

ORDINANCE O-4438

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 20, "DEVELOPMENT PROJECTS," SECTION 20.12.010, "EXCLUSIONS," AND SECTION 20.12.300, "TIME FRAME FOR APPROVAL,"; TITLE 22, "SUBDIVISIONS," SECTION 22.28.030, "LOTS-SIZE," SECTION 22.28.041, "LOTS-LOW IMPACT DEVELOPMENT," SECTION 22.28.042, "LOTS-SMALL LOT SINGLE-FAMILY," AND SECTION 22.28.048, "LOTS-HISTORIC PRESERVATION," OF THE KIRKLAND MUNICIPAL CODE; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM13-00669

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain sections of the Kirkland Municipal Code as set forth in the report and recommendation of the Planning Commission dated March 5, 2014, and bearing Kirkland Department of Planning and Community Development File No.CAM13-00669; and

WHEREAS, prior to making the recommendation, the Kirkland Planning Commission and Houghton Community Council held a joint hearing on the amendment proposals on January 23, 2014, following notice as required by RCW 35A.63.070, and considered the comments received at the hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Determination of Nonsignificance issued by the responsible official pursuant to WAC 197-11-340; and

WHEREAS, in regular open 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. Title 20, Sections 20.12.010 and 20.12.300 and Title 22, Sections 22.28.030, 22.28.041, 22.28.042 and 22.28.048 of Kirkland Municipal Code are amended as set forth in Attachment A to this ordinance and incorporated by reference.

Section 2. 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 3. To the extent the subject matter of this ordinance, pursuant to Ordinance No. 2001, is subject to the disapproval

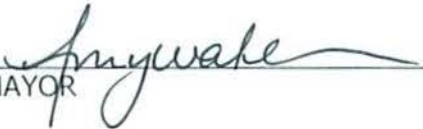
jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of the Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect April 3, 2014, after its passage by the Kirkland City Council and publication, pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Section 5. 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 open meeting this 18th day of March, 2014.

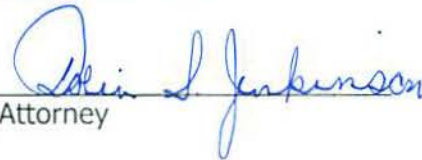
Signed in authentication thereof this 18th day of March, 2014.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

ATTACHMENT A
FILE NO. CAM13-00669
2013 MISCELLANEOUS CODE AMENDMENTS
KIRKLAND MUNICIPAL CODE (KMC)
***- Subject to Houghton Community Council review**

How to read this document:

- New text is underlined
- Existing text to be deleted is covered by a ~~strike-through~~
- ***Italicized*** text identifies the amendment topic
- Amendments are listed in code section order to the extent possible

A. *Proposed Language to Correct Timeframes and Exclusions Thereof for Approval of Development Permits*

Title 20 KMC DEVELOPMENT PROJECTS
Chapter 20.12 Development Review

20.12.010 Exclusions.

(1) By adopting this section, the city is making the following exclusions as provided in RCW 36.70B.140.

(2) The following project permits are excluded from the provisions of RCW 36.70B.060 through 36.70B.090~~080~~ and RCW 36.70B.110 through 36.70B.130, and from the provisions of Sections 20.04.100, 20.04.110, 20.04.120, and 20.12.300: street vacations or other approvals relating to the use of public areas or facilities; designation as historic overlay zone; or master plans.

(3) The following project permits are excluded from the provisions of RCW 36.70B.060 and RCW 36.70B.110 through 36.70B.130, and from Sections 20.04.100,

20.04.110, and 20.04.120: lot line adjustments; building and other construction permits; or similar administrative approvals which are categorically exempt from environmental review under Chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits. (Ord. 3529 § 1 (part), 1996)

Title 20 KMC DEVELOPMENT PROJECTS
Chapter 20.12 Development Review

20.12.300 Time frame for approval.

The city shall ~~should~~ issue its notice of final decision on a project permit application within one hundred twenty days after the city notifies the applicant that the application is complete; ~~provided, that the city shall instead issue its notice of final decision in a time frame similar to that achieved by the city between 1993 and 1995 if, as of the date the application is filed, state law does not require a~~

~~shorter time limit. In addition, the one hundred twenty day time limit is subject to exclusions or extensions provided in this title or by state law, especially by RCW 36.70B.090. This time may be extended if additional materials are required during the review of the permit, if the project is appealed, or if other conditions arise as provided in this title or by state law, including but not limited to RCW 36.70B.080. In the event of an extension, the City shall make written findings as to why additional time is needed. (Ord. 3529 § 1 (part), 1996) (Ord. 3529 § 1 (part), 1996)~~

B. Proposed Language to Allow Rounding of Fractions for Calculation of Density in Plats in RSA Zones

**Title 22 KMC SUBDIVISIONS
Chapter 22.28 Design Requirements**

22.28.030 Lots—Size.

All lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland Zoning Code or other land use regulatory document. The following provisions shall not apply to properties located in an RSA zone.

