

ORDINANCE NO. 3919

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 OF THE KIRKLAND MUNICIPAL CODE; AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE); THE KIRKLAND ZONING CODE: CHAPTER 5 - DEFINITIONS, CHAPTER 115 - MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS, AND CHAPTER 180 KZC - PLATES; REVISING REGULATIONS GOVERNING THE SIZE, LOCATION, AND SCREENING OF ROOFTOP APPURTENANCES (FILE NO. IV-03-14).

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 3719 as amended (Title 23 of the Kirkland Municipal Code), and bearing Kirkland Department of Planning and Community Development File No. IV-03-14; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, KMC Title 25, this action is exempt from the concurrency management process; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on August 14, 2003, held a public hearing on the amendment proposals and considered the comments received at the hearing; and

WHEREAS, pursuant to the State Environmental Policy 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, the City Council of the City of Kirkland do ordain as follows:

Section 1. The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) are amended to read as follows:

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

Section 2. 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 3. 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 4. 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.

Section 5. A complete copy of this ordinance, including Findings, Conclusions, and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 9th day of December, 2003.

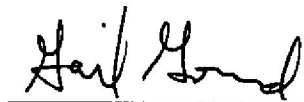
SIGNED IN AUTHENTICATION thereof this 9th day of December, 2003.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

**Attachment A**

**Chapter 5 KZC – Definitions – is hereby amended by the addition of a new Section 5.10.817:**

5.10.817 Rooftop Appurtenances – HVAC equipment, mechanical or elevator equipment and penthouses, roof access stair enclosures, and similar equipment or appurtenances that extend above the roofline of a building, but not including Personal Wireless Service Facilities as defined by KZC 117.05.10.

**Chapter 115 KZC– Miscellaneous Use Development and Performance Standards – is hereby amended to read:**

*(Chapter table of contents)*

Sections:

115.05 – 115.115 – (no change)  
115.120 Rooftop Appurtenances  
115.125 – 115.150 – (no change)

*(Chapter sections)*

115.20 – 115.55 – (no change)

115.60 Height Regulations – Exceptions

1. General – No element or feature of a structure, other than as listed in subsection (2) of this section, may exceed the applicable height limitation established for each use in each use zone in Chapters 15 through 65 KZC.
2. Exceptions
  - a. Detached Dwelling Units
    - 1) Vents and chimneys for a detached dwelling unit may exceed the maximum height limit.
    - 2) (no change)
    - 3) (no change)
  - b. Other Structures

- 1) Rooftop appurtenances and their screens, subject to KZC 115.120, including roof forms pursuant to KZC 115.120.3.
  - 2) The provisions in Chapter 117 KZC related to personal wireless service facilities supersede the provisions of this section to the extent an appurtenance falls within the definition of a personal wireless service facility.
- c. Radio Tower – No change proposed.
- d. Structures Requiring Design Review – If a structure is reviewed through Design Review pursuant to Chapter 142 KZC and has a peaked roof, the peak may extend the following amount above the height limit:
- 1) Five feet, if the slope of the roof is equal to or greater than three feet vertical to 12 feet horizontal; or
  - 2) As allowed by the underlying zone.

115.65 – 115.115 – (no change)

115.120 Rooftop Appurtenances

1. Scope: The regulations contained in this section apply to all construction except: (a) Single-family detached residential, and (b) Personal Wireless Service Facilities regulated by Chapter 117 KZC.
2. Abandonment: Rooftop appurtenances which are abandoned or no longer serve the building or tenant space with which they are associated shall be removed by the building owner within ninety (90) days of the date they were abandoned or discontinued service. Appurtenances associated with buildings or tenant spaces which are vacant but which are undergoing renovation and/or are available for lease or rent shall not be considered abandoned.
3. Required Screening:
  - a. New construction shall, to the extent feasible, visually screen rooftop appurtenances by incorporating them into the roof form, or by using architectural designs such as clerestories having a slope of at least 3 feet vertical to 12 feet horizontal or roof wells. Such roof forms and architectural designs may extend five feet above the height limit (see Plate \_\_\_\_).

- b. New appurtenances on existing buildings and on new buildings where compliance with subsection (a) is not feasible shall be surrounded by a solid screening enclosure equal in height to the appurtenance being screened. The screen must be integrated into the architecture of the building.
- c. Exemptions
  - 1) Rod, wire, and dish antennas approved pursuant to KZC 115.60(2) are exempt from the requirements of subsections (a) and (b) where screening would interfere with the effective operation of these antennas.
  - 2) A rooftop appurtenance screened by alternative measures, including but not limited to landscaping maintained at a height equal to the height of the appurtenance, painting to match the building roof, or the use of pre-manufactured self-screening appurtenances, is exempt from the requirements of subsections (a) and (b) if the Planning Official determines that such alternative screening will be as effective in minimizing rooftop clutter as a solid screening enclosure.

