



## ZONING WORKSHEET

Date: December 3, 2009

Planner: Désirée Goble, AICP, Planner

Case #: PRE09-00072

Property Address: SE corner of Lake Street South and 10<sup>th</sup> Avenue South

Persons requesting meeting: Charles Morgan, Architect

Applicants' description: "Mixed Use Retail and Apartments"

Tax Assessor's Parcel Number: 935490-0220, 935490-0240 and 082505-9233

Lot Size (according to the Assessor's Records): 52,600 square feet (1.2 acres)

Zone: Neighborhood Business (BN)

Shoreline Master Program: Urban Residential 1 (UR 1). Within this environment the following uses are allowed: Residential, Restaurant/Tavern. A Retail/Office use is **NOT** allowed within this environment at this time.

The property is located within the Moss Bay Neighborhood. Attached is a copy of the Neighborhood plan that specifically applies to the subject property

### Applicant Questions:

1. What are the side and rear setbacks?

*Answer: North and West property lines are regulated as front yards. East and south property lines are regulated as side yards.*

2. Can parking be in front yard setback?

*Answer: No. This area is within shorelines jurisdiction. Once you are out of shoreline jurisdiction you will need to comply with the Zoning Code – see Kirkland Zoning Code Section (KZC) [115.115.5.c](#).*

3. With step in building due to uphill grade of site will comm'l have to be in uphill portion of ground floor (see Section "A-A")?

*Answer: Section "A-A" should reference KZC section [40.08.4](#). KZC section [5.10.345](#) defines ground floor as "The floor of a structure that is closest in elevation to the finished grade along the facade of the structure that is principally oriented to the street which provides primary access to the subject property." Therefore, you will need to provide 75 percent of the ground floor with an allowed retail establishment, restaurant, tavern, or office use. Lake Street South is classified an arterial but 10<sup>th</sup> Avenue South is classified as a neighborhood access road.*

4. Need clarification of story height calculations are right.

*Answer: Please explain your question more fully.*

5. Will additional access be required for fire trucks?

*Answer: This issue will be addressed by the Fire Department.*

6. Can part of required open space be on roof?

*Answer: Please explain your question more fully.*

7. How will storm drainage be handled?

*Answer: This issue will be addressed by the Public Works Department.*

8. Will additional land have to be dedicated for widening of Lake Street?

*Answer: This issue will be addressed by the Public Works Department.*

9. What is required amount of parking for mixed use building?

### NOTE:

*The information related by the City staff is a preliminary, qualified assessment which is based on the information provided by the applicant/contact person. More detailed technical review of a specific development permit application may disclose additional substantive or procedural requirements. Furthermore, in the case of a discretionary development permit, the role and authority of the City staff is advisory only. Final recommendation and decision on such permits can only be made, after public comment and/or public hearing, by the Planning Director (as to Short Plats and Zoning Code Process I Permits), the Hearing Examiner, or the Planning Commission and City Council, depending upon the type of permit.*

Answer: You will need to provide

- 2.2 parking spaces per dwelling unit (1.7 per unit plus 0.5 per unit for guest parking)
- If a medical, dental or veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.
- Retail 1 per each 300 sq. ft. of gross floor area.
- Restaurant/Taverns 1 per each 100 sq. ft. of gross floor area.

Potential Issues/Code Requirements:

1. The subject property is partially located within shoreline jurisdiction. Any party of the property that is located within 200 feet of Lake Washington falls under shorelines jurisdiction. See the attached map for a highly generalized idea of the limits of shorelines jurisdiction. Any feature located within this area must comply with the adopted [shoreline master program](#) (SMP). This plan is currently going through an update process. Here is a link to the [Shoreline Master Program Update](#) web page that was set up to keep people informed. The SMP Update has been approved by the City Council, is going to Houghton Community Council and then will have to be reviewed and approved by Department of Ecology before it goes into effect. We hope to have this update approved and in effect before the middle of next year.
2. Parking within shoreline jurisdiction is regulated KMC 24.05.130(c) states the following: Design and Layout. Parking layouts must be designed efficiently to use the minimum amount of space necessary to provide the required parking and safe and reasonable access. Wherever possible, parking should be located out of the shoreline area and should not be located between the building or buildings on the subject property and Lake Washington. Exterior parking areas, other than for detached dwelling units, must be attractively landscaped with vegetation that will not obstruct views of the lake from the public right-of-way. (Ord. 3153 § 1 (part), 1989; Ord. 2938 § 1 (part), 1986)
3. [KMC 24.05.155](#) regulates restaurant/tavern uses within shorelines jurisdiction.
4. You will need to keep in mind when ever there is a conflict between regulations the [most restrictive provision applies](#).
5. The property is located within the BN zone. You will need to comply with all requirements found on the use zone charts (setbacks, lot coverage, height, etc.) as well as requirements found in other sections of the code such as (vegetation management, signage, parking, required public improvements, and miscellaneous requirements).
6. You have not shown how you will meet the requirements of Chapter 95, titled Tree Management and Required Landscaping. I have included a copy of the aerial map that identifies the surround uses – this map is located just before the Chapter 95 section of the attachments.

Based on the information provided the following Planning Department fees will apply:

Substantial Development Permit .... \$4,473  
Environmental Checklist..... \$552 + fee based on estimated number of PM peak trips  
Concurrency Fee..... is based on the number of peak trips  
Park Impact Fee ..... \$2,515 is based on the number of attached/stacked units

Provided copies of the following information:

- Zoning Code Section(s) 40.05 & 40.10
- Zoning Code Chapters 95, 100, 105, 110, 115,
- Kirkland Municipal Code Titles 29
- Moss Bay Neighborhood Plan – Applicable sections
- Shoreline Permit Application Packet
- Environmental Checklist

**NOTE:** Following is a copy of typical conditions that may be imposed on your short plat application. Items may have been included that don't pertain or have been omitted from the list that will apply to the project. Only a complete and thorough review can determine exactly what conditions apply to a particular case.

## **DEVELOPMENT STANDARDS LIST**

### **SHORELINE MASTER PROGRAM STANDARDS**

**WAC173-14-120 Substantial development, conditional use, or variance permits.** Construction pursuant to a substantial development, conditional use, or variance permit shall not begin and is not authorized until 30 days from the date of filing, or until all review proceedings initiated within 30 days from the date of filing have been terminated, except as provided in RCW90.58.140(5)(a)(b)(c).

### **ZONING CODE STANDARDS**

**100.25 Sign Permits.** Separate sign permit(s) are required.

**105.10.2 Pavement Setbacks.** The paved surface in an access easement or tract shall be set back at least 5 feet from any adjacent property which does not receive access from that easement or tract. An access 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 it. Screening standards are outlined in this section.

**105.18 Pedestrian Walkways.** All uses, except single family dwelling units and duplex structures, must provide pedestrian walkways designed to minimize walking distances from the building entrance to the right of way and adjacent transit facilities.

**105.18 Bicycle Parking.** All uses, except single family dwelling units and duplex structures, must provide covered bicycle parking within 50 feet of an entrance to the building.

**105.18 Entrance Walkways.** All uses, except single family dwellings and duplex structures, must provide pedestrian walkways between the principal entrances to all businesses, uses, and/or buildings on the subject property.

**105.18 Service Bay Locations.** All uses, except single family dwellings and multifamily structures, must locate service bays away from pedestrian areas.

**105.18 Overhead Weather Protection.** All uses, except single family dwellings, multifamily, and industrial uses, must provide overhead weather protection along any portion of the building, which is adjacent to a pedestrian walkway.

**105.18.2 Walkway Standards.** Pedestrian walkways must be at least 5' wide; must be distinguishable from traffic lanes by pavement texture or elevation; must have adequate lighting for security and safety. Lights must be non-glare and mounted no more than 20' above the ground.

**105.18.2 Weather Protection Standards.** Overhead weather protection may be composed of awnings, marquees, canopies or building overhangs; must cover at least 3' of the width of the adjacent walkway; and must be at least 8 feet above the ground immediately below it.

**105.65 Compact Parking Stalls.** Up to 50% of the number of parking spaces may be designated for compact cars.

**105.60.2 Parking Area Driveways.** Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.

**105.60.3 Wheelstops.** Parking areas must be constructed so that car wheels are kept at least 2' from pedestrian and landscape areas.

**105.60.4 Parking Lot Walkways.** 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.

**105.75 Landscape Islands.** Landscape islands must be included in parking areas as provided in this Section.

**105.77 Parking Area Curbing.** All parking areas and driveways, for uses other than detached dwelling units must be surrounded by a 6" high vertical concrete curb.

**105.80 Parking Area Buffers.** Applicant shall buffer all parking areas and driveways from the right-of-way and from adjacent property with a 5-foot wide strip as provided in this section.

**110.60.5 Landscape Maintenance Agreement.** The owner of the subject property shall sign a landscape maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property to maintain landscaping within the landscape strip and landscape island portions of the right-of-way. It is a violation to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

**110.60.6 Mailboxes.** Mailboxes shall be installed in the development in a location approved by the Postal Service and the Planning Official. The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

**110.60.8 Street Trees.** All trees planted in the right-of-way must be approved as to species by the City. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

**110.75 Bonds.** The City may require or permit a bond to ensure compliance with any of the requirements of the Required Public Improvements chapter.

**115.25 Work Hours.** It is a violation of this Code to engage in any development activity or to operate any heavy equipment before 7:00 am. or after 8:00 pm Monday through Friday, or before 9:00 am or after 6:00 pm Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day. The applicant will be required to comply with these regulations and any violation of this section will result in enforcement action, unless written permission is obtained from the Planning official.

**115.40 Fence Location.** Fences over 6 feet in height may not be located in a required setback yard. A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard. No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard, which is coincident with the high waterline setback yard.

**115.45 Dumpster Screening.** For uses other than detached dwelling units, duplexes, moorage facilities, parks, and construction sites, all garbage receptacles and dumpsters must be screened from view from the street and from adjacent properties by a solid sight-obscuring enclosure.

**115.75.2 Fill Material.** All materials used as fill must be non-dissolving and non-decomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

**115.90 Calculating Lot Coverage.** The total area of all structures and pavement and any other impervious surface on the subject property is limited to a maximum percentage of total lot area. See the Use Zone charts for maximum lot coverage percentages allowed. Section 115.90 lists exceptions to total lot coverage calculations including: wood decks; access easements or tracts serving more than one lot that does not abut a right-of-way; detached dwelling unit driveways that are outside the required front yard; grass grid pavers; outdoor swimming pools; and pedestrian walkways. See Section 115.90 for a more detailed explanation of these exceptions.

**115.95 Noise Standards.** The City of Kirkland adopts by reference the Maximum Environmental Noise Levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC. Any noise, which injures, endangers the comfort, repose, health or safety of persons, or in any way renders persons insecure in life, or in the use of property is a violation of this Code.

**115.115.3.g Rockerries and Retaining Walls.** Rockeries and retaining walls are limited to a maximum height of four feet in a required yard unless certain modification criteria in this section are met. The combined height of fences and retaining walls within five feet of each other in a required yard is limited to a maximum height of 6 feet, unless certain modification criteria in this section are met.

**115.115.3.n Covered Entry Porches.** In low density residential zones, covered entry porches on detached dwelling units may be located within 13 feet of the front property line if certain criteria in this section are met. This incentive is not effective within the disapproval jurisdiction of the Houghton Community Council.

**115.115.3.o Garage Setbacks.** In low density residential zones, garages meeting certain criteria in this section can be placed closer to the rear property line than is normally allowed in those zones.

**115.115.d Driveway Setbacks.** Parking areas and driveways for uses other than detached dwelling units, attached and stacked dwelling units in residential zones, or schools and day-cares with more than 12 students, may be located within required setback yards, but, except for the portion of any driveway which connects with an adjacent street, not closer than 5 feet to any property line.

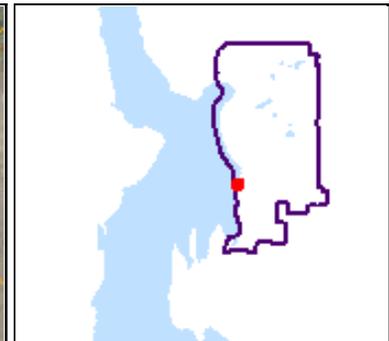
**115.120 Rooftop Appurtenance Screening.** Vents, mechanical penthouses, elevator equipment and similar appurtenances that extend above the roofline must be surrounded by a solid sight obscuring screen, unless certain conditions are met.

**115.135 Sight Distance at Intersection.** Areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction as described in this section.

**145.22.2 Public Notice Signs.** Within seven (7) calendar days after the end of the 21-day period following the City's final decision on the permit, the applicant shall remove all public notice signs.

**27.06.030 Park Impact Fees.** If a property contains an existing unit to be removed, a "credit" for that unit shall apply to the first building permit of the subdivision in the amount of \$3,845 for a single family unit and \$2,515 for a multi-family unit.

# Pre09-00072 Approximate Location of Shoreline Jurisdiction



Approximate  
Scale 1:600  
1 in = 50 ft

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### CHART 24.05.110

SHORELINE ENVIRONMENT USES	URBAN MIXED 1 SHORELINE ENVIRON.	URBAN MIXED 2 SHORELINE ENVIRON.	URBAN RESIDENTIAL 1 SHORELINE ENVIRON.	URBAN RESIDENTIAL 2 SHORELINE ENVIRON.	SUBURBAN RESIDENTIAL SHORELINE ENVIRON.	CONSERVANCY 1 SHORELINE ENVIRON.	CONSERVANCY 2 SHORELINE ENVIRON.
Detached Residential	SDP*	SDP*	SDP*	SDP*	SDP*	SCUP	SCUP
Attached or Stacked Residential	SDP	SDP	SDP	SDP	NP	NP	SCUP
Restaurant or Tavern	SDP	SDP	SDP	NP	NP	NP	NP
Retail or Office	SDP	SDP	NP	NP	NP	NP	NP
Moorage Structures and Facilities	SDP	SDP	SDP	SDP	SDP	NP*	NP*
Public Parks	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Utilities Government Facilities, Roads, etc.	SDP	SDP	SDP	SDP	SDP	SDP	SDP
Bulkheads and Similar Structures	SDP	SDP	SDP	SDP	SDP	NP*	NP
Breakwaters	SDP	SDP	SCUP	SCUP	NP	NP*	NP*
Dredging	SDP	SDP	SDP	SDP	SDP	NP*	NP*
Filling	SCUP	SCUP	SCUP	SCUP	SCUP	NP*	NP*
Public Access Pier or Boardwalk	SDP	SDP	SDP	SDP	NP	NP*	NP*
Land Surface Modification	SDP	SDP	SDP	SDP	SDP	SCUP	SCUP

SDP: Substantial Development Permit  
 SCUP: Shoreline Conditional Use Permit  
 NP: Not Permitted

NP\* May be permitted as an accessory to public parks if approved through a S.C.U.P.

\*: This use is exempt from Substantial Development Permit requirements if this is for construction of only one detached unit built by an owner, lessee, or contract purchaser who will be occupying the residence, in accordance with WAC 173-14-040(g), as amended.

NOTE: Hydraulic permits may also be required from the State Department of Fisheries and Wildlife for development or activities located waterward of the ordinary high water mark.

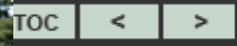
## **24.05.155 Use regulations—Restaurants.**

- (a) General. This section contains regulations pertinent to the development and use of restaurants. These regulations are founded on the goals and policies established in Part II of this chapter. Please see the chart contained in Section [24.05.110](#) of this chapter to determine in which shoreline environments restaurants are permitted.
- (b) Permitted Use.
  - (1) The principal use permitted in this section is a retail establishment which sells prepared food and beverages, generally with accommodations for consuming the food and beverage on the premises. Drive-through and drive-in facilities are not permitted.
  - (2) In addition to the principal use listed above, accessory uses, developments and activities normally associated with restaurant uses are also permitted. This chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities, and other uses, developments and activities which may be conducted accessory to the principal use.
- (c) Lot Size.
  - (1) In Urban Mixed Use 1 Shoreline Environment there is no minimum lot size for this use.
  - (2) In Urban Mixed Use 2 Shoreline Environment see Section 24.05.205 of this chapter.
  - (3) In Urban Residential 1 Shoreline Environment the minimum lot size for this use is seven thousand two hundred square feet of lot area landward of the high waterline. This lot size is computed by using the entire area of the subject property landward of the high waterline, not just the portion of the subject property within the jurisdiction of the Shoreline Management Act and this chapter.
- (d) Required Yards — Over Water Structures Prohibited. The regulations of this subsection establish the required yards for all buildings and other major structures associated with this use. No building or other major structure may be located within the following required yards:
  - (1) In the Urban Mixed Use 1 Shoreline Environment, the following required yards apply:
    - (A) There is no required front yard; provided, however, that any portion of the structure that exceeds a height of thirty feet above average grade level must be set back from the front property line one foot for each five feet that portion of the structure exceeds a height of thirty feet above average grade level.
    - (B) The high waterline yard is the greater of fifteen feet or fifteen percent of the average parcel depth; provided, however, that balconies that are at least fifteen feet above finished grade may extend up to four feet into the high waterline yard.
    - (C) The minimum dimension of any required yard other than as listed above is zero feet.
  - (2) In Urban Mixed Use 2 Shoreline Environment, see Section 24.05.205 of this chapter.
  - (3) In Urban Residential 1 Shoreline Environment the required yards are as follows:

- (A) The front yard for properties lying waterward of Lake Washington Boulevard, Lake Street South, 98th Avenue NE, or Juanita Drive is thirty feet; provided, however, that this distance may be reduced one foot for each one foot of this yard that is developed as a public use area, if:
  - (i) Each portion of a structure within thirty feet of the front property line is set back from the front property line by a distance greater than or equal to the height of that portion of the structure above the front property line;
  - (ii) Substantially the entire width of this yard is developed as a public use area; and
  - (iii) The design of the public use area is specifically approved by the city.
- (B) The front property line for properties lying east of Lake Washington Boulevard, Lake Street South, or 98th Avenue NE is twenty feet.
- (C) The high waterline yard is the greater of fifteen feet or fifteen percent of the average parcel depth.
- (D) The minimum dimension of any required yard other than as listed above is five feet.
- (4) No structure regulated under this section may be located waterward of the high waterline. This chapter contains regulations on bulkheads and other shoreline protective structures, moorage facilities and other components which may be accessory to this use located waterward of the high waterline.
- (e) Minimum View Corridor Required. For properties lying waterward of Lake Washington Boulevard, Lake Street South, 98th Avenue NE or Juanita Drive, a minimum view corridor of thirty percent of the average parcel width must be maintained. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from these rights-of-way to and beyond Lake Washington.
- (f) Height.
  - (1) In the Urban Mixed Use 1 Shoreline Environment, structures may not exceed a height of forty-one feet above average grade level.
  - (2) In the Urban Mixed Use 2 Shoreline Environment, see Section [24.05.205](#) of this chapter.
  - (3) In the Urban Residential 1 Shoreline Environment, structures may not exceed a height of thirty feet above average grade level; provided, however, that the height of a structure may be increased to thirty-five feet above average grade level if the increase does not impair the views of the lake from upland properties. (Ord. 3153 § 1 (part), 1989; Ord. 2938 § 1 (part), 1986)



city of  
**kirkland**  
washington



## Chapter 40 – NEIGHBORHOOD BUSINESS (BN) ZONES

### 40.05 User Guide.

The charts in KZC [40.10](#) contain the basic zoning regulations that apply in each of the BN zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

	<p><b>40.08 – GENERAL REGULATIONS</b> The following regulations apply to all uses in this zone unless otherwise noted:</p>
	<p>1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.</p>
	<p>2. If any portion of a structure is adjoining a low density zone, then either:  a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or  b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.  See KZC <a href="#">115.30</a>, Distance Between Structures/Adjacency to Institutional Use, for further details.</p>
	<p>3. The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).</p>
	<p>4. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway.</p>

[link to Section 40.10 table](#)



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DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS																
Section 40.10	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)			
			Lot Size	REQUIRED YARDS (See Ch. 115)												
				Front	Side	Rear										
.010	Retail Establishment selling groceries and related items	None	None	20'	10' on each side	10'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	B	D	1 per each 300 sq. ft. of gross floor area.	1. Gross floor area for this use may not exceed 10,000 square feet.				
.020	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art															2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.030	Retail Variety or Department Store															3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if:
.040	Retail Establishment providing banking and related financial services															a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of this use; and
.050	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services															b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.
.060	Restaurant or Tavern														1 per each 100 sq. ft. of gross floor area.	1. Gross floor area for this use may not exceed 10,000 square feet.
													2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.			
													3. Ancillary assembly and manufactured goods on the premises of this use are permitted only if:			
													a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises.			
													b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.			
													1. For restaurants with drive-in or drive-through facilities:			
													a. One outdoor waste receptacle shall be provided for every eight parking stalls.			

Section 40.10



USE ZONE CHART

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

Section 40.10	 	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
			Front	Side	Rear							
.070	Private Lodge or Club	None	None	20'	10' on each side	10'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	B	B	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Gross floor area for this use may not exceed 10,000 square feet.</li> <li>Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.</li> <li>Ancillary assembly and manufactured goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> </li> </ol>
.080	Vehicle Service Station	Process IIA, Chapter 150.	22,500 sq. ft.	40'	15' on each side. See Spec. Reg. 3.	15'			A	D	See KZC 105.25.	<ol style="list-style-type: none"> <li>Hours of operation may be limited to reduce impact on residential areas.</li> <li>May not be more than two vehicle service stations at any intersection.</li> <li>Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.</li> </ol>
.090	Office Use	None	None	20'	5', but 2 side yards must equal at least 15'.	10'			C		If a medical, dental or veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>The following regulations apply to veterinary offices only:                             <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>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.</li> </ol> </li> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol> </li> </ol>

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 40.10	 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.100	Stacked Dwelling Unit. See Special Regulation 1.	None	None	Same as the regulations for the ground floor use. See Special Regulation 1.					A	1.7 per unit.	1. This use, with the exception of a lobby, may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	
.110	Church			20'	10' on each side	10'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.

Section 40.10



USE ZONE CHART

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

Section 40.10	 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.120	School or Day-Care Center	None	None	If this use can accommodate 50 or more students or children, then: 50' 50' on 50' each side  If this use can accommodate 13 to 49 students or children, then: 20' 20' on 20' each side	80	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg. 8.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</li> <li>2. Hours of operation may be limited to reduce impacts on nearby residential uses.</li> <li>3. Structured play areas must be setback from all property lines as follows:                             <ol style="list-style-type: none"> <li>a. 20 feet if this use can accommodate 50 or more students or children.</li> <li>b. 10 feet if this use can accommodate 13 to 49 students or children.</li> </ol> </li> <li>4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.</li> <li>5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>6. May include accessory living facilities for staff persons.</li> <li>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> <li>8. For school use, structure height may be increased, up to 35 feet, if:                             <ol style="list-style-type: none"> <li>a. The school can accommodate 200 or more students; and</li> <li>b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and</li> <li>c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.</li> <li>d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</li> </ol> <i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i> </li> </ol>		

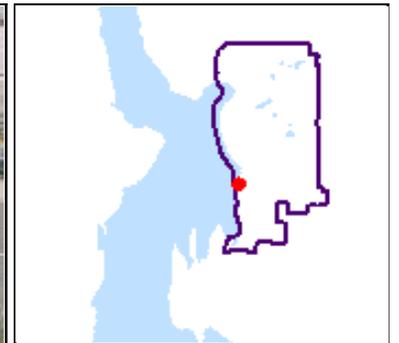
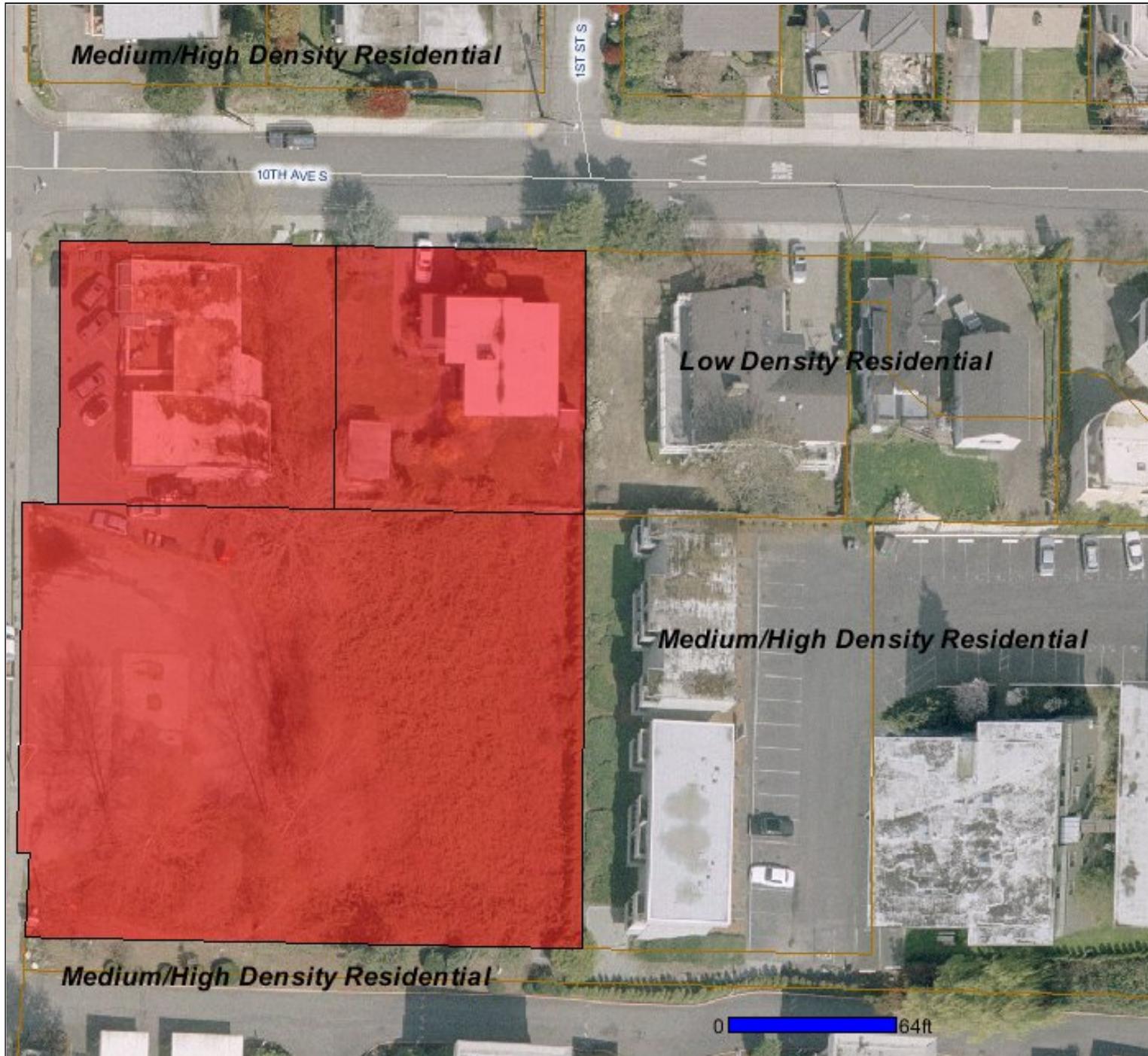
Section 40.10



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS														
Section 40.10	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)										
				Front	Side	Rear								
.130	Mini-School or Mini-Day-Care	None	None	20'	5', but 2 side yards must equal at least 15'.	10'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required along the property lines adjacent to the outside play areas.</li> <li>2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</li> <li>3. Structured play areas must be setback from all property lines by five feet.</li> <li>4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</li> <li>5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>6. May include accessory living facilities for staff persons.</li> <li>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>		
.140	Assisted Living Facility See Spec. Reg. 3.	Process IIA, Chapter 150 KZC	Same as the regulations for the ground floor use. See Spec. Reg. 3.									A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> <li>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>2. 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.</li> <li>3. This use may not be located on the ground floor of a structure.</li> <li>4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> </ol>
.150	Convalescent Center or Nursing Home		20'	10' on each side	10'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for each bed.	<ol style="list-style-type: none"> <li>1. 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.</li> </ol>			
.160	Public Utility		20' on each side	20'	10' on each side	10'	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	A		See KZC 105.25.	<ol style="list-style-type: none"> <li>1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.</li> </ol>			
.170	Government Facility Community Facility	C See Spec. Reg. 1												
.180	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.												

# Surrounding Uses for Landscape Buffer Purposes

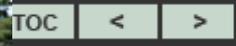


Approximate  
Scale 1:720  
1 in = 60 ft

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city of  
**kirkland**  
washington



## Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

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### **95.05 Purpose and Intent**

1. Trees and other vegetation are important elements of the physical environment. They are integral to Kirkland's community character and protect public health, safety and general welfare. Protecting, enhancing, and maintaining healthy trees and vegetation are key community values. A goal is to achieve an overall tree canopy coverage of 40 percent for the community. The many benefits of healthy trees and vegetation contribute to Kirkland's quality of life by:
  - a. Minimizing the adverse impacts of land disturbing activities and impervious surfaces such as runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus, reducing the public and private costs for storm water control/treatment and utility maintenance;
  - b. Improving the air quality by absorbing air pollutants, assimilating carbon dioxide and generating oxygen;
  - c. Reducing the effects of excessive noise pollution;
  - d. Providing cost-effective protection from severe weather conditions with cooling effects in the summer months and insulating effects in winter;
  - e. Providing visual relief and screening buffers;
  - f. Providing recreational benefits;
  - g. Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife; and
  - h. Providing economic benefit by enhancing local property values and contributing to the region's natural beauty, aesthetic character, and livability of the community.
2. Tree and vegetation removal in urban areas has resulted in the loss to the public of these beneficial functions. The purpose of this chapter is to establish a process and standards to provide for the protection, preservation, replacement, proper maintenance, and use of significant trees, associated vegetation, and woodlands located in the City of Kirkland.

The intent of this chapter is to:

- a. Maintain and enhance canopy coverage provided by trees for their functions as identified in KZC [95.05\(1\)](#);

- b. Preserve and enhance the City of Kirkland's environmental, economic, and community character with mature landscapes;
- c. Promote site planning, building, and development practices that work to avoid removal or destruction of trees and vegetation, that avoid unnecessary disturbance to the City's natural vegetation, and that provide landscaping to buffer the effects of built and paved areas;
- d. Mitigate the consequences of required tree removal in land development through on- and off-site tree replacement with the goals of halting net loss and enhancing Kirkland's tree canopy to achieve an overall healthy tree canopy cover of 40 percent City-wide over time;
- e. Encourage tree retention efforts by providing flexibility with respect to certain other development requirements;
- f. Implement the goals and objectives of the City's Comprehensive Plan;
- g. Implement the goals and objectives of the State Environmental Policy Act (SEPA);  
and
- h. Manage trees and other vegetation in a manner consistent with the City's Natural Resource Management Plan.

## 95.10 Definitions

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise. Definitions that apply throughout this code are also located in Chapter [5 KZC](#).

Caliper – The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be the trunk diameter measured six inches above the ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

Critical Root Zone – The area surrounding a tree at a distance from the trunk, which is equal to one foot for every inch of tree diameter at breast height or otherwise determined by a qualified professional.

Crown – The area of a tree containing leaf- or needle-bearing branches.

Diameter at Breast Height (DBH) – The diameter or thickness of a tree trunk measured at 4.5 feet from the ground.

Dripline – The distance from the tree trunk, that is equal to the furthest extent of the tree's crown.

Impact – A condition or activity that affects a part of a tree including the trunk, branches, and critical root zone.

Grove – A group of three or more significant trees with overlapping or touching crowns.

Landmark Tree – A tree or group of trees designated as such because of its exceptional value to the residents of the City.

Limit of Disturbance – The boundary between the area of minimum protection around a tree and the allowable site disturbance as determined by a qualified professional.

Qualified Professional – An individual with relevant education and training in arboriculture or urban forestry. The individual must be an arborist certified by the International Society

of Arboriculture (ISA) or a registered consulting arborist from the American Society of Consulting Arborists and for Forest Management Plans may be a certified forester by the Society of American Foresters. A qualified professional must possess the ability to perform tree risk assessments and prescribe appropriate measures necessary for the preservation of trees during land development. In addition, arborists making recommendations for tree removals within critical areas must have Tree Risk Assessor certification as established by the Pacific Northwest Chapter of the ISA or equivalent qualifications. For Forest Management Plans, the qualified professional must have the ability to assess wooded sites and prescribe measures for forest health and safety.

Significant Tree – A tree that is at least six inches in diameter at breast height (DBH).

Significantly Wooded Site – A subject property that has a number of significant trees with crowns that cover at least 40 percent of the property.

Site Disturbance – Any development, construction, or related operation that could alter the subject property, including, but not limited to, tree or tree stump removal, road, driveway or building construction, installation of utilities, or grading.

Site Perimeter – The area of the subject property that is 10 feet from the property line.

Specimen Tree – A viable tree that is considered in very good to excellent health and free of major defects, as determined by the City's Urban Forester.

Target – Person or property that can be damaged by failure of a tree.

Tree Removal – The removal of a tree, through either direct or indirect actions, including but not limited to: (1) clearing, damaging or poisoning resulting in an unhealthy or dead tree; (2) removal of at least half of the live crown; or (3) damage to roots or trunk that is likely to destroy the tree's structural integrity.

Viable Tree – A significant tree that a qualified professional has determined to be in good health, with a low risk of failure due to structural defects, is relatively windfirm if isolated or remains as part of a grove, and is a species that is suitable for its location.

Wildlife Snag – The remaining trunk of a dying, diseased, or dangerous tree that is reduced in height and stripped of all live branches.

Windfirm – A condition of a tree in which it can withstand moderate storm winds.

## 95.15 Applicability – Permit Required

No person, directly or indirectly, shall remove any significant tree on any property within the City, except City right-of-way, without first obtaining a tree removal permit as provided in this chapter, unless the activity is exempted in KZC [95.20](#). Trees in City right-of-way are regulated pursuant to Chapter 19.36 KMC.

## 95.20 Exemptions

The following activities are exempt from the provisions of this chapter:

1. Developed Property.
  - a. Any owner of developed property may remove up to two significant trees from their property within a 12-month period; provided, that there is no current application for development activity for the site; and provided further, that the tree(s) are not:
    - 1) In easements dedicated to ensure the protection of vegetation; or in critical areas, or critical area buffers;

- 2) Required to be retained in a special regulation contained in Chapters [15](#) through [60 KZC](#);
  - 3) Designated on an approved tree plan to be retained pursuant to [KZC 95.35](#) and [95.50](#); or
  - 4) The last two significant trees on their property. Trees that fit the criteria in [KZC 95.35\(4\)\(b\)](#) and [\(4\)\(c\)](#) for nuisance or hazard trees do not count toward the removal allowance.
- b. The Department of Planning and Community Development shall establish and maintain a tree removal request form to allow property owners to request Department review of potentially exempt tree removal for compliance with applicable City regulations.
  - c. For every significant tree that is removed, the City encourages the planting of a tree that is appropriate to the site.
2. Emergency Tree Removal. Any tree on private property that poses an imminent threat to life or property may be removed without first obtaining a permit. The party removing the tree will contact the City within seven days of removal to provide evidence of threat for approval of exemption. If the Planning Official determines that the emergency tree removal was not warranted, he or she may require that the party obtain a permit and/or require that replacement trees and vegetation be replanted as mitigation.
  3. Utility Management. Trees may be removed by the City or utility provider in situations involving immediate danger to life or property, or interruption of services provided by a utility.
  4. Commercial Nurseries or Tree Farms. A nursery or tree farm owner may remove trees that are being grown to be sold as Christmas or landscape trees.

### **95.25 Alternative Compliance**

All activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purpose and intent of this chapter as described in [KZC 95.05](#). Requests to use alternative measures and procedures shall be reviewed by the Planning Official, who may approve, approve with conditions, or deny the request. Examples include but are not limited to retention of specimen or landmark trees or low impact development techniques, including such programs as Green Building Design or Leadership in Energy and Environmental Design that demonstrate a significant reduction to stormwater runoff from the site.

### **95.30 City Forestry Account**

1. Funding Sources. All civil penalties received under this chapter and all money received pursuant to [KZC 95.35](#) shall be used for the purposes set forth in this section. In addition, the following sources may be used for the purposes set forth in this section:
  - a. Agreed upon restoration payments imposed under [KZC 95.55](#) or settlements in lieu of penalties;
  - b. Sale of trees or wood from City property where the proceeds from such sale have not been dedicated to another purpose;

- c. Donations and grants for tree purposes;
  - d. Sale of seedlings by the City; and
  - e. Other monies allocated by the City Council.
2. Funding Purposes. The City shall use money received pursuant to this section for the following purposes:
- a. Acquiring, maintaining, and preserving wooded areas within the City;
  - b. Planting and maintaining trees within the City;
  - c. Identification and maintenance of landmark trees;
  - d. Establishment of a holding public tree nursery;
  - e. Urban forestry education; or
  - f. Other purposes relating to trees as determined by the City Council.

### **95.35 Tree Retention, Protection and Density**

1. Introduction. The intent of this section is to successfully retain desirable trees on developing and re-developing sites and to maintain and enhance the tree canopy of Kirkland. To that end, the City requires a tree permit in conjunction with all development permits resulting in site disturbance and with any proposed tree removal on developed sites not exempted by KZC [95.20](#).

In order to make better decisions about tree retention, particularly during all stages of development, tree removal permits will require specific information about the existing trees before removal is allowed. Different levels of detail correspond to the scale of the project or activity. Specific tree plan review standards are provided in KZC [95.35](#)(4) and include tree retention priority and incentives and variations to development standards in order to facilitate preservation of healthy, significant trees.

The City's objective is to retain as many viable trees as possible on a developing site while still allowing the development proposal to move forward in a timely manner. This section includes provisions that allow development standards to be modified in order to retain viable significant trees.

The requirement to meet a minimum tree density applies to new single-family and duplex developments and major redevelopments, and new residential subdivisions and short subdivisions. If such a site falls below the minimum density with existing trees, supplemental planting is required. A tree density for existing trees to be retained is calculated to see if new trees are required in order to meet the minimum density for the site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the density.

The importance of effective protection of retained trees during construction is emphasized with specific protection standards in the last part of this section. These standards must be adhered to and included on demolition, grading and building plans as necessary.

