

ORDINANCE NO. 4152

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES; AMENDING PORTIONS OF THE FOLLOWING CHAPTER OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 113—COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES; AMENDING PORTIONS OF THE FOLLOWING TITLE OF THE MUNICIPAL CODE: TITLE 22—SUBDIVISIONS; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON08-00007.

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission and Houghton Community Council to amend certain sections of the text of the Kirkland Zoning and Municipal codes, all as set forth in that certain report and recommendation of the Planning Commission dated October 7, 2008 and bearing Kirkland Department of Planning and Community Development File No. ZON08-00007; and

WHEREAS, prior to making its recommendation, the Kirkland Planning Commission on July 31, 2008 held a public 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 regular public meeting the City Council considered the environmental documents received from the responsible official, together with the reports and recommendations 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, are hereby amended to read as follows:

As set forth in Attachment A attached to this ordinance and incorporated herein by this reference.

Section 2 Municipal Code text amended: The following specified sections of the text of the Municipal Code are hereby amended to read as follows:

As set forth in Attachment B attached to this ordinance and incorporated herein by this reference.

Section 3. 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.

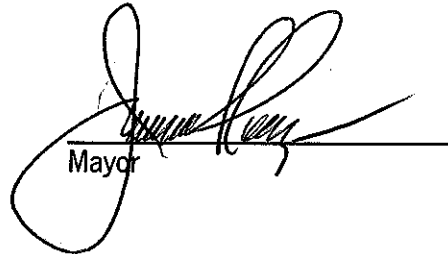
Section 4. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation on the effective date of this ordinance only 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 5. This ordinance shall be in full force and effect 90 days from and 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 6. 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 21st day of October, 2008

SIGNED IN AUTHENTICATION thereof this 21st day
of October, 2008.

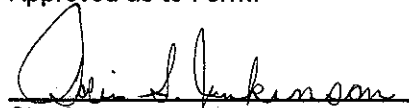


Mayor

Attest:

Acting 
City Clerk

Approved as to Form:


City Attorney

ATTACHMENT A

HOW TO READ THIS:

- Text that is covered by a strike-through (~~strike-through~~) is existing text currently contained in the Zoning Code that is to be deleted.
 - Text that is underlined (underlined), with the exception of section headings, is new text that is to be added.
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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. In the event of a conflict between the standards in this Chapter and the standards in Chapter 15 or Chapter 17 of this Code, the standards in this Chapter shall control. 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 in a cottage housing development.
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 KZC 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 KZC 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, 7, 8}		
Max Floor Area Ratio (FAR) ⁹⁸	.35		
Development Size	Min. 4 units Max. 24 units	Allowed when 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 KZC.
	Maximum cluster ¹⁰⁹ : 12 units		
Review Process	Process I		Single two-unit home or single three-unit home: Process I ⁴⁰¹¹ Development containing more than one two-unit or one three-unit home (other than a cottage project): Process IIA ⁴⁴¹²
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 or under <u>Ordinance 3856</u> :		
	1 to 9 Units: 500'		
	10 – 19 Units: 1,000'		
	20 – 24 Units: 1,500'		

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 ¹³	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'	Allowed when included in a cottage project.	Front: 20' Other: 10'
Lot coverage (all impervious surfaces) ^{12,14}	50%	Allowed when included in a cottage project.	50%
Height			
Dwelling Units	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.		
Accessory Structures	One story, not to exceed 18' above A.B.E.		
Tree Retention	Standards contained in KZC 95.35 for Tree Plan III shall apply to development approved under this chapter.		
Common Open Space	400 square feet per unit. Private open space is also encouraged (see KZC 113.35).		
Community Buildings	Community buildings are encouraged. See KZC 113.30 for further regulations.		
Attached Covered Porches ^{13,15}	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.		

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 an additional 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 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.

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 See Section 90.135 for density calculation on a site which contains a wetland, stream, minor lake, or their buffers.

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

⁸ 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): 10,800/7200 = 1.5 x 2 = 3 units

⁷⁹ FAR Regulations:

- a. FAR regulations are calculated using the "buildable area" of the site, entire development site as defined in Section 90.135. Where no sensitive areas regulated under Chapter 90 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.

⁹¹⁰ 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.

⁴⁰¹¹ Stand-alone two/three-unit homes are not allowed within the jurisdiction of the Houghton Community Council.

⁴⁴¹² 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.

¹³ See Section 105.20 for requirements related to guest parking.

⁴²¹⁴ Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.

⁴³¹⁵ Requirements for porches do not apply to carriage or two/three-unit homes.

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.
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 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 public right-of-way, the City shall determine to which right-of-way the inviting facade 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 usable piece with a minimum dimension of 20 feet on all sides.
- 2) Land located between dwelling units and an abutting right-of-way or access easement greater than 21' 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.

