

- a. Briefing on Middle Housing Code State Compliance – File No. CAM24-00561
Purpose: Receive a briefing and hold a study session to discuss Briefing on Middle Housing Code State Compliance – File No. CAM24-00561.
Staff Contact:



CITY OF KIRKLAND
PLANNING AND BUILDING
123 Fifth Avenue, Kirkland, WA 98033
425-587-3000

MEMORANDUM

To:	Planning Commission
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From: Scott Guter, AICP, Senior Planner
Martha Rubardt, Planner
Priya Vellaipandian, Planner
Nicholas Lopez, Planner
Allison Zike, AICP, Deputy Planning & Building Director
Adam Weinstein, AICP, Planning & Building Director

Date: March 21, 2025

Subject: **Briefing on Middle Housing Code State Compliance – File No. CAM24-00561**

RECOMMENDATION:

Planning Commission (PC) should receive a second briefing to review and discuss proposed zoning code amendments to comply with newly mandated State rules for middle housing, as well as provide direction regarding potential affordable housing requirements. Additionally, staff will update the PC on the feedback received from the City Council (Council) at their March 18, 2025 meeting regarding these topics.

The PC should focus on the below questions during their review of this memorandum:

1. Does the PC have any questions or feedback on staff's draft zoning amendments related to density, Accessory Dwelling Units (ADUs) and housing typologies?
2. What feedback does the PC have on staff's draft inclusionary zoning (affordable housing set-asides) framework?
3. Does the PC have any questions or feedback on staff's draft zoning amendments regarding multifamily density, cottage gross floor area, or accessory dwelling unit requirements.
4. Does PC wish to have an additional briefing prior to a public hearing?
5. Which parking amendment option does the PC prefer?

BACKGROUND:

Washington State House Bill (HB) 1110 requires cities, including Kirkland, to enable diverse 'middle housing' types in residential zones to allow for increased densities and to support the development of more varied and/or affordable housing.

On February 27, 2025, the PC was briefed on proposed zoning code amendments to comply with State requirements and considered options for inclusionary zoning (i.e. affordable housing

set-asides). Staff has since briefed and relayed PC's feedback on these amendments and inclusionary options to Council.

In response to feedback received from PC, Council, and the public, staff has prepared this memorandum presenting adjustments to the number of allowed housing types, options for how to count ADUs towards maximum allowed density, and a draft approach to implementing inclusionary zoning per PC feedback from February 27.

DISCUSSION/ANALYSIS:

State law mandates that Kirkland allow at least six out of nine identified middle housing types (duplexes, townhomes, etc.) in all residential zones to increase affordability and density, addressing a historical lack of these options. Kirkland currently permits three of these housing types in low-density residential zones, and all of the middle housing types in the City's multi-family zones.

As originally drafted, the proposed code would have allowed all nine types, relying on existing zoning to regulate size and density maximums. In other words, the defined housing typologies have very little to do with the amount of density that ultimately occurs in a middle housing development; that is dictated by the density allowances in the Zoning Code. For example, a six-unit project will generally only be allowed near transit or if it includes affordable units. It's also important to remember that achieving density is not just about the maximum number of units

allowed per lot. Development standards like floor area ratio, lot coverage, and building height also play a crucial role in what can feasibly be built on a lot.

Staff initially recommended that all nine housing types (see image below) be allowed to enable developers to pick housing types that are neighborhood context-sensitive and result in the best design outcome. That said, staff believes that a smaller subset of housing options would still result in good design outcomes.



Figure 1: Image of nine middle housing building types (source: The Urbanist). Note: Not all typologies as shown may be compliant with maximum zoned densities and massing restrictions: i.e. maximums on floor area ratio, lot coverage, and building height.

Planning Commission and City Council Feedback on Housing Types

The PC, at their February 27 meeting, cautioned against exceeding State mandates and emphasized the need for careful consideration when assessing where to allow differing housing types throughout the city. On March 18, the Council was supportive of only allowing 6 out of 9 middle housing types in low-density zones (duplexes, triplexes, fourplexes, townhouses, cottages, and stacked flats). Multifamily zones may have all the housing types in low-density zones plus fiveplexes and sixplexes.

Code Amendments based on Feedback Received

Based on feedback from the PC and Council, staff made the following adjustments to the allowed housing types in the draft middle housing code (see Attachments 2 and 3).

Low-Density Zones

To meet the State's minimum density requirement of four dwelling units per lot in low-density zones, staff amended the draft code to allow the following six housing types: duplexes, triplexes, fourplexes, townhomes, stacked flats, and cottages (leaving out allowances for fiveplexes, sixplexes, and courtyard apartments). These selections are either currently permitted or align with the State's base density requirements. These types can also be combined to achieve six units per lot for properties within a quarter-mile of a major transit stop. For instance, townhomes can be built in configurations of two units or more.

