



CITY OF KIRKLAND

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

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MEMORANDUM

DATE: November 26, 2013

To: Planning Commission

FROM: Joan Lieberman-Brill, AICP, Senior Planner
Paul Stewart, AICP, Deputy Director
Eric Shields, AICP, Director

SUBJECT: 2013 MISCELLANEOUS ZONING/MUNICIPAL CODE AMENDMENTS
STUDY SESSION (CAM13-00669)

RECOMMENDATION

Review the remaining two "Moderate" policy changes to current Zoning Code regulations and provide direction to determine if additional information and staff response is needed at the joint public hearing in January.

BACKGROUND DISCUSSION

The roster of proposed 2013 Zoning Code and Municipal Code Amendments is Attachment 1 to this memorandum. Amendments that you reviewed at the previous meetings in June, September and November have a check ✓ by them. Items that staff will introduce for review at the December 5 study session are red. These are the last two changes to be considered on the 2013 roster before the public hearing in January.

- Garage setback amendments
- Expansion of land use buffers exemptions adjoining right of ways

AMENDMENTS GENERAL

Background information, proposed changes, and the staff recommendations are provided for each. Any requested changes to these drafts will be incorporated into revised drafts prepared for the public hearing in January.

Please Note: Topics with an asterisk (*) denote items that are not within Houghton's jurisdiction.

Proposed changes are noted with strikeouts and underlines in red. The number of the amendment matches the number as it appears on the roster.

MODERATE POLICY CHANGES

These are considered more substantive changes to existing regulations

17. *Garage Setback Requirements for Detached Dwelling Units in Low Density Zones – KZC Chapter 115 Section 115.43

Purpose: Delete or simplify garage setback requirements.

Background:

In 2008 the City adopted O-4121 which provided garage requirements for detached dwelling units in low density zones. These regulations are not in effect in Houghton. A purpose and intent section was added to articulate that the intent of these regulations is to minimize the appearance of the garage when viewing the front facade of the house. The amendment increased the setback for garages in low density zones from five feet to eight feet, although it did not require that the garage setback be greater than the remainder of the front facade (so the whole house could be setback an additional eight feet). It also restricted the garage to no more than 50% of the total width of the front façade (for lots 55 feet wide and greater) and clarified that front entry porches were not included in the garage offset provisions. Scroll down to view the current regulation.

Up until 2008, the garage was to be 5 feet greater than the remainder of the house, when the garage was more than 50 percent of the width of the front facade. Builders were limiting the garage width, resulting in no modulation. Apparently it costs more to provide modulation. (Commonly available architectural plan templates locate the garage and non-garage frontage at the same plane, so to deviate costs the builder more).

The City concluded that since the five foot offset was not working, a larger offset would result in the desired modulation, along with a limit on what percentage of the front façade the garage could be. The thinking was that builders were taking advantage of every square foot on a lot and so to do a whole house setback to 28' would reduce a significant amount of buildable space and therefore it would be unlikely that they would do so. It was also assumed that if builders did have enough room to set the whole house back at 28' the impact of the garage would not be as significant on the streetscape. The concern was that double- or even triple-garage doors at the 20' setback line with no modulation made the garage dominate the street. The larger offset would keep the front door as the most significant feature.

Since 2008 the reality has been that builders have not been sufficiently motivated even with the eight foot setback to comply with the intended modulation. Instead, garages are being located 28 feet from the front property line while the remainder of the front facade is being setback anywhere from 20 to 28 feet from the property line.

Issues:

To the extent that modulation is not occurring at the prescribed increment, planners haven't seen the benefit in an eight foot vs. four or five foot or even less modulation between the garage and the remainder of the house. Although the modulation objective is sound, staff questions whether the eight foot setback is necessary since it is difficult to perceive a difference from the street. But, while an effective offset is subjective, staff does support retaining some garage modulation.

Another problem is that the twenty-eight foot garage setback results in a longer driveway, which increases impervious surface on a lot. A more effective modulation standard may also decrease lot coverage, which is consistent with the City's LID goals. Finally, the 28 foot garage setback reduces the size of the rear yard, especially on small lots with limited yard area to begin with.

Finally, there are situations when providing additional flexibility to the planning official to allow deviations from the garage locations provisions is necessary and appropriate, but currently not allowed. An example is when an applicant seeks to convert an existing carport into a garage, which because of its non-conforming location, cannot strictly meet the deviation criteria of Section 115.43.5 a. which states: "The modification is necessary because of the size, configuration, topography or location of the subject property". Because there is no provision addressing pre-existing conditions, the deviation can currently only be granted through a variance process, which is onerous (see KZC 115.43.5.a below).

