CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
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MEMORANDUM

Date: June 9, 2011

To: Kurt Triplett, City Manager

From: Joan Lieberman-Brill, AICP, Senior planner

Subject: 2011 Fast Track Zoning Code Amendments - Roster, File ZON11-00020

RECOMMENDATION

That the City Council approves the attached roster of proposed amendments. This will allow the proposed amendments to be drafted and submitted for public review.

BACKGROUND

PROCESS

Council approval of the roster (Attachment 1) will authorize the Planning Director and the Houghton Community Council, if it so chooses, to conduct a joint public hearing on the proposed amendments. Following the hearing, the Planning Director will return to the City Council with a recommendation with respect to adoption of the amendments.

In 1997, the City Council adopted a "fast track" Process IVA review process to allow the efficient review of minor Zoning Code amendments. Process IVA, codified in Chapter 161 KZC, is limited to review of Zoning Code amendments which are not quasi-judicial, not controversial, and do not need extensive policy study. Amendments, which promote clarity, eliminate redundancy, or correct inconsistencies are eligible for review under this process.

In accordance to Chapter 161 KZC, a roster summarizing the proposed amendments was created on May 19 and distributed to the City Council and other parties. As this roster indicates, the proposed amendments would amend, create, or delete a variety of Zoning Code provisions.

The roster will be introduced to the Houghton Community Council by staff on June 27, 2011 for initial discussion. No action is required at that meeting. They will direct staff as to whether or not they want to hold a joint hearing with the Planning Director scheduled for July. We expect the Planning Director's recommendation to be forwarded to the City Council for final action in August or September.

ITEMS DELETED SINCE THE ROSTER WAS DISTRIBUTED ON MAY 19

Regarding setbacks from gas pipelines:

~~Various Chapters~~ ~~Add setbacks and other regulations adjacent to gas pipelines. (Chapter 115, RESA and TL7 use zone charts)~~

A $3000 Pipeline Safety grant from the Pipeline Safety Trust will allow the city to defray costs to research and draft comprehensive safety regulations to address the Olympic Pipeline corridor located in the eastern portion of the Kingsgate neighborhood. This task will go beyond those amendments eligible for the fast track amendment process.

Regarding noise regulations:

~~115.95.c~~ ~~Delete section stating that State noise standards are available at City Hall.~~

This was already amended with Ordinance 4286 on January 4, 2011.

Regarding common recreational open space requirements:

~~115.23.2~~ ~~Common Recreational Open Space Requirements for Certain Residential Uses~~ ~~*- possibly with Phase II depending on complexity.*~~

~~Allow lot size flexibility within RM and similar zones in order for common recreational open space to be in a separate track. Would not increase permitted density.~~

Under further review this amendment was deleted because it will be addressed in the KMC Title 22. Subdivisions.

ITEMS ADDED SINCE THE ROSTER WAS DISTRIBUTED ON MAY 19

The following items were added to the roster after it was sent out on May 19.

Regarding affordable housing in Rose Hill 7 zone:

Chapter 53.74.080. Special Regulation 4 – correct the number of units that trigger the affordable units requirement. In 2009, O-4222 was adopted, which changed the threshold for requiring affordable housing from 10 units to 4 units throughout the code. Inadvertently, this change did not get made in RH7.

Regarding tree removal in wetland setbacks and buffers:

Chapter 90.45.1. Wetland Buffers and Setbacks – Clarify that both land surface modification and tree removal is prohibited in sensitive areas. Tree removal was deleted from the LSM definition in 2008 with O-4151. This deletion was part of the reorganization of the Zoning Code that re-located tree removal regulations to Chapter 95 Tree Management and Required Landscaping. Historically tree removal was included in the LSM definition and prohibited in sensitive areas. Inadvertently, when it was removed from the definition it was not picked up in Chapter 90 Wetlands and Setbacks, resulting in allowing tree removal, which is a prohibited activity. This amendment is meant to re-instate this prohibition.

Regarding tree removal in stream setbacks and buffers:

Chapter 90.80 Activities in or Near Streams
Chapter 90.90.1. Stream Buffers and Setbacks
Clarify that both land surface modification and tree removal is prohibited in sensitive areas. Tree removal was deleted from the LSM definition in 2008 with O-4151. This deletion was part of the reorganization of the Zoning Code that re-located tree removal regulations to Chapter 95 Tree Management and Required Landscaping. Historically tree removal was included in the LSM definition and prohibited in sensitive areas. Inadvertently, when it was removed from the definition it was not picked up in Chapter 90 Wetlands and Setbacks, resulting in allowing tree removal, which is a prohibited activity. This amendment is meant to re-instate this prohibition.

Regarding changing out equipment associated with cell facilities:

Chapter 117.20 Applicability – Clarify that wireless companies are allowed to add equipment to existing approved cell facilities as long as it meets concealment technology, and modification criteria.

