

ORDINANCE NO. 3709

AN ORDINANCE OF THE CITY OF KIRKLAND, RELATING TO ZONING, PLANNING AND LAND USE, AND AMENDING CHAPTERS 5, 15, 17, 30, 60, 105, 115, AND 180 OF THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) TO ESTABLISH OR AMEND REQUIREMENTS FOR FLOOR AREAS, SETBACKS, AND FRONT YARDS IN LOW DENSITY ZONES (RS, RSX, WD II, PLA 6C, PLA 6E, AND PLA 16), MINIMUM LOT SIZES IN THE RSX 5.0 ZONE, DISTANCE BETWEEN STRUCTURES, SCREENING IN PAVED AREAS, MAXIMUM FENCE HEIGHTS FOR DETACHED DWELLING UNITS AND CORNER LOTS, MODIFICATION OF FENCE HEIGHTS, DRIVEWAY AND PARKING AREA SETBACKS FOR DETACHED DWELLING UNITS, SKYLIGHTS (AS PART OF BUILDING HEIGHT), DRIVEWAYS SERVING REAR GARAGES OR CARPORTS, REAR GARAGES, CORNICES AND EAVES ON BAY WINDOWS, MINOR IMPROVEMENTS AND ROCKERIES AND RETAINING WALLS IN REQUIRED YARDS, DRIVEWAY AND PARKING SETBACKS FOR DETACHED DWELLING UNITS, AND SHARED DRIVEWAYS AND REPEAL OF ORDINANCE NO. 3698*.

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 2740 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated February 22, 1999, and bearing Kirkland Department of Planning and Community Development file No. IV-97-95.

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on August 13, 1998 and September 17, 1998, held public hearings on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act, there has accompanied the legislative proposal and recommendation through the entire consideration process, a final determination of nonsignificance, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 2740 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A which by this reference is incorporated herein.

Section 2. Approximately one year from the date of passage of this ordinance, the City shall review the revisions made to the Zoning Code and prepare and adopt amendments, if necessary.

Section 3. Ordinance NO. 3698* is repealed.


Section 4. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 6. Except as provided in Section 5, this ordinance shall be in full force and effect October 1, 1999, or five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law, whichever occurs last.

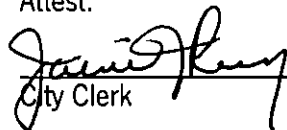
PASSED by majority vote of the Kirkland City Council in regular, open meeting this 21st day of September, 1999.

SIGNED IN AUTHENTICATION THEREOF on this 21st day of September, 1999.



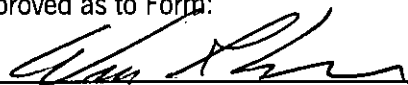
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

Attachment A

0-3709

CHAPTER 5 - DEFINITIONS

5.05. User Guide

The definitions in this Chapter apply for this Code.

5.10. Definitions

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

5. Abandoned - Knowing relinquishment of right or claim to the subject property or structure on that property.
15. Accessory - A use, activity, structure or part of a structure which is subordinate and incidental to the main activity or structure on the subject property.
17. Accessory Dwelling Unit - A subordinate dwelling unit added to, created within, or detached from a single family structure, that provides basic requirements for living, sleeping, eating, cooking and sanitation.
20. Adjoining - Property that touches or is directly across a street, other than a primary arterial, from the subject property. For the purpose of height and horizontal facade length regulations, any portion of a structure which is more than 100 feet from a low density zone or which is not located along a common lot line with a lot in a low density zone is not considered to be adjoining that zone (see plate 18).
22. Adult Entertainment Activity or Use - All of the following:
 1. Adult theater means a building or enclosure or any portion thereof used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in Sections 5.10.885 and 5.10.884) for observation by patrons therein and which excludes minors by virtue of age.
 2. Adult book store means an establishment which in whole or in portion thereof has a substantial or significant portion of its stock and trade books, magazines or other periodicals, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in Sections 5.10.885 and 5.10.884) and which excludes minors by virtue of age.
 3. Adult cabaret means a cabaret, nightclub or other establishment which features go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers or attendants, who are so clothed or dressed as to emphasize "specified anatomical areas" (defined in Sections 5.10.884) and/or whose performance or other activities include or mimic "specified sexual activities" (defined in Section 5.10.885) and which establishment excludes minors by virtue of age.
25. Air Rights - The right to in some manner control the use of the space above the surface of the ground.

30. Alluvium - Soil deposits transported by surface waters.

O-3661

35. Alteration - A change or rearrangement of the structural members or exits in a building; an increase in the height or length or depth of the exterior walls of a building; the movement of a structure from one location to another; or, for office or commercial buildings, the changing by the use of partitions of more than one-third of the gross floor area of a single floor.

37. Amend - To change the Zoning Map, text of the Zoning Code, or Land Use Policies Plan in accordance with this Code.

40. Applicant - A person who applies for any permit or approval to do anything governed by this Code and who is the owner, of the subject property, the authorized agent of the owner, or the City.

42. Athletic Instructional Facility - An establishment limited to recreational activities that provide instructional classes in gymnastics, swimming, and dance, exclusive of athletic clubs or fitness clubs.

43. Automotive Service Center - Establishment primarily engaged in automotive repair, including the sale and installation of lubricants, tires, batteries, mufflers and similar accessories.

45. Average Building Elevation - The average elevation of the topography prior to any development activity, at the center of all exterior walls of a building or structure.

Formula:

$$\text{Average Building Elevation} = (\text{Mid-point Elevation}) \times (\text{Length of Wall Segment}) + \frac{(\text{Mid-point Elevation}) \times (\text{Length of Segment})}{(\text{Length of Segment}) + (\text{Length of Segment})}$$

(See plate 17)

50. Average Ground Elevation - The average elevation of the topography, prior to any development activity, at the center of all sides of the structure or improvement.

55. Average Lot Elevation - The average elevation of all corners of a lot as measured from natural or existing topography.

60. Average Parcel Depth - The average of the distance from the high waterline to the street providing direct access to the subject property as measured along the side property lines or the extension of those lines where the water frontage of the subject property ends, the center of the high waterline of the subject property and the quarter points of the high waterline of the subject property. See the following diagram for examples.

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

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

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

72. Bay Window - A projecting bay from an exterior wall of a structure that contains window glazing over at least 75 percent of the surface of the bay lying parallel to the exterior wall. The bay window may be directly supported by a foundation or it may be cantilevered out from an exterior wall.

135. Code (this) - The Code of the City of Kirkland adopted as Title 23 of the Kirkland Municipal Code.
140. Commercial Recreation Area and Use - An area and use operated for profit, with private facilities, equipment or services for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses. The use of such an area may be limited to private membership or may be open to the public upon the payment of a fee.
145. Commercial Zones - BN; BC; BCX; CBD; FG-I; FC-II; PLA 4, PLA 8, PLA 10A and PLA 13A.
150. Common Recreational Open Space Usable for Many Activities - Any area available to all of the residents of the subject property that is appropriate for a variety of active and passive recreational activities, if that area--
- a. Is not covered by residential buildings, parking or driving areas; and
 - b. Is not covered by any vegetation that impedes access; and
 - c. Is not on a slope that is too steep for the recreational activities.
153. Community Facility - A use which serves the public and is generally of a public service, non-commercial nature. Such use shall include: food banks, clothing banks, and other non-profit social service organizations; non-profit recreational facilities; and non-profit performing arts centers.
155. Community Recreation Area or Clubhouse - An area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community club houses and other similar uses maintained and operated by a nonprofit club or organization whose membership is limited to the residents within a specified geographic area.
160. Comprehensive Plan - The Land Use Policies Plan and the Shoreline Management Program of the City.
165. Construction Sign - An informational sign which identifies the architect, engineer, contractor and any other individual or corporation involved with the construction of a building or use.
170. Contour Line - The interconnection of points having the same height above sea level.
172. Convalescent Center - Facilities for patients who are recovering from an illness, or receiving care for chronic conditions, mental or physical disabilities, terminal illness, alcohol or drug in-patient treatment. Care may include in-patient administration of medicine, preparation of special diets, bedside nursing care, and treatment by a physician or psychiatrist. Out-patient care is limited to prior patients only.
175. Court of Competent Jurisdiction - The judicial body empowered to adjudicate the question under consideration.
173. Cornice - an ornamental, horizontal molded projection at the top of the exterior walls of a building.

