ORDINANCE O-4905

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE O-3719 AS AMENDED, INCLUDING CHAPTERS 5, 15, 20, 25, 95, 105, 110, 112, 113, 115, 162, AND 180; FILE NO. CAM2400561.

WHEREAS, the City Council received a recommendation from the Kirkland Planning Commission to amend certain sections of the Kirkland Zoning Code (KZC), as set forth in the staff memo dated May 14, 2025, containing the recommendation of the Planning Commission and bearing Kirkland Planning and Building Department File No. CAM24-00561; and

WHEREAS, following public notice required by KZC 160.40, the Planning Commission held a public hearing on May 8, 2025, regarding the proposed amendments, and received public comment before making its recommendation; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has been a SEPA Addendum to the 2015 Comprehensive Plan Update and Totem Lake Planned Action and Final Environmental Impact Statement (EIS), the NE 85th St Station Area Planned Action Final Supplemental EIS, and the 2044 Comprehensive Plan Update Final Supplemental EIS issued by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in a public meeting on June 3, 2025, the City Council considered the SEPA determination made by the City's SEPA Responsible Official and the Planning Commission recommendation.

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

Section 1. Chapter 5 of the Kirkland Zoning Code is amended as set forth in Exhibit A to this ordinance and incorporated by reference, with new text shown by underline, deletions shown by ~~strikethrough~~, and skipped sections shown by three asterisks (* * *); all other provisions of these sections remain unchanged and in full force.

Section 2. Chapter 15 of the Kirkland Zoning Code is amended as set forth in Exhibit B to this ordinance and incorporated by reference, with legislative changes shown as described in Section 1; all other provisions of these sections remain unchanged and in full force.

Section 3. Chapter 20 of the Kirkland Zoning Code is amended as set forth in Exhibit C to this ordinance and incorporated by reference, with legislative changes shown as described in Section 1; all other provisions of these sections remain unchanged and in full force.

Section 4. Chapter 25 of the Kirkland Zoning Code is amended as set forth in Exhibit D to this ordinance and incorporated by reference, with legislative changes shown as described in Section 1; all other provisions of these sections shall remain unchanged and in full force.

Section 5. Chapter 95 of the Kirkland Zoning Code is amended as set forth in Exhibit E to this ordinance and incorporated by reference, with legislative changes shown as described in Section 1; all other provisions of these sections shall remain unchanged and in full force.

Section 6. Chapter 105 of the Kirkland Zoning Code is amended as set forth in Exhibit F to this ordinance and incorporated by reference, with legislative changes shown as described in Section 1; all other provisions of these sections shall remain unchanged and in full force.

Section 7. Chapter 110 of the Kirkland Zoning Code is amended as set forth in Exhibit G to this ordinance and incorporated by reference, with legislative changes shown as described in Section 1; all other provisions of these sections shall remain unchanged and in full force.

Section 8. Chapter 112 of the Kirkland Zoning Code is amended as set forth in Exhibit H to this ordinance and incorporated by reference, with legislative changes shown as described in Section 1; all other provisions of these sections shall remain unchanged and in full force.

Section 9. Chapter 113 of the Kirkland Zoning Code is amended as set forth in Exhibit I to this ordinance and incorporated by reference, with legislative changes shown as described in Section 1; all other provisions of these sections shall remain unchanged and in full force.

Section 10. Chapter 115 of the Kirkland Zoning Code is amended as set forth in Exhibit J to this ordinance and incorporated by reference, with legislative changes shown as described in Section 1; all other provisions of these sections shall remain unchanged and in full force.

Section 11. Chapter 162 of the Kirkland Zoning Code is amended as set forth in Exhibit K to this ordinance and incorporated by reference, with legislative changes shown as described in Section 1; all other provisions of these sections shall remain unchanged and in full force.

Section 12. Chapter 180 of the Kirkland Zoning Code is amended as set forth in Exhibit L to this ordinance and incorporated by reference, with legislative changes shown as described in Section 1; all other provisions of these sections shall remain unchanged and in full force.

Section 13. 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 14. This ordinance shall be in 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.

Passed by majority vote of the Kirkland City Council in open meeting this 17th day of June, 2025.

Signed in authentication thereof this 17th day of June, 2025.

Kelli Curtis, Mayor

Attest:

Emilee Ferguson, Acting City Clerk

Approved as to Form:

Darcey Eilers, City Attorney

Publication Date: June 27, 2025

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4905

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE O-3719 AS AMENDED, INCLUDING CHAPTERS 5, 15, 20, 25, 95, 105, 112, 113, 115, 115, 162, 180; FILE NO. CAM24-00561.

SECTIONS 1 - 5. Provide amendments to the Kirkland Zoning Code related to middle housing, including authorizing middle housing in low-, middle-, and high- density residential zones and adopting definitions and ensuring consistency in definition usage throughout the code.

SECTIONS 6-7. Provide amendments to the Kirkland Zoning Code revising standards for parking, vehicle and pedestrian access, and right-of-way and other improvements related to middle housing.

SECTION 8. Provides amendments to the Kirkland Zoning Code related to affordable housing incentives for single-family residential development.

SECTIONS 9-12. Provide amendments to the Kirkland Zoning Code related to middle housing development regulations.

SECTION 13. Provides a severability clause for the ordinance.

SECTION 14. 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 17th day of June, 2025.

I certify that the foregoing is a summary of Ordinance O-4905 approved by the Kirkland City Council for summary publication.

Emilee Ferguson, Acting City Clerk

Chapter 5 – DEFINITIONS

Sections:

5.05 User Guide
5.10 Definitions

5.05 User Guide

The definitions in this chapter apply for this code. Also see definitions contained in Chapter 83 KZC for shoreline management, Chapter 95 KZC for tree management and required landscaping, and Chapter 113 KZC for middle housing ~~cottage, carriage and two/three-unit homes~~ that are applicable to those chapters.

5.10 Definitions

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

***

.480 Lot

A parcel of land having fixed boundaries, sufficient in area and dimension to meet zoning requirements for width and area, having common ownership and not severed by an existing public right-of-way. "Lot" does not include a unit lot as defined in KMC Title 22, subdivisions.

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.497 Major Transit Stop

A transit stop for a bus rapid transit route, including stops that are under construction, and other transit service stops as defined in Chapter 36.70A.030 RCW.

***

.524 Middle Housing

A range of housing types that contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, and cottage housing as regulated by Chapter 113 KZC.

.525 Middle Housing Project Site

A lot or parcel or collection of contiguous lots or parcels under the same ownership, or owned by a related party, that concurrently develops middle housing pursuant to Chapter 113 KZC.

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.758 Related Party

A "related party" encompasses, but is not limited to, the following relationships:

1. Individuals who are members of the same family.
2. An individual and a corporation or other legal entity where the individual holds, either directly or indirectly, a controlling interest exceeding 50%.
3. Two or more corporations or other legal entities that are part of the same controlled group.
4. The grantor and the fiduciary of any trust arrangement.
5. A corporation and a partnership where the same individuals possess more than 50% of the corporation's value and more than 50% of the partnership's capital or profits interest.

The City shall apply the definition of related party to all development applications.

The federal Internal Revenue Code, IRC Section 267, provides additional definitions that may be used to determine "related party" status.

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.921 Tandem Parking

Having two or more vehicle parking spaces, one in front of or behind the others, with a single means of ingress and egress.

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CHAPTER 15 – LOW DENSITY RESIDENTIAL ZONES (RS, RSX, RSA, WD II, PLA 3C, PLA 6E, PLA 16)

***

15.05.020 Common Code References

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.

2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.

3. For properties within the Holmes Point (HP) Overlay Zone, see Chapter 70 KZC for additional regulations.

4. Review processes, density/dimensions and development standards for shoreline uses (RS, RSA, WD II, PLA 3C zones) can be found in Chapter 83 KZC, Shoreline Management.

5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with Attached Dwelling Units in PLA 3C and Detached Dwelling Unit uses.

6. A hazardous liquid pipeline is located near the RSX 35 zone in the Bridle Trails neighborhood along the eastern boundary of the City, and extends through or near the RSA 1, 4, 6 and 8 zones in the vicinity of 136th Avenue NE. Refer to Chapter 118 KZC for regulations pertaining to properties near hazardous liquid pipelines.

7. Garages shall comply with the requirements of KZC 115.43.

8. For properties within the Goat Hill (GH) Overlay Zone, see Chapter 71 KZC for additional regulations.

9. Middle housing is permitted as an alternative to the Detached Dwelling Unit use, see Chapter 113 KZC for additional regulations.

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15.20 Permitted Uses

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

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

		Required Review Process: I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)						
Use		**RS**	**RSX**	**RSA**	**WD II**	**PLA 3C**	**PLA 6E**	**PLA 16**
15.20.010	Attached Dwelling Units	NP	NP	NP	NP	I 1	NP	NP
15.20.020	Church	2, 4c	2, 4c	2, 4c, 13	NP	IIA 4c	2, 4c	IIA
15.20.030	Commercial Equestrian Facility	NP	NP	NP	NP	NP	NP	IIB 5
15.20.040	Commercial Recreation Area and Use	NP	NP	NP	NP	NP	NP	IIB 6
15.20.050	Community Facility	2, 4b	2, 4b	2, 4b	IIA 4b	IIA 4b	2	IIA

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

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

		Required Review Process: I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)						
Use		**RS**	**RSX**	**RSA**	**WD II**	**PLA 3C**	**PLA 6E**	**PLA 16**
15.20.060	Detached Dwelling Unit	None 22, 23	None 22, 23	None 8, 9, 21, 22, 23	None 8, 11	None 22, 23	None 8, 22, 23	None 7, 8, 22, 23
15.20.070	Golf Course	IIA 4b, 12	IIA 4b, 12	IIA 4b, 12, 13	NP	NP	NP	NP
15.20.080	Government Facility	2, 4b	2, 4b	2, 4b	IIA 4b	IIA 4b	2	IIA
15.20.090	Mini-School or Mini-Day-Care Center	I 4a, 4b, 14, 15, 16, 18	I 4a, 4b, 14, 15, 16, 18	I 4a, 4b, 13, 14, 15, 16, 18	NP	I 4a, 4b, 14, 15, 16, 18	None 15, 16, 17, 18, 19	None 15, 16, 17, 18, 19

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

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

		Required Review Process: I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)						
Use		**RS**	**RSX**	**RSA**	**WD II**	**PLA 3C**	**PLA 6E**	**PLA 16**
15.20.100	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	NP	NP	I 10	10	NP	NP	NP
15.20.110	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50.						
15.20.120	Public Utility	2, 4b	2, 4b	2, 4b	IIA 4b	IIA 4b	2	IIA
15.20.130	School or Day-Care Center	2, 4, 14, 16, 18, 20	2, 4, 14, 16, 18, 20	2, 4, 13, 14, 16, 18, 20	NP	IIA 4, 14, 16, 18, 20	2, 4, 14, 16, 18, 20	IIA 16, 17, 18, 19, 20

Permitted Uses (PU) Special Regulations:

PU-1. a. No more than two units may be attached to each other.

b. Attached dwelling units must be designed to look like a detached single-family house using such techniques as limiting the points of entry on each facade, providing pitched roofs and covered porches.

PU-2. The required review process is as follows:

a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC.

b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping.

PU-3. Reserved.

PU-4. May locate on the subject property only if:

a. It will not be materially detrimental to the character of the neighborhood in which it is located.

b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.

c. The property is served by a collector or arterial street (does not apply to existing school sites).

PU-5. a. This use may include arenas, stables, roaming and grazing areas, club house and ancillary equestrian facilities.

b. This use must comply with KZC 80.30 through 80.45.

c. An improved public equestrian access trail through the subject property and appropriate public signing must be provided. The trail must be located and designed to allow for an eventual connection between NE 60th Street and Bridle Trails State and King County Parks.

PU-6. a. This use may include activities such as: indoor and outdoor tennis courts, club house, swimming pool, other sport court games and ancillary commercial recreation activities.

b. Hours of operation may be limited by the City to reduce impacts on residential uses.

c. Vehicular and pedestrian circulation to and from the property shall be coordinated with the other properties in the vicinity to the maximum extent possible.

PU-7. If lot size is less than 35,000 square feet, then Process IIB, Chapter 152 KZC.

PU-8. For this use, only one dwelling unit may be on each lot regardless of the size of the lot, unless the lot is being developed pursuant to the cottage, carriage, or two/three-unit homes regulations in Chapter 113 KZC.

PU-9. Residential uses abutting Lake Washington may have an associated private shoreline park that is commonly or individually owned and used by residents and guests.

PU-10. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.

PU-11. At the northern terminus of the 5th Avenue West vehicular access easement, the average parcel depth shall be measured from the ordinary high water mark to the public pedestrian access easement providing access to Waverly Beach Park.

PU-12. a. May not include miniature golf.

b. The following accessory uses are specifically permitted as part of this use:

1) Equipment storage facilities.

2) Retail sales and rental of golf equipment and accessories.

3) A restaurant.

PU-13. This use is not permitted on properties within the jurisdiction of the Shoreline Management Act.

PU-14. Hours of operation and maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses.

PU-15. Structured play areas must be set back from all property lines by five feet.

PU-16. May include accessory living facilities for staff persons.

PU-17. May locate on the subject property if:

a. It will serve the immediate neighborhood in which it is located; or

b. It will not be materially detrimental to the character of the neighborhood in which it is located.

PU-18. A six-foot-high fence is required along the property lines adjacent to the outside play areas.

PU-19. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.

PU-20. Structured play areas must be set back from all property lines as follows:

a. Twenty feet if this use can accommodate 50 or more students or children.

b. Ten feet if this use can accommodate 13 to 49 students or children.

PU-21. For properties zoned RSA 4 within the Goat Hill (GH) Overlay Zone, only one dwelling unit is permitted on each lot except for one attached accessory dwelling unit. See Chapter 71 KZC, Goat Hill Overlay Zone, for additional regulations.

PU-22. Middle housing is permitted an alternative to Detached Dwelling Units, see Chapter 113, KZC.

PU-23. Accessory Dwelling Units are permitted as an accessory use, see Chapter 115.07, KZC.

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CHAPTER 20 – 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)

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20.05.020 Common Code References

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.

2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.

3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.

4. Development may be limited by Chapter 83 or 90 KZC regarding development near streams, lakes, wetlands, fish and wildlife habitat conservation areas and frequently flooded areas. The site must be designed to concentrate development away from and to minimize impact on these critical areas.

5. Refer to Chapter 85 KZC for regulations regarding development on property containing an unstable slope.

6. Refer to KZC 90.90 for regulations regarding Forbes Lake.

7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living Facility; Detached, Attached or Stacked Dwelling Units; Detached Dwelling Unit and Hotel or Motel uses.

8. Chapter 115 KZC contains regulations regarding common recreational space requirements for Detached, Attached, or Stacked Dwelling Units uses.

9. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.

10. A hazardous liquid pipeline extends through or near the RMA 2.4 and RMA 3.6 zones in the vicinity of 136th Avenue NE. Refer to Chapter 118 KZC for regulations pertaining to properties near hazardous liquid pipelines.

11. Middle housing is permitted as an alternative to the Detached Dwelling Unit use, see Chapter 113 KZC for additional regulations.

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20.20 Permitted Uses

Permitted Uses 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 20.30, Density/Dimensions Table, and KZC 20.40, Development Standards Table)

		Required Review Process: I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
Use		**RM, RMA**	**WD I**	**WD III**	**PLA 2**	**PLA 3B**	**PLA 6F**	**PLA 6H**	**PLA 6K**	**PLA 7C**	**PLA 9**	**PLA 15B**	**PLA 17**
20.20.010	Assisted Living Facility	None 1, 2, 3, 4, 5	I 3, 4	I 3, 4	NP	IIB 3, 4	None 3, 4, 5	IIA 3, 4, 5	None 3, 4, 5	None 3, 4, 5	NP	NP	IIA 3, 4, 5, 8
20.20.020	Boat Launch (for	NP	I 6	I 6	NP	NP	NP	NP	NP	NP	NP	NP	NP

Permitted Uses 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 20.30, Density/Dimensions Table, and KZC 20.40, Development Standards Table)

		Required Review Process: I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
Use		**RM, RMA**	**WD I**	**WD III**	**PLA 2**	**PLA 3B**	**PLA 6F**	**PLA 6H**	**PLA 6K**	**PLA 7C**	**PLA 9**	**PLA 15B**	**PLA 17**
	nonmotorized boats)												
20.20.030	Church	IIA 2, 14	NP	NP	NP	NP	IIA	IIA	IIA	IIA	IIA	IIA	14, 15, 16
20.20.040	Community Facility	IIA 2, 17, 18	IIA	IIA	IIB 17	IIB	IIA	IIA	IIA	IIA	IIA	IIA 17	15, 16
20.20.050	Convalescent Center	IIA 2, 4	NP	NP	NP	NP	IIA 4	IIA 4	IIA 4	IIA 4	IIA	NP	IIA 4, 16, 17

Permitted Uses 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 20.30, Density/Dimensions Table, and KZC 20.40, Development Standards Table)

		Required Review Process: I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
Use		**RM, RMA**	**WD I**	**WD III**	**PLA 2**	**PLA 3B**	**PLA 6F**	**PLA 6H**	**PLA 6K**	**PLA 7C**	**PLA 9**	**PLA 15B**	**PLA 17**
20.20.060	Detached, Attached, or Stacked Dwelling Units	None 2, 21, 22, 23, 44	I	I 9	IIB 9	IIB 9	None	IIA	None	None	IIB 7	9, 11, 12	IIA 8, 9, 13
20.20.070	Detached Dwelling Unit	None 24, 45, 46	None	None	NP	None	None 24, 45, 46	None 24, 45, 46	None 24, 45, 46	None 24, 45, 46	None 24, 45, 46	None 45, 46	None 24, 45, 46

Permitted Uses 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)

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Use		**Required Review Process:** I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
		RM, RMA	**WD I**	**WD III**	**PLA 2**	**PLA 3B**	**PLA 6F**	**PLA 6H**	**PLA 6K**	**PLA 7C**	**PLA 9**	**PLA 15B**	**PLA 17**
						4 5, 4 6							
20.20.080	Entertainment, Cultural and/or Recreational Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	IIB 25, 26	NP	NP

Permitted Uses 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 20.30, Density/Dimensions Table, and KZC 20.40, Development Standards Table)

		Required Review Process: I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
Use		**RM, RMA**	**WD I**	**WD III**	**PLA 2**	**PLA 3B**	**PLA 6F**	**PLA 6H**	**PLA 6K**	**PLA 7C**	**PLA 9**	**PLA 15B**	**PLA 17**
20.20.090	Golf Course	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	IIA 16, 17, 19, 20
20.20.100	Government Facility	IIA 2, 17	IIA	IIA	IIA 17	IIB	IIA	IIA	IIA	IIA	IIA	IIA 17	15, 16
20.20.110	Grocery Store, Drug Store, Laundromat, Dry Cleaner	IIA 27	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

Permitted Uses 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 20.30, Density/Dimensions Table, and KZC 20.40, Development Standards Table)

Use		**Required Review Process:** I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
Use		**RM, RMA**	**WD I**	**WD III**	**PLA 2**	**PLA 3B**	**PLA 6F**	**PLA 6H**	**PLA 6K**	**PLA 7C**	**PLA 9**	**PLA 15B**	**PLA 17**
	s, Barber Shop, Beauty Shop or Shoe Repair Shop												
20.20.120	Hotel or Motel	NP	NP	NP	NP	IIB 10	NP	NP	NP	NP	NP	NP	NP

Permitted Uses 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 20.30, Density/Dimensions Table, and KZC 20.40, Development Standards Table)

		Required Review Process: I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
Use		**RM, RMA**	**WD I**	**WD III**	**PLA 2**	**PLA 3B**	**PLA 6F**	**PLA 6H**	**PLA 6K**	**PLA 7C**	**PLA 9**	**PLA 15B**	**PLA 17**
20.20.130	Marina	NP	I 6, 28	NP	NP	I 6, 28	NP	NP	NP	NP	NP	NP	NP
20.20.140	Mini-School or Mini-Day-Care Center	None 2, 29, 30, 31, 32, 33	NP	NP	IIB 30, 31, 33, 34, 35	NP	None 30, 31, 33, 34, 35	None 30, 31, 33, 34, 35	None 30, 31, 33, 34, 35	None 30, 31, 33, 35	IIA 30, 31, 33, 34, 35	None 30, 31, 33, 35	I 16, 30, 31, 33, 34, 36
20.20.150	Nursing Home	IIA 2, 4	NP	NP	NP	NP	IIA 4	IIA 4	IIA 4	IIA 4	IIA	NP	IIA 4, 16, 17

Permitted Uses 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 20.30, Density/Dimensions Table, and KZC 20.40, Development Standards Table)

