

Proposed Amendments (Note: Highlight text on amendments after 3/27/25)

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

Sections:

- 113.05 User Guide
- 113.10 Provisions and Intent
- 113.15 Housing Types Defined
- 113.20 Applicable Use Zones
- 113.25 Development Standards ~~Chart for Cottages, Carriage Units and Two/Three-Unit Homes~~
- 113.30 Community Buildings and Community Space in Cottage Developments
- 113.35 Design Regulations ~~Standards and Guidelines~~
- 113.40 Median Income Housing
- 113.540 Additional Standards

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 buildings, townhomes, or stacked flats 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 diverse, 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:

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.~~
3. Multiplex - A residential building that contains two to six attached dwelling units.
4. Townhouses – Residential buildings that contain 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.

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, properties zoned RSA 1, 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 structure in a cottage housing development	Maximum size of a two or three unit 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	Allowed when included in a cottage project; reviewed as part of cottage project	No development size limitation
	Maximum cluster: 12 units		
Review Process	None ¹⁶		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>		

	Cottage	Carriage	Two/Three-Unit Home
Minimum Required Yards (from exterior property lines of subject property)	Front: 20' ^{13, 14, 15} Side: 5' Rear: 10'	Must be included in a cottage project	Front: 20' Side: 5' Rear: 10'
Lot Coverage (all impervious surfaces) ¹¹	Equal to the base zoning allowance for single-family residences	Must be included in a cottage project	Equal to the base zoning allowance for single-family residences
Height	-		
Dwelling Units	Equal to the base zoning allowance for single-family residences		
Accessory Structures	One-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		

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

¹—~~A covenant restricting any increases in unit size after initial construction shall be recorded against the property. Vaulted space may not be converted to habitable space.~~

²—~~Maximum size for a cottage is 1,700 square feet. A cottage may include an attached garage, not to exceed an additional 250 square feet, and is not included in the maximum square footage limitation.~~

³—~~Maximum size for a two- or three-unit home:~~

a. ~~Regulated by the floor area ratio (F.A.R.) of the underlying zone.~~

⁴—~~Existing detached dwelling units may remain on the subject property and will be counted as units.~~

⁵—~~When the conversion from detached dwelling units to equivalent units results in a fraction, the equivalent units shall be limited to the whole number below the fraction.~~

⁶—~~See KZC 90.170 for density calculation on a site which contains a wetland, stream, minor lake, or their buffers.~~

⁷—~~To determine equivalent units for a two- or three-unit home, the following formula will be used: 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): 12,500/7,200 = 1.7 x 2 = 3.4 units, rounded down to 3 units.*~~

⁸—~~F.A.R. regulations:~~

a. ~~F.A.R. regulations are calculated using the “buildable area” of the site, as defined in KZC 90.170. Where no critical areas regulated under Chapter 90 KZC exist on the site, F.A.R. 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 F.A.R. on the developed portion of the site remains compatible with surrounding development and generally consistent with the F.A.R. limitation of this chapter.~~

	Cottage	Carriage	Two/Three-Unit Home
--	---------	----------	---------------------

c. ~~F.A.R.~~ 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 ~~F.A.R.~~ calculation for the development.

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

¹⁰ ~~See KZC 105.20 for requirements related to guest parking.~~

¹¹ ~~Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.~~

¹² ~~Requirements for porches do not apply to carriage or two /three unit homes.~~

¹³ ~~On corner lots in RSX and RSA zones, 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.~~

¹⁴ ~~On lots with two front yards that are essentially parallel to one another in RSX and RSA zones, 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.~~

¹⁵ ~~For properties within the jurisdiction of the Shoreline Management Act that have a shoreline setback requirement as established in Chapter 83 KZC and the setback requirement is met, the minimum required front yard is either: 10 feet or the average of the existing front yards on the properties abutting each side of the subject property. For the reduction in front yard, the shoreline setback is considered conforming if a reduction in the required shoreline setback is approved through KZC 83.380.~~

¹⁶ ~~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>Cottage and Carriage</u>	<u>Multiplex, Townhouses, Stacked flats</u>
<u>Density 1, 2, 3, 4, 5, 6, 7</u>	<u>A development more than a quarter-mile walking distance of a major transit stop may have the greater of:</u>	

