

ORDINANCE NO. 3954

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 (THE KIRKLAND ZONING CODE) OF THE KIRKLAND MUNICIPAL CODE; ADOPTING MINOR AMENDMENTS TO PROMOTE CLARITY, ELIMINATE REDUNDANCY, AND CORRECT INCONSISTENCIES PURSUANT TO CHAPTER 161 KZC; AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING CODE: CHAPTER 5 - DEFINITIONS; CHAPTER 10 - LEGAL EFFECT/APPLICABILITY; CHAPTER 15 - RS ZONES; CHAPTER 17 - RSX ZONES; CHAPTER 30 - WDII ZONES; CHAPTER 60 - PLA 5B AND PLA 7B ZONES; CHAPTER 100 - SIGNS; CHAPTER 105 - PARKING AND PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS; CHAPTER 115 - MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS; CHAPTER 142 - DESIGN REVIEW; CHAPTER 145 - PROCESS I; CHAPTER 150 - PROCESS IIA; CHAPTER 152 - PROCESS IIB; CHAPTER 155 - PROCESS III; CHAPTER 160 - PROCESS IV; CHAPTER 161 - PROCESS IVA; CHAPTER 162 - NONCONFORMANCE; AND CHAPTER 180 - PLATES. (FILE NO. ZON04-00009).

WHEREAS, the City Council has received from the Kirkland Planning Director a recommendation to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended (Title 23 of the Kirkland Municipal Code), and bearing Kirkland Department of Planning and Community Development File No. ZON04-00009; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, this action is exempt from the concurrency management process; and

WHEREAS, prior to making said recommendation, the Planning Director, following notice thereof as required by RCW 35A.63.070, on July 19, 2004, held a public hearing on the amendment proposals and considered the comments received at the hearing; and

WHEREAS, pursuant to the State Environmental Policy Act there has accompanied the legislative proposal and recommendation through the entire consideration process, an EIS Addendum, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-600(4) and 625; 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 Director;

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

Section 1. The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) are amended to read as follows:

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

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

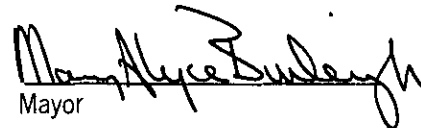
Section 3. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community 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 4. Except as provided in Section 3, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to 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.

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

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 7th day of September, 2004.

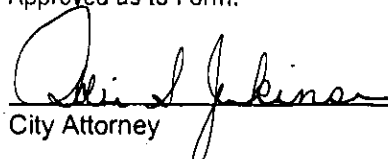
SIGNED IN AUTHENTICATION thereof this 7th day of September, 2004.

  
Mayor

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney

## ATTACHMENT A

**Chapter 5 - Definitions** (Note: Only definitions for which changes are proposed are included below. All other definitions in Chapter 5 of the Kirkland Zoning Code remain unchanged).

5.10 Definitions

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

- .020 Adjoining – Property that touches or is directly across a street, other than a primary principal arterial, from the subject property. For the purposes of applying the regulations that limit the height and horizontal length of façade adjoining a low density zone, the regulations shall only apply within an area of 100 feet of and parallel to the boundary line of a low density zone (as shown on Plate 18).
- .192 Day-Care Center – ~~In RS Zones,~~ a day-care operation with 13 or more attendees at any one time, not including immediate family members who reside in the center or employees.
- .652 Petition – A written document providing input to, or requesting or demanding some action from, the City government, signed by more than one person, except when those persons are members of a family.
- .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. – 4. (no change)
  - 5. South property line is the property line running essentially east to west at the southern end of the a lot that also contains a north property line.
  - 6. (no change)
- .728 Readerboard – A sign or part of a sign specifically designed to allow for the convenient display of temporary messages without alteration of the sign field, and on which the letters are readily replaceable such that the copy can be changed from time to time at will, either by hand or through electronic programming.
- .824 School – A school operation with 13 or more attendees at any one time, not including immediate family members who reside in the school or employees.
- .825 Schools Operation – Any institutions of learning, excluding those offering post-secondary education, offering instruction in the several branches of learning and study required by the Basic Education Code of the State of Washington to be taught in the public, private and parochial schools.
- .868 Single-Family Dwelling or Single-Family Residence or Single-Family Structure – An attached or detached dwelling unit designed for and occupied by one family, situated on an individually owned lot, whether or not that lot also contains an accessory dwelling unit.

**Chapter 10 – Legal Effect/Applicability**10.30 Overlay Designations Adopted

The following overlay zones apply in various areas:

<u>Overlay Zoning Category</u>	<u>Symbol</u>
1. Adult Activities Overlay Zone	"AE"
2. Historic Landmark Overlay Zone	"HL"
3. Equestrian Overlay Zone	"EQ"
4. <u>Secure Community Transition Facility "SCTF"</u>	

#### Chapter 15 – RS Zones

##### 15.08 GENERAL REGULATIONS

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

1. *(No change)*
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 façade 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Façade Regulation, for further details. (Does not apply to detached Dwelling Unit; and Mini-School or Mini-Day-Care Center ~~and Day-Care Home~~ uses).
3. *(No change)*
4. *(No change)*

#### Chapter 17 – RSX Zones

##### 17.08 GENERAL REGULATIONS

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

1. *(No change)*
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 façade 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Façade Regulation, for further details. (Does not apply to detached Dwelling Unit; and Mini-School or Mini-Day-Care Center ~~and Day-Care Home~~ uses).

17.070 and .080 – Public Utility and Government Facility/Community Facility – Amend Use Zone Chart to revise Height of Structure from 25' to 30' (see Attachment A).

#### Chapter 30 - WD II Zones

30.25.010 - .050 – All uses – Amend Use Zone Chart to include columns for "Required Yards – Side", and establish a side yard requirement of 5', with both side yards totaling at least 15' for all uses except Public Park, for which side yard requirements will be determined on a case-by-case basis (see Attachment B).

#### Chapter 60 - PLA Zones

60.37.010 Delete "Detached Dwelling Unit" as a permitted use in the PLA 5B zone, for consistency with Comprehensive Plan (see Attachment C).

60.117.030 Remove requirement for mixed use development in the PLA 7B zone, south of 4<sup>th</sup> Avenue, to occur in conjunction with property in the CBD-8 zone (still must occur in conjunction with property in the CBD-7 zone) (see Attachment D).

## Chapter 100 – Signs

### 100.25 Required Permits

1. The following permits must be obtained for signs regulated by this chapter:
  - a. *(no change)*
  - b. ~~A permit must be obtained from the Department of Administration and Finance by any candidate or organization wishing to display political signs.~~
  - e b. A permit must be obtained from the Department of Planning and Community Development in order to display any sign for which a permit is not required by subsections (1)(a) and (b) of this section, except for real estate on-site (other than for dwelling units), real estate off-site, construction, temporary commercial, integral, private notice, instructional, private advertising, private traffic direction and off-site directional signs. Change in the temporary message on a reader board or electronic message center is also excluded from this permit requirement.
2. *(no change)*

## Chapter 105 - Parking

### 105.10 Vehicular Access Easement or Tract Standards

1. Roadway Widths – For vehicular access easements or tracts, minimum standards for widths are established as follows:
  - a. When no Fire Department access road is required, and the access easement or tract will serve For one to four detached dwelling units or one to two duplex structures, ~~served by an easement or tract. The~~ minimum standard is 16 feet of unobstructed pavement in a 21-foot-wide easement or tract; ~~provided, that when the Fire Department requires a hammerhead turnaround, the turnaround shall be placed in an easement or tract at least 25 feet in width. For~~ easements or tracts less than 100 feet in length, the Public Works Department may reduce the standards to 10 feet of unobstructed pavement in a 15-foot-wide easement or tract if the easement or tract and abutting driveways are located to allow for safe ingress and egress.

