

ORDINANCE O-4913

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, INCLUDING CHAPTERS 5, 20, 53, 57, 70, 100, 105, 115, AND 117, AND CHAPTERS 20.08, 22.04, 24.02 AND 25.08 OF THE KIRKLAND MUNICIPAL CODE; FILE NO. CAM25-00441.

1 WHEREAS, the City Council received a recommendation from the Kirkland Planning
2 Commission to amend certain sections of the Kirkland Zoning Code, Ordinance 3719, as
3 amended, as set forth in the staff report dated September 2, 2025, containing the
4 recommendation of the Planning Commission and bearing Kirkland Planning and Building
5 Department File No. CAM25-00441; and

6
7 WHEREAS, prior to making the recommendation, the Planning Commission, following
8 notice thereof as required by RCW 35A.63.070, held a public hearing on August 28, 2025, on
9 the amendment proposals and received public testimony; and

10
11 WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has been a
12 SEPA Addendum to the 2015 Comprehensive Plan Update & Totem Lake Planned Action
13 Ordinance Final Environmental Impact Statement issued by the responsible official pursuant
14 to WAC 197-11-625; and

15
16 WHEREAS, in a public meeting on September 16, 2025, the City Council considered
17 the SEPA determination made by the City's SEPA Responsible Official and the Planning
18 Commission recommendation.

19
20 NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

21
22 Section 1. Section 5.10.120 of the Kirkland Zoning Code (KZC) is hereby repealed.

23
24 Section 2. KZC 5.10.192 is amended as follows, with the new text shown in underline,
25 deletions shown in ~~strike through~~, and the intentional omission of unchanged sections or parts
26 of tables indicated with three asterisks (* * *); all other provisions of these sections remain
27 unchanged and in full force, and these provisions for identifying changes apply throughout this
28 ordinance:

29
30 **.192 Day-Care Center**

31 A day-care operation with 13 or more attendees at any one (1) time, except for those family
32 child-care home operations which meet the provisions of RCW 43.216.692, not including
33 immediate family members who reside in the center or employees.

34
35 Section 3. A new section entitled "Emergency Housing" is hereby created, to be added
36 to Chapter 5 KZC and codified as KZC 5.10.278.4, to read as follows:

37
38 **.278.4 Emergency Housing**

39 Temporary indoor accommodations for individuals or families who are homeless or at imminent
40 risk of becoming homeless as defined by RCW 36.70A.030 and is allowed in any zones in
41 which hotels and motels are allowed pursuant to RCW 35A.12.430.

Section 4. A new section entitled "Emergency Shelters" is hereby created, to be added to Chapter 5 KZC and codified as KZC 5.10.278.4.1, to read as follows:

.278.4.1 Emergency Shelters

A facility that provides a temporary shelter for individuals or families who are currently homeless as defined by RCW 36.70A.030 and is allowed in any zones in which hotels and motels are allowed pursuant to RCW 35A.21.430.

Section 5. A new section entitled "Faith-Based Facility" is hereby created, to be added to Chapter 5 KZC and codified as KZC 5.10.299.6, to read as follows:

.299.6 Faith-Based Facility

An establishment, the principal purpose of which is faith-based gatherings, and for which the principal building or other structure contains the principal place of practice, and which includes related accessory uses.

Section 6. KZC 5.10.300 is hereby amended to read as follows:

.300 Family

One (1) or more persons ~~(but not more than five (5) unrelated persons)~~ living together as a single housekeeping unit. For purposes of this definition and notwithstanding any other provision of this code, persons with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) and RCW 35A.63.240 will not be counted as unrelated persons. "Adult family homes," as defined by RCW 70.128.010, shall be included within this definition of "family." Facilities housing individuals who are incarcerated as the result of a conviction or other court order shall not be included within this definition of "family."

Section 7. KZC 5.10.302 is hereby amended to read as follows:

.302 Family Child-Care Home

A child-care operation in the family living quarters of the provider's home for no more than 12 children, except as provided in RCW 43.216.692, not including family members who reside in the home or employees of the family child-care home, licensed by the Washington State Department of Children, Youth, and Families.

Section 8. A new section entitled "Permanent Supportive Housing" is hereby created, to be added to Chapter 5 KZC and codified as KZC 5.10.649.1, to read as follows:

.649.1 Permanent Supportive Housing

Subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors as defined by RCW 36.70A.030, and is allowed in any zones in which residential dwelling units or hotels or motels are allowed pursuant to RCW 35A.21.430.

Section 9. A new section entitled "Transitional Housing" is hereby created, to be added to Chapter 5 KZC and codified as KZC 5.10.930.7, to read as follows:

.930.7 Transitional Housing

A facility that provides housing and supportive services to homeless individuals or families for up to two years and whose primary purpose is to enable homeless individuals or families to move into independent living and permanent housing as defined under RCW 84.36.043 and

WAC 458-16-320 and is allowed in any zones in which residential dwelling units or hotels or motels are allowed pursuant to RCW 35A.21.430.

