CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
123 FIFTH AVENUE, KIRKLAND, WA 98033
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MEMORANDUM

Date: **March 13, 2014**

To: **Houghton Community Council**

From: **Joan Lieberman-Brill, AICP, Senior Planner**
Nancy Cox, AICP, Development Review Manager
Paul Stewart, AICP, Deputy Director
Eric Shields, AICP, Director

Subject: **Final Approval - 2013 Miscellaneous Zoning and Municipal Code Amendments (CAM13-00669)**

The Houghton Community Council (HCC) has three options for final action on the 2013 Miscellaneous Zoning and Municipal Code Amendment project. They are:

1. Approve the enclosed Houghton Resolution Numbers R-2014-2, which will be considered by the City Council on March 18, 2014. Approval of the resolution would make the ordinances effective within Houghton's jurisdiction;

2. Disapprove all or any of the ordinances by a majority of the Community Council; or

3. Fail to disapprove the ordinances within 60 days after city Council approval. This would have the effect of approving the amendments.

Staff recommends the HCC approve the attached resolution.

CITY COUNCIL ACTION

The City Council will consider the Planning Commission's and Houghton Community Council's recommendations at its March 18, 2013 meeting prior to taking action on the ordinances. At the meeting, the City Council will consider adopting the following ordinances as amended (See Exhibits 1 and 2):

O-4437: Amending various chapters of the Kirkland Zoning Code (KZC) as related to various subjects (effective April 25, 2014)
O-4438: Amending various sections of the Kirkland Municipal Code (KMC) as related to development project review and subdivisions (effective April 3, 2014)

BACKGROUND DISCUSSION

At the March 18, 2014 meeting the City Council will consider adoption of the ordinances based on the recommendations by the Planning Commission. Staff will report to the HCC the outcome of the City Council's consideration at your March 24 meeting.

Except for one aspect of the new ground mounted solar regulations, the proposed regulations address the HCC's concerns on the key topics described in each ordinance and expressed at the joint HCC/ PC public hearing and during your deliberation meeting on January 27.

The Planning Commission recommended allowing those solar collectors that extend across a roof of a structure with or without being attached, to be considered roof mounted. This is a departure from the recommendation of the HCC. The proposed adopted amendment is found in Exhibit 1, item Q.

EXHIBITS

1. Ordinance 4437
2. Ordinance 4438

Cc: mail list

ORDINANCE NO. 4437

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING CODE: 5, 15, 17, 18, 20, 25, 27, 30, 40, 45, 47, 48, 49, 51, 53, 54, 55, 60, 70, 114, 115, 95, 120, 135, 142, 160, 161, 170, 180 AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO.CAM13-00669.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain chapters of the Kirkland Zoning Code as set forth in the report and recommendation of the Planning Commission dated March 5, 2014, and bearing Kirkland Department of Planning and Community Development File No. CAM13-00669; and

WHEREAS, prior to making the recommendation, the Kirkland Planning Commission and Houghton Community Council held a joint hearing on the amendment proposals on January 23, 2014, following notice as required by RCW 35A.63.070, and considered the comments received at the hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Determination of Nonsignificance issued by the responsible official pursuant to WAC 197-11-340; and

WHEREAS, in open meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. Chapters. 5, 15, 17, 18, 20, 25, 27, 30, 40, 45, 47, 48, 49, 51, 53, 54, 55, 60, 70, 114, 115, 95, 120, 135, 142, 160, 161, 170, 180 of the Kirkland Zoning Code are amended as set forth in Attachment A to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of

said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect April 25, 2014, after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2014.

Signed in authentication thereof this ____ day of _____, 2014.

_____
MAYOR

Attest:

_____
City Clerk

ATTACHMENT A
FILE NO. CAM13-00669
2013 MISCELLANEOUS CODE AMENDMENTS
KIRKLAND ZONING CODE (KZC)
*- Subject to Houghton Community Council review

How to read this document:

- New text is underlined
- Existing text to be deleted is covered by a ~~strike-through~~
- ***Italicized*** text identifies the amendment topic
- Amendments are listed in code section order to the extent possible

A. Proposed Addition of TL 1B Zone to Definition of Residential Zones

KZC CHAPTER 5 – DEFINITIONS

5.10 Definitions

5.10.785 Residential Zone -

The following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RSA 8; RS 7.2; RSX 7.2; RS 6.3; RSA 6; RS 5.0; RSX 5.0; RSA 4; RSA 1; RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; WD I; WD II; WD III; TL 9B; PLA 2; PLA 3B; PLA 3C; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15B; PLA 16; PLA 17; TL 11, TL 1B.

*B. * Proposed Revision to Definition of Development Permit **

KZC CHAPTER 5 – DEFINITIONS

5.10 Definitions

5.10.215 Development Permit – Any permit or approval under this code or ~~the Uniform Building Code~~ KMC Title 21, Buildings and Construction that must be issued before initiating a use or development activity.~~1~~

*C. * Proposed Revision to Definition of Adjoining to Exempt Property Fronting on Minor Arterials from Landscape Buffer Requirement **

KZC CHAPTER 5 – DEFINITIONS

5.10 Definitions

5.10.020 Adjoining– Property that touches or is directly across a street, other than a principal or minor arterial, from the subject property. For the purposes of applying the regulations that limit the height and horizontal length of facade adjoining a low density zone, the

regulations shall only apply within an area of 100 feet of and parallel to the boundary line of a low density zone (as shown on Plate 18).

*D. *Proposed Deletion of Incorrect Reference to WAC Title 388 for Schools and Day Cares **

~~These uses are subject to the requirements established by the Department of Social and Health Services (WAD Title 388)~~

This change will be made to KZC Use Zone Chart Special Regulations for the following Zones and sections:

RS Zone: 15.10.030, Spec. Reg. 11, 15.10.040, Spec. Reg. 10	**PLA 6D Zone**: 60.72.040, Spec. Reg. 8, 60.72.050, Spec. Reg. 8
RSX Zones: 17.10.040, Spec. Reg. 10	**PLA 6E Zone**: 60.77.030, Spec. Reg. 8; 60.77.040, Spec. Reg. 8
RM, RMA Zones: 20.10.050, Spec. Reg. 7; 20.10.070, Spec. Reg. 7	**PLA 6F Zone**: 60.82.040, Spec. Reg. 8; 60.82.050, Spec. Reg. 8
RH 5C Zone: 53.59.040, Spec. Reg. 9	**PLA 6H Zone**: 60.92.040, Spec. Reg. 8; 60.92.050, Spec. Reg. 8
NRH 4 Zone: 54.30.130, Spec. Reg. 7; 54.30.140, Spec. Reg. 7	**PLA 6K Zone**: 60.107.040, Spec. Reg. 8; 60.107.050, Spec. Reg. 8
TL 11 Zone: 55.99.020, Spec. Reg. 9; 55.99.030, Spec. Reg. 9	**PLA 6I Zone**: 60.97.040, Spec. Reg. 8; 60.97.050, Spec. Reg. 7
PLA 2 Zone: 60.17.020, Spec. Reg. 10	**PLA 6J Zone**: 60.102.040, Spec. Reg. 8; 60.102.050, Spec. Reg. 8
PLA 5A Zone: 60.32.040, Spec. Reg. 8; 60.32.050, Spec. Reg. 8	**PLA 7A, B, C Zones**: 60.112.050, Spec. Reg. 7; 60.112.060, Spec. Reg. 7
PLA 5B Zone: 60.37.060, Spec. Reg. 6; 60.37.070, Spec. Reg. 7	**PLA 14 Zone**: 60.168b.030, Spec. Reg. 10; 60.168b.040, Spec. Reg. 9
PLA 5D Zone: 60.47.040, Spec. Reg. 8; 60.47.050, Spec. Reg. 8	**PLA 15B Zone**: 60.177.040, Spec. Reg. 8; 60.177.050, Spec. Reg. 7
PLA 5E Zone: 60.52.040, Spec. Reg. 8; 60.52.050, Spec. Reg. 8	**PLA 17 Zone**: 60.187.040, Spec. Reg. 9; 60.187.050, Spec. Reg. 8
PLA 6A Zone: 60.57.040, Spec. Reg. 8; 60.57.050, Spec. Reg. 8	**PLA 6E Zone**: 60.77.030, Spec. Reg. 8; 60.77.040, Spec. Reg. 8
PLA 6C Zone: 60.67.030, Spec. Reg. 9; 60.67.040, Spec. Reg. 9	**PLA 6F Zone**: 60.82.040, Spec. Reg. 8; 60.82.050, Spec. Reg. 8

E. Proposed Language to Allow Rounding of Fractions for Calculation of Density in Plats in RSA Zones

KZC CHAPTER 18 – Single Family Residential A (RSA) zones

18.10 RSA Use Zone Chart

Section 18.10.010. Detached Dwelling Units Special Regulation

1. Maximum units per acre is as follows:

a. (no change)
b. (no change)
c. (no change)
d. No change

Where the maximum number of units results in a fraction, the number shall be rounded up if the fraction is .50 or greater. In RSA 1, 4, 6, and 8 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot.

F. Proposed Deletion of Repeated Reference to Horizontal Façade Regulation in PLA 6G Zone

KZC CHAPTER 60 – Planned Areas

60.87 PLA6G Use Zone Chart

Section 60.87.130. Detached, Attached or Stacked Dwelling Units

Lot Size – 3,600 sq. ft. ~~per dwelling unit~~

~~**Special Regulation 3.**~~
~~If any portion of a structure is adjoining a low density zone, than either:~~
~~a. The height of that portion of the structure shall not exceed 15 feet in width above average building elevation, or~~
~~b. The maximum horizontal façade shall not exceed 50 feet in width. See KAC 115.30. Distance Between Structures/Adjacency to Institutional Use, for further details.~~

G. Proposed Deletion of Reference to Day Care Home Uses and Family Day-Care Home Uses in PLA 15B, PLA 16 and PLA 17 Zones

KZC CHAPTER 60 – Planned Areas

60.174 PLA 15B Use Zone Chart

Section 60.175 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1.-2. (No change)
3. 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 maximum horizontal facade shall not exceed 50 feet in width.

See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Units and Mini-School or Mini-Day-Care Center~~/Day Care Home~~ uses).

Section 60.179 PLA 16 Use Zone Chart

Section 60.180 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. (No change)
   2. If any portion of a structure is adjoining a detached dwelling unit in 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 maximum horizontal facade shall not exceed 50 feet.

   See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (Does not apply to Detached Dwelling Unit, Commercial Equestrian Facility, Commercial Recreation Area and Use and Mini-Day-Care Center ~~or Day-Care Home~~ uses).

Section 60.184 ZONE PLA 17

Section 60.185 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1.-2. (No change)
3. If any portion of a structure is adjoining a low density zone or low density use in PLA 17, then:
   a. A building bulk maximum will apply as follows – either:
      (1) The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
      (2) The maximum horizontal facade shall not exceed 50 feet in width.

   See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
   b. A significant buffer shall be required around all proposed structures and parking areas. This buffer should take the form of up to a 25-foot wide landscaped area OR a lesser dimensioned area furnished with screening walls, fences, berms, or dense stands of trees, but in no case be less than 10 feet.
   c. A solid screening wall or fence shall be required between any portion of a parking area which is closer than 40 feet to a low density use, low density zone, or the right-of-way of NE 97th Street. Such wall or fence shall be in addition to the landscape materials required by Chapter 95 KZC.

(Does not apply to Detached Dwelling Unit, Mini-School or Mini-Day-Care ~~and Family Day-Care Home~~ uses).
4. – 5. (No change

H. Proposed Revisions to Holmes Point Overlay Zone Regulations

KZC CHAPTER 70 – HOLMES POINT OVERLAY ZONE

Sections:
70.05 Purpose
70.15 Standards
70.25 Variations from Standards

70.05 Purpose

The purpose of the Holmes Point minimum site disturbance development standards is to allow infill at urban densities while providing an increased level of environmental protection for the Holmes Point area, an urban residential area characterized by a predominance of sensitive environmental features including but not limited to steep slopes, landslide hazard areas and erosion hazard areas, and further characterized by a low level of roads and other impervious surfaces relative to undisturbed soils and vegetation, tree cover and wildlife habitat. These standards limit the allowable amount of site disturbance on lots in Holmes Point to reduce visual impacts of development, maintain community character and protect a high proportion of the undisturbed soils and vegetation, tree cover and wildlife, and require an inspection of each site and the area proposed to be cleared, graded and built on prior to issuance of a building permit.