2. Tree Plan Required.
- a. Requirement Established. An applicant for a tree removal permit must submit a tree plan that complies with this section. A qualified professional may be required to prepare certain components of a tree plan at the applicant's

expense. If proposed development activities call for more than one tree plan level, the tree plan level with the more stringent requirements shall apply; provided, that the Planning Official may require a combination of tree plan components based on the nature of the proposed development activities. If proposed activity is not clearly identified in this chapter, the Planning Official shall determine the appropriate tree plan.

b. Tree Plan and Retention Requirements. The following sets forth the different tree plans required for development activities or removal requests requiring a tree removal permit. Applicants for development are encouraged to confer with City staff as early in the design process as possible so that the applicable tree planting and retention concepts can be incorporated into the design of the subject property. Each plan sets forth the required components and retention standards for each tree plan. The Planning Official may waive a component for a tree plan, if he or she determines that the information is not necessary.

1) Tree Plan I. Tree Plan I is required for a development permit or land surface modification resulting in site disturbance for one or two attached, detached, or stacked dwelling units.

a) Tree Plan I – Major and Minor.

i. Tree Plan I – Major shall be required for new development, redevelopment, or development in which the total square footage of the proposed improvements is more than 50 percent of the total square footage of the existing improvements on the subject property.

ii. Tree Plan I – Minor shall be required for all proposed development activities and site disturbance for which Tree Plan I – Major does not apply.

b) Tree Plan Requirements. The tree plan shall include the following:

i. Accurate location of significant trees and their driplines measured relative to visible site features (surveyed locations may be required);

ii. Size (DBH) and type or species of these trees; and

iii. General health of these trees.

iv. Approximate trunk location and measure dripline of significant trees that are on adjacent property with driplines extending over the subject property line.

v. For Tree Plan I – Minor, the above tree information shall be required only for trees potentially impacted by proposed development activity, and surveyed tree locations shall not be required.

vi. For Tree Plan I – Major, a report by a qualified professional that contains findings, conclusions and recommendations shall be required if any significant trees are in required yards or within 10 feet of any side property line on the subject property.

c) Additional Applicant Requirements.

i. If existing trees impacted by site disturbance are being retained, tree protection shall be shown on the grading or demolition plan and may require assistance of a qualified professional.

ii. The applicant shall provide a final plan showing retained trees and any required trees in order to meet tree density or minimum number

of trees as outlined in subsections (2)(b)(1)(d) and (2)(b)(1)(e) of this section.

iii. The applicant shall enter into all required tree preservation and maintenance agreements pursuant to KZC [95.50](#).

iv. For lots from a short subdivision, subdivision or planned unit development with an approved Tree Plan III, the tree information shall be transferred over and the applicant must comply with the applicable Tree Plan III requirements.

d) Site Design and Retention Requirements.

i. For Tree Plan I – Major, the applicant shall retain and protect Type 1 trees, as defined in subsection (4)(a)(1) of this section, in all required yards to the maximum extent possible. To retain Type 1 trees in required yards, the applicant shall pursue, where feasible, applicable variations in the development standards of this code as outlined in subsections (4)(a)(2) and (4)(a)(3) of this section. The applicant shall be encouraged to retain viable trees in other areas on-site.

ii. For Tree Plan I – Minor, the applicant is encouraged to retain viable trees and pursue applicable variations to development.

e) Tree Density Requirements.

i. For Tree Plan I – Major, the minimum tree density applies and shall comply with the process set forth in subsection (5) of this section.

ii. For Tree Plan I – Minor, a minimum of two trees must be on the lot following the requirement set forth in subsection (2)(b)(4)(b)(iv) of this section.

2) Tree Plan II. A Tree Plan II is required for a development permit or land surface modification resulting in site disturbance and impact to a significant tree in required yards and areas for required landscaping for three or more detached, attached, or stacked dwelling units; or any use other than residential.

a) Tree Plan Requirements. The tree plan shall include the following:

i. A site map depicting accurate location of significant trees and their driplines measured relative to visible site features (a survey may be required) and approximate location of significant trees on adjacent property with driplines extending over the subject property; and

ii. A report by a qualified professional stating the size (DBH), species, and assessment of health and determination of viable trees in the areas of required landscaping;

iii. The above tree information shall be required only for trees potentially impacted by proposed development activity as determined by the Planning Official.

b) Additional Applicant Requirements.

i. Demolition and grading plans shall depict tree protection measures, as recommended by a qualified professional, if existing trees are to be retained and their dripline is within the area of disturbance.

ii. Landscape plans shall show all retained trees.

- iii. The applicant shall enter into all required tree preservation and maintenance agreements pursuant to KZC [95.50](#).
  - c) Site Design and Retention Requirements. The applicant shall pursue applicable variations to development, as outlined in subsections (4)(a)(2) and (4)(a)(3) of this section, for the retention of Type 1 trees, as defined in subsection (4)(a)(1) of this section, where feasible in the required yards and landscaping areas. If removal of a Type 1 tree in required landscaping areas is proposed, the applicant shall provide reasons for the proposed removal that may require assistance from a qualified professional.
  - d) Tree Plan II sites shall not have a minimum tree density requirement but shall comply with the required landscaping pursuant to KZC [95.40](#). Preserved trees in required landscaping areas shall apply toward required landscaping requirements.
- 3) Tree Plan III. A Tree Plan III is required for new residential short plats or subdivisions and related land surface modification applications.
- a) Tree Plan Requirements. The tree plan shall include the following:
    - i. Surveyed location of all significant trees.
    - ii. A tree inventory prepared by a qualified professional including a numbering system of existing significant trees (with corresponding tags on trees), measured driplines, size (DBH), species and tree status (removed or retained) based on criteria in subsection (2)(c) of this section for all significant trees. The inventory shall include approximate trunk location and measured dripline of significant trees that are on adjacent property with driplines extending over the subject property line.
    - iii. A report from a qualified professional detailing:
      - (A) An indication, for each tree, of whether it is proposed to be retained or removed, based on health, risk of failure and suitability of species;
      - (B) Limits of disturbance around viable trees;
      - (C) Special instruction for work within their critical root zone; and
      - (D) Location and type of protection measures for these trees.
    - iv. A site plan utilizing the information from the tree survey, inventory and report, showing:
      - (A) The proposed development activity;
      - (B) Location and limits of disturbance of viable trees to be retained according to the tree inventory and report; and
      - (C) Trees being removed for proposed development or trees being removed that are not viable.
  - b) Additional Applicant Requirements.
    - i. A description and location of tree protection measures during construction for trees to be retained must be shown on demolition and grading plans. Protection measures must be in accordance with

subsection (6) of this section.

- ii. Prior to permit approval, the applicant shall provide a plan showing tree density calculations pursuant to subsection (5) of this section, retained trees, trees to be removed, and any required supplemental trees to meet the minimum density. The plan must describe the details of site preparation, the installation of new trees and the maintenance measures necessary for the long-term survival and health of all trees on-site pursuant to KZC [95.45](#) and [95.50](#).
  - iii. The applicant shall submit a preservation and maintenance agreement pursuant to KZC [95.50](#), for approval prior to final plat.
- c) Site Design and Retention Requirements. The Planning Official will determine tree types as outlined in subsection (4)(a)(1) of this section, and the applicant shall pursue applicable variations to development, as outlined in subsections (4)(a)(2) and (4)(a)(3) of this section for the retention of Type 1 trees throughout the life of the project.
- d) Tree Density Requirements. The minimum tree density shall apply to the site and shall comply with the process set forth in subsection (5) of this section.
- 4) Tree Plan IV. Tree Plan IV is for tree removal on a property on which no development activity is proposed or in progress. Activity requiring a Tree Plan IV includes but is not limited to: hazard or nuisance tree removal not exempt under KZC [95.20](#)(1); tree removal in areas dedicated to ensure protection of vegetation, critical areas and their buffers; removal of one or both of the last two significant trees on a developed site; and requests to remove hazard or nuisance trees on undeveloped property. The plan can be developed by the applicant but may require assistance of a qualified professional.
- a) Tree Plan Requirements. The tree plan shall include the following:
- i. A site plan showing the approximate location of significant trees, their size (DBH) and their species, along with the location of structures, driveways, access ways and easements.
  - ii. For required replacement trees, a planting plan showing location, size and species of the new trees in accordance to standards set forth in subsection (5)(c) of this section.
- b) Additional Applicant Requirements.
- i. An arborist report explaining how the tree(s) fit the criteria in subsection (4)(b) or (4)(c) of this section if removal is based on nuisance or hazard and the nuisance or hazard condition is not obvious.
  - ii. For nuisance or hazard trees in critical areas or their buffers, the planting plan must propose action to mitigate the hazard or nuisance in accordance to standards set forth in subsection (4) of this section.
  - iii. Tree removal on undeveloped property shall be approved only for hazard or nuisance trees pursuant to the criteria in subsections (4) (c) and (4)(d) of this section. The tree removal exemptions in KZC [95.20](#) are not applicable to undeveloped property.
  - iv. If the removal request is for one or both of the last two trees, even if

nuisance or hazard, a one-for-one replacement is required as set forth in subsection (5)(c)(2) of this section.

- 5) Tree Plan V. Tree Plan V is a Forest Management Plan for developed, significantly wooded sites of at least 35,000 square feet in size in which tree removal is requested that is not exempt under Section [95.20](#) of this Chapter. A Forest Management Plan must be developed by a qualified professional. The Tree Plan shall include the following:
    - a) A plan depicting the location of all significant trees (a tree survey is not required) with a numbering system of the trees (with corresponding tags on trees in the field). The plan shall include size (DBH), species, and condition of each tree;
    - b) Identification of trees to be removed, including reasons for their removal and a description of low impact removal techniques pursuant to subsection (4)(e) of this section;
    - c) A reforestation plan that includes location, size, species, and timing of installation;
    - d) A narrative report of prescribed, long-term maintenance activity for the site as outlined in subsection (4)(e)(8) of this section.
- c. Qualified Professional Reports. Reports prepared by a qualified professional shall contain the following, unless waived by the Planning Official:
- 1) A complete description of each tree's health and viability. If a tree is not viable for retention, the reason(s) must be soundly based on health, high risk of failure due to structure, defects, unavoidable isolation (windfirmness), or suitability of species and for which no reasonable alternative action is possible (pruning, cabling, etc.). The impact of necessary tree removal to remaining trees, including those in a grove or on adjacent properties, must also be discussed.
  - 2) The location of limits of disturbance around all trees potentially impacted by site disturbances and any special instructions for work within that protection area (hand-digging, tunneling, root pruning, maximum grade change).
  - 3) For development applications, a discussion of timing and installation of tree protection measures that must include fencing and be in accordance with the tree protection standards as outlined in subsection (6) of this section.
  - 4) The suggested location and species of supplemental trees to be used when required. The report shall include planting and maintenance specifications pursuant to [KZC 95.45](#) and [95.50](#).
3. Tree Plan Review Procedure and Appeals.
- a. When an applicant proposes a development activity or project that requires a Tree Plan Level I, II or III, the tree plan shall be reviewed as part of the applicable permit application or process.
  - b. Applicants for a Level IV or V tree plan must submit a completed permit application on a form provided by the City. Within 21 calendar days, the Planning Official shall review the application and either approve, approve with conditions or modifications, deny the application or request additional information. Any decision to deny the application shall be in writing along with the reasons for the denial and the appeal process.

- c. With respect to Level IV and Level V Tree Plans, an applicant may appeal an adverse determination to the Hearing Examiner. A written notice of appeal shall be filed with the Planning Department within 14 calendar days following the date of distribution of a Planning Official's decision. The office of the Hearing Examiner shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving that the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse or modify the decision being appealed.

#### 4. Tree Plan Review Standards.

- a. Site Design for Development. Tree retention shall be pursuant to this chapter; provided, that such tree retention will not reduce the applicant's development potential (lot coverage, floor area ratio, and density) allowed by the Kirkland Zoning Code. Tree plans shall comply with all tree retention requirements in the KZC, including but not limited to those in Chapter [85](#) KZC, Geologically Hazardous Areas, and Chapter [90](#) KZC, Drainage Basins.

##### 1) Tree Retention Standards.

- a) Based on the tree plan information submitted by the applicant and the Planning Official's evaluation of the trees and proposed development on subject property, the Planning Official will designate each tree as:

- i. Type 1, a viable tree that meets at least one of the criteria set forth in subsection (4)(a)(1)(b) of this section;
- ii. Type 2, a viable tree that is to be retained if feasible; or
- iii. Type 3, a tree that is either (1) not viable or (2) is in an area where removal is unavoidable due to the anticipated development activity.

- b) Tree retention efforts shall be directed to the following trees if they are determined to be healthy and windfirm by a qualified professional, and provided the trees can be safely retained when pursuing alternatives to development standards in subsections (4)(a)(2) and (4)(a)(3) of this section:

- i. Landmark trees;
- ii. Specimen trees;
- iii. Tree groves and associated vegetation that are to be set aside as preserved groves pursuant to KZC [95.50\(3\)](#);
- iv. Trees on slopes of at least 10 percent; or
- v. Trees that are a part of a grove that extends into adjacent property, such as in a public park, open space, sensitive area buffer or otherwise preserved group of trees on adjacent private property. If significant trees must be removed in these situations, an adequate buffer of trees may be required to be retained or planted on the edge of the remaining grove to help stabilize.

- 2) Incentives and Variations to Development Standards. In order to retain trees, the applicant should pursue provisions in Kirkland's codes that allow development standards to be modified. Examples include but are not limited to number of parking stalls, right-of-way improvements, lot size reduction under Chapter 22.28 KMC, lot line placement when subdividing property

under KMC Title 22, Planned Unit Developments, and required landscaping, including buffers for lands use and parking/driving areas.

Requirements of the Kirkland Zoning Code may be modified by the Planning Official as outlined below when such modifications would further the purpose and intent of this chapter as set forth in KZC [95.05](#) and would involve Type 1 trees.

- a) Common Recreational Open Space. Reductions or variations of the area, width, or composition of required common recreational open space, may be granted.
  - b) Parking Areas and Access. Variations in parking lot design and/or access driveway requirements may be granted when the Public Works and Planning Officials both determine the variations to be consistent with the intent of City policies and codes.
  - c) Required Yards. Initially, the applicant shall pursue options for placement of required yards as permitted by other sections of this code, such as selecting one front required yard in the RSX zone and adjusting side yards in any zone to meet the 15-foot total as needed for each structure on the site. The Planning Official may also reduce the front or side required yards provided that:
    - i. No required side yard shall be less than five feet; and
    - ii. The required front yard shall not be reduced by more than five feet in residential zones. There shall not be an additional five feet of reduction beyond the allowance provided for covered entry porches.
  - d) Stormwater. Requirements pertaining to stormwater may be varied if approved by the Public Works Official under KMC 15.52.060.
- 3) Additional Variations. In addition to the variations described above, the Planning Official is authorized to require site plan alterations to retain Type 1 trees. Such alterations include minor adjustments to the location of building footprints, adjustments to the location of driveways and access ways, or adjustment to the location of walkways, easements or utilities. The Planning Official and the applicant shall work in good faith to find reasonable solutions.

b. Nuisance Tree Criteria. A nuisance tree must meet the following criteria:

- 1) Tree is causing obvious, physical damage to private or public structures, including but not limited to: sidewalk, curb, road, driveway, parking lot, building foundation, roof;
- 2) Tree has been damaged by past maintenance practices, that cannot be corrected with proper arboricultural practices; or
- 3) The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice. Including but not limited to the following:
  - a) Pruning of the crown or roots of the tree and/or small modifications to the site including but not limited to a driveway, parking lot, patio or sidewalk to alleviate the problem.
  - b) Pruning, bracing, or cabling to reconstruct a healthy crown.

c. Hazard Tree Criteria. A hazard tree must meet the following criteria:

- 1) The tree must have a combination of structural defects and/or disease which makes it subject to a high probability of failure and is in proximity to moderate-high frequency of persons or property; and
- 2) The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.

d. Trees in Critical Areas or Critical Area Buffers. The intent of preserving vegetation in and near streams and wetlands and in geologically hazardous areas is to support the functions of healthy sensitive areas and sensitive area buffers (see Chapter [90](#) KZC) and/or avoid disturbance of geologically hazardous areas (see Chapter [85](#) KZC). The property owner must submit a Level IV Tree Plan to City Planning and Community Development Department to trim or remove any tree from a critical area or critical area buffer. If a tree is considered a nuisance or hazard in a critical area or its buffer, the priority action is to create a “snag” or wildlife tree with the subject tree. If creation of a snag is not feasible, then the felled tree shall be left in place unless the Planning Official permits its removal in writing. The removal of any tree will require the planting of a native tree of a minimum of six feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be coordinated with the Planning Official.

e. Forest Management Plan. For properties proposing tree removal requiring a forest management plan, the following standards shall apply:

- 1) Trees to remain should be dominant or co-dominant in the stand, healthy and wind-firm.
- 2) No removal of trees from critical areas and their buffers, unless otherwise permitted by this chapter.
- 3) No removal of landmark or specimen trees, unless otherwise permitted by this chapter.
- 4) No removal of healthy trees that would cause trees on adjacent properties to become hazardous.
- 5) The reforestation plan ensures perpetuity of the wooded areas. The size of planted trees for reforestation shall be a minimum of three feet tall.
- 6) Logging operations shall be conducted so as 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.
- 7) Removal of tree debris shall be done pursuant to Kirkland Fire Department standards.
- 8) Recommended maintenance prescription for retained trees with a specific timeline for such management.

5. Tree Density Requirement.

a. Minimum Tree Density Requirement Established. The required minimum tree density is 30 tree credits per acre for development requiring a Tree Plan I – Major and Tree Plan III. For individual lots in a short subdivision or subdivision

with an approved Tree Plan III, the tree density shall be calculated based on the entire short plat or subdivision. The tree density may consist of existing trees pursuant to the priority established in subsection (4)(a)(1) of this section, or supplemental trees or a combination of existing and supplemental trees pursuant to subsection (5)(c) of this section. Existing trees transplanted to an area on the same site shall not count toward the required density unless approved by the Urban Forester based on transplant specifications provided by a qualified professional that will ensure a good probability for survival.

- b. Tree Density Calculation. For the purpose of calculating required minimum tree density, City right-of-way, and areas to be dedicated as City right-of-way shall be excluded from the area used for calculation of tree density.

Tree density calculation for existing individual trees:

- 1) Diameter breast height (DBH) of the tree shall be measured in inches.
- 2) The tree credit value that corresponds with DBH shall be found in Table 95.35.1.

**Table 95.35.1**

**Tree Density for Existing Significant Trees**

**(Credits per minimum diameter – DBH)**

DBH	Tree Credits	DBH	Tree Credits	DBH	Tree Credits
3 – 5"	0.5				
6 – 10"	1	24"	8	38"	15
12"	2	26"	9	40"	16
14"	3	28"	10	42"	17
16"	4	30"	11	44"	18
18"	5	32"	12	46"	19
20"	6	34"	13	48"	20
22"	7	36"	14	50"	21

Example: a 7,200-square-foot lot would need five tree credits ( $7,200/43,560 = 0.165 \times 30 = (4.9)$  or five). The density for the lot could be met with a 16-inch tree and one six-inch tree existing on-site.

- c. Supplemental Trees Planted to Meet Minimum Density Requirement. For sites and activities requiring a minimum tree density and where the existing trees to be retained do not meet the minimum tree density requirement, supplemental trees shall be planted to achieve the required minimum tree density.

- 1) Tree Location. In designing a development and in meeting the required minimum tree density the trees shall be planted in the following order of priority:

a) On-Site. The preferred locations for new trees are:

- i. In preserved groves, critical areas or their buffers.
- ii. Adjacent to stormwater facilities as approved by Public Works under KMC 15.52.060.

- iii. Entrance landscaping, traffic islands and other common areas in residential subdivisions.
      - iv. Site perimeter.
      - v. On individual residential building lots.
    - b) Off-Site. When room is unavailable for planting the required trees on-site, then they may be planted at another approved location in the City.
    - c) City Forestry Account. When the Planning Official determines on-site and off-site locations are unavailable, then the applicant shall pay an amount of money approximating the current market value of the supplemental trees into the City forestry account.
  - 2) Minimum Size and Tree Density Value for Supplemental Trees. The required minimum size of the supplemental tree worth one tree credit shall be six feet tall for a conifer and two-inch caliper for deciduous or broad-leaf evergreen tree. Additional credits may be awarded for larger supplemental trees. The installation and maintenance shall be pursuant to KZC [95.45](#) and [95.50](#) respectively.
6. Tree Protection during Development Activity. Prior to development activity or initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities pursuant to the following standards:
- a. Placing Materials near Trees. No person may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, operating or parking equipment, placing solvents, storing building material or soil deposits, or dumping concrete washout or other chemicals. During construction, no person shall attach any object to any tree designated for protection.
  - b. Protective Barrier. Before development, land clearing, filling or any land alteration, the applicant shall:
    - 1) Erect and maintain a readily visible temporary protective tree fencing along the limits of disturbance which completely surrounds the protected area of all retained trees or groups of trees. Fences shall be constructed of chain link and be at least four feet high, unless other type of fencing is authorized by the Planning Official.
    - 2) Install highly visible signs spaced no further than 15 feet along the entirety of the protective tree fence. Said sign must be approved by the Planning Official and shall state at a minimum "Tree Protection Area, Entrance Prohibited" and provide the City phone number for code enforcement to report violations.
    - 3) Prohibit excavation or compaction of earth or other potentially damaging activities within the barriers; provided, that the Planning Official may allow such activities approved by a qualified professional and under the supervision of a qualified professional retained and paid for by the applicant.
    - 4) Maintain the protective barriers in place until the Planning Official authorizes their removal.
    - 5) Ensure that any approved landscaping done in the protected zone subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.

6) In addition to the above, the Planning Official may require the following:

- a) If equipment is authorized to operate within the critical root zone, cover the areas adjoining the critical root zone of a tree with mulch to a depth of at least six inches or with plywood or similar material in order to protect roots from damage caused by heavy equipment.
- b) Minimize root damage by excavating a two-foot-deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained.
- c) Corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.
- d) Maintenance of trees throughout construction period by watering and fertilizing.

c. Grade.

- 1) The grade shall not be elevated or reduced within the critical root zone of trees to be preserved without the Planning Official's authorization based on recommendations from a qualified professional. The Planning Official may allow coverage of up to one half of the area of the tree's critical root zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.
- 2) If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's critical root zone, it shall be permanently stabilized to prevent suffocation of the roots.
- 3) The applicant shall not install an impervious surface within the critical root zone of any tree to be retained without the authorization of the Planning Official. The Planning Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root-induced damage to the impervious surface.
- 4) To the greatest extent practical, utility trenches shall be located outside of the critical root zone of trees to be retained. The Planning Official may require that utilities be tunneled under the roots of trees to be retained if the Planning Official determines that trenching would significantly reduce the chances of the tree's survival.
- 5) Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, it is encouraged that shrubs, ground cover and stumps be maintained on the individual lots, where feasible.

- d. Directional Felling. Directional felling of trees shall be used to avoid damage to trees designated for retention.
- e. Additional Requirements. The Planning Official may require additional tree protection measures that are consistent with accepted urban forestry industry practices.

## 95.40 Required Landscaping

1. User Guide. Chapters [15](#) through 60 KZC containing the use zone charts assign a

landscaping category to each use in each zone. This category is either “A,” “B,” “C,” “D,” or “E.” If you do not know which landscaping category applies to the subject property, you should consult the appropriate use zone chart.

Requirements pertaining to each landscaping category are located throughout this chapter, except that Landscaping Category E is not subject to this section.

Landscape Categories A, B, C, D, and E may be subject to additional related requirements in the following other chapters:

- a. Various use zone charts, in Chapters [15](#) through 60 KZC, establish additional or special buffering requirements for some uses in some zones.
- b. Chapter [85](#) KZC, Geologically Hazardous Areas, addresses the retention of vegetation on steep slopes.
- c. Chapter [90](#) KZC, Drainage Basins, addresses vegetation within sensitive areas and sensitive area buffers.
- d. Chapter [110](#) KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405, SR-520, and Burlington Northern rights-of-way.
- e. KZC [115.135](#), Sight Distance at Intersections, which may limit the placement of landscaping in some areas.
- f. Chapter 22 KMC addresses trees in subdivisions.

2. Use of Significant Existing Vegetation.

- a. General. The applicant shall apply subsection KZC [95.35\(4\)](#) to retain existing trees and vegetation in areas subject to the landscaping standards of this section. The Planning Official shall give substantial weight to the retained trees and vegetation when determining the applicant’s compliance with this section.
- b. Supplement. The City may require the applicant to plant trees, shrubs, and groundcover according to the requirements of this section to supplement the existing vegetation in order to provide a buffer at least as effective as the required buffer.
- c. Protection Techniques. The applicant shall use the protection techniques described in KZC [95.35\(6\)](#) to ensure the protection of significant existing vegetation.

3. Landscape Plan Required. In addition to the tree plan required pursuant to KZC [95.35\(2\)](#), application materials shall clearly depict the quantity, location, species, and size of plant materials proposed to comply with the requirements of this section, and shall address the plant installation and maintenance requirements set forth in KZC [95.45](#) and [95.50](#). Plant materials shall be identified with both their scientific and common names. Any required irrigation system must also be shown.

4. Minimum Land Use Buffer Requirements. The applicant shall comply with the provisions specified in the following chart and with all other applicable provisions of this chapter. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.

	ADJOINING PROPERTY	<b>*Public park or low density residential</b>	<b>Medium or high density residential use or if no</b>	<b>Institutional or office use or if</b>	<b>A commercial use or an industrial use</b>
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LANDSCAPING CATEGORY ↓	↓	use or if no permitted use exists on the adjoining property then a low density zone.	permitted use exists on the adjoining property then a medium density or high density zone.	no permitted use exists on the adjoining property then an institutional or office zone.	or if no permitted use exists on the adjoining property then a commercial or industrial zone.
A		Must comply with KZC <a href="#">95.40</a> (6)(a) (Buffering Standard 1)	Must comply with KZC <a href="#">95.40</a> (6)(a) (Buffering Standard 1)	Must comply with KZC <a href="#">95.40</a> (6)(b) (Buffering Standard 2)	
B		Must comply with KZC <a href="#">95.40</a> (6)(a) (Buffering Standard 1)	Must comply with KZC <a href="#">95.40</a> (6)(a) (Buffering Standard 1)		
C		Must comply with KZC <a href="#">95.40</a> (6)(a) (Buffering Standard 1)	Must comply with KZC <a href="#">95.40</a> (6)(b) (Buffering Standard 2)		
D		Must comply with KZC <a href="#">95.40</a> (6)(b) (Buffering Standard 2)			
E					
<b>Footnotes:</b>		*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, Totem Center or is located in TL 5, KZC <a href="#">95.40</a> (6) does not apply.			

#### 5. Supplemental Plantings.

- a. General. The applicant shall provide the supplemental landscaping specified in subsection (5)(b) of this section in any area of the subject property that:
  - 1) Is not covered with a building, vehicle circulation area or other improvement; and
  - 2) Is not a critical area, critical area buffer, or in an area to be planted with required landscaping; and
  - 3) Is not committed to and being used for some specific purpose.
- b. Standards. The applicant shall provide the following at a minimum:
  - 1) Living plant material which will cover 80 percent of the area to be landscaped within two years. If the material to be used does not spread over time, the applicant shall re-plant the entire area involved immediately. Any area that will not be covered with living plant material must be covered with nonliving groundcover.
  - 2) One tree for each 1,000 square feet of area to be landscaped. At the time of planting, deciduous trees must be at least two inches in caliper and coniferous trees must be at least five feet in height.

- 3) If a development requires approval through Process I, IIA, IIB or III as described in Chapters [145](#), 150, 152 and 155 KZC, respectively, the City may require additional vegetation to be planted along a building facade if:
    - a) The building facade is more than 25 feet high or more than 50 feet long;  
or
    - b) Additional landscaping is necessary to provide a visual break in the facade.
  - 4) In RHBD varieties of rose shrubs or ground cover along with other plant materials shall be included in the on-site landscaping.
  - 5) If development is subject to Design Review as described in Chapter 142, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.
6. Land Use Buffering Standards. The chart in subsection (4) of this section establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:
- a. For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a six-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC [115.40](#) for additional fence standards. The land use buffer must be planted as follows:
    - 1) Trees planted at the rate of one tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half inch caliper, minimum, and/or coniferous trees eight feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.
    - 2) Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two years, planted at the following sizes and spacing, depending on type:
      - a) Low shrub – (mature size under three feet tall), one- or two-gallon pot or balled and burlapped equivalent);
      - b) Medium shrub – (mature size from three to six feet tall), two- or three-gallon pot or balled and burlapped equivalent);
      - c) Large shrub – (mature size over six feet tall), five-gallon pot or balled and burlapped equivalent).
    - 3) Living ground covers planted from either four-inch pot with 12-inch spacing or one-gallon pot with 18-inch spacing to cover within two years 60 percent of the land use buffer not needed for viability of the shrubs or trees.
  - b. For standard 2, the applicant shall provide a five-foot-wide landscaped strip with a six-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence

or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC [115.40](#) for additional fence standards. The landscaped strip must be planted as follows:

- 1) One row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of two inch caliper, minimum, and/or coniferous trees at least six feet in height, minimum. At least 50 percent of the required trees shall be evergreen.
  - 2) Living ground covers planted from either four-inch pot with 12-inch spacing or one-gallon pot with 18-inch spacing to cover within two years 60 percent of the land use buffer not needed for viability of the trees.
- c. Plant Standards. All plant materials used shall meet the most recent American Association of Nurserymen Standards for nursery stock: ANSI Z60.1.
- d. Location of the Land Use Buffer. The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.
- e. Multiple Buffering Requirement. If the subject property borders more than one adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.
- f. Adjoining Property Containing Several Uses. If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.
- g. Subject Property Containing Several Uses. If the subject property contains more than one use, the applicant shall comply with the land use buffering requirement that pertains to the use within the most stringent landscaping category that abuts the property to be buffered.
- h. Subject Property Containing School. If the subject property is occupied by a school, land use buffers are not required along property lines adjacent to a street.
- i. Encroachment into Land Use Buffer. Typical incidental extensions of structures such as chimneys, bay windows, greenhouse windows, cornices, eaves, awnings, and canopies may be permitted in land use buffers as set forth in KZC [115.115\(3\)\(d\)](#); provided, that:
- 1) Buffer planting standards are met; and
  - 2) Required plantings will be able to attain full size and form typical to their species.
- j. Modification. The applicant may request a modification of the requirements of the buffering standards of subsection (6) of this section. The Planning Official may approve a modification if:
- 1) The owner of the adjoining property agrees to this in writing; and
  - 2) The existing topography or other characteristics of the subject property or the adjoining property, or the distance of development from the neighboring property decreases or eliminates the need for buffering; or
  - 3) The modification will be more beneficial to the adjoining property than the

required buffer by causing less impairment of view or sunlight; or

- 4) The Planning Official determines that it is reasonable to anticipate that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive, buffer; or
  - 5) The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer.
- k. Outdoor use, activity, and storage (KZC [115.105\(2\)](#)) must comply with required land use buffers for the primary use, except that the following outdoor uses and activities, when located in commercial or industrial zones, are exempt from KZC [115.105\(2\)\(c\)\(1\)](#) and [\(2\)\(c\)\(2\)](#) as stated below:
- 1) That portion of an outdoor use, activity, or storage area which abuts another outdoor use, activity, or storage area which is located on property zoned for commercial or industrial use.
  - 2) Outdoor use, activity, and storage areas which are located adjacent to a fence or structure which is a minimum of six feet above finished grade; and do not extend outward from the fence or structure more than five feet; provided, that the total horizontal dimensions of these areas shall not exceed 50 percent of the length of the facade or fence (see Plate 11).
  - 3) If there is an improved path or sidewalk in front of the outdoor storage area, the outdoor use, activity or storage area may extend beyond five feet if a clearly defined walking path at least three feet in width is maintained and there is adequate pedestrian access to and from the primary use. The total horizontal dimension of these areas shall not exceed 50 percent of the length of the facade of the structure or fence (see Plate 11).
  - 4) Outdoor dining areas.
  - 5) That portion of an outdoor display of vehicles for sale or lease which is adjacent to a public right-of-way that is improved for vehicular use; provided, that it meets the buffering standards for driving and parking areas in subsections [\(7\)\(b\)\(1\)\(a\)](#) and [\(7\)\(b\)\(1\)\(b\)](#) of this section; and provided further, that the exemptions of subsection [\(7\)\(b\)\(2\)](#) of this section do not apply unless it is fully enclosed within or under a building, or is on top of a building and is at least one story above finished grade.
  - 6) Outdoor Christmas tree lots and fireworks stands if these uses will not exceed 30 days, and outdoor amusement rides, carnivals and circuses, and parking lot sales which are ancillary to the indoor sale of the same goods and services, if these uses will not exceed seven days.

#### 7. Landscaping and Buffering Standards for Driving and Parking Areas.

##### a. Landscaping – General.

- 1) The following internal parking lot landscape standards apply to each parking lot or portion thereof containing more than eight parking stalls.
  - a) The parking lot must contain 25 square feet of landscaped area per parking stall planted pursuant to subsections [\(7\)\(a\)\(1\)\(b\)](#) and [\(c\)](#) of this section;
  - b) The applicant shall arrange the landscaping required in subsection [\(7\)\(a\)\(1\)\(a\)](#) of this section throughout the parking lot to provide landscape islands or peninsulas to separate groups of parking spaces (generally

every eight stalls) from one another and each row of spaces from any adjacent driveway that runs perpendicular to the row. This island or peninsula must be surrounded by a six-inch-high vertical curb, be of similar dimensions as the adjacent parking stalls and planted pursuant to the standards in subsection (7)(a)(1)(c) of this section:

c) Landscaping shall be installed pursuant to the following standards:

- 1) At least one deciduous tree, two inches in caliper or a coniferous tree five feet in height.
- 2) Groundcover shall be selected and planted to achieve 60 percent coverage within two years.

d) Exception. The requirements of this subsection do not apply to any area that is fully enclosed within or under a building.

2) Rooftop Parking Landscaping. For a driving or parking area on the top level of a structure that is not within the CBD zone or within any zone that requires design regulation compliance, one planter that is 30 inches deep and five feet square must be provided for every eight stalls on the top level of the structure. Each planter must contain a small tree or large shrub suited to the size of the container and the specific site conditions, including desiccating winds, and is clustered with other planters near driving ramps or stairways to maximize visual effect.

3) If development is subject to Design Review as described in Chapter [142](#) KZC, the City will review the parking area design, plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required landscaping and design of the parking area as part of Design Review approval.

b. Buffering for Driving and Parking Areas.

1) Perimeter Buffering – General. Except as specified in subsection (7)(b)(2) of this section, the applicant shall buffer all parking areas and driveways from abutting rights-of-way and from adjacent property with a five-foot-wide strip along the perimeter of the parking areas and driveways planted as follows (see Figure 95.40.A):

- a) One row of trees, two inches in caliper and planted 30 feet on center along the entire length of the strip.
- b) Living groundcover planted to attain coverage of at least 60 percent of the strip area within two years.

2) Exception. The requirements of subsection (7)(b)(1) of this section do not apply to any parking area that:

- a) Is fully enclosed within or under a building; or
- b) Is on top of a building and is at least one story above finished grade; or
- c) Serves detached dwelling units exclusively; or
- d) Is within any zone that requires design regulation compliance. See below for Design District requirements.

3) Design Districts. If subject to design review, each side of a parking lot that abuts a street, through-block pathway or public park must be screened from

that street, through-block pathway or public park by using one or a combination of the following methods (see Figures 95.40.A, B, and C):

- a) By providing a landscape strip at least five feet wide planted consistent with subsection (7)(b)(1) of this section, or in combination with the following. In the RHBD Regional Center a 10-foot perimeter landscape strip along NE 85th Street is required planted consistent with subsection (7)(b)(1) of this section.
  - b) The hedge or wall must extend at least two feet, six inches, and not more than three feet above the ground directly below it.
  - c) The wall may be constructed of masonry or concrete, if consistent with the provisions of KZC [92.35\(1\)\(g\)](#), in building material, color and detail, or of wood if the design and materials match the building on the subject property.
  - d) In JBD zones:
    - 1) If the street is a pedestrian-oriented street, the wall may also include a continuous trellis or grillwork, at least five feet in height above the ground, placed on top of or in front of the wall and planted with climbing vines. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.
    - 2) If the wall abuts a pedestrian-oriented street, the requirements of this subsection may be fulfilled by providing pedestrian weather protection along at least 80 percent of the frontage of the subject property.
  - e) If development is subject to Design Review as described in Chapter [142](#) KZC, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.
- 4) Overlapping Requirements. If buffering is required under subsection (6) of this section, Land Use Buffering Standards, and by this subsection, the applicant shall utilize the more stringent buffering requirement.