300. Family - An individual or two (2) or more persons of not more than four (4) degrees of affinity or consanguinity and including persons under legal guardianship, or a group of not more than five (5) persons who are not related by four (4) or less degrees of affinity or consanguinity.
305. Fast Food Restaurant - An establishment which offers quick food service which is accomplished through a limited menu of easily produced items. Orders are not taken at the customer's table, and food is served in disposable wrappings or containers, and the seating and associated circulation areas exceed ten percent of the gross floor area of the use.
310. Fence - A man-made wall or barrier constructed for the purpose of enclosing space or separating parcels of land.
315. Fill Material - Dirt, structural rock or gravel, broken concrete and similar structural substances customarily used to raise the level of the ground, but excluding topsoil, bark, ornamental rocks or gravel placed on the surface of the ground.
320. Finished Grade - The final contour of the land surface prior to landscaping.
325. Floor - The horizontal surface inside a structure designed and intended for human use and occupancy, excluding parking areas.
326. Frequently Flooded Areas - As defined in Chapter 90 of this Code.
327. Fuel Price Sign - A type of wall-mounted or pedestal sign displaying the price of fuel for motorized vehicles.
328. Geologically Hazardous Areas - As defined in Chapter 85 of this Code.
330. Glare - The reflection of harsh, bright light, or "the physical effect resulting from high luminances or insufficiently shielded light sources in the field of view".
335. Government Facility - A use consisting of services and facilities operated by any level of government, excluding those uses listed separately in this Code.
340. Gross Floor Area - The total square footage of all floors in a structure as measured from either the interior surface of each exterior wall of the structure or, if the structure does not have walls, from each outer edge of the roof. Exterior areas may constitute gross floor area. See Chapter 115 of this Code.
345. Ground Floor - The floor of a structure that is closest in elevation to the finished grade along the facade of the structure that is principally oriented to the street which provides primary access to the subject property.
350. Ground Mounted Sign - All of the following: pole signs, pedestal signs and monument signs.
351. Hazardous Waste - All dangerous and extremely hazardous waste, including substances composed of radioactive and hazardous components (see RCW 70.105.010(15)).
- 325.5 Floor Area Ratio (F.A.R.) - The maximum permitted gross floor area allowed, expressed as a percentage of the lot size. (Gross floor area / lot size = F.A.R.) See Section 115.42

425. Integral Sign - A sign displaying a building date, monument citation, commemorative inscription or similar historic information.
440. Irrevocable License - A written irrevocable permission given by a property owner to the City for specified purposes.
445. Isolation - When a use abuts or is directly across the street from high density or higher intensity uses, on at least three (3) sides.
447. Junk - Old or scrap copper; brass; rope; rags; batteries; paper; trash; rubber debris; wastes; machinery; scrap wood; or junked, dismantled or wrecked automobiles, or parts thereof; iron; steel; and other old or scrap ferrous or nonferrous material.
448. Junk Yard - A property or place of business which is maintained, operated, or used for storing, keeping, buying, selling, or salvaging junk.
450. Kenel - An establishment, generally retail in nature which, house, care for, breed, raise or sell dogs or cats.
455. Land Surface Modification - The clearing or removal of trees, shrubs, ground cover and other vegetation, and all grading, excavation and filling of materials. The removal of overhanging vegetation and fire hazards as specified in Chapter 9.12, Kirkland Municipal Code, shall not be deemed to be land surface modifications.
460. Land Use Policies Plan - Ordinance 2346 as amended or, if repealed, its successor document, listing the goals and policies regarding land use within the City.
465. Landscaping - The planting, removal and maintenance of vegetation along with the movement and displacement of earth, topsoil, rock, bark and similar substances done in conjunction with the planting, removal and maintenance of vegetation.
467. Landslide Hazard Areas - As defined in Chapter 85 of this Code.
470. Landward - Toward dry land.
475. Linear Frontage of Subject Property - The frontage of the subject property adjacent or parallel to all open improved public rights-of-way. Frontage adjacent to I-405 is not applicable except for properties within FC I, FC II, and PLA 10 zones. If the subject property does not have frontage on an open improved right-of-way, the frontage of any public access easements which serve the subject property, and unopened rights-of-way which front on the subject property is the linear frontage of the subject property.
480. Lot - A parcel of land having fixed boundaries, sufficient in area and dimension to meet zoning requirements for width and area, having common ownership and not severed by an existing public right-of-way.
485. Low Density Use - A detached dwelling unit on a subject property that contains at least 7,200 square feet.
482. Lot size - The total area of the subject property minus the area of vehicular access easements or tracts serving more than one lot not abutting a right-of-way.

645. Pedestrian Orientation - Pertaining to facilities which encourage pedestrian movement and are designed and oriented toward use by pedestrians.
647. Pedestrian-Oriented Street - Every street within or abutting the CBD-1 zone or CBD-2 zone, except First Avenue South and First Street South, and those streets designated in the Design Regulations for the JBD.
650. Person - Any individual, partnership, association, corporation, unit of government or any other legal entity.
655. Planning Department - The Department of Community Development of the City of Kirkland.
660. Planning Director - The Director of the Department of Community Development of the City of Kirkland or the acting Director of that department.
665. Planning Official - The Director of the Department of Community Development or his/her designee.
670. Pole Sign - Any ground mounted sign that does not meet the definitions of monument or pedestal signs and which is composed of two chief elements: the sign face and the sign pole or pylon which connects the sign face to the ground.
675. Political Sign - A sign advertising a candidate for public office, a political party or a particular voting preference during a recognized election period.
680. Portable Outdoor Sign - An outdoor sign that is not permanently attached to the ground or a structure.
685. Primary Vehicular Access - The major street from which the majority of vehicles enter the subject property. For single-family residential lots which contain a garage or carport, the right-of-way providing access to the garage or carport.
690. Private Advertising Sign - A sign announcing an event, use or condition of personal concern to the sign user such as but not limited to "garage sale" or "lost dog".
695. Private Club - An association of persons organized for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.
700. Private Notice Sign - A sign announcing a restriction on a type of action on the subject property, such as but not limited to; "no trespassing" or "no dumping".
710. Private Traffic Direction Sign - A sign on private property which provides information for vehicular movement while on the property.
715. Projecting Sign - A sign, other than a wall mounted or marquee sign, which is attached to and projects from a structure or building face.
720. Property Line - Those lines enclosing a lot and those lines defining a recorded vehicular access easement. The following are categories of property lines:

1. Front property line is any property line that is adjacent to a street or vehicular access easement or tract more than 21 feet in width, except that neither Burlington Northern right-of-way nor the I-405 right-of-way shall be considered front property lines.
2. Rear property line is any property line that is farther from and essentially parallel to a front property line except on a lot which contains two or more front property lines; or any property line that is adjacent to a street, alley or vehicular access easement or tract easement 21 feet or less in width. Exception: A property line adjacent to an access easement or tract serving only one lot will be considered a side property line.
3. Side property line is any property line other than a front property line or a rear property line, or in Waterfront District zones, any property line other than a north, south, front, or high waterline.
4. North property line is the property line running essentially east to west at the northern end of the lot.
5. South property line is the property line running essentially east to west at the southern end of the lot.
6. High Waterline - this term is defined separately in this Chapter.

725. Public Access - A portion of private property subject to an easement giving the public the right to stand on or traverse this portion of the property.

727. Public Access Pier or Boardwalk - An elevated structure which is constructed waterward of the high waterline and intended for public use.

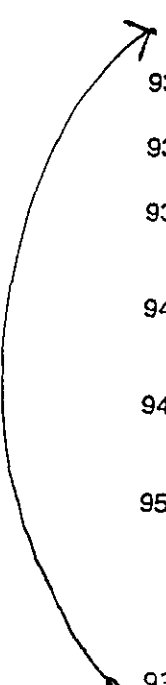
730. Public Park - A natural or landscaped area, provided by a unit of government, to meet the active or passive recreational needs of people.

735. Public Works Director - The Director of the Department of Public Works.

740. Public Use Area - A portion of private property that is dedicated to public use and which contains one or more of the following elements: benches, tables, lawns, gardens, piers, exercise or play equipment or similar improvements or features. These elements are to provide the public with recreational opportunities in addition to the right to traverse or stand in this area.

745. ^{Ord 3949} Public Utility - A private business organization such as a public service corporation, including physical plant facilities, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include but are not limited to: water supply, electric power, telephone, ~~cablevision~~ television, gas and transportation for persons and freight. For the purposes of this Code, public utility does not include personal wireless service facilities as defined in Section 117.05 Definitions of the Kirkland Zoning Code.

750. H.S. Driveway - A driving surface which serves one dwelling unit.

915. Structural Alterations - Any change in the supporting member of a building or structure.
920. Subject Property - The entire lot, series of lots or parcels on which a development or use is or will locate and that is otherwise subject to the provision of this Code.
923. Temporary Commercial Sign - A sign associated with a business; painted on a window or constructed of cloth, paper or similar flexible materials; readily removable; and displaying a temporary commercial message; but not including a real estate, on-site or real estate, off-site sign.
925. Topsoil - The uppermost strata of soil containing a large percentage of organic materials and which is capable of providing suitable nourishment for vegetation.
930. Traffic Control Devices - Signs, signals, stripes and other mechanical or graphic items which control the flow or direction of vehicular and pedestrian traffic.
932. Type I Wetlands - As defined in Chapter 90 of this Code.
933. Type II Wetlands - As defined in Chapter 90 of this Code.
935. Under Marquee Sign - A sign which is attached to and suspended from a marquee or canopy but does not extend beyond the marquee or canopy.
940. Uniform Building Code - The Uniform Building and related Codes as amended and adopted in Title 21 of the Kirkland Municipal Code.
945. Uniform Sign Code - The Uniform Sign Code as amended and adopted in Chapter 21.16 of the Kirkland Municipal Code.
955. Use - The nature of the activities taking place on private property or within structures thereon. Each separate listing under the "Use" column in the Chapters 15 through 65 of this Code is a separate use.
931. Trellis - An arbor or arch made with an open design.
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CHAPTER 15 - SINGLE FAMILY RESIDENTIAL (RS) ZONES

15.05 User Guide. The charts in Section 10 of this Chapter contain the basic zoning regulations that apply in each RS 35, RS 12.5, RS 8.5, RS 7.2 and RS 5.0 zones of the City. Use these charts by reading down the extreme left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use. In addition, you should read Chapter 1 of this Code which will assist you in finding other regulations that apply to your property or proposal.

