

ORDINANCE NO. 1049

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE: CREATING AND ESTABLISHING A PLANNED UNIT DEVELOPMENT DISTRICT, AND AMENDING AND SUPPLEMENTING CHAPTER 5 OF ORDINANCE 709 BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 5.5, PLANNED UNIT DEVELOPMENT DISTRICT.

THE CITY COUNCIL OF THE CITY OF KIRKLAND DO ORDAIN AS FOLLOWS:

Section 1. Chapter 5 of Ordinance 709 is hereby amended and supplemented by the addition thereto of the following section to be known as Section 5.5, Planned Unit Development District, as follows:

Section 5.5 Planned Unit Development District

5.5.10 General Purposes: The use of this district is intended to permit a degree of flexibility and diversification in the use of land in planned group building developments which will provide a development of the land as good or better than that resulting from the traditional lot-by-lot development, while insuring compliance with the objectives of the Comprehensive Plan; permitting more advantageous use of sites through group building or large-scale site planning in the arrangement of specific structures and open spaces within such a development. The use of this district superimposes the regulations of this district upon the underlying districts without changing the fundamental intent of the underlying district regulations though providing for modifying the specific requirements and the literal application of those requirements. The use of this district may permit the inclusion of land uses other than those permitted by the underlying districts, subject to the requirements of this section. (5.5 Planned Unit Development District) This Ordinance is not a zoning category but a special procedure providing a privilege for departure from otherwise applicable zoning.

5.5.11 Types of Projects: The unified and planned development of a site may be permitted in a Planned Unit Development District and may consist of projects that are residential, commercial, business or industrial in nature, or consist of a mixture of land uses. The site may be on one ownership or of several ownerships acting jointly.

5.5.12 Application of Regulations: Individual uses and structures in a Planned Unit Development District need not comply with the specific building height or location, building size or bulk, lot size or dimensions, or the land coverage requirements of the underlying use districts provided their spirit and intent are complied with in the overall planned development plan.

5.5.13 Specific land uses permitted by the underlying zoning, and the arrangement of uses on the land permitted by such zoning, and the proportions of permitted land use defined by the underlying zoning district boundaries, may be adjusted, rearranged or altered, including the addition of uses not specifically permitted, as provided by the Conditional Grant requirements of this section. Approved and authorized projects shall be permitted in the proportions and under the specific conditions defined in the project plans. Approval and authorization shall be based on the provisions of this Ordinance.

5.5.20 Required minimum site areas: A planned unit development project shall contain an area of not less than three acres, provided however, that an area entirely surrounded by public streets may be considered for a planned unit development.

5.5.21 Permissive Variations in requirements:

- A. Height of buildings may exceed the height limit of the zone in which the project is located, provided that the view from the surrounding properties is not substantially impaired and that for each additional one foot of height, the sum of all of the minimum yard setbacks shall be increased four feet.
- B. Open spaces: coverage of the site by buildings shall not exceed the maximum land coverage by buildings permitted on the minimum lot sizes of the underlying zoning.
- C. Yards: Front, side and rear yards where the development abuts other private property shall be not less than the minimum required by the underlying zoning.
- D. Number of dwelling units: Three acre developments having residential uses may exceed by 10% the average dwelling unit density per net residential acre permitted by the underlying zoning and for each additional acre of such developments an additional 1% may be allowed up to a maximum of eight acres of 15%. For the purposes of this paragraph net residential area shall not include any area devoted to parking, rights of way, or business, commercial, manufacturing or industrial purposes.

5.5.30 All conditional grant projects shall bear the burden of perimeter transition and demonstrate that there is a general public benefit to be gained by such a degree of deviation from the underlying zoning regulation, such as:

- A. Additional or better-related open spaces, such as yard areas between the buildings within the project, or yard areas between the project buildings and adjoining properties and buildings, or a design or development of open spaces that creates a desirable or useful environment between buildings.
- B. Additional public-use facilities, such as pedestrian walks providing a service and convenience to the vicinity, or streets improving local circulation or public access to a lake or stream.
- C. Preservation of a natural asset, such as a historic landmark, or a specimen tree, or a grove of woods, or a stream, or a view.
- D. Better or more convenient services, such as stores, shops, clinics or recreation facilities, such as parks and playgrounds, convenient and desirable to the vicinity and the project, or improvement in public utilities, mail or bus service.
- E. Other general public-benefit features which contribute to improving the environment of the vicinity.