### **Perimeter Parking Lot Landscaping**

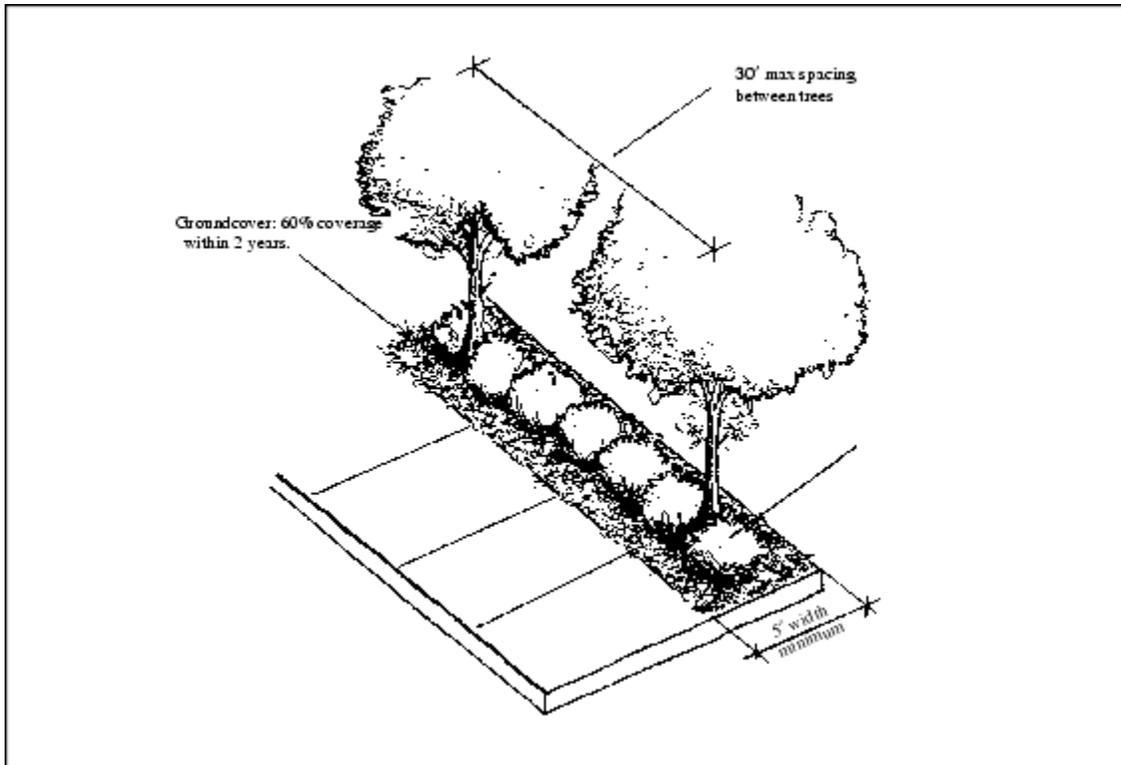


FIGURE 95.40.A

Perimeter Parking – Examples of Various Screen Wall Designs

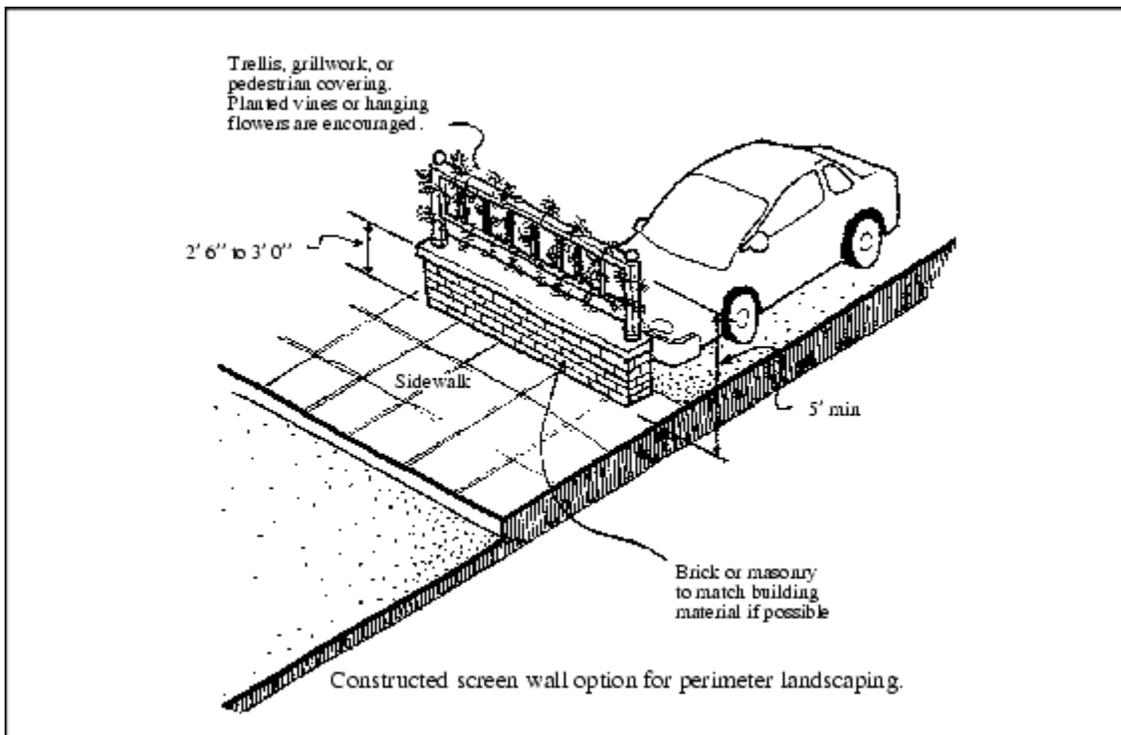
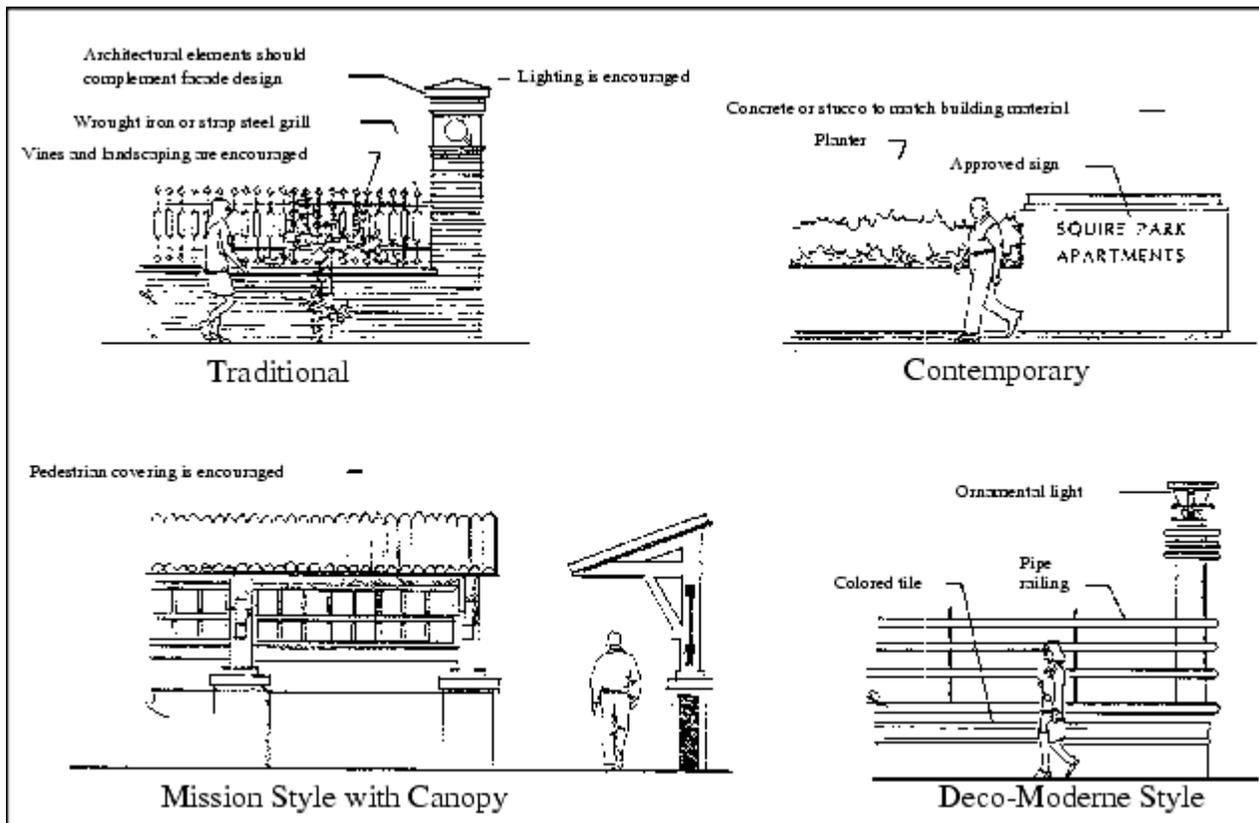


FIGURE 95.40.B

## Perimeter Parking – Examples of Various Screen Wall Designs



**FIGURE 95.40.C**

### c. Modifications of Landscaping and Buffering Standards for Driving and Parking Areas.

#### 1) Authority to Grant and Duration.

a) If the proposed development of the subject property requires approval through Design Review or Process I, IIA, IIB, or III, described in Chapters 142, 145, 150, 152, and 155 KZC, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the criteria listed in subsection (7)(c)(2) of this section. If granted under Design Review or Process I, IIA, IIB, or III, the modification is binding on the City for all development permits issued for that development under the building code within five years of the granting of the modification.

b) If subsection (7)(1)(a) of this section does not apply, the Planning Official may grant a modification in writing under the provisions of this section.

#### 2) Modifications.

a) For a modification of subsection (7)(a) of this section, the landscape requirements may be modified if:

i. The modification will produce a landscaping design in the parking area comparable or superior to that which would result from adherence to the adopted standard; or

- ii. The modification will result in increased retention of significant existing vegetation; or
    - iii. The purpose of the modification is to accommodate low impact development techniques as approved by the Planning Official.
  - b) For a modification to subsection (7)(b) of this section, the buffering requirements for parking areas and driveways may be modified if:
    - i. The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or
    - ii. The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or
    - iii. The modification will provide a visual screen that is comparable or superior to the buffer required by subsection (7)(b) of this section; or
    - iv. The modification eliminates the portion of the buffer that would divide a shared parking area serving two or more adjacent uses, but provides the buffer around the perimeter of the shared parking area.
- 8. Nonconforming Landscaping and Buffers.
  - a. The landscaping requirements of subsections (5) and (7) of this section must be brought into conformance as much as is feasible, based on available land area, in either of the following situations:
    - 1) An increase of at least 10 percent in gross floor area of any structure; or
    - 2) An alteration to any structure, the cost of which exceeds 50 percent of the replacement cost of the structure.
  - b. Land use buffers must be brought into conformance with subsection (6) of this section in either of the following situations:
    - 1) 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
    - 2) A change in use on the subject property and the new use requires larger buffers than the former use.

#### **95.45 Installation Standards for Required Plantings**

All required trees and landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth. All required landscaping shall be installed in the ground and not in above-ground containers, except for landscaping required on the top floor of a structure. When an applicant proposes to locate a subterranean structure under required landscaping that appears to be at grade, the applicant will: (1) provide site-specific documentation prepared by a qualified expert to establish that the design will adequately support the long-term viability of the required landscaping; and (2) enter into an agreement with the City, in a form acceptable to the City Attorney, indemnifying the City from any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the King County Department of Elections and Records.

- 1. Street Trees. Street trees are not subject to the regulations of this chapter and are not counted toward any landscaping required by this chapter. Street trees are

regulated by Chapter [110](#) KZC and Chapter 19.36 KMC.

2. Compliance. It is the applicant's responsibility to show that the proposed landscaping complies with the regulations of this chapter.
3. Timing. All landscaping shall be installed prior to the issuance of a certificate of occupancy, except that the installation of any required tree or landscaping may be deferred during the summer months to the next planting season, but never for more than six months. Deferred installation shall be secured with a performance bond pursuant to Chapter [175](#) KZC prior to the issuance of a certificate of occupancy.
4. Grading. Berms shall not exceed a slope of two horizontal feet to one vertical foot (2:1).
5. Soil Specifications. Soils in planting areas shall have adequate porosity to allow root growth. Soils which have been compacted to a density greater than one and three-tenths grams per cubic centimeters shall be loosened to increase aeration to a minimum depth of 24 inches or to the depth of the largest plant root ball, whichever is greater. Imported topsoils shall be tilled into existing soils to prevent a distinct soil interface from forming. After soil preparation is completed, motorized vehicles shall be kept off to prevent excessive compaction and underground pipe damage. The organic content of soils in any landscape area shall be as necessary to provide adequate nutrient and moisture-retention levels for the establishment of plantings. See subsection (8) of this section for mulch requirements.
6. Plant Selection.
  - a. Plant selection shall be consistent with the Kirkland Plant List, which is produced by the City's Natural Resource Management Team and available in the Department of Planning and Community Development.
  - b. Plants shall be selected and sited to produce a hardy and drought-resistant landscape area. Selection shall consider soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Preservation of existing vegetation is strongly encouraged.
  - c. Prohibited Materials. Plants listed as prohibited in the Kirkland Plant List are prohibited in required landscape areas. Additionally, there are other plants that may not be used if identified in the Kirkland Plant List as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, or when not provided with enough growing space.
  - d. All plants shall conform to American Association of Nurserymen (AAN) grades and standards as published in the "American Standard for Nursery Stock" manual.
  - e. Plants shall meet the minimum size standards established in other sections of the KZC.
  - f. Multiple-stemmed trees may be permitted as an option to single-stemmed trees for required landscaping provided that such multiple-stemmed trees are at least 10 feet in height and that they are approved by the Planning Official prior to installation.
7. Fertilization. All fertilizer applications to turf or trees and shrubs shall follow Washington State University, National Arborist Association or other accepted agronomic or horticultural standards.
8. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All

required plantings must provide an irrigation system, using either Option 1, 2, or 3 or a combination of those options. For each option irrigation shall be designed to conserve water by using the best practical management techniques available. These techniques may include, but not be limited to: drip irrigation to minimize evaporation loss, moisture sensors to prevent irrigation during rainy periods, automatic controllers to insure proper duration of watering, sprinkler head selection and spacing designed to minimize overspray, and separate zones for turf and shrubs and for full sun exposure and shady areas to meet watering needs of different sections of the landscape. Exceptions, as approved by the Planning Official, to the irrigation requirement may be approved xeriscape (i.e., low water usage plantings), plantings approved for low impact development techniques, established indigenous plant material, or landscapes where natural appearance is acceptable or desirable to the City. However, those exceptions will require temporary irrigation (Option 2 and/or 3) until established.

- a. Option 1. A permanent built-in irrigation system with an automatic controller designed and certified by a licensed landscape architect as part of the landscape plan.
  - b. Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own, once established.
  - c. Option 3. Irrigation by hand. If the applicant chooses this option, an inspection will be required one year after final inspection to ensure that the landscaping has become established.
9. Drainage. All landscapes shall have adequate drainage, either through natural percolation or through an installed drainage system. A percolation rate of one-half inch of water per hour is acceptable.
10. Mulch.
- a. Required plantings, except turf or areas of established ground cover, shall be covered with two inches or more of organic mulch to minimize evaporation and runoff. Mulch shall consist of materials such as yard waste, sawdust, and/or manure that are fully composted.
  - b. All mulches used in planter beds shall be kept at least six inches away from the trunks of shrubs and trees.
11. Protection. All required landscaped areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas. Protective devices such as bollards, wheel stops, trunk guards, root guards, etc., may be required in some situations.
12. Mitigation and Restoration Plantings in Critical Areas and Critical Area Buffers. Plants intended to mitigate for the loss of natural resource values are subject to the following requirements in addition to the other requirements of KZC [95.45](#). Where these requirements conflict with other requirements of this chapter, these requirements take precedence. Refer to Chapters [85](#) and [90](#) KZC for additional requirements for these areas.
- a. Plant Source. Plant materials must be native and selected from the Kirkland Plant List. Seed source must be as local as possible, and plants must be nursery propagated unless transplanted from on-site areas approved for disturbance. These requirements must be included in the Mitigation Plan specifications.
  - b. Installation. Plant materials must be supported only when necessary due to

extreme winds at the planting site. Where support is necessary, stakes, guy wires, or other measures must be removed as soon as the plant can support itself, usually after the first growing season. All fertilizer applications to turf or trees and shrubs shall follow Washington State University, National Arborist Association or other accepted agronomic or horticultural standards.

- c. Fertilizer Applications. Fertilizers shall be applied in such a manner as to prevent its entry into waterways and wetlands and minimize its entry into storm drains. No applications shall be made within 50 feet of a waterway or wetland, or a required buffer as established by the City codes (such as Chapter [90](#) KZC) or Kirkland Shoreline Master Program (SMP, KMC Title 24), whichever is greater, unless specifically authorized in an approved mitigation plan or otherwise authorized in writing by the Planning Official.

### **95.50 Tree and Landscape Maintenance Requirements**

The following maintenance requirements apply to all 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. Plants that die must be replaced in kind.
2. Maintenance Duration. Maintenance shall be ensured in the following manner except as set forth in subsections (3) and (4) of this section:
  - a. All required landscaping shall be maintained throughout the life of the development. Prior to issuance of a certificate of occupancy, the proponent shall provide a final as-built landscape plan and an agreement to maintain and replace all landscaping that is required by the City.
  - b. Any existing tree or other existing vegetation designated for preservation on a Tree Plan I – Major, a Tree Plan II, or a Tree Plan III shall be maintained for a period of five years following issuance of the certificate of occupancy for the individual lot or development. After five years, all trees on the property are subject to KZC [95.20](#) unless:
    - 1) The tree and associated vegetation are in a grove that is protected pursuant to subsection (3) of this section; or
    - 2) The tree or vegetation is considered to be a public benefit related to approval of a planned unit development; or
    - 3) The tree or vegetation was retained to partially or fully meet requirements of KZC [95.40](#), Required Landscaping.
3. Maintenance of Preserved Grove. Any applicant who has a grove of trees identified for preservation on an approved tree plan pursuant to KZC [95.35](#)(4)(a)(1)(b) shall provide prior to occupancy the legal instrument acceptable to the City to ensure preservation of the grove and associated vegetation in perpetuity, except that the agreement may be extinguished if the Planning Official determines that preservation is no longer appropriate.
4. Maintenance of Critical Area and Critical Area Buffers. In critical areas and their buffers, native vegetation is not to be removed without City approval pursuant to KZC [95.35](#)(4)(e). However, it is the responsibility of the property owner to maintain critical areas and their buffers by removing non-native, invasive, and noxious plants

- in a manner that will not harm critical areas or their buffers. See also subsection (6) of this section and Chapters [85](#) and [90](#) KZC for additional requirements for trees and other vegetation within critical areas and critical area buffers.
5. **Non-Native Invasive and Noxious Plants.** It is the responsibility of the property owner to remove non-native invasive plants and noxious plants from the vicinity of any tree or other vegetation that the City has required to be planted or protected. Removal must be performed in a manner that will not harm the tree or other vegetation that the City has required to be planted or protected.
  6. **Pesticides, Herbicides, and Fertilizer.** The use of plant material requiring excessive pesticide or herbicide applications to be kept healthy and attractive is discouraged. Pesticide, herbicide, and fertilizer applications shall be made in a manner that will prevent their unintended entry into waterways, wetlands, and storm drains. No application shall be made within 50 feet of a waterway or wetland or a required buffer as established by City codes, whichever is greater, unless done so by a state certified applicator with approval of the Planning Official, and is specifically authorized in an approved mitigation plan or otherwise authorized in writing by the Planning Official.
  7. **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.
  8. **Tree Pruning.** Topping or pruning to the extent defined by tree removal in KZC [95.10](#), is not allowed. If a required tree smaller than six inches in diameter is topped, it must be replaced pursuant to the standards in KZC [95.55\(8\)](#). If a tree six inches or larger in diameter is topped, the owner must have a qualified professional develop and carry out a five-year pruning schedule.

### **95.52 Prohibited Vegetation**

Plants listed as prohibited in the Kirkland Plant List shall not be planted in the City.

For landscaping not required under this chapter, this prohibition shall become effective on February 14, 2008. The City may require removal of prohibited vegetation if installed after this date. Residents and property-owners are encouraged to remove pre-existing prohibited vegetation whenever practicable.

### **95.55 Enforcement and Penalties**

1. **Intent.** These enforcement and penalty provisions have several purposes. First, they are intended to discourage damage or removal of significant trees above and beyond what is permitted under this chapter. Second, these enforcement and penalty provisions are intended to provide complete and effective restoration of areas in which violations of this chapter occur. Finally, these regulations are intended to provide a clear and efficient process for addressing violations of this chapter.

The City may utilize one or more of several remedies when responding to violations of this chapter. In almost all cases where a violation has occurred, the City will issue a civil citation that describes the nature of the violation, the actions necessary to remedy the violation, and the amount of any civil penalty, among other things. If the acts that constitute a violation appear to be ongoing, the City may also issue a notice of cease and desist. Failure to adhere to a notice to cease and desist will result in imposition of additional civil penalties. If there is a pending development or building permit, the City may also issue a stop work order or withhold issuance of permit approval or a certificate of occupancy. Finally, additional fines may be imposed if a violator does not follow through in a timely manner with restoration work or other

compliance issues.

2. **General Requirements.** Enforcement shall be conducted in accordance with procedures set forth in Chapter [170 KZC](#). Special enforcement provisions related to tree conservation are set forth below. To the extent there is a conflict between the provisions of this section and Chapter [170 KZC](#), this section shall control.
3. **Authority.** It shall be the duty of the Planning Official to administer the provisions of this chapter. The Planning Official shall have authority to enforce and carry out the provisions of this chapter.
4. **Cease and Desist.** The Planning Official may issue a notice to cease and desist using the procedure set forth in [KZC 170.30](#) if the Planning Official finds that a violation of this code has occurred. Continued illegal tree activity following issuance of a cease and desist from the City for the tree activity shall result in fines of \$1,000 per day of continued activity.
5. **Stop Work Order.** If a violation of this chapter or an approved tree plan occurs on property on which work is taking place pursuant to a City of Kirkland development or building permit, the Building Official may suspend some or all of the work as appropriate through issuance of a stop work order. The Building Official shall remove the stop work order when the City determines that the violation has been corrected or when the City has reached an agreement with the violator regarding rectification of the violation. Any stop work order issued under this section may be appealed using the procedures set forth in Chapter 21.06 KMC.
6. **Civil Citation.** The City's Code Enforcement Officer shall notify a person who violates this chapter by issuance of a civil citation. The civil citation shall be in writing, and issued by certified mail with return receipt requested, or by personal service. The civil citation shall contain the following:
  - a. The name and address of the property owner or other person to whom the civil citation is directed;
  - b. The street address or description sufficient for identification of the land upon which the violation has occurred or is occurring;
  - c. A description of the violation and a reference to the provisions of this chapter that have been violated;
  - d. A statement of the restoration action required to be taken to correct the violation as determined by the Planning Official;
  - e. A statement of the civil penalty incurred for each violation;
  - f. A statement that the person to whom the civil citation is issued must correct the violation through restoration described in subsection (8) of this section and may pay the civil penalty or may appeal the civil citation as provided in this section.

Note: Section [95.55](#) continues on page 636.23.

7. **Civil Penalty.**
  - a. A person who fails to comply with the requirements of this chapter or the terms of a permit issued hereunder, who undertakes an activity regulated by this chapter without obtaining a permit, or fails to comply with a cease and desist or stop work order issued under this chapter shall also be subject to a civil penalty as set forth in Table 95.55.1. Each unlawfully removed or damaged tree shall constitute a separate violation.
  - b. Any person who aids or abets in the violation shall be considered to have

committed a violation for purposes of the civil penalty.

- c. The amount of the penalty shall be assessed in accordance with Table 95.55.1. The Planning Official may elect not to seek penalties if he or she determines that the circumstances do not warrant imposition of civil penalties in addition to restoration.

**Table 95.55.1 – Penalties**

Types of Violations	Allowable Fines per Violation
1. Removal of tree(s) approved to be removed, but prior to final tree plan approval or issuance of a City tree removal permit	\$100.00 per tree
2. Removal or damage of tree(s) that are or would be shown to be retained on an approved tree plan or any other violation of approved tree protection plan	\$1,000 per tree
3. Removal of tree(s) without applying for or obtaining a required City permit	\$1,000 per tree

8. Tree Restoration.

- a. Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the Planning Official, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s). In cases where the violator intentionally or knowingly violated this chapter or has committed previous violations of this chapter, restoration costs may be based on the City-appraised tree value of the subject trees in which the violation occurred, utilizing the industry standard trunk formula method in the current edition of Guide for Plant Appraisal. If diameter of removed tree is unknown, determination of the diameter size shall be made by the Planning Official by comparing size of stump and species to similar trees in similar growing conditions. The amount of costs above the approved restoration plan will be paid into the City forestry account.
- b. Restoration Plan Standards. The restoration plan shall be in accordance to the following standards:
- 1) The number of trees required to be planted is equal to the number of tree credits of illegally removed trees according to Table 95.35.1.
  - 2) The minimum size for a tree planted for restoration is 12-foot-tall conifer and three-inch caliper deciduous or broadleaf evergreen tree. The City may approve smaller restoration tree sizes at a higher restoration ratio, provided the site has capacity for the additional trees and the results of restoration at a higher restoration ratio is as good or better than at the normal ratio. The smallest allowable alternatives to the normal restoration requirements shall be two eight-foot conifers for one 12-foot conifer or two two-inch caliper deciduous for one three-inch caliper deciduous tree.
  - 3) In the event the violators cannot restore the unlawfully removed or damaged trees, the violators shall make payment to the City forestry account. Unless otherwise determined to base the restoration costs on appraised value, the amount paid will be the City's unit cost for a restoration tree multiplied by the number of outstanding tree credits. The City's unit cost is based on the current market cost of purchase, installation and three-year maintenance for a minimum-sized tree for restoration.
  - 4) The restoration plan shall include a maintenance plan and an agreement or security to ensure survival and maintenance of restoration trees for a three-

year period unless the violation was on a site with an approved tree plan in which case, the maintenance period is five years.

9. Failure to Restore or Pay Fines.

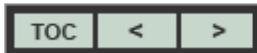
- a. Prohibition of Further Approvals. The City shall not approve any application for a subdivision or any other development permit or approval, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration or other means accepted by the Planning Official and by payment of any penalty imposed for the violation.
- b. Fines. A property owner or occupant who fails to restore or otherwise cure property on which a violation of this chapter has occurred shall be assessed a fine of \$100.00 per day for each day that restoration is incomplete. Prior to assessing fines under this subsection, the City shall issue a written notice to the property owner or that restoration has not been completed. The notice shall include the following information: (1) a description of the nature of the violation; (2) a description of what actions are required to bring the property into compliance; and (3) a date by which compliance shall be required (the "compliance date"). The compliance date shall be no less than 30 days from the date the notice is served on the property owner or occupant. If the property owner or occupant does not, in the determination of the City, bring the property into compliance by the compliance date, then the City may issue an order imposing \$100.00 per day fines at any time after the compliance date. The fines shall continue to accrue until the violation has been certified to be corrected by the Planning Department. The property owner or occupant may appeal the order imposing fines to the hearing examiner using the procedures set forth in subsection 10 of this section.

10. Appeal to Hearing Examiner.

- a. A person to whom a civil citation or order imposing fines is directed may appeal the civil citation, including the determination that a violation exists or the amount of any monetary penalty imposed, to the Hearing Examiner.
- b. A person may appeal the civil citation or order imposing fines by filing a written notice of appeal with the Department of Planning and Community Development within 14 calendar days of the date of service of the civil citation or order imposing fines.
- c. Fines that accrue on a daily basis shall not be imposed while an appeal is pending unless the Hearing Examiner determines that the appeal is frivolous or imposed solely for the purpose of delay.
- d. If both a civil citation and an order to cease and desist have been issued in the same case, and both the civil citation and the order to cease and desist have been appealed, the appeals shall be consolidated for hearing.
- e. The office of the Hearing Examiner shall give notice of the hearing to the appellants at least 17 calendar days prior to the hearing.
- f. The Hearing Examiner shall conduct a hearing on the appeal pursuant to the rules of procedure provided for in the Administrative Procedures Act (Chapter 34.05 RCW) and in accordance with any rules for hearings promulgated by the Hearing Examiner. The City and the appellant may participate as parties in the hearing and each may call witnesses. The City shall have the burden of proof by a preponderance of the evidence that a violation has occurred.

11. Hearing Examiner Decision.

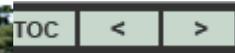
- a. The Hearing Examiner shall determine whether the City has proven by a preponderance of the evidence that a violation has occurred and shall affirm, vacate, suspend, or modify the amount of any monetary penalty imposed by the civil citation, with or without written conditions.
- b. In the event that the Hearing Examiner determines that a violation has occurred, the Hearing Examiner shall also consider the following in making his or her decision: (1) whether the appeal is frivolous or intended to delay compliance; (2) whether the appellant exercised reasonable and timely effort to comply with applicable development regulations; and (3) any other relevant factors.
- c. The Hearing Examiner shall mail a copy of his or her decision to the appellant, by certified mail, postage prepaid, return receipt requested.
- d. The decision of the Hearing Examiner may be reviewed in King County Superior Court using the standards set forth in RCW 36.70C.130. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the Hearing Examiner (see Chapter 36.70C RCW for more information).

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

### Sections:

- [105.05](#) User Guide
- [105.10](#) Vehicular Access Easement or Tract Standards
- [105.12](#) Maximum Allowable Grade
- [105.15](#) Exception in Design Districts
- [105.17](#) Site Plan Review
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### 105.05 User Guide

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

## 105.10 Vehicular Access Easement or Tract Standards

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

- a. When no Fire Department access road is required, and the access easement or tract will service one to four detached dwelling units or one to two duplex structures, the minimum standard is 16 feet of unobstructed pavement in a 21-foot-wide easement or tract; for easements or tracts less than 100 feet in length, the Public Works Department may reduce the standard to 10 feet of unobstructed pavement in a 15-foot-wide easement 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 detached dwelling units or one duplex from the access road;
    - a) If the total length of the access road is less than 150 feet, the minimum pavement width shall be 16 feet, placed in a 21-foot-wide easement or tract, and no Fire Department vehicle turn-around is required;
    - b) If the total length of the access road is less than 200 feet but greater than 150 feet, the minimum standard is either:
      - 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 or four detached dwelling units or two duplex structures from the access road, the minimum standard is 20 feet of unobstructed pavement in a 25-foot wide easement or tract.
- b. For five or more detached dwelling units, 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 Departments of Public Works, Fire, or Planning as determined on a case-by-case basis.

2. General

- a. For subsection (1)(a) of this section, a dwelling unit that meets the following criteria shall not be counted as a “served dwelling unit” on a vehicular access easement or tract (see Plate 21):
  - 1) The dwelling unit is on a lot that abuts and has vehicular access rights to the improved public right-of-way that joins the vehicular access easement or tract; and
  - 2) The Fire Department determines that fire apparatus can service the lot containing the dwelling unit from the abutting improved public right-of-way.
- b. For 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 inches of asphalt concrete over a suitably prepared base which has a minimum thickness of four inches of crushed rock or three inches of asphalt-treated base. The Department of Public Works is authorized to modify the standards for a paved surface on a case-by-case basis.
- e. A minimum unobstructed vertical clearance of 13 feet, six 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 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 five-foot-high sight-obscuring fence; or
  - 2) Vegetation that will provide comparable screening to a five-foot fence within two 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.

## **105.12 Maximum Allowable Grade**

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

### **105.15 Exception in Design Districts**

If the subject property is within a Design District, the requirements contained within those chapters and Chapter [92](#) KZC supersede any conflicting provisions of this chapter. The provisions of this chapter that do not conflict with the Design District chapters and Chapter [92](#) KZC apply to properties in their respective zones.

### **105.17 Site Plan Review**

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

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

### **105.18 Pedestrian 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.

The applicant shall comply with the following pedestrian access requirements with new development for all uses (multifamily, office, retail, restaurants and taverns, institutional uses and community facilities, industrial (except detached single-family and duplex) pursuant to the standards in subsection (2) of this section and [KZC 105.19](#):

- a. Pedestrian Access 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 (2)(a) or (b) of this section.
- b. Pedestrian Access 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 (2)(a) or (b) of this section.

- c. Pedestrian Access Along Building Facades Not Adjacent to a Sidewalk in RHBD and TLN Zones – In RHBD and TLN zones, 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\(3\)](#) (see Figure [105.19.A](#)). 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. Pedestrian Connections Between Properties – Provide pedestrian walkways connecting to adjacent properties pursuant to the applicable standards in subsection (2)(a) or (b) 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. Pedestrian Access 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 (2)(c) of this section (see Figures [105.18.B](#) and [C](#)).
- f. Pedestrian Access 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 (2)(c) of this section.
- g. Overhead Weather Protection – The applicant shall provide pedestrian overhead weather protection pursuant to standards in subsection (2)(d) of this section:
  - 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 and TLN 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.

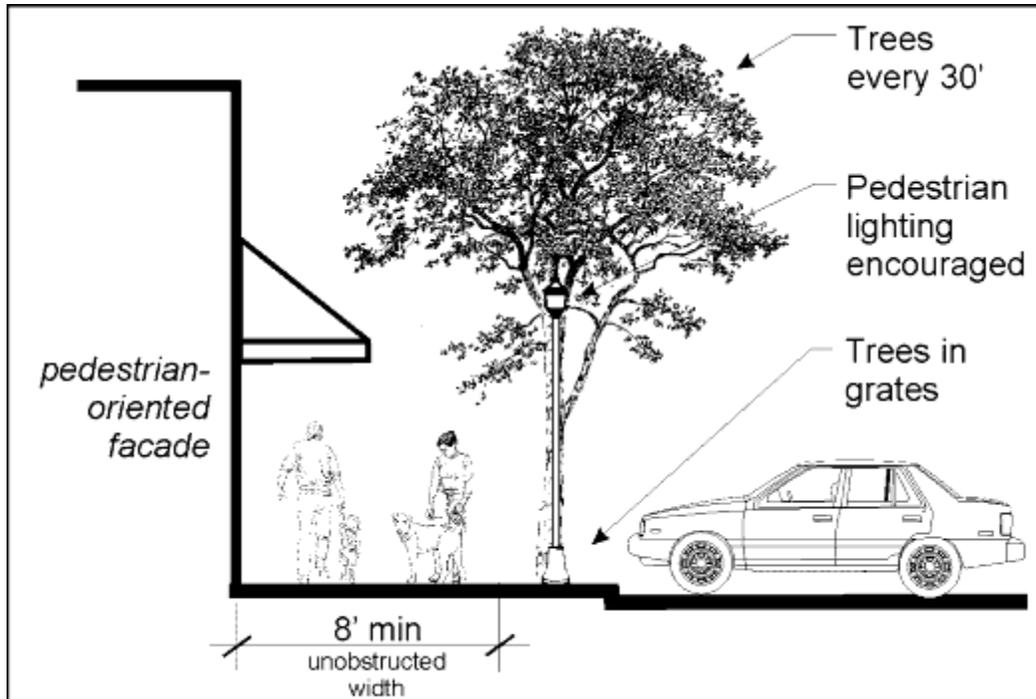
For more information regarding designated pedestrian-oriented streets see Plate 34 in Chapter [180](#) KZC, and pedestrian-oriented facades in Chapter [92](#) KZC.

## 2. Development Standards Required for Pedestrian 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) Will not be included with other impervious surfaces for lot coverage calculations;
  - 5) Must be centrally located on the subject property;
  - 6) Must be accessible;
  - 7) Barriers which limit future pedestrian access between the subject property and adjacent properties are not permitted;
  - 8) Easements to provide rights of access between adjacent properties shall be recorded prior to project occupancy.
- b. Pedestrian Walkway Standards Specific to Design Districts – In addition to the pedestrian access standards of subsections (1) and (2)(a) of this section, the following standards may apply in certain Design Districts. See Chapter [110](#) KZC for additional sidewalk improvements that may apply.
- 1) In CBD, Major Pedestrian Sidewalks – If the subject property contains or abuts a major pedestrian sidewalk designated in Plate 34, Chapter [180](#) KZC, the applicant shall install that sidewalk on and/or abutting the subject property consistent with the following standards:
    - a) The major pedestrian sidewalk must be installed in the approximate location and make the connections shown in Plate 34.
    - b) The major pedestrian sidewalk must be paved with decorative concrete and have a minimum width of at least eight feet, unless otherwise noted in Plate 34. If the required improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property. Buildings may cantilever over such easement areas, flush with the property line.
    - c) The major pedestrian sidewalk must have adequate lighting with increased illumination around building entrances and transit stops.
    - d) Barriers which will limit pedestrian access between the subject property and adjacent properties are not permitted.

### **Pedestrian Walkway Along Building Facade**

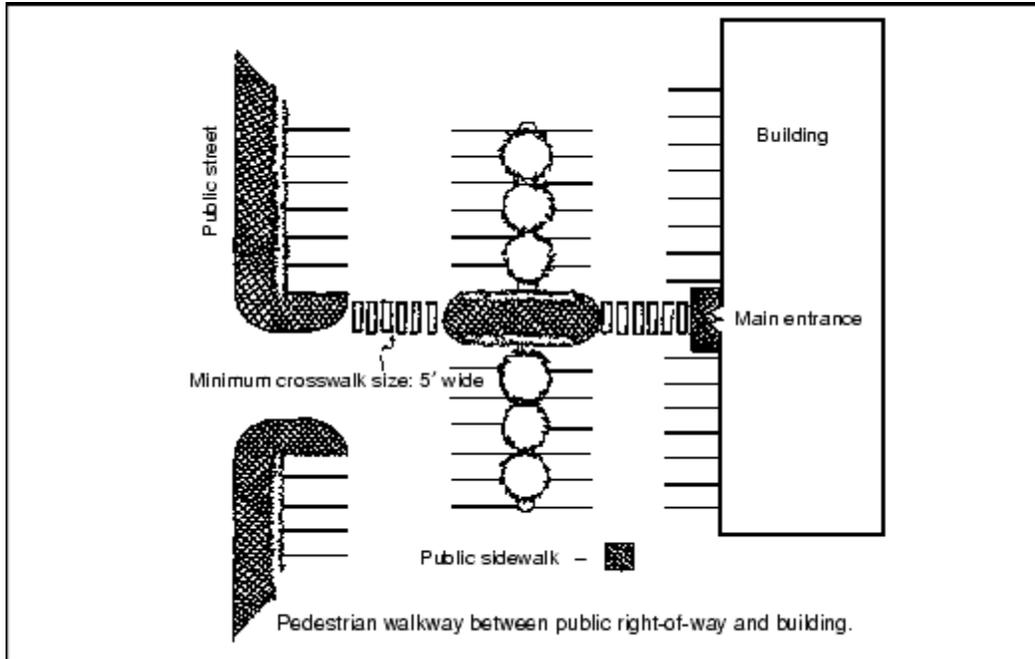


**FIGURE 105.18.A**

c. 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 (2)(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.

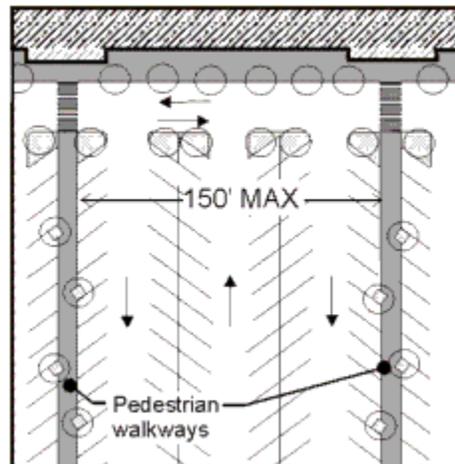
**Pedestrian Access From Street or Pedestrian Walkway to Building Entrance**



**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 driving aisles or at a distance of not more than 150-foot intervals, whichever is less and meet the standards of subsection (2)(a) of this section.

Pathways must be provided through parking areas.



