



**CITY OF KIRKLAND**  
Planning and Community Development Department  
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## **MEMORANDUM**

**To:** David Ramsay, City Manager  
**From:** Nancy Cox, Development Review Manager  
**Date:** February 5, 2009  
**Subject:** FAST TRACK ZONING CODE AMENDMENTS – ROSTER; FILE NO. ZON09-00002

### **RECOMMENDATION**

Approve the attached roster of proposed Zoning Code amendments. This will allow the proposed amendments to be drafted and submitted for public review.

### **BACKGROUND DISCUSSION**

#### **PROCESS**

Council approval of the roster (Attachment 1) will authorize the Planning Director and the Houghton Community Council 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 the “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 the 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 with Chapter 161 KZC, a roster summarizing the proposed amendments was created on January 15, 2009 and was distributed to the City Council and other parties. As this roster indicates, the proposed amendments would amend, create, or delete a wide variety of Zoning Code provisions.

The roster was introduced to the Houghton Community Council by staff on January 26, 2009 for initial discussion. No action was required at that meeting. A joint public hearing before the Planning Director and Houghton Community Council is scheduled for March. We expect the Planning Director’s recommendation to be forwarded to the City Council for final action in April.

## COMMENTS FROM A CITIZEN ON THE ROSTER

Line Nos. 105-107 regarding Accessory Structure height in RSX zones:

115.08            Accessory Structure (Detached Dwelling Unit Uses Only) – Allow height for a detached ADU above a garage to match the underlying zone. Reorganize the section for clarity and add reference to Section 115.07.

The City received the following comment from Andy Held:

“The intent is to match what height of the underlying zone? The primary residence? This is not a simple ‘clean-up’ edit, but a significant change which would apply to all the RSX zones. It should not be included in this group of edits.”

Staff response:

The City Council reviewed this issue with the annexation zoning project in 2008 and requested the amendment. The height limit in RSX zones for detached dwelling units is 30 feet above ABE. The height limit for Accessory Structures is 25 feet above ABE in all single family zones. It was an oversight not to have the same height limit for accessory structures in RSX zones as the detached dwelling unit.

Line Nos. 145-147 regarding adding a nonconformance section for paddocks:

162.\_\_\_\_            Add a new nonconformance regulation to assure that substandard paddocks do not have to be brought into conformance even when new septic systems are installed.

The City received the following comment from Andy Held:

“Is this specific to the Bridle View annexation? It seems overly general in that case.”

Staff response:

Although the proposed amendment was drafted to address a concern identified by residents of the Bridle View Annexation, it would apply to paddocks throughout the City. The amendment would establish a regulation to govern when a nonconforming paddock must be brought into conformance. Currently, nonconforming paddocks are governed by a regulation that could require paddocks to be enlarged or in some other way brought into conformance when relatively small improvements to the site are made. Bridle View residents pointed out that many paddocks are currently nonconforming because they overlap with septic tank drain fields. In such a situation, current nonconformance regulations might actually prevent replacement of a failing tank without removing a portion of the main residence on the property (to provide the necessary space for both the drain field and paddock). The proposed new regulation would require paddocks to be brought into conformance only when an improvement is made that costs more than 50% of the value of a dwelling unit. This would result in a more lenient threshold for triggering when nonconforming paddocks are required to be brought into conformance.

**ITEMS DELETED SINCE THE ROSTER WAS DISTRIBUTED ON JANUARY 15**

Line Nos. 66-70 regarding Planned Area 16 (PLA 16) General Regulations:

~~60.180 — General Regulations — Delete Numbers 2 and 3; they are no longer relevant.~~

Upon further consideration and review of a citizen comment, staff has deleted this from the Fast Track Roster after it was distributed on January 15.

Line Nos. 69-70 regarding regulations pertaining to the number of horses in PLA 16:

~~60.180.010 — Detached Dwelling Unit — Delete regulation limiting the number of horses; this is already regulated by Section 115.20.~~

Upon further consideration and review of a citizen comment, staff has deleted this from the Fast Track Roster after it was distributed on January 15.

Line Nos. 114-116 regarding placement and screening of garbage and recycling receptacles:

~~115.45 — Garbage and Recycling Receptacles — Placement and Screening — Amendments to require adequate space for garbage and recycling containers in new development. Also addresses location and screening.~~

Based on input from Public Works staff, this item was deleted after the roster was mailed out on January 15.

**ITEMS ADDED SINCE THE ROSTER WAS DISTRIBUTED ON JANUARY 15**

The following items were added to the roster after it was sent out on January 15.