	<p><u>Four units per lot, or</u></p> <p><u>Twice the maximum number of detached dwelling units allowed in the residential zones.</u></p> <p><u>A development within a quarter-mile walking distance of a major transit stop may have the greater of:</u></p> <p><u>Six units per lot, or</u></p> <p><u>Twice the maximum number of detached dwelling units allowed in the residential zones.</u></p>	
<u>Development Size</u>	<u>There is no minimum or maximum number of units.</u>	
<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>Subdivision⁸</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 middle housing project site is determined by the density provision of this chart.)</u>	
<u>Minimum Required Yards (from exterior property lines of the middle housing project site)</u>	<u>Front: 20' ^{9, 10}</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 ^{11, 12, 13}</u>	<u>None</u>
<u>Max Floor Area Ratio ^{14, 15}</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 Coverage ¹⁶</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, and:</u>	

	<ul style="list-style-type: none"> - <u>The development is within one-half mile of transit service with 15-minute headways during commute hours: 1 space per unit.</u> <ul style="list-style-type: none"> o <u>See KZC 105.20 for visitor parking</u> - <u>The development is more than one-half mile from transit service with 15-minute headways during commute hours:</u> <ul style="list-style-type: none"> o <u>Units that are over 1,000 square feet or less:= 1 space per unit</u> o <u>Units which are over 1,000 square feet: 1.5 spaces per unit</u> o <u>See KZC 105.20 for visitor parking</u> <p><u>Accessory Dwelling Unit (ADU) = no on-site space required</u></p>
<u>Affordable Housing</u>	<u>See KZC 112.</u>

¹ Multiplexes containing more than four units are not permitted in low density zones.

² Existing detached dwelling units may remain on the middle housing project site and will be counted as middle housing units.

³ 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 two per middle housing project site. Each ADU must meet the requirements of KZC 115.07.

⁴ In low density zones:

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 square footage of the subject lot by 43,560 (the square footage of one 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 Medium and high-density zones have a minimum density that is 80% of the maximum allowed density. Middle housing projects must provide no fewer than

the minimum number of units established by the base zoning before Chapter 113 density calculations are applied.

⁷ See KZC 90.170 for density calculation on site which contains a wetland, stream, minor lake, or their buffers.

⁸ 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.

⁹ 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.

¹⁰ 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).

¹¹ 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.

¹² 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.

¹³ See KZC 113.35.2.b for how to calculate unit floor area.

¹⁴ F.A.R. regulations:

a. F.A.R. shall be calculated using the entire middle housing project site, 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 middle housing project site.

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.

¹⁵ KZC 115.42 does not apply to cottage developments, or cottages that are part of a development with other middle housing types. F.A.R. shall be calculated using the sum of the floor area of all cottages and accessory structures, including any attached garages. See KZC 113.35.2.b for how to calculate cottage floor area.

¹⁶ Lot coverage is calculated using the entire middle housing project 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~~ ~~Standards~~ and Guidelines

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 if the access and abutting driveways are located to allow for safe ingress and egress.

b. 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 more dwelling units, including accessory dwelling units, from the access road, the minimum standard is 20 feet of unobstructed pavement.

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.

d. The Public Works Department may require a dedicated and improved public right-of-way to serve 13 or more dwelling units as determined on a case-by-case basis. See Chapter 110 KZC for the required improvements.

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.

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

b. Low Impact Development (LID)

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. 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.

b. The gross floor area of a cottage or carriage unit shall not include the following:

- 1) One exemption of 25 square feet if the cottage has an internal staircase.
- 2) Uncovered rooftop decks and uncovered at-grade patios.
- 3) 64 square feet of the required covered porch.
- 4) The shared wall between the garage and the cottage.

c. 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) Required common open space may be divided into no more than two (2) separate areas. Each area of common open space shall be 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.

c) Minor structures that do not create a visual or physical barrier, such as low retaining walls, low solid or permeable fencing (generally less than 3.5 feet in height, providing visual access to most children and adults) separating private open space and common open space, sidewalks, small berms, and planting beds, are permitted in between a dwelling unit and a common open space.

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

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

7) Critical areas and their buffers, including easements for geologically hazardous areas, 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.

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.~~

113.540 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 through the requirements of Title 22 of the Kirkland Municipal Code (KMC).~~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 KMC Title 22 of the Kirkland Municipal Code, the standards set forth in this chapter shall control. A middle housing project site~~let~~ that has existing middle housing~~g-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.