**FIGURE 105.18.C**

- d. Overhead Weather Protection Standards – The applicant shall install overhead pedestrian weather protection pursuant to the following standards:
- 1) May be composed of awnings, marquees, canopies, building overhangs,

covered porches, recessed entries or other similar features;

2) Must cover at least five feet of the width of the adjacent walkway;

3) Must be at least eight feet above the ground immediately below it; and

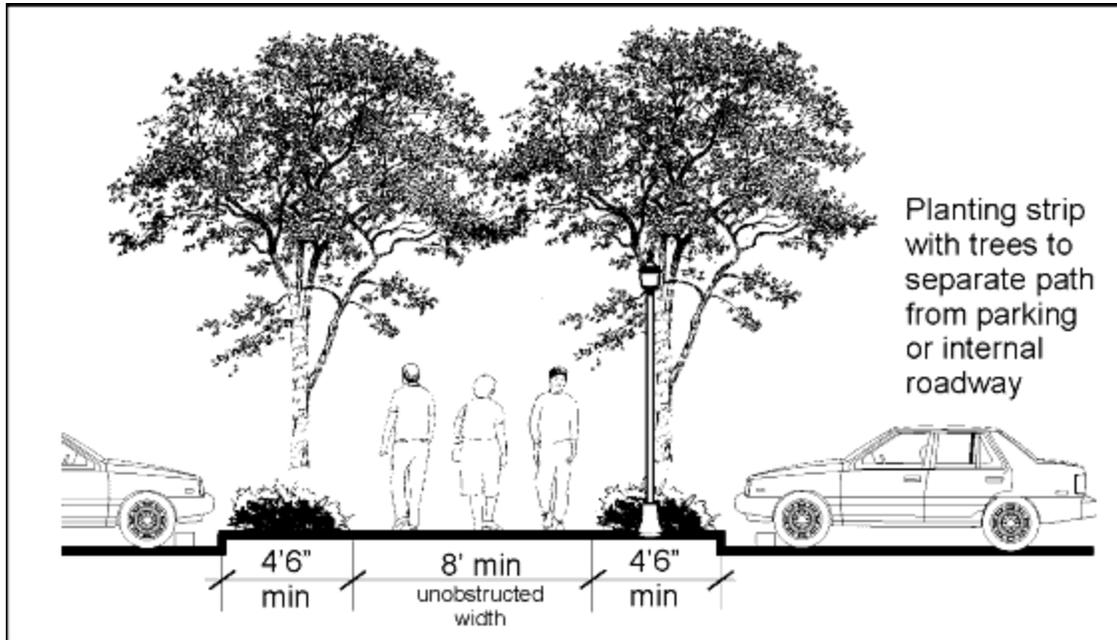
- e. If development is subject to Design Review, the City will specifically review and approve the color, material and configuration of all overhead weather protection and the material and configuration of all pedestrian walkways as part of the Design Review decision.

### **105.19 Public Pedestrian Walkways**

1. Public Pedestrian Walkways Location – In addition to the pedestrian walkways required in KZC [105.18](#), the City may require the applicant to install additional public pedestrian walkways on the subject property in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:
  - a. A pedestrian connection is indicated as appropriate in the Comprehensive Plan or Nonmotorized Transportation Plan; or designated elsewhere in this code; or
  - b. A walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City or transit; or
  - c. Through-block pedestrian pathways may be required on properties if blocks are unusually long; or
  - d. Pedestrian access may be required to connect between existing or planned dead-end streets, through streets, or other pedestrian access; and
2. Standards – General – The applicant shall install public pedestrian walkways pursuant to the following standards, except for Design Districts listed in subsections (3) and (4) of this section (see Figure 105.19.A):
  - a. Pedestrian access shall be provided by means of dedicated rights-of-way, tracts, or easements at the City's option;
  - b. The width of the access right-of-way, tract, or easement, and the walkway material and width, shall be determined per the Public Works Pre-Approved Plans;
  - c. The height of solid (blocking visibility) fences along pedestrian walkway that is not directly adjacent to a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors;
  - d. All new building structures shall be set back a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent to a public or private street right-of-way;
  - e. The alignment of walkways shall consider the location of proposed and existing buildings (preferably along building fronts or property lines).
3. Through-Block Pathway Standards – General – If a through-block pathway is designated to be installed on the subject property, the applicant shall install a through-block pathway pursuant to the following standards, except for Design Districts listed in subsection (4) of this section:
  - a. A minimum unobstructed pavement width of eight feet, paved with decorative concrete. A minimum of five feet may be approved for residential uses.

- b. Trees placed at an average of 30 feet on-center between the pathway and any parking or vehicular access area (see Figure 105.19.A). Exceptions:
    - 1) To increase business visibility and accessibility, the City may allow modifications in the required tree coverage adjacent to primary building entries; however, no less than one tree per 60 lineal feet of the required pathway shall be provided.
    - 2) The required trees must be placed in planting strips at least 4.5 feet in width or within tree grates.
  - c. Adequate pedestrian lighting at a maximum of 12 feet in height shall be provided along the pathway.
  - d. Barriers that will limit pedestrian access between the subject property and adjacent properties are not permitted.
  - e. The through-block pathway may be retained within dedicated rights-of-way, tracts, or easements at the City's option. The width of the pathway right-of-way, tract, or easement will be determined by the Planning Official.
  - f. If subject to Design Review the City will specifically review and approve the material and configuration of all through-block pathways as part of the Design Review decision.
4. Through-Block Pathway Standards Unique to Design Districts
- a. In JBD 1 – See Use Zone Chart KZC [52.10](#) for location of through-block pathways in JBD 1. Through-block pathways adjacent to the front of buildings must be 10 feet wide with a six-inch vertical curb, and paved with concrete or unit pavers. Pathways that are not adjacent to the front of buildings must have a minimum width of eight feet and differentiated with texture or material from adjacent driveway and parking area pavement unless otherwise determined through Design Review.
  - b. In TL 2 – See Use Zone Chart KZC [55.19](#) for location of through-block pathways in TL 2. The minimum width, curb specifications and paving materials for through-block pathways shall be established through the Conceptual Master Plan review. Through-block pathways must have adequate lighting, with increased illumination around building entrances and at street crossings.
  - c. In TL 5 – See Use Zone Chart KZC [55.37](#) for location of through-block pathways in TL 5. See subsection (3) of this section for development standards.
  - d. In TL 6B – See Use Zone Chart Section [55.43](#) for location of through-block pathways in TL 6B. See subsection (3) of this section for development standards.

### **Through-Block Pathway**



**FIGURE 105.19.A**

### 105.20 Number of Parking Spaces – Minimum

The number of parking spaces required for a use is the minimum required. The applicant shall provide at least that number of spaces, consistent with the provisions of this chapter.

The square footage of pedestrian, transit, and/or bicycle facilities, and/or garages or carports, on the subject property shall not be included in the gross floor area calculation used to determine required number of parking stalls. See also KZC [105.103\(3\)\(c\)](#).

For residential uses, the City may require guest parking spaces in excess of the required parking spaces, up to a maximum additional 0.5 stall per dwelling unit, if there is inadequate guest parking on the subject property.

### 105.25 Number of Parking Spaces – Not Specified in Use Zones

If this code does not specify a parking space requirement for a particular use in a particular zone, the Planning Official shall establish a parking requirement on a case-by-case basis. The Planning Official shall base this determination on the actual parking demand on existing uses similar to the proposed use.

### 105.30 Number of Parking Spaces – Fractions

If the required formula for determining the number of parking spaces results in a fraction, the applicant shall provide the number of spaces equal to the next higher whole number.

### 105.32 Bicycle Parking

Bicycle parking spaces shall be provided in all new development required to provide six or more motor vehicle parking spaces to encourage the use of bicycles as a form of transportation by providing safe and convenient places to park bicycles. Exception: single-family and duplex development are exempt from this section.

Bicycle parking spaces shall be provided at a ratio of one bicycle space for each 12 required motor vehicle parking spaces. The Planning Official may modify the number of

bicycle racks according to size of development and anticipated pedestrian and bicycle activity.

Bicycle parking in the form of a bike rack or enclosed storage container shall be conveniently located for the users, generally within 50 feet of an exterior entrance of all uses, and within 50 feet of a retail use entrance. Bicycle racks shall be located in a visible, well lit, sheltered area such as under an eave, awning, or other similar enclosure and located to not impede vehicle parking or pedestrian movement. A bike rack(s) shall be installed with the capacity to accommodate the required number of bicycle spaces. For buildings with multiple uses such as a commercial or mixed use residential-commercial centers, bicycle spaces may be clustered between businesses to serve up to six businesses.

### **105.35 Driveway Entrances**

The City may restrict the width, number and location of driveways along the frontage of the subject property to improve vehicle circulation, public safety, or to enhance pedestrian movement.

### **105.40 Location of Parking Areas – General**

Unless otherwise specified, the applicant shall provide the required number of parking spaces either:

1. On the lot(s) containing the proposed use which generates the parking space(s) requirement; or
2. On a lot adjoining subsection (1) of this section if that lot is in a zone that permits the use conducted on the subject property.

For situation (2) of this section, where the lot is not owned by the same person who owns the lot containing the proposed use which generates the parking space requirements, the owner of the lot containing the parking must sign a statement in a form acceptable to the City Attorney, stating that the lot is devoted in whole or in part to required parking for the use on another lot. The applicant must file this statement with the King County Bureau of Elections and Records to run with the property.

### **105.45 Location of Parking Areas – Shared Facilities**

Two or more uses may share a parking area if the number of parking spaces provided is equal to the greatest number of required spaces for uses operating at the same time. To insure that a parking area is shared, each property owner must sign a statement in a form acceptable to the City Attorney, stating that his/her property is used for parking by the other property. The applicant must file this statement with the King County Bureau of Elections and Records to run with the properties.

### **105.47 Location of Parking Areas – Garages in Low Density Zones**

Except for garages accessed from an alley, garages serving detached dwelling units in low density zones shall provide a minimum 20-foot by 20-foot parking pad between the garage and the access easement, tract, or right-of-way providing access to the garage. These dimensions 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.

### **105.50 Location of Parking Areas – Adjoining Low Density Zones**

The applicant shall locate a parking area for a use other than a detached dwelling unit as far as possible from any adjoining low density zone, or existing low density permitted use.

### **105.55 Location of Parking Areas – Required Setback Yards**

For regulations on parking areas in required setback yards, see Chapter [115](#) KZC.

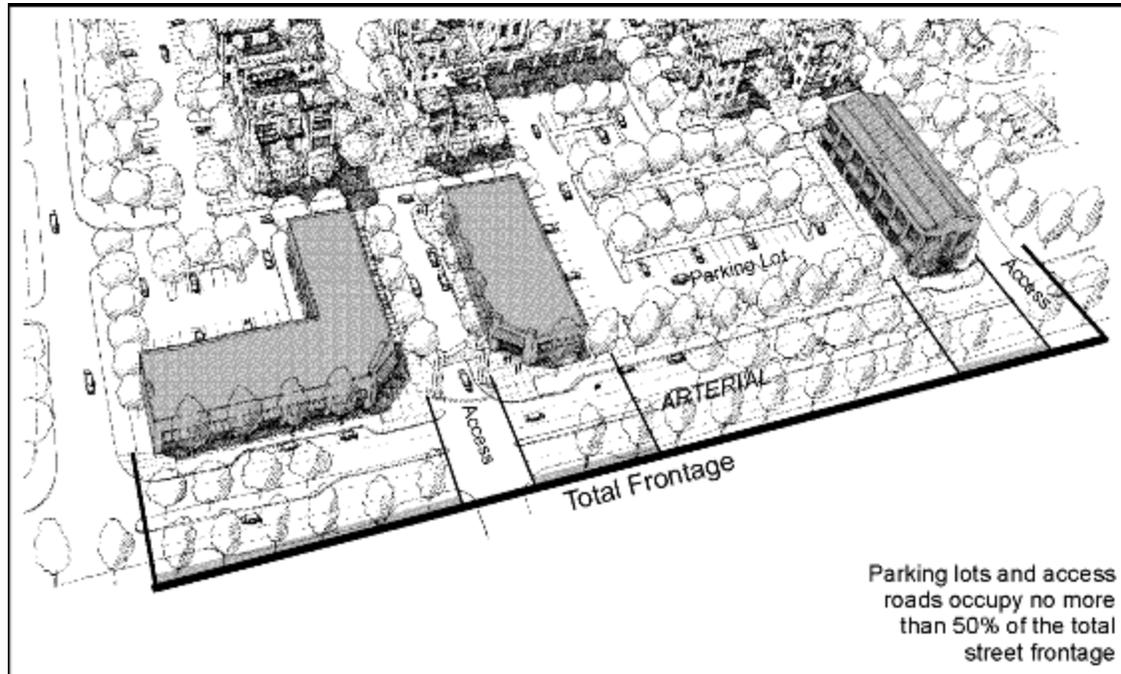
### **105.58 Location of Parking Areas Specific to Design Districts**

If the subject property is located in a Design District, the applicant shall locate parking areas on the subject property according to the following requirements:

1. Location of Parking Areas in the CBD, TC (TL 1, TL 2, TL 3) Zones
  - a. Parking areas shall not be located between a pedestrian-oriented street and a building unless specified in a Conceptual Master Plan in TL 2. (See Plate 34 in Chapter [180](#) KZC and Chapters [92](#) and [110](#) KZC for additional requirements regarding pedestrian-oriented streets).
  - b. On all other streets, parking lots shall not be located between the street and the building on the subject property unless no other feasible alternative exists.
2. Location of Parking Areas in the JBD 2 and the NRHBD Zones – Parking areas shall not be located between the street and the building unless no other feasible alternative exists on the subject property.
3. Location of Parking Areas in the MSC Zones – Parking areas in the MSC zones shall not be located between the street and the building unless the Planning Official determines that the proposed landscape design provides superior visual screening of the parking area.
4. Location of Parking Areas in Certain TLN and RHBD Zones – Parking areas and vehicular access may not occupy more than 50 percent of the street frontage in the following zones (see Figure 105.58.A):
  - a. TL 4, only properties fronting on 120th Avenue NE;
  - b. TL 5;
  - c. TL 6A, only properties fronting on 124th Avenue NE. Auto dealers in this zone are exempt from this requirement;
  - d. TL 6B, only properties fronting on NE 124th Street;
  - e. TL 10E.

Alternative configurations may be considered through the Design Review process, if the project meets the objectives of the KMC Design Guidelines for the Totem Lake Neighborhood.

- f. In the Regional Center (RH 1A, RH 2A, RH 3 and RH 5A zones west of 124th Avenue). For parcels over two acres in size, parking lots and vehicular access areas may not occupy more than 50 percent of the NE 85th Street property frontage (see Figure 105.58.A). Alternative configurations will be considered through the Design Review process, if the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.

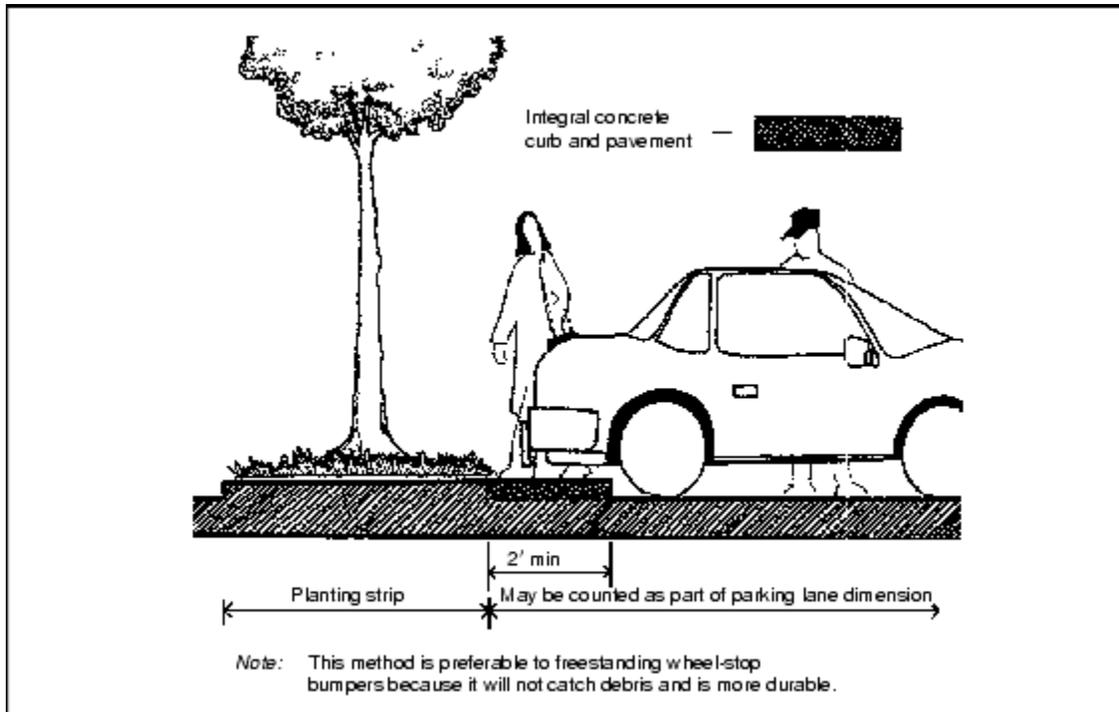


**FIGURE 105.58.A**

### **105.60 Parking Area Design – General**

1. The minimum dimensions for 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.
2. Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.
3. Parking areas must be constructed so that car wheels are kept at least two 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 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**

**105.62 Parking Area Design – Turnaround Space**

All parking stalls located at the end of a dead end parking aisle must be provided with adequate backing and turnaround space. The required depth of the turnaround space shall be determined as follows (see also Plate 20):

Width of Driving Aisle	Depth of Turnaround Space
24' or less	6'
25'	5'
26'	4'
27'	3'
28'	2'
29'	1'
30'	0'

**105.65 Parking Area Design – Compact Car Spaces**

The applicant may develop and designate up to 50 percent of the number of parking spaces for compact cars.

**105.70 Parking Area Design – Parking Designed for the Handicapped**

The applicant shall design the parking area using standards set forth in Washington State regulations for barrier-free facilities.

**105.75 Parking Area Design – Landscaping**

See Chapter 95 KZC for parking area landscaping requirements.

### **105.77 Parking Area Design – Curbing**

All parking areas and driveways, for uses other than detached dwelling units, must be surrounded by a six-inch high vertical concrete curb.

### **105.80 Parking Area Design – Buffering**

See Chapter [95](#) KZC for parking area buffering requirements.

### **105.85 Parking Area Design – Dedication**

The City may require the applicant to dedicate development rights, air space, or an open space easement to the City in order to ensure the preservation of significant natural vegetation or planted materials.

### **105.90 Parking Area Design – Plant Choice**

The provisions of Chapter [95](#) KZC regarding plant choice apply to the landscaping and buffering required in this chapter.

### **105.95 Parking Area Design – Traffic Control Devices**

If the parking area serves a use other than a detached dwelling unit, the applicant shall clearly delineate parking spaces, traffic direction, and entrance and exitways. The City may require other traffic control devices necessary to ensure the safe and efficient flow of traffic.

### **105.96 Parking Area Design – Drive-Through Facilities and Circulation**

**General** – The applicant may propose drive-through facilities incorporated into parking areas associated with such uses as fast food, banks, pharmacies or other similar uses (unless prohibited in a zone), provided the access, location, and specific design of the facilities meet the following standards and approval by both the Public Works and Planning Officials.

1. The applicant shall submit a site plan to the Public Works Department including the requirements of KZC [105.17](#), and showing compliance with the standards of subsections (1)(a) through (c) of this section:
  - a. The Public Works Official determines that the vehicle queue will not:
    - 1) Impede pedestrian or vehicular movement within the right-of-way;
    - 2) Impede vehicle or pedestrian visibility as vehicles enter the sidewalk area;
    - 3) Block parking aisles nor impede on-site vehicular and pedestrian circulation;
    - 4) Access will not be located within the left turn lane at a signalized intersection;
  - b. Driveway access to the drive-through facility is not located directly from an arterial unless the Public Works Official determines that sufficient driveway throat length is provided to accommodate the queues. If driveway access is allowed from an arterial, left turn movements may be restricted;
  - c. The Public Works Official determines that parking circulation patterns avoid crossings of queuing areas.

### **105.97 Parking Area Design – Backing Onto Street Prohibited**

Parking areas for uses other than detached dwelling units must be designed so that traffic need not back onto any street.

### **105.100 Parking Area Design – Surface Materials**

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

### **105.102 Parking Area Design – Streets Used in Circulation Pattern**

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

### **105.103 Modifications**

1. General – The provisions of this section establish under what circumstances the requirements of this chapter may be modified.
2. Authority To Grant and Duration
  - a. If the proposed development of the subject property requires approval through Design Review, Process I, IIA, IIB, or III, described in Chapters [142](#), [145](#), [150](#), [152](#) and [155](#) KZC, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the criteria listed below in subsection (3) of this section. If granted under Design Review, Process I, IIA, IIB or III, the modification is binding on the City for all development permits issued for that development under the Building Code within five years of the granting of the modification.
  - b. If subsection (2)(a) of this section does not apply, the Planning Official may grant a modification in writing under the provisions of this section.
3. Modifications – The Planning Official may require or grant a modification to improvement requirements of this chapter if the applicant demonstrates on submitted plans and/or in writing that the following criteria have been met for modifications to the applicable sections:
  - a. For a modification to KZC [105.10](#) for vehicular access easements or tracts and for KZC [105.60](#) and [105.97](#) for parking area design, the requirements may be modified if:
    - 1) The modifications will not affect the ability to provide any property with police, fire, emergency medical, or other essential services; and
    - 2) One of the following requirements is met:
      - a) The modification is necessary because of a preexisting physical condition; or
      - b) The modification will produce a site design superior to that which would result from adherence to the adopted standard.
    - 3) Exception: KZC [105.10](#)(2)(g) relating to screening for access easements or tracts will use the modification criteria for buffering in subsection (3)(g) of

this section.

- b. For a modification to KZC [105.18](#) the requirements for pedestrian access may be modified if:
  - 1) The modification is necessary because of the size, configuration, topography or location of the subject property;
  - 2) The modification will provide for equal or improved pedestrian and bicycle safety and convenience; and
  - 3) The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.
- c. For a modification to KZC [105.20](#) and [105.45](#), a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study to be sufficient to fully serve the use. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the proposed use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer. Approval of a parking reduction shall be solely at the discretion of the City. A decrease in the minimum required number of spaces may be based in whole or part on the provision of nationally accepted TDM (transportation demand management) measures. Data supporting the effectiveness of the TDM measures shall be provided as part of the parking demand and utilization study and approved by the City traffic engineer.
- d. For a modification to KZC [105.40](#), the requirements for parking area location may be modified if:
  - 1) The proposed parking area will have no adverse impacts on adjacent properties;
  - 2) It is reasonable to expect that the proposed parking area will be used by the subject use; and
  - 3) A safe pedestrian and/or shuttle connection exists, or will be created, between the subject use and the proposed parking area.
- e. For a modification to the landscape requirements for parking and driving areas, see Chapter [95](#) KZC.
- f. For a modification to KZC [105.77](#), the curbing requirement for parking areas and driveways may be modified if:
  - 1) The modification would result in superior landscaping and/or increased retention of significant natural vegetation;
  - 2) The modification will not result in increased hazards for pedestrians or vehicles; and
  - 3) The modification will not result in increased erosion of unpaved areas onto the parking area, driveway, or rights-of-way.
- g. See Chapter [95](#) KZC for a modification of the buffering requirements for parking and driving areas. For a modification to KZC [105.10\(2\)\(g\)](#), the screening requirements for access easements or tracts may be modified if:

- 1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or
  - 2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or
  - 3) The modification will provide a visual screen that is comparable or superior to the buffer required by KZC [105.10\(2\)\(g\)](#).
- h. For a modification to KZC [105.100](#), the surface material requirement for parking areas and driveways may be modified if:
- 1) The surfacing material will not enter into the drainage system, or onto public or other private property; and
  - 2) The material will provide a parking surface which is usable on a year-round basis.

### **105.104 Planning Director Authority To Adopt Standards**

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

### **105.105 Appeals**

Modifications granted by the Planning Official under KZC [105.103](#) and standards established by the Planning Director under KZC [105.104](#) may be appealed using the appeal provisions of Process I of this code, KZC [145.60](#) through [145.100](#).

### **105.106 Bonds**

The City may require or permit a bond under Chapter [175](#) KZC to ensure compliance with any of the requirements of this chapter.

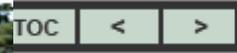


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## Chapter 110 – REQUIRED PUBLIC IMPROVEMENTS

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[110.10](#) General

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[110.22](#) Neighborhood Access Street Designations

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[110.45](#) Minor Arterial Streets

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[110.52](#) Sidewalks and Other Public Improvements in Design Districts

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### 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 in Chapters [15](#) through 60 KZC for regulations in certain zones regarding similar improvements.

### 110.10 General

The applicant shall comply with the provisions of this chapter if the applicant is granted a development permit unless:

1. The cost of the street improvements along the property frontage is greater than 20 percent of the cumulative building alterations in any five-year period according to the following:
  - a. Street improvement costs shall include, but not be limited to, roadway asphalt, storm drainage, curb and gutter, landscape strip, street trees, and concrete sidewalk.
  - b. For properties with multiple street frontages, the average length of the combined multiple street frontages will be used for the purposes of determining whether street improvements are required. If street improvements are required, the cost of the improvements along any of the multiple street frontages shall not exceed 20 percent of the cumulative building alterations in any five-year period.
  - c. Street improvement costs shall be evaluated based on the most current edition of the City of Kirkland Department of Public Works Improvement Evaluation Packet (including engineering and administration costs).

- d. Building alteration costs shall be evaluated using the current Building Valuation Data charts published annually by the International Conference of Building Officials (ICBO) on file with the City Building Official. Any valuations not specified in that publication will be determined by the Building Official. Other site improvements such as driveways, sidewalks, utility lines, sheds, etc., will not be included in the valuation.
  - e. The City shall track the cumulative building alterations in a five-year time period using historical Building Permit information.
2. The applicant or previous owner of the subject property installed improvements in the adjacent right-of-way as part of a subdivision or discretionary land use permit approved within four years prior to the present development permit application.

### 110.20 Right-of-Way Designation Map Adopted

The Director is directed to produce and keep current a Rights-of-Way Designation Map, designating each improved right-of-way, including alleys, according to the following criteria. When an unimproved right-of-way is to be improved, the Public Works Director is directed to designate that right-of-way according to the following criteria based on projections for that right-of-way:

Street Designation	General Description	Average Daily Trips*
Alley	Public right-of-way providing service access to adjacent uses.	Less than 200
Neighborhood Access	Streets providing access to adjacent residences and to cul-de-sacs. KZC <a href="#">110.22</a> establishes criteria for subcategories of neighborhood access streets.	Less than 1,500
Collector	Streets providing access to adjacent uses, linking neighborhoods and commercial areas together, and linking these areas to the arterial system.	Up to 10,000
Minor Arterial	Intra-community highways connecting community centers. Access to adjacent residences should not be permitted when acceptable alternate access is available.	5,000 – 25,000
Principal Arterial	Intra- and inter-community highways connecting major community centers; access to adjacent residences or single commercial sites should not be permitted when acceptable alternate access is available.	15,000 – 40,000

\* “Average Daily Trips” is defined as the number of vehicles passing a given point, in either direction, during a 24-hour period, based on an average over seven consecutive days.

### 110.22 Neighborhood Access Street Designations

When public improvements to a neighborhood access street are required or proposed, the Public Works Director will designate that right-of-way according to the following criteria:

Street Designation	Designation Criteria	
R-20	1.	Provides access only to properties designated Low Density Residential in the Comprehensive Plan and/or those properties zoned RS 5.0 or RM 5.0.
	2.	Parking allowed one side only.*
	3.	Shall not be dead-ended if length exceeds 400 feet in length.

	4.	May only be used to improve an existing unimproved street if at least 300 feet or one full block face of matching improvements can be installed on both sides of the street, at present or in the future. Otherwise, an R-24 or R-28 shall be used.
R-24	1.	Provides access only to properties designated Low Density Residential in the Comprehensive Plan and/or those properties zoned RS 5.0 or RM 5.0.
	2.	Parking allowed on both sides.*
	3.	Dead-end streets over 400 feet in length.
	4.	May only be used to improve an existing unimproved street if at least 300 feet or one full block face of matching improvements can be installed on both sides of the street, at present or in the future. Otherwise, an R-28 shall be used.
R-28		Provides access to properties other than those designated Low Density Residential in the Comprehensive Plan.

\* If the Public Works Director determines that the street will not meet existing or projected parking demand, based on land use characteristics of the area and availability of on-site parking, a wider street (such as an R-24 or R-28 street) will be required.

### 110.25 Required Public Improvements

1. General – KZC [110.27](#) through [110.50](#) establish different improvements for the different classifications of rights-of-way listed in KZC [110.20](#) and [110.22](#). KZC [110.52](#) establishes specific sidewalk and other public improvement standards in Design Districts. Except as specified in subsections (2), (3) and (4) of this section, the applicant shall install the specified improvements from the center line of the right-of-way to the applicant's property line. The applicant may increase the dimensions of any required improvement or install additional improvements in the right-of-way with the written consent of the Public Works Director.
2. Half-Street Improvements – If the one-half of the right-of-way opposite the subject property has not been improved based on the provisions of this chapter, the applicant shall install improvements in the right-of-way as follows:
  - a. Alleys. The applicant shall install the required improvements for the entire width of the alley.
  - b. All Other Rights-of-Way.
    - 1) The applicant shall install the required improvements from his/her property line to and including the curb.
    - 2) The applicant shall grade to finished grade all the required driving and parking lanes in the entire right-of-way and a five-foot-wide shoulder on the side of the right-of-way opposite the subject property.
    - 3) The applicant shall pave outward 20 feet from the curb adjacent to his/her property or as required by the Public Works Director.
3. Required Paved Connection – In all cases except for alleys, if the access point for the subject site is not connected to an existing improved street by an improved hard surface, the applicant shall provide a hard surface improvement, of at least 20 feet in width, to the existing improved street. The applicant may request a modification, deferment or waiver of this requirement through KZC [110.70](#).

4. Capital Improvement Projects – If the City Council has approved a capital improvements plan for a particular public right-of-way, that plan will govern the improvements required for right-of-way. To the extent feasible, public projects shall be designed pursuant to the standards established for each Design District contained in the Public Works Pre-Approved Plans manual.

### 110.27 Alleys

The pavement width of an alley must be at least 12 feet but may be required to be increased by the Public Works Director or Fire Marshall. For all commercial, industrial, office, or multifamily projects, the applicant shall improve the alley abutting the subject property and extend it to the existing improved street, and may be required to improve an additional 30 feet past the property frontage to provide emergency turnaround. For single-family dwellings using the alley for primary vehicular access, the applicant shall pave a 12-foot-wide asphalt apron extending 20 feet from the nearest improved street toward the subject property. For all types of development permits, the Public Works Director shall determine the extent and nature of other improvements required in alleys on a case-by-case basis. Typical improvements include, but are not limited to, replacement of the alley driveway apron and curb, installation of storm drainage, repair of existing paving, and installation of crushed rock in gravel alleys.

Street Type	Minimum Requirements for Street Type	Minimum Right-of-Way	Parking	Curb and Gutter	Landscape Strip	Sidewalks
Alley*	1. May only be used if the property served by the alley is also served by another street. 2. 12-foot minimum paving required.	16 feet	No parking allowed	Not required Storm water collection and conveyance system required	Not required	Not required

\* See Public Works Standards R-10 for standard alley cross-section.

Special Regulations:

- a. The improvements shall generally be centered in the right-of-way (see chart on following page).

### 110.30 R-20 Neighborhood Access Streets

The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided in an R-20 street. See also KZC [110.60](#) through [110.75](#) for other requirements that apply to improvements in the right-of-way.

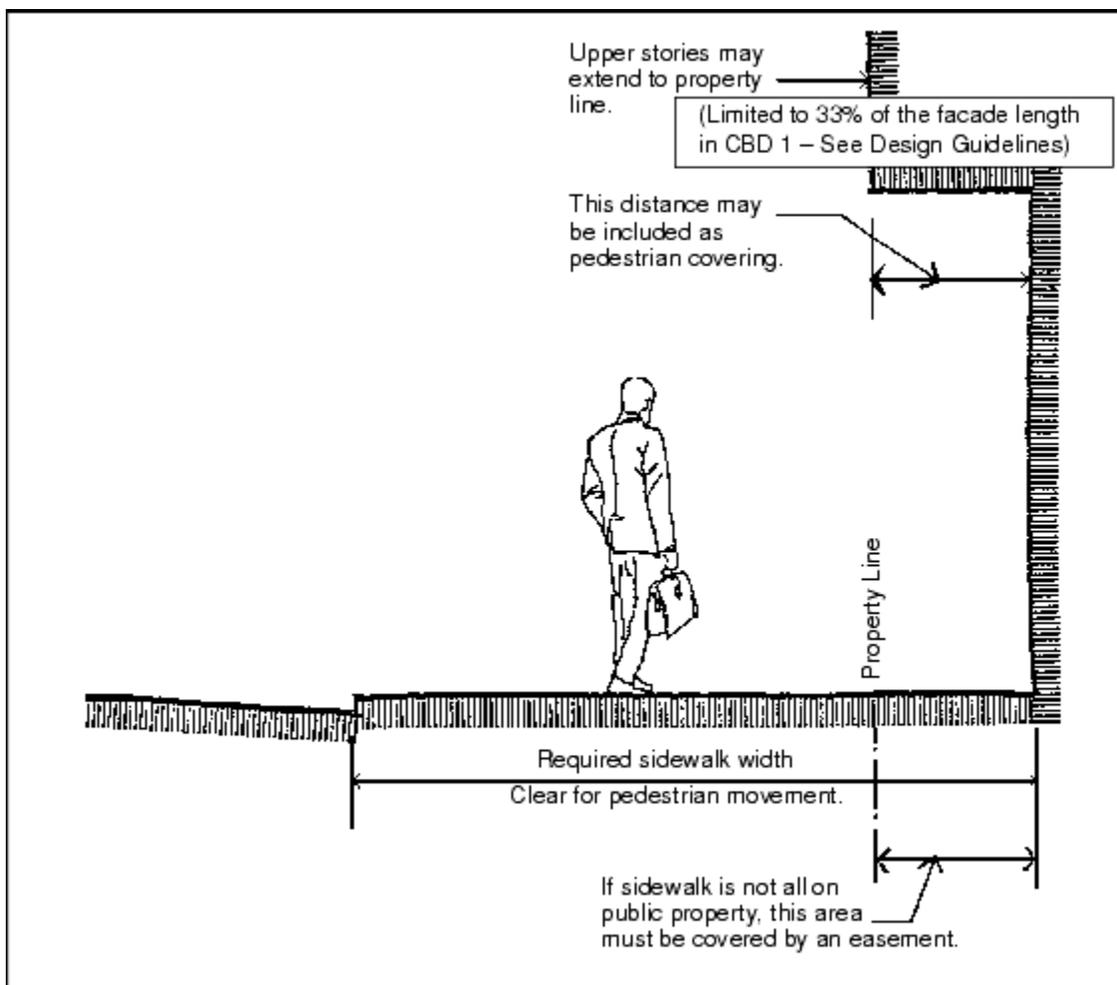
Street Type	Minimum Requirements for Street Type	Minimum Right-of-Way	Parking	Curb and Gutter	Landscape Strip	Sidewalks
20 feet (R-20)	1. Pavement width is 20 feet. 2. Cul-de-sacs shall have 70-foot pavement diameter. Center planter islands are not allowed. 3. Shall not be	30-45 feet 80-foot diameter for cul-de-sacs Right-of-way width determined by width of required	Allowed one side only Cul-de-sacs posted "No Parking Anytime"	Required both sides Must install vertical curb, gutter, and storm water collection and conveyance	4.5-foot width required both sides with or without sidewalk Shall include street trees 30 feet on center with	1. 5-foot-wide sidewalks required on both sides of the street unless otherwise specified in the Comprehensive

	<p>dead-ended if length exceeds 400 feet (present or future).</p> <p>4. A cul-de-sac is required on dead-end streets, 200-400 feet long. A vehicle hammerhead turnaround may be required on any street less than 200 feet long.</p> <p>5. Alternate parking schemes such as parallel parking bump-outs may be proposed if it can be demonstrated that the alternate scheme will meet parking demand (existing and projected) and will not create safety problems.</p>	<p>improvements, rounded up to nearest interval of 5 feet.</p>		<p>systems.</p>	<p>grass sod or groundcover Shall be adjacent to the curb</p>	<p>Plan, the Nonmotorized Transportation Plan, a design report for the specific street, elsewhere in this code, or as a special condition of development.</p> <p>2. For permanently dead-ended streets less than 300 feet long, no sidewalk required unless a pedestrian connection is available at the end of the street.</p> <p>3. For permanently dead-ended street segments greater than 300 feet long, or any looped street, sidewalks are required on both sides. If the dead-end street is 300-400 feet long or the looped street is less than 1,000 feet long, one side of sidewalk can be substituted by participating in the sidewalk construction-in-lieu program. See KZC <a href="#">110.70</a>.</p>
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Special Regulations:

- a. Pavement widths are measured from face of curb, and sidewalk and landscape strips are measured from back of curb.
- b. The Fire Department may require a temporary emergency vehicle turnaround on streets which are longer than 200 feet and will be connected in the future.
- c. If excess right-of-way exists or is created, the City may require wider planter strips.

- d. The Public Works Director may require and allow special amenities such as wider planter strips, meandering sidewalks, and curb and gutter bump-ins to save significant trees and other natural features.
- e. The improvements shall generally be centered in the right-of-way.
- f. A landscape strip is not required if:
  - 1) The average slope of the ground from the right-of-way to the front yard setback line is greater than 2:1 after the structures are completed on the project; or
  - 2) The Public Works Director determines, in writing, that the frontage of the subject property is too short to provide a useful landscape strip; and it is unlikely that development on the adjacent property will increase this strip in the future.
- g. If a landscape strip is not required, street trees planted 30 feet on-center, 2.5 feet behind the sidewalk, will be required where feasible.



**110.35 R-24 Neighborhood Access Streets**

The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided on an R-24 street. See also KZC [110.60](#) through [110.75](#) for other requirements that apply to improvements in the rights-of-way.