Section 10. KZC 20.30.060 is hereby amended as follows:

20.30 Density/Dimensions

Density/Dimensions Table – Medium Density Residential Zones

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

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

		REQUIRED YARDS (See Ch. 115 KZC)					
USE		Minimum Lot Size	Front	Side	Rear (or shoreline setback)	Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
***		***	***	***	***	***	***
20.30.060	Detached, Attached or Stacked Dwelling Units	RM, RMA: 3,600 sq. ft. ²¹ WD I, WD III, PLA 3B: 3,600 sq. ft. per unit. PLA 2: 35,000 sq. ft. per unit PLA 6F: 3,600 sq. ft. per dwelling unit PLA 6H: 2 acres with at least 3,600 sq. ft. per unit. PLA 6K: 3,600 sq. ft. with at least 2,400 sq. ft. per unit. PLA 7C: 3,600 sq. ft. ²⁷ PLA 9: 5,000 sq. ft. per unit PLA 15B: 5 acres, with no less than 6,200 sq. ft. per unit. ^{18, 19} PLA 17: 3,600 sq. ft. per unit, with a minimum lot size of 2 acres. ¹¹	RM, RMA: 20' ² WD I: 30' ^{14, 36, 37} WD III: 30' ^{14, 22, 38} PLA 2: 20' ^{12, 13} PLA 6F, PLA 6K, PLA 7C, PLA 9, PLA 17: 20' PLA 3B: 30' ^{5, 17, 22, 38} PLA 6H: 20' ²⁴ PLA 15: 20'	5' ³³ RM: Detached units: 5'; attached or stacked units: 5' ^{12, 33} RMA: 5' ¹² WD I, WD II, III: 5' ^{14, 33} PLA 2: 5' ^{12, 13, 33} PLA 3B: 5' ^{5, 17, 33} PLA 6F, PLA 6K, PLA 7C: detached units: 5'; attached or stacked units, 5' ^{12, 33} PLA 6H: detached units: 5'; attached or stacked units, 5' ^{12, 24, 25, 33} PLA 9, PLA 17: 5' ^{12, 33} PLA 15: 20'	RM, RMA: 10' ¹³ WD I, WD II, III: 14, 35 PLA 2: 10' ^{12, 13} PLA 3B: See Chapter 83 KZC. ^{5, 17} PLA 6F, PLA 6K, PLA 7C, PLA 9, PLA 17: 10' ¹³ PLA 6H: 10' ^{13, 24, 26} PLA 15: 20'	60% WD I, WD III, PLA 3B: 80% PLA 9, PLA 15: 50%	RM: 30' above ABE. ^{7, 23} RMA: 35' above ABE. WD I: 30' above ABE. ⁸ WD III: 30' above ABE. ⁹ PLA 2: 25' above ABE. ¹⁵ PLA 3B: 30' above ABE. ¹⁶ PLA 6F: 30' above ABE. ^{23, 34} PLA 6H: 25' above ABE. PLA 6K: 30' above ABE. PLA 7C: 30' above ABE. ^{10, 23} PLA 9: 25' above ABE. PLA 15: 20' PLA 17: 30' above ABE.
***	***	***	***	***	***	***	***

Section 11. KZC 57.10.040.030 is hereby amended to read as follows:

57.10.040.030 Continued Uses

1. Applicability Continued Uses

- a. Primary and accessory uses in existence in the Station Area, as defined by the regulating plan (Figure 2), at the time of adoption of this chapter prior to July 18, 2023, that become nonconforming uses as a result of the provisions of this chapter, may continue as legal nonconforming uses. Nonconforming uses shall be brought into conformance consistent with the provisions of KZC 162.

~~2. Continued Uses and Minor Expansions~~

~~Structures in existence at the time of adoption of this chapter that became nonconforming structures solely as a result of the provisions in this chapter shall be deemed legally conforming structures for purposes of maintenance, repair, and replacement, and may be enlarged by up to 10 percent of the existing footprint or existing gross floor area without complying with the provisions of this chapter. Enlargement of such structures or addition of new structures that exceed existing gross floor area or existing footprint by more than 10 percent shall comply with the provisions of this chapter, except that an applicant may request an exception to allow enlargement by more than 10 percent without complying with all provisions of this chapter if they can demonstrate to the satisfaction of the Planning and Building Director that it is not reasonable and practicable for such enlargement to comply with this chapter; or that such enlargement will not materially increase the nonconformity of the subject property in a manner contrary to the stated purpose of this chapter. Any enlargement of more than 50 percent of the footprint in existence at the time of adoption of this chapter shall conform to this chapter, except as provided in the next section.~~

2. Nonconforming Structures, Minor Expansions, and Additions

- a. Compared to the subject property's site-wide, structure footprint or floor area existing prior to July 18, 2023, legally nonconforming structures may be enlarged by up to 10 percent without complying with the provisions of this chapter.
- b. Enlargement of such legally nonconforming structures, or the addition of new structures, that exceeds the development's site-wide footprint or gross floor area by more than 10 percent shall comply with the provisions of this chapter.
- c. An applicant may request an exception to allow enlargement, or addition of new structures, by more than 10 percent without complying with all provisions of this chapter if they can demonstrate to the satisfaction of the Planning and Building Director that:
 - a. It is not reasonable and practicable for such enlargement to comply with this chapter; or
 - b. That such enlargement will not materially increase the nonconformity of the subject property in a manner contrary to the stated purpose of this chapter.
- d. Any enlargement of more than 50 percent of the footprint in existence at the time of adoption of this chapter shall conform to this chapter, except as provided in subsection 57.10.040.030.3.

