

Proposed Amendments

Chapter 5 – DEFINITIONS

.497 Major Transit Stop

A transit stop for a bus rapid transit route, including stops that are under construction, and other transit service stops as defined in Chapter 36.70A.030 RCW.

.524 Middle Housing

A range of housing types that contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing as regulated by Chapter 113 KZC.

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

Sections:

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113.05 User Guide

This chapter provides standards for developing alternative types of housing in single-family zones. If you are interested in proposing middle housing including cottages, carriages or two/three-unit homes, two to six units buildingsduplex, triplex, fourplex, fiveplex, sixplex,

townhomes, stacked flats, or courtyard apartments in residential zones. If you are interested in proposing middle housing, you should read this chapter.

113.10 Provisions and Intent

The provisions of this chapter are designed to diversify the range of available housing options in residential neighborhoods as alternatives to the development of typical detached single-family homes. ~~Overlay those~~ In the event of a conflict between the standards in this chapter and the standards in KZC 15, 20, and 25, the standards in this chapter shall take precedence.

These standards are intended to address the need for ~~smaller, more compact, and often, more affordable~~ housing choices by adding diversity, and often affordable housing types, in primarily residential neighborhoods characterized by single-family homes. Providing for a variety of housing types in primarily residential ~~single-family~~ zones also encourages innovation and variety in housing design and site development, while ensuring compatibility with surrounding ~~single-family~~ residential uses.

113.15 Housing Types Defined

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

X. Middle housing

1. Cottage – A ~~detached, single-family~~ dwelling unit containing 1,700 square feet or less of gross floor area.
2. Carriage Unit – A ~~single-family~~ dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure in a cottage housing development.
3. ~~Two/Three-Unit Home~~ Duplex – A structure containing ~~two (2) dwelling units, or three (3) dwelling units, designed to look like a detached single-family home.~~

4. Parent Lot/unit lot

35. Multiplex — An middle attached or stacked structure housing type that contains two to six dwelling units (duplex, triplex, fourplex, fiveplex, and sixplex).

5. Duplex — A structure containing two (2) dwelling units.

6. Triplex – A structure containing three (3) dwelling units.

7. Fourplex – A structure containing four (4) dwelling units.

8. Fiveplex – A structure containing five (5) dwelling units.

9. Sixplex – A structure containing six (6) dwelling units.

410. Townhouses – A Buildings that contains three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on at least not less than two sides.

511. Stacked Flats – Stacked dDwelling units in a residential building of no more than three stories.

612. Courtyard Apartments – Attached dwelling units arranged on at least two of a common open space.

113.20 Applicable Use Zones

The housing types described in this chapter are allowed in residential single-family zones as defined in KZC 5.10.785-5.10.490, Low Density Zones, except the parcels shown on the Kirkland Zoning Map with a GH suffix.

This chapter is not applicable for properties with a Goat Hill (GH) Overlay or those located within the jurisdiction of the Shoreline Management Act regulated under Chapter 83 KZC.

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

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

	Cottage	Carriage	Two/Three-Unit Home
Max Unit Size	1,700 square feet ^{1,2}	800 square feet located above a garage	Maximum size of a two- or three-unit

	Cottage	Carriage	Two/Three-Unit Home
		structure in a cottage housing development	home is determined by the floor area ratio (F.A.R.) in the underlying zone ³
Density	Two times the maximum number of detached dwelling units allowed in the underlying zone ^{4, 5, 6, 7}		
Max Floor Area Ratio (F.A.R.) ⁸	Equal to the base zoning allowance for single-family residences		
Development Size ⁹	Min. 2 units Max. 24 units Maximum cluster: 12 units	Allowed when included in a cottage project; reviewed as part of cottage project	No development size limitation
Review Process	None ¹⁶		
Minimum Lot Size	Beyond density restrictions, there is no required minimum lot size for lots created through the subdivision process. (The number of allowed units on the subject property is determined by the density provision of this chart.)		
Parking Requirements ¹⁰	<p>Provided a development is within one-half mile of transit service with 15-minute headways during commute hours: 1 space per unit</p> <p>Provided a development is more than one-half mile from transit service with 15-minute headways during commute hours:</p> <p>Units which are 1,000 square feet or less = 1 space per unit</p> <p>Units which are over 1,000 square feet = 1.5 spaces per unit</p> <p>See KZC 105.20 for visitor parking</p> <p>One attached ADU = no additional on-site space required</p>		
Minimum Required Yards (from	Front: 20' ^{13, 14, 15} Side: 5' Rear: 10'	Must be included in a cottage project	Front: 20' Side: 5' Rear: 10'