Proposed Amendments

Chapter 112 – AFFORDABLE HOUSING INCENTIVES – ~~MULTIFAMILY~~

Sections:

- 112.05 User Guide
- 112.10 Purpose
- 112.15 Affordable Housing Requirement
- 112.20 Basic Affordable Housing Incentives
- 112.25 Additional Affordable Housing Incentives
- 112.30 Alternative Compliance
- 112.35 Affordability Provisions
- 112.40 Regulatory Review and Evaluation

112.05 User Guide

This chapter offers dimensional standard flexibility and density and economic incentives to encourage construction of affordable housing units throughout the city ~~in commercial zones, high density residential zones, medium density zones, office zones, and transit-oriented development zones.~~

If you are interested in proposing ~~four or more residential units in commercial zones, high density residential zones, medium density zones, office zones, or transit-oriented development zones~~ or you wish to participate in the City's decision on such a project, you should read this chapter.

112.10 Purpose

There is a limited stock of land within the City zoned and available for residential development and there is a demonstrated need in the City for housing which is affordable to persons of low and moderate income. Therefore, this chapter provides development incentives in exchange for the public benefit of providing affordable housing units ~~in commercial zones, high density residential zones, medium density zones, office zones, and transit-oriented development zones.~~

112.15 Affordable Housing Requirement

1. Affordable housing requirements in low density residential zones.

a. The following requirements shall be in effect after June 29, 2026.

b. Applicability – Applies to all new residential development except for the following:

1) Dwelling units that are 2,000 square feet or less.

2) Additions and/or alterations that do not add more than 100% of the existing square footage to the dwelling unit.

c. Affordability Requirement – For all new residential development least 10 percent of the unit(s) shall be affordable housing units and comply with the provisions of this chapter.

2. Affordable housing requirements medium-density residential zones, high-density residential zones, commercial zones, office zones, and transit-oriented development zones.~~Applicability—~~

a. Minimum Requirements –

1) All developments creating four or more new dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations or the Special Regulations for the specific use in Chapters 20 through 56 KZC. For transit oriented development in the PR 1.8 zone, see the permitted uses for the minimum amount of affordable housing to be provided and other requirements of this chapter that do not apply.

2) All developments creating new dwelling units in the Neighborhood Mixed Use (NMU), Civic Mixed Use (CVU), or Urban Flex (UF) zones regulated in Chapter 57 KZC shall set aside the following minimum percentage of their residential units as affordable units at the indicated average median income (AMI) levels, based on the maximum allowed height for each zone shown in the NE 85th St. Station Area Regulating Plan in Figure 2, KZC 57.10.030:

Station Area - Base Affordable Housing Requirements		
Maximum Allowed Zone Height	Renter-Occupied: Minimum Percentage of Affordable Housing Units and AMI Requirements	Owner-Occupied: Minimum Percentage of Affordable Housing Units and AMI Requirements
Less than 65'	10% at 50% AMI	10% at 80% AMI
65' and Above	15% at 50% AMI	15% at 80% AMI

Note that the minimum requirements for affordable housing units are applicable to the full development, including any units provided within the base height or capacity allowed for the zone. Options for alternative compliance with these requirements, and pioneer unit provisions, are shown in KZC 112.20(3)(c).

b. Voluntary Use – All other provisions of this chapter are available for use in developments where the minimum requirement does not apply; provided, however, the provisions of this chapter are not available for use in developments located within the BN zone.

23. Calculation in Density-Limited Zones – Except for developments in low-density residential zones, For developments in density-limited zones, the required amount of affordable housing shall be calculated based on the number of dwelling units proposed prior to the addition of any bonus units allowed pursuant to KZC 112.20.

34. Calculation in CBD 5A, RH8, HENC 2, TL, Transit Oriented Development in PR 1.8, FHNC, BCX, NMU, CMU, UF, and PLA 5C Zones – For developments in the CBD 5A, RH8, TL, FHNC, BCX, TOD in PR 1.8, HENC 2, NMU, CMU, UF, and PLA 5C zones, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed.

45. Rounding and Alternative Compliance – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66. KZC 112.30 establishes methods for alternative compliance,

including payment in lieu of construction for portions of required affordable housing units that are less than 0.66 units.

112.20 Basic Affordable Housing Incentives

1. Approval Process – The City will use the underlying permit process to review and decide upon an application utilizing the affordable housing incentives identified in this section.

