

Draft Proposed Amendments (Clean Format)

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 – MIDDLE HOUSING

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113.05 User Guide

This chapter provides standards for developing middle housing including cottages, carriages, two to six units buildings, 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. 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 more housing choices by adding diverse, and often affordable housing types, in primarily residential neighborhoods. Providing for a variety of housing types in primarily residential zones also encourages innovation and variety in housing design and site development, while ensuring compatibility with surrounding residential uses.

113.15 Housing Types Defined

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

1. Cottage – A dwelling unit containing 1,700 square feet or less of gross floor area.
2. Carriage Unit – A dwelling unit, not to exceed 800 square feet in gross floor area, located above a garage structure in a cottage housing development.
3. Multiplex – An attached or stacked structure that contains two to six dwelling units (duplex, triplex, fourplex, fiveplex, and sixplex).
4. Townhouse – A building that contains three or more attached dwelling units that extend from foundation to roof and that have a yard or public way on at least two sides.
5. Stacked Flats – Stacked dwelling units in a residential building of no more than three stories.
6. 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 zones as defined in KZC 5.10.785.

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

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

	Cottage and Carriage	Courtyard Apartments	Multiplex, Townhouses, and Stacked flats
Density ^{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>Four units per lot, or</p> <p>Twice the maximum number of detached dwelling units allowed in the residential zones.</p> <p>If development is within a quarter-mile walking distance of a major transit stop development may have:</p> <p>Six units per lot, or</p> <p>Twice the maximum number of detached dwelling units allowed in the residential zones.</p>		
Development Size	There is no minimum or maximum number of units.		
Review Process	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.		
Land Division	Subdivision ⁶ Condominium		
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.)		
Minimum Required Yards (from exterior property lines of subject property)	Front: 20' ^{7, 8} Side: 5' Rear: 10'		
Maximum Unit Size	800 square feet for carriage units, 1,700 square feet for cottage units ^{9, 10}	None	

Max Floor Area Ratio ¹¹	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.
Lot Coverage ¹²	Equal to the base zoning allowance for detached dwelling units in the zone within which the property is located.
Height	Equal to the base zoning allowance for detached dwelling units in the zone within which the property is located.
Tree Retention	The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter.
Community Buildings	See KZC 113.30
Design Standards	See KZC 113.35
Parking	<p>If development is within one-half mile of a major transit stop: no on-site parking is required.</p> <p>If development is more than one-half mile from a major transit stop:</p> <p>1 space per unit.</p> <p>Units that are over 1,000 square feet on lots larger than 6,000 square feet: 2 spaces per unit</p> <p>Accessory Dwelling Unit (ADU) = no on-site space required</p>
Affordable Housing	See KZC 112

- 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. 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.

2. Cottage Projects

a. 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 covered porch is exempt from cottage GFA.

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. The total 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.
- 7) Critical areas and their buffers, including easements for geologically hazard area, shall not qualify as common open space.
- 8) Fences may not be located within required open space areas.
- 9) 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) 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.

2. 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.
- 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.

113.40 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 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 housing may not be subdivided unless all of the requirements of the Zoning Code and Title 22 of the Kirkland Municipal Code are met.