MEMORANDUM

To: Kurt Triplett, City Manager
From:  Dorian Collins, AICP, Senior Planner
       Sean LeRoy, Planner
       Adam Weinstein, AICP, Planning and Building Director
Date: March 6, 2020
Subject: Amendments to the Kirkland Zoning Code (KZC) and Kirkland Municipal Code (KMC) related to “Missing Middle” housing - cottage, carriage and two/three-unit homes and accessory dwelling units (ADUs)
File CAM19-00152 and CAM19-00282

Staff Recommendation
Adopt the enclosed ordinances amending Kirkland Zoning Code (KZC) Chapters 5, 113, and 115 and miscellaneous Zoning Code amendments in zones requiring density minimums, and Kirkland Subdivision Ordinance (KMC) Chapter 22.28. The amendments contained in the ordinances are consistent with the recommendations of the Planning Commission and would implement key goals in the Housing Strategy Plan adopted in 2018. This memo also contains deviations from the Planning Commission recommendation made by the Houghton Community Council, which may also be considered by the City Council.

Background
At its meeting on March 3, 2020, the City Council received a briefing on the Planning Commission recommendation for amendments to the Kirkland Zoning Code and Kirkland Municipal Code for “Missing Middle Housing.” As discussed in the materials prepared for the March 3 City Council meeting, this term typically refers to a range of housing types, compatible in design and scale with single-family homes, which fill the gap between conventional single-family homes and apartment or condominium units in multi-story buildings. The amendments include changes to regulations for cottages, duplexes, triplexes, minimum density in multifamily zones, and accessory dwelling units (ADUs).

Members of the City Council identified several issues and questions related to the proposed amendments. Staff’s response to these topics is provided below.

School Impacts
At the March 3 meeting, City Council expressed concerns about the impacts of the missing middle housing proposal (and development in general) on school capacity. As noted by Council, school funding and capacity is a larger issue that
is affected by many factors that include not only local rates of growth and
development, but State formulas for funding education and local support for
bond and levy measures for new school facilities. In the long-term, the City will
continue meeting regularly with the Lake Washington School District (LWSD) to
discuss school planning, including concepts such as increasing height limits on
school sites, in addition to strategizing how to better link development growth
and long-range school capital programs.

To help illustrate the potential impacts of the missing middle housing code
amendments on LWSD schools, staff has developed a rough estimate of the
number of students that would be generated by the proposed code
amendments. The State Environmental Policy Act (SEPA) analysis for the code
amendment project assumes a total of 919 net new missing middle housing units
over the next 10 years. This is a very rough estimate of likely production, based
on historic estimates and existing goals established in the Housing Strategy Plan
regarding ADU production. Generally, staff believes that the demographic
characteristics of missing middle housing units will more resemble those of multi-
family units than single-family units (e.g., slightly smaller household sizes).
Applying the student generation rates for multi-family housing units presented in
the LWSD 6-Year Capital Facilities Plan adopted on June 10, 2019 (0.139 student
generated per unit), the 919 new units of missing middle housing over the next
10 years would yield approximately 128 new students in Kirkland public schools
(or an average of about 13 new students per year). For purposes of comparison,
applying LWSD’s single-family student generation rate (0.777 student generated
per unit) to 919 new units of missing middle housing would yield 714 new
students. The actual impact of an ADU or each unit of a duplex would likely be
somewhere in-between the 128 students and 714 students. Unlike subdivisions
and larger apartment/condominium projects, new missing middle housing units
are likely to be distributed across the City, diluting impacts on specific school
enrollment areas.

Missing middle housing on Goat Hill

Council also expressed concern about additional development on Goat Hill, in
light of recent concerns expressed by residents about congestion, emergency
vehicle access, hillside stability, and overall construction activity. A multi-
disciplinary team of staff, including Public Works, Planning and Building, and City
Attorney’s Office staff is currently undertaking a study of these issues.
Preliminary analysis indicates a significant number of vacant parcels on Goat Hill
(63), but many of these contain slopes in excess of 40 percent, streams and
wetlands, and heavy tree canopy that are likely to make them very difficult to
develop. This study will yield recommendations on the extent of development-
and geology-related issues on Goat Hill, and recommendations for next steps. In
the context of missing middle housing types being already permitted on Goat
Hill, staff would recommend deferring the institution of any development
restrictions on Goat Hill to the conclusion of the study.
Transit distances

The amendments include reduced parking requirements for missing middle housing types where properties are located near high-frequency transit routes. Councilmembers asked for additional information showing properties within the city that are located within ¼ or ½ mile of these transit routes. The map in Attachment 1 shows these buffer distances from bus routes providing high frequency transit in Kirkland.

Costs of design guidelines for missing middle housing

Council also requested further input and analysis regarding the impact more robust design guidelines would have on development costs for cottages, duplexes, and triplexes. The day after the briefing, staff reached out to members of the Master Builders of King and Snohomish Counties (MBAKS), asking for feedback on the cost implications of the design guidelines. One conversation with a local housing developer has indicated that the proposed design guidelines encompass architectural/design features that are typical of single-family development (such as the use of high quality materials, entry features that dominate the street frontage, compatible roof forms, and screening vegetation) and thus would not result in significant cost impacts. Staff would also note that the design guidelines are intentionally flexible, and do not prescribe specific design solutions that might not be feasible for specific projects. Staff will share any additional information provided by MBAKS at the upcoming Council meeting.

Proposed Amendments

The Planning Commission’s (PC’s) recommended code amendments are shown as strikethrough (deleted) or new text in Attachment 1 (Cottage, Carriage and Two-/Three-Unit Homes) and Attachments 2 and 3 (ADUs) to the staff memorandum included in the City Council materials for March 3, 2020. For ADUs, “clean” versions of the amended text for each section of the Zoning Code and Municipal Code are shown in Attachment A to attached Ordinance 4715 (KZC amendments) and Attachment A to attached Ordinance 4716 (KMC amendments). “Clean” versions of the amendments to the Zoning Code for Cottage, Carriage and Two-/Three Unit Homes are shown in Attachment A to Ordinance 4717. The ordinances are contained in Attachments 2-10 to this memorandum.