4. Allowable Height and Size:

- a. Rooftop appurtenances may exceed the applicable height limitation by a maximum of four feet if the area of all appurtenances and screening does not exceed 10 percent of the total area of the building footprint (see Plate \_\_\_\_).
- b. The Planning Official may approve a modification to the standards of subsection (a) of this section if:
  - 1) No reasonable alternatives to the increased height or size, such as utilizing alternative equipment design or technology or locating the appurtenances at or below grade or within the structure, exists, and the amount of increase and the size of the appurtenance and its screening is the minimum amount necessary; and
  - 2) The applicant submits accurate graphic representations or other information that demonstrates that:
    - a) Views from adjacent properties will not be significantly blocked; and
    - b) Visibility of the appurtenances from adjacent properties and streets will be minimized; and

- c) Aesthetic impacts resulting from the increased height and/or area will be minimized through appropriate screening, architectural integration, and/or location or consolidation of the appurtenance(s); and
    - 3) The height of the appurtenance, including the combined height of mechanical equipment or elevator penthouse and appurtenances mounted on top of the penthouse, shall in no event exceed the lesser of the following:
      - a) The height of the story immediately below the appurtenance, or
      - b) 15' above the applicable height limitation; and
    - 4) In no event shall the total area occupied by rooftop appurtenances or enclosed within their screening exceed 25% the total area of the building footprint.
  - c. The Planning Official shall not approve or deny a modification pursuant to paragraph 115.120.4.b without first providing notice of the modification request to the owners and residents of each adjoining property and providing opportunity for comment. The Planning Official shall use mailing labels provided by the applicant. Said comment period shall not be less than seven (7) calendar days. The fee for processing a modification request shall be as established by City ordinance.
5. Optional Locations. As an option to placing appurtenances on the roof, appurtenances may be located as follows:
- a. At or below grade, subject to the following:
    - 1) The appurtenances are surrounded by landscaping or a solid screening enclosure, or is located in such a manner that they are not visible from adjacent properties or rights-of-way; and
    - 2) The appurtenances will not violate KZC 115.95 (Noise Regulations) or KZC 115.100 (Odor), or create undue heat or vibration on the adjoining property; and
    - 3) The appurtenances may be located in a required side or rear yard, if:
      - a) The appurtenances comply with subsections (1) and (2) above; and

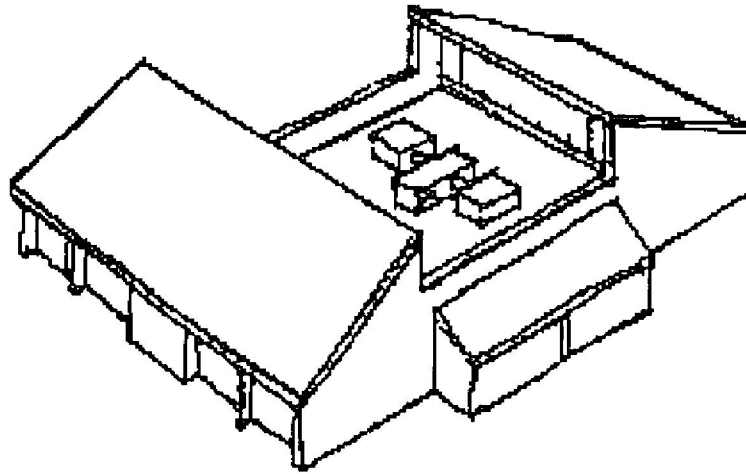
- b) The appurtenances are reviewed as part of a Process I, II, III, or IV zoning permit for the use or structure they will serve; and
  - c) Insufficient at- or below-grade space exists elsewhere on the site to locate the appurtenances; and
  - d) The required yard is not adjacent to a residential zone; and
  - e) The appurtenances are the minimum size necessary.
- 4) Appurtenances located at or below grade shall not be counted toward allowable lot coverage.
- b. In a parking structure, subject to the following:
- 1) The appurtenances are located or screened in such a manner that they are not visible from adjacent properties or rights-of-way; and
  - 2) The appurtenances will not violate KZC 115.95 (Noise Regulations) or KZC 115.100 (Odor), or create undue heat or vibration on the adjoining property.
  - 3) If the parking structure would otherwise contain ten (10) or more parking stalls, the parking may be reduced by the amount necessary, but by no more than two (2) parking stalls, to provide the physical space required to accommodate the appurtenances.

