



CITY OF KIRKLAND
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MEMORANDUM

To: Planning Commission

From: Angela Ruggeri, Senior Planner
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Jeremy McMahan, Deputy Director, Planning and Building Department

Date: June 20, 2019

Subject: Miscellaneous Zoning Code & Municipal Code Amendments
File Number CAM19-00342

Staff Recommendation

Provide feedback to staff on proposed Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC) amendments in preparation for a future public hearing.

Background

Staff keeps a list of miscellaneous code amendments that are necessary to reflect current practice, clarify sections of the Zoning and Municipal Code, and promote good planning principles. The KZC and KMC are updated periodically to correct the issues that have been identified and are included on the list.

KMC Section 22.04.05 states that proposals to amend or repeal provisions of Section 22 (Subdivisions) of the KMC must be set for a public hearing before the Planning Commission. Section 135.25 of the KZC provides criteria for evaluating proposed amendments to the Zoning Code. As the Planning Commission reviews the proposed amendments to the KZC, the following criteria should be considered:

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.

Kirkland Zoning Code and Municipal Code Amendments

The miscellaneous code amendments that are to be reviewed at this time are summarized below. The topic, code section, reason for the amendment and proposed

changes to the code wording are included for each amendment. Text to be added is in **bold and underlined**. Text to be removed is ~~crossed-out~~.

1. KZC Section 105.10.1 – Vehicular Access Easement or Tract Standards

The requirements for easements over 100 feet in length are often modified because they are not necessary for safe ingress and egress. The following code clarification allows the Public Works Department to decide on appropriate easement standards based on safe ingress and egress without requiring the additional time and process of a modification.

Proposed Code Amendments

105.10 Vehicular Access Easement or Tract Standards

1. Roadway Widths – For vehicular access easements or tracts, minimum standards for widths are established as follows:

a. When no Fire Department access road is required, and the access easement or tract will service one (1) to four (4) detached dwelling units or one (1) to two (2) duplex structures, the minimum standard is 16 feet of unobstructed pavement in a 21-foot-wide easement or tract; ~~for easements or tracts less than 100 feet in length,~~ The Public Works Department may reduce the standard to 10 feet of unobstructed pavement in a 15-foot-wide easement or tract if the easement or tract and abutting driveways are located to allow for safe ingress and egress.

2. KZC Section 105.60.2 – Parking Area Design - General

It is currently not clear how KZC Section 105.60.2, which pertains to driveway widths, applies to the scenarios listed below.

- Drive aisles within parking areas that do not provide direct access to parking spaces;
- The relationship of this section of the KZC to the Public Works Pre-Approved Plans Policy R-4 regarding driveways; and
- Application of these standards to parking garages where sight distance and maneuverability conflicts can occur more frequently than for a surface parking lot.

Staff has been interpreting KZC 105.60.2 to allow driveways that are not driving aisles within a parking area to have a minimum width of 20 feet, however, the Public Works Pre-Approved Plans could require certain driveways to have a minimum width of 24 feet for multi-family projects with 5 or more units and for non-residential projects. The sight distance (ability to see opposing vehicles) within a parking garage is often limited by walls and other fixed structures and with a driveway design less than 24 feet wide, vehicles must drive in the opposing lane when turning around a corner. This creates a potential head-on collision situation.

The proposed change to the KZC would provide clarity and consistency between the KZC and the Public Works Pre-Approved Plans by establishing a minimum width of

24 feet for drive aisles that do not provide direct access to a parking space and referring an applicant to Pre-Approved Plans for all other driveway design standards. This would eliminate confusion for an applicant when determining which standard to follow when designing their parking garage or surface parking lot. The proposed KZC change would also allow a 20-foot driveway width where there is adequate sight distance and maneuverability.

Current KZC sections which relate to the amendments:

KZC 5.10.240 Driveway – An area of the subject property designed to provide vehicular access to a parking area or structure contained on the subject property.

KZC 5.10.632 Parking Area - Any area designed and/or used for parking vehicles.

KZC 5.10.635 Parking Space - An area which is improved, maintained and used for the sole purpose of temporarily accommodating a motor vehicle that is not in use.

KZC 105.60 Parking Area Design – General

1. The minimum dimensions for parking spaces and parking areas are displayed in plates in Chapter 180 KZC. These plates apply to parking for all uses except detached dwelling units.