Houghton Community Council (HCC) recommendations

The City Council indicated it may opt to incorporate recommendations from the HCC in the amendments. The ordinances do not currently incorporate the HCC recommendations. Staff suggests that the City Council consider each amendment separately as a motion to amend the underlying ordinances. The alternative code amendment text provided below is for each topic where the recommendation of the HCC differed from that of the PC. The alternative text amendments would apply to development only within the disapproval jurisdiction of the HCC. Amendments for each of these topics will be placed on the dais at the Council meeting for possible action.
ADUs

1) **Number of ADUs**

The HCC supports an amendment to increase the number of ADUs allowed on a lot from one to two. However, the HCC recommends that no more than one attached ADU and no more than one detached ADU be allowed. To incorporate the HCC recommendation, the following revision to the PC recommendation could be adopted (shown highlighted in yellow):

Two (2) accessory dwelling units (ADUs), including either one attached ADU and one detached ADU, or two of either type, outside the jurisdiction of the Houghton Community Council, are permitted per single-family dwelling, provided, that an accessory dwelling unit shall not be considered a “dwelling unit” in the context of Special Regulations in Chapters 15 through 56 KZC which limit the number of detached dwelling units on each lot to one (1). Accessory dwelling units must be consistent with the following standards:

2) **Owner Occupancy**

The PC recommendation includes eliminating the owner occupancy requirement. The HCC does not support this change but indicated support for providing a “hardship option” to allow a property owner to be absent from the property for a period of time. To incorporate the HCC recommendation, the regulation could be retained and adopted with the revisions shown highlighted in yellow below. Following the adoption of the code amendments, the ADU application form would be revised to provide more detailed information regarding the request for a waiver from the owner occupancy requirement.

2. **Owner Occupancy – Within the disapproval jurisdiction of the Houghton Community Council,** one (1) of the units must be the principal residence of the property owner(s). The Planning Director may waive this requirement for up to five years if the ADU application includes evidence of good cause for the waiver. Good cause may include circumstances such as job relocation, military deployment, sabbatical leave, education, illness, issues related to inheritance, etc.

Outside the disapproval jurisdiction of the Houghton Community Council, this regulation does not apply.

3) **Number of unrelated people**

The HCC does not support a revision to the approach used to establish occupancy limitations for ADUs. To incorporate the HCC recommendation, the following revision to the PC recommendation could be adopted (shown highlighted in yellow):
Memo to Kurt Triplett  
Missing Middle Housing  
March 11, 2020

1. Occupancy Limitations—Outside the disapproval jurisdiction of the Houghton Community Council, occupancy limitations for ADUs shall be consistent with the provisions of the KMC Property Maintenance Code. Within the disapproval jurisdiction of the Houghton Community Council, the total number of occupants in the principal residence and the ADU combined shall not exceed the maximum number established for a single-family dwelling as defined in KZC 5.10.300.

4) **Definition of an ADU**

The HCC recommends retaining the use of the term “dwelling unit” rather than the term, “residence”, included in the PC recommendation. To incorporate the HCC recommendation, the following revision to the PC recommendation could be adopted (shown highlighted in yellow). Staff does not recommend this amendment, as the inclusion of “dwelling unit” in the definition would eliminate some of the flexibility of the new definition.

A subordinate **dwelling unit residence** added to, created within, or detached from a single-family structure, that provides basic requirements for living and sanitation that are independent from the primary dwelling unit.

5) **Distance between DADU and the principle residence**

The HCC recommendation includes an additional requirement for a minimum distance of five feet to be provided between a detached ADU and the principle residence. To incorporate the HCC recommendation, the following revision to the PC recommendation could be adopted (shown highlighted in yellow):

4. **Location.** An accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached accessory dwelling units located on lots approved using the historic preservation subdivision regulations must be located behind the historic residence. Accessory dwelling units must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone, except as modified by KZC 115.42 and KZC 115.115.3.a. In addition, detached accessory dwelling units must be fully contained in a separate structure that is detached from the principal unit and any attached accessory dwelling unit. Within the disapproval jurisdiction of the Houghton Community Council, detached accessory dwelling units must also be located at least five (5) feet from the principle unit and any attached accessory dwelling unit. A detached accessory dwelling unit may not share a common roof structure with the principal unit and/or attached accessory dwelling unit.
Cottages, Duplexes and Triplexes

1) Standalone Duplexes and Triplexes

The HCC supports an amendment to allow standalone duplexes, provided such units do not include ADUs. HCC does not support permitting standalone triplexes in Houghton. To incorporate the HCC recommendation in the amendments to KZC 113, the following revised text amendment could be adopted (shown highlighted in yellow):

113.25 Development Chart for Cottages, Carriage Units and Two/Three-Unit Homes

Footnote 1:
1 Within the jurisdiction of the Houghton Community Council, standalone duplexes are allowed, provided a standalone duplex shall not include an Accessory Dwelling Unit (ADU). Standalone triplexes are not allowed within the disapproval jurisdiction of the Houghton Community Council.

2) Proximity to high-frequency transit and MMH parking standards

The HCC recommends parking requirements for MMH developments be reduced only if units are within ¼ mile (and not ½ mile) of high-frequency transit. Developments within ¼ mile of such transit services would be required to provide 1 space per unit, while developments further than ¼ mile from such transit services would be required to supply parking that is relative to the size of the proposed unit. To incorporate the HCC recommendation in the amendments to KZC 113, the following revised text amendment could be adopted:
Future Issues

Members of the City Council indicated interest in considering a number of issues in the future that may result in additional amendments to regulations for missing middle housing.

Definition of “Family”

The City Council discussed the recommended change to the approach used to determine maximum occupancy for ADUs. The Council asked staff to clarify in a formal interpretation how “Family” is defined, familial relationships are determined, and how unrelated persons living together are counted.