	Cottage	Carriage	Two/Three-Unit Home
exterior property lines of subject property)			
Lot Coverage (all impervious surfaces) ¹¹	Equal to the base zoning allowance for single-family residences	Must be included in a cottage project	Equal to the base zoning allowance for single-family residences
Height	-		
Dwelling Units	Equal to the base zoning allowance for single-family residences		
Accessory Structures	One story, not to exceed 18' above A.B.E.		
Tree Retention	The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter.		
Common Open Space	300 square feet per unit for cottage developments containing 5 or more units and not required for duplexes or triplexes. Can be reduced to 200 square feet per unit if a permanent recreational/communal feature, such as cooking facilities, play equipment or permanent outdoor furniture, is provided. 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 ¹²	Each unit must have a covered porch with a minimum area of 64 square feet per unit and a minimum dimension of 7' on all sides.	NA	Attached covered porches are encouraged as a design feature.
Development Options	Subdivision Condominium Rental or Ownership		

	Cottage	Carriage	Two/Three-Unit Home
Accessory Dwelling Units (ADUs)	Allow attached ADUs as part of a cottage or two-/three-unit home development.		

	<u>Cottage and Carriage</u>	<u>Courtyard Apartments</u>	<u>Multiplex, Townhouses, and Stacked flats</u>
<u>Density</u> ^{1, 2, 3, 4, 5}	<p>If development is more than a quarter-mile walking distance of a major transit stop development may have:</p> <p style="text-align: center;"><u>Four units per lot, or</u></p> <p style="text-align: center;"><u>Twice the maximum number of detached dwelling units allowed in the residential zones.</u></p> <p>If development is All lots within a quarter-mile walking distance of a major transit stop development may have:</p> <p style="text-align: center;"><u>Six units per lot, or</u></p> <p style="text-align: center;"><u>Twice the maximum number of detached dwelling units allowed in the residential zones.</u></p>		
<u>Development Size</u>	There is no minimum or maximum number of units.		
<u>Review Process</u>	<u>Before applying for a permit or approval under this chapter, the applicant shall attend a pre-submittal meeting with the Planning Official consistent with the provisions of KZC 145.12.</u>		
<u>Land Division</u>	<u>Subdivision⁶</u> <u>Condominium</u>		
<u>Minimum Lot Size</u>	<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.)</u>		
<u>Minimum Required Yards (from exterior property lines of subject property)</u>	<u>Front: 20'^{7, 8}</u> <u>Side: 5'</u> <u>Rear: 10'</u>		
<u>Maximum Unit Size</u>	<u>800 square feet for carriage units, 1,700 square feet for cottage units^{9, 10}</u>	<u>None</u>	

<u>Max Floor Area Ratio¹¹</u>	<u>For development in low density residential zones, the maximum F.A.R. is equal to the base zoning allowance for detached dwelling units in the zone within which the property is located.</u>	
<u>Lot Coverage¹²</u>	<u>Equal to the base zoning allowance for detached dwelling units in the zone within which the property is located.</u>	
<u>Height</u>	<u>Equal to the base zoning allowance for detached dwelling units in the zone within which the property is located.</u>	
<u>Tree Retention</u>	<u>The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter.</u>	
<u>Community Buildings</u>	<u>See KZC 113.30</u>	
<u>Design Standards</u>	<u>See KZC 113.35</u>	
<u>Parking</u>	<u>If development is within one-half mile of a major transit stop: no on-site parking is required.</u> <u>If development is more than one-half mile from a major transit stop:</u> <u>1 space per unit.</u> <u>Units that are over 1,000 square feet on lots larger than 6,000 square feet: 2 spaces per unit</u> <u>Accessory Dwelling Unit (ADU) = no additional on-site space required</u>	
<u>Affordable Housing</u>	<u>See KZC 112</u>	

¹ Existing detached dwelling units may remain on the subject property and will be counted as middle housing units.

² Attached Accessory Dwelling Units (ADUs) are allowed as an accessory use to middle housing and will not count towards the density allowance. The maximum number of ADUs is one per middle housing unit.

³ See KZC 90.170 for density calculation on a site which contains a wetland, stream, minor lake, or their buffers.

⁴ To calculate the allowed density for lots in zones where minimum lot size is required, divide the site's lot area by the minimum lot size, multiply by two, then round down to the nearest whole number.

For lots in zones where units per acre is applied to calculate the maximum density for a site, divide the site's lot area by an acre then multiply by the zone's maximum units per acre, round up if the fraction is 0.50 or greater, and multiply by two.

⁵ Road dedication and vehicular access easements or tracts may be included in the density calculation.