Current Zoning Code Requirements:

As indicated below, in Houghton's jurisdiction, unlike the rest of Kirkland, there is no modulation requirement for single family dwelling units. No garage offset is required, there is no limit on the width of the garage on the front façade of the house, and there is no allowance for a front entry porch to encroach seven feet into the required 20 foot front yard setback.

115.43 Garage Requirements for Detached Dwelling Units in Low Density Zones

1. Purpose and Intent – The intent of these regulations is to minimize the appearance of the garage when viewing the front facade of a house. To achieve this result, the following principles apply:
 - a. The garage doors, whenever practicable, should not be placed on the front facade of the house;
 - b. If the garage doors are on the front facade, the garage should be set back from the plane of the front facade closest to the street, access easement or tract;

- c. The width of the garage face generally should be no more than the width of the remainder of the front facade; and
 - d. Garages with garage doors perpendicular to the street, access easement or tract (side-entry garages) should not have a blank wall on the front facade.
2. General Requirements
- a. Detached dwelling units served by an open public alley, or an easement or tract serving as an alley, shall enter all garages from that alley;
 - b. Side-entry garages shall minimize blank walls by incorporating architectural details or windows on the front facade that complement the features of the remainder of the front facade.
3. Additional Requirements for Garages with Garage Doors on the Front Facade of the Detached Dwelling Unit
- a. *The required front yard for the garage shall be eight (8) feet greater than the required front yard for the remainder of the detached dwelling unit (not including covered entry porches approved under KZC 115.115(3)(n)).*
 - b. The garage width shall not exceed 50 percent of the total width of the front facade. (This standard shall not apply if the lot width, as measured at the back of the required yard for the front facade, is less than 55 feet.)
 - c. For purposes of this section, the width of the front facade shall not include those items located along the side facades described in KZC [115.115\(3\)\(d\)](#), even if they are outside of a required yard.
4. Exemptions – The following are exempt from the requirements of subsection (3) of this section:
- a. Houses on flag lots;
 - b. Houses with below-grade garages. For purposes of this exemption, a “below-grade garage” is one (1) that has at least 75 percent of the area of the garage doors below the midpoint elevation(s) of the street, access easement or tract as it passes along the front of the garage.
5. Deviation From Requirements – The Planning Official may allow deviations from the requirements of this section if the following criteria are met:
- a. *The modification is necessary because of the size, configuration, topography or location of the subject property; and*

- b. The modification supports the purpose and intent of the garage setback regulations; and
 - c. The modification includes design details that minimize the dominant appearance of the garage when viewed from the street, access easement or tract (for example, casings; columns; trellises; windows; surface treatments or color; single-stall doors; door offsets; narrowed driveway widths; and/or enhanced landscaping); and
 - d. The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.
6. This section is not effective within the disapproval jurisdiction of the Houghton Community Council.

Other Jurisdictions:

A matrix comparing the garage setbacks for neighboring jurisdictions is included as Attachment 1 to this memorandum.

Examples:

The photos below are examples of various modulations. Each has a different garage modulation. From these examples, it appears that besides modulation, critical factors in ensuring that the garage is not the dominant element are to keep the garage from exceeding 50% of the front façade and to keep the garage from being forward of the front entry porch, or if there isn't one, not forward of the ground floor front facade.

Another factor that plays into whether the garage appears dominant from the street is the size of the remainder of the facade. Depending on its length, it further reduces the garage's street presence and is another variable that can minimize the appearance of the garage from the street. When you look at the pictures below some have small covered front entry porches and some have larger ones. When some percentage of the façade is of sufficient width, the garage seems to recede as a dominant element. Therefore it is appropriate to consider providing a minimum length dimension while deciding on the appropriate garage setback.