Medium- and High-Density (Multifamily) Zones

In addition to the six housing types permitted in low-density zones, staff amended the draft code to allow fiveplexes and sixplexes in multifamily zones. This will enable denser housing options that are more appropriate for these more intensively developed areas.

Staff's Update to the Proposed Draft Code

Staff added the following footnote 1 to "Density" in the development standards chart located in KZC 113.25: "Multiplexes containing more than four units are not permitted in low density zones."

Courtyard Apartments

Staff does not recommend including courtyard apartments as one of the identified typologies, although would note that duplexes arranged around a courtyard would yield a cottage apartment configuration. If a developer desires to build a courtyard apartment project (unlikely because courtyards absorb a great deal of development space, and are difficult to build with modern parking requirements), it would likely be permitted under one of the other allowed housing typologies.

Staff's Update to the Proposed Draft Code

Staff removed references to courtyard apartments in KZC 113.

Accessory Dwelling Units and Density

ADUs are a valuable tool to address the housing shortage, allow for efficient land use, provide flexible housing options, and promote more sustainable and adaptable communities. It is for these reasons that any changes to the City's regulations on ADUs that reduce current allowances should be considered carefully. Below is an analysis of State requirements and how ADUs work within these requirements, followed by a description of staff's update to the proposed draft code.

ADUs and Density

State law does not classify ADUs as one of the nine mandated housing types, six of which cities must permit. However, cities can count ADUs towards State-required minimum density targets.

Currently, the City's middle housing regulations allow up to two Attached ADUs (AADUs) per development (e.g., in cottages, duplexes, triplexes), excluding them from density calculations—a practice mirroring ADU treatment in single-family zones. The first version of the proposed draft code (presented at the February 27 PC meeting and the March 4 Council meeting) proposed

increasing the AADU allowance to one per middle housing unit (with no maximum for the site as a whole), while still excluding them from density calculations.

Despite allowing ADUs in existing middle housing types since the last major code update in 2020, staff has rarely encountered development projects utilizing that allowance. Nevertheless, requiring ADUs to count towards the State's density requirement would represent a shift from the City's current policy.

In a requested follow up briefing to Council on March 18, staff recommended to Council the following adjustments to the proposed draft code (applicable to middle housing projects):

- Include ADUs in Unit Density Calculations: This aligns with the State's allowance for ADUs to be counted towards meeting minimum density thresholds and would provide clarity in what the City counts towards unit density.; or,
- Limit ADUs to Two Units Per Property (and do not include in density calculation): Instead of allowing one ADU per unit, limiting the number of ADUs to two per property would manage any concern over density impacts and would maintain consistency with current zoning standards.

On March 18, Council was supportive in continuing to exempt ADUs from density calculation and limiting them to a maximum of two per lot.

Staff's Update to the Proposed Draft Code

Staff updated footnote 3 in the Development Standards in KZC 113.25 with the following text: "The maximum number of ADUs is two per subject property."

Inclusionary Zoning: State Requirements and City Options

Inclusionary zoning is a vital tool for cities to address housing needs by offering development incentives in exchange for affordable housing. Particularly in high-cost real estate markets where the price of new housing is out of reach for most economic segments of the population, inclusionary requirements can ensure that some of the economic gains from rising real estate values help to create more affordable options for low- and moderate-income families. In the context of middle housing and low-density housing types, inclusionary policies are particularly important to expanding access to homeownership. Such policies are best crafted based on local economic analysis to ensure requirements are balanced across all housing types and new housing construction is not overly constrained. In the context of middle housing, this includes careful consideration of exemptions and calibration of fee in lieu rates.

Legal Basis

State law (RCW 36.70A.540) provides authority for local governments to enact inclusionary zoning when they have "increased residential development capacity through zoning changes, bonus densities, height and bulk increases, parking reductions, or other regulatory changes or other incentives." Phase 1 and 2 of the City's middle housing implementation would constitute increased residential development capacity, meaning that some degree of inclusionary zoning could be required. Staff's recommended approach, consistent with PC guidance, is to adopt modest inclusionary requirements as part of Phase 1 and build on those in Phase 2 when additional development allowances are considered. Alternately, the City could defer enacting inclusionary zoning to Phase 2 and signal an intent to do so in the ordinance enacting the Phase 1 code amendments. As described in more detail below, on March 18 Council supported adopting modest inclusionary requirements (developed per PC feedback from February 27) as part of Phase 1, with a delayed implementation date.