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

- 1) The access road shall extend full width from the public right-of-way to the front property line of the furthest lot, or to the point at which the distance to the most distant point of the rear setback line of the furthest lot is within 150 feet. Required pavement width shall be unobstructed;
- 2) If accessing no more than two detached dwelling units or one duplex from the access road;

- a) If the total length of the access road is less than 150 feet, the minimum pavement width shall be 16 feet, placed in a 21-foot-wide easement or tract, and no Fire Department vehicle turn-around is required;
  - b) If the total length of the access road is less than 200 feet but greater than 150 feet, the minimum standard is either:
    - (1) 16 feet of pavement, placed within a 21-foot-wide easement or tract, with an appropriate Fire Department vehicle turn-around placed within an easement or tract at least 25 feet in width; or
    - (2) 20 feet of pavement, placed within a 25-foot-wide easement or tract, with no Fire Department vehicle turn-around;
  - c) If the total length of the access road is greater than 200 feet, the minimum pavement width shall be 20 feet, with an appropriate Fire Department vehicle turn-around placed within an easement or tract at least 25 feet in width;
- 3) If accessing three or four detached dwelling units or two duplex structures from the access road, the minimum standard is 20 feet of unobstructed pavement in a 25-foot-wide easement or tract;

b. - d. (no change)

2. (no change)

#### Chapter 115 - Miscellaneous Standards

- 115.20 Animals in Residential Zones – Clarify that when Special Regulation No. 6 applies to Large Domestic Animals, Special Regulations 1-5 do not apply (see Attachment E).
- 115.30 Distance Between Structures/Adjacency to Institutional Uses
- 1. Distance Between Structures
    - a. (no change)
    - b. General – For purposes of the regulation in this code regarding maximum horizontal façade and F.A.R. calculation for detached dwelling units in low density residential zones only, two structures will be treated and considered as one structure if any elements of the structures, other than as specified in subsection (2) (c) 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 eight feet above finished grade.
    - c. Exceptions - (no change)
  - 2. Adjacency to Institutional Uses – (no change)
- 115.65 Home Occupations, Accessory Dwelling Units, and Other Accessory Components of Residential Uses

1. General – The regulations of this section apply to every residential use within the City.
2. Home Occupations

- a. Purpose – (No change)
- b. Home Occupation Regulations – A home occupation may be conducted subject to the following regulations:

A home occupation is permitted if it:

- 1) Is carried on exclusively by family members who reside in the dwelling unit and not more than two additional people who are not residents of the dwelling;
- 2) Is conducted indoors and has no outside storage, exterior indication, or outside activity, including equipment stored on vehicles;
- 3) Requires no alteration to the interior or exterior of the dwelling that changes its residential character;
- 4) Involves activities, including but not limited to heavy equipment, power tools, power sources, or other equipment, which do not result in noise, vibration, smoke, dust, odors, heat, or other conditions that exceed in duration or intensity, such conditions normally produced by a residential use;
- 5) Has no pickup or delivery by commercial vehicles; however, occasional mail and courier deliveries are permitted;
- 6) Does not include the following businesses:
  - a) Motor vehicle-related businesses including but not limited to auto, truck, body work, detailing, painting, or taxicab, van shuttle, limousine, towing, or other transportation service or sales;
  - b) Repair or sales of large appliances or heavy equipment;
  - c) Welding;
  - d) Kennels or commercial stables;
  - e) Inventory storage of more than 1,200 cubic feet of materials;
  - f) Restaurants; and
  - g) Landscaping.

Office-only activities for the above uses may be allowed as home occupations; provided, all other requirements of this section are met.

- 7) Does not include more than four persons per day and no more than two persons at any time coming to and leaving from the subject property for goods or services. Customer visits or deliveries to a home occupation

shall be between the hours of 8:00 a.m. and 8:00 p.m. (not applicable to bed and breakfast house);

- 8) Operates no more than one vehicle, van, truck or similar vehicle, not exceeding a gross vehicle weight of 10,000 pounds; and
- 9) Has no signs other than one building-mounted, nonilluminated sign with a maximum size of two square feet.

*(Note: The following provisions for Bed and Breakfast House are relocated from 115.65.2.f to a new 115.65.2.b(10), with changes to text as indicated):*

~~f. 10) For Bed and Breakfast House, The City will use a Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a bed and breakfast house. A bed and breakfast house may be permitted provided it meets the criteria listed in subsection (2) of this section, home occupations and the following standards the following additional regulations apply in addition to those listed above:~~

~~4 a) It is operated by the owner of the dwelling in which it is located and it is the primary residence of the owner/operator;~~

~~2 b) There is a maximum of four two guest rooms;~~

~~3 c) Guests stay a maximum of 30 days;~~

~~4 d) Food service shall be limited to serving overnight guests of the establishment. Individual rooms shall not be equipped with cooking facilities;~~

~~5 e) The applicant may be required to provide up to one parking stall per guest room. The applicant shall demonstrate the parking provided will be adequate based on the following criteria:~~

~~a i) The number of guest rooms;~~

~~b ii) The number of permanent residents of the dwelling proposed for the bed and breakfast;~~

~~c iii) The number of parking stalls that can be accommodated in a garage or driveway; and~~

~~d iv) The number of legal on-street parking stalls immediately adjacent to the bed and breakfast;~~

~~6 f) Concentrations of Bed and Breakfast Houses - Where a bed and breakfast house is proposed within 500 feet of another bed and breakfast house, the applicant shall demonstrate that the neighborhood will not be adversely affected by the concentration.~~

c. A home occupation which does not meet one or more of the requirements of subsection (2)(b) of this section may be approved using Process IIA described in Chapter 150 KZC, if it:

- 1) Will not harm the character of the surrounding neighborhood;



2) Will not include outdoor storage and/or operation of building materials, machinery, commercial vehicles, or tools, except if it meets the following criteria:

- a) Is appropriately screened from other properties; and
- b) Does not emit noise, odor, or heat; and
- c) Does not create glare; and

3) Does not create a condition which injures or endangers the comfort, repose, health or safety of persons on abutting properties or streets; and

4) Will not generate excessive traffic or necessitate excessive parking; and

5) For Bed and Breakfast Houses, there will be a maximum of four guest rooms.

d. Licensing – (no change)

e. Revocation of Home Occupation Permit – (no change)

f. Bed and Breakfast House – (provisions moved to new 115.65.2.b(10))

3) Accessory Structure (detached dwelling unit uses only) – (no change)

4) Domestic Animals – (no change)

5) Accessory Dwelling Units – (no change)

#### 115.115 Required Yards

1. – 2. (no change)

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:

a. – c. (no change)

d. Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies ~~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. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure. See Plate 10.

e. – o. (no change)

4. (no change)

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

a. Detached Dwelling Units and Duplexes

- 1) General – (no change)
- 2) Exception – Driveways and/or parking areas may exceed 20 feet in width if:
  - a) The driveway/parking area serves a three-car garage.
  - b) (no change)
  - c) The garage(s) is (are) located no more than 40 feet from the front property line.
  - d) (no change)
- 3) (no change)
- b. Attached and Stacked Dwelling Units (Except Duplexes) and Assisted Living Facilities in Residential Zones
  - 1) – 2) (no change)
  - c. – e. (no change)
  - f. Exceptions for Projects Requiring Design Review – If a project is reviewed through design review pursuant to Chapter 142 KZC, the driveway shall comply with parking area location and design requirements as determined by the Design Review Board.