Example 1



325 6th Avenue South
BLD01-01124
Garage Setback: 25'
Covered Entry Porch Setback: 20'
Garage Percentage of Front Façade: 45%

Example 2



620 7th St S
BLD12-00060
Garage Setback: 28'
Covered Entry porch Setback: 26'
Garage Percentage of Front Façade: 50%

Example 3



10010 112th Ave NE
BSF12-00386
Garage Setback: 29'
Façade Setback: 20'
Garage Percentage of Front Façade: 46%

Example 4



11607 NE 73rd St
BSF12-04086
Garage Setback: 28'
Façade Setback: 25'
Covered Entry Porch Setback 20'
Garage Percentage of Front Façade: 67%

Example 5



12905 NE 105th PI
BSF12-01050
Garage Setback: 28.5'
Covered Entry Porch Setback: 20'
Garage Percentage of Front Façade: 37%

Example 6



12908 NE 105th PI
BSF12-01049
Garage Setback: 32'
Covered Entry Porch Setback: 20'
Garage Percentage of Front Façade: 37%

Example 7



12923 NE 90th St
BSF12-01127
Garage Setback: 30'
Façade Setback: 20'
Garage Percentage of Front Façade: 50%

Options:

Option 1: Eliminate the garage setback

This option eliminates the garage setback, and results in the garage being as close as 20' to the front property line, and the potential for the garage to be forward of the remainder of the front facade, which would not meet the stated intent of the regulation.

115.43.3. Additional Requirements for Garages with Garage Doors on the Front Façade of the Detached Dwelling Unit:

~~a.—The required front yard for the garage shall be set back eight (8) feet greater than the required front yard for the remainder of the detached~~

~~dwelling unit (not including covered entry porches approved under KZC 115.115(3)(n)).~~

Option 2: Reduce the garage setback from the front property line.

This option would continue to require the garage to be setback a specified distance more than the required 20' front yard, (e.g. two, four, or five feet). This option also continues to allow the remainder of the front facade to be at the same plane as the garage.

115.43.3. "Additional Requirements for Garages with Garage Doors on the Front Façade of the Detached Dwelling Unit:

- a. The required front yard for the garage shall be set back ~~eight (8) x~~-feet (5/ 4/ 2 feet?) greater than the required front yard for the remainder of the ground floor of the detached dwelling unit (not including covered entry porches approved under KZC 115.115(3)(n)).

Option 3: Garage not forward of the house

This option would eliminate the 28 foot garage setback, but still require the garage to be at or behind the remainder of the front facade, which is at a minimum, the required front yard of 20 feet.

115.43.3. Additional Requirements for Garages with Garage Doors on the Front Façade 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 any other ground floor portion remainder of the front facade of the detached dwelling unit.

Option 4: The garage setback is a specified distance from either the covered entry porch or the remainder of the front facade.

In this option, the garage would be set back x distance (e.g. 2, 4, or 5 feet) more than the remainder of the front façade on the ground floor, which is either a covered entry porch or enclosed portion of the dwelling, but a minimum of 20'.

115.43.3. "Additional Requirements for Garages with Garage Doors on the Front Façade of the Detached Dwelling Unit:

- a. The ~~required front yard for the~~ garage shall be ~~eight (8) feet greater than the required front yard~~ set back from the abutting right of way a minimum of 20 feet and x feet (5/ 4/ 2 feet?) ~~for further than the remainder of the adjacent ground floor portion of the front facade the~~

~~remainder of the detached dwelling unit or (not including covered entry porches approved under KZC 115.115(3)(n))~~.

Option 5: Same as option 4, except the facade from which the garage is set back has a specified length.

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

- a. The ~~required front yard for the~~ garage shall be set back from the abutting right of way a minimum of 20 feet and eight (8) feet greater than the required front yard for the remainder of the detached dwelling unit x feet (5/ 4/ 2 feet?) further than the adjacent ground floor portion of the front facade or covered entry porches approved under KZC 115.115(3)(n), provided that the length of the adjacent portion of the ground floor facade or covered entry porch extends across at least x% (25%?) of the total width of the front facade.

Staff Recommendation:

Setback:

Staff does not recommend eliminating modulation, but instead of the current standard recommends Option 5 above. This option requires an offset to be determined (x feet) from whatever element of the front facade is closest to the street, and only if the adjacent element is of sufficient width to provide a substantial street presence. This option also clarifies that the garage setback is measured from the ground floor of the facade.

Deviation From Requirements:

Staff recommends the following 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.

19. Exemption from Landscape Buffer Requirements – KZC Chapter 5 Section 5.10.020 and KZC Chapter 95 Section 95.42.

Purpose: Consider expanding this exemption to apply to property touching any street other than neighborhood access streets, rather than only primary arterials.

Background:

KZC 95.42 establishes minimum land use buffers between uses. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the adjoining zone. Basically, the more intensive the land use is on a subject property as compared to the adjoining land use, the more stringent the landscaping buffer requirement is. (Detached dwelling units are not subject to this provision.)