Section 12. KZC 57.30.020 is hereby amended to read as follows:

57.30.020 General Provisions

The incentive zoning program may be utilized to achieve development of commercial uses up to the bonus maximum allowed height where the regulating district map (Fig. 2 of this chapter) identifies both a base and maximum allowed height (e.g., CMU 85'/150'). Where a regulating

district identifies only a base maximum height, that property is not eligible to receive incentive development capacity (e.g., CMU 60). In no case may the incentive zoning allow development that exceeds the maximum building height as allowed in Figure 2. ~~Requirements for residential uses to achieve the bonus maximum allowed height are set forth in Chapter 112 KZC. Any proposed residential uses must meet the affordability requirements in Chapter 112 KZC to utilize the bonus heights within a regulating district.~~

Section 13. KZC 70.15 is hereby amended to read as follows:

70.15 Standards

Within the parcels shown on the Kirkland Zoning Map with an (HP) suffix, the maximum impervious surface standards set forth in Chapter 15 KZC are superseded by this (HP) suffix, and the following development standards shall be applied to all residential development:

8. Tree and Landscape Maintenance Requirements

a. Protected Natural Area(s) – The PNA(s) shall be retained in perpetuity. Prior to final inspection of a building permit where a tree retention plan is required pursuant to KZC 95.30, the applicant shall provide:

1) A final as-built landscape plan showing all vegetation required to be planted or preserved; and

2) A recorded PNA protection easement, in a form approved by the City Attorney, to maintain and replace all vegetation that is required to be protected by the City. The agreement shall be recorded with the King County Recorder's Office. Land survey information shall be provided for this purpose in a format approved by the Planning Official.

3) Plants that die must be replaced in kind or with similar plants contained on the Native Plant List, or other native species approved by the Planning Official.

b. All significant trees in the remaining 75 percent of the lot shall be maintained in perpetuity, and tree removal will be allowed only for hazardous and nuisance trees pursuant to KZC 95.25.6.

Section 14. KZC 100.15 is hereby amended as follows:

100.15 Scope and Exclusions

This chapter applies to all signs erected or altered after the effective date of this code. This chapter does not apply to the following:

1. Traffic signs, directional signs not exceeding four (4) square feet, and signs displaying a public service message installed by a governmental agency.
2. Point-of-purchase advertising displays such as product dispensers.
3. National flags and flags of political subdivisions.

4. Gravestones.
5. Historical site plaques and signs integral to an historic building.
6. Structures or improvements intended for a separate use, such as phone booths, donation containers and newspaper recycling boxes.
7. Building addresses with numbers and letters not more than 10 inches in height.
8. Exterior signs or displays not visible from streets or ways open to the public.
9. Signs not exceeding two (2) square feet per sign face, either providing public information about the facilities present on the subject property or announcing a restriction on the subject property.
10. One (1) sign per structure, not exceeding six (6) square feet in area, incorporated into the facade of a building and denoting the date of and other information about construction of the building.
11. ~~Temporary window~~ Except when the subject property is regulated by a master sign plan or design regulations, signs that are located inside on the interior side of a window and visible from the exterior of a building.

Section 15. KZC 100.85 is hereby amended to read as follows:

100.85 Prohibited Devices

1. General – Except as specifically allowed under subsection (2) of this section, the following devices and facilities are specifically prohibited:

- a. Pennants, banners, streamers and private flags except as permitted under KZC 100.115.
- b. Strings of lights, flashing lights, colored lights, advertising search lights, and flares.
- c. Twirlers, propellers, and wind-activated devices.
- d. Balloons.
- e. *Repealed by Ord. 4532.*
- f. Any sign that rotates, turns or moves by electrical or mechanical means except barber poles.
- g. Projecting and under marquee signs, except as permitted by KZC 100.35.
- h. Any sign attached to or placed on a vehicle or trailer parked on public or private property. The prohibition of this subsection does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business.
- i. Any portable outdoor sign, except as regulated by KZC 100.115.
- j. Any sign with the shape and colors of a traffic sign.
- k. Any sign which constitutes a traffic hazard including but not limited to signs containing words such as "stop," "look," "danger."

2. Exceptions – The provisions of subsections (1)(a) through (k) of this section do not apply to the following:

- a. Holiday decorations.
- b. The use of devices described in subsection (1) of this section for no more than seven (7) days to announce the grand opening of a business or use.

c. *Repealed by Ord. 4532.*

d. Thematic flags, banners or pennants that are complementary to and normally associated with the character of a specific location.

e. Changing message centers when included as part of a master sign plan.

Section 16. KZC 105.10 is hereby amended to read as follows:

105.10 Vehicular Access Easement or Tract Standards

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

a. When no Fire Department access road is required, and the access easement or tract will service one (1) to four (4) lots, the minimum standard is 16 feet of unobstructed pavement in a 21-foot-wide easement or tract. The Public Works Department may reduce the standard to 10 feet of unobstructed pavement in a 15-foot-wide easement or tract if the easement or tract and abutting driveways are located to allow for safe ingress and egress.

