact, habitat protection, water conservation, heat island reduction, storm water flow runoff control and water quality, and utilization of the site's natural services such as solar and wind. Requests to use alternative measures and procedures shall be reviewed by the Planning Official, who may approve, approve with conditions, or deny the request.

(Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)

95.30 Tree Retention Associated with Development Activity

1. — Introduction. The City's objective is to retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner. To that end, the City requires approval of a tree retention plan in conjunction with all development permits resulting in site disturbance and for any tree removal on developed sites not exempted by KZC 95.20. This section includes provisions that allow development standards to be modified in order to retain viable significant trees.

In order to make better decisions about tree retention, particularly during all stages of development, tree retention plans will require specific information about the existing trees before removal is allowed. Specific tree retention plan review standards provided in this section establish tree retention priorities, incentives, and variations to development standards in order to facilitate preservation of viable trees.

A minimum tree density approach is being used to retain as many viable trees as possible with new development activity. The requirement to meet a minimum tree density applies to new single family homes, cottages, carriage units, two/three unit homes, and new residential subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting is required. A tree density for existing trees to be retained is calculated to see if new trees are required in order to meet the minimum density for the entire site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the required tree density.

The importance of effective protection of retained trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building plans as necessary.

Properties within jurisdiction of the Shoreline Management Act are subject to additional tree retention and protection regulations as set forth in Chapter 83 KZC.

Properties within the Holmes Point Overlay zone are subject to additional tree retention and protection regulations as set forth in Chapter 70 KZC.

2. — Tree Retention Plan Required. An applicant for a development permit must submit a tree retention plan that complies with this section. A qualified professional may be required to prepare certain components of a tree retention plan at the applicant's expense. If proposed development activities call for more than one (1) tree retention plan component, the more stringent tree retention plan component shall apply; provided, that the Planning Official may require a combination of tree plan components based on the nature of the proposed development activities. If the proposed activity is not clearly identified in this chapter, the Planning Official shall determine the appropriate tree retention plan requirements.

The chart in subsection (5) of this section sets forth the tree retention plan requirements for development activities and associated tree removal. Applicants for development are encouraged to confer with City staff as early in the design process as possible so that the applicable tree planting and retention concepts can be incorporated into the design of the subject property. The Planning Official may waive a component of the tree retention plan if the Planning Official determines that the information is not necessary.

3. — Tree Retention Plan Review. Any proposed development of the subject property requiring approval through a building permit, land surface modification permit, and/or demolition permit, or Design Review, Process I, IIA or

~~HB, described in Chapters 142, 145, 150 and 152 KZC respectively, shall include a tree retention plan to be considered as part of that process.~~

~~Based on the tree retention plan information submitted by the applicant and the Planning Official's evaluation of the trees relative to the proposed development on the subject property, the Planning Official shall designate each tree as having a high, moderate, or low retention value as defined in KZC 95.10, Definitions, for application towards the regulations in this chapter.~~

~~4. Tree Retention Plan Components. The tree retention plan shall contain the following information as specified in the chart in subsection (5) of this section, unless waived by the Planning Official:~~

~~a. A tree inventory containing the following:~~

- ~~1) A numbering system of all existing significant trees on the subject property (with corresponding tags on trees); the inventory must also include significant trees on adjacent property with driplines extending over the subject property line;~~
- ~~2) Limits of disturbance (LOD) of all existing significant trees (including approximate LOD of off-site trees with overhanging driplines);~~
- ~~3) Size (DBH);~~
- ~~4) Proposed tree status (trees to be removed or retained);~~
- ~~5) Brief general health or condition rating of these trees (i.e.: poor, fair, good, excellent, etc.);~~
- ~~6) Tree type or species.~~

~~b. A site plan depicting the following:~~

- ~~1) Location of all proposed improvements, including building footprint, access, utilities, applicable setbacks, buffers, and required landscaped areas clearly identified. If a short plat or subdivision is being proposed and the location of all proposed improvements cannot be established, a phased tree retention plan review is required as described in subsection (6)(a) of this section;~~
- ~~2) Accurate location of significant trees on the subject property (surveyed locations may be required). The site plan must also include the approximate trunk location and critical root zone of significant trees that are on adjacent property with driplines extending over the subject property line;~~
- ~~3) Trees labeled corresponding to the tree inventory numbering system;~~
- ~~4) Location of tree protection measures;~~
- ~~5) Indicate limits of disturbance drawn to scale around all trees potentially impacted by site disturbances resulting from grading, demolition, or construction activities (including approximate LOD of off-site trees with overhanging driplines);~~
- ~~6) Proposed tree status (trees to be removed or retained) noted by an 'X' or by ghosting out;~~
- ~~7) Proposed locations of any supplemental trees and any required trees in order to meet tree density or minimum number of trees as outlined in KZC 95.33.~~

~~c. An arborist report containing the following:~~

- ~~1) A complete description of each tree's health, condition, and viability;~~
- ~~2) A description of the method(s) used to determine the limits of disturbance (i.e., critical root zone, root plate diameter, or a case-by-case basis description for individual trees);~~

3) Any special instructions specifically outlining any work proposed within the limits of the disturbance protection area (i.e., hand digging, tunneling, root pruning, any grade changes, clearing, monitoring, and aftercare);

4) For trees not viable for retention, a description of the reason(s) for removal based on poor health, high risk of failure due to structure, defects, unavoidable isolation (windfirmness), or unsuitability of species, etc., and for which no reasonable alternative action is possible must be given (pruning, cabling, etc.);

5) Describe the impact of necessary tree removal to the remaining trees, including those in a grove or on adjacent properties;

6) For development applications, a discussion of timing and installation of tree protection measures that must include fencing and be in accordance with the tree protection standards as outlined in KZC 95.34; and

7) The suggested location and species of supplemental trees to be used when required. The report shall include planting and maintenance specifications pursuant to KZC 95.50 and 95.51.

5. Tree Retention Plan. The applicant shall submit a Tree Retention Plan that includes the components identified in the following chart based on the proposed development activity.

TREE RETENTION PLAN

Development Activity	Minor ⁽¹⁾⁽³⁾ —Single-Family, or two-attached, detached, or stacked dwelling units, and related demolition and land surface modification applications	Major ⁽²⁾⁽³⁾ —Single-Family, or two-attached, detached, or stacked dwelling units, and related demolition and land surface modification applications	Multifamily, Commercial, any other use other than residential, and related demolition and land surface modification applications	Short-Plat, Subdivisions, cottages, carriage units, two/three-unit homes, and related demolition and land surface modification applications (see KZC 95.30(6)(a), Phased Review, for additional standards)
Required Components				
TREE INVENTORY AS DESCRIBED IN KZC 95.30(4)(a) FOR:				
All significant trees on the subject property	—	X	X	X
Significant trees potentially impacted by proposed development activity	X	—	—	—
SITE PLAN AS DESCRIBED IN KZC 95.30(4)(b) TO INCLUDE:				
Surveyed tree locations if required by the Planning Official	—	X	X	—
Surveyed tree locations	—	—	—	X
A final landscape plan showing retained trees	—	—	X	—
REQUIREMENTS IN KZC 95.30(4)(c) SHALL BE PREPARED BY A QUALIFIED PROFESSIONAL AND APPLY TO:				
Significant trees within required yards or within 10 feet of any side property line	—	X	—	—
Significant trees potentially impacted by proposed development activity as determined by the Planning Official	—	—	X	—
Proposed removal of trees with a high retention value in required landscaping areas	—	—	X	—
All significant trees	—	—	—	X
TREE RETENTION STANDARDS				

Development Activity	Minor- ⁽¹⁾⁽³⁾ —Single-Family, or two-attached, detached, or stacked dwelling units, and related demolition and land-surface modification applications	Major- ⁽²⁾⁽³⁾ —Single-Family, or two-attached, detached, or stacked dwelling units, and related demolition and land-surface modification applications	Multifamily, Commercial, any other use other than residential, and related demolition and land-surface modification applications	Short Plat, Subdivisions, cottages, carriage units, two/three-unit homes, and related demolition and land-surface modification applications (see KZC 95.30(6)(a), Phased Review, for additional standards)
Applicant is encouraged to retain viable trees	X ⁽⁴⁾	—	—	—
Retain and protect trees with a high retention value to the maximum extent possible	—	X ⁽⁴⁾	X ⁽⁴⁾	X ⁽⁴⁾
Retain and protect trees with a moderate retention value if feasible	—	X	X	X
Preservation and maintenance agreements pursuant to KZC 95.51 are required for all remaining trees on the subject property	X	X	X	X ⁽⁵⁾
FREE DENSITY				
Free density requirements shall apply as required in KZC 95.33	—	X	—	X
A minimum of two trees must be on the lot following the requirement set forth in KZC 95.33(4)	X	—	—	—
LANDSCAPING				
Preserved trees in required landscaping areas shall apply toward required landscaping requirements	—	—	X	—

(1) — Applicable when new development, redevelopment, or development in which the total square footage of the proposed improvements is less than 50 percent of the total square footage of the existing improvements on the subject property.

(2) — Applicable when new development, redevelopment, or development in which the total square footage of the proposed improvements is more than 50 percent of the total square footage of the existing improvements on the subject property.

(3) — For lots created through a short subdivision, subdivision, or planned unit development with an approved Tree Retention Plan, the applicant must comply with the Tree Retention Plan approved with the short subdivision, subdivision, or planned unit development unless subsection (6)(a) of this section, Phased Review, applies.

(4) — To retain trees with a high retention value, the applicant shall pursue, where feasible, applicable variations in the development standards of this code as outlined in KZC 95.32.

(5) — Prior to short plat or subdivision recording.

6. — Additional Tree Retention Plan Standards for Short Plats and Subdivisions:

a. — Phased Review:

1) — If during the short plat or subdivision review process the location of all proposed improvements, including the building footprint, utilities, and access, was not able to be established, the applicant may submit a Tree Retention Plan that addresses trees only affected by the known improvements at the time of application. Tree removal shall be limited to those affected areas.

~~2) A new Tree Retention Plan shall be required at each subsequent phase of the project as more information about the location of the proposed improvements is known subject to all of the requirements in this section.~~

~~3) Phased review of Tree Retention Plans is not permitted in the Holmes Point Overlay zone. In the HPO zone, subdivision or short plat applications shall provide a comprehensive review of Tree Retention Plans as outlined in subsections (2) through (5) of this section.~~

~~b. Modifications to Tree Retention Plan for Short Plats and Subdivisions. A Tree Retention Plan modification request shall contain information as determined by the Planning Official based on the requirements in subsection (5) of this section, Tree Retention Plan. The fee for processing a modification request shall be established by City ordinance.~~

~~For Tree Retention Plans approved during the short plat or subdivision review process that established the location of all proposed improvements, including the building footprint, utilities, and access, a modification to the Tree Retention Plan may be approved as follows:~~

~~1) Modification General. The Planning Official may approve minor modifications to the approved Tree Retention Plan in which the minimum tree density credits associated with trees identified for retention are not decreased.~~

~~2) Modification Prior to Tree Removal. The Planning Official may approve a modification request to decrease the minimum number of tree density credits associated with trees previously identified for retention if:~~

~~a) Trees inventoried in the original Tree Retention Plan have not yet been removed; and~~

~~b) The Planning Official shall not approve or deny a modification pursuant to this section without first providing notice of the modification request consistent with the noticing requirements for the short plat.~~

~~3) Modification after Tree Removal. A modification request is required to decrease the minimum number of tree density credits associated with trees previously identified for retention after which trees inventoried in the original Tree Retention Plan have already been removed. Such a request may be approved by the Hearing Examiner only if the following are met:~~

~~a) The need for the modification was not known and could not reasonably have been known before the tree retention plan was approved;~~

~~b) The modification is necessary because of special circumstances which are not the result of actions by the applicant regarding the size, shape, topography, or other physical limitations of the subject property relative to the location of proposed and/or existing improvements on or adjacent to the subject property;~~

~~e) There is no practicable or feasible alternative development proposal that results in fewer additional tree removals;~~

~~d) The Hearing Examiner shall not approve or deny a modification pursuant to this section without the Planning Official first providing notice of the modification request consistent with the noticing requirements for the short plat and providing opportunity for comments for consideration by the Hearing Examiner; and~~

~~e) Said comment period shall not be less than 14 calendar days.~~

(Ord. 4619 § 1, 2017; Ord. 4437 § 1, 2014; Ord. 4252 § 1, 2010; Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)

95.32 Incentives and Variations to Development Standards

~~In order to retain trees, the applicant should pursue provisions in Kirkland's codes that allow development standards to be modified. Examples include but are not limited to number of parking stalls, right of way improvements, lot size reduction under Chapter 22.28 KMC, lot line placement when subdividing property under KMC Title 22, Planned Unit Developments, and required landscaping, including buffers for lands use and parking/driving areas.~~

~~Requirements of the Kirkland Zoning Code may be modified by the Planning Official as outlined below when such modifications would further the purpose and intent of this chapter as set forth in KZC 95.05 and would involve trees with a high or moderate retention value.~~

- ~~1. Common Recreational Open Space. Reductions or variations of the area, width, or composition of required common recreational open space may be granted.~~
- ~~2. Parking Areas and Access. Variations in parking lot design and/or access driveway requirements may be granted when the Public Works and Planning Officials both determine the variations to be consistent with the intent of City policies and codes.~~
- ~~3. Required Yards. Initially, the applicant shall pursue options for placement of required yards as permitted by other sections of this code, such as selecting one (1) front required yard in the RSX zone and adjusting side yards in any zone to meet the 15-foot total as needed for each structure on the site. The Planning Official may also reduce the front, side or rear required yards; provided, that:

 - ~~a. No required side yard shall be less than five (5) feet; and~~
 - ~~b. The required front yard shall not be reduced by more than five (5) feet in residential zones. There shall not be an additional five (5) feet of reduction beyond the allowance provided for covered entry porches;~~
 - ~~c. Rear yards that are not directly adjacent to another parcel's rear yard but that are adjacent to an access easement or tract may be reduced by five (5) feet;~~
 - ~~d. No required yard shall be reduced by more than five (5) feet in residential zones.~~~~
- ~~4. Storm Water. Requirements pertaining to stormwater may be varied if approved by the Public Works Official under KMC 15.52.060.~~
- ~~5. Additional Variations. In addition to the variations described above, the Planning Official is authorized to require site plan alterations to retain trees with a high retention value. Such alterations include minor adjustments to the location of building footprints, adjustments to the location of driveways and access ways, or adjustment to the location of walkways, easements or utilities. The Planning Official and the applicant shall work in good faith to find reasonable solutions.~~

(Ord. 4547 § 1, 2016; Ord. 4350 § 1, 2012; Ord. 4238 § 2, 2010)

95.33 Tree Density Requirement

~~The required minimum tree density is 30 tree credits per acre for single family homes, cottages, carriage units, two/three-unit homes, short plats, and/or subdivisions and associated demolition and land surface modification. For individual lots in a short subdivision or subdivision with an approved Tree Retention Plan, the tree density shall be calculated for each lot within the short plat or subdivision. The tree density may consist of existing trees pursuant to the tree's retention value, supplemental trees or a combination of existing and supplemental trees pursuant to subsection (2) of this section. Existing trees transplanted to an area on the same site shall not count toward the required density unless approved by the Urban Forester based on transplant specifications provided by a qualified professional that will ensure a good probability for survival.~~

- ~~1. Tree Density Calculation. In calculating tree density credits, tree credits may be rounded up to the next whole number from a 0.5 or greater value. For the purpose of calculating required minimum tree density, public right of~~

way, areas to be dedicated as public right of way, and vehicular access easements not included as lot area with the approved short plat shall be excluded from the area used for calculation of tree density.

Tree density calculation for existing individual trees:

- a. Diameter breast height (DBH) of the tree shall be measured in inches.
- b. The tree credit value that corresponds with DBH shall be found in Table 95.33.1. Existing native conifers (or other conifer species as approved by the Urban Forester) shall count 1.5 times credits for retention.

Table 95.33.1

Tree Density for Existing Significant Trees

(Credits per minimum diameter — DBH)

DBH	Tree Credits	DBH	Tree Credits	DBH	Tree Credits
3-5"	0.5	-	-	-	-
6-10"	1	24"	8	38"	15
12"	2	26"	9	40"	16
14"	3	28"	10	42"	17
16"	4	30"	11	44"	18
18"	5	32"	12	46"	19
20"	6	34"	13	48"	20
22"	7	36"	14	50"	21

Example: a 7,200-square-foot lot would need five (5) tree credits ($7,200/43,560 = 0.165 \times 30 = 4.9$) or five (5). The tree density for the lot could be met by retaining one (1) existing 16-inch deciduous tree and one (1) existing 6-inch deciduous tree on site. The same 7,200-square-foot lot would meet the required five (5) tree credits by retaining one (1) existing 14-inch conifer.

2. Supplemental Trees Planted to Meet Minimum Density Requirement. For sites and activities requiring a minimum tree density and where the existing trees to be retained do not meet the minimum tree density requirement, supplemental trees shall be planted to achieve the required minimum tree density.