		Required Review Process: I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
Use		**RM, RMA**	**WD I**	**WD III**	**PLA 2**	**PLA 3B**	**PLA 6F**	**PLA 6H**	**PLA 6K**	**PLA 7C**	**PLA 9**	**PLA 15B**	**PLA 17**
20.20.160	Office Use	NP	NP	NP	NP	NP	NP	NP	NP	NP	IIB 25, 37, 38, 39	NP	NP
20.20.170	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attache	I 6	I 6	I 6	NP	I 6	NP	NP	NP	NP	NP	NP	NP

Permitted Uses 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 20.30, Density/Dimensions Table, and KZC 20.40, Development Standards Table)

Use		**Required Review Process:** I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
		RM, RMA	**WD I**	**WD III**	**PLA 2**	**PLA 3B**	**PLA 6F**	**PLA 6H**	**PLA 6K**	**PLA 7C**	**PLA 9**	**PLA 15B**	**PLA 17**
	d or Stacked Dwelling Units												
20.20.180	Piers, Docks, Boat Lifts and Canopies Serving Detache	NP	I 6	I 6	NP	I 6	NP	NP	NP	NP	NP	NP	NP

Permitted Uses 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 20.30, Density/Dimensions Table, and KZC 20.40, Development Standards Table)

Use		**Required Review Process:** I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
		RM, RMA	**WD I**	**WD III**	**PLA 2**	**PLA 3B**	**PLA 6F**	**PLA 6H**	**PLA 6K**	**PLA 7C**	**PLA 9**	**PLA 15B**	**PLA 17**
	d Dwelling Unit												
20.20.190	Public Access Pier, Boardwalk, or Public Access Facility	NP	I 6	I 6	NP	I 6	NP	NP	NP	NP	NP	NP	NP

Permitted Uses 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 20.30, Density/Dimensions Table, and KZC 20.40, Development Standards Table)

		Required Review Process: I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
Use		**RM, RMA**	**WD I**	**WD III**	**PLA 2**	**PLA 3B**	**PLA 6F**	**PLA 6H**	**PLA 6K**	**PLA 7C**	**PLA 9**	**PLA 15B**	**PLA 17**
20.20.200	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50											
20.20.210	Public Utility	IIA 2, 17, 18	IIA	IIA	IIA 17	IIB	None	IIA	IIA	IIA	IIA	IIA 17	15, 16
20.20.220	Restaurant or Tavern	NP	IIA 41, 42	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

Permitted Uses 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 20.30, Density/Dimensions Table, and KZC 20.40, Development Standards Table)

		Required Review Process: I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)											
Use		**RM, RMA**	**WD I**	**WD III**	**PLA 2**	**PLA 3B**	**PLA 6F**	**PLA 6H**	**PLA 6K**	**PLA 7C**	**PLA 9**	**PLA 15B**	**PLA 17**
20.20.230	School or Day-Care Center	IIA 2, 29, 30, 32, 33, 43	NP	NP	NP	NP	IIA 30, 33, 34, 35, 43	IIA 30, 33, 34, 35, 43	IIA 30, 33, 34, 35, 43	IIA 30, 33, 35, 43	IIA 30, 33, 34, 35, 43	IIA 30, 33, 34, 35, 43	15 16, 30, 33, 34, 36, 43
20.20.240	Water Taxi	NP	I 6	I 6	NP	NP	NP	NP	NP	NP	NP	NP	NP

Permitted Uses (PU) Special Regulations:

PU-1. Not permitted in RM 5.0 or RMA 5.0.

PU-2. Within the Rose Hill Business District (RHBD), D.R., Chapter 142 KZC

PU-3. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.

PU-4. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is combined with an assisted living facility use, the required review process shall be the least intensive process between the two uses.

PU-5. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside.

PU-6. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.

PU-7. Stacked Dwelling Units are not allowed.

PU-8. a. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation.

b. West of Forbes Lake, site design should provide for the continuation of a bicycle or pedestrian path which generally follows the alignment of Slater Avenue NE and extending south to NE 90th Street.

c. Adjacent to Forbes Lake, new development should provide for public access to the lake in appropriate locations. Public access should be limited to passive uses, such as walking trails or viewpoints.

d. No vehicular connection through this subarea to NE 90th Street is permitted.

e. Viewpoints and interpretive information around streams and wetlands should be provided where possible. These features shall be permitted only where protection of natural features can be reasonably assured.

PU-9. Detached Dwelling Units are not allowed as part of a development containing Attached or Stacked Dwelling Units.

PU-10. a. The hotel or motel use may include ancillary meeting and conference facilities for the resident clientele and guests of residents, but not the general public.

b. The hotel or motel use may not include restaurant, retail, or office uses.

PU-11. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA 15A and PLA 15B, which are owned by the applicant. The Master Plan will be approved in two stages:

a. The first stage will result in approval of a Preliminary Master Plan using Process IIB, Chapter 152 KZC. The Preliminary Master Plan shall consist of at least the following:

1) A site plan which diagrammatically shows the general location, shape and use of the major features of development.

2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the Final Master Plan. The majority of the public use and access areas and off-site right-of-way improvements shall be included in the initial phases of the Final Master Plan.

In approving the Preliminary Master Plan, the City shall determine the appropriate review process for the Final Master Plan. The City may determine that the Final Master Plan be reviewed using Process IIA, Chapter 150 KZC, if the Preliminary Master Plan shows the placement, approximate dimensions and uses of all structures, vehicular and pedestrian facilities, open space and other features of development.

Otherwise, the Final Master Plan shall be reviewed using Process IIB, Chapter 152 KZC.

b. The second stage will result in approval of a Final Master Plan using Process IIA, Chapter 150 KZC, or Process IIB, Chapter 152 KZC, as established by the Preliminary Master Plan. The Final Master Plan shall set forth a detailed development plan which is consistent with the Preliminary Master Plan. Each phase of the Master Plan shall set forth a schedule for obtaining building permits for and construction of that phase.

PU-12. a. Must be developed in conjunction with property in Planned Area 15A.

b. Vehicular circulation on the subject property must be designed to mitigate impacts on Lake Washington Boulevard and Lakeview Drive. Access points must be limited. The City may require traffic control devices and right-of-way realignment or limit development if necessary to further reduce traffic impacts.

c. Obstruction of views from existing development lying east of the Burlington Northern Railroad right-of-way must be minimized.

d. Structures, parking areas and roadways must be clustered and located away from areas with soils limitations and outside of the steep ravine located near the middle of Planned Area 15B.

e. Development must be consistent with the policies for development on the Houghton Slope in the Comprehensive Plan.

PU-13. 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.

PU-14. The property must be served by a collector or arterial street.

PU-15. The required review process is as follows:

a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC.

b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering and landscaping.

PU-16. No vehicular connection through this subarea to NE 90th Street is permitted.

PU-17. Site design must minimize adverse impacts on surrounding residential neighborhoods.

PU-18. A community facility use is not permitted on properties within the jurisdiction of the Shoreline Management Act.

PU-19. May not include miniature golf.

PU-20. 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.

PU-21. Stacked dwelling units are not permitted in RM 5.0 and RMA 5.0 zones. Stacked dwelling units are permitted in all other RM and RMA zones.

PU-22. Development located in the RM 3.6 zone in North Rose Hill, lying between Slater Avenue NE and 124th Avenue NE, and NE 108th Place (extended) and approximately NE 113th Place (extended) shall comply with the following:

a. Each development shall incorporate at least two acres; and

b. Significant vegetation that provides protection from I-405 shall be retained to the maximum extent feasible.

PU-23. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests.

PU-24. For this use, only one dwelling unit may be on each lot regardless of lot size.

PU-25. Hours of operation may be limited by the City to reduce impact on residential uses.

PU-26. The following accessory components are permitted as part of this use:

a. Retail sales and rental of sports equipment for activity conducted on the subject property.

b. A restaurant encompassing not more than 20 percent of the gross floor area of this use.

PU-27. a. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location.

b. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area.

c. Must be located on a collector arterial or higher volume right-of-way.

d. Placement and scale must indicate pedestrian orientation.

e. Must mitigate traffic impacts on residential neighborhood.

f. May not be located above the ground floor of a structure.

g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.

h. This use is not permitted in an RM zone located within the Rose Hill Business District (RHBD).

i. Also see Chapter 83 KZC for properties in shoreline jurisdiction.

PU-28. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC:

a. Boat and motor sales leasing.

b. Boat and motor repair and service if:

1) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and

2) All dry land motor testing is conducted within a building.

c. Meeting and special events rooms.

d. Gas and oil sale for boats if:

1) Storage tanks are underground and on dry land; and

2) The use has facilities to contain and clean up gas and oil spills. May have an overwater shed that is not more than 50 square feet and 10 feet high as measured from the deck.

PU-29. May locate on the subject property if:

a. It will not be materially detrimental to the character of the neighborhood in which it is located.

b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.

PU-30. A six-foot-high fence is required along the property lines adjacent to the outside play areas.

PU-31. Structured play areas must be set back from all property lines by five feet.

PU-32. Hours of operation of the use may be limited and parking and passenger loading areas may be relocated by the City to reduce impacts on nearby residential uses.

PU-33. May include accessory living facilities for staff persons.

PU-34. May locate on the subject property if:

a. It will serve the immediate neighborhood in which it is located; or

b. It will not be materially detrimental to the character of the neighborhood in which it is located.

PU-35. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.

PU-36. Hours of operation and maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses.

PU-37. This use must be part of a primarily residential development that encompasses the entire zone. The maximum amount of allowable floor area for office use is computed using the following formula:
(The maximum number of dwelling units allowed on the subject property minus the number of dwelling units proposed) x (the average square footage of the dwelling units proposed) equals the amount of square footage available for office use. In addition, the gross floor area of office use may not exceed 25 percent of the gross floor area of residential use.

PU-38. May not include offices providing veterinary, medical, dental, or other health-related services.

PU-39. 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.

PU-40. In the PLA 2 zone, portions of the park located within the wetlands must be devoted exclusively to passive recreation that is not consumptive of the natural environment.

PU-41. Outside storage is not permitted

PU-42. Drive-in or drive-through facilities are prohibited.

PU-43. Structured play areas must be set back from all property lines as follows:

a. Twenty feet if this use can accommodate 50 or more students or children.

b. Ten feet if this use can accommodate 13 to 49 students or children.

PU-44. If the subject property lies in the RMA 3.6 zone and is adjacent to property within the TL 7B zone, the following shall apply:

a. Landscaping on the subject property abutting the TL 7B boundary shall comply with KZC 95.42(1). Otherwise, Category D applies.

b. Developers and residents should be aware that this property lies adjacent to a district containing and allowing future development of uses of a light industry/office nature, and impacts typically associated with these uses, such as noise and odor, may be experienced by residents.

PU-45. Middle housing is permitted an alternative to Detached Dwelling Units, see Chapter 113, KZC.

PU-46. Accessory Dwelling Units are permitted as an accessory use, see Chapter 115.07, KZC.

***

CHAPTER 25 – HIGH DENSITY RESIDENTIAL ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

***

25.05.020 Common Code References

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.

2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.

3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.

4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living Facility; Detached, Attached or Stacked Dwelling Units; and Detached Dwelling Unit uses.

5. Chapter 115 KZC contains regulations regarding common recreational space requirements for Detached, Attached or Stacked Dwelling Units uses.

6. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.

7. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136.

8. A hazardous liquid pipeline extends through or near the RMA 2.4 and RMA 3.6 zones in the vicinity of 136th Avenue NE. Refer to Chapter 118 KZC for regulations pertaining to properties near hazardous liquid pipelines.

9. Middle housing is permitted as an alternative to the Detached Dwelling Unit use, see Chapter 113 KZC for additional regulations.

***

25.20 Permitted Uses

Permitted Uses Table – High Density Residential Zones

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

(See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

Use		**Required Review Process:** I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)									
		RM, RMA	**HENC 2**	**PLA 5A**	**PLA 5D**	**PLA 5E**	**PLA 6A**	**PLA 6D**	**PLA 6I**	**PLA 6J**	**PLA 7A, B**
25.20.010	Assisted Living Facility	None 1, 2, 3, 4	None 1, 2, 3, 4	None 2, 3, 4	None 2, 3, 4	None 2, 3, 4	None 2, 3, 4	I or None 2, 3, 4, 5	IIA 2, 3, 4	None 2, 3, 4	None 2, 3, 4
25.20.020	Church	IIA 1, 6	IIA 1, 6	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.030	Community Facility	IIA 1, 7, 8	IIA 1, 7, 8	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA

Permitted Uses Table – High Density Residential Zones

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

(See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

Use		**Required Review Process:** I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)									
		RM, RMA	**HENC 2**	**PLA 5A**	**PLA 5D**	**PLA 5E**	**PLA 6A**	**PLA 6D**	**PLA 6I**	**PLA 6J**	**PLA 7A, B**
25.20.040	Convalescent Center	IIA 1, 3	IIA 1, 3	I 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3
25.20.050	Detached, Attached, or Stacked Dwelling Units	None 1, 9	None 1, 9	None	None	None	None	None 12	None	None	None

Permitted Uses Table – High Density Residential Zones

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

(See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

Use		**Required Review Process:** I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)									
		RM, RMA	**HENC 2**	**PLA 5A**	**PLA 5D**	**PLA 5E**	**PLA 6A**	**PLA 6D**	**PLA 6I**	**PLA 6J**	**PLA 7A, B**
25.20.060	Detached Dwelling Unit	None 13, 26, 27	None 13, 26, 27	None 13, 26, 27	None 13, 26, 27	None 13, 26, 27	None 13, 26, 27	None 13, 26, 27	None 13, 26, 27	None 13, 26, 27	None 13, 26, 27
25.20.070	Government Facility	IIA 1, 8	IIA 1, 8	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.080	Grocery Store, Drug Store, Laund	IIA 14	IIA 14	NP	NP	NP	NP	NP	NP	NP	NP

Permitted Uses Table – High Density Residential Zones

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

(See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

Use		**Required Review Process:** I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)									
		RM, RMA	**HENC 2**	**PLA 5A**	**PLA 5D**	**PLA 5E**	**PLA 6A**	**PLA 6D**	**PLA 6I**	**PLA 6J**	**PLA 7A, B**
	romat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop										

Permitted Uses Table – High Density Residential Zones

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

(See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

Use		**Required Review Process:** I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)									
		RM, RMA	**HENC 2**	**PLA 5A**	**PLA 5D**	**PLA 5E**	**PLA 6A**	**PLA 6D**	**PLA 6I**	**PLA 6J**	**PLA 7A, B**
25.20.090	Mini-School or Mini-Day-Care Center	None 1, 15, 16, 17, 18, 19	None 1, 15, 16, 17, 18, 19	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 21
25.20.100	Nursing Home	IIA 1, 3	IIA 1, 3	I 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3
25.20.110	Office Uses (Stand-	NP	NP	NP	NP	NP	NP	NP	NP	NP	None 22, 23, 24

Permitted Uses Table – High Density Residential Zones

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

(See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

Use		**Required Review Process:** I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)									
		RM, RMA	**HENC 2**	**PLA 5A**	**PLA 5D**	**PLA 5E**	**PLA 6A**	**PLA 6D**	**PLA 6I**	**PLA 6J**	**PLA 7A, B**
	Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)										

Permitted Uses Table – High Density Residential Zones

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

(See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

Use		**Required Review Process:** I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)									
		RM, RMA	**HENC 2**	**PLA 5A**	**PLA 5D**	**PLA 5E**	**PLA 6A**	**PLA 6D**	**PLA 6I**	**PLA 6J**	**PLA 7A, B**
25.20.120	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelli	I 11	I 11	NP	NP	NP	NP	NP	NP	NP	NP

Permitted Uses Table – High Density Residential Zones

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

(See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

Use		**Required Review Process:** I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)									
		RM, RMA	**HENC 2**	**PLA 5A**	**PLA 5D**	**PLA 5E**	**PLA 6A**	**PLA 6D**	**PLA 6I**	**PLA 6J**	**PLA 7A, B**
	ng Units										
25.20.130	Public Park	See KZC 45.50 for required review process.									
25.20.140	Public Utility	IIA 1, 8	IIA 1, 8	None	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.150	School or Day-Care Center	IIA 1, 10, 15, 16, 18, 19	IIA 1, 10, 15, 16, 18, 19	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 21, 25	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 21

Permitted Uses (PU) Special Regulations:

PU-1. Within the Rose Hill Business District (RHBD) and HENC 2, D.R., Chapter 142 KZC.

PU-2. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.

PU-3. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.

PU-4. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside.

PU-5. Reserved.

PU-6. The property must be served by a collector or arterial street.

PU-7. A community facility use is not permitted on properties within the jurisdiction of the Shoreline Management Act.

PU-8. Site design must minimize adverse impacts on surrounding residential neighborhoods.

PU-9. Development located in the RM 3.6 zone in North Rose Hill, lying between Slater Avenue NE and 124th Avenue NE, and NE 108th Place (extended) and approximately NE 113th Place (extended) shall comply with the following:

a. Each development shall incorporate at least two acres; and

b. Significant vegetation that provides protection from I-405 shall be retained to the maximum extent feasible.

PU-10. Structured play areas must be set back from all property lines as follows:

a. Twenty feet if this use can accommodate 50 or more students or children.

b. Ten feet if this use can accommodate 13 to 49 students or children.

PU-11. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.

PU-12. If proposed development contains less than 3,600 square feet of lot area per unit, the following right-of-way improvements shall be required on rights-of-way which serve the subject property. The improvements shall extend from State Street to the eastern boundary of the subject property/frontage on the right-of-way.

a. On 2nd Avenue South, 3rd Avenue South, and 5th Avenue South:

20 feet of paved surface, six-inch vertical curb on each side, five-foot sidewalk on north side adjacent to curb and two-foot utility strip on each side. In addition, right-of-way dedication on 5th Avenue South will be required as necessary to install these improvements.

b. On 4th Avenue South:

24 feet of paved surface, six-inch vertical curb on each side, five-foot sidewalk on north side adjacent to curb and five-foot six-inch utility strip on each side.

PU-13. For this use, only one dwelling unit may be on each lot regardless of the size of the lot.

PU-14. a. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location.

b. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area.

c. Must be located on a collector arterial or higher volume right-of-way.

d. Placement and scale must indicate pedestrian orientation.

e. Must mitigate traffic impacts on residential neighborhood.

f. May not be located above the ground floor of a structure.

g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.

h. This use is not permitted in an RM zone located within the Rose Hill Business District (RHBD).

PU-15. May locate on the subject property if:

a. It will not be materially detrimental to the character of the neighborhood in which it is located.

b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.

PU-16. A six-foot-high fence is required along the property line adjacent to the outside play areas.

PU-17. Structured play areas must be set back from all property lines by five feet.

PU-18. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.

PU-19. May include accessory living facilities for staff persons.

PU-20. May locate on the subject property only if:

a. It will serve the immediate neighborhood in which it is located; or

b. It will not be materially detrimental to the character of the neighborhood in which it is located.

PU-21. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.

PU-22. This use is permitted only in PLA 7B, extending 50 feet west of the property line adjoining 4th Street, south of 4th Avenue.

PU-23. 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.

d. A veterinary office is not permitted in any development containing dwelling units.

PU-24. 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.

PU-25. May locate on the subject property only if:

a. It will serve the immediate neighborhood in which it is located; or

b. It will not be materially detrimental to the character of the neighborhood in which it is located; or

c. The property is served by a collector or arterial street.

PU-26. Middle housing is permitted an alternative to Detached Dwelling Units, see Chapter 113, KZC.

PU-27. Accessory Dwelling Units are permitted as an accessory use, see Chapter 115.07, KZC.

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Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

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

Tree and vegetation removal in urban areas has resulted in the loss of beneficial functions provided by trees to the public. The majority of tree canopy within the City of Kirkland is on private property. The purpose of this section is to establish a process and standards to slow the loss of tree canopy on private property resulting from tree removal, contributing towards the City's policy goals for a healthy, sustainable urban forest with at least 40 percent tree canopy cover. To slow the loss of canopy cover, the City of Kirkland allows the limited removal of regulated trees on private property.

1. Tree Removal Activity – Notification Required. Any private property owner of developed property may remove up to a specified number of regulated trees based on property size shown

in Table 95.25.1 within a 12-month period with the submittal of a tree removal notification form pursuant to subsection (2) of this section. For any tree removal that is beyond what is allowed in this section, a tree removal permit is required pursuant to subsection (3) of this section. The following activities do not require the submittal of a tree removal permit:

a. The tree is not a landmark tree. Landmark tree removals are regulated pursuant to subsection (4) of this section;

b. The tree removal does not result in less than the minimum number of regulated trees to remain on the subject property shown in Table 95.25.1. Trees that qualify as hazard or nuisance trees may be permitted for removal pursuant to subsection (6) of this section with approval of a tree removal permit and tree replacements based on the size of the removed trees shown in Table 95.25.2;

c. There is no active application for development activity for the subject property. Development activity within 12 or 24 months following tree removal may be subject to the limitations of subsection (5) of this section; and

d. All of the additional standards for tree removal and tree removal permits as described in subsections (3) through (10) of this section are met.