70.15 Standards

Within the parcels shown on the Kirkland Zoning Map with an (HP) suffix, the maximum impervious surface standards set forth in Chapter 18 KZC are superseded by this (HP) suffix, and the following development standards shall be applied to all residential development:

1. When review under Chapters 85 KZC (Geologically Hazardous Areas) or 90 KZC (~~Environmentally Sensitive Areas~~ Drainage Basins) or the City of Kirkland's Surface Water Design Manual is required, the review shall assume the maximum development permitted by this (HP) suffix condition will occur on the subject property, and the threshold of approval shall require a demonstration of no significant adverse impact on properties located downhill or downstream from the proposed development.

2. Total lot coverage shall be limited within every building lot as follows:

   a. On lots up to 6,500 square feet in size, 2,600 square feet;

   b. On lots 6,501 to 9,000 square feet in size, 2,600 square feet plus 28 percent of the lot area over 6,500 square feet;

   c. On lots over 9,000 square feet in size, 3,300 square feet plus 10 percent of the lot area over 9,000 square feet;

   c. On a lot already developed, cleared or otherwise altered up to or in excess of the limits set forth above prior to July 6, 1999, new impervious surfaces shall be limited to five percent of the area of the lot, not to exceed 750 square feet;

   d. For purposes of computing the allowable lot coverage within each lot, private streets, joint-use driveways or other impervious-surfaced access facilities required for vehicular access to a lot in easements or ~~access panhandles~~ within flag lots shall be excluded from calculations.

Summary Table:

Lot Size	Maximum Lot Coverage
Less than 6,500 sq. ft.	2,600 sq. ft.
6,501 sq. ft. to 9,000 sq. ft.	2,600 sq. ft. plus 28% of the lot area over 6,500 sq. ft.
9,001 sq. ft. or greater	3,300 sq. ft. plus 10% of the lot area over 9,000 sq. ft.

Developed, cleared or altered lots	New impervious limited to 5% of the total lot area, but not to exceed 750 sq. ft.

3. In addition to the maximum area allowed for buildings and other impervious surfaces under subsection (2) of this section, up to 50 percent of the total lot area may be used for garden, lawn or landscaping, provided:

   a. All significant trees, as defined in Chapter 95 KZC, must be retained. The area limits set forth in this subsection are to be measured at grade level; the area of allowable garden, lawn or landscaping may intrude into the drip line of a significant tree required to be retained under this subsection if it is demonstrated not to cause root damage or otherwise imperil the tree's health;

   b. Total site alteration, including impervious surfaces and other alterations, shall not exceed 75 percent of the total lot area.

   c. At least 25 percent of the total lot area shall be designated as a Protected Natural Area (PNA), in a location that requires the least alteration of existing native vegetation.

      In general, the PNA shall be located in one contiguous area on each lot unless the City determines that designation of more than one area results in superior protection of existing vegetation. The PNA shall be designated to encompass any critical areas on the lot and, to the maximum extent possible, consist of existing viable trees and native vegetation that meet the minimum vegetation condition standards set forth in subsection 4.a.

      If the lot does not contain an existing area meeting the vegetation requirements of subsection 4.a or if the applicant demonstrates to the satisfaction of the of the Planning Official that retaining such vegetation area is not feasible because it would significantly restrict the ability to develop the subject property based on applicable zoning regulations, a PNA shall be restored or established to the standards set forth in subsection 4.b.

   ~~c.~~ d If development on the lot is to be served by an on-site sewage disposal system, any areas required by the department of public health to be set aside for on-site sewage disposal systems shall be contained as much as possible within the portion of the lot altered for garden, lawn or landscaping as provided by this subsection. If elements of the on-site sewage disposal system must be installed outside the landscaped area, the elements must be installed so as not to damage any significant trees required to be retained under subsection 3.a of this section, and any plants that are damaged must be replaced with similar native plants.

4. Minimum Vegetation Conditions in the Protected Natural Area-

   a. Existing Native Vegetation: Priority is given to designate contiguous areas containing native vegetation meeting the following standards:

      1) Trees – Viable trees at a tree density of 150 tree credits per acre within the PNA, calculated as described in KZC 95.33.

         Example: A 10,000 square foot lot requires a 2,500 sq. ft. PNA (10,000 x 25% = 2,500 sq. ft.). Within the 2,500 sq. ft. PNA, 9 tree credits are required (2,500 sq. ft. / 43,560 sq. ft. = .057 acres x 150 tree credits =8.6, rounded to 9 tree credits). Note: the tree density for the remaining lot area is 30 tree credits per acre.

2) Shrubs – predominately 36 inches high, covering at least 60 percent of the PNA,

3) Living ground covers- covering at least 60 percent of the PNA.

b. Vegetation Deficiencies -

1) If the PNA contains insufficient existing vegetation pursuant to subsection 4.a above, the applicant shall restore the PNA with native vegetation to meet minimum supplemental vegetation standards pursuant to Subsection 3) below.

2) If the Planning Official determines that it is not feasible to retain an existing vegetation area, the applicant shall establish a PNA in a location approved by the Planning Official and planted in accordance with the Supplemental Vegetation Standards in subsection 4.b.3) below.

3) Supplemental Vegetation Standards. The applicant shall provide at a minimum:

a) Supplemental trees, shrubs and groundcovers selected from the Kirkland Native Plant List, or other native species approved by the Planning Official.

b) Trees –planted with a tree density of 150 tree credits per acre as described in KZC 95.33. The minimum size and tree density value for a supplemental tree worth one (1) tree credit in the PNA shall be at least six (6) feet in height for a conifer and at least one (1) inch in caliper (DBH) for deciduous or broad-leaf evergreen trees, measured from existing grade.

c) Shrubs - planted to attain coverage of at least 80 percent of the area within two (2) years, and at the time of planting be between two and five gallon pots or balled and burlapped equivalents.

d) Living ground covers- planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 80 percent of the Naturalized Area.

4) Soil Specifications - Soils in supplemental vegetation areas shall comply with KZC 95.50, particularly those areas requiring decompaction.

5) Mulch – Mulch in supplemental vegetation areas shall comply with KZC 95.50.

6) Prohibited Plants – Invasive weeds and noxious plants listed on the Kirkland Plant List in the vicinity of supplemental plantings shall be removed in a manner that will not harm trees and vegetation that are to be retained.

7) Landscape Plan Required. In addition to the Tree Retention Plan required pursuant to KZC 95.30, application materials shall clearly depict the quantity, location, species, and size of supplemental plant materials proposed to comply with the requirements of this section. Plants installed in the PNA shall be integrated with existing native vegetation and planted in a random naturalistic pattern. The Planning Official shall review and approve the landscape plan.

~~4.~~5 Subdivisions and short subdivisions shall be subject to the following requirements:

a. New public or private road improvements shall be the minimum necessary to serve the development on the site in accordance with Chapter 110 KZC. The City shall consider granting modifications to the road standards to further minimize site disturbance, consistent with pedestrian and traffic safety, and the other purposes of the road standards; and

b. Impervious surfaces and other alterations within each lot shall be limited as provided in subsections (2) and (3) of this section. In townhouse or multifamily developments, total impervious surfaces and other alterations shall be limited to 2,600 square feet per lot or dwelling unit in the R-6 and R-8 zones, and 3,300 square feet per lot or dwelling unit in the R-4 zone.

~~5~~6 Tree Retention Plan The applicant shall submit a tree retention plan required under KZC 95.30. In addition, it shall include the existing conditions and general locations of all shrubs and groundcover on the subject property.

7. The Department of Planning and Community Development shall conduct site inspections prior to approving any site alteration or development on parcels subject to this (HP) suffix condition as follows:

a. Prior to issuing a permit for alteration or building on any individual lot subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the existing ~~amount of undisturbed area,~~ conditions, tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the proposed Protected Natural Area and the area of the lot proposed to be altered and built on with environmental fencing, 4-foot high stakes and high-visibility tape or other conspicuous and durable means, and shall depict this area on a site plan included in the application.

b. Prior to approving any subdivision or building permit for more than one dwelling unit on any parcel subject to this (HP) suffix condition, the Planning Official shall inspect the site to verify the conditions, ~~amount of undisturbed area,~~ tree and other plant cover, and any previous site alteration or building on the site. Prior to this inspection and prior to altering the site, the applicant shall clearly delineate the proposed Protected Natural Area and the area of the proposed grading for streets, flow control and other common improvements, with environmental fencing, 4-foot high stakes and high-visibility tape or other conspicuous and durable means, and shall depict this area on a plot plan included in the application. Development of individual lots within any approved subdivision or short subdivision shall be subject to an individual inspection in accordance with subsection (~~5~~7)(a) of this section.

As part of the subdivision application, the applicant shall choose the tree retention plan options as required by KZC section 95.30.6. If the applicant chooses integrated review (rather than phased review) the applicant shall show the Protected Natural Area (PNA) on the face of the plat.

8. Tree and Landscape Maintenance Requirements

a. Protected Natural Area(s):
The PNA(s) shall be retained in perpetuity. Prior to final inspection of a building permit, the applicant shall provide:

1) a final as-built landscape plan showing all vegetation required to be planted or preserved and

2) a recorded PNA protection easement, in a form approved by the City Attorney, to maintain and replace all vegetation that is required to be protected by the City. The agreement shall be recorded with the King County Bureau of Elections and Records. Land survey information shall be provided for this purpose in a format approved by the Planning Official.

3) Plants that die must be replaced in kind or with similar plants contained on the Native Plant List, or other native species approved by the Planning Official.

b. All significant trees in the remaining 75% of the lot shall be maintained in perpetuity, and tree removal will be allowed only for hazardous and nuisance trees pursuant to KZC 95.23.5.d.

~~6~~9. Pervious areas ~~not covered by impervious surfaces or altered as provided in (2), (3), or (4) of this section~~, which are not geologically hazardous or environmentally sensitive areas governed by Chapter 85 or 90 KZC, shall be maintained as open space in an undisturbed state, except for the following activities:

a. Incidental trimming or removal of vegetation necessary for protection of property or public health and safety, or the incidental removal of vegetation to be used in the celebration of recognized holidays. Replacement of removed hazardous trees may be required;

b. ~~Areas infested by~~ N~~n~~oxious weeds may be ~~replanted~~ cleared as long as they are replaced with appropriate native species or other appropriate vegetation and bark mulched to prevent erosion;

c. Construction of primitive pedestrian-only trails in accordance with the construction and maintenance standards in the U.S. Forest Service "Trails Management Handbook" (FSH 2309.18, June 1987, as amended) and "Standard Specifications for Construction of Trails" (EM-7720-102, June 1996, as amended); but in no case shall trails be constructed of concrete, asphalt or other impervious surface;

d. Limited trimming and pruning of vegetation for the creation and maintenance of views, and the penetration of direct sunlight, provided the trimming or pruning does not cause root damage or otherwise imperil the tree's health as allowed for in Chapter 95 KZC; and

e. Individual trees or plants may be replaced with appropriate species on a limited basis. Forested hydrological conditions, soil stability and the duff layer shall be maintained.

~~7~~10. Conformance with this (HP) suffix condition shall not relieve an applicant from conforming to any other applicable provisions of the Zoning Code, Subdivision Ordinance, or Shoreline Master Program.