115.120 Rooftop Appurtenances

1. – 3. (no change)
4. Allowable Height and Size
  - a. – b. (no change)
  - c. The Planning Official shall not approve or deny a modification pursuant to subsection (4)(b) of this section without first providing notice of the modification request to the owners and residents of each adjoining property and providing opportunity for comment. The Planning Official shall use mailing labels provided by the applicant, or, at the discretion of the Planning Official, by the City. Said comment period shall not be less than seven calendar days. The fee for processing a modification request shall be as established by City ordinance.

**Chapter 142 – Design Review**

142.35 Design Review Board (D.R.B.)

1. – 5. (no change)
6. Public Notice
  - a. Contents – (no change)
  - b. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the first design response conference as follows:

1) By mailing the notice or a summary thereof to owners of all property within 300 feet of any boundary of the subject property ~~based on records of the King County Assessor.~~

2) – 3) (no change)

7. – 8. (no change)

142.40 Appeals of Design Review Board Decisions

1. – 4. (no change)

5. Notice

a. (no change)

b. Distribution – At least 14 calendar days before the hearing on the appeal, the Planning Official shall send a copy or a summary of this notice to the applicant, appellant(s), and Design Review Board. The notice of appeal may be combined with the hearing notice for the related development permit, if applicable.

6. – 10. (no change)

11. Decision on the Appeal

a. – b. (no change)

c. Issuance of Written Decision – Within eight calendar days after the public hearing, the hearing body or officer shall issue a written decision on the appeal. Within four calendar business days after it is issued, the hearing body or officer shall distribute the decision by mail to the appellant and the applicant.

**Chapter 145 - Process I**

145.22 Notice of Application and Comment Period

1. (no change)

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) – 2) (no change)

3) A copy of the notice, or a summary thereof, including a vicinity map, will be mailed to residents of each adjoining property, using mailing labels provided by the applicant, or, at the discretion of the Planning Official, by the City.

b. (no change)

145.45 Planning Director's Decision

1. – 4. (no change)

5. Notice of Decision – Within four ~~calendar~~ business days after the Planning Director's written decision is issued, the Planning Official shall mail a copy of the decision to the following persons:

a. – c. (no change)

6. (no change)

145.65 Notice of the Appeal Hearing

1. (no change)

2. Distribution – At least 14 calendar days before the hearing on the appeal, the Planning Official shall send a copy or a summary of this notice to each person entitled to appeal the decision under KZC 145.60.

145.105 Decision on the Appeal

1. – 2. (no change)

3. Notice of Decision – Within four ~~calendar~~ business days after it is issued, the Hearing Examiner shall mail a copy of his/her decision to the following persons:

a. – d. (no change)

4. (no change)

**Chapter 150 - Process IIA**

150.15 Applications

1. (no change)

2. How To Apply – The applicant shall file the following information with the Planning Department:

a. (no change)

b. Public notice materials, including:

- 1) Address labels containing the names and addresses of the owners of all property, including the subject property, within 300 feet of any boundary of the subject property; ~~Address the~~ the labels must be no more than six months old.

~~e- 2)~~ Address labels marked "resident" or "tenant" for all address located:

4) a) On the subject property, and

2) b) Adjoining the subject property.

~~d- 3)~~ A copy of the King County Assessor's Map identifying the properties specified in subsections (2)(b)1 and (2)(~~e~~)(b)2 of this section.

Provided, that if the notice of application distributed pursuant to KZC 150.22.2.a.1) and a.2) will be provided in summary form, the above public notice materials are not required of the applicant.

e.—h. c. — f. (no change to text; renumbering only)

3. (no change)

150.22 Notice of Application

1. (no change)

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) A copy of the notice, or a summary thereof, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.

2) A copy of the notice, or a summary thereof, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

3) – 5) (no change)

b. (no change)

150.30 Notice of Hearing

1. (no change)

2. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:

a. A copy of the notice, or a summary thereof, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.

b. A copy of the notice, or a summary thereof, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

c. – e. (no change)

3. (no change)

150.65 Hearing Examiner's Decision

1. – 5. (no change)

6. Notice of Decision – Within four calendar business days after the Hearing Examiner's written decision is issued, the Planning Official shall mail a copy of the decision to the following parties:

a. - c. (no change)

7. (no change)

150.85 Notice of Consideration of the Appeal

1. (no change)

2. Distribution - At least 14 calendar days before the City Council consideration of the appeal, the Planning Official shall send a copy or a summary of this notice to each person entitled to appeal the decision under KZC 150.80(1).

150.125 Decision on the Appeal

1. - 3. (no change)

4. Notice of Decision

a. (no change)

b. Distribution - Within four calendar business days after the City Council's decision is made, the Planning Official shall mail a copy of the decision to the following persons:

1) - 4) (no change)

5. (no change)

**Chapter 152 - Process IIB**

152.15 Applications

1. (no change)

2. How To Apply - The applicant shall file the following information with the Planning Department:

a. (no change)

b. Public notice materials, including:

1) Address labels containing the names and addresses of the owners of all property, including the subject property, within 300 feet of any boundary of the subject property; Address the labels must be no more than six months old.

e. 2) Address labels marked "resident" or "tenant" for all addresses located:

1) a) On the subject property, and

2) b) Adjoining on the subject property.

d. 3) A copy of the King County Assessor's Map identifying the properties specified in subsections (2)(b)(1) and ~~(e)~~ (2)(b)(2) of this section.

Provided, that if the notice of application distributed pursuant to KZC 152.22.2.a.1) and a.2) will be provided in summary form, the above public notice materials are not required of the applicant.

e.—h. c. — f. (no change to text; renumbering only)

3. (no change)

152.22 Notice of Application

1. (no change)

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

- 1) A copy of the notice, or a summary thereof, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.
- 2) A copy of the notice, or a summary thereof, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

3) – 5) (no change)

b. (no change)

152.30 Notice of Hearing

1. (no change)

2. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:

- a. A copy of the notice, including a vicinity amp, will be sent to the owners of all property within 300 feet of any boundary of the subject property.
- b. A copy of the notice, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

c. – e. (no change)

3. (no change)

152.75 Distribution of Hearing Examiner's Recommendation

The Planning Official shall distribute copies of the recommendation of the Hearing Examiner as follows:

1. Within four calendar business days after the Hearing Examiner's written recommendation is issued, a copy will be sent to the applicant, and to any persons who submitted written or oral testimony to the Hearing Examiner on the application. The

Planning Official is not required to send a notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.

2. *(no change)*

152.105 Notice of Decision

1. *(no change)*
2. Distribution – Except as provided in subsection (3) of this section, within four calendar business days after the City Council's decision is made, the Planning Official shall mail a copy of the decision to the following persons:
  - a. – c. *(no change)*
3. Applications within the Jurisdiction of the Houghton Community Council – If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, the notice of decision shall be distributed within four calendar business days after approval by the Houghton Community Council or failure to disapprove as specified in KZC 152.100(2). The notice shall be distributed as specified in subsections (2)(a) through (c) of this section.

152.100 Action and Jurisdiction of the Houghton Community Council

Intro – *(no change)*

1. *(no change)*
2. Disapproval Jurisdiction – If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, that approval is not effective until:
  - a. *(no change)*
  - b. The Houghton Community Council fails to disapprove it within 60 calendar days after City Council adopts the ordinance or resolution granting the application. The vote to disapprove the application must be approved by resolution by a majority of the entire membership of the Community Council.

