

ORDINANCE NO. O-4684

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING AND LAND USE AND AMENDING THE CITY OF KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, REGARDING DEVELOPMENT STANDARDS FOR FLOOR AREA RATIO, LOT COVERAGE, AND RELATED DEFINITIONS, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM18-00258.

1 WHEREAS, the City Council has received a recommendation
2 from the Kirkland Planning Commission to amend a portion of the City
3 of Kirkland Zoning Code, Ordinance 3719, as amended, as set forth in
4 the report and recommendation of the Planning Commission dated April
5 25, 2019 and bearing Kirkland Planning and Building Department File
6 No. CAM18-00258; and
7

8 WHEREAS, prior to making the recommendation, the Planning
9 Commission, following notice thereof as required by RCW 35A.63.070,
10 held a public hearing on March 28, 2019, on the amendment proposals
11 and considered the comments received at the hearing; and
12

13 WHEREAS, pursuant to the State Environmental Policy Act
14 (SEPA), there has been a final determination of nonsignificance,
15 including supporting environmental documents issued by the
16 responsible official pursuant to WAC 197-11-340 and WAC 197-11-390;
17 and
18

19 WHEREAS, in a public meeting on May 7, 2019, the City Council
20 considered the environmental documents received from the responsible
21 official together with the report and recommendation of the Planning
22 Commission; and
23

24 NOW, THEREFORE, the City Council of the City of Kirkland do
25 ordain as follows:
26

27 Section 1. Zoning Code Amended: The following chapters and
28 sections of the Kirkland Zoning Code are amended as set forth in Exhibit
29 A to this ordinance and incorporated by reference.
30

31 Chapter 5 – Definitions

32 Chapter 115.42 - Floor Area Ratio (F.A.R.) Calculation for
33 Detached Dwelling Units in Low Density
34 Residential Zones and Attached Dwelling
35 Units in PLA 3C

36 Chapter 115.90 – Calculating Lot Coverage
37

38
39 Section 2. Severability: If any section, subsection, sentence,
40 clause, phrase, part or portion of this ordinance, including those parts
41 adopted by reference, is for any reason held to be invalid or
42 unconstitutional by any court of competent jurisdiction, such decision
43 shall not affect the validity of the remaining portions of this ordinance.

44 Section 3. To the extent that the subject matter of this
 45 Ordinance is subject to the disapproval jurisdiction of the Houghton
 46 Community Council as created by Ordinance 2001, the Ordinance shall
 47 become effective with the Houghton community either upon approval
 48 of the Houghton Community Council, or upon failure of the Community
 49 Council to disapprove this Ordinance within 60 days of its final
 50 enactment.

51
 52 Section 4. Effective Date: This ordinance shall be in full force
 53 and effect 60 days from and after its passage by the City Council and
 54 publication, pursuant to Kirkland Municipal Code 1.08.017 in the
 55 summary form attached to the original of this ordinance and by this
 56 reference approved by the City Council as required by law.

57
 58 Section 5. Ordinance Copy: A complete copy of this ordinance
 59 shall be certified by the City Clerk, who shall then forward the certified
 60 copy to the King County Department of Assessments.

61
 62 Passed by majority vote of the Kirkland City Council in open
 63 meeting this 7th day of May, 2019.

64
 65 Signed in authentication thereof this 7th day of May, 2019.


 Penny Sweet, Mayor

Attest:

Publication Date: May 13, 2019


 Kathi Anderson, City Clerk

Approved as to Form:


 Kevin Raymond, City Attorney

AMENDMENTS TO KIRKLAND ZONING CODE CHAPTER 5 – DEFINITIONS

5.10.107.3 Carport

A roofed area of sufficient dimensions and orientation to park a vehicle which is connected or directly adjacent to a driving surface

5.10.346.7 Hardscape

Hardscape is a placed, created, constructed or compacted hard surface area, which is unavailable for landscaping as defined by KZC 5.10.465. Hardscape surfaces include, but are not limited to: building foundations, patios, driveways, parking lots, concrete or asphalt paving, gravel or other similar walking and driving surfaces. Hardscape surfaces do not include open space as defined in this code.

5.10.465 Landscaping

~~The planting, removal and maintenance of vegetation along with~~ **the movement and displacement of earth, topsoil, rock, bark and similar substances and/or associated** ~~done in conjunction with the planting, removal and maintenance of vegetation.~~

AMENDMENTS TO ZONING CODE CHAPTER 115, SUBSECTION 42

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

The intent of these F.A.R. regulations is to limit the perceived bulk and mass of residential structures as they relate to the right-of-way and adjacent properties and to ensure houses are proportional to lot size. The design incentives in Section 115.42.4 are provided to encourage more interesting design and location of building massing toward the center of each lot, away from neighboring properties.

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). **For window wells, finished grade will be measured at the outside perimeter of a window well only when it is designed and constructed to the minimum dimensions required by the current building code adopted by the City of Kirkland.**
 - 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 **that are open on at least three sides or have a minimum 50% of the perimeter of the deck, porch, or walkway open. Deck, porch, or walkway perimeters with the following characteristics are considered open:**

1) Have no walls of any height, and

2) Have no guard rails taller than the minimum height required by the Building Code.

f. One (1) exemption of 100 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.

4. Design-based F.A.R. Bonus

a. An additional 5% F.A.R. above the maximum F.A.R. for the zone will be allowed if at least two of the design elements below are used in the design and construction of a detached dwelling unit:

1) 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.

2) All structures are set back from side property lines by at least 7 1/2 feet.

3) The gross floor area of any floor above ground floor shall be reduced by a minimum of 15 percent of the floor area of the ground floor.

b. The above design based F.A.R. bonus cannot be combined with any other F.A.R. incentive in this Code or the Kirkland Municipal Code.

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.

AMENDMENTS TO ZONING CODE CHAPTER 115, SUBSECTION 90

115.90 Calculating Lot Coverage

1. General – The area of all structures ~~and pavement~~ and any other **hardscape** ~~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.

The intent of these lot coverage regulations is to limit areas of hardscape, place an emphasis on landscaping, and to increase vegetated spaces throughout the City.

2. **Exemptions-Exceptions the following are exempt from the lot coverage calculation.**

- 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 **of landscaping** below eaves, balconies, and other cantilevered portions of buildings.
- c. **Planted** ~~landscaped~~ areas at least two (2) feet wide and 40 square feet in area located over subterranean structures, **with a minimum soil depth of 18 inches.** ~~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.
- f. **Hardscape surface under HVAC and similar types of mechanical equipment for detached dwelling units only.**

3. **Partially Exempt Materials Exemptions** – The following **materials** exemptions **shall receive a** ~~will be calculated at a ratio of 50 percent~~ **exemption for the area** of the total area covered **they cover**. Exempted area **However, this exemption** shall not exceed an area equal to 10 percent of the total lot area **size**. Installation of exempted surfaces shall be done in accordance with the current adopted stormwater design manual.

~~a. Permeable pavement (non-grassed).~~

a. Pavers no larger than 10"x10" per individual paver

b. Grassed modular grid pavement.

c. Open grid decking over ~~pervious~~ **non-hardscaped** area.

d. Artificial Turf

~~d. Pervious surfaces in compliance with the stormwater design manual adopted in KMC 15.52.060.~~

Note that impervious surfaces may be further, or more stringently, regulated by the stormwater design manual adopted in KMC 15.52.060.

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4684

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SECTION 1. Provides amendments to 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 final enactment 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 60 days from and after its passage by the City Council.

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 7th day of May, 2019.

I certify that the foregoing is a summary of Ordinance O-4684 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk

Publication Date: May 13, 2019