TO: Chuck Kleeberg
Greg Kipp
Terry Brunner
Kyle Evans
Harold Vandergriff

George McCallum
Gary Kohler
Lisa Lee
Lisa Pringle
Ken Dinsmore

FM: Jerry Balcom

RE: Minutes of the April 16, 1993 Code Interpretation Meeting

Present: Gary Kohler, Terry Brunner, Lisa Lee, George McCallum,
Ken Dinsmore, Henryk Hiller, Jerry Balcom

1. In calculating permitted density for subdivisions, multifamily
projects and PUD's, does the zoning code allow arithmetic
rounding (e.g., 12.5 units would be rounded to 13)?

The zoning code does provide for rounding up in some
circumstances, such as calculating required parking for
multifamily dwellings (see K.C.C. 21.50.040(D)(5)), but there
is no code authority to round up when calculating density for
subdivisions, PUD's or multifamily projects.

For subdivisions in most zones, the average lot area (plus
other designated areas such as open space or streets) cannot
be less that the minimum lot area requirement for the zone
(see K.C.C. 21.08.080(B); 21.21A.070(B); 21.23.060(D)). If
the average lot area is less than the minimum lot area
requirement, the proposal does not meet the zone's density
standard. There is no authorization in the code to "round up"
the average lot area (see K.C.C. 21.48.200; 21.48.260).

Multiple dwelling zones contain specific minimum lot area
requirements per dwelling unit (K.C.C. 21.10.040(A); 21.12.040(A); 21.14.040(A); 21.16.040(A); 21.17.030(A)). For
multifamily projects, density is calculated by dividing that
minimum required lot area per dwelling unit into the site area
(with certain designated features excluded from the site area)
(see K.C.C. 21.10.040(A); 21.12.040(A); 21.14.040(B); 21.16.040(B); 21.17.030(B)). There is no code authorization
to round up the result of that calculation, and to do so would
be inconsistent with the minimum lot area per unit requirement
for the zone.

Similarly, for PUD's, density cannot exceed the base unit per
acre plus any bonus units per acre (K.C.C. 21.56.160;
21.56.170). Bonus units are counted as fractions of a unit.
Rounding up would be inconsistent with the bonus unit system, since it would effectively add bonus units that had not been earned.

The proposed new zoning code does authorize rounding up when calculating residential density (proposed 21A.12.070(C)).

2. Legislative update.

A) **Bulk Gas Storage.** The GMH&E Committee's April 14, 1993 meeting was cancelled, so the committee's consideration of the proposed ordinance to permit certain bulk gas facilities in residential zones with a CUP will be rescheduled.

B) **Retirement Homes.** The proposed ordinance to clarify that lot area and parking standards for retirement homes are based upon the total number of living units at the site (dwelling units plus sleeping units) is to go before the GMH&E Committee shortly.

C) **B-C Retail Uses.** The proposed ordinance to remove the exclusion on the indoor retail sales of autos, boats, trailers and heavy equipment in the B-C zone is to go before the GMH&E Committee shortly.

D) **New Zoning Code.** The new zoning code is scheduled to be adopted in the next month or so. However, aside from certain special circumstances such as rezones, the new code will not become effective until the conversion ordinance is adopted (probably mid-1994).

JB:HH

cc: Ann Dold
    Gordon Thomson
    Henryk Hiller