Line Nos. 85-87 regarding signs for mixed use developments:

100.55      Development Containing Uses in More Than One Sign Category - Clarify that in commercial/residential mixed use projects, commercial uses would be regulated by the commercial “sign category” while residential uses would be regulated by the residential category. Currently, the sign category for the predominant use governs both uses.

Line Nos. 140-141 regarding participation in appeals:

Various      Use consistent language regarding participation in appeals within all process chapters.

Line Nos. 162-163 regarding amendments to the local State Environmental Policy Act (SEPA) ordinance:

KMC 24.02      SEPA Procedures and Policies – Ensure that posting, noticing and mailing is consistent with same for underlying permit.

**FURTHER ELABORATION ON SELECTED ITEMS**

Line No. 91 regarding electronic reader boards:

Various Chapters – Revisions to allow electronic reader boards at schools and fire stations.

The School District and PTA's have requested electronic reader boards at the two high schools. The Fire Department is requesting electronic reader boards at 3 fire stations within Kirkland to display emergency management information. The City Council reviewed these requests several months ago and directed that they be added to the code amendment list. Amendments specific to reader board signs for high schools and fire stations only, including design standards, are needed.

Line Nos. 125-141 regarding amendments to the process chapters:

- Various Delete an outdated requirement for bonds to be submitted to ensure proper maintenance and removal of public notice signs.
- Various Allow for the publication of all public notices by summary in the official newspaper or in full on the City website, or both.
- Various Allow for the distribution of a summary notice of decision rather than the full decision and for distribution by email as an alternative to postal mail.
- Various Change to post a single notice at the beginning of the development process. The notice would cover all stages of development.
- Various Allow for email notification and distribution of staff reports.
- Various Use consistent language regarding participation in appeals between the process chapters.

Most of the amendments to the process chapters 142 – 161 (i.e. Design Review, Process I, IIA, IIB, etc.) are cost saving measures. Staff is researching new ways to provide public notice so that in the end it will be equal to or better than it is currently.

Attachments:

January 15, 2009 Roster (Updated Feb. 5, 2009)

cc: Andy Held  
Steven Cole, LWSD  
Helen Ahrens-Byington, Deputy Fire Chief

1 FILE NO. ZON09-00002  
2 ROSTER OF PROPOSED FAST TRACK AMENDMENTS  
3 JANUARY 15, 2009  
4 *(Updated FEBRUARY 5, 2009 - items shown shaded)*  
5

6 Kirkland Zoning Code  
7

8 Chapter 1 - User Guide  
9

10 1.05 How To Use This Code - Eliminate the listing of zones shown on zoning  
11 map.  
12

13 Chapter 5 - Definitions  
14

15 5.10.145 Commercial Zones - Add TL 4C  
16

17 5.10.\_\_\_\_ High Density Use - Create a new definition for High Density Use that  
18 correlates with the Low Density Use and Medium Density Use  
19 definitions.  
20

21 5.10.485 Low Density Use - Fix overlap; a detached dwelling unit on 5,000 - 7,199  
22 sq. ft. lot is in both the Low and Medium Density Use definitions.  
23

24 5.10.515 Medium Density Use - Fix overlap; a detached dwelling unit on 5,000 -  
25 7,199 sq. ft. lot is in both the Low and Medium Density Use definitions.  
26

27 5.10.960 Use Zone - Clarify that the Use Zones are the designations shown on the  
28 Zoning Map without listing them.  
29

30 Chapter 17 - Single Family Residential Annexation (RSX) Zones  
31

32 17.10.020 Church - Addition to Special Regulation 2 to mirror the same RS zone  
33 regulation.  
34

35 17.10.030 School or Day-Care Center - Addition to Special Regulation 2 to mirror  
36 the same RS zone regulation.  
37

38 Chapter 45 - Community Business (BC) Zones  
39

40 45.130 School or Day-Care Center - Change to front setback to mirror the same  
41 BCX zone regulation.  
42

43 45.150 Assisted Living Facility - Change to allow lobby on ground floor like in  
44 Stacked Dwelling Unit use listing.  
45

46 45.160 Convalescent Center or Nursing Home - Change to front setback to  
47 mirror the same BCX zone regulation.  
48