3. Tree Location. In designing a development and in meeting the required minimum tree density, the trees shall be planted in the following order of priority:

- a. On Site. The preferred locations for new trees are:
 - 1) In preserved groves, critical areas or their buffers.
 - 2) Adjacent to storm water facilities as approved by Public Works under KMC 15.52.060.
 - 3) Entrance landscaping, traffic islands and other common areas in residential subdivisions.
 - 4) Site perimeter — The area of the subject property that is within 10 feet from the property line.
 - 5) On individual residential building lots.

b. ~~Off Site. When room is unavailable for planting the required trees on site, then they may be planted at another approved location in the City.~~

e. ~~City Forestry Account. When the Planning Official determines on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the supplemental trees into the City forestry account.~~

4. ~~Minimum Size and Tree Density Value for Supplemental Trees. The required minimum size of the supplemental tree worth one (1) tree credit shall be six (6) feet tall for Thuja/Arborvitae or four (4) feet tall for native or other conifers and 2-inch caliper for deciduous or broad-leaf evergreen tree. Additional credits may be awarded for larger supplemental trees. The installation and maintenance shall be pursuant to KZC 95.50 and 95.51 respectively.~~

(Ord. 4547 § 1, 2016; Ord. 4238 § 2, 2010)

95.34 Tree and Soil Protection during Development Activity

Prior to development activity or initiating tree removal on the site, vegetated areas, individual trees and soil to be preserved shall be protected from potentially damaging activities pursuant to the following standards:

1. ~~Placing Materials near Trees. No person may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, operating or parking equipment, placing solvents, storing building material or stockpiling any materials, or dumping concrete washout or other chemicals. During construction, no person shall attach any object to any tree designated for protection.~~

2. ~~Protective Barrier. Before development, land clearing, filling or any land alteration, the applicant shall:~~

a. ~~Erect and maintain readily visible temporary protective tree fencing along the limits of disturbance which completely surrounds the protected area of all retained trees, groups of trees, vegetation and native soil. Fences shall be constructed of chain-link and be at least six (6) feet high, unless other type of fencing is authorized by the Planning Official.~~

b. ~~Install highly visible signs spaced no further than 15 feet along the entirety of the protective tree fence. Said sign must be approved by the Planning Official and shall state at a minimum "Tree and Soil Protection Area, Entrance Prohibited" and provide the City phone number for code enforcement to report violations.~~

e. ~~Prohibit excavation or compaction of soil or other potentially damaging activities within the barriers; provided, that the Planning Official may allow such activities approved by a qualified professional and under the supervision of a qualified professional retained and paid for by the applicant.~~

d. ~~Maintain the protective barriers in place for the duration of the project until the Planning Official authorizes their removal.~~

e. ~~Ensure that any approved landscaping done in the protected zone subsequent to the removal of the barriers shall be accomplished with machinery from outside the protected zone or by hand.~~

f. ~~In addition to the above, the Planning Official may require the following:~~

1) ~~If equipment is authorized to operate within the protected zone, the soil and critical root zone of a tree must be covered with mulch to a depth of at least six (6) inches or with plywood, steel plates or similar material in order to protect roots and soil from damage caused by heavy equipment.~~

2) ~~Minimize root damage by hand excavating a 2-foot deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained. Never rip or shred roots with heavy equipment.~~

3) ~~Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.~~

4) ~~Maintenance of trees throughout construction period by watering and fertilizing.~~

~~3.—Grade.—~~

~~a.—The grade shall not be elevated or reduced within the critical root zone of trees to be preserved without the Planning Official's authorization based on recommendations from a qualified professional. The Planning Official may allow coverage of up to one-half (1/2) of the area of the tree's critical root zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.—~~

~~b.—If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's critical root zone, it shall be permanently stabilized to prevent soil erosion and suffocation of the roots.—~~

~~e.—The applicant shall not install an impervious surface within the critical root zone of any tree to be retained without the authorization of the Planning Official. The Planning Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.—~~

~~d.—To the greatest extent practical, utility trenches shall be located outside of the critical root zone of trees to be retained. The Planning Official may require that utilities be tunneled under the roots of trees to be retained if the Planning Official determines that trenching would significantly reduce the chances of the tree's survival.—~~

~~e.—Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, it is encouraged that shrubs, ground cover and stumps be maintained on the individual lots, where feasible.—~~

~~4.—Directional Felling. Directional felling of trees shall be used to avoid damage to trees designated for retention.—~~~~5.—Additional Requirements. The Planning Official may require additional tree protection measures that are consistent with accepted urban forestry industry practices.—~~

~~(Ord. 4547 § 1, 2016; Ord. 4238 § 2, 2010)~~

95.40 Required Landscaping

~~1.—User Guide. Chapters 15 through 56 KZC containing the use zone or development standards tables assign a landscaping category to each use in each zone. This category is either "A," "B," "C," "D," or "E." If you do not know which landscaping category applies to the subject property, you should consult the appropriate use zone or development standards tables.~~

~~Requirements pertaining to each landscaping category are located throughout this chapter, except that Landscaping Category E is not subject to this section.~~

~~Landscape Categories A, B, C, D, and E may be subject to additional related requirements in the following other chapters:~~

~~a.—Various use zone charts or development standards tables, in Chapters 15 through 56 KZC, establish additional or special buffering requirements for some uses in some zones.~~

~~b.—Chapter 85 KZC, Geologically Hazardous Areas, addresses the retention of vegetation on steep slopes.~~

~~e.—Chapter 90 KZC, Critical Areas, addresses vegetation within critical areas and critical area buffers.~~

~~d.—Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights of way, except for the I-405 and SR-520 rights of way, and the Cross Kirkland Corridor railbanked rail corridor or the Eastside Rail Corridor.~~

~~e.—KZC 115.135, Sight Distance at Intersections, which may limit the placement of landscaping in some areas.~~

f. ~~Chapter 22 KMC addresses trees in subdivisions.~~

~~2. Use of Significant Existing Vegetation.~~

a. ~~General. The applicant shall apply subsection KZC 95.30(3), Tree Retention Plan Procedure, and KZC 95.32, Incentives and Variations to Development Standards, to retain existing native trees, vegetation and soil in areas subject to the landscaping standards of this section. The Planning Official shall give substantial weight to the retained native trees and vegetation when determining the applicant's compliance with this section.~~

b. ~~Supplement. The City may require the applicant to plant trees, shrubs, and groundcover according to the requirements of this section to supplement the existing vegetation in order to provide a buffer at least as effective as the required buffer.~~

e. ~~Protection Techniques. The applicant shall use the protection techniques described in KZC 95.34 to ensure the protection of significant existing vegetation and soil.~~

~~3. Landscape Plan Required. In addition to the Tree Retention Plan required pursuant to KZC 95.30, application materials shall clearly depict the quantity, location, species, and size of plant materials proposed to comply with the requirements of this section, and shall address the plant installation and maintenance requirements set forth in KZC 95.50 and 95.51. Plant materials shall be identified with both their scientific and common names. Any required irrigation system must also be shown.~~

(Ord. 4551 § 4, 2017; Ord. 4547 § 1, 2016; Ord. 4476 § 3, 2015; Ord. 4408 § 1, 2013; Ord. 4238 § 2, 2010; Ord. 4121 § 1, 2008; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 4010 § 2, 2005)

95.41 Supplemental Plantings

~~1. General. The applicant shall provide the supplemental landscaping specified in subsection (2) of this section in any area of the subject property that:~~

a. ~~Is not covered with a building, vehicle circulation area or other improvement; and~~

b. ~~Is not a critical area, critical area buffer, or in an area to be planted with required landscaping; and~~

c. ~~Is not committed to and being used for some specific purpose.~~

~~2. Standards. The applicant shall provide the following at a minimum:~~

a. ~~Living plant material which will cover 80 percent of the area to be landscaped within two (2) years. If the material to be used does not spread over time, the applicant shall re-plant the entire area involved immediately. Any area that will not be covered with living plant material must be covered with nonliving groundcover. Preference is given to using native plant species. See Kirkland Native Tree/Plant Lists.~~

b. ~~One (1) tree for each 1,000 square feet of area to be landscaped. At the time of planting, deciduous trees must be at least two (2) inches in caliper and coniferous trees must be at least five (5) feet in height.~~

e. ~~If a development requires approval through Process I, IIA or IIB as described in Chapters 145, 150 and 152 KZC, respectively, the City may require additional vegetation to be planted along a building facade if:~~

1) ~~The building facade is more than 25 feet high or more than 50 feet long; or~~

2) ~~Additional landscaping is necessary to provide a visual break in the facade.~~

d. ~~In RHBD varieties of rose shrubs or ground cover along with other plant materials shall be included in the on-site landscaping.~~

e.— If development is subject to Design Review as described in Chapter 142 KZC, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

(Ord. 4547 § 1, 2016; Ord. 4238 § 2, 2010)

95.42 Minimum Land Use Buffer Requirements

The applicant shall comply with the provisions specified in the following chart and with all other applicable provisions of this chapter. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.

LANDSCAPING CATEGORY	ADJOINING PROPERTY *Public park or low-density residential use or if no permitted use exists on the adjoining property then a low-density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
A	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)	-
B	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)	-	-
C	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)	-	-
D	Must comply with subsection (2) (Buffering Standard 2)	-	-	-
E	-			
Footnotes:	*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, Finn Hill Neighborhood Center, Houghton/ Everest Neighborhood Center, Business District Core or is located in TL-5, this section KZC 95.42 does not apply.			

This chart establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:

1.— For standard 1, the applicant shall provide a 15-foot wide landscaped strip with a 6-foot high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The land use buffer must be planted as follows:

a.— Trees planted at the rate of one (1) tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half (2 1/2) inch caliper, minimum, and/or coniferous trees eight (8) feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.

b.— Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two (2) years, planted at the following sizes and spacing, depending on type:

~~1) Low shrub (mature size under three (3) feet tall), 1 or 2-gallon pot or balled and burlapped equivalent;~~

~~2) Medium shrub (mature size from three (3) to six (6) feet tall), 2 or 3-gallon pot or balled and burlapped equivalent;~~

~~3) Large shrub (mature size over six (6) feet tall), 5-gallon pot or balled and burlapped equivalent.~~

~~e. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land-use buffer not needed for viability of the shrubs or trees.~~

~~2. For standard 2, the applicant shall provide a 5-foot wide landscaped strip with a 6-foot high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The landscaped strip must be planted as follows:~~

~~a. One (1) row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of 2-inch caliper, minimum, and/or coniferous trees at least six (6) feet in height, minimum. At least 50 percent of the required trees shall be evergreen.~~

~~b. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land-use buffer not needed for viability of the trees.~~

~~3. Plant Standards. All plant materials used shall meet the most recent American Association of Nurserymen Standards for nursery stock: ANSI Z60.1.~~

~~4. Location of the Land Use Buffer. The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.~~

~~5. Multiple Buffering Requirement. If the subject property borders more than one (1) adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.~~

~~6. Adjoining Property Containing Several Uses. If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.~~

~~7. Subject Property Containing Several Uses. If the subject property contains more than one (1) use, the applicant shall comply with the land use buffering requirement that pertains to the use within the most stringent landscaping category that abuts the property to be buffered.~~

~~8. Subject Property Containing School. If the subject property is occupied by a school, land use buffers are not required along property lines adjacent to a street.~~

~~9. Encroachment into Land Use Buffer. Typical incidental extensions of structures such as chimneys, bay windows, greenhouse windows, cornices, eaves, awnings, and canopies may be permitted in land use buffers as set forth in KZC 115.115(3)(d); provided, that:~~

~~a. Buffer planting standards are met; and~~

~~b. Required plantings will be able to attain full size and form typical to their species.~~

~~(Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4495 § 2, 2015; Ord. 4238 § 2, 2010)~~

95.43 Outdoor Use, Activity, and Storage

~~Outdoor use, activity, and storage (KZC 115.105(2)) must comply with required land use buffers for the primary use, except that the following outdoor uses and activities, when located in commercial or industrial zones, are exempt from KZC 115.105(2)(c)(1) and (2)(c)(2) as stated below:~~

- ~~1. That portion of an outdoor use, activity, or storage area which abuts another outdoor use, activity, or storage area which is located on property zoned for commercial or industrial use.~~
- ~~2. Outdoor use, activity, and storage areas which are located adjacent to a fence or structure which is a minimum of six (6) feet above finished grade, and do not extend outward from the fence or structure more than five (5) feet; provided, that the total horizontal dimensions of these areas shall not exceed 50 percent of the length of the facade or fence (see Plate 11).~~
- ~~3. If there is an improved path or sidewalk in front of the outdoor storage area, the outdoor use, activity or storage area may extend beyond five (5) feet if a clearly defined walking path at least three (3) feet in width is maintained and there is adequate pedestrian access to and from the primary use. The total horizontal dimension of these areas shall not exceed 50 percent of the length of the facade of the structure or fence (see Plate 11).~~
- ~~4. Outdoor dining areas.~~
- ~~5. That portion of an outdoor display of vehicles for sale or lease which is adjacent to a public right-of-way that is improved for vehicular use; provided, that it meets the buffering standards for driving and parking areas in KZC 95.45(1); and provided further, that the exemptions of KZC 95.45(2) do not apply unless it is fully enclosed within or under a building, or is on top of a building and is at least one (1) story above finished grade.~~
- ~~6. Outdoor Christmas tree lots and fireworks stands if these uses will not exceed 30 days, and outdoor amusement rides, carnivals and circuses, and parking lot sales which are ancillary to the indoor sale of the same goods and services, if these uses will not exceed seven (7) days.~~

~~(Ord. 4547 § 1, 2016; Ord. 4238 § 2, 2010)~~

95.44 Internal Parking Lot Landscaping Requirements

~~The following internal parking lot landscape standards apply to each parking lot or portion thereof containing more than eight (8) parking stalls.~~

- ~~1. The parking lot must contain 25 square feet of landscaped area per parking stall planted as follows:

 - ~~a. The applicant shall arrange the required landscaping throughout the parking lot to provide landscape islands or peninsulas to separate groups of parking spaces (generally every eight (8) stalls) from one another and each row of spaces from any adjacent driveway that runs perpendicular to the row. This island or peninsula must be surrounded by a 6 inch high vertical curb and be of similar dimensions as the adjacent parking stalls. Gaps in curbs are allowed for stormwater runoff to enter landscape island.~~
 - ~~b. Landscaping shall be installed pursuant to the following standards:

 - ~~1) At least one (1) deciduous tree, two (2) inches in caliper, or a coniferous tree five (5) feet in height.~~
 - ~~2) Groundcover shall be selected and planted to achieve 60 percent coverage within two (2) years.~~
 - ~~3) Natural drainage landscapes (such as rain gardens, bio-infiltration swales and bioretention planters) are allowed when designed in compliance with the stormwater design manual adopted in KMC 15.52.060. Internal parking lot landscaping requirements for trees still apply. Refer to Public Works Pre-Approved Plans.~~~~
 - ~~c. Exception. The requirements of this subsection do not apply to any area that is fully enclosed within or under a building.~~~~

ATTACHMENT 1

2. ~~Roof-top Parking Landscaping. For a driving or parking area on the top level of a structure that is not within the CBD zone or within any zone that requires design regulation compliance, one (1) planter that is 30 inches deep and five (5) feet square must be provided for every eight (8) stalls on the top level of the structure. Each planter must contain a small tree or large shrub suited to the size of the container and the specific site conditions, including desiccating winds, and is clustered with other planters near driving ramps or stairways to maximize visual effect.~~
3. ~~If development is subject to Design Review as described in Chapter 142 KZC, the City will review the parking area design, plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required landscaping and design of the parking area as part of Design Review approval.~~

~~(Ord. 4547 § 1, 2016; Ord. 4350 § 1, 2012; Ord. 4238 § 2, 2010)~~

~~95.45 Perimeter Landscape Buffering for Driving and Parking Areas~~

1. ~~Perimeter Buffering—General. Except as specified in subsection (2) of this section, the applicant shall buffer all parking areas and driveways from abutting rights-of-way and from adjacent property with a 5-foot wide strip along the perimeter of the parking areas and driveways planted as follows (see Figure 95.45.A):~~
 - a. ~~One (1) row of trees, two (2) inches in caliper and planted 30 feet on center along the entire length of the strip.~~
 - b. ~~Living groundcover planted to attain coverage of at least 60 percent of the strip area within two (2) years.~~
 - c. ~~Natural drainage landscapes (such as rain gardens, bio-infiltration swales and bioretention planters) are allowed when designed in compliance with the stormwater design manual adopted in KMC 15.52.060. Perimeter landscape buffering requirements for trees in driving and parking areas still apply. Refer to Public Works Pre-Approved Plans.~~
2. ~~Exception. The requirements of this section do not apply to any parking area that:~~
 - a. ~~Is fully enclosed within or under a building; or~~
 - b. ~~Is on top of a building and is at least one (1) story above finished grade; or~~
 - c. ~~Serves detached dwelling units exclusively; or~~
 - d. ~~Is within any zone that requires design regulation compliance. See below for Design District requirements.~~
3. ~~Design Districts. If subject to Design Review, each side of a parking lot that abuts a street, through-block pathway or public park must be screened from that street, through-block pathway or public park by using one (1) or a combination of the following methods (see Figures 95.45.A, B, and C):~~
 - a. ~~By providing a landscape strip at least five (5) feet wide planted consistent with subsection (1) of this section, or in combination with the following. In the RIBD Regional Center (see KZC Figure 92.05.A) a 10-foot perimeter landscape strip along NE 85th Street is required planted consistent with subsection (1) of this section.~~
 - b. ~~The hedge or wall must extend at least two (2) feet, six (6) inches, and not more than three (3) feet above the ground directly below it.~~
 - c. ~~The wall may be constructed of masonry or concrete, if consistent with the provisions of KZC 92.35(1)(g), in building material, color and detail, or of wood if the design and materials match the building on the subject property.~~
 - d. ~~In IBD zones:~~

- 1) If the street is a pedestrian-oriented street, the wall may also include a continuous trellis or grillwork, at least five (5) feet in height above the ground, placed on top of or in front of the wall and planted with climbing vines. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.
- 2) If the wall abuts a pedestrian-oriented street, the requirements of this subsection may be fulfilled by providing pedestrian weather protection along at least 80 percent of the frontage of the subject property.
- e. If development is subject to Design Review as described in Chapter 142 KZC, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.
4. Overlapping Requirements. If buffering is required in KZC 95.42, Land Use Buffering Standards, and by this subsection, the applicant shall utilize the more stringent buffering requirement.