Current Inclusionary Zoning in Kirkland

The City of Kirkland has a successful history of implementing inclusionary zoning when increasing density and other development allowances, including application to middle-density zones where smaller scale projects have been built. Such policies require that housing developments of four or more new units set aside at least 10 percent of those units at prices that are affordable to households with incomes of 80 percent or 100 percent of area median income (AMI), depending on the zone. When the requirement results in a fraction lower than 0.66, the developer may pay a fee in lieu of the fractional unit. The policy has yielded meaningful results in medium-density zones including:

- 19 on-site affordable owner-occupied homes with long-term affordability
- More than \$5.1 million in fees in lieu of an additional 18.1 affordable units
 - These funds have been invested directly in local affordable housing projects and through the ARCH Trust Fund, providing a substantial increase in the City's funding for affordable housing

The expansion of middle housing densities across the City's single-family zones offers an opportunity to extend the impact of the City's inclusionary policies across a larger swath of Kirkland's residential neighborhoods. Recent sales data demonstrates that new single-family and middle housing built in these areas is out of reach for the vast majority of residents, and without an inclusionary policy, future growth in these neighborhoods is unlikely to contribute much to the overwhelming need for more affordable housing.

Housing Type	Count	Median of square feet	Median of price	Median of \$/square feet
Attached Accessory Dwelling Units (AADU)	1	1,328	\$1,100,000	\$828
Cottage	6	1,600	\$1,599,000	\$1,000
Detached Accessory Dwelling Unit (DADU)	16	1,313	\$1,175,000	\$966
Detached Condo	63	1,764	\$1,547,950	\$884
Duplex, Condo	9	2,665	\$2,050,000	\$952
Primary Residence (sold separate from ADU)	11	3,030	\$2,560,000	\$795
Primary Residence + AADU	1	3,704	\$2,399,000	\$648
Single-family Residence (SFR)	83	4,039	\$3,098,000	\$806
Primary Residence + Carriage Unit	1	4,921	\$6,275,000	\$1,275
Primary Residence + DADU	3	3,890	\$3,450,000	\$921
Townhouse	3	3,000	\$2,215,000	\$738
Townhouse (condo)	15	2,202	\$1,300,000	\$718

Table 1: Sales of new homes in Kirkland between March 2024-March 2025. Table excludes income restricted homes.

State Inclusionary Zoning Mandates

State law mandates that cities facilitate affordable housing in single-family residential areas by granting increased density for middle housing projects that include affordable units. In most areas, this requires allowing up to six units per lot, if two units are designated as affordable:

renter-occupied at 60% Area Median Income (AMI) and owner-occupied at 80% AMI. An exception (to the affordable housing requirements) exists for properties near major transit stops, where the final two units need not be affordable (i.e., all six units could be market-rate). Kirkland's only current major transit stop is the Sound Transit Stride Station at I-405 and NE 85th Street. Exceptions to State-mandated affordable housing requirements would also apply to future major transit stops along the K-line. Despite these State standards, cities can impose different affordable housing inclusionary requirements that would still allow for the development of six units per lot. Different requirements may be useful because economic modeling conducted by ARCH suggests that developers are unlikely to build six units per lot if two of those units (33 percent of total units) must be affordable. This extremely high affordable housing set-aside would make six-unit projects in most of the City largely infeasible.

City Inclusionary Options and Feedback

Staff presented various inclusionary zoning options to the PC on February 27 and Council on March 4, including: the State requirement (Option 1), expanding existing City inclusionary requirements to single-family areas (Option 2), and applying requirements from the first unit onward (Options 3 & 4), all while exploring exemptions for units under 1,000 square feet (see Table 2).

	Option 1: State Req.	Option 2: Apply Existing KZC 112 Req. (4+ unit)	Option 3: Apply KZC 112 Req. (1+ unit)	Option 4: Apply KZC 112 Req. (1+ unit / modified AMI)
Minimum Unit Application	5+ (2 affordable up to 6 units)	4+	1+	1+
Affordable Requirement	60% AMI (renter-occupied) 80% AMI (owner-occupied)	10% Affordable at: • 50% AMI (renter-occupied) • 100% AMI (owner-occupied)	10% Affordable at: • 50% AMI (renter-occupied) • 80% AMI (owner-occupied)	10% Affordable at: • 50% AMI (renter-occupied) • 100% AMI (owner-occupied)
Optional Size Exemption (Units ≤ 1,000 sq. ft)	N/A	Yes	Yes	Yes

Table 1: State inclusionary requirement and staff's inclusionary options presented at the March 4 City Council meeting.

At their February 27 meeting, the PC provided guidance to explore Options 3 and 4 further, focusing on:

- Include smaller projects (starting at 1 unit);
- Include incentives (regulations that make it easier to develop middle housing);
- Provide clear inclusionary requirements;
- Exempt smaller housing units from requirements;
- Minimize impacts to existing homeowners who might want to undertake a renovation or addition;
- Ensure that requirements do not overly constrain new middle housing projects; and
- Address existing unvested projects through vesting or delay of implementation.