Table 95.25.1 Regulated Tree Removal Allowances, No Permit Required

Property Size	Maximum Allowance for Tree Removals per 12 Months	Minimum Number of Regulated Trees to Remain on Subject Property
Up to 10,000 sq. ft.	2	2
10,001 to 20,000 sq. ft.	3	3
20,001 sq. ft. or greater	4	4

Table 95.25.2 Tree Replacement Standards for Property Owner Removal of the Last Remaining Trees

Diameter of Removed Tree	Number of Replacement Trees Required
6 to 15 inches DBH	1
16 to 26 inches DBH	2
26 inches DBH or greater	3 (see KZC 95.23)

For example: A property owner of a 15,000-square-foot lot with three existing trees would like to remove a 25-inch DBH maple tree due to its meeting the hazard tree criteria. Because the maple tree is one of the minimum number of trees required on that size property, tree replacements are required. Because of the size of the removed tree, two replacement trees would be required.

2. Tree Removal Notification Form. No person, directly or indirectly, shall remove any regulated tree from private property without first submitting a tree removal notification form. The Planning and Building Department shall make available a tree removal notification form and will review the notification for the purpose of tracking urban canopy loss and for compliance with applicable City regulations.

3. Tree Removal Activity – Permit Required. For removal of regulated trees that does not comply with KZC 95.15 or subsection (1) of this section, the following activities shall require a tree removal permit:

a. The removal of any landmark tree pursuant to subsection (4) of this section;

b. Tree removal activity under any of the following conditions. The City shall only issue a permit if the trees qualify as hazard or nuisance trees pursuant to subsection (6) of this section:

1) Tree removal activity exceeds allowances pursuant to Table 95.25.1;

2) The property owner is requesting to remove trees located within:

a) A public park or adjacent City right-of-way pursuant to KZC 95.20;

b) Wetlands, streams and associated buffers. See Chapter 90 KZC for additional permit requirements;

c) Landslide hazard areas. See Chapter 85 KZC for additional permit requirements;

d) Properties in the Holmes Point Overlay Zone. See Chapter 70 KZC for additional permit requirements; or

e) Shoreline setbacks. See Chapter 83 KZC for additional permit requirements;

3) The trees were required to be retained, planted or preserved as a grove as a condition of previous development activity;

4) The trees were required to be retained or planted pursuant to KZC 95.40 through 95.50;

5) The trees are protected under a voluntary tree preservation covenant.

c. Tree removal involving the removal of hedge trees. In order to obtain a tree removal permit to remove hedge trees that exceed the allowances set forth in Table 95.25.1, the applicant must demonstrate the replacement standards set forth in Table 95.25.3 will be met.

Prior to approving a tree removal permit, the Planning Official shall find that all of the additional standards for tree removal and tree removal permits as described in subsections (4) through (10) of this section are met.

4. Landmark Tree Removal Regulations. Any private property owner of developed property may remove one landmark tree within a 12-month period with the submittal of a tree removal permit; provided, that:

a. The tree removal does not exceed the specified number of regulated trees required to remain on the property shown in Table 95.25.1, unless the tree qualifies as a hazard or nuisance tree pursuant to subsection (6) of this section;

b. The mitigation standards pursuant to KZC 95.23 are met;

c. A private property owner of developed property may remove not more than one additional landmark tree; provided, that no more than a total of two landmark trees are removed in any given 24-month period.

For example: A property owner would like to remove two landmark trees during one removal event. The applicant must submit a tree removal permit requesting to bank the additional tree removal and provide a mitigation plan showing six replacement trees satisfying the requirements of KZC 95.23. The property owner will then be prohibited from removing Landmark Trees for an additional 12-month period, or a total of 24 months from the date the permit was issued.

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, ~~cottages, carriage units, two/three-unit homes~~middle housing, 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.

6. Removal of Hazard or Nuisance Trees. Removal of hazard or nuisance trees does not count toward the tree removal allowances if the nuisance or hazard is supported by a tree risk assessment report prepared by a qualified professional arborist and approved by the City. The City may approve the removal of dead, dying, and/or diseased trees from private property as hazard trees without the submission of a tree removal permit if the applicant provides photographic evidence demonstrating that the tree meets the definition of dead or dying. Tree risk assessment reports shall follow the method for developing a tree risk rating set forth in the most current edition of the ISA Tree Risk Assessment (TRAQ) Manual and include the following:

a. Explanation of how the tree or tree parts meet the definition of a hazard pursuant to KZC 95.10(17)(b); and

b. Overall tree risk rating with correlating mitigation measures as follows:

1) If a potential target does not exist, applicants should consider routine pruning and maintenance to abate the tree issue;

2) If a tree/tree part is found to have a low or moderate overall risk rating, the Planning Official may approve mitigation measures to reduce the risk; or

3) If a tree/tree part is found to have a high or extreme overall risk rating and mitigation of the risk through pruning or moving potential targets is not feasible, the Planning Official may approve the removal of the tree as a hazard tree.

7. Tree Removal Permit Application Form. The City shall provide a tree removal permit application form. Property owners required by this chapter to obtain a tree removal permit shall submit a completed permit application for City review for compliance with applicable City regulations. The tree removal permit application shall require, at a minimum, submittal of the following:

a. A site plan, map, or aerial photograph showing the approximate location of all regulated trees on the subject property, their DBH, and their species, along with the location of structures, driveways, access ways, and easements on the subject property. Property owners requesting to remove adjacent street trees must indicate the location of the hazard or nuisance tree in the right-of-way; and

b. For required replacement trees, a planting plan showing the location, size, and species of each replacement tree to be planted on the subject property, in accordance with the tree replacement requirements set forth in this chapter.

8. Tree Replacement Requirements. To mitigate the consequences of tree removal unrelated to development activity, for tree removal permits the City requires the planting of replacement trees in suitable locations appropriate to the subject property. Replacement trees shall be a minimum six-foot tall conifer or a minimum two-inch caliper deciduous or broad-leaf evergreen tree. Trees planted to form a clipped or sheared hedge or Thuja/Arborvitae (or other slow-growing conifers as listed by the Planning Department) shall not count towards tree replacement requirements.

a. Tree removal and replacement standards for tree removal permits pursuant to subsection (3) of this section are subject to the following:

Table 95.25.3 Tree Replacement Standards

Location of Tree Removal	Tree Replacement Standards
Public trees in parks or City right-of-way per KZC 95.20	Minimum 1:1 tree replacement
Significantly wooded properties 25,000 sq. ft. or greater	Determined in approved forest stewardship plan
Hedge trees on private property	1:1 tree replacement (see note)
Holmes Point Overlay Zone – species selection and timing of installation shall be approved by the Planning Official	1:1 tree replacement with native trees. See Chapter 70 KZC

Location of Tree Removal	Tree Replacement Standards
Shoreline setbacks	See Chapter 83 KZC for tree replacement standards
Streams, wetlands and associated buffers – the Planning Official shall determine the required number of replacement trees	1:1 to 3:1 tree replacement with native trees. See Chapter 90 KZC
Required landscaping pursuant to KZC 95.40 through 95.50	Replant to the required landscaping standards of KZC 95.40 through 95.50

Notes:

1. Planning Official may allow reduced replanting requirements for hedge trees based on available space to provide a sustainable planting.

9. Tree Removal Permit Decision and Appeals.

a. The City shall review each tree removal permit application for consistency with the applicable regulations and other standards adopted by reference. Tree removal permits shall be reviewed within 21 calendar days and either approve, approve with conditions or modifications, deny, or request additional information. The Planning Official shall review required mitigation trees and has the discretion to modify or waive applicable standards when the subject property has significant canopy that precludes successful mitigation planting or similar unique conditions. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC; and

b. Time Limit. Tree removal by felling shall be completed within one year from the date of permit approval or the permit is void. Approved tree removals shall not be combined or accumulated.

10. Forest Stewardship Plan. To support sustainable, stewardship-focused forest management of developed, significantly wooded sites that are at least 25,000 square feet in size, a forest stewardship plan may be submitted where tree removal exceeds the allowances in KZC 95.25. The purpose of a forest stewardship plan is to manage objectives in order to improve the long-term health and condition of existing trees and vegetation. Applicants for a forest stewardship plan are encouraged to seek direction from City staff and the technical assistance, incentives and resources available through local and state agencies that promote forestland best management practices. Property owners shall submit a completed permit application for City review for compliance with applicable City regulations.

a. A forest stewardship plan shall be developed by a qualified professional arborist and include the following:

1) A site plan depicting the location of all existing regulated trees with a numbering system of the trees (with corresponding tags on trees in the field). A survey identifying tree locations is not required. The site plan or additional documentation shall include:

a) The DBH, species, and condition of each regulated tree; and

b) Identification of trees proposed to be removed, the reasons for their removal and a description of low impact removal techniques pursuant to subsection (10)(b)(4) of this section.

2) A reforestation plan that addresses the installation and establishment of trees and vegetation, including tree location, size, species; and

3) A prescribed maintenance plan that ensures perpetuity of the wooded areas, with the sequence of tree removals and reforestation activities specified over a minimum five-year timeline.

b. The following forest stewardship plan standards shall apply:

1) Trees to remain should be dominant or co-dominant in the stand, healthy and windfirm;

2) Unless otherwise permitted by this chapter, there shall be no removal of:

a) Landmark trees or preserved groves;

b) Trees located in critical areas and associated buffers;

c) Trees located in high landslide susceptibility areas; and

d) Trees that would cause trees on adjacent properties to become hazardous.

3) The size of planted trees for reforestation shall be a minimum of six feet tall for a conifer and two-inch caliper for deciduous or broad-leaf evergreen tree, unless approved otherwise by the City;

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

5) Removal of debris shall be done pursuant to Kirkland Fire Department standards; and

6) The Planning Official may require a performance security pursuant to Chapter 175 KZC in order to ensure that the reforestation requirements of the approved forest stewardship plan are met.

95.30 Tree Retention Associated With Development Activity

The City's objective is to mitigate the impacts of incremental canopy loss due to development by establishing clear standards for the retention of existing trees and for planting and maintenance of new trees.

This section includes provisions that establish tree retention priorities, incentives, and variations to development standards in order to retain viable trees on development sites. Applicants for a development permit are encouraged to confer with City staff as early in the design process as

possible so that the applicable tree retention and planting principles found in this chapter can be incorporated into the design of the subject property. The Planning Official and the applicant shall work in good faith to find reasonable solutions. Applicants may use the pre-submittal procedures in subsection (7) of this section to obtain an early understanding of how tree retention, protection, and planting standards of this code apply to a particular property and proposed project.

1. Tree Retention Plan Applicability. A tree retention plan is required for any proposed development of the subject property requiring approval through a building permit; land surface modification permit; demolition permit; and/or Design Review, Process I, IIA, or IIB, described in Chapters 142, 145, 150 and 152 KZC, respectively, unless:

a. Otherwise exempted pursuant to KZC 95.15.

b. The permit is for additions to and remodels of existing improvements in which the total square footage of the proposed improvements is less than 50 percent of the total square footage of the existing footprint on the subject property and where no development activity is proposed within the CRZ of regulated trees.

2. Tree Retention Plan Review Authority. The authority to make decisions under this chapter resides with the Planning Official for building permit; land surface modification permit; demolition permit; and/or with the applicable review authority for Design Review, Process I, IIA, or IIB, described in Chapters 142, 145, 150 and 152 KZC. To retain regulated trees, the City shall review for consistency with the provisions set forth in this chapter.

a. Based on the tree retention plan information submitted by the applicant, subject to the Planning Official's verification of accuracy, the Planning Official shall designate trees on the subject property as viable high retention value trees, including landmark trees and groves, and/or trees with a moderate retention value using the definitions provided in KZC 95.10, Definitions.

b. The City does not require tree retention efforts that either (1) would reduce maximum allowed density, number of allowed lots, maximum allowed floor area ratio (FAR) or lot coverage, (2) preclude the ability to construct ADUs consistent with KZC 115.07, or (3) preclude required access and utility connections.

c. No trees may be removed from a development site until a tree retention plan is approved and permits are issued for the development activity. Tree removal is not authorized during the demolition permitting phase unless approved in writing by the Planning Official.

3. Tree Retention Plan Requirements. Tree retention plans shall contain the following information, unless waived by the Planning Official:

a. Inventory with the following information:

1) All existing regulated trees on the subject property identified by a numbering system that is consistent throughout the arborist report, site plan and on-site tree tags. The inventory must also include regulated trees that are on adjacent properties that appear to have CRZs extending onto the subject property;

2) Identification of all existing trees in the public right-of-way adjacent to the subject property, regardless of tree size;

3) The CRZ and the proposed TPZ of all existing regulated trees specified in feet from the face of each tree trunk. The inventory must also include the approximate CRZ and proposed TPZ of regulated trees on adjoining properties that appear to have CRZs extending onto the subject property;

4) DBH of all existing regulated trees, including the approximate DBH of regulated trees on adjoining properties that appear to have CRZs extending onto the subject property;

5) Proposed tree removals;

6) Viability status of each regulated tree based on the combined condition ratings pursuant to KZC 95.30(3)(c);

7) Tree species and/or common name; and

8) Potential landmark trees and groves.

b. Site Plan. The site plan must be drawn to scale showing the following:

1) Location of all proposed improvements, including building footprint, access, utilities, applicable required yards, buffers, and required landscaped areas clearly identified;

2) Surveyed location of regulated trees on the subject property. The site plan must also show the approximate trunk location of regulated trees that are potentially impacted on adjacent properties;

3) Trees labeled corresponding to the tree inventory numbering system per subsection (3)(a) of this section;

4) CRZs drawn to scale around all trees potentially impacted by site disturbance resulting from grading, demolition, or construction activities (including approximate CRZs of all trees that are potentially impacted on adjacent properties). Site plans shall include site disturbances associated with over-excavation of foundations, retaining walls, and similar improvements;

5) Location of tree protection fences at the proposed TPZs, with distances from the applicable trunks to fences noted on the site plan. Specific tree protection standards during construction, as described in KZC 95.32 or recommended by the qualified professional arborist, shown on demolition, grading, and building permit plans;

6) Trees proposed to be removed, noted by an ‘X’ or by ghosting out; and

7) Proposed locations of any replacement trees to be planted to meet tree density credits or mitigation requirements, including the proposed size and species, as outlined in KZC 95.34.

c. Qualified professional arborist report with the following:

1) A combined overall viability status based on the condition ratings of both health and structure for each regulated tree, including regulated trees on adjoining properties that appear to have CRZs extending onto the subject property. The

condition ratings for each regulated tree shall be assessed using the following criteria:

Table 95.30.1 Tree Condition Ratings

Condition Rating	Tree Health *Twig and leaf density, size and growth, pest/pathogen issues*	Tree Structure *Root flare, trunk condition, branch assembly*
Excellent	High or above average vigor with little or no twig dieback, discoloration or defoliation.	Trunk and root flare exhibit no visible defects or cavities. Branch structure and attachments are normal for species and free of defects.
Good	Vigor is normal for species. No significant damage due to diseases or pests. Any twig dieback, defoliation or discoloration is minor (up to 10% of the crown).	Well-developed structure. Defects are minor and can be corrected. Codominant stem formation may be present. Trees in groves may have asymmetries/deviations from an open-grown form of the same species.
Fair	Reduced vigor. Twig dieback, defoliation, discoloration, and/or dead branches up to 30% of the crown. Obvious signs of pest problems contribute to a lesser condition but is not likely to be fatal.	Visible evidence of trunk damage or cavities, large girdling roots or branch attachments that require moderate corrections.
Poor	Poor vigor, unhealthy and declining. Low foliage density with extensive (more than 50%) twig and/or branch dieback. Smaller-than-normal leaf size and little evidence of new growth.	Structural problems cannot be corrected, such as recent change in tree orientation, extensive trunk decay or poor branch attachments. Tree/tree part failure may occur at any time.

Based on the condition ratings for health and structure in Table 95.30.1, the tree's overall viability shall be assessed as follows in Table 95.30.2:

Table 95.30.2 Tree Viability

Tree Health →

Tree Structure	**Excellent**	**Good**	**Fair**	**Poor**
Excellent	Viable	Viable	Viable	Not viable
Good	Viable	Viable	Viable	Not viable

Fair	Viable	Viable	Not viable	Not viable
Poor	Not viable	Not viable	Not viable	Not viable

For example: an oak tree on a proposed development site rated as 'Fair' tree structure and 'Good' tree health has an overall viability status based on the tree condition ratings of 'Viable.'

2) For trees rated as not viable, a description of the reason(s) for removal must be given based on the existing health condition; high risk of failure due to existing structure, other defects, or unavoidable isolation (windfirmness); or unsuitability of species, etc., and for which no reasonable alternative action is possible (pruning, cabling, etc.). The City shall review the viability ratings for consistency with the condition ratings in Table 95.30.1 and Table 95.30.2;

3) The qualified professional arborist's description of the method(s) used to determine TPZs (i.e., CRZ formula, exploratory root excavations, or a case-by-case basis description for individual trees);

4) Any special instructions specifically outlining any work proposed within the CRZ of retained trees (i.e., additional protection from soil compaction, hand-digging, tunneling or boring, root pruning, mitigating any grade changes, monitoring during development activity, watering during summer and aftercare), including potentially impacted trees on adjacent properties;

5) If development proposals result in the retention and/or removal of high retention value trees (including landmark trees and groves) provide an explanation of how tree retention was prioritized based on retention feasibility and proposed construction impacts;

6) A discussion of timing and installation of tree protection measures that must include fencing in accordance with the tree protection standards in KZC 95.32, including any anticipated changes to tree protection fence location or other activity within the CRZ of retained trees during project construction (e.g., material delivery, equipment access, landscaping);

7) Describe the impact of necessary tree removal on the trees to be retained, including those on adjacent properties;

8) The suggested location and species of replacement trees to be planted. The report shall include planting and maintenance specifications pursuant to KZC 95.50, 95.51, and 95.52; and

9) Arborist reports that are based on field work collected three or more years prior to submittal shall be updated with current tree data.

d. A description of additional tree retention and protection requirements that apply to properties with development projects proposed within:

1) Shoreline setbacks as set forth in Chapter 83 KZC;

2) Critical areas and associated buffers as set forth in Chapters 85 and 90 KZC; and

3) Holmes Point Overlay Zone areas as set forth in Chapter 70 KZC.

4. Development of Single-Family Dwellings, Short Plats, Subdivisions, ~~Two/Three-Unit Homes, Cottage/Carriage Dwellings,~~Middle Housing, and Accessory Structures. Tree retention plan review and approval shall be based on compliance with the following provisions:

a. High Retention Value Trees. In order to retain trees located in required yards, land use buffers, and/or common open spaces, and to retain landmark trees and groves located anywhere on the subject property, the applicant shall consider, and the Planning Official (or Public Works Official, where applicable) is authorized to require, compliance with the following standards:

1) Site Plan Alterations. Site plan alterations, including the following:

a) Shift or flip (mirror) the location of proposed building footprints and driveways;

b) Selection of the required front yard on corner lots in the RSA and RSX zones and selection of the required side yard to meet the 15-foot total required in RS zones;

c) Shift the building footprint on the lot to utilize the variations to development standards allowed in subsection (3) of this section;

d) Relocate utilities when feasible, taking into account gravity and location of existing mains;

e) Adjust deck, patio, and path designs;

f) Avoid rockery/retaining walls located within TPZs to maintain existing grades.

2) Arboricultural Methods. Arboriculture methods to retain trees, such as, but not limited to, air excavations, boring under roots instead of trenching within TPZs for utilities less than two inches diameter, and using additional protection per KZC 95.32.

3) Variations to Development Standards. Variations to development standards, such as, but not limited to:

a) Reduce required front yard by up to five feet;

b) Reduce required rear yards by up to five feet where the rear yard is adjacent to an access easement, tract, or alley;

c) Allow variations to the garage requirements of KZC 115.43(3);

d) Allow variations to increase the maximum lot coverage by not more than 10 percent where necessary to extend access due to building

footprint location while ensuring that the driveway width does not exceed a width of 20 feet;

e) Allow the driveway required by KZC 105.47 to be reduced to 18-feet.~~minimum 18-foot by 18-foot parking pads~~;

f) Modify right-of-way frontage improvement requirements, such as adjusting the location of any required landscape strip;

g) Allow up to a five-foot increase in building height where the additional height is clearly related to tree retention (e.g., locating mechanical equipment in the attic, avoiding excavation or fill); and

h) With short plats and subdivisions, allow clustering per subsection (4)(d) of this section.

b. In order to retain landmark trees and groves located anywhere on the subject property, in addition to the site plan alterations and variations to development standards listed in subsection (4)(a) of this section, the applicant shall consider, and the Planning Official (or Public Works Official, where applicable) is authorized to require, the following additional standards:

1) Site Plan Alterations. Site plan alterations, including the following:

a) Reasonable modifications to the proposed building footprints and driveways;

b) Shore basements and other extensive excavations in order to avoid impact within CRZs;

c) Cantilever structures over CRZs; and

d) With short plats and subdivisions, clustering per subsection (4)(d) of this section, rearrangement of property lines within the applicable short plat or subdivision, relocation of access roads, and relocation of utilities.

