

ORDINANCE 3856

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO AN INTERIM ZONING ORDINANCE TO REGULATE INNOVATIVE HOUSING DEMONSTRATION PROJECTS AND ESTABLISHING A SELECTION PROCESS FOR SUCH PROJECTS.

WHEREAS, the City has the authority to adopt an interim zoning ordinance pursuant to RCW 35A.63.220 and 36.70A.390; and

WHEREAS, the Kirkland City Council has determined that there is a need for an interim zoning ordinance to regulate innovative housing demonstration projects; and

WHEREAS, pursuant to RCW 35A.63.220 and 36.70A.390, a public hearing on the interim zoning ordinance herein established was held prior to the adoption of this ordinance.

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

PART I.

Section 1. The Kirkland City Council makes the following findings:

a. The purpose of this interim zoning ordinance is to allow development of a limited number of projects that demonstrate housing choices not currently available in Kirkland's single-family neighborhoods.

b. The innovative housing styles that will be allowed in all RS and RSX zones under this ordinance are cottages, compact single-family homes, and duplexes and triplexes designed to look like single-family homes. Maximum unit sizes and the number of units allowed in lieu of each traditional single-family home (equivalent units) for each of these innovative housing styles are identified in Section 3 and Section 4 of this ordinance.

c. The goals of innovative housing are to:

i. Increase housing supply and the choice of housing styles available in the community through projects that are compatible with existing single-family developments; and

ii. Promote housing affordability by encouraging smaller homes.

d. The City is currently implementing a work plan to develop zoning code amendments that specifically address innovative housing projects; and

e. Until permanent ordinances regarding innovative housing projects can be implemented, there is a need to allow regulated innovative housing projects.

Section 2. Process IIB permit.

a. The City shall use Process IIB as described in Chapter 152 of the Kirkland Zoning Code to review and decide on innovative housing demonstration projects, except that the notice of the application shall be given to property owners within 500 feet of any boundary of the subject property. In addition, a neighborhood meeting following guidelines established by the Planning Department and including attendance by City staff shall be required prior to application submittal.

b. In addition to complying with the approval criteria stated in Section 152.70.3 of the Kirkland Zoning Code, the applicant must demonstrate that:

i. The impacts of the proposed development will be no greater than the traditional development that could be constructed on the property with respect to total floor area of structures and structure sizes.

ii. The proposal is not larger in scale and is compatible with surrounding development with respect to size of units, building heights, roof forms, building setbacks from each other and property lines, number of parking spaces, parking location and screening, access, and lot coverage.

iii. The proposal provides elements that contribute to a sense of community within the development by including elements such as front entry porches, common open space, and common buildings or common spaces within buildings.

iv. Any proposed modifications to requirements of the Kirkland Zoning Code, other than those specifically identified in Paragraph c. of this Section or in Sections 3 or Section 4 of this ordinance, are important to the success of the proposal as an innovative housing project.

c. In order to meet the goals of the innovative housing demonstration program, there will be flexibility with regard to some normally applicable regulations and requirements. Standards listed in this Paragraph c. as well as parameters identified in Sections 3 and 4 of this ordinance will apply to innovative housing demonstration projects and will prevail if they conflict with normal regulations. All other regulations and requirements of the City of Kirkland will continue to apply, except that applicants may propose additional modifications to the Kirkland Zoning Code, as provided for in paragraph b. of this Section.

i. The minimum lot size, restriction of not more than one dwelling unit per lot, maximum Floor Area Ratio, and minimum number of required parking spaces found in Kirkland Zoning Code Section 15.10 and 17.10 shall be replaced by the standards identified in Sections 3 or 4 of this ordinance.

ii. The vehicular access standards of Kirkland Zoning Code Section 105.10 shall be determined based on the number of single-family units that the equivalent innovative housing units are replacing. The modification provisions of Kirkland Zoning Code Section 105.103 may be used to allow

further flexibility to the vehicular access requirements for the proposed project.

iii. The density limitations identified in the Land Use Map of the Kirkland Comprehensive Plan shall be determined to have been met as long as the proposed project does not exceed the equivalent unit calculation identified in Sections 3 or 4 of this ordinance.

iv. Application fees for the Process IIB review of the proposed project shall be based on the number of single-family units that the equivalent innovative housing units are replacing.

v. Impact fees under Kirkland Municipal Code Chapters 27.04 and 27.06 for the proposed project shall be assessed at the rates for multifamily dwelling units, as identified in Appendix A of Kirkland Municipal Code Chapters 27.04 and 27.06.

d. The City's approval of an innovative housing project does not constitute approval of a subdivision, a short plat, or a binding site plan.

