

ORDINANCE NO. 4120

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON07-00005 FOR COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated November 7, 2007, and bearing Kirkland Department of Planning and Community Development File No. ZON07-00005; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 11, 2007, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council, following notice thereof as required by RCW 35A.63.070, on September 24, 2007, held a courtesy hearing, on the amendment proposals and considered the comments received at said hearing; 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 197-11-600; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

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 become effective within the

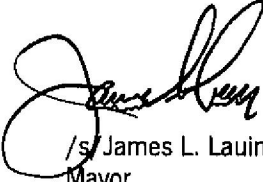
Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect on January 28, 2008, after its passage by the Kirkland City Council and publication, (pursuant to Kirkland Municipal Code 1.08.017, 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 11th day of December, 2007.

SIGNED IN AUTHENTICATION thereof this 11th day of December, 2007.



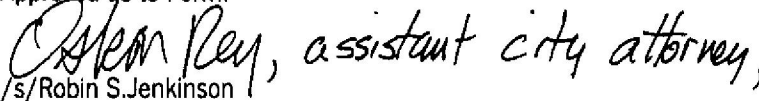
/s/ James L. Lauinger
Mayor

Attest:



/s/ Kathi Anderson
City Clerk

Approved as to Form:

For  assistant city attorney,
/s/ Robin S. Jenkinson
City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4120

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON07-00005 FOR COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES.

SECTION 1. Amends the following specific sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance:

- A. Amends text in the Table of Contents
- B. Amends text in Chapter 5, Definitions
- C. Amends text in Chapter 90, Drainage Basins
- D. Adds new Chapter 113, Cottage, Carriage and Two/Three Unit Homes
- E. Amends text in Chapter 115, Miscellaneous Use Development and Performance Standards

SECTION 2. Provides a severability clause for the ordinance.


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

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal Code 1.08.017 and establishes the effective date as January 28, 2008.

SECTION 5. Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 11th day of December, 2007.

I certify that the foregoing is a summary of Ordinance No. 4120 approved by the Kirkland City Council for summary publication.



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 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.

113.10 Voluntary Provisions and Intent

The provisions of this chapter are available as alternatives to the development of typical detached single family homes. These standards are intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single family residential development.

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

113.20 Applicable Use Zones

The housing types described in this chapter may be used only in the following low density zones: RS 7.2, RSX 7.2, RS 8.5, RSX 8.5, RS 12.5 and RSX 12.5 (see Section 113.25 for further standards regarding location of these housing types).

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

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

	Cottage	Carriage	Two/Three-Unit Home ¹
Max Unit Size ²	1,500 square feet ³	800 square feet	1,000 square feet average unit size Structure total ⁴ : Two-Unit: 2,000 s.f. Three-Unit: 3,000 s.f.
Density	2 times the maximum number of detached dwelling units allowed in the underlying zone ^{5 & 6}		
Max Floor Area Ratio (FAR), ^{7, 8}	.35		

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

² 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.

³ Maximum size for a cottage is 1,500 square feet. A cottage may include an attached garage, not to exceed 250 square feet.

⁴ Maximum size for a two-unit home is 2,000 square feet. A two-unit home may include an attached garage, not to exceed 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 750 square feet.

⁵ Existing detached dwelling units may remain on the subject property and will be counted as units.

⁶ 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.

⁷ FAR regulations are calculated using the entire development site. FAR for individual lots may vary.

⁸ Median income units, and any attached garages for the median income units provided under Section 113.40 shall not be included in the FAR calculation for the development.

	Cottage	Carriage	Two/Three-Unit Home
Development Size	Min. 4 units Max 24 units Maximum cluster ⁹ : 12 units	Must be included in a cottage project.	Must be limited to either one two-unit home or one three-unit home, or be part of a cottage development, unless approved through Process IIA, Chapter 150.
Review Process	Process I		
Location	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: 1 to 9 Units: 500' 10-19 Units: 1,000' 20-24 Units: 1,500'		
Parking Requirements	Units under 700 square feet: 1 space per unit Units between 700-1,000 square feet: 1.5 spaces per unit Units over 1,000 square feet: 2 spaces per unit. Must be provided on the subject property.		
Minimum Required Yards (from exterior property lines of subject property)	Front: 20' Other: 10'	Must be included in a cottage project	Front: 20' Other: 10'

⁹ Cluster size is intended to encourage a sense of community among residents. A development site may contain more than one cluster, with a clear separation between clusters.

¹⁰ Stand-alone two/three-unit homes are not allowed within the jurisdiction of the Houghton Community Council.

¹¹ See Section 113.45. Carriage units and two/three-unit homes may be included within a cottage housing proposal to be reviewed through Process 1 provided that the number of two/three-unit homes and carriage units does not exceed 20% of the total number of units in the project.