2) Arboricultural Methods. Arboricultural methods to retain landmark trees and groves such as, but not limited to, air excavations, boring under roots instead of trenching, and using additional protection per KZC 95.32.

3) Variations to Development Standards. Variations to development standards, such as, but not limited to:

a) Allow required side yards to be reduced to three feet where those yards are internal within a proposed short plat or subdivision;

b) Allow required yards to be reduced to 10-foot front and five-foot rear;

c) Reductions and variations in required parking and driveways.

c. Moderate Retention Value Trees. The following incentives are available in order to protect moderate retention value trees:

1) An applicant may propose to modify their development proposal in the same manner as provided for high retention value trees in subsections (4)(a) and (b) of this section and the Planning Official (or Public Works Official, where applicable) is authorized to approve these variations to development standards for viable trees that are deemed to have excellent/good health and structure per the Tree Condition Table 95.30.1.

2) When landmark trees cannot be feasibly retained after pursuing the variations in subsections (4)(b)(3)(a) and (b) of this section, the applicant may propose to retain moderate retention value trees to satisfy landmark tree mitigation requirements and/or pay associated fees-in-lieu pursuant to KZC 95.23. The applicant shall indicate tree protection areas on site plans and clearly indicate a request for this incentive.

3) When viable trees located in required yards, land use buffers, and/or common open spaces cannot be feasibly retained after pursuing the variations in subsections (4)(b)(3)(a) and (b) of this section, the applicant may propose to retain moderate retention value trees instead. The Planning Official may approve this incentive; provided, that the size and condition of the moderate retention value tree(s) are equal or superior to that of the tree removed in the required yard, land use buffer, and/or common open space.

d. Additional Tree Retention Standards for Short Plats and Subdivisions.

1) Clustering of Lots. The Planning and Building Director (for short plat applications) or Hearing Examiner (for preliminary plat applications) may approve variations to minimum lot size, maximum floor area ratio, and lot coverage requirements in order to facilitate retention of high retention value trees where necessitated by retention of trees in protective tracts or where lot sizes are averaged in order to retain trees. The following standards shall apply:

a) Lot sizes may be averaged, with no minimum lot size specified, provided there is no increase in the allowed density or number of lots otherwise allowed for the subject property;

b) The subject property is entitled to maintain the total aggregate maximum floor area ratio (FAR) and maximum lot coverage that would otherwise be permitted for the subject property under a conventional short plat or subdivision. The maximum FAR and/or maximum lot coverage requirements may be adjusted proportionate to the lot size reduction(s), provided there is no net increase in the aggregate FAR and/or aggregate lot coverage otherwise allowed for the subject property;

c) The variations and resultant restrictions shall be included in a recorded agreement and be binding on future owners of the lots.

2) Modifications to Tree Retention Plans for Short Plats and Subdivisions. Modifications to an approved tree retention plan may be approved by the Planning and Building Director pursuant to the following criteria:

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

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

c) There is no practicable or feasible alternative development proposal that results in fewer additional tree removals.

3) Public Notice for Modifications. The Planning and Building Director shall not approve or deny a modification pursuant to this subsection without first providing notice of the modification request consistent with the noticing requirements for the short plat or subdivision and providing opportunity for comments for consideration by the Planning and Building Director. Said comment period shall not be less than 14 calendar days. The fee for processing a modification request shall be established by City ordinance.

5. Development of Multifamily, Commercial and Mixed Use. Tree retention plan review and approval shall be based on compliance with the following provisions:

a. High Retention Value Trees. In order to retain trees located in required yards and/or land use buffers, the applicant shall consider, and the Planning Official (or Public Works Director, where applicable) is authorized to require, compliance with the following standards:

1) Site Plan Alterations. Site plan alterations, including the following:

a) Adjust deck, patio, and path designs;

b) Relocate utilities when feasible, taking into account gravity and location of existing mains;

c) Avoid rockery/retaining walls located within CRZs to maintain existing grades;

d) Shore basements and other extensive excavations in order to avoid impact within CRZs;

e) Cantilever structures over CRZs.

2) Arboricultural Methods. Arboriculture methods to retain trees such as, but not limited to, air excavations, boring under roots instead of trenching within TPZs for utilities less than two inches diameter, and using additional protection per KZC 95.32.

3) Variations to Development Standards. Variations to development standards, such as, but not limited to:

a) Allow required yards to be reduced to 10-foot front;

b) Allow variations to the maximum lot coverage by not more than 10 percent where necessary to extend access due to building footprint location while ensuring that the driveway width does not exceed a width of 20 feet;

c) Modify right-of-way frontage improvement requirements, such as adjusting the location of any required landscape strip;

d) Allow up to a five-foot increase in building height where the additional height is clearly related to tree retention (e.g., locating mechanical equipment in the attic, avoiding excavation or fill);

e) Vary parking lot design and/or access driveway requirements when the Public Works Official and Planning Official both determine the variations to be consistent with the intent of City policies and codes;

f) Vary requirements pertaining to stormwater if approved by the Public Works Official under KMC 15.52.060; and

g) Vary the physical features of any required common recreational open space.

b. Moderate Retention Value Trees. The following incentives are available in order to protect moderate retention value trees:

1) An applicant may propose to modify their development proposal in the same manner as provided for high retention value trees in subsection (5)(a) of this section and the Planning Official (or Public Works Official, where applicable) is authorized to approve these variations to development standards for viable trees that are deemed to have Excellent/Good health and structure per the Tree Condition Table 95.30.1.

2) The applicant may propose to retain moderate retention value trees to satisfy landmark tree mitigation requirements and/or associated fees-in-lieu pursuant to KZC 95.23. The applicant shall indicate tree protection areas on site plans and clearly indicate a request for this incentive.

6. Conditions to Authorize High Retention Value Tree Removal. The Planning Official will authorize the removal of high retention value trees otherwise required by this chapter to be retained; provided, that the following conditions are met:

a. After utilizing the required site plan alterations and allowed variations to development standards listed in KZC 95.30(4) and (5), there is no practicable or feasible alternative development proposal that results in fewer tree removals; or

b. Retention of such tree or trees would either (1) reduce maximum allowed density, number of allowed lots, maximum allowed floor area ratio (FAR) or lot coverage, (2) preclude the ability to construct ADUs consistent with KZC 115.07, or (3) preclude required access and utility connections.

7. Pre-Submittal Procedures. Applicants may use the pre-submittal procedures in this section to obtain an early understanding of how tree retention, protection, and planting standards of this chapter apply to a particular property and proposed project.

a. Checklist. The Planning and Building Department shall maintain a publicly accessible checklist for applicants identifying the information needed and process for the City to make a preliminary determination whether a proposal complies with this chapter as provided in subsection (7)(c) of this section.

1) As part of a pre-submittal meeting for a Process I, IIA, or IIB application, or as a separate pre-submittal meeting, an applicant should submit prior to the meeting the completed checklist, together with a preliminary tree inventory and/or survey, and proposed site plan. Applicants are encouraged to submit accurate information that identifies existing landmark trees and should specify trees proposed for retention and removal with a brief narrative discussion of why the applicant selected the trees for removal.

2) The Planning Official will review the checklist and documentation provided by the applicant at the pre-submittal meeting. The Planning Official shall determine if the applicant needs to submit additional information specified in subsection (7)(a)(1) of this section.

b. Site Visit. The applicant may request a pre-submittal site visit. If a site visit is conducted, then the applicant may incur additional pre-submittal fees.

c. Findings. Following the pre-submittal meeting, and after all information submitted by the applicant has been reviewed, the Planning Official shall advise the applicant, in writing, of their preliminary determination and this document will be saved with the associated pre-submittal case file. This preliminary determination shall address tree retention, protection, and planting standards of this chapter as applied to the applicant's property and proposed project, and the applicant may use this preliminary determination in preparing an application. This preliminary determination is not a final land use decision under the Land Use Petition Act and new or changed conditions or information could impact this determination. The Planning Official will issue the preliminary determination consistent with the target timelines published by the Planning and Building Department and will use best efforts to ensure a timely review following the submittal of the required documents pursuant to subsection (7)(a) of this section.

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95.34 Tree Replacement Standards Related to Development Activity
This section establishes the minimum tree planting requirements for development permits using a tree credit system. This section does not establish a maximum retention standard for existing trees. Required tree retention may exceed the standards in subsection (1) of this section.

1. Trees Required to Be Planted to Meet Tree Density Requirements. The required minimum tree density for replanting is 50 tree credits per acre for single-family dwellings, short plats, subdivisions, ~~two/three-unit homes, cottage/carriage dwellings~~middle housing, and/or accessory structures and associated demolition and land surface modification.

2. Applicability of Tree Credits. The tree credit value that corresponds with DBH is found in Table 95.34. The maximum number of credits awarded to any one individual tree is 11 credits. Existing native conifers (or other conifer species as listed by the Planning Department) shall count at 1.5 times credits for retention. Trees located on property lines shall count for half tree density credits. For trees that fall between size categories listed in Table 95.34, credits shall be rounded down. For individual lots in a short plat or subdivision with an approved tree retention plan, the required tree density shall be calculated for each lot within the short plat or subdivision. Trees planted in the following locations shall not count towards tree density credit requirements.

a. In the public right-of-way, areas to be dedicated as public right-of-way, and vehicular access easements not included as lot area within the approved short plat or subdivision.

b. Existing trees transplanted to an area on the same site unless approved by the Planning Official based on transplant specifications provided by a qualified professional arborist that will ensure a high probability for survival.

Table 95.34 Tree Credits for Existing Regulated Trees

		Regulated Tree										
										Landmark Tree		
DBH:	3"-5"	6"-10"	12"	14"	16"	18"	20"	22"	24"	26"	28"	30+"
Tree Credits:	0.5	1	2	3	4	5	6	7	8	9	10	11

3. Tree Credit Calculation. To calculate required tree credits, divide the square footage of the subject lot by 43,560 (the square footage of one acre). The resulting number is then multiplied by 50, the minimum tree credit requirement for one acre. In calculating required tree credits, any fraction of credits shall be rounded up to the next whole number from a 0.5 or greater value.

Example: an 8,500-square-foot lot would need 10 tree credits (8,500/43,560 = 0.195 x 50 = 9.75, or 10 credits). The tree density for the lot would be met by retaining one 16-inch DBH native conifer tree (four credits x 1.5) and two 12-inch DBH non-native trees (worth two credits each) for a total of 10 tree credits, resulting in no required supplemental trees. Tree densities may be exceeded to retain landmark and high retention value trees.

4. Minimum Size Replacement Trees. The required minimum size of a replacement tree worth one tree credit shall be six feet tall for native or other conifers and two-inch caliper for deciduous or broad-leaf evergreen trees. Additional credits may be awarded for larger replacement trees as decided by the Planning Official. Trees planted to form a clipped or sheared hedge will not be counted toward tree density credits. Supplemental Thuja/Arborvitae (or other slow-growing conifers as listed by the Planning and Building Department) planted on development sites shall not count towards tree density credits on a lot. The installation and maintenance shall be pursuant to KZC 95.50 and 95.51 respectively.

5. Replacement Tree Locations. In designing a development and in meeting the required tree density, the replacement trees shall be planted pursuant to KZC 95.50 in the following order of priority:

a. On Site. The preferred locations, in order of priority, for new trees are:

1) On the subject property;

2) Site perimeter – the area of the subject property that is within 10 feet from the property line;

3) In preserved groves, critical areas or critical area buffers, or required land use buffers;

4) Adjacent to stormwater facilities as approved by Public Works under KMC 15.52.060;

5) Entrance landscaping, traffic islands, and other common areas within the residential subdivision development.

b. Off Site. When room is unavailable for planting the required replacement trees on site, then they may be planted at another approved location in the City. Trees that are planted off site from the subject property shall be subject to a five-year maintenance agreement.

6. Reforestation Incentive. In order to encourage planting of replacement trees that will in the future achieve environmental functions provided by grove trees, the Planning Official may authorize a reduction of the required tree credits per acre to 30 credits, subject to the following standards:

a. A minimum of three replacement trees, selected from the City-approved Landmark Tree Mitigation List, shall be planted in a staggered manner with adequate spacing that allows the trees to reach mature size and where canopies will overlap after 20 years of growth; and

b. At least one of the three replacement trees shall be planted in a required yard.

7. Payment in Lieu of Planting. When the Planning Official determines on-site and off-site locations are unavailable, then the applicant shall pay an amount of money in lieu of planting set at $450.00. The fee in lieu cost shall be multiplied by the number of required tree credits or mitigation trees. All fee in lieu payments shall be paid into the City forestry account pursuant to KZC 95.57. The Planning and Building Director is authorized to adjust the fee in lieu value periodically to reflect current City costs of materials and labor.

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95.47 Nonconforming Landscaping and Buffers

1. The landscaping requirements of KZC 95.40, Required Landscaping Based on Zoning District, KZC 95.43, Outdoor Use, Activity and Storage, KZC 95.44, Internal Parking Lot Landscaping, and KZC 95.45, Perimeter Landscape Buffering for Driving and Parking Areas, must be brought into conformance as much as is feasible, based on available land area, in either of the following situations:

a. An increase of at least 10 percent in gross floor area of any structure; or

b. An alteration to any structure, the cost of which exceeds 50 percent of the replacement cost of the structure.

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

a. An increase in gross floor area of any structure (the requirement to provide conforming buffers applies only where new gross floor area impacts adjoining property); or

b. A change in use on the subject property and the new use requires larger buffers than the former use.

3. This section does not apply to residential parking spaces existing before June 6, 2024, except to comply with the Americans with Disabilities Act.

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95.51 Tree and Landscape Maintenance Requirements

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

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

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

a. Single-Family Dwellings, Short Plats, Subdivisions, ~~Two/Three-Unit Homes, Cottage/Carriage Dwellings~~middle housing, and/or Accessory Structures Development. Any existing trees or trees planted pursuant to KZC 95.34 or other existing vegetation designated for preservation in a tree retention plan shall be maintained for a period of five years following issuance of the certificate of occupancy. A five-year tree maintenance agreement shall be recorded with the King County Recorder's office on the document approved by the City Attorney. After five years, all trees on the property are subject to KZC 95.25 unless:

1) Trees are in a grove that is protected pursuant to subsection (3) of this section;

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

3) The tree or vegetation was retained to partially or fully meet requirements of KZC 95.40 through 95.45, Required Landscaping and Zoning.

b. Multifamily, Commercial, and/or Mixed Use Development.

1) Any existing trees or trees planted with the development designated for preservation in a tree retention plan shall be maintained for a period of five years following issuance of the certificate of occupancy. A five-year tree maintenance agreement shall be recorded with the King County Recorder's office on the document approved by the City Attorney.

2) All required landscaping installed pursuant to KZC 95.40 through 95.45 shall be maintained throughout the life of the development and are subject to KZC 95.25(3). Plants that die must be replaced in kind.

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

4. Maintenance in Holmes Point Overlay Zone. Vegetation in designated protected natural areas in the Holmes Point Overlay Zone is to be protected in perpetuity pursuant to KZC 70.15(8)(a). Regulated trees in the remainder of the lot shall be protected in perpetuity pursuant to KZC 70.15(8)(b).

5. Nonnative Invasive and Noxious Plants. It is the responsibility of the property owner to remove nonnative invasive plants and noxious plants from the vicinity of any tree or other vegetation that the City has required to be planted or protected per the City's Prohibited Plant List, King County, and Washington weed agencies. Removal must be performed in a manner that is not injurious to required trees and vegetation. Best management practices, including stump treatment or removal, may be required to prevent invasive vegetation from re-growing.

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

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Chapter 105 – PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS

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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) ~~detached dwelling units~~lots ~~or one to two (2) duplex structures~~, 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) ~~detached dwelling units~~lots ~~or one (1) 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:

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) ~~detached dwelling units~~lots ~~or two (2) duplex structures~~ 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 ~~detached dwelling units~~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 ~~dwelling unit~~lot that meets the following criteria shall not be counted as a "served ~~dwelling unit~~lot" on a vehicular access easement or tract (see Plate 21):

1) ~~The dwelling unit is on a~~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. ~~Pervious surfaces (such as pervious concrete or asphalt, and modular or grassed modular grid pavement) can be used in compliance with the stormwater design manual adopted in KMC 15.52.060.~~

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. 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.

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105.18 Pedestrian Access

1. General – Promoting an interconnected network of pedestrian routes within neighborhoods is an important goal within the City. Providing pedestrian access from buildings to abutting rights-of-way, walkways and other uses on the subject property, and connections between properties help meet the objectives of nonmotorized transportation policies. Installing pedestrian connections and other pedestrian improvements with new development reduces the reliance on vehicles, reduces traffic congestion and promotes nonmotorized travel options and provides health benefits. This section establishes regulations for pedestrian access that primarily serves users of the subject property and for which dedication of public access rights is not required. KZC 105.19 establishes regulations for public pedestrian access for which dedication of public access is required.

2. Pedestrian Access – Location – All new development, except detached single-family and ~~duplex~~ middle housing uses, shall comply with the following pedestrian access requirements pursuant to the standards in subsection (3) of this section:

a. From Buildings to Sidewalks and Transit Facilities – Provide pedestrian walkways designed to minimize walking distance from the primary entrances to all buildings to the abutting right-of-way, pedestrian walkway and transit facilities pursuant to the applicable standard in subsection (3) of this section.

b. Between Uses on Subject Property – Provide pedestrian walkways between the primary entrances to all businesses, uses, and/or buildings on the subject property pursuant to the applicable standard in subsection (3) of this section.

c. Along Building Facades Not Adjacent to a Sidewalk in the Rose Hill Business District (RHBD) and Totem Lake Business District (TLBD) Design Districts – In RHBD and TLBD Design Districts, for buildings that do not front on a public sidewalk, a pedestrian walkway shall be provided along the entire facade of all building facades containing the primary entrance (see Figure 105.18.A). The walkway shall meet the through-block pedestrian pathway standards in KZC 105.19(2)(b) (see also Figure 105.19.A) except public dedication will typically not be required. Exceptions may be approved as part of Design Review in the following circumstances: where new development is less than 2,000 square feet of gross floor area, features a landscaped front yard area and parking is located to the side or rear, only direct pedestrian access shall be provided from the abutting sidewalk to the primary entrance to the buildings.

d. Between Properties – Provide pedestrian walkways connecting to adjacent properties pursuant to the applicable standards in subsection (3) of this section. Exceptions: Pedestrian connections to industrial uses are not required. The location for the access points at property edges and to adjacent lots shall be coordinated with existing and planned development to provide convenient pedestrian links between developments. Where there are topographic changes in elevation between properties, stairs or ramps shall be provided to make the pedestrian connection.

e. Through Parking Areas – All parking lots which contain more than 25 stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location. The walkways must meet the development standards pursuant to subsection (3) of this section (see Figures 105.18.B and C).

f. Through Parking Garages – Provide marked pedestrian routes through parking garages from the parking area to the abutting public right-of-way and to the pedestrian entrance of the building. Install walkways pursuant to standards in subsection (3) of this section.

3. Pedestrian Access – Required Improvements

a. Pedestrian Walkway Standards – General – The applicant shall install pedestrian walkways pursuant to the following standards:

1) Must be at least five feet wide;

2) Must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;

3) Must have adequate lighting for security and safety. Lights must be nonglare and mounted no more than 20 feet above the ground;

4) Must be centrally located on the subject property;

5) Must be accessible;

6) Barriers which limit future pedestrian access between the subject property and adjacent properties are not permitted;

7) Easements to provide rights of access between adjacent properties shall be recorded prior to project occupancy.

b. Overhead Weather Protection – Location – The applicant shall provide pedestrian overhead weather protection in the following locations:

1) Along any portion of the building which is adjacent to a pedestrian walkway or sidewalk;

2) Over the primary exterior entrance to all buildings including residential units.

3) Exceptions in Design Districts:

In CBD Zones: Along at least 80 percent of the frontage of the subject property on each pedestrian-oriented street.

In RHBD, BN, BNA, BCX, MSC 2, FHNC, HENC 1, HENC 3 and TLBD Zones: Along at least 75 percent of a pedestrian-oriented building facade.

In JBD Zones: Along 100 percent of a building facade abutting a street or through-block pathway.

