ORDINANCE O-4956

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MISCELLANEOUS UPDATES REGARDING ZONING AND LAND USE; AMENDING THE CITY OF KIRKLAND ZONING CODE, INCLUDING CHAPTERS 5, 35, 53, 54, 83, 92, 95, 105, 110, 113, 115, AND 165; AND AMENDING THE KIRKLAND MUNICIPAL CODE, INCLUDING CHAPTERS 5.74, 15.24, 15.28, 19.12, AND 22.22; FILE NO. CAM26-00716.

WHEREAS, the City Council received a recommendation from the Kirkland Planning Commission to amend certain sections of the Kirkland Zoning Code, as described in the staff report dated October 15, 2026, containing the recommendation of the Planning Commission and bearing Kirkland Planning and Building Department File No. CAM26-00716; and

WHEREAS, prior to making the recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, held a public hearing on October 8, 2026, on the amendment proposals and received public testimony; and

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

WHEREAS, RCW 82.02.020 provides that a city may collect reasonable permit fees to cover the cost of processing applications, reviewing plans, and preparing statements, and the City desires to collect an appropriate fee for processing a unit lot subdivision permit; and

WHEREAS, in a public meeting on November 4, 2026, the City Council considered the SEPA determination made by the City's SEPA Responsible Official, considered the Planning Commission's recommendation on the proposed code amendments, reviewed the minor modifications made to the proposed code amendments; and

WHEREAS, the City Council desires to adopt the recommended code amendments, which provide better consistency and clarity in the City's codes.

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

Section 1. Section 5.10.015 of the Kirkland Zoning Code (KZC), is amended as follows, with the new text shown in underline, deletions shown in ~~strikethrough~~, and the intentional omission of unchanged sections or parts of tables indicated with three asterisks (* * *); all other provisions of these sections remain unchanged and in full force, and these provisions for identifying changes apply throughout this ordinance.

5.10.015 Accessory.

A use, activity, structure or part of a structure that is subordinate and customarily incidental to the main activity or structure on the subject property, and that is a commonly expected feature of the primary activity or structure.

Section 2. KZC 35.30 is hereby amended as follows:

35.30 Density/Dimensions.

* * *

Density/Dimensions (DD) Special Regulations:

* * *

DD-12: See KZC 35.10.030(8) for maximum height of structure regulations. ~~In BC-1, maximum building height is 75 feet above ABE for mixed-use development if requirements of KZC 35.10.030(8) are met. Development shall be subject to the provisions of KZC 35.10.030(2) and (7).~~

* * *

Section 3. KZC 53.12.010, and the corresponding portions of Ordinance No. O-4948 § 39 (Exh. D) (2026), is hereby repealed, and the section number shall be reserved.

Section 4. KZC 53.12.020, and the corresponding portions of Ordinance No. O-4948 § 39 (Exh. D) (2026), is hereby repealed, and the section number shall be reserved.

Section 5. KZC 54.18.110, and the corresponding portions of Ordinance No. O-4702 § 1 (2007), related to the use chart for the North Rose Hill Business District (NRHBD) 2 Zone, is hereby amended as follows:

54.18 Use Zone Chart – NRHBD 2 Zone.

Section 54.18 NRHBD 2	USE ⇩	REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
			Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)		Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDs (See Ch. 115)			Lot Coverage	Height of Structure				
					Front	Side	Rear						
* * *													
.110	Public Park		Development standards will be determined on a case-by-case basis. See Chapter 49 45.50 KZC for required review process.										

Section 6. KZC 83.70, and the corresponding portions of Ordinance No. O-4251 § 3 (2010), is hereby amended as follows:

83.70 Severability.

1. The standards, procedures, and requirements of this chapter are the minimum necessary to promote the health, safety, and welfare of the residents of Kirkland. The City is free to adopt more rigorous or different standards, procedures, and requirements whenever this becomes necessary.

2. The Act and this chapter adopted pursuant thereto comprise the basic state and City laws regulating use of shorelines. ~~In the event provisions of this chapter conflict with other applicable City policies or regulations, the more restrictive shall prevail.~~ Should any section or provision of this chapter be declared invalid, such decision shall not affect the validity of this chapter as a whole.

Section 7. KZC 92.28, and the corresponding portions of Ordinance No. O-4922 § 28 (part) (2026), is hereby amended as follows:

92.28 Building Material, Color and Detail.

* * *

3. *Prohibited Materials – All Zones.* The following materials may not be used on any ~~exterior surface~~ element of the development ~~which~~ that is visible from any area beyond the subject property:

a. Mirrored glass and other highly reflective materials.

b. Corrugated fiberglass.

c. Chain link fencing, except for temporary purposes, such as during construction.