Maximum size for accessory structures/detached ADUs

Public testimony included comments regarding the proposed expansion of the size limit for a detached ADU to 1,200 square feet, and the similar size limitation of 1,200 square feet for accessory structures (which includes detached accessory dwelling units). The situation described by the commenter would entail the construction of a new 1,200-square-foot garage beneath a 1,200-square-foot ADU, resulting in a 2,400-square-foot accessory structure. Staff believes that
allowing such large accessory structures would have adverse effects on neighborhood aesthetics but acknowledges that additional allowances for accessory structures could be undertaken as a future work task.

Attachments

1. Transit map
2. Ordinance 4715
3. Attachment A to Ordinance 4715
4. Publication Summary – Ordinance 4715
5. Ordinance 4716
6. Attachment A to Ordinance 4716
7. Publication Summary – Ordinance 4716
8. Ordinance 4717
9. Attachment A to Ordinance 4717
10. Publication Summary – Ordinance 4717

CC: CAM19-00152
CAM19-00282
Interested Parties
Planning Commission
Houghton Community Council
Lindsay Masters, ARCH, lmasters@bellevuewa.gov
ORDINANCE NO. O-4715


WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain sections of the Kirkland Zoning Code, Ordinance 3719, as amended, as set forth in the staff report dated February 21, 2020, containing the recommendation of the Planning Commission and bearing Kirkland Planning and Building Department File No. CAM19-00282; and

WHEREAS, prior to making the recommendation, the Kirkland Planning Commission and the Houghton Community Council, following notice as required by RCW 36.70A.035, on January 23, 2020, held a joint public hearing on the amendment proposals. The Houghton Community Council considered the comments received at the hearing and developed a recommendation to the Planning Commission at its meeting on January 27, 2020, and the Planning Commission considered the comments received at the hearing and the recommendation of the Houghton Community Council and developed its recommendation to City Council on February 13, 2020; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in open 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 Kirkland Zoning Code are amended as set forth in Attachment A attached to this ordinance and incorporated by reference.

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 be deemed
approved 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. The effective date of this ordinance is set forth in Section 4 below.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect ninety days from and after its passage by the Kirkland City Council and publication, 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 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 open meeting this _____ day of ______________, 2020.

Signed in authentication thereof this _____ day of ______________, 2020.

__________________________________
Penny Sweet, Mayor

Attest:

__________________________________
Kathi Anderson, City Clerk

Approved as to Form:

__________________________________
Kevin Raymond, City Attorney
.017 Accessory Dwelling Unit

A subordinate residence added to, created within, or detached from a single-family structure, that provides basic requirements for living and sanitation that are independent from the primary dwelling unit.
115.07 Accessory Dwelling Units

Two (2) accessory dwelling units (ADUs), including either one attached ADU and one detached ADU, or two of either type, are permitted per single-family dwelling; provided, that an accessory dwelling unit shall not be considered a “dwelling unit” in the context of Special Regulations in Chapters 15 through 56 KZC which limit the number of detached dwelling units on each lot to one (1): Accessory dwelling units must be consistent with the following standards:

1. **Occupancy Limitations**– Occupancy limitations for ADUs shall be consistent with the provisions of the KMC Property Maintenance Code.

2. **Subdivision** – A property containing a detached accessory dwelling unit shall not be subdivided but may be segregated in ownership from the principal dwelling unit.

3. **Size** – The square footage of the ADU shall not exceed 1,200 square feet of gross floor area. For attached ADUs, if the accessory unit is completely located within existing gross floor area on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area. When calculating the square footage of the ADU see KZC 5.10.340, definition of “gross floor area.” The gross floor area shall not include:
   
   1. Area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.
   
   2. Covered exterior elements such as decks and porches; provided, the total size of all such covered exterior elements does not exceed 200 square feet. See KZC 115.08 for additional size and height limitations.

4. **Location.** An accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached accessory dwelling units located on lots approved using the historic preservation subdivision regulations must be located behind the historic residence. Accessory dwelling units must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone; except as modified by KZC 115.42 and KZC 115.115.3.o. In addition, detached accessory dwelling units must be fully contained in a separate structure that is detached from the principal unit and any attached accessory dwelling unit. A detached accessory dwelling unit may not share a common roof structure with the principal unit and/or attached accessory dwelling unit.
5. Entrances. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be 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.

6. Parking. On lots with more than one accessory dwelling unit, there shall be one (1) off-street parking space provided unless:

   a. On-street parking is available within 600 feet of the subject property or

   b. The property is located within one-half mile of transit service with 15-minute headways during commute hours.

7. 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 International Building Code (IBC) ceiling height requirements if it was legally constructed as habitable space.

8. Permitting

   a. Application

      1) The property owner shall apply for an accessory dwelling unit permit with the Planning and 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 and Building Department.

      2) 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 Recorder’s Office 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.

      3) If an ADU was or is created without being part of a project for which a building permit was or is finaled, 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.

b. Eliminating an Accessory Dwelling Unit – Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning and Building Department, or may occur as a result of enforcement action.

c. Appeals. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.

(Ord. 4491 §§ 3, 11, 2015; Ord. 4476 § 3, 2015; Ord. 4408 § 1, 2013; Ord. 4372 § 1, 2012; Ord. 4320 § 1, 2011; Ord. 4286 § 1, 2011; Ord. 4252 § 1, 2010; Ord. 4193 § 1, 2009; Ord. 4102 § 2, 2007; Ord. 4072 § 1, 2007)
115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones and Attached Dwelling Units in PLA 3C

The intent of these F.A.R. regulations is to limit the perceived bulk and mass of residential structures as they relate to the right-of-way and adjacent properties and to ensure houses are proportional to lot size. The design incentives in subsection (4) of this section are provided to encourage more interesting design and location of building massing toward the center of each lot, away from neighboring properties.