For more information regarding designated pedestrian-oriented streets see Plate 34 in Chapter 180 KZC, and pedestrian-oriented facades in Chapter 92 KZC.

c. Overhead Weather Protection – Configuration – The overhead weather protection may be composed of awnings, marquees, canopies, building overhangs, covered porches, recessed entries or other similar features. The overhead weather protection must cover at least five (5) feet of the width of the adjacent walkway and must be at least eight (8) feet above the ground immediately below it.

If development is subject to Design Review, the City will specifically review and approve the color, material and configuration of all overhead weather protection and the material and configuration of all pedestrian walkways as part of the Design Review decision.

Pedestrian Walkway Along Building Facade

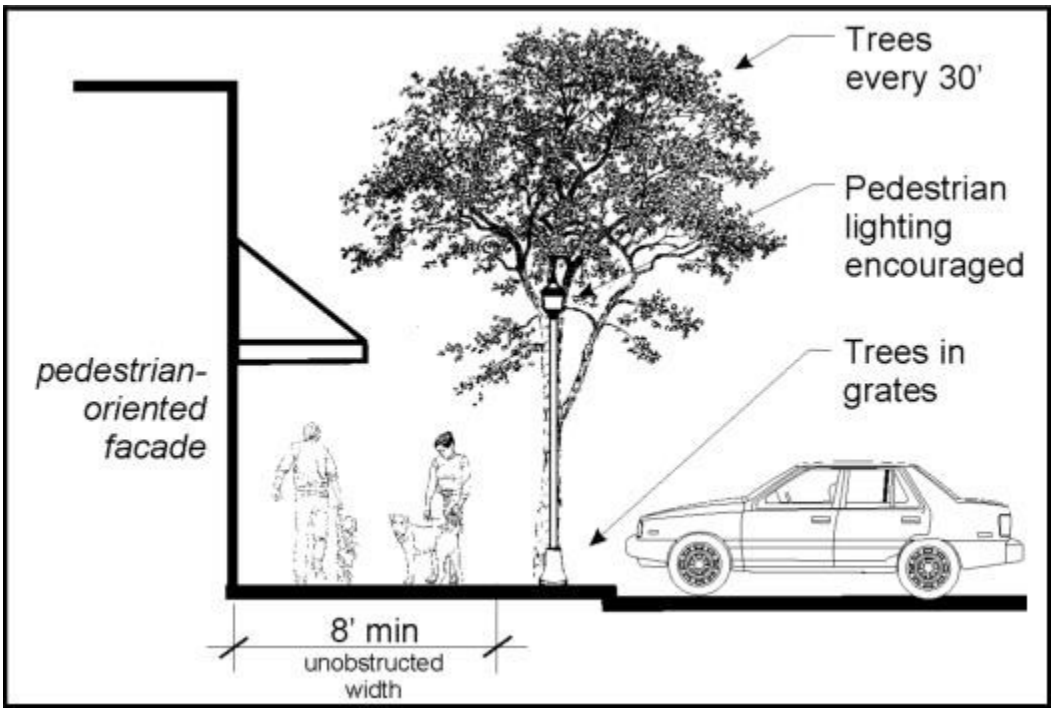


FIGURE 105.18.A

d. Pedestrian Walkways Through Parking Areas and Parking Garage Standards – The applicant shall install pedestrian walkways through parking areas and parking garages pursuant to the following standards (see Figure 105.18.B):

1) Must be installed pursuant to the standards described in subsection (3)(a) of this section;

2) Walkway shall not use vehicle entrance or exit driveways from the parking area to a public right-of-way;

3) Must connect from the parking spaces to the pedestrian entrance of the building served by the parking.

Pedestrian Access From Street or Pedestrian Walkway to Building Entrance

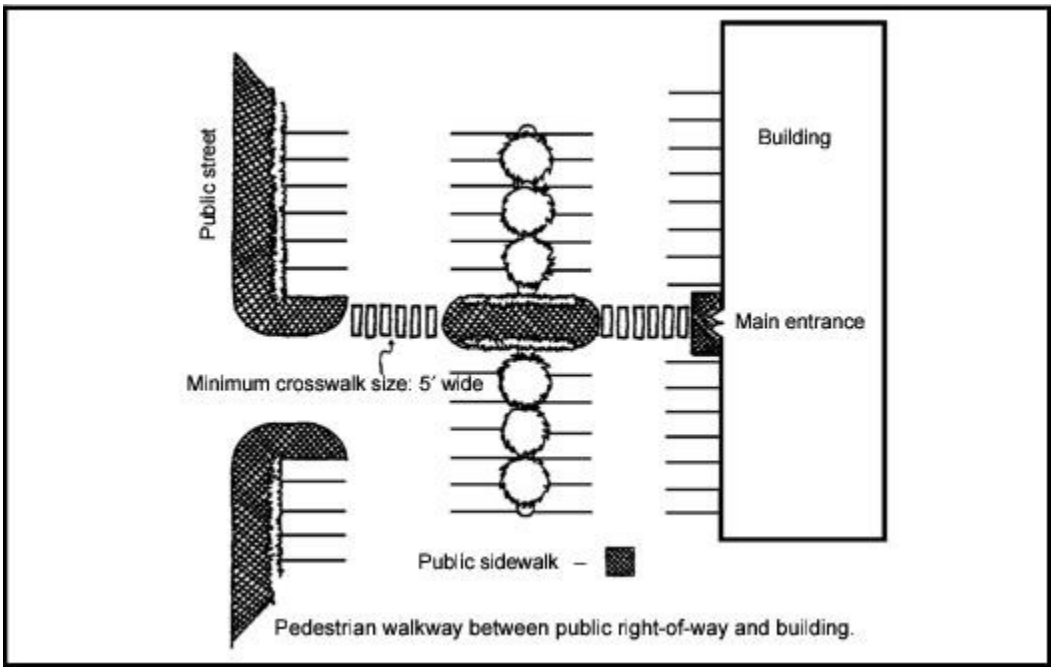


FIGURE 105.18.B

4) All parking lots that contain more than 25,000 square feet of paved area, including access lanes and driveways, must include clearly identified pedestrian routes from the parking stalls to the main building entrance or central location (see Figure 105.18.C). At a minimum, walkways must be provided for every three (3) driving aisles or at a distance of not more than

150-foot intervals, whichever is less, and meet the standards of subsection (3)(a) of this section.

Pathways must be provided through parking areas.

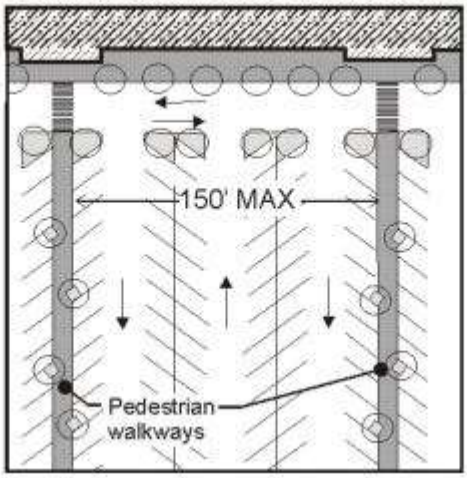


FIGURE 105.18.C

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105.47 ~~Location of Parking Areas – Garages~~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 ~~oot driveway by 20-foot parking pad~~ between the garage and the access easement, tract, or right-of-way providing access to the garage. Thi~~ese~~ dimension~~s~~ 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.

***

105.60 Parking Area Design – General

1. The minimum dimensions for parking aisles, parking spaces, and parking areas are displayed in plates in Chapter 180 KZC. These plates apply to parking for all uses except detached dwelling units. Residential developments may utilize tandem parking. The required dimensions for these spaces are determined by multiplying the standard or compact

parking stall lengths, as specified in Chapter 180 KZC, by the planned number of stalls, with a 2-foot gap added between each stall in the tandem arrangement. Columns may encroach a maximum of six (6) inches into the specified minimum dimensions for parking stall width provided:

a. The columns are set back at least two (2) feet from the required driving aisle so as not to encumber vehicles turning into the stall; and

b. The columns are not within the center eight (8) feet of the specified minimum dimensions for parking stall length so as to not interfere with opening of vehicle doors of parked cars.

2. Driveways not within a parking area or structure shall be a minimum width of 20 feet. Driveways within a parking area or structure shall be a minimum width of 24 feet. This standard may be reduced if the City's Transportation Engineer determines that there are no conflicts due to sight obstructions, location, traffic volumes, or other circulation factors. Driveways shall also comply with Public Works Pre-Approved Plans.

3. Parking areas must be constructed so that car wheels are kept at least two (2) feet from pedestrian and landscape areas; provided, that parking areas may be constructed in a manner which allows vehicles to overhang a pedestrian or landscape area by up to two (2) feet if the pedestrian or landscape area within the area of vehicle overhang is not required by this or any other code (see Figure 105.60.A).

4. Shared parking lot entrances and driveways between properties shall be installed whenever feasible as determined by the Planning Official.

5. Parking areas must have adequate lighting. Lights in parking lots must be nonglare and must be mounted no more than 20 feet above the ground.

Extended Curb Used To Protect Landscape Strip

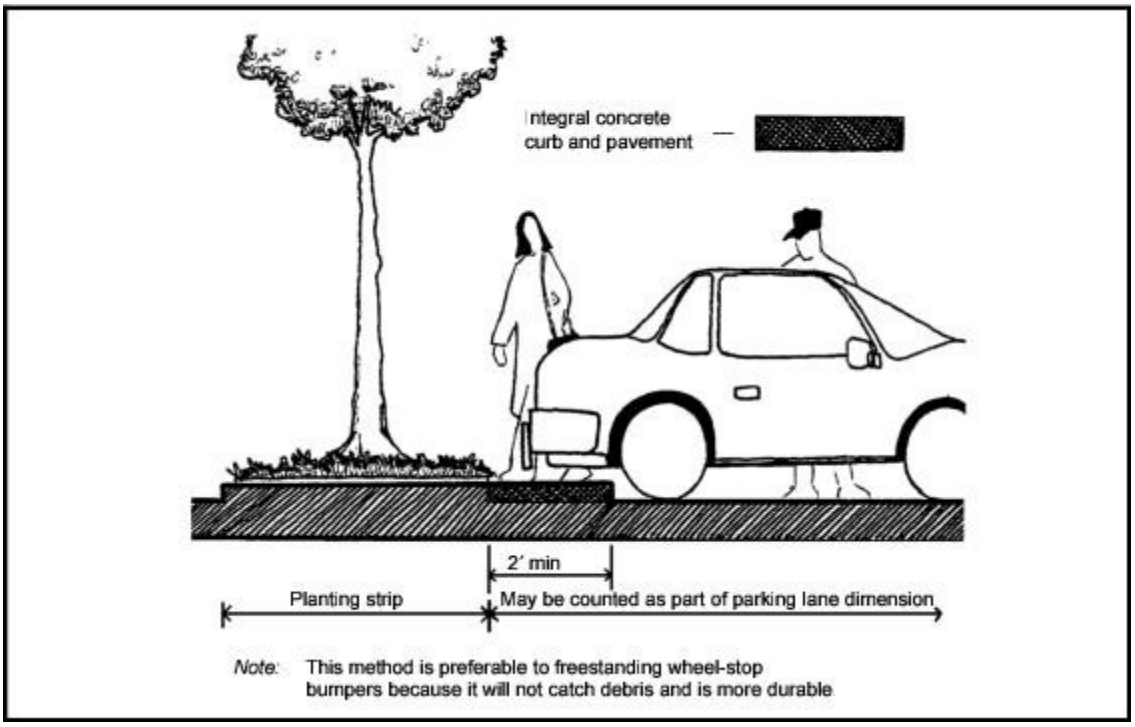


FIGURE 105.60.A

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105.100 Parking Area Design – Surface Materials

1. General – The applicant shall surface the parking area and driveway with a material comparable or superior to the right-of-way providing direct vehicle access to the parking area. Pervious surfaces (such as pervious concrete or asphalt, and modular grid pavement) can be used in compliance with the stormwater design manual adopted in KMC 15.52.060.

2. Exception – Grassed modular pavement may be used for residential parking or for emergency access areas that are not used in required permanent circulation and parking areas for non-residential uses.

***

Chapter 110 – REQUIRED PUBLIC IMPROVEMENTS

***

110.05 User Guide

This chapter establishes requirements for the improvements that an applicant must make within the public rights-of-way that abut the subject property. Consult the use zone charts or tables in Chapters 15 through 56 KZC for regulations in certain zones regarding similar improvements. The provisions of this chapter do not apply to development permits for accessory dwelling units.

***

Chapter 112 – AFFORDABLE HOUSING INCENTIVES ~~– MULTIFAMILY~~

***

112.05 User Guide

This chapter offers dimensional standard flexibility and density and economic incentives to encourage construction of affordable housing units throughout the city ~~in commercial zones, high density residential zones, medium density zones, office zones, and transit-oriented development zones~~.

If you are interested in proposing ~~four or more~~ residential units ~~in commercial zones, high density residential zones, medium density zones, office zones, or transit-oriented development zones~~ or you wish to participate in the City's decision on such a project, you should read this chapter.

112.10 Purpose

There is a limited stock of land within the City zoned and available for residential development and there is a demonstrated need in the City for housing which is affordable to persons of low and moderate income. Therefore, this chapter provides development incentives in exchange for the public benefit of providing affordable housing units ~~in commercial zones, high density residential zones, medium density zones, office zones, and transit-oriented development zones~~.

112.15 Affordable Housing Requirement

1. Affordable housing requirements in low density residential zones.

    a. Minimum Requirement – Beginning on January 1, 2027, for all new dwelling units more than 2,000 square feet in low-density residential zones, 10 percent of the unit(s) will be affordable housing units and comply with the provisions of this chapter. Provided, any replacement less than or equal to 2,000 square feet, and any remodel, rehabilitation, conversion, or alteration that does not add more than 100 percent of the existing square footage of an existing dwelling unit is exempt from this requirement. An option for in-lieu fee payment is provided in Section 112.30.4.b of this chapter.

b. Alternative Requirement – No later than June 30, 2026, the Planning and Building Director will propose for City Council consideration alternative affordable housing methodologies for affordable housing requirements in low density residential zones. The City Council may adopt an alternative program to that set forth in subsection (a) above. The alternative program should not impose minimum affordable housing requirements that are more burdensome than those in subsection (a) above.

c. If the City provides additional development capacity, the minimum affordable housing requirement may be increased.

d. The Planning and Building Director will provide a report to the Council in January of 2028 evaluating whether the affordable housing fee-in-lieu program in low-density residential zones has impacted housing development and recommending potential changes to the program for City Council consideration if impacts are identified.

~~1.~~ 2. ~~Applicability –~~ Affordable housing requirements medium-density residential zones, high-density residential zones, commercial zones, office zones, and transit-oriented development zones.

a. Minimum Requirements –

1) All developments creating four or more new dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations or the Special Regulations for the specific use in Chapters 20 through 56 KZC. For transit oriented development in the PR 1.8 zone, see the permitted uses for the minimum amount of affordable housing to be provided and other requirements of this chapter that do not apply.

2) All developments creating new dwelling units in the Neighborhood Mixed Use (NMU), Civic Mixed Use (CVU), or Urban Flex (UF) zones regulated in Chapter 57 KZC shall set aside the following minimum percentage of their residential units as affordable units at the indicated average median income (AMI) levels, based on the maximum allowed height for each zone shown in the NE 85th St. Station Area Regulating Plan in Figure 2, KZC 57.10.030:

Station Area - Base Affordable Housing Requirements		
Maximum Allowed Zone Height	**Renter-Occupied: Minimum Percentage of Affordable Housing Units and AMI Requirements**	**Owner-Occupied: Minimum Percentage of Affordable Housing Units and AMI Requirements**
Less than 65'	10% at 50% AMI	10% at 80% AMI
65' and Above	15% at 50% AMI	15% at 80% AMI

Note that the minimum requirements for affordable housing units are applicable to the full development, including any units provided within the base height or capacity allowed for the zone. Options for alternative compliance with these requirements, and pioneer unit provisions, are shown in KZC 112.20(3)(c).

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

~~2.~~ 3. Calculation in Density-Limited Zones – Except for developments in low-density residential zones, ~~F~~ for developments in density-limited zones, the required amount of affordable housing shall be calculated based on the number of dwelling units proposed prior to the addition of any bonus units allowed pursuant to KZC 112.20.

~~3.~~ 4. Calculation in CBD 5A, RH8, HENC 2, TL, Transit Oriented Development in PR 1.8, FHNC, BCX, NMU, CMU, UF, and PLA 5C Zones – For developments in the CBD 5A, RH8, TL, FHNC, BCX, TOD in PR 1.8, HENC 2, NMU, CMU, UF, and PLA 5C zones, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed.

~~4.~~ 5. Rounding and Alternative Compliance – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66. KZC 112.30 establishes methods for alternative compliance,

including payment in lieu of construction for portions of required affordable housing units that are less than 0.66 units.

112.20 Basic Affordable Housing Incentives

1. Approval Process – The City will use the underlying permit process to review and decide upon an application utilizing the affordable housing incentives identified in this section.

2. Bonus –

a. Height Bonus – In RH8, PLA 5C, FHNC, and TL use zones where there is no minimum lot size per dwelling unit, and for transit oriented development in the PR 1.8 zone, additional building height has been granted in exchange for affordable housing, as reflected in each Use Zone Chart for the RH8, FHNC and TL zones and tables for the PLA 5C and PR 1.8 zones.

b. Development Capacity Bonus – On lots or portions of lots in the RH8 use zone located more than 120 feet north of NE 85th St., between 132nd Avenue NE and parcels abutting 131st Avenue NE, in the HENC 2 use zone, and in the CBD 5A use zone, where there is no minimum lot size per dwelling unit, additional residential development capacity has been granted in exchange for affordable housing as reflected in the Use Zone Chart. On lots in the NE 85th St. Station Area, NMU, CVU, and UF zones, additional residential development capacity and reduced parking requirements have been granted in exchange for affordable housing as reflected in Chapter 57 KZC.

c. Bonus Units – Except for uses in low-density residential zones, ~~F~~ for uses in zones where the number of dwelling units allowed on the subject property is determined by dividing the lot size by the required minimum lot area per unit, two additional units (“bonus units”) may be constructed for each affordable housing unit provided or paid for in lieu of construction. (See Plate 32 for example of bonus unit calculations.)

d. Maximum Unit Bonuses – The maximum number of bonus units achieved through a basic affordable housing incentive shall be 25 percent of the number of units allowed based on the underlying zone of the subject property.

e. Density Bonus for Assisted Living Facilities – The affordable housing density bonus may be used for assisted living facilities to the extent that the bonus for affordable housing may not exceed 25 percent of the base density of the underlying zone of the subject property.

3. Alternative Affordability Levels – Except for development in low-density residential zones, ~~A~~ an applicant may propose affordability levels different from those defined in Chapter 5 KZC for the affordable housing units.

a. In use zones where a density bonus is provided in exchange for affordable housing units, the ratio of bonus units per affordable housing unit for alternative affordability levels will be as follows:

Affordability Level	**Bonus Unit to Affordable Unit Ratio**
Renter-Occupied Housing	
60% of median income	1.9 to 1
70% of median income	1.8 to 1
Owner-Occupied Housing	
90% of median income	2.1 to 1
80% of median income	2.2 to 1

b. In the CBD 5A, HENC 2, RH8, TL and PLA 5C use zones, the percent of affordable units required for alternative affordability levels will be as follows:

Affordability Level	**% of Project Units Required to Be Affordable**
Renter-Occupied Housing	
60% of median income	13%
70% of median income	17%
Owner-Occupied Housing	

Affordability Level	% of Project Units Required to Be Affordable
70% of median income	8%
90% of median income	13%
100% of median income	21%

c. In the Station Area NMU, UF, and CVU use zones, the first 10 percent of total units in a development must be provided at the base required affordability level set forth in KZC 112.15(1)(a)(2), and the remainder of required units to reach the minimum set-aside established in that section may be provided at the equivalency ratios shown below:

Affordability Level	Exchange Ratio (50% AMI Unit: Equivalent AMI Unit)
Renter-Occupied Housing	
60% of median income	1:1.3
70% of median income	1:1.7
80% of median income	1:2.0
Owner-Occupied Housing	
90% of median income	1:1.3
100% of median income	1:2.1

When calculating the number of affordable units required for any of the alternate affordability levels, any fraction of a unit shall be rounded up to the next whole number.

Example Alternative Compliance Calculation

1. Calculate how many total affordable units are required under fixed base requirement.

Example: A 100-unit rental development (in a zone allowing heights at 65 feet or above) requires 15 units at 50 percent AMI (base requirement).

2. At least 10 percent of (total) units must be provided at 50 percent AMI = 10 units at 50 percent AMI.

3. Remainder of units (five units per the base requirement) may be provided at the equivalency of a 50 percent AMI unit. For each 50 percent AMI unit not provided, the exchange ratio will be used to determine how many equivalent units (based on chosen affordability level) must be provided.