70.25 Variations from Standards

For development activity occurring after July 6, 1999, upon written request from the applicant, the Planning Director may allow up to a 10 percent increase in impervious surface on individual lots over the limits set forth above, provided such increase is the minimum necessary to allow reasonable use of the property and meets all other applicable decision criteria for a variance as provided in Chapter 120 KZC, and one or more of the following circumstances applies:

a. Development of a lot will require a driveway 60 feet or longer from the lot boundary to the proposed dwelling unit;

b. On-site flow control facilities are required by the Public Works Department;

c. The requested increase will allow placement of new development on the site in such a way as to allow preservation of one or more additional significant trees, as defined in Chapter 95 KZC, that would otherwise be cleared; or

d. The requested increase is necessary to provide additional parking, access ramp or other facilities needed to make a dwelling accessible for a mobility-impaired resident.

KZC Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

95.23 Tree Removal – Not Associated with Development Activity

1. Introduction (no change).

2. (no change).

2. Tree Removal Permit Application Form. (no change)

4. Tree Removal Permit Application Procedure and Appeals. (no change)

5. Tree Removal Allowances.

a. Except in the Holmes Point Overlay Zone, ~~A~~any private property owner of developed property may remove up to two (2) significant trees from their property within a 12-month period without having to apply for a tree removal permit; provided, that:

1) There is no active application for development activity for the site;

2) The trees were not required to be retained or planted as a condition of previous development activity; and

3) All of the additional standards for tree removal and Tree Removal Permits as described in subsections (5)(b) through (e) of this section are met.

The Department of Planning and Community Development shall establish and maintain a tree removal request form. The form may be used by property owners to request Department review of tree removal for compliance with applicable City regulations.

b. Tree Retention and Replacement Requirements.

1) Tree Retention. (no change).

2) Tree Replacement. (no change)

c. Shoreline Jurisdiction. (no change).

d. Removal of Hazard or Nuisance Trees. Any private property owner seeking to remove any number of significant trees which are a hazard or nuisance from developed or undeveloped property or the public right-of-way shall first obtain approval of a Tree Removal Permit and meet the requirements of this subsection.

1) Tree Risk Assessment. If the nuisance or hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a nuisance or hazard tree is required. Removal of nuisance or hazard trees does not count toward the tree removal limit if the nuisance or hazard is supported by a report prepared by a qualified professional and approved by the City.

2) Trees in Critical Areas or Critical Areas Buffers. For hazard or nuisance trees in (a) easements dedicated to ensure the protection of vegetation; (b) critical areas; or (c) critical area buffers, a planting plan is required to mitigate the removal of the hazard or nuisance tree. 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 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 removal of any tree in a critical area, or Native Growth Protective Easement will require the planting of a native tree of a minimum of six (6) 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.

3) The removal of any tree in the Holmes Point Overlay Zone requires the planting of a native tree of a minimum of six (6) feet in height in close proximity to where the removed tree was located. Selection of native species and timing of installation shall be approved by the Planning Official.

~~3~~4) Street Trees. Street trees may only be removed if determined to be a hazard or nuisance. If the removal request is for street trees, the Public Works Official may consider whether the tree(s) are now, or may be in the future, part of the City's plans for the right-of-way. The City shall require a one-for-one tree replacement in a suitable location.

e. Forest Management Plan. (no change)

95.30 Tree Retention Associated with Development Activity

1. Introduction. 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. To that end, the City requires approval of a tree retention plan in conjunction with all development permits resulting in site disturbance and for any tree removal on developed sites not exempted by KZC 95.20. This section includes provisions that allow development standards to be modified in order to retain viable significant trees.

In order to make better decisions about tree retention, particularly during all stages of development, tree retention plans will require specific information about the existing trees before removal is allowed. Specific tree retention plan review standards provided in this

section establish tree retention priorities, incentives, and variations to development standards in order to facilitate preservation of viable trees.

A minimum tree density approach is being used to retain as many viable trees as possible with new development activity. The requirement to meet a minimum tree density applies to new single-family homes, cottages, carriage units, two/three-unit homes, 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 entire site. Supplemental tree location priority is set as well as minimum size of supplemental trees to meet the required tree 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.

Properties within jurisdiction of the Shoreline Management Act are subject to additional tree retention and protection regulations as set forth in Chapter 83 KZC.

Properties within the Holmes Point Overlay zone are subject to additional tree retention and protection regulations as set forth in Chapter 70 KZC

95.51 Tree and Landscape Maintenance Requirements

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

1. Responsibility for Regular Maintenance. (no change)

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

   a. 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 in a Tree Retention Plan shall be maintained for a period of five (5) years following issuance of the certificate of occupancy for the individual lot or development. After five (5) years, all trees on the property are subject to KZC 95.23 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 through 95.45, Required Landscaping.

3. Maintenance of Preserved Grove. (no change)

4. Maintenance in Holmes Point Overlay Zone. Vegetation in designated Protected Natural Areas in the Holmes Point Overlay Zone is to be protected in perpetuity pursuant to KZC 70.15.8.a.

Significant trees in the remainder of the lot shall be protected in perpetuity pursuant to KZC 70.15.8.b

5~~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 95.23(5)(d). 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.

6~~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.

7~~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.

8~~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.

Chapter 145 – PROCESS I

145.22 Notice of Application and Comment Period

1. Contents – (no change)

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.

2) The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.

3) The notice, or a summary thereof, including a vicinity map, will be distributed to the residents of each piece of property adjacent to or directly across the street from the subject property.

4) The notice will be distributed to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.

5) The notice will be posted on the City's website and the City will provide the public with a means to register to receive all such notices on a timely basis via email or equivalent means of electronic communication.

Chapter 150 – PROCESS IIA

150.22 Notice of Application

1. Contents – (no change)

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) The notice, or a summary thereof, including a vicinity map, will be distributed to the owners of all property within 300 feet of any boundary of the subject property.

2) The notice, or a summary thereof, including a vicinity map, will be distributed to the residents of each piece of property adjacent to or directly across the street from the subject property.

3) The notice, or a summary thereof, will be published in the official newspaper of the City. The published notice does not require a vicinity map.

4) The notice, or a summary thereof, including a vicinity map, will be posted on each of the official notification boards of the City.

5) The notice will be distributed to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.

6) The notice will be posted on the City's website and the City will provide the public with a means to register to receive all such notices on a timely basis via email or equivalent means of electronic communication.

*I. * Proposed Language Establishing Time Limits for Tree Removal Permits not Associated with Development Activity**

KZC Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

95.23 Tree Removal – Not Associated with Development Activity

1.– 3. (No change)

4. Tree Removal Permit Application Procedure and Appeals.

a. Applicants requesting to remove trees must submit a completed permit application on a form provided by the City. The City shall review the application within 21 calendar days 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

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

c. Time Limit: The removal shall be completed within one year from the date of permit approval.

*J. * Proposed Language to Allow Lots with Low impact Development Standards as Part of a Conventional Subdivision **

KZC Chapter 5 – DEFINITIONS

5.10.490.5 Low Impact Development (LID)
– A stormwater management and land development strategy applied at the parcel and the subdivision scale that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions.

10.490.7 Low Impact Development Project Site
– The site or portion of a site that utilizes Low Impact Development storm water techniques and facilities pursuant to KZC Chapter 114.

KZC Chapter 114 – LOW IMPACT DEVELOPMENT

Sections:

114.05 User Guide (No change)
114.10 Voluntary Provisions and Intent (No change)
114.15 Parameters for Low Impact Development
114.20 Design Standards and Guidelines (No change)
114.25 Review Process (No change)
114.30 Additional Standards (No change)
114.35 Required Application Documentation (No change)

114.15 Parameters for Low Impact Development

These standards and incentives address the portion of the project site utilizing the LID stormwater techniques and facilities to meet applicable stormwater requirements. The remainder of the project site must comply with underlying zoning and conventional stormwater requirements. Please refer to KZC 114.30 and 114.35 for additional requirements related to these standards.

Permitted Housing Types	• Detached dwelling units. • Accessory dwelling units. • 2/3 unit homes.
Minimum Lot Size	• Individual lot sizes must be at least 50% of the minimum lot size for the underlying zone.
Minimum Number of Lots	• 4 lots.
Maximum Density	• As defined in underlying zone's Use Zone Chart.

	• Bonus density is calculated by multiplying number of lots or units by 0.10. If a fraction of 0.5 or higher is obtained then round to the next whole number.
Low Impact Development	• LID techniques must be employed to control stormwater runoff generated from 50% of all hard surfaces. This includes all vehicular and pedestrian access. LID facilities must be designed according to Public Works stormwater development regulations as stated in Chapter 15.52 KMC.
Locations	• Allowed in low density residential zones with the exception of the following: PLA 16, PLA 3C, RSA 1, RSA 8, or the RS 35 and RSX 35 zones in the Bridle Trails neighborhood north and northeast of the Bridle Trails State Park, and the Holmes Point Overlay zone. Any property or portion of a property with shoreline jurisdiction must meet the regulations found in Chapter 83 KZC, including minimum lot size or units per acre and lot coverage.
Review Process	• Short plats shall be reviewed under KMC 22.20.015 and subdivisions shall be reviewed under KMC 22.12.015. • Condominium projects shall be reviewed under KZC 145, Process I.
Parking Requirements	• 2 stalls per detached dwelling unit. • 1 stall per accessory dwelling unit. • 1.5 stalls per unit in multi-unit home, rounded to next whole number. • See KZC 105.20 for guest parking requirements. • Parking pad width required in KZC 105.47 may be reduced to 10 feet. • Parking pad may be counted in required parking. • Tandem parking is allowed where stalls are share by the same dwelling unit. • Shared garages in separate tract are allowed. • All required parking must be provided on the LID project site.
~~Ownership Structure~~ Development Type	• Subdivision. • Condominium.
Minimum Required Yards (from exterior property lines ~~of the LID project~~)	• 20 feet for all front yards. • 10 feet for all other required yards.
Minimum Required Yards (from internal property lines)	• Front: 10 feet. • Option: Required front yard can be reduced to 5 feet, if required rear yard is increased by same amount of front yard reduction. • Side and rear: 5 feet. • Zero lot line for 2/3 unit homes between internal units.
Front Porches	• Must comply with KZC 115.115.3(n), except that front entry porches may extend to within 5 feet of the interior required front yard.
Garage Setbacks	• Must comply with KZC 115.43, except that attached garages on front facade of dwelling unit facing internal front property line must be set back 18 feet from

	internal front property line.
Lot Coverage (all impervious surfaces)	• Maximum lot coverage ~~for entire site~~ is ~~based on~~the maximum lot coverage percentage of the underlying zone and may be aggregated.
Required Common Open Space (RCOS)	• Minimum of 40% ~~of entire development~~. • Native and undisturbed vegetation is preferred. • Allowance of 1% of required common open space for shelters or other recreational structures. • Paths connecting and within required common open space to development must be pervious. • Landscape Greenbelt Easement is required to protect and keep required common open space undeveloped in perpetuity.
Maximum Floor Area 1, 2	• Maximum floor area is 50% of the minimum lot size of the underlying zone.

Footnotes:

1. The maximum floor area for LID projects does not apply within the disapproval jurisdiction of Houghton.
2. The Maximum floor area for LID projects in RS 35 and RSX 35 zones is 20% of the minimum lot size of the underlying zone.

114.20 Design Standards and Guidelines

1. Required Low Impact Development Stormwater Facilities – Low impact development (LID) stormwater facilities shall be designed to control stormwater runoff from 50 percent of all hard surfaces created within ~~entire~~ the LID portion of the project site ~~development~~. This includes all vehicular and pedestrian access. LID facilities shall be designed according to Public Works stormwater development regulations, as stated in KMC 15.52.060. The maintenance of LID facilities shall be maintained in accordance with requirements in KMC 15.52.120. The proposed site design shall incorporate the use of LID strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:

    a. Preservation of natural hydrology.

    b. Reduced impervious surfaces.

    c. Treatment of stormwater in numerous small, decentralized structures.

    d. Use of natural topography for drainage ways and storage areas.

    e. Preservation of portions of the site in undisturbed, natural conditions.

    f. Restoration of disturbed sites.

    g. Reduction of the use of piped systems. Whenever possible, site design shall use multifunctional open drainage systems such as rain gardens, vegetated swales or filter strips that also help to fulfill landscaping and open space requirements.