⁶ Units may be subdivided via the subdivision process or unit lot subdivision process in KMC 22. Units may only be subdivided if they are not stacked.

⁷ On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.

⁸ On lots with two front yards that are essentially parallel to one another, only one front yard must be a minimum of 20 feet. The other will be regulated as a rear yard (minimum 10 feet). The front yard shall be the yard adjacent to the front facade of the dwelling unit.

⁹ 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.

¹⁰ Maximum size for a cottage is 1,700 square feet. A cottage may include an attached garage, not to exceed an additional 250 square feet, which is not included in the maximum square footage limitation.

¹¹ F.A.R. regulations:

a. F.A.R. regulations shall be calculated using the entire subject property, except as provided in subsection (b) of this footnote.

b. For cottage projects proposed to undergo subdivision pursuant to the provisions of this chapter, F.A.R. for individual lots may vary, but in no case shall the aggregate F.A.R. exceed the allowance for the subject property.

c. All structures on site, other than affordable housing units and any attached garages for the affordable units provided under KZC 112, shall be included in the F.A.R. calculation for the development.

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

113.30 Community Buildings and Community Space

Community buildings and community space are encouraged in middle housing developments.

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

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

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

113.35 Design Regulations

1. All Middle Housing Developments

a. Vehicle access, garages, driveways, and surface parking

1) For lots abutting an improved alley that meets the city's standard for width, vehicular access shall be taken from the alley. Lots without access to an improved alley and taking vehicular access from a street shall meet the other standards of subsection (2) through (6) below.

2) Roadway Widths – For vehicular access minimum standards for widths are established as follows:

a. When no Fire Department access road is required, and the access will service one (1) to four (4) dwelling units, including accessory dwelling units, the minimum standard is 16 feet of unobstructed pavement. The Public Works Department may reduce the standard to 10 feet of unobstructed pavement and abutting driveways are located to allow for safe ingress and egress.

When an access road is required by the Fire Department, the following standards shall apply:

1) The access road shall extend full width from the public right-of-way to the point at which the distance to the most distant point of the property line of the furthest lot is within 150 feet. Required pavement width shall be unobstructed;

2) If accessing no more than two (2) dwelling units, including accessory dwelling units, from the access road;

a) If the total length of the access road is less than 150 feet, the minimum pavement width shall be 16 feet and no Fire Department vehicle turn-around is required;

b) If the total length of the access road is less than 200 feet but greater than 150 feet, the minimum standard is either:

i. 16 feet of pavement with an appropriate Fire Department vehicle turn-around; or

ii. 20 feet of pavement with no Fire Department vehicle turn-around;

c) If the total length of the access road is greater than 200 feet, the minimum pavement width shall be 20 feet, with an appropriate Fire Department vehicle turn-around;

3) If accessing three (3) or four (4) dwelling units, including accessory dwelling units, from the access road, the minimum standard is 20 feet of unobstructed pavement.

b. For five (5) or more dwelling units, including accessory dwelling units, a 20 foot paved access is required.

c. A greater pavement width may be required by the Department of Public Works, Fire Department, or Planning and Building Department as determined on a case-by-case basis.

3) Parking areas and driveways may be located within required yards, but, except for the portion of any driveway which connects with an adjacent street, not closer than five feet to any property line.

4) All detached garages and carports shall not protrude beyond the front building façade.

5) Public Works driveway policy requirements for driveway separation, vehicle turn around, and access standards shall apply.

b. eLow Impact Development

Projects constructed under this chapter shall include low impact development techniques when feasible, pursuant to the adopted City of Kirkland Surface Water Manual.

24. Cottage Projects

a. ~~Orientation of Dwelling Units~~

~~Dwellings within a cottage housing development should be oriented to promote a sense of community, both within the development and with respect to the larger community, creating variety and visual interest that is compatible with the character of the surrounding neighborhood.~~

~~1) Where feasible, each dwelling unit that abuts a common open space shall should 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 should have an inviting facade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one (1) public right-of-way, the City shall should determine to which right-of-way the inviting facade shall be oriented.~~

ab. Covered Porch. 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. The required 64 square feet cCovered porches may be exempt from GFAs exempt from cottage GFA. and FAR pursuant to KZC 115.42.2 and 3 and may encroach into the front setback subject to the criteria in KZC 115.115.3.n.

c. Pedestrian Flow through Development

Pedestrian connections should link all buildings to the public right-of-way, common open space and parking areas. Driveways may be used to meet this requirement.

b. Required Common Open Space

1) At least one outdoor common open space is required for developments containing five (5) or more units.

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

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

4) 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 bordered by cottages on at least two (2) sides;

b) At least 50 percent of the units in the development shall abut a common open space and have an entrance facing the 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.