Section 15.08

Zone
RS

Section 15.08 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

See the Section in Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulation for further details (does not apply to Detached Dwelling Unit, Mini-School or Mini-Day-Care Center (7 – 12 attendees), Day-Care Home and Public Park uses).

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

Section 15.10 USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Sign Category (See Ch. 95)	Landscape Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure				
			Front	Side						
.010 Detached Dwelling Unit	None	As established on the Zoning Map. See Special Regulation 1.	20'	5', but 2 side yards must equal at least 15 feet.	10'	50% See Spec. Reg. 2.5.	E	A	2.0 per dwelling unit.	1. Minimum lot size per dwelling unit is as follows: a. In RS 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 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 5.0 zones, the minimum lot size is 5,000 square feet. In RS 35, 12.5, 8.5, 7.2 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 in Chapter 115.20.
.020 Church	See Special Regulation 3.		20' on each side	20'	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 4.	1. Minimum lot size per dwelling unit is as follows: a. In RS 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 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. The property must be served by a collector or arterial street. 3. 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; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152. 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 III, Chapter 155, 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. 4. No parking is required for day-care or school ancillary to the use.

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

- a. In RS 35 zones, F.A.R. is 20% of lot size.
- b. In RS 12.5 zones, F.A.R. is 35% of lot size.
- c. In RS 8.5 zones, F.A.R. is 50% of lot size.
- d. In RS 7.2 zones, F.A.R. is 50% of lot size.
- e. In RS 5.0 zones, F.A.R. is 60% of lot size.

Special regulation is not effective within the jurisdiction of the Houghton Community Council.

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

3. 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).

CHAPTER 17 – SINGLE FAMILY RESIDENTIAL ANNEXATION (RSX) ZONES

17.05 User Guide. The charts in Sections 10 of this Chapter contain the basic zoning regulations that apply in each RSX 35, RSX 12.5, RSX 8.5, RSX 7.2 and RSX 5.0 zones of the City. Use these charts by reading down the extreme left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use. In addition, you should read Chapter 1 of this Code which will assist you in finding other regulations that apply to your property or proposal.

Section 17.08



Section 17.08 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
 2. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.
- See the Section in Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulation for further details (does not apply to Detached Dwelling Unit, Mini-School or Mini-Day-Care Center and Family Day-Care Home uses.)

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

Section 17.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Special Regulation 1.	20'	5' each side. See Spec. Reg. 1.	10'	50% See Spec. Reg. 1.	30' above average building elevation.	E	A	2.0 per dwelling unit.	<p>d. In RSX 5.0 zones, the minimum lot size is 5,000 square feet.</p> <p>1. Minimum lot size per dwelling unit is as follows: a. In RSX 35 zones, the minimum lot size is 35,000 square feet. b. In RSX 8.5 zones, the minimum lot size is 8,500 square feet. c. In RSX 7.2 zones, the minimum lot size is 7,200 square feet. In RSX 35, 8.5, and 7.2 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot. <u>and 5.0</u></p> <p>2. 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.</p> <p>3. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>4. Residential lots in RSX zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 in Chapter 115.20.</p>
.020	Church	See Special Regulation 1.	As established on the Zoning Map. See Special		20' on each side	20'	70%		C	B	1 for every 4 people based on maximum occupancy load of worship. See Special Reg. 4.	<p>1. 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. 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 III, Chapter 155, is required. The Master Plan must show building placement, building dimensions, roadways, utility location, land uses within the Master Plan area, parking location, buffering, and landscaping.</p> <p>2. Minimum lot size per dwelling unit is as follows: a. In RSX 35 zones, the minimum lot size is 35,000 square feet. b. In RSX 8.5 zones, the minimum lot size is 8,500 square feet. c. In RSX 7.2 zones, the minimum lot size is 7,200 square feet.</p> <p>3. The property must be served by a collector or arterial street.</p> <p>4. No parking is required for day-care or school ancillary to the use.</p>

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

a. In RSX 35 zones, F.A.R. is 20% of lot size.

b. In RSX 12.5 zones, F.A.R. is 35% of lot size.

f. In RSX 8.5 zones, F.A.R. is 50% of lot size.

g. In RSX 7.2 zones, F.A.R. is 50% of lot size.

h. In RSX 5.0 zones, F.A.R. is 60% of lot size.

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

Section 30.15



Section 30.15 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. See Section 16 of this Chapter for regulations regarding bulkheads and land surface modifications. In addition, refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.

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

Section 30.15	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line							High Water Line
.010	Detached Dwelling Unit	None	12,500 sq. ft.	20'	5'	5'	The greater of: a. 15' or b. 15% of the average parcel depth. See also Special Regulations 3, 4, and 5, and 6.	50%	25' above average building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> 1. No structure, other than a moorage structure, may be waterward of the high waterline. For the regulations regarding moorage, see the Moorage listing in this zone. 2. For this use, only one dwelling unit may be on each lot regardless of lot size. 3. If dwelling units exist on property that adjoins the subject property to the north and south, the required high waterline yard is the average of the existing high waterline yards on these two adjoining properties. If, because of adjoining properties, the required high waterline yard is increased, the required front yard may be decreased to the average of the existing front yards on the properties adjoining the subject property to the north and south. 4. If either the north property line yard or the south property line yard is also the front yard of the subject property, it will be regulated as a front yard. The dimensions 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. 5. Each portion of a structure must be setback from the north property line by a distance equal to or greater than the height of that portion of the structure above the north property line minus 5 feet. (See Plate 22). 6. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

6. 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).

Section 60.35.c

Zone
PLA6C

Section 60.35.c - GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

See the Section in Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulation for further details (does not apply to Detached Dwelling Unit, Mini-School or Mini-Day-Care and Family Day-Care Home uses).
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.
 - 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 III, Chapter 155, 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 (does not apply to Detached Dwelling Unit, Mini-School or Mini-Day-Care, Family Day-Care Home and Public Park uses).
3. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.35.c	USE ↓ REGULATIONS →	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Detached Dwelling Unit	None	5,000 sq. ft.	20' <i>see spec. 3.10.</i>	5', but 2 side yards must equal at least 15'.	10'	50%	25' above average building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> For this use, only one dwelling unit may be on each lot regardless of lot size. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Church	See General Regulations.	8,500 sq ft.	20'	20' on each side	20'	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	<ol style="list-style-type: none"> The property must be served by a collector or arterial street. No parking is required for day-care or school ancillary to this use.
.030	School or Day-Care Center			If this use can accommodate 50 or more students or children, then-- 50' 50' on each side 50' If this use can accommodate 13 to 49 students or children, then-- 20' 20' on each side 20' Otherwise, 20' 5', but 2 side yards must equal at least 15' 10'					D	B See Spec. Reg. 7.	See Section 105.25.	<ol style="list-style-type: none"> May locate on the subject property only if-- a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. A six-foot high fence is required only along the property lines adjacent to the outside play areas. Hours of operation may be limited to reduce impacts on nearby residential uses. Structured play areas must be set back from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, 5 feet. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Car pooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. May include accessory living facilities for staff persons. Electrical signs are not permitted. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73).

2. Floor Area Ratio (F.A.R.) allowed for the subject property is 60% of lot size.

See Section 115.42 entitled Floor Area Ratio (F.A.R.) for Detached Dwelling Units in Low Density Zones for additional information.

3. 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).

Section 60.35.e



Section 60.35.e - GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

See the Section in Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulation for further details (does not apply to Detached Dwelling Unit and Mini-School or Mini-Day-Care uses).

2. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.

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

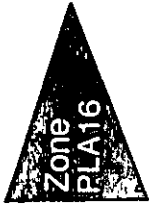
Section 60.35.e	USE ↓ REGULATIONS ↑	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Detached Dwelling Unit	None	5,000 sq. ft. per unit	20' <i>see spec. reg. 3.</i>	5', but 2 side yards must equal at least 15'	10'	50%	25' above average building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> For this use, only one dwelling unit may be on each lot regardless of lot size. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Church	See Spec. Reg. 2.	7,200 sq ft.	20'	20' on each side	20'	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 3.	<ol style="list-style-type: none"> The property must be served by a collector or arterial street. The required review process is as follows: <ol style="list-style-type: none"> 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 II, Chapter 150. 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 III, Chapter 155, 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. No parking is required for day-care or school ancillary to this use.

2. Floor Area Ratio (F.A.R.) allowed for the subject property is 60% of lot size.

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

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).

Section 60.85



Section 60.85 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

See the Section in Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulation for further details (does not apply to Detached Dwelling Unit, Commercial Equestrian Facility, Commercial Recreation Area and Use and Mini-Day-Care Center or Day-Care Home uses).

2. Must provide an improved public equestrian access trail and appropriate public signage. The trail must be located and designed so as to allow for an eventual connection between N.E. 60th Street and the Bridle Trails State and King County Parks (does not apply to Detached Dwelling Unit, Commercial Equestrian Facility, Commercial Recreation Area and Use and Public Parks uses).
3. Refer to Chapter 1 to determine what other provisions of this code may apply to the subject property.