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units in low density residential zones and attached dwelling units in PLA 3C shall include the entire area within the exterior walls for each level of the structure. It shall also include the area of all carports, measured as the area of the carport roof. It shall not include the following:

a. Attic area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.

b. Floor area with a ceiling height less than six (6) feet above finished grade. The ceiling height will be measured to the top of the structural members for the floor above. The finished grade will be measured along the outside perimeter of the building (see Plate 23). For window wells, finished grade will be measured at the outside perimeter of a window well only when it is designed and constructed to the minimum dimensions required by the current building code adopted by the City of Kirkland.

c. On lots less than 8,500 square feet, the first 500 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure, or 10 feet from and behind the main structure if the accessory structure contains an accessory dwelling unit (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R. For purposes of this section, “behind” means located behind an imaginary plane drawn at the back of the main structure at the farthest point from, and parallel to, the street or access easement serving the residence.
d. On lots greater than or equal to 8,500 square feet, the first 800 square feet of an accessory dwelling unit or garage contained in an accessory structure, when such accessory structure is located more than 20 feet from and behind the main structure, or 10 feet from and behind the main structure if the accessory structure contains an accessory dwelling unit (see subsection (3) of this section for additional information on the required distance between structures); provided, that the entire area of an accessory structure, for which a building permit was issued prior to March 6, 2007, shall not be included in the gross floor area used to calculate F.A.R.

e. Uncovered decks, and covered decks, porches, and walkways that are open on at least three (3) sides or have a minimum 50 percent of the perimeter of the deck, porch, or walkway open. Deck, porch, or walkway perimeters with the following characteristics are considered open:

1) Have no walls of any height; and

2) Have no guard rails taller than the minimum height required by the Building Code.

f. One (1) exemption of 100 square feet if the dwelling unit has an internal staircase and/or an area with a ceiling height greater than 16 feet.

2. Floor area with a ceiling height greater than 16 feet shall be calculated at twice the actual floor area toward allowable F.A.R. The ceiling height for these areas will be measured to the top of the structural members for the floor above or, if there is no floor above, to the bottom of the structural members for the roof.

3. Separate structures will be regulated as one (1) structure if any elements of the structures, except for the elements listed in subsection (3)(b) of this section, are closer than 20 feet to each other, or closer than 10 feet if the structures contain an accessory dwelling unit.

a. Two (2) structures connected by a breezeway or walkway will be regulated as one (1) structure if any element of the breezeway or walkway is higher than 10 feet above finished grade.

b. Elements of structures that may be closer than 20 feet to each other, or ten feet if the structures contain an accessory dwelling unit, are:

1) Elements of a structure no higher than 18 inches above finished grade;

2) Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings and canopies extending no more than 18 inches from the wall of a structure;
3) Stairs extending no more than five (5) feet from the wall of a structure;

4) For structures not containing an accessory dwelling unit, porches extending no more than five (5) feet from the wall of a structure if:

   i) The porch is no higher than one (1) story and the finished floor of the porch is no more than four (4) feet above finished grade;

   ii) Three (3) sides of the porch are open other than railings and solid walls no higher than 42 inches;

   iii) No deck, balcony, or living area is placed on the roof of the porch;

   iv) The length of the porch does not exceed 50 percent of the wall of the structure to which it is attached;

   v) Porch eaves may extend an additional 18 inches from the edge of the porch.
115.115 Required Yards

Section 115.115.3 – Structures and Improvements:

o. In low density residential zones:

1) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may be located within five (5) feet of the rear property line, if:

   a) Garage doors will not extend over the property line when open; and

   b) The garage complies with KZC 115.135, which regulates sight distance at intersections.

2) Detached garages, including second story uses, utilizing an alley for their primary vehicular access may extend to the rear property line, if:

   a) The lot is 50 feet wide at the rear property line on the alley;

   b) The garage has side access with garage doors that are perpendicular to the alley;

   c) The garage eaves do not extend over the property line; and

   d) The garage complies with KZC 115.135, which regulates sight distance at intersections.

3) Garages and detached accessory dwelling units without alley access may be located no closer than five (5) feet of the rear property line; provided, that:

   a) The portion of the structure that is located within the required rear yard is no taller than 15 feet above average building elevation; and

   b) The rear yard does not abut an access easement that is regulated as a rear property line.

4) Detached Accessory Dwelling Units may be located within five (5) feet of an alley.
PUBLICATION SUMMARY
OF ORDINANCE NO. O-4715


SECTION 1. Amends Chapters 5 and 115 to the Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

SECTION 4. Authorizes the publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as ninety days after publication of the 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 meeting on the ____ day of ____________________, 2020.

I certify that the foregoing is a summary of Ordinance O-4715 approved by the Kirkland City Council for summary publication.

____________________________________
Kathi Anderson, City Clerk
AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO
SUBDIVISION OF LAND AND AMENDING ORDINANCE NO. 3705 AS
AMENDED, THE KIRKLAND SUBDIVISION ORDINANCE AND
APPROVING A SUMMARY FOR PUBLICATION FILE NO. CAM19-00282.

WHEREAS, the City Council has received a recommendation
from the Kirkland Planning Commission to amend certain sections of
the text of the Kirkland Subdivision Ordinance, Ordinance 3705 as
amended, all as set forth in that report and recommendation of the
Planning Commission dated February 21, 2020 and bearing Kirkland
Planning and Building Department File No. CAM19-00282; and

WHEREAS, prior to making the recommendation, the Kirkland
Planning Commission and the Houghton Community Council, following
notice as required by RCW 36.70A.035, on January 23, 2020, held a
joint public hearing on the amendment proposals. The Houghton
Community Council considered the comments received at the hearing
and developed a recommendation to the Planning Commission at its
meeting on January 27, 2020, and the Planning Commission
considered the comments received at the hearing and the
recommendation of the Houghton Community Council and developed
its recommendation to City Council on February 13, 2020; and

WHEREAS, pursuant to the State Environmental Policy Act
(SEPA) there has accompanied the legislative proposal and
recommendation through the entire consideration process, a SEPA
Addendum to Existing Environmental Documents issued by the
responsible official pursuant to WAC 197-11-625; and

WHEREAS, in open public meeting the City Council considered
the environmental documents received from the responsible official,
together with the recommendations of the Planning Commission and
the Houghton Community Council.

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

Section 1. Subdivision Ordinance text amended: The following
specified sections of the text of Ordinance 3705 as amended, the
Kirkland Subdivision 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. 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. The subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall be deemed approved within the Houghton 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. The effective date of this ordinance is set forth in Section 4 below.