2. Required Common Open Space – Required common open space shall support and enhance the project's LID stormwater facilities; secondarily to provide a sense of openness, visual relief, and community for low impact development projects.

   a. The minimum percentage for required common open space is 40 percent and is calculated using the size of the LID portion of the project site. ~~whole development~~ Wetland and streams shall not be included in the calculation. The required common open space must be located outside of wetlands~~,~~ and streams, and may be developed and maintained to provide for passive recreational activities for the residents of the development as allowed in Chapter 90 KZC.

   ~~a~~b. Conventional surface water management facilities such as vaults and tanks shall be limited within required common open space areas and shall be placed underground at a depth to sufficiently allow landscaping to be planted on top of them. Low impact development (LID) features are permitted, provided they do not adversely impact access to or use of the required common open space for passive recreation. Neither conventional or LID stormwater facilities can result in the removal of healthy native trees, unless a positive net benefit can be shown and there is no other alternative for the placement of stormwater facilities. The Public Works Director must approve locating conventional stormwater facilities within the required common open space.

   ~~b~~c. Existing native vegetation, forest litter and understory shall be preserved to the extent possible in order to reduce flow velocities and encourage sheet flow on the site. Invasive species, such as Himalayan blackberry, must be removed and replaced with native plants (see Kirkland Native Plant List). Undisturbed native vegetation and soil shall be protected from compaction during construction.

   ~~c~~d. If no existing native vegetation, then applicant may propose a restoration plan that shall include all native species. No new lawn is permitted and all improvements installed must be of pervious materials.

   ~~d~~e. Vegetation installed in required common open space areas shall be designed to allow for access and use of the space by all residents, and to facilitate maintenance needs. However, existing mature trees should be retained.

*K. * Proposed Language to Clarify Noise Regulations **

KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.25 Development Activit~~ies 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 (1) 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.

115.95 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, Chapter 70.107 RCW. See Chapter 173-60 WAC.

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. See KZC 115.25 for requirements related to development activity (construction work that requires a permit).

~~3~~4. 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~~5. Bonds – The City may require a bond under Chapter 175 KZC to insure compliance with the provisions of this section.

L. Proposed Language for Garage Setback Requirements for Detached Dwelling Units in Low Density Zones

KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones

1. Purpose and Intent – *(no change)*

2. General Requirements *(no change)*

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 may not extend closer to the abutting right-of-way than ~~shall be set back eight (8) feet greater than the required front yard for the remainder of the~~ any other ground floor portion of the front facade 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 – *(no change)*

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, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; 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. *(no change)*

*M. *Proposed Language to Clarify that Subdivision Provisions May Allow Lot Size Reductions Beyond Minimum Lot Size in Zoning Code or Map**

KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

Sections:

115.05 User Guide
115.07 Accessory Dwelling Units
115.08 Accessory Structure (Detached Dwelling Unit Uses Only)
115.10 Accessory Uses, Facilities and Activities
115.15 Air Quality Regulations
115.20 Animals in Residential Zones
115.23 Common Recreational Space Requirements for Certain Residential Uses
115.25 Development Activities and Heavy Equipment Operation – Limitations On
115.30 Distance Between Structures/Adjacency to Institutional Use
115.33 Electric Vehicle Infrastructure
115.35 Erosion and Sedimentation Regulation
115.40 Fences
115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C
115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones
115.45 Garbage and Recycling Receptacles and Enclosures – Storage Space, Placement and Screening
115.47 Loading and Service Areas Placement and Screening
115.50 Glare Regulation
115.55 Heat Regulation
115.59 Height Regulations – Calculating Average Building Elevation (ABE)
115.60 Height Regulations – Exceptions
115.65 Home Occupations
115.80 Legal Building Site
115.85 Lighting Regulations
115.87 Lot Size Flexibility
115.90 Calculating Lot Coverage
115.95 Noise Regulations
115.100 Odor
115.105 Outdoor Use, Activity and Storage
115.110 Radiation
115.115 Required Yards
115.120 Rooftop Appurtenances
115.125 Rounding of Fractions of Dwelling Units
115.135 Sight Distance at Intersections
115.138 Temporary Storage Containers
115.140 Temporary Trailers for Construction and Real Estate Sales Offices
115.142 Transit Shelters and Centers, Public
115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited

(new section:)

115.87 Lot Size Flexibility

Within a subdivision or short plat, a reduction in the minimum lot size may be approved pursuant to subdivision design requirements in Chapter 22.28.KMC

*N. * Proposed Revisions to Horizontal Façade Regulations**

KZC Chapter 5-DEFINITIONS

5.10 Definitions

5.10.020 Adjoining

– Property that touches or is directly across a street, other than a principal arterial, from the subject property. For the purposes of applying the regulations that limit the height ~~and horizontal length of facade~~ adjoining a low density zone, the regulations shall only apply within an area of 100 feet of and parallel to the boundary line of a low density zone (as shown on Plate 18).

~~5.10.507 Maximum Horizontal Facade~~

~~The widest cross-section of the building(s) in the area adjoining the low density zone or within 100 feet of the adjoining lot containing the detached dwelling unit or low density use. The cross-section width is measured parallel to the zone or lot(s). (See Plate 38.)~~

KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

Sections:

115.05 User Guide
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115.30 Distance Between Structures/Adjacency to Institutional Use
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115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C
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115.50 Glare Regulation
115.55 Heat Regulation
115.59 Height Regulations – Calculating Average Building Elevation (ABE)
115.60 Height Regulations – Exceptions
115.65 Home Occupations
115.80 Legal Building Site
115.85 Lighting Regulations
115.90 Calculating Lot Coverage
115.95 Noise Regulations
115.100 Odor
115.105 Outdoor Use, Activity and Storage
115.110 Radiation
115.115 Required Yards

115.120 Rooftop Appurtenances
115.125 Rounding of Fractions of Dwelling Units
115.135 Sight Distance at Intersections
115.136 Size Limitations for Structures Abutting Low Density Zones and Uses.
115.138 Temporary Storage Containers
115.140 Temporary Trailers for Construction and Real Estate Sales Offices
115.142 Transit Shelters and Centers, Public
115.150 Vehicles, Boats and Trailers – Size in Residential Zones Limited

(This change will be made to KZC Use Zone Chart General and Special Regulations for the following Zones and sections:)

a. ~~1. If any portion of a structure is adjoining a low density zone or a low density use in PLA 17, then either:~~
~~a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or~~
~~b. The maximum horizontal facade shall not exceed 50 feet in width.~~
~~See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details. (Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Detached Dwelling Units uses).~~

For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17) Section 115.136 establishes additional limitations on structure size.

RS Zone, 15.08, General Regulation 2	PLA 6A Zone, 60.55, General Regulation 3
RSX Zone, 17.08, General Regulation 2	PLA 6B Zone, 60.60, General Regulation 3
RSA Zone, 18.08, General Regulation 2	PLA 6C Zone, 60.65, General Regulation 2
RM, RMA Zone, 20.08, General Regulation 3	PLA 6D Zone, 60.70, General Regulation 3
PR, PRA Zone, 25.08, General Regulation 3	PLA 6E Zone, 60.75, General Regulation 2
PO Zone, 27.08, General Regulation 2	PLA 6F Zone, 60.80, General Regulation 3
WDII Zone, 30.25.030, 30.25.040, Special Regulation 2	PLA 6G Zone, 60.85, General Regulation 3
WDII Zone, 30.25.050, Special Regulation 1	PLA 6G Zone, 60.87.130, Special Regulation 3
BN, BNA Zone, 40.08, General Regulation 2	PLA 6H Zone, 60.90, General Regulation 3
BC, BC-1, BC-2 Zone, 45.08, General Regulation 2	PLA 6I Zone, 60.95, General Regulation 3
BCX Zone, 47.08, General Regulation 2	PLA 6J Zone, 60.100, General Regulation 3
LIT Zone, 48.10, General Regulation 2	PLA 6K Zone, 60.105, General Regulation 3
P Zone, 49.10, General Regulation 2	PLA 6A Zone, 60.55, General Regulation 3
MSC-1, 4 Zone, 51.08, General Regulation 3	PLA 6B Zone, 60.60, General Regulation 3
MSC-2 Zone, 51.18, General Regulation 2	PLA 6C Zone, 60.65, General Regulation 2
MSC-3 Zone, 51.28, General Regulation 2	PLA 6D Zone, 60.70, General Regulation 3
RH 5A, 5B Zone, 53.52, General Regulation 2	PLA 6E Zone, 60.75, General Regulation 2
RH 5C Zone, 53.57, General Regulation 2	PLA 6F Zone, 60.80, General Regulation 3
RH 8 Zone, 53.82, General Regulation 2	PLA 6G Zone, 60.85, General Regulation 3
NRH1B Zone, 54.10, General Regulation 3	PLA 6G Zone, 60.87.130, Special Regulation 3
NRH2 Zone, 54.16, General Regulation 2	PLA 6H Zone, 60.90, General Regulation 3
NRH3 Zone, 54.22, General Regulation 2	PLA 6I Zone, 60.95, General Regulation 3
TL 10A Zone, 55.67, General Regulation 2	PLA 6J Zone, 60.100, General Regulation 3

TL 10B Zone, 55.73, General Regulation 2	PLA 6K Zone, 60.105, General Regulation 3
TL 11 Zone, 55.97, General Regulation 3	PLA 7A, B, C Zone, 60.110, General Regulation 3
PLA 1 Zone, 60.12.040, 60.12.050, 60.12.060, Special Regulation 2	PLA 9 Zone, 60.130, General Regulation 3
PLA 1 Zone, 60.12.070, Special Regulation 1	PLA 14 Zone, 60.168a, General Regulation 2
PLA 3C Zone, 60.25, General Regulation 2	PLA 15B Zone, 60.175, General Regulation 3
PLA 5A Zone, 60.30, General Regulation 3	PLA 16 Zone, 60.180, General Regulation 2
PLA 5B Zone, 60.35, General Regulation 3	PLA 17 Zone, 60.185, General Regulation 3
PLA 5C Zone, 60.40, General Regulation 3	PLA 17A Zone, 60.190, General Regulation 3
PLA 5D Zone, 60.45, General Regulation 3	
PLA 5E Zone, 60.50, General Regulation 3	

(New Section 115.136:)

115.136. Size Limitations for Structures Abutting Low Density Zones and Uses.

1. Size Limits – On properties located in other than low density zones, any portion of a structure greater than 15 feet in height and located within 30 feet of either a low density zone or a parcel within the PLA 17 zone containing a low density use shall be no greater than 50 feet in length, as measured parallel to the property line separating the subject property from the abutting low density zone or use. In applying this regulation, the 30 foot area shall be measured from the perimeter property lines of the properties in low density zones where the zoning boundary is located in a right-of-way. Structures or portions thereof shall be treated as a single structure if any portions of the structures, other than those elements listed in subsection 2.b below, are located within 20 feet of each other.

2. Exceptions
   a. The above size limits do not apply to:
      1) Structures within 30 feet of a parcel containing an institutional use;
      2) Structures separated from a low density zone by another developed parcel or right of way, except alleys; and
      3) Detached dwelling units separated from each other by at least 10 feet;
   b. The following elements of a structure are not subject to the 20 feet separation established in Section 1 above:
      1) Any elements no higher than 18 inches above finished grade;
      2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies that extend no more than 18 inches from the wall of a structure;
      3) Stairs that extend no more than five feet from the wall of a structure; and
      4) Porches that extend no more than five feet from the wall of a structure if:
         a) The porch is no higher than one story and the finished floor of the porch is no more than four feet above finished grade;
         b) Three sides of the porch are open, other than solid walls or railings up to a height of 42 inches;
         c) No deck, balcony or living area is on the roof of the porch;
         d) The length of the porch does not exceed 50% of the wall of the structure to which it is attached; and
         e) Porch eaves may extend an additional 18 inches from the edge of the porch.