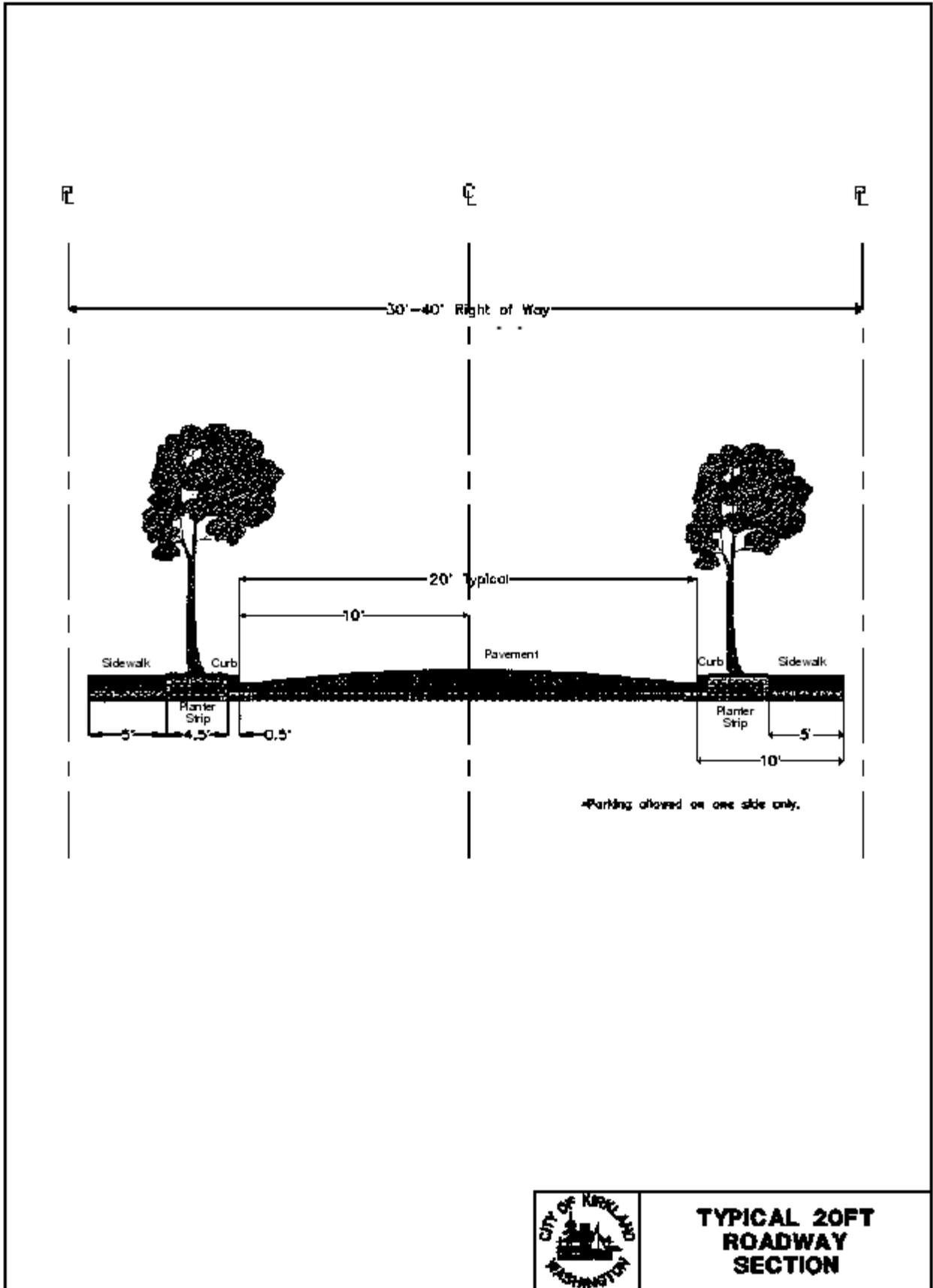
Street	Minimum	Minimum	Parking	Curb and	Landscape	Sidewalks
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Type	Requirements for Street Type	Right-of-Way		Gutter	Strip	
24 feet (R-24)	<p>1. Pavement width is 24 feet.</p> <p>2. Cul-de-sacs shall have 70-foot pavement diameter. Center planter islands are not allowed.</p> <p>3. A cul-de-sac is required on dead-end streets exceeding 200 feet in length. A vehicle hammerhead turnaround may be required on any street less than 200 feet long.</p>	<p>30-50 feet</p> <p>80-foot diameter for cul-de-sacs</p> <p>Right-of-way width determined by width of required improvements, rounded up to nearest interval of 5 feet.</p>	<p>Allowed both sides</p> <p>Cul-de-sacs posted "No Parking Anytime"</p>	<p>Required both sides</p> <p>Must install vertical curb, gutter, and storm water collection and conveyance systems.</p>	<p>4.5-foot width required both sides with or without sidewalk</p> <p>Shall include street trees 30 feet on center with grass sod or groundcover</p> <p>Shall be adjacent to the curb</p>	<p>1. 5-foot-wide sidewalks required on both sides of the street unless otherwise specified in the Comprehensive Plan, the Nonmotorized Transportation Plan, a design report for the specific street, elsewhere in this code, or as a special condition of development.</p> <p>2. For permanently dead-ended streets less than 300 feet long, no sidewalk required unless a pedestrian connection is available at the end of the street.</p> <p>3. For permanently dead-ended street segments greater than 300 feet long, or any looped street, sidewalks are required on both sides. If the dead-end street is 300-1,000 feet long or the looped street is less than 1,000 feet long, one side of sidewalk can be substituted by participating in the sidewalk construction-in-lieu program. See KZC</p>

						<a href="#">110.70.</a>
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Special Regulations:

- a. Pavement widths are measured from face of curb, and sidewalk and landscape strips are measured from back of curb.
- b. The Fire Department may require a temporary emergency vehicle turnaround on streets which are longer than 200 feet and will be connected in the future.
- c. If excess right-of-way exists or is created, the City may require wider planter strips.
- d. The Public Works Director may require and allow special amenities such as wider planter strips, meandering sidewalks, and curb and gutter bump-ins to save significant trees and other natural features.
- e. The improvements shall generally be centered in the right-of-way.
- f. A landscape strip is not required if:
  - 1) The average slope of the ground from the right-of-way to the front yard setback line is greater than 2:1 after the structures are completed on the project; or
  - 2) The Public Works Director determines, in writing, that the frontage of the subject property is too short to provide a useful landscape strip; and it is unlikely that development on the adjacent property will increase this strip in the future.
- g. If a landscape strip is not required, street trees planted 30 feet on-center, 2.5 feet behind the sidewalk, will be required where feasible.



### 110.38 R-28 Neighborhood Access Streets

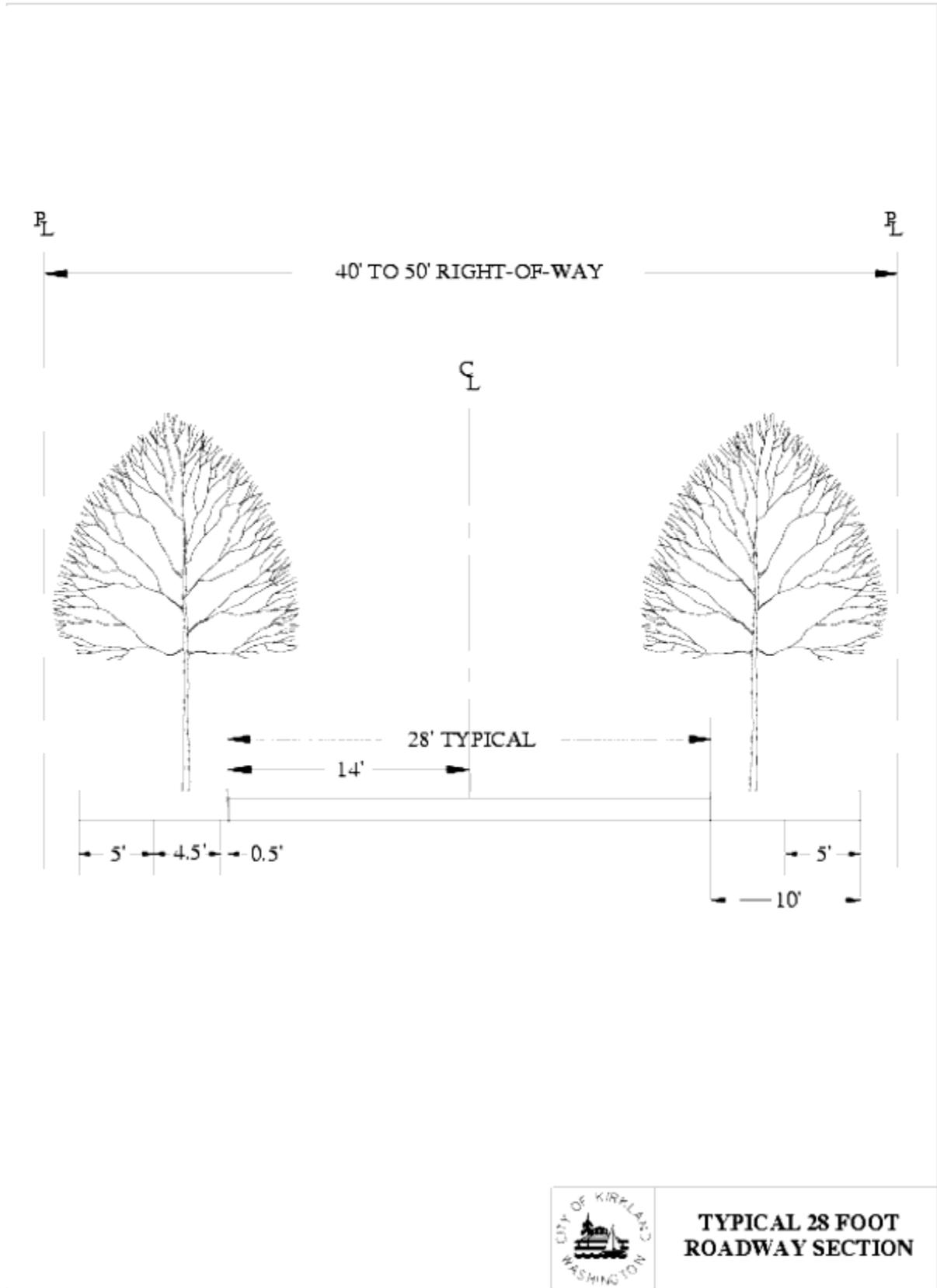
The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided on an R-28 street. See also KZC [110.60](#) through [110.75](#) for other requirements that apply to improvements in the rights-of-way.

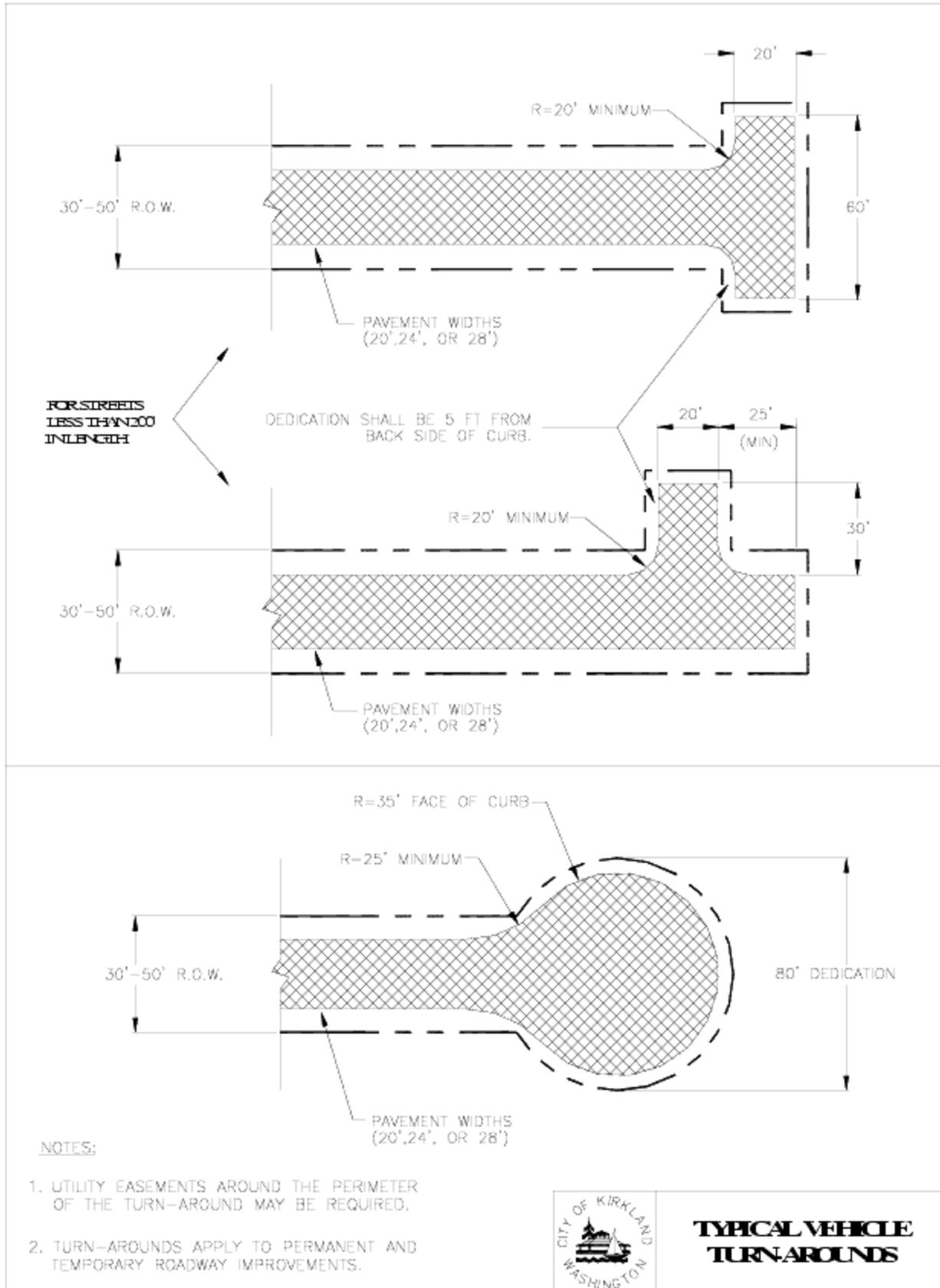
Street Type	Minimum Requirements for Street Type	Minimum Right-of-Way	Parking	Curb and Gutter	Landscape Strip	Sidewalks
28 feet (R-28)	<ol style="list-style-type: none"> <li>1. Pavement width is 28 feet.</li> <li>2. Cul-de-sacs shall have 70-foot pavement diameter. Center planter islands are not allowed.</li> <li>3. A cul-de-sac is required on dead-end streets exceeding 200 feet in length. A vehicle hammerhead turnaround may be required on any street less than 200 feet long.</li> </ol>	40-50 feet 80-foot diameter for cul-de-sacs Right-of-way width determined by width of required improvements, rounded up to nearest interval of 5 feet.	Allowed both sides Cul-de-sacs posted "No Parking Anytime"	Required both sides Must install vertical curb, gutter, and storm water collection and conveyance systems.	4.5-foot width required both sides with or without sidewalk Shall include street trees 30 feet on center with grass sod or groundcover Shall be adjacent to the curb	<ol style="list-style-type: none"> <li>1. 5-foot-wide sidewalks required on both sides of the street unless otherwise specified in the Comprehensive Plan, the Nonmotorized Transportation Plan, a design report for the specific street, elsewhere in this code, or as a special condition of development.</li> <li>2. For permanently dead-ended streets less than 300 feet long, no sidewalk required unless a pedestrian connection is available at the end of the street.</li> <li>3. For permanently dead-ended street segments greater than 300 feet long, or any looped street, sidewalks are required on both sides. If the dead-end street is 300-1,000 feet long or the looped street is less than 1,000 feet</li> </ol>

						long, one side of sidewalk can be substituted by participating in the sidewalk construction-in-lieu program. See KZC <a href="#">110.70</a> .
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Special Regulations:

- a. Pavement widths are measured from face of curb, and sidewalk and landscape strips are measured from back of curb.
- b. The Fire Department may require a temporary emergency vehicle turnaround on streets which are longer than 200 feet and will be connected in the future.
- c. If excess right-of-way exists or is created, the City may require wider planter strips.
- d. The Public Works Director may require and allow special amenities such as wider planter strips, meandering sidewalks, and curb and gutter bump-ins to save significant trees and other natural features.
- e. The improvements shall generally be centered in the right-of-way.
- f. A landscape strip is not required if:
  - 1) The average slope of the ground from the right-of-way to the front yard setback line is greater than 2:1 after the structures are completed on the project; or
  - 2) The Public Works Director determines, in writing, that the frontage of the subject property is too short to provide a useful landscape strip; and it is unlikely that development on the adjacent property will increase this strip in the future.
- g. If a landscape strip is not required, the Public Works Department will require street trees, planted 30 feet on-center 2.5 feet behind the sidewalk, where feasible.





### 110.40 Collector Streets

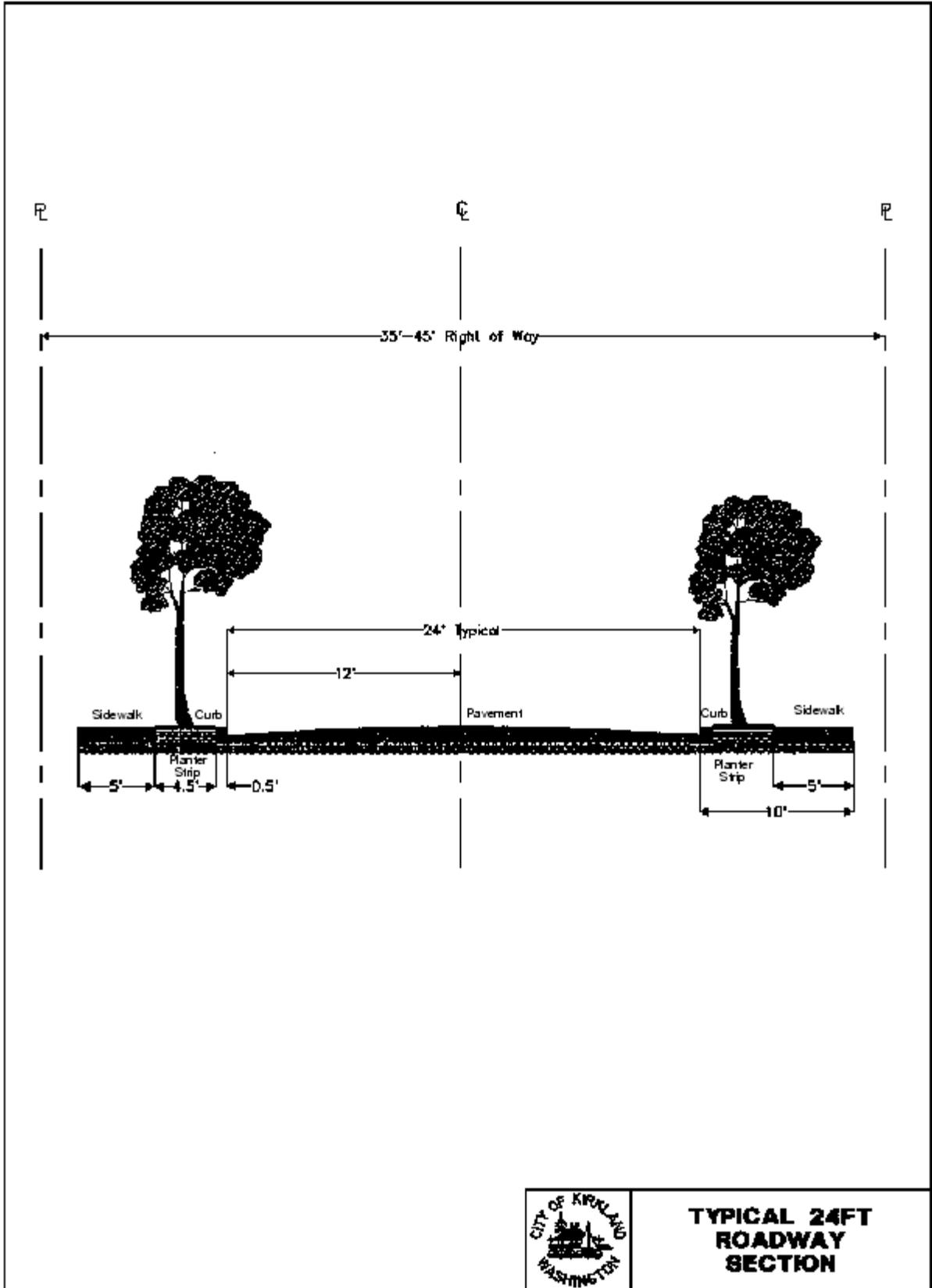
The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided in collector streets. See also KZC [110.60](#) through [110.75](#) for other requirements that apply to improvements in the right-of-way.

Street Type	Right-of-Way	Number of Lanes	Lane Width		Bicycle Lane Width	Parking	Landscape Strip	Curb and Gutter	Sidewalks
			Center	Thru					
Collector	60-foot minimum Right-of-way width determined by width of required improvements, rounded up to nearest interval of 5 feet.	2	11-12 feet	Two 11-foot lanes	Two Class II 5-foot bike lanes (See Special Regulation c.)	Allowed both sides	4.5-foot width required both sides with or without sidewalk Shall include street trees 30 feet on center with grass sod or groundcover Shall be adjacent to the curb	Required both sides Must install vertical curb, gutter, and storm water collection and conveyance systems.	5-foot-wide sidewalks required on both sides of the street unless otherwise specified in land use Comprehensive Plan, the Nonmotorized Transportation Plan, a design report for the specific street elsewhere in this code, or a specific condition of developer

#### Special Regulations:

- a. The standards listed above are minimum standards; specific standards for individual streets may be outlined in a design report for the subject street.
- b. A two-way left-turn pocket may be added and the parking eliminated.
- c. Bike lanes will be installed (constructed and striped) if identified in the City's Nonmotorized Transportation Plan.
- d. Parking lane widths are six feet.
- e. The Public Works Director may require or allow special amenities such as wider planter strips, meandering sidewalks, and curb and gutter bump-ins to save significant trees and other natural features.
- f. Wider planter strips may be required with any sidewalk installation, if adequate right-of-way exists. Landscape strips of at least 6.5 feet in width should be required when the vehicle travel lane is adjacent to the curb.
- g. An eight-foot sidewalk with street trees in tree grates 30 feet on-center may be required if the Public Works Director determines that a 4.5-foot planter strip cannot be accommodated.
- h. A landscape strip is not required if:
  - 1) The average slope of the ground from the right-of-way to the front yard setback line is greater than 2:1 after the structures are completed on the project; or

- 2) The Public Works Director determines, in writing, that the frontage of the subject property is too short to provide a useful landscape strip; and it is unlikely that development on the adjacent property will increase this strip in the future.
  - i. If a landscape strip or street trees in tree grates is not required, the Public Works Department will require street trees, planted 30 feet on-center 2.5 feet behind the sidewalk, where feasible.



### **110.45 Minor Arterial Streets**

The Public Works Director shall determine the extent and nature of other improvements required in minor arterial streets on a case-by-case basis. See also KZC [110.65](#) through [110.75](#) for other requirements that apply to improvements in the right-of-way.

### **110.50 Principal Arterial Streets**

The Public Works Director shall determine the extent and nature of improvements required in principal arterial streets on a case-by-case basis. See also KZC [110.65](#) through [110.75](#) for other requirements that apply to improvements in the right-of-way.

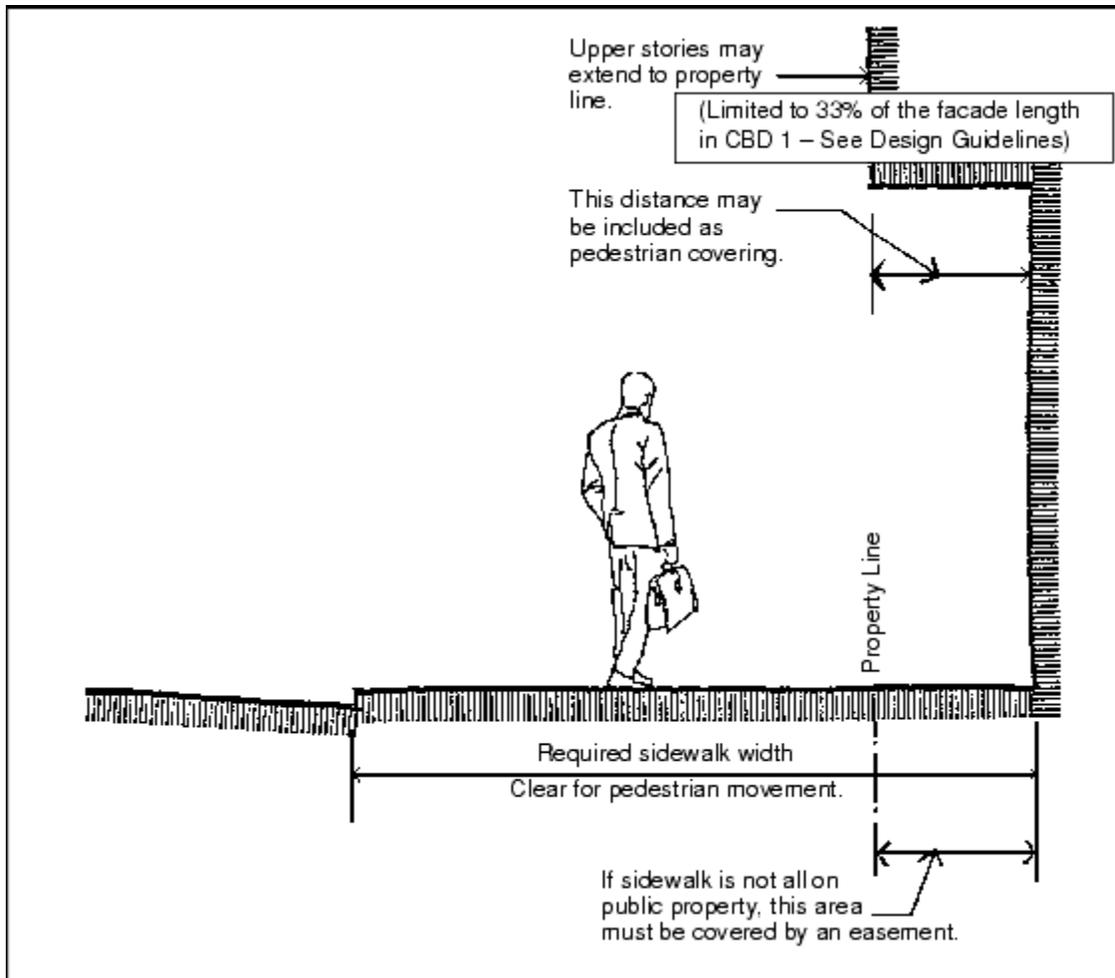
### **110.52 Sidewalks and Other Public Improvements in Design Districts**

1. This section contains regulations that require various sidewalks, pedestrian circulation and pedestrian-oriented improvements on or adjacent to properties located in Design Districts subject to Design Review pursuant to Chapter [142](#) KZC such as CBD, JBD, TLN, TC, RHBD, and NRHBD zones.

The applicant must comply with the following development standards in accordance with the location and designation of the abutting right-of-way as a pedestrian-oriented street or major pedestrian sidewalk shown in Plate 34 of Chapter [180](#) KZC. See also Public Works Pre-Approved Plans manual for public improvements for each Design District. If the required sidewalk improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property; provided, that a minimum of five feet from the curb shall be retained as public right-of-way and may not be in an easement. Buildings may cantilever over such easement areas, flush with the property line in accordance with the International Building Code as adopted in KMC Title 21. (See Figure [110.52.A](#) and Plate 34).

2. Pedestrian-Oriented Street Standards – Unless a different standard is specified in the applicable use zone chart, the applicant shall install a 10-foot-wide sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street. (See Figure 110.52.A).

### **Required Sidewalk on Pedestrian-Oriented Streets and Major Pedestrian Sidewalks**



**FIGURE 110.52.A**

3. Major Pedestrian Sidewalk Standards – If the subject property abuts a street designated to contain a major pedestrian sidewalk in Plate 34, Chapter 180 KZC, the applicant shall install that sidewalk on and/or adjacent to the subject property consistent with the following standards:
  - a. Install in the approximate location and make the connections shown in Plate 34;
  - b. A sidewalk width of at least eight feet, unless otherwise noted in Plate 34;
  - c. Have adequate lighting with increased illumination around building entrances and transit stops; and
  - d. If parcels are developed in aggregate, then alternative solutions may be proposed.
4. Streets in the Totem Lake Neighborhood – Streets in the Totem Lake Neighborhood designated as major pedestrian sidewalks in Plate 34.E that are also shown to be within the landscaped boulevard alignment or “Circulator” in Plate 34.D in Chapter 180 KZC may have varied or additional requirements, such as wider sidewalks, widened and meandering planting areas, continuous and clustered tree plantings, special lighting, directional signs, benches, varying pavement textures and public art, as determined by the Director of Public Works.

5. NE 85th Street Sidewalk Standards – If the subject property abuts NE 85th Street, the applicant shall install a minimum 6.5-foot-wide landscape strip planted with street trees located adjacent to the curb and a minimum seven-foot-wide sidewalk along the property frontage. Where the public right-of-way lacks adequate width to meet the previous standard, a 10-foot-wide sidewalk with street trees in tree grates may be permitted or in an easement established over private property.

### **110.60 Additional Requirements**

This section contains a series of requirements that apply to improvements required or proposed to be installed.

1. Dedication of Right-of-Way – If a right-of-way abutting the subject property is not wide enough to contain the required improvements, the applicant shall dedicate as right-of-way a strip of land adjacent to the existing right-of-way wide enough to encompass the required half-street improvements. The Public Works Director may require the applicant to make land available, by dedication, for new rights-of-way and utility infrastructure if this is reasonably necessary as a result of the development activity.
2. Fire Hydrants – The applicant shall install fire hydrants where and in the manner specified by the Department of Fire Services.
3. Incompatible Improvements – If improvements required by this chapter will connect with existing improvements in the same right-of-way that do not conform to this chapter, the following regulations apply:
  - a. If the improvements will connect with existing improvements of a greater dimension, the new improvement must be built at the greater dimension unless the Public Works Director determines that the dimensions of the existing improvement will be decreased in the future.
  - b. If the improvements will connect with existing improvements of a lesser dimension, the following regulations apply:
    - 1) If the Public Works Director determines that the dimensions of the existing improvements will not be increased in the future, the new improvement must be permanently flared or tapered to match the existing improvements.
    - 2) If the Public Works Director determines that the dimensions of the existing improvements will be increased in the future, the applicant shall install the required improvements in the full length of the right-of-way abutting the subject property with temporary flaring or tapering on the existing improvements.
4. Landscape Strip and Street Trees – Landscape strips are typically found between the curb and the sidewalk and are planted with grass and street trees spaced 30 feet on-center. When improving landscape strips, the following regulations apply:
  - a. The applicant shall plant all landscape strips with vegetation approved by the City.
  - b. Trees shall be planted per the details outlined in Public Works Pre-Approved Plans and Policies Notebook.
  - c. The abutting property owner shall be responsible for keeping the sidewalk and landscaping abutting the subject property clean and litter-free, and any vegetation there shall be maintained. The City may require the owner of the subject property to sign a maintenance agreement in a form acceptable to the City Attorney, to run with the subject property. If an agreement is required, the

- applicant shall record this agreement in the King County Bureau of Elections and Records.
- d. It is a violation of this code to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.
  - e. If a landscape strip or street trees in tree grates is not required, street trees planted 30 feet on-center 2.5 feet behind the sidewalk will be required, where feasible.
  - f. All trees planted in the right-of-way must be approved as to species by the Public Works Director. In the vicinity of overhead lines, tree species shall be selected based on City guidelines that will not interfere with those lines in the future. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.
5. Mailboxes – The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development. The mailbox location and type shall be approved by the Kirkland U.S. Post Master.
  6. Street Signs and Traffic Control Devices – The applicant shall install all street signs and traffic control devices in the location and manner established by the Department of Public Works.
  7. Utility Lines and Appurtenances
    - a. The location of sanitary sewer, storm drainage, and water main lines shall be as approved or required by the Public Works Director. All other utility lines, water meters and other utility appurtenances must be undergrounded within the utility strip, unless an alternate location is approved or required by the Public Works Director. Utility appurtenances must be no higher than finished grade unless this is determined by the Public Works Director to be infeasible.
    - b. All overhead service utility lines on the subject property must be undergrounded to the nearest primary source; undergrounding to a secondary service pole will not be allowed unless approved by the Public Works Director. All existing overhead utility lines in the public right-of-way adjacent to the subject site must be undergrounded unless the Public Works Director determines that this is infeasible. If undergrounding is determined to be infeasible, the property owner shall sign an agreement, in a form acceptable to the City Attorney, that waives the property owner's right to protest formation of a Local Improvement District (LID) for conversion of overhead utility lines to underground, in the public right-of-way adjacent to the subject property, consistent with RCW 35.43.182.
  8. Engineering Design – The applicant shall do preliminary engineering and provide construction design for the improvements required by this chapter.
  9. Other Necessary Improvements – The applicant shall install any other improvements that are necessary for the installation or proper operations or maintenance of the improvements required by this code.
  10. Replacement of Damaged or Substandard Existing Street Improvements – For properties that have existing street improvements, the owner shall remove and replace any damaged or substandard improvements in conjunction with the development of the property. Replacement shall include, but not be limited to, cracked curb, gutter, landscape strip, sidewalk, storm drainage infrastructure, barrier free ramps at street intersections, and installation of street trees.
  11. Entry or Gateway Features in Design Districts – In Design Districts, if the

Comprehensive Plan or Design Guidelines designate the subject property for an entry or gateway feature, then the applicant shall design and install an entry feature area on the subject property. The size of the entry feature area shall be at least 100 square feet, and may include landscaping, art, signage or lighting. The design shall be reviewed by the City and decided upon as part of the Design Review for the proposed development. The applicant shall provide an easement or dedication of property surrounding the entry feature.

### **110.65 Engineering Standards**

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

### **110.70 Modifications, Deferments and Waivers, and Construction-in-Lieu**

1. General – The provisions of this section establish under what circumstances the requirements of this chapter may be modified, deferred, waived, or provided for with a sidewalk construction-in-lieu.
2. Authority to Grant and Duration
  - a. If the proposed development of the subject property requires approval through Process I, IIA, IIB or III, described in Chapters [145](#), 150, 152 and 155 KZC, respectively, or short plat or subdivision approval described in the subdivision ordinance, a request for a modification, deferment, waiver, or sidewalk construction-in-lieu, will be considered as part of this process under the provisions of this section. If granted under Process I, IIA, IIB or III, or through the short plat or subdivision processes, the modification, deferment, waiver, or sidewalk construction-in-lieu is binding on the City for all development permits issued for that development under the Building Code within five years of the granting of the modification, deferment, waiver, or sidewalk construction-in-lieu.
  - b. If subsection (2)(a) of this section does not apply, the Public Works Director may grant a modification, deferment, waiver, or sidewalk construction-in-lieu in writing under the provisions of this section.
3. Modifications – The City may require or grant a modification to the nature or extent of any required improvement for any of the following reasons:
  - a. If the improvement as required would not match the existing improvements.
  - b. If unusual topographic or physical conditions preclude the construction of the improvements as required.
  - c. If other unusual circumstances preclude the construction of the improvements as required.
  - d. If the City and a neighborhood has agreed upon a modified standard for a particular street (see the Public Works Pre-Approved Plans and Policies Notebook for a description of the Neighborhood Access Street Improvement Modification and Waiver Process).
4. Deferment
  - a. The City may require or permit that the required improvements be installed at a later time:

- 1) If the required improvement is part of a larger project that has been scheduled for implementation in the City's six-year Capital Improvement Program; or
  - 2) If other unusual circumstances preclude the construction of the improvements as required.
- b. If the applicant meets the above criteria for deferment, he/she is only obligated to install, at a future date, improvements from the center line of the right-of-way to the property line.
  - c. If the City approves a deferment, the applicant must sign a concomitant agreement to run with the property, in a form acceptable to the City Attorney, specifying that the applicant shall install or reimburse the City for construction of the deferred improvements as directed by the Public Works Director. The applicant must file this agreement with the King County Bureau of Elections and Records.
  - d. The applicant must grade the subject portion of the right-of-way as though the improvement were to be immediately installed and stabilize the graded area in a manner approved by the Public Works Director. The applicant may be exempted from this requirement if the Public Works Department determines that unusual circumstances preclude the grading.
5. Waiver – The City may waive and not require or allow installations of a required improvement under the following circumstances:
- a. If the installation of the improvements will cause a safety hazard or an environmental impact that cannot be mitigated; or
  - b. If the project is for a single-family dwelling alteration that is less than \$200,000 in value, based on building alteration costs in effect on January 1, 2006. This threshold shall be reviewed annually and adjusted by a percentage equal to the percentage of increase in building alteration costs, if any (see KZC [110.10\(1\)\(d\)](#) for building alteration costs information); or
  - c. If the development project fronts on a neighborhood access type street in the RS 35, RSX 35 and Planned Area 16 zones within the Bridle Trails neighborhoods north of Bridle Trails State Park; or
  - d. If the City determines that the current level and extent of the improvement in the right-of-way adjacent to the subject property will not be changed in the future; or
  - e. If the City and a neighborhood have agreed upon a street improvement waiver for a particular street (see the Public Works Pre-Approved Plans and Policies Notebook for a description of the Neighborhood Access Street Improvement Modification and Waiver Process).
6. Sidewalk Construction-in-Lieu Program
- a. This subsection establishes circumstances in which the applicant may propose an off-site sidewalk construction-in-lieu of installing on-site street improvements in the right-of-way abutting the subject property (e.g., KZC [110.30](#), [110.35](#), and [110.38](#)). The City will not accept the applicant's proposed sidewalk construction-in-lieu if the Public Works Director determines that it is in the City's interest that the street improvements be installed abutting the subject property, taking into account such factors as the pedestrian safety impacts that result from the development. In addition to the criteria listed in KZC [110.30](#), [110.35](#), and [110.38](#), the City may accept a sidewalk construction-in-lieu of installing on-site sidewalks in the following circumstances:

- 1) If installation of the required improvement would require substantial off-site roadway modifications; or
  - 2) If the Public Works Director determines that installation of the required improvement would result in a safety hazard; or
  - 3) If other unusual circumstances preclude the construction of the improvements as required.
- b. In each instance where the City approves a proposed sidewalk construction-in-lieu under the provisions of this section, the value of the sidewalk construction-in-lieu shall be 75 percent of the then-estimated cost of constructing the street improvements and right-of-way dedication that would otherwise be required under this chapter, based on information compiled and kept current by the Department of Public Works on the cost of street improvement construction.
- c. After the value of the improvements has been determined, the Public Works Director shall determine the location of the off-site improvements. The improvements shall be located within the neighborhood of the subject development and directed toward sidewalks or other pedestrian improvements.
- d. In each instance where the City accepts a sidewalk construction-in-lieu of installing sidewalk, the subject property will not be subject to participation in future sidewalk improvement costs (along the property frontage) unless redevelopment occurs to a more intense land use that what was occurring on the property at the time of the sidewalk construction-in-lieu payment.
7. Multiple Adjacent Rights-of-Way – When the subject property is adjacent to two or more rights-of-way, modifications, deferments, waivers, or sidewalk construction-in-lieu may be considered separately for each right-of-way. The highest level of improvement required must be constructed around the angle formed by the intersecting streets.
8. Appeals – The decision of the Public Works Director regarding deferments, modifications, waivers, and construction-in-lieu may be appealed using the appeal provisions, as applicable, of Process I of this code, KZC [145.60](#) through [145.110](#).