Section 4. Except as provided in Section 3, This ordinance shall be in full force and effect ninety days from and after its passage by the Kirkland City Council and publication, 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 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 open meeting this _______ day of _______________, 2020.

Signed in authentication thereof this _____ day of _____________, 2020.

__________________________________
Penny Sweet, Mayor

Attest:

__________________________________
Kathi Anderson, City Clerk

Approved as to Form:

__________________________________
Kevin Raymond, City Attorney
**22.28.042 Lots—Small lot single-family.** Amended Ord. 4706

Within the RS and RSX 6.3, 7.2 and 8.5 zones, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040, low impact development provisions of Section 22.28.041, and historic preservation provisions of Section 22.28.048, the minimum lot area shall be deemed to be met if at least one-half of the lots created contain no less than the minimum lot size required in the zoning district in which the property is located. The remaining lots may contain less than the minimum required lot size; provided, that such lots meet the following standards:

(a) Within the RS 6.3, RSX and RS 7.2 zones, the lots shall be at least five thousand square feet.

(b) Within the RSX and RS 8.5 zones, the lots shall be at least six thousand square feet.

(c) Repealed by Ord. 4438.

(d) The floor area ratio (FAR) shall not exceed thirty percent of lot size; provided, that FAR may be increased up to thirty-five percent of the lot size if the following criteria are met:

(1) The primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to twelve feet horizontal; and

(2) All structures are set back from side property lines by at least seven and one-half feet.

(e) The FAR restriction shall be recorded on the face of the plat.


**22.28.048 Lots—Historic preservation.**

Within the low density zones listed below in subsections (a) through (d) of this section, for those subdivisions not subject to the lot size flexibility provisions of Sections 22.28.030 and 22.28.040, low impact development provisions of Section 22.28.041, and the small lot single-family provisions of Section 22.28.042, the minimum lot area shall be deemed to be met if no more than two lots are created that contain less lot area than the minimum size required in the zoning district in which the property is located, and if an “historic residence” is preserved on one of the lots, pursuant to the process described in Chapter 75 KZC. The lots containing less than the minimum required lot area shall meet the following standards:
(a) Within the RSA 6, RS 6.3 and RS and RSX 7.2 zones, the lots shall be at least five thousand square feet.

(b) Within the RSA 4, RS 8.5 and RSX 8.5 zones, the lots shall be at least six thousand square feet.

(c) Within the RS 12.5, RSX 12.5 and WDII zones, the lots shall be at least seven thousand two hundred square feet.

(d) Within the RS and RSX 35 zones not located north or northeast of the Bridle Trails State Park, the lots shall be at least fifteen thousand fifty square feet.

(e) Repealed by Ord. 4438.

Lots containing historic residences shall also meet the following standards:

(g) If a historic residence is destroyed, damaged, relocated, or altered inconsistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (Rehabilitation) (Code of Federal Regulations, 36 CFR Part 68), the replacement structure shall be reconstructed in accordance with the criteria established in KZC 75.105. The replacement restriction shall be recorded on the face of the plat.

(h) As part of subdivision approval, the city may allow the following modifications to regulations in the Kirkland Zoning Code regarding minimum required yards, maximum lot coverage, and floor area ratio on the lot containing the historic residence if the modifications are necessary to accommodate the historic residence.

(1) Required yards may be two feet less than required by the zoning district as shown on the Kirkland zoning map.

(2) Floor area ratio may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

(3) Lot coverage may be five percentage points more than allowed by the zoning district as shown on the Kirkland zoning map.

(i) At the time of recording the plat, a notice of applicable restrictions for the lot containing the designated historic residence shall be recorded. (Ord. 4438 § 1 (Att. A) (part), 2014: Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4102 § 1(B), 2007)
AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SUBDIVISION OF LAND AND AMENDING ORDINANCE NO. 3705 AS AMENDED, THE KIRKLAND SUBDIVISION ORDINANCE AND APPROVING A SUMMARY FOR PUBLICATION FILE NO. CAM19-00282.

SECTION 1. Amends certain sections of Ordinance 3705 relating to the Kirkland Subdivision Ordinance.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as ninety days after publication of summary.

SECTION 5. Establishes certification by City Clerk and notification of 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 meeting on the _____ day of _____________________, 2020.

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

Kathi Anderson, City Clerk

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain sections of the Kirkland Zoning Code, Ordinance 3719, as amended, as set forth in the staff report dated February 21, 2020, containing the recommendation of the Planning Commission and bearing Kirkland Planning and Building Department File No. CAM19-00152; and

WHEREAS, prior to making the recommendation, the Kirkland Planning Commission and the Houghton Community Council, following notice as required by RCW 36.70A.035, on January 23, 2020, held a joint public hearing on the amendment proposals. The Houghton Community Council considered the comments received at the hearing and developed a recommendation to the Planning Commission at its meeting on January 27, 2020, and the Planning Commission considered the comments received at the hearing and the recommendation of the Houghton Community Council and developed its recommendation to City Council on February 13, 2020; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in open 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 Kirkland Zoning Code are amended as set forth in Attachment A attached to this ordinance and incorporated by reference.

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 be deemed
approved 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. The effective date of this ordinance is set forth in Section 4 below.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect ninety days from and after its passage by the Kirkland City Council and publication, 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 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 open meeting this _______ day of _______________, 2020.

Signed in authentication thereof this _____ day of ______________, 2020.

__________________________________
Penny Sweet, Mayor

Attest:

__________________________________
Kathi Anderson, City Clerk

Approved as to Form:

__________________________________
Kevin Raymond, City Attorney
Chapter 113 – COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES

Sections:

113.05 User Guide
113.10 Provisions and Intent
113.15 Housing Types Defined
113.20 Applicable Use Zones
113.25 Development Chart for Cottages, Carriage Units and Two/Three-Unit Homes
113.30 Community Buildings and Community Space in Cottage Developments
113.35 Design Standards and Guidelines
113.40 Median Income Housing
113.50 Additional Standards

113.05 User Guide

This chapter provides standards for alternative types of housing in single-family zones. If you are interested in proposing cottage, carriage or two/three-unit homes, you should read this chapter.

