



CITY OF KIRKLAND

Planning and Community Development Department
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To: Houghton Community Council

From: Eric R. Shields, AICP, Director
Michael Bergstrom, AICP, Consultant *MB*

Date: November 20, 2006

Subject: Ordinance No. 4065 – Floor Area Ratios and Structures and Improvements in Required Yards – Zoning Code Amendments, File No. ZON05-00019

On November 8, 2006 the City Council adopted Ordinance No. 4065 (see Attachment 1). This ordinance amends existing provisions of the Kirkland Zoning Code relating to allowable Floor Area Ratios in low density residential zones, as well as certain setback encroachment allowances. Affected Zoning Code sections include KZC 15.10.010 – Detached Dwelling Units in RS zones; 15.17.010 – Detached Dwelling Units in RSX zones; 115.42 – Floor Area Calculation; and 115.115.3 – Structures and Improvements in Required Yards.

Current F.A.R. regulations do not apply within Houghton. On June 27, 2006 the Houghton Community Council held a courtesy hearing on the proposed amendments. At the completion of the hearing, the Community Council concluded that the F.A.R. regulations, once amended, should continue to not be effective in Houghton.

Following your June 27 hearing, the proposal was redrafted to reinsert the “not effective” wording that appears in the pre-amended KZC 15.10.010 and 115.42, and add the “not effective” language to the amendment that Ordinance 4065 adopted for KZC 115.115.3. The “not effective” clause does not appear in KZC 115.17.010 because Houghton does not contain any RSX zoning.

Therefore, by adopting the enclosed Resolution, none of the adopted changes will be effective in Houghton and the pre-Ordinance 4065 provisions will continue to be in force. Although the Ordinance excludes Houghton from its coverage, it is still technically considered to be an ordinance that is “citywide” and one which is subject to the veto authority of the Community Council.

The Community Council has the following three options for action on this ordinance. Because of the unique manner in which the ordinance is written (i.e., it already contains the “not effective” language), it is possible that all three options end up with the same result:

- A. Approve the ordinance. A vote by the majority of the entire membership of the Community Council approving Resolution 2006-8 (see Attachment 2) would document your support of this amendment. As a result, you would be maintaining the status quo. F.A.R. regulations, and the change to 115.115.3, would not be effective in Houghton, since the ordinance already anticipates that outcome.
- B. Disapprove the ordinance. Disapproval of the ordinance means the entire ordinance has no effect in Houghton. That includes the “not effective” language as well as all the amendments resulting from Ordinance 4065. It would mean that, for Houghton, the amendments never occurred and existing regulations remain in place.
- C. Take no action. No action would allow the amendment to go into effect within the Houghton jurisdiction, even though a resolution was not passed, pursuant to KZC 160.95. This has the same result as Option A, and preserves the pre-amendment Zoning Code language.

For the sake of clarity, and to avoid surprises that can result from mis-assumptions and mis-interpretations, we recommend that the Houghton Community Council opt to Approve Ordinance 4065.

Attachments:

1. Ordinance 4065
2. Resolution 2006-8 Approving Ordinance 4065

ORDINANCE 4065

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 (THE KIRKLAND ZONING CODE) OF THE KIRKLAND MUNICIPAL CODE; AMENDING CERTAIN PROVISIONS RELATING TO FLOOR AREA RATIOS (F.A.R.) FOR DETACHED DWELLING UNITS IN LOW DENSITY RESIDENTIAL ZONES, AND FOR ALLOWABLE STRUCTURES AND IMPROVEMENTS IN REQUIRED YARDS, AND AMENDING PORTIONS OF CHAPTER 15 KZC (SINGLE-FAMILY RESIDENTIAL (RS) ZONES), CHAPTER 17 KZC (SINGLE-FAMILY RESIDENTIAL ANNEXATION (RSX) ZONES), AND CHAPTER 115 KZC (MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS) (FILE NO. ZON05-00019).

WHEREAS, the City Council has received from the Kirkland Planning Director a recommendation to amend certain portions of the Kirkland Zoning Code, Ordinance 3719 as amended (Title 23 of the Kirkland Municipal Code), relating to Floor Area Ratios (F.A.R.) for detached dwelling units in low density residential zones, and also relating to allowable structures and improvements in required yards, and bearing Kirkland Department of Planning and Community Development File No. ZON05-00019; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, this action is exempt from the concurrency management process; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on June 8, 2006 and July 13, 2006, held a public hearing on the proposal and considered the comments received at the hearings; and

WHEREAS, pursuant to the State Environmental Policy Act, there has accompanied the proposal and recommendation through the entire consideration process a Determination of Nonsignificance (DNS), including supporting environmental documents, issued by the Responsible Official on May 19, 2006, pursuant to WAC 197-11-340 and WAC 197-11-390; and

WHEREAS, an appeal of said DNS was received on June 2, 2006; and

WHEREAS, on November 8, 2006 the City Council held a hearing on the DNS appeal and considered all information and material within the scope of the appeal, and at the conclusion of said hearing the City Council affirmed the issuance of the DNS; and

WHEREAS, in regular public 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. KZC 15.10.010, Special Regulation No. 2 is hereby amended to read as follows:

ATTACHMENT	<u>1</u>

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
- a. In RS 35 zones, F.A.R. is 20 percent of lot size.
 - b. In RS 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RS 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RS 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RS 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met:
 - i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4 feet vertical: 12 feet horizontal; and
 - ii. A setback of at least 7.5 feet is provided along each side yard.

