



**CITY OF KIRKLAND**  
**PLANNING AND BUILDING DEPARTMENT**  
**123 FIFTH AVENUE, KIRKLAND, WA 98033**  
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## **MEMORANDUM**

**To:** Houghton Community Council

**From:** Sean LeRoy, Planner  
Adam Weinstein, Planning and Building Director  
Jeremy McMahan, Deputy Planning and Building Director

**Date:** April 16, 2020

**Subject:** Final Approval: 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**

Approve enclosed Resolutions 2020-4, 2020-5 and 2020-6 (Attachment 2.a through 2.c) to, within Houghton Community Council's jurisdiction, approve amendments to Kirkland Zoning Code (KZC) Chapters 5, 113, and 115, miscellaneous Zoning Code amendments in zones requiring density minimums, and amendments to the Kirkland Subdivision Ordinance (KMC Chapter 22.28). If the Houghton Community Council decides to disapprove the legislation, staff would work with the Council to draft new resolutions.

## **INTRODUCTION**

The amendments, adopted by City Council on March 17, 2020, are contained within three Ordinances: O-4715; O-4716; and O-4717 (see Attachment 1). These amendments as contained in the ordinances would implement key goals and policies found in the Housing Strategy Plan adopted in 2018 and are consistent with the recommendations of the Planning Commission.

## **BACKGROUND**

This project includes two tasks from the 2019-2021 Planning Work Program: "Housing Strategy Tasks: Accessory Dwelling Units (ADUs) and Missing Middle". Both efforts aim to implement recommendations of the Housing Strategy Plan adopted by the City Council in May 2018. One key recommendation that helped shape this code amendment project involves leveraging market forces to increase the diversity and supply of housing that is more affordable than conventional single-family development.

In Kirkland, lack of more affordable housing options has been exacerbated by the relative scarcity and cost of land. In addition to traditional upzoning, whereby low-density residential areas are rezoned to allow for more intensive, multi-family housing construction, some

communities are opting for a more neighborhood-compatible approach to encourage residential infill that is of a smaller scale and looks and functions more like single-family residential housing. The term “Missing Middle Housing” 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. Typically, missing middle units (by nature of their relatively smaller size and clustered nature) are designed to be more affordable than conventional single-family units. Missing middle housing was common prior to World War II, when neighborhoods in many cities were designed to be mixed-income, and Kirkland, Bellevue, and Seattle have many examples of this type of housing within neighborhoods that are traditionally thought of as “single-family.” Missing middle housing codes have been in place for many years in Kirkland, but, combined with high land costs, have not generated a significant number of units. The code amendments adopted by City Council on March 17 would make it easier to develop missing middle housing throughout Kirkland, providing more opportunities for aging-in-place, multi-generational living, and workforce housing.

## **MEETINGS**

### **Houghton Community Council Meetings**

Staff presented missing middle housing zoning amendments to the Planning Commission for feedback on the following dates – April 11, 2019, May 9, 2019, June 13, 2019, and August 8, 2019, and to the Houghton Community Council over the course of a few additional meetings – May 30, 2020, July 22, 2019, August 26, 2019. Staff also presented recommended amendments at a joint hearing with the Planning Commission and the Houghton Community Council on January 23, 2020. Houghton Community Council helped positively shape the legislation throughout the process, and made its recommendation on the code amendments to the Planning Commission after the joint hearing.

### **City Council**

On [March 3, 2020](#) staff presented the Planning Commission’s recommendations to City Council and proposed code language. Staff included materials which highlighted the relatively few differences in recommendations between the Houghton Community Council and the Planning Commission. During staff’s presentation, members of the Council identified several issues and questions related to the proposed amendments, including the potential cost of design guidelines, impacts to Goat Hill, and the geographic distribution of high-frequency transit.

### **March 17, 2020 – Amendments Adopted by City Council**

Staff returned to Council on Tuesday, [March 17, 2020](#) to provide further analysis on the concerns raised at the March 3, 2020 meeting. The ordinances as drafted were adopted by Council the evening of March 17. A summary of the key zoning concepts in the adopted ordinances follows:

#### *Accessory Dwelling Units*

##### Size and Scale

Eliminate size/scale restriction for both detached ADUs (DADUs) and attached ADUs (AADUs) and increase the maximum size to 1,200 square feet.

FAR Exemptions

Reduce distance required between ADU and main residence from 20 feet to 10 feet.

Number of ADUs

Increase number of ADUs allowed on one single-family property from one (1) to two (2).

Owner Occupancy

Eliminate the owner occupancy requirement.

Parking

For one ADU, no additional parking space is required. For two ADUs, one additional space is required, unless there is available street parking or the property is within ½ mile of frequent transit.

Number of Unrelated People

No limit is proposed for ADUs.

Separate Ownership

Allow ADUs to be condominium units, allowing for separate ownership. Subdivision of land would still be prohibited.

ADUs on Small Lots and Historic Subdivisions

Eliminate restriction to allow ADUs (either AADU or DADUs) on these property types. On historic lots, DADUs must be located behind an historic residence.

ADU Definition

Change the term "dwelling unit" to "residence". Simplify functions within unit to provide for a more flexible definition.

Required Yards: Reduced setbacks for DADUs without alley access

Expand this reduced setback allowance on sites: without alley access within 5 feet of rear property line; or within 5 feet of an alley.

*Cottage, Carriage, Duplex and Triplex Units*

Applicable Zones

Expand to all low-density residential zones.