**Chapter 155 - Process III**

155.15 Applications

1. *(no change)*
2. How To Apply – The applicant shall file the following information with the Planning Department:
  - a. *(no change)*
  - b. Public notice materials, including:
    - 1) Address labels containing the names and addresses of the owners of all property, including the subject property, within 300 feet of any boundary of



the subject property; Address the labels must be no more than six months old.

e. 2) Address labels marked "resident" or "tenant" for all addresses located:

1) a) On the subject property, and

2) b) Adjoining to the subject property.

d. 3) A copy of the King County Assessor's Map identifying the properties specified in subsections (2)(b) and (c) of this section.

Provided, that if the notice of application distributed pursuant to KZC 155.22.2.a.1) and a.2) will be provided in summary form, the above public notice materials are not required of the applicant.

~~e. - h.~~ e. - f. (no change to text; renumbering only)

3. (no change)

155.22 Notice of Application

1. (no change)

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) A copy of the notice, or a summary thereof, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.

2) A copy of the notice, or a summary thereof, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

b. (no change)

155.30 Notice of Hearing

1. (no change)

2. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:

a. A copy of the notice, or a summary thereof, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.

b. A copy of the notice, or a summary thereof, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

c. - e. (no change)

3. (no change)

155.75 Distribution of Planning Commission's Report Recommendation

The Planning Official shall distribute copies of the report of the Planning Commission as follows:

1. Within four calendar business days following the date the Planning Commission issues its written recommendation, a copy will be sent to the applicant, and to any persons who submitted written or oral testimony to the Planning Commission on the application. The Planning Official is not required to send a notice of decision to a party who signed a petition, unless such party also submitted independent written comments or information.
2. (no change)

155.100 Action and Jurisdiction of the Houghton Community Council

Intro - (no change)

1. (no change)
2. Disapproval Jurisdiction – If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, that approval is not effective until:
  - a. (no change)
  - b. The Houghton Community Council fails to disapprove it within 60 calendar days after City Council adopts the ordinance or resolution granting the application. The vote to disapprove the application must be approved by resolution by a majority of the entire membership of the Community Council.

155.105 Notice of Decision

1. (no change)
2. Distribution – Except as provided in subsection (3) of this section, within four calendar business days after the City Council's decision is made, the Planning Official shall mail a copy of the decision to the following persons:
  - a. – c. (no change)
3. Applications with the Jurisdiction of the Houghton Community Council – If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, the notice of decision shall be distributed within four calendar business days after approval by the Houghton Community Council or failure to disapprove as specified in KZC 155.100(2). The notice shall be distributed as specified in subsections (2)(a) through (c) of this section.

**Chapter 160 – Process IV**

160.95 Jurisdiction of the Houghton Community Council

1. General – If the City Council approves a resolution or ordinance within the disapproval jurisdiction of the Houghton Community Council, that ordinance is not effective within the Houghton Community until:
  - a. A majority of the entire membership of the Houghton Community Council votes by resolution to approve it; or
  - b. The Houghton Community Council fails to disapprove it, by majority vote of the entire membership, within 60 days after City Council approves the resolution or ordinance. The vote to disapprove the application must be approved by resolution by a majority of the entire membership of the Community Council.

#### Chapter 161 – Process IVA

##### 161.95 Jurisdiction of the Houghton Community Council

1. – 2. (no change)
3. General – If the City Council approves an ordinance within the disapproval jurisdiction of the Houghton Community Council, that ordinance is not effective within the Houghton Community until:
  - a. A majority of the entire membership of the Houghton Community Council votes by resolution to approve it; or
  - b. The Houghton Community Council fails to disapprove it, by majority vote of the entire membership, within 60 days after City Council approves the resolution or ordinance. The vote to disapprove the application must be approved by resolution by a majority of the entire membership of the Community Council.

#### Chapter 162 – Nonconformances

##### 162.35 Certain Nonconformances Specifically Regulated

1. – 8. (no change)

##### 9. Nonconforming Waterfront Access Trails

Nonconforming waterfront access trails are governed by KMC 24.05.210. (Note: This amendment codifies Interpretation No. 96-1)

10. – 11. (no change)

- 9 12. Any Other Nonconformance (no change – renumbering/reordering only)

#### Chapter 180 – Plates

Plates 5-8 Remove Plates 5-8 (design standards for “dead-end” stalls) to remove redundancy with Plates 1-4 (see Attachment F).

#### Attachments:

- A. KZC 17.10.070 and .080
- B. KZC 30.25.010 - .050

- C. KZC 60.37.010 and .020
- D. KZC 60.117.030
- E. KZC 115.20
- F. Chapter 180 KZC, Plates 5 - 8



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

Section 17.10	USE REGULATIONS ↑ ↑	MINIMUMS				MAXIMUMS			Required Review Process	Required Parking Spaces (See Ch. 105)	Sign Category (See Ch. 100)	Landscape Category (See Ch. 95)	Special Regulations (See also General Regulations)
		Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure						
			Front	Side	Rear								
.040	Mini-School or Mini-Day-Care Center (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE  5. Structured play areas must be setback from all property lines by five feet. 6. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 8. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses. 9. May include accessory living facilities for staff persons. 10. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	
.050	(Reserved)												
.060	Golf Course	1 acre	50'	50' on each side	50'	50%	30' above average building elevation.	E	See KZC 105.25.	B		1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. May not include miniature golf. 3. The following accessory uses are specifically permitted as part of this use. a. Equipment storage facilities. b. Retail sales and rental of golf equipment and accessories. c. A restaurant.	
.070	Public Utility	None	20'	20' on each side	20'	70%	30' above average building elevation.	A				1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. 3. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.	
.080	Government Facility Community Facility			10' on each side	10'			C See Spec. Reg. 3.					

ATTACHMENT A  
FILE NO. ZON10A-0000

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 30.25	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 Special Regulations 3, 4, 5, and 6.	50%	25' above average building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> <li>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.</li> <li>For this use, only one dwelling unit may be on each lot regardless of lot size.</li> <li>If dwelling units exist on property that abuts the subject property to the north and south, the required high waterline yard is the average of the distance of existing legally-constructed structures from the high waterline on these two abutting properties. If, because of abutting properties, the required high waterline yard is increased, the required opposite yard may be decreased to the average of the existing opposite yards on the properties abutting the subject property to the north and south.</li> <li>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.</li> <li>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 five feet. (See Plate 22).</li> <li>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).</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> </ol>

Side Property Line

5', but 2 side yards must equal at least 15 feet.