Perimeter Parking Lot Landscaping

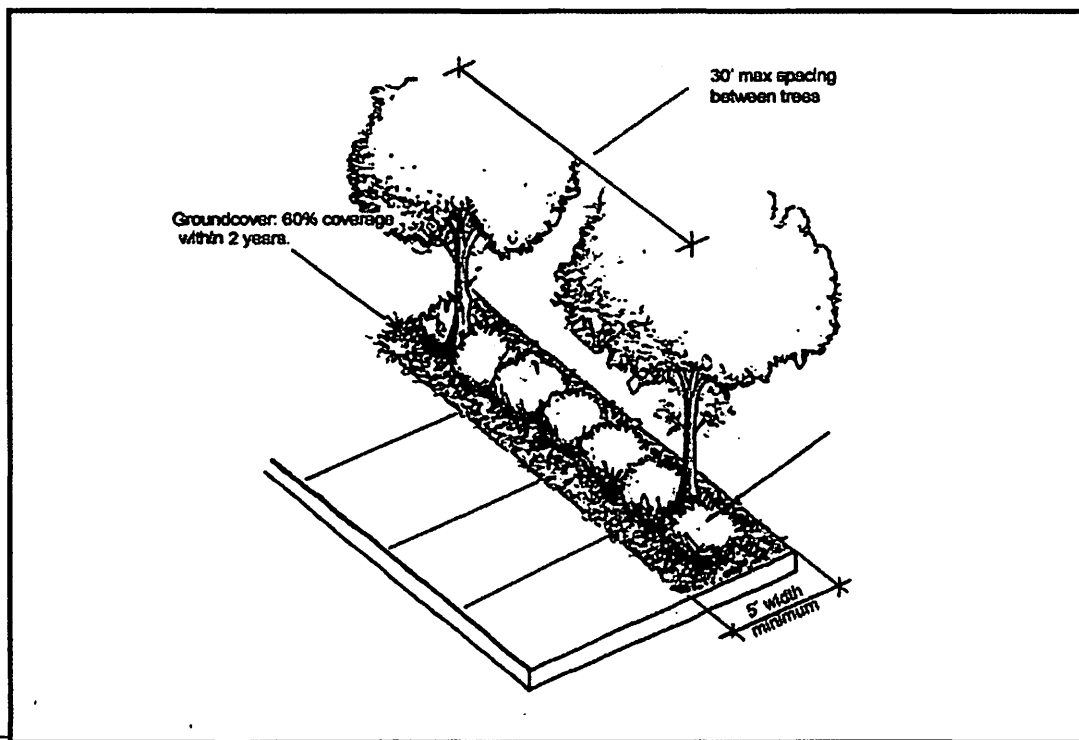


FIGURE 95.45.A

Perimeter Parking—Examples of Various Screen Wall Designs

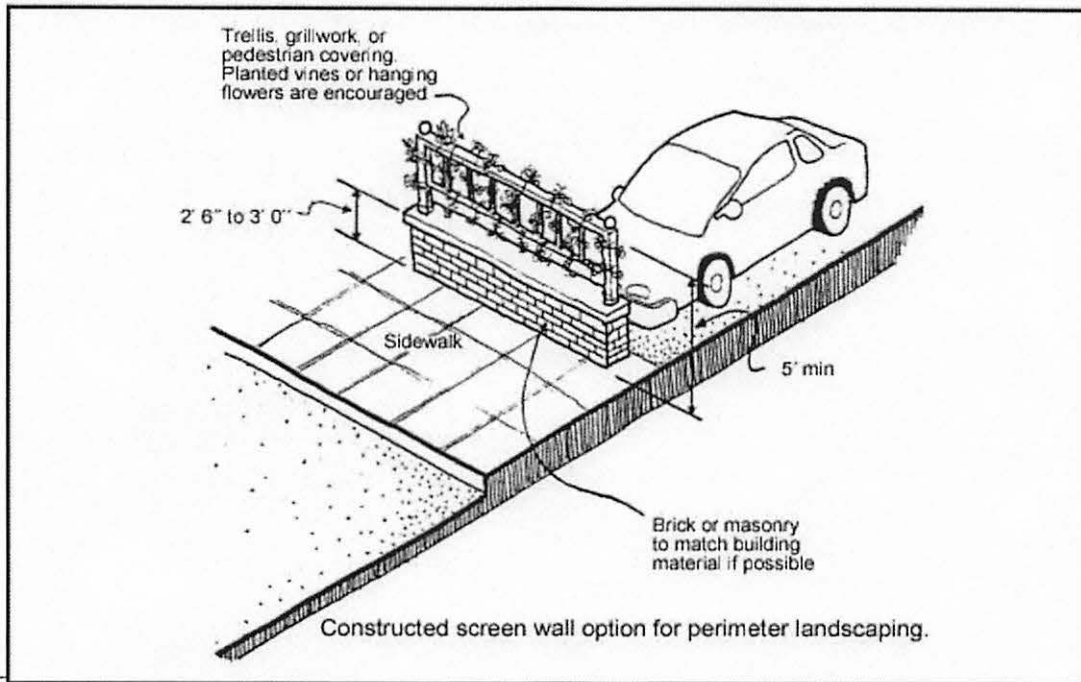


FIGURE 95.45.B

Perimeter Parking—Examples of Various Screen Wall Designs

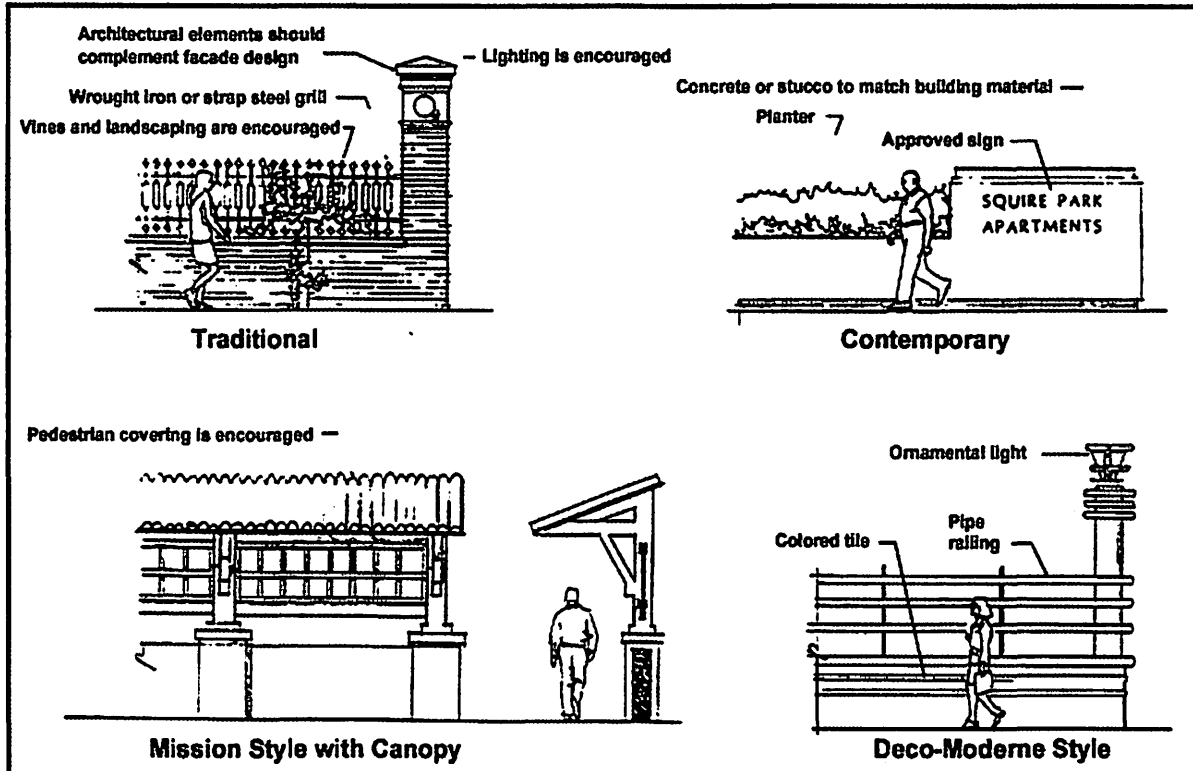


FIGURE 95.45.C

(Ord. 4547 § 1, 2016; Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)

95.46 Modifications to Landscaping Standards

1. **Modification to Land Use Buffer Requirements.** The applicant may request a modification of the requirements of the buffering standards in KZC 95.42. The Planning Official may approve a modification if:

- a. The owner of the adjoining property agrees to this in writing; and
- b. The existing topography or other characteristics of the subject property or the adjoining property, or the distance of development from the neighboring property decreases or eliminates the need for buffering; or
- c. The modification will be more beneficial to the adjoining property than the required buffer by causing less impairment of view or sunlight; or
- d. The Planning Official determines that it is reasonable to anticipate that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive, buffer; or
- e. The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer.

2. **Modifications to General Landscaping Requirements:**

- a. **Authority to Grant and Duration.** If the proposed development of the subject property requires approval through Design Review or Process I, IIA, or IIB, described in Chapters 142, 145, 150, and 152 KZC, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the applicable criteria listed in subsections (2)(b) and (2)(c) of this section. If granted under Design Review or Process I, IIA, or IIB, the modification is binding on the City.

for all development permits issued for that development under the building code within five (5) years of the granting of the modification.

If the above does not apply, the Planning Official may grant a modification in writing under the provisions of this section.

b. ~~Internal Parking Lot Landscaping Modifications. For a modification to the internal parking lot landscaping requirements in KZC 95.44, the landscape requirements may be modified if:~~

- ~~1) The modification will produce a landscaping design in the parking area comparable or superior to that which would result from adherence to the adopted standard; or~~
- ~~2) The modification will result in increased retention of significant existing vegetation; or~~
- ~~3) The purpose of the modification is to accommodate low impact development techniques as approved by the Planning Official.~~

e. ~~Perimeter parking lot and driveway landscaping. For a modification to the perimeter landscaping for parking lots and driveways, the buffering requirements for parking areas and driveways may be modified if:~~

- ~~1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or~~
- ~~2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or~~
- ~~3) The modification will provide a visual screen that is comparable or superior to the buffer required by KZC 95.45; or~~
- ~~4) The modification eliminates the portion of the buffer that would divide a shared parking area serving two (2) or more adjacent uses, but provides the buffer around the perimeter of the shared parking area.~~

(Ord. 4547 § 1, 2016; Ord. 4238 § 2, 2010)

95.47 Nonconforming Landscaping and Buffers

1. ~~The landscaping requirements of KZC 95.41, Supplemental Plantings, KZC 95.43 Outdoor Use, Activity and Storage, KZC 95.44, Internal Parking Lot Landscaping, and KZC 95.45, Perimeter Landscape Buffering for Driving and Parking Areas, must be brought into conformance as much as is feasible, based on available land area, in either of the following situations:~~

- a. ~~An increase of at least 10 percent in gross floor area of any structure; or~~
- b. ~~An alteration to any structure, the cost of which exceeds 50 percent of the replacement cost of the structure.~~

2. ~~Land use buffers must be brought into conformance with KZC 95.42 in either of the following situations:~~

- a. ~~An increase in gross floor area of any structure (the requirement to provide conforming buffers applies only where new gross floor area impacts adjoining property); or~~
- b. ~~A change in use on the subject property and the new use requires larger buffers than the former use.~~

(Ord. 4547 § 1, 2016; Ord. 4238 § 2, 2010)

95.50 Installation Standards for Required Plantings

~~All required trees, landscaping and soil shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All required landscaping shall be installed in the ground and not in above ground containers, except for landscaping required on the top floor of a structure.~~

When an applicant proposes to locate a subterranean structure under required landscaping that appears to be at-grade, the applicant will: (1) provide site-specific documentation prepared by a qualified expert to establish that the design will adequately support the long-term viability of the required landscaping; and (2) enter into an agreement with the City, in a form acceptable to the City Attorney, indemnifying the City from any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the King County Recorder's Office.

1. ~~Compliance. It is the applicant's responsibility to show that the proposed landscaping complies with the regulations of this chapter.~~

2. ~~Timing. All landscaping shall be installed prior to the issuance of a certificate of occupancy, except that the installation of any required tree or landscaping may be deferred during the summer months to the next planting season, but never for more than six (6) months. Deferred installation shall be secured with a performance bond pursuant to Chapter 175 KZC prior to the issuance of a certificate of occupancy.~~

3. ~~Grading. Berms shall not exceed a slope of two (2) horizontal feet to one (1) vertical foot (2:1).~~

4. ~~Soil Specifications. Soils in planting areas shall have soil quality equivalent to Washington State Department of Ecology BMP T5.13. The soil quality in any landscape area shall comply with the soil quality requirements of the Public Works Pre-Approved Plans. See subsection (9) of this section for mulch requirements.~~

5. ~~Plant Selection.~~

a. ~~Plant selection shall be consistent with the Kirkland Plant List, which is produced by the City's Natural Resource Management Team and available in the Planning and Building Department.~~

b. ~~Plants shall be selected and sited to produce a hardy and drought-resistant landscape area. Selection shall consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Preservation of existing vegetation is strongly encouraged.~~

c. ~~Prohibited Materials. Plants listed as prohibited in the Kirkland Plant List are prohibited in required landscape areas. Additionally, there are other plants that may not be used if identified in the Kirkland Plant List as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, or when not provided with enough growing space.~~

d. ~~All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual.~~

e. ~~Plants shall meet the minimum size standards established in other sections of the KZC.~~

f. ~~Multiple-stemmed trees may be permitted as an option to single-stemmed trees for required landscaping provided that such multiple-stemmed trees are at least 10 feet in height and that they are approved by the Planning Official prior to installation.~~

6. ~~Fertilization. All fertilizer applications to turf or trees and shrubs shall follow Washington State University, National Arborist Association or other accepted agronomic or horticultural standards.~~

7. ~~Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required plantings must provide an irrigation system, using either Option 1, 2, or 3 or a combination of those options. For each option irrigation shall be designed to conserve water by using the best practical management techniques available. These techniques may include, but not be limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation during rainy periods, automatic controllers to ensure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and shrubs and for full sun exposure and shady areas to meet watering needs of different sections of the landscape.~~

Exceptions, as approved by the Planning Official, to the irrigation requirement may be approved xeriscape (i.e., low water usage plantings), plantings approved for low impact development techniques, established indigenous plant material, or landscapes where natural appearance is acceptable or desirable to the City. However, these exceptions will require temporary irrigation (Option 2 and/or 3) until established.

a. Option 1. A permanent built in irrigation system with an automatic controller designed and certified by a licensed landscape architect as part of the landscape plan.

b. Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own, once established.

c. Option 3. Irrigation by hand. If the applicant chooses this option, an inspection will be required one (1) year after final inspection to ensure that the landscaping has become established.

8. Drainage. All landscapes shall have adequate drainage, either through natural percolation or through an installed drainage system. A percolation rate of one half (1/2) inch of water per hour is acceptable.

9. Mulch.

a. Required plantings, except turf or areas of established ground cover, shall be covered with two (2) inches or more of organic mulch to minimize evaporation and runoff. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that are fully composted.

b. All mulches used in planter beds shall be kept at least six (6) inches away from the trunks of shrubs and trees.

10. Protection. All required landscaped areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas. Protective devices such as bollards, wheel stops, trunk guards, root guards, etc., may be required in some situations.

(Ord. 4551 § 4, 2017; Ord. 4547 § 1, 2016; Ord. 4491 §§ 3, 11, 2015; Ord. 4350 § 1, 2012; Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)

95.51 Tree and Landscape Maintenance Requirements

The following maintenance requirements apply to all trees, including street trees, and other vegetation required to be planted or preserved by the City:

1. Responsibility for Regular Maintenance. Required trees and vegetation, fences, walls, and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular maintenance of required landscaping elements. Plants that die must be replaced in kind. It is also the responsibility of the property owner to maintain street trees abutting their property pursuant to KZC 95.21.

2. Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (3), (4) and (5) of this section:

a. All required landscaping shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.

b. Any existing tree or other existing vegetation designated for preservation in a tree retention plan shall be maintained for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to KZC 95.23 unless:

1) The tree and associated vegetation are in a grove that is protected pursuant to subsection (3) of this section; or

~~2) The tree or vegetation is considered to be a public benefit related to approval of a planned unit development; or~~

~~3) The tree or vegetation was retained to partially or fully meet requirements of KZC 95.40 through 95.45, required landscaping.~~

~~3. Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on an approved Tree Retention Plan pursuant to KZC 95.30(2) shall provide prior to occupancy the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the Planning Official determines that preservation is no longer appropriate.~~

~~4. Maintenance in Holmes Point Overlay Zone. Vegetation in designated Protected Natural Areas in the Holmes Point Overlay Zone is to be protected in perpetuity pursuant to KZC 70.15(8)(a). Significant trees in the remainder of the lot shall be protected in perpetuity pursuant to KZC 70.15(8)(b).~~

~~5. Nonnative Invasive and Noxious Plants. It is the responsibility of the property owner to remove nonnative invasive plants and noxious plants from the vicinity of any tree or other vegetation that the City has required to be planted or protected. Removal must be performed in a manner that will not harm the tree or other vegetation that the City has required to be planted or protected.~~

~~6. Landscape Plans and Utility Plans. Landscape plans and utility plans shall be coordinated. In general, the placement of trees and large shrubs should adjust to the location of required utility routes both above and below ground. Location of plants shall be based on the plant's mature size both above and below ground. See the Kirkland Plant List for additional standards.~~

(Ord. 4551 § 4, 2017; Ord. 4437 § 1, 2014; Ord. 4238 § 2, 2010)

95.52 Prohibited Vegetation

~~Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City or required to be retained.~~

~~For landscaping not required under this chapter, this prohibition shall become effective on February 14, 2008. The City may require removal of prohibited vegetation if installed after this date. Residents and property owners are encouraged to remove pre-existing prohibited vegetation whenever practicable.~~

(Ord. 4450 § 1, 2014; Ord. 4238 § 2, 2010; Ord. 4121 § 1, 2008)

95.55 Enforcement and Penalties

~~Upon determination that there has been a violation of any provision of this chapter, the City may pursue code enforcement and penalties in accordance with the provisions of Chapter 1.12 KMC, Code Enforcement.~~

(Ord. 4286 § 1, 2011; Ord. 4281 § 1, 2011; Ord. 4238 § 2, 2010; Ord. 4010 § 2, 2005)

95.57 City Forestry Account

~~1. Funding Sources. All civil penalties received under this chapter and all money received pursuant to KZC 95.33(3)(c) shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:~~

- ~~a. Agreed upon restoration payments imposed under KZC 95.55 or settlements in lieu of penalties;~~
- ~~b. Sale of trees or wood from City property where the proceeds from such sale have not been dedicated to another purpose;~~
- ~~c. Donations and grants for tree purposes;~~
- ~~d. Sale of seedlings by the City; and~~
- ~~e. Other monies allocated by the City Council.~~

2. ~~Funding Purposes. The City shall use money received pursuant to this section for the following purposes:~~

- a. ~~Acquiring, maintaining, and preserving wooded areas within the City;~~
- b. ~~Planting and maintaining trees within the City;~~
- e. ~~Establishment of a holding public tree nursery;~~
- d. ~~Urban forestry education;~~
- e. ~~Implementation of a tree canopy monitoring program; or~~
- f. ~~Other purposes relating to trees as determined by the City Council.~~

(Ord. 4238 § 2, 2010)

**Chapter 112 – AFFORDABLE HOUSING INCENTIVES-
MULTIFAMILY**

(NOTE: only the amended subsections are shown)

112.15 Affordable Housing Requirement**1. Applicability –**

a. **Minimum Requirement –** All developments creating four or more new dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations or the Special Regulations for the specific use in Chapters 20 through 56 KZC. ~~This subsection is not effective within the disapproval jurisdiction of the Houghton Community Council, except in the HENC 1 and HENC 2 zones.~~ For Transit Oriented Development in the PR 1.8 zone, see the permitted uses for the minimum amount of affordable housing to be provided and other requirements of this chapter that do not apply.

b. **Voluntary Use –** All other provisions of this chapter are available for use ~~within the disapproval jurisdiction of the Houghton Community Council and~~ in developments where the minimum requirement does not apply; provided, however, the provisions of this chapter are not available for use in developments located within the BN zone.

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

3. **Calculation in CBD 5A, RH, HENC 2, TL, Transit Oriented Development in PR 1.8, FHNC, BCX and PLA 5C Zones –** For developments in the CBD 5A, RH, TL, FHNC, BCX, TOD in PR 1.8, HENC 2, and PLA 5C zones, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed.

4. **Rounding and Alternative Compliance –** In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66. KZC 112.30 establishes methods for alternative compliance, including payment in lieu of construction for portions of required affordable housing units that are less than 0.66 units.

(Ord. 4784 § 1, 2022; Ord. 4733 § 1, 2020; Ord. 4650 § 1, 2018; Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4476 § 3, 2015; Ord. 4474 § 1, 2015; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4337 § 1, 2011; Ord. 4286 § 1, 2011; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

112.40 Regulatory Review and Evaluation

At least every two (2) years, the Planning and Building Department shall submit a report that tracks the use of these regulations to the ~~Houghton Community Council~~, Planning Commission and City Council.

(Ord. 4733 § 1, 2020; Ord. 4491 § 3, 2015; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

**Chapter 113 – COTTAGE, CARRIAGE AND TWO/THREE-UNIT
HOMES**

(NOTE: only the amended subsections are shown)

Chapter 113 – COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES

~~(Not effective within the Houghton Community Municipal Corporation)~~

STAFF NOTE: This version of KZC Chapter 113, which was previously disapproved by the Houghton Community Council, becomes wholly effective within the former-HCMC area, including the amendments in the subsection shown below. The current HCMC-only version of KZC Chapter 113 is fully repealed as shown by strikethrough later in this document.

113.25 Development Chart for Cottages, Carriage Units and Two/Three-Unit Homes

Please refer to KZC 113.30, 113.35 and 113.40 for additional requirements related to these standards.

	Cottage	Carriage	Two/Three-Unit Home
Max Unit Size	1,700 square feet ^{1,2}	800 square feet located above a garage structure in a cottage housing development	Maximum size of a two- or three-unit home is determined by the floor area ratio (F.A.R.) in the underlying zone ³
Density	Two times the maximum number of detached dwelling units allowed in the underlying zone ^{4,5,6,7}		
Max Floor Area Ratio (F.A.R.) ⁸	Equal to the base zoning allowance for single-family residences		
Development Size ⁹	Min. 2 units Max. 24 units Maximum cluster: 12 units	Allowed when included in a cottage project; reviewed as part of cottage project	No development size limitation
Review Process	None ¹⁶		
Minimum Lot Size	Beyond density restrictions, there is no required minimum lot size for lots created through the subdivision process. (The number of allowed units on the subject property is determined by the density provision of this chart.)		
Parking Requirements ¹⁰	<p>Provided a development is within one-half mile of transit service with 15-minute headways during commute hours: 1 space per unit</p> <p>Provided a development is more than one-half mile from transit service with 15-minute headways during commute hours:</p> <p>Units which are 1,000 square feet or less = 1 space per unit</p> <p>Units which are over 1,000 square feet = 1.5 spaces per unit</p> <p>See KZC 105.20 for visitor parking</p> <p>One attached ADU = no additional on-site space required</p>		
Minimum Required Yards (from exterior property lines of subject property)	Front: 20' ^{13, 14, 15} Side: 5' Rear: 10'	Must be included in a cottage project	Front: 20' Side: 5' Rear: 10'
Lot Coverage (all impervious surfaces) ¹¹	Equal to the base zoning allowance for single-family residences	Must be included in a cottage project	Equal to the base zoning allowance for single-family residences
Height			
Dwelling Units	Equal to the base zoning allowance for single-family residences		
Accessory Structures	One story, not to exceed 18' above A.B.E.		
Tree Retention	The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter.		
Common Open Space	300 square feet per unit for cottage developments containing 5 or more units and not required for duplexes or triplexes. Can be reduced to 200 square feet per unit if a permanent recreational/communal feature, such as cooking facilities, play equipment or permanent outdoor furniture, is provided. Private open space is also encouraged (see KZC 113.35).		

	Cottage	Carriage	Two/Three-Unit Home
Community Buildings	Community buildings are encouraged. See KZC 113.30 for further regulations.		
Attached Covered Porches ¹²	Each unit must have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 7' on all sides.	NA	Attached covered porches are encouraged as a design feature.
Development Options	Subdivision Condominium Rental or Ownership		
Accessory Dwelling Units (ADUs)	Allow attached ADUs as part of a cottage or two-/three-unit home development.		

¹ A covenant restricting any increases in unit size after initial construction shall be recorded against the property. Vaulted space may not be converted to habitable space.

² Maximum size for a cottage is 1,700 square feet. A cottage may include an attached garage, not to exceed an additional 250 square feet, and is not included in the maximum square footage limitation.

³ Maximum size for a two- or three-unit home:

a. Regulated by the floor area ratio (F.A.R.) of the underlying zone. ~~In the disapproval jurisdiction of the Houghton-Community Council, where F.A.R. is not applicable, maximum unit size is limited to applicable development regulations found in the underlying zone.~~

⁴ Existing detached dwelling units may remain on the subject property and will be counted as units.

⁵ When the conversion from detached dwelling units to equivalent units results in a fraction, the equivalent units shall be limited to the whole number below the fraction.

⁶ See KZC 90.170 for density calculation on a site which contains a wetland, stream, minor lake, or their buffers.

⁷ To determine equivalent units for a two- or three-unit home, the following formula will be used: Lot area/min. lot size per unit in underlying zone x 2 = maximum units (always round down to nearest whole number). *Example (RS 7.2 zone): 12,500/7,200 = 1.7 x 2 = 3.4 units, rounded down to 3 units.*

⁸ F.A.R. regulations:

a. F.A.R. regulations are calculated using the "buildable area" of the site, as defined in KZC 90.170. Where no critical areas regulated under Chapter 90 KZC exist on the site, F.A.R. regulations shall be calculated using the entire subject property, except as provided in subsection (b) of this footnote.

b. Where native growth protective easements (NGPEs) for slopes result in a restricted area for development, density may be limited to ensure that the F.A.R. on the developed portion of the site remains compatible with surrounding development and generally consistent with the F.A.R. limitation of this chapter.

c. F.A.R. for individual lots may vary. All structures on site, other than median income units and any attached garages for the median income units provided under KZC 113.40, shall be included in the F.A.R. calculation for the development.

⁹ Cluster size for cottage developments is intended to encourage a sense of community among residents. A development site may contain more than one cluster, with a clear separation between clusters.

¹⁰ See KZC 105.20 for requirements related to guest parking.

¹¹ Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.

¹² Requirements for porches do not apply to carriage or two-/three-unit homes.

¹³ On corner lots in RSX and RSA zones, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.

¹⁴ On lots with two front yards that are essentially parallel to one another in RSX and RSA zones, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 feet). The front yard shall be the yard adjacent to the front facade of the dwelling unit.

¹⁵ For properties within the jurisdiction of the Shoreline Management Act that have a shoreline setback requirement as established in Chapter 83 KZC and the setback requirement is met, the minimum required front yard is either: 10 feet or the average of the existing front yards on the properties abutting each side of the subject property. For the reduction in front yard, the shoreline setback is considered conforming if a reduction in the required shoreline setback is approved through KZC 83.380.

¹⁶ Before applying for a permit or approval under this chapter, the applicant shall attend a pre-submittal meeting with the Planning Official consistent with the provisions of KZC 145.12.

~~*The subsection KZC 113.25 footnote 3 (floor area ratio, F.A.R.) is not effective within the disapproval jurisdiction of the Houghton Community Council.*~~

(Ord. 4781 § 1, 2022; Ord. 4749 § 1, 2021; Ord. 4717 § 1, 2020; Ord. 4551 § 4, 2017; Ord. 4238 § 2, 2010; Ord. 4196 § 1, 2009; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

Chapter 113 — COTTAGE, CARRIAGE AND TWO/THREE UNIT HOMES**(Effective within the Houghton Community Municipal Corporation)****Sections:**

- 113.05 — User Guide
- 113.10 — Voluntary Provisions and Intent
- 113.15 — Housing Types Defined
- 113.20 — Applicable Use Zones
- 113.25 — Parameters for Cottages, Carriage Units and Two/Three Unit Homes
- 113.30 — Community Buildings and Community Space in Cottage Developments
- 113.35 — Design Standards and Guidelines
- 113.40 — Median Income Housing
- 113.45 — Review Process
- 113.50 — Additional Standards

Code revisor's note: Ord. 4717's code amendments to this chapter were not approved by the Houghton Community Council and are not effective within the Houghton Community Municipal Corporation. This version of the chapter is without the amendments of Ord. 4717, and is effective within the Houghton Community Municipal Corporation.

113.05 User Guide

This chapter provides standards for alternative types of housing in single family zones. If you are interested in proposing cottage, carriage or two/three unit homes or you wish to participate in the City's decision on a project including these types of housing units, you should read this chapter.

(Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.10 Voluntary Provisions and Intent

The provisions of this chapter are available as alternatives to the development of typical detached single family homes. In the event of a conflict between the standards in this chapter and the standards in KZC 15 or 17, the standards in this chapter shall control. These standards are intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single family residential development.

(Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.15 Housing Types Defined

The following definitions apply to the housing types allowed through the provisions in this chapter:

1. **Cottage** — A detached, single family dwelling unit containing 1,500 square feet or less of gross floor area.
2. **Carriage Unit** — A single family dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure in a cottage housing development.
3. **Two/Three Unit Home** — A structure containing two (2) dwelling units or three (3) dwelling units, designed to look like a detached single family home.

(Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.20 Applicable Use Zones

The housing types described in this chapter may be used only in the following low density zones: RSA 4, RSA 6, RS 7.2, RSX 7.2, RS 8.5, RSX 8.5, RS 12.5 and RSX 12.5 (see KZC 113.25 for further standards regarding location of these housing types).

(Ord. 4196 § 1, 2009; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.25 Parameters for Cottages, Carriage Units and Two/Three Unit Homes

Please refer to KZC 113.30, 113.35 and 113.40 for additional requirements related to these standards.

	Cottage	Carriage	Two/Three Unit Home ¹
Max Unit Size ²	1,500 square feet ³	800 square feet	1,000 square feet average unit size Structure total ⁴ : Two Unit: 2,000 s.f. Three Unit: 3,000 s.f.
Density	2 times the maximum number of detached dwelling units allowed in the underlying zone ^{5,6,7,8}		
Max Floor Area Ratio (F.A.R.) ⁹	.35		
Development Size	Min. 4 units Max. 24 units Maximum cluster ¹⁰ : 12 units	Allowed when included in a cottage project.	Must be limited to either one (1) two-unit home or one (1) three-unit home, or be part of a cottage development, unless approved through Process II-A, Chapter 150 KZC. Single two-unit home or single three-unit home: Process I ¹¹ Development containing more than one two-unit or one three-unit home (other than a cottage project): Process II-A ¹²
Review Process	Process I		
Location	Developments containing cottage, carriage and/or two/three unit homes may not be located closer than the distance noted below to another development approved under the provisions of this chapter or under Ordinance 3856: 1 to 9 Units: 500' 10 — 19 Units: 1,000' 20 — 24 Units: 1,500'		
Minimum Lot Size	Beyond density restrictions, there is no required minimum lot size for lots created through the subdivision process. (The number of allowed units on the subject property is determined by the density provision of this chart.)		
Parking Requirements ¹³	Units under 700 square feet: 1 space per unit Units between 700 — 1,000 square feet: 1.5 spaces per unit Units over 1,000 square feet: 2 spaces per unit. Must be provided on the subject property.		
Minimum Required Yards (from exterior property lines of subject property)	Front: 20' Other: 10'	Must be included in a cottage project.	Front: 20' Other: 10'
Lot coverage (all impervious surfaces) ¹⁴	50%	Must be included in a cottage project.	50%
Height	-		
Dwelling Units	25' (RS Zones) and 27' (RSA and RSX Zones) maximum above A.B.E., (where minimum roof slope of 6:12 for all parts of the roof above 18' are provided). Otherwise, 18' above A.B.E.		
Accessory Structures	One (1) story, not to exceed 18' above A.B.E.		
Tree Retention	The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter.		
Common Open Space	400 square feet per unit. Private open space is also encouraged (see KZC 113.35).		
Community Buildings	Community buildings are encouraged. See KZC 113.30 for further regulations.		

	Cottage	Carriage	Two/Three-Unit Home ¹
Attached Covered Porches ¹⁵	Each unit must have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 7 ² on all sides.	-	-
Development Options	Subdivision Condominium Rental or Ownership		
Accessory Dwelling Units (ADUs)	Not permitted as part of a cottage, carriage or two/three-unit home development.		

¹ Within the jurisdiction of the Houghton Community Council, this housing type is only allowed where it is included in a cottage project.

² A covenant restricting any increases in unit size after initial construction shall be recorded against the property. Vaulted space may not be converted to habitable space.

³ Maximum size for a cottage is 1,500 square feet. A cottage may include an attached garage, not to exceed an additional 250 square feet.

⁴ Maximum size for a two-unit home is 2,000 square feet. A two-unit home may include an attached garage, not to exceed an additional 500 square feet. The maximum size for a three-unit home is 3,000 square feet. A three-unit home may include an attached garage, not to exceed an additional 750 square feet.