Example: Any of the below options could be used to fulfill remainder of affordable housing requirement:

5 units at 50% AMI = 7 units at 60% AMI (rounded up from 6.5); or

5 units at 50% AMI = 9 units at 70% AMI (rounded up from 8.5); or

5 units at 50% AMI = 10 units at 80% AMI.

d. To encourage “pioneer residential development” in the Station Area NMU, UF, and CVU use zones with allowed heights 65 feet or higher, the below base (or fixed) pioneer provisions shall be utilized to calculate the minimum affordable housing units required for the indicated total number of units constructed in projects vested on or after the effective date of the ordinance codified in this section:

Number of Total Units in NMU, UF, and CVU Zones	**Renter-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements**	**Owner-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements**
Units with vested applications before December 31, 2025, or	10% at 50% AMI, or the alternative affordability level options in KZC 112.20(3)(c) with at least 5% of	10% at 80% AMI, or the alternative affordability level options in KZC 112.20(3)(c)

Number of Total Units in NMU, UF, and CVU Zones	Renter-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements	Owner-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements
first 624 units (whichever is later)	units required to be provided at 50% AMI	
All subsequent units	Base requirements in KZC 112.15(1)(a)(2)	Base requirements in KZC 112.15(1)(a)(2)

"Number of total units" shall mean the total number of housing units (affordable and otherwise) with vested applications within the NMU, UF, and CVU use zones where affordable housing units are required and which have not received funding from public sources.

e. Depending on the level of affordability provided, the affordable housing units may not be eligible for the impact fee waivers described in subsections (5)(a) and (5)(b) of this section.

4. Dimensional Standards Modification – To the extent necessary to accommodate the bonus units allowed under subsection (2)(c) of this section on site, the following requirements of the Kirkland Zoning Code may be modified through the procedures outlined in this subsection. These modifications may not be used to accommodate the units resulting from the base density calculation.

a. Maximum Lot Coverage – The maximum lot coverage may be increased by up to five percentage points over the maximum lot coverage permitted by the underlying use zone. Maximum lot coverage may not be modified through this provision on properties with streams, wetlands, minor lakes or their buffers. In addition, this modification would require a shoreline variance as set forth in Chapter 141 KZC for properties within jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.

b. Parking Requirement – The required parking may be reduced to 1.0 space per affordable housing unit. No additional guest parking is required for affordable

housing units. If parking is reduced through this provision, the owner of the affordable housing unit shall sign a covenant, in a form acceptable to the City Attorney, restricting the occupants of each affordable housing unit to a maximum of one automobile.

c. Structure Height – Maximum height for structures containing affordable housing units may be increased by up to six feet for those portions of the structure(s) that are at least 20 feet from all property lines. Maximum structure height may not be modified through this provision for any portion of a structure that is adjoining a low density zone. This modification may be permitted or may require a shoreline variance as set forth in Chapter 141 KZC for properties within jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.

d. Required Yards – Structures containing affordable housing units may encroach up to five feet into any required yard except that in no case shall a remaining required yard be less than five feet. A modification to the shoreline setback would require a shoreline variance set forth in Chapter 141 KZC for properties within jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.

e. Common Recreational Space – Common recreational open space per unit, when required, may be reduced by 50 square feet per affordable housing unit.

5. Impact Fee and Permit Fee Calculation –

a. Applicants providing a greater number of affordable housing units or a greater level of affordability than is required by this code may request an exemption from payment of:

1) Traffic impact fees as established by KMC 27.04.050; and

2) Park impact fees as established by KMC 27.06.050.

The allowed exemption shall only apply to those units in excess of the minimum required by code unless the development will be utilizing public assistance targeted for low-income housing.

b. Applicants providing affordable housing units may request an exemption from payment of school impact fees as established by KMC 27.08.050.

c. Applicants providing affordable housing units are eligible for exemption from various planning, building, plumbing, mechanical and electrical permit fees for the bonus units allowed under subsection (2)(c) of this section as established in KMC 5.74.070 and KMC Title 21.

6. Property Tax Exemption – A property providing affordable housing units may be eligible for a property tax exemption as established in Chapter 5.88 KMC.

a. Properties within the NMU, CVU, or UF Station Area zones utilizing alternate affordability options in subsection (3)(c) of this section shall not be eligible for the 12-year multi-family tax exemption described in Chapter 5.88 KMC.

***

112.30 Alternative Compliance

1. Approval Process for Alternative Compliance – As an alternative to providing some or all of the required affordable housing units on the subject property, the Planning and Building Director may approve a request for alternative compliance. Alternative compliance may include providing affordable housing units at another location within the City of Kirkland, payment to the City in lieu of constructing partial affordable housing units to be used to create affordable housing units, or such other means proposed by the applicant and approved at the discretion of the Planning and Building Director, consistent with the following criteria for alternative compliance.

2. Criteria for Alternative Compliance – The City may approve a request for alternative compliance if both of the following requirements are met:

a. The applicant demonstrates that the proposed alternative compliance method achieves an affordable housing benefit to the City equal to or better than providing the affordable housing units on site.

b. The affordable housing units provided through the alternative compliance will be based on providing the same type of ownership of units as would have been provided on site.

3. Requirements for Off-Site Alternative Compliance – Off-site affordable housing units are subject to the following requirements:

a. The off-site location chosen for the affordable housing units shall not lead to an undue concentration of affordable housing either at the off-site location or in any particular area of the City.

b. Any building permits required for off-site affordable housing units shall be submitted prior to submittal of building permits for the subject property. Certificates of occupancy for off-site affordable housing units shall be issued prior to issuance of the final certificate of occupancy for the subject property.

4. Requirements for Payment in Lieu Alternative Compliance – Payments in lieu of constructing affordable housing units are subject to the following requirements:

a. To encourage “pioneer developments” subject to these regulations, payments in lieu are allowed for one (1) whole required affordable housing unit and portions of required affordable housing units that are less than 0.66 units during the five (5) years immediately following the effective date of the ordinance codified in this chapter (until April 1, 2015). After that time period, payments in lieu are allowed only for portions of required affordable housing units that are less than 0.66 units. Rounding up to the next whole number of units and actual construction of the affordable units is required when the calculated number of required affordable units results in a fraction of 0.66 or more.

b. On January 1, 2027, for new dwelling units more than 2,000 square feet in low-density residential zones, the formula for payments will be calculated as a per square foot fee, based on the difference between the cost of construction for a prototype affordable housing unit, including land costs and development fees, and the revenue generated by an affordable housing unit from averaged-size stand-alone houses permitted across ten city neighborhoods in 2024. The per square foot fee payment starting on January 1, 2027, will be $15.00 per square foot. The per square foot fee will be applied to each square foot above 2,000 square feet. Starting in 2028, the per square foot fee may be adjusted periodically by the city

council to reflect changing market conditions. The final payment will be approved by the Planning and Building Director, or their designee.

1) No later than June 30, 2026, the Planning and Building Director shall propose for City Council consideration alternative affordable housing methodologies to that set forth in subsection (b) above. The City Council may adopt an alternative methodology to that set forth in subsection (b) above, provided that the alternative program does not result in an in-lieu fee payment that exceeds the cost of developing 10 percent of the units on a subject property as affordable housing units. The alternative methodologies should contain options that

i. Defer payment of the fee as long as possible in the permitting process.

ii. Exempt the square footage of garages and non-heated storage areas.

iii. Increase the per square foot exemption.

iv. Require that the City Council approve all allocations of the revenue generated by the fee.

v. Exempt the square footage of any house that was removed prior to construction of the new home.

2) If the City provides additional development capacity, the in-lieu fee payment may be increased.

~~b~~ c. In all other zones, ~~P~~ payments in lieu shall be based on the difference between the cost of construction for a prototype affordable housing unit on the subject property, including land costs and development fees, and the revenue generated by an affordable housing unit. The formula for payments shall be established by the Planning and Building Director.

c. The payment obligation shall be established prior to issuance of any building permits for the project and shall be due prior to issuance of any certificate of occupancy for the project. Collected payments shall be deposited in the City's Housing Trust Fund account.

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

Sections:

113.05 User Guide
113.10 Provisions and Intent
113.15 Housing Types Defined
113.20 Applicable Use Zones
113.25 Development Standards ~~Chart for Cottages, Carriage Units and Two/Three-Unit Homes~~
113.30 Community Buildings and Community Space in Cottage Developments
113.35 Design Regulations~~Standards and Guidelines~~
~~113.40 Median Income Housing~~
113.5~~4~~0 Additional Standards

113.05 User Guide

This chapter provides standards for developing ~~alternative types of housing in single-family zones. If you are interested in proposing~~ middle housing including cottages, carriages ~~or two/three-unit homes~~, two to six units buildings, townhomes, or stacked flats in residential zones. If you are interested in proposing middle housing you should read this chapter.

113.10 Provisions and Intent

The provisions of this chapter are designed to diversify the range of available housing options in residential neighborhoods ~~as alternatives to the development of typical detached single-family homes~~. ~~Overlay~~or those In the event of a conflict between the standards in this chapter and the standards in KZC 15, 20, and 25, the standards in this chapter shall take precedence.

These standards are intended to address the need for ~~smaller,~~ more ~~compact, and often, more affordable~~ housing choices by adding diverse, and often affordable housing types, ~~in~~ primarily residential neighborhoods ~~characterized by single-family homes~~. Providing for a variety of housing types in primarily residential~~single-family~~ zones also encourages innovation and variety in housing design and site development, while ensuring compatibility with surrounding ~~single-family~~ residential uses.

113.15 Housing Types Defined

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

1. Cottage – A ~~detached,~~ ~~single-family~~ dwelling unit that is detached and is ~~containing~~ 1,700 square feet or less of gross floor area.

2. Carriage Unit – A ~~single-family~~ dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure in a cottage housing development.

~~3. Two/Three-Unit Home~~Duplex ~~– A structure containing two (2) dwelling units, or three (3) dwelling units, designed to look like a detached single-family home.~~

3. Multiplex - A residential building that contains two to six attached dwelling units.

4. Townhouses – Residential buildings that contain three or more attached dwelling units that extend from foundation to roof and that have a yard or public way on at least two sides.

5. Stacked Flats – Stacked dwelling units in a residential building of no more than three stories.

113.20 Applicable Use Zones

The housing types described in this chapter are allowed in residential~~single-family~~ zones as defined in KZC 5.10.785 ~~5.10.490, Low Density Zones, except the parcels shown on the Kirkland Zoning Map with a GH suffix~~.

This chapter is not applicable for properties with a Goat Hill (GH) Overlay, properties zoned RSA 1, or those located within the jurisdiction of the Shoreline Management Act regulated under Chapter 83 KZC.

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

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

	Cottage	Carriage	Two/Three-Unit Home
Max Unit Size	1,700 square feet[1, 2]	800 square feet located above a garage structure in a cottage housing development	Maximum size of a two- or three-unit home is determined by the floor area ratio (F.A.R.) in the underlying zone[3]
Density	Two times the maximum number of detached dwelling units allowed in the underlying zone[4, 5, 6, 7]		
Max Floor Area Ratio (F.A.R.)[8]	Equal to the base zoning allowance for single-family residences		
Development Size[9]	Min. 2 units Max. 24 units Maximum cluster: 12 units	Allowed when included in a cottage project; reviewed as part of cottage project	No development size limitation
Review Process	None[16]		None[16]
Minimum Lot Size	Beyond density restrictions, there is no required minimum lot size for lots created through the subdivision process. (The number of allowed units on the subject property is determined by the density provision of this chart.)		
Parking Requirements[10]	Provided a development is within one-half mile of transit service with 15-minute headways during commute hours: 1 space per unit Provided a development is more than one-half mile from transit service with 15-minute headways during commute hours: Units which are 1,000 square feet or less = 1 space per unit Units which are over 1,000 square feet = 1.5 spaces per unit See KZC 105.20 for visitor parking One attached ADU = no additional on-site space required		

	~~Cottage~~	~~Carriage~~	~~Two/Three-Unit Home~~
~~Minimum Required Yards (from exterior property lines of subject property)~~	~~Front: 20'[13, 14, 15]~~ ~~Side: 5'~~ ~~Rear: 10'~~	~~Must be included in a cottage project~~	~~Front: 20'~~ ~~Side: 5'~~ ~~Rear: 10'~~
~~Lot Coverage (all impervious surfaces)[11]~~	~~Equal to the base zoning allowance for single-family residences~~	~~Must be included in a cottage project~~	~~Equal to the base zoning allowance for single-family residences~~
~~Height~~ ~~Dwelling Units~~ ~~Accessory Structures~~	- ~~Equal to the base zoning allowance for single-family residences~~ ~~One story, not to exceed 18' above A.B.E.~~		
~~Tree Retention~~	~~The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter.~~		
~~Common Open Space~~	~~300 square feet per unit for cottage developments containing 5 or more units and not required for duplexes or triplexes.~~ ~~Can be reduced to 200 square feet per unit if a permanent recreational/communal feature, such as cooking facilities, play equipment or permanent outdoor furniture, is provided.~~ ~~Private open space is also encouraged (see KZC 113.35).~~		
~~Community Buildings~~	~~Community buildings are encouraged. See KZC 113.30 for further regulations.~~		
~~Attached Covered Porches[12]~~	~~Each unit must have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 7' on all sides.~~	~~NA~~	~~Attached covered porches are encouraged as a design feature.~~
~~Development Options~~	~~Subdivision~~		

	~~Cottage~~	~~Carriage~~	~~Two/Three-Unit Home~~
	~~Condominium~~ ~~Rental or Ownership~~		
~~Accessory Dwelling Units (ADUs)~~	~~Allow attached ADUs as part of a cottage or two-/three-unit home development.~~		

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

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

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

~~a. Regulated by the floor area ratio (F.A.R.) of the underlying zone.~~

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

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

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

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

~~[8] F.A.R. regulations:~~

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

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

	~~Cottage~~	~~Carriage~~	~~Two/Three-Unit Home~~

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

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

~~[10] See KZC 105.20 for requirements related to guest parking.~~

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

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

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

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

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

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

	Cottage and Carriage	**Multiplex, Townhouses, Stacked flats**
Density [1, 2, 3, 4, 5, 6, 7]	A development more than a quarter-mile walking distance of a major transit stop may have the greater of:	

	Four units per lot, or Twice the maximum number of detached dwelling units allowed in the residential zones. A development within a quarter-mile walking distance of a major transit stop may have the greater of: Six units per lot, or Twice the maximum number of detached dwelling units allowed in the residential zones.	
Development Size	There is no minimum or maximum number of units.	
Review Process	Before applying for a permit or approval under this chapter, the applicant shall attend a pre-submittal meeting with the Planning Official consistent with the provisions of KZC 145.12.	
Land Division	Subdivision[8] Condominium	
Minimum Lot Size	Beyond density restrictions, there is no required minimum lot size for lots created through the subdivision process. (The number of allowed units on the middle housing project site is determined by the density provision of this chart.)	
Minimum Required Yards (from exterior property lines of the middle housing project site)	Front: 20' [9, 10] Side: 5' Rear: 10'	
Maximum Unit Size	800 square feet for carriage units, 1,700 square feet for cottage units [11, 12, 13]	None
Max Floor Area Ratio [14, 15]	For development in low density residential zones, the maximum F.A.R. is equal to the base zoning allowance for detached dwelling units in the zone within which the property is located.	
Lot Coverage [16]	Equal to the base zoning allowance for detached dwelling units in the zone within which the property is located.	
Height	Equal to the base zoning allowance for detached dwelling units in the zone within which the property is located.	
Tree Retention	The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter.	
Community Buildings	See KZC 113.30	
Design Standards	See KZC 113.35	
Parking	.5 on-site space per unit. No on-site space is required if: • Unit is within one-half mile of a major transit stop; or • Unit is 1,200 square feet or less; or • Unit is an affordable housing unit; or	

	• Unit is an accessory dwelling unit.
Affordable Housing	See KZC 112.

[1] Multiplexes containing more than four units are not permitted in low density zones.

[2] Existing detached dwelling units may remain on the middle housing project site and will be counted as middle housing units.

[3] Attached Accessory Dwelling Units (ADUs) are allowed as an accessory use to middle housing and will not count towards the density allowance. The maximum number of ADUs is two per middle housing project site. Each ADU must meet the requirements of KZC 115.07.

[4] In low density zones:

To calculate the allowed density for lots in zones where minimum lot size is required, divide the site's lot area by the minimum lot size, multiply by two, then round down to the nearest whole number.

For lots in zones where units per acre is applied to calculate the maximum density for a site, divide the square footage of the subject lot by 43,560 (the square footage of one acre) then multiply by the zone's maximum units per acre, round up if the fraction is 0.50 or greater, and multiply by two.

[5] Road dedication and vehicular access easements or tracts may be included in the density calculation.

[6] Medium and high-density zones have a minimum density that is 80% of the maximum allowed density. Middle housing projects must provide no fewer than the minimum number of units established by the base zoning before Chapter 113 density calculations are applied.

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

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

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

[10] On lots with two front yards that are essentially parallel to one another, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 feet).

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

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

[13] See KZC 113.35.2.b for how to calculate unit floor area.

[14] F.A.R. regulations:

a. F.A.R. shall be calculated using the entire middle housing project site, except as provided in subsection (b) of this footnote.

b. For cottage projects proposed to undergo subdivision pursuant to the provisions of this chapter, F.A.R. for individual lots may vary, but in no case shall the aggregate F.A.R. exceed the allowance for the middle housing project site.

c. All structures on site, other than affordable housing units and any attached garages for the affordable units provided under KZC 112, shall be included in the F.A.R. calculation for the development.

[15] KZC 115.42 does not apply to cottage developments, or cottages that are part of a development with other middle housing types. F.A.R. shall be calculated using the sum of the floor area of all cottages and accessory structures, including any attached garages. See KZC 113.35.2.b for how to calculate cottage floor area.

[16] Lot coverage is calculated using the entire middle housing project site. Lot coverage for individual lots may vary.

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113.35 Design Regulations ~~Standards and Guidelines~~

1. All Middle Housing Developments

a. Vehicle access, garages, driveways, and surface parking

1) For lots abutting an improved alley that meets the city's standard for width, vehicular access shall be taken from the alley. Lots without access to an improved alley and taking vehicular access from a street shall meet the other standards of subsection (2) through (6) below.

2) Roadway Widths – For vehicular access minimum standards for widths are established as follows:

a. When no Fire Department access road is required, and the access will service one (1) to four (4) dwelling units, including accessory dwelling units, the minimum standard is 16 feet of unobstructed pavement. The Public Works Department may reduce the standard to 10 feet of unobstructed pavement if the access and abutting driveways are located to allow for safe ingress and egress.

b. 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) dwelling units, including accessory dwelling units, 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 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 with an appropriate Fire Department vehicle turn-around; or

ii. 20 feet of pavement 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;

3) If accessing three (3) or more dwelling units, including accessory dwelling units, from the access road, the minimum standard is 20 feet of unobstructed pavement.

c. A greater pavement 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.

d. The Public Works Department may require a dedicated and improved public right-of-way to serve 13 or more dwelling units as determined on a case-by-case basis. See Chapter 110 KZC for the required improvements.

3) Parking areas and driveways may be located within required yards, but except for the portion of any driveway which connects with an adjacent street, not closer than five feet to any property line.

Public Works driveway policy requirements for driveway separation, vehicle turn around, and access standards shall apply.

b. Low Impact Development (LID)

Projects constructed under this chapter shall include low impact development techniques when feasible, pursuant to the adopted City of Kirkland Surface Water Manual.

2. Cottage Projects

a. Each unit must have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 7' on all sides.

b. The gross floor area of a cottage or carriage unit shall not include the following:

1) One exemption of 25 square feet if the cottage has an internal staircase.

2) Uncovered rooftop decks and uncovered at-grade patios.

3) 64 square feet of the required covered porch.

4) The shared wall between the garage and the cottage.

c. Required Common Open Space

1) At least one outdoor common open space is required for developments containing five (5) or more units.

2) For cottage developments containing five (5) or more units, provide a total of 300 square feet of comment open space per unit. The total common open space area for cottage developments of five (5) or more units may be reduced to 200 square feet per unit if a permanent recreational/communal feature is provided.

3) Required common open space may be divided into no more than two (2) separate areas. Each area of common open space shall be a minimum dimension of 20 feet on all sides.

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

a) The open space shall be located so that it will be bordered by cottages on at least two (2) sides;

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

c) Minor structures that do not create a visual or physical barrier, such as low retaining walls, low solid or permeable fencing (generally less than 3.5 feet in height, providing visual access to most children and adults) separating private open space and common open space, sidewalks, small berms, and planting beds, are permitted in between a dwelling unit and a common open space.

5) Parking areas and vehicular areas shall not qualify as common open space.

6) Pedestrian connections should link all units to common open spaces. Driveways may be used to provide pedestrian connections.