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Attachment 1

File No. ZON11-00020
Roster of Proposed Fast Track Zoning Amendments and Kirkland Municipal Code Amendments
May 19, 2011
(Updated JUNE 9, 2011 – items shown shaded)

ZONING AMENDMENTS

Chapter 49 – Park/Public Use (P) Zones

49.15.030 Expand government facilities (to include the North Kirkland Community Center) allowed to have electronic readerboards for public service messages. Currently only fire stations are permitted to have them. Duplicate language currently used for regulating electronic readerboards at fire stations. City Council is establishing a policy for what constitutes public service messages.

Chapter 50 - Central Business District (CBD) 5 Zone

50.35.70 Office Use - Correct the sign category for offices. Change from B to D consistent with all other CBD zones and office zones. Sign category D allows wall-mounted, marquee, pedestal and monument signs. (Marquee signs are any sign which forms part of, or is integrated into, a marquee or canopy and which does not extend horizontally beyond the limits of such marquee or canopy.)

Chapter 53 – Rose Hill 7 Zone

53.74.080. Special Regulation 4 – correct the number of units that trigger the affordable units requirement. In 2009, O-4222 was adopted, which changed the threshold for requiring affordable housing from 10 units to 4 units throughout the code. This change did not get made in RH7.

Various Chapters

- Use consistent terminology to regulate gas stations and auto repair. *Depending on how many zones are affected, may go with Phase II, to avoid extra cost associated with redundant codification of the same pages.*

- Delete references to Uniform Building Code, because it has changed to the International Building Code (Chapters 5, 100). Also, delete references to Uniform Sign Code, which is now Appendix 'H' of the IBC and not adopted because of a few inconsistencies between the City's sign regulations and this code. (Chapters 5 & 100)

- ~~Add setbacks and other regulations adjacent to gas pipelines. (Chapter 115, RESA and TL7 use zone charts)~~ ~~*possibly with Phase II depending on complexity.*~~

Chapter 142 – Design Review

142.40 Appeals of Design Review Board Decisions – clarify which sections of Chapter 142 and which sections of Chapter 145 apply.

Chapter 90 – Drainage Basins

90.35 Wetland Determinations, Delineations, Regulations, Criteria, and Procedures**-** Change reference from 1997 DOE manual to DOE mandated federal manual for wetland delineations, as required by Department of Ecology, effective March 14, 2011 (WAC 173-22-035)

90.45.1. Wetland Buffers and Setbacks – Clarify that both land surface modification and tree removal is prohibited in sensitive areas. Tree removal was deleted from the LSM definition in 2008 with O-4151. This deletion was part of the reorganization of the Zoning Code that re-located tree removal regulations to Chapter 95 Tree Management and Required Landscaping. Historically tree removal was included in the LSM definition and prohibited in sensitive areas. Inadvertently, when it was removed from the definition it was not picked up in Chapter 90 Wetlands and Setbacks, resulting in allowing tree removal, which is a prohibited activity. This amendment is meant to re-instate this prohibition.

90.80 Activities in or Near Streams

90.90.1. Stream Buffers and Setbacks

Clarify that both land surface modification and tree removal is prohibited in sensitive areas. Tree removal was deleted from the LSM definition in 2008 with O-4151. This deletion was part of the reorganization of the Zoning Code that re-located tree removal regulations to Chapter 95 Tree Management and Required Landscaping. Historically tree removal was included in the LSM definition and prohibited in sensitive areas. Inadvertently, when it was removed from the definition it was not picked up in Chapter 90 Wetlands and Setbacks, resulting in allowing tree removal, which is a prohibited activity. This amendment is meant to re-instate this prohibition.

Chapter 105 - Parking Areas, Vehicle and Pedestrian Access, and Related Improvements

105.18 Pedestrian Access- Reorganize for clarity.

105.19 Public Pedestrian Walkways- Reorganize for clarity.

Chapter 115 – Miscellaneous Use, Development and Performance Standards

115.7.4 Accessory Dwelling Units – Clarify that detached ADU's are limited to lesser of 800 sq ft or 40% of combined primary and ADU sq ft. Clarify that ADU floor area limit does not include garage.

115.23.1 Common Recreational Open Space Requirements for Certain Residential Uses – Add RMA and PRA zones to the list of zones where common open space is required. This was an oversight with annexation zoning.

~~115.23.2 Common Recreational Open Space Requirements for Certain Residential Uses - *possibly with Phase II depending on complexity.*~~

~~Allow lot size flexibility within RM and similar zones in order for common recreational open space to be in a separate track. Would not increase permitted density.~~

~~115.95.c Noise Regulations – Delete section stating that State noise standards are available at City Hall.~~

Chapter 117 – Personal Wireless Service Facilities

117.20 Applicability – Clarify that wireless companies are allowed to add equipment to existing approved cell facilities as long as it meets concealment technology, and modification criteria.

KIRKLAND MUNICIPAL CODE

Title 19 – Streets and Sidewalks

19.16.40 Petition for vacation brought by abutting property owners – change street vacation application requirements so they are consistent with Zoning Code requirements.

Title 22 – Subdivisions

22.28.025. Lots - Common Recreational Open Space – *possibly with Phase II depending on complexity.*
Allow lot size flexibility in subdivisions within RM and similar zones in order for common open space to be in a separate track. This would not increase permitted density.