This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

Section 2. KZC 17.10.010, Special Regulation No. 2 is hereby amended to read as follows:

2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
- a. In RSX 35 zones, F.A.R. is 20 percent of lot size.
 - b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size.
 - c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size.
 - d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size.
 - e. In RSX 5.0 zones, F.A.R. is ~~60~~ 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the following criteria are met:
 - i. The primary roof form of all structures on the site is peaked, with a minimum pitch of 4 feet vertical: 12 feet horizontal; and
 - ii. A setback of at least 7.5 feet is provided along each side yard.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

Section 3. KZC 115.42 is hereby amended to read as follows:

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones does not include the following:
 - a. Attic area with less than five feet of headroom.
 - b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height 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 structures, 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).
 - d. On lots 8,500 square feet or greater, 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).
 - e. Uncovered and covered decks, porches, and walkways.
2. Floor area with a ceiling height greater than 16 feet shall be calculated as follows:
 - a. The first 100 square feet of such floor area, in aggregate, shall be calculated only once toward allowable F.A.R.;
 - b. Floor area in excess of the first 100 square feet shall be calculated at twice the actual floor area toward allowable F.A.R.

~~2~~ *3. This section is not effective within the disapproval jurisdiction of the Houghton Community Council.*

Section 4. KZC 115.115.3 is hereby amended to read as follows:

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:
 - a. – c. No change.
 - d. Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and canopies may extend up to 18 inches into any required yard. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the façade of the structure. Except for properties located within the disapproval jurisdiction of the Houghton Community Council, chimneys, bay windows, greenhouse windows, cornices, awnings, and/or canopies may not extend closer than 4 feet to any property line. See Plate 10.
 - e. – o. No change.

Section 5. 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.

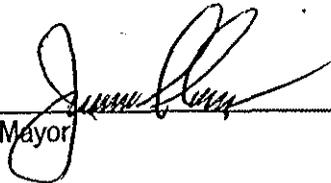
Section 6. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance, but in no event sooner than sixty (60) days from and after its passage by the Kirkland City Council and publication, or on January 15, 2007, whichever is later, as provided in Section 7.

Section 7. Except as provided in Section 6, this ordinance shall be in full force and effect sixty (60) days from and after its passage by the Kirkland City Council and publication, or on January 15, 2007, whichever is later, pursuant to Section 1.08.017 Kirkland Municipal Code, 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 8. 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 regular, open meeting this 8th day of November, 2006.

SIGNED IN AUTHENTICATION thereof this 8th day of November, 2006.



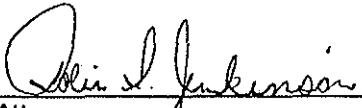
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

RESOLUTION NO. 2006-8

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL APPROVING ORDINANCE NO. 4065 ADOPTED BY THE KIRKLAND CITY COUNCIL ON NOVEMBER 8, 2006, RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 (THE KIRKLAND ZONING CODE) OF THE KIRKLAND MUNICIPAL CODE; ADOPTING AMENDMENTS TO PORTIONS OF CHAPTERS 15, 17, AND 115 OF THE KIRKLAND ZONING CODE, MODIFYING PROVISIONS FOR FLOOR AREA RATIOS IN LOW DENSITY RESIDENTIAL ZONES, AND MODIFYING PROVISIONS FOR STRUCTURES AND IMPROVEMENTS IN REQUIRED YARDS (FILE NO. ZON05-00019).

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Ordinance No. 4065 amending certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended (Title 23 of the Kirkland Municipal Code), and bearing Kirkland Department of Planning and Community Development File No. ZON05-00019; and

WHEREAS, the subject matter of this ordinance, pursuant to Ordinance No. 2001, is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation either: (a) Upon approval by a majority of the entire membership of the Houghton Community Council; or (b) By failure of the Community Council to disapprove it within 60 days after final enactment by the City Council; and

WHEREAS, the subject matter of this ordinance was reviewed and discussed by the Houghton Community Council in a public hearing held on June 27, 2006, and at said hearing the Houghton Community Council provided feedback and guidance on said subject matter; and

WHEREAS, at the conclusion of said June 27, 2006 public hearing the Houghton Community Council determined that it did not desire to have the proposed amendments apply within the jurisdiction of the Houghton Municipal Corporation; and

ATTACHMENT <u>2</u>

WHEREAS, consistent with the position of the Houghton Community Council at the June 27, 2006 public hearing, Ordinance No. 4065, as adopted, clarifies that the amendments contained therein will not be effective within the jurisdiction of the Houghton Municipal Corporation; and

NOW, THEREFORE, be it resolved that Ordinance No. 4065 is hereby approved and effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this 18th day of December, 2006.

SIGNED IN AUTHENTICATION thereof this 18th day of December, 2006.

Chair, Houghton Community Council

Attest:

City Clerk