Max Unit Size

1,700 square feet for cottages; eliminate maximum size provisions for duplexes and triplexes, allowing maximum size to be determined by underlying development regulations, including floor area ratio (FAR) where applicable.

Maximum Floor Area Ratio

Allow the same FAR as would apply to a single-family house built on the property.

Development Size

Reduce cottage minimum to 2 units.

Review Process

Process Cottage and duplex and triplex homes through the same review process as a single-family residence (i.e., building permit).

Location

Eliminate location requirements (i.e., restrictions on proximity to another similar housing type).

Parking

Reduce parking requirement to 1 space per unit within ½ mile of transit service with 15-minute headways during commute hours. Units more than ½ mile away, 1 space if 1,000 square feet or less and 1.5 spaces if over 1,000 square feet.

Required Yards

Revise front yard to 20 feet, rear yard to 10 feet and side yard to 5 feet.

Common Open Space

200 to 300 square feet for cottages depending upon provision of recreation/communal features; not required for duplexes and triplexes.

Accessory Dwelling Units

Allow attached ADUs in duplexes, triplexes, and cottages, in all single-family zones.

Surface Parking Clusters

Must be separated by a distance of at least 10 feet.

Low Impact Development

Missing middle housing developments must comply with adopted King County Surface Water Design Manual

Design Guidelines

Approved design guidelines include many design features typically found in single-family residences that are intended to result in neighborhood-compatible design.

Density Minimums

Medium- and high-density residential zones with density requirements must develop at a minimum of 80% of the maximum density allowed by the underlying zoning.

**Differences between Houghton Community Council recommendation and City Council legislation**

The Planning Commission agreed with the vast majority of the Houghton Community Council's recommendation, and the Planning Commission's recommendation was ultimately

adopted by City Council. Differences between the Houghton Community Council's recommendations and the ordinances adopted by City Council are summarized below:

*Cottage, Carriage, Duplex, and Triplex Units*

Parking Requirements

The Houghton Community Council recommended reducing parking requirements for projects within ¼-mile of high-frequency transit rather than ½-mile (see Attachment 1 to the [March 17, 2020](#) City Council memo for a map of high-frequency transit in Kirkland and ¼- and ½-mile buffers).

Duplexes and Triplexes in Houghton

The ordinances adopted by City Council would allow standalone duplexes and triplexes in Houghton. The Houghton Community Council recommended only allowing standalone duplexes within its jurisdiction.

Attached Accessory Dwelling Units (AADUs)

The adopted ordinances would allow AADUs across all MMH typologies, in all single-family zones. Houghton Community Council recommendation to the Planning Commission did not support ADUs as part of standalone duplexes.

*Accessory Dwelling Units*

Number of ADUs

City Council approved allowing two ADUs on each property, and both may be either attached or detached. HCC had recommended allowing two ADUs total, where one may be attached, and one may be detached.

Owner Occupancy

City Council eliminated the requirement in their approval of the ordinance. Houghton Community Council recommended a hardship provision that could provide case-by-case exemptions, but otherwise supported retaining the owner occupancy requirement.

Parking

The adopted ordinances would require a parking space only for a second ADU, unless there is available street parking or the property is within ½ mile of frequent transit. Houghton Community Council supported requiring one parking space for one ADU, and for two ADUs, one required space, with exceptions for the second provided available street parking or proximity of frequent transit of ½ mile or less.

Number of Unrelated People/Occupants

Houghton Community Council recommended maintaining the existing limitation on unrelated people who could live in a primary residence with ADUs.

ADU Definition

HCC recommended retaining the term “dwelling unit” and City Council approved changing the term “dwelling unit” to “residence”.

Distance between DADUs and principal residences

HCC recommended a minimum 5-foot separation and the Council approved the ordinance as it is currently written.

Under the ordinances approved by City Council on March 17 (see Attachment 1) the amendments will take effect 90 days from the date of adoption, pending Houghton Community Council’s acceptance of the amendments as applied in Houghton jurisdiction.

Attachments

1. City Council Adopted Ordinances
  - a. O-4715 (ADU Amendments)
  - b. O-4716 (ADU Subdivision Amendments)
  - c. O-4717 (MMH Amendments)
2. Resolutions
  - a. R-2020-4 (ADU Amendments)
  - b. R-2020-3 (ADU Subdivision Amendments)
  - c. R-2020-6 (MMH Amendments)
3. Code Strikethroughs

ORDINANCE NO. O-4715

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 5, AND 115, AND APPROVING A SUMMARY ORDINANCE 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 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, 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; 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 regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland 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 \_\_\_\_\_, 20\_\_.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Penny Sweet, Mayor

Attest:

\_\_\_\_\_  
Kathi Anderson, City Clerk

Approved as to Form:

\_\_\_\_\_  
Kevin Raymond, City Attorney

**.017 Accessory Dwelling Unit**

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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

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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 1,200square 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 finalized, 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**

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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.

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.

ORDINANCE NO. O-4716

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, 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; 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 regular 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, BE IT ORDAINED by the City Council of the City of Kirkland 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 \_\_\_\_\_, 20\_\_\_\_\_.

Signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
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.

. . . (Ord. 4438 § 1 (Att. A) (part), 2014: Ord. 4372 § 2 (Att. B) (part), 2012: Ord. 4332 § 1(C) (Exh. C), 2011: Ord. 4330 § 1 (Exh. A), 2011: Ord. 4102 § 1(A), 2007)

**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)

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.

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, 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; 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 regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission; and.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland 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 \_\_\_\_\_, 20\_\_.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
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.