There are two land use buffer standards, each with specific width, fence and planting requirements. The wider buffer standard is 15 feet, typically required when a commercial, industrial, community facility, or similar use adjoins a residential zone or park. The narrower five foot wide buffer is typically required for multifamily properties when they adjoin low density zones. Scroll down to see the current regulations.

An exemption from this requirement is if the subject property adjoins a principal arterial. This is because adjoining is defined as: "Property that touches or is directly across a street, *other than* a principal arterial, from the subject property..." For example, a commercial development must provide a 15 foot wide land use buffer along the entire common border between the subject property and an adjoining residential use, (except if the street is a primary arterial). The arterial functions as the intervening land use buffer in the case of a primary arterial.

A further exception to rules requiring intervening land use buffers is when the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, and Totem Center or is located in TL 5. In these areas, where design review is required pursuant to KZC 92, it is recognized that a more fine-tuned, site appropriate approach to landscape buffers is appropriate. Here, minimum setbacks adjoining sidewalks enhances public interaction, and standard land use buffers adjoining any use within the business district or across the street would be contrary to the intent of creating pedestrian-oriented facades and vibrant streetscapes. The idea is to draw in pedestrians to the businesses within these areas and to enhance the views of similar store fronts across the street. In these individual business districts design review is used to evaluate land use buffers rather than relying on KZC 95.42.

For example, JBD 1 Special Regulation 5 states:

“Chapter 95 KZC applies to the development of the subject property. The City will determine required buffers for the proposed development as part of the approval process based on the following:

- a. The buffering should integrate development of the subject property with compatible development on adjoining property to provide a unified appearance of the business district.
- b. The buffering should provide some separation and visual relief for present or reasonably anticipated residential use on adjoining property.
- c. The buffering should provide a linkage to Juanita Beach Park, rather than a separation from the park.”

Principal vs. Minor Arterials:

Staff is also wondering what unique characteristics sets apart primary arterials from other types of streets which would explain why they are exempt from the land use buffer requirement.

The city has a Rights of Way Designation Map which categorizes the various types of streets. It is based on the following criteria:

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

As noted in the chart above, principal arterials have the highest volume of traffic in the hierarchy of street classifications. The idea is that there is no requirement for a buffer when there is an intervening right of way that has a certain volume of traffic. "Average Daily Trips" is defined as the number of vehicles passing a given point, in either direction, during a 24-hour period, based on an average over seven (7) consecutive days. The arterial functions as the intervening land use buffer in the case of a primary arterial.

The question remains why a primary arterial is exempted from the land use buffer requirement while other streets are not, only because of higher traffic volumes. Minor arterials, the next in the hierarchy of street classifications, also have relatively high traffic volumes. Properties adjoining these streets are required to provide land use buffers for the uses across the street from them. It is curious why minor arterials wouldn't also cancel out any mitigating effect a land use buffer would have on property across the street from it. There seems to be little to distinguish one from the other.

The minimum width of either a primary or minor arterial is determined by the Public Works Director based upon its configuration (e.g. if it has middle turn lane, parking on the side, number of lanes). So there isn't a typical primary or minor arterial width that distinguishes one from another. In fact some are configured exactly the same.

Attachment 3 to this memorandum is a map showing current street classifications and existing land use. The green identifies principle arterials, blue identifies minor arterials, and red identifies collector streets.

Generally speaking, land use classifications adjoining principle and minor arterials are similar. On one end of the spectrum there are locations where a principle arterial adjoins single family development on both sides of the street, and at the other end of the spectrum some adjoin commercial uses on both sides. The same applies to minor arterials.

Issues:

- Should additional design districts and commercial areas other than those already subject to land use buffer standards in KZC 92, continue to be subject to the standard 45.42 requirements, or should land use buffers be tailored individually to these areas as appropriate?
- Although KZC 95.46 (see below) offers some flexibility to allow for unique circumstances and deviate from standards on a case by case basis, it probably is better to evaluate existing commercial areas and other business district comprehensively through the design review process. This would also streamline the review process and provide more certainty to both the developer and the neighborhood in which the commercial area is located.

- Requiring fences on commercial properties along minor arterials should be reviewed. Fences restrict the public's view of the commercial enterprise so unless they are across the street from a residential use, this requirement may not be warranted.
- Finally, because minor and principle arterials have similar characteristics they should arguably be treated the same, and should be considered.