3. Modifications – The City may approve modifications from the dimensional standards specified in Section 1 if it determines that either:
   a. The topography, vegetation or improvements on either the subject property or abutting property adequately obscure the visibility of the structure from the abutting property; or

b. The design of the structure moderates its apparent size as well as or better than strict adherence to the dimensions specified in Section 1,

The decision on the modification shall be made by the Planning Director and appeals shall be in accordance with the appeal provisions of Process I, Chapter 145; provided that if the development requires a decision through design review, Process I, Process IIA or Process IIB, the decision on the modification and appeals thereof shall be made using the required review process for the development.

(Delete Section 115.30:)

~~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 (2) structures will be treated and considered as one (1) 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 (2) structures connected by a breezeway or walkway will be regulated as one (1) 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 (5) feet from each structure toward the other if:~~

~~a) The porch is no higher than one (1) story and the finished floor of the porch is no more than four (4) feet above finished grade;~~

~~b) Three (3) 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~~

(Integrate existing requirements from 115.30 pertaining to the calculation of FAR into Section 115.42:)

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

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones and attached dwelling units in PLA 3C shall include the

entire area within the exterior walls for each level of the structure. It shall also include the area of all carports, measured as the area of the carport roof. It shall not include the following:

a. Attic area with less than five (5) 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 (6) 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.
f. One hundred square feet if the dwelling unit has an internal staircase and/or an area with a ceiling height greater than 16 feet.

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

3. Separate structures will be regulated as one structure if any elements of the structures, except for the elements listed in Section b.4) below, are closer than 20 feet to each other.
   a. Two structures connected by a breezeway or walkway will be regulated as one structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.
   b. Elements of structures that may be closer than 20 feet to each other are:
      1. Elements of a structure no higher than 18 inches above finished grade;
      2. Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies extending no more than 18 inches from the wall of a structure;
      3. Stairs extending no more than five feet from the wall of a structure;
      4. Porches extending no more than five feet from the wall of a structure if:
         a) The porch is no higher than one story and the finished floor of the porch is no more than four feet above finished grade;
         b) Three sides of the porch are open other than railings and solid walls no higher than 42 inches;
         c) No deck, balcony, or living area is placed on the roof of the porch;
         d) The length of the porch does not exceed 50% of the wall of the structure to which it is attached;
         e) Porch eaves may extend an additional 18 inches from the edge of the porch.

This section is not effective within the disapproval jurisdiction of the Houghton Community Council, except for those lots in PLA 3C that are less than 7,200 square feet or lots that have less than the minimum lot size created through the small lot provisions of KMC 22.28.042, subdivisions.

(Delete the following language in Section 142.37:)

142.37 Design Departure and Minor Variations.

1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:

   a. In the CBD and YBD: minimum required yards; and

   b. In the Totem Center: minimum required yards, floor plate maximums and building separation requirements; and

   c. In the RHBD, the PLA 5C zone, and the TLN: minimum required yards, and landscape buffer ~~and horizontal facade requirements~~; and

   d. In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards ~~and horizontal facade requirements~~; and

   e. In the MSC 2 zone of the Market Street Corridor: height (up to an additional five (5) feet), and minimum required front yards ~~and horizontal facade requirements~~; and

   ~~f. In the MSC 3 zone of the Market Street Corridor: horizontal facade requirements~~; and

   ~~g. In the BN and BNA zones: horizontal facade requirements~~.

   This section does not apply when a design regulation permits the applicant to propose an alternate method for complying with it or the use zone chart allows the applicant to request a reduced setback administratively.

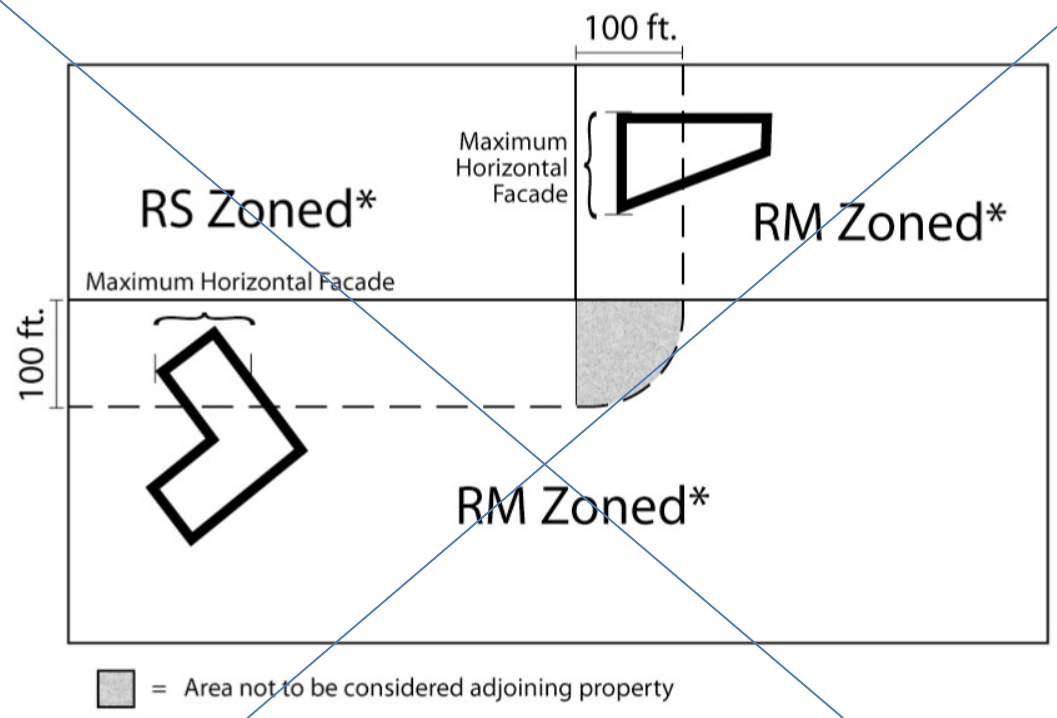
2. Process – (no change).

3. Application Information – (no change).

4. Criteria –(no change

(Delete the following Plate 38 and replace with new Plate 38:)

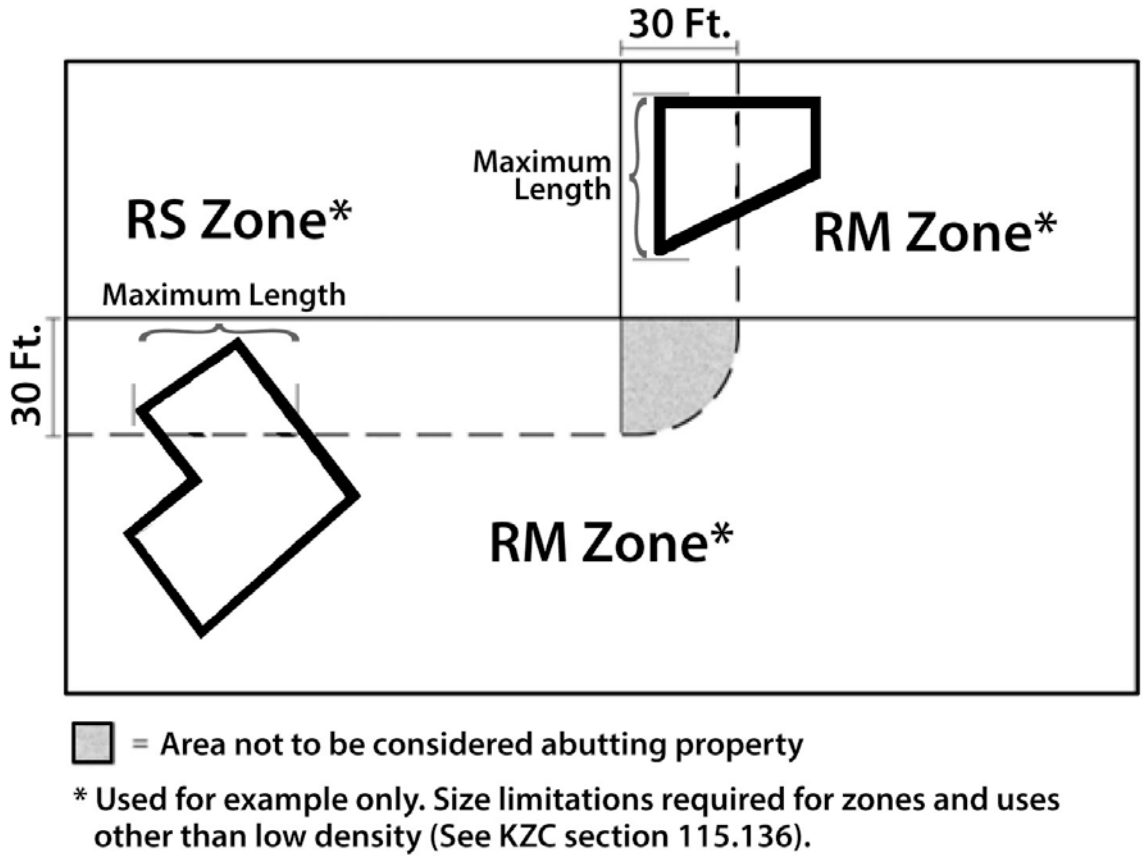
Plate 38 Measuring Maximum Horizontal Facade



*Used for example only. Maximum horizontal facade requirements are specified by individual zoning district.

(New Plate)pro

Plate 38: Measuring Size Limitations for Structures Abutting Low Density Zones & Low Density Uses in the PLA17 zone.



*O. * Proposed Clarification of Height of Second Story Above Garage **

KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.115 Required Yards

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

   a-n (no change)

   o. In low density residential zones:

      1) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may be located within five (5) 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; and

~~c) The portion of the structure that is located within the required rear yard is no higher than the maximum height allowed in the underlying zone.~~

2) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may extend to the rear property line, if:

a) The lot is 50 feet wide at the rear property line on the alley;

b) The garage has side access with garage doors that are perpendicular to the alley;

c) The garage eaves do not extend over the property line;

d) The garage complies with KZC 115.135, which regulates sight distance at intersections; and

~~e) The portion of the structure that is located within the required rear yard is no higher than the maximum height allowed in the underlying zone.~~

*P. * Proposed Language to Correct the Terminology for Flag Lots**

KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.115 Required Yards

1-4 (no change)

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 – (no change)

a) (No change)

b) That for ~~panhandle~~ flag lots; a 5-foot setback is not required from any side property line that abuts a neighboring lot that was part of the same plat.

c) (No change)

*Q. *New Regulations for Ground Mounted Solar Collectors**

KZC CHAPTER 5 – DEFINITIONS

5.10 Definitions

5.10. 881.1 Solar Collector:

-Any of various devices for the absorption of solar radiation for the heating of water or buildings or the production of electricity

5.10.881.~~1~~2 Solar Panel

-A panel designed to absorb the sun's rays for generating electricity or heating.

KZC Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

Sections

115.05 User Guide
115.07 Accessory Dwelling Units
115.08 Accessory Structure (Detached Dwelling Unit Uses Only)
115.10 Accessory Uses, Facilities and Activities
115.15 Air Quality Regulations
115.20 Animals in Residential Zones
115.23 Common Recreational Space Requirements for Certain Residential Uses
115.25 Development Activities and Heavy Equipment Operation – Limitations On
115.30 Distance Between Structures/Adjacency to Institutional Use
115.33 Electric Vehicle Infrastructure
115.35 Erosion and Sedimentation Regulation
115.40 Fences
115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C
115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones
115.45 Garbage and Recycling Receptacles and Enclosures – Storage Space, Placement and Screening
115.47 Loading and Service Areas Placement and Screening
115.50 Glare Regulation
115.55 Heat Regulation
115.59 Height Regulations – Calculating Average Building Elevation (ABE)
115.60 Height Regulations – Exceptions
115.65 Home Occupations
115.80 Legal Building Site
115.85 Lighting Regulations
115.90 Calculating Lot Coverage
115.95 Noise Regulations
115.100 Odor
115.105 Outdoor Use, Activity and Storage
115.110 Radiation
115.115 Required Yards
115.120 Rooftop Appurtenances
115.125 Rounding of Fractions of Dwelling Units
115.135 Sight Distance at Intersections
115.137 Solar Collectors in Residential Zones
115.138 Temporary Storage Containers
115.140 Temporary Trailers for Construction and Real Estate Sales Offices
115.142 Transit Shelters and Centers, Public

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

(New section:)

115.137 Solar Collectors in Residential Zones

Only ground and/or roof mounted solar collectors are allowed in residential zones.

