

ORDINANCE O-4715

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 5, AND 115, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00282.

1           WHEREAS, the City Council has received a recommendation  
2 from the Kirkland Planning Commission to amend certain sections of the  
3 Kirkland Zoning Code, Ordinance 3719, as amended, as set forth in the  
4 staff report dated February 21, 2020, containing the recommendation  
5 of the Planning Commission and bearing Kirkland Planning and Building  
6 Department File No. CAM19-00282; and  
7

8           WHEREAS, prior to making the recommendation, the Kirkland  
9 Planning Commission and the Houghton Community Council, following  
10 notice as required by RCW 36.70A.035, on January 23, 2020, held a  
11 joint public hearing on the amendment proposals. The Houghton  
12 Community Council considered the comments received at the hearing  
13 and developed a recommendation to the Planning Commission at its  
14 meeting on January 27, 2020, and the Planning Commission considered  
15 the comments received at the hearing and the recommendation of the  
16 Houghton Community Council and developed its recommendation to  
17 City Council on February 13, 2020; and  
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19           WHEREAS, pursuant to the State Environmental Policy Act  
20 (SEPA), there has accompanied the legislative proposal and  
21 recommendation through the entire consideration process, a SEPA  
22 Addendum to Existing Environmental Documents issued by the  
23 responsible official pursuant to WAC 197-11-625; and  
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25           WHEREAS, in open public meeting the City Council considered  
26 the environmental documents received from the responsible official,  
27 together with the report and recommendation of the Planning  
28 Commission.  
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30           NOW, THEREFORE, the City Council of the City of Kirkland do  
31 ordain as follows:  
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33           Section 1. The following specified sections of the Kirkland  
34 Zoning Code are amended as set forth in Attachment A attached to this  
35 ordinance and incorporated by reference.  
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37           Section 2. If any section, subsection, sentence, clause, phrase,  
38 part or portion of this ordinance, including those parts adopted by  
39 reference, is for any reason held to be invalid or unconstitutional by any  
40 court of competent jurisdiction, such decision shall not affect the validity  
41 of the remaining portions of this ordinance.  
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43           Section 3. To the extent the subject matter of this ordinance,  
44 pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of  
45 the Houghton Community Council, this ordinance shall be deemed  
46 approved within the Houghton Community Municipal Corporation only  
47 upon approval of the Houghton Community Council or the failure of said  
48 Community Council to disapprove this ordinance within 60 days of the  
49 date of the passage of this ordinance. The effective date of this  
50 ordinance is set forth in Section 4 below.

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52           Section 4. Except as provided in Section 3, this ordinance shall  
53 be in full force and effect ninety days from and after its passage by the  
54 Kirkland City Council and publication, in the summary form attached to  
55 the original of this ordinance and by this reference approved by the City  
56 Council, as required by law.

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

Passed by majority vote of the Kirkland City Council in open meeting this 17 day of March, 2020.


Signed in authentication thereof this 17 day of March, 2020.

  
\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

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

Approved as to Form:

  
\_\_\_\_\_  
Kevin Raymond, City Attorney

Publication Date: 03/23/20

**.017 Accessory Dwelling Unit**

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A subordinate residence added to, created within, or detached from a single-family structure, that provides basic requirements for living and sanitation that are independent from the primary dwelling unit.

### **115.07 Accessory Dwelling Units**

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Two (2) accessory dwelling units (ADUs), including either one attached ADU and one detached ADU, or two of either type, are permitted per single-family dwelling; provided, that an accessory dwelling unit shall not be considered a "dwelling unit" in the context of Special Regulations in Chapters 15 through 56 KZC which limit the number of detached dwelling units on each lot to one (1): Accessory dwelling units must be consistent with the following standards:

1. **Occupancy Limitations**— Occupancy limitations for ADUs shall be consistent with the provisions of the KMC Property Maintenance Code.
2. **Subdivision** – A property containing a detached accessory dwelling unit shall not be subdivided but may be segregated in ownership from the principal dwelling unit.
3. **Size** – The square footage of the ADU shall not exceed 1,200square feet of gross floor area. For attached ADUs, if the accessory unit is completely located within existing gross floor area on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area. When calculating the square footage of the ADU see KZC 5.10.340, definition of "gross floor area." The gross floor area shall not include:
  1. Area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
  2. Covered exterior elements such as decks and porches; provided, the total size of all such covered exterior elements does not exceed 200 square feet. See KZC 115.08 for additional size and height limitations.
4. **Location.** An accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached accessory dwelling units located on lots approved using the historic preservation subdivision regulations must be located behind the historic residence. Accessory dwelling units must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone; except as modified by KZC 115.42 and KZC 115.115.3.o. In addition, detached accessory dwelling units must be fully contained in a separate structure that is detached from the principal unit and any attached accessory dwelling unit. A detached accessory dwelling unit may not share a common roof structure with the principal unit and/or attached accessory dwelling unit.

5. Entrances. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the principal unit and shall not detract from or alter the single-family character of the principal unit.

6. Parking. On lots with more than one accessory dwelling unit, there shall be one (1) off-street parking space provided unless: :

- a. On-street parking is available within 600 feet of the subject property or
- b. The property is located within one-half mile of transit service with 15-minute headways during commute hours.

7. Applicable Codes. The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current International Building Code (IBC) ceiling height requirements if it was legally constructed as habitable space.

8. Permitting

a. Application

- 1) The property owner shall apply for an accessory dwelling unit permit with the Planning and Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning and Building Department.

- 2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Recorder's Office to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.

- 3) If an ADU was or is created without being part of a project for which a building permit was or is finalized, an ADU inspection will be required for issuance of an ADU permit. The

ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

b. **Eliminating an Accessory Dwelling Unit – Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning and Building Department, or may occur as a result of enforcement action.**

c. **Appeals. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.**

(Ord. 4491 §§ 3, 11, 2015; Ord. 4476 § 3, 2015; Ord. 4408 § 1, 2013; Ord. 4372 § 1, 2012; Ord. 4320 § 1, 2011; Ord. 4286 § 1, 2011; Ord. 4252 § 1, 2010; Ord. 4193 § 1, 2009; Ord. 4102 § 2, 2007; Ord. 4072 § 1, 2007)

## **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**

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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 subsection (4) of this section are provided to encourage more interesting design and location of building massing toward the center of each lot, away from neighboring properties.

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, or 10 feet from and behind the main structure if the accessory structure contains an accessory dwelling unit (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, or 10 feet from and behind the main structure if the accessory structure contains an accessory dwelling unit (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 decks, and covered decks, porches, and walkways that are open on at least three (3) sides or have a minimum 50 percent 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, or closer than 10 feet if the structures contain an accessory dwelling unit.

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, or ten feet if the structures contain an accessory dwelling unit, 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) For structures not containing an accessory dwelling unit, 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.

## 115.115 Required Yards

### Section 115.115.3 – Structures and Improvements:

o. In low density residential zones:

- 1) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may be located within five (5) feet of the rear property line, if:
  - a) Garage doors will not extend over the property line when open; and
  - b) The garage complies with KZC 115.135, which regulates sight distance at intersections.
- 2) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may extend to the rear property line, if:
  - a) The lot is 50 feet wide at the rear property line on the alley;
  - b) The garage has side access with garage doors that are perpendicular to the alley;
  - c) The garage eaves do not extend over the property line; and
  - d) The garage complies with KZC 115.135, which regulates sight distance at intersections.
- 3) Garages and detached accessory dwelling units without alley access may be located no closer than five (5) feet of the rear property line; provided, that:
  - a) The portion of the structure that is located within the required rear yard is no taller than 15 feet above average building elevation; and
  - b) The rear yard does not abut an access easement that is regulated as a rear property line.
- 4) Detached Accessory Dwelling Units may be located within five (5) feet of an alley.