

DRAFT “MISSING MIDDLE” HOUSING CODE AMENDMENTS

Text = deleted text

Text = new text

Related Definitions

18.20.340 Building.

“Building” means any *structure* having a roof.

18.20.835 Dwelling, multiple-family.

“Multiple-family dwelling” means ~~a one-family~~one dwelling unit attached to one or more ~~one-family~~units by common roofs, walls, or floors. Also includes one or more dwellings units attached to nonresidential uses. This definition does not include *accessory dwelling units, community residential facilities, supportive living facilities*, or nursing and personal care facilities. Subsets of “multiple-family dwelling” include:

A. Apartment. A residential building containing two or more dwelling units or a single dwelling unit and a nonresidential use, which are attached at one or more common roofs, walls, or floors. Typically, the unit’s habitable area is provided on a single level. Unit entrances may or may not be provided from a common corridor. Microhousing dwelling units are considered apartments.

A. Duplex. A multiple-family dwelling on a single lot designed to look like a single detached dwelling unit and containing two dwelling units. The two units share a common roof, wall, or floor, although floorplans may vary. Individual units may be side-by-side or stacked one on top of the other. The two dwelling units and the lot are under a single ownership or may be owned through a condominium. A duplex is not a townhouse.

B. Triplex. A multiple-family dwelling on a single lot designed to look like a single detached dwelling unit and containing three dwelling units. The three units share a common roof, wall, or floor, although floorplans may vary. Individual units may be side-by-side, stacked on top of one another or a combination of side-by-side and stacked. The three dwelling units and the lot are under a single ownership or may be owned through a condominium. A triplex is not a townhouse.

BC. Townhouse. A row of two or more similar or identical one-family, attached ground-related dwelling units attached to one or more such units or to a nonresidential use in which each unit has its own exterior, ground-level access to the outside, no unit is located over another unit,

and each unit is separated from any other unit by one or more vertical common walls.

MostTypically the townhouse units are multi-story. Each dwelling unit is independently owned.

18.20.1860 Nonconformance.

“Nonconformance” means any *use*, improvement or *structure* established in conformance with the *City* rules and regulations in effect at the time of establishment that no longer conforms to the range of *uses* permitted in the *site’s* current zone or to the current development standards of the code due to changes in the code or its application to the subject property.

18.20.2080 Porte cochere.

“Porte cochere” means a covered porch-like *structure* through which a motor vehicle on a driveway can pass, allowing occupants to enter or leave the vehicle under shelter. A porte cochere does not contain habitable space either under or over the roof and does not serve as a permanent parking space.

18.20.2530 Setback.

“Setback” means the required distance between a *structure* and a specified line such as a lot, easement or *buffer* line that is required to remain free of *structures*.

18.20.2910 Street.

“Street” means a public or recorded *private* thoroughfare providing pedestrian and vehicular access through neighborhoods and communities and to abutting property.

18.20.2920 Street frontage.

“Street frontage” means any portion of a *lot* or combination of *lots* which directly abut a *street*.

18.20.2930 Structure.

“Structure” means anything permanently constructed in or on the ground, or over the water; excluding *fences* eight feet or less in height, decks less than 18 inches above grade, paved areas, and structural or nonstructural fill.

Zones, Maps and Designations

18.15.040 Residential zones.

A. The purpose of the residential zones (R and MHC) is to implement comprehensive plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:

1. Providing, in the R-1 through R-6R-4 zones, for a mix of predominantly *single detached dwelling units*, with a variety of at lower densities, and sizes in locations appropriate for residential use to protect and preserve environmentally sensitive areas;

2. Providing, in the R-6 zone, for a mix of *single detached dwelling units* and, in areas near higher-capacity transit, smaller-scale multiple-family uses such as *duplexes* and *triplexes*;

23. Providing, in the R-12 through R-48 zones, for a mix of predominantly ~~apartment and townhouse~~ *multiple-family dwelling units*, with a variety of densities and sizes in locations appropriate for residential use;

34. Providing, in the MHC zone, for continuation of existing *manufactured housing communities*;

45. Allowing only those accessory and complementary nonresidential *uses* that are compatible with residential communities; and

56. Establishing density designations to facilitate advanced area-wide planning for public facilities and services, and to protect environmentally critical sites from overdevelopment.