2. Bonus –

a. Height Bonus – In RH8, PLA 5C, FHNC, and TL use zones where there is no minimum lot size per dwelling unit, and for transit oriented development in the PR 1.8 zone, additional building height has been granted in exchange for affordable housing, as reflected in each Use Zone Chart for the RH8, FHNC and TL zones and tables for the PLA 5C and PR 1.8 zones.

b. Development Capacity Bonus – On lots or portions of lots in the RH8 use zone located more than 120 feet north of NE 85th St., between 132nd Avenue NE and parcels abutting 131st Avenue NE, in the HENC 2 use zone, and in the CBD 5A use zone, where there is no minimum lot size per dwelling unit, additional residential development capacity has been granted in exchange for affordable housing as reflected in the Use Zone Chart. On lots in the NE 85th St. Station Area, NMU, CVU, and UF zones, additional residential development capacity and reduced parking requirements have been granted in exchange for affordable housing as reflected in Chapter 57 KZC.

c. Bonus Units – Except for uses in low-density residential zones, For uses in zones where the number of dwelling units allowed on the subject property is determined by dividing the lot size by the required minimum lot area per unit, two additional units (“bonus units”) may be constructed for each affordable housing unit provided or paid for in lieu of construction. (See Plate 32 for example of bonus unit calculations.)

d. Maximum Unit Bonuses – The maximum number of bonus units achieved through a basic affordable housing incentive shall be 25 percent of the number of units allowed based on the underlying zone of the subject property.

e. Density Bonus for Assisted Living Facilities – The affordable housing density bonus may be used for assisted living facilities to the extent that the bonus for affordable housing may not exceed 25 percent of the base density of the underlying zone of the subject property.

3. Alternative Affordability Levels – Except for development in low-density residential zones, An applicant may propose affordability levels different from those defined in Chapter 5 KZC for the affordable housing units.

a. In use zones where a density bonus is provided in exchange for affordable housing units, the ratio of bonus units per affordable housing unit for alternative affordability levels will be as follows:

Affordability Level	Bonus Unit to Affordable Unit Ratio
<i>Renter-Occupied Housing</i>	
60% of median income	1.9 to 1
70% of median income	1.8 to 1
<i>Owner-Occupied Housing</i>	
90% of median income	2.1 to 1
80% of median income	2.2 to 1

b. In the CBD 5A, HENC 2, RH8, TL and PLA 5C use zones, the percent of affordable units required for alternative affordability levels will be as follows:

Affordability Level	% of Project Units Required to Be Affordable
<i>Renter-Occupied Housing</i>	
60% of median income	13%
70% of median income	17%
<i>Owner-Occupied Housing</i>	

Affordability Level	% of Project Units Required to Be Affordable
70% of median income	8%
90% of median income	13%
100% of median income	21%

c. In the Station Area NMU, UF, and CVU use zones, the first 10 percent of total units in a development must be provided at the base required affordability level set forth in KZC 112.15(1)(a)(2), and the remainder of required units to reach the minimum set-aside established in that section may be provided at the equivalency ratios shown below:

Affordability Level	Exchange Ratio (50% AMI Unit: Equivalent AMI Unit)
<i>Renter-Occupied Housing</i>	
60% of median income	1:1.3
70% of median income	1:1.7
80% of median income	1:2.0
<i>Owner-Occupied Housing</i>	
90% of median income	1:1.3
100% of median income	1:2.1

When calculating the number of affordable units required for any of the alternate affordability levels, any fraction of a unit shall be rounded up to the next whole number.

Example Alternative Compliance Calculation

1. Calculate how many total affordable units are required under fixed base requirement.

Example: A 100-unit rental development (in a zone allowing heights at 65 feet or above) requires 15 units at 50 percent AMI (base requirement).

2. At least 10 percent of (total) units must be provided at 50 percent AMI = 10 units at 50 percent AMI.

3. Remainder of units (five units per the base requirement) may be provided at the equivalency of a 50 percent AMI unit. For each 50 percent AMI unit not provided, the exchange ratio will be used to determine how many equivalent units (based on chosen affordability level) must be provided.