- 32) Required common open space may be divided into no more than two separate areas per cluster of dwelling units.
- 43) Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.
- 54) Fences may not be located within required open space areas.
- 65) 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.
- 76) 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 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.
- 87) 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 four 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 KZC 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 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 garage doors may be visible on any facade 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 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
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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 (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 KZC.
- b. Public notice for developments proposed through this section shall be as set forth under the provisions of Chapter 150 KZC (Process IIA).
- c. Lapse of Approval: Unless otherwise specified in the decision granting Process I approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the Process I approval within one year after the final decision granting the Process I approval or that decision becomes void. The applicant must substantially complete construction consistent with the Process I approval and complete all conditions listed in the Process I approval decision within three years after the final decision on the Process I approval or the decision becomes void. "Final decision" means the final decision of the Planning Director.
- d. Extensions: The applicant may apply for a one-time extension, of up to one year, of the time limits under subsection (c) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (c) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the Process I approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (c) of this section.

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

- a. Single ~~two~~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.
- c. The lapse of approval and extension provisions in subsections 1.c. and 1.d of this section also apply to carriage unit and two/three-unit home development approved under either Process I or 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, easements or sensitive 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.

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 ~~or, a short plat, or a binding site plan.~~ 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.

ATTACHMENT B

HOW TO READ THIS:

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22.28.080 Access—Required.

(a) All lots must have direct legal access as required by the zoning code, including Section 115.80, Legal Building Site, and Section 105.10, Vehicular Access Easement or Tract Standards, of Title 23 of this code. The city will determine whether access will be by right-of-way or vehicular-access easement or tract on a case-by-case basis.

(b) The area of a vehicular-access easement or tract shall not be included in the computation of the lot area for the servient lot. However:

1. If the vehicular easement serves only one lot which does not abut a public right-of-way, the easement shall be included in the lot area for the servient lot; provided, that the servient lot abuts a public right-of-way and is not a flag lot; and

2. The area of a vehicular-access easement shall be included in the lot area for cottage housing development approved pursuant to Chapter 113 of the Kirkland Zoning Code.

ORDINANCE NO. 4152
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES; AMENDING PORTIONS OF THE FOLLOWING CHAPTER OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 113—COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES; AMENDING PORTIONS OF THE FOLLOWING TITLE OF THE MUNICIPAL CODE: TITLE 22—SUBDIVISIONS; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON08-00007.

Section 1. Identifies the specific amendments to the Kirkland Zoning Ordinance.

Section 2. Identifies the specific amendments to the Municipal Code.

Section 3. Addresses severability.

Section 4. Establishes that this ordinance will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation on the effective date 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 passage of this ordinance.

Section 5. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as ninety days after publication of said summary.

Section 6. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The ordinance was passed by the Kirkland City Council at its regular meeting on the 21st day of October, 2008.

I certify that the foregoing is a summary of Ordinance 4152 approved by the Kirkland City Council for summary publication.

Attest:

Acting Karen L. Stull
City Clerk

ATTACHMENT A

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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. In the event of a conflict between the standards in this Chapter and the standards in Chapter 15 or Chapter 17 of this Code, the standards in this Chapter shall control. 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.

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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 in a cottage housing development.
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 KZC 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 KZC 113.30, 113.35 and 113.40 for additional requirements related to these standards.

	Cottage	Carriage	Two/Three-Unit Home¹
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, 7, 8}		
Max Floor Area Ratio (FAR) ⁹⁸	.35		
Development Size	Min. 4 units Max. 24 units	Allowed when 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 KZC.
	Maximum cluster ¹⁰⁹ : 12 units		
Review Process	Process I		Single two-unit home or single three-unit home: Process I ⁴⁰¹¹ Development containing more than one two-unit or one three-unit home (other than a cottage project): Process IIA ⁴⁴¹²
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 or under <u>Ordinance 3856</u> :		
	1 to 9 Units: 500'		
	10 – 19 Units: 1,000'		
	20 – 24 Units: 1,500'		

<u>Minimum Lot Size</u>	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 ¹³	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'	Allowed when included in a cottage project.	Front: 20' Other: 10'
Lot coverage (all impervious surfaces) ^{12,14}	50%	Allowed when included in a cottage project.	50%
Height			
Dwelling Units	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.		
Accessory Structures	One story, not to exceed 18' above A.B.E.		
Tree Retention	Standards contained in KZC 95.35 for Tree Plan III shall apply to development approved under this chapter.		
Common Open Space	400 square feet per unit. Private open space is also encouraged (see KZC 113.35).		
Community Buildings	Community buildings are encouraged. See KZC 113.30 for further regulations.		
Attached Covered Porches ^{13,15}	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.		