If a property is smaller than that required for subdivision by an amount less than or equal to ten percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may still proceed as long as the shortage of area is spread evenly over all of the lots in the subdivision. In cases where an existing structure or other physical feature (sensitive area, easement, etc.) makes even distribution of the size shortage difficult, an exception to the even distribution may be made.

If a property is smaller than that required for subdivision by an amount greater than ten percent and less than or equal to fifteen percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may also proceed, as long as:

- (a) The shortage of area is spread evenly over all of the lots in the subdivision (unless an existing structure or other physical feature such as a sensitive area or easement makes even distribution of the size shortage difficult); and
- (b) All lots have a minimum lot width at the back of the required front yard of no less than fifty feet (unless the garage is located at the rear of the lot or the lot is a flag lot); and
- (c) In zoning districts for which the Zoning Code establishes a floor area ratio (FAR) limitation, a covenant is signed prior to recording of the plat ensuring that building on the new lots will comply with an FAR restriction at least ten percentage points less than that required by the zoning district as shown on the Kirkland zoning map; and
- (d) If any lot is smaller than the minimum lot size for the zoning district by an amount greater than five percent of the minimum lot size, the subdivision shall be reviewed and decided using process IIB described in Chapter 152 of Title 23 of this code. In addition to meeting the decisional criteria found in Chapter 152 of Title 23 of this code, approval of the application may only be recommended if the new lots are compatible, with regard to size, with other lots in the immediate vicinity of the subdivision.

A covenant must also be signed prior to recording of the plat to ensure that the garage will be located at the rear of the lot in cases where this option is chosen under subsection (b) of this section. (Ord. 4196 § 2 (Exh. B) (part), 2010; Ord. 3705 § 2 (part), 1999)

C. Proposed Language to Allow Reduced Review Process for Minimum Lot Size.

**Title 22 KMC SUBDIVISIONS
KMC 22.28 Design Requirements**

22.28.030 Lots—Size.

All lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland Zoning Code or other land use regulatory document. If a property is smaller than that required for subdivision by an amount less than or equal to ten percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may still proceed as long as the shortage of area is spread evenly over all of the lots in the subdivision. In cases where an existing structure or other physical feature (sensitive area, easement, etc.) makes even distribution of the size shortage difficult, an exception to the even distribution may be made.

If a property is smaller than that required for subdivision by an amount greater than ten percent and less than or equal to fifteen percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may also proceed, as long as:

- (a) The shortage of area is spread evenly over all of the lots in the subdivision (unless an existing structure or other physical feature such as a sensitive area or easement makes even distribution of the size shortage difficult); and
- (b) All lots have a minimum lot width at the back of the required front yard of no less than fifty feet (unless the garage is located at the rear of the lot or the lot is a flag lot); and
- (c) In zoning districts for which the Zoning Code establishes a floor area ratio (FAR) limitation, a covenant is signed prior to recording of the plat ensuring that building on the new lots will comply with an FAR restriction at least ten percentage points less than that required by the zoning district as shown on the Kirkland zoning map; and
- (d) If any lot is smaller than the minimum lot size for the zoning district by an amount greater than five percent of the minimum lot size, the subdivision may be approved ~~shall be reviewed and decided using process IIB-I described in Chapter 152-145 of Title 23 of this code. In addition to meeting the decisional criteria found in Chapter 152-145 of Title 23 of this code, approval of the application may only be recommended if the new lots are compatible, with regard to size, with other lots in the immediate vicinity of the subdivision.~~

A covenant must also be signed prior to recording of the plat to ensure that the garage will be located at the rear of the lot in cases where this option is chosen under subsection (b) of this section. (Ord. 4196 § 2 (Exh. B) (part), 2010; Ord. 3705 § 2 (part), 1999)

D. *Proposed Language to Allow Lots with Low Impact Development Standards as Part of a Conventional Subdivision*

**Title 22 KMC SUBDIVISIONS
Chapter 22.28 Design Requirements**

22.28.041 Lots— Low impact development.

- (a) In multiple lot low impact development subdivisions ~~(four lots or more) not located in an RSA-1 zone or in the Holmes Point Overlay described in LID Chapter 114 of Title 23 of this Code, and not subject to Sections 22.28.030 and 22.28.040,~~ the minimum lot area shall be deemed to have been met if the minimum lot area is not less than fifty percent of the lot area required of the zoning district in which the property is located as identified on the zoning map; provided, that all lots meet the following standards:
- (1) Within the RSA 6 zone, the lots shall be at least two thousand five hundred fifty square feet.
 - (2) Within the RSA 4 zone, the lots shall be at least three thousand eight hundred square feet.
- (b) The lots within the low impact development meet the design standards and guidelines and approval criteria as defined in Chapter 114 of the Kirkland Zoning Code.