### 110.75 Bonds

The City may require or permit a bond under Chapter [175](#) KZC to ensure compliance with any of the requirements of this chapter.



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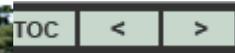
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## Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

### Sections:

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- [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
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- [115.23](#) Common Recreational Space Requirements for Certain Residential Uses
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- [115.35](#) Erosion and Sedimentation Regulation
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### 115.05 User Guide

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

## 115.07 Accessory Dwelling Units

One accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met:

1. Number of Occupants – The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single-family dwelling as defined in KZC [5.10.300](#).
2. Owner Occupancy – One of the units must be the principal residence of the property owner(s).
3. Subdivision – Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
4. Scale – The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary residence and accessory dwelling unit combined. If the accessory unit is completely located on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area.

Detached accessory dwelling units shall not exceed 800 square feet of gross floor area. 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. When calculating the square footage of the ADU (see KZC [5.10.340](#), definition of “gross floor area”), covered exterior elements such as decks and porches will not be included; provided, the total size of all such covered exterior elements does not exceed 200 square feet. An accessory dwelling unit will be considered to be “detached” from the principal unit if it has any of the following characteristics:

- a. It does not share a common roof structure with the principal unit.
  - b. It is not integrated into the footprint of the principal unit.
  - c. The design is inconsistent with the existing roof pitch, siding treatment, and window style of the principal unit.
5. Location. The accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached structures must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone; provided, that an accessory dwelling unit shall not be considered a “dwelling unit” in the context of Special Regulations in Chapters [15](#) through [60](#) KZC which limit the number of detached dwelling units on each lot to one.
  6. 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. Parking. There shall be one off-street parking space provided for the accessory dwelling unit.
  8. WD I and WD III Zones. Properties located in the WD I and WD III zones which develop accessory dwelling units must provide public pedestrian access consistent with the regulations contained in KZC [30.15.020](#) and [30.35.020](#) for attached or stacked dwelling units.
  9. Market and Norkirk Neighborhoods. Within the Market and Norkirk Neighborhoods, as defined in the Comprehensive Plan, accessory dwelling units are prohibited on lots smaller than the required minimum lot size approved using the small lot single-family and historic preservation subdivision regulations contained in KMC [22.28.042](#) and [22.28.048](#).

10. 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 Uniform Building Code (UBC) ceiling height requirements if it was legally constructed as habitable space.

11. Permitting

a. Application

1) The property owner shall apply for an accessory dwelling unit permit with the 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 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 Department of Records and Elections 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.

3) If an ADU was or is created without being part of a project for which a building permit was or is finalized, 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 Department, or may occur as a result of enforcement action.

c. Appeals. An applicant may appeal to the Hearing Examiner the decision of the Planning Official in denying a request to construct an accessory dwelling unit. A written notice of appeal shall be filed with the Planning Department within 14 calendar days of the date the Planning Official's decision was mailed or otherwise delivered to the applicant. The City shall give notice of the hearing to the applicant at least 17 calendar days prior to the hearing. The applicant shall have the burden of proving the Planning Official made an incorrect decision. Based on the Hearing Examiner's findings and conclusions, he or she may affirm, reverse, or modify the decision being appealed.

### **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. 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 may not exceed 15 feet above the existing height (roof peak elevation) of the primary residence or 25 feet above average building elevation, whichever is less. An accessory structure which contains an accessory dwelling unit must also comply with KZC [115.07](#).

### **115.10 Accessory Uses, Facilities and Activities**

1. General – Accessory uses, facilities and activities normally associated with a use listed as a permitted use in a zone are permitted as part of that permitted use. The accessory use, facility or activity must be clearly secondary to the permitted use.
2. Authority of the Planning Director – The Planning Director is specifically authorized to determine if a particular accessory use, facility or activity is normally associated with a particular permitted use and if a particular accessory use, facility or activity is clearly secondary to the permitted use.
3. Exceptions and Limitations – This code establishes specific limitations and regulations for some accessory uses and facilities for some uses in some zones. Where applicable, those specific regulations supersede the general statement of subsection (1) of this section.
4. On-Site Hazardous Waste Treatment and Storage – Pursuant to Chapter 70.105 RCW, on-site hazardous waste treatment and storage facilities are considered accessory facilities in all zones, except residential, that allow the processing or handling of hazardous substances. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210, and/or all applicable DOE standards.
5. Family Child-Care Home – Pursuant to Chapter 43.215 RCW, a family child-care home is a permitted accessory use in any residential or commercial zone which allows residential use. A family child-care home shall be subject to the following regulations:
  - a. The family child-care home is subject to the requirements established by the Washington State Department of Early Learning (DEL) (WAC Title 170).
  - b. The family child-care provider shall be licensed by DEL to operate a family child-care home.
  - c. A safe passenger loading area as certified by the DEL licensor shall be provided.
  - d. The family child-care home shall comply with all applicable building, fire, safety, and health codes enforced by the City.
  - e. The family child-care home shall comply with all applicable use regulations of the Kirkland Zoning Code.
  - f. All signage shall conform with the applicable requirements of Chapter [100](#) KZC.
  - g. The City has the authority to limit the hours of operation to facilitate neighborhood compatibility.
  - h. Prior to receiving State licensing, the family child-care provider shall provide the City with proof of written notification informing immediately adjoining property owners of the intent to locate and maintain the family child-care home. The notification shall:
    - 1) Inform the notified parties that comments may be submitted to the Department of Early Learning; and
    - 2) Provide contact information for submitting such comments to the Department of Early Learning.

The proof of notification shall be in the form of a written affidavit containing:

- 1) The date and means of notification;
- 2) A copy of the notification; and
- 3) A list of the parties to whom the notification was distributed.

## 115.15 Air Quality Regulations

1. State Regulation – Air quality is regulated by the Washington Clean Air Act, Chapter 70.94 RCW. Any inquiry, complaint, or violation regarding air quality will be referred to the Puget Sound Air Pollution Control Authority.
2. Public Nuisance – Any emission of air contaminants which annoys; injures; endangers the comfort, repose, health or safety of persons; or in any way renders persons insecure in life, or in the use of property, is a violation of this code.

## 115.20 Animals in Residential Zones

1. General – This section establishes special regulations that govern the keeping of animals in any zone where a dwelling unit is permitted.
2. Types of Animals – Animals will be regulated according to the following categories:
  - a. Household Pets – The following animals will be regulated as household pets:
    - 1) Three dogs or less per dwelling unit.
    - 2) Three cats or less per dwelling unit.
    - 3) A total of four dogs and cats per dwelling unit.
    - 4) Four rabbits or less per dwelling unit.
    - 5) Gerbils.
    - 6) Guinea pigs.
    - 7) Hamsters.
    - 8) Mice.
    - 9) Cage birds.
    - 10) Nonvenomous reptiles and amphibians.
    - 11) Other animals normally associated with a dwelling unit, and which are generally housed within the dwelling unit.
  - b. Small Domestic Animals – The following animals will be regulated as small domestic animals:
    - 1) More than three dogs per dwelling unit.
    - 2) More than three cats per dwelling unit.
    - 3) More than a total of four dogs and cats per dwelling unit.
    - 4) More than four rabbits per dwelling unit.
    - 5) Fowl.
  - c. Large Domestic Animals – The following animals will be regulated as large domestic animals:
    - 1) Horses.
    - 2) Cattle.
    - 3) Sheep.
    - 4) Pigs.
    - 5) Goats.
    - 6) Other grazing or foraging animals.
  - d. Bees
3. Other Regulations – Nothing in this section eliminates the need to comply with King County animal control regulations, state law regulating the keeping of animals, and any other ordinance of the City of Kirkland regulating the keeping of animals.
4. Minimum Requirements – The applicant shall comply with the requirements contained within the chart at the end of this section regarding the keeping of animals in any zone where a dwelling unit is permitted.

5. Bonds – The City may require a bond under Chapter [175](#) KZC to ensure that the subject property is maintained in a clean condition.

TYPE OF ANIMAL ↓	REGULATIONS ↓	Required Review Process	MAXIMUM	MINIMUMS		Special Regulations
			Number of Adult Animals	Lot Size	Setback	
Household Pets		None	Per Dwelling Unit Dogs: 3 Cats: 3 Dogs and Cats: A total of 4 animals Rabbits: 4 Other: No maximum	As required for a dwelling unit in the zone in which the subject property is located.	Structures and pens must be at least 5' from each property line.	1. Household pets, excluding dogs, cats, and rabbits, must be housed within the dwelling unit. If housed outside of the dwelling units, household pets, excluding dogs, cats, and rabbits, will be regulated as small domestic animals.
Small Domestic Animals		None	20 per 35,000 sq. ft. of lot area and 1 per each additional 500 sq. ft. of lot area.	35,000 sq. ft. per dwelling unit.	Structures and pens used to house animals must be at least 40' from each property line.	1. The City may limit the number of animals allowed to less than the maximum considering: a. Proximity to dwelling units both on and off the subject property; and b. Lot size and isolation; and c. Compatibility with surrounding uses; and d. Potential noise impacts. 2. The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition.
						1. If an abutting property owner files a signed and notarized statement in support of the request, the City may permit areas for roaming or grazing, horse paddock areas and structures or pens to extend into the property line in common with the abutting property; provided, that the structure or pen complies with all other regulations pertaining to setback in that zone. 2. The City may limit the number of animals allowed to less than the maximum

<p>Large Domestic Animals</p>	<p>If lot size is less than 35,000 sq. ft., then Process I, Chapter <a href="#">145 KZC</a></p> <p>Otherwise none</p>	<p>2 per 35,000 sq. ft. of lot area and 1 per each additional 17,500 sq. ft. of lot area</p> <p>If lot size is less than 35,000 sq. ft., then only 1 horse</p>	<p>35,000 sq. ft. per dwelling unit</p> <p>May be less if approved through Chapter <a href="#">145 KZC</a>, Process I</p>	<p>Structures and pens used to house animals must be at least 40' from each property line subject to Special Regulation 1.</p> <p>Roaming, grazing areas and horse paddock areas must be at least 20' from each property line, subject to Special Regulation 1.</p>	<p>considering:</p> <ul style="list-style-type: none"> <li>a. Proximity to dwelling units both on and off the subject property; and</li> <li>b. Lot size and isolation; and</li> <li>c. Compatibility with surrounding uses; and</li> <li>d. Potential noise impacts.</li> </ul> <p>3. The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition.</p> <p>4. No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure.</p> <p>5. For residential lots containing one or more horses other than those regulated below in Special Regulation 6, each lot must contain an area of at least 14,500 sq. ft. capable of being used as a horse paddock area and configured in a contiguous and usable manner to accommodate the feed storage and manure pile for two horses. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports. Direct access to this area must be available for trucks to deliver feed and pick up manure from an alley, easement, or an adjacent right-of-way across a side yard of the lot.</p> <p>6. For residential lots in RS 35 and RSX 35 Zones within the Bridle Trails neighborhood north of Bridle Trails State Park or residential lots in PLA 16 which are not part of a recorded master plan, the required review process shall be "None," and the maximum number of adult animals and minimum lot size and setback regulations shall not apply. Instead, the following regulations shall apply:</p> <ul style="list-style-type: none"> <li>a. Up to two additional horses may be kept on a residential lot,</li> </ul>
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					<p>providing that an additional 3,000 square feet of paddock area is available for each additional horse. (CONTINUED ON NEXT PAGE)</p>
<p>Large Domestic Animals (Continued)</p>					<p>b. Each residential lot must contain an area of at least 10,000 permeable square feet for the purpose of accommodating two horses, capable of being used for or easily converted to a paddock area and barn, having a minimum width of 40 feet and configured in a contiguous and usable manner to accommodate the feed, storage and manure pile. "Configured in a contiguous and usable manner" shall mean an area, uninterrupted by non-paddock area, having a shape as close to square or rectangular as possible. While the minimum width allowed is 40 feet, the majority of the area must have a width of at least 80 feet. The Planning Official is authorized to approve minor deviations from the required dimensions and/or shape of the paddock area due to pre-existing improvements and/or size, shape, or topography of the property.</p> <p>c. The area used or reserved for paddock area must be pervious and exclusive of any structures or improvements (except livestock barns) such as storage sheds, residential units, carports, decks, patios, swimming pools, ponds, sports courts, rockeries, or paving, but may contain easily removed features such as children's play equipment, landscaping, trellises, and flagpoles, as long</p>

				<p>as such features are not embedded in concrete or otherwise permanently mounted. The area shall not be located over a septic tank, drain field, or reserve drain field. Paddock areas shall not be located on steep slopes (over 15 percent grade) or in areas regulated under Chapter 90 KZC, Drainage Basins.</p> <p>d. Direct access to the paddock area must be available to deliver feed and pick up manure from an alley, an easement or an adjacent right-of-way across a side yard of the lot. The access route shall have a minimum unobstructed width of 15 feet and a grade no greater than 12 percent, except that for the first 15 feet in back of the existing or future curb line the grade shall not exceed six percent. Any portion of an access route located within an adjacent equestrian trail easement shall not be paved, but may be surfaced with gravel up to 5/8-inch size.</p> <p>e. The paddock areas must be set back five feet from each property line which abuts a school use or a residential zone other than RS 35, RSX 35 or PLA 16.</p> <p>(CONTINUED ON NEXT PAGE)</p>
				<p>f. The paddock areas must be set back 10 feet from habitable dwellings and five feet from significant improvements outside the paddock area, such as swimming pools, sports courts, decks and patios. Livestock barns must be set back 40 feet from habitable dwellings.</p> <p>g. Livestock barns permitted within the designated paddock</p>

<p>Large Domestic Animals (Continued)</p>					<p>area may not exceed 1,200 square feet in footprint, excluding covered overhangs, and must be designed solely for housing of animals and storage of tack, feed, shavings or ancillary equipment.</p> <p>h. Special Regulations 2, 3, and 4 also apply to these zones.</p> <p>i. Interpretations of the Zoning Code which directly or indirectly involve application of regulations about horse paddock areas shall be liberally construed in favor of an equestrian character for the neighborhood.</p>
<p>Bees</p>	<p>None</p>	<p>Lots containing 15,000 sq. ft. or less: Maximum of two hives.</p> <p>Lots containing more than 15,000 sq. ft. but less than 35,000 sq. ft.: Maximum of 5 hives.</p> <p>Lots containing 35,000 sq. ft. or more: Maximum of 15 hives.</p>	<p>7,200 sq. ft.</p>	<p>Hive must be at least 25' from any property line. See also Special Regulation 5.</p>	<ol style="list-style-type: none"> <li>1. Colonies shall be in movable frame hives.</li> <li>2. Adequate space shall be maintained in the hive to prevent overcrowding and swarming.</li> <li>3. Colonies shall be requeened following any swarming or aggressive behavior.</li> <li>4. All colonies shall be registered with the Wash. State Dept. of Agriculture, Plant Services Division, 406 General Administration Building, Olympia, WA 98504, prior to April of each year.</li> <li>5. Hives may be located closer than 25' to any property line if:             <ol style="list-style-type: none"> <li>a. Situated eight feet or more above adjacent ground level; or</li> <li>b. Situated less than six feet above adjacent ground level and behind a solid fence or hedge six feet in height parallel to any property line within 25 feet of the hive and extending at least 20 feet beyond the hive in both directions.</li> </ol> </li> <li>6. Bees living in trees, buildings, or any other space except in movable frame hives; abandoned colonies or diseased bees shall constitute a public nuisance.</li> </ol>

In addition to the maximum number of adult animals permitted, offspring from one female are permitted at any

given time until those offspring are able to survive independently.

### **115.23 Common Recreational Space Requirements for Certain Residential Uses**

1. General – Residential developments identified herein by zone and use listing shall comply with the common recreational space requirements of this section:
  - a. RM Zone: “Detached, Attached, or Stacked Dwelling Units,” KZC [20.10.020](#);
  - b. PR Zone: “Detached, Attached or Stacked Dwelling Units,” KZC [25.10.020](#);
  - c. NRH 5 Zone: “Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Office Uses),” KZC [54.36.010](#);
  - d. NRH 6 Zone: “Detached, Attached or Stacked Dwelling Units (Stand Alone or Mixed with Office Uses),” KZC [54.42.010](#);
  - e. PLA 5A Zone: “Detached, Attached or Stacked Dwelling Units,” KZC [60.32.020](#);
  - f. PLA 5B Zone: “Detached, Attached or Stacked Dwelling Units,” KZC [60.37.020](#); and “Development Containing Stacked or Attached Dwelling Units and Office Uses,” KZC [60.37.040](#);
  - g. PLA 5C Zone: “Detached, Attached or Stacked Dwelling Units,” KZC [60.42.020](#); and “Development Containing Stacked or Attached Dwelling Units and Office Uses,” KZC [60.42.040](#);
  - h. PLA 5D Zone: “Detached, Attached or Stacked Dwelling Units,” KZC [60.47.020](#);
  - i. PLA 5E Zone: “Detached, Attached or Stacked Dwelling Units,” KZC [60.52.020](#);
  - j. PLA 6A Zone: “Detached, Attached or Stacked Dwelling Units,” KZC [60.57.020](#);
  - k. PLA 6B Zone: “Detached, Attached or Stacked Dwelling Units,” KZC [60.62.020](#); and “Development Containing Stacked or Attached Dwelling Units and Office Uses,” KZC [60.62.040](#);
  - l. PLA 6D Zone: “Detached, Attached or Stacked Dwelling Units,” KZC [60.72.020](#);
  - m. PLA 6F Zone: “Detached, Attached or Stacked Dwelling Units,” KZC [60.82.020](#);
  - n. PLA 6G Zone: “Attached or Stacked Dwelling Units,” KZC [60.87.130](#);
  - o. PLA 6H Zone: “Detached, Attached, or Stacked Dwelling Units,” KZC [60.92.020](#);
  - p. PLA 6I Zone: “Detached, Attached, or Stacked Dwelling Units,” KZC [60.97.020](#);
  - q. PLA 6J Zone: “Detached, Attached, or Stacked Dwelling Units,” KZC [60.102.020](#);
  - r. PLA 6K Zone: “Detached, Attached, or Stacked Dwelling Units,” KZC [60.107.020](#);
  - s. PLA 7A, 7B, 7C Zones: “Detached, Attached, or stacked Dwelling Units,” KZC [60.112.020](#); and
  - t. PLA 17 Zone: “Attached or Stacked Dwelling Units,” KZC [60.187.020](#).
2. If a proposed use or development activity identified in subsection (1) of this section

will contain four or more units, then it must contain at least 200 square feet per unit of common recreational 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.
- c. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playing 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.

### **115.25 Development Activities and Heavy Equipment Operation – Limitations On**

1. General – It is a violation of this code to engage in any development activity or to operate any heavy equipment before 7:00 a.m. or after 8:00 p.m., Monday through Friday, or before 9:00 a.m. or after 6:00 p.m. Saturday. No development activity or use of heavy equipment may occur on Sundays or on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
2. a. Exception – The Planning Official may grant written permission to engage in a development activity or to operate heavy equipment outside of the hours established by subsection (1) of this section if either:
  - 1) The activity or operation will not impact any residential use; or
  - 2) The permission will facilitate the construction of publicly funded improvements that will serve the general population of the City of Kirkland and such permission is necessary to avoid undue delay of project completion and/or long-term inconvenience or disruption to the general public.
- b. The Planning Official may limit the hours of operation permitted under subsection (1) of this section, if:
  - 1) The reduced hours will best serve the public's health, safety and welfare; or
  - 2) There have been substantial verifiable complaints received by the Planning Department that the operation of heavy equipment or development activity is interfering with the health and repose of residents of a residential use which is permitted in the zone in which the operation of heavy equipment or development activity is located.

If the Planning Official determines that the hours of operation on a site should be limited pursuant to subsections (2)(b)(1) or (2) of this section, he/she shall provide written notice to the owner of the property affected by this decision one week prior to the imposition of the restriction. The Planning Official shall have the right to repeal this restriction at any time it can be shown that the use of heavy equipment or development activity can and will be conducted so as not to be contrary to subsections (2)(b)(1) and (2) of this section.

## 115.30 Distance Between Structures/Adjacency to Institutional Use

### 1. Distance Between Structures

#### a. Apply to:

- 1) Calculation of F.A.R. for detached dwelling units in low density zones, and
- 2) Regulation of maximum horizontal facade (See KZC [5.10.507](#) for definition).

- b. General – For purposes of the regulation in this code regarding maximum horizontal facade for any use in any zone to which the maximum horizontal facade limitations apply, and F.A.R. calculation for detached dwelling units in low density residential zones only, two structures will be treated and considered as one structure if any elements of the structures, other than as specified in subsection (1)(c) of this section, are closer than 20 feet to each other. In addition, two structures connected by a breezeway or walkway will be regulated as one structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.

#### c. Exceptions

- 1) Elements of a structure no higher than 18 inches above finished grade may be closer than 20 feet to another structure.
- 2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies may extend 18 inches from each structure toward the other.
- 3) Detached dwelling units approved and constructed as a “Detached, Attached, or Stacked Dwelling Unit” are excluded from horizontal facade regulations if they are separated by at least 10 feet.
- 4) Porches and stairs may extend five feet from each structure toward the other 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;
  - c) No deck, balcony, or living area will be placed on the roof of the porch; and
  - d) The width of the porch will not exceed 50 percent of the facade to which it is attached.
  - e) Allowed exceptions to the above criteria are:
    - i) Solid walls or railings may extend up to 42 inches above the porch floor; and
    - ii) Eaves on the porch roof may extend an additional 18 inches beyond the porch.

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

## 115.35 Erosion and Sedimentation Regulation

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

## 115.40 Fences

### 1. General

a. Fences not over six 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 abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard.

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

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

b. Fences over six 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, 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 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**

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
  - a. Attic area with less than 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).
  - c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC [115.30](#) 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 serving the residence.
  - d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure (see KZC [115.30](#) 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.
  - e. Uncovered and covered decks, porches, and walkways.
2. Floor area with a ceiling height greater than 16 feet shall be calculated as follows:
  - a. The first 100 square feet of such floor area, in aggregate, shall be calculated only once toward allowable F.A.R.;
  - b. Floor area in excess of the first 100 square feet shall be calculated at twice the actual floor area toward allowable F.A.R.
3. *This section is not effective within the disapproval jurisdiction of the Houghton Community Council.*

### **115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones**

1. Purpose and Intent – The intent of these regulations is to minimize the appearance of the garage when viewing the front facade of a house. To achieve this result, the following principles apply:
  - a. The garage doors, whenever practicable, should not be placed on the front facade of the house;
  - b. If the garage doors are on the front facade, the garage should be set back from the plane of the front facade closest to the street, access easement or tract;
  - c. The width of the garage face generally should be no more than the width of the remainder of the front facade; and
  - d. Garages with garage doors perpendicular to the street, access easement or tract (side-entry garages) should not have a blank wall on the front facade.

2. General Requirements

- a. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley;
- b. Side-entry garages shall minimize blank walls by incorporating architectural details or windows on the front facade that complement the features of the remainder of the front facade.

3. Additional Requirements for Garages with Garage Doors on the Front Facade of the Detached Dwelling Unit

- a. The required front yard for the garage shall be eight feet greater than the required front yard for the remainder of the detached dwelling unit (not including covered entry porches approved under KZC [115.115\(3\)\(n\)](#)).
- b. The garage width shall not exceed 50 percent of the total width of the front facade. (This standard shall not apply if the lot width, as measured at the back of the required yard for the front facade, is less than 55 feet.)
- c. For purposes of this section, the width of the front facade shall not include those items located along the side facades described in KZC [115.115\(3\)\(d\)](#), even if they are outside of a required yard.

4. Exemptions – The following are exempt from the requirements of subsection (3) of this section:

- a. Houses on flag lots;
- b. Houses with below-grade garages. For purposes of this exemption, a “below-grade garage” is one that has at least 75 percent of the area of the garage doors below the midpoint elevation(s) of the street, access easement or tract as it passes along the front of the garage.

5. Deviation From Requirements – The Planning Official may allow deviations from the requirements of this section if the following criteria are met:

- a. The modification is necessary because of the size, configuration, topography or location of the subject property; and
- b. The modification supports the purpose and intent of the garage setback regulations; and
- c. The modification includes design details that minimize the dominant appearance of the garage when viewed from the street, access easement or tract (for example, casings; columns; trellises; windows; surface treatments or color; single-stall doors; door offsets; narrowed driveway widths; and/or enhanced landscaping); and
- d. The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.

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

### **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.

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 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.

### **115.47 Loading and Service Areas Placement and Screening**

Loading and service areas must be located so they are not visible from any street or pedestrian walkway. If that location is not physically possible, loading and service areas must be screened from public view using a compact evergreen hedge, a solid wall or fence, or in a manner approved by the Planning Official.

### **115.50 Glare Regulation**

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

### **115.55 Heat Regulation**

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

### **115.59 Height Regulations – Calculating Average Building Elevation (ABE)**

1. General – ABE shall be calculated using the following formula:

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

(See Plates 17A and 17B. The permit applicant may choose whether to use the simplified calculation as depicted in Plate 17A, Option 1, or the more complicated calculation as depicted in Plate 17B, Option 2.)

For both options, the ABE segments shall include decks and porches, unless the deck or porch has no walls at or below the deck level and no roof above the deck or porch, as well as cantilevered portions of a building which enclose interior space.

For Option 1, those items allowed to extend into required yards through KZC [115.115\(3\)\(d\)](#) shall not be included within the square or rectangle.

For Option 2, those items allowed to extend into required yards through KZC [115.115\(3\)\(d\)](#) shall be included in the wall segments.

For calculation of mid-point elevation, existing predevelopment grades shall be used, unless fill has been placed on the site, whether legally or illegally, within a 10-year period prior to the development application, in which case the grades prior to the placement of the fill shall be used.

2. Attached but Independent Building Units – When a building or structure contains townhouses or other attached but otherwise independent building units, the ABE is calculated separately for each unit.
3. Partially Underground Structures or Improvements – Building wall segments more than four feet in height above finished grade and enclosing interior space shall be included in the height calculations.

## 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 60 KZC.
2. Exceptions
  - a. Detached Dwelling Units
    - 1) Vents and chimneys for a detached dwelling unit may exceed the maximum height limit.
    - 2) Skylights may exceed the height limit by a maximum of 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 Director. The City will approve the application if it can be demonstrated that views across the subject property are not substantially impaired and that the antenna must be placed above the roofline in order to function properly. The decision of the Planning Director in approving or denying a rod, wire, or dish antenna may be appealed using the appeal provision, as applicable, of Process I, 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.

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.

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 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 Director shall make such determination utilizing Process I described in Chapter [145](#) KZC. In making his determination, the Planning 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.

## 115.65 Home Occupations

1. Purpose – The purpose of this section is to allow limited commercial activity incidental to residential use of a dwelling unit while ensuring all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible

effects of commercial uses being conducted in residential neighborhoods.

2. Applicability – Home occupations are allowed as an accessory use to the residential use of a single-family, multifamily, or accessory dwelling unit, subject to the requirements of this chapter. A business license shall be required for all home occupations.
3. Residency – The location of the home occupation must be the principal residence of the person(s) conducting the home occupation.
4. Standards for Home Occupations – A home occupation may be conducted if it:
  - a. Is carried on by residents of the dwelling unit and, in addition, may involve no more than two other business participants visiting the dwelling unit (or, for properties that contain an accessory dwelling unit, visiting the property) per day. “Other business participants” shall include non-family employees and independent contractors;
  - b. Has no outside storage, including equipment stored on vehicles;
  - c. Requires no alteration to the interior or exterior of the dwelling that changes its residential character;
  - d. Does not involve activities, including but not limited to the use of heavy equipment, power tools, power sources, hazardous materials, or other equipment or materials that result in noise, vibration, smoke, dust, odors, heat, traffic, parking, or other conditions that exceed, in duration or intensity, such conditions normally produced by a residential use;
  - e. Has, in addition to daily mail service, no more than a combined total of three commercial and courier pickups and deliveries at the dwelling unit (or, for properties that contain an accessory dwelling unit, the property) per day, and no more than 10 such pickups and deliveries per week. Said pickups and deliveries shall occur between the hours of 8:00 a.m. and 6:00 p.m.;
  - f. Occupies no more than 500 square feet of floor area, including any space in an accessory structure;
  - g. Includes no more than six clients/customers per day and no more than two clients/customers at any time visiting the dwelling unit (or, for properties that contain an accessory dwelling unit, visiting the property) for goods or services. A family arriving in a single vehicle shall be considered one client. Client/customer visits to a home occupation shall be between the hours of 8:00 a.m. and 8:00 p.m. (not applicable to a bed and breakfast house);
  - h. Operates no more than one vehicle, van, truck or similar vehicle. The vehicle shall not exceed any of the following:
    - 1) A gross vehicle weight of 10,000 pounds;
    - 2) A height of nine feet; and/or
    - 3) A length of 22 feet;

The measurement of vehicle height and length shall include bumpers and any other elements that are required by federal or state law for the operation of the vehicle on public roads; and
  - i. Has no exterior indication other than one building-mounted, non-illuminated sign with a maximum size of two square feet;

- j. For a bed and breakfast house, the following additional regulations apply in addition to those listed above:
- 1) It is operated by the owner of the dwelling in which it is located and it is the primary residence of the owner/operator;
  - 2) There is a maximum of two guest rooms;
  - 3) Guests stay a maximum of 30 days;
  - 4) Food service shall be limited to serving overnight guests of the establishment. Individual rooms shall not be equipped with cooking facilities;
  - 5) The applicant may be required to provide up to one parking stall per guest room. The applicant shall demonstrate the parking provided will be adequate based on the following criteria:
    - a) The number of guest rooms;
    - b) The number of permanent residents of the dwelling proposed for the bed and breakfast;
    - c) The number of parking stalls that can be accommodated in a garage or driveway; and
    - d) The number of legal on-street parking stalls immediately adjacent to the bed and breakfast;
  - 6) Concentrations of Bed and Breakfast Houses – Where a bed and breakfast house is proposed within 500 feet of another bed and breakfast house, the applicant shall demonstrate that the neighborhood will not be adversely affected by the concentration.
5. A home occupation which does not meet one or more of the requirements of subsection (4) of this section shall be reviewed under Process I, described in Chapter [145 KZC](#); provided, that the notice of application required by [KZC 145.22\(1\)](#) shall be distributed pursuant to the provisions of [KZC 150.22\(2\)](#) (Process IIA). An application for a home occupation under this section may be approved if the home occupation:
- a. Will not harm the character of the surrounding neighborhood; and
  - b. Will not include outdoor storage and/or operation of building materials, machinery, commercial vehicles, or tools, except if it meets the following criteria:
    - 1) Is appropriately screened from other properties;
    - 2) Does not emit noise, odor, or heat; and
    - 3) Does not create glare; and
  - c. Does not create a condition which injures or endangers the comfort, repose, health or safety of persons on abutting properties or streets; and
  - d. Will not generate excessive traffic or necessitate excessive parking; and
  - e. Will locate and screen any required or proposed site improvement in a manner that minimizes its view from surrounding properties or adjacent streets.

- f. For bed and breakfast houses, there will be a maximum of four guest rooms.
6. **Enforcement** – Upon determination that there has been a violation of any provision of this section, the City may pursue code enforcement in accordance with the provisions of Chapter [170](#) KZC, Code Enforcement.

### **115.70 Junk and Junk Yards Prohibited**

It is a violation of this code to accumulate junk or for a property owner or the person in control of property to allow junk to accumulate on the subject property. In addition, a junk yard is not permitted in the City.

### **115.80 Legal Building Site**

1. **General** – It is a violation of this code to erect any structure on or to use or occupy any lot or parcel unless that lot or parcel is a legal building site. A lot or parcel is a legal building site if it meets all of the following criteria:
  - a. It was created or segregated pursuant to all applicable laws, ordinances and regulations.
  - b. Except as specified in subsection (2) of this section, it meets the allowable minimum lot size established by this code.
  - c. It is either adjacent to, or has a legally created means of access to, a street providing access to the lot or parcel.
2. **Exception, Detached Dwelling Units** – An applicant may build one detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if:
  - a. The applicant applies for necessary permits to construct the unit within five years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County subdivision and zoning laws; or
  - b. There is or ever has been a residence on the subject property. At any time, the applicant may remodel, rebuild, or enlarge that one residence; provided, that all other Zoning Code requirements are met; or
  - c. The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 17, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right-of-way subsequent to May 17, 1972.

### **115.85 Lighting Regulations**

1. **General Requirements** – All interior and exterior lighting in any zone must comply with this section.
  - a. **Efficient Light Sources** – Energy-efficient light sources shall be used in any development and use of land.
  - b. **State Code** – The requirements of the Washington State Energy Code with respect to the selection and regulation of light sources shall be complied with.
  - c. **Glare from Subject Property Prohibited** – The applicant shall select, place and direct light sources so that glare produced by any light source, to the maximum extent possible, does not extend to adjacent properties or to the right-of-way.

## 2. Exterior Lighting Requirements for the Rose Hill Business District

- a. General – In addition to the requirements of subsection (1) of this section, the following regulations contained in this section apply to all exterior lighting to be installed or modified in RH zones within the Rose Hill Business District. The intent of this section is to discourage excessive lighting and to protect low density residential zones from adverse impacts that can be associated with light trespass from nonresidential and medium to high density residential development.
- b. Standards – The following standards shall apply to all exterior lighting on buildings, all open air parking areas and equipment storage yards:
  - 1) All exterior building-mounted and ground-mounted light fixtures for open air parking areas, including rooftop parking area light fixtures, shall be directed downward and use “fully shielded cut off” fixtures as defined by the Illuminating Engineering Society of North America (IESNA), or other appropriate measure to conceal the light source from adjoining uses. Manufacturer specification sheets for the lighting fixtures including photometric data shall be included with lighting plans; and
  - 2) All exterior lighting shall be turned off after business hours or 10:00 p.m., whichever is earlier, leaving necessary lighting for site security. Outdoor lighting used for security purposes or to illuminate walkways, roadways, equipment yards, parking lots and building entrances may remain on after 10:00 p.m., provided the following are met:
    - a) Light fixtures are mounted to a maximum of 12 feet high; and
    - b) Site illumination does not exceed a uniformity ratio maximum of 15:1, vertical illumination of 0.25 foot-candles and horizontal luminance of 0.5 foot-candles.
  - 3) The maximum mounting height of ground-mounted light fixtures in open air parking areas and equipment storage yards shall be 20 feet. Rooftop parking structures may have light fixtures up to 15 feet in height. Height of light fixtures shall be measured from the finished floor or the finished grade of the parking surface, to the bottom of the light bulb fixture.
  - 4) The maximum uniformity ratio of the illumination on the site shall average 20:1.
  - 5) All development proposed within 100 feet of a low density residential zone shall submit a lighting plan and photometric site plan for approval by the Planning Official. The plan shall meet the requirements of this section and indicate at 20-foot intervals that all site- and building-mounted lighting fixtures will produce a maximum initial luminance value of 0.6 horizontal and vertical foot-candles (as measured at three feet above grade) at the site boundary, and drop to 0.1 foot-candles onto the abutting residential-zoned property as measured within 15 feet from the residential-zoned property line.
- c. Compliance – Exterior lighting in the Rose Hill Business District must be brought into compliance with the requirements of this section in any of the following situations:
  - 1) Replacement – The shielding requirements of subsection (2)(b)(1) of this section shall be complied with when any nonconforming light fixture is replaced or moved.

- 2) Full Compliance – All other requirements of subsection (2) of this section shall be complied with when there is an increase in gross floor area of more than 25 percent to any structure on the subject property.

## 115.90 Calculating Lot Coverage

1. General – The area of all structures and pavement and any other impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one use, the maximum lot coverage requirements for the predominant use will apply to the entire development.
2. Exceptions
  - a. Wood decks may be excluded if constructed with gaps between the boards and if there is pervious surface below the decks.
  - b. An access easement or tract that is not included in the calculation of lot size will not be used in calculating lot coverage for any lot it serves or crosses.
  - c. For detached dwelling units in low density zones and having a front yard, 10 feet of the width of a driveway, outside of the required front yard, serving a garage or carport; provided, that:
    - 1) This exception cannot be used for flag or panhandle lots;
    - 2) The portion of the driveway excepted from lot coverage calculations shall not exceed 10 percent of the lot area; and
    - 3) The portion of the driveway excepted is not located in an access easement.
  - d. Grass grid or brick pavers and compact gravel, when installed over a pervious surface, will be calculated as impervious surface at a ratio of 50 percent of the total area covered.
  - e. Outdoor swimming pools.
  - f. Pedestrian walkways required by KZC [105.18](#).
  - g. Pervious areas below eaves, balconies, and other cantilevered portions of buildings.
  - h. Landscaped areas at least two feet wide and 40 square feet in area located over subterranean structures if the Planning Official determines, based on site-specific information submitted by the proponent and prepared by a qualified expert, soil and depth conditions in the landscaped area will provide cleansing and percolation similar to that provided by existing site conditions.
  - i. Retaining walls not immediately adjacent to other impervious areas.

## 115.95 Noise Regulations

1. Maximum Environmental Noise Levels
  - a. State Standard Adopted – The City of Kirkland adopts by reference the maximum environmental noise levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC.
  - b. Watercraft Noise Performance Standards – The City of Kirkland adopts by

reference the Watercraft Noise Performance Standards established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-70 WAC.

- c. Availability – These regulations are available for inspection and copying in the Planning Department during regular business hours.
2. Noise – Public Nuisance – Any noise which injures; endangers the comfort, repose, health or safety of persons; or in any way renders persons insecure in life, or in the use of property, is a violation of this code. The operation of power equipment, including but not limited to leaf blowers, shall be deemed a public nuisance if such operation occurs during the following hours: before 8:00 a.m. or after 8:00 p.m. Monday through Friday, or before 9:00 a.m. or after 6:00 p.m. Saturday, Sunday, or the following holidays: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
3. Exceptions – Sounds created by emergency generators are exempt from the provisions of this section when:
  - a. Operating as necessary for their intended purpose during periods when there is no electrical service available from the primary supplier due to natural disaster or power outage;
  - b. Conducting periodic testing, as required by the manufacturer. Testing shall be limited to the hours after 8:00 a.m. and before 8:00 p.m.
4. Bonds – The City may require a bond under Chapter [175](#) KZC to insure compliance with the provisions of this section.