⁵ Existing detached dwelling units may remain on the subject property and will be counted as units.

⁶ When the conversion from detached dwelling units to equivalent units results in a fraction, the equivalent units shall be limited to the whole number below the fraction.

⁷ See KZC 90.170 for density calculation on a site which contains a wetland, stream, minor lake, or their buffers.

⁸ To determine equivalent units for a two- or three-unit home, the following formula will be used: Lot area/min. lot size per unit in underlying zone x 2 = maximum units (always round down to nearest whole number). Example (RS 7.2 zone): 10,000/2000 = 5 x 2 = 3 units

⁹ F.A.R. regulations:

a. F.A.R. regulations are calculated using the "buildable area" of the site, as defined in KZC 90.170. Where no critical areas regulated under Chapter 90 KZC exist on the site, F.A.R. regulations shall be calculated using the entire subject property, except as provided in subsection (b) of this footnote.

b. Where Native Growth Protective Easements (NGPEs) for slopes result in a restricted area for development, density may be limited to ensure that the F.A.R. on the developed portion of the site remains compatible with surrounding development and generally consistent with the F.A.R. limitation of this chapter.

c. F.A.R. for individual lots may vary. All structures on site, other than median income units and any attached garages for the median income units provided under KZC 113.40, shall be included in the F.A.R. calculation for the development.

¹⁰ Cluster size is intended to encourage a sense of community among residents. A development site may contain more than one (1) cluster, with a clear separation between clusters.

¹¹ Stand-alone two/three-unit homes are not allowed within the jurisdiction of the Houghton Community Council.

¹² See KZC 113.45. Carriage units and two/three-unit homes may be included within a cottage housing proposal to be reviewed through Process I, provided, that the number of two/three-unit homes and carriage units does not exceed 20 percent of the total number of units in the project.

¹³ See KZC 105.20 for requirements related to guest parking.

¹⁴ Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.

¹⁵ Requirements for porches do not apply to carriage or two/three-unit homes.

(Ord. 4551 § 4, 2017; Ord. 4238 § 2, 2010; Ord. 4196 § 1, 2009; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.30 Community Buildings and Community Space in Cottage Developments

Community buildings and community space are encouraged in cottage developments.

1. ~~Community buildings or space shall be clearly incidental in use and size to the dwelling units.~~
2. ~~Building height for community buildings shall be no more than one (1) story. Where the community space is located above another common structure, such as a detached garage or storage building, standard building heights apply.~~
3. ~~Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.~~

(Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.35 Design Standards and Guidelines**1. Cottage Projects****a. Orientation of Dwelling Units**

~~Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the cottage project. A cottage development should not be designed to "turn its back" on the surrounding neighborhood.~~

- 1) ~~Where feasible, each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented to the common open space.~~
- 2) ~~Each dwelling unit abutting a public right of way (not including alleys) shall have an inviting facade, such as a primary or secondary entrance or porch, oriented to the public right of way. If a dwelling unit abuts more than one (1) public right of way, the City shall determine to which right of way the inviting facade shall be oriented.~~

b. Required Common Open Space

~~Common open space should provide a sense of openness, visual relief, and community for cottage developments. The space must be outside of wetlands, streams and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.~~

- 1) ~~Each area of common open space shall be in one (1) contiguous and usable piece with a minimum dimension of 20 feet on all sides.~~
- 2) ~~Land located between dwelling units and an abutting right of way or access easement greater than 21 feet in width may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.~~
- 3) ~~Required common open space may be divided into no more than two (2) separate areas per cluster of dwelling units.~~
- 4) ~~Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.~~
- 5) ~~Fences may not be located within required open space areas.~~
- 6) ~~Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.~~

7) ~~Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:~~

a) ~~The open space shall be located so that it will be surrounded by cottages or two/three-unit homes on at least two (2) sides;~~

b) ~~At least 50 percent of the units in the development shall abut a common open space. A cottage is considered to "abut" an area of open space if there is no structure between the unit and the open space.~~

8) ~~Surface water management facilities shall be limited within common open space areas. Low Impact Development (LID) features are permitted, provided they do not adversely impact access to or use of the common open space for a variety of activities. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults are permitted if located underground.~~

e. ~~Shared Detached Garages and Surface Parking Design~~

~~Parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.~~

1) ~~Shared detached garage structures may not exceed four (4) garage doors per building, and a total of 1,200 square feet.~~

2) ~~For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.~~

3) ~~Shared detached garage structures and surface parking areas must be screened from public streets and adjacent residential uses by landscaping or architectural screening.~~

4) ~~Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.~~

5) ~~Surface parking areas may not be located in clusters of more than four (4) spaces. Clusters must be separated by a distance of at least 20 feet.~~

6) ~~The design of carports must include roof lines similar and compatible to that of the dwelling units within the development.~~

d. ~~Low Impact Development~~

~~The proposed site design shall incorporate the use of low impact development (LID) strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:~~

1) ~~Preservation of natural hydrology.~~

2) ~~Reduced impervious surfaces.~~

3) ~~Treatment of stormwater in numerous small, decentralized structures.~~

4) ~~Use of natural topography for drainage ways and storage areas.~~

5) ~~Preservation of portions of the site in undisturbed, natural conditions.~~

~~6) Reduction of the use of piped systems. Whenever possible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.~~

~~e. Two/Three Unit Homes and Carriage Units within Cottage Projects~~

~~Two/three-unit homes and carriage units may be included within a cottage housing development. Design of these units should be compatible with that of the cottages included in the project.~~

~~f. Variation in Unit Sizes, Building and Site Design~~

~~Cottage projects should establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.~~

~~1) Projects should include a mix of unit sizes within a single development.~~

~~2) Proposals are encouraged to provide a variety of building styles, features and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.~~

~~g. Private Open Space~~

~~Open space around individual dwellings should be provided to contribute to the visual appearance of the development, and to promote diversity in landscape design.~~

~~h. Pedestrian Flow through Development~~

~~Pedestrian connections should link all buildings to the public right-of-way, common open space and parking areas.~~

~~2. Two/Three Unit Homes Not Included in Cottage Developments~~

~~Two and three unit homes are an allowed use on individual lots in the zones listed in KZC 113.20. These homes should be consistent in height, bulk, scale and style with surrounding single family residential uses.~~

~~a. Entries~~

~~Two and three unit homes shall maintain the traditional character and quality of detached single family dwelling units by using design elements such as the appearance of single points of entry addressing the street, pitched roofs, substantial trim around windows, porches and chimneys. Ideally, the multiple unit home will have no more than one (1) entry on each side of the structure.~~

~~b. Low Impact Development (LID)~~

~~Projects containing two (2) or more two/three unit homes shall follow the LID standards set forth in this section.~~

~~e. Garages and Surface Parking Design~~

~~1) Garages and driveways for two/three unit homes shall meet the standards established in KZC 115.43 and 115.115(5). In addition, no more than three (3) garage doors may be visible on any facade of the structure.~~

~~2) Surface parking shall be limited to groups of no more than three (3) stalls. Parking areas with more than two (2) stalls must be visually separated from the street, perimeter property lines and common areas through site planning, landscaping or natural screening.~~

(Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.40 Median Income Housing

~~1. Requirement to Provide Median Income Housing—Projects including 10 or more housing units shall be required to provide 10 percent of the units as affordable to median income households. The level of affordability shall be determined according to the following schedule:~~

10-unit project:	1 unit affordable to households earning 100% of King County median income
11-unit project:	1 unit affordable to households earning 98% of King County median income
12-unit project:	1 unit affordable to households earning 96% of King County median income
13-unit project:	1 unit affordable to households earning 94% of King County median income
14-unit project:	1 unit affordable to households earning 92% of King County median income
15-unit project:	1 unit affordable to households earning 90% of King County median income
16-unit project:	1 unit affordable to households earning 88% of King County median income
17-unit project:	1 unit affordable to households earning 86% of King County median income
18-unit project:	1 unit affordable to households earning 84% of King County median income
19-unit project:	1 unit affordable to households earning 82% of King County median income

~~For projects with 20 units or more, the following schedule will apply:~~

20-unit project:	2 units affordable to households earning 100% of King County median income
21-unit project:	2 units affordable to households earning 98% of King County median income
22-unit project:	2 units affordable to households earning 96% of King County median income
23-unit project:	2 units affordable to households earning 94% of King County median income
24-unit project:	2 units affordable to households earning 92% of King County median income

~~Median income dwelling units shall have the same general appearance and use the same exterior materials as the market rate dwelling units, and shall be dispersed throughout the development.~~

~~The type of ownership of the median income housing units shall be the same as the type of ownership for the rest of the housing units in the development.~~

~~As noted in KZC 113.25, any median income units, and any attached garages for the median income units, provided under this section shall not be included in the floor area ratio (F.A.R.) calculation for the development.~~

~~2. Agreement for Median Income Housing Units—Prior to issuance of a certificate of occupancy, an agreement in a form acceptable to the City Attorney shall be recorded with King County Recorder's Office. The agreement shall address price restrictions, homebuyer or tenant qualifications, long term affordability, and any other applicable topics of the median income housing units. The agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant.~~

~~Median income housing units that are provided under this section shall remain as median income housing for a minimum of 50 years from the date of initial owner occupancy for ownership median income housing units and for the life of the project for rental median income housing units.~~

~~(Ord. 4491 § 11, 2015; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)~~

113.45 Review Process

~~1. Approval Process—Cottage Housing Development~~

a. ~~The City will process an application for cottage development through Process I, Chapter 145 KZC.~~

b. ~~Public notice for developments proposed through this section shall be as set forth under the provisions of Chapter 150 KZC (Process IIA).~~

2. ~~Approval Process—Carriage Unit and Two/Three Unit Home Development~~

a. ~~Single two/three unit homes shall be reviewed through Process I. Developments containing two/three unit homes and carriage units that are part of a cottage project shall also be reviewed through Process I; provided, that the number of two/three unit homes and carriage units does not exceed 20 percent of the total number of units in the project. Noticing requirements shall be as described in subsection (1)(b) of this section.~~

b. ~~All other developments containing carriage and two/three unit homes shall be reviewed using Process IIA.~~

3. ~~Approval Process—Requests for Modifications to Standards~~

a. ~~Minor Modifications~~

~~Applicants may request minor modifications to the general parameters and design standards set forth in this chapter. The Planning and Building Director or Hearing Examiner may modify the requirements if all of the following criteria are met:~~

1) ~~The site is constrained due to unusual shape, topography, easement or critical areas.~~

2) ~~The modification is consistent with the objectives of this chapter.~~

3) ~~The modification will not result in a development that is less compatible with neighboring land uses.~~

4. ~~Review Criteria~~

a. ~~In addition to the criteria established for review of development proposals in Chapters 145 and 150 KZC, the applicant must demonstrate that:~~

1) ~~The proposal is compatible with and is not larger in scale than surrounding development with respect to size of units, building heights, roof forms, setbacks between adjacent buildings and between buildings and perimeter property lines, number of parking spaces, parking location and screening, access and lot coverage.~~

2) ~~Any proposed modifications to provisions of this chapter are important to the success of the proposal as an alternative housing project and are necessary to meet the intent of these regulations.~~

(Ord. 4551 § 4, 2017; Ord. 4372 § 1, 2012; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.50 Additional Standards

1. ~~Application fees for the Process I or IIA review of the proposed project shall be based on the number of single family units that would be allowed by the underlying zoning, regardless of the number of units proposed under this chapter.~~

2. ~~Impact fees under Kirkland Municipal Code Chapters 27.04 and 27.06 for the proposed project shall be assessed at the rates for multifamily dwelling units, as identified in Appendix A of Kirkland Municipal Code Chapters 27.04 and 27.06.~~

3. ~~The City's approval of a cottage housing or two/three unit home development does not constitute approval of a subdivision or short plat. An applicant wishing to subdivide in connection with a development under this chapter shall seek approval to do so concurrently with the approval process under this chapter. To the extent there is a conflict between the standards set forth in the chapter and Title 22 of the Kirkland Municipal Code, the standards set forth in this chapter shall control. A lot that has existing cottage, carriage or two/three unit homes may not be~~

ATTACHMENT 1

~~subdivided unless all of the requirements of the Zoning Code and Title 22 of the Kirkland Municipal Code are met. A lot containing a two/three unit home may not be subdivided in a manner that results in the dwelling units being located on separate lots.~~

~~(Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)~~

Chapter 114 – LOW IMPACT DEVELOPMENT
(NOTE: only the amended subsections are shown)

114.15 Parameters for Low Impact Development

These standards and incentives address the portion of the project site utilizing the LID principles. The remainder of the project site must comply with underlying zoning and stormwater development regulations. Please refer to KZC 114.30 and 114.35 for additional requirements related to these standards.

Permitted Housing Types	<ul style="list-style-type: none"> • Detached dwelling units. • Accessory dwelling units. • 2/3 unit homes.
Minimum Lot Size	<ul style="list-style-type: none"> • Individual lot sizes must be at least 50% of the minimum lot size for the underlying zone.
Minimum Number of Lots	<ul style="list-style-type: none"> • 4 lots.
Maximum Density	<ul style="list-style-type: none"> • As defined in underlying zone's Use Zone Chart or Density/Dimensions Table. • Bonus density is calculated by multiplying number of lots or units by 0.10. If a fraction of 0.5 or higher is obtained then round to the next whole number.
Low Impact Development	<ul style="list-style-type: none"> • LID principles and facilities/BMPs must be employed to control stormwater runoff generated from all hard surfaces as feasible. This includes all vehicular and pedestrian access. LID facilities/BMPs must be designed according to Public Works stormwater development regulations as stated in Chapter 15.52 KMC.
Locations	<p>Allowed in low density residential zones with the exception of the following: PLA 16, PLA 3C, RSA 1, RSA 8, or the RS 35 and RSX 35 zones in the Bridle Trails neighborhood north and northeast of the Bridle Trails State Park, and the Holmes Point Overlay zone. Any property or portion of a property with shoreline jurisdiction must meet the regulations found in Chapter 83 KZC, including minimum lot size or units per acre and lot coverage.</p>
Review Process	<ul style="list-style-type: none"> • Short plats shall be reviewed under KMC 22.20.015 and subdivisions shall be reviewed under KMC 22.12.015. • Condominium projects shall be reviewed under KZC 145, Process I.
Parking Requirements	<ul style="list-style-type: none"> • 2 stalls per detached dwelling unit. • 1 stall per accessory dwelling unit. • 1.5 stalls per unit in multi-unit home, rounded to next whole number. • See KZC 105.20 for guest parking requirements. • Parking pad width required in KZC 105.47 may be reduced to 10 feet. • Parking pad may be counted in required parking. • Tandem parking is allowed where stalls are shared by the same dwelling unit. • Shared garages in separate tract are allowed. • All required parking must be provided on the LID project site.
Development Type	<ul style="list-style-type: none"> • Subdivision. • Condominium.
Minimum Required Yards (from exterior property lines)	<ul style="list-style-type: none"> • 20 feet for all front yards. • 10 feet for all other required yards.
Minimum Required Yards (from internal property lines)	<ul style="list-style-type: none"> • Front: 10 feet. • Option: Required front yard can be reduced to 5 feet, if required rear yard is increased by same amount of front yard reduction. • Side and rear: 5 feet. • Zero lot line for 2/3 unit homes between internal units.

Front Porches	<ul style="list-style-type: none"> • Must comply with KZC 115.115(3)(n), except that front entry porches may extend to within 5 feet of the interior required front yard.
Garage Setbacks	<ul style="list-style-type: none"> • Must comply with KZC 115.43, except that attached garages on front facade of dwelling unit facing internal front property line must be set back 18 feet from internal front property line.
Lot Coverage (all impervious surfaces)	<ul style="list-style-type: none"> • Maximum lot coverage is the maximum lot coverage percentage of the underlying zone and may be aggregated.
Required Common Open Space (RCOS)	<ul style="list-style-type: none"> • Minimum of 40%. • Must preserve native and undisturbed vegetation. • Allowance of 1% of required common open space for shelters or other recreational structures. • Paths connecting and within required common open space to development must be pervious. • Landscape greenbelt easement is required to protect and keep required common open space undeveloped in perpetuity.
Maximum Floor Area ¹⁻²	<ul style="list-style-type: none"> • Maximum floor area is 50% of the minimum lot size of the underlying zone.

Footnotes:

~~1. The maximum floor area for LID projects does not apply within the disapproval jurisdiction of Houghton.~~

21. The maximum floor area for LID projects in RS 35 and RSX 35 zones is 20 percent of the minimum lot size of the underlying zone.

(Ord. 4547 § 1, 2016; Ord. 4476 § 3, 2015; Ord. 4437 § 1, 2014; Ord. 4350 § 1, 2012)

**Chapter 115 – MICELLANEOUS USE DEVELOPMENT AND
PERFORMANCE STANDARDS**

(NOTE: only the amended subsections are shown)

115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C

The intent of these F.A.R. regulations is to limit the perceived bulk and mass of residential structures as they relate to the right-of-way and adjacent properties and to ensure houses are proportional to lot size. The design incentives in subsection (4) of this section are provided to encourage more interesting design and location of building massing toward the center of each lot, away from neighboring properties.