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

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

2) If accessing no more than two (2) lots from the access road;

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

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

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

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

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

3) If accessing three (3) or four (4) lots from the access road, the minimum standard is 20 feet of unobstructed pavement in a 25-foot-wide easement or tract.

b. For five (5) or more lots, a dedicated and improved public right-of-way is required. See Chapter 110 KZC for the required improvements.

c. For all other uses, the minimum standard is 20 feet of unobstructed paved surface with vertical cast in place curbs and gutters within a 20-foot-wide easement or tract.

d. A greater pavement width and/or easement or tract width may be required by the

Department of Public Works, Fire Department, or Planning and Building Department as determined on a case-by-case basis.

2. General

a. For subsection (1)(a) of this section, a lot that meets the following criteria shall not be counted as a "served lot" on a vehicular access easement or tract (see Plate 21):

1) A lot that abuts and has vehicular access rights to the improved public right-of-way that joins the vehicular access easement or tract; and

2) The Fire Department determines that fire apparatus can service the lot containing the dwelling unit from the abutting improved public right-of-way.

b. For subsection (1)(a) of this section, the length of the easement or tract shall be measured from the serving improved public right-of-way to the front property line of the furthest lot at the end of the easement or tract.

c. Vehicular access rights for each lot served by the easement or tract shall be established either by segregating the roadway into a separate tract in which each lot served has an undivided ownership interest and recording the tract document, or by recording a vehicular access easement document. The recorded documents must establish equal maintenance responsibilities for the owners of all lots served by the roadway and require the owners to erect and maintain a sign where the easement or tract joins the serving improved public right-of-way to identify the roadway as "private."

d. The paved surface in an easement or tract shall have a minimum of two (2) inches of asphalt concrete over a suitably prepared base which has a minimum thickness of four (4) inches of crushed rock or three (3) inches of asphalt-treated base. The Department of Public Works is authorized to modify the standards for a paved surface on a case-by-case basis.

e. A minimum unobstructed vertical clearance of 13 feet, six (6) inches shall be provided in the easement or tract. The easement or tract shall remain unobstructed at all times, including but not limited to the use of automatic gates. No parking, structures or vegetation, with the exception of grass, shall be permitted in the easement or tract.

f. The paved surface in the easement or tract shall be set back at least five (5) feet from any adjacent property which does not receive access from that easement or tract.

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

1) A minimum 5-foot-high sight-obscuring fence; or

2) Vegetation that will provide comparable screening to a 5-foot fence within two (2) years of planting; and

3) Along the entire easement or tract outside the required front yard.

h. See KZC 105.20 for providing adequate guest parking spaces.

i. Nonconforming access easements and tracts which were legally created shall not be required to comply with the dimensional standards of subsection (1) of this section.

Section 17. KZC 115.07 is hereby amended to read as follows:

115.07 Accessory Dwelling Units

Two (2) accessory dwelling units (ADUs), including either one (1) attached ADU and one (1) detached ADU, or two (2) of either type, are permitted per single-family dwelling; provided, that

an accessory dwelling unit shall not be considered a "dwelling unit" in the context of Special Regulations in Chapters 15 through 56 KZC which limit the number of detached dwelling units on each lot to one (1). Accessory dwelling units must be consistent with the following standards:

2. Subdivision – ~~A detached accessory dwelling unit~~ One or more accessory dwelling units, except for stacked accessory dwelling units, may be subdivided within a unit lot subdivision as regulated by Title 22 KMC.

Section 18. KZC 115.60 is hereby amended to read as follows:

115.60 Height Regulations – Exceptions

3. Use of Existing Buildings for Residential Purposes – See RCW 35A.21.440 for regulations on new housing in existing buildings. These State regulations supersede any City regulations regarding new residential uses in buildings that are zoned commercial or mixed use.

Section 19. KZC 115.115 is hereby amended to read as follows:

KZC 115.115 Required Yards

1. General – This section establishes what structures, improvements, and activities may be in or take place in required yards as established for each use in each zone in Chapters 15 through 56 KZC and 113 KZC.

2. Exceptions and Limitations in Some Zones – Chapters 15 through 56 KZC contain specific regulations regarding what may be located in required yards. Chapter 83 KZC contains specific regulations regarding what may be located in the required shoreline setback. Where applicable, those specific regulations supersede the provisions of this section.

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

n. In residential zones, covered entry porches on dwelling units may be located within ~~43 feet of~~ no closer than 13 feet to the front property line, if:

1) The porch is covered and no higher than one story and the finished floor of the porch is no more than four feet above finished grade;

2) Three sides of the porch are open;

3) The porch roof form is architecturally compatible with the roof form of the dwelling unit to which it is attached;

4) No deck, balcony, or living area is placed on the roof of the porch within the required front yard;

5) If on attached or stacked dwelling units, the width of the porch does not exceed 50 percent of the facade to which it is attached;

6) Allowed exceptions to the above criteria are:

- a) Solid walls or railings may extend up to 42 inches above the porch floor;
- b) Eaves on the porch roof may extend an additional 18 inches into the required front yard;
- c) Stairs may extend an additional five feet into the required front yard. For the purpose of this section, covered parking areas or driveways shall not be considered an entry porch.

