

ORDINANCE O-4664

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING CHAPTERS 125 AND 5 OF THE KIRKLAND ZONING CODE (ORDINANCE 3719 AS AMENDED) REGARDING CODES THAT APPLY TO LAND USE APPLICATIONS UTILIZING THE PLANNED UNIT DEVELOPMENT CHAPTER 125 AND DEFINITIONS KZC CHAPTER 5 AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM18-00380.

1           WHEREAS, the City Council has received recommendations  
2 from the Kirkland Planning Commission and the Houghton Community  
3 Council to amend various sections of Chapters 125 and 5 of the Kirkland  
4 Zoning Code (KZC), as set forth in the report and recommendation of  
5 the Planning Commission dated September 13, 2018, and bearing  
6 Kirkland Planning and Building Department File No. CAM18-00380; and  
7

8           WHEREAS, before making the recommendation, the Kirkland  
9 Planning Commission, following notice as required by RCW 36.70A.035,  
10 on September 13, 2018, held a public hearing on the amendment  
11 proposals and considered the comments received at the hearing; and  
12

13           WHEREAS, pursuant to the State Environmental Policy Act  
14 (SEPA), the responsible official issued a SEPA Addendum to Existing  
15 Environmental Documents for the proposed amendments as required by  
16 Washington Administrative Code ("WAC") 197-11-340 and WAC 197-11-  
17 625; and  
18

19           WHEREAS, in a public meeting on October 16, 2018, the City  
20 Council considered the report and recommendation of the Planning  
21 Commission and the HCC.  
22

23           NOW, THEREFORE, the City Council of the City of Kirkland do  
24 ordain as follows:  
25

26           Section 1. The following specified Chapters 125 and 5 of the  
27 Kirkland Zoning Code are amended as set forth in Exhibit A and Exhibit  
28 B attached to this ordinance and incorporated herein by reference.  
29

30           Section 2. If any section, subsection, sentence, clause, phrase,  
31 part or portion of this ordinance, including those parts adopted by  
32 reference, is for any reason held to be invalid or unconstitutional by any  
33 court of competent jurisdiction, such decision shall not affect the validity  
34 of the remaining portions of this ordinance.  
35

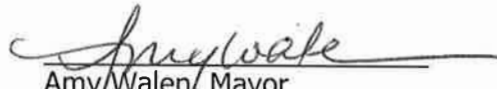
36           Section 3. To the extent the subject matter of this ordinance is  
37 subject to the disapproval jurisdiction of the Houghton Community  
38 Council, this ordinance shall become effective within the Houghton  
39 Community Municipal Corporation only upon approval of the HCC or the  
40 failure of the HCC to disapprove this ordinance within 60 days of the  
41 date of the passage of this ordinance.

42            Section 4. Except as provided in Section 3, This ordinance shall  
43 be in full force and effect five days from and after its passage by the  
44 Kirkland City Council and publication, pursuant to Kirkland Municipal  
45 Code 1.08.017, in the summary form attached to the original of this  
46 ordinance and by this reference approved by the City Council, as  
47 required by law.

48  
49            Section 5. A complete copy of this ordinance shall be certified  
50 by the City Clerk, who shall then forward the certified copy to the King  
51 County Department of Assessments.


52  
53                                Passed by majority vote of the Kirkland City Council in  
54 open meeting this 16th day of October, 2018.

55  
56                                SIGNED IN AUTHENTICATION thereof this 16th day  
57 of October, 2018,


  
Amy Walen, Mayor

Attest:

Publication Date: 10/22/2018

  
Kath Anderson, City Clerk

Approved as to Form:

  
Kevin Raymond, City Attorney

## Chapter 125 – PLANNED UNIT DEVELOPMENT

### Sections:

125.05	User Guide
125.10	Process for Deciding on a PUD Application
125.15	Decision on the PUD – Application
125.20	Decision on the PUD – What Provisions May Be Modified
125.25	Decision on the PUD – Uses in a PUD
125.30	Decision on the PUD – Density
125.35	Decision on the PUD – Criteria for Approving a PUD
125.40	Decision on the PUD – Site Plan Required
125.45	Decision on the PUD – Effect of an Approved PUD
125.50	Final Site Plan Review – Application
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125.70	Final Site Plan Review – Effect
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### 125.05 User Guide

This chapter establishes a mechanism for a person to propose a development that is innovative or otherwise beneficial, but which does not strictly comply with the provisions of this code.