1) Roof Mounted – Roof mounted solar collectors are allowed in all residential zones pursuant to KZC Section 115.60.2 Height Regulations - Exceptions. For the purpose of this section, a solar collector will be considered to be roof mounted if it extends across the roof of a structure with or without being attached.

2) Ground Mounted – Ground mounted solar collectors are allowed in all residential zones subject to the following standards:

   a) Location: Ground mounted solar collectors shall be placed behind a plane extending across the width of the property at the front facade of the dwelling unit or other structure located closest to the front property line.

   b) Height: The maximum permitted height of a solar collector is 6 feet above finished grade.

*R. * Proposed Language to Reduce Review Process for Variances in Houghton Relating for Detached Dwelling Units**

KZC CHAPTER 120 – VARIANCES

Sections

120.05 User Guide
120.10 Process for Deciding Upon a Proposed Variance
120.12 Expansion or Modification of an Existing Structure
120.15 Application Information
120.20 Criteria for Granting a Variance
120.25 What May Not Be Varied

120.05 User Guide (no change)

120.10 Process for Deciding Upon a Proposed Variance

~~The following subsection is not effective within the disapproval jurisdiction of the Houghton Community Council:~~

~~1.~~ The City will use Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a variance except as to property located within an RS, RSA or RSX Zone or for a detached dwelling unit in any zone. For variance applications as to property located within an RS, RSA or RSX Zone or for a detached dwelling unit in any zone, the City will use Process I described in Chapter 145 KZC; provided, however, that while the content of the notice shall be per KZC 145.22(1), the distribution of the notice shall be per KZC 150.22(2).

~~The following subsection is effective only within the disapproval jurisdiction of the Houghton Community Council:~~

~~2. The City will use Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a variance except as to property located within an RS, RSA or RSX Zone. For variance applications as to property located within an RS, RSA or RSX Zone, the City will use Process I described in Chapter 145 KZC; provided, however, that while the content of the notice shall be per KZC 145.22(1), the distribution of the notice shall be per KZC 150.22(2).~~

120.12 Expansion or Modification of an Existing Structure (no change)

120.15 Application Information

~~In addition to the application materials required in Chapter 150 KZC, t~~The applicant shall submit a completed application on the form provided by the Planning Department, along with all the information listed on that form.

120.20 Criteria for Granting a Variance (no change)

120.25 What May Not Be Varied (no change)

*S. * Proposed Language to Clarify Process to Amend the Text of the Zoning Code **

KZC CHAPTER 135– AMENDMENTS TO THE TEXT OF THE ZONING CODE

Sections

135.05 User Guide
135.~~15~~ 10 Initiation of Proposals
135.~~10~~15 Applicable Process
135.20 Threshold Determination for Citizen-Initiated Proposals Associated with Amendments to the Comprehensive Plan
135.23 Proposals Not Associated with Amendments to the Comprehensive Plan
135.25 Criteria for Amending the Text of the Zoning Code
135.30 Moratoria and Interim Land Use Regulations
135.35 Response to a Court or Growth Management Hearings Board Appeal or Decision

135.05 User Guide

This chapter establishes a mechanism for the City to amend the text of this code, the Zoning Code to bring the development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City. If you are interested in proposing an amendment to this code, or if you want to participate in the decision on a proposed amendment, you should read this chapter.

135. ~~15~~10 Initiation of Proposals

An amendment to the Zoning Code may be initiated by the City or requested by the public. ~~through the comprehensive planning process.~~

135~~.10~~ 15 Applicable Process

The City generally will use Process IV described in Chapter 160 KZC to review and decide upon a proposal to amend the text of this code. However, some minor Zoning Code amendments will be reviewed under an abbreviated process. The abbreviated Process IVA is described in Chapter 161 KZC. Process IVA is used for proposals which are not controversial and do not need extensive policy study.
A proposal to amend Chapters 83 and 141 KZC requires formal review and approval by the Washington State Department of Ecology as described in Chapter 160 KZC.

135.20 Threshold Determination for Citizen-Initiated Proposals Associated with Amendments to the Comprehensive Plan

Citizen-initiated proposals to amend the Zoning Code associated with a proposal to amend the Comprehensive Plan must follow the two-step review process described in KZC 140.20(1) and (2), and meet KZC 140.20(3)(a) concerning City resources.

135.23 Proposals Not Associated with Amendments to the Comprehensive Plan

City or Citizen-initiated proposals to amend the Zoning Code not associated with a proposal to amend the Comprehensive Plan shall be docketed by the Planning Official for possible future development regulation amendment. The Planning Official shall introduce all or a portion of docketed proposals to the Planning Commission.

135.25 Criteria for Amending the Text of the Zoning Code

The City may amend the text of this code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and

2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and

3. The proposed amendment is in the best interest of the residents of Kirkland; and

4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

135.30 Moratoria and Interim Land Use Regulations

1. General – Nothing shall prevent the City Council from establishing or extending development moratoria or interim land use regulations in accordance with the procedures set forth in RCW 35A.63.220 and 36.70A.390, as those sections exist or may be hereafter amended or superseded.

2. Disapproval Jurisdiction

If the City Council establishes or extends a moratorium or interim land use regulations within the disapproval jurisdiction of the Houghton Community Council, that City Council action shall become effective only upon:

a. Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or

b. Failure of the Houghton Community Council to disapprove it within 60 calendar days after City Council approves the resolution or ordinance establishing or extending the moratorium or interim land use regulations. The vote to disapprove the action must be approved by resolution by a majority of the entire membership of the Community Council.

135.35 Response to a Court or Growth Management Hearings Board Appeal or Decision
The City may use the process described in KZC 135.30 to make an amendment to the Zoning Code in response to a court or Growth Management Hearings Board appeal or decision.

KZC CHAPTER 160– PROCESS IV

Sections

160.05 User Guide
160.15 Initiation of Proposals
160.20 Compliance with SEPA
160.25 Amendments to Comprehensive Plan and Related Zoning Map and Code Amendments - Threshold Review
160.30 Amendments to the Zoning Code Not Related to Comprehensive Plan Amendments
160.35 Official File
160.40 Notice
160.45 Staff Report
160.50 Community Council Proceeding
160.55 Public Hearing
160.60 Material To Be Considered
160.65 Electronic Sound Recordings
160.70 Public Comments and Participation at the Hearing
160.75 Continuation of the Hearing
160.80 Planning Commission Action
160.85 Planning Commission Report to City Council
160.90 Publication and Effect
160.95 Jurisdiction of the Houghton Community Council
160.100 Jurisdiction of the Washington State Department of Ecology

160.05 User Guide

Various places in this code indicate that certain proposals to amend the Zoning Map, this code, and the Comprehensive Plan must be reviewed and decided upon using Process IV. This chapter describes how Process IV works.

If you wish to participate in a decision that will be made using this process, you should read this chapter. However, this chapter applies only if another provision of this code specifically states that a decision on a proposed amendment will be made using Process IV.

160.15 Initiation of Proposals

A proposal that will be reviewed using this chapter may be initiated by the City Council or Planning Commission. In addition, the public may submit proposals to the City as part of the City's process to amend the Comprehensive Plan or this code.

160.20 Compliance with SEPA

The State Environmental Policies Act (Chapter 43.21C RCW) applies to some of the decisions that will be made using this chapter. The Planning Director shall evaluate each proposal and, where applicable, comply with SEPA and with state regulations and City ordinances issued under authority of SEPA.

160.25 Amendments to Comprehensive Plan and Related Zoning Map and Code Amendments - Threshold Review

1. General – The City Council shall make a threshold review of each citizen-initiated proposal to amend the Comprehensive Plan pursuant to KZC 140.20 and to amend the Zoning Code and/or Zoning Map done in conjunction with the process to amend the Comprehensive Plan.

2. Threshold Review

   a. The Planning Commission shall review each proposal and make a threshold recommendation to the City Council to determine those proposals eligible for further consideration. The recommendation shall be consistent with KZC 160.60 and based on the criteria described in Chapter 135 KZC for Zoning Code amendments and in Chapter 140 KZC for Comprehensive Plan amendments.

   b. The Houghton Community Council may review any proposal within its jurisdiction and also make a recommendation to the Planning Commission and City Council.

   c. The Planning Department shall provide the Planning Commission and Houghton Community Council with a staff report for the threshold review consistent with KZC 160.45 and include an analysis of the threshold criteria.

3. Threshold Decision – After consideration of the Planning Commission and Houghton Community Council recommendations, the City Council shall decide one (1) of the following:

   a. The proposal has merit and shall be considered by the Planning Commission and City Council during the current year; or

   b. The proposal has merit, but should be considered at a subsequent amendment phase; or

   c. The proposal does not have merit and shall not be given further consideration.

160.30 Amendments to the Zoning Code Not Related to Amendments to the Comprehensive Plan.

Review – the Planning Commission shall review each proposal and make a recommendation to the City Council. The recommendation shall be based on the criteria described in Chapter 135 KZC for Zoning Code amendments.

160.35 – 160.100 (No Change)

*T. * Proposed Language to Reorganize and Simplify Process IVA – "Fast Track" Zoning Amendments**

KZC CHAPTER 161 – PROCESS IVA

Sections

161.05 User Guide
161.10 Suitability for Process IVA
161.15 Initiation of Proposals
161.20 Compliance with SEPA
~~161.25Suitability for Process IVA~~
161.35 Official File
161.40 Notice
161.45 ~~Staff Report~~Community Council Proceeding
161.55 ~~Public Hearing~~Staff Report
161.60 Material To Be Considered
~~161.65 Electronic sound Recording~~
161.70 Public Comments ~~and Participation at the Hearing~~
~~161.75 Continuation of the Hearing~~
161.80 Planning Director Action
161.85 Planning Director Recommendation to City Council
161.90 Publication and Effect
161.95 Jurisdiction of the Houghton Community Council

161.05 User Guide

Certain proposals to amend this code will be reviewed and decided upon using Process IVA. This is an abbreviated process which will only be used if the proposal is suitable for Process IVA as specified in this chapter. If you wish to participate in a decision that will be made using this process, you should read this chapter.

161.10 Suitability for Process IVA

1. General – Process IVA is for:

a. Minor Zoning Code amendments to promote clarity, eliminate redundancy, or to correct inconsistencies; or

b. Minor Zoning Map amendments to correct grammatical, labeling, scriveners, or similar errors on the official Zoning Map.

161.15 Initiation of Proposals

Process IVA is used to review and decide upon proposed minor Zoning Code amendments. It is an abbreviated process used for proposals which are not controversial and do not need extensive policy study. The Planning Director periodically prepares a roster of amendments proposed for review under Process IVA~~.~~ and presents the roster to the City Council. The City Council, by motion, may approve the entire proposed Process IVA roster. Otherwise the City Council may ask for more discussion about the suitability of a subject for Process IVA or could remove a subject from the Process IVA roster.

161.20 Compliance with SEPA

The State Environmental Policies Act (Chapter 43.21C RCW) applies to some of the decisions that will be made using this chapter. The Planning Director shall evaluate each proposal and, where applicable, comply with SEPA and with state regulations and City ordinances issued under authority of SEPA.

~~**161.25 Suitability for Process IVA**~~

~~1. General – Process IVA is for:~~

~~a. Minor Zoning Code amendments to promote clarity, eliminate redundancy, or to correct inconsistencies; or~~

~~b. Minor Zoning Map amendments to correct grammatical, labeling, scriveners, or similar errors on the official Zoning Map.~~

~~The Planning Director may propose amendments for review under Process IVA. To do so, the Planning Director shall periodically present to the City Council a roster of proposed amendments for review and decision under Process IVA. The City Council, by motion, may approve the entire proposed Process IVA roster. Otherwise, the City Council may ask for more discussion about the suitability of a subject for Process IVA or could remove a subject from the Process IVA roster.~~

~~2. Distribution – Thirty days prior to City Council consideration of the roster of proposed amendments, the Planning Director shall distribute a copy of it to the City Council, the Planning Commission, the Houghton Community Council, neighborhood associations and the Chamber of Commerce.~~

161.35 Official File

1. Contents – The Planning Official shall compile an official file containing all information and materials relevant to the proposal and to the City's consideration of the proposal.