Current Zoning Code Land Use Buffer Requirements:

95.42 Minimum Land Use Buffer Requirements

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

LANDSCAPING CATEGORY ↓	ADJOINING PROPERTY → *Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
A	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)	
B	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)		
C	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)		

	Standard 1)	Standard 2)		
D	Must comply with subsection (2) (Buffering Standard 2)			
E				
Footnotes:	*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, Totem Center or is located in TL 5, this section KZC 95.42 does not apply.			

This chart establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:

1. For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC [115.40](#) for additional fence standards. The land use buffer must be planted as follows:
 - a. Trees planted at the rate of one (1) tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half (2-1/2) inch caliper, minimum, and/or coniferous trees eight (8) feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.
 - b. Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two (2) years, planted at the following sizes and spacing, depending on type:
 - 1) Low shrub – (mature size under three (3) feet tall), 1- or 2-gallon pot or balled and burlapped equivalent;
 - 2) Medium shrub – (mature size from three (3) to six (6) feet tall), 2- or 3-gallon pot or balled and burlapped equivalent;
 - 3) Large shrub – (mature size over six (6) feet tall), 5-gallon pot or balled and burlapped equivalent.
 - c. 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 60

percent of the land use buffer not needed for viability of the shrubs or trees.

2. For standard 2, the applicant shall provide a 5-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC [115.40](#) for additional fence standards. The landscaped strip must be planted as follows:
 - a. One (1) row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of 2-inch caliper, minimum, and/or coniferous trees at least six (6) feet in height, minimum. At least 50 percent of the required trees shall be evergreen.
 - b. 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 60 percent of the land use buffer not needed for viability of the trees.

95.46 Modifications to Landscaping Standards

1. Modification to Land Use Buffer Requirements. The applicant may request a modification of the requirements of the buffering standards in KZC [95.42](#). The Planning Official may approve a modification if:
 - a. The owner of the adjoining property agrees to this in writing; and
 - b. The existing topography or other characteristics of the subject property or the adjoining property, or the distance of development from the neighboring property decreases or eliminates the need for buffering; or
 - c. The modification will be more beneficial to the adjoining property than the required buffer by causing less impairment of view or sunlight; or
 - d. The Planning Official determines that it is reasonable to anticipate that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive, buffer; or
 - e. The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer.

Proposed Change:

No change is proposed at this time.

Staff Recommendation:

Commercial properties adjoining streets other than principle arterials should be considered for exemption from the typical land use buffer standards and instead follow standards tailored for their unique circumstances, similar to how other design districts are regulated.

Staff recommends that as part of the GMA Comprehensive Plan update, land use buffer standards are developed for commercial areas as part of the planned business district analysis, regardless of the adjoining right of way classification.

Staff also recommends that requirements for both principle and minor arterials are potentially made the same, since there is little evidence that they are designed differently or have significantly different visual impact on adjoining property.

Finally fence requirements for commercial use along minor arterials should be removed.

Attachments:

1. Roster of proposed Zoning Code and Municipal Code amendments.
2. Matrix Neighboring Jurisdictions Garage Setbacks
3. Map of Current Land Use and Street Classifications

Cc: File CAM13-00669
List serve groups

Roster of Miscellaneous Zoning Code and Municipal Code Amendments

*Asterisk notes that amendment is not in the Houghton jurisdiction.

✓ Check notes that amendment was reviewed during June, September and November study sessions.

Red notes that item will be considered at the December 5, 2013 study session

(Nov 26, 2013)

NO POLICY CHANGES

These proposed amendments result in no changes to current policy but intend to clarify and fix inconsistencies within the code.

1. ✓ **Clarify Height of 2nd Story above Garage - KZC Chapter 115 Section 115.115.3.o**
Purpose: After approval of the 2012 Zoning Code amendments (O-4372) on August 7, 2012, a clarification was requested by staff to eliminate duplicative text addressing the height of the garage. The proposed change would eliminate subsections 115.3.o.1).c) and 2).e). These sections are unnecessary, because the maximum allowed height is already provided in the use zone chart for each zone.

2. **Delete reference to State Statutes for Schools and Daycares - Various use zone charts already being amended**
Purpose: Delete special regulations for schools, mini-schools, daycares and mini-daycares that reference out of date statutes. The State removed the referenced Washington Administrative Code (WAC) Title 388, a number of years ago, so the current KZC reference is incorrect. The special regulation is being deleted because the reference is wrong and because there is no need to have a local regulation requiring compliance with a State regulation.