5.5.31 Projects shall be complete developments - and may be required to include facilities such as paved streets, curbs, sidewalks, street lights, underground storm drainage, sanitary sewers, underground power telephone lines, cable T.V. facilities, landscaping and adequate off-street parking.

5.5.40 Requirements for residential project conditional grants:

- A. Land areas and buildings around the perimeter of the project shall be in keeping with the zoning and regulations of the adjoining properties.
- B. Projects of 10 acres or more which funnel traffic to a principal access point shall connect at that point to a through-circulation major residential or higher-traffic-capacity street.

5.5.41 All such residential projects may propose concepts such as:

- A. 4-unit dwelling clusters with party walls and one side and one front yard for each unit.
- B. Town or row houses with party side walls.
- C. Double-row houses with party side and rear walls.

- D. Condominium ownership in multifamily buildings.
- E. Public or private access lanes.
- F. Varied-lot-size subdivisions.
- G. Establishment of green belts, parks or other open area, or community buildings or recreation facilities.

5.5.50 Requirements for multiple-land-use projects conditional grants.

5.5.51 In nonresidential districts (commercial, business, industrial) the conditional uses proposed in a multiple-use project shall be secondary to permitted uses and be:

- A. Effectively insulated from adjoining properties by solid-wall separation or,
- B. Internally oriented or,
- C. Surrounded by uses permitted by the underlying zoning.

5.5.52 In single-family residential districts multiple-land-use projects which include residential uses and are not located immediately abutting or adjoining nonresidentially zoned property shall:

- A. Limit the floor area of nonresidential uses to $\frac{1}{2}$ of 1% of the gross land area of the development.
- B. Limit nonresidential uses to those business facilities which can be related in size and service principally to the project, such as grocery, delicatessen, drugs, and specialty shops such as sports, arts, antiques, or professional offices such as doctors (clinics), architects, lawyers, and the project administration offices.
- C. Limit multifamily dwelling units to $\frac{1}{3}$ of the total dwelling units in the project.
- D. Parking shall be provided in an amount not less than that required by Section 4.13 Auto Parking, as amended.

5.5.53 In single family or multifamily residential districts multiple land-use projects which include residential uses and are located immediately abutting or adjoining nonresidentially zoned property shall:

- A. Orient nonresidential uses and their automobile circulation and parking only towards the adjoining non-residential district.

- B. Limit nonresidential uses to a proportion of the total ground floor building area not in excess of the proportion that the perimeter of such Planned Unit Development which abuts non-residentially zoned property bears to the entire perimeter, provided however that in no case shall nonresidential uses exceed 50% of the total ground floor building area.
- C. Provide residential uses on all perimeter adjoining residential districts.
- D. Parking shall be provided in an amount not less than that required by Section 4.13 Auto Parking, as amended.
- E. For the purposes of this subsection property outside of the city limits shall be deemed to have the same zoning as adjacent and abutting property within the city limit.

5.5.60 Projects of total community size (200 acres or more) shall include sites for community services such as schools, churches, libraries, utilities, parks and recreation.

5.5.70 Procedure:

- A. Review of a project applying for a conditional grant may be initiated by the submission of a preliminary proposal to the City Planning Department or Zoning Administrator by the owner of the land, or by all the owners if there is more than one, consisting of a plot plan to appropriate scale showing all existing and proposed streets, buildings with heights noted, topographic contours, open spaces, intended uses of the tract, other pertinent graphic information and a text describing features that cannot be shown on the map.
- B. Following the Department's review and finding that the preliminary proposal meets the minimum defined standards, a public hearing before the Planning Commission shall be scheduled. Ten days prior to such hearing date a \$50.00 public notice fee shall be paid by the applicant to the City Planning Department or Zoning Administrator. After the public hearing the Commission may tentatively approve, or disapprove, the preliminary proposal. If the Commission disapproves, the decision shall be final unless the owner files notice of appeal to the City Council with the City Clerk within 30 days of the Commission's action. Upon receiving notice of appeal, the Council shall set a date for hearing of the subject and shall notify the parties it deems most concerned. Following this hearing the Council may concur with the Commission or refer the subject to the Commission for their reconsideration and a subsequent report to the Council, upon receipt of which the Council shall take action within 30 days.