49  
50 Chapter 47 - Community Business Annexation (BCX) Zone

51		
52	47.08	<u>General Regulations</u> - Delete No. 3; the area referred to is already
53		zoned JBD.
54		
55	47.10.150	<u>Assisted Living Facility</u> - Change to allow lobby on the ground floor like
56		in the Stacked Dwelling Unit use listing. Add density requirement to
57		mirror the same BC zone regulation.
58		
59	<b>Chapter 48 - Light Industrial Technology (LIT) Zones</b>	
60		
61	48.15.220	<u>Commercial Recreation Area and Use</u> - Delete this section; the area
62		referred to is already zoned TL 10C, 10D and 10E.
63		
64	<b>Chapter 60 - PLA 16</b>	
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66	<del>60.180</del>	<del><u>General Regulations</u> - Delete Numbers 2 and 3; they are no longer</del>
67		<del>relevant.</del>
68		
69	<del>60.180.010</del>	<del><u>Detached Dwelling Unit</u> - Delete regulation limiting the number of</del>
70		<del>horses; this is already regulated by Section 115.20.</del>
71		
72	<b>Chapter 95 - Tree management and Required Landscaping</b>	
73		
74	95.10	<u>Definitions</u> - Clarify that a "Qualified Professional" for tree removals in
75		critical areas must have Tree Risk Assessor certification.
76		
77	95.35.2.b	<u>Tree Plan and Retention Requirements</u> - Clarify that for a Tree Plan 1 -
78		Major that a "report" is required instead of an "assessment."
79		
80	95.35.3.c	<u>Tree Plan Review Procedure and Appeals</u> - Clarify that an email date
81		may start the appeal period if email is being used.
82		
83	<b>Chapter 100 - Signs</b>	
84		
85	<del>100.55</del>	<del><u>Development Containing Uses in More Than One Sign Category</u> - Clarify</del>
86		<del>that in commercial/residential mixed use projects commercial would</del>
87		<del>keep its sign category and residential would keep its sign category.</del>
88		
89	<b>Various Chapters</b>	
90		
91		Revisions to allow electronic reader boards at schools and fire stations.
92		
93	<b>Chapter 105 - Parking Areas, Vehicle and Pedestrian Access, and Related</b>	
94		<b>Improvements</b>
95		
96	105.103.2.a	<u>Modifications - Authority to Grant and Duration</u> - Clarify that the
97		Planning Official should approve modifications of this chapter for Design
98		Review applications.
99		
100	<b>Chapter 115 - Miscellaneous Use Development and Performance Standards</b>	

101		
102	115.07.11.c	<u>Accessory Dwelling Units - Preexisting Units</u> - Delete; this section is no longer applicable because it is out-of-date.
103		
104		
105	115.08	<u>Accessory Structure (Detached Dwelling Unit Uses Only)</u> - Allow height for a detached ADU above a garage to match the underlying zone.
106		
107		Reorganize the section for clarity and add reference to Section 115.07.
108		
109	115.43	<u>Garage Setback Requirements for Detached Dwelling units in Low Density Zones</u> -There are two Section 115.43's in the code with different effective dates. Delete the first section with the effective date that has passed.
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113		
114	<del>115.45</del>	<del><u>Garbage and Recycling Receptacles - Placement and Screening -</u></del>
115		<del>Amendments to require adequate space for garbage and recycling</del>
116		<del>containers in new development. Also addresses location and screening.</del>
117		
118	<b>Chapter 117 - Personal Wireless Service Facilities</b>	
119		
120		Add a new section to require or allow the City to attain a performance bond prior to issuance of the permit similar to other chapters.
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122		
123	<b>Chapters 142-161- Process Chapters</b>	
124		
125	Various	Delete an outdated requirement for bonds to be submitted to ensure proper maintenance and removal of public notice signs.
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128	Various	Allow for the publication of all notices by summary in the official newspaper or in full on the City website, or both.
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130		
131	Various	Allow for the distribution of a summary notice of decision rather than the full decision and for distribution by email as an alternative to postal mail.
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134		
135	Various	Change to post only the first notice (i.e. Notice of Application) per application per public notice sign.
136		
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138	Various	Allow for email notification and distribution of staff reports.
139		
140	Various	Use consistent language regarding participation in appeals between the process chapters.
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142		
143	<b>Chapter 162 - Nonconformance</b>	
144		
145	162.____	Add a new nonconformance regulation to assure that substandard paddocks do not have to be brought into conformance even when new septic systems are installed.
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148		
149	<b>Chapter 175 - Bonds</b>	
150		

151 175.25 Supplemental Administrative Costs - Delete the \$100 minimum cash  
152 deposit and state that the minimum amount will be administratively set  
153 and updated.

154

155 Chapter 180 - Plates

156

157 Plates 1,2, Clarify encroachment of posts into parking stalls in garages.

158 3,4,8A

159

160 Kirkland Municipal Code

161

162 KMC 24.02 SEPA Procedures and Policies - Ensure that posting, noticing and  
163 mailing is consistent with same for underlying permit.

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