* * *

Section 8. KZC 95.25, and the corresponding portions of Ordinance No. O-4905 § 5 (Ex. E) (2025), is hereby amended as follows:

95.25 Private Property – Tree Removal, Not Associated with Development Activity.

* * *

5. Tree Removal on Private Property Prior to Development Permit Submittal. With the exception of approved removals of hazard trees or nuisance trees, the City will not accept any development permit application with a pending tree removal permit or tree removal notification. In addition, the City will not accept a development permit for Detached Dwelling Units, middle housing, residential lot splits, short plats or subdivisions for a property for a period of 12 months following the most recent removal of a regulated tree or a period of 24 months following the most recent removal of a landmark tree.

The Planning and Building Director may grant an exception and accept a development permit application in unusual and extraordinary circumstances. The Director shall review the exception request and either approve or deny the request based on the following:

a. A review of available public information; and
b. A certified declaration from the owner stating that they were not aware the property would be developed at the time of tree removal and description of the unusual or extraordinary circumstances.

If the owner is deceased or incapable of signing the declaration in subsection (5)(b) of this section, the Director may approve a declaration signed by the owner's representative. The party planning to develop the property cannot be the owner's representative.

* * *

Section 9. KZC 105.47, and the corresponding portions of Ordinance No. O-4905 § 6 (Ex. F) (2025) is hereby amended as follows:

105.47 Driveways in Low Density Zones.

~~Except for garages accessed from an alley, garages serving detached dwelling units in low density zones shall provide a minimum driveway depth of 20 feet between the garage and the access easement, tract, or right-of-way providing access to the garage. This dimension may be reduced if the Planning Official or Public Works Official determines that the reduction will not:~~

~~1. Impede vehicular or pedestrian use of the easement, tract, or right-of-way by other users; and~~

~~2. Impede emergency vehicle movement through the easement, tract, or right-of-way.~~

1. Garages serving detached dwelling units, dwelling units approved as Middle Housing under Chapter 113, and Accessory Dwelling Units approved under Chapter 115 shall provide the following minimum driveway depths between the garage door and the serving access:

a. 20 feet if served by a right-of-way other than an alley; or

b. 5 feet if served by an access or driveway easement or tract, provided that a "no parking" restriction is recorded over the driveway. No driveway in this scenario may be greater than 5 feet and less than 20 feet in depth.

2. These driveway dimensional standards may be modified if the Planning Official or Public Works Official determines that the modification will not:

a. Impede vehicular or pedestrian use of the easement, tract, or right-of-way by other users; and

b. Impede emergency vehicle movement through the easement, tract, or right-of-way.

Section 10. KZC 110.65, and the corresponding portions of Ordinance No. O-4001 § 1 (2005), is hereby amended as follows:

110.65 Engineering Standards.

The Public Works Director is directed to develop and keep current full engineering pre-approved plans and policies for all improvements in the right-of-way. The applicant shall comply with these standards and specifications for all improvements in the right-of-way. These standards and specifications are available for public inspection and copying in the Public Works Department during regular business hours or at the City of Kirkland's website ~~www.ci.kirkland.wa.us~~.

Section 11. KZC 110.70, and the corresponding portions of Ordinance No. O-4001 § 1 (Ex. A) (2005), is hereby amended as follows:

110.70 Modifications, Deferments and Waivers, and Construction-in-Lieu.

* * *

3. Modifications – The City may require or grant a modification to requirements of this chapter ~~the nature or extent of any required improvement for~~ in any of the following ~~reasons~~ circumstances:

a. Improvements

1~~a~~. If the improvement as required would not match the existing improvements.

2~~b~~. If unusual topographic or physical conditions preclude the construction of the improvements as required.

3~~c~~. If other unusual circumstances preclude the construction of the improvements as required.

4~~d~~. If the City and a neighborhood ~~has~~ have agreed upon a modified standard for a particular street (see the Public Works Pre-Approved Plans and Policies Notebook for a description of the Neighborhood Access Street Improvement Modification and Waiver Process).

b. Right-of-Way Dedications

1. With a division of land, the City may, at the discretion of the Public Works Director, allow the applicant to provide a public right-of-way easement instead of a right-of-way dedication. If this type modification is authorized, the area of the easement cannot be included in subsequent lot size and density calculations and the easement line interior to the lot shall be treated as the property line for measuring setbacks.