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

Section 60.85	USE REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS			Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)				
				Front	Side							Rear
.010	Detached Dwelling Unit	If lot size is less than 35,000 sq. ft., then Process III Chapter 155. Otherwise, None.	35,000 sq. ft. except as established under Special Regulation 5.	20' 20' ^{30'}	5', but 2 side yards must equal at least 15'.	10'	50%	30' above average building elevation.	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> 1. For this use, not more than one dwelling unit may be on each lot, regardless of the size of the lot. 2. Each lot may contain no more than two horses. 3. Residential lots must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 in Chapter 115.20. 4. On each lot, no outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure. 5. This use may have a lot size of less than 35,000 square feet if all of the following standards are met: <ol style="list-style-type: none"> a. The property must contain at least 16 contiguous acres. b. A Master Plan shall be approved for the entire property. 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 N.E. 60th Street and the Bridle Trails State and King County Parks. 6. 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. 7. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

2. Floor Area Ratio (F.A.R.) allowed for the subject property is 20% of lot size.

3. See Section 115.42 entitled Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Zones for additional information.

3. 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].

CHAPTER 105 - PARKING AND PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS

105.05	User Guide
105.10	Vehicular Access Easement or Tract Standards
105.12	Maximum Allowable Grade
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105.40	Location of Parking Areas - General
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105.70	Parking Area Design - Parking Designed for the Handicapped
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105.100	Parking Area Design - Surface Materials
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105.05 User Guide

This Chapter contains information on vehicle and pedestrian circulation areas, parking areas, and related improvements. For the most part, this Chapter will not tell you how many parking spaces are required for a particular use. This information is listed for most uses in the use zone charts. However, this Chapter does provide a mechanism for determining the specific parking requirement for some uses. It also contains a mechanism for requesting permission to increase or decrease the parking requirements of this Code. Finally, this Chapter contains requirements regarding the location and minimum dimensions of parking areas and other vehicular and pedestrian circulation areas.

105.10 Vehicular Access Easement or Tract Standards

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

- a. For 1-4 detached dwelling units or 1-2 duplex structures served by an easement or tract: The minimum standard is 16 feet of unobstructed pavement in a 20-foot wide easement. For easements or tracts less than 100 feet in length, the Public Works Department may reduce the standard to 10 feet of unobstructed pavement in a 15-foot wide easement if the easement and abutting driveways are located to allow for safe ingress and egress.
- b. For 5 or more detached dwelling units, a dedicated and improved public right-of-way is required. See Chapter 110 of the Code for the required improvements.
- c. For all other uses, the minimum standard is 20 feet of unobstructed paved surface with vertical cast in place curbs and gutters within a 20-foot wide easement or tract.
- d. A greater pavement width and/or easement or tract width may be required by the Departments of Public Works, Fire, or Planning as determined on a case-by-case basis.

2. General

- a. For paragraph 1.a. above, a dwelling unit that meets the following criteria shall not be counted as a "served dwelling unit" on a vehicular access easement or tract (see Plate 21):
 - 1. The dwelling unit is on a lot that abuts and has vehicular access rights to the improved public right-of-way that joins the vehicular access easement or tract; and
 - 2. The Fire Department determines that fire apparatus can service the lot containing the dwelling unit from the abutting improved public right-of-way.
- b. For Paragraph 1.a. above, the length of the easement or tract shall be measured from the serving improved public right-of-way to the front property line of the furthest lot at the end of the easement or tract.
- c. Vehicular access rights for each lot served by the easement or tract shall be established either by segregating the roadway into a separate tract in which each lot served has an undivided ownership interest and recording the tract document, or by recording a vehicular access easement document. The recorded documents must establish equal maintenance responsibilities for the owners of all lots served by the roadway and require the owners to erect and maintain a sign where the easement or tract joins the serving improved public right-of-way to identify the roadway as "private."
- d. The paved surface in an easement or tract shall have a minimum of 2 inches of asphalt concrete over a suitably prepared base which has a minimum thickness of 4 inches of crushed rock or 3 inches of asphalt treated base. The Department of Public Works is authorized to modify the standards for a paved surface on a case-by-case basis.

- e. A minimum unobstructed vertical clearance of 13 feet, 6 inches shall be provided in the easement or tract. The easement or tract shall remain unobstructed at all times. No parking, structures or vegetation, with the exception of grass, shall be permitted in the easement or tract.
- f. The paved surface in the easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract.
- g. h. See Section 105.20 for providing adequate guest parking spaces.

105.12 Maximum Allowable Grade

The slope of vehicular access easements and tracts, and the slope of entrance and exit driveways, except driveways for detached single family residences, shall not exceed 6% for the first 20 feet from the face of the abutting right-of-way curb. Thereafter, the slope shall not exceed 15%. The departments of Public Works and Fire are authorized to modify the standards for maximum allowable grade on a case-by-case basis.

105.15 Exception in the CBD

If the subject property is within the Central Business District Zone, the requirements contained within Chapter 50 of this Code supersede any conflicting provisions of this Chapter. The provisions of this Chapter that do not conflict with Chapter 50 of this Code, apply to properties in the CBD.

105.17 Site Plan Review

Before commencing any development activity on a new parking area or any alteration or improvement to an existing parking area (except routine maintenance), the applicant must submit a site plan for approval by the planning department. Parking areas must comply with the Zoning Code. The site plan must be drawn to scale and show the following items:

1. All buildings on the subject property.
2. All parking and driving areas and pedestrian and bicycle facilities on the subject property.
3. All landscaping and buffering on the subject property.
4. The nature of the use of all adjoining properties.
5. All adjoining rights-of-way.
6. All transit stops and/or facilities on abutting rights-of-way.

105.18 Pedestrian, Bicycle, and Transit Facilities

1. The applicant shall comply with the requirements for each use specified in the following chart.

g. An easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from that easement or tract. The screening shall be:

1. A minimum 5 foot high sight-obscuring fence, or
2. Vegetation that will provide comparable screening to a 5 foot fence within 2 years of planting, and
3. Along the entire easement or tract outside the required front yard.

105.100 Parking Area Design - Surface Materials

1. General - The applicant shall surface the parking area and driveway with a material comparable or superior to the right-of-way providing direct vehicle access to the parking area.
2. Exception - Grass grid pavers may be used for emergency access areas that are not used in required permanent circulation and parking areas.

105.102 Parking Area Design - Streets Used in Circulation Pattern

If a parking lot is designed so that a street is used as part of the circulation pattern, the parking lot must be designed so that traffic turning into or out of the parking area need not cross any moving lanes of traffic in the street. See Plate 8a.

105.103 Modifications

1. General - The provisions of this Section establish under what circumstances the requirement of this Chapter may be modified.
2. Authority to Grant and Duration
 - a. If the proposed development of the subject property requires approval through Processes I, IIA, IIB, or III, described in Chapters 145, 150, 152 and 155 of this Code 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 criteria listed below in Section 105.103.3. If granted under Process I, IIA, IIB or III, the modification is binding on the City for all development permits issued for that development under the Building Code within 5 years of the granting of the modification.
 - b. If paragraph 2.a. above does not apply, the Planning Official may grant a modification in writing under the provisions of this section.
3. Modifications - The Planning Official may require or grant a modification to required improvement in this Chapter if the applicant demonstrates on submitted plans and/or in writing that the following criteria have been met for modifications to the applicable sections:
 - a. For a modification to Section 105.10 for vehicular access easements or tracts and for Sections 105.60 and 105.97 for parking area design, the requirements may be modified if:
 - 1) The modifications will not affect the ability to provide any property with police, fire, emergency medical, or other essential services; and
 - 2) One of the following requirements is met:
 - a) The modification is necessary because of a pre-existing physical condition; or

- 3) Exception: Section 105.10. 2.g. relating to screening for access easements or tracts will use the modification criteria for buffering in section 105.103.3.g. of this section.
- b) The modification will produce a site design superior to that which would result from adherence to the adopted standard.
- b. For a modification to Section 105.18, the requirements for pedestrian, bicycle, and transit facilities may be modified if:
- 1) The modification is necessary because of the size, configuration, topography or location of the subject property;
 - 2) The modification will provide for equal or improved pedestrian and bicycle safety and convenience; and
 - 3) The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.
- c. For a modification to Sections 105.20 and 105.45, a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking study to be sufficient to fully serve the use.
- A decrease in the minimum required number of spaces may be based in whole or part on the provision of pedestrian, transit, and/or bicycle facilities. These facilities are not included in the gross floor area square footage calculation used to determine required number of parking stalls and may include:
- 1) Bicycle lockers, showers, and locker rooms in commercial buildings;
 - 2) Transit shelters;
 - 3) Public plazas and landscaped sitting areas; or
 - 4) Other improvements proposed by the applicant.
- d. For a modification to Section 105.40, the requirements for parking area location may be modified if:
- 1) The proposed parking area will have no adverse impacts on adjacent properties;
 - 2) It is reasonable to expect that the proposed parking area will be used by the subject use; and
 - 3) A safe pedestrian and/or shuttle connection exists, or will be created between the subject use and the proposed parking area.
- e. For a modification to Section 105.75, 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 natural vegetation.

f. For a modification to Section 105.77, the curbing requirement for parking areas and driveways may be modified if:

- 1) The modification would result in superior landscaping and/or increased retention of significant natural vegetation;
- 2) The modification will not result in increased hazards for pedestrians or vehicles; and
- 3) The modification will not result in increased erosion of unpaved areas onto the parking area, driveway, or right-of-ways.