	<b>Cottage</b>	<b>Carriage</b>	<b>Two-/Three-Unit Home</b>
Max Unit Size	1,700 square feet 1, 2	800 square feet located above a garage structure in a cottage housing development	Maximum size of a two- or three-unit home is determined by the floor area ratio (FAR) in the underlying zone 3
Density	Two (2) times the maximum number of a detached dwelling unit allowed in the underlying zone 4, 5, 6, 7		

	<b>Cottage</b>	<b>Carriage</b>	<b>Two-/Three-Unit Home</b>
Max Floor Area Ratio (F.A.R.) 8	Equal to the base zoning allowance for single-family residences		
Development Size 9	Min. 2 units Max. 24 units	Allowed when included in a cottage project; reviewed as part of cottage project	No development size limitation
	Maximum cluster: 12 units		
Review Process	None		None
Minimum Lot Size	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.)		
Parking Requirements 10	<p>Provided a development is within ½ mile of transit service with 15-minute headways during commute hours: 1 space per unit</p> <p>Provided a development is more than ½ mile from transit service with 15-minute headways during commute hours:</p> <p>Units which are 1,000 square feet or less = 1 space per unit</p> <p>Units which are over 1,000 square feet = 1.5 spaces per unit</p> <p>See KZC 105.20 for visitor parking</p> <p>One attached ADU = no additional on-site space required</p>		
Minimum Required Yards (from exterior property lines of subject property)	Front: 20' Side: 5'	Must be included in a cottage project	Front: 20' Side: 5'

	<b>Cottage</b>	<b>Carriage</b>	<b>Two-/Three-Unit Home</b>
	Rear: 10'		Rear: 10'
Lot coverage (all impervious surfaces) 11	Equal to the base zoning allowance for single-family residences	Must be included in a cottage project	Equal to the base zoning allowance for single-family residences
Height	Equal to the base zoning allowance for single-family residences		
Dwelling Units			
Accessory Structures			
Tree Retention	The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter		
Common Open Space	<p>300 square feet per unit for cottage developments containing 5 or more units and not required for duplexes or triplex</p> <p>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</p> <p>Private open space is also encouraged (see KZC 113.35)</p>		
Community Buildings	Community buildings are encouraged. See KZC 113.30 for further regulations		
Attached Covered Porches 12	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	NA	Attached covered porches are encouraged as a design feature
Development Options	<p>Subdivision</p> <p>Condominium</p> <p>Rental or Ownership</p>		
Accessory Dwelling Units (ADUs)	Allow attached ADUs as part of a cottage or two-/three-unit home development		

- 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:  $\text{Lot area}/\text{min. lot size per unit in underlying zone} \times 2 = \text{maximum units}$  (always round down to nearest whole number). Example (RS 7.2 zone):  $12,500/7,200 = 1.7 \times 2 = 3.4$  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:

10-unit project:	1 unit affordable to households earning 100% of King County median income
11-unit project:	1 unit affordable to households earning 98% of King County median income
12-unit project:	1 unit affordable to households earning 96% of King County median income
13-unit project:	1 unit affordable to households earning 94% of King County median income
14-unit project:	1 unit affordable to households earning 92% of King County median income
15-unit project:	1 unit affordable to households earning 90% of King County median income
16-unit project:	1 unit affordable to households earning 88% of King County median income
17-unit project:	1 unit affordable to households earning 86% of King County median income
18-unit project:	1 unit affordable to households earning 84% of King County median income

19-unit project:	1 unit affordable to households earning 82% of King County median income
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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)

## **CHAPTER 20 – MEDIUM DENSITY RESIDENTIAL ZONES (RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; WD I; WD III; PLA 2; PLA 3B; PLA 6F, PLA 6H, PLA 6K; PLA 7C; PLA 9; PLA 15B; PLA 17)**

### **Sections:**

- 20.05 User Guide
  - 20.05.010 Applicable Zones
  - 20.05.020 Common Code References
- 20.10 General Regulations
  - 20.10.010 All Medium Density Residential Zones
  - 20.10.020 RM, RMA Zones
  - 20.10.030 WD I Zones
  - 20.10.040 PLA 3B Zones
  - 20.10.050 PLA 9 Zones
- 20.20 Permitted Uses
- 20.30 Density/Dimensions
- 20.40 Development Standards

### **20.05 User Guide**

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- Step 1. Check that the zone of interest is included in KZC 20.05.010, Applicable Zones. If not, select the chapter where it is located.
- Step 2. Refer to KZC 20.05.020, Common Code References, for relevant information found elsewhere in the code.
- Step 3. Refer to the General Regulations in KZC 20.10 that apply to the zones as noted.
- Step 4. Find the Use of interest in the Permitted Uses Table in KZC 20.20 and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless “NP” (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).
- Step 5. Find the Use of interest in the Density/Dimensions Table in KZC 20.30 and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of

Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).

Step 6. Find the Use of interest in the Development Standards Table in KZC 20.40 and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

*Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.*

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### **20.05.010 Applicable Zones**

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This chapter contains the regulations for uses in the medium density residential zones of the City:

RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; WD I; WD III; PLA 2; PLA 3B; PLA 6F, H, K; PLA 7C; PLA 9; PLA 15B; and PLA 17.

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### **20.05.020 Common Code References**

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1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.
4. Development may be limited by Chapter 83 or 90 KZC regarding development near streams, lakes, wetlands, fish and wildlife habitat conservation areas and frequently flooded areas. The site must be designed to concentrate development away from and to minimize impact on these critical areas.