7) Critical areas and their buffers, including easements for geologically hazardous areas, shall not qualify as common open space.

8) Fences may not be located within required open space areas.

9) Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.

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

~~113.40 Median Income Housing~~

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

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

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

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

~~24-unit project:~~ ~~2 units affordable to households earning 92% of King County median income~~

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

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

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

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

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

113.~~5~~40 Additional Standards

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

2. The City's approval of a middle housing~~cottage housing or two/three-unit home~~ development does not constitute approval of a subdivision or short plat. An applicant wishing to subdivide in connection with a development under this chapter shall seek approval through the requirements of Title 22 of the Kirkland Municipal Code (KMC).~~to do so concurrently with the approval process under this chapter.~~ To the extent there is a conflict between the

standards set forth in this chapter and KMC Title 22 ~~of the Kirkland Municipal Code~~, the standards set forth in this chapter shall control. A middle housing project site~~lot~~ that has existing middle housing~~g cottage, carriage or two/three-unit homes~~ may not be subdivided unless all of the requirements of the Zoning Code and Title 22 of the Kirkland Municipal Code are met.

Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

Sections:

115.05 User Guide
115.07 Accessory Dwelling Units
115.08 Accessory Structure (Detached Dwelling Unit Uses Only)
115.10 Accessory Uses, Facilities and Activities
115.15 Air Quality Regulations
115.20 Animals in Residential Zones
115.23 Common Recreational Space Requirements for Certain Residential Uses
115.24 Cross Kirkland Corridor/Eastside Rail Corridor – Supplemental Development Standards for Adjoining Properties
115.25 Development Activity – Limitations On
115.33 Electric Vehicle Infrastructure
115.35 Erosion and Sedimentation Regulation
115.40 Fences
115.42 Floor Area Ratio (F.A.R.) Calculation for ~~Detached~~ Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C
115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones
115.45 Garbage and Recycling Receptacles and Enclosures – Storage Space, Placement and Screening
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115.142 Transit Shelters and Centers, Public
115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited
115.155 Marijuana Retail Business – Buffer Requirements from Licensed Child Care Centers

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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:

1. Occupancy Limitations – Occupancy limitations for ADUs shall be consistent with the provisions of the KMC Property Maintenance Code.

2. Ownership – An accessory dwelling unit may be segregated in ownership from the single-family dwelling unit.

32. Subdivision – A ~~property containing a~~ detached accessory dwelling unit may~~shall not~~ be subdivided within a unit lot subdivision as regulated by Title 22 KMC~~but may be segregated in ownership from the principal dwelling unit~~.

43. Size – The square footage of the ADU shall not exceed 1,200 square feet of gross floor area. For attached ADUs, if the accessory unit is completely located within existing gross floor area on a single floor, the Planning and Building Director may allow increased size in order to efficiently use all floor area. When calculating the square footage of the ADU see KZC 5.10.340, definition of "gross floor area." The gross floor area shall not include:

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

b. Uncovered rooftop decks and uncovered at-grade patios.

c~~b~~. Up to 200 square feet of c~~C~~overed and uncovered exterior elements not included in subsection b ~~such as decks and porches; provided, the total size of all such covered exterior elements does not exceed 200 square feet~~. ~~See KZC 115.08 for additional size and height limitations.~~

54. Location – An accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached accessory dwelling units located on lots approved using the historic preservation subdivision regulations must be located behind the historic residence. Accessory dwelling units must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone; except as allowed in subsection 6 of this section and modified by KZC 115.42 and 115.115(3)(o). In addition, detached accessory dwelling units must be fully contained in a separate structure that is detached from the principal unit and any attached accessory dwelling unit. A detached accessory dwelling unit may not share a common roof structure with the principal unit and/or attached accessory dwelling unit.

6. Conversion of Existing Structures - Permitted conversion of existing structures, including detached garages, to ADUs shall be exempt from current zoning setback and lot coverage requirements, on the condition that any existing nonconformities are not increased.

~~5. Entrances – The primary entrance to the accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the principal unit and shall not detract from or alter the single-family character of the principal unit.~~

7~~6~~. Parking – On lots within one-half mile of a major transit stop no off-street parking is required. On lots more than one-half mile of a major transit stop with more than one (1) accessory dwelling unit, there shall be one (1) off-street parking space provided unless:

a. On-street parking is available within 600 feet of the subject property; or

b. The property is located within one-half mile of transit service with 15-minute headways during commute hours.

8~~7~~. Applicable Codes – The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current International Building Code (IBC) ceiling height requirements if it was legally constructed as habitable space.

9~~8~~. Permitting

a. Application

1) The property owner shall apply for an accessory dwelling unit permit with the Planning and Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning and Building Department.

2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Recorder's Office to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory

dwelling unit is maintained on the property. See Title 22 KMC requirements for accessory dwelling units proposed in a unit lot subdivision.

3) If an ADU was or is created without being part of a project for which a building permit was or is finaled, an ADU inspection will be required for issuance of an ADU permit. The ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

b. Eliminating an Accessory Dwelling Unit – Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning and Building Department, or may occur as a result of enforcement action.

c. Appeals. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.

115.08 Accessory Structure (Detached Dwelling Unit Uses Only)

Structures, to be used as a tool shed, greenhouse, private garage, ~~accessory dwelling unit,~~ barn or similar use are permitted. The total size of all such structures may not exceed the gross floor area of 1,200 square feet plus 10 percent of the lot area that exceeds 7,200 square feet. ~~An accessory structure which contains an accessory dwelling unit must also comply with KZC 115.07 which may further limit its size.~~

The gross floor area shall not include area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof. The height (roof peak elevation) of an accessory structure~~, including ADUs,~~ in all residential zones, may not exceed the maximum height allowed by the underlying zone or 15 feet above the existing height (roof peak elevation) of the primary residence, whichever is less.

This section does not apply accessory dwelling units. ~~This height limitation may be more restrictive than KZC 83.180(2) for ADUs in the shoreline jurisdiction and in the event of a conflict between this provision and KZC 83.180(2), this provision shall prevail based on KZC 83.70(2).~~

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115.40 Fences

1. General

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

1) A fence may not be within 15 feet of any street curb, or the edge of the street pavement, if no curb exists; or

2) If the applicant can show with a survey, or other reasonable means, the location of his/her property line, the fence can be placed on the property line regardless of the distance from a street curb or the edge of the pavement.

3) A fence may not violate the provisions of KZC 115.135.

4) A detached dwelling unit or middle housing development abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard.

On corner lots with two (2) required front yards, this restriction shall apply only within the front yard adjacent to the front facade of the structure.

5) A detached dwelling unit or middle housing development may not have a fence over 3.5 feet in height within three (3) feet of the property line abutting a principal or minor arterial except where the abutting arterial contains an improved landscape strip between the street and sidewalk. The area between the fence and property line shall be planted with vegetation and maintained by the property owner.

6) No fence of any height may be placed waterward of the shoreline setback required in Chapter 83 KZC or within any portion of a side yard that coincides with the shoreline setback.

b. Fences over six (6) feet in height may not be located in a required setback yard. See KZC 115.115, Required Yards, for regulations relating to fences on retaining walls.

c. The Planning Official may approve a modification to the fence height requirements, except within the shoreline setback regulated under Chapter 83 KZC, if:

1) The modification is necessary because of the size, configuration, topography or location of the subject property; and

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

2. Barbed Wire – Barbed wire is permitted only atop a fence or a wall at least six (6) feet in height.

3. Electrified Fences – Electrified fences are not permitted in Kirkland, except to contain large domestic animals (see KZC 115.20(2)(c)). All electric fences and appliances, equipment, and materials used in connection therewith shall be listed or labeled by a qualified testing agency and shall be installed in accordance with manufacturer's specifications and in compliance with the latest edition of the National Electrical Code. Furthermore, electrified fences must be located at least 18 inches on the inside of wood fences when located along any property line. In addition, all electric fences shall be posted with permanent signs which are a minimum of 36 square inches in area at intervals of 15 feet along the fence stating that the fence is electrified.

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

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

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for ~~detached~~ dwelling units in low density residential zones and attached dwelling units in PLA 3C shall include the entire area within the exterior walls for each level of the structure. It shall also

include the area of all carports, measured as the area of the carport roof. It shall not include the following:

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

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

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

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

the gross floor area used to calculate F.A.R. For purposes of this section, “behind” means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement adjacent to the front facade.

e. Uncovered decks.

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

1) Have no walls of any height; and

2) Have no guard rails taller than the minimum height required by the Building Code.

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

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

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

3.~~a.~~ 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 10 feet above finished grade.

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

~~1) Elements of a structure no higher than 18 inches above finished grade;~~

~~2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies extending no more than 18 inches from the wall of a structure;~~

~~3) Stairs extending no more than five feet from the wall of a structure;~~

~~4) For structures not containing an accessory dwelling unit, porches extending no more than five feet from the wall of a structure if:~~

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

~~b) Three sides of the porch are open other than railings and solid walls no higher than 42 inches;~~

~~c) No deck, balcony, or living area is placed on the roof of the porch;~~

~~d) The length of the porch does not exceed 50 percent of the wall of the structure to which it is attached;~~

~~e) Porch eaves may extend an additional 18 inches from the edge of the porch.~~

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

a. An additional five 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 dwelling units on the subject property:

1) With the exception of accessory features, all roof forms for all structures consist of ridgelines peaked near the center of the structure, 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.

3) The gross floor area of any floor above ground floor, including any accessory structures with floors above ground floor, shall be reduced by a

minimum of 15 percent of the floor area of the ground floor on a per-structure basis.

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.

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

1. Purpose and Intent – The purpose of these regulations is to ensure the provision of areas for the collection, storage, loading and pickup of garbage and recyclable materials by requiring that adequate and convenient space is functionally located at all new projects, except as exempted in subsection (5) of this section.

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

2. Storage Space – Space provided for garbage and recycling receptacles shall comply with Public Works Pre-approved Plans and Policies.

3. Placement – Garbage and recycling receptacles must comply with the following:

a. Be set back a minimum of five (5) feet from side property lines, 10 feet from rear property lines and 10 feet from front property lines; or

b. Comply with the setbacks established for the use with which they are associated;

c. Be located outside landscape buffers required by Chapter 95 KZC;

d. Be located to minimize visibility from any street, pedestrian walkway, or public park; and

e. Be located to provide convenient and safe access for residents, service vehicles and employees.

4. Screening – Garbage and recycling receptacles must be screened from view from the street and from adjacent properties by a solid screening enclosure. The screening shall meet or exceed the standards established in the Public Works Pre-approved Plans and Policies.

5. Exemptions

a. Detached dwelling units, ~~two/three-unit homes~~, 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.

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115.60 Height Regulations – Exceptions

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

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

2. Exceptions

a. Detached Dwelling Units and Middle Housing

1) Vents and chimneys for a detached dwelling unit may exceed the maximum height limit.

2) Skylights may exceed the height limit by a maximum of six inches.

3) Rod, wire and dish antennas, to the extent they do not constitute personal wireless service facilities, which are subject to the provisions of Chapter 117 KZC, may not be placed above the maximum height allowed for any structure unless approved by the Planning and Building Director. The City will approve the application if it can be demonstrated that views across the

subject property are not substantially impaired and that the antenna must be placed above the roofline in order to function properly. The decision of the Planning and Building Director in approving or denying a rod, wire, or dish antenna may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60.

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

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

b. Other Structures

1) Rooftop appurtenances and their screens, subject to KZC 115.120, including roof forms pursuant to KZC 115.120(3).

2) The provisions in Chapter 117 KZC related to personal wireless service facilities supersede the provisions of this section to the extent an appurtenance falls within the definition of a personal wireless service facility.

3) Skylights may exceed the height limit by a maximum of six inches.

4) Solar panels on sloped roof forms (greater than or equal to 2:12) may exceed height limits by a maximum of six inches. Solar panels on flat roof forms (less than 2:12) may exceed height limits by a maximum of 20 inches.

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

1) A reasonable effort is made to minimize radio tower and antenna structure visibility from adjacent properties, while still permitting effective operation; and

2) The radio tower and antenna structure does not extend higher than reasonably necessary to operate effectively; and

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

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

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

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

1) Five feet, if the slope of the roof is equal to or greater than three feet vertical to 12 feet horizontal; or

2) As allowed by the underlying zone.

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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.

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.

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.

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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:

a. A driveway and/or parking area subject to the standards of subsection (5) of this section.

b. Any improvement or structure, other than a driveway and/or parking area, that is not more than four inches above finished grade may be anywhere in a required setback yard; provided, that minor utility structures such as transformers, telephone poles, guide wires, and electrical boxes may be located anywhere within a required setback if there is no feasible location within the public right-of-way and prior approval of the City is obtained; and provided further, that any franchise agreement between the City and a utility company shall supersede this section. A

bridge is allowed anywhere in a required setback yard regardless of its height above finished grade.

c. An improvement or structure that is not more than 18 inches above finished grade may extend not more than five feet into a required yard.

d. Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard, subject to the limitations of this section. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the facade of the structure. Chimneys, bay windows, greenhouse windows, cornices, awnings, and/or canopies attached to dwelling units and their accessory structures located in low density zones may not extend closer than four feet to any property line. See Plate 10.

e. Minor improvements such as garden sculpture, light fixtures, trellises and similar decorative structures may be located in required yards if it is determined by the Planning Official that they will not have any substantial detrimental effect on abutting properties or the City as a whole.

f. Fences and railings may be located in required yards subject to the fence regulations contained within this chapter.

g. Rockeries and Retaining Walls

1) Rockeries and retaining walls may be a maximum of four feet high in a required yard.

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

a) The design of the rockery or retaining wall includes terraces deep enough to incorporate vegetation, or other techniques that reduce the visual mass of the wall; or

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

2) The combined height of fences and retaining walls within five feet of each other in a required yard may be a maximum of six feet.

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

a) An open guard railing is required by the Building Code and the height of the guard railing does not exceed the minimum required; or

b) The modification is necessary because of the size, configuration, topography or location of the subject property, and either:

i. The design of the rockery or retaining wall includes terraces deep enough to incorporate vegetation or other techniques that reduce the visual mass of the wall, and the fence is designed to be no more than 50 percent solid; or

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

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

i. See subsection (5) of this section for regulations on parking areas.

j. Those structures and improvements permitted in required yards by KZC 115.105.

k. Signs may be located in required yards subject to KZC 100.75 and 115.135.

l. Covered walkways in commercial, office, and industrial zones may be permitted in required yards. Covered walkways may be no more than eight feet wide and 10 feet tall and may not be enclosed along the sides.

m. For uses in low density residential zones, and for residential uses in other zones, the applicant may request a modification to locate no more than one storage shed in a required yard; provided, that no storage sheds are allowed in a required front yard. The Planning Official may approve a modification if:

1) The proposed structure is no more than eight feet tall; and

2) The maximum length of the side of the proposed structure parallel to the affected property line(s) shall not exceed 10 feet. The structure shall not exceed 120 square feet in total area; and

3) No reasonable alternative location may be found due to special circumstances regarding the size, shape, topography, or location of the subject property or the location of legal or legally nonconforming preexisting improvements of the subject property; and

4) The modification will not create a significant negative impact on the character of nearby residential properties.

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

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

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

1) The porch is covered and no higher than one 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.

o. In low density residential zones:

1) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may be located within five feet of the rear property line, if:

a) Garage doors will not extend over the property line when open; and

b) The garage complies with KZC 115.135, which regulates sight distance at intersections.

2) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may extend to the rear property line, if:

a) The lot is 50 feet wide at the rear property line on the alley;

b) The garage has side access with garage doors that are perpendicular to the alley;

c) The garage eaves do not extend over the property line; and

d) The garage complies with KZC 115.135, which regulates sight distance at intersections.

3) Garages and detached accessory dwelling units without alley access may be located no closer than five feet of the rear property line; provided, that:

a) The portion of the structure that is located within the required rear yard is no taller than 15 feet above average building elevation; and

b) The rear yard does not abut an access easement that is regulated as a rear property line.

4) Detached accessory dwelling units may extend to the rear property line~~be located within five feet~~ of an alley, if:

a) The detached accessory dwelling unit eaves do not extend over the property line; and

b) The detached accessory dwelling unit complies with KZC 115.135, which regulates sight distance at intersections.

5) Structures permitted under this subsection may include the elements allowed in required yards identified in subsection (3)(d) of this section; provided, that:

a) The elements do not extend more than 18 inches from the structure permitted herein;

b) The elements do not extend over the rear property line; and

c) The total horizontal dimension of the elements, excluding eaves and cornices, may not exceed 25 percent of the length of the facade of the structure.

p. HVAC and similar types of mechanical equipment may be placed no closer than five feet to a front, side, or rear property line, and may only be located in a required front yard for single-family residential uses pursuant to subsection

(3)(p)(2) of this section; provided, that such equipment may be located in a storage shed approved pursuant to subsection (3)(m) of this section or a garage approved pursuant to subsection (3)(o)(2) of this section. All HVAC and similar types of mechanical equipment shall meet the standards below:

1) For properties other than single-family residential, HVAC and similar types of mechanical equipment shall be surrounded by landscaping or a solid screening enclosure, or located in such a manner that they are not visible from adjoining properties or rights-of-way;

2) HVAC and similar types of mechanical equipment may be located in required front yards when there is no feasible alternative location outside of the required front yard; provided, that such equipment shall be surrounded by landscaping or a solid screening enclosure, or located in such a manner that it is not visible from adjoining properties or rights-of-way;

3) The HVAC and similar types of mechanical equipment shall not violate KZC 115.95 (Noise Regulations) or KZC 115.100 (Odor), or create undue heat or vibration on the adjoining property;

4) The Planning Official may approve a modification to the locational provisions of this section for HVAC and similar types of mechanical equipment that are replacing legally nonconforming equipment where no increase in the footprint of the equipment is proposed.

q. Insulation, installed in or on an existing structure, may encroach eight inches into a required yard unless precluded by fire or building codes.

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

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

a. Detached Dwelling Units~~, Duplexes, and Two-Unit Homes and Three-Unit Homes Approved Under Chapter 113 KZC~~

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

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115.125 Rounding of Fractions of Dwelling Units

In many zones, the number of dwelling units allowed on the subject property is determined by dividing the lot size by the number of square feet this code requires per unit. When this results in a fraction, the number of permitted dwelling units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50. See KZC 113.25 for rounding of fractions for middle housing density.

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Chapter 162 – NONCONFORMANCE

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162.35 Certain Nonconformances Specifically Regulated

1. General – The provisions of this section specify when and under what circumstances certain nonconformances must be corrected. If a nonconformance must be corrected under this section, the applicant must submit all information necessary for the City to review the correction as part of the application for any development permit. In addition, the City will not permit occupancy until the correction is made.

    If KZC 162.25 applies to a specific nonconformance, then the provisions of this section do not apply to that same nonconformance.

2. Nonconforming Use

    a. For the purpose of determining a nonconforming use, the word “use” refers to the specific activity being conducted and not the definition of use set forth in KZC 5.10.955. A nonconforming use may be continued by successive owners or tenants.

    b. Any nonconforming use except for a detached dwelling unit must be brought into conformance or discontinued if:

        1) The applicant is making a structural alteration or increasing the gross floor area of any structure that houses or supports the nonconforming use; or

        2) The nonconforming use has ceased for 90 or more consecutive days; or

        3) The nonconforming use is replaced by another use; the City may allow a change from one (1) nonconforming use to another such use if, through Process IIA, the City determines that the proposed new use will not be more nonconforming and will have a less adverse effect on the neighborhood than does the existing use.

3. Expansion or Modification of an Existing Use or Structure or the Addition of New Structures

If the expansion or modification of an existing use or structure or the addition of a new structure(s) requires review of the application by any one (1) of the processes described in Chapters 145 through 152 KZC, the proposal shall be reviewed pursuant to such process; unless:

a. The gross floor area of the use is expanded by less than 10 percent; and

b. The Planning and Building Director determines that the change or alteration will not have significantly more or different impact on the surrounding area than does the present development.

4. Nonconforming Parking

a. If there are fewer parking spaces for the uses conducted on the subject property than are required under this code, this additional required number of spaces must be provided if the applicant is going to change the use conducted on the subject property and the new use requires more parking spaces than the former use.

b. Existing parking stalls which conformed to the code effective at the time of construction are not required to meet the parking area dimensional requirements of Chapter 180 KZC, Plates 1 through 4.

5. Nonconforming Signs

a. All nonconforming signs are defined as either major nonconforming signs or minor nonconforming signs.

1) Major nonconforming signs include the following:

a) Any pole sign associated with a pole which is not entitled to Sign Category F.

b) Any pole sign which exceeds 20 feet or monument sign which exceeds 12 feet in height above average ground elevation.

c) Any sign attached to the building and which extends above the building roofline.

d) Any projecting sign except those allowed by KZC 100.115.

e) Any sign listed as a prohibited device by KZC 100.85.

f) Any sign which has exposed structural supporting elements such as angle irons, guy wires and braces.

g) Any sign located off-site which does not meet the provisions of KZC 100.75.

