CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
123 FIFTH AVENUE, KIRKLAND, WA 98033
425.587.3225 - www.kirklandwa.gov

REVISED ZONING CODE INTERPRETATION

NUMBER	CODE SECTION	EFFECTIVE DATE	APPEAL PERIOD
14-3 (12-3 REVISED)	5.10.020 **DEFINITION OF ADJOINING**	4/25/2014	April 25, 2014 through May 9, 2014.

BACKGROUND:

Ordinance 4437, effective on April 25, 2014, eliminated horizontal facade regulations that were subject to the definition of adjoining. Interpretation 12-3 is revised to reflect this change.

ISSUE:

Properties that "adjoin" low density zones are required to comply with certain height regulations. However, zoning boundaries on the zoning map are not consistently drawn in the same location. For example, in some cases, the zoning boundary is located in the centerline of a right-of-way. In other cases, it follows a property line or edge of a right-of-way. This can impact how height regulations apply to developing properties.

INTERPRETATION:

The 100-foot area considered to be "adjoining" shall be determined by measuring from the perimeter property lines of the low density zone in cases where the zoning boundary is drawn at the centerline of the right-of-way.

APPLICABLE CODE SECTIONS:

Kirkland Zoning Code (KZC) Section 5.10.20 defines "adjoining" as:

> *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).*

ANALYSIS:

KZC Section 170.40.1 states that the Planning Director may issue an interpretation of any of the provisions of the Code. This section requires the Planning Director to base a decision on three criteria which are addressed below.

1. Defined or common meaning of the words of the provision.

   This is not an issue

2. The general purpose of the provision as expressed in the provision.

   The purpose of the height regulation is to mitigate the impacts of height of multifamily, office, or commercial structures located next to detached dwelling units in low density zones.

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

   The Comprehensive Plan contains a number of policies that protect Kirkland's single family character while still allowing for development to occur. The City's height regulations support these policies by requiring stricter standards for multi-family and non-residential developments within a certain distance from single family uses in low density zones. The definition of "adjoining" bases this distance measurement from the boundary of the low density zone. On the zoning map, low density zone boundaries either follow property lines or are located within the centerline of a right-of-way.

   In applying the definition of "adjoining" to properties where the low density zone is located at the right-of-way centerline, there would be an unnecessary burden on the non-low density use by extending the height regulation an additional 8 to 40 feet onto the property, depending on the width of the right-of-way containing the zoning boundary. It is not the intent of the height regulation to reduce impacts of development on rights-of-way.

APPEAL PERIOD AND PROCEDURE TO APPEAL:

Any person who is aggrieved by this interpretation may appeal it. An appeal, in the form of a letter of appeal and appeal fee established by ordinance, must be delivered to the Planning Department by 5:00 p.m. on May 9, 2014, 14 days following the date the interpretation was posted to the City of Kirkland website. The letter of appeal must indicate how the interpretation affects the appellant's property and present any relevant arguments of information on why the interpretation should not be issued.

Planning Director

4/25/2014

Date