5. Refer to Chapter 85 KZC for regulations regarding development on property containing an unstable slope.
6. Refer to KZC 90.90 for regulations regarding Forbes Lake.
7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living Facility; Detached, Attached or Stacked Dwelling Units; Detached Dwelling Unit and Hotel or Motel uses.
8. Chapter 115 KZC contains regulations regarding common recreational space requirements for Detached, Attached, or Stacked Dwelling Units uses.
9. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.
10. A hazardous liquid pipeline extends through or near the RMA 2.4 and RMA 3.6 zones in the vicinity of 136th Avenue NE. Refer to Chapter 118 KZC for regulations pertaining to properties near hazardous liquid pipelines.

(Ord. 4551 § 4, 2017; Ord. 4476 § 2, 2015)

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## 20.10 General Regulations

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### **20.10.010 All Medium Density Residential Zones**

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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. Residential uses with density requirements in KZC 20.30.60 and KZC 20.30.70, shall develop at 80% of the maximum density allowed.

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## 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)

### Sections:

- 25.05 User Guide
  - 25.05.010 Applicable Zones
  - 25.05.020 Common Code References
- 25.10 General Regulations
  - 25.10.010 All High Density Residential Zones
  - 25.10.020 RM, RMA Zones
  - 25.10.030 PLA 5A Zones
  - 25.10.040 PLA 5D Zones
  - 25.10.050 PLA 5E Zones
  - 25.10.060 PLA 6A Zones
  - 25.10.070 PLA 6I Zones
  - 25.10.080 HENC 2 Zone
- 25.20 Permitted Uses
- 25.30 Density/Dimensions
- 25.40 Development Standards

### 25.05 User Guide

- Step 1. Check that the zone of interest is included in KZC 25.05.010, Applicable Zones. If not, select the chapter where it is located.
- Step 2. Refer to KZC 25.05.020, Common Code References, for relevant information found elsewhere in the code.
- Step 3. Refer to the General Regulations in KZC 25.10 that apply to the zones as noted.
- Step 4. Find the Use of interest in the Permitted Uses Table in KZC 25.20 and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless “NP” (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).

Step 5. Find the Use of interest in the Density/Dimensions Table in KZC 25.30 and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).

Step 6. Find the Use of interest in the Development Standards Table in KZC 25.40 and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

*Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.*

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### **25.05.010 Applicable Zones**

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This chapter contains the regulations for uses in the high density residential zones of the City:

RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; PLA 5A, D, E; PLA 6A, D, I, J; PLA 7A, B.

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### **25.05.020 Common Code References**

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1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.
4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living

Facility; Detached, Attached or Stacked Dwelling Units; and Detached Dwelling Unit uses.

5. Chapter 115 KZC contains regulations regarding common recreational space requirements for Detached, Attached or Stacked Dwelling Units uses.

6. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.

7. 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.

8. A hazardous liquid pipeline extends through or near the RMA 2.4 and RMA 3.6 zones in the vicinity of 136th Avenue NE. Refer to Chapter 118 KZC for regulations pertaining to properties near hazardous liquid pipelines.

(Ord. 4637 § 3, 2018; Ord. 4476 § 2, 2015)

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## 25.10 General Regulations

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### 25.10.010 All High Density Residential Zones

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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. Residential uses with density requirements in KZC 25.30.50 and KZC 25.30.60, shall develop at 80% of the maximum density allowed.



RESOLUTION 2020-4

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL RELATING TO ZONING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 5, AND 115, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00282.

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Ordinance No. 4715, adopting amendments to the City's Zoning Code Chapters 5, and 115, and approving a summary ordinance for publication, which was approved by the City Council on March 17, 2020; and

WHEREAS, the subject matter of Ordinance No. 4715 is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the final enactment of the ordinance; and

WHEREAS, the subject matter of Ordinance No. 4715 was reviewed and discussed by the City Council at the public meeting on March 17, 2020; and

WHEREAS, The City's Housing Strategy Plan and Housing Strategy Work Program, establish goals for preserving neighborhood character, while increasing housing options and affordability.

WHEREAS, the Houghton Community Council finds it in the public interest to adopt revised Missing Middle Housing codes which will increase the supply of more affordable housing options throughout the City; and

WHEREAS, the subject matter of this ordinance will serve the interests and promote the health, safety, and welfare of the Houghton Community Municipal Corporation; and

WHEREAS, the Houghton Community Council determines that it will approve Ordinance No. 4715;

NOW, THEREFORE, be it resolved that Ordinance No. 4715 is hereby approved by the Houghton Community Council and shall be effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this 27<sup>th</sup> day of April, 2020.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chair, Houghton Community Council

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

RESOLUTION 2020-3

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL SUBDIVISION OF LAND AND AMENDING ORDINANCE NO. 3705 AS AMENDED, THE KIRKLAND SUBDIVISION ORDINANCE AND APPROVING A SUMMARY FOR PUBLICATION FILE NO. CAM 19-00282.

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Ordinance No. 4716, adopting amendments to the City's Subdivision Ordinance, and approving a summary ordinance for publication, which was approved by the City Council on March 17, 2020; and

WHEREAS, the subject matter of Ordinance No. 4716 is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the final enactment of the ordinance; and

WHEREAS, the subject matter of Ordinance No. 4716 was reviewed and discussed by the City Council at the public meeting on March 17, 2020; and

WHEREAS, The City's Housing Strategy Plan and Housing Strategy Work Program, establish goals for preserving neighborhood character, while increasing housing options and affordability.