105.10.2.g and

g. For a modification to Section 105.80, the buffering requirements for parking areas and driveways may be modified if:

the screening requirements for access easements or tracts and

- 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 Section 105.80 of this Chapter.

h. For a modification to Section 105.100, the surface material requirement for parking areas and driveways may be modified if:

- 1) The surfacing material will not enter into the drainage system, or onto public or other private property; and
- 2) The material will provide a parking surface which is usable on a year-round basis.

105.104 Planning Director Authority to Adopt Standards

- 1. The Planning Director is authorized to develop, consistent with this Chapter, any additional dimensional or similar standards that may be necessary for implementation of this Chapter.
- 2. The City shall enforce any standards established under paragraph 1. of this section as if they were part of this Code.

105.105 Appeals

Modifications granted by the Planning Official under Section 105.103 of this Chapter and Standards established by the Planning Director under Section 105.104 may be appealed using the appeal provisions of Process I of this Code, Sections 145.60 through 145.100.

105.106 Bonds

The City may require or permit a bond under Chapter 175 of this Code to ensure compliance with any of the requirements of this Chapter.

CHAPTER 115 - MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.05	User Guide
115.10	Accessory Uses, Facilities and Activities
115.15	Air Quality Regulations
115.20	Animals in Residential Zones
115.25	Development Activities and Heavy Equipment Operation - Limitations On
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115.35	Erosion and Sedimentation Regulation
115.40	Fences
115.45	Garbage Receptacles and Dumpsters, Placement and Screening
115.50	Glare Regulation
115.55	Heat Regulation
115.60	Height Regulations, Exceptions To
115.65	Home Occupations, Accessory Dwelling Units, and Other Accessory Components of Residential Uses
115.70	Junk and Junk Yards Prohibited
115.75	Land Surface Modification
115.80	Legal Building Site
115.85	Lighting Regulations
115.90	Calculating Lot Coverage
115.95	Noise Regulations
115.100	Odor
115.105	Outdoor Use, Activity and Storage
115.110	Radiation
115.115	Required Yards
115.120	Rooftop Appurtenances, Required Screening
115.125	Rounding of Fractions of Dwelling Units
115.135	Sight Distance at Intersection
115.140	Temporary Trailers For Construction and Real Estate Sales Offices
115.142	Transit Shelter Regulations
115.145	Trees, Certain Species Prohibited
115.150	Vehicles - Size in Residential Zones Limited
115.155	Water Quality Regulations

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

115.43 Garage Setback Requirements for Detached Dwelling Units in Low Density Zones

115.05 User Guide

This Chapter contains a variety of regulations and standards that apply to the development and use of land. The regulations in this Chapter do not all pertain to the same general subject matter. The regulations are arranged alphabetically so that careful review of the table of contents is important to finding all pertinent regulations.

115.10 Accessory Uses, Facilities and Activities

1. General - Accessory uses, facilities and activities normally associated with a use listed as a permitted use in a zone are permitted as part of that permitted use. The accessory use, facility or activity must be clearly secondary to the permitted use.

115.30

Distance Between Structures ~~Regarding Maximum Horizontal Facade Regulation~~
Adjacency to Institutional Uses a. Apply to:

1) Calculation of F.A.R.

- 1. Distance Between Structures for detached dwelling units in low density zones, and
- 2) Regulation of maximum horizontal facade.

a.b. General - For purposes of the regulation in this Code regarding maximum horizontal facade only, two structures will be treated and considered as one structure if any elements of the structures, other than as specified in paragraph 2 of this Section are closer than 20 feet to each other. In addition, two structures connected by a breezeway or walkway will be regulated as one structure if any element of the breezeway or walkway is higher than 8 feet above finished grade.

And F.A.R. calculation for detached dwelling units in low density residential zones

b.c. Exceptions

- 1) Porches and similar elements of a structure no higher than 18 inches above finished grade may be closer than 20 feet to another structure.
- 2) Chimneys, bays, greenhouse windows, eaves, cornices and similar elements that customarily extend beyond the exterior walls of a structure may be no closer than ~~18 1/2~~ 17 feet from another structure.

2. Adjacency to Institutional Uses - If a structure is located adjacent to an institutional use which is located in a low density zone, the maximum horizontal dimension provision of 50 feet may be waived by the Planning Director.

115.35

Erosion and Sedimentation Regulation

It is a violation of this Code for the owner of the subject property to create, allow or perpetuate conditions on the subject property which cause the erosion or undermining of adjacent property. It is also a violation of this Code for the owner of the subject property to create, allow or perpetuate a condition which causes the deposition of sediments or the movement of other geologic materials onto adjacent property.

115.40

Fences

1. General

a. Fences not over 6 feet in height may be anywhere on the subject property except:

- 1) A fence may not be within 15 feet of any street curb, or the edge of the street pavement, if no curb exists; or
- 2) If the applicant can show with a survey, or other reasonable means, the location of his/her property line, the fence can be placed on the property line regardless of the distance from a street curb or the edge of the pavement.
- 3) A fence may not violate the provisions of Section 115.135 of this Code.
- 4) A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard.

On corner lots with two required front yards, this restriction shall apply only within the front yard adjacent to the front facade of the structure.
May 1986 (Ordinance 2952)
September 1985 (Ordinance 2904)

45) No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard which is coincident with the high waterline setback yard.

INSERT #1

- b. Fences over 6 feet in height may not be located in a required setback yard. See section 115.115, Required Yards, for regulations relating to fences on retaining walls.
2. Barbed Wire - Barbed wire is permitted only atop a fence or a wall at least 6 feet in height.
 3. Electrified Fences - Electrified Fences are not permitted in Kirkland, except to contain large domestic animals (see Section 115.20.2.c). All electric fences and appliances, equipment, and materials used in connection therewith shall be listed or labeled by a qualified testing agency and shall be installed in accordance with manufacturer's specifications and in compliance with the latest edition of the National Electrical Code. Furthermore, electrified fences must be located at least 18 inches on the inside of wood fences when located along any property line. In addition, all electric fences shall be posted with permanent signs which are a minimum of 36 square inches in area at intervals of 15 feet along the fence stating that the fence is electrified.

INSERT #2

115.45 Garbage Receptacle and Dumpsters, Placement and Screening

1. Placement - All garbage receptacles and dumpsters, including underground facilities, must comply with either of the following:
 - a. setback a minimum of 5 feet from side property lines, 10 feet from rear property lines and 10 feet from front property lines, or
 - b. comply with the setbacks established for the use with which they are associated.

In either case, garbage receptacles and dumpsters may not be located in landscape buffers required by Chapters 95 and 105.

2. Screening - All garbage receptacles and dumpsters must be screened from view from the street and from adjacent properties by a solid sight-obscuring enclosure.
3. Exemptions - Garbage receptacles for detached dwelling units, duplexes, moorage facilities, parks, and construction sites are exempt from the placement and screening requirements of this section.

115.50 Glare Regulation

Any artificial surface which produces glare which annoys; injures; endangers the comfort, repose, health or safety of persons; or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

115.55 Heat Regulation

Heat generated by any activity or operation on the subject property which annoys, injures, endangers the comfort, repose, health or safety of persons on abutting properties or streets; or in any way renders persons insecure in life or in the use of abutting property or streets is a violation of this Code.

INSERT
#1

c. The Planning Official may approve a modification to the fence height requirements, if:

- 1) The modification is necessary because of the size, configuration, topography or location of the subject property, and
- 2) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

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

INSERT
#2

1. Gross Floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:

- a. Attic area with less than 5' of headroom.
- b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than 6' above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
- d. Accessory structures located more than 20 feet from the main structure (see section 115.30 of this code for additional information on the required distance between structures).
- e. Uncovered and covered decks, porches, and walkways.

2. *This section is not effective within the disapproval jurisdiction of the Houghton Community Council.*

115.43 Garage Setback Requirements for Detached Dwelling Units in Low Density Zones

1. In a low density zone, the garage must be set back 5 feet from the remaining portion of the front façade of a dwelling unit, if:

- a. The garage door is located on the front façade of the dwelling unit and,
- b. The lot is at least 50' wide at the front setback line, and
- c. The garage width exceeds 50% of the combined dimensions of the front facades of the dwelling unit and the garage.

2. In measuring the garage setback, the front façade of the dwelling unit shall include covered entry porches that extend across 100% of the remaining front façade, but shall not include other elements that are allowed to extend into the required front yard, pursuant to section 115.115.

3. *This section is not effective within the disapproval jurisdiction of the Houghton Community Council.*

1. General - No element or feature of a structure, other than as listed in paragraph 2 of this Section, may exceed the applicable height limitation established for each use in each use zone in Chapters 15 through 65 of this Code.
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 6 inches.
- 213) 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 of this Code, may not be placed above the maximum height allowed for any structure unless approved by the Planning 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 Director in approving or denying a rod, wire, or dish antenna may be appealed using the appeal provision, as applicable, of Process I, Section 145.60.