Proposed Code Amendments

KZC 105.60.2 – **This section establishes the dimensional standards for driveways and driving aisles within parking areas. The extent of driveway dimensional standards depends on several factors such as sight obstructions, location, and traffic volumes. Refer to the Public Works Department Pre-Approved Plans for the specific requirements.** ~~Driveways which are not d~~Driving aisles within a parking area **that do not provide direct access to a parking space** shall be a minimum width of ~~20~~**24** feet. **If the City Transportation Engineer determines that there are no sight-distance and/or maneuverability conflicts, the minimum driving aisle width may be reduced.**

3. Pitched roof standards – Various sections of the KZC and KMC shown below.

On May 7, 2019 the City Council adopted amendments to Floor Area Ratio regulations in KZC 115.42. The amendments included the addition of a "Design-based F.A.R. Bonus," which provides an optional criterion that requires roof forms consist of ridgelines peaked at the center of the structure with a minimum pitch of 4 feet vertical to 12 feet horizontal. Similar criterion exists elsewhere in various sections of the KZC and KMC where FAR may be increased based on design criteria. The phrasing of these sections differs slightly from each other and from the newly adopted language in KZC 115.42, while requiring the same design principle and intending to achieve the same outcome when increasing FAR. The phrasing most recently adopted best identifies and clearly states the intent and desired outcome of the design requirement. For the sake of consistency and clarity five KZC sections and one KMC section have been identified for amendment. These revisions will simply amend the phrasing to match the recently adopted amendments to the City's FAR regulations.

Proposed Code Amendments

a. KZC 15.30.DD-3 (relating to Attached Dwelling Units in the PLA 3C zone):

For lots containing less than 7,200 square feet, the floor area ratio (F.A.R.) requirements of KZC 115.42 shall apply. The maximum floor area ratio is 50 percent of the lot size; provided, that F.A.R. may be increased to 60 percent if, ~~the primary roof form of all structures on the site is peaked with a minimum pitch of four feet vertical to 12 feet horizontal~~ **with the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal.**

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

b. KZC 15.30.DD 12.f (relating to Detached Dwelling Units in the RS 5.0 and RSX 5.0 zones):

In RS 5.0 and RSX 5.0 zones, F.A.R. is 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:

1) ~~The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to 12 feet horizontal~~ **With the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal;** and

2) 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.

A reduced F.A.R. may be required pursuant to subdivision design requirements in Chapter 22.28 KMC.

Not effective within the disapproval jurisdiction of the Houghton Community Council.

c. KZC 15.30.DD 19.d (relating to Detached Dwelling Units in the RSA 8 zone):

Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:

d. In RSA 8 zones, F.A.R. is 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 primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to 12 feet horizontal~~ **with the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal.**

F.A.R. is not applicable for properties located within the jurisdiction of the Shoreline Management Act regulated under Chapter 83 KZC. Back to Table

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

d. KZC 15.30.DD-27 (relating to Detached Dwelling Units in the PLA 3C zone):

For lots containing less than 7,200 square feet, the Floor Area Ratio (F.A.R.) requirements of KZC 115.42 shall apply. The maximum Floor Area Ratio is 50 percent of the lot size; provided, that F.A.R. may be increased to 60 percent if:

a. ~~The primary roof form of all structures on the site is peaked with a minimum pitch of four feet vertical to 12 feet horizontal.~~ **With the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal;** and

b. 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.

e. KZC 75.105.2 (relating to structures replacing a historic residence destroyed for any reason outside the control of the property owner):

If an historic residence is destroyed for any reason outside the control of the property owner, the maximum F.A.R. of the resulting structure shall not exceed 30 percent of the lot size, provided that F.A.R. may be increased up to 35 percent of the lot size if the following criteria are met:

a. ~~The primary roof form of all structures is gabled, with a minimum pitch of four (4) feet vertical to 12 feet horizontal.~~ **With the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal;** and

b. A setback of at least 7.5 feet is provided along each side yard.

f. KMC 22.28.042.d (relating to detached dwelling units in small lot single-family subdivisions):

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.~~ **With the exception of accessory features, all roof forms consist of ridgelines peaked near the center of the structure, with a minimum pitch of 4 feet vertical to 12 feet horizontal;** and

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

4. KZC Section 115.115 - Required Yards

KZC 115.115 regulates what structures, improvements, and activities may be in or take place in required yards. Subsection 5 relates to driveways and parking areas

and establishes permissible locations and dimensions for these improvements. Several phrases within KZC 115.115.5 have been identified for editing to clarify regulations and reduce confusion that has resulted in inconsistent application of the standards. Additionally, these changes will improve the applicability of regulations to home designs that are becoming more common.