ATTACHMENT B

FILE NO. 201104-00009



USE ZONE CHART

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

Section 30.25	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	North Property Line	South Property Line	High Water Line									
.020	Moorage Facility for 1 or 2 boats. See also Special Regulations 1 and 11.	None	None	Landward of the High Waterline 20'	5'	10'	--	Waterward of the High Waterline --	10'	--	50%	Landward of the High Waterline, 25' above average building elevation. Waterward of the High Waterline, dock and pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck.	F	See Spec. Reg. 8.	None	<ol style="list-style-type: none"> <li>Moorage must be for the exclusive use of residents of the subject property. Renting moorage space is not permitted.</li> <li>Moorage structures may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width.</li> <li>If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use.</li> <li>May not treat moorage structure with creosote, oil base or toxic substances.</li> <li>Must provide at least one covered and secured waste receptacle.</li> <li>All utility lines must be below the pier deck and, where feasible, underground.</li> <li>Piers must be adequately lit; the source of the light must not be visible from neighboring properties.</li> <li>Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high, and visible from the lake.</li> <li>Covered moorage is not permitted.</li> <li>Aircraft moorage is not permitted.</li> <li>Two or more adjoining waterfront lots may share a mooring facility. If this occurs, the following regulations apply:                         <ol style="list-style-type: none"> <li>All lots will be taken together as the subject property to determine compliance with the requirements of this use.</li> <li>The moorage structure may be built to accommodate two boats for each residential unit on the subject property.</li> <li>The owner of each lot must deed to the City the over-water development rights to the property. Upon request, the City will, without cost, deed this right back to the owner of a lot, but the number of boats permitted to moor at the shared moorage facility will be reduced by two.</li> </ol> </li> </ol>

Side  
Property  
Line

5', but 2  
side  
yards  
must  
equal at  
least 15  
feet.

O-3954



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

Section 30.25	USE ↓ REGULATIONS ↑	Required Review Process	Lot Size	MINIMUMS				Lot Coverage	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)										Height of Structure		
				Front	North Property Line	South Property Line	High Water Line									
.020	Moorage Facility for 1 or 2 boats. See also Special Regulations 1 and 11.	None	None	Landward of the High Waterline 20'	5'	10'	--	Waterward of the High Waterline --	10'	--	50%	Landward of the High Waterline, 25' above average building elevation. Waterward of the High Waterline, dock and pier decks may not be more than 24' above mean sea level. Diving boards and similar features may not be more than 3' above the deck.	E	See Spec. Reg. B.	None	<ol style="list-style-type: none"> <li>1. Moorage must be for the exclusive use of residents of the subject property. Renting moorage space is not permitted.</li> <li>2. Moorage structures may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width.</li> <li>3. If the moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use.</li> <li>4. May not treat moorage structure with creosote, oil base or toxic substances.</li> <li>5. Must provide at least one covered and secured waste receptacle.</li> <li>6. All utility lines must be below the pier deck and, where feasible, underground.</li> <li>7. Piers must be adequately lit; the source of the light must not be visible from neighboring properties.</li> <li>8. Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high, and visible from the lake.</li> <li>9. Covered moorage is not permitted.</li> <li>10. Aircraft moorage is not permitted.</li> <li>11. Two or more adjoining waterfront lots may share a mooring facility. If this occurs, the following regulations apply: <ol style="list-style-type: none"> <li>a. All lots will be taken together as the subject property to determine compliance with the requirements of this use.</li> <li>b. The moorage structure may be built to accommodate two boats for each residential unit on the subject property.</li> <li>c. The owner of each lot must deed to the City the over-water development rights to the property. Upon request, the City will, without cost, deed this right back to the owner of a lot, but the number of boats permitted to moor at the shared moorage facility will be reduced by two.</li> </ol> </li> </ol>

Side Property Line  
  
 5', but 2 side yards must equal at least 15 feet.



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

Section 30.25	USE REGULATIONS	MINIMUMS				MAXIMUMS			Special Regulations (See also General Regulations)			
		Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)
				Front Property Line	North Property Line	South Property Line						
.030	Public Utility	Process II/A; Chapter 150 KZC.	None	20'	20'	20'	70%	25' above average building elevation.	A	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulations, for more details. 3. If either a 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 dimension of any required yard, other than as specifically listed, will be determined on a case-by-case basis. The City will use the setback for this use in RS zones as a guide. 4. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.
.040	Government Facility Community Facility	Process II/A; Chapter 150 KZC.	None	20'	10'	10'	70%	25' above average building elevation.	C See Spec. Reg. 4.	B	See KZC 105.25.	

**Side Property Line**

5', but 2 side yards must equal at least 15 feet.

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

Section 30.25	USE ZONE	REGULATIONS	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS										
			Required Review Process	MINIMUMS				MAXIMUMS		Landscaping 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							
.050	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.						B	See KZC 105.25.	1. Except as provided in Special Regulation 2 below, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum: <ol style="list-style-type: none"> <li>One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice.</li> <li>The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following:                             <ol style="list-style-type: none"> <li>A description of the proposal;</li> <li>An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies;</li> <li>An analysis of the consistency of the proposal with applicable developmental regulations, if any;</li> <li>A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act;</li> <li>A summary and evaluation of issues raised and comments received on the proposed Master Plan; and</li> <li>A recommended action by the City Council.</li> </ol> </li> <li>City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds:                             <ol style="list-style-type: none"> <li>It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and</li> <li>It is consistent with the public health, safety, and welfare.</li> </ol>                             In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following:                             <ol style="list-style-type: none"> <li>Location, dimensions, and uses of all active and passive recreation areas;</li> <li>Potential users and hours of use;</li> <li>Lighting, including location, hours of illumination, lighting intensity, and height of light standards;</li> <li>Landscaping;</li> <li>Other features as appropriate due to the character of the neighborhood or characteristics of the subject property.</li> </ol> </li> </ol>	

Side Property Line

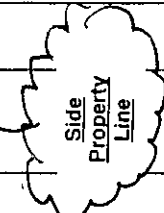
REGULATIONS CONTINUED ON NEXT PAGE



USE ZONE CHART

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

Section 30.25	USE ↑	REGULATIONS ↑	MINIMUMS				MAXIMUMS		Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Front Property Line	North Property Line	South Property Line	High Watered Line	Side Property Line												
								North Property Line			South Property Line	High Watered Line	Side Property Line						
.050	Public Park (continued)																	<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <ol style="list-style-type: none"> <li>Development and use of a park does not require a Master Plan under this code if it will not involve any of the following:                     <ol style="list-style-type: none"> <li>Lighting for outdoor nighttime activities;</li> <li>The construction of any building of more than 4,000 square feet;</li> <li>The construction of more than 20 parking stalls;</li> <li>The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment.</li> </ol> </li> <li>If any portion of a structure is adjoining a low density zone, then either:                     <ol style="list-style-type: none"> <li>The height of that portion of the structure shall not exceed 15 feet above average building elevation, or</li> <li>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.</li> </ol> </li> <li>See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulations, for more details.</li> <li>The provisions of Chapter 90 KZC limiting development in and around wetlands do not apply to a public park if the development is approved as part of a Master Plan.</li> <li>This use may include a public access pier or boardwalk. See KZC 30.15.030 for regulations regarding these uses.</li> </ol>	



USE ZONE CHART



Section 60.37

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

Section 60.37		REGULATIONS		↑ USE		←	
Required Review Process		None		None		None	
Lot Size		3,500 sq. ft.		3,500 sq. ft. with at least 1,800 sq. ft. per unit.		None	
REQUIRED YARDS (See Ch. 115)		Front 20', Side 5', but 2'-0" must equal side yards at least 15', Rear 40'		20', 5', but 2'-0" must equal side yards at least 15', 10'		20', 5', but 2'-0" must be increased 1' for each 1' that structure exceeds 20' above average building elevation.	
MAXIMUMS		70% 25' above average building elevation.		70% 30' above average building elevation.		None	
Height of Structure		D		D		C	
Landscape Category (See Ch. 95)		F		D		C	
Sign Category (See Ch. 100)		F		A		D	
Required Parking Spaces (See Ch. 105)		2.5 per unit.		1.7 per unit.		1.7 per unit.	
Special Regulations (See also General Regulations)		1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.		1. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.		1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. Otherwise, 1 gross floor area. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.	