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

a. Detached Dwelling Units

1) General – Vehicles may be parked in the required front or rear yard if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least 18 inches in width. This landscape strip may be interrupted by a walkway or pavers providing a lateral connection from the driveway to other hard-surfaced areas, as long as such walkway or pavers do not exceed five feet in width. A driveway and/or parking area shall not be closer than five feet to any side property line (see Plate 14); provided:

- a) That where access to a legally established lot is provided by a panhandle or vehicle access easement measuring less than 20 feet in width, a driveway not exceeding 10 feet in width, generally centered in the panhandle or access easement, shall be permitted (see Plate 14A); and
- b) That for flag lots, a five-foot setback is not required from any side property line that abuts a neighboring lot that was part of the same plat.
- c) That any driveway which generally parallels a right-of-way or easement road shall be set back at least five feet from the right-of-way or easement, except for a 20-foot-wide section where the driveway connects with the right-of-way or easement. Such driveway shall not have a width of more than 10 feet within the front or rear yard (see Plate 14B) and shall be separated from other hard-surfaced areas located in the front or rear yard by a landscape strip at least five feet in width. Where more than one driveway is permitted within a front or rear yard, those driveways shall be separated by a landscape strip at least five feet in width.

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

- a) The driveway/parking area serves a three-car garage; and
- b) The subject property is at least 60 feet in width; and

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

d) The driveway/parking area flares from 20 feet at the property line to a maximum of 30 feet in width.

3) The Planning Official may approve a modification to the driveway and/or setback requirements in subsection (5)(a)(1) of this section if:

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

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

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

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

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

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

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

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

Section 20. KZC 117.50 is hereby amended to read as follows:

117.50 Macro Facility Design Standards

8. Designated Historic Community Landmarks.

a. Applications for macro facilities on buildings, structures, or objects designated in Table ~~CG-4~~ LU-6 List A and B located in the Historic Resources Identity and Preservation section of the ~~Community Character~~ Land Use Element in the Comprehensive Plan shall be subject to the provisions of this chapter. The City shall notify the King County Historic Preservation Office in order to provide an opportunity for comments and recommendation on the application. The recommendation will be considered when making a decision on the application.

b. Applications for macro facilities on properties designated in Table ~~CG-4~~ LU-6 only as historic sites shall be reviewed subject to the provisions of this chapter and pursuant

to the notification and consideration requirements in subsection (8)(a) of this section. Other macro facility applications on designated site-only properties are subject to the provisions of this chapter but do not require the notification and consideration requirements in subsection (8)(a) of this section.

* * *

Section 21. That Chapter 53.12 KMC is amended to restore the RH-1B use zone chart inadvertently repealed by Ordinance O-4855:

Section 53.12


 Zone
RH 1B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 53.12	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	Vehicle Service Station See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	22,500 sq. ft.	20'	15'	15'	80%	20' above average building elevation.	A	E See Spec. Reg. 8.	See KZC 105.25.	<ol style="list-style-type: none">1. This use is permitted only north of NE 90th Street as an accessory use to a commercial use located in RH 1A and limited to sale of fuel. Vehicle service, repair, or the sale or installation of lubricants, tires, batteries or other similar accessories is prohibited.2. Hours of operation and truck deliveries are limited to 8:00 a.m. to 9:00 p.m.3. Gas pump islands must be located at least 20 feet from all property lines.4. See KZC 95.40 through 95.45, required landscaping, for additional regulations.5. The following improvements must be installed:<ol style="list-style-type: none">a. Half street improvements including vertical curb, five-foot-wide sidewalk and 4.5-foot-wide landscape strip planted with street trees adjacent to the curb in the following locations:<ol style="list-style-type: none">1) Along the south side of NE 90th Street between 120th Avenue NE and the existing sidewalk west of 122nd Avenue NE.2) Along the south side of NE 90th Street between 122nd Avenue and 123rd Lane NE.3) Along the east side of 120th Avenue NE between NE 90th Street and the existing sidewalk to the south.b. Crosswalk markings at the intersection of NE 90th Street and 122nd Avenue NE.Minor deviations may be approved by the Public Works Director. If improvements will result in impacts to adjacent wetlands, they must comply with Chapter 90 KZC, Critical Areas: Wetlands, Streams, Minor Lakes, Fish and Wildlife Habitat Conservation Areas, and Frequently Flooded Areas, requirement.c. Basic water quality treatment for the surface water discharge from all the parking lots that serve the commercial use located in RH 1A. The treatment shall meet the specifications of the 1998 King County Surface Water Design Manual, or equivalent approved by the Public Works Department.d. A pedestrian pathway shall be developed and maintained between NE 90th Street and Slater Avenue NE. 6. Internally illuminated signs are prohibited on the north and east sides of gas pump islands or canopies.
.020	Accessory parking for retail uses located in the RH 1A zone		None	10' Otherwise 20' adjoining a residential zone	10' on each side	10'		35' above average building elevation.	B	D	N/A	<ol style="list-style-type: none">1. No retail floor area shall be permitted for this use.