(Ord. 4717, 2020; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.10 Provisions and Intent

The provisions of this chapter are available as alternatives to the development of typical detached single-family homes. In the event of a conflict between the standards in this chapter and the standards in KZC 15, the standards in this chapter shall take precedence. These standards are intended to address the need for smaller, more compact, and often, more affordable housing choices in neighborhoods characterized by single-family homes. Providing for a variety of housing types in single-family zones also encourages innovation and variety in housing design and site development, while ensuring compatibility with surrounding single-family residential uses.

(Ord. 4717, 2020; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)
113.15 Housing Types Defined

The following definitions apply to the housing types allowed through the provisions in this chapter:

1. Cottage – A detached, single-family dwelling unit containing 1,700 square feet or less of gross floor area.

2. Carriage Unit – A single-family dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure in a cottage housing development.

3. Two/Three-Unit Home – A structure containing two (2) dwelling units or three (3) dwelling units, designed to look like a detached single-family home.

(Ord. 4717, 2020; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.20 Applicable Use Zones

The housing types described in this chapter are allowed in single-family zones as defined in KZC 5.10.490 – Low Density Zones (see KZC 113.25 for further standards regarding location of these housing types).

(Ord. 4717, 2020; Ord. 4196 § 1, 2009; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.25 Development Chart for Cottages, Carriage Units and Two/Three-Unit Homes

Please refer to KZC 113.30, 113.35 and 113.40 for additional requirements related to these standards.

<table>
<thead>
<tr>
<th>Max Unit Size</th>
<th>Cottage</th>
<th>Carriage</th>
<th>Two-/Three-Unit Home</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max Unit Size</td>
<td>1,700 square feet 1, 2</td>
<td>800 square feet located above a garage structure in a cottage housing development</td>
<td>Maximum size of a two- or three-unit home is determined by the floor area ratio (FAR) in the underlying zone 3</td>
</tr>
</tbody>
</table>

<p>| Density          | Two (2) times the maximum number of a detached dwelling unit allowed in the underlying zone 4, 5, 6, 7 |  |  |</p>
<table>
<thead>
<tr>
<th>Max Floor Area Ratio (F.A.R.)</th>
<th>Cottage</th>
<th>Carriage</th>
<th>Two-/Three-Unit Home</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equal to the base zoning allowance for single-family residences</td>
<td>Allowed when included in a cottage project; reviewed as part of cottage project</td>
<td>No development size limitation</td>
<td></td>
</tr>
<tr>
<td>Development Size</td>
<td>Min. 2 units</td>
<td>Allowed when included in a cottage project; reviewed as part of cottage project</td>
<td>No development size limitation</td>
</tr>
<tr>
<td>Max. 24 units</td>
<td>Maximum cluster: 12 units</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review Process</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Minimum Lot Size</td>
<td>Beyond density restrictions, there is no required minimum lot size for lots created through the subdivision process. (The number of allowed units on the subject property is determined by the density provision of this chart.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Requirements</td>
<td>Provided a development is within ½ mile of transit service with 15-minute headways during commute hours: 1 space per unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Provided a development is more than ½ mile from transit service with 15-minute headways during commute hours:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Units which are 1,000 square feet or less = 1 space per unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Units which are over 1,000 square feet = 1.5 spaces per unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>See KZC 105.20 for visitor parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>One attached ADU = no additional on-site space required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Required Yards (from exterior property lines of subject property)</td>
<td>Front: 20'</td>
<td>Must be included in a cottage project</td>
<td>Front: 20'</td>
</tr>
<tr>
<td></td>
<td>Side: 5'</td>
<td></td>
<td>Side: 5'</td>
</tr>
<tr>
<td></td>
<td>Cottage</td>
<td>Carriage</td>
<td>Two-/Three-Unit Home</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>----------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>Lot coverage (all impervious surfaces)</td>
<td>Rear: 10’</td>
<td>Equal to the base zoning allowance for single-family residences</td>
<td>Must be included in a cottage project</td>
</tr>
<tr>
<td>Height</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling Units</td>
<td>Equal to the base zoning allowance for single-family residences</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Structures</td>
<td>One (1) story, not to exceed 18’ above A.B.E.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tree Retention</td>
<td>The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common Open Space</td>
<td>300 square feet per unit for cottage developments containing 5 or more units and not required for duplexes or triplex</td>
<td>Can be reduced to 200 square feet per unit if a permanent recreational/communal feature, such as cooking facilities, play equipment or permanent outdoor furniture is provided</td>
<td>Private open space is also encouraged (see KZC 113.35)</td>
</tr>
<tr>
<td>Community Buildings</td>
<td>Community buildings are encouraged. See KZC 113.30 for further regulations</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attached Covered Porches 12</td>
<td>Each unit must have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 7’ on all sides</td>
<td>NA</td>
<td>Attached covered porches are encouraged as a design feature</td>
</tr>
<tr>
<td>Development Options</td>
<td>Subdivision</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Condominium</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rental or Ownership</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Dwelling Units (ADUs)</td>
<td>Allow attached ADUs as part of a cottage or two-/three-unit home development</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1 A covenant restricting any increases in unit size after initial construction shall be recorded against the property. Vaulted space may not be converted to habitable space.

2 Maximum size for a cottage is 1,700 square feet. A cottage may include an attached garage, not to exceed an additional 250 square feet, and is not included in the maximum square footage limitation.

3 Maximum size for a two- or three-unit home:
   a. Regulated by the floor area ratio (FAR) of the underlying zone. In the disapproval jurisdiction of the Houghton Community Council, where FAR is not applicable, maximum unit size is limited to applicable development regulations found in the underlying zone.

4 Existing detached dwelling units may remain on the subject property and will be counted as units.

5 When the conversion from detached dwelling units to equivalent units results in a fraction, the equivalent units shall be limited to the whole number below the fraction.

6 See KZC 90.170 for density calculation on a site which contains a wetland, stream, minor lake, or their buffers.

7 To determine equivalent units for a two- or three-unit home, the following formula will be used: Lot area/min. lot size per unit in underlying zone × 2 = maximum units (always round down to nearest whole number). Example (RS 7.2 zone): 12,500/7,200 = 1.7 × 2 = 3.4 units, rounded down to 3 units.