WHEREAS, the Houghton Community Council finds it in the public interest to adopt revised Missing Middle Housing codes which will increase the supply of more affordable housing options throughout the City; and

WHEREAS, the subject matter of this ordinance will serve the interests and promote the health, safety, and welfare of the Houghton Community Municipal Corporation; and

WHEREAS, the Houghton Community Council determines that it will approve Ordinance No. 4716;

NOW, THEREFORE, be it resolved that Ordinance No. 4716 is hereby approved by the Houghton Community Council and shall be effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this 27<sup>th</sup> day of April, 2020.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chair, Houghton Community Council

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

RESOLUTION 2020-6

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL 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.

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Ordinance No. 4717, adopting amendments to Ordinance 3719, as amended, and including chapters 20, 25 and 113, and approving a summary ordinance for publication, which was approved by the City Council on March 17, 2020; and

WHEREAS, the subject matter of Ordinance No. 4717 is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon approval by the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the final enactment of the ordinance; and

WHEREAS, the subject matter of Ordinance No. 4717 was reviewed and discussed by the City Council at the public meeting on March 17, 2020; and

WHEREAS, The City's Housing Strategy Plan and Housing Strategy Work Program, establish goals for preserving neighborhood character, while increasing housing options and affordability.

WHEREAS, the Houghton Community Council finds it in the public interest to adopt revised Missing Middle Housing codes which will increase the supply of more affordable housing options throughout the City; and

WHEREAS, the subject matter of this ordinance will serve the interests and promote the health, safety, and welfare of the Houghton Community Municipal Corporation; and

WHEREAS, the Houghton Community Council determines that it will approve Ordinance No. 4717;

NOW, THEREFORE, be it resolved that Ordinance No. 4717 is hereby approved by the Houghton Community Council and shall be effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this 27<sup>th</sup> day of April, 2020.

SIGNED IN AUTHENTICATION thereof this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chair, Houghton Community Council

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

# Chapter 113 – COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES

Sections:

[113.05](#) User Guide

[113.10](#) ~~Voluntary~~ Provisions and Intent

[113.15](#) Housing Types Defined

[113.20](#) Applicable Use Zones

[113.25](#) ~~Parameters for~~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

~~[113.45](#)—Review Process~~

[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 ~~or you wish to participate in the City's decision on a project including these types of housing units~~, you should read this chapter.

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

## 113.10 ~~Voluntary~~ 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-~~or 17~~, the standards in this chapter shall ~~control~~take precedence. These standards are intended to address ~~the changing composition of households, and~~ the need for smaller, more diverse 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 diversity variety in housing design and site development, while ensuring compatibility with surrounding single-family residential development 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 ~~1,500~~ 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. xxxx~~[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 05.10.490 – Low Density Zones may be used only in the following low density zones: RSA 4, RSA 6, RS 7.2, RSX 7.2, RS 8.5, RSX 8.5, RS 12.5 and RSX 12.5 (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 ~~Parameters~~ 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.

	Cottage	Carriage	Two-/Three-Unit <del>Home</del> <u>Home</u>
Max Unit Size <del>±</del>	<del>1,500</del> <u>1,700</u> square feet <del>1,2</del>	800 square feet <u>located above a garage structure in a cottage housing development</u>	<u>Maximum size of a two- or three-unit home is determined by the floor area ratio (FAR) in the underlying zone 3</u>  <del>1,000 square-foot average unit size</del>  Structure total <sup>4</sup> : <u>Two Unit: 2,000 s.f. square feet</u> <u>Three Unit: 3,000 s.f.</u>

	Cottage	Carriage	Two-/Three-Unit <del>Home</del> <u>Home</u>
Density	<del>Two (2)</del> times the maximum number of <del>a</del> detached dwelling <del>unit</del> <u>units</u> allowed in the underlying zone <del>4, 5, 6, 7, &amp;</del>		
Max Floor Area Ratio (F.A.R.) <del>8 9</del>	<del>.35 Allow the same FAR as-</del> Equal to the base zoning allowance for single-family residences		
Development Size <u>9</u>	Min. <del>4</del> <u>2</u> units Max. 24 units Maximum cluster <del>10</del> : 12 units	Allowed when included in a cottage project; <u>reviewed as part of cottage project-</u>	<u>No development size limitation</u> <del>Must be limited to either one (1) two-unit home or one (1) three-unit home, or be part of a cottage development, unless approved through Process IA, Chapter 150 KZC-</del>
Review Process	<del>Process I</del> <u>None</u>		<u>None</u> <del>Single two-unit home or single three-unit home: Process I 11</del>  <del>Development containing more than one two-unit or one three-unit home (other than a cottage project): Process IA 12</del>
Location	<del>Developments containing cottage, carriage and/or two/three-unit homes may not be located closer than the distance noted below to another development approved under the provisions of this chapter or under Ordinance 3856:</del> <del>1 to 9 Units: 500'</del> <del>10 – 19 Units: 1,000'</del> <del>20 – 24 Units: 1,500'</del>		
Minimum Lot Size	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.)		
Parking Requirements <u>10</u>	<u>Provided a development is within ½ mile of transit service with 15-minute headways during commute hours: 1 space per unit</u>  <u>Provided a development is more than ½ -mile from transit service with 15-minute headways during commute hours:</u>  <u>Units which are 1,000 square feet or less = 1 space per unit</u>  <u>Units which are over 1,000 square feet = 1.5 spaces per unit</u>  <u>See KZC 105.20 for visitor parking</u>		