Section 3. This table sets forth parameters applicable to innovative housing project applications.

Parameters	
Housing Types	<ul style="list-style-type: none"> ▪ Cottages ▪ Compact Single-Family ▪ Duplexes or Triplexes designed to look like Single-Family as part of a development that includes at least one other housing type (the other housing type may be traditional single-family) ▪ Combinations of the above types
Unit Size Limits	<ul style="list-style-type: none"> ▪ Cottages = 1,000 square foot maximum gross floor area ▪ Compact Single-Family = 1,500 square foot maximum gross floor area ▪ Duplexes and Triplexes = 1,200 square foot maximum gross floor area per unit, total gross floor area for structure (including garages) not to exceed 40% of the minimum lot size in zone or actual lot size, whichever is less (e.g. 7,200 sq. ft. x 0.4 = 2,880 sq. ft. maximum in RS 7.2 zone) ▪ A covenant restricting any increases in unit size after initial construction shall be recorded against the property

Equivalent Units	<ul style="list-style-type: none"> ▪ Cottages = 2 per each single-family unit that could be built on the property ▪ Compact SF = 1.5 per each single-family unit that could be built on the property ▪ Duplexes and Triplexes = 2 or 3 per each single-family unit, overall development not to exceed 1.5 times the number of single-family units that could be built on the property ▪ Rounding up to the next whole number of equivalent units is allowed when the conversion from typical single-family units to equivalent units results in a fraction of 0.5 or above ▪ Existing single-family homes may remain on the subject property and will be counted as units in the equivalent unit calculation based on their gross floor area
Locations	<ul style="list-style-type: none"> ▪ City-wide, but not within 1,500' of another innovative housing proposal under this Ordinance ▪ Not more than two innovative housing proposals per city recognized neighborhood under this Ordinance
Number of Developments	<ul style="list-style-type: none"> ▪ Up to five, with no more than two projects demonstrating the same single housing type
Public Notice	<ul style="list-style-type: none"> ▪ Neighborhood meeting, including City staff attendance, required prior to application for Process IIB review ▪ Normal publishing and posting after application received ▪ Mailing of notice to adjacent residents and property owners within 500 feet of the proposed development after application received
Access Requirements	<ul style="list-style-type: none"> ▪ Determine flexibility for road widths, public vs. private, and turn-around requirements with input from Public Works and Fire Departments
Development Size	<ul style="list-style-type: none"> ▪ Minimum of 4 units, maximum of 24 units ▪ Cottages may have a maximum of 12 units per cluster
Parking Requirements	<ul style="list-style-type: none"> ▪ 1 stall per unit for units under 700 square feet in size ▪ 1.5 stalls per unit for units 700 to 1,000 square feet in size ▪ 2 stalls per unit for units over 1,000 square feet in size
Ownership Structure	<ul style="list-style-type: none"> ▪ Subdivision ▪ Condominium ▪ Single owner for entire project (to allow rental)

Section 4. This table sets forth additional parameters that supplement the parameters in Section 3 and are applicable to any cottage proposed to be part of an innovative housing project.