	Cottage	Carriage	Two/Three-Unit Home
Lot coverage (all impervious surfaces) ¹²	50%	Must be included in a cottage project.	50%
Height	25' (RS Zones) and 27' (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.		
Dwelling Units			
Accessory Structures	One story, not to exceed 18' above A.B.E.		
Tree Retention	Standards contained in Section 95.35 for Tree Plan III shall apply to development approved under this Chapter.		

¹² Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.

	Cottage	Carriage	Two/Three-Unit Home
Common Open Space	400 square feet per unit. Private open space is also encouraged (See Section 113.35)		
Community Buildings	Community buildings are encouraged. See Section 113.30 for further regulations.		
Attached Covered Porches ¹³	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.		
Development Options	Subdivision Binding Site Plan Condominium Rental or Ownership		
Accessory Dwelling Units (ADUs)	Not permitted as part of a cottage, carriage or two/three-unit home development.		

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 story. Where the community space is located above another common structure, such as a detached garage or storage building, standard building heights apply.

¹³ Requirements for porches do not apply to carriage or two/three-unit homes.

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

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, 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 façade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one public right-of-way, the City shall determine to which right-of-way the inviting façade shall be oriented.

- b. 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.

1. Each area of common open space shall be in one contiguous and useable piece with a minimum dimension of 20 feet on all sides.
 2. Required common open space may be divided into no more than two separate areas per cluster of dwelling units.
 3. Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.
 4. Fences may not be located within required open space areas.
 5. 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.

6. 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 sides;
 - b. At least 50% 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.
 7. 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.
- c. 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 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 4 spaces. Clusters must be separated by a distance of at least 20 feet.
6. The design of carports must include roof lines similar and compatible to that of the dwelling units within the development.

d. Low Impact Development

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.

e. 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 Section 113.20. These homes should be consistent in height, bulk, scale and style with surrounding single-family residential uses.

a. 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 entry on each side of the structure.

b. Low Impact Development (LID)

Projects containing two or more two/three-unit homes shall follow the LID standards set forth in Section 113.35 of this Chapter.

c. Garages and Surface Parking Design

1. Garages and driveways for two/three-unit homes shall meet the standards established in Sections 115.43 and 115.115.5 of this Zoning Code. In addition, no more than three garage doors may be visible on any façade of the structure.
2. Surface parking shall be limited to groups of no more than three stalls. Parking areas with more than two stalls must be visually separated from the street, perimeter property lines and common areas through site planning, landscaping or natural screening.

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% 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 Section 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 (FAR) 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 Department of Records and Elections. 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.

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.
 - b. Public notice for developments proposed through this Section shall be as set forth under the provisions of Chapter 150 (Process IIA).
2. Approval Process – Carriage Unit and Two/Three-Unit Home Development
 - a. Two/Three-Unit Homes and carriage units that are part of a cottage project shall be reviewed through Process I provided that the number of two/three-unit homes and carriage units does not exceed 20% of the total number of units in the project. Noticing requirements shall be as described in paragraph 1.b, above.
 - 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:

- i. The site is constrained due to unusual shape, topography, easements or sensitive areas.
- ii. The modification is consistent with the objectives of this Chapter.
- iii. 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 Chapter 145 and 150, the applicant must demonstrate that:
 - i. 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.
 - ii. 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.

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.
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.
3. The City's approval of a cottage housing or two/three-unit home development does not constitute approval of a subdivision, a short plat, or a binding site plan. A lot that has 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.

Title 23 ZONING

TABLE OF CONTENTS

<u>Chapter 110</u>	–	Required Public Improvements
<u>Chapter 112</u>	–	Affordable Housing Incentives – Multifamily
<u>Chapter 113</u>	–	Cottage, Carriage and Two/Three-Unit Homes
<u>Chapter 115</u>	–	Miscellaneous Use Development and Performance Standards
<u>Chapter 117</u>	–	Personal Wireless Service Facilities
<u>Chapter 120</u>	–	Variances
<u>Chapter 125</u>	–	Planned Unit Development
<u>Chapter 127</u>	–	Temporary Use
<u>Chapter 130</u>	–	Rezone
<u>Chapter 135</u>	–	Amendments to the Text of the Zoning Code
<u>Chapter 140</u>	–	Amendments to the Comprehensive Plan
<u>Chapter 142</u>	–	Design Review
<u>Chapter 145</u>	–	Process I
<u>Chapter 150</u>	–	Process IIA
<u>Chapter 152</u>	–	Process IIB
<u>Chapter 155</u>	–	Process III
<u>Chapter 160</u>	–	Process IV
<u>Chapter 161</u>	–	Process IVA
<u>Chapter 162</u>	–	Nonconformance
<u>Chapter 165</u>	–	Authority
<u>Chapter 170</u>	–	Code Enforcement
<u>Chapter 175</u>	–	Bonds
<u>Chapter 180</u>	–	Plates
<u>Ordinance Table</u>		

Revision to Chapter 5

(Definitions would be incorporated alphabetically into the current set of definitions in the Zoning Code)

Chapter 5 – DEFINITIONS

Sections:

5.05 User Guide

5.10 Definitions

5.05 User Guide

The definitions in this chapter apply for this code.