2. Availability – The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

161.40 Notice

1. Contents – The Planning Official shall prepare a notice ~~of hearing~~ for the proposed amendments. This notice shall contain the following information:

   a. The citation of the provision that would be changed by the proposal along with a brief description of that provision.

   b. A statement of how the proposal would change the affected provision.

   c. A statement of what areas, zones, or locations will be directly affected or changed by the proposal.

   d. The ~~time and place of the public hearing~~comment deadline.

   e. A statement of the availability of the official file.

   f. A statement of the right of any person to submit written comments to the Planning Director. ~~and to appear at the public hearing before the Planning Director to give comments orally.~~

2. Distribution – ~~The Planning Official shall have this notice, or a summary thereof, published once in the official newspaper of the City at least 14 days before the public hearing. Continued hearings may be held at the deiscretion of the Planing Director, but no additional notice need be published.~~The Planning Official shall distribute this notice, or a summary thereof, at least 30 days before the Planning Director's consideration of the proposed amendments as follows:

a. The notice will be published in the official newspaper of the City.

b. The notice will be posted on each of the official notification boards of the City.

c. The notice will be distributed to the Planning Commission and Houghton Community Council.

d. The notice will be distributed to the neighborhood associations and Chamber of Commerce.

e. The notice will be posted on the City's website.

~~161.45 Staff Report~~

~~1. General – the Planning Official shall prepare a staff report containing:~~

~~a. An analysis of the proposal and a recommendation on the proposal; and~~

~~b. Any other information the Official determines is necessary for consideration of the proposal.~~

~~2. Distribution – the Planning Official shall distribute the staff report to the following persons:~~

~~a. The Planning Director, prior to the hearing.~~

~~b. Any person requesting it.~~

~~c. If applicable, to each member of the Houghton Community Council.~~

161.~~55~~45 Community Council Proceeding~~Public Hearing~~

1. General – If the proposal is within the disapproval jurisdiction of the Houghton Community Council, the Community Council may consider the proposal at a meeting or hold a public hearing.~~General - The Planning Director shall hold one or more public hearings on a proposal.~~
2. Notice – If the Community Council holds a hearing, the Planning Official shall give public notice of that hearing as set forth in KZC 160.40.~~Effect – The hearing of the Planning Director is the hearing for City Council. City Council need not hold another hearing on the proposal.~~
3. Recommendation – The Houghton Community Council may make a recommendation on the proposal. The Planning Official shall include the recommendation of the Houghton Community Council, if available, in the staff report to the Planning Director before the Planning Director makes a final recommendation to the City Council on the proposal.

161.55 Staff Report

1. General – The Planning Official shall prepare a staff report containing:

a. An analysis of the proposal and a recommendation on the proposal;

b. All public comments; and

c. Any other information the Official determines is necessary for consideration of the proposal.

2. Distribution – The Planning Official shall distribute the staff report to the following persons:

a. The Planning Director, prior to his/her consideration.

b. Any person requesting it.

c. If applicable, to each member of the Houghton Community Council.

161.60 Material to Be Considered

Review under Process IVA shall use the decisional criteria established in applicable provisions of this code, including Chapter 135. The City may not consider a specific proposed site plan or project in deciding whether or not an amendment should be approved through this process.

~~161.65 Electronic Sound Recording~~

~~The Planning Director shall make a complete electronic sound recording of each public hearing.~~

161.70 Public Comments~~ and Participation at the Hearing~~

Any interested person may participate~~in the public hearing ie either or both of the following ways:~~

~~1. B~~by submitting written comments to the Planning Director ~~either~~ by delivering these comments to the Planning Department~~. prior to the hearing or by giving them directly to the Planning Director at the hearing~~.

~~2. By appearing in person or through a representative, at the hearing and making oral comments. The Planning Director may reasonably limit the extent of the oral comments to facilitate the orderly and timely conduct of the hearing.~~

~~161.75 Continuation of the Hearing~~

~~The Planning Director may for any reason continue the hearing on the proposal.~~

161.80 Planning Director Action

1. General – ~~Following the public hearing, t~~The Planning Director shall consider the proposal in light of all of the information submitted to him/her. The Planning Director may modify the proposal in any way.

2. Modifications Requiring a ~~Rehearing~~New Comment Period – If~~, following the public hearing,~~ the Planning Director materially modifies the proposal, the Planning Director shall give notice of a new ~~public hearing~~comment period on the proposal as modified.

3. Recommendation – If the Planning Director determines that the proposal meets the applicable decisional criteria established in KZC 161.60, he/she may recommend that City Council give effect to the proposal by amending the appropriate text.

161.85 Planning Director Recommendation to City Council

1. General – The Planning Director may forward a proposed ordinance to Council which, if passed, would make the recommended amendment to this code. The proposed ordinance may be placed on the City Council consent calendar. The Planning Official shall prepare a Planning Director report on the proposal, containing a copy of the proposal, along with any explanatory information, and the Planning Director recommendation on the proposal.

2. City Council Action – The City Council may pass the proposed ordinance and amend the Zoning Code by passage of the consent calendar. Alternatively, the City Council could carry the topic over as unfinished business or may instead decide to hold a public hearing on the proposed Zoning Code amendment. The City Council may adopt the proposed ordinance at any time subsequent to its receipt of the Planning Director report on the proposed amendment. If the City Council wants to consider adoption of a materially modified ordinance, then the City Council shall first hold a public hearing on the proposal as modified, after notice as provided in this chapter.

161.90 Publication and Effect

1. Publication – If the City Council adopts an ordinance, the City Clerk shall post or publish the ordinance as required by law.

2. Effect – Except as stated in KZC 161.95, the ordinance will be in effect on the date specified in the ordinance.

161.95 Jurisdiction of the Houghton Community Council

1. ~~If applicable, all staff reports or Planning Director reports about the proposed amendments will also be distributed to the Houghton Community council. The Houghton Community Council may decide to take these reports for their information ro for their review.~~

~~2. Process IVA includes only minor Zoning Code amendments which are not quasijudicial. In turn, the Houghton Community Council may limit ists review of the proposals. Alternatively, a majority of the members of the Hougthon Community Council may choose to hold a public hearing ata nay time on one or more of the Process IVA subjects. Such a public hearing would use the procedures set forth in this chapter.~~

~~3.~~ General - If the City Council approves an ordinance within the disapproval jurisdiction of the Houghton Community Council, that ordinance shall become effective within the Houghton Community only upon:

a. Approval by a majority of the entire membership of the Houghton Community Council. Such approval shall be by resolution; or

b. Failure of the Houghton Community Council to disapprove the ordinance within 60 days after City Council approval. The vote to disapprove the ordinance must be approved by resolution by a majority of the entire membership of the Community Council.

*U. * Proposed Language to Establish Time Limit for Appeal of Interpretations of the Zoning Code**

KZC CHAPTER 170–CODE ADMINISTRATION

170.40 Interpretations of This Code – General

1. Criteria – The Planning Director may, acting on his/her own initiative or in response to an inquiry, issue interpretations of any of the provisions of this code. The Director shall base his/her interpretations on:

a. The defined or common meaning of the words of the provision; and

b. The general purpose of the provision as expressed in the provision; and

c. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan.

2. Effect – An interpretation of this code will be enforced as if it is part of this code.

3. Availability – All interpretations of this code, filed sequentially, are available for public inspection and copying in the Planning Department during regular business hours. The Planning Official shall also make appropriate references in this code to these interpretations. Once issued, interpretations shall be posted on the City's website. The City shall provide the public with a means to register to receive interpretations on a timely basis via email or equivalent means of electronic communication.

4. Content –Each interpretation shall include a summary of the procedures, as established in this chapter, to appeal the interpretation.

KZC 170.45 Interpretations of This Code – Appeal

1. Who ~~Can~~May Appeal – Any person who is aggrieved by an interpretation issued by the Planning Director may appeal that interpretation ~~at any time~~.

2. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 days following the date the interpretation is posted to the City website, provided that if the fourteenth day of the appeal period falls on a Saturday, Sunday or legal holiday, the appeal period shall be extended through the next day on which the City is open for business. The~~ applicant must file a~~ letter of appeal must indicat~~ing~~ how the interpretation affects the appellant's property and present~~ing~~ any relevant arguments or information on the correctness of the interpretation.~~ The applicant shall include~~ The appeal~~s~~ fee as established by ordinance shall be included.

3. Applicable Procedures – All appeals of interpretations of this code will be reviewed and decided upon using the appeal provisions of Process I, described in Chapter 145 KZC.

4. Effect – If the interpretation of the Planning Director is modified, the Planning Official shall:

   a. Place the modifying decision in the Interpretation File; and

   b. Change or remove, as appropriate, the interpretation that was modified; and

   c. Change the reference in this code to reflect the modification.

*V. * Proposed Language to Clarify Relationship between Comprehensive Plan and Zoning Code **

KZC CHAPTER 170–CODE ADMINISTRATION

170.50 Conflict of Provisions

1. ~~The standards, procedures, and requirements of the code are the minimum necessary to promote the health, safety, and welfare of the residents of Kirkland. The City is free to adopt more rigorous or different standards, procedures, and requirements whenever this becomes necessary.~~ Except as provided in subsection (4) of this section, ~~I~~if the provisions of this code conflict one ~~(1)~~ with another, or if a provision of this code conflicts with the provision of another ordinance of the City, the most restrictive provision or the provision imposing the highest standard prevails.

2. The Comprehensive Plan is the generalized coordinated land use policy statement of the City and serves as the guide for the adoption of specific zoning regulations.

3. The Zoning Code provides for the implementation of the goals and policies of the Comprehensive Plan through adoption, administration and enforcement of zoning maps, land use regulations, programs, and procedures.

4. In the event of any conflict or inconsistency between the regulations of the Zoning Code and the provisions of the Comprehensive Plan, the regulations of the Zoning Code shall prevail. The Planning Director shall use the criteria in section 170.40 of this Chapter to determine if there is a conflict or inconsistency and may issue an interpretation.

ORDINANCE NO. 4438

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 20, "DEVELOPMENT PROJECTS," SECTION 20.12.010, "EXCLUSIONS," AND SECTION 20.12.300, "TIME FRAME FOR APPROVAL,"; TITLE 22, "SUBDIVISIONS," SECTION 22.28.030, "LOTS-SIZE," SECTION 22.28.041, "LOTS-LOW IMPACT DEVELOPMENT," SECTION 22.28.042, "LOTS-SMALL LOT SINGLE-FAMILY," AND SECTION 22.28.048, "LOTS-HISTORIC PRESERVATION," OF THE KIRKLAND MUNICIPAL CODE; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM13-00669

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain sections of the Kirkland Municipal Code as set forth in the report and recommendation of the Planning Commission dated March 5, 2014, and bearing Kirkland Department of Planning and Community Development File No.CAM13-00669; and

WHEREAS, prior to making the recommendation, the Kirkland Planning Commission and Houghton Community Council held a joint hearing on the amendment proposals on January 23, 2014, following notice as required by RCW 35A.63.070, and considered the comments received at the hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Determination of Nonsignificance issued by the responsible official pursuant to WAC 197-11-340; and

WHEREAS, in regular open meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission;

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

Section 1. Title 20, Sections 20.12.010 and 20.12.300 and Title 22, Sections 22.28.030, 22.28.041, 22.28.042 and 22.28.048 of Kirkland Municipal Code are amended as set forth in Attachment A to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. To the extent the subject matter of this ordinance, pursuant to Ordinance No. 2001, is subject to the disapproval

jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of the Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect April 3, 2014, after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this _____ day of _____, 2014.