ATTACHMENT C  
FILE NO. Z61A24-0000

Section 60.117



USE ZONE CHART

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

Section 60.117	USE ↑ REGULATIONS ↑	MINIMUMS			MAXIMUMS		Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage			
			Front	Side	Rear				
.030	Development containing Attached or Stacked Dwelling Units, and any Retail Establishment selling goods or providing services including banking and related financial services, or office Uses See Special Regulations 1 and 2.	Process IIB, Chapter 152 KZC.	3,500 sq. ft. with at least 1,800 sq. ft. per unit.	20'	5', but 2 side yards must equal at least 15'.	10'	80%	See KZC 105.26	<p>1. This use is permitted only south of 4th Avenue and only if developed in conjunction with property in the CBD-7 <del>zone</del> zone.</p> <p>2. A veterinary office is not permitted in any development containing dwelling units.</p> <p>3. Dwelling units may not access directly onto Central Way.</p> <p>4. Retail establishment may not access directly onto 4th Avenue.</p> <p>5. Drive-in and drive-through fast food restaurant facilities are not permitted in this zone.</p> <p>6. Vehicle service stations are not permitted in this zone.</p> <p>7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>8. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <p>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</p> <p>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</p> <p>9. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <p>a. The assembled or manufactured goods are directly related to and are dependent on this use, and are available for purchase and removal from the premises.</p> <p>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</p> <p>10. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:</p> <p>a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and</p> <p>b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</p> <p>11. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.</p>

ATTACHMENT D  
FILE NO. 20109-00009

TYPE OF ANIMAL ↓	REGULATIONS →	MAXIMUM		MINIMUMS		Special Regulations
		Required Review Process	Number of Adult Animals	Lot Size	Setback	
Large Domestic Animals	<p>If lot size is less than 35,000 sq. ft., then Process I, Chapter 145 KZC</p> <p>Other-wise none</p>	<p>2 per 35,000 sq. ft. of lot area and 1 per each additional 17,500 sq. ft. of lot area</p> <p>If lot size is less than 35,000 sq. ft., then only 1 horse</p>	<p>35,000 sq. ft. per dwelling unit</p> <p>May be less if approved through Chapter 145 KZC, Process I</p>	<p>Structures and pens used to house animals must be at least 40' from each property line subject to Special Regulation 1.</p> <p>Roaming, grazing areas and horse paddock areas must be at least 20' from each property line, subject to Special Regulation 1.</p>	<p>1. If an abutting property owner files a signed and notarized statement in support of the request, the City may permit areas for roaming or grazing, horse paddock areas and structures or pens to extend into the property line in common with the abutting property; provided, that the structure or pen complies with all other regulations pertaining to setback in that zone.</p> <p>2. The City may limit the number of animals allowed to less than the maximum considering:</p> <ul style="list-style-type: none"> <li>a. Proximity to dwelling units both on and off the subject property; and</li> <li>b. Lot size and isolation; and</li> <li>c. Compatibility with surrounding uses; and</li> <li>d. Potential noise impacts.</li> </ul> <p>3. The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition.</p> <p>4. No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.</p> <p>5. For residential lots containing one or more horses other than those regulated below in Special Regulation 6, each lot must contain an area of at least 14,500 sq. ft. capable of being used as a horse paddock area and configured in a contiguous and usable manner to accommodate the feed storage and manure pile for two horses. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports. Direct access to this area must be available for trucks to deliver feed and pick up manure from an alley, easement, or an adjacent right-of-way across a side yard of the lot.</p>	<p>6. The following regulations apply to For residential lots in RS 35 and RSX 35 Zones within the Bridle Trails neighborhood north of Bridle Trails State Park and to all or residential lots in PLA 16 which are not part of a recorded master plan, <u>the Required Review Process shall be "None", and the Maximum Number of Adult Animals and Minimum Lot Size and Setback regulations shall not apply. Instead, the following regulations shall apply:</u></p>

~~6. The following regulations apply to residential lots in RS 35 and RSX 35 Zones within the Bridle Trails neighborhood north of Bridle Trails State Park and to all residential lots in PLA 16 which are not part of a recorded master plan:~~

- a. Each residential lot must contain an area of least 10,000 permeable square feet for the purpose of accommodating two horses, capable of being used for a paddock area and barn, having a minimum width of 20 feet and configured in a contiguous and usable manner to accommodate the feed, storage and manure pile. This area must be pervious and exclusive of any structures (except livestock barns) such as storage sheds, residential units, carports, decks, patios, swimming pools, sports courts or paving.

(CONTINUED ON NEXT PAGE)

ATTACHMENT E  
FILE NO. ZON04-00009

Kirkland Zoning Code

TYPE OF ANIMAL ↓ REGULATIONS ↗	Required Review Process	MAXIMUM	MINIMUMS		Special Regulations
		Number of Adult Animals	Lot Size	Setback	
Large Domestic Animals (Continued)					b. Up to two additional horses may be kept on a residential lot, providing that an additional 3,000 square feet of paddock area is available for each additional horse. c. Direct access to this area must be available to deliver feed and pick up manure from an alley, an easement or an adjacent right-of-way across a side yard of the lot. d. Horse paddock areas must be setback five feet from each property line which abuts a school use or a residential use other than RS 35, RSX 35 or PLA 16. e. Required horse paddock areas must be setback 10' from habitable dwellings. Livestock barns must be setback 40' from habitable dwellings. f. Livestock barns permitted within the designated paddock area may not exceed 1,200 square feet in footprint, excluding covered overhangs, and must be designed solely for housing of animals and storage of tack, feed, shavings or ancillary equipment. g. Special Regulations 2, 3 and 4 apply to this area. h. Interpretations of the Zoning Code which directly or indirectly involve application of regulations about horse paddock areas shall be liberally construed in favor of an equestrian character for the neighborhood.
Bees	None	Lots containing 15,000 sq. ft. or less: Maximum of two hives.  Lots containing more than 15,000 sq. ft. but less than 35,000 sq. ft.: Maximum of 5 hives.  Lots containing 35,000 sq. ft. or more: Maximum of 15 hives.	7,200 sq. ft.	Hive must be at least 25' from any property line. See also Special Regulation 5.	1. Colonies shall be in movable frame hives. 2. Adequate space shall be maintained in the hive to prevent overcrowding and swarming. 3. Colonies shall be requeened following any swarming or aggressive behavior. 4. All colonies shall be registered with the Wash. State Dept. of Agriculture, Plant Services Division, 406 General Administration Building, Olympia, WA 98504, prior to April of each year. 5. Hives may be located closer than 25' to any property line if: a. Situated eight feet or more above adjacent ground level; or b. Situated less than six feet above adjacent ground level and behind a solid fence or hedge six feet in height parallel to any property line within 25 feet of the hive and extending at least 20 feet beyond the hive in both directions. 6. Bees living in trees, buildings, or any other space except in movable frame hives; abandoned colonies or diseased bees shall constitute a public nuisance.

In addition to the maximum number of adult animals permitted, offspring from one female are permitted at any given time until those offspring are able to survive independently.