For the purposes of this paragraph, "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.

- b. Other Structures
 - 1) Rooftop appurtenances for all structures other than detached dwelling units may exceed the applicable height limitation by a maximum of four (4) feet if the area of all appurtenances and screening does not exceed 10 percent of the total area of the building footprint. These structures must be located in such a way as to minimize view blockage.
 - 2) Appurtenances that do not meet the standards of paragraph (1) above, may be permitted if the Planning Official determines that, based on accurate graphic representations provided by the applicant, views from adjacent properties will not be significantly blocked.
 - 3) Any appurtenance, other than chimneys and antennas, must be screened from all streets and nearby properties. See Section 115.120 for standards pertaining to rooftop screening.
 - 4) The provisions in Chapter 117 related to personal wireless service facilities supercede the provisions of this Section to the extent an appurtenance falls within the definition of a personal wireless service facility.

- 3. Glare From Subject Property Prohibited - The applicant shall select, place and direct light sources both directable and non-directable so that glare produced by any light source, to the maximum extent possible, does not extend to adjacent properties or to the right-of-way.

115.90

Calculating Lot Coverage

- 1. General - The area of all structures and pavement and any other impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one use, the maximum lot coverage requirements for the predominant use will apply to the entire development.
- 2. Exceptions
 - a. Wood decks may be excluded if constructed with gaps between the boards and if there is pervious surface below the decks.
 - b. An access easement or tract that serves more than one lot that does not abut a right-of-way will not be used in calculating lot coverage for any lot it serves or crosses.
 - x d. Grass grid pavers will be calculated as impervious surface at a ratio of 50 percent of the total area covered.
 - x e. Outdoor swimming pools
 - x f. Pedestrian walkways required by Section 105.18 and Section 105.60.4.

115.95

Noise Regulations

- 1. Maximum Environmental Noise Levels
 - a. State Standard Adopted - The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC.
 - b. Watercraft Noise Performance Standards - The City of Kirkland adopts by reference the Watercraft Noise Performance Standards established pursuant to the Noise control Act of 1974, RCW 70.107. See Chapter 173-70 WAC.
 - c. Availability - These regulations are available for inspection and copying in the Planning Department during regular business hours.
- 2. Noise - Public Nuisance - Any noise which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.
- 3. Bonds - The City may require a bond under Chapter 175 of this code to insure compliance with the provisions of this Section.

115.100

Odor

Any odor which injures, endangers the comfort, repose, health or safety of person on abutting properties or streets, or in any way renders persons insecure in life, or in the use of abutting properties or streets is a violation of this Code.

- c. For detached dwelling units in low density zones, 10 feet of the width of a driveway, outside of the required front yard, serving a garage or carport, The portion of the driveway excepted from lot coverage calculations shall not exceed 10 percent of the lot area.

Ionizing radiation is defined and regulated by the State of Washington pursuant to RCW 70.98. Any complaint, inquiry, or violation regarding ionizing radiation within the City of Kirkland will be referred to the Department of Social and Health Services.

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 65 of this Code.
- 2. Exceptions and Limitations in Some Zones - Chapters 15 through 65 contain specific regulations regarding what may be in or take place in required yards. 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 sections 115.115.5.a and 115.115.5.b.
- b. Any improvement or structure, other than a driveway and/or parking area, that is not more than 4 inches above finished grade may be anywhere in a required setback yard. 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 5 feet into a required yard.

d. Chimneys, bay windows, greenhouse windows, eaves, ^{cornices,} awnings, and similar elements of a structure that customarily extend beyond the exterior walls of a structure may extend up to 18 inches into any required yard. The total horizontal dimension of the elements that extend into a required yard, excluding eaves, may not exceed 25% of the length of the facade of the structure. See Plate 10. and cornices,

Eaves on bay windows may extend an additional 18" beyond the bay window.
e. Fences and railings may be located in required yards subject to the fence regulations contained within this Chapter.

f.g. Rockeries and retaining walls may be located in required yards if--

INSERT #3

- 1) ~~The rockery or retaining wall is not being used as a direct structural support for a major improvement; and~~
- 2) ~~The rockery or retaining wall is reasonably necessary to provide support to a cut or slope.~~

h. Improvements associated with shoreline public use and access areas may be located in any required yard. The landward end of a pier may be located in the High Water Line Yard.

i. See paragraph 5 of this Section for regulations on parking areas.

j. Those structures and improvements permitted in required yards by Section 115.105 of this chapter.

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.g. Rockeries and Retaining Walls

1. Rockeries and retaining walls may be a maximum of 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 5' of each other in a required yard, may be a maximum of 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:

- 1) 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% solid, or
- 2) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

K. ✓

Signs may be located in required yards subject to Sections 115.135 and 100.75 of this Code.

L. ✓

Covered walkways in commercial, office, and industrial zones may be permitted in required yards. Covered walkways may be no more than eight feet wide and ten feet tall and may not be enclosed along the sides.

M. ✓

In low density residential zones, the applicant may request a modification to locate a storage shed in a required yard, except a required front yard. The Planning Official may approve a modification if-

- 1) The proposed structure is no more than eight feet tall; and
- 2) The maximum length of the side of the proposed structure parallel to the affected property line(s) shall not exceed ten 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 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, Sections 145.60 through 145.110.

INSERT #4

4. Outdoor Uses, Activities and Storage - For regulations on outdoor uses, activities and storage, see Section 115.105.

5. Driveways and Parking Areas - ~~Vehicles may not be parked~~ in required yards except as follows:

Driveways and parking areas are not allowed

- a. Detached Dwelling Units
 - 1) General - Vehicles may be parked in the required front, rear and north property line yards 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 not be closer than 5 feet to any side property line ~~in any required front and/or rear yard~~ (see Plate 14).
 - 2) Exception - Driveways and/or parking areas may exceed 20 feet in width if:
 - a) The driveway/parking area serves a 3-car garage.

INSERT #4

0-3709

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

- 1) The porch is covered and no higher than one story,
- 2) Three sides of the porch are open,
- 3) The porch roof form is architecturally compatible with the roof form of the main house,
and
- 4) No deck, balcony, or living area is permitted on the roof of the porch within the required front yard.
- 5) Allowed exceptions to the above criteria are:
 - a) Solid walls or railings may extend up to 42" above the porch floor.
 - b) Eaves on the porch roof may extend an additional 18" into the required front yard.
 - c) Stairs may extend an additional 5 feet into the required front yard.

This subsection (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 utilizing an alley for their primary vehicular access may be located within 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 section 115.135 of this code, which regulates sight distance at intersections.
- 2) Detached garages utilizing an alley for their primary vehicular access may extend to the rear property line, if
 - a) The lot is 50' 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 section 115.135 of this code, which regulates sight distance at intersections.
- 3) One story garages without alley access may be located within 5 feet of the rear property line.

- b. The subject property is at least 60 feet in width.
- c. The garage is located no more than 40 feet from the front property line.
- d. The driveway/parking area flares from 20 feet at the property line to a maximum of 30 feet in width.

b. Attached and Stacked Dwelling Units in Residential Zones -

- 1) Vehicle parking areas shall have a minimum 20-foot setback from all front property lines and meet the minimum required setbacks from all other property lines for that use. Vehicle parking areas for schools and day care centers greater than 12 students shall have a minimum 20-foot setback from all property lines.
- 2) Driveways shall have a minimum 5' setback from all property lines, except for the portion of any driveway which connects with an adjacent street.

c. Other Uses - Parking areas and driveways for uses other than those addressed in paragraphs a. and b. above, may be located within required setback yards, but, except for the portion of any driveway which connects with an adjacent street not closer than 5 feet to any property line.

and Shared Driveways

d. Shared Parking - If the parking serves two adjacent uses, the parking area may be anywhere in the required setback yard between the uses.

shared parking area or driveway

Rooftop Appurtenances, Required Screening

- a. Except as noted in paragraph c. below, vents, mechanical penthouses, elevator equipment and similar appurtenances that extend above the roofline must be surrounded by a solid sight obscuring screen.
- b. The Planning Official will review the proposed screen for compliance with the following criteria.
 - 1) The screen must be integrated into the architecture of the building; and
 - 2) The screen must obscure the view of the appurtenance from adjacent rights-of-way and properties.
- c. Exemptions:
 - 1) Rod, wire, and dish antennas approved pursuant to 115.60.2. are exempt from the requirements of this Section where screening would interfere with the effective operation of these antennas.
 - 2) A painted appurtenance is exempt from the requirements of this Section only if the Planning Official determines that painting will be as effective in minimizing rooftop clutter as a solid structural screen.