	Cottage	Carriage	Two-/Three-Unit <del>Home</del> <u>Home</u>
	<p><u>One Attached ADU = no additional on-site space required</u></p> <p><u>Units under 700 square feet: 1 space per unit</u></p> <p><u>Units between 700 — 1,000 square feet: 1.5 spaces per unit</u></p> <p><u>Units over 1,000 square feet: 2 spaces per unit.</u></p> <p><u>Must be provided on the subject property.</u></p>		
Minimum Required Yards (from exterior property lines of subject property)	<p>Front: 20'</p> <p><u>Side: 5'</u></p> <p><u>Rear: 10'</u></p> <p><u>Other: 10'</u></p>	Must be included in a cottage project.	<p>Front: 20'</p> <p><u>Side: 5'</u></p> <p><u>Rear: 10'</u></p> <p><u>Other: 10'</u></p>
Lot coverage (all impervious surfaces) <u>11</u>	<p><u>Equal to the base zoning allowance for single-family residences</u></p> <p><u>50%</u></p>	Must be included in a cottage project.	<p><u>Equal to the base zoning allowance for single-family residences</u></p> <p><u>50%</u></p>
Height	<p><u>Dwelling Units</u> <u>Equal to the base zoning allowance for single-family residences</u></p> <p><u>Dwelling Units</u> <u>25' (RS Zones) and 27' (RSA and RSX Zones) maximum above A.B.E., (where minimum roof slope of 6:12 for all parts of the roof above 18' are provided). Otherwise, 18' above A.B.E.</u></p> <p>Accessory Structures <u>One (1) story, not to exceed 18' above A.B.E.</u></p>		
Tree Retention	The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter.		
Common Open Space	<p><u>300 square feet per unit for cottage developments of containing 5 or more units and not required for duplexes or triplex</u><del>400 square feet per unit.</del></p> <p><u>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</u></p> <p>Private open space is also encouraged (see KZC <a href="#">113.35</a>).</p>		
Community Buildings	Community buildings are encouraged. See KZC <a href="#">113.30</a> for further regulations.		

	Cottage	Carriage	Two-/Three-Unit <del>Home</del> <u>Home</u>
Attached Covered Porches <sup>12</sup>	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.	<u>NA</u>	<u>Attached covered porches are encouraged as a design feature</u>
Development Options	Subdivision Condominium Rental or Ownership		
Accessory Dwelling Units (ADUs)	<u>Not permitted as part of a cottage, carriage or two/three-unit home development. Allow attached ADUs as part of a cottage, carriage or two-/three-unit home development</u>		

~~1— Within the jurisdiction of the Houghton Community Council, this housing type is only allowed where it is included in a cottage project.~~

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 ~~1,500~~ 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.

34 Maximum size for a two- or three-unit home: ~~is~~

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. ~~2,000 square feet. A two-unit home may include an attached garage, not to exceed an additional 500 square feet. The maximum size for a three-unit home is 3,000 square feet. A three-unit home may include an attached garage, not to exceed an additional 750 square feet.~~

~~45—~~ Existing detached dwelling units may remain on the subject property and will be counted as units.

56 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.

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

78 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 x 2 = maximum units (always round down to nearest whole number). Example (RS 7.2 zone):  $12,500/7,200 = 1.7 \times 2 = 3.4$  units, rounded down to 3 units  ~~$10,800/7200 = 1.5 \times 2 = 3$  units~~

89 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.

940 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.

~~11—Stand-alone two/three-unit homes are not allowed within the jurisdiction of the Houghton Community Council.~~

~~12—See KZC 113.45. Carriage units and two/three-unit homes may be included within a cottage housing proposal to be reviewed through Process I; provided, that the number of two/three-unit homes and carriage units does not exceed 20 percent of the total number of units in the project.~~

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 (float 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, 201920](#) , 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. ~~outside of the cottage project. A cottage development should not be designed to “turn its back” on 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 a variety of building styles, features and site diversity in design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.

cb. 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.

32) 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.

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

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

65) Fences may not be located within required open space areas.

76) 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.

87) 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.

98) 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.

de. 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 20-10 feet.
- 6) The design of carports must include roof lines similar and compatible to that of the dwelling units within the development.

ed. 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. The proposed site design shall incorporate the use of low impact development (LID) strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:

- ~~1) Preservation of natural hydrology.~~
- ~~2) Reduced impervious surfaces.~~
- ~~3) Treatment of stormwater in numerous small, decentralized structures.~~
- ~~4) Use of natural topography for drainageways and storage areas.~~
- ~~5) Preservation of portions of the site in undisturbed, natural conditions.~~
- ~~6) Reduction of the use of piped systems. Whenever possible, site design should use multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.~~

~~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.

~~f.~~ Variation in Unit Sizes, 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) Projects should include a mix of unit sizes within a single development.~~
- ~~2) Proposals are encouraged to provide a variety of building styles, features and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments should not be located adjacent to each other.~~

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

(1) Entries

~~Two and three-unit homes shall maintain the traditional character and quality of detached single-family dwelling units by using design elements such as the appearance of single points of entry addressing the street, pitched roofs, substantial trim around windows, porches and chimneys. Ideally, the multiple-unit home will have no more than one (1) entry on each side of the structure.~~

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. Projects containing two (2) or more two/three-unit homes shall follow the LID standards set forth in this section.~~

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:

10-unit project:	1 unit affordable to households earning 100% of King County median income
11-unit project:	1 unit affordable to households earning 98% of King County median income
12-unit project:	1 unit affordable to households earning 96% of King County median income
13-unit project:	1 unit affordable to households earning 94% of King County median income
14-unit project:	1 unit affordable to households earning 92% of King County median income
15-unit project:	1 unit affordable to households earning 90% of King County median income
16-unit project:	1 unit affordable to households earning 88% of King County median income
17-unit project:	1 unit affordable to households earning 86% of King County median income
18-unit project:	1 unit affordable to households earning 84% of King County median income
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. 4717, 2020](#); Ord. 4491 § 11, 2015; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)