3. ✓ **Correct References to State Statute for Timeframe and for Exclusions from Timeframe for Approval of Development Permits – KMC Title 20 Section 20.12.010 (2) and**
Purpose: Correct the State statute referencing the timeframe for approval of a development permit and exclusions thereof, and delete RCW 36.70B.090 which expired in 2000. The correct State statute is RCW 36.70B.080 (1). The timeline for processing project permit applications is addressed in this RCW.

4. ✓ ***Delete Repeated Reference to Horizontal Facade Regulation in PLA 6G – KMC Chapter 60 Section 60.87.130**
Purpose: Delete Section 60.87.130 Special Regulation 3, to eliminate redundancy. When the ZC was re-organized to list horizontal facade regulations within the General Regulations, rather than repeating it for each applicable use within the corresponding zoning charts, it was inadvertently missed. Planned Area 6G already requires this in General Regulation # 3.

5. ✓ **Add TL 1B Zone to Definition of Residential Zones – KZC Chapter 5 Section 5.10.785**
Purpose: The TL 1B zone in Totem Lake was inadvertently left off the list of defined Residential Zones. It already is included in the definition of High Density Residential Zones. This amendment would correct this omission.

6. ✓ **Revise Definition of Development Permit – KZC Chapter 5 Section 5.10.215**
Purpose: Replace out of date reference to “Uniform Building Code” with “KMC Title 21, Buildings and Construction”. This was missed when the last round of Fast Track Zoning and Municipal Code Amendments (O-4408) was adopted on May 21, 2013.

7. **✓ Correct the Terminology for Flag Lots – KZC Chapter 115 Section 115.115.5.a (1) (b).**
Purpose: Replace the term “panhandle lot” with “flag lot” to clarify the intent of this section, which addresses required yards for driveway and parking areas when abutting a flag lot in the same plat. Flag lot is a defined term describing certain types of lots, whereas access to a flag lot is through a panhandle. Panhandle is not a defined term.
8. **✓ Delete Reference to Day Care Home Uses and Family Day-Care Home Uses in PLA 15B, PLA 16 and PLA 17. – KZC Chapter 60 Sections 60.174.3.b, 60.180.2.b, and 60.185.3.c.**
Purpose: This amendment removes references to family day care uses in in these three zones. These are essentially detached dwelling unit uses that also have an assessorly child-care operation for up to 12 children. They are regulated as an assessorly use to a residential use. Except for these three zones which were inadvertently missed, regulations for this use moved into Chapter 115 and out of the use zone charts in 2002.

MINOR POLICY CHANGES

The proposed amendments do not clarify existing regulations, but instead change them. However, they are generally not considered significant policy issues.

9. **✓ Provide Time Limits for Tree Removal Permits and Notifications Not Associated with Development Activity - KZC Chapter 95 Section 95.23.new subsection.**
Purpose: This amendment would add a one year time limit for tree removal to address the expectation that removal will be completed within a reasonable and predictable time frame.
10. **✓ Allow Lots with Low Impact Development Standards as Part of a Conventional Subdivision – KZC Chapter 114 and KMC Title 22 Chapter 22.28.041**
Purpose: Chapter 114 of the Zoning Code provides standards for an alternative type of development utilizing low impact development strategies. This is an optional approach that allows smaller lots and clustering provided additional low impact development techniques are utilized. The proposed amendment would change the provisions of KZC 114 to allow a portion of lots within a subdivision to utilize the LID techniques, rather than requiring all lots to use them. Currently KZC 114 requires all lots in a plat to utilize LID stormwater management standards to receive the benefits provided by this incentive. A more flexible approach may encourage increased utilization of preferred LID techniques.
11. **✓ Clarify that KZC 115.25 Addresses Development Activity to Avoid Confusion With KZC 115.95 Noise Regulations – KZC Chapter 115 Sections 115.95.2 and 115.25.**
Purpose: Currently there is some confusion whether to apply KZC 115.25 or KZC 115.95 for certain potential noise violations. This amendment seeks to clarify the regulations.
12. **✓ Reorganize and Simplify Process IVA; “Fast Track” Zoning Code Amendments – KZC Chapter 161.**
Purpose: Based on experience gained from several Process IVA amendment projects, this amendment proposes some changes to reorganize and simplify the process.
13. **✓ Clarify that Subdivision Provisions May Allow Lot Size Reduction Beyond Minimum Lot Size in Zoning Code or Map – KZC Chapter 115 New Section 115.87**
Purpose: Clarify the relationship between the Subdivision regulations and zoning regulations, to explicitly state that if approved under the current provisions of the Subdivision review process, lots size can be reduced. Currently the Zoning Code is silent on this. This is applicable in all residential zones in Kirkland.