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 an additional 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 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.

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 See Section 90.135 for density calculation on a site which contains a wetland, stream, minor lake, or their buffers.

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

⁸ 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): 10,800/7200 = 1.5 x 2 = 3 units

⁷⁹ FAR Regulations:

- a. FAR regulations are calculated using the "buildable area" of the site, ~~entire development site as defined in Section 90.135.~~ Where no sensitive areas regulated under Chapter 90 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.

⁹¹⁰ 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.

⁴⁰¹¹ Stand-alone two/three-unit homes are not allowed within the jurisdiction of the Houghton Community Council.

⁴⁴¹² 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.

¹³ See Section 105.20 for requirements related to guest parking.

⁴²¹⁴ Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.

⁴³¹⁵ Requirements for porches do not apply to carriage or two/three-unit homes.

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.
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 Guidelines1. Cottage Projectsa. 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 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 public right-of-way, the City shall determine to which right-of-way the inviting facade 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 usable piece with a minimum dimension of 20 feet on all sides.
- 2) Land located between dwelling units and an abutting right-of-way or access easement greater than 21' 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.

- ~~3~~2) Required common open space may be divided into no more than two separate areas per cluster of dwelling units.
- ~~4~~3) Common open space shall be located in a centrally located area and be easily accessible to all dwellings within the development.
- ~~5~~4) Fences may not be located within required open space areas.
- ~~6~~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.
- ~~7~~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 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.
- ~~8~~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 four 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 KZC 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 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 garage doors may be visible on any facade 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 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
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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 (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 KZC.
 - b. Public notice for developments proposed through this section shall be as set forth under the provisions of Chapter 150 KZC (Process IIA).
 - c. Lapse of Approval: Unless otherwise specified in the decision granting Process I approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the Process I approval within one year after the final decision granting the Process I approval or that decision becomes void. The applicant must substantially complete construction consistent with the Process I approval and complete all conditions listed in the Process I approval decision within three years after the final decision on the Process I approval or the decision becomes void. "Final decision" means the final decision of the Planning Director.
 - d. Extensions: The applicant may apply for a one-time extension, of up to one year, of the time limits under subsection (c) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (c) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the Process I approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (c) of this section.
2. Approval Process – Carriage Unit and Two/Three-Unit Home Development
- a. Single ~~t~~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.
 - c. The lapse of approval and extension provisions in subsections 1.c. and 1.d of this section also apply to carriage unit and two/three-unit home development approved under either Process I or 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, easements or sensitive 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.

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 ~~or, a short plat, or a binding site plan.~~ 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.

ATTACHMENT B-----
HOW TO READ THIS:

- Text that is covered by a strike-through (~~strike-through~~) is existing text currently contained in the Municipal Code that is to be deleted.
 - Text that is underlined (underlined), with the exception of section headings, is new text that is to be added.
-

22.28.080 Access—Required.

(a) All lots must have direct legal access as required by the zoning code, including Section 115.80, Legal Building Site, and Section 105.10, Vehicular Access Easement or Tract Standards, of Title 23 of this code. The city will determine whether access will be by right-of-way or vehicular-access easement or tract on a case-by-case basis.

(b) The area of a vehicular-access easement or tract shall not be included in the computation of the lot area for the servient lot. However:

1. if the vehicular easement serves only one lot which does not abut a public right-of-way, the easement shall be included in the lot area for the servient lot; provided, that the servient lot abuts a public right-of-way and is not a flag lot; and

2. The area of a vehicular-access easement shall be included in the lot area for cottage housing development approved pursuant to Chapter 113 of the Kirkland Zoning Code.

ORDINANCE NO. 4152
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES; AMENDING PORTIONS OF THE FOLLOWING CHAPTER OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 113—COTTAGE, CARRIAGE AND TWO/THREE-UNIT HOMES; AMENDING PORTIONS OF THE FOLLOWING TITLE OF THE MUNICIPAL CODE: TITLE 22—SUBDIVISIONS; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON08-00007.

Section 1. Identifies the specific amendments to the Kirkland Zoning Ordinance.

Section 2. Identifies the specific amendments to the Municipal Code.

Section 3. Addresses severability.

Section 4. Establishes that this ordinance will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation on the effective date 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 passage of this ordinance.

Section 5. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as ninety days after publication of said summary.

Section 6. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The ordinance was passed by the Kirkland City Council at its regular meeting on the 21st day of October, 2008.

I certify that the foregoing is a summary of Ordinance 4152 approved by the Kirkland City Council for summary publication.

Attest:

Acting Karen L. Stull
City Clerk