8 FAR regulations:
   a. FAR regulations are calculated using the “buildable area” of the site, as defined in KZC 90.170. Where no critical areas regulated under Chapter 90 KZC exist on the site, FAR regulations shall be calculated using the entire subject property, except as provided in subsection (b) of this footnote.

   b. Where Native Growth Protective Easements (NGPEs) for slopes result in a restricted area for development, density may be limited to ensure that the FAR on the developed portion of the site remains compatible with surrounding development and generally consistent with the FAR limitation of this chapter.

   c. FAR for individual lots may vary. All structures on site, other than median income units and any attached garages for the median income units provided under KZC 113.40, shall be included in the FAR calculation for the development.

9 Cluster size for cottage developments, is intended to encourage a sense of community among residents. A development site may contain more than one (1) cluster, with a clear separation between clusters.
10 See KZC 105.20 for requirements related to guest parking.

11 Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.

12 Requirements for porches do not apply to carriage or two-/three-unit homes.

_The subsection (KZC 113.25 footnote 3 (floor area ratio, FAR) is not effective within the disapproval jurisdiction of the Houghton Community Council._

(Ord. 4717, 2020; Ord. 4551 § 4, 2017; Ord. 4238 § 2, 2010; Ord. 4196 § 1, 2009; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

### 113.30 Community Buildings and Community Space in Cottage Developments

Community buildings and community space are encouraged in cottage developments.

1. Community buildings or space shall be clearly incidental in use and size to the dwelling units.

2. Building height for community buildings shall be no more than one (1) story. Where the community space is located above another common structure, such as a detached garage or storage building, standard building heights apply.

3. Community buildings must be located on the same site as the cottage housing development and be commonly owned by the residents.

(Ord. 4717, 2020, Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

### 113.35 Design Standards and Guidelines

1. Cottage Projects

   a. Orientation of Dwelling Units

Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development, and with respect to the larger community, creating variety and visual interest that is compatible with the character of the surrounding neighborhood.
1) Where feasible, each dwelling unit that abuts a common open space shall have a primary entry and/or covered porch oriented to the common open space.

2) Each dwelling unit abutting a public right-of-way (not including alleys) shall have an inviting facade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one (1) public right-of-way, the City shall determine to which right-of-way the inviting facade shall be oriented.

b. Variation in unit size, building and site design

Cottage projects should establish building and site design that promotes variety and visual interest that is compatible with the character of the surrounding neighborhood.

1) Proposals for cottage developments are encouraged to provide diversity in design elements. Dwellings with the same combination of features and treatments should not be located adjacent to each other.

c. Required Common Open Space

Common open space should provide a sense of openness, visual relief, and community for cottage developments. The space must be outside of wetlands, streams and their buffers, and developed and maintained to provide for passive and/or active recreational activities for the residents of the development.

Common open space shall meet the following standards:

1) For cottage developments containing 5 or more units, provide a total of 300 square feet per unit; provided that the total square footage of common open space for cottage developments of 5 or more units may be reduced to 200 square feet if a permanent recreational/communal feature is provided.

2) Each area of common open space shall be in one (1) contiguous and usable piece with a minimum dimension of 20 feet on all sides.

3) Land located between dwelling units and an abutting right-of-way or access easement greater than 21 feet in width may not serve as required common open space, unless the area is reserved as a separate tract, and does not contain pathways leading to individual units or other elements that detract from its appearance and function as a shared space for all residents.

4) Required common open space may be divided into no more than two (2) separate areas per cluster of dwelling units.

5) Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.

6) Fences may not be located within required open space areas.
7) Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.

8) Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:

   a) The open space shall be located so that it will be surrounded by cottages or two/three-unit homes on at least two (2) sides;

   b) At least 50 percent of the units in the development shall abut a common open space. A cottage is considered to “abut” an area of open space if there is no structure between the unit and the open space.

9) Surface water management facilities shall be limited within common open space areas. Low Impact Development (LID) features are permitted, provided they do not adversely impact access to or use of the common open space for a variety of activities. Conventional stormwater collection and conveyance tools, such as flow control and/or water quality vaults are permitted if located underground.

d. Shared Detached Garages and Surface Parking Design

   Parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.

   1) Shared detached garage structures may not exceed four (4) garage doors per building, and a total of 1,200 square feet.

   2) For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.

   3) Shared detached garage structures and surface parking areas must be screened from public streets and adjacent residential uses by landscaping or architectural screening.

   4) Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.

   5) Surface parking areas may not be located in clusters of more than four (4) spaces. Clusters must be separated by a distance of at least 10 feet.

   6) The design of carports must include roof lines similar and compatible to that of the dwelling units within the development.

e. Low Impact Development
Projects constructed under KZC 113 shall include Low Impact Development techniques when feasible, pursuant to the adopted City of Kirkland Surface Water Manual.

f. Two/Three-Unit Homes and Carriage Units within Cottage Projects

Two/three-unit homes and carriage units may be included within a cottage housing development. Design of these units should be compatible with that of the cottages included in the project.

g. Private Open Space

Open space around individual dwellings should be provided to contribute to the visual appearance of the development, and to promote diversity in landscape design.

h. Pedestrian Flow through Development

Pedestrian connections should link all buildings to the public right-of-way, common open space and parking areas.

2. Two/Three-Unit Homes Not Included in Cottage Developments

Two and three-unit homes are an allowed use on individual lots in the zones listed in KZC 113.20. These homes should be consistent in height, bulk, scale and style with surrounding single-family residential uses.

a. To maintain and reflect the traditional character of single-family dwelling units, projects shall include the following design elements:

(1) Façade modulation
(2) Entry features that are dominant elements facing the street; and
(3) Utilization of a variety of high-quality materials reflected in the surrounding neighborhood

b. In addition to the three (3) required design elements, applicants shall choose two (2) other design options from the following list:

(1) Architectural articulation in walls and roofs;
(2) Covered entry porch;
(3) Second story step back or modulation; and
(4) Minimize the appearance of garages on the front façade by
(5) Providing garages in the rear yard;
(6) Recessing the garage from the remainder of the façade;
(7) Employing roof forms compatible with surrounding single-family residences

b. Low Impact Development (LID)
Projects constructed under this chapter shall provide Low Impact Development techniques if feasible pursuant to the adopted City of Kirkland Surface Water Manual.

c. Garages and Surface Parking Design

1) Garages and driveways for two/three-unit homes shall meet the standards established in KZC 115.43 and 115.115(5). In addition, no more than three (3) garage doors may be visible on any facade of the structure.