Proposed Code Amendments

115.115.5 - Required Yards: 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 – Vehicles may be parked in the required front or rear yard if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least ~~five (5) feet~~ **eighteen (18) inches** in width. This landscape strip may be interrupted by a walkway or pavers providing a **lateral** connection from the driveway to other hard-surfaced areas, as long as such walkway or pavers ~~cover no more than 20 percent of the landscape strip~~ **do not exceed 5 feet in width**. A driveway and/or parking area ~~located in a required front yard~~ shall not be closer than five (5) feet to any side property line (see Plate 14); provided:

a) That where access to a legally established lot is provided by a panhandle or vehicle access easement measuring less than 20 feet in width, a driveway not exceeding 10 feet in width, generally centered in the panhandle or access easement, shall be permitted (see Plate 14A); and

b) That for 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) That any driveway which generally parallels a right-of-way or easement road shall be set back at least five (5) feet from the right-of-way or easement, except for a 20-foot-wide section where the driveway connects with the right-of-way or easement. Such driveway shall not have a width of more than 10 feet within the front or rear yard (see Plate 14B) and shall be separated from other hard-surfaced areas located in the front or rear yard by a landscape strip at least five (5) feet in width. Where more than one (1) driveway is permitted within a front or rear yard, those driveways shall be separated by a landscape strip at least five (5) feet in width.

- 2) Exception – Driveways and/or parking areas may exceed 20 feet in width if:
- a) The driveway/parking area serves a 3-car garage; and
 - b) The subject property is at least 60 feet in width; and
 - c) The garage(s) is (are) located no more than 40 feet from the front property line; and
 - d) The driveway/parking area flares from 20 feet at the property line to a maximum of 30 feet in width.
- 3) The Planning Official may approve a modification to the driveway and/or setback requirements in subsection (5)(a)(1) of this section if:

a) The Public Works Department requires an on-site turnaround adjacent to the driveway, which must be the minimum necessary dimension as determined by the Public Works Department; or

- ab)** The existing topography of the subject property or the abutting property decreases or eliminates the need for the setback; or
- bc)** The location of pre-existing improvements or vegetation on the abutting site eliminates the need for or benefit of a setback; and
- ed)** The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

5. KZC Section 45.50 - Public Park (and various other locations in the KZC)

Kirkland's Parks, Recreation and Open Space (PROS) Plan is a six-year guide and strategic plan for managing and enhancing park and recreation services in Kirkland. It provides recommendations to develop high quality, community-driven parks, trails, open spaces and recreational opportunities. The Plan provides a vision for the City's park and recreation system, proposes updates to City service guidelines and addresses departmental goals, objectives and other management considerations toward the continuation of high-quality recreation opportunities to benefit the residents of and visitors to Kirkland.

Proposed Code Amendments

KZC 45.50 requires that development or use of a park occur consistent with a Master Plan and be reviewed through a community review process established by the Parks and Community Services Director. The standards relating to the required Master Plan are currently detailed in the KZC. However, because parks are under the purview of the Parks and Community Services Director and there are no substantive standards for parks in the KZC, KZC Section 45.50 is proposed to be deleted.

The development of a required Master Plan process will be implemented pursuant to the PROS Plan, with complete oversight by the Parks and Community Services Director. Where "Public Park" appears as a permissible use within the KZC, the applicable review process and development standards will be noted to be determined by the Parks and Community Services Director and the PROS Plan.

6. KZC Section 115.80 - Legal Building Site

The current exceptions for legal building sites in the KZC are unclear, especially with regard to lots annexed from King County. The following amendments clarify when a lot is considered a legal building site in situations where an undersized lot was annexed to Kirkland from King County. Existing small lot standards are used as a basis for what can be built on undersized lots in these situations.

Proposed Code Amendments

115.80 Legal Building Site

1. General – It is a violation of this code to erect any structure on or to use or occupy any lot or parcel unless that lot or parcel is a legal building site. A lot or parcel is a legal building site if it meets all of the following criteria:
 - a. It was created or segregated pursuant to all applicable laws, ordinances and regulations.
 - b. Except as specified in subsection (2) of this section, it meets the allowable minimum lot size established by this code.
 - c. It is either adjacent to, or has a legally created means of access to, a street providing access to the lot or parcel.
2. Exception, Detached Dwelling Units – An applicant may build one (1) detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if:
 - ~~a. The applicant applies for necessary permits to construct the unit within five (5) years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County subdivision and zoning laws; or~~
 - ab.** There is or ever has been a residence on the subject property. At any time, the applicant may remodel, rebuild, or enlarge that one (1) residence; provided, that all other Zoning Code requirements are met; or
 - bc.** The lot size was **created after the enactment of the lawful zoning code by the City of Kirkland or King County and the lot size was approved pursuant to all applicable laws, ordinances and regulations in effect at the time it was created**; or
 - c.** **The lot was created before the enactment of the lawful zoning code by King County; it was annexed to the City of Kirkland in 2011;**

the lot size is at least 60% of minimum lot size applicable under current Kirkland zoning; and it shall comply with the restrictions of KMC 22.28.042(d) and (f); or

d. The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 17, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right-of-way subsequent to May 17, 1972.

**Section 22.28.042 (d) and (f) are referenced in c. above. The requirements for 22.28.042 (d) are outlined under #3.f of the Pitched roof standards on page 5 of this memo. Section 22.28.042 (f) does not allow accessory dwelling units.