### **115.100 Odor**

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

### **115.105 Outdoor Use, Activity and Storage**

#### **1. Residential Uses**

Uses and activities normally associated with a residential use are allowed unless Chapters [15](#) through 60 KZC limit outside activity for a residential use in a particular zone. The outdoor storage of firewood may be located within setback yards only if (1) it is stacked immediately adjacent to or within a supporting structure, (2) it is visually screened from adjoining properties by a building, solid screening fence, solid screening enclosure, dense evergreen landscaping, rockery or retaining wall, and (3) the height of the firewood stack does not exceed the greater of six feet or the height of either the supporting structure or visual screen.

#### **2. Commercial and Industrial Nonresidential Uses**

- a. General – Subject to the requirements of subsections (2)(b) through (f) of this section, the uses and activities that are allowable on a site may be conducted out of doors unless Chapters [15](#) through 60 KZC limit outside activity for a particular use in a particular zone.
- b. Site Plan – The applicant shall submit for approval, to the Department of Planning and Community Development, a site plan drawn to scale consisting of the following items:
  - 1) Locations and dimensions of all structures and fences on site; and

- 2) Locations and dimensions of all parking and driving areas on site; and
- 3) Locations and dimensions of all existing and proposed outdoor use, activity or storage areas; and

Note: Section [115.105\(2\)\(b\)](#) continues on page 699.

- 4) Locations and description of all existing landscape buffering on site; and
- 5) The duration of time for which the outdoor use, activity or storage is intended.

c. Specific Use and Development Requirements – The City will administratively review and either approve or deny any application for outdoor use, activity and storage based on the following standards:

- 1) All outdoor use, activity and storage areas must comply with required buffers for the primary use.
- 2) A minimum six-foot-high solid screening fence or other appropriate screening approved by the Department of Planning and Community Development is required around the outside edges of the area devoted to the outdoor use, activity or storage. The fence shall be measured above finished grade except when the outdoor storage abuts a sidewalk, in which case the six feet must be above the sidewalk.
- 3) Outdoor use, activity or storage areas located adjacent to nonresidential zones may be located in the required side and rear setback yards; except, that all outdoor use, activity and storage areas located adjacent to residential zones, or adjacent to residential uses within nonresidential zones, must meet required setbacks for the primary use.
- 4) If the outdoor storage area is surrounded on all sides by property zoned for industrial use, then the height of the outdoor storage shall not exceed the height of the primary structure. In all other cases, the height of items related to outdoor use, activity or storage shall not exceed six feet above finished grade.
- 5) The outdoor use, activity or storage area shall not inhibit the safe vehicular and pedestrian movement to, from and on the subject property in accordance with the requirements of the Zoning Code and standards of the Fire Department, Building Department and the Public Works Department.
- 6) For the purposes of this code, an outdoor use, activity or storage area will be used in calculating the gross floor area of a use or development if this area will be used as an outdoor use, activity or storage area for at least two months in every year; except, that outdoor cafes may be operated for six months before being used in calculating the gross floor area of the use or development.
- 7) If located on an unimproved area of the site, the underlying ground must be improved as required by the Department of Public Works and Planning and Community Development, and no trees over six inches in caliper may be cut.

d. Exceptions to Outdoor Use, Activity or Storage – The following outdoor uses and activities, when located in commercial and industrial zones, are exempt from the requirements of this section as stated below:

- 1) Exceptions to subsections (2)(c)(1) through (5) of this section; provided, that a

temporary certificate of occupancy from the Building Department is obtained:

- a) Outdoor Christmas tree lots and fireworks stands if these uses will not exceed 30 days.
  - b) Outdoor amusement rides, carnivals and circuses, and parking lot sales which are ancillary to the indoor sale of the same goods and services if these uses will not exceed seven days.
- 2) See KZC [95.40](#) for exceptions to subsections (2)(c)(1) and (2)(c)(2) of this section.
- e. Modification – The applicant may request a modification of the requirements of subsections (b) through (d) of this section by submitting a written request with their site plan to the Department of Planning and Community Development for review. The Planning Official may approve a modification if:
- 1) The modification will not create a greater impact on any nearby residential use than would be created without the modification; and
  - 2) The modification will not detract from the character of nearby uses; and
  - 3) The modification will not be injurious to public health, safety or welfare; and
  - 4) The modification complies with the Comprehensive Plan.
- f. Appeals of Outdoor Use, Activity and Storage Modification Requests
- 1) Who Can Appeal – Any person who is aggrieved by a determination regarding a modification for outdoor use, activity or storage may appeal that determination at any time.
  - 2) How To Appeal – The applicant must file a letter of appeal indicating how the determination affects his/her property and present any relevant arguments or information on  
  
the correctness of the determination. The applicant shall include the appeals fee as established by ordinance.
  - 3) Applicable Procedures – All appeals and determinations of this chapter will be reviewed and decided upon using Process IIA described in Chapter [150](#) KZC.

### 115.110 Radiation

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

### 115.115 Required Yards

1. General – This section establishes what structures, improvements, and activities may be in or take place in required yards as established for each use in each zone in Chapters [15](#) through 60 KZC.
2. Exceptions and Limitations in Some Zones – Chapters [15](#) through 60 KZC contain specific regulations regarding what may be in or take place in required yards. Where applicable, those specific regulations supersede the provisions of this section.

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

- a. A driveway and/or parking area subject to the standards of KZC [115.115\(5\)](#).
- 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. Except for properties located within the disapproval jurisdiction of the Houghton Community Council, chimneys, bay windows, greenhouse windows, cornices, awnings, and/or canopies attached to dwelling units and their accessory structures located in low density zones in which the floor area ratio regulations of KZC [115.42](#) apply 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. The landward end of a pier may be located in the high waterline yard.
- 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.

This subsection (KZC [115.115\(3\)\(n\)](#)) is not effective within the disapproval jurisdiction of the Houghton Community Council.

o. In low density residential zones:

- 1) Detached garages utilizing an alley for their primary vehicular access may be located within 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 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 without alley access may be located within 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.

- p. HVAC and similar types of mechanical equipment may be placed no closer than five feet to a side or rear property line, and shall not be located within a required front yard; 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 be baffled, shielded, enclosed, or placed on the property in a manner that will ensure compliance with the noise provisions of KZC [115.95](#).
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, rear, and north property line yards if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least five feet in width. This landscape strip may be interrupted by a walkway or pavers providing a connection from the driveway to other hard-surfaced areas, as long as such walkway or pavers cover no more than 20 percent of the landscape strip. A driveway and/or parking area located in a required front yard 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 panhandle 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 existing topography of the subject property or the abutting property decreases or eliminates the need for the setback; or
  - b) The location of pre-existing improvements or vegetation on the abutting site eliminates the need for or benefit of a setback; and
  - c) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.
- b. Attached and Stacked Dwelling Units (Except Duplexes) and Assisted Living Facilities in Residential Zones
  - 1) Vehicle parking areas shall have a minimum 20-foot setback from all front property lines and meet the minimum required setbacks from all other property lines for that use.
  - 2) Driveways shall have a minimum five-foot setback from all property lines, except for the portion of any driveway which connects with an adjacent street.
- c. Vehicle parking areas for schools and day-care centers greater than 12 students shall have a minimum 20-foot setback from all property lines.
- d. Other Uses – Parking areas and driveways for uses other than those addressed in subsections (5)(a), (b), and (c) 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.
- e. 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.
- f. Exceptions for Projects Requiring Design Review – If a project is reviewed through design review pursuant to Chapter [142](#) KZC, the driveway shall comply with parking area location and design requirements as determined by the Design Review Board.

### **115.120 Rooftop Appurtenances**

1. Scope – The regulations contained in this section apply to all construction except: (a) single-family detached residential, and (b) personal wireless service facilities regulated by Chapter [117](#) KZC.
2. Abandonment – Rooftop appurtenances which are abandoned or no longer serve the building or tenant space with which they are associated shall be removed by the building owner within 90 days of the date they were abandoned or discontinued service. Appurtenances associated with buildings or tenant spaces which are vacant but which are undergoing renovation and/or are available for lease or rent shall not be considered abandoned.
3. Required Screening

- a. New construction shall, to the extent feasible, visually screen rooftop appurtenances by incorporating them into the roof form, or by using architectural designs such as clerestories having a slope of at least three feet vertical to 12 feet horizontal or roof wells. Such roof forms and architectural designs may extend five feet above the height limit (see Plate 30).
- b. New or replacement appurtenances on existing buildings and new appurtenances on new buildings where compliance with subsection (3)(a) of this section is not feasible shall be surrounded by a solid screening enclosure equal in height to the appurtenances being screened. The screen must be integrated into the architecture of the building.

c. Exemptions

- 1) Rod, wire, and dish antennas approved pursuant to KZC [115.60\(2\)](#) are exempt from the requirements of subsections (3)(a) and (b) of this section where screening would interfere with the effective operation of these antennas.
- 2) A rooftop appurtenance screened by alternative measures, including but not limited to landscaping maintained at a height equal to the height of the appurtenance, painting to match the building roof, or the use of pre-manufactured self-screening appurtenances, is exempt from the requirements of subsections (3)(a) and (b) of this section if the Planning Official determines that such alternative screening will be as effective in minimizing rooftop clutter as a solid screening enclosure.

4. Allowable Height and Size

- a. Rooftop appurtenances may exceed the applicable height limitation by a maximum of four feet if the area of all appurtenances and screening does not exceed 10 percent of the total area of the building footprint (see Plate 31).
- b. The Planning Official may approve a modification to the standards of subsection (4)(a) of this section if:
  - 1) No reasonable alternatives to the increased height or size, such as utilizing alternative equipment design or technology or locating the appurtenances at or below grade or within the structure, exists, and the amount of increase and the size of the appurtenance and its screening is the minimum amount necessary; and
  - 2) The applicant submits accurate graphic representations or other information that demonstrates that:
    - a) Views from adjacent properties will not be significantly blocked; and
    - b) Visibility of the appurtenances from adjacent properties and streets will be minimized; and
    - c) Aesthetic impacts resulting from the increased height and/or area will be minimized through appropriate screening, architectural integration, and/or location or consolidation of the appurtenance(s); and
  - 3) The height of the appurtenance, including the combined height of mechanical equipment or elevator penthouse and appurtenances mounted on top of the penthouse, shall in no event exceed the lesser of the following:
    - a) The height of the story immediately below the appurtenance, or

- b) Fifteen feet above the applicable height limitation; and
  - 4) In no event shall the total area occupied by rooftop appurtenances or enclosed within their screening exceed 25 percent the total area of the building footprint.
  - c. The Planning Official shall not approve or deny a modification pursuant to subsection (4)(b) of this section without first providing notice of the modification request to the owners and residents of each adjoining property and providing opportunity for comment. The Planning Official shall use mailing labels provided by the applicant, or, at the discretion of the Planning Official, by the City. Said comment period shall not be less than seven calendar days. The fee for processing a modification request shall be as established by City ordinance.
5. Optional Locations – As an option to placing appurtenances on the roof, appurtenances may be located as follows:
- a. At or below grade, subject to the following:
    - 1) The appurtenances are surrounded by landscaping or a solid screening enclosure, or is located in such a manner that they are not visible from adjacent properties or rights-of-way; and
    - 2) The appurtenances will not violate KZC [115.95](#) (Noise Regulations) or KZC [115.100](#) (Odor), or create undue heat or vibration on the adjoining property; and
    - 3) The appurtenances may be located in a required side or rear yard, if:
      - a) The appurtenances comply with subsections (5)(a)(1) and (2) of this section; and
      - b) The appurtenances are reviewed as part of a Process I, II, or III zoning permit for the use or structure they will serve; and
      - c) If the use or structure the appurtenance will serve does not require review through Process I, II, or III, the Planning Official may allow an appurtenance to be located in a required side or rear yard using the process described in subsection (4)(c) of this section. In such event, only the owners and residents of the property located immediately adjacent to the required yard in which the appurtenance is proposed to be located shall be provided notice; and
      - d) Insufficient at- or below-grade space exists elsewhere on the site to locate the appurtenances; and
      - e) The required yard is not adjacent to a residential zone; and
      - f) The appurtenances are the minimum size necessary.
    - 4) Appurtenances located at or below grade shall not be counted toward allowable lot coverage.
  - b. In a parking structure, subject to the following:
    - 1) The appurtenances are located or screened in such a manner that they are not visible from adjacent properties or rights-of-way; and
    - 2) The appurtenances will not violate KZC [115.95](#) (Noise Regulations) or KZC

[115.100](#) (Odor), or create undue heat or vibration on the adjoining property.

- 3) If the parking structure would otherwise contain 10 or more parking stalls, the parking may be reduced by the amount necessary, but by no more than two parking stalls, to provide the physical space required to accommodate the appurtenances.

### **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 0.66.

### **115.135 Sight Distance at Intersections**

This section establishes that areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction. The extent of these areas depends on a number of factors. Refer to the Public Works Department's Pre-Approval Plan (operational policy standards) for the types of intersections and the regulations applicable to each intersection, and what may be in the area that is to be kept clear of sight obstructions.

### **115.138 Temporary Storage Containers**

The temporary outdoor use of storage, moving, shipping, or freight containers, including but not necessarily limited to ISO (International Shipping Organization) standard containers, is permitted in all zones if accessory to a permitted use. Containers shall be considered temporary if they do not require a building, electrical, plumbing or mechanical permit, and are not secured, or required to be secured, to a permanent foundation. If the use of a temporary storage container is associated with the construction or remodel of a building, the container shall be removed prior to final inspection approval or issuance of a certificate of occupancy for the building. In all other cases, the container may remain on site for a period not to exceed 14 days.

### **115.140 Temporary Trailers for Construction and Real Estate Sales Offices**

Temporary trailers or buildings used for construction offices and real estate sales offices normally associated with construction of a building or development are permitted. The temporary trailers or buildings must be removed from site prior to issuance of a certificate of occupancy for the building or use.

In addition, during construction of a commercial building, temporary trailers may also be used for any commercial uses which will be housed in the buildings being constructed, subject to the following conditions:

1. The site must have an active building permit at all times that the trailer is used;
2. When the building permit is initially granted, a maximum time period for using the trailer will be established. The time period will reflect the expected duration of construction, assuming a normal and constant construction schedule. Other conditions may also be established on a case-by-case basis as necessary to mitigate impacts.
3. Sufficient temporary parking shall be provided, based on the gross floor area of the trailer.

### **115.142 Transit Shelters and Centers, Public**

Public transit shelters and centers are allowed in all zones and shall not exceed 15 feet above average building elevation in low density zones. The public transit shelters and centers must not unreasonably impede pedestrian movement or create traffic safety problems. Transit route and information signs and markers may be installed. One hundred percent lot coverage is allowed. There are no specific requirements for review process, minimum lot size, minimum required yards, landscaping, or parking for this use.

### 115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited

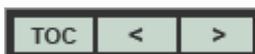
1. General – Except as specified below, it is a violation of this code to park or store any vehicle, boat or trailer on any lot in a residential zone if that vehicle, boat or trailer, or any combination thereof, is both more than nine feet in height and 22 feet in length, including bumpers and any other elements that are required by federal or state law for the operation of the vehicle, boat or trailer on public roads or waterways.

Except within the disapproval jurisdiction of the Houghton Community Council, any boat that is 16 feet or longer and has a gunwale which is at least five feet from the ground when the boat is sitting on a boat trailer shall not be parked or stored in a required front yard.

2. Exceptions

- a. A vehicle, boat or trailer of any size may be parked on any lot in the City for not more than 24 hours in any consecutive seven-day period for the exclusive purpose of loading or unloading the vehicle, boat or trailer. Within the disapproval jurisdiction of the Houghton Community Council, the time limitation shall be not more than 48 hours in any consecutive seven-day period.
- b. The City may, using Process IIA, described in Chapter [150](#) KZC, approve a request to park or store a vehicle, boat or trailer of any size on a lot in a residential zone if:
  - 1) The parking or storage of the vehicle, boat or trailer will not be detrimental to the character of the neighborhood; and
  - 2) The property abutting the subject property will not be impacted by the parking or storage; and
  - 3) The placement of the vehicle, boat or trailer will not create a potential fire hazard; and
  - 4) The parking or storage is clearly accessory to a residential use on the subject property and the vehicle, boat or trailer is operated by a resident of the subject property.

The City may impose screening requirements, limit the hours of operation of the vehicle, boat or trailer, and impose other restrictions to eliminate adverse impacts of the parking or storage.



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## Title 29 LAND SURFACE MODIFICATION

### Chapters:

- [29.04](#) **General Provisions**
- [29.08](#) **Definitions**
- [29.12](#) **Permit Exemptions**
- [29.16](#) **Permit Application**
- [29.20](#) **Permit Approval Criteria**
- [29.24](#) **Development Standards**
- [29.28](#) **Bonds and Restoration**
- [29.32](#) **Expiration**
- [29.36](#) **Suspension or Revocation, Appeals and Enforcement**

### Chapter 29.04 GENERAL PROVISIONS

#### Sections:

- [29.04.010](#) Purpose and intent.
- [29.04.020](#) Applicability.
- [29.04.030](#) Right of entry.
- [29.04.040](#) Inspections.

#### **29.04.010 Purpose and intent.**

The purpose of this title is to provide for and promote the health, safety and welfare of the general public by minimizing risks to life and property and ensuring that land surface modification occurs in a manner compatible with city goals for environmental protection. To preserve natural features and functions of the land until a development plan is reviewed and approved, speculative grading is discouraged. (Ord. 4151 § 3 (part), 2008)

#### **29.04.020 Applicability.**

The provisions of this title apply to all land surface modifications conducted after the effective date of the ordinance codified in this title. Except as exempted in Chapter 29.12, no land surface modification shall be performed without first having obtained a permit from the city of Kirkland. (Ord. 4151 § 3 (part), 2008)

#### **29.04.030 Right of entry.**

Where it is necessary to make an inspection to enforce the provisions of this chapter, or where the city has

reasonable cause to believe that there exists upon a site a condition which is contrary to or in violation of this chapter, the city is authorized to enter the site at reasonable times to inspect or to perform the duties imposed by this chapter. (Ord. 4151 § 3 (part), 2008)

### **29.04.040 Inspections.**

Land surface modifications for which a permit is required shall be subject to inspection by the city to ascertain compliance with the provisions of this chapter and other city laws and regulations. It shall be the duty of the applicant to cause the work to remain accessible for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of other codes or ordinances of the city. (Ord. 4151 § 3 (part), 2008)

## **Chapter 29.08 DEFINITIONS**

Sections:

- 29.08.010 General.
- 29.08.020 Definitions.

### **29.08.010 General.**

The definitions in this chapter apply throughout this title. (Ord. 4151 § 3 (part), 2008)

### **29.08.020 Definitions.**

- (a) "Development permit" means any permit or approval under the zoning code or the building code that must be issued before initiating a use or development activity.
- (b) "Land surface modification" means the clearing or removal of shrubs, groundcover and other vegetation, excluding trees, and all grading, excavation and filling of materials. (Ord. 4151 § 3 (part), 2008)

## **Chapter 29.12 PERMIT EXEMPTIONS**

Sections:

- 29.12.010 Permit exemptions.
- 29.12.020 Emergency exemption.
- 29.12.030 Relationship to other regulations.

### **29.12.010 Permit exemptions.**

Except in (1) critical areas and their buffers, (2) areas waterward of the high waterline, (3) high waterline required yards, or (4) areas with an historic overlay designation, a land surface modification permit shall not be required for the following:

- (a) The removal of overhanging vegetation and fire hazards as specified in Chapter 9.12 of the Kirkland Municipal Code.
- (b) The removal of prohibited vegetation.
- (c) Land surface modification performed in the normal course of maintaining existing landscaping on a lot associated with an existing building or buildings, provided such work:
  - (1) Does not substantially change the points where the stormwater or groundwater enters or exits the subject property; and will not change the quality, quantity, or velocity of stormwater or groundwater;

- (2) Does not result in an increase or decrease in topography at any point of more than four feet; and
- (3) Does not involve more than fifty cubic yards of material in any twelve-month period.
- (d) Any excavation authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation when the material is removed from the lot or any fill material which is placed on the lot.
- (e) Utilities or other work in a right-of-way supervised by the city of Kirkland, authorized in writing by the director of the department of public works, or as allowed by a right-of-way permit approved under Chapter 19.12 of the Kirkland Municipal Code.
- (f) Excavations for franchise utility service connections (power, telephone, cable, gas, etc.) to serve existing and/or new structures.
- (g) Correction of storm drainage problems when supervised by the department of public works.
- (h) Exploratory excavations under the direction of a professional engineer licensed in the state of Washington, as long as the extent of the land surface modification does not exceed the minimum necessary to obtain the desired information.
- (i) Normal maintenance and repair of the facilities of a common carrier by rail in interstate commerce within its existing right-of-way.
- (j) Cemetery graves. (Ord. 4151 § 3 (part), 2008)

### **29.12.020 Emergency exemption.**

A land surface modification permit shall not be required for actions which must be undertaken immediately or within a time too short to allow full compliance with the permit requirements of this title to avoid an imminent threat to public health or safety; to prevent an imminent danger to public or private property; or to prevent an imminent threat of serious environmental degradation. The party conducting the land surface modification shall contact the city within seven days of the land surface modification to provide evidence of threat or imminent danger. Within this same seven-day period, the party conducting the land surface modification shall be solely responsible for notifying adjacent property owners and residents of any actions taken that may affect their property. The city may require that the party obtain a permit after-the-fact, and/or require other mitigation as necessary. (Ord. 4151 § 3 (part), 2008)

### **29.12.030 Relationship to other regulations.**

Exemption from the permit requirements of this title shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this title or any other laws or ordinances of this jurisdiction. In particular, requests for pruning or removal of trees shall follow the procedures and comply with the standards outlined in Chapter 95 KZC. (Ord. 4151 § 3 (part), 2008)

## **Chapter 29.16 PERMIT APPLICATION**

Sections:

- 29.16.010 Application—Contents.
- 29.16.020 Geotechnical report.
- 29.16.030 Third party review authorized.

### **29.16.010 Application—Contents.**

The applicant shall apply for a land surface modification permit by submitting information to the city. The city is hereby authorized to maintain a list of the application requirements that may include, but is not limited to, the following:

- (a) Permit application form;
- (b) Fees as established in Titles 5 and 21, as applicable;

- (c) Survey of the subject property;
- (d) Any additional pertinent information. (Ord. 4151 § 3 (part), 2008)

### **29.16.020 Geotechnical report.**

The city may require a geotechnical report as part of any land surface modification permit application. If a geotechnical report is required, it shall be prepared by a qualified geotechnical engineer or engineering geologist and must contain a description of any on- or off-site impacts of the proposed land surface modification on each of the following elements:

- (a) Geologically hazardous areas, including landslide hazard areas, erosion hazard areas and seismic hazard areas;
- (b) Storm drainage;
- (c) Groundwater;
- (d) Springs or seeps or other surface expressions of groundwater;
- (e) Surface water, including streams, seasonal runoff and wetlands;
- (f) Flood hazards;
- (g) Existing vegetation, including trees; and
- (h) Stability of existing or proposed structures or landforms.

The geotechnical report also must contain recommended methods for mitigating identified impacts and a description of how these mitigating measures impact adjacent properties.

If the land surface modification proposal is subject to the requirements of Chapter 85 KZC, additional geotechnical information may be required. (Ord. 4151 § 3 (part), 2008)

### **29.16.030 Third party review authorized.**

At the city's option, funding for a qualified geotechnical engineer or engineering geologist to review the geotechnical report and recommendations may be required of the applicant. The geotechnical engineer or engineering geologist will be selected and retained by the city subject to a three-party contract. (Ord. 4151 § 3 (part), 2008)

## **Chapter 29.20 PERMIT APPROVAL CRITERIA**

Sections:

- [29.20.010](#) For projects with a valid development permit, subdivision or substantial development permit.
- [29.20.020](#) For projects without a valid development permit, subdivision or substantial development permit, but with a submitted building permit application.
- [29.20.030](#) For projects without a valid development permit, subdivision or substantial development permit, on a site with an existing building or an active use and involving up to five hundred cubic yards of material.
- [29.20.040](#) For projects without a valid development permit, subdivision or substantial development permit, on a vacant site or involving more than five hundred cubic yards of material.
- [29.20.050](#) General criteria.

### **29.20.010 For projects with a valid development permit, subdivision or substantial development permit.**

A land surface modification permit may be approved as part of a valid development permit, substantial development

permit or subdivision.

After approval of a zoning or substantial development permit, a land surface modification permit may be issued for land surface modification to be done within rights-of-way, utility easements, access easements, the internal vehicular circulation system, or other portions of the site pursuant to the approved zoning or substantial development permit. After approval of a preliminary subdivision or short plat, a land surface modification permit may be issued for land surface modification to be done within rights-of-way, utility easements or access easements as designated on the approved engineering plans. A limited amount of grading, as well as stockpiling of materials, on individual lots may be permitted with city approval. (Ord. 4151 § 3 (part), 2008)

**29.20.020 For projects without a valid development permit, subdivision or substantial development permit, but with a submitted building permit application.**

A land surface modification may be approved for a project on a site without a valid development permit, subdivision or substantial development permit, but with a submitted building permit application, if the land surface modification complies with all of the following criteria:

- (a) A complete building permit application for the site has been submitted.
- (b) The land surface modification is not located on a site for which a zoning permit, subdivision, or substantial development permit has been submitted or is under review but has not yet been approved.
- (c) The land surface modification is the minimum necessary to locate structures or other associated improvements designated on the submitted building permit plans.
- (d) The land surface modification will not substantially change the points where the stormwater or groundwater enters or exits the subject property; and will not change the quality, quantity, or velocity of stormwater or groundwater.
- (e) The land surface modification complies with the criteria in Section [29.20.050](#).
- (f) A bond is submitted prior to issuance of the land surface modification permit for restoration of the site in the event the building permit is not approved. (Ord. 4151 § 3 (part), 2008)

**29.20.030 For projects without a valid development permit, subdivision or substantial development permit, on a site with an existing building or an active use and involving up to five hundred cubic yards of material.**

A land surface modification may be approved for a project on a site without a valid development permit, subdivision or substantial development permit, but with an existing building or an active use, if the land surface modification complies with all of the following criteria:

- (a) The land surface modification is not located on a site for which a development permit, subdivision, or substantial development permit has been submitted or is under review but has not yet been approved.
- (b) The land surface modification will not substantially change the points where the stormwater or groundwater enters or exits the subject property; and will not change the quality, quantity, or velocity of stormwater or groundwater.
- (c) In any one-year period, not more than five hundred cubic yards of fill material is deposited on, excavated and removed from, or moved from place to place on, the subject property. If the subject property is larger than one acre, the limit is five hundred cubic yards within each acre.
- (d) The land surface modification complies with the criteria in Section [29.20.050](#). (Ord. 4151 § 3 (part), 2008)

**29.20.040 For projects without a valid development permit, subdivision or substantial development permit, on a vacant site or involving more than five hundred cubic yards of material.**

On a vacant site involving any amount of material, or on a site with an existing building or an active use involving more than five hundred cubic yards of material (or five hundred cubic yards of material within each acre, if the

subject property is larger than one acre), the land surface modification may be approved if all of the following criteria are met:

- (a) The land surface modification is proposed to do at least one of the following:
  - (1) Correct an erosion or storm drainage problem under the supervision of the department of public works; or
  - (2) Create new utility or access corridors required by the city of Kirkland; or
  - (3) Improve to minimum standards, at the expense of the applicant, a deficient water, sewer, storm drainage or transportation system, as determined by the public works department; or
  - (4) Avoid erosion, landslides, or other environmental hazards.
- (b) The land surface modification is not located on a site for which a development permit, subdivision, or substantial development permit has been submitted or is under review but has not yet been approved.
- (c) The land surface modification will not substantially change the points where the groundwater enters or exits the subject property; and will not change the quality, quantity, or velocity of groundwater.
- (d) The land surface modification complies with the criteria in Section [29.20.050](#). (Ord. 4151 § 3 (part), 2008)

### **29.20.050 General criteria.**

The following criteria must be met for any land surface modification approved under Sections [29.20.020](#), [29.20.030](#) or [29.20.040](#):

- (a) The land surface modification is consistent with the provisions of the Kirkland Zoning Code, including, but not limited to, regulations regarding streams, lakes, and wetlands and their buffers; geologically hazardous areas; shorelines; and trees.
- (b) The land surface modification will not adversely affect the stability of structures or landforms on site or on adjacent properties.
- (c) The land surface modification is consistent with the provisions of the Kirkland Municipal Code, including, but not limited to, the Shoreline Master Program.
- (d) The land surface modification is consistent with the provisions of the most current edition of the public works department's pre-approved plans and policies.
- (e) The land surface modification does not violate any policy of the city. (Ord. 4151 § 3 (part), 2008)

## **Chapter 29.24 DEVELOPMENT STANDARDS**

Sections:

[29.24.010](#) Conditions of permit approval.

### **29.24.010 Conditions of permit approval.**

Prior to approving a land surface modification permit, the city may require measures to mitigate impacts, including but not limited to the following:

- (a) Implementation of recommendations in the geotechnical report.
- (b) Restrictions on the nature of fill materials. All materials used as fill shall be nondissolving and nondecomposing. Fill material shall not contain organic or inorganic material that would be detrimental to water quality or existing habitat, or create any other significant adverse impacts to the environment.
- (c) Compliance with the city's rodent abatement standards.
- (d) Marking the limit of grading line in the field with a temporary fence and signage as approved by the city.
- (e) Installation of temporary protective tree fencing and signage as described in Chapter 95 KZC.
- (f) Implementation of erosion control measures, including installation of an erosion control siltation fence along required setbacks from streams, wetlands, and steep-sloped areas.
- (g) Implementation of measures to control dust.

(h) Maintenance of streets and storm drains so that they are kept clean of debris resulting from the land surface modification.

(i) Limitation on timing of the land surface modification. The land surface modification should be completed between April 1st and October 1st, unless a wet weather erosion control plan has been approved by the public works department. (Ord. 4151 § 3 (part), 2008)

## **Chapter 29.28 BONDS AND RESTORATION**

Sections:

[29.28.010](#) Bonds.

[29.28.020](#) Restoration.

### **29.28.010 Bonds.**

The city may require or permit a bond in accordance with Chapter 175 KZC to ensure compliance with any of the requirements of this chapter. (Ord. 4151 § 3 (part), 2008)

### **29.28.020 Restoration.**

If any tree required to be retained or planted as a condition of the land surface modification permit is damaged or destroyed, the applicant shall comply with the restoration requirements of Chapter 95 KZC.

The applicant shall stabilize any exposed areas left after the land surface modification with approved vegetation. (Ord. 4151 § 3 (part), 2008)

## **Chapter 29.32 EXPIRATION**

Sections:

[29.32.010](#) Time limitation for application.

[29.32.020](#) Permit expiration.

### **29.32.010 Time limitation for application.**

An application for a land surface modification permit shall expire as described in Chapter 21.06. (Ord. 4151 § 3 (part), 2008)

### **29.32.020 Permit expiration.**

A land surface modification permit shall expire as described in Chapter 21.06. (Ord. 4151 § 3 (part), 2008)

## **Chapter 29.36 SUSPENSION OR REVOCATION, APPEALS AND ENFORCEMENT**

Sections:

[29.36.010](#) Suspension or revocation.

[29.36.020](#) Appeals.

[29.36.030](#) Enforcement.

### **29.36.010 Suspension or revocation.**

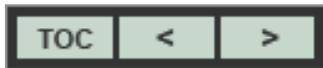
The city is authorized to suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code. (Ord. 4151 § 3 (part), 2008)

**29.36.020 Appeals.**

The decision of the city in approving or denying a land surface modification may be appealed using the appeal provisions, as applicable, of Article XII of Chapter 21.06. (Ord. 4151 § 3 (part), 2008)

**29.36.030 Enforcement.**

Violations of the requirements of this title shall be enforced through the provisions, as applicable, of Chapter 170 KZC. (Ord. 4151 § 3 (part), 2008)



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# XV.D. MOSS BAY NEIGHBORHOOD

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*Note: The Moss Bay Neighborhood Plan had its last major update in 1987. Therefore, references in this chapter to goals, policies, or specific pages in other chapters may be inaccurate if the other chapters have since been updated.<sup>1</sup>*

## 1. INTRODUCTION

In terms of land use, the Moss Bay Neighborhood is Kirkland's most complex area. The area contains a wide variety of land uses, including Downtown retail businesses, a freeway interchange, industrial activities, offices, well established single-family areas, large-scale multifamily development, a baseball facility, a post office, and a railroad.

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***Moss Bay Neighborhood boundaries are illustrated in Figure MB-1.***

---

While the neighborhood is dominated by the commercial activities associated with Kirkland's downtown, there are considerable opportunities for residential development. A major policy emphasis for the Moss Bay Neighborhood is to encourage commercial activities in the Downtown, and to expand "close-in" housing opportunities by encouraging medium- to high-density residential uses in the perimeter of the Downtown (Figure MB-1). A mix of residential densities exists in the remainder of the Moss Bay Neighborhood, generally stepping down with increased distance from commercial activities.

## 2. NATURAL ENVIRONMENT

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***The functional integrity of watercourses should be maintained or improved.***

---

Open streams exist within the eastern portion of the Moss Bay Neighborhood. These streams should be

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1. The name of this neighborhood was changed from Central to Moss Bay in December 2001.

maintained or restored, when feasible, in a natural condition and should allow for natural drainage.

---

***Flood insurance is required in identified flood hazard zones.***

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Portions of the Downtown area and lands to the east have been designated as flood hazard zones by the Federal Insurance Administration. Federal law requires that flood insurance be obtained before any federally insured lending institution may approve a loan for development within an identified flood hazard zone.

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***Possible drainage problems exist in the eastern portion of Moss Bay Neighborhood.***

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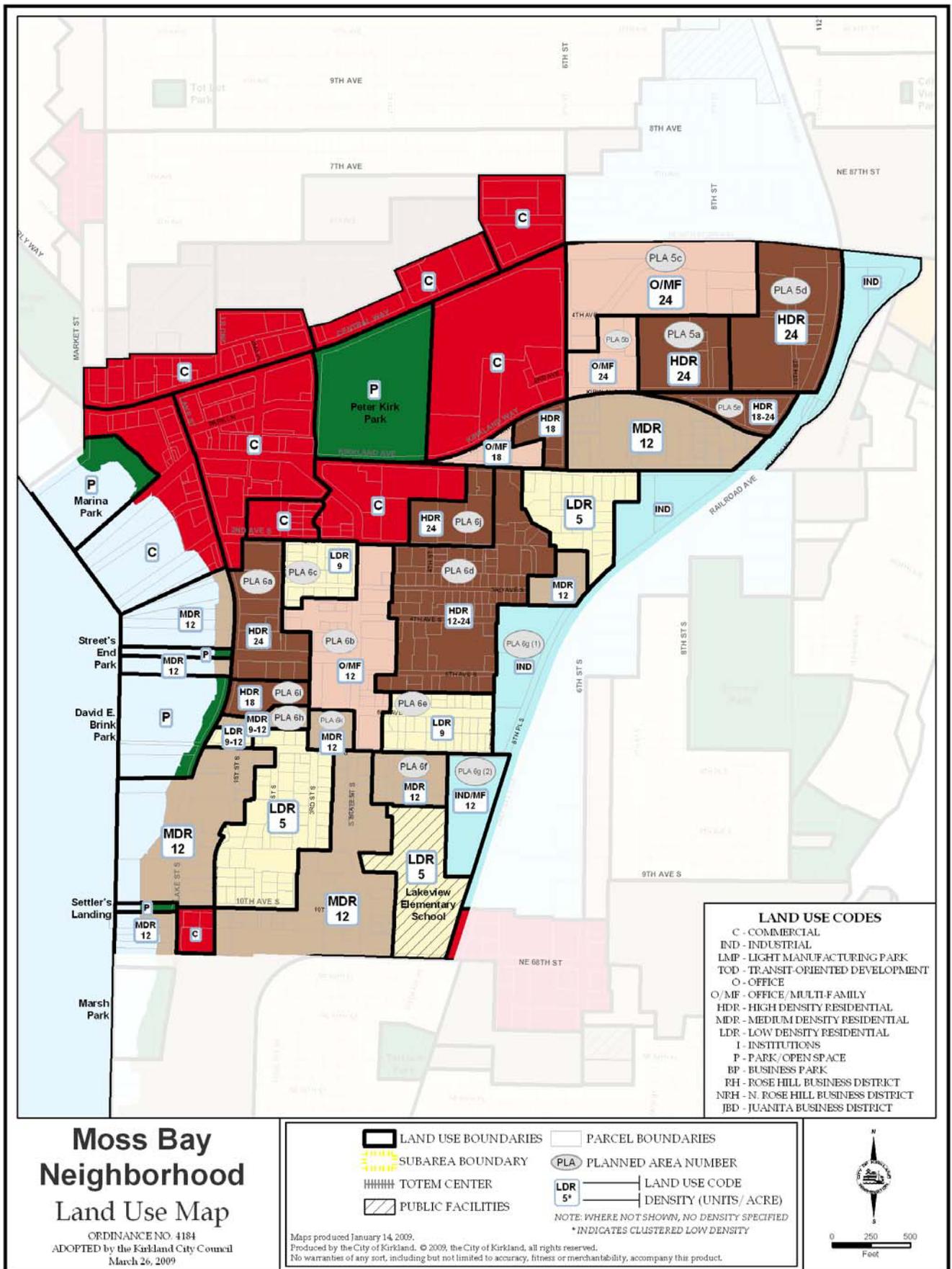
In the eastern portion of the Moss Bay Neighborhood, the water table is at, or very near, the surface. In this area, the topsoil is wet and soggy and there could be drainage problems associated with development. Future proposals for development in this area must take these hydrologic conditions into consideration.

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***Potentially unstable slopes are discussed. Slope stability analysis should be required, and development should be regulated accordingly.***

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Potentially unstable slopes exist in portions of the Moss Bay Neighborhood. Due to the possibility of landslides, excessive erosion, or other problems associated with development on slopes, a slope stability analysis should be required prior to development on these potentially unstable slopes. The type, design, and/or density of land use should be restricted where landslide or drainage problems are likely to occur. Existing vegetation in these areas should be preserved to the greatest extent feasible to help stabilize the slope and maintain drainage patterns.



**Figure MB-2: Moss Bay Area Land Use**

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## XV.D. MOSS BAY NEIGHBORHOOD

### 4. PERIMETER AREAS

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#### A. LIVING ENVIRONMENT

The Moss Bay Neighborhood contains a wide variety of housing types, including many single-family residences and multifamily units. It is the intent of the Comprehensive Plan to provide a range of housing opportunities, and a continued broad range is planned for the Moss Bay Neighborhood (Figure MB-1).