Section 53.12

Zone
RH 1B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.12	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						
.030	Business Park See Spec. Reg. 1.	D.R., Chapter 142 KZC	None	10' Otherwise 20' adjoining a residential zone	0'	0'	80%	35' above average building elevation.	A	C	See KZC 105.25.	1. The following business park uses are permitted: wholesale trade, wholesale printing or publishing, light assembly, manufacturing of small-scale articles such as electrical equipment, manufacturing of scientific or photographic equipment; packaging of prepared materials, manufacturing of textile, leather products, paper products or plastic products from pre-prepared materials. 2. Outdoor storage is prohibited. 3. The discharge of any substance which creates any impact detrimental to the environment or adjacent residents is not permitted.
.040	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services								E	1 per each 300 sq. ft. of gross floor area.	1. This use is only permitted south of NE 90th Street if the vehicle trip generation will not exceed the traffic generated by a general office use; provided, that the following retail uses are not permitted: a. Restaurants or taverns. b. A retail establishment involving repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles. c. Vehicle service stations. d. Automotive service centers. e. Uses with drive-in or drive-through facilities. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 3. Retail establishments providing storage services are not permitted unless accessory to another permitted use.	

Section 53.12

Zone
RH 1B

USE ZONE CHART

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

Section 53.12	<div style="text-align: center;"> USE </div> 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						
.050	Office Use	D.R., Chapter 142 KZC	None	10' Otherwise 20' adjoining a residential zone	0'	0'	60%	35' above average building elevation.	C	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. 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 upon this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 2. 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.
.060	School, Day-Care Center, Mini-School or Mini-Day-Care Center								D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. 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. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 3. May include accessory living facilities for staff persons. 4. Hours of operation of the use may be limited and parking and passenger loading areas shall be located to reduce impacts on nearby residential uses.
.070	Church								C			1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.
.080	Assisted Living Facility, Convalescent Center or Nursing Home								C	B	Assisted living unit: 1 per unit. Convalescent Center or Nursing Home: 1 for each bed.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.090	Public Utility								A		See KZC 105.25.	1. 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.
.100	Government Facility or Community Facility								C See Spec. Reg. 1.			
.110	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 48 KZC for required review process.										

Section 22. KZC 115.90 is amended to read as follows:

115.90 Calculating Lot Coverage

1. General – The area of all structures and any other hardscape on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one (1) use, the maximum lot coverage requirements for the predominant use will apply to the entire development. Lot area not calculated under lot coverage must be devoted to open space as defined in KZC 5.10.610.

The intent of these lot coverage regulations is to limit areas of hardscape, place an emphasis on landscaping, and to increase vegetated spaces throughout the City.

2. Exemptions – The following are exempt from the lot coverage calculation:

- a. An access easement or tract that is not included in the calculation of lot size will not be used in calculating lot coverage for any lot it serves or crosses.
- b. Areas of landscaping below eaves, balconies, and other cantilevered portions of buildings.
- c. Planted areas at least two (2) feet wide and 40 square feet in area located over subterranean structures, with a minimum soil depth of 18 inches.
- d. Rockeries and retaining walls, unless located adjacent to or within 12 inches of another impervious surface such as a patio, building or parking area.
- e. Public sidewalk if located within a public easement on private property.
- f. Hardscape surface under HVAC and similar types of mechanical equipment serving attached or detached dwelling unit and middle housing uses. These exempt surfaces may not exceed 10 square feet for each dwelling unit.
- g. Artificial turf. Artificial turf installation shall not conflict with installation, protection, retention, and maintenance of regulated vegetation, such as trees according to KZC 95, protected natural areas according to KZC 70, critical areas and their buffers according to KZC 90, and shoreline riparian areas according to KZC 83.

3. Partially Exempt Materials –

- a. The following materials shall receive a 50 percent exemption for the area they cover. However, this exemption shall not exceed 10 percent of the total lot size.
 - i. Pavers no larger than 10 inches by 10 inches per individual paver.
 - ii. Grassed modular grid pavement.
 - iii. Open grid decking over non-hardscaped area.
 - d. ~~Artificial turf.~~

Note that impervious surfaces may be further, or more stringently, regulated by the stormwater design manual adopted in KMC 15.52.060.

Section 23. Section 20.08.020 of the Kirkland Municipal Code (KMC), and the corresponding portions of Ordinance O-3529 §1 (part) (1996), is amended to read as follows:

20.08.020 Project permit.

"Project permit" or "project permit application" mean any land use or environmental permit or license required from the city for a project action, including but not limited to ~~building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations except as otherwise specifically included in this subsection. For purposes of certain requirements related to local government permit review, including deadlines for local governments planning under the GMA to complete a permit review, a building permit is not considered a project permit.~~

Section 24. KMC 22.04.030, and the corresponding portions of Ordinance O-4286 §1 (Att. B) (part) (2011), is amended to read as follows:

22.04.030 Binding site plan approval—Eligible developments.

(a) General. The divisions of land described in subsection (b) of this section are exempt from compliance with this title except as specified in Section 22.04.045 if they meet the requirements of Section 22.04.040.

(b) Eligible Developments. The following types of development are subject to the provisions of this section:

(1) A division for the purpose of lease when no residential structures other than mobile homes or travel trailers are permitted to be placed upon the land;

(2) A division of land into lots or parcels located within industrial, commercial or office zones as defined in the zoning code, where commercial zoned properties may include those permitted or conditionally permitted for multi-unit residential uses within the commercial zone;

(3) A division which is made by subjecting a portion of a parcel or tract of land to Chapter 64.32 RCW.