115.125 – 115.150 – (no change)

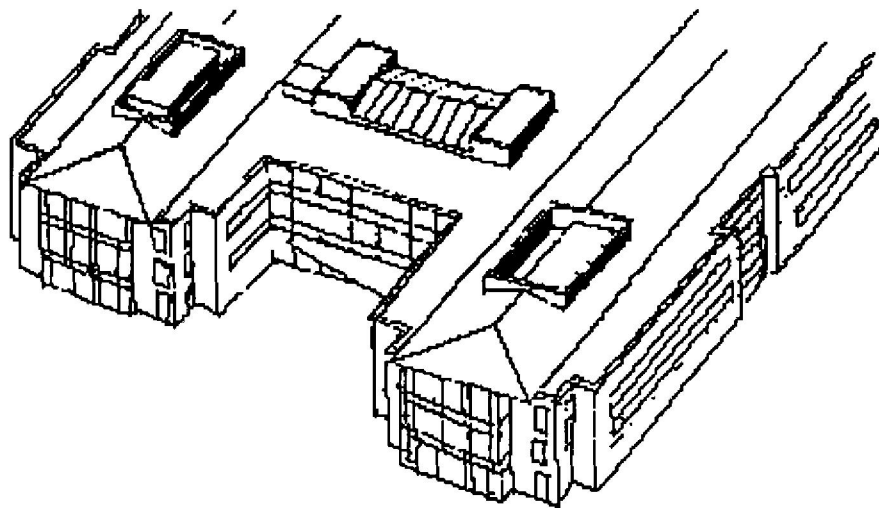
**Chapter 180 KZC – Plates – is hereby amended by the addition of the Plates attached hereto.**