Signed in authentication thereof this _____ day of _____, 2014.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

ATTACHMENT A
FILE NO. CAM13-00669
2013 MISCELLANEOUS CODE AMENDMENTS
KIRKLAND MUNICIPAL CODE (KMC)
*- Subject to Houghton Community Council review

How to read this document:

- New text is underlined
- Existing text to be deleted is covered by a ~~strike-through~~
- ***Italicized*** text identifies the amendment topic
- Amendments are listed in code section order to the extent possible

*A. *Proposed Language to Correct Timeframes and Exclusions Thereof for Approval of Development Permits**

Title 20 KMC DEVELOPMENT PROJECTS
Chapter 20.12 Development Review

20.12.010 Exclusions.

(1) By adopting this section, the city is making the following exclusions as provided in RCW 36.70B.140.

(2) The following project permits are excluded from the provisions of RCW 36.70B.060 through 36.70B.~~090~~080 and RCW 36.70B.110 through 36.70B.130, and from the provisions of Sections 20.04.100, 20.04.110, 20.04.120, and 20.12.300: street vacations or other approvals relating to the use of public areas or facilities; designation as historic overlay zone; or master plans.

(3) The following project permits are excluded from the provisions of RCW 36.70B.060 and RCW 36.70B.110 through 36.70B.130, and from Sections 20.04.100,

20.04.110, and 20.04.120: lot line adjustments; building and other construction permits; or similar administrative approvals which are categorically exempt from environmental review under Chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits. (Ord. 3529 § 1 (part), 1996)

Title 20 KMC DEVELOPMENT PROJECTS
Chapter 20.12 Development Review

20.12.300 Time frame for approval.

The city ~~shall~~ should issue its notice of final decision on a project permit application within one hundred twenty days after the city notifies the applicant that the application is complete;.~~provided, that the city shall instead issue its notice of final decision in a time frame similar to that achieved by the city between 1993 and 1995 if, as of the date the application is filed, state law does not require a~~

~~shorter time limit. In addition, the one-hundred-twenty-day time limit is subject to exclusions or extensions provided in this title or by state law, especially by RCW 36.70B.090~~. This time may be extended if additional materials are required during the review of the permit, if the project is appealed, or if other conditions arise as provided in this title or by state law, including but not limited to RCW 36.70B.080. In the event of an extension, the City shall make written findings as to why additional time is needed. (Ord. 3529 § 1 (part), 1996) (Ord. 3529 § 1 (part), 1996)

B. Proposed Language to Allow Rounding of Fractions for Calculation of Density in Plats in RSA Zones

Title 22 KMC SUBDIVISIONS
Chapter 22.28 Design Requirements

22.28.030 Lots—Size.

All lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland Zoning Code or other land use regulatory document. The following provisions shall not apply to properties located in an RSA zone.

If a property is smaller than that required for subdivision by an amount less than or equal to ten percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may still proceed as long as the shortage of area is spread evenly over all of the lots in the subdivision. In cases where an existing structure or other physical feature (sensitive area, easement, etc.) makes even distribution of the size shortage difficult, an exception to the even distribution may be made.

If a property is smaller than that required for subdivision by an amount greater than ten percent and less than or equal to fifteen percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may also proceed, as long as:

(a) The shortage of area is spread evenly over all of the lots in the subdivision (unless an existing structure or other physical feature such as a sensitive area or easement makes even distribution of the size shortage difficult); and

(b) All lots have a minimum lot width at the back of the required front yard of no less than fifty feet (unless the garage is located at the rear of the lot or the lot is a flag lot); and

(c) In zoning districts for which the Zoning Code establishes a floor area ratio (FAR) limitation, a covenant is signed prior to recording of the plat ensuring that building on the new lots will comply with an FAR restriction at least ten percentage points less than that required by the zoning district as shown on the Kirkland zoning map; and

(d) If any lot is smaller than the minimum lot size for the zoning district by an amount greater than five percent of the minimum lot size, the subdivision shall be reviewed and decided using process IIB described in Chapter 152 of Title 23 of this code. In addition to meeting the decisional criteria found in Chapter 152 of Title 23 of this code, approval of the application may only be recommended if the new lots are compatible, with regard to size, with other lots in the immediate vicinity of the subdivision.

A covenant must also be signed prior to recording of the plat to ensure that the garage will be located at the rear of the lot in cases where this option is chosen under subsection (b) of this section. (Ord. 4196 § 2 (Exh. B) (part), 2010: Ord. 3705 § 2 (part), 1999)

C. Proposed Language to Allow Reduced Review Process for Minimum Lot Size .

Title 22 KMC SUBDIVISIONS
KMC 22.28 Design Requirements

22.28.030 Lots—Size.

All lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland Zoning Code or other land use regulatory document. If a property is smaller than that required for subdivision by an amount less than or equal to ten percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may still proceed as long as the shortage of area is spread evenly over all of the lots in the subdivision. In cases where an existing structure or other physical feature (sensitive area, easement, etc.) makes even distribution of the size shortage difficult, an exception to the even distribution may be made.

If a property is smaller than that required for subdivision by an amount greater than ten percent and less than or equal to fifteen percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may also proceed, as long as:

(a) The shortage of area is spread evenly over all of the lots in the subdivision (unless an existing structure or other physical feature such as a sensitive area or easement makes even distribution of the size shortage difficult); and

(b) All lots have a minimum lot width at the back of the required front yard of no less than fifty feet (unless the garage is located at the rear of the lot or the lot is a flag lot); and

(c) In zoning districts for which the Zoning Code establishes a floor area ratio (FAR) limitation, a covenant is signed prior to recording of the plat ensuring that building on the new lots will comply with an FAR restriction at least ten percentage points less than that required by the zoning district as shown on the Kirkland zoning map; and

(d) If any lot is smaller than the minimum lot size for the zoning district by an amount greater than five percent of the minimum lot size, the subdivision may be approved ~~shall be reviewed and decided using process IIB I described in Chapter 152 145 of Title 23 of this code. In addition to meeting the decisional criteria found in Chapter 152145 of Title 23 of this code, approval of the application may only be recommended~~ if the new lots are compatible, with regard to size, with other lots in the immediate vicinity of the subdivision.

A covenant must also be signed prior to recording of the plat to ensure that the garage will be located at the rear of the lot in cases where this option is chosen under subsection (b) of this section. (Ord. 4196 § 2 (Exh. B) (part), 2010: Ord. 3705 § 2 (part), 1999)

*D. *Proposed Language to Allow Lots with Low Impact Development Standards as Part of a Conventional Subdivision**

Title 22 KMC SUBDIVISIONS
Chapter 22.28 Design Requirements

22.28.041 Lots— Low impact development.

(a) In multiple lot low impact development subdivisions ~~(four lots or more) not located in an RSA 1 zone or in the Holmes Point Overlay~~ described in LID Chapter 114 of Title 23 of this Code, and not subject to Sections 22.28.030 and 22.28.040, the minimum lot area shall be deemed to have been met if the minimum lot area is not less than fifty percent of the lot area required of the zoning district in which the property is located as identified on the zoning map; provided, that all lots meet the following standards:

(1) Within the RSA 6 zone, the lots shall be at least two thousand five hundred fifty square feet.

(2) Within the RSA 4 zone, the lots shall be at least three thousand eight hundred square feet.

(b) The lots within the low impact development meet the design standards and guidelines and approval criteria as defined in Chapter 114 of the Kirkland Zoning Code.

*E. *Proposed Language to Clarify What is included in Lot Size Calculations for Small Lot Single Family and Historic Preservation Subdivisions**

Title 22 KMC SUBDIVISIONS
Chapter 22.28 Design Requirements

22.28.042 Lots—Small lot single-family.

Within the RS and RSX 6.3, 7.2 and 8.5 zones, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040, low impact development provisions of Section 22.28.041, and historic preservation provisions of Section 22.28.048, the minimum lot area shall be deemed to be met if at least one-half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size; provided, that such lots meet the following standards:

(a) Within the RS 6.3, RSX and RS 7.2 zones, the lots shall be at least five thousand square feet.

(b) Within the RSX and RS 8.5 zones, the lots shall be at least six thousand square feet.

(c) ~~The portion of any flag lot that is less than thirty feet wide and used for driveway access to the buildable portion of the lot may not be counted in the lot area~~.

(d) The floor area ratio (FAR) shall not exceed thirty percent of lot size; provided, that FAR may be increased up to thirty-five percent of the lot size if the following criteria are met:

(1) The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to twelve feet horizontal; and

(2) All structures are set back from side property lines by at least seven and one-half feet.

(e) The FAR restriction shall be recorded on the face of the plat.

(f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat. (Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4332 § 1(C) (Exh. C), 2011: Ord. 4330 § 1 (Exh. A), 2011: Ord. 4102 § 1(A), 2007)

Title 22 KMC SUBDIVISIONS
Chapter 22.28 Design Requirements

22.28.048 Lots—Historic preservation.

Within the low density zones listed below in subsections (a) through (d) of this section, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030, 22.28.040, low impact development provisions of Section 22.28.041, and the small lot single-family provisions of Section 22.28.042, the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if an "historic residence" is preserved on one of the lots, pursuant to the process described in Chapter 75 of the Kirkland Zoning Code. The lots containing less than the minimum required lot area shall meet the following standards:

(a) Within the RSA 6, RS 6.3 and RS and RSX 7.2 zones, the lots shall be at least five thousand square feet.

(b) Within the RSA 4, RS 8.5 and RSX 8.5 zones, the lots shall be at least six thousand square feet.

(c) Within the RS 12.5, RSX 12.5 and WDII zones, the lots shall be at least seven thousand two hundred square feet.

(d) Within the RS and RSX 35 zones not located north or northeast of the Bridle Trails State Park, the lots shall be at least fifteen thousand and fifty square feet.

(e) ~~The portion of any flag lot that is less than thirty feet wide, and used for driveway access to the buildable portion of the lot, may not be counted in the lot area~~.

(f) Accessory dwelling units are prohibited. The restriction shall be recorded on the face of the plat.

Lots containing historic residences shall also meet the following standards:

(g) If a historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68), the replacement structure shall be reconstructed in accordance with the criteria established in Section 75.105 of the Kirkland Zoning Code. The replacement restriction shall be recorded on the face of the plat.

(h) As part of subdivision approval, the city may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and

floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.

(1) Required yards may be two feet less than required by the zoning district as shown on the Kirkland zoning map.

(2) Floor area ratio may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

(3) Lot coverage may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

(i) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded. (Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4102 § 1(B), 2007)

RESOLUTION. 2014-2

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL APPROVING ORDINANCE NUMBERS 4437 ADOPTING ZONING CODE AMENDMENTS, AND 4438 ADOPTING MUNICIPAL CODE AMENDMENTS; ADOPTED BY THE KIRKLAND CITY COUNCIL ON MARCH 18, 2014, ALL ASSOCIATED WITH THE 2013 MISCELLANEOUS CODE AMENDMENT PROJECT (CASE NO. CAM13-00669)

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Ordinance Numbers 4437 and 4438, adopting the amendments to the Zoning Code and Municipal Code.

WHEREAS, the subject matter of these ordinances, pursuant to Ordinance 2001, that are subject to the disapproval jurisdiction of the Houghton Community Council shall become effective within the Houghton Community Municipal Corporation only upon approval by the Houghton Community Council or the failure of said Community Council to disapprove these ordinances within 60 days of the date of the passage of these ordinances; and

WHEREAS, the pertinent subject matter of these ordinances were reviewed and discussed by the Houghton Community Council at the joint public hearing with the Planning Commission on January 23, 2014; and

WHEREAS, the pertinent subject matter of these ordinances were reviewed and discussed by the Houghton Community Council at a meeting held on January 27, 2014 and at said meeting the Houghton Community Council provided recommendations on said subject matter; and

WHEREAS, the pertinent subject matter of these ordinances will serve the interests and promote the health, safety, and welfare of the Houghton Community Municipal Corporation;

NOW, THEREFORE, be it resolved that Ordinance's 4437 and 4438 are hereby approved and shall be effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this 24th day of March, 2014.

SIGNED IN AUTHENTICATION thereof this _____ day of _____, 20____.

_____
Chair, Houghton Community Council

_____
City Clerk