Based on this guidance from the PC, staff drafted the following inclusionary components that are intended to synthesize the range of various inputs from individual Commissioners:

- **Minimum Unit Application:** 1 unit or more.
- **Affordable Requirement (based on existing requirement):** 10 percent affordable at 50 percent AMI (rental) or 100 percent AMI (owner-occupied).
- **Size Exemption:** Housing units of up to 1,700-2,000 square feet would be exempt, meaning that all middle housing would be exempt from inclusionary requirements.
- **Renovations and Rebuilds:** Would be completely exempt from inclusionary requirements.
- **Delayed Effective Date:** These new inclusionary requirements could be adopted with Phase 1, but would go into effect at a later date in order to allow existing, in-progress projects to avoid new inclusionary requirements.

This approach would have no impact on the cost or supply of middle housing projects. In addition, renovation and rebuild projects would be exempt from inclusionary requirements, meaning that existing homeowners would be unaffected by the new regulations. Current homeowners could benefit from increased density allowances if they wish to build additional housing on their properties. Large, single-family houses would be impacted and could cost more to develop. Some or all of those costs could be passed on to the consumer, depending on the strength of the housing market. However, this higher cost may incentivize developers to build middle housing rather than single-family homes. In general, this approach would generate a modest amount of in-lieu fees from single-family development, which would be used for the creation or preservation of affordable housing. In enacting a very modest and low-impact inclusionary program in the lower-density zones, this approach would also help create a fairer and more consistent inclusionary program in Kirkland, because inclusionary zoning currently is primarily focused on townhome and apartment projects. It is expected that this approach would provide a foundation for modified inclusionary zoning that could be enacted as part of the Phase 2 code amendments.

	Option 1: State Req.	Option 2: (1+ unit with delayed effective date)	Option 3: Defer all action to Phase 2
Minimum Unit Application	5+ (2 affordable up to 6 units)	1+	Defer inclusionary requirements to Phase 2 for integration with an optimized middle housing code.
Affordable Requirement	60% AMI (renter-occupied) 80% AMI (owner-occupied)	10% Affordable at: • 50% AMI (renter-occupied) • 100% AMI (owner-occupied)	
Option: Size Exemption (Units ≤ 1,700 – 2,000 sq. ft)	N/A	Yes	
Option: Exempt retained units.	N/A	Yes	
Option: Does not apply added sq. ft. on existing units.	N/A	Yes	

Table 1: Revised inclusionary requirement options based on PC and Council feedback.

Council considered the options shown in Table 3 at their March 18 meeting. City Council feedback indicated support for Option 2, which was developed primarily based on PC feedback, with a strong emphasis on ensuring flexibility, delayed implementation, and careful consideration of potential impacts. Staff will need to provide further information regarding the delayed effective date, address concerns regarding developer impacts, and incorporate clear statements of intent to ensure alignment with Council's priorities. Council indicated they will be seeking specific recommendations from the PC on any inclusionary requirement enacted in Phase 1.

Staff is seeking additional PC feedback on Option 2 in order to move forward and draft inclusionary requirements.

Additional Development Standard Amendments

The following *provisions* have been *added to the draft code amendments* since the PC's February 27, 2025 study session.

Minimum Density in Medium and High-density Zones (KZC 113.25, footnote 7)

Currently, in medium and high-density zones the City requires development to meet a minimum density requirement of 80% of the maximum allowed density for the underlying zone. This requirement was adopted by Council in 2020 when middle housing regulations were adopted. To preserve this requirement in the context of new middle housing allowances now applicable in medium and high-density zones, staff has added footnote 7 to KZC 113.25's "density" section. This footnote ensures continued application of the minimum density requirement in these zones.

Cottage Gross Floor Area (KZC 113.25, footnotes 11, 13, 15, and KZC 113.35.2)

Additional amendments have been added to the "density" section of KZC 113.25 footnotes 11, 13, and 15 along with amendments to KZC 113.35.2. These additions provide clarity on how gross floor area and floor area ratio are calculated for middle housing projects that include cottages. This clarification is essential due to the specific gross floor area size limitations defined for cottages, a distinction not present in other middle housing types. It also addresses developer confusion on this topic. The updated standards reflect both City staff's regulatory approach and the development community's design considerations.

Affordable Housing (KZC 113.25 and KZC 113.40)

In potentially implementing new inclusionary housing requirements in the lower-density zones, staff aims to preserve current affordable housing requirements in multifamily zones. Accordingly, the "affordable housing" section of KZC 113.25 has been further updated to reference two distinct sections: KZC 113.40, which will contain new inclusionary requirements for low-density zones (where most middle housing is anticipated), and KZC 112, which outlines existing multifamily zone regulations. The drafting of KZC 113.40 will incorporate feedback from the PC and Council.