---

#### *Considerations for low-density residential development are discussed.*

---

The various residential densities designated for land in the Moss Bay Neighborhood, and particularly for the areas lying south of Kirkland Avenue, will be compatible if certain concerns are addressed. For example, a low-density designation is appropriate in any area developed predominantly in single-family homes, if the likelihood exists that these structures will be maintained for the lifetime of this Plan. Similarly, an area should remain committed to low-density uses if a higher-density development in the area could not be adequately buffered from single-family houses.

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#### *Considerations for medium- and high-density residential development are discussed.*

---

A medium-density designation is appropriate for areas where sufficient land area is available to separate such development from adjacent single-family uses. In addition, medium-density residential development should not be allowed where it would significantly increase traffic volumes on streets where single-family housing is the predominant land use. Other considerations include the overall compatibility of medium-density development with adjacent single-family uses, with respect to height, setbacks, landscaping, and parking areas. If special precautions are taken to reduce adverse impacts on existing single-family homes, higher densities may be allowed. Within the Moss Bay Neighborhood, land surrounding the Downtown is generally most appropriate for these higher-density developments.

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#### *Medium-density residential development permitted in block between Kirkland Avenue and Kirkland Way, along 6th Street South, as well as south and west of Planned Area 6.*

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The block of land lying east of 6th Street, between Kirkland Way and Kirkland Avenue, is largely developed in a mix of single-family and multifamily uses. Medium-density residential development at a density of 12 dwelling units per acre is appropriate for this area, to serve as a transition between high-density development to the north and low- to medium-density development to the south.

Several small offices have developed near the intersection of Kirkland Avenue and Kirkland Way, west of 6th Street. Multifamily residential development is also permitted in this area at a density of 18 dwelling units per acre. This area lies both north and south of land with the potential for high-density residential development.

Land is designated for a density of 12 dwelling units per acre between Planned Area 6D and 6th Street South. Here, in-fill housing opportunities exist close to the Downtown. Redevelopment should blend in with small lot single-family development to the west along 3rd Avenue South. To ensure compatibility with the existing single-family character of the area, to protect the Everest creek and ravine, and to provide a transition between the existing single-family development to the north along 6th Street South and the industrial uses to the south, the following standards should apply:

- (1) Single-family detached units, rather than attached or stacked, should be developed.
- (2) Peaked (pitched) roofs are desired design elements.
- (3) The ravine and stream should be protected in perpetuity with greenbelt easements.
- (4) Development should follow the recommendations of a geotechnical engineer approved by the City with regard to building

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## XV.D. MOSS BAY NEIGHBORHOOD

### 4. PERIMETER AREAS

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setbacks from the ravine on the north side of these lots.

- (5) No vehicular connection should be established between State Street and 5th Place South or 6th Street South from 2nd or 3rd Avenue South.
- (6) No vehicular connection should be established between 2nd and 3rd Avenue South.
- (7) Pedestrian connection should be provided in lieu of vehicular connection.
- (8) A maximum Floor Area Ratio of 65 percent should be allowed in order to encourage smaller and presumably less expensive homes.

A density of 12 dwelling units per acre is also designated for properties along State Street, south of Planned Area 6 (Figure MB-2). This designation is consistent with densities of existing development as well as with densities permitted along State Street to the north and south. Lands on the east side of Lake Washington Boulevard, south of 7th Avenue South and west of the midblock between First and Second Streets South, are also appropriate for multifamily uses at a density of 12 dwelling units per acre. This designation is consistent with permitted densities to the north and south along Lake Washington Boulevard.

The area situated east of the midblock between First and Second Streets South, west of the midblock between State Street and Second Place South, and south of 7th Avenue South, contains a well-established enclave of single-family homes. Existing development in this area should be preserved.

As discussed in the Shoreline Master Program, residential uses should continue to be permitted along the shoreline at medium densities (12 dwelling units per acre). This is consistent with the density of development along the shoreline to the south and on many properties on the east side of Lake Street South.

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#### *Development along the shoreline is discussed.*

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As specified in the Shoreline Master Program, new residential structures constructed waterward of the high water line are not permitted. Additional standards governing new multifamily development can be found in the Shoreline Master Program.

## B. ECONOMIC ACTIVITIES

Economic Activities in the Moss Bay Neighborhood occur primarily in the Downtown area, and in Planned Areas 5 and 6. The boundaries of these three major activity areas are shown in Figure MB-2.

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#### *Economic Activities in Planned Area 5 are discussed.*

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While Planned Area 5 has been developed largely in multifamily uses, several offices – including the United States Post Office – serving the Greater Kirkland area, are located in this planned area. Land use in Planned Area 5 is discussed in greater detail in the Living Environment section of this chapter.

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#### *Limited economic activities presently exist in State Street area.*

---

Although the character of Planned Area 6 is predominantly residential, several economic activities are presently located in the area. Small offices and some commercial uses exist along Lake Street South and along State Street, and industrial development has occurred near the railroad. The Living Environment Section of this chapter contains a more in-depth discussion of land use in Planned Area 6.

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## XV.D. MOSS BAY NEIGHBORHOOD

### 4. PERIMETER AREAS

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*Land on the east side of Lake Street South is generally not suitable for commercial development.*

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Most of the land on the east side of Lake Street South appears to be unsuitable for commercial use because of steep slope conditions, as well as problems concerning vehicular ingress and egress. The southeast quadrant of the 10th Street South and Lake Street intersection, however, is developed with a market which serves as a convenience to the surrounding residences. Limited commercial use of this location, therefore, should be allowed to remain.

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*Industrial activities east of the railroad tracks described.*

---

The strip of land located east of the railroad tracks, south of Central Way and west of Kirkland Way, contains an existing light industrial use. While the area's proximity to I-405 and NE 85th Street makes it attractive for commercial development, the area is also near residential uses, and should be subject to greater restrictions than other industrial areas. Buildings should be well screened by a landscaped buffer, and loading and outdoor storage areas should be located away from residential areas. In addition, the number and size of signs should be strictly limited, with only wall- and ground-mounted signs permitted. Pole signs, such as the one currently located in this gateway area, are inappropriate. Finally, it is noted in the Everest Neighborhood Plan that there is a major territorial view at the intersection of NE 85th Street and Kirkland Way. This view of Lake Washington, Seattle, the Olympic Mountains and Downtown Kirkland falls over property in this area.

## C. PLANNED AREA 5

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*High-density residential and office uses permitted in Planned Area 5.*

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The eastern portion of the Moss Bay Neighborhood has been designated as Planned Area 5. Due to topographic conditions and circulation patterns, land in Planned Area 5 is relatively secluded. The area has been designated for high-density residential and office uses because of the ability to buffer such high-density development from other uses in the area. The area is developed primarily in high-density residential development while limited office uses exist in the northwestern portion of the area. This planned area is divided into five subareas, based on the unique conditions for development within each area.

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### *Central A Subarea*

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The Central A subarea of PLA 5 should be permitted to develop with high-density residential uses (up to 24 dwellings/acre).

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### *West B Subarea*

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The southern portion of Subarea B is adjacent to 6th Street and the entire subarea is south of 4th Avenue. Subarea B is heavily impacted by traffic, as well as existing and future commercial uses and offices to the west. The noise and traffic make this area inappropriate for single-family use, while its ease of access and proximity to the Downtown makes it appropriate for both offices and multifamily uses at a density of up to 24 dwelling units per acre. New development in this subarea should minimize access points directly onto 6th Street. Access for offices, however, should be provided exclusively from 6th Street or 4th Avenue and precluded from Kirkland Way. Structures should be limited to three stories in height.

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## XV.D. MOSS BAY NEIGHBORHOOD

### 4. PERIMETER AREAS

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Subarea J is located east of State Street and north of Second Avenue South. This land is designated for high-density development (up to 24 dwelling units per acre) due to its nearness to the Downtown area and access directly off Kirkland Avenue, an arterial. Within Subarea J, land lying directly south of the intersection of Kirkland Way and Kirkland Avenue may accommodate commercial uses as well as high-density uses. Such commercial development should be limited to the northern half of the site and to access only from Kirkland Avenue.

#### E. OPEN SPACE/PARKS

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*Marina Park and Peter Kirk Park are to be preserved.*

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The Moss Bay Neighborhood contains two parks of communitywide and perhaps regional significance. These facilities are Marina Park and Peter Kirk Park. These parks should be maintained not only because of their importance in terms of recreation, but also because of their contribution to open space in the Downtown area. In addition, Lakeview Elementary School helps meet some of the recreational needs of residents in the southern portion of the neighborhood. Lake Street Landing Park and a small waterfront pocket park at the end of 5th Avenue also provide further recreational opportunities as well as a sense of openness along Lake Street South.

South of Kirkland Avenue in the Moss Bay Neighborhood, there should be at least one aggregation of dedicated open space between Lake Street South and State Street for the development of a neighborhood park. The open space sites may be private use areas contained within private developments; or these sites could include public use as a result of land dedications, outright public purchase, or some combination of these methods.

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*Major pedestrian and bicycle pathways considered.*

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Pedestrian and bicycle pathways are also part of the park and open space system, in addition to providing a transportation function. Major pathways in the Moss Bay Neighborhood should be established according to the designations in Figure MB-7.

#### F. PUBLIC SERVICES/FACILITIES

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*Adequate water, sewer, and drainage facilities are to be provided prior to occupancy of new development.*

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Sewer and water service is not adequate to support full development of the Moss Bay Neighborhood according to land use designations in Figure MB-2. Isolated problems have also arisen with regard to storm drainage in the Moss Bay Neighborhood. These system deficiencies should not necessarily prohibit additional development in the area. However, prior to the occupancy of new development, the water, sewer, and drainage facilities should be extended and/or upgraded as necessary to meet the requirements of designated land use for the area.

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*Water, sewer, and drainage facilities discussed.*

---

One area in which sanitary sewer service is inadequate is located in Planned Area 6, on the east side of State Street. In some parts of this area, sanitary sewers do not exist. In other cases, existing sewer lines are old and will need to be replaced. Similarly, water service is absent or provides insufficient fire flow throughout much of the area. As discussed in the Living Environment Section of this chapter, the water, sewer, and drainage lines must be upgraded and/or extended as necessary to meet the requirements for development at the maximum potential density for this area and not just the parcel being developed.

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## XV.D. MOSS BAY NEIGHBORHOOD

### 4. PERIMETER AREAS

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#### *Undergrounding of utilities is to be actively encouraged.*

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In order to contribute to a more amenable and safe living environment, as well as to enhance views and a sense of community identity, the undergrounding of utilities should be actively encouraged.

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#### *Vehicular circulation patterns described, and the following provisions are recommended:*

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Vehicular circulation patterns are fairly well established in the Moss Bay Neighborhood area (see Figure MB-7). There is a relatively large flow of traffic through the area, in addition to traffic generated by activities within the Downtown. The major north/south traffic corridors include Lake Street, State Street, 3rd Street, and 108th Avenue NE (6th Street). The major east/west corridors include Central Way, Kirkland Avenue/Kirkland Way, and NE 68th Street. Future modifications to circulation patterns in the Moss Bay Neighborhood include the following provisions:

- (1) Dead-end streets between State Street and railroad should be improved.

The dead-end streets between State Street and the railroad tracks are very narrow and, in some cases, are in need of resurfacing. In order to enhance access for residents and emergency vehicles, appropriate improvements to these streets should be made as new development occurs in the area. In some cases, developments should establish a vehicular connection between these narrow streets, provided this connection does not significantly increase traffic volumes on streets where predominantly single-family homes exist.

- (2) Industrial traffic in residential areas to be minimized. Industrial access should occur along the railroad.

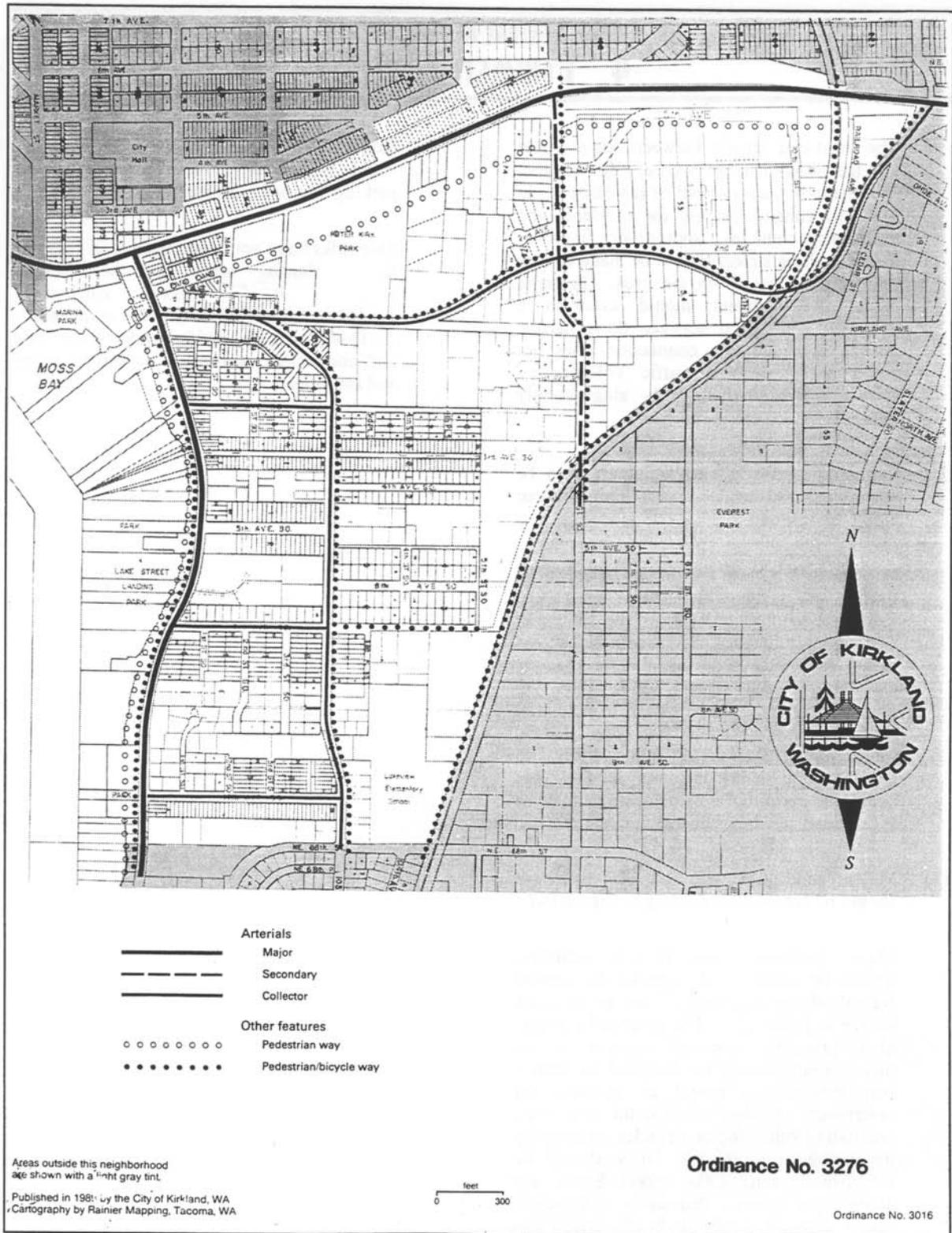
In order to minimize the impact of industrial traffic in residential areas, access to industrial uses should follow the routes so designated in Figure MB-7. If industrial access along the

west side of the railroad is extended to 6th Street South, then 7th Avenue South should be closed to industrial traffic. As discussed in the Living Environment Section of this chapter, no expansion of industrial uses in this area should be permitted unless access to the east is provided.

- (3) Major pedestrian and bicycle pathways should be enhanced according to Figure MB-7.

Major pedestrian and bicycle pathways should be enhanced throughout the Moss Bay Neighborhood according to the designations shown in Figure MB-7. The proposed pathway along presently unopened segments of 4th Street South should be designed in such a way that access would be possible for emergency vehicles, while at the same time precluding other motor vehicles from using the pathways. Bicycle lanes should be established along Lake Street South and along State Street. Pedestrian and bicycle access across Lake Street South should also be improved. Such improvements would facilitate safer access to the waterfront and could allow for some waterfront-related parking east of Lake Street South.

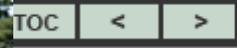
Sidewalks have not been installed in many of the residential areas in the Moss Bay Neighborhood. Sidewalks are particularly needed in the multifamily areas surrounding the Downtown, to provide residents with safe and convenient pedestrian access to shops and activities.



**Figure MB-7: Moss Bay Area Circulation**



city of  
**kirkland**  
washington



## Chapter 100 – SIGNS

### Sections:

[100.05](#) User Guide

[100.10](#) Purpose

[100.15](#) Scope and Exclusions

[100.20](#) Uniform Sign Code and Uniform Building Code – Compliance Required

[100.25](#) Required Permits

[100.30](#) Sign Type

[100.35](#) Number of Signs

[100.40](#) Sign Area

[100.45](#) Sign Area Chart

[100.50](#) Designated Corridors

[100.52](#) CBD and JBD – Certain Signs Prohibited

[100.55](#) Development Containing Uses in More Than One Sign Category

[100.60](#) Allocation of Sign Area within a Development with More Than One Use or Tenant

[100.65](#) Sign Height and Dimensions

[100.70](#) Special Regulations Regarding Pole Signs

[100.75](#) Location of Signs

[100.80](#) Master Sign Plan

[100.85](#) Prohibited Devices

[100.90](#) Sign Maintenance and Removal

[100.95](#) Landscaping Around Ground-Mounted Signs

[100.100](#) Structural Components – Overall Appearance

[100.110](#) Illumination Limitations on Electrical Signs

[100.115](#) Temporary/Special Signs

[100.120](#) Bonds

### 100.05 User Guide

Chapters [15](#) through 60 KZC, which contain the use zone charts, assign a sign category to each use in each zone. This category is either A, B, C, D, E, or F. This chapter contains the specific requirements in each sign category. If you do not know what sign category applies to the subject property, you should consult the appropriate use zone chart.

This chapter also contains regulations regarding special signs (e.g., political, real estate or temporary signs). These regulations are contained in KZC [100.115](#).

### 100.10 Purpose

It is the purpose of this chapter to promote:

1. Commercial communications that accommodate the need of the business community to convey information to the public; and
2. The protection and enhancement of the visual character and identity of the community by the thoughtful placement and design of signs; and
3. The elimination of clutter and visual distraction; and
4. Flexibility and incentive for creative and innovative sign designs; and

5. The proper maintenance of signs; and
6. Insure consistency with the goals and policies of the Comprehensive Plan.

### **100.15 Scope and Exclusions**

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

1. Traffic signs, directional signs and signs displaying a public service message installed by a governmental agency.
2. Point-of-purchase advertising displays such as product dispensers.
3. National flags and flags of political subdivisions.
4. Gravestones.
5. Historical site plaques and signs integral to an historic building.
6. Structures or improvements intended for a separate use, such as phone booths, Goodwill containers and newspaper recycling boxes.
7. Building addresses with numbers and letters not more than 10 inches in height.

### **100.20 Uniform Sign Code and Uniform Building Code – Compliance Required**

1. General – Each sign erected or altered after the effective date of this code must comply with the provisions of the Uniform Sign Code and the Uniform Building Code as adopted by the City.
2. Conflict of Provisions – If any provision of this chapter conflicts with the Uniform Sign Code or the Uniform Building Code, the provision of this chapter will govern.

### **100.25 Required Permits**

1. The following permits must be obtained for signs regulated by this chapter:
  - a. A permit must be obtained from the Department of Building and Fire Services in order to erect or move a sign or alter the structural components of an existing sign.
  - b. A permit must be obtained from the Department of Planning and Community Development in order to display any sign for which a permit is not required by subsection (1)(a) of this section, except for real estate on-site (other than for dwelling units), real estate off-site, construction, temporary commercial, integral, private notice, instructional, private advertising, private traffic direction and off-site directional signs. Change in the temporary message on a reader board or electronic message center is also excluded from this permit requirement.
2. If a proposed use or site plan requires approval through Process I, IIA, IIB, or III, as described respectively in Chapters [145](#), 150, 152 and 155 KZC, the Planning Official may require that any sign proposed for that development be approved through the same process if he/she determines that it will provide more coordinated, effective signs.

### **100.30 Sign Type**

Permitted types of signs for each sign category are listed below:

1. Sign Category A – Wall-mounted and pedestal signs. Electrical signs are not permitted. Commercial messages are not permitted.
2. Sign Category B – Wall-mounted, marquee and pedestal signs.
3. Sign Categories C, D and E – Wall-mounted, marquee, pedestal and monument signs.
4. Sign Category F – Wall-mounted, marquee, pedestal, monument and pole signs. See also KZC [100.70](#) for special regulations regarding pole signs.

See also KZC [100.115](#) for permitted special signs.

### 100.35 Number of Signs

The permitted maximum number of signs for each sign category is listed below. The permitted number applies only to the sign types listed in KZC [100.30](#) and does not apply to the special sign described in KZC [100.115](#).

1. Sign Category A
  - a. Signs identifying a detached dwelling unit: one.
  - b. Signs identifying a complex or subdivision: no limitation.
2. Sign Category B – One per right-of-way providing direct vehicular access.
3. Sign Categories C, D, E and F
  - a. Wall-mounted signs: no limitation.
  - b. Marquee signs: one per business or use per right-of-way.
  - c. Pedestal, monument, or pole sign (including center identification signs): One per abutting right-of-way per development.

### 100.40 Sign Area

The maximum permitted sign area for each sign category is listed below. The permitted area applies only to the sign types listed in KZC [100.30](#) and does not apply to the special signs described in KZC [100.115](#).

1. Sign Category A
  - a. Signs identifying a detached dwelling unit: two square feet.
  - b. Signs identifying a complex or subdivision: 20 square feet per sign face.
2. Sign Category B – 20 square feet per sign face.
3. Sign Categories C, D, E and F
  - a. Each development is allowed the sign area shown in the chart in KZC [100.45](#); and
  - b. Each individually licensed business within a multi-use complex is allowed 30 square feet; and
  - c. Each multi-use complex containing seven or more uses or businesses is allowed

64 square feet per sign face per pedestal, monument or pole sign or 64 square feet for one wall-mounted sign per abutting right-of-way to be used for center identification signs. These signs may not have internally lighted sign fields and must be constructed with materials, colors, shapes, or other architectural features which are the same as the buildings with which the signs are associated.

**100.45 Sign Area Chart**

General – The chart below establishes the sign area allowed by KZC 100.40(3)(a). The sign area is primarily dependent on the linear frontage of the subject property and the sign category of the use. To use this chart, first find the applicable sign category along the top of the chart, then find the linear frontage of the subject property along the left margin of the chart. Where the sign category and the linear frontage meet you will find the maximum sign area for the subject property. Next, review the sign area multipliers listed on the right side of the chart to determine if there are any increases or decreases in the maximum allowable sign area.

TOTAL LINEAR FRONTAGE OF SUBJECT PROPERTY IS LESS THAN ↓	SIGN CATEGORIES	<ol style="list-style-type: none"> <li>Find the sign category that applies to your use.</li> <li>Find the linear frontage of the subject property.</li> <li>Where sign category and linear frontage meet you will find the maximum sign size subject property.</li> <li>Use the multiplier to the right of the chart to determine if maximum allowable sign increased by the factors listed.</li> </ol>				
		C	D	E	F	
25		20	26	48	56	
30		20	28	50	59	
35		20	29	52	62	SIGN AREA MULTIPLIERS
40		21	31	55	65	
45		21	32	57	68	
50		22	33	59	70	
55		23	34	61	72	
60		23	35	63	74	
65		24	36	64	76	
70		25	37	66	78	
75		25	38	68	80	1. Except on a designated corridor, if no signs within the entire development are cabinet signs, then multiply the figure in the 1.25 and multiply the sign area allowed by KZC 100.40(3)(b) t
80		26	39	69	82	
85		26	40	70	84	
90		27	40	72	85	
95		27	41	73	87	
100		28	42	74	88	
105		28	42	76	90	
110		29	43	77	91	
115		29	44	78	92	
120		30	44	79	94	2. If all signs within the entire development, other than center identification signs, are building-mounted signs, multiply either above product or the figure in the chart by 1.25 and multiply the area allowed by KZC 100.40(3)(b) by 1.25.
125		30	45	80	95	
130		30	46	81	96	
135		31	46	82	97	
140		31	47	83	99	

145		32	47	84	100
150		32	48	85	101
155		32	48	86	102
160		33	49	87	103
165		33	49	88	104
170		33	50	89	105
175		34	50	89	106
180		34	51	90	107
185		34	51	91	108
190		34	52	92	109
195		35	52	93	110
200		35	53	94	111
205		35	53	94	112
210		36	53	95	113
215		36	54	96	114
220		36	54	97	115
225		36	55	97	116
230		37	55	98	116
235		37	56	99	117
240		37	56	99	118
245		38	56	100	119
250		38	57	101	120
(Measured in Linear Feet)		(Measured in Square Feet)			

If the linear frontage of the subject property exceeds 250 feet, please refer to Plate 9.

### 100.50 Designated Corridors

1. General – KZC [100.45](#) contains limitations on sign area along the following designated corridors:
  - a. Market Street between Central Way and N.E. 106th Street.
  - b. State Street, between N.E. 68th Street and 2nd Avenue South.
  - c. Lake Washington Boulevard and Lake Street South between N.E. 38th Street and 3rd Avenue South.
2. Electrical Signs Prohibited – Electrical signs shall not be located along designated corridors.

### 100.52 CBD and JBD – Certain Signs Prohibited

Cabinet signs shall be prohibited in all Central Business District (Chapter [50](#) KZC) and Juanita Business District zones (Chapter [52](#) KZC).

### 100.55 Development Containing Uses in More Than One Sign Category

If a subject property contains a mix of commercial and residential uses, the residential uses must comply with Sign Category A and the commercial uses must comply with the

sign category assigned to the commercial uses that predominate on the subject property. Within mixed use projects, residential uses may have electrical signs (except on designated corridors) only if the electrical signs are attached to areas of the building associated with the commercial uses.

In all other cases, if the subject property contains uses assigned to different sign categories, the signs for the entire development must comply with the sign category assigned to the uses that predominate on the subject property.

### **100.60 Allocation of Sign Area within a Development with More Than One Use or Tenant**

The owner(s) of a development with more than one use or tenant must submit to the City a letter allocating the allowable sign area for the development to the various uses or leasable area in the development or to sign(s) which identify the development. The owner (s) must agree in the letter to include the specified sign allocation in all leases, rental agreements, condominium by-laws and similar documents.

### **100.65 Sign Height and Dimensions**

The permitted height of signs for each type of sign is listed below:

1. Wall-Mounted and Marquee Signs:

Shall not project above the roofline of the building to which they are attached.

2. Under Marquee Signs:

Shall not extend further from a building facade than the marquee or canopy to which they are attached.

3. Pedestal Signs:

a. Shall not exceed five feet above average ground elevation.

b. Must conform to the dimensional standards shown on Plate 12.

4. Monument Signs:

a. Shall not exceed 12 feet above average ground elevation.

b. Must conform to the dimensional standards shown on Plate 13.

5. Pole Signs:

a. Shall not exceed 20 feet above average ground elevation.

b. Must conform to the dimensional standards shown on Plate 13A.

See KZC [100.70](#) for special regulations regarding pole signs.

### **100.70 Special Regulations Regarding Pole Signs**

Pole signs are permitted only in Sign Category F. They must be approved using Process I, described in Chapter [145](#) KZC. However, prior to issuing a decision, the Planning Director may consult with the Planning Commission. The City may grant a request for a pole sign and may grant increased sign area and height if:

1. It is necessary to identify a use that is oriented toward and primarily intended to serve motorists on the interstate system; and

2. It will not be out of scale or character with signs for nearby uses; and
3. It will not focus attention away from existing signs oriented to the interstate motorist and create a demand for increased height for other signs; and
4. It will not create a traffic hazard.

### **100.75 Location of Signs**

1. General
  - a. Except as allowed under subsection (2) of this section, all signs must be located on the same lot or property as the use, building, or event with which the sign is associated.
  - b. All signs shall be located outside those areas required in KZC [115.135](#) to be kept clear of all sight obstructions.
2. Exceptions – The provisions of subsection (1) of this section do not apply as follows:
  - a. The provisions of subsection (1)(a) of this section do not apply to the signs regulated under KZC [100.115](#).
  - b. Wall-mounted and marquee signs may extend into a right-of-way abutting the subject property only upon approval of the Department of Public Works.
  - c. Monument and pole signs must be set back at least five feet from all property lines, except in zones that have no setbacks.
  - d. The owners of two or more properties that adjoin or are separated only by a private roadway may propose a joint sign package to the City. The City will review and decide upon the proposal by the Planning Director. The City will approve the joint sign package if it will provide more coordinated, effective and efficient signs. In determining the total allowable size for all of the signs in the joint sign package, the City will use the total area of signs that would be allowed for all of the participating properties if they were not proposing a joint sign package. The decision of the Planning Director in approving or denying a joint sign package may be appealed using the appeal provision, as applicable, of Process I, KZC [145.60](#) through [145.110](#).

### **100.80 Master Sign Plan**

1. General – This section provides a mechanism under which special consideration can be given to signs which use a master sign plan to encourage the integration of signs into the framework of the building or buildings on the subject property. The City may allow deviations from the requirements of this chapter consistent with the criteria listed in subsection (4) of this section. At an applicant's request, this section may also be used to review proposed changes to sign plans which were initially approved as part of a previously approved PUD or CUP under prior zoning ordinances or through Process IIA, IIB, or III under this code (Ordinance 2740, as amended).
2. Required Review Process – An application for a master sign plan under this section will be reviewed and decided upon by the Planning Director. However, prior to issuing a decision, the Planning Director may consult with the Planning Commission.
3. Required Information – As part of any application for a master sign plan under this section, the applicant shall submit the following information:
  - a. A narrative describing how the proposal is consistent with the criteria listed in

subsection (4) of this section.

b. A colored rendering of the proposed signs in relation to development in the area and on the subject property.

4. Criteria – The City may approve a proposed master sign plan if:

a. The proposal manifests exceptional effort toward creating visual harmony between the sign, buildings, and other components of the subject property through the use of a consistent design theme. The elements which create visual harmony may include but are not limited to color, materials, location, and/or type of sign(s) proposed.

b. The proposed deviations are the minimum necessary to create readable signs from the rights-of-way providing direct vehicular access based on traffic speeds and patterns in the area of the subject property.

c. The signs are in character and orientation with planned and existing uses in the area of the subject property.

5. Minor Modifications – The Planning Official may grant a minor modification to the approved master sign plan in writing if:

a. The change does not increase the sign area of the subject property approved in the original master sign plan.

b. The change maintains visual harmony with those elements specifically identified in the original master sign plan as integral to the design theme of the subject property (for example; location(s), color(s), material(s), or type(s)).

6. Appeals – The decision of the Planning Director in approving or denying a master sign plan under subsection (2) of this section and modifications granted by the Planning Official under subsection (5) of this section may be appealed using the appeal provision, as applicable, of Process I, KZC [145.60](#) through [145.110](#).

### **100.85 Prohibited Devices**

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

a. Pennants, banners, streamers and private flags except as permitted under KZC [100.115](#).

b. Strings of lights, flashing lights, colored lights, advertising search lights, and flares.

c. Twirlers, propellers, and wind-activated devices.

d. Balloons.

e. Signs of a garish or of a carnival-like nature.

f. Any sign that rotates, turns or moves by electrical or mechanical means except barber poles.

g. Projecting and under marquee signs, except as permitted by KZC [100.115](#).

h. Any sign attached to or placed on a vehicle or trailer parked on public or private property. The prohibition of this subsection does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of

business.

- i. Any portable outdoor sign, except political, private advertising, or off-site real estate signs as regulated by KZC [100.115](#).
  - j. Any sign with the shape and colors of a traffic sign.
  - k. Any sign which constitutes a traffic hazard including but not limited to signs containing words such as “stop,” “look,” “danger.”
2. Exceptions – The provisions of subsections (1)(a) through (k) of this section do not apply to the following:
- a. Holiday decorations appropriately displayed.
  - b. The use of devices described in subsection (1) of this section for no more than seven days to announce the grand opening of a business or use.
  - c. The use of devices described in subsection (1) of this section if approved on a temporary basis using Process I, described in Chapter [145](#) KZC, if this will not be detrimental to any nearby neighborhood or use.
  - d. Thematic flags, banners or pennants that are complementary to and normally associated with the character of a specific location.
  - e. Changing message centers.

### **100.90 Sign Maintenance and Removal**

1. Maintenance – All signs must be kept in a safe manner at all times. Damaged or deteriorated signs must be repaired within 30 days of notification by the City. The area surrounding groundmounted signs must be kept free of litter and debris at all times.
2. Removal – Unless otherwise specified in this code, the applicant or property owner must remove all nonconforming signs within 14 days and all conforming signs within 90 days of the date of the closure or discontinuance of the business, use or event with which the signs were associated.

### **100.95 Landscaping Around Ground-Mounted Signs**

An area around the base of each ground-mounted sign equal to the sign area must be landscaped to improve the overall appearance of the sign and to reduce the risk of automobiles hitting the sign or supports of the sign. This landscaping must include vegetation and may include other materials and components such as brick or concrete bases, planter boxes, pole covers, or decorative framing.

### **100.100 Structural Components – Overall Appearance**

To the maximum extent possible, signs should be constructed and installed so that angle irons, guywires, braces, and other structural elements are not visible. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or woods.

### **100.110 Illumination Limitations on Electrical Signs**

No sign may contain or utilize any of the following:

1. Any exposed incandescent lamp with a wattage in excess of 25 watts.

2. Any exposed incandescent lamp with an internal or external reflector.
3. Any continuous or sequential flashing operation.
4. Except for changing message centers, any incandescent lamp inside internally lighted signs.
5. External light sources directed towards or shining on vehicular or pedestrian traffic or on a street.
6. Internally lighted signs using 800 milliamp ballasts if the lamps are spaced closer than 12 inches on center.
7. Internally lighted signs using 425 milliamp ballasts if the lamps are spaced closer than six inches on center.

### 100.115 Temporary/Special Signs

- A. The chart below establishes regulations that apply to numerous signs of a temporary or special nature or purpose. These signs shall be permitted in addition to the signs permitted in Sign Categories A through F, and shall be subject to the requirements set forth in the following chart. Except as specifically stated in the chart, the signs in the chart are not subject to the regulations of KZC [100.30](#) through [100.75](#) and KZC [100.95](#).

No temporary or special signs shall be posted or placed upon public property; provided that, certain temporary signs may be posted or placed within certain portions of a public street right-of-way as identified by the chart below.

TYPE OF SIGN	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA	PERMITTED LOCATION	PERMITTED DURATION OF DISPLAY
Real Estate, On-site	For each dwelling unit, use or development: 1 per broker per abutting right-of-way.	Dwelling units: 6 sq. ft. per sign face. Other uses or developments: 32 sq. ft. per sign face – not to exceed 64 sq. ft. per property for sale or rent.	Subject property.	Must remove when property is sold or rented.
Real Estate, Off-site	1 per block per property for sale or rent.	6 sq. ft. per sign face.	Private property/public right-of-way. <sup>(3)</sup>	Must remove when property is sold or rented.
Construction	1 per abutting right-of-way.	32 sq. ft. per sign face.	Subject property.	Shall not be displayed prior to issuance of a building permit. Must be removed prior to issuance of a certificate of occupancy.
Temporary Commercial	No maximum.	No maximum.	Subject property. Must be entirely attached to a building face or fence.	Must remove at end of use, event or condition.
Integral	1 per structure.	6 sq. ft. per sign face.	Subject property.	No limitation.
Private Notice and	No maximum.	2 sq. ft. per sign	Subject property.	No limitation.

Instructional		face.		
Private Advertising	No maximum.	16 sq. ft. per sign face.	No closer than 50 ft. from another sign advertising the same use, event or condition.	Must remove at end of use, event or condition.
Private Traffic Direction	No maximum.	4 sq. ft. per sign face.	Subject property.	No limitation.
Off-site Directional <sup>(1)</sup>	1.	16 sq. ft. per use, not to exceed 64 sq. ft.	Private property/public right-of-way. <sup>(3)</sup>	Determined on case-by-case basis.
Political	No maximum.	6 sq. ft. per sign face.	Private property/public right-of-way. <sup>(3)</sup>	No later than 7 days after the final election.
Projecting and Under Marquee	1 per pedestrian or vehicular entrance.	4 sq. ft. per sign face.	Subject property right-of-way abutting subject property. For uses subject to Sign Categories C, D, E and F only. Shall not project above roofline of structure to which sign is attached.	No limitation.
Fuel Price <sup>(2)</sup>	1 per abutting right-of-way.	20 sq. ft. per sign face.	Subject property.	No limitation.
<p>(1) Must be approved by the Planning Director. Shall only be approved if there is a demonstrated need for an off-site sign because of poor visibility or traffic patterns. All uses in an area wanting a permanent off-site directional sign must use one sign. The applicant must show that the proposed sign can accommodate all uses in the area that may reasonably need to be listed on the sign. The decision of the Planning Director in approving or denying an off-site directional sign may be appealed using the appeal provision, as applicable, of Process I, KZC <a href="#">145.60</a> through <a href="#">145.110</a>.</p> <p>(2) Fuel price signs are also subject to KZC <a href="#">100.95</a>.</p> <p>(3) Signs which are permitted to be placed within a public street right-of-way shall be located between the curb and the abutting private property, or where no curb exists, between the edge of the paved travel lane or paved shoulder and the abutting private property, but in no case on a sidewalk or driveway.</p>				

- B. All temporary or special signs which are in violation of any provision of this section, shall be brought into conformance upon ten day's written notice of violation to the responsible party by the Planning Official, pursuant to the notice provisions of KZC [170.35](#). If the responsible party fails to remove or correct the sign violation within seven calendar days after being served with notice of the violation, the Planning Official shall have the authority to remove the violative sign(s), and to assess the charges for such removal against the responsible party. For the purposes of this section, the "responsible party" shall be the owner or operator of the subject property upon which the sign violation occurs; provided that, in the case of off-site directional signs, the "responsible party" shall be the applicant(s) for the off-site directional sign; and provided further that, in the case of political signs, the responsible party shall be the political candidate and/or the manager of the political campaign promoted by the violative sign(s).
- C. Notwithstanding the other provisions of this section, the Planning Official may remove without notice any temporary or special sign which is in violation of any provision of this chapter and is located in the public right-of-way or on public property, and may assess the costs of removal of such signs against the responsible party.

### 100.120 Bonds

The City may require a bond under Chapter [175](#) KZC to ensure compliance with any aspect of this chapter.



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