Additional Parameters: Cottages	
Front Setbacks	<ul style="list-style-type: none"> ▪ 20' minimum
Other Setbacks	<ul style="list-style-type: none"> ▪ 5' minimum from all property lines other than front property lines ▪ The average setback of all structures along any property line other than a front property line shall be 10'
Distance Between Structures	<ul style="list-style-type: none"> ▪ 10' minimum
Lot Coverage (all impervious surfaces)	<ul style="list-style-type: none"> ▪ 50% maximum
Common Open Space	<ul style="list-style-type: none"> ▪ 400 square feet minimum per cottage ▪ Cottages shall abut at least two sides ▪ Shall abut at least 50% of the cottages in the development and those units must be oriented to and have their main entry from the common open space ▪ All cottages shall be within 60' walking distance of the common open space
Private Open Space	<ul style="list-style-type: none"> ▪ 300 square feet minimum per cottage ▪ Shall be adjacent to each cottage and be for the exclusive use of the residents of that cottage ▪ Shall be in one contiguous and useable piece with a minimum dimension of 10' on all sides ▪ Shall be oriented to the common open space as much as is feasible
Attached Covered Porches	<ul style="list-style-type: none"> ▪ 80 square feet minimum per cottage ▪ Shall have a minimum dimension of 8' on all sides
Height	<ul style="list-style-type: none"> ▪ 18' maximum for all structures except 25' maximum for cottages with a minimum roof slope of 6:12 for all parts of the roof above 18'
Floor Area Limitations	<ul style="list-style-type: none"> ▪ 1,000 square foot maximum gross floor area ▪ 800 square foot maximum main floor area ▪ A minimum of 40% and no more than 50% of the cottages in a cluster shall have a main floor of 700 square feet or less
Exceptions to Floor Area Limitations	<ul style="list-style-type: none"> ▪ Attached porches up to 200 square feet in size ▪ Spaces with a ceiling height of 6' or less measured to the exterior walls, such as in a second floor area under the slope of the roof ▪ Unheated storage space located under the main floor of a cottage ▪ Architectural projections, such as bay windows, fireplaces or utility closets not greater than 18" in depth and 6' in width ▪ Detached garages or carports

<p>Parking</p>	<ul style="list-style-type: none"> ▪ Shall be provided on the subject property ▪ Shall be screened from public streets and adjacent residential uses by landscaping or architectural screening ▪ Shall be located in clusters of not more than 6 adjoining spaces ▪ Shall not be located in the front yard setback, except on a corner lot where it shall not be located in the front yard between the entrance to any cottage and the front property line ▪ Shall not be located within 40' of a public street except in a single loaded configuration where the stalls lie parallel to the street ▪ May be located between or adjacent to structures if it is located toward the rear of the structure and is served by an alley or driveway ▪ All parking structures shall have a pitched roof design with a minimum slope of 4:12
<p>Community Buildings</p>	<ul style="list-style-type: none"> ▪ Shall be clearly incidental in use and size to the cottages ▪ Shall be commonly owned by the residents of the cottages
<p>Accessory Dwelling Units</p>	<ul style="list-style-type: none"> ▪ Shall not be allowed as part of a cottage development

Section 5. Sections 1 through 5 of this ordinance shall constitute Part I of this ordinance. Part I of this ordinance shall go into effect as an interim zoning ordinance on December 1, 2002 and then shall be effective for six months (until June 1, 2003) and thereafter may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal

Part II

Section 6. The City shall use a competitive selection process to determine which proposals will be allowed to apply for a Process IIB permit as an innovative housing demonstration project. The City may approve up to five innovative housing demonstration projects, with no more than two projects demonstrating the same single housing type. Applications to be part of the innovative housing demonstration program must be submitted by November 15, 2002 on forms to be provided by the Planning Department. The Planning Commission will determine which proposals will be allowed to submit a Process IIB application under this ordinance using the following criteria:

a. Consistency with the intent of the innovative housing goals of providing housing choice (specifically demonstrating those housing styles identified in this ordinance), compatibility with surrounding development, and improving housing affordability.

b. Not more than two innovative housing proposals shall be allowed per City recognized neighborhood and proposals must be at least 1,500 feet from any other innovative housing proposals under this ordinance.

The decision of the Planning Commission in selecting proposals as innovative housing demonstration projects shall be the final decision of the City.

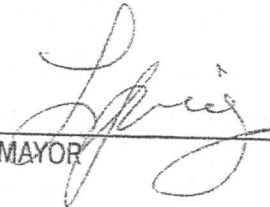
Section 7. Sections 6 and 7 of this ordinance shall constitute Part II of this ordinance. Part II of this ordinance shall go into effect on September 12, 2002. The text of Part I of this ordinance shall inform the process established by Part II even if Part I has not yet gone into effect as a City of Kirkland interim zoning ordinance.

Section 8. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

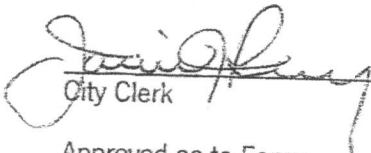
Section 9. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law; provided that Part I of this ordinance shall go into effect as an interim zoning ordinance on December 1, 2002 as set forth in Section 5.

Passed by majority vote of the Kirkland City Council in open meeting this 3rd day of September, 2002.


Signed in authentication thereof this 3rd day of September, 2002.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

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