Accessory Dwelling Units (KZC 115.07 and KZC 115.08)

To ensure consistency between City and State regulations regarding ADUs, staff have revised KZC 115.07. Key changes to comply with State requirements include:

- Reduced parking requirements for ADUs located within a half-mile of major transit stops.
- Elimination of ADU entrance location restrictions.
- Updated methodology for calculating ADU gross floor area, reflecting current staff practices and design preferences from the development community.

- Inclusion of a placeholder provision enabling future ADU subdivision through unit lot subdivisions, pending further updates. Title 22 KMC subdivision regulations are being amended as a separate project to align with new State subdivision requirements allowing for unit lot subdivisions.

KZC 115.08, which previously imposed size and height limits on all accessory structures (including sheds, greenhouses, and detached garages), has been amended to exclude ADUs.

This amendment addresses a conflict with state law, which prohibits cities from setting maximum gross floor area requirements for ADUs under 1,000 square feet. Currently, KZC 115.08 limits total accessory structure area to 1,200 square feet plus 10% of lot area exceeding 7,200 square feet. By removing ADUs from this section, Kirkland eliminates any size restrictions for ADUs below 1,200 square feet.

ADU height will continue to be regulated under KZC 115.07, separate from the height restrictions applied to other accessory structures in KZC 115.08.

Timing and Future Amendments

To fully align City code with State requirements, staff is continuing to develop draft amendments in several remaining areas. The following revisions are considered more technical in nature, where the revisions themselves do not have a direct relation to density:

- **Affordable Housing:** Staff will develop draft inclusionary housing requirements after incorporating further feedback from the PC.
- **Nonconformances:** Amendments are being reviewed to allow ADUs to be created from existing structures that do not currently meet setback or lot coverage requirements.
- **Street Improvements:** Revisions are being prepared to align local street improvement requirements with State allowances for ADUs.
- **Parking Requirements:** Amendments are being reviewed to incorporate State regulations regarding tandem parking, permissible parking surface materials (gravel, grass block pavers), maximum residential parking stall sizes, and the management of nonconforming parking areas.

These amendments reflect either preliminary PC feedback (e.g., regarding potential affordable housing requirements) or technical adjustments necessary for State compliance. Given the more technical nature of these required amendments, staff requests PC guidance on whether they wish to receive a briefing on these amendments before a public hearing.

A public hearing on middle housing code amendments is tentatively scheduled for the PC meeting on May 8, 2025. This public hearing date allows some flexibility for the hearing to be continued if the PC requires additional time to formulate a recommendation for the City Council (and in time for Council to consider adopting the code amendments prior to the State deadline).

Middle Housing Parking Data

Following PC feedback from the February 27, 2025 meeting, staff compiled parking data from recent middle housing projects. Table 4 compares:

- Current City parking requirements.
- Actual parking provided at each project.
- State parking requirements for projects outside a half-mile of a Major Transit Stop (MTS). These State requirements are the maximum number of parking spaces that a City can require as a parking minimum (i.e., the City cannot set parking requirements

any higher than these State standards). Note: All of the projects below are located outside the half-mile radius of an MTS.

The data shows that 8 out of 9 projects provided more parking than currently mandated by the City. Most projects provided at least 2 parking stalls per unit, meeting or exceeding State requirements for locations outside a half-mile of an MTS. Per HB 1110 cities may not require parking within a half-mile of an MTS. Outside of a half-mile of an MTS cities may not require more than two parking stalls per unit.

Project Locations	Total Units	Total: Parking Stalls Req. (City)	Total: Parking Stalls Provided	Total: State Maximum Parking Outside ½ Mile of MTS
7418 120TH CT NE*	7	13	14	14
12712 82nd AVE NE	6	10	11	12
12230 NE 73RD ST *	2	2	6	4
12224 NE 73RD ST*	2	2	6	4
12407 NE 107TH PL	2	3	4	4
13020 132ND AVE NE	4	7	10	8
12114 NE 108TH ST	3	5	6	6
710 4TH ST	2	2	4	4
1011 6TH ST*	4	4	4	8

Table 1: Project comparison to local and State parking requirements. *Projects are within one-half mile of frequent transit service with 15-minute headways during commute hours. These projects require 1 space per unit but are still subject to guest parking requirements.

An analysis of the parking built for recent middle housing projects compared to the State's parking requirements reveals several key points. First, while developers generally align parking provisions with market demand, resulting in the number of parking spaces provided being closer to State requirements, the State code would require *more* parking what our current middle housing standards require. If the State standards are adopted, it would lead to higher parking mandates in areas where the City's current standards are in place. Second, in a suburban context like Kirkland, where car dependency is common, developers commonly provide more parking than the City requires. Implementing the State's requirements, especially the increased parking near frequent transit, could hinder the City's goal of fostering higher-density housing near reliable transit services. Finally, increased parking requirements result in more hard surfaces, creating a conflict with other city priorities, such as increasing middle housing supply and preserving community benefits like tree retention on private property.