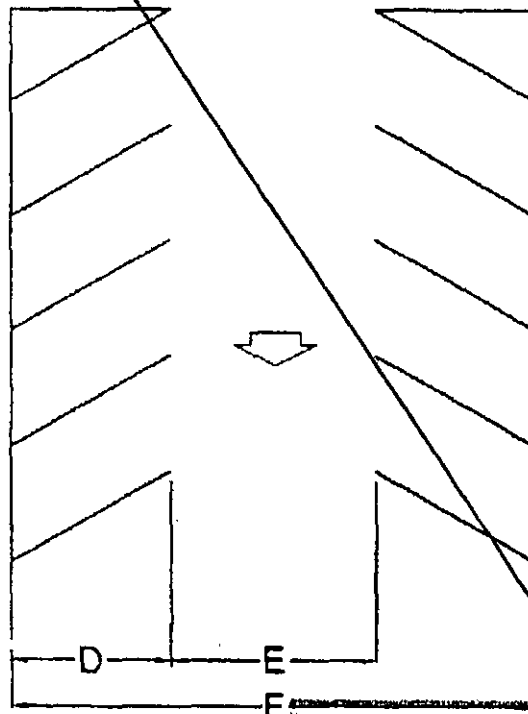
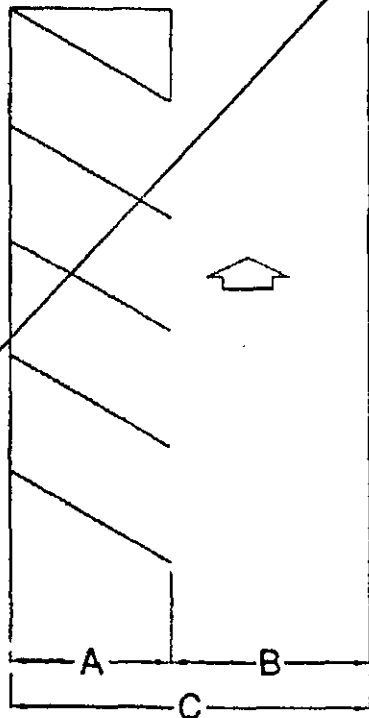
Plate 5

ONE-WAY TRAFFIC – STANDARD SIZE STALL (8.5' X 18.5') – DEAD-END STALL

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8.5	18.5	27.0	8.5	18.5	35.5
30	9.5	18.5	28.0	9.5	18.5	37.5
35	10.0	18.5	28.5	10.0	18.5	38.5
40	11.0	18.5	29.5	11.0	18.5	40.5
45	12.0	18.5	30.5	12.0	18.5	42.5
50	13.0	18.5	31.5	13.0	18.5	44.5
55	14.0	18.5	32.5	14.0	18.5	46.5
60	15.0	18.5	33.5	15.0	18.5	48.5
65	16.0	19.5	35.5	16.0	19.5	51.5
70	16.5	20.0	36.5	16.5	20.0	53.0
75	17.0	20.5	37.5	17.0	20.5	54.5
80	17.5	21.0	38.5	17.5	21.0	56.0
85	18.0	21.5	39.5	18.0	21.5	57.5
90	18.5	22.0	40.5	18.5	22.0	59.0

\*The Fire Department may require a minimum driving aisle width of 20' for access of fire apparatus to the structure(s).

\*For a double loaded aisle containing standard size stalls on one side and compact size stalls on the other side, the required driving aisle width (Column E) shall be the required width for standard size stalls.



ATTACHMENT F  
FILE NO. 20NOA-00009



Plate 6

TWO-WAY TRAFFIC – STANDARD SIZE STALL (8.5' X 18.5') – DEAD-END STALL

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8.5	24	32.5	8.5	24	41
30	9.5	24	33.5	9.5	24	43
35	10.0	24	34.0	10.0	24	44
40	11.0	24	35.0	11.0	24	46
45	12.0	24	36.0	12.0	24	48
50	13.0	24	37.0	13.0	24	50
55	14.0	24	38.0	14.0	24	52
60	15.0	24	39.0	15.0	24	54
65	16.0	24	40.0	16.0	24	56
70	16.5	24	40.5	16.5	24	57
75	17.0	24	41.0	17.0	24	58
80	17.5	24	41.5	17.5	24	59
85	18.0	24	42.0	18.0	24	60
90	18.5	24	42.5	18.5	24	61

\*For a double loaded aisle containing standard size stalls on one side and compact size stalls on the other side, the required driving aisle width (Column E) shall be the required width for standard size stalls.

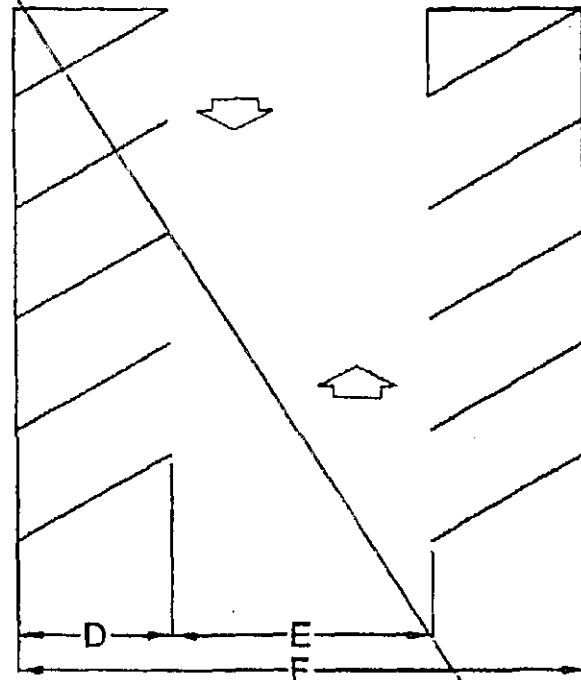
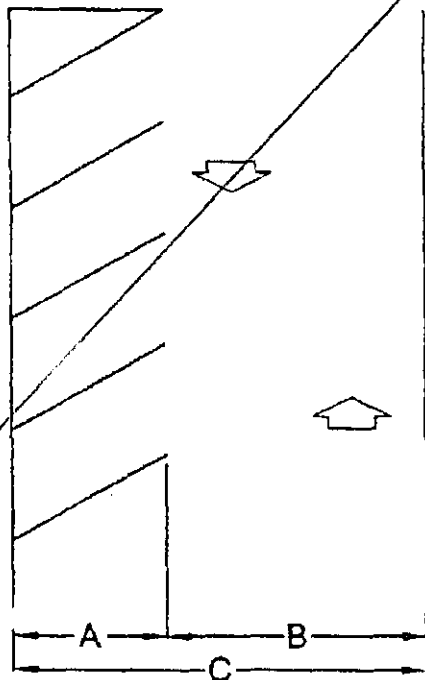


Plate 7

ONE-WAY TRAFFIC - COMPACT SIZE STALL (8' X 16') - DEAD-END STALL

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8	17	25	8	17	33
30	8	17	25	8	17	33
35	9	17	26	9	17	35
40	10	17	27	10	17	37
45	11	17	28	11	17	39
50	12	17	29	12	17	41
55	13	17	30	13	17	43
60	13	17	30	13	17	43
65	14	17	31	14	17	45
70	15	17	32	15	17	47
75	15	17	32	15	17	47
80	16	18	34	16	18	50
85	16	18	34	16	18	50
90	16	18	34	16	18	50

\*The Fire Department may require a minimum driving aisle width of 20' for access of fire apparatus to the structure(s).

\*For a double loaded aisle containing standard size stalls on one side and compact size stalls on the other side, the required driving aisle width (Column E) shall be the required width for standard size stalls.