* * *

Section 12. KZC 113.25 and the corresponding portions of Ordinance No. O-4948 § 46 (Ex. K) (2026),is hereby amended as follows:

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

	Cottage and Carriage Units	Multiplex, Townhouses, Stacked Flats
* * *		
Land Division	Subdivision[8] Residential Lot Split Condominium	
* * *		

* * *

8. Units may be subdivided via the subdivision process in KMC Title 22. Units may only be subdivided if they are not stacked.

* * *

Section 13. KZC 115.33, and the corresponding portions of Ordinance No. O-4551 § 4 (2016), is hereby amended as follows:

115.33 Electric Vehicle Infrastructure.
1. *Purpose and Intent* – It is the intent of these development regulations to encourage the use and viability of electric vehicles as they have been identified as a solution to energy independence, cleaner air and significantly lower greenhouse gas emissions.

Electric vehicles need access to electric vehicle infrastructure (EVI) in appropriate locations. In 2009 the Washington State Legislature passed House Bill 1481 relating to electric vehicles. The bill addressed EVI which includes the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

The purpose of the development regulations in this section is to meet the state of Washington requirements and to also allow battery charging stations and battery exchange stations in appropriate use zones throughout the ~~C~~city.

2. *General* – This section establishes where the components of electric vehicle infrastructure are allowed within the ~~C~~city.

~~Exceptions – Electric vehicle infrastructure may not be located in critical areas, their buffer or buffer setbacks.~~

3. *All Use Zones.* Level I and Level II battery charging stations are allowed as an accessory use to an approved use within all use zones.

4. *Commercial Zones.*
   a. A battery exchange station is allowed as an accessory use to all commercial zones where repair or maintenance of vehicles is permitted.
   b. A rapid battery (Level III) charging station is allowed as an accessory use to all commercial zones where repair and maintenance of vehicles is permitted including gas stations.

5. *Industrial Zones.*
   a. A rapid battery (Level III) charging station is allowed as an accessory use to an approved use within the Light Industrial Technology (LIT) or other Industrial zones where repair and maintenance of vehicles is permitted.
   b. A battery exchange station is allowed as an accessory use to an approved use within the Light Industrial Technology (LIT) or other Industrial zones where repair and maintenance of vehicles is permitted.

6. *Institutional Uses* – A rapid battery charging station (Level III) is allowed as an accessory use to an approved institutional use.

7. Signage is required to identify a charging station for the exclusive use of an electric vehicle. On-site signage shall also be required to provide directional assistance. (See Plate 45 in Chapter 180 KZC).

Section 14. KZC 115.42, and the corresponding portions of Ordinance No. O-4905 § 10 (2025), is hereby amended as follows:

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

* * *

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

a. An additional five percent F.A.R. above the maximum F.A.R. for the zone will be allowed for a subject property if at least two of the design elements below are used in the design and construction of all dwelling units on the subject property:

1) With the exception of accessory features, all roof forms ~~for all structures~~ of every dwelling unit consist of ridgelines peaked near the center of the ~~structure~~ subject dwelling unit, with a minimum pitch of four feet vertical to 12 feet horizontal.

2) All structures are set back from side property lines by at least seven and one-half feet, except for improvements that are allowed to extend into the setback pursuant to KZC 115.115.

3) The gross floor area of ~~any~~ each floor above the ground floor~~,~~ of every dwelling unit ~~including any accessory structures with floors above ground floor,~~ shall be ~~reduced by a minimum of 15 percent of the~~ no more than 85 percent of the floor area of the ground floor ~~on a per structure basis~~ of that dwelling unit.

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

Section 15. KZC 115.45, and the corresponding portions of Ordinance No. O-4905 § 10 (2025), is hereby amended as follows:

115.45 Garbage and Recycling Receptacles and Enclosures – Storage Space, Placement and Screening.

* * *

5. Exemptions.

a. Detached Dwelling Units, middle housing, moorage facilities, parks, and construction sites are exempt from the requirements of this section.

b. A Public Works official may approve an exemption to the requirements of this section if the applicant proposes alternative, workable measures that meet the intent of this section.

Section 16. KZC 115.90, and the corresponding portions of Ordinance No. O-4913 § 22 (2025), is hereby amended as follows:

115.90 Calculating Lot Coverage.

* * *

3. *Partially Exempt Materials.* 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.

a. Pavers no larger than 10 inches by 10 inches per individual paver.

b. Grassed modular grid pavement.

c. Open ~~grid~~ decking over non-hardscaped area.