This mechanism, which is called a Planned Unit Development or PUD, is intended to allow developments which benefit the City more than would a development which complies with the specific requirements of this code.

If you are interested in proposing a Planned Unit Development or if you wish to participate in the City's decision on a proposed PUD, you should read this chapter.

### 125.10 Process for Deciding on a PUD Application

An application for a PUD has two (2) stages. The first stage is described in KZC 125.15 through 125.45 and results in the City's decision whether or not to grant the PUD. The decision on this stage will be made using Process IIB described in Chapter 152 KZC. During the second stage described in KZC 125.55 through 125.75, the City will review the final site plan of the project to ensure that it is consistent with the PUD as approved. The decision on this stage will be made by the Planning Director, unless the City Council determines, with the approval of the preliminary PUD, that either:

1. There is substantial public interest in the PUD; or
2. Substantial changes in the proposed preliminary PUD are required; or
3. Additional technical information is required prior to approval of the final PUD.

If the City Council determines that one (1) of the above conditions exists, then the final PUD will be reviewed and decided upon using Process IIB, described in Chapter 152 KZC. The applicant may request to have the preliminary and final PUD applications reviewed concurrently. However, the request does not ensure that one (1) or both of the applications will be approved.

### 125.15 Decision on the PUD – Application

In addition to the application materials required in Chapter 152 KZC, the applicant shall submit a completed application on the form provided by the Planning and Building Department, along with all the information listed on that form.

(Ord. 4491 § 3, 2015)

**125.20 Decision on the PUD – What Provisions May Be Modified**

The City may modify any of the provisions of the code for a PUD except:

1. The City may not modify any of the provisions of this chapter; and
2. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under a PUD, including all provisions in Chapter 90 and 85 KZC; and
3. The City may not modify any of the procedural provisions of this code; and
- ~~4. The City may not modify any provision that specifically applies to development on a regulated slope; and~~
- ~~54.~~ The City may not modify any provision pertaining to the installation and maintenance of storm water retention/detention facilities; and
- ~~65.~~ The City may not modify any provision pertaining to the installation of public improvements; and
- ~~76.~~ The City may not modify any provision regulating signs; and
- ~~87.~~ The City may not modify any provision regulating the construction of one (1) detached dwelling unit.

(Ord. 4551 § 4, 2017)

**125.25 Decision on the PUD – Uses in a PUD**

1. The City may approve any use that is listed as potentially allowed in the zone in which the PUD is proposed.
2. The City may approve any use that the Comprehensive Plan specifically states is appropriate in the area that includes the subject property.

**125.30 Decision on the PUD – Density**

The maximum residential densities that the City may approve in a PUD are as follows:

1. Except as allowed under subsections (2) and (3) of this section, the maximum permitted residential density is the greater of that recommended by the Comprehensive Plan or 110 percent of that permitted in the zone in which the PUD is located.
2. If the PUD is designed, developed and maintained as “special needs housing,” additional density may be permitted on the following basis:

a. Housing for senior citizen households, or for mentally, physically or emotionally impaired persons, except for assisted living facilities, may be permitted a maximum density of up to 1.5 times the maximum density recommended by the Comprehensive Plan or, if the development includes affordable housing units approved pursuant to Chapter 112 KZC, the maximum density allowed for the development through Chapter 112 KZC, whichever is greater; provided, that traffic impacts, impacts to public services and utilities, and impacts to adjacent properties are comparable to the impacts of the project if it were not providing special needs housing and if it were developed at the maximum density permitted in the zone in which the project is located.

b. Housing for low or moderate income households in low density zones may be permitted a maximum density above the density permitted under subsections (1) and (2)(a) of this section based upon the percentage of dwelling units which are low or moderate income units, using the following multipliers:

Density			
% of Low or Moderate Income Units	=		Multiplier
5 -- 9%	=		1.1

10 – 14%	=	1.2
15 – 19%	=	1.3
20 – 24%	=	1.4
25% +	=	1.5

3. If a project consists of special needs housing, the applicant shall prepare a document, to be approved by the City Attorney, stating that the PUD will become void and use and occupancy must cease if the development is used for any purpose other than that for which it was specifically approved. This document, which will run with the subject property, must be recorded in the King County Recorder's Office.