Example: Any of the below options could be used to fulfill remainder of affordable housing requirement:

5 units at 50% AMI = 7 units at 60% AMI (rounded up from 6.5); or

5 units at 50% AMI = 9 units at 70% AMI (rounded up from 8.5); or

5 units at 50% AMI = 10 units at 80% AMI.

d. To encourage “pioneer residential development” in the Station Area NMU, UF, and CVU use zones with allowed heights 65 feet or higher, the below base (or fixed) pioneer provisions shall be utilized to calculate the minimum affordable housing units required for the indicated total number of units constructed in projects vested on or after the effective date of the ordinance codified in this section:

Number of Total Units in NMU, UF, and CVU Zones	Renter-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements	Owner-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements
Units with vested applications before December 31, 2025, or	10% at 50% AMI, or the alternative affordability level options in KZC 112.20(3)(c) with at least 5% of	10% at 80% AMI, or the alternative affordability level options in KZC 112.20(3)(c)

Number of Total Units in NMU, UF, and CVU Zones	Renter-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements	Owner-Occupied: Minimum Percent of Affordable Housing Units and AMI Requirements
first 624 units (whichever is later)	units required to be provided at 50% AMI	
All subsequent units	Base requirements in KZC 112.15(1)(a)(2)	Base requirements in KZC 112.15(1)(a)(2)

“Number of total units” shall mean the total number of housing units (affordable and otherwise) with vested applications within the NMU, UF, and CVU use zones where affordable housing units are required and which have not received funding from public sources.

e. Depending on the level of affordability provided, the affordable housing units may not be eligible for the impact fee waivers described in subsections (5)(a) and (5)(b) of this section.

4. Dimensional Standards Modification – To the extent necessary to accommodate the bonus units allowed under subsection (2)(c) of this section on site, the following requirements of the Kirkland Zoning Code may be modified through the procedures outlined in this subsection. These modifications may not be used to accommodate the units resulting from the base density calculation.

a. Maximum Lot Coverage – The maximum lot coverage may be increased by up to five percentage points over the maximum lot coverage permitted by the underlying use zone. Maximum lot coverage may not be modified through this provision on properties with streams, wetlands, minor lakes or their buffers. In addition, this modification would require a shoreline variance as set forth in Chapter 141 KZC for properties within jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.

b. Parking Requirement – The required parking may be reduced to 1.0 space per affordable housing unit. No additional guest parking is required for affordable

housing units. If parking is reduced through this provision, the owner of the affordable housing unit shall sign a covenant, in a form acceptable to the City Attorney, restricting the occupants of each affordable housing unit to a maximum of one automobile.

c. Structure Height – Maximum height for structures containing affordable housing units may be increased by up to six feet for those portions of the structure(s) that are at least 20 feet from all property lines. Maximum structure height may not be modified through this provision for any portion of a structure that is adjoining a low density zone. This modification may be permitted or may require a shoreline variance as set forth in Chapter 141 KZC for properties within jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.

d. Required Yards – Structures containing affordable housing units may encroach up to five feet into any required yard except that in no case shall a remaining required yard be less than five feet. A modification to the shoreline setback would require a shoreline variance set forth in Chapter 141 KZC for properties within jurisdiction of the Shoreline Management Act. See Chapter 83 KZC.

e. Common Recreational Space – Common recreational open space per unit, when required, may be reduced by 50 square feet per affordable housing unit.

5. Impact Fee and Permit Fee Calculation –

a. Applicants providing a greater number of affordable housing units or a greater level of affordability than is required by this code may request an exemption from payment of:

- 1) Traffic impact fees as established by KMC 27.04.050; and
- 2) Park impact fees as established by KMC 27.06.050.

The allowed exemption shall only apply to those units in excess of the minimum required by code unless the development will be utilizing public assistance targeted for low-income housing.

b. Applicants providing affordable housing units may request an exemption from payment of school impact fees as established by KMC 27.08.050.

c. Applicants providing affordable housing units are eligible for exemption from various planning, building, plumbing, mechanical and electrical permit fees for the bonus units allowed under subsection (2)(c) of this section as established in KMC 5.74.070 and KMC Title 21.

6. Property Tax Exemption – A property providing affordable housing units may be eligible for a property tax exemption as established in Chapter 5.88 KMC.

a. Properties within the NMU, CVU, or UF Station Area zones utilizing alternate affordability options in subsection (3)(c) of this section shall not be eligible for the 12-year multi-family tax exemption described in Chapter 5.88 KMC.