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MEMORANDUM

To: Planning Commission

From: Angela Ruggeri, AICP, Senior Planner
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Date: April 6, 2018

Subject: Potential Revision of Floor Area Ratio (FAR) and Lot Coverage Regulations

RECOMMENDATION

Receive briefing and discuss potential Zoning Code amendments to the FAR and lot coverage regulations for single-family residential development in the Zoning Code. Give staff direction on information needed for further discussion.

BACKGROUND DISCUSSION

The City Council has directed the Planning Commission and staff to study FAR and lot coverage regulations to determine if the Zoning Code should be amended. The review of the FAR and lot coverage regulations has been included in the 2018-20 Planning Work Program. Although these two topics should be considered separately, there are some overlaps in the regulations, warranting a review of the potential amendments at the same time.

POTENTIAL AMENDMENTS

FAR – Existing Code:

The FAR regulations were adopted in 1999 (Ordinance No. 3709) to help maintain the character of the Market and Norkirk neighborhoods where extensive redevelopment of primarily single-family residences was taking place. It has been nearly 20 years since these regulations were first put in place. We have learned from experience that the regulations have not provided the results that we hoped and that they have had some unintended consequences, including:

- Boxy single-family residential buildings
- Deep driveways that are buried below the main structure

In general, the consequences of the FAR regulations identified above are the result of builders' attempts to maximize the square footage of individual projects by adding building features (such as basements) that are not included in the FAR calculation.

The FAR calculations are also difficult for staff to review and for applicants to work with because of the extensive list of exceptions. For example, there is an exemption for floor area with a ceiling height of less than six (6) feet above finished grade. Applicants often add fill around the house to raise the finished grade. The addition of the fill makes the calculation of the height above finished grade complicated. See below for relevant sections of the Zoning Code related to FAR.

ZONING CODE DEFINITION:

[5.10.325.5 Floor Area Ratio \(F.A.R.\)](#)

The maximum permitted [gross floor area](#) allowed, expressed as a percentage of the [lot size](#) (gross floor area / [lot size](#) = F.A.R.). See KZC [115.42](#).

ZONING REGULATIONS:

[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 subsection (3) of this section 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 subsection (3) of this section 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 (1) structure if any elements of the structures, except for the elements listed in subsection (3)(b) of this section, are closer than 20 feet to each other.

a. 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**.

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 (5) feet from the wall of a structure;

4) Porches extending no more than five (5) feet from the wall of a structure if:

i) 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**;

- ii) Three (3) sides of the porch are open other than railings and solid walls no higher than 42 inches;
- iii) No deck, balcony, or living area is placed on the roof of the porch;
- iv) The length of the porch does not exceed 50 percent of the wall of the structure to which it is attached;
- v) 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.

FAR – Potential Amendments:

The following section describes potential options for modifying the City’s existing FAR regulations:

1. Remove FAR requirements from the Zoning Code

- Many cities do not regulate FAR for single family homes. It is a calculation more often used for commercial buildings.
- These regulations have never been effective within the disapproval jurisdiction of the Houghton Community Council except in the specific areas stated in the regulations above. Staff observations suggest that there do not appear to be larger homes compared to lot sizes in Houghton than in the rest of the City where FAR regulations are in place.
- The size of residences are already limited due to existing regulations which establish maximum building height and minimum front, rear, and side yards, meaning that FAR limitations are somewhat redundant.
- Removing FAR requirements completely would simplify the code for both staff and applicants.

2. Modify the FAR requirements

- Bellevue is one of the few cities in the region that establishes FAR regulations for single family homes. Bellevue sets an FAR limit which must only be upheld if other requirements are not met. These other requirements are meant to maintain the character of the surrounding neighborhood and promote good design. See excerpt from the Bellevue Zoning Code below:

(43) Floor Area Ratio (FAR) Threshold. Development which exceeds a gross Floor Area Ratio (FAR) threshold of 0.5 shall comply with the following requirements:

(a) Applicability. FAR threshold requirements are applicable to new single-family homes and additions to existing homes that result in a 20 percent or greater increase in gross square feet.

(b) Maintain a minimum structure setback of 7.5 feet for each side yard; and incorporate either daylight plane standards or a second story stepback of not less than five feet on each side of the building facing a side yard property line.

(c) Exemptions. New single-family homes constructed as part of a subdivision pursuant to Part [20.45A](#) LUC or planned unit development pursuant to Part [20.30D](#) LUC are not subject to FAR threshold requirements. The Director may modify the FAR threshold requirements on either side of the structure where it can be demonstrated that the adjacent structure has been constructed at an FAR that exceeds the 0.5 threshold and the adjacent structure is built to dimensions which exceed the requirements noted in subsection (b) of this note.

- The City's FAR regulations could be modified to include a more incentive-based approach, similar to the Bellevue model.
- It is unclear how effective these tradeoffs are.