2) Surface parking shall be limited to groups of no more than three (3) stalls. Parking areas with more than two (2) stalls must be visually separated by at least a distance of 10 feet from the street, perimeter property lines and common areas through site planning, landscaping or natural screening.

(Ord. 4717, 2020, Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

113.40 Median Income Housing

1. Requirement to Provide Median Income Housing – Projects including 10 or more housing units shall be required to provide 10 percent of the units as affordable to median income households. The level of affordability shall be determined according to the following schedule:

<table>
<thead>
<tr>
<th>Number of Units</th>
<th>Affordable to Households</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-unit project:</td>
<td>1 unit affordable to households earning 100% of King County median income</td>
</tr>
<tr>
<td>11-unit project:</td>
<td>1 unit affordable to households earning 98% of King County median income</td>
</tr>
<tr>
<td>12-unit project:</td>
<td>1 unit affordable to households earning 96% of King County median income</td>
</tr>
<tr>
<td>13-unit project:</td>
<td>1 unit affordable to households earning 94% of King County median income</td>
</tr>
<tr>
<td>14-unit project:</td>
<td>1 unit affordable to households earning 92% of King County median income</td>
</tr>
<tr>
<td>15-unit project:</td>
<td>1 unit affordable to households earning 90% of King County median income</td>
</tr>
<tr>
<td>16-unit project:</td>
<td>1 unit affordable to households earning 88% of King County median income</td>
</tr>
<tr>
<td>17-unit project:</td>
<td>1 unit affordable to households earning 86% of King County median income</td>
</tr>
<tr>
<td>18-unit project:</td>
<td>1 unit affordable to households earning 84% of King County median income</td>
</tr>
</tbody>
</table>
19-unit project: 1 unit affordable to households earning 82% of King County median income

For projects with 20 units or more, the following schedule will apply:

- 20-unit project: 2 units affordable to households earning 100% of King County median income
- 21-unit project: 2 units affordable to households earning 98% of King County median income
- 22-unit project: 2 units affordable to households earning 96% of King County median income
- 23-unit project: 2 units affordable to households earning 94% of King County median income
- 24-unit project: 2 units affordable to households earning 92% of King County median income

Median income dwelling units shall have the same general appearance and use the same exterior materials as the market rate dwelling units, and shall be dispersed throughout the development.

The type of ownership of the median income housing units shall be the same as the type of ownership for the rest of the housing units in the development.

As noted in KZC 113.25, any median income units, and any attached garages for the median income units, provided under this section shall not be included in the floor area ratio (F.A.R.) calculation for the development.

2. Agreement for Median Income Housing Units – Prior to issuance of a certificate of occupancy, an agreement in a form acceptable to the City Attorney shall be recorded with King County Recorder’s Office. The agreement shall address price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the median income housing units. The agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant.

Median income housing units that are provided under this section shall remain as median income housing for a minimum of 50 years from the date of initial owner occupancy for ownership median income housing units and for the life of the project for rental median income housing units.

(Ord. xxxx, 2020; Ord. 4491 § 11, 2015; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)
113.50 Additional Standards

1. 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.

2. The City’s approval of a cottage housing or two/three-unit home development does not constitute approval of a subdivision or short plat. An applicant wishing to subdivide in connection with a development under this chapter shall seek approval to do so concurrently with the approval process under this chapter. To the extent there is a conflict between the standards set forth in the chapter and Title 22 of the Kirkland Municipal Code, the standards set forth in this chapter shall control. A lot that has existing cottage, carriage or two/three-unit homes may not be subdivided unless all of the requirements of the Zoning Code and Title 22 of the Kirkland Municipal Code are met.

(Ord. 4717, 2020; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)
20.10 General Regulations

20.10.010 All Medium Density Residential Zones

1. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.

2. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density (does not apply to PLA 6F, PLA 6H, PLA 6K, PLA 7C, PLA 9 and PLA 15B zones).

3. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136, except for the following uses:
   KZC 20.20.060, Detached Dwelling Unit, and 20.20.180, Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit (does not apply to WD I, WD III, PLA 2, and PLA 3B zones).

4. Where maximum densities are established based on minimum lot size in KZC 20.30.60 and KZC 20.30.70, residential uses shall develop at a minimum of 80% of the maximum density allowed.
CHAPTER 25 – HIGH DENSITY RESIDENTIAL ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

25.10 General Regulations

25.10.010 All High Density Residential Zones

The following regulations apply to all uses in these zones unless otherwise noted:

1. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.

2. Where maximum densities are established based on minimum lot size in KZC 25.30.50 and KZC 25.30.60, residential uses shall develop at a minimum of 80% of the maximum density allowed.
PUBLICATION SUMMARY
OF ORDINANCE NO. O-4717

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO
ZONING, AND LAND USE AND AMENDING THE KIRKLAND ZONING
CODE, ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 20,
25 AND 113, AND APPROVING A SUMMARY ORDINANCE FOR
PUBLICATION, FILE NO. CAM19-00152.

SECTION 1. Amends Chapters 20, 25 and 113 to the
Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the
ordinance.

SECTION 3. Provides that the effective date of the
ordinance is affected by the disapproval jurisdiction of the
Houghton Community Council.

SECTION 4. Authorizes the publication of the ordinance
by summary, which summary is approved by the City Council
pursuant to Section 1.08.017 Kirkland Municipal Code and
establishes the effective date as ninety days after publication of the
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 meeting on the ____ day of ______________________,
2020.

I certify that the foregoing is a summary of Ordinance O-
4717 approved by the Kirkland City Council for summary
publication.

____________________________________
Kathi Anderson, City Clerk