14. ✓ Clarify what is Included in Lot Size Calculations for Small Lot and Historic Preservation Subdivisions –KMC Title 22 Chapters 22.28.042(c) and 22.28.048(c).

Purpose: Small lot single family and historic preservation subdivisions regulations provide incentives to encourage smaller homes and retain historic homes. Current KMC standards regulate what is included in the lot size calculation of the smaller lot to insure that it is compatible with neighborhood character. For that reason, portions of flag lots that are less than 30 feet wide and provide access to the wider buildable portion cannot be included in the calculation of lot area for the smaller lot. But because flag lots are defined to have frontage along the right of way, developers are designing plats which have an intervening access easement between the panhandle portion of the flag lot and the right-of-way. In doing so, that portion of a flag lot that is narrower than 30 feet not connected to the r-o-w can be included in the lot area calculation, even though it is unbuildable area. The proposed amendment would eliminate “flag” from the small lot and historic preservation subdivision sections of the KMC to avoid the unintended consequence of including the unbuildable portion in the lot size calculation.

MODERATE POLICY CHANGES

These are considered more substantive changes to existing regulations.

15. ✓ Setback Requirements for Schools/Day Cares in Residential Zones – Multiple Zones.

Purpose: Consider reducing building setbacks for schools and day cares in residential zones in Kirkland, taking into account compatibility impacts to the neighborhood.

16. ✓ *Clustering and Aggregation of Undisturbed Area in Short Plats and Subdivisions in Holmes Point Overlay Zone – KZC Chapter 70 Section 70.15.4

Purpose: Consider the requirement to preserve vegetation, soils, tree cover and wildlife habitat in aggregate rather than by individual lots in new plats as now required in the Holmes Point Overlay Zone. Clarify vegetation replacement and maintenance requirements in this zone.

17. *Garage Setback Requirements for Detached Dwelling Units in Low Density Zones – KZC Chapter 115 Section 115.43

Purpose: Delete or simplify garage setback requirements.

19. ✓ *Rounding of Fractions of Dwelling Units– KZC Chapter 115 Section 115.125 and KMC Title 28 Section 22.28.030

Purpose: Restore King Co. rules which allow rounding of units in RSA zones when calculating for density.

20. ✓ Clarify Process to Amend the Text of the Zoning Code – KZC Chapter 135 Section 135.15

Purpose: Codify procedure for choosing potential zoning amendment proposals to study that are not associated with a proposal to amend the Comprehensive Plan.

21. ✓ Clarify Zoning Code Administration – KZC Chapter 170 Section 170.50

Purpose: Clarify the relationship between the Comprehensive Plan goals and policies and development regulations, consistent with the Growth Management Act.

22. ✓ Consider Time Limit For Appeal of Interpretations of The Zoning Code – Chapter 170 Sections 170.40 and 170.45

Purpose: Codify a time limit for an appeal of a formal Planning Director Zoning Code Interpretation, consistent with Process I, establishing a 14 day appeal period from date of notice.

23. ✓ Reduce Process for Zoning Decisions – Multiple Zones

Purpose: Review instances where there are opportunities to streamline Process I, IIA and IIB permits and consider reducing the required process, where appropriate.

24. Exemption from Landscape Buffer Requirements – KZC Chapter 5 Section 5.10.020 and KZC Chapter 95 Section 95.42.

Purpose: Consider expanding this exemption to apply to property touching any street other than neighborhood access streets, rather than only primary arterials.

25. ✓ Consider Screening Standards for Stand Alone Solar Arrays Accessory to Single Family Uses– KZC Chapter 115 Section 115.10. and 115.115

Purpose: A recent installation of a stand-alone solar panel array has prompted concern about compatibility and visual impact. Consider whether screening is feasible and appropriate in residential settings.

MAJOR POLICY CHANGES

These are considered substantive changes to existing regulations, and would either have significant policy implications or be a departure from how regulations are currently processed.

27. ✓ Eliminate or Revise Horizontal Facade Regulations – KZC Chapter 5 Section 5.10.020 and 5.10.507 and Chapter 115 Section 115.30, and Multiple Zones

Purpose: Consider modifications to this regulation, which limits the height and width of non-residential uses within 100 feet of a low density zone. Modifications include possible elimination, change of dimensions, exempting application of the requirement on sites adjoining ROW's and adding administrative discretion. In addition, if the regulation is maintained, it would move to Chapter 115, Miscellaneous Zoning Regulations and cross reference it in multiple use zone charts or in the general regulations.