Staff requests PC feedback on two options for regulating parking in middle housing developments:

- **Option 1:** Retain the City's current parking requirements, which consider proximity to frequent transit. Add the State requirement for parking within a half-mile of a Major Transit Stop (MTS).

- **Option 2:** Adopt the State's parking requirements, replacing the City's existing regulations.

Staff Recommendation:

Staff recommends Option 1 which is a hybrid approach that retains the city's existing frequent transit parking standards while simultaneously implementing the state's requirements for parking within a half-mile of a major transit stop to align the City's parking standards with State requirements.

Benefits:

- This approach offers flexibility to the development community, allowing them to provide parking that best suits their buyers' needs.
- This approach also aligns with the City's current policy of encouraging housing development near reliable transit.
- This approach avoids the negative consequences of requiring too much parking such as tree removal, increases in impervious surfaces, and adding cost to housing development.

NEXT STEPS:

Staff will integrate the Planning Commission's feedback from the March 27, 2025 meeting into the draft code amendments. Future code amendments will be presented to the PC in April for a briefing, or at the May 8, 2025 public hearing, based on PC preference.

ATTACHMENTS:

1. Public Feedback Themes
2. Proposed Draft Amendments to Chapters 5 and 113 KZC (legislative edits)

Public Feedback Themes on Phase 1 Middle Housing Code Amendments

- **Support for Phasing Code Updates to Implement State Requirements and Scope of Phase 1 Code Amendments for State Compliance**

Most community members submitting comments acknowledge that the City must amend the code to implement State requirements, while also expressing:

- Emphasis on adhering to state law without exceeding it.
- Kirkland is going far beyond the state's requirement to allow 6 of 9 middle housing types.
- Preference for a "moderate path" and a "moderate pace," and concerns that the City is ignoring residents' calls for moderation.
- Emphasis on the need to encourage moderate middle housing production.
- The need to understand the impacts of policies on neighborhoods, infrastructure, and taxes.
- Concern about the drastic changes to residential neighborhoods, with lots becoming filled with 6-12 units, including concerns about how parking requirements will impact on-site and off-site parking.
- Need for flexibility in housing types to allow easier tree retention.
- Urge the city to prioritize "state-mandated compliance first before taking on unnecessary additions."

- **Accessory Dwelling Units (ADUs)**

Community feedback related to ADUs varies, with some people advocating for more flexibility, while others express strong concerns that a flexible approach will result in a proliferation of ADUs in lower-density areas. Specific comments included, but are not limited to:

- Requests to allow for more flexibility regarding ADUs.
- Requests for the ability to include garages in ADUs and for the current ADU size limits to be reviewed.
- Strong objections to allowing one Attached ADU (AADU) per middle housing unit without counting it towards density, highlighting that when combined, this could result in 12 units per lot, triple the state mandate.

- **Affordable Housing Regulations**

Similar to comments related to middle housing density, many commenters express a need for more affordable housing in the City and acknowledge the State-requirements

for affordable housing. However, abundant community input has been received that includes comments related to what the City should/should not adopt in Phase 1 and how the market might respond to any new requirements. Themes of specific comments include:

- Strong opposition to extending inclusionary zoning to developments with fewer than four units in Phase 1, as it exceeds state requirements.
 - Fear inclusionary requirements in low-density areas will discourage smaller middle housing developments, leading to more single-family homes.
 - Belief that developers will opt for fee-in-lieu, potentially favoring single, higher-priced units.
 - Strong opposition to affordable housing fees on single-family homes.
 - Concerns about the feasibility, predictability, and fairness of inclusionary zoning and in-lieu fees.
 - Disagreements with the ARCH report's assumptions.
 - Concerns that these new regulations will slow down housing production and that more barriers to middle housing development should not be enacted.
 - Requests for predictable fees.
 - Concern that requirements would increase building costs and exacerbate the affordability crisis.
 - Concerns that requirements will accelerate the trend of developers replacing single homes with multiple market-rate units.
- **Comments on Meeting Materials and Scope Clarity**
- Staff and Planning Commission have also received comments from community members that are more focused on the formatting and clarify of meeting materials, with suggestions for making it easier for people to understand the proposal including:
- Stress the need for clear communication that Phase 1 is solely for state compliance.
 - Call for clearer explanations of technical sections in future communications.
 - Requests for a "clean bill" and clarity of what is be considered in code amendments.

Proposed Amendments [Changes since February 27, 2025 highlighted]

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 Standards and Guidelines
- 113.40 Affordable Housing Requirement (Low-density Zones) [RESERVED] ~~Median Income Housing~~
- 113.50 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 buildingsduplex, triplex, fourplex, fiveplex, sixplex, townhomess, stacked flatss, 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 or 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 affordableility housing types, -in primarily residential neighborhoods characterized by single-family homes. Providing for a variety of housing types in primarily residentialsingle-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 HomeDuplex – 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 middleattached 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 Bbuildings 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 leastnot less than two sides.~~

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

612. ~~Courtyard Apartments – Attached dwelling units arranged on at least two sides 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 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		

	Cottage	Carriage	Two/Three-Unit Home
	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>		
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) ¹⁴	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.		