Section 25. KMC 24.02.065, and the corresponding portions of Ordinance O-4791 § 1 (2022), is amended to read as follows:

24.02.065 Threshold levels for categorical exemptions.

(a) WAC 197-11-800 establishes certain actions as exempt from SEPA. Under WAC 197-11-800(1)(c), the city establishes raised levels of exemptions for the following types of actions as exempt from SEPA except as provided in WAC 197-11-305 and 197-11-800(1)(a):

(a1) The construction or location of any residential structures of twenty or fewer dwelling units, except in Goat Hill as shown in Map 24.02.065, where the exemption threshold is the construction or location of any residential structures of four or fewer dwelling units (WAC 197-11-800(1)).

(2) Within a station area as defined in RCW 36.70A.030, the threshold is raised to categorically exempt project actions that propose to develop residential or mixed-use development within a station area. See subsection (b) for an additional SEPA exemption regarding the construction of residential units;

(b3) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering thirty thousand or fewer square feet, and to be used only by the property owner or his or her

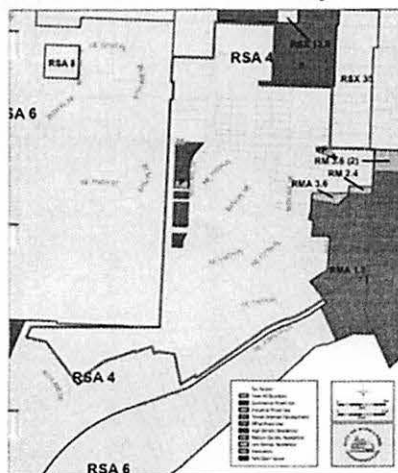
agent in the conduct of farming the property. This exemption shall not apply to feed lots (WAC 197-11-800(1));

(e4) The construction of an office, school, commercial, recreational, service or storage building with twelve thousand or fewer square feet of gross floor area, and with associated parking facilities designed for forty or fewer automobiles (WAC 197-11-800(1));

(d5) The construction of a parking lot designed for forty or fewer automobiles not associated with a structure (WAC 197-11-800(1));

(e6) Any fill or excavation of five hundred or fewer cubic yards throughout the total lifetime of the fill or excavation and any excavation, fill or grading necessary for an exempt project in subsection (a), (b), (c), or (d) of this section (WAC 197-11-800(1)).

Map 24.02.065—Goat Hill Boundary and Zoning



(b) RCW 35.21.990 establishes provisions for adding new housing units within existing buildings. As mandated in RCW 35.21.990(2)(i), the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, is exempt from SEPA.

Section 26. KMC 25.08.010, and the corresponding portions of Ordinance O-4509 § 10 (2015), is amended to read as follows:

25.08.010 Exemptions.

The following development permits or building permits are exempt from the requirements of this title:

- (1) Accessory dwelling units as defined in KZC 5.10.017;
- (2) Annexations;
- (3) Any addition or accessory structure to a residence with no change in use;
- (4) Business licenses;
- (5) Categorically exempt construction under Sections 24.02.060 and 24.02.065 of Chapter 24.02, SEPA Procedures and Policies, unless such construction is estimated to result in forty or more person trips in which case such construction is not exempt from road concurrency;
- (6) Categorically exempt construction or activities under Sections 24.02.060 and 24.02.065 of Chapter 24.02, SEPA Procedures and Policies, even though they:

- 595 (a) Are undertaken wholly or partly on lands covered by water;
- 596 (b) Are undertaken wholly or partly on lands in a high landslide hazard area;
- 597 (c) Are undertaken wholly or partly on lands in a seismic hazard area;
- 598 (d) Contain structures or facilities with recognized historical significance;
- 599 (e) Exceed the limit of landfill or excavation; and/or
- 600 (f) Contain an off-premises commercial sign;
- 601 (7) Cellular antennas and satellite dishes;
- 602 (8) Demolitions;
- 603 (9) Driveway, resurfacing, or parking lot paving; provided, that additional vehicular trips are
- 604 not generated;
- 605 (10) Electrical, plumbing, and mechanical permits;
- 606 (11) Expansions or phases of development or building permits that were disclosed by the
- 607 applicant and subject to a concurrency test as part of the original application; provided, that
- 608 the certificate of concurrency was issued for the expansion or subsequent phase;
- 609 (12) Final planned unit development (if a concurrency test was conducted and approved for
- 610 the corresponding preliminary planned unit development);
- 611 (13) Final plats (if a concurrency test was conducted for the corresponding preliminary plat
- 612 permit);
- 613 (14) Final rezone (if a concurrency test was conducted and approved for the corresponding
- 614 intent to rezone);
- 615 (15) Interior renovations or replacement structure with no change in use or increase in floor
- 616 area;
- 617 (16) Interior renovations of a structure for new use(s) with the same or less intensity as the
- 618 existing use or a previously approved use and with no increase in floor area;
- 619 (17) Interior renovation of a nonresidential structure for residential purposes.
- 620 ~~(1718)~~ Land surface modification permits;
- 621 ~~(1819)~~ Lot line adjustments;
- 622 ~~(1920)~~ Outdoor cafe permits;
- 623 ~~(2021)~~ Reroofing of structures;
- 624 ~~(2122)~~ Side sewer permit for single-family residence;
- 625 ~~(2223)~~ Sign permits and master sign plans;
- 626 ~~(2324)~~ Street use permits and right-of-way permits;
- 627 ~~(2425)~~ Street vacations;
- 628 ~~(2526)~~ Subdivision vacations/alterations;
- 629 ~~(2627)~~ Subsequent building permit for an approved development permit if a concurrency test
- 630 was approved for the development permit and there is no change in use, densities, and
- 631 intensities;
- 632 ~~(2728)~~ Temporary construction trailers;
- 633 ~~(2829)~~ Temporary use permits;