Plate \_\_\_\_

ROOFTOP APPURTENANCE - SCREENING WITH ROOF FORMS - EXAMPLES



SCREENING WITH CLERESTORIES

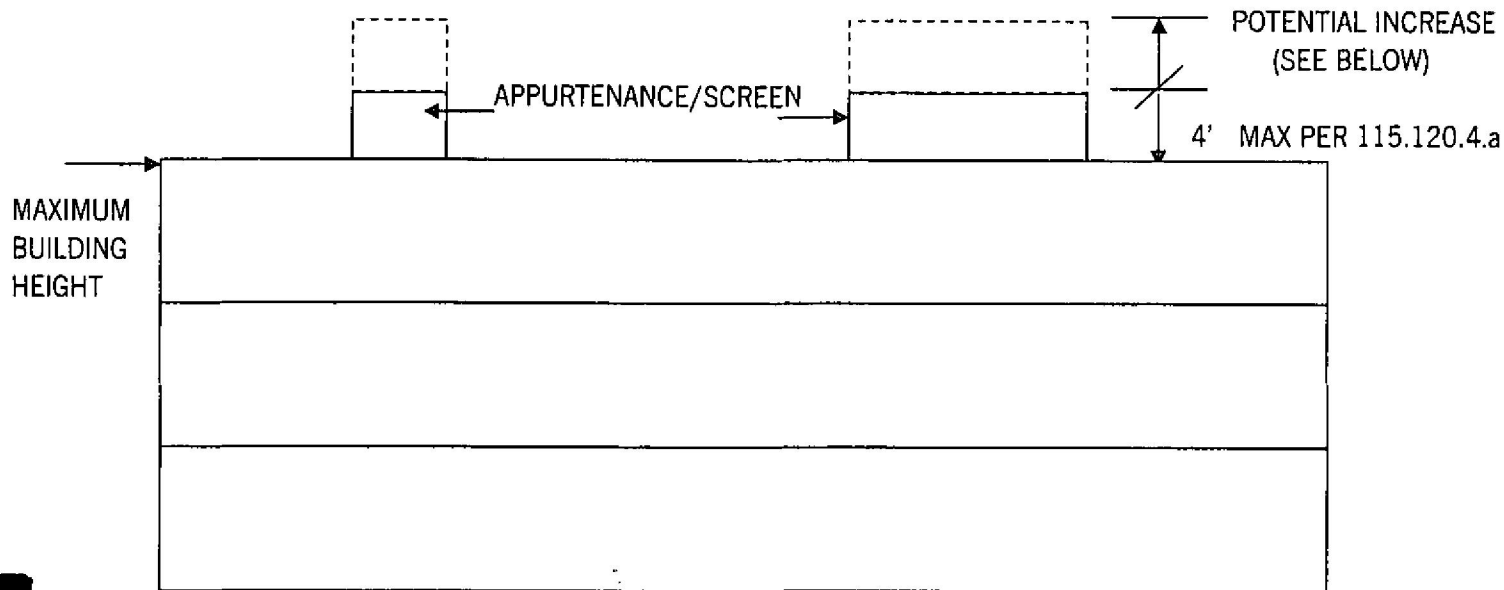


SCREENING WITH ROOF WELLS



Plate \_\_\_\_

ROOFTOP APPURTENANCES - ALLOWABLE HEIGHT & COVERAGE



ELEVATION VIEW

Allowable Height per KZC 115.120.4a: 4' above maximum allowable structure height

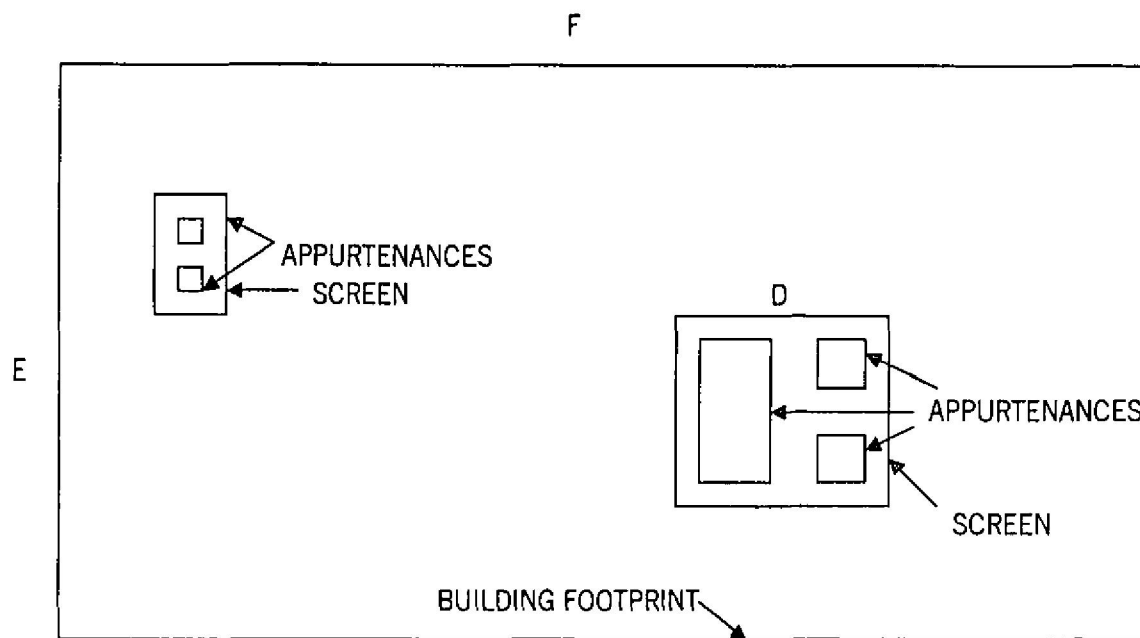
OR

Potential Height Increase per KZC 115.120.4.b:

- a. The minimum amount necessary, and
- b. The lesser of:
  - i. The height of the story immediately below, or
  - ii. 15' above the applicable height limitation

Plate \_\_\_\_

### ROOFTOP APPURTENANCES – ALLOWABLE HEIGHT & COVERAGE



PLAN VIEW

Allowable Area per KZC 115.120.4.a:  $(A \times B) + (C \times D) \leq 10\% (E \times F)$

OR

Potential Area Increase per KZC 115.120.4.b:  $(A \times B) + (C \times D) \leq 25\% (E \times F)$

ORDINANCE NO. 3919  
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 OF THE KIRKLAND MUNICIPAL CODE; AMENDING PORTIONS OF THE FOLLOWING CHAPTERS OF THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE); THE KIRKLAND ZONING CODE: CHAPTER 5 - DEFINITIONS, CHAPTER 115 - MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS, AND CHAPTER 180 - PLATES; REVISING REGULATIONS GOVERNING THE SIZE, LOCATION, AND SCREENING OF ROOFTOP APPURTENANCES (FILE NO. IV-03-14).

Section 1. Identifies the specific amendments to Ordinance 3719, as amended, the Kirkland Zoning Code.

Section 2. Addresses severability.

Section 3. Establishes that this ordinance 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 publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.088.017 Kirkland Municipal Code and establishes the effective date as five days after publication of said summary.

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 regular meeting on the 9th day of December, 2003.

I certify that the foregoing is a summary of Ordinance 3919 approved by the Kirkland City Council for summary publication.

Attest:

  
\_\_\_\_\_  
City Clerk