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones and attached dwelling units in PLA 3C shall include the entire area within the exterior walls for each level of the structure. It shall also include the area of all carports, measured as the area of the carport roof. It shall not include the following:

a. Attic area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.

b. Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23). For window wells, finished grade will be measured at the outside perimeter of a window well only when it is designed and constructed to the minimum dimensions required by the current building code adopted by the City of Kirkland.

c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure, or 10 feet from and behind the main structure if the accessory structure contains an accessory dwelling unit (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, "behind" means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.

d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure, or 10 feet from and behind the main structure if the accessory structure contains an accessory dwelling unit (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R.

e. Uncovered decks.

f. Covered decks, porches, and walkways that are open on at least three (3) sides or have a minimum 50 percent of the perimeter of the deck, porch, or walkway open. Deck, porch, or walkway perimeters with the following characteristics are considered open:

- 1) Have no walls of any height; and
- 2) Have no guard rails taller than the minimum height required by the Building Code.

g. One (1) exemption of 100 square feet if the dwelling unit has an internal staircase and/or an area with a ceiling height greater than 16 feet.

2. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area toward allowable F.A.R. The ceiling height for these areas will be measured to the top of the structural members for the floor above or, if there is no floor above, to the bottom of the structural members for the roof.

3. Separate structures will be regulated as one (1) structure if any elements of the structures, except for the elements listed in subsection (3)(b) of this section, are closer than 20 feet to each other, or closer than 10 feet if the structures contain an accessory dwelling unit.

a. Two (2) structures connected by a breezeway or walkway will be regulated as one (1) structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.

b. Elements of structures that may be closer than 20 feet to each other, or 10 feet if the structures contain an accessory dwelling unit, are:

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

4. Design-Based F.A.R. Bonus

a. An additional five (5) percent F.A.R. above the maximum F.A.R. for the zone will be allowed if at least two (2) of the design elements below are used in the design and construction of a detached dwelling unit:

- 1) With the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of four (4) feet vertical to 12 feet horizontal.
- 2) All structures are set back from side property lines by at least seven and one-half (7 1/2) feet.
- 3) The gross floor area of any floor above ground floor shall be reduced by a minimum of 15 percent of the floor area of the ground floor.

b. The above design-based F.A.R. bonus cannot be combined with any other F.A.R. incentive in this code or the Kirkland Municipal Code.

~~This section is not effective within the disapproval jurisdiction of the Houghton Community Council, except for those lots in PLA 3C that are less than 7,200 square feet or lots that have less than the minimum lot size created through the small lot provisions of KMC 22.28.042, subdivisions.~~

(Ord. 4781 § 1, 2022; Ord. 4715 § 1, 2020; Ord. 4684 § 1, 2019; Ord. 4650 § 1, 2018; Ord. 4437 § 1, 2014; Ord. 4372 § 1, 2012; Ord. 4333 § 1, 2011; Ord. 4121 § 1, 2008; Ord. 4087 § 1, 2007; Ord. 4072 § 1, 2007; Ord. 4065 § 1, 2006)

115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones

1. Purpose and Intent – The intent of these regulations is to minimize the appearance of the garage when viewing the front facade of a house. To achieve this result, the following principles apply:

- a. The garage doors, whenever practicable, should not be placed on the front facade of the house;

- b. If the garage doors are on the front facade, the garage should be set back from the plane of the front facade closest to the street, access easement or tract;
- c. The width of the garage face generally should be no more than the width of the remainder of the front facade; and
- d. Garages with garage doors perpendicular to the street, access easement or tract (side-entry garages) should not have a blank wall on the front facade.

2. General Requirements

- a. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley;
- b. Side-entry garages shall minimize blank walls by incorporating architectural details or windows on the front facade that complement the features of the remainder of the front facade.

3. Additional Requirements for Garages with Garage Doors on the Front Facade of the Detached Dwelling Unit

- a. The garage may not extend closer to the abutting right-of-way than any other ground floor portion of the front facade of the detached dwelling unit (not including covered entry porches approved under KZC 115.115(3)(n)).
- b. The garage width shall not exceed 50 percent of the total width of the front facade. (This standard shall not apply if the lot width, as measured at the back of the required yard for the front facade, is less than 55 feet.)
- c. For purposes of this section, the width of the front facade shall not include those items located along the side facades described in KZC 115.115(3)(d), even if they are outside of a required yard.

4. Exemptions – The following are exempt from the requirements of subsection (3) of this section:

- a. Houses on flag lots;
- b. Houses with below-grade garages. For purposes of this exemption, a “below-grade garage” is one (1) that has at least 75 percent of the area of the garage doors below the midpoint elevation(s) of the street, access easement or tract as it passes along the front of the garage.

5. Modification of Requirements – The Planning Official may modify the requirements of this section if the following criteria are met:

- a. The modification is necessary because of the size, configuration, topography or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed. For purposes of this modification from requirements, a carport shall not be considered a preexisting improvement; and
- b. The modification supports the purpose and intent of the garage setback regulations; and
- c. The modification includes design details that minimize the dominant appearance of the garage when viewed from the street, access easement or tract (for example, casings; columns; trellises; windows; surface treatments or color; single-stall doors; door offsets; narrowed driveway widths; and/or enhanced landscaping); and
- d. The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.

~~6. This section is not effective within the disapproval jurisdiction of the Houghton Community Council.~~

(Ord. 4749 § 1, 2021; Ord. 4437 § 1, 2014; Ord. 4121 § 1, 2008)

115.60 Height Regulations – Exceptions

1. General – No element or feature of a structure, other than as listed in subsection (2) of this section, may exceed the applicable height limitation established for each use in each use zone in Chapters 15 through 56 KZC.

For properties within jurisdiction of the Shoreline Management Act, see Chapter 83 KZC.

2. Exceptions

a. Detached Dwelling Units

- 1) Vents and chimneys for a detached dwelling unit may exceed the maximum height limit.
- 2) Skylights may exceed the height limit by a maximum of six (6) inches.
- 3) Rod, wire and dish antennas, to the extent they do not constitute personal wireless service facilities, which are subject to the provisions of Chapter 117 KZC, may not be placed above the maximum height allowed for any structure unless approved by the Planning and Building Director. The City will approve the application if it can be demonstrated that views across the subject property are not substantially impaired and that the antenna must be placed above the roofline in order to function properly. The decision of the Planning and Building Director in approving or denying a rod, wire, or dish antenna may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60.

For the purposes of this subsection, “dish antenna” includes any antenna, whether or not it is of solid or mesh construction, designed or constructed so that the horizontal dimension of its microwave reflector or collector face equals or exceeds 30 percent of its vertical dimension. The phrase “rod or wire antenna” includes those antennas not falling within the definition of dish antenna and antennas for use by licensed amateur radio operators.

- 4) Solar panels on flat roof forms (less than 2:12) may exceed the height limit by a maximum of six (6) inches.[†]

[†]This subsection (KZC 115.60(2)(a)(4)) is not effective within the disapproval jurisdiction of the Houghton Community Council.

b. Other Structures

- 1) Rooftop appurtenances and their screens, subject to KZC 115.120, including roof forms pursuant to KZC 115.120(3).
- 2) The provisions in Chapter 117 KZC related to personal wireless service facilities supersede the provisions of this section to the extent an appurtenance falls within the definition of a personal wireless service facility.
- 3) Skylights may exceed the height limit by a maximum of six (6) inches.
- 4) Solar panels on sloped roof forms (greater than or equal to 2:12) may exceed height limits by a maximum of six (6) inches. Solar panels on flat roof forms (less than 2:12) may exceed height limits by a maximum of 20 inches.

c. Radio Tower – A radio tower and antenna structure for use by a noncommercial, licensed amateur operator shall be allowed, if the Planning Official determines that:

- 1) A reasonable effort is made to minimize radio tower and antenna structure visibility from adjacent properties, while still permitting effective operation; and
- 2) The radio tower and antenna structure does not extend higher than reasonably necessary to operate effectively; and

- 3) The radio tower and antenna structure does not physically interfere with nearby utility lines.

Notice of filing application for building or other permit to construct a radio tower and/or antenna shall be given in the manner required by KZC 145.22 as to each such application which shows the proposed tower and/or antenna to either exceed the maximum allowable height for the zone in which it is located, or be within 20 feet of an electrical power or telecommunication utility line.

Any person believing a radio tower or antenna structure does not comply with the foregoing may request in writing a determination of compliance from the Planning and Building Director, providing such request is filed with the City and a copy delivered to the permit applicant within 14 days of the date of publication of the notice of filing. The Planning and Building Director shall make such determination utilizing Process I described in Chapter 145 KZC. In making his determination, the Planning and Building Director shall take into consideration the strong federal interest in promoting amateur communications and the rules adopted by the Federal Communications Commission in support of that interest to regulate the amateur service (47 CFR Part 97 and FCC PRB-1).

- d. Structures Requiring Design Review – If a structure is reviewed through design review pursuant to Chapter 142 KZC and has a peaked roof, the peak may extend the following amount above the height limit:

- 1) Five (5) feet, if the slope of the roof is equal to or greater than three (3) feet vertical to 12 feet horizontal; or
- 2) As allowed by the underlying zone.

(Ord. 4476 § 3, 2015; Ord. 4350 § 1, 2012; Ord. 4252 § 1, 2010; Ord. 4072 § 1, 2007; Ord. 3919 § 1, 2003; Ord. 3889 § 2, 2003)

115.107 Public Utility, Electrical Transmission Lines

1. Purpose – The purpose of this section is to regulate proposals for new electrical transmission lines and to address the impacts associated with such facilities on surrounding areas by minimizing visual and environmental impacts. These facilities are necessary to support growth in the community but typically do have negative impacts in some locations and conditions. The review process is intended to provide the City with a mechanism to weigh alternatives and impacts associated with a project. Because these facilities typically cross multiple zoning districts, this section also provides a consistent and consolidated review process.

2. General – The following regulations shall apply to the installation of new electrical transmission lines.

3. Required Review – Applications for new electrical transmission lines shall be reviewed pursuant to Process IIA, described in Chapter 150 KZC, ~~unless any portion of the application is within the disapproval jurisdiction of the Houghton Municipal Corporation, in which case the application shall be reviewed pursuant to Process IIB, described in Chapter 152 KZC.~~

4. Decisional Criteria – In addition to the criteria established in Chapter 150 or 152 KZC, the City may approve an electrical transmission line only if it finds that, based on the siting and design analysis, the applicant has demonstrated that the proposal, to the extent technically and operationally feasible, has been sited and designed to minimize and mitigate impacts to:

- a. Critical areas, critical area buffers, and significant trees as regulated in applicable chapters of the KZC; and
- b. Views from public properties and rights-of-way that are designated in the Comprehensive Plan; and
- c. Schools and residential areas.

5. Siting and Design Analysis – As part of an application, the applicant shall submit a siting and design analysis describing how the proposed route and project design was selected. The analysis shall include an assessment of:

- a. How the proposal addresses the City's decisional criteria and justifies the proposed siting and design relative to those criteria;

- b. Potential technologies and design features that would mitigate the visual and environmental impacts associated with the transmission line;
- c. Potential technologies and design features that would mitigate radio frequency interference with existing high-technology uses identified along the proposed route in compliance with applicable NESC standards, IEEE guidelines and FCC requirements.

Examples of mitigating technologies and design features include: design, placement and height of the support structures; landscaping and screening; tree retention and restoration; noise reduction; and specific construction techniques. The analysis shall be limited to those alternatives and design features that meet the system needs of the project.

(Ord. 4520 § 1, 2016)

115.115 Required Yards

1. General – This section establishes what structures, improvements, and activities may be in or take place in required yards as established for each use in each zone in Chapters 15 through 56 KZC.
2. Exceptions and Limitations in Some Zones – Chapters 15 through 56 KZC contain specific regulations regarding what may be located in required yards. Chapter 83 KZC contains specific regulations regarding what may be located in the required shoreline setback. Where applicable, those specific regulations supersede the provisions of this section.
3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:
 - a. A driveway and/or parking area subject to the standards of subsection (5) of this section.
 - b. Any improvement or structure, other than a driveway and/or parking area, that is not more than four (4) inches above finished grade may be anywhere in a required setback yard; provided, that minor utility structures such as transformers, telephone poles, guide wires, and electrical boxes may be located anywhere within a required setback if there is no feasible location within the public right-of-way and prior approval of the City is obtained; and provided further, that any franchise agreement between the City and a utility company shall supersede this section. A bridge is allowed anywhere in a required setback yard regardless of its height above finished grade.
 - c. An improvement or structure that is not more than 18 inches above finished grade may extend not more than five (5) feet into a required yard.
 - d. Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard, subject to the limitations of this section. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the facade of the structure. ~~Except for properties located within the disapproval jurisdiction of the Houghton Community Council, chimneys, bay windows, greenhouse windows, cornices, awnings, and/or canopies attached to dwelling units and their accessory structures located in low density zones in which the floor area ratio regulations of KZC 115.42 apply may not extend closer than four (4) feet to any property line. See Plate 10.~~
 - e. Minor improvements such as garden sculpture, light fixtures, trellises and similar decorative structures may be located in required yards if it is determined by the Planning Official that they will not have any substantial detrimental effect on abutting properties or the City as a whole.
 - f. Fences and railings may be located in required yards subject to the fence regulations contained within this chapter.
 - g. Rockeries and Retaining Walls
 - 1) Rockeries and retaining walls may be a maximum of four (4) feet high in a required yard.

The Planning Official may approve a modification to that height limit if it is necessary because of the size, configuration, topography or location of the subject property, and either:

- a) The design of the rockery or retaining wall includes terraces deep enough to incorporate vegetation, or other techniques that reduce the visual mass of the wall; or
 - b) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.
- 2) The combined height of fences and retaining walls within five (5) feet of each other in a required yard may be a maximum of six (6) feet.

The Planning Official may approve a modification to the combined height limit for fences and retaining walls if:

- a) An open guard railing is required by the Building Code and the height of the guard railing does not exceed the minimum required; or
- b) The modification is necessary because of the size, configuration, topography or location of the subject property, and either:
 - i. The design of the rockery or retaining wall includes terraces deep enough to incorporate vegetation or other techniques that reduce the visual mass of the wall, and the fence is designed to be no more than 50 percent solid; or
 - ii. The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.
- h. Improvements associated with shoreline public use and access areas may be located in any required yard and the shoreline setback. The landward end of a pier may be located in the shoreline setback.
- i. See subsection (5) of this section for regulations on parking areas.
- j. Those structures and improvements permitted in required yards by KZC 115.105.
- k. Signs may be located in required yards subject to KZC 100.75 and 115.135.
- l. Covered walkways in commercial, office, and industrial zones may be permitted in required yards. Covered walkways may be no more than eight (8) feet wide and 10 feet tall and may not be enclosed along the sides.
- m. For uses in low density residential zones, and for residential uses in other zones, the applicant may request a modification to locate no more than one (1) storage shed in a required yard; provided, that no storage sheds are allowed in a required front yard. The Planning Official may approve a modification if:
 - 1) The proposed structure is no more than eight (8) feet tall; and
 - 2) The maximum length of the side of the proposed structure parallel to the affected property line(s) shall not exceed 10 feet. The structure shall not exceed 120 square feet in total area; and
 - 3) No reasonable alternative location may be found due to special circumstances regarding the size, shape, topography, or location of the subject property or the location of legal or legally nonconforming preexisting improvements of the subject property; and
 - 4) The modification will not create a significant negative impact on the character of nearby residential properties.

If approved, the Planning Official may require the storage shed to be screened by a solid screening fence or dense vegetation.

The decision of the Planning Official in approving or denying a modification for a storage shed may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60 through 145.110.

n. In residential zones, covered entry porches on dwelling units may be located within 13 feet of the front property line, if:

- 1) The porch is covered and no higher than one (1) story and the finished floor of the porch is no more than four (4) feet above finished grade;
- 2) Three (3) sides of the porch are open;
- 3) The porch roof form is architecturally compatible with the roof form of the dwelling unit to which it is attached;
- 4) No deck, balcony, or living area is placed on the roof of the porch within the required front yard;
- 5) If on attached or stacked dwelling units, the width of the porch does not exceed 50 percent of the facade to which it is attached;
- 6) Allowed exceptions to the above criteria are:
 - a) Solid walls or railings may extend up to 42 inches above the porch floor;
 - b) Eaves on the porch roof may extend an additional 18 inches into the required front yard;
 - c) Stairs may extend an additional five (5) feet into the required front yard.

For the purpose of this section, covered parking areas or driveways shall not be considered an entry porch.

