

ORDINANCE NO. 3577

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 2740 AS AMENDED, THE KIRKLAND ZONING ORDINANCE (FILE NO. IV-96-101).

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 2740 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated February 25, 1997 and July 10, 1997 and bearing Kirkland Department of Planning and Community Development File No. IV-96-101; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on February 13, 1997 and July 26, 1997, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final determination of nonsignificance, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

WHEREAS, in regular public 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, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 2740 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A which by this reference is incorporated herein.

Section 2. Detached structures shall not be permitted with a RS35 or the PLA 16 zone until January 31, 1998 under authority of this section of this ordinance.

Section 3. 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 4. To the extent the subject matter of this ordinance, pursuant to Ordinance 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 said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 5. Except as provided in Section 3, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017 Kirkland Municipal Code, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 15th day of July, 1997.

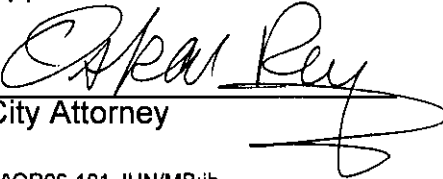
SIGNED IN AUTHENTICATION thereof this 15th day of July, 1997.


Deputy Mayor

Attest:


Deputy City Clerk

Approved as to Form:


City Attorney

WOR96-101.JUN/MB:jh

Zoning Code Amendments - Section 115.65

4. Accessory Structure (detached dwelling unit uses only) - Structures, to be used as a tool shed, greenhouse, private garage, accessory dwelling unit, barns or similar use are permitted. The total size of all such structures may not exceed the gross floor area of 1,000 1200 square feet plus 10% of the lot area that exceeds 7,200 square feet. The height (roof peak elevation) of an accessory structure may not exceed 15 feet above the existing height (roof peak elevation) of the primary residence or 25 feet above average building elevation, whichever is less. Accessory dwelling units must also comply with paragraph 6 of this section.
5. Domestic Animals - Please see the Section in this Chapter entitled Animals in Residential Zones for regulations for keeping animals in residential zones.
6. Accessory Dwelling Units - One accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling, provided that the following criteria are met:
- a. Number of Occupants. The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single-family dwelling as defined in Chapter 5.10.300 of the Kirkland Zoning Code.
 - b. Owner Occupancy. One of the units must be owner occupied. Owner occupancy is defined as a person with an ownership interest in the property.
 - c. Subdivision. Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
 - d. Scale. The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary residence and accessory dwelling unit combined. If the accessory unit is completely located on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area.

Detached accessory dwelling units shall not exceed 800 square feet of gross floor area. When calculating the square footage of the ADU (see Section 5.10.340, definition of "gross floor area"), covered exterior elements such as decks and porches will not be included, provided the total size of all such covered exterior elements does not exceed 200 square feet. An accessory dwelling unit will be considered to be "detached" from the principal unit if it has any of the following characteristics:

1. It does not share a common roof structure with the principal unit.
 2. It is not integrated into the footprint of the principal unit.
 3. The design is inconsistent with the existing roof pitch, siding treatment, and window style of the principal unit.
- e. Location. The accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached structures must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for a principal single-family dwellings unit in the applicable Use Zone. in a single family residential zone.

~~In addition, detached ADUs must be located to the rear of the primary residence and situated so as to be clearly secondary and accessory to the~~

~~principal residence from the street side; provided that, ADUs need not be located to the rear if they are to be located within, above, or attached to a detached garage which was built prior to January 1, 1995, pursuant to a valid permit.~~

~~Detached accessory dwelling units may not exceed 800 square feet, and must also comply with paragraph 4 of this section.~~

- f. Entrances. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be ~~unobtrusive from the same view of the building which encompasses~~ 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.
- g. Parking. There shall be one off-street parking space provided for the accessory dwelling unit.
- h. WDI and WDIII Zones. Properties located in the WDI and WDIII zones which develop accessory dwelling units must provide public pedestrian access consistent with the regulations contained in Sections 30.10.a. and 30.20.b. for attached or stacked dwelling units.
- i. 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 Uniform Building Code (UBC) ceiling height requirements if it was legally constructed as habitable space.
- j. Permitting
- 1) Application.
 - a) The property owner shall apply for an accessory dwelling unit permit with the 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 Department.
 - b) 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 Department of Records and Elections 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.
 - c) 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.

- 2) Eliminating an accessory dwelling unit. Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning Department, or may occur as a result of enforcement action.
- 3) Pre-existing units. That portion of a single family residence which meets the definition of accessory dwelling unit which existed on January 1, 1995, may be legally established, and not subject to zoning violation fines, if the following requirements are met:
 - a) An application for an accessory dwelling permit is filed by December 31, ~~1996~~ 1997;
 - b) The accessory dwelling unit is determined to meet the requirements of this Section, as well as the other Code requirements referred to in Section 115.65.6.g.
- 4) Appeals. The decision of the Planning Official in approving or denying a request to construct an accessory dwelling unit may be appealed using the appeal provision, as applicable, of Process I, Sections 145.60 through 145.110.

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