



# Kirkland Potential Annexation

Updated Fall 2009

## Frequently Asked Questions— Zoning and Building Requirements

Since 2006, the Kirkland City Council has been carefully studying the annexation of the Finn Hill, North Juanita and Kingsgate neighborhoods, known as Kirkland’s Potential Annexation Area (PAA). Throughout the City’s analysis of the potential annexation, the City Council has endeavored to meet the intent of the Growth Management Act, evaluate financial impacts of annexation and provide public participation opportunities for those impacted should annexation occur.

The annexation process is guided by a series of strict events. In April 2009, the City Council initiated the annexation process by declaring its intent to hold an election in November. In June, the City presented its annexation proposal to the Washington State Boundary Review Board for King County which was approved. Following several public meetings, the City Council adopted zoning regulations in July for the PAA that define land use designations, identify allowed uses within each zone and regulate such things as building height and setbacks.

The purpose of this Frequently Asked Question (FAQ) handout is to address questions and concerns the City has heard from current City and PAA residents about zoning and building code requirements.

*Zoning provides the standards and regulations that apply to land and structures in the city or county. Building safety and fire prevention codes address all aspects of construction to ensure structural integrity, proper installation and operation of electrical and other systems.*

### Will annexation affect my zoning?

If annexation is approved, the City would apply zoning districts to the PAA that are most comparable with King County’s zoning. Generally, the City zoning would establish the same densities as currently allowed under King County zoning. In some cases, the difference between County codes and City codes requires some adjustments to the zoning.

In 2008, the City held several workshops with PAA residents to identify zoning concerns that should be addressed should annexation occur. Based upon the feedback and a series of public hearings conducted by the City Council this summer, the City has developed proposed zoning regulations for the PAA. Zoning addressed in the proposed regulations includes:

- Rules such as setbacks and building height for single family development, including building homes and subdividing larger parcels
- Rules for commercial zones, including allowed uses and building heights
- Rules for protections of streams, wetlands, and steep slopes.



For annexation information, go to [www.ci.kirkland.wa.us/annexation](http://www.ci.kirkland.wa.us/annexation).

- **Subscribe to receive email updates**
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Email: [annexation@ci.kirkland.wa.us](mailto:annexation@ci.kirkland.wa.us)

Phone: 425-587-3001

### How will development standards change if my area is annexed?

Generally, the proposed zoning and development standards align closely with King County standards. Based on workshops and public hearings conducted this summer, the proposed zoning includes some differences in regulations for single family development, such as:

- The County allows apartments and townhomes in the R-4 through R-8 zones. Kirkland typically restricts similar zones to single family homes. Attendees generally favored limiting these R zones to single family uses.
- The County allows building heights of 35–45 feet for homes. Kirkland currently has a maximum of 30 feet. The proposed regulations include Kirkland’s current 30 foot height limit with limited exceptions in the Goat Hill area.
- The County allows homes to be built within 10 feet of the front property line. Kirkland currently requires 20 feet with reduction to 13 feet for front porches. The proposed regulations include Kirkland’s setbacks.

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- The County does not limit the size of a home relative to the size of the lot (floor area ratio limits). Kirkland currently limits the size of homes in most residential zones to 50% of the lot area (e.g. 7,200 sq. ft. lot = 3,600 sq. ft. home). The proposed regulations include Kirkland’s floor area ratio limit.

The development standards for multifamily, commercial, and industrial are also similar. One key difference in the proposed regulations for multifamily zones is lower building heights than currently allowed by the County. Proposed heights would align more closely with Kirkland height limits for multifamily buildings.

Detailed comparison charts for various development standards can be found at [www.ci.kirkland.wa.us/annexation](http://www.ci.kirkland.wa.us/annexation).

## **How will I know about opportunities to comment on proposed projects in my neighborhood?**

The City’s Planning & Community Development Department coordinates the legal noticing of proposed land use applications and construction projects. The City’s Public Works Department routinely provides project flyers for public capital improvement projects to affected property owners.

The City’s “Kirkland Permits” website, [www.kirklandpermits.net](http://www.kirklandpermits.net), provides for online searches by permit number, address, neighborhood and person, place or name of business. Online comments for active land use projects can be submitted through the site.

## **What will happen to buildings or land uses that do not conform to current City zoning standards should annexation occur?**

Nonconforming buildings or uses are allowed to continue in perpetuity unless certain thresholds are triggered. For example:

- If a site is redeveloped, the new development must conform to current rules.
- If a non-conforming use is ceased for more than 90 days, the new use must conform to current codes.

Kirkland’s zoning also allows for repair and maintenance of non-conformances that are damaged or destroyed by casualty damage (e.g. fire, earthquakes).

## **Will I have to go through the City’s permit process if I’ve already received a permit from King County?**

If annexation is approved by the voters, the City and King County will develop an Interlocal Agreement to determine the specifics of which jurisdiction will follow through on the approvals and inspections of current King County permits. The City will honor permits issued by King County.

## **What are the City’s regulations for oversized vehicles?**

Under current City of Kirkland regulations, oversized vehicles (boats, trailers, RV’s greater than 9’ high and 22’ long) are not allowed to be parked in residential areas. The regulations provide exceptions for a period of 24 hours to load and unload the vehicle. Existing King County zoning for the PAA has no such limits on vehicle size. Based on direction from workshops held and public hearings conducted this summer, the proposed regulations would “grandfather” oversized vehicles in the PAA. This would involve a program to register existing oversized vehicles while requiring new vehicles to comply with City regulations.