~~This subsection (KZC 115.115(3)(n)) is not effective within the disapproval jurisdiction of the Houghton-Community Council.~~

o. In low density residential zones:

- 1) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may be located within five (5) feet of the rear property line, if:
 - a) Garage doors will not extend over the property line when open; and
 - b) The garage complies with KZC 115.135, which regulates sight distance at intersections.
- 2) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may extend to the rear property line, if:
 - a) The lot is 50 feet wide at the rear property line on the alley;
 - b) The garage has side access with garage doors that are perpendicular to the alley;
 - c) The garage eaves do not extend over the property line; and
 - d) The garage complies with KZC 115.135, which regulates sight distance at intersections.
- 3) Garages and detached accessory dwelling units without alley access may be located no closer than five (5) feet of the rear property line; provided, that:

- a) The portion of the structure that is located within the required rear yard is no taller than 15 feet above average building elevation; and
 - b) The rear yard does not abut an access easement that is regulated as a rear property line.
- 4) Detached accessory dwelling units may be located within five (5) feet of an alley.
- 5) Structures permitted under this subsection may include the elements allowed in required yards identified in subsection (3)(d) of this section; provided, that:
- a) The elements do not extend more than 18 inches from the structure permitted herein;
 - b) The elements do not extend over the rear property line; and
 - c) The total horizontal dimension of the elements, excluding eaves and cornices, may not exceed 25 percent of the length of the facade of the structure.
- p. HVAC and similar types of mechanical equipment may be placed no closer than five (5) feet to a front, side, or rear property line, and may only be located in a required front yard for single-family residential uses pursuant to subsection (3)(p)(2) of this section; provided, that such equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC and similar types of mechanical equipment shall meet the standards below:
- 1) For properties other than single-family residential, HVAC and similar types of mechanical equipment shall be surrounded by landscaping or a solid screening enclosure, or located in such a manner that they are not visible from adjoining properties or rights-of-way;
 - 2) HVAC and similar types of mechanical equipment may be located in required front yards when there is no feasible alternative location outside of the required front yard; provided, that such equipment shall be surrounded by landscaping or a solid screening enclosure, or located in such a manner that it is not visible from adjoining properties or rights-of-way;
 - 3) The HVAC and similar types of mechanical equipment shall not violate KZC 115.95 (Noise Regulations) or KZC 115.100 (Odor), or create undue heat or vibration on the adjoining property;
 - 4) The Planning Official may approve a modification to the locational provisions of this section for HVAC and similar types of mechanical equipment that are replacing legally nonconforming equipment where no increase in the footprint of the equipment is proposed.
- q. Insulation, installed in or on an existing structure, may encroach eight (8) inches into a required yard unless precluded by fire or building codes.
4. Outdoor Uses, Activities and Storage – For regulations on outdoor uses, activities and storage, see KZC 115.105.
5. Driveways and Parking Areas – Driveways and parking areas are not allowed in required yards except as follows:
- a. Detached Dwelling Units, Duplexes, and Two-Unit Homes and Three-Unit Homes Approved Under Chapter 113 KZC
 - 1) General – Vehicles may be parked in the required front or rear yard if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least 18 inches in width. This landscape strip may be interrupted by a walkway or pavers providing a lateral connection from the driveway to other hard-surfaced areas, as long as such

walkway or pavers do not exceed five (5) feet in width. A driveway and/or parking area shall not be closer than five (5) feet to any side property line (see Plate 14); provided:

- a) That where access to a legally established lot is provided by a panhandle or vehicle access easement measuring less than 20 feet in width, a driveway not exceeding 10 feet in width, generally centered in the panhandle or access easement, shall be permitted (see Plate 14A); and
 - b) That for flag lots, a 5-foot setback is not required from any side property line that abuts a neighboring lot that was part of the same plat.
 - c) That any driveway which generally parallels a right-of-way or easement road shall be set back at least five (5) feet from the right-of-way or easement, except for a 20-foot-wide section where the driveway connects with the right-of-way or easement. Such driveway shall not have a width of more than 10 feet within the front or rear yard (see Plate 14B) and shall be separated from other hard-surfaced areas located in the front or rear yard by a landscape strip at least five (5) feet in width. Where more than one (1) driveway is permitted within a front or rear yard, those driveways shall be separated by a landscape strip at least five (5) feet in width.
- 2) Exception – Driveways and/or parking areas may exceed 20 feet in width if:
- a) The driveway/parking area serves a 3-car garage; and
 - b) The subject property is at least 60 feet in width; and
 - c) The garage(s) is (are) located no more than 40 feet from the front property line; and
 - d) The driveway/parking area flares from 20 feet at the property line to a maximum of 30 feet in width.
- 3) The Planning Official may approve a modification to the driveway and/or setback requirements in subsection (5)(a)(1) of this section if:
- a) The Public Works Department requires an on-site vehicular turnaround adjacent to the driveway, which must be the minimum necessary dimension as determined by the Public Works Department; or
 - b) The existing topography of the subject property or the abutting property decreases or eliminates the need for the setback; or
 - c) The location of pre-existing improvements or vegetation on the abutting site eliminates the need for or benefit of a setback; and
 - d) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.
- b. Vehicle parking areas for schools and day-care centers greater than 12 students shall have a minimum 20-foot setback from all property lines.
- c. Other Uses – Parking areas and driveways for uses other than those addressed in subsections (5)(a) and (b) of this section may be located within required setback yards, but, except for the portion of any driveway which connects with an adjacent street, not closer than five (5) feet to any property line. Where this provision conflicts with a regulation of a specific zone, the regulation of the specific zone shall govern.
- d. Shared Parking and Shared Driveways – If a parking area or driveway serves two (2) adjacent uses, the shared parking area or driveway may be anywhere in the required setback yard between the uses.
- e. Exceptions for Projects Requiring Design Review – If a project is reviewed through design review pursuant to Chapter 142 KZC, the driveway shall comply with parking area location and design requirements as determined by the Design Review Board.

(Ord. 4749 § 1, 2021; Ord. 4720 § 1, 2020; Ord. 4715 § 1, 2020; Ord. 4703 § 1, 2019; Ord. 4650 § 1, 2018; Ord. 4476 § 3, 2015; Ord. 4437 § 1, 2014; Ord. 4372 § 1, 2012; Ord. 4350 § 1, 2012; Ord. 4252 § 1, 2010; Ord. 4121 § 1, 2008; Ord. 4120 § 1, 2007; Ord. 4072 § 1, 2007; Ord. 4065 § 1, 2006; Ord. 3954 § 1, 2004; Ord. 3852 § 1, 2002; Ord. 3814 § 1, 2001)

115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited

1. General – Except as specified below, it is a violation of this code to park or store any vehicle, boat or trailer on any lot in a residential zone if that vehicle, boat or trailer, or any combination thereof, is both more than nine (9) feet in height and 22 feet in length, including bumpers and any other elements that are required by federal or state law for the operation of the vehicle, boat or trailer on public roads or waterways.

~~Except within the disapproval jurisdiction of the Houghton Community Council, a~~ Any boat that is 16 feet or longer and has a gunwale which is at least five (5) feet from the ground when the boat is sitting on a boat trailer shall not be parked or stored in a required front yard.

2. Exceptions

a. A vehicle, boat or trailer of any size may be parked on any lot in the City for not more than 24 hours in any consecutive 7-day period for the exclusive purpose of loading or unloading the vehicle, boat or trailer. ~~Within the disapproval jurisdiction of the Houghton Community Council, the time limitation shall be not more than 48 hours in any consecutive 7 day period.~~

b. A vehicle, boat or trailer of any size may be parked and stored on any lot in the City if it is parked in a legally constructed fully enclosed garage meeting all regulations for that zone.

c. An oversized vehicle, boat or trailer may be parked on a lot in an RSA or RMA zone containing an existing residence if all of the following are met:

1) Within six (6) months of the effective date of annexation, the owner registers the oversized vehicle, boat or trailer parked on his/her property with the City’s Planning and Building Department. The owner shall provide the City with a copy of the state vehicle registration license showing that the person obtaining the registration is the owner of the vehicle, boat or trailer and that the address on the vehicle license is the same as the address where the vehicle, boat or trailer is parked;

2) The owner of the vehicle, boat or trailer resides on the lot that contains the vehicle;

3) Within one (1) year of the effective date of annexation, a registered vehicle, boat or trailer under subsection (2)(c)(1) of this section may be replaced with another vehicle, boat or trailer of the same type and no greater dimensions; provided, that the requirements of subsection (2)(c)(1) of this section are met for the replacement vehicle and the replaced vehicle, boat or trailer has been removed from the property;

4) The exception runs with the registered vehicle, boat or trailer parked on a specific lot at the time of annexation and to the owner of the vehicle, boat or trailer who resides on the specific property at the time of annexation.

d. The City may, using Process I, described in Chapter 145 KZC, approve a request to park or store a vehicle, boat or trailer of any size on a lot in a residential zone if:

1) The parking or storage of the vehicle, boat or trailer will not be detrimental to the character of the neighborhood; and

2) The property abutting the subject property will not be impacted by the parking or storage; and

3) The placement of the vehicle, boat or trailer will not create a potential fire hazard; and

- 4) The parking or storage is clearly accessory to a residential use on the subject property and the vehicle, boat or trailer is operated by a resident of the subject property.

The City may impose screening requirements, limit the hours of operation of the vehicle, boat or trailer, and impose other restrictions to eliminate adverse impacts of the parking or storage.

(Ord. 4491 § 3, 2015; Ord. 4372 § 1, 2012; Ord. 4196 § 1, 2009; Ord. 4121 § 1, 2008)

115.155 Marijuana Retail Business – Buffer Requirements from Licensed Child Care Centers ~~(not effective within the Houghton Community Municipal Corporation)~~

Except as otherwise provided in this section, the distance requirements of RCW 69.50.331(8)(a) (as it now exists or may subsequently be amended) shall apply to State Liquor and Cannabis Board licensing of all marijuana producers, processors, retailers and research premises. Pursuant to RCW 69.50.331(8)(b), the Washington State Liquor and Cannabis Board may issue a license for a marijuana retail premises located within 1,000 feet of the perimeter of the grounds of a child care center, but no portion of the property on which a state-licensed marijuana retailer is located may be within 100 feet of the perimeter of the grounds of a child care center. For the purpose of this section, “child care center” shall have the definition set forth in WAC 170-295-0010. ~~This section shall not be effective within the Houghton Community Municipal Corporation.~~

(Ord. 4528 § 1, 2016)

Chapter 127 – TEMPORARY USE
(NOTE: only the amended subsections are shown)

127.25 Dimensional Requirements and Development and Performance Standards

The City shall establish dimensional requirements and development and performance standards as part of the approval of each temporary use permit. The City will use the nature of the proposed use and the character of the surrounding area as guides in establishing these requirements and standards.

In addition to these requirements and standards, the following definitions and standards apply to homeless encampments:

1. Definitions

- a. Homeless Encampment – A group of homeless persons temporarily residing out of doors on a site with services provided by a sponsor and supervised by a managing agency.
- b. Managing Agency – An organization that has the capacity to organize and manage a homeless encampment. A “managing agency” may be the same entity as the sponsor.
- c. Sponsor – An entity that has an agreement with the managing agency to provide basic services and support for the residents of a homeless encampment and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A “sponsor” may be the same entity as the managing agency.

2. Standards

- a. An application for a homeless encampment must include a local church or other community-based organization as a sponsor or managing agency. ~~Within the disapproval jurisdiction of the Houghton Community Council, an application must include a local church as a sponsor or managing agency.~~
- b. The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.
- c. Sight-obscuring fencing is required around the perimeter of the homeless encampment unless the Planning and Building Director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.
- d. Exterior lighting must be directed downward and contained within the homeless encampment.
- e. The maximum number of residents within a homeless encampment is 100.
- f. Parking for five (5) vehicles shall be provided.
- g. A transportation plan is required which shall include provision of transit services.
- h. The homeless encampment shall be located within one-half (1/2) mile of transit service.
- i. No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.
- j. No animals shall be permitted in encampments except for service animals.
- k. A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum:
 - 1) No drugs or alcohol.
 - 2) No weapons.
 - 3) No violence.
 - 4) No open flames.

5) No loitering in the surrounding neighborhood.

6) Quiet hours.

l. The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.

m. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.

n. The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.

(Ord. 4047 § 1, 2006; Ord. 4040 § 1, 2006)

127.42 Notice Requirements for Homeless Encampments in New Locations

1. Applicability

The following notice requirements apply only to new locations for homeless encampments. If an encampment has previously located at a site, the provisions of KZC 127.44 apply.

2. Public Meeting

A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall conduct a public informational meeting by providing mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the meeting is to provide the surrounding community with information regarding the proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and to answer questions regarding the homeless encampment.

3. A Notice of Application for Homeless Encampment shall be provided prior to the Planning Official's decision. The purpose of the notice is to inform the surrounding community of the application. Due to the administrative and temporary nature of the permit, there is no comment period. The notice shall contain at a minimum the date of application, project location, proposed duration and operation of the homeless encampment, conditions that will likely be placed on the operation of the homeless encampment, requirements of the written code of conduct, and how to get more information (i.e., City website). The Planning and Building Department shall distribute this notice as follows:

a. The notice, or a summary thereof, will be published in the official newspaper of the City at least seven (7) calendar days prior to the Planning Official's decision.

b. The notice, or a summary thereof, will be distributed to owners of all property within 500 feet of any boundary of the subject property and residents and tenants adjacent to the subject property at least 14 calendar days prior to the Planning Official's decision.

~~e. If located within the jurisdiction of the Houghton Community Council, the notice shall be distributed to the members of the Community Council at least 14 calendar days prior to the Planning Official's decision.~~

~~dc.~~ The notice will be posted on the City's website.

4. A Notice of Decision for Homeless Encampment, or summary thereof, shall contain the decision of the Planning Official and appeal procedure and be distributed as required for notice of application within four (4) business days after the decision.

(Ord. 4491 § 3, 2015; Ord. 4408 § 1, 2013; Ord. 4193 § 1, 2009; Ord. 4040 § 1, 2006)

127.44 Notice Requirements for Homeless Encampments at Repeat Locations

1. A minimum of 14 calendar days prior to the anticipated start of the encampment, the sponsor and/or managing agency shall provide mailed notice to owners of property within 500 feet of the subject property and residents and tenants adjacent to the subject property. The purpose of the notice is to inform the surrounding community of the proposed duration and operation of the homeless encampment, applicable standards, requirements of the written code of conduct, and how to get more information.

2. A minimum of 14 calendar days prior to the anticipated start of the encampment, the City shall update the City's website with the date of application, project location, proposed duration and operation of the homeless encampment, the conditions that will be placed on the operation of the homeless encampment, requirements of the written code of conduct and how to get more information.

~~3. If the encampment is proposed with the jurisdiction of the Houghton Community Council, the City shall notify the Houghton Community Council no later than 14 calendar days prior to the anticipated start of the encampment.~~

(Ord. 4408 § 1, 2013).

**Chapter 135 – AMENDMENTS TO THE TEXT OF THE ZONING
CODE**

(NOTE: only the amended subsections are shown)

135.30 Moratoria and Interim Land Use Regulations

1. ~~General~~—Nothing shall prevent the City Council from establishing or extending development moratoria or interim land use regulations in accordance with the procedures set forth in RCW 35A.63.220 and 36.70A.390, as those sections exist or may be hereafter amended or superseded.

2. ~~Disapproval Jurisdiction~~

~~If the City Council establishes or extends a moratorium or interim land use regulations within the disapproval jurisdiction of the Houghton Community Council, that City Council action shall become effective only upon:~~

a. ~~Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or~~

b. ~~Failure of the Houghton Community Council to disapprove it within 60 calendar days after City Council approves the resolution or ordinance establishing or extending the moratorium or interim land use regulations. The vote to disapprove the action must be approved by resolution by a majority of the entire membership of the Community Council.~~

(Ord. 4437 § 1, 2014; Ord. 4072 § 1, 2007; Ord. 3975 § 2, 2004)

**Chapter 140 – AMENDMENTS TO THE COMPREHENSIVE
PLAN**

(NOTE: only the amended subsections are shown)

140.35 Emergency Plan Amendment

1. General – The City may initiate an emergency plan amendment to the Comprehensive Plan outside of the annual plan amendment process. An emergency amendment is an amendment necessary for the immediate protection of public health, safety, property or peace.

2. Process

a. The City Council shall hold a public hearing using the process described in KZC 160.40 for notice; KZC 160.45 for staff report; KZC 160.55, 160.65 and 160.70 for public hearing; and KZC 160.90 for publication and effect.

b. The Planning Official shall notify the Planning Commission in writing about the proposed emergency amendment at least 14 days before the public hearing. ~~If the amendment is within the jurisdiction of the Houghton Community, the Houghton Community Council shall also be notified.~~

~~e. If the proposed amendment is within the jurisdiction of the Houghton Community Council, the Houghton Community Council shall hold a joint hearing with the City Council.~~

~~dc.~~ The City Council shall adopt an emergency plan amendment by an appropriate resolution or ordinance that includes a statement of the facts justifying the emergency.

~~e. If the City Council approves a resolution or ordinance, it shall become effective within the jurisdictional area of the Houghton Community Council only upon:~~

~~1) Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or~~

~~2) Failure of the Houghton Community Council to disapprove the resolution ordinance within seven (7) calendar days after City Council approval. The vote to disapprove the resolution or ordinance must be approved by resolution by a majority of the entire membership of the Community Council.~~

(Ord. 4650 § 1, 2018; Ord. 4072 § 1, 2007; Ord. 3975 § 2, 2004)

Chapter 152 – PROCESS IIB

(NOTE: only the amended subsections are shown)

152.25 Official File

1. Contents – The Planning Official shall compile an official file on the application containing the following:
 - a. All application materials submitted by the applicant.
 - b. The staff report.
 - c. All written comments and testimony received on the matter.
 - d. The electronic recording of the public hearing on the matter.
 - e. The recommendation of the Hearing Examiner.
 - f. The electronic sound recording and minutes of the City Council proceedings on the matter.
 - g. The decision of the City Council.
 - ~~h. The recommendation and final action, if any, of the Houghton Community Council.~~
 - h. Any other information relevant to the matter.
2. Availability – The official file is a public record. It is available for inspection and copying in the Planning and Building Department during regular business hours.