5.10 Definitions

The following definitions apply throughout this code unless, from the context, another meaning is clearly intended:

1. Cottage – A detached, single-family dwelling unit containing 1,500 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.
3. Two/Three-Unit Home – A structure containing two dwelling units or three dwelling units, designed to look like a detached single-family home.

90.135 Maximum Development Potential

1. Dwelling Units – The maximum potential number of dwelling units for a site which contains a wetland, stream, minor lake, or their buffers shall be the buildable area in square feet divided by the minimum lot area per unit as specified by Chapters 15 through 60 KZC, plus the area of the required sensitive area buffer in square feet divided by the minimum lot area per unit as specified by Chapters 15 through 60 KZC, multiplied by the development factor derived from subsection (2) of this section:

$$\text{MAXIMUM DWELLING UNIT POTENTIAL} = (\text{BUILDABLE AREA/THE PRESCRIBED MINIMUM LOT AREA PER UNIT}) + [(\text{BUFFER AREA/THE PRESCRIBED MINIMUM LOT AREA PER UNIT}) \times (\text{DEVELOPMENT FACTOR})]$$

For purposes of this subsection only, "buildable area" means the total area of the subject property minus sensitive areas and their buffers.

For developments providing affordable housing units pursuant to Chapter 112 KZC, or cottage, carriage or two/three-unit homes pursuant to Chapter 113, the density bonus and resulting maximum density shall be calculated using the maximum dwelling unit potential of this section as the base to which the bonus units will be added.

For multifamily development, if application of the maximum development potential formula results in a fraction, the number of permitted dwelling units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.66. For single-family development, if application of the maximum development potential formula results in a fraction, the number of permitted dwelling units (lots) shall not be rounded up, regardless of the fraction. This provision shall not be construed to preclude application of Chapter 22.28 KMC.

Lot size and/or density may be limited by or through other provisions of this code or other applicable law, and the application of the provisions of this chapter may result in the necessity for larger lot sizes or lower density due to inadequate buildable area.

3. Development Factor – The development factor, consisting of a "percent credit," to be used in computing the maximum potential number of dwelling units for a site which contains a sensitive area buffer is derived from the following table:

Percentage of Site In Sensitive Area Buffer			Counted at
< 1	to	10%	100%
> 10	to	20%	90%
> 20	to	30%	80%
> 30	to	40%	70%
> 40	to	50%	60%
> 50	to	60%	50%
> 60	to	70%	40%
> 70	to	80%	30%
> 80	to	90%	20%
> 90	to	100%	10%

Revision to Section 115.115.5

5. **Driveways and Parking Areas** – Driveways and parking areas are not allowed in required yards except as follows:

a. **Detached Dwelling Units, Two-Unit Homes and Three-Unit Homes, approved under Chapter 113**

1) **General** – Vehicles may be parked in the required front, rear, and north property line yards if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall be separated from other hard-surfaced areas located in the required front yard by a landscape strip at least five feet in width. This landscape strip may be interrupted by a walkway or pavers providing a connection from the driveway to other hard-surfaced areas, as long as such walkway or pavers cover no more than 20 percent of the landscape strip. A driveway and/or parking area located in a required front yard shall not be closer than five feet to any side property line (see Plate 14); provided:

a) That where access to a legally established lot is provided by a panhandle or vehicle access easement measuring less than 20 feet in width, a driveway not exceeding 10 feet in width, generally centered in the panhandle or access easement, shall be permitted (see Plate 14A); and

b) That any driveway which generally parallels a right-of-way or easement road shall be set back at least five feet from the right-of-way or easement, except for a 20-foot-wide section where the driveway connects with the right-of-way or easement. Such driveway shall not have a width of more than 10 feet within the front or rear yard (see Plate 14B) and shall be separated from other hard-surfaced areas located in the front or rear yard by a landscape strip at least five feet in width. Where more than one driveway is permitted within a front or rear yard, those driveways shall be separated by a landscape strip at least five feet in width.

2) **Exception** – Driveways and/or parking areas may exceed 20 feet in width if:

a) The driveway/parking area serves a three-car garage; and

b) The subject property is at least 60 feet in width; and

c) The garage(s) is (are) located no more than 40 feet from the front property line; and

d) The driveway/parking area flares from 20 feet at the property line to a maximum of 30 feet in width.

3) The Planning Official may approve a modification to the driveway and/or setback requirements in KZC 115.115(5)(a)(1) if:

- a) The existing topography of the subject property or the abutting property decreases or eliminates the need for the setback; or
- b) The location of pre-existing improvements or vegetation on the abutting site eliminates the need for or benefit of a setback; and
- c) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.