7. KZC Chapter 110 – Required Public Improvements

Explanatory language is added to the general section of Chapter 110 to help users understand and determine if their project triggers the requirements of this chapter of the KZC. Threshold numbers have been revised in the waiver section of Chapter 110 to bring them up to today's dollars (2019); based on adjustment procedures outlined in the code.

The proposed code changes to Chapter 110 shown below do not change the intent of the code. They are proposed to clarify how the code is implemented by staff.

Proposed Code Amendments

110.10 General

The applicant shall comply with the provisions of this chapter if the applicant is granted a development permit unless:

1. The cost of the street improvements along the property frontage is greater than 20 percent of the cumulative building alterations in any 5-year period according to the following:
 - a. Street improvement costs shall include, but not be limited to, roadway asphalt, storm drainage, curb and gutter, landscape strip, street trees, and concrete sidewalk.
 - b. For properties with multiple street frontages, the average length of the combined multiple street frontages will be used for the purposes of determining whether street improvements are required. If street improvements are required, the cost of the improvements along any of the multiple street frontages shall not exceed 20 percent of the cumulative building alterations in any 5-year period.
 - c. **For the purpose of this section, s**Street improvement costs shall be evaluated based on the most current edition of the City of Kirkland

Department of Public Works Improvement Evaluation Packet (including engineering and administration costs).

- d. **For the purpose of this section, b**Building alteration costs shall be evaluated using the current Building Valuation Data charts published annually by the International Conference of Building Officials (ICBO) on file with the City Building Official. Any valuations not specified in that publication will be determined by the Building Official. Other site improvements such as driveways, sidewalks, utility lines, sheds, etc., will not be included in the valuation.
- e. The City shall track the cumulative building alterations in a 5-year time period using historical Building Permit information.

110.70.5. Waiver – The City may waive and not require or allow installations of a required improvement under the following circumstances:

- a. If the installation of the improvements will cause a safety hazard or an environmental impact that cannot be mitigated; or
 - b. If the project is for a single-family dwelling alteration that is less than **\$268,000** ~~\$200,000~~ in value, based on building alteration costs in effect on January 1, **2019** ~~2006~~. This threshold shall be reviewed annually and adjusted by a percentage equal to the percentage of increase in building alteration costs, if any (see KZC 110.10(1)(d) for building alteration costs information). **The intent of this code section is to not require frontage improvements from average remodels, but to capture remodels/additions replacing or creating significant new floor area. Replaced floor area for the purposes of this section shall be defined as any area where more than 50 percent of the exterior walls have been removed and replaced** or
 - c. If the development project fronts on a neighborhood access type street in the RS 35, RSX 35 and Planned Area 16 zones within the Bridle Trails neighborhoods north of Bridle Trails State Park; or
 - d. If the City determines that the current level and extent of the improvement in the right-of-way adjacent to the subject property will not be changed in the future; or
 - e. If the City and a neighborhood have agreed upon a street improvement waiver for a particular street (see the Public Works Pre-Approved Plans and Policies Notebook for a description of the Neighborhood Access Street Improvement Modification and Waiver Process).
8. KMC Section 22.16.100 – Final plat approval within Houghton community council jurisdiction and KMC Section 22.16.110 - Judicial review of city council action

Houghton Community Council review of preliminary subdivisions was removed by Ordinance O-4122 and these sections of the Municipal Code were not updated at that time. This oversight is now being corrected.

Proposed Code Amendments

~~22.16.100 Final plat approval within Houghton community council jurisdiction. If the city council approves a final plat within the jurisdiction of the Houghton community council, that approval is not effective until:~~

~~(a) A majority of the entire membership of the Houghton community council votes by resolution to approve it; or~~

~~(b) The Houghton community council fails to disapprove it within sixty calendar days after the city council adopts the resolution granting the plat. The vote to disapprove the application must be approved by a majority of the entire membership of the community council. (Ord. 3705 § 2 (part), 1999)~~

~~22.16.110 Judicial review of city council action.~~

~~The action of the city in granting or denying a final plat may be reviewed pursuant to the standards set forth in RCW [36.70C.130](#) in King County Superior Court. The land use petition must be filed within twenty-one calendar days of the issuance of the final land use decision by the city on the final plat. The date of the final decision of the city is the date of passage of the city council ordinance or resolution constituting the city's final decision, unless such city council decision is subject to the disapproval jurisdiction of the Houghton community council, in which case the petition for judicial review must be filed within twenty-one calendar days of the date of approval or disapproval action of the Houghton community council.~~

Next Steps (by the end of 2019)

- Houghton Community Council Study Session
- Planning Commission Public Hearing
- Recommendation to the City Council
- Final Approval by City Council
- Houghton Community Council final approval or disapproval

cc: File Number CAM19-00342
Bill Blanchard
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Memo to PC
Misc. code amendments
June 20, 2019