	Cottage	Carriage	Two/Three-Unit Home
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		
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, 6, 7	If development is more than a quarter-mile walking distance of a major transit stop development may have: Four units per lot, or	

	<p><u>Twice the maximum number of detached dwelling units allowed in the residential zones.</u></p> <p><u>If development is All lots within a quarter-mile walking distance of a major transit stop development may have:</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>	There is no minimum or maximum number of units.	
<u>Review Process</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>Land Division</u>	Subdivision ⁶⁷ Condominium	
<u>Minimum Lot Size</u>	Beyond density restrictions, there is no required minimum lot size for lots created through the subdivision process. (The number of allowed units on the subject property is determined by the density provision of this chart.)	
<u>Minimum Required Yards (from exterior property lines of subject property)</u>	<u>Front: 2020'</u> ^{78, 9, 10} <u>Side: 5'</u> <u>Rear: 10'</u>	
<u>Maximum Unit Size</u>	800 square feet for carriage units, 1,700 square feet for cottage units ^{40, 11, 12, 13}	None
<u>Max Floor Area Ratio</u> ^{1214, 151}	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>Lot Coverage</u> ¹⁶³²	Equal to the base zoning allowance for detached dwelling units in the zone within which the property is located.	
<u>Height</u>	Equal to the base zoning allowance for detached dwelling units in the zone within which the property is located.	
<u>Tree Retention</u>	The tree retention plan standards contained in KZC 95.30 shall apply to development approved under this chapter.	
<u>Community Buildings</u>	See KZC 113.30	
<u>Design Standards</u>	See KZC 113.35	
<u>Parking</u>	<p><u>If development is within one-half mile of a major transit stop: no on-site parking is required.</u></p> <p><u>If development is more than one-half mile from a major transit stop:</u></p> <p><u>1 space per unit.</u></p>	

	<u>Units that are over 1,000 square feet on For lots larger than 6,000 square feet: 2 spaces per unit</u>
Affordable Housing	Accessory Dwelling Unit (ADU) = no additional on-site space required <u>For properties in low-density zones see KZC 113.40. For properties in multifamily zones 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 subject property 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 subject property. The maximum number of ADUs is one per middle housing unit.
- ⁴ See KZC 90.170 for density calculation on a site which contains a wetland, stream, minor lake, or their buffers.
- ⁵ 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.
- ⁶ Road dedication and vehicular access easements or tracts may be included in the density calculation.
- ⁴⁷ 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. Middle housing development in medium and high density residential zones must develop at a minimum of 80% of the maximum density allowed.
- 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). The front yard shall be the yard adjacent to the front facade of the dwelling unit.

²¹¹ 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. The area of the garage and the shared wall between the garage and the cottage is not exempt when calculating site floor area.

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. 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.

¹⁵ KZC 115.42 does not apply to cottage developments. The total site floor area is calculated as a sum of the area of the individual units. See KZC 113.35.2.b for how to calculate unit floor area.

¹⁶ Lot coverage is calculated using the entire development site. Lot coverage for individual lots may vary.

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

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.

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

- To calculate the allowed density for lots in the RS and RSX 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.
- To calculate the allowed density for lots in the RSA 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.
- 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.
- 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.
- 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.
- On corner lots with two required front yards in the RS zones, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24).
- 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.
- 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.
- 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 otherwise allowed for the subject property.~~

~~c. All structures on site, other than affordable housing median income units and any attached garages for the affordable median income units provided under KZC 1123.40, shall be included in the F.A.R. calculation for the development.~~

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

~~— 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.~~

~~— 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 which is not included in the maximum square footage limitation.~~

~~— Maximum size for a multiplex is regulated by the floor area ratio (F.A.R.) of the underlying zone.~~

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

4) 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.

1)

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.

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.

2) 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) The total width of all driveway approaches shall not exceed 32 feet per frontage, as measured at the property line. Individual driveway approaches shall not exceed 20 feet in width.~~

5) Public Works driveway policy~~Local jurisdiction~~ requirements for driveway separation, vehicle turn around, and access ~~from collector streets and arterial standards~~ streets shall apply.

bb. Low Impact Developmenta

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~~

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. For the purposes of calculating maximum unit size, the floor area of ~~The maximum floor area calculation of a cottage or carriage unit shall not include the following:~~

~~Area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof. 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.~~

~~1) Closed-off, inaccessible areas under staircases. b. One exemption of 100 square feet for every dwelling unit that has an internal staircase and/or an area with a ceiling height greater than 16 ft.~~

~~2) Uncovered rooftop decks and uncovered at-grade patios. Uncovered exterior features such as decks, porches, patios, walkways, courtyards, and parking areas.~~

- 3) 64 square feet of the required covered porch. Covered exterior elements such as decks and porches; provided, the total size of all such covered exterior elements does not exceed 200 square feet per dwelling unit.

b. The required 64 square feet is exempt from cottage GFA. 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.