4. If the PUD is proposed in an RS 35, RSX 35, RS 12.5, RSX 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 5.0 or RSX 5.0 Zone, the City will subtract land dedicated to the City or if land is not dedicated, the area actually used for vehicular circulation, public pedestrian walkways, and surface parking areas that serve more than one (1) dwelling unit, before determining the maximum number of dwelling units potentially permitted under this section.

(Ord. 4491 § 11, 2015; Ord. 3938 § 1, 2004; Ord. 3814 § 1, 2001)

**125.35 Decision on the PUD – Criteria for Approving a PUD**

The City may approve a PUD only if it finds that all of the following requirements are met:

1. The proposed PUD meets the requirements of this chapter.
2. Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the City.
3. The applicant is providing one (1) or more of the following benefits to the City as part of the proposed PUD:
  - a. ~~The applicant is providing Significant~~ public facilities that could not be required by the City for development of the subject property without a PUD.
  - b. ~~Preservation, enhancement, or rehabilitation of~~ The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats, or streams and wetlands and their buffers, and steep slope areas that the City could not require the applicant to preserve, enhance or rehabilitate through development of the subject property without a PUD.
  - c. ~~The design of the PUD incorporates active or passive solar energy systems. Any of the following housing types within a project: Cottage, Carriage or Two/Three Unit Homes. The applicable use zones and parameters for these uses are identified in Kirkland Zoning Code Chapter 113 (Cottage, Carriage and Two/Three Unit Homes). In addition, when determining the allowed density, a lot that meets the minimum lot area specified in an RS or RSX zone or the maximum units per acre in the RSA zone may propose a Three-Unit Home through the PUD process.~~
  - d. Other major policy objectives identified in the Comprehensive Plan or City-adopted plans identified in the Comprehensive Plan.
  - de. ~~The design of the proposed PUD is superior in one (1) or more of the following ways to the design that would result from development of the subject property without a PUD:~~
    - 1) Increased provision of usable open space or recreational facilities that provide permanent public access with required signage that invites and welcomes the public.
    - f.2) Superior circulation patterns or location or screening of parking facilities. Incorporation of renewable energy systems (e.g., solar, geothermal or wind) designed to create as much energy as the project uses on an annual basis also known as Net-Zero or Carbon Neutral projects, or achievement of other sustainability certifications that include, but not limited to International Living Futures Institute (ILFI)

Living Building Challenge (full or Petal certification (Energy, Water, Materials)), Leadership in Energy and Environmental Design (LEED) Platinum, Built Green Net Zero, Salmon Safe, ILFI Net Zero or Passive House programs. Other sustainability certification programs or carbon sequestration programs not mentioned here can also be considered.

g. Public Art

- ~~3) Superior landscaping, buffering, or screening in or around the proposed PUD.~~
- ~~4) Superior architectural design, placement, relationship or orientation of structure.~~
- ~~5) Minimum use of impervious surfacing materials.~~

4. Any PUD which is proposed as special needs housing shall be reviewed for its proximity to existing or planned services (i.e., shopping centers, medical centers, churches, parks, entertainment, senior centers, public transit, etc.).

**125.40 Decision on the PUD – Site Plan Required**

As part of the approval of the PUD, the City shall incorporate a site plan submitted by the applicant of the PUD showing at a minimum:

1. The topography at 5-foot intervals of the PUD after grading.
2. The structures in the PUD.
3. All relevant dimensions of the PUD, including the outside dimensions and required yards.
4. The pedestrian and vehicular circulation and parking areas in the PUD.
5. The areas of common open space, or areas to be dedicated to the City.
6. The landscaping of the PUD, including the general type, location, and growth characteristics of the vegetation.
7. Any other relevant physical feature in the PUD.