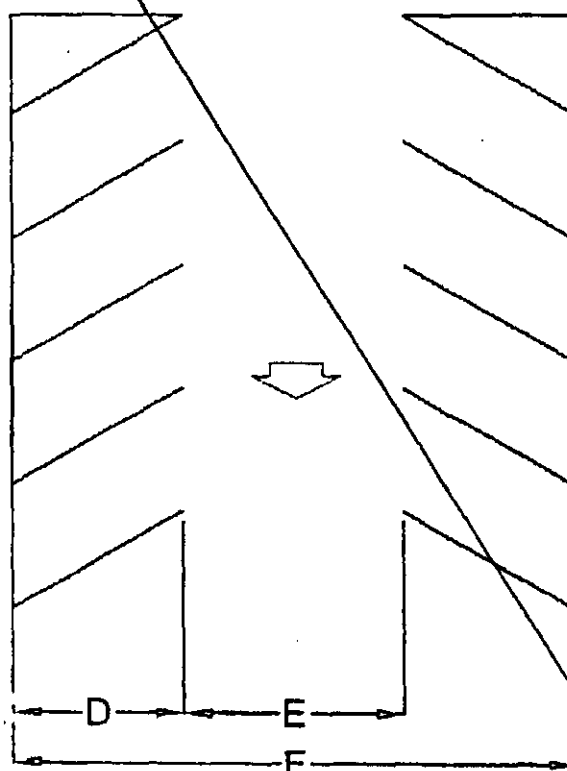
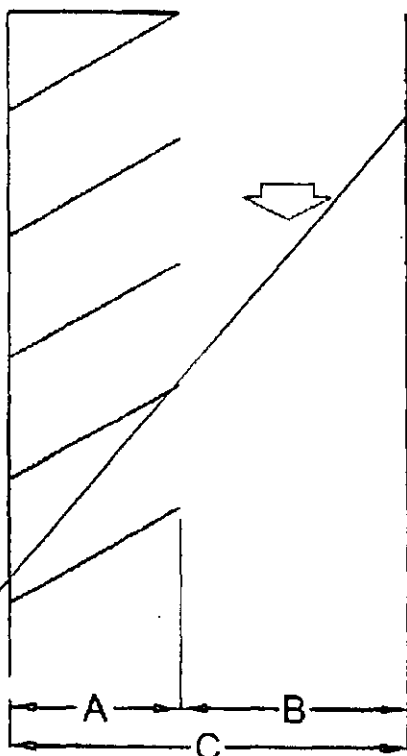
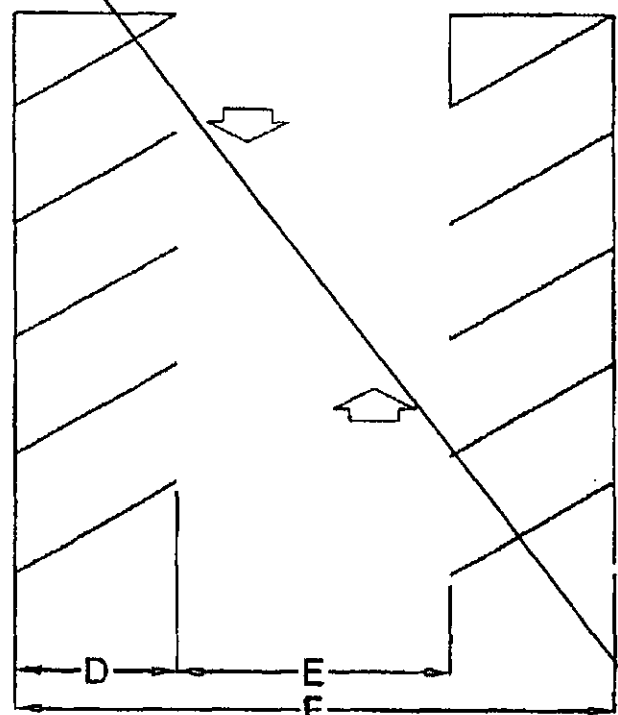
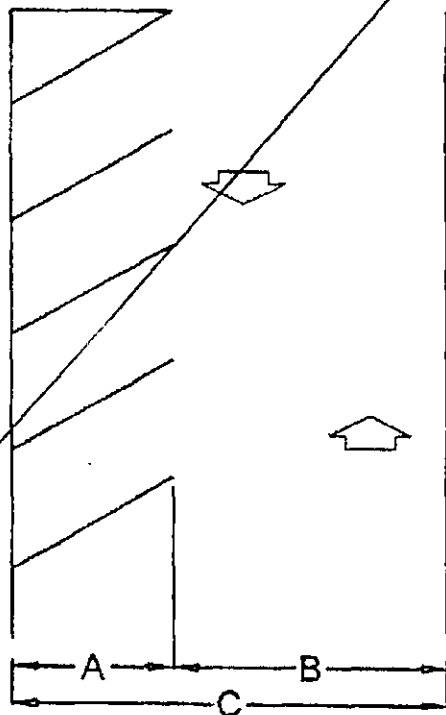


Plate 8

TWO-WAY TRAFFIC - COMPACT STALL (8' X 16') - DEAD-END STALL

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8	20	28	8	20	36
30	8	20	28	9	20	36
35	9	20	29	9	20	38
40	10	20	30	10	20	40
45	11	20	31	11	20	42
50	12	20	32	12	20	44
55	13	20	33	13	20	46
60	13	20	34	13	20	46
65	14	20	34	14	20	48
70	15	20	35	15	20	50
75	15	20	35	15	20	50
80	16	20	36	16	20	52
85	16	20	36	16	20	52
90	16	20	36	16	20	52

\*For a double loaded aisle containing standard size stalls on one side and compact size stalls on the other side, the required driving aisle width (Column E) shall be the required width for standard size stalls.



ORDINANCE NO. 3954  
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 (THE KIRKLAND ZONING CODE) OF THE KIRKLAND MUNICIPAL CODE; ADOPTING MINOR AMENDMENTS TO PROMOTE CLARITY, ELIMINATE REDUNDANCY, AND CORRECT INCONSISTENCIES PURSUANT TO CHAPTER 161 KZC; AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING CODE: CHAPTER 5 - DEFINITIONS; CHAPTER 10 - LEGAL EFFECT/APPLICABILITY; CHAPTER 15 - RS ZONES; CHAPTER 17 - RSX ZONES; CHAPTER 30 - WDII ZONES; CHAPTER 60 - PLA 5B AND PLA 7B ZONES; CHAPTER 100 - SIGNS; CHAPTER 105 - PARKING AND PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS; CHAPTER 115 - MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS; CHAPTER 142 - DESIGN REVIEW; CHAPTER 145 - PROCESS I; CHAPTER 150 - PROCESS IIA; CHAPTER 152 - PROCESS IIB; CHAPTER 155 - PROCESS III; CHAPTER 160 - PROCESS IV; CHAPTER 161 - PROCESS IVA; CHAPTER 162 - NONCONFORMANCE; AND CHAPTER 180 - PLATES. (FILE NO. ZON04-00009).

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

Section 2. Addresses severability.

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

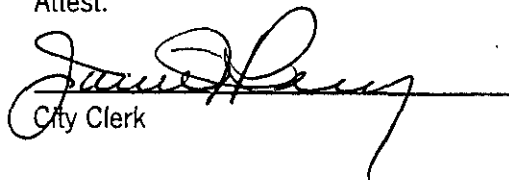
Section 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.088.017 Kirkland Municipal Code and establishes the effective date as five days after publication of said summary.

Section 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The ordinance was passed by the Kirkland City Council at its regular meeting on the 7th day of September, 2004.

I certify that the foregoing is a summary of Ordinance 3954 approved by the Kirkland City Council for summary publication.

Attest:

  
City Clerk