Low Density Zone Front Façade Garage Setback Jurisdiction Comparison Matrix						
Jurisdiction	Required Front Yard Setback	Required Garage Front Yard Setback	Garage Width	Exceptions	Administrative Modification Criteria	Unintended Consequences
Kirkland KZC 115.43 (not effective in Houghton)	20'	28'	Max 50% of total front façade on lots that are at least 55' wide at the back of required yard for front façade.	Houses on flag lots Houses with below grade garage (at least 75% of the area of the garage doors are below the midpoint elevation of street, easement or tract in front of garage)	Necessary because of the size, configuration, topography or location of property; and Support the purpose and intent; and Includes design details that minimize dominance of garage (i.e. casings, columns, trellises, windows, surface treatments or color, ingle stall doors and or enhanced landscaping); and Won't have substantial detrimental effect on nearby property or City.	Instead of setting garage back an additional 8 feet from the front façade, the entire front facade is setback either to the same plane as the garage or at various distances from the remainder of the front facade. This results in smaller rear yards, greater impervious surface.
King Co Development Code 21A.12.030 ⁵	10	20	No mention found	None found	When a lot is located between lots having nonconforming street setbacks, the required street setback for such lot may be the average of the 2 nonconforming	

Low Density Zone Front Façade Garage Setback Jurisdiction Comparison Matrix						
Redmond RZC 21.08 SF Zones R4, RIN, R6, R8 only	15'	18'	No mention found	None found	setbacks or 60% of the required setback, whichever is greater.	Same as Kirkland's. Also, no apparent limit on how much of façade could be taken up with garage.
Seattle SMC 23.44.016 Parking & Garages ^{1,2,3} 23.44.014 Yards	20' (15' if extension of existing house wall)	No closer than 80% of remaining non- garage street level façade, OR 80% of façade above garage if garage is only façade at street level ¹	14' max width allowed for single car, 24' maximum for two parking spaces. ² Width up to 50% of total façade, or 10', whichever is greater. ³	Irregular lots, topography, or structural shape.	Modification must achieve minimum visual impact.	
Bellevue BLUC 20.20.010. BLUC 20.20.025 ⁴	20'	No specific mention.	None found.	Lots with steep slopes may allow 5' setback to maintain <15% slope from street to garage; Lots with primary structure over 8'	Necessary to maintain reasonable grade	Apparently could have garage make up entire front façade of house.

Low Density Zone Front Façade Garage Setback Jurisdiction Comparison Matrix			
			above street grade may allow 5' setback for garage (with less than 15' peak height or 9' flat roof) built into slope. ⁴

¹ Seattle – SMC 23.44.016.F. Appearance of Garage Entrances.

² Seattle – SMC 23.44.016.E.1.c. In front yards, the area of garages is limited to 300 square feet with 14 foot maximum width if one space is provided, and 600 square feet with 24 foot maximum width if two spaces are provided.

³ Seattle – SMC 23.44.016.F.2. Garage Entrance Width. The total combined horizontal width of all garage entrances located on the front façade may be up to 50 percent of the horizontal width of the front façade or 10 feet, whichever is greater. On corner lots, a garage entrance shall be allowed on only one street-facing façade.

⁴ Bellevue – BLUC 20.20.025. Intrusions into Setbacks – Garages/Carports on Slopes.

⁵ King County – KCC 21A.12.030 B.8. Densities and Dimensions At least twenty linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line

CITY OF KIRKLAND
 EXISTING LAND USE - BASED ON 2013 ASSESSOR'S DATA
 AND ROAD CLASSIFICATION



CITY OF KIRKLAND, WASHINGTON

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MAP LEGEND

Commercial	Single Family	STREETS	Principal Arterial
Office	Open Space	HIGHWAYS / FREEWAYS	Minor Arterial
Industrial	Park	CROSS KIRKLAND CORRIDOR	Collector
Public Institutions	Parking Lot	REGIONAL RAIL CORRIDOR	
Private Institutions	Utility	KIRKLAND CITY LIMITS	
Multi-Family	Vacant	LAKE / POND	
Mobile Home Park	Tract ROW	State Routes and Interstate	

0 500 1,000 2,000 3,000 4,000 5,000 6,000
 0 0.25 0.5
 FEET
 METERS

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