5) Parking areas and vehicular areas shall not qualify as common open space.

6) Pedestrian connections should link all buildings to common open spaces. Driveways may be used to meet this requirement.

76) Critical areas and their buffers, including easements for geologically hazard area, shall not qualify as common open space.

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

98) 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.

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

10) Pedestrian Flow through Development

Pedestrian connections should link all buildings to the public right-of-way, common open space and parking areas. Driveways may be used to meet this requirement.

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

Common open space shall ~~shall~~ meet the following standards:

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

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

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

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

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

~~6) Fences may not be located within required open space areas.~~

~~7) Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.~~

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

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

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

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

~~d. Covered Porch. 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.~~

~~ed. Shared Detached Garages and Surface Parking Design~~

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

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

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

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

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

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

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

~~e. Low Impact Development~~

~~Projects constructed under this chapter shall include low impact development techniques when feasible, pursuant to the adopted City of Kirkland Surface Water Manual.~~

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

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

~~g. Private Open Space~~

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

~~fh. Pedestrian Flow through Development~~

~~Pedestrian connections should link all buildings to the public right-of-way, common open space and parking areas. Driveways may be used to meet this requirement.~~

2. ~~Two/Three Unit Homes Not Included in Cottage Developments~~ Courtyard Apartments

a. Required Common Open Space

1) At least one outdoor common open space is required.

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

3) Common open space shall be bordered by dwelling units on two, or three sides.

4) Parking areas and vehicular areas shall not qualify as common open space.

5) Critical areas and their buffers, including steep slopes, shall not qualify as common open space.

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

7) — Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, and to facilitate maintenance needs. Where feasible, existing mature trees should be retained.

8) — 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.

b. Covered Entry

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

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

~~1) — Facade modulation;~~

~~2) — Entry features that are dominant elements facing the street; and~~

~~3) — Utilization of a variety of high-quality materials reflected in the surrounding neighborhood.~~

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

~~1) — Architectural articulation in walls and roofs;~~

~~2) — Covered entry porch;~~

- 3) ~~Second story step back or modulation; and~~
- 4) ~~Minimize the appearance of garages on the front facade by:~~
 - a) ~~Providing garages in the rear yard;~~
 - b) ~~Recessing the garage from the remainder of the facade;~~
 - c) ~~Employing roof forms compatible with surrounding single-family residences.~~

~~c. Low Impact Development (LID)~~

~~Projects constructed under this chapter shall provide low impact development techniques if feasible pursuant to the adopted City of Kirkland Surface Water Manual.~~

~~bd. Garages and Surface Parking Design~~

- 1) ~~Garages and driveways for two/three-unit homes~~courtyard apartments ~~shall meet the standards established in KZC 115.43 and 115.115(5). In addition, no more than three (3) garage doors may be visible on any facade of the structure.~~
- 2) ~~Surface parking shall be limited to groups of no more than three (3) stalls. Parking areas with more than two (2) stalls must be visually separated by at least a distance of 10 feet from the street, perimeter property lines and common areas through site planning, landscaping or natural screening.~~

~~113.40 Median Income Housing~~

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

10-unit project:	1 unit affordable to households earning 100% of King County median income
11-unit project:	1 unit affordable to households earning 98% of King County median income
12-unit project:	1 unit affordable to households earning 96% of King County median income
13-unit project:	1 unit affordable to households earning 94% of King County median income
14-unit project:	1 unit affordable to households earning 92% of King County median income
15-unit project:	1 unit affordable to households earning 90% of King County median income
16-unit project:	1 unit affordable to households earning 88% of King County median income
17-unit project:	1 unit affordable to households earning 86% of King County median income
18-unit project:	1 unit affordable to households earning 84% of King County median income
19-unit project:	1 unit affordable to households earning 82% of King County median income

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

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

~~24-unit project: 2 units affordable to households earning 92% of King County median income~~

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

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

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

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

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

113.450 Additional Standards

1. Impact fees under Kirkland Municipal Code Chapters 27.04 and 27.06 for the proposed project shall be assessed at the rates for multifamily dwelling units, as identified in Appendix A of Kirkland Municipal Code Chapters 27.04 and 27.06.

2. The City's approval of a middle housing~~cottage housing or two/three-unit~~ ~~home~~ development does not constitute approval of a subdivision or short plat. An applicant wishing to subdivide in connection with a development under this chapter shall seek approval to do so concurrently with the approval process under this chapter. To the extent there is a conflict between the standards set forth in this chapter and Title 22 of the Kirkland Municipal Code, the

standards set forth in this chapter shall control. A lot that has existing middle housingg-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.