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

Section 17. KZC 115.120, and the corresponding portions of Ordinance No. O-4855 § 1 (2023), is hereby amended as follows:

115.120 Rooftop Appurtenances.

The intent of these rooftop appurtenance regulations is to specify height allowances for such items above the maximum height of structure. Regulations for rooftop appurtenances recognize that the rooftop can be a practical place for building utilities and that access to rooftops often requires additional height.

1. Scope – The regulations contained in this section apply to all construction except: (a) ~~single-family residential~~ Detached Dwelling Units and Middle Housing, and (b) personal wireless service facilities regulated by Chapter 117 KZC.

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

* * *

Section 18. KZC 165.45, and the corresponding portions of Ordinance No. O-4491 § 3 (2015), is hereby amended as follows:

165.45 Hearing Examiner – Rules of Procedure.

The Hearing Examiner shall establish rules of procedure for the efficient and fair conduct of matters that come before ~~him/her~~ them. These rules must be consistent with state law and City ordinances. A copy of these rules of procedure is available on the City's website. ~~for inspection and copying in the Planning and Building Department during regular business hours.~~

Section 19. KMC 15.24.040, and the corresponding portions of Ordinance No. O-3766 § 1 (2000), is amended as follows:

15.24.040 Hydrant meter water usage rates.

The use of any fire hydrant for domestic use without a city-issued hydrant water meter is prohibited. A hydrant water meter may be obtained through the water department and is subject to the ~~following~~ fees established in KMC 5.74.040.~~:~~ A water filing station permit may be obtained from the City in order to use the City's water filling station, for which water usage is charged at the "sprinkler consumption charge" rate set forth in Table 15.24.020.

~~Hydrant Meters~~			
~~Deposits:~~			
	~~3/4-inch~~		~~$450.00~~
	~~2-inch~~		~~$900.00~~
~~Water consumption rates:~~			
	~~At the current sprinkler consumption charge and a monthly minimum fee of:~~		
		~~3/4-inch~~	~~$5.00~~
		~~2-inch~~	~~$20.00~~
~~Water fill station permit:~~			
	~~At the current sprinkler consumption charge with a $10.00 minimum.~~		
~~The "current sprinkler consumption charge" is the rate set forth in Table 15.24.020.~~			

Section 20. KMC 5.74.040, and the corresponding portions of Ordinance No. O-4808 § 1 (2022), related to fees charged by the public works department, is amended to include at the end of the fee schedule the following information related to hydrant meter fees:

Fee Type	Fee Amount
Hydrant Meter:	Current fees are published online: https://www.kirklandwa.gov/Government/Departments/Development-Services-Center/Tools-and-Resources/All-Forms-Publications-Fees
Deposit	
Rental and Water Consumption Rate	

Section 21. KMC 15.28.100, and the corresponding portions of Ordinance No. O-3068 § 11 (1988), is amended as follows:

15.28.100 Permits—Term—Renewal.

No permit issued under this chapter shall be valid for a longer period than ~~one year~~ six (6) months unless extended or renewed by the city engineer prior to expiration. Upon application, permits may be extended for an additional three (3) months at the additional fee of one-half of the original permit fee, provided the extension is applied for prior to the expiration of the original permit. Permits that expire after the three (3) month extension period may be renewed in three (3) month increments, if the work has been started, at the additional fee of one-half of the original permit fee per three (3) month extension. Permits that have expired after the three (3) month extension, where the work has not physically started, shall apply for a new permit. Failure to renew the permit prior to expiration thereof shall require the payment of a new permit fee.

Section 22. KMC 19.12.070, and the corresponding portions of Ordinance No. O-4600 § 3 (2017), is amended as follows:

19.12.070 Permit—Expiration.

Every permit issued by the public works department under the provisions of this chapter shall expire ~~ninety days~~ six (6) months after issuance of the permit; however, in no case shall a project take longer than fifteen days to complete after starting work in the right-of-way, unless the director of public works or their designee approves a longer period of time.

Section 23. KMC 19.12.110, and the corresponding portions of Ordinance No. O-2606 § 1 (part) (1981), is amended as follows:

19.12.110 Permit renewals.

Permits ~~which have expired~~ may be extended ~~renewed~~ for ~~fifteen additional days~~ an additional three (3) months at the additional fee of one-half of the original permit fee, provided the ~~renewal permit~~ extension is applied for prior to the expiration of the original permit. Permits that expire after the three (3) month extension period may be renewed in three (3) month increments, if the work has been started, at the additional fee of one-half of the original permit fee per three (3) month extension. Permits that have expired after the three (3) month extension, where the work has not physically started, shall apply for a new permit.