3). The Planning Official may approve a modification to the driveway and/c setback requirements in section 115.115.5.a.1., if:

- 1) The existing topography of the subject property or the abutting property decreases or eliminates the need for the setback; or
- 2) The location of pre-existing improvements or vegetation on the abutting site eliminates the need for or benefit of a setback, and
- 3) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole, and either:

115.120

5.125 Rounding of Fractions of Dwelling Units

CHAPTER 180 - PLATES

Plate 1	One-Way Traffic - Standard Size Stall (8.5' x 18.5')
Plate 2	Two-Way Traffic - Standard Size Stall (8.5' x 18.5')
Plate 3	One-Way Traffic - Compact Stall (8' x 16')
Plate 4	Two-Way Traffic - Compact Stall (8' x 16')
Plate 5	One-Way Traffic - Standard Size Stall (8.5' x 18.5') (Dead-End Stall)
Plate 6	Two-Way Traffic - Standard Size Stall (8.5' x 18.5') (Dead-End Stall)
Plate 7	One-Way Traffic - Compact Stall (8' x 16') (Dead-End Stall)
Plate 8	Two-Way Traffic - Compact Stall (8' x 16') (Dead-End Stall)
Plate 8A	Parking Area Design Using Street For Circulation
Plate 9	Signage Permitted - Linear Frontage 25'-1500'
Plate 10	Intrusions into Required Setback Yards
Plate 11	Outdoor Use Activity and Storage
Plate 12	Pedestal Signs
Plate 13	Monument Signs
Plate 13A	Pole Signs
Plate 14	Driveway Configuration For Detached Dwelling Units
Plate 15	Measuring Regulated Slopes
Plate 16	Determining Stream Setbacks
Plate 17	Calculating Average Building Elevation
Plate 18	Adjoining Properties
Plate 19	Calculating Average Parcel Depth
Plate 20	Turn-around Space
Plate 21	Dwelling Units "Served" and not "Served" by a Vehicular Access Easement or Tract
Plate 22	WDII North Property Line Yard and Height of Structure

180.05 User Guide

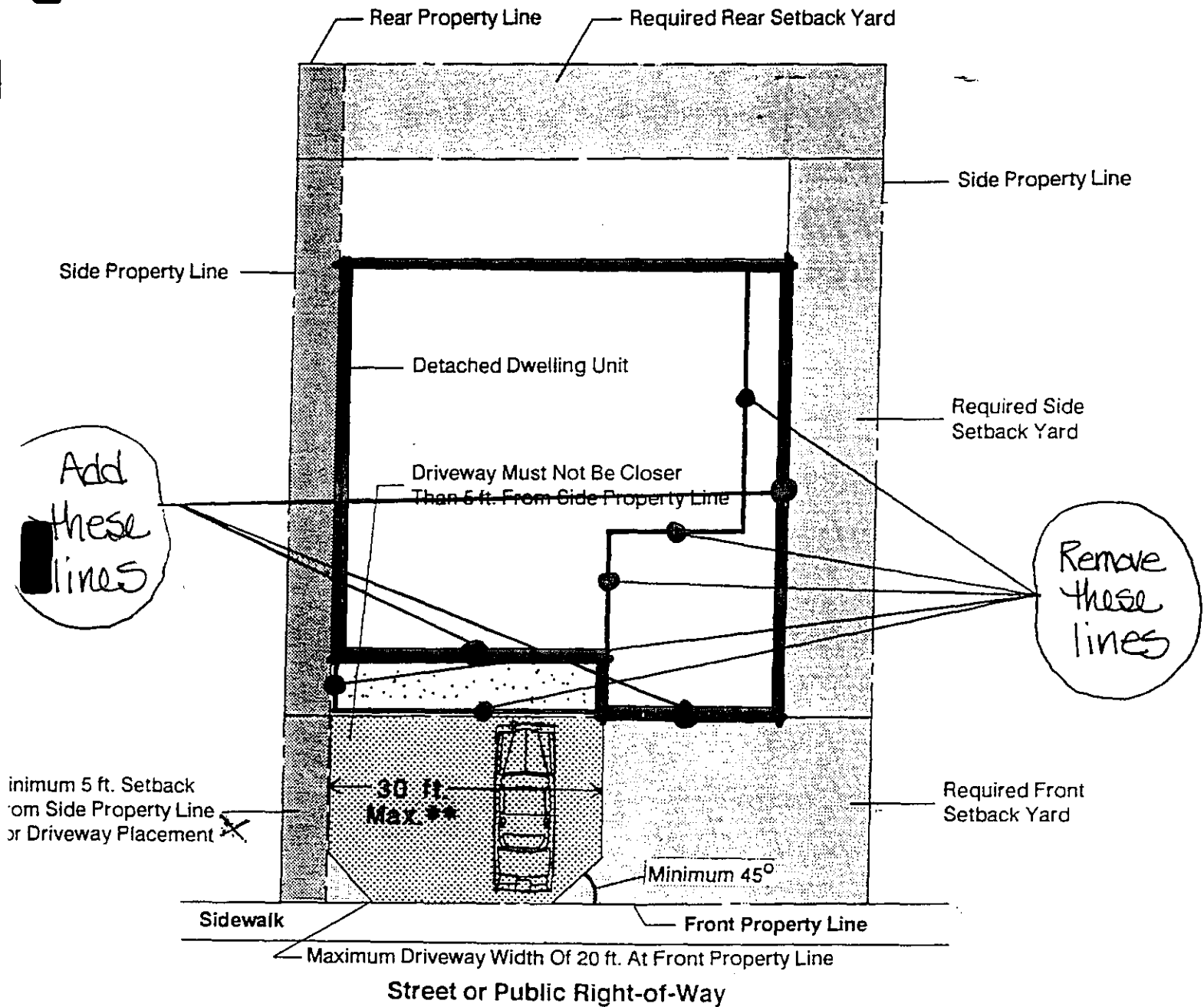
To graphically display or explain a regulation, various provisions in this Code refer the user to particular plates. This Chapter contains those plates arranged numerically.

Plate 23 Calculating F.A.R.

Plate 24 Setback Averaging: Corner lot with 2 required front yards

PLATE 14

Driveway Configuration For Detached Dwelling Units



Plan View

~~* Subject to standards in Section 4.35.3.a of the City of Kirkland Subdivision Ordinance~~

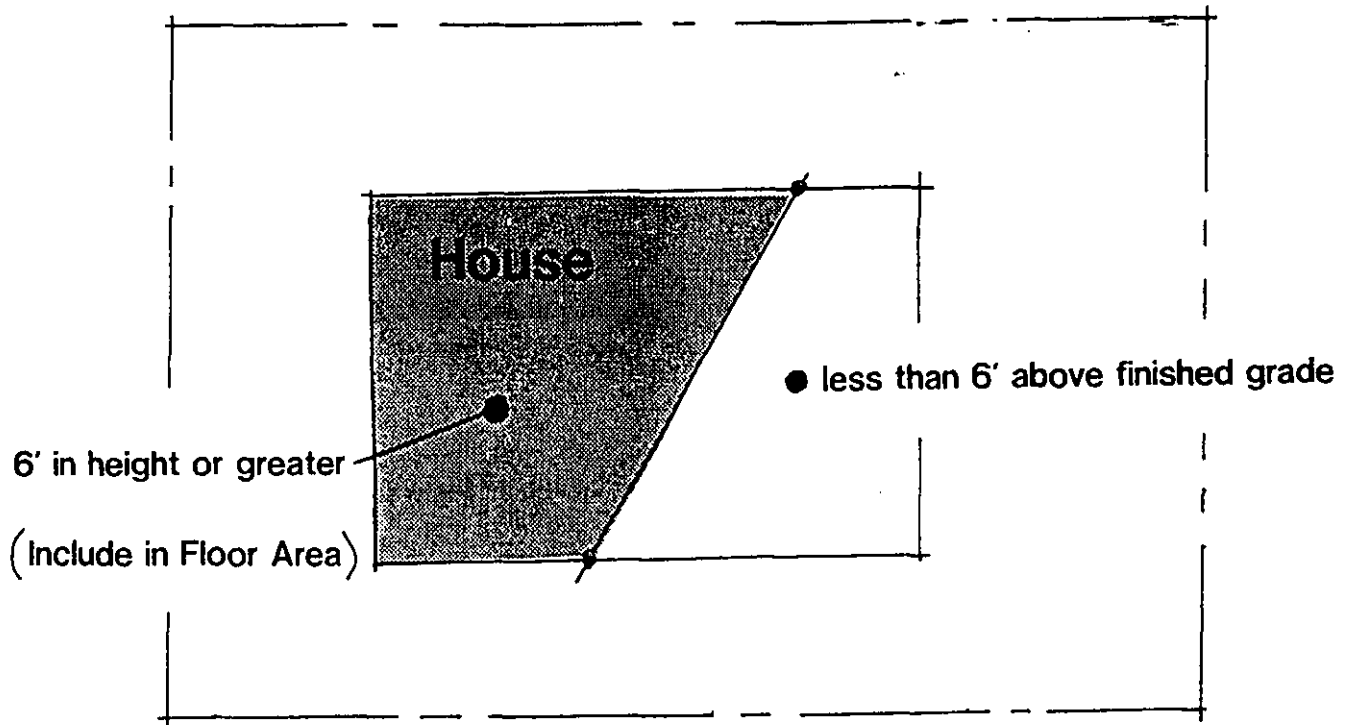
** If driveway is greater than 20 feet in width, property must be greater than or equal to 60 feet wide, must serve a 3-car garage, and the garages must be no farther than 40 feet from the front property line.