3. **Retain existing Zoning Regulations with some minor modifications**

- The purpose of these minor modifications would be to make the existing code easier to work with and would require review of the exemptions that now exist to determine ways to simplify them.
- The impacts of removal of or modifications to these exemptions should also be taken into account. For example, should the exemption for floor area with a ceiling height of less than six (6) feet above finished grade be clarified so that fill is not used to circumvent the FAR limitation? Might the minor modifications have unintended consequences on the size and design of homes?

Lot Coverage – Existing Code:

The existing lot coverage regulations were put in place over 30 years ago. They were designed to address aesthetic concerns (e.g., to limit development on a lot) and to manage storm water. More recently, the Public Works Department has enacted new storm water management regulations that make the need for lot coverage regulations to manage storm water obsolete. The aesthetic need for open space is still important, however, and should be regulated. See below for relevant sections of the existing Zoning Code related to lot coverage.

ZONING REGULATIONS:

115.90 Calculating Lot Coverage

1. General – The area of all structures and pavement and any other [impervious surface](#) on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one (1) use, the [maximum lot coverage](#) requirements for the predominant use will apply to the entire development. Lot area not calculated under lot coverage must be devoted to [open space](#) as defined in KZC [5.10.610](#).

2. Exceptions

- a. An access [easement](#) or tract that is not included in the calculation of [lot size](#) will not be used in calculating lot coverage for any lot it serves or crosses.
- b. Pervious areas below eaves, balconies, and other cantilevered portions of buildings.
- c. Landscaped areas at least two (2) feet wide and 40 square feet in area located over subterranean structures if the [Planning Official](#) determines, based on site-specific information submitted by the proponent and prepared by a qualified expert, soil and depth conditions in the landscaped area will provide cleansing and percolation similar to that provided by existing site conditions.
- d. Rockeries and retaining walls, unless located adjacent to or within 12 inches of another [impervious surface](#) such as a patio, building or [parking area](#).
- e. Public sidewalk if located within a public [easement](#) on private property.

3. Exemptions – The following exemptions will be calculated at a ratio of 50 percent of the total area covered. Exempted area shall not exceed an area equal to 10 percent of the total lot area. Installation of exempted surfaces shall be done in accordance with the current adopted stormwater design manual.

- a. Permeable pavement (non-grassed).
- b. Grassed modular grid pavement.
- c. Open grid decking over pervious area.

- d. [Pervious surfaces](#) in compliance with the stormwater design manual adopted in KMC [15.52.060](#).

ZONING CODE DEFINITIONS:

[5.10.389 Impervious Surface](#)

For properties within the jurisdiction of the [Shoreline Management Act](#), see Chapter [83](#) KZC.

Otherwise; [impervious surface](#) is a placed, created, constructed or compacted hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under pre-development conditions. Common [impervious surfaces](#) include, but are not limited to, rooftops, walkways, patios, [driveways](#), [parking lots](#) or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam materials or other surfaces which similarly impede the natural infiltration of surface water or storm water. [Impervious surfaces](#) do not include [pervious surfaces](#) as defined in this code.

[5.10.651 Pervious Surface](#)

For properties within the jurisdiction of the [Shoreline Management Act](#), see Chapter [83](#) KZC.

Otherwise, as opposed to [impervious surfaces](#), these are surfaces that allow water to infiltrate into the ground. [Pervious surfaces](#) include pervious paving, lawn, [landscaping](#), bare ground, wood chips, pasture and [native vegetation](#) areas. For the purposes of compliance with storm water [development regulations](#), [impervious](#) and [pervious surfaces](#) are defined pursuant to Chapter [15.52](#) KMC.

[5.10.610 Open Space](#)

Vegetated and pervious land not covered by buildings, roadways, sidewalks, [driveways](#), [parking areas](#), plazas, terraces, swimming pools, patios, decks, or other similar impervious or semi-impervious surfaces. (Ord. 4350 § 1, 2012)

Lot Coverage – Potential Amendments:

The following section describes potential options for modifying the City’s existing FAR regulations:

1. **Retain existing lot coverage regulations**

- The existing regulations cause confusion since applicants are now required to calculate lot coverage for Public Works storm water requirements and also to meet Zoning Code requirements. The Public Works requirements are more appropriate for storm water management.

2. **Calculate “Open Space” rather than lot coverage**

- The lot coverage requirements in the Zoning Code would be removed and new requirements for retaining a percentage of the property as open space would replace them.
- The above definition of open space from the existing Zoning Code would be a starting point. The open space definition relates to the aesthetic goal of the existing lot coverage requirements.

QUESTIONS FOR THE PLANNING COMMISSION

1. What preliminary observations does the Planning Commission have on the three options for FAR amendments?
2. What preliminary observations does the Planning Commission have on the two options for lot coverage amendments?
3. What additional information should staff bring to the next Planning Commission meeting on these two topics?