Section 24. KMC 22.22.010, and the corresponding portions of Ordinance No. O-4907 § 11 (2025), is amended as follows:

22.22.010 Purpose.

A unit lot subdivision allows a division of land related to a specific residential development proposal on a parent lot into separately owned unit lots pursuant to RCW 58.17.060(3), and as an alternative to condominium ownership permitted pursuant to Chapter 64.90 RCW.

Unit lot subdivisions allow for more flexible creation of lots of varying sizes and mixtures of housing types, including but not limited to attached, ~~and~~ detached, stacked ~~units~~, and accessory dwelling units; provided, that while an individual unit lot may contain multiple dwelling units, no unit lot unit may be located vertically above or below another unit lot. ~~no dwelling units are stacked on another dwelling unit or another use~~. Development on individual unit lots is not required to conform with all development standards that typically apply to individual lots as long as the parent lot conforms to all such development standards.

Section 25. The Land Use Fee Schedule established in KMC 5.74.070(a) will include a fee for a unit lot subdivision permit, which will be $13,790 in 2026.

Section 26. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 27. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication as required by law, in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 4th day of November, 2026.

Signed in authentication thereof this 4th day of November, 2026.

Kelli Curtis, Mayor

Attest:

Anastasiya Warhol, City Clerk

Publication Date: November 9, 2026

Approved as to Form:

Darcey Eilers, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4956

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO MISCELLANEOUS UPDATES REGARDING ZONING AND LAND USE; AMENDING THE CITY OF KIRKLAND ZONING CODE, INCLUDING CHAPTERS 5, 35, 53, 54, 83, 92, 95, 105, 110, 113, 115, AND 165; AND AMENDING THE KIRKLAND MUNICIPAL CODE, INCLUDING CHAPTERS 5.74, 15.24, 15.28, 19.12, AND 22.22; FILE NO. CAM26-00716.

SECTION 1. Amends Kirkland Zoning Code (KZC) 5.10.015 clarifying the definition of "Accessory."

SECTION 2. Amends KZC 35.30 related to density and dimensions.

SECTION 3. Repeals KZC 53.12.010.

SECTION 4. Repeals KZC 53.12.020.

SECTION 5. Amends KZC 54.18.110 amending the use zone chart.

SECTION 6. Amends KZC 83.70 related to shoreline management severability.

SECTION 7. Amends KZC 92.28 related to prohibited materials.

SECTION 8. Amends KZC 95.25 related to tree removal on private property prior to development permit submittal.

SECTION 9. Amends KZC 105.47 related to driveways in low density zones.

SECTION 10. Amends KZC 110.65 related to engineering standards.

SECTION 11. Amends KZC 110.70 related to modifications, deferments and waivers, and construction-in-lieu.

SECTION 12. Amends KZC 113.25, adds "residential lot split" to the development standards chart.

SECTION 13. Amends KZC 115.33 related to electric vehicle infrastructure.

SECTION 14. Amends KZC 115.42 related to design-based F.A.R bonus.

SECTION 15. Amends KZC 115.45 related to storage space, placement, and screening of garbage and recycling receptacles and enclosures.

SECTION 16. Amends KZC 115.90 related to calculating lot coverage.

SECTION 17. Amends KZC 115.120 related to rooftop appurtenances.

SECTION 18. Amends KZC 165.45 related to hearing examiner rules of procedure.

SECTION 19. Amends KMC 15.24.040 related to hydrant meter water usage rates.

SECTION 20. Amends KMC 5.74.040 related to fees charged by the public works department.

SECTION 21. Amends KMC 15.28.100 related to permits, timelines, and renewal.

SECTION 22. Amends KMC 19.12.070 related to permit expiration.

SECTION 23. Amends KMC 19.12.110 related to permit renewals.

SECTION 24. Amends KMC 22.22.010 related to unit lot subdivisions.

SECTION 25. Establishes a fee for a unit lot subdivision permit.

SECTION 26. Provides a severability clause for the ordinance.

SECTION 27. Authorizes publication of the ordinance by summary and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 4th day of November, 2026.

I certify that the foregoing is a summary of Ordinance O-4956 approved by the Kirkland City Council for summary publication.

Anastasiya Warhol

Anastasiya Warhol, City Clerk