(Ord. 4491 § 3, 2015)

~~152.100 Action and Jurisdiction of the Houghton Community Council~~

~~The Houghton Community Municipal Corporation is a separate municipal entity, under Chapter 35.14 RCW, existing within the Houghton neighborhood of the City. The governing body of the Houghton Community Municipal Corporation is the Houghton Community Council. If the application is within the disapproval jurisdiction of the Houghton Community Council, the provisions of this section apply to that application.~~

- ~~1. Houghton Community Council Public Meeting – The Houghton Community Council may hold a public meeting, which will be informal in nature, to obtain comments from the public and others on the application, and the following provisions shall apply:

 - ~~a. The public meeting shall be scheduled at the earliest practicable time, based on the schedule of the Houghton Community Council, that will allow for fair and informed deliberation, compliance with all notice requirements and the orderly processing of the application.~~
 - ~~b. The notice under KZC 152.30 shall include the time, place and other pertinent information about the public meeting.~~
 - ~~e. The Planning Official shall provide a copy of the staff report prepared under KZC 152.35 to each member of the Houghton Community Council prior to the public meeting.~~
 - ~~d. After the Houghton Community Council receives comments and information at the public meeting, it may make any recommendations on the application, in writing, that it deems appropriate.~~
 - ~~e. The Hearing Examiner shall consider any recommendation on the application from the Houghton Community Council that the Hearing Examiner receives within four (4) calendar days following the close of the hearing of the Hearing Examiner, and the City Council shall consider any recommendation from the Houghton Community Council that the City Council receives before the City Council first considers the application.~~
 - ~~f. Neither the lack of a Houghton Community Council quorum at the public meeting nor the lack of a recommendation from the Houghton Community Council in any way affects the jurisdiction of the Hearing~~~~

~~Examiner and the City Council under this chapter or the jurisdiction of the Houghton Community Council under subsection (2) of this section.~~

~~2. Disapproval Jurisdiction—If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, that approval shall become effective only upon:~~

~~a. Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or~~

~~b. Failure of the Houghton Community Council to disapprove the application within 60 calendar days of City Council's final enactment of the ordinance or resolution granting the application. The vote to disapprove the application must be approved by resolution by a majority of the entire membership of the Community Council.~~

(Ord. 4749 § 1, 2021; Ord. 4072 § 1, 2007; Ord. 3954 § 1, 2004)

152.105 Notice of Decision

1. General – Following the decision by City Council, the Planning Official shall prepare a notice of decision on the application.

2. Distribution —~~Except as provided in subsection (3) of this section, w~~Within four (4) business days after the City Council's decision is made, the Planning Official shall distribute the decision, or a summary thereof, along with a summary of any threshold determination under SEPA, to the following persons:

a. The applicant.

b. Each person who submitted written or oral comments or testimony on the application. The Planning Official is not required to distribute a notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.

c. Each person who has requested notice of the decision.

The decision shall be posted on the City's website.

~~3. Applications within the Jurisdiction of the Houghton Community Council—If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, the notice of decision shall be distributed within four (4) business days after approval by the Houghton Community Council or failure to disapprove as specified in KZC 152.100(2). The notice shall be distributed as specified in subsections (2)(a) through (c) of this section.~~

(Ord. 4193 § 1, 2009; Ord. 3954 § 1, 2004; Ord. 3814 § 1, 2001)

152.110 Judicial Review

The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 36.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the City. The date of the final decision of the City is the date of passage of the City Council ordinance or resolution constituting the City's final decision—~~unless such City Council decision is subject to the disapproval jurisdiction of the Houghton Community Council, in which case the petition for judicial review must be filed within 21 calendar days of the date of approval or disapproval action by the Houghton Community Council.~~ For more information on the judicial review process for land use decisions, see Chapter 36.70C RCW.

Chapter 160 – PROCESS IV

(NOTE: only the amended subsections are shown)

160.25 Amendments to the Comprehensive Plan and Related Zoning Map and Code Amendments – Threshold Review

1. General – The City Council shall make a threshold review of each community-initiated proposal to amend the Comprehensive Plan pursuant to KZC 140.20 and to amend the Zoning Code and/or Zoning Map done in conjunction with the process to amend the Comprehensive Plan.
2. Threshold Review
 - a. The Planning Commission shall review each proposal and make a threshold recommendation to the City Council to determine those proposals eligible for further consideration. The recommendation shall be consistent with KZC 160.60 and based on the criteria described in Chapter 135 KZC for Zoning Code amendments and in Chapter 140 KZC for Comprehensive Plan amendments.
 - ~~b. The Houghton Community Council may review any proposal within its jurisdiction and also make a recommendation to the Planning Commission and City Council.~~
 - ~~eb. The Planning and Building Department shall provide the Planning Commission and Houghton Community Council with a staff report for the threshold review consistent with KZC 160.45 and include an analysis of the threshold criteria.~~
3. Threshold Decision – After consideration of the Planning Commission and ~~Houghton Community Council~~ recommendations, the City Council shall decide one (1) of the following:
 - a. The proposal has merit and shall be considered by the Planning Commission and City Council during the current year; or
 - b. The proposal has merit, but should be considered at a subsequent amendment phase; or
 - c. The proposal does not have merit and shall not be given further consideration.

(Ord. 4749 § 1, 2021; Ord. 4491 § 3, 2015; Ord. 4437 § 1, 2014; Ord. 4121 § 1, 2008; Ord. 3975 § 2, 2004)

160.45 Staff Report

1. General – The Planning Official shall prepare a staff report containing:
 - a. An analysis of the proposal and a recommendation on the proposal; and
 - b. Any other information the Official determines is necessary for consideration of the proposal.
2. Distribution – The Planning Official shall distribute the staff report to the following parties:
 - a. Each member of the Planning Commission prior to the hearing.
 - b. Any person requesting it.
 - ~~e. If applicable, to each member of the Houghton Community Council prior to their proceedings on the proposal.~~

(Ord. 4193 § 1, 2009; Ord. 3975 § 2, 2004)

~~160.50 Community Council Proceeding~~

- ~~1. General – If the proposal is within the disapproval jurisdiction of the Houghton Community Council, that Community Council may consider the proposal at a meeting or hold a public hearing on it. The Houghton Community Council and the Planning Commission may hold joint meetings or public hearings on the proposal.~~
- ~~2. Notice – If the Houghton Community Council holds a hearing, the Planning Official shall give public notice of that hearing as set forth in KZC 160.40.~~

~~3. Recommendation – The Houghton Community Council may make a recommendation on the proposal. The Planning Official shall present the recommendation of the Houghton Community Council, if available, to the Planning Commission before the Planning Commission takes a final vote on the proposal.~~

(Ord. 4072 § 1, 2007; Ord. 3975 § 2, 2004)

160.55 Public Hearing

1. General – The Planning Commission shall hold one (1) or more public hearings on a proposal if:
 - a. It is initiated by the City Council; or
 - b. It is a proposal to amend the Comprehensive Plan or a legislative rezone proposal which is initiated by the Planning Commission and which the City Council has reviewed and decided shall be considered at a public hearing; or
 - c. It is any other proposal initiated by the Planning Commission.
2. Hearing Declared Open – The hearings of the Planning Commission ~~and the Houghton Community Council~~ are is open to the public.
3. Effect – The hearing of the Planning Commission is the hearing for City Council. City Council need not hold another hearing on the proposal.

(Ord. 3975 § 2, 2004)

160.60 Material To Be Considered

1. General – The City Council, and Planning Commission ~~and Houghton Community Council~~ shall use the decisional criteria established in the various provisions of this code, including Chapters 135 and 140 KZC, that describe the decisions that will be made using this process.
2. Exclusion
 - a. General – The City may not consider a specific proposal site plan or project in deciding whether or not a proposal should be approved through this process.
 - b. Exception for Environment Information – If a proposal that will be decided upon using this process is part of a specific development plan, the City may consider all information submitted under KZC 160.35 in deciding upon that proposal.

(Ord. 3975 § 2, 2004)

160.65 Electronic Sound Recordings

The Planning Commission ~~and, if applicable, the Houghton Community Council~~ shall make a complete electronic sound recording of each hearing on a proposal.

(Ord. 3975 § 2, 2004)

160.70 Public Comments and Participation at the Hearing

Any interested person may participate in the public hearing in either or both of the following ways:

1. By submitting written comments to the Planning Commission ~~and, if applicable, the Houghton Community Council~~, either by delivering these comments to the Planning and Building Department prior to the hearing or by giving them directly to the Planning Commission ~~or Community Council~~ at the hearing.
2. By appearing in person, or through a representative, at the hearing and making oral comments. The Planning Commission ~~and the Houghton Community Council~~ may reasonably limit the extent of the oral comments to facilitate the orderly and timely conduct of the hearing.

(Ord. 4491 § 3, 2015; Ord. 3975 § 2, 2004)

160.75 Continuation of the Hearing

The Planning Commission and Houghton Community Council may for any reason continue the hearing on the proposal. If, during the hearing, the Commission or Community Council announces the time and place of the next public hearing on the proposal, no further notice of that hearing need be given.

(Ord. 3975 § 2, 2004)

160.80 Planning Commission Action

1. General – Following the public hearing, the Planning Commission shall consider the proposal in light of all of the information submitted to it including the recommendation, if any, of the Houghton Community Council. The Planning Commission may modify the proposal in any way.

2. Modifications Requiring a Rehearing – If, following the public hearing, the Planning Commission fundamentally modifies the proposal, the Planning Commission shall hold a public hearing on the proposal as modified under the provisions of this chapter.

3. Recommendation – If the Planning Commission determines that the proposal meets the applicable decisional criteria established in KZC 160.60, it may, by majority vote of the entire membership, recommend that City Council give effect to the proposal by amending the appropriate text or Zoning Map. If the Planning Commission determines that the proposal does not meet the applicable criteria, it may, by a majority vote of the members present, recommend that City Council take no action. If the Planning Commission cannot take either of the actions described in this section, this fact will be included in the report to City Council under KZC 160.85.

(Ord. 3975 § 2, 2004)

160.95 Jurisdiction of the Houghton Community Council

1. General – If the City Council approves a resolution or ordinance within the disapproval jurisdiction of the Houghton Community Council, that resolution or ordinance shall become effective within the Houghton community only upon:

a. Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or

b. Failure of the Houghton Community Council to disapprove the resolution or ordinance within 60 days of final enactment by City Council. The vote to disapprove the resolution or ordinance must be approved by resolution by a majority of the entire membership of the Community Council.

(Ord. 4749 § 1, 2021; Ord. 4072 § 1, 2007; Ord. 3975 § 2, 2004; Ord. 3954 § 1, 2004)

Chapter 161 – PROCESS IVA

(NOTE: only the amended subsections are shown)

161.40 Notice

1. Contents – The Planning Official shall prepare a notice for the proposed amendments. This notice shall contain the following information:
 - a. The citation of the provision that would be changed by the proposal along with a brief description of that provision.
 - b. A statement of how the proposal would change the affected provision.
 - c. A statement of what areas, zones, or locations will be directly affected or changed by the proposal.
 - d. The comment deadline.
 - e. A statement of the availability of the official file.
 - f. A statement of the right of any person to submit written comments to the Planning and Building Director.
2. Distribution – The Planning Official shall distribute this notice, or a summary thereof, at least 30 days before the Planning and Building Director’s consideration of the proposed amendments as follows:
 - a. The notice will be published in the official newspaper of the City.
 - b. The notice will be posted on each of the official notification boards of the City.
 - c. The notice will be distributed to the Planning Commission and Houghton Community Council.
 - d. The notice will be distributed to the neighborhood associations and Chamber of Commerce.
 - e. The notice will be posted on the City’s website and the City will provide the public with a means to register to receive all such notices on a timely basis via email or equivalent means of electronic communication.

(Ord. 4450 § 1, 2014; Ord. 4437 § 1, 2014; Ord. 4193 § 1, 2009)

161.45 Community Council Proceeding

- ~~1. General – If the proposal is within the disapproval jurisdiction of the Houghton Community Council, the Community Council may consider the proposal at a meeting or hold a public hearing.~~
- ~~2. Notice – If the Community Council holds a hearing, the Planning Official shall give public notice of that hearing as set forth in KZC 160.40.~~
- ~~3. Recommendation – The Houghton Community Council may make a recommendation on the proposal. The Planning Official shall include the recommendation of the Houghton Community Council, if available, in the staff report to the Planning and Building Director before the Planning and Building Director makes a final recommendation to the City Council on the proposal.~~

(Ord. 4437 § 1, 2014)

161.55 Staff Report

1. General – The Planning Official shall prepare a staff report containing:
 - a. An analysis of the proposal and a recommendation on the proposal;
 - b. All public comments; and
 - c. Any other information the Planning Official determines is necessary for consideration of the proposal.
2. Distribution – The Planning Official shall distribute the staff report to the following persons:

- a. The Planning and Building Director, prior to his/her consideration.
- b. Any person requesting it.
- e. ~~If applicable, to each member of the Houghton Community Council.~~

(Ord. 4437 § 1, 2014)

~~161.95 Jurisdiction of the Houghton Community Council~~

~~1. General If the City Council approves an ordinance within the disapproval jurisdiction of the Houghton Community Council, that ordinance shall become effective within the Houghton Community only upon:~~

- ~~a. Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or~~
- ~~b. Failure of the Houghton Community Council to disapprove the ordinance within 60 days of final enactment by City Council. The vote to disapprove the ordinance must be approved by resolution by a majority of the entire membership of the Community Council.~~

(Ord. 4749 § 1, 2021; Ord. 4437 § 1, 2014; Ord. 4072 § 1, 2007; Ord. 3954 § 1, 2004)

Chapter 165 – AUTHORITY

(NOTE: only the amended subsections are shown)

165.05 User Guide

This chapter contains information about the following groups and entities:

1. The City Council.
- ~~2. The Houghton Community Council.~~
32. The Planning Commission.
43. The Hearing Examiner.
54. The Department of Community Development.

For the most part, this information involves the appointment, removal and training of members and establishes the general authority of these groups and entities.

~~165.15 Houghton Community Council—General~~

~~The Houghton Community Council is the elected council for the Houghton Community Municipal Corporation. The Community Municipal Corporation was created pursuant to the provisions of Chapter 35.14 RCW. Its existence, membership, jurisdiction, powers and authority are listed in Chapter 2.12 KMC. The jurisdiction, powers and authority of the Houghton Community Council, as these relate to matters covered by this code, are recognized in Chapters 152 through 160 KZC.~~

~~165.20 Houghton Community Council—Instruction to New Member~~

~~The Planning Official shall offer to each new member of the Houghton Community Council the opportunity to attend a training session that includes the following topics:~~

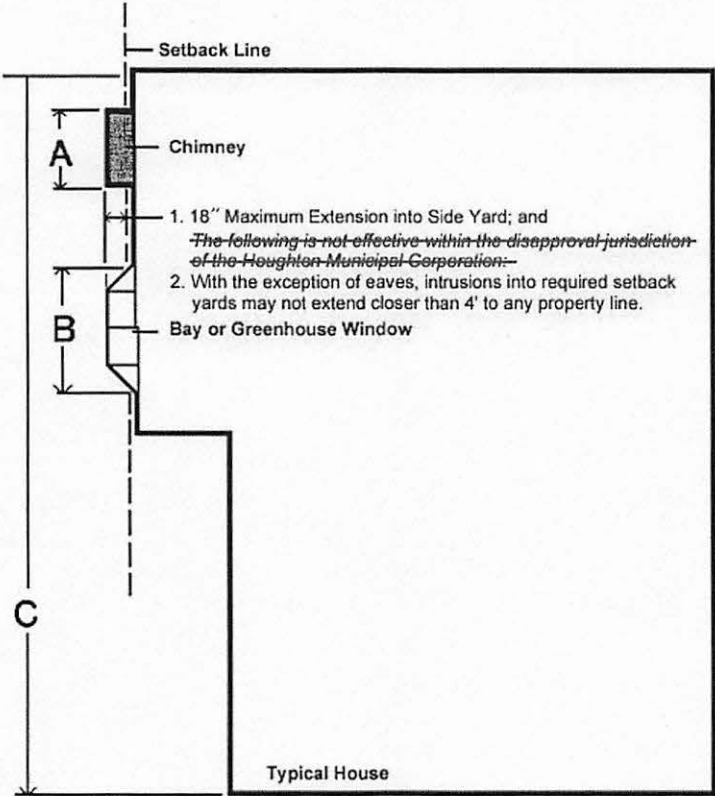
- ~~1. The responsibilities of the Houghton Community Council.~~
- ~~2. The legal basis and framework for land use planning and regulation.~~
- ~~3. The policy and regulatory enactments of the City related to land use planning and regulation.~~
- ~~4. The appropriate way to conduct a public hearing and the appropriate standards to be applied in formulating recommendations.~~

Chapter 180 – PLATES

(NOTE: only the amended subsections are shown)

Plate 10 INTRUSIONS INTO REQUIRED SETBACK YARDS

Plan View



$A + B \leq 25\%C$

Scale: 1/8" 1'-0"

(Ord. 4072 § 1, 2007)