8. For projects within a subdivision, the lot coverage percentage and floor area ratio (FAR) for each lot.

**125.45 Decision on the PUD – Effect of an Approved PUD**

1. General – Except as specified in subsection (2) of this section, the applicant must comply with KZC 125.50 through 125.70 before commencing any development activities on the subject property.
2. Exception – If the City approves the preliminary PUD, the applicant may, subject to all other applicable codes and ordinances, begin clearing and grading of the site, and any other site work on the subject property that is specifically approved in the resolution or ordinance approving the preliminary PUD.

(Ord. 3814 § 1, 2001)

**125.50 Final Site Plan Review – Application**

In addition to the application materials required in Chapter 152 KZC, the applicant shall submit the following:

1. A completed application on the form provided by the Planning and Building Department, along with all information listed in that form.
2. A site plan of the PUD as approved by City Council.
3. Any information or material that City Council, by ordinance approving the PUD, indicated is to be submitted as part of the final site plan review.

4. For projects within a subdivision, where lot coverage or Floor Area Ratio is modified, a covenant shall be recorded on each lot and on the face of the plat that identifies the approved percentages.

(Ord. 4491 § 3, 2015)

**125.55 Final Site Plan Review – General**

The City shall use the final site plan review process for the following two (2) purposes:

1. To check the final site plan submitted under KZC 125.50 to ensure that the PUD conforms in all respects to that which was approved by City Council.
2. To make any decisions or determinations that the City Council, by ordinance approving the PUD, indicated are to be made during the final site plan review. Any decisions or determinations made during this process become part of the approved PUD.

**125.60 Final Site Plan Review – Minor Modifications**

The City may require or approve a minor modification to the site plan of the PUD as approved by City Council if:

1. The change will not have the effect of reducing landscaped area, or reducing or encroaching into buffering areas or reducing the amount of open space in the PUD; and
2. The change will not have the effect of increasing the residential density of the PUD; and
3. The change will not have the effect of increasing the area devoted to nonresidential uses in the PUD; and
4. The change will not increase the height of any structure above the height allowed in the underlying zone nor change the orientation of structures which would result in reduced view corridors or increase in the perceived bulk and mass of the structure; and
5. The City determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.

**125.65 Final Site Plan Review – Major Modifications**

If an applicant seeks a modification to an approved PUD that does not meet all of the requirements of KZC 125.60, he/she may do so by submitting the application material required for approval of a new PUD. The City will process and decide upon this application, using the provisions of this chapter, as if it were an application for a new PUD.

**125.70 Final Site Plan Review – Effect**

If the City approves the final site plan, the applicant may proceed with the development of the PUD subject to all other applicable codes and ordinances.

**125.75 Map Designation**

1. General – Upon completion of the PUD as approved, the City shall place the designation “PUD” on the subject property on the Zoning Map.
2. Effect – This PUD designation means that any redevelopment of the subject property must either:
  - a. Comply with the PUD as approved; or
  - b. Comply with all of the requirements for development in the zone in which the subject property is located without a PUD.

KZC Chapter 5 – Definitions

**5.10.729 Public Facility**

A public facility can be any facility, including, but not limited to, buildings, property, recreation areas, trails, bike paths, sidewalks, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.



PUBLICATION SUMMARY  
OF ORDINANCE O-4664

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING CHAPTER 125 OF THE KIRKLAND ZONING CODE REGARDING PLANNED UNIT DEVELOPMENTS ALONG WITH A MINOR CODE AMENDMENT TO KIRKLAND ZONING CODE CHAPTER 5: DEFINITIONS TO IMPLEMENT CHAPTER 125, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM18-00380.

SECTION 1. Amends Chapter 125 and a minor code amendment to Chapter 5 of the Kirkland Zoning Code.

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. Authorizes the publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as October 22, 2018.

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 16th day of October, 2018.

I certify that the foregoing is a summary of Ordinance O-4664 approved by the Kirkland City Council for summary publication.

  
\_\_\_\_\_  
Kathi Anderson, City Clerk

Publication Date: 10/22/2018