2) Minor nonconforming signs are those, other than listed above in subsection (1) of this section, which violate any provision of the Zoning Code.

b. Nonconforming signs must be brought into conformance as specified below:

1) Notwithstanding the provisions of KZC 162.30, any major nonconforming sign must be brought into conformance if:

a) Structural alteration is made to the sign; or

b) The color, design, lettering or shape of the sign is altered. Change in temporary message on a readerboard is excluded from this requirement; or

c) Structural alteration or an increase in the gross floor area is made to any structure that houses or supports the use that has the major nonconforming sign.

2) In addition to the provisions of subsection (5)(b)(1) of this section, any major nonconforming sign by subsection (5)(a)(1)(g) of this section shall be brought into conformance or removed within 18 months after the effective date of this subsection, or within 18 months after the effective date of annexation of the location at which the sign is erected, whichever is later.

Nothing in this subsection shall relieve the property owner and owner of the sign of the duty to immediately remove such sign if it was not erected in compliance with federal, state and local law, or if it does not meet the requirements to be a nonconforming sign.

Nonconforming signs may remain in a nonconforming state for a greater period of time than the amortization period provided above if such extension is applied for no later than six (6) months prior to the otherwise applicable deadline. The Hearing Examiner, through Process IIA, Chapter 150 KZC, may grant discretionary extensions of the amortization period a maximum of two (2) times for up to three (3) years at a time. In addition to the criteria listed in KZC 150.65(2), the Hearing Examiner shall consider the following criteria in making this decision:

a) Any hazard to traffic or pedestrian safety.

b) The detriment to the appearance of a neighborhood, or the impinging upon a view of scenic interest.

c) The demonstration of need for an even greater depreciation period, such as because the date of erection of the billboard was less than four (4) years and more than six (6) months before the annexation. However, it is not the intent of this provision that the nonconformance necessarily be allowed to remain for the length of amortization period satisfactory to the applicant.

3) Nonconforming signs must be brought into conformance or removed immediately if there is a change in land use or change in business name on the sign structure or ownership of the sign.

4) Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this code regarding safety, maintenance, and repair of signs.

5) Notwithstanding the provisions of KZC 162.30, any minor nonconforming sign must be brought into complete conformance when either:

a) The fair market value of any nonstructural alteration (such as color, design) of the sign exceeds 35 percent of the replacement value of that sign (change in temporary message on a readerboard is excluded from this requirement); or

b) Structural alteration is made to the sign. In such event, the applicant must sign and record a concomitant agreement to run as a covenant with the property, in a form acceptable to the City Attorney. Said agreement shall describe the minor nonconforming elements involved and state that they will be brought into conformance within 10 years of the date of issuance of the building or sign permit. The applicant shall also grant to the City license to enter the property and shall also sign an agreement to reimburse the City for the cost of removing the sign(s) if, after the specified time, the prescribed minor nonconforming element(s) is not brought into conformance; or

c) Structural alteration or an increase is made to the gross floor area of any structure that houses or supports the use that has the minor nonconforming sign.

c. Any sign which can be classified as both a major nonconforming sign and a minor nonconforming sign shall be regulated as a major nonconforming sign.

d. Exception for Repair and Maintenance

Repair and maintenance work to any nonconforming sign is excepted from the provisions of this chapter, subject only to the following:

1) The repair or maintenance work will not increase the degree or magnitude of nonconformance.

2) If the repair or maintenance work requires a building or sign permit, the applicant must sign and record a concomitant agreement to run as a covenant

with the property, in a form acceptable to the City Attorney. Said agreement shall describe the minor nonconforming elements involved and state that they will be brought into conformance within 10 years of the date of issuance of the building or sign permit. The applicant shall also grant to the City license to enter the property and shall also sign an agreement to reimburse the City for the cost of removing the sign(s) if, after the specified time, the prescribed minor nonconforming element(s) is not brought into conformance.

3) For purposes of this section, “repair” shall mean the work that is necessary to restore a sign to its former appearance subsequent to a sudden, accidental event.

6. Nonconforming Landscaping, Buffers and Paving

a. See KZC 95.47 for nonconforming landscaping and buffering requirements.

b. For residential uses up to six legally nonconforming gravel surfaces used for parking within designated parking areas shall not be required to be paved. Otherwise, ~~P~~parking lot surfaces, regardless of use, must be brought into conformance in any of the following situations:

1) An increase in gross floor area ~~of any use except detached dwelling units~~; or

2) A change in use on the subject property and the new use requires more parking than the former use; or

3) An alteration to any structure, the cost of which exceeds 50 percent of the replacement cost of the structure.

c. Existing residential parking stalls that were established before June 6, 2024, and do not meet the requirements of KZC 105, are not required to be altered or resized, except as necessary to comply with the Americans with Disabilities Act (ADA). Furthermore, when resurfacing existing paved parking lots, property owners are not required to adjust the size of existing parking spaces if doing so would:

1) Lead to significantly higher costs compared to a resurfacing that retains the existing parking layout. Proof of i~~I~~ncreased costs should be demonstrated by the applicant or property owner. Increased costs might result from, for example, needing to construct or reconstruct a significant amount of stormwater management and landscaping features; or

2) Require substantial reconfiguration encompassing 50 percent or more of existing parking spaces.

7. Nonconforming Height, Yards, and View Corridors

Any structural alteration of a roof or exterior wall which does not comply with height, required yard, or view corridor standards will require that the nonconforming height, setback or view corridor be brought into conformance. Excepted from this section is the repair or maintenance of structural members. For properties within jurisdiction of the Shoreline Management Act, see Chapter 83 KZC.

8. Nonconformances to Design Regulations in Design Districts

Nonconformances to the design regulations of Chapter 92 KZC are governed by Chapter 142 KZC.

9. Personal Wireless Service Facilities

Existing or nonconforming personal wireless service facilities are governed by KZC 117.20, Applicability. For properties within jurisdiction of the Shoreline Management Act, see Chapter 83 KZC.

10. Vehicular Access Easement or Tract Standards

Nonconforming access easements and tracts are governed by KZC 105.10(2)(i).

11. Nonconforming Paddock Areas

a. Paddock areas as required under KZC 115.20 must be brought into conformance if a proposed alteration or replacement of an existing dwelling unit on

the subject property in any 12-month period exceeds 50 percent of the replacement cost of that dwelling unit.

b. See KZC 162.45, Prohibition on Increasing Nonconformance, for proposed modifications, alterations, or replacements of any other improvements on the subject property.

12. Nonconforming Density – Multifamily Structures in Multifamily Zones

Within areas designated by the Zoning Code for multifamily use, a structure with nonconforming density may be maintained, repaired, remodeled or redeveloped consistent with other provisions of this chapter; provided, that the density within the structure is no greater than the density contained in the structure prior to maintenance, repair, remodeling or redevelopment and that any expansion of the structure complies with all applicable zoning regulations.

13. Any Other Nonconformance

If any nonconformance exists on the subject property, other than as specifically listed in the prior subsections of this section, these must be brought into conformance if:

a. The applicant is making any alteration or change or doing any other work in a consecutive 12-month period to an improvement that is nonconforming or houses, supports or is supported by the nonconformance, and the cost of the alteration, change or other work exceeds 50 percent of the replacement cost of that improvement; or

b. The use on the subject property is changed and this code establishes more stringent or different standards or requirements for the nonconforming aspect of the new use than this code establishes for the former use.

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Chapter 180 – PLATES

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Plate 2A One-Way Traffic – Residential Standard Size Stall (8’ x 18.5’)

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8.0	18.5	26.5	8.0	18.5	34.5
30	9.0	18.5	27.5	9.0	18.5	37.0
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	52.5
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.

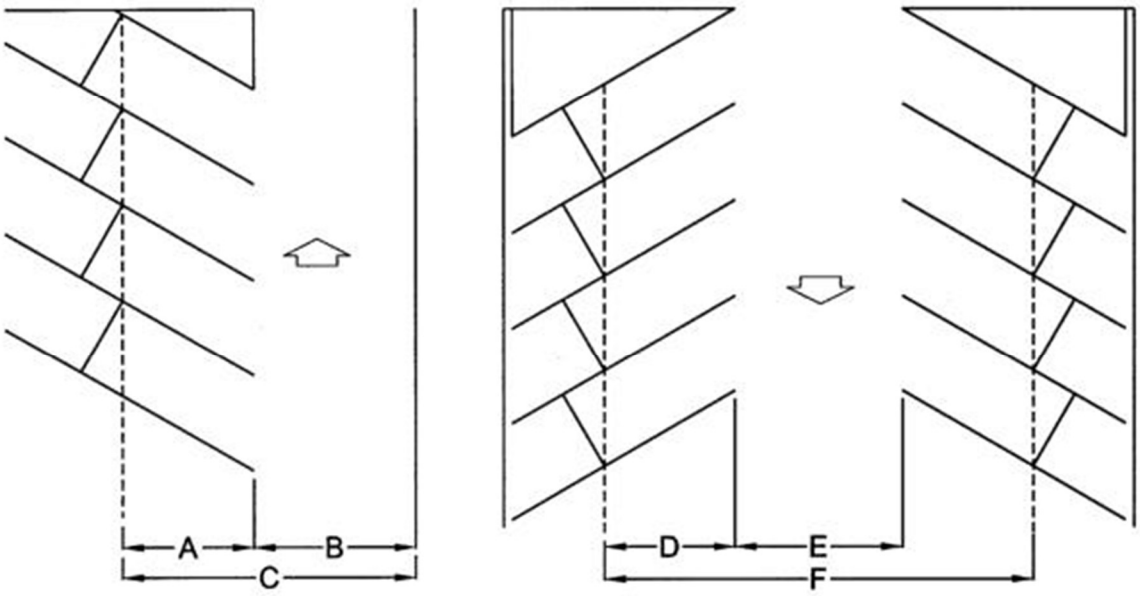
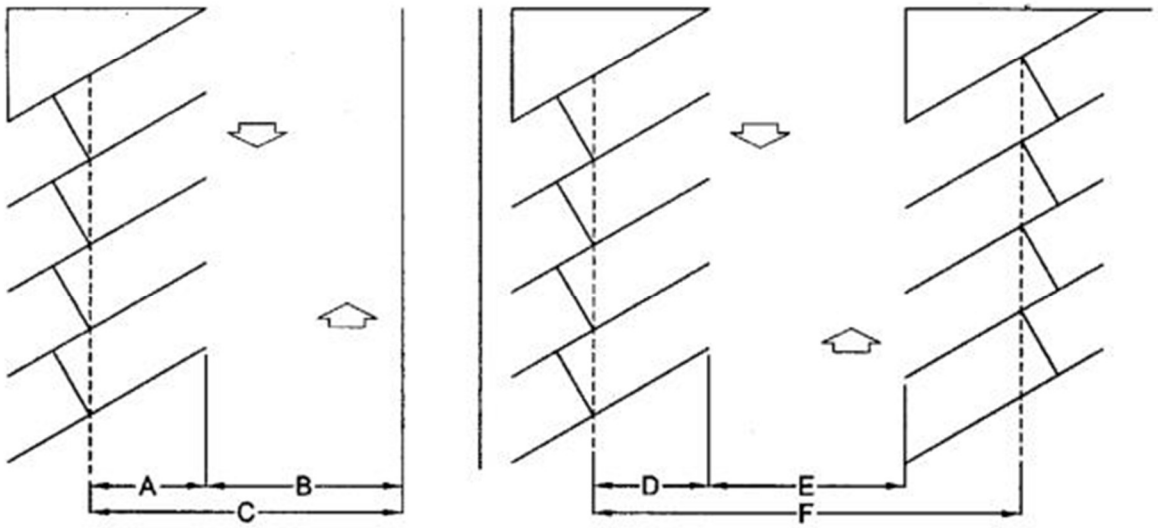


Plate 2B Two-Way Traffic – Residential Standard Size Stall (8' x 18.5')

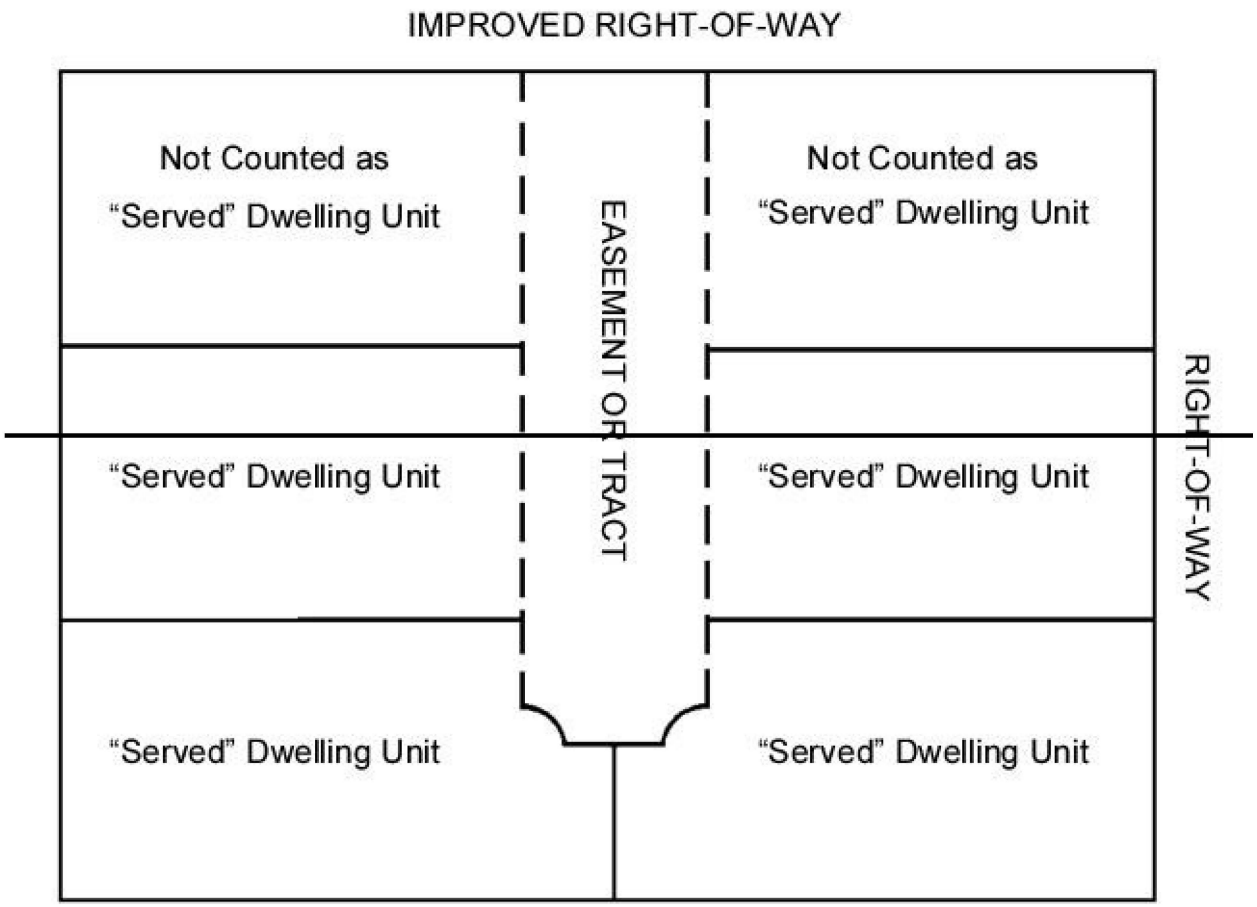
Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8.0	24.0	32.0	8.0	24.0	40.0
30	9.0	24.0	33.0	9.0	24.0	42.0
35	10.0	24.0	34.0	10.0	24.0	44.0
40	11.0	24.0	35.0	11.0	24.0	46.0
45	12.0	24.0	36.0	12.0	24.0	48.0
50	13.0	24.0	37.0	13.0	24.0	50.0
55	14.0	24.0	38.0	14.0	24.0	52.0
60	15.0	24.0	39.0	15.0	24.0	54.0
65	16.0	24.0	40.0	16.0	24.0	56.0
70	16.5	24.0	40.5	16.5	24.0	57.0
75	17.0	24.0	41.0	17.0	24.0	58.0
80	17.5	24.0	41.5	17.5	24.0	59.0
85	18.0	24.0	42.0	18.0	24.0	60.0
90	18.5	24.0	42.5	18.5	24.0	61.0

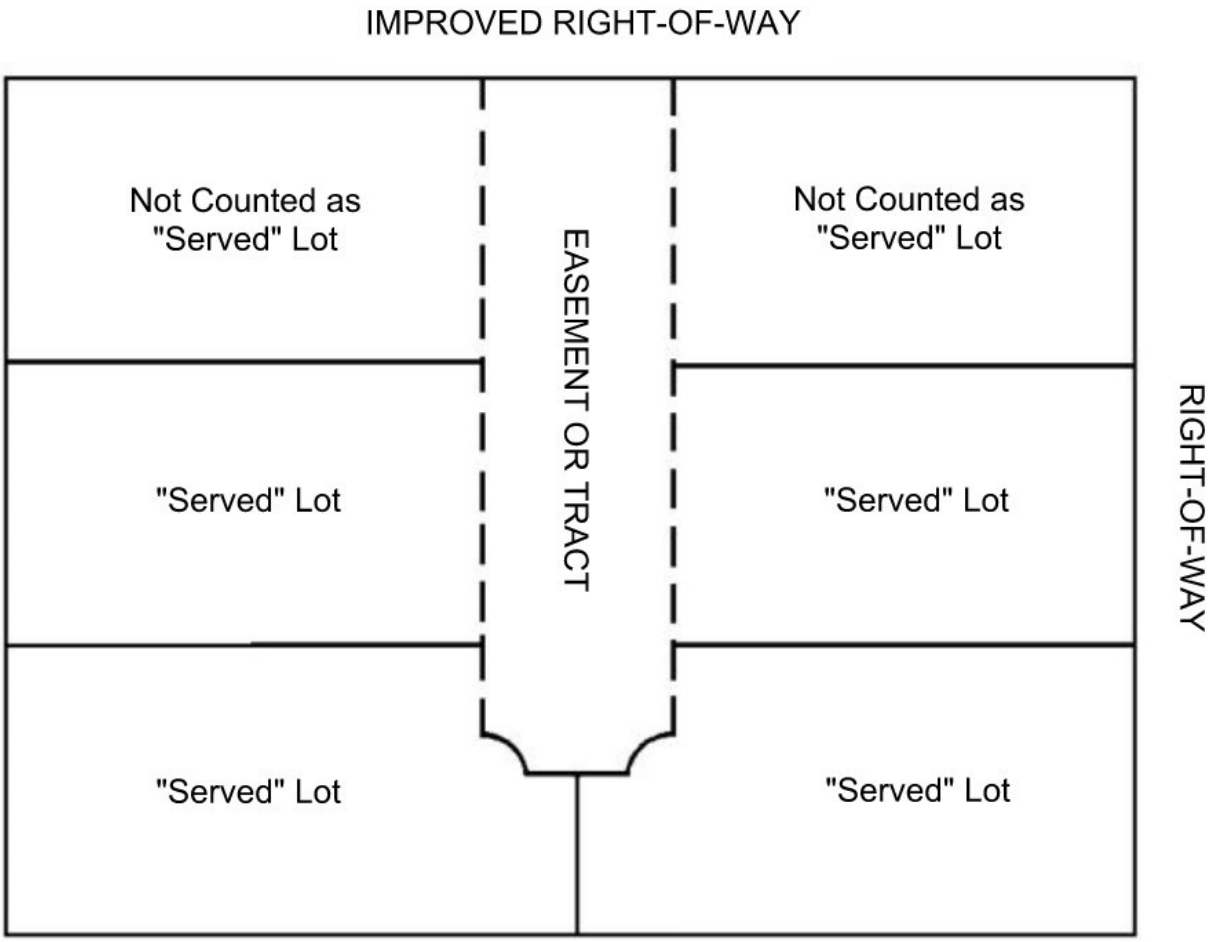
*For a double loaded aisle containing standard size stalls on one side and compact size stalls on the other side, the required driving aisle width (Column E) shall be the required width for standard size stalls.



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Plate 21 ~~DWELLING UNI~~LOTS "SERVED" AND NOT "SERVED" BY A VEHICULAR ACCESS EASEMENT OR TRACT


IMPROVED RIGHT-OF-WAY
Not Counted as
"Served" Dwelling Unit
Not Counted as
"Served" Dwelling Unit
EASEMENT OR TRACT
RIGHT-OF-WAY
"Served" Dwelling Unit
"Served" Dwelling Unit
"Served" Dwelling Unit
"Served" Dwelling Unit



Example of 4 ~~Dwelling Uni~~Lots

"Served" by an Easement or Tract

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