PLATE 23

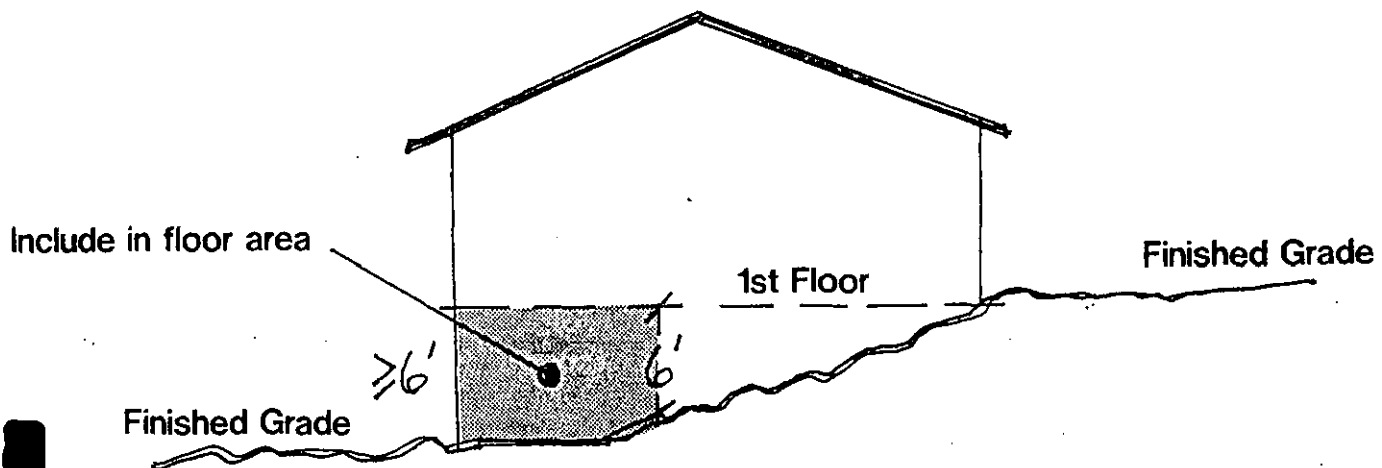
Calculating F.A.R.

0-3709

(Detached Dwelling Units in Low Density Zones)

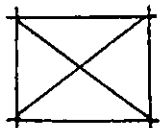
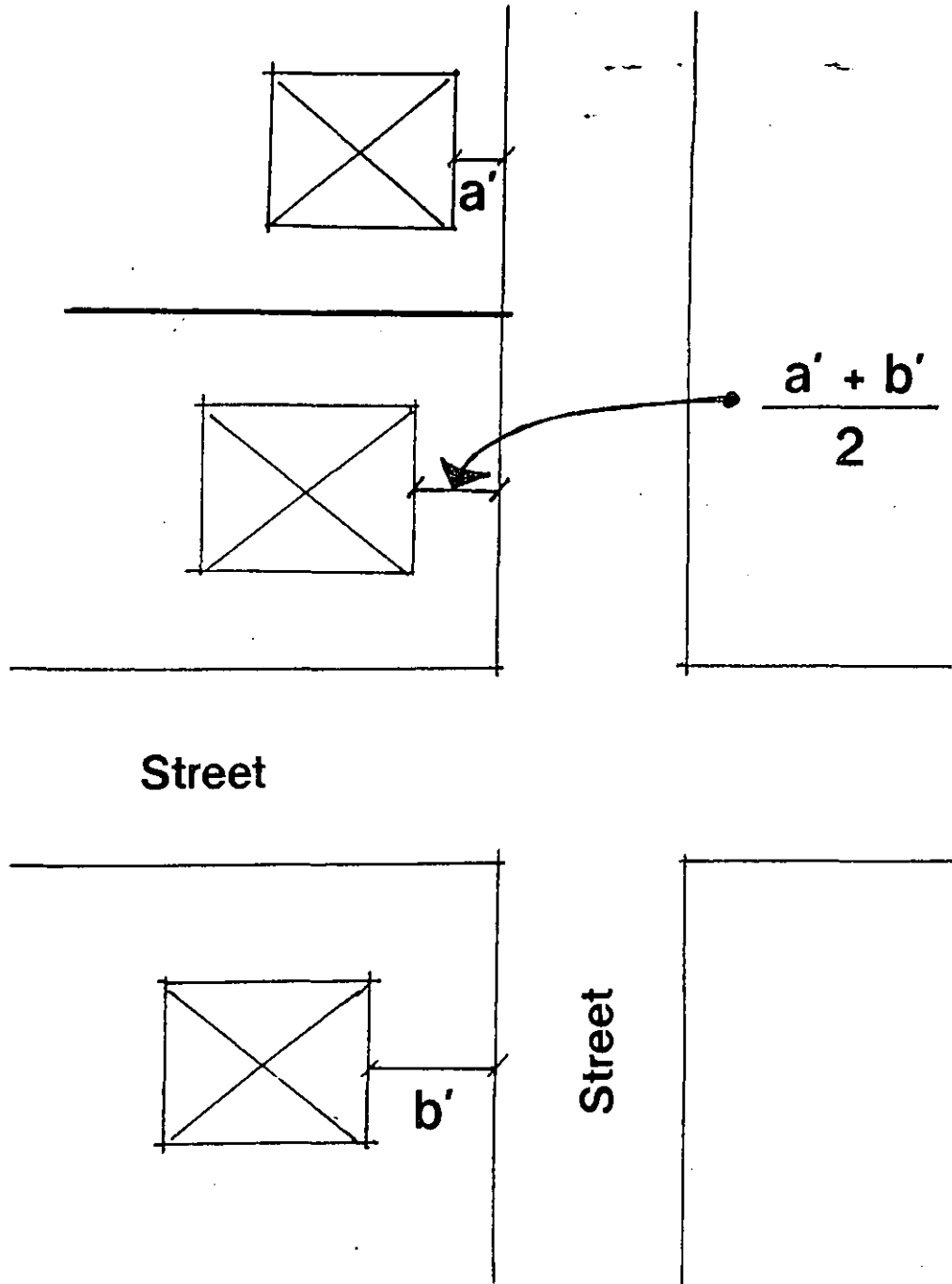


Plan View



Elevation

**Setback Averaging:
Corner lot with 2 required front yards
(Detached Dwelling Units in Low Density Zones)**



Detached Dwelling Unit

Property Line

Required Setback = $(a' + b') \div 2$

PUBLICATION SUMMARY
OF ORDINANCE NO. 3709

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, AMENDING CHAPTERS 5, 15, 17, 30, 60, 105, 115, AND 180 OF THE KIRKLAND ZONING CODE (FILE NO. IV-97-95).

SECTION 1. Amends specific portions of the text of the Kirkland Zoning Code as follows:

Adds new definitions to Chapter 5 for "Bay Window," "Cornice," "Floor Area Ratio (F.A.R.)," "Lot Size," and "Trellis"; amends Section 5.720.2 - definition of "Rear Property Line"; amends the following use zone charts to include a F.A.R. limit: RS, RSX, PLA6C, PLA6E, and PLA 16; amends the following use zone charts to allow averaging of required front yards for corner lots: RS, WDII, PLA6C, PLA6E, and PLA16; amends Section 105.10.2 to require screening for easements or tracts with a paved area greater than 10 feet in width; amends sections 105.103 to include modification criteria for screening of easements or tracts with a paved area greater than 10 feet in width in Section 105.103.3.g; adds two new sections to Chapter 115: Section 115.42 - Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Zones, and Section 115.43 - Garage Setback Requirements for Detached Dwelling Units in Low Density Residential Zones; clarifies Section 115.30, Distance Between Structures, Regarding Maximum Horizontal Façade Regulation (Adjacency to Institutional Use) and amends it to include F.A.R. Calculation for Detached Dwelling Units in Low Density Zones; amends Section 115.40 to limit fences in required front yards to 3.5 feet for detached dwelling units, and adds modification criteria for fence height; amends section 115.60 to allow skylights to exceed the height limit by 6"; amends Section 115.90 to exempt a portion of a driveway serving a garage or carport toward the rear of a lot from the lot coverage calculation; amends Section 115.115 - Required Yards to allow cornices and eaves on bay windows to extend into required yards, to allow minor improvements in required yards, to provide new regulations for rockeries and retaining walls in required yards (including those with fences above them) and to amend the driveway and parking area setback requirements for detached dwelling units, to allow covered porches in required front yards, to allow certain garages to extend into required rear yards, to encourage shared driveways, and to include modification criteria for driveway and parking area setback requirements; updates Plate 14 in Chapter 180; adds two new Plates to Chapter 180: Plate 23 - Calculating F.A.R., and Plate 24 - Setback Averaging for Corner lots with two required front yards; and repeals Ordinance No. 3698*..

SECTION 2. Provides for a review of the revisions approximately one year from the date of passage of this ordinance and preparation and adoption of amendments, if necessary.

SECTION 3. Repeals Ordinance NO. 3698*.

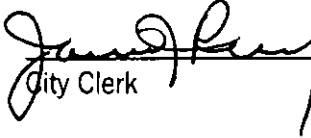
SECTION 4. Provides a severability clause for the ordinance.

SECTION 5. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

SECTION 6. Authorizes 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 the later of October 1, 1999 or five days after publication of the summary.

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 regular meeting on the 21st day of September, 1999.

I certify that the foregoing is a summary of Ordinance 3709 approved by the Kirkland City Council for summary publication.


City Clerk