634 (2930) Variances;
635 (3031) Water service permit for single-family residence; and
636 (3132) Any other development permit or building permit which the public works department
637 determines has no impact on the concurrency facility.
638

639 Section 27. If any provision of this ordinance or its application to any person or
640 circumstance is held invalid, the remainder of the ordinance or the application of the provision
641 to other persons or circumstances is not affected.
642

643 Section 28. This ordinance shall be in force and effect five days from and after its
644 passage by the Kirkland City Council and publication, as required by law.
645

646 Section 29. A complete copy of this ordinance shall be certified by the City Clerk, who
647 shall then forward the certified copy to the King County Department of Assessments.
648

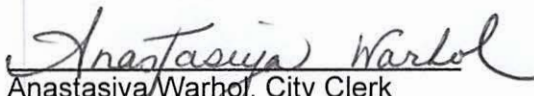
649 Passed by majority vote of the Kirkland City Council in open meeting this 16th day of
650 September, 2025.
651

652 Signed in authentication thereof this 16th day of September, 2025.



Kelli Curtis, Mayor

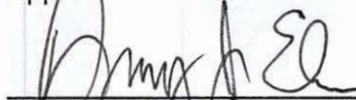
Attest:



Anastasiya Warhol, City Clerk

Publication Date: September 22, 2025

Approved as to Form:



Darcey Eilers, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4913

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 5, 20, 53, 57, 70, 100, 105, 115, AND 117, AND KIRKLAND MUNICIPAL CODE CHAPTERS 20.08, 22.04, 24.02 AND 25.08, AND APPROVING A SUMMARY FOR PUBLICATION; FILE NO. CAM25-00441.

SECTION 1. Repeals section 5.10.120 of the Kirkland Zoning Code (KZC).

SECTION 2. Amends KZC 5.10.192 defining "Day Care Center."

SECTIONS 3 – 5. Add new definitions for "Emergency Housing," "Emergency Shelters," and "Faith-Based Facility" to Chapter 5.10 of the KZC.

SECTIONS 6 – 7. Amend definitions of "Family," and "Family Child-Care Home" in Chapter 5.10 of the KZC.

SECTIONS 8 – 9. Add new definitions for "Permanent Supportive Housing" and "Transitional Housing" to Chapter 5.10 of the KZC.

SECTION 10. Amends KZC 20.30.060 relating to the density and dimensions table for medium density residential zones.

SECTION 11. Amends KZC 57.10.040.030 relating to continued uses in the 85th St. Station Area.

SECTION 12. Amends KZC 57.30.020 relating to general provisions for the incentive zoning program.

SECTION 13. Amends KZC 70.15 relating to standards .

SECTION 14. Amends KZC 100.15 relating to scope and exclusions.

SECTION 15. Amends KZC 100.85 relating to prohibited devices.

SECTION 16. Amends KZC 105.10 relating to vehicular access easement or tract standards.

SECTION 17. Amends KZC 115.07 relating to accessory dwelling units.

SECTION 18. Amends KZC 115.60 relating to height regulation exemptions.

SECTION 19. Amends KZC 115.115 relating to required yards.

SECTION 20. Amends KZC 117.50 relating to macro facility design standards.

SECTION 21. Restores RH-1B use zone chart to Chapter 53.12 KZC.

SECTION 22. Amends KZC 115.90 relating to the calculation of lot coverage.

SECTION 23. Amends Section 20.08.020 of the Kirkland Municipal Code (KMC) relating to project permits.

46
47 SECTION 24. Amends KMC 22.04.030 relating to eligible developments for binding
48 site plan approval.
49

50 SECTION 25. Amends KMC 24.02.065 relating to threshold levels for categorical
51 exemptions.
52

53 SECTION 26. Amends KMC 25.08.010 relating to development or building permit
54 exemptions.
55

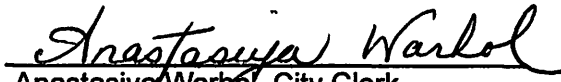
56 SECTION 27. Provides a severability clause for the ordinance.
57

58 SECTION 28. Authorizes publication of the ordinance by summary and establishes the
59 effective date as five days after publication of summary.
60

61 SECTION 29. Directs the City Clerk to certify and forward a complete certified copy of
62 this ordinance to King County Department of Assessments.
63

64 The full text of this Ordinance will be mailed without charge to any person upon request
65 made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City
66 Council at its meeting on the 16th day of September, 2025.
67

68 I certify that the foregoing is a summary of Ordinance O-4912 approved by the Kirkland
69 City Council for summary publication.


Anastasiya Warhol, City Clerk