

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.

1 WHEREAS, the City Council has received a recommendation
2 from the Kirkland Planning Commission to amend certain sections of the
3 Kirkland Zoning Code, Ordinance 3719, as amended, as set forth in the
4 staff report dated February 21, 2020, containing the recommendation
5 of the Planning Commission and bearing Kirkland Planning and Building
6 Department File No. CAM19-00152; and
7

8 WHEREAS, prior to making the recommendation, the Kirkland
9 Planning Commission and the Houghton Community Council, following
10 notice as required by RCW 36.70A.035, on January 23, 2020, held a
11 joint public hearing on the amendment proposals. The Houghton
12 Community Council considered the comments received at the hearing
13 and developed a recommendation to the Planning Commission at its
14 meeting on January 27, 2020, and the Planning Commission considered
15 the comments received at the hearing and the recommendation of the
16 Houghton Community Council and developed its recommendation to
17 City Council on February 13, 2020; and
18

19 WHEREAS, pursuant to the State Environmental Policy Act
20 (SEPA), there has accompanied the legislative proposal and
21 recommendation through the entire consideration process, a SEPA
22 Addendum to Existing Environmental Documents issued by the
23 responsible official pursuant to WAC 197-11-625; and
24

25 WHEREAS, in open public meeting the City Council considered
26 the environmental documents received from the responsible official,
27 together with the report and recommendation of the Planning
28 Commission.
29

30 NOW, THEREFORE, the City Council of the City of Kirkland do
31 ordain as follows:
32

33 Section 1. The following specified sections of the Kirkland
34 Zoning Code are amended as set forth in Attachment A attached to this
35 ordinance and incorporated by reference.
36

37 Section 2. If any section, subsection, sentence, clause, phrase,
38 part or portion of this ordinance, including those parts adopted by
39 reference, is for any reason held to be invalid or unconstitutional by any
40 court of competent jurisdiction, such decision shall not affect the validity
41 of the remaining portions of this ordinance.
42


43 Section 3. To the extent the subject matter of this ordinance,
44 pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of
45 the Houghton Community Council, this ordinance shall be deemed
46 approved within the Houghton Community Municipal Corporation only
47 upon approval of the Houghton Community Council or the failure of said
48 Community Council to disapprove this ordinance within 60 days of the
49 date of the passage of this ordinance. The effective date of this
50 ordinance is set forth in Section 4 below.

51
52 Section 4. Except as provided in Section 3, this ordinance shall
53 be in full force and effect ninety days from and after its passage by the
54 Kirkland City Council and publication, in the summary form attached to
55 the original of this ordinance and by this reference approved by the City
56 Council, as required by law.

57
58 Section 5. A complete copy of this ordinance shall be certified
59 by the City Clerk, who shall then forward the certified copy to the King
60 County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this 17 day of March, 2020.

Signed in authentication thereof this 17 day of March, 2020.



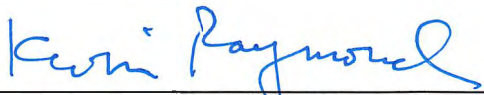
Penny Sweet, Mayor

Attest:



Kathi Anderson, City Clerk

Approved as to Form:



Kevin Raymond, City Attorney

Publication Date: 03/23/20

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

Sections:

- 113.05 User Guide
- 113.10 Provisions and Intent
- 113.15 Housing Types Defined
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- 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
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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.

	Cottage	Carriage	Two-/Three-Unit Home
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		

	Cottage	Carriage	Two-/Three-Unit Home
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'

	Cottage	Carriage	Two-/Three-Unit Home
	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			
Dwelling Units	Equal to the base zoning allowance for single-family residences		
Accessory Structures	One (1) story, not to exceed 18' above A.B.E.		
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

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)

20.10 General Regulations

20.10.010 All Medium Density Residential Zones

1. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.
2. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density (does not apply to PLA 6F, PLA 6H, PLA 6K, PLA 7C, PLA 9 and PLA 15B zones).
3. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136, except for the following uses:
KZC 20.20.060, Detached Dwelling Unit, and 20.20.180, Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit (does not apply to WD I, WD III, PLA 2, and PLA 3B zones).
4. Where maximum densities are established based on minimum lot size in KZC 20.30.60 and KZC 20.30.70, residential uses shall develop at a minimum of 80% of the maximum density allowed.

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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)** ;

25.10 General Regulations

25.10.010 All High Density Residential Zones

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

1. 1. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.
2. Where maximum densities are established based on minimum lot size in KZC 25.30.50 and KZC 25.30.60, residential uses shall develop at a minimum of 80% of the maximum density allowed.

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