## **Are home occupations allowed in the City of Kirkland?**

Home occupations are allowed in Kirkland city limits. According to Kirkland Zoning Code (KZC), a home occupation is a “for profit” enterprise, activity, or profession which is incidental to a residential use (KZC 115.65). A home occupation use is allowed in the City of Kirkland if it meets certain land use criteria. All home occupations require a valid City business license. Both King County and Kirkland zoning allow for limited home occupations. Both codes limit those uses so they do not intrude on the residential character of the neighborhood.

For any specific home occupation permit requirements in the City, call the Planning & Community Development Department at 425-587-3225. For business license requirements in the City, call the Licensing Division at 425-587-3141. For general information, go to [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us).

## **Does the City enforce private covenants, conditions and restrictions (CCRs)?**

CCRs are typically restrictions on private property that are enacted and enforced by a Home Owner’s Association. CCRs are intended to control the nature and character of a property for the benefit of future owners. Because they are enacted privately and are not part of adopted City or County regulations, the City and County do not enforce CCRs.

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## Will Kirkland’s land use requirements restrict farm animals more or less than King County’s?

The following table summarizes the differences in County and City rules for keeping farm animals:

	King County	Proposed City of Kirkland
Poultry/fowl	Less than 21,780 sq. ft. lot: 3 per household More than 21,780 sq. ft. lot: 1/1 sq. ft. structure (maximum structure size is 2,000 sq. ft., must be kept in building or pen)	Less than 35,000 sq. ft. lot: 3 per household More than 35,000 sq. ft. lot: 20 plus 1 for each additional 500 sq. ft. of lot area
Livestock (horses, cows...)	Minimum 35,000 sq. ft. lot (without a permit): 6 per acre in a structure 3 per acre if outside	Minimum 35,000 sq. ft. lot (without a permit): 2 per 35,000 sq. ft. plus 1 for each 17,500 sq. ft.

Additional information about City regulations can be found in Chapter 115 of the City’s online zoning code at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)).

## If I’m annexed and want to build, will my traffic, park and school impact fees change?

It is likely that impact fee amounts will change. At this time, an analysis has not been completed to determine if the impact fees will increase or decrease. What we can offer at this time is the current City of Kirkland impact fees in comparison to the King County Impact fees. There are many impact fee categories, but because much of the PAA is single-family residential use, we will only list those impact fees here.

Single-family Residential Use	City of Kirkland	King County
Traffic Impact Fee	\$3,825 (one overall zone)	\$258-\$2,295 (ranges over 9 zones)*
Park Impact Fee	\$3,845	Land Dedication Required**
School Impact Fee***	\$0	\$6,492

\*With annexation, the Kirkland Traffic Impact fees will need to be reanalyzed.

\*\*King County does not have Park Impact Fees, but they do have single-family recreational space requirements that must be set aside as part of the development mitigation. If recreation space is not feasible, a fee-in-lieu is required based on the fair market value of the land that would have been set aside as recreation space.

\*\*\*The Kirkland City Council is considering a request from the Lake Washington School District to collect impact fees on behalf of the District.

## Does the City have a code enforcement program?

The City’s Code Enforcement Program is within the Planning & Community Development Department. The City will investigate potential or actual code violations when a formal complaint is received. If the violation is a life safety issue, the City will investigate without a formal complaint. Complaints may be filed in person at City Hall during regular office hours, by phone at 425-587-3225 or online at [www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us) (Enter “complaint” in search field).

## How would Kirkland’s tree protection regulations affect the potential annexation area?

The City of Kirkland has tree management regulations that promote retention of healthy significant trees with a goal of retaining and enhancing Kirkland’s tree canopy. For properties not under development, the regulations limit removal of significant trees to two per year with exceptions for hazardous trees. For properties being developed, the regulations require an arborist to evaluate existing trees and require retention of healthy significant trees where feasible. The regulations also establish protection measures to ensure that trees designated for retention are not damaged through the development process. Existing King County and City of Kirkland regulations also prohibit tree removal in critical areas like wetlands, streams, and their buffers.

The City is currently in the process of reviewing its tree regulations and determining where changes are needed. To learn more, contact the Kirkland Planning Department at 425-587-3225.

## References and resources:

For City of Kirkland residents, land use (zoning) regulations are contained in the Kirkland Zoning Code (KZC). The International Building and Fire codes are adopted by reference into the Kirkland Municipal Code (KMC). Land use, building and fire codes for King County residents are contained in the King County Code (KCC).

To view existing King County zoning, view the maps at [www.kingcounty.gov/operations/gis/Maps/iMAP.aspx](http://www.kingcounty.gov/operations/gis/Maps/iMAP.aspx). To view proposed zoning for the PAA, view the maps at [www.ci.kirkland.wa.us/annexation](http://www.ci.kirkland.wa.us/annexation).

If you have any questions about the proposed zoning, please contact Jeremy McMahan, Kirkland Planning & Community Development at 425-587-3229 or [jmcmahan@ci.kirkland.wa.us](mailto:jmcmahan@ci.kirkland.wa.us).