E. *Proposed Language to Clarify What is included in Lot Size Calculations for Small Lot Single Family and Historic Preservation Subdivisions*

**Title 22 KMC SUBDIVISIONS
Chapter 22.28 Design Requirements**

22.28.042 Lots—Small lot single-family.

Within the RS and RSX 6.3, 7.2 and 8.5 zones, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040, low impact development provisions of Section 22.28.041, and historic preservation provisions of Section 22.28.048, the minimum lot area shall be deemed to be met if at least one-half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size; provided, that such lots meet the following standards:

- (a) Within the RS 6.3, RSX and RS 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RSX and RS 8.5 zones, the lots shall be at least six thousand square feet.
- (c) ~~The portion of any flag lot that is less than thirty feet wide and used for driveway access to the buildable portion of the lot may not be counted in the lot area.~~
- (d) 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; and
 - (2) All structures are set back from side property lines by at least seven and one-half feet.
- (e) The FAR restriction shall be recorded on the face of the plat.
- (f) Accessory dwelling units are prohibited. This restriction shall be recorded on the face of the plat. (Ord. 4372 § 2 (Att. B) (part), 2012; Ord. 4332 § 1(C) (Exh. C), 2011; Ord. 4330 § 1 (Exh. A), 2011; Ord. 4102 § 1(A), 2007)

Title 22 KMC SUBDIVISIONS
Chapter 22.28 Design Requirements

22.28.048 Lots—Historic preservation.

Within the low density zones listed below in subsections (a) through (d) of this section, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030, 22.28.040, low impact development provisions of Section 22.28.041, and the small lot single-family provisions of Section 22.28.042, the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if an "historic residence" is preserved on one of the lots, pursuant to the process described in Chapter 75 of the Kirkland Zoning Code. The lots containing less than the minimum required lot area shall meet the following standards:

- (a) Within the RSA 6, RS 6.3 and RS and RSX 7.2 zones, the lots shall be at least five thousand square feet.
- (b) Within the RSA 4, RS 8.5 and RSX 8.5 zones, the lots shall be at least six thousand square feet.
- (c) Within the RS 12.5, RSX 12.5 and WDII zones, the lots shall be at least seven thousand two hundred square feet.
- (d) Within the RS and RSX 35 zones not located north or northeast of the Bridle Trails State Park, the lots shall be at least fifteen thousand and fifty square feet.
- (e) ~~The portion of any flag lot that is less than thirty feet wide, and used for driveway access to the buildable portion of the lot, may not be counted in the lot area.~~
- (f) Accessory dwelling units are prohibited. The restriction shall be recorded on the face of the plat.

Lots containing historic residences shall also meet the following standards:

- (g) If a historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68), the replacement structure shall be

reconstructed in accordance with the criteria established in Section 75.105 of the Kirkland Zoning Code. The replacement restriction shall be recorded on the face of the plat.

- (h) As part of subdivision approval, the city may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.
 - (1) Required yards may be two feet less than required by the zoning district as shown on the Kirkland zoning map.
 - (2) Floor area ratio may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
 - (3) Lot coverage may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.
- (i) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded. (Ord. 4372 § 2 (Att. B) (part), 2012; Ord. 4102 § 1(B), 2007)

PUBLICATION SUMMARY
OF ORDINANCE O-4438

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 20, "DEVELOPMENT PROJECTS," SECTION 20.12.010, "EXCLUSIONS," AND SECTION 20.12.300, "TIME FRAME FOR APPROVAL,"; TITLE 22, "SUBDIVISIONS," SECTION 22.28.030, "LOTS-SIZE," SECTION 22.28.041, "LOTS-LOW IMPACT DEVELOPMENT," SECTION 22.28.042, "LOTS-SMALL LOT SINGLE-FAMILY," AND SECTION 22.28.048, "LOTS-HISTORIC PRESERVATION," OF THE KIRKLAND MUNICIPAL CODE; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM13-00669

SECTION 1. Amends Title 20 of the Kirkland Municipal Code relating to Development Projects and Title 22 of the Kirkland Municipal Code relating to Subdivisions.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Establishes that this ordinance, to the extent it is subject to disapproval jurisdiction, will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by 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.

SECTION 4. Approves the summary of the ordinance for publication pursuant to Kirkland Municipal Code Section 1.08.017 and establishes the effective date as April 3, 2014.

SECTION 5. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 18th day of March, 2014.

I certify that the foregoing is a summary of Ordinance O-4438 approved by the Kirkland City Council for summary publication.



City Clerk