### ~~113.45 Review Process~~

#### ~~1. Approval Process – Cottage Housing Development~~

~~a. The City will process an application for cottage development through Process I, Chapter 145 KZC.~~

~~b. Public notice for developments proposed through this section shall be as set forth under the provisions of Chapter 150 KZC (Process II A).~~

#### ~~2. Approval Process – Carriage Unit and Two/Three Unit Home Development~~

~~a. Single two/three unit homes shall be reviewed through Process I. Developments containing two/three unit homes and carriage units that are part of a cottage project shall also be reviewed through Process I; provided, that the number of two/three unit homes and carriage units does not exceed 20 percent of the total number of units in the project. Noticing requirements shall be as described in subsection (1)(b) of this section.~~

~~b. All other developments containing carriage and two/three-unit homes shall be reviewed using Process IIA.~~

### ~~3. Approval Process—Requests for Modifications to Standards~~

#### ~~a. Minor Modifications~~

~~Applicants may request minor modifications to the general parameters and design standards set forth in this chapter. The Planning Director or Hearing Examiner may modify the requirements if all of the following criteria are met:~~

~~1) The site is constrained due to unusual shape, topography, easement or critical areas.~~

~~2) The modification is consistent with the objectives of this chapter.~~

~~3) The modification will not result in a development that is less compatible with neighboring land uses.~~

#### ~~4. Review Criteria~~

~~a. In addition to the criteria established for review of development proposals in Chapters 145 and 150 KZC, the applicant must demonstrate that:~~

~~1) The proposal is compatible with and is not larger in scale than surrounding development with respect to size of units, building heights, roof forms, setbacks between adjacent buildings and between buildings and perimeter property lines, number of parking spaces, parking location and screening, access and lot coverage.~~

~~2) Any proposed modifications to provisions of this chapter are important to the success of the proposal as an alternative housing project and are necessary to meet the intent of these regulations.~~

~~(Ord. xxxx, 2019, Ord. 4551 § 4, 2017; Ord. 4372 § 1, 2012; Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007)~~

## **113.50 Additional Standards**

~~1. Application fees for the Process I or IIA review of the proposed project shall be based on the number of single-family units that would be allowed by the underlying zoning, regardless of the number of units proposed under this chapter.~~

1.2. 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.

2.3.—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. ~~A lot containing a two/three-unit home may not be subdivided in a manner that results in the dwelling units being located on separate lots.~~

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

## CHAPTER 20 – MEDIUM DENSITY RESIDENTIAL ZONES (RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; WD I; WD III; PLA 2; PLA 3B; PLA 6F, PLA 6H, PLA 6K; PLA 7C; PLA 9; PLA 15B; PLA 17)

### Sections:

- [20.05](#) User Guide
  - [20.05.010](#) Applicable Zones
  - [20.05.020](#) Common Code References
- [20.10](#) General Regulations
  - [20.10.010](#) All Medium Density Residential Zones
  - [20.10.020](#) RM, RMA Zones
  - [20.10.030](#) WD I Zones
  - [20.10.040](#) PLA 3B Zones
  - [20.10.050](#) PLA 9 Zones
- [20.20](#) Permitted Uses
- [20.30](#) Density/Dimensions
- [20.40](#) Development Standards

### 20.05 User Guide

- Step 1. Check that the zone of interest is included in KZC [20.05.010](#), Applicable Zones. If not, select the chapter where it is located.
- Step 2. Refer to KZC [20.05.020](#), Common Code References, for relevant information found elsewhere in the code.
- Step 3. Refer to the General Regulations in KZC [20.10](#) that apply to the zones as noted.
- Step 4. Find the Use of interest in the Permitted Uses Table in KZC [20.20](#) and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless “NP” (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).
- Step 5. Find the Use of interest in the Density/Dimensions Table in KZC [20.30](#) and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of

Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).

Step 6. Find the Use of interest in the Development Standards Table in KZC [20.40](#) and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

*Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.*

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### **20.05.010 Applicable Zones**

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This chapter contains the regulations for uses in the medium density residential zones of the City:

RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; WD I; WD III; PLA 2; PLA 3B; PLA 6F, H, K; PLA 7C; PLA 9; PLA 15B; and PLA 17.

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### **20.05.020 Common Code References**

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1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC [45.50](#).
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter [83](#) KZC, Shoreline Management.
4. Development may be limited by Chapter [83](#) or [90](#) KZC regarding development near streams, lakes, wetlands, fish and wildlife habitat conservation areas and frequently flooded areas. The site must be designed to concentrate development away from and to minimize impact on these critical areas.

5. Refer to Chapter [85](#) KZC for regulations regarding development on property containing an unstable slope.
6. Refer to KZC [90.90](#) for regulations regarding Forbes Lake.
7. Chapter [115](#) KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living Facility; Detached, Attached or Stacked Dwelling Units; Detached Dwelling Unit and Hotel or Motel uses.
8. Chapter [115](#) KZC contains regulations regarding common recreational space requirements for Detached, Attached, or Stacked Dwelling Units uses.
9. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC [115.24](#).
10. A hazardous liquid pipeline extends through or near the RMA 2.4 and RMA 3.6 zones in the vicinity of 136th Avenue NE. Refer to Chapter [118](#) KZC for regulations pertaining to properties near hazardous liquid pipelines.