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; 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~~ should ~~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~~

~~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 Affordable Housing Requirement (Low-density Zones) [RESERVED] 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 housing~~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.

115.07 Accessory Dwelling Units

Two (2) accessory dwelling units (ADUs), including either one (1) attached ADU and one (1) detached ADU, or two (2) of either type, are permitted per single-family dwelling; provided, that an accessory dwelling unit shall not be considered a “dwelling unit” in the context of Special Regulations in Chapters 15 through 56 KZC which limit the number of detached dwelling units on each lot to one (1). Accessory dwelling units must be consistent with the following standards:

1. Occupancy Limitations – Occupancy limitations for ADUs shall be consistent with the provisions of the KMC Property Maintenance Code.

2. Ownership – An accessory dwelling unit may be segregated in ownership from the single-family dwelling unit.

32. Subdivision – A property containing a detached accessory dwelling unit may shall not be subdivided within a unit lot subdivision as regulated by Title 22 KMC but may be segregated in ownership from the principal dwelling unit.

43. Size – The square footage of the ADU shall not exceed 1,200 square feet of gross floor area. For attached ADUs, if the accessory unit is completely located within existing gross floor area on a single floor, the Planning and Building Director may allow increased size in order to efficiently use all floor area. When calculating the square footage of the ADU see § KZC 5.10.340, definition of “gross floor area.” The gross floor area shall not include:

a. Area with less than five (5) feet of ceiling height, as measured between the finished floor and the supporting members for the roof.

b. Closed-off, inaccessible areas under staircases.

c. Uncovered rooftop decks and uncovered at-grade patios.

db. Covered and uncovered exterior elements such as decks and porches; provided, the total size of all such covered exterior elements does not exceed 200 square feet. See KZC 115.08 for additional size and height limitations.

54. Location – An accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached accessory dwelling units located on lots approved using the historic preservation subdivision regulations must be located behind the historic residence. Accessory dwelling units must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone; except as modified by KZC 115.42 and 115.115(3)(o). In addition, detached accessory dwelling units must be fully contained in a separate structure that is detached from the principal unit and any attached accessory dwelling unit. A detached accessory dwelling unit may not share a common roof structure with the principal unit and/or attached accessory dwelling unit.

~~5. Entrances – The primary entrance to the accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the principal unit and shall not detract from or alter the single-family character of the principal unit.~~

6. Parking – On lots within one-half mile of a major transit stop no off-street parking is required. On lots more than one-half mile of a major transit stop with more than one (1) accessory dwelling unit, there shall be one (1) off-street parking space provided unless:

- a. On-street parking is available within 600 feet of the subject property; or
- b. The property is located within one-half mile of transit service with 15-minute headways during commute hours.

7. Applicable Codes – The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current International Building Code (IBC) ceiling height requirements if it was legally constructed as habitable space.

8. Permitting

- a. Application

- 1) The property owner shall apply for an accessory dwelling unit permit with the Planning and Building Department. The application shall include an

affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning and Building Department.

2) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Recorder's Office to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.

3) If an ADU was or is created without being part of a project for which a building permit was or is finalized, an ADU inspection will be required for issuance of an ADU permit. The ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

b. Eliminating an Accessory Dwelling Unit – Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning and Building Department, or may occur as a result of enforcement action.

c. Appeals. The decision of the Planning Official is appealable using the applicable appeal provisions of Chapter 145 KZC.

115.08 Accessory Structure (Detached Dwelling Unit Uses Only)

Structures, to be used as a tool shed, greenhouse, private garage, ~~accessory dwelling unit~~, barn or similar use are permitted. The total size of all such structures may not exceed the gross floor area of 1,200 square feet plus 10 percent of the lot area that exceeds 7,200 square feet.

~~An accessory structure which contains an accessory dwelling unit must also comply with KZC 115.07 which may further limit its size.~~

The gross floor area shall not include area with less than five feet of ceiling height, as measured between the finished floor and the supporting members for the roof. The height (roof peak

elevation) of an accessory structure, including ADUs, in all residential zones, may not exceed the maximum height allowed by the underlying zone or 15 feet above the existing height (roof peak elevation) of the primary residence, whichever is less. This height limitation may be more restrictive than KZC 83.180(2) for ADUs in the shoreline jurisdiction and in the event of a conflict between this provision and KZC 83.180(2), this provision shall prevail based on KZC 83.70(2).