- C. Following tentative approval of the proposed Conditional Grant the Commission shall forward the preliminary proposal to the City Council for their review and concurrence, or disapproval. If the Council disapproves, that decision is final. Upon concurrence by the Council, the Commission will receive and consider final project plans. Accompanying such final plans should be letters of commitment from banks or other agencies relative to financing the project, reports from competent and independent sources regarding the feasibility of the project, and/or certified financial statements of the principals responsible for the project.
- D. Approval of final plans by the Commission and their recommendation of the Conditional Grant to the City Council, and approval by the Council, establishes the Planned Unit Development and authorizes the City Administration to process the project plans as approved. The City may require performance bonds for specific defined portions of the project.
- E. Major changes, revisions or additions to an approved and established Planned Unit Development District shall be reviewed as described above and fully processed as a new project.

5.5.71 Administrative conditions of approval:

- A. A project proposing multiple land uses in a residentially zoned area shall complete construction of 50% of the residential part of the project prior to the issuance of building permits for any non-residential construction.
- B. The application for a building permit or other authorization to commence work on the project shall be accompanied by:
 - (1) A written statement defining the work starting date and the project completion date, signed by the party responsible for the construction of the project.
 - (2) Any performance bond required by the City for completion of a specific defined portion of the project as authorized and approved and/or a standard plat bond if subdivision and sale of lots is a part of the project.
 - (3) Adequate guarantee must be provided to insure permanent retention of "open space" land area resulting from the application of these regulations, either by private reservation for the use of the residents within the development or by dedication to the public or a combination thereof.

(4) A complete project site plan and construction plans and specifications for the initial buildings.

- C. The City Planning Department or Zoning Administrator shall find that the plans submitted for construction comply with the conditions of approval by the Planning Commission and the City Council.
- D. Upon approval of the plans by the City Planning Department or Zoning Administrator and issuance of permits, work may commence.
- E. During construction, minor construction changes in the plans and specifications may be made with approval of the City Planning Department or Zoning Administrator provided such adjustments do not alter the character of the completed project.

5.5.72 Termination: Failure to actively pursue an authorized project shall subject the project to review by the Commission to determine whether a time extension should be granted or whether the following actions should be initiated. If no construction permits have been issued within six months of authorization by the City Council, the Commission may terminate the project and cancel all Conditional Grants. If permits have been issued and no construction started within one year of authorization, the Commission may terminate the project and cancel all Conditional Grants.

5.5.73 Expiration: Upon the abandonment of a particular project authorized under this Section or upon the expiration of three (3) years from the final approval of a planned unit development which has not by then been completed (or commenced with an extension of time for completion granted), the authorization shall expire and the land and the structures thereon may be used only for a lawful purpose permissible within the zone in which the planned unit development is located. In the event a conditional use permit for a Planned Unit Development shall be denied, at any stage of the proceedings, the applicant therefore may within 30 days after denial apply without fee for such rezoning and revision of the comprehensive plan as the applicant may desire as his sole and only remedy.

Section 2. This Ordinance was considered and recommended to the Council by the Kirkland Planning Commission following a public hearing held before said body on the 21st day of July, 1966; further public hearing was held before the Kirkland City Council on the 17th day of October, 1966.

This Ordinance shall take effect and be in force five days after its passage, approval and legal publication.

PASSED by the City Council on the 17th day of October, 1966 in regular meeting, and,

SIGNED in authentication of its passage this 17th day of October, 1966.

James L. Vanf
Mayor

Attest:
Alan C. Lucas
Director of Administration & Finance
Ex Officio City Clerk

Approved as to form
Taylor E. [Signature]
City Attorney