(Ord. 4551 § 4, 2017; Ord. 4476 § 2, 2015)

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## 20.10 General Regulations

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### **20.10.010 All Medium Density Residential Zones**

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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. Residential uses with density requirements in KZC 20.30.60 and KZC 20.30.70 shall develop at 80% of the maximum density allowed.

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## 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)

### Sections:

- [25.05](#) User Guide
  - [25.05.010](#) Applicable Zones
  - [25.05.020](#) Common Code References
- [25.10](#) General Regulations
  - [25.10.010](#) All High Density Residential Zones
  - [25.10.020](#) RM, RMA Zones
  - [25.10.030](#) PLA 5A Zones
  - [25.10.040](#) PLA 5D Zones
  - [25.10.050](#) PLA 5E Zones
  - [25.10.060](#) PLA 6A Zones
  - [25.10.070](#) PLA 6I Zones
  - [25.10.080](#) HENC 2 Zone
- [25.20](#) Permitted Uses
- [25.30](#) Density/Dimensions
- [25.40](#) Development Standards

### 25.05 User Guide

- Step 1. Check that the zone of interest is included in KZC [25.05.010](#), Applicable Zones. If not, select the chapter where it is located.
- Step 2. Refer to KZC [25.05.020](#), Common Code References, for relevant information found elsewhere in the code.
- Step 3. Refer to the General Regulations in KZC [25.10](#) that apply to the zones as noted.
- Step 4. Find the Use of interest in the Permitted Uses Table in KZC [25.20](#) and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless “NP” (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).

Step 5. Find the Use of interest in the Density/Dimensions Table in KZC [25.30](#) and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).

Step 6. Find the Use of interest in the Development Standards Table in KZC [25.40](#) and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

*Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.*

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### **25.05.010 Applicable Zones**

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This chapter contains the regulations for uses in the high density residential zones of the City:

RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; PLA 5A, D, E; PLA 6A, D, I, J; PLA 7A, B.

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### **25.05.020 Common Code References**

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1. Refer to Chapter [1](#) KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC [45.50](#).
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter [83](#) KZC, Shoreline Management.
4. Chapter [115](#) KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living Facility; Detached, Attached or Stacked Dwelling Units; and Detached Dwelling Unit uses.

5. Chapter [115](#) KZC contains regulations regarding common recreational space requirements for Detached, Attached or Stacked Dwelling Units uses.
6. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC [115.24](#).
7. 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](#).
8. A hazardous liquid pipeline extends through or near the RMA 2.4 and RMA 3.6 zones in the vicinity of 136th Avenue NE. Refer to Chapter [118](#) KZC for regulations pertaining to properties near hazardous liquid pipelines.

(Ord. 4637 § 3, 2018; Ord. 4476 § 2, 2015)

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## 25.10 General Regulations

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### 25.10.010 All High Density Residential Zones

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

1. 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. Residential uses with density requirements in KZC 25.30.50 and KZC 25.30.60, shall develop at 80% of the maximum density allowed.

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**.017 Accessory Dwelling Unit**

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

## 115.07 Accessory Dwelling Units

~~Two~~ ~~One~~ (24) accessory dwelling units (ADUs), including either one attached ADU and one detached ADU, or two of either type, are permitted ~~per is permitted as subordinate to a 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) ~~provided, that the following criteria are met~~: Accessory dwelling units must be consistent with the following standards:

1. ~~Occupancy Limitations~~ ~~Number of Occupants~~ – Occupancy limitations for ADUs shall be consistent with the provisions of the KMC Property Maintenance Code. The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single family dwelling as defined in KZC 5.10.300.

2. ~~Owner Occupancy~~ – One (1) of the units must be the principal residence of the property owner(s).

23. Subdivision – A property containing a detached a~~ccessory dwelling units~~ shall not be subdivided but may be or otherwise segregated in ownership from the principal dwelling unit.

34. Scale. Size –

a. ~~Attached ADU: The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary residence and accessory dwelling unit combined. If the accessory unit is completely located on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area. Garages, sheds and outbuildings are excluded from the square footage calculation for the primary residence and the ADU.~~

b. ~~Detached ADU:~~

1) ~~An accessory dwelling unit will be considered to be “detached” from the principal unit if it has any of the following characteristics:~~

a) ~~It does not share a common roof structure with the principal unit.~~

b) ~~It is not integrated into the footprint of the principal unit.~~

c) ~~The design is inconsistent with the existing roof pitch, siding treatment, and window style of the principal unit.~~

~~2)~~—The square footage of the ~~detached~~ ADU shall not exceed ~~1,200~~ the lesser of 800 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. ~~or 40 percent of the primary residence and accessory unit combined.~~ ~~Garages, sheds and outbuildings are excluded from the square footage calculation for the primary residence and the ADU.~~ 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. a)~~ Area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.

~~2. b)~~ 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.

~~45.~~ Location. ~~An~~ The 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. ~~Detached structures~~ 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. ~~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).~~

~~56.~~ 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.

~~67.~~ Parking. On lots with more than one accessory dwelling unit, tThere shall be one (1) off-street parking space provided unless: for the accessory dwelling unit:

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.

~~8. Small Lot Single Family and Historic Preservation Subdivisions. Accessory dwelling units are prohibited on lots smaller than the required minimum lot size approved using the small lot single family and historic preservation subdivision regulations contained in KMC 22.28.042 and 22.28.048.~~

79. 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.

#### 840. 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 finalized, 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**

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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.

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, pPorches 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](#)~~within~~ 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.](#)