R-6 Residential Zoning Standards

18.21.020 Residential zones R-1, R-4 and R-6 – Use allowances.

The following *uses* listed in Table A are identified as *permitted*, conditionally permitted, or *prohibited uses* in residential zones R-1, R-4 and R-6:

Table A. R-1, R-4 and R-6 Zones Use Allowances

PERMITTED	CONDITIONALLY PERMITTED	PROHIBITED
Air transportation service ¹	Ambulatory surgery center ²⁵	Adult entertainment business
Arts, entertainment, indoor ^{2,3}	Arts, entertainment, outdoor ²⁶	Animal kennel/shelter
Day care ⁴	Cemetery, columbarium or mausoleum ²⁷	Auction house
Educational service ⁵	College/university ²⁵	Automotive sales and service, marine
Family child-care home ⁶	Community residential facility ²⁸	Automotive sales and service, non-marine
Fire or police facility ^{7,8}	Eating and drinking place ^{3,29}	Business service, intensive
Health care and social assistance ^{9,10}	Hospital ²⁵	Business service, standard
Multiple-family dwelling ¹¹	Manufactured housing community ³⁰	Construction and trade
Office ¹²	Personal service ³¹	Funeral home/crematory
Park ¹³	Recreational facility, indoor ^{3,16,32}	Laboratory
Recreational facility, outdoor ^{14,15,16}	Regional land use ^{33,34,35}	Manufacturing, heavy
Religious institution ¹⁷	Retail sales ^{31,36}	Manufacturing, light
Resource land use ¹⁸	Temporary lodging ³⁷	Marijuana business
Single detached dwelling unit ^{19,20}		Marijuana cooperative
Standalone parking ²¹		Mobile food service
Supportive living facility ²²		Retail sales, bulk
Utility facility ^{23,24}		Secure facility
		Transportation
		Vehicle or equipment rental
		Vehicle refueling station
		Warehousing
		Wholesale trade

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11. Townhouse units only permitted and only on lots in a subdivision or short subdivision designed for townhouse units or through a. Other townhouse units require a conditional use permit with a binding site plan.

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Duplexes and triplexes permitted only in the R-6 zone, generally within ¼ mile of higher-capacity transit service. See KMC 18.21.025 for a map of possible locations. Duplexes and triplexes are

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allowed on a *lot* only if the entire parcel is within the ¼-mile area and if the *lot* dimensions are adequate as described in KMC 18.21.030. See also KMC 18.21.035 for design standards for *duplexes* and *triplexes*.

~~Apartments~~ Other types of *multiple-family dwellings* are prohibited.

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18.21.025 Map of Potential Duplex/Triplex Locations

The area where a *duplex* or *triplex* may be permitted is shown on Figure 18.21.025.1. A *duplex* or *triplex* shall not be authorized in this area, however, unless 100% of the *lot* is inside the boundaries of this area, and if the *lot* dimensions are adequate as described in KMC 18.21.030.

18.21.030 Residential zones R-1, R-4 and R-6 – Development standards.

The following zone-specific development standards in Table B apply in the R-1, R-4 and R-6 residential zones:

Table B. R-1, R-4 and R-6 Residential Zones Development Standards

STANDARDS	Z O N E S	R-1 ¹	R-4	R-6
Base Density (other than <i>Duplex</i> or <i>Triplex</i>): Dwelling Unit/Acre ²		1 du/ac	4 du/ac ³	6 du/ac
Maximum Density (other than <i>Duplex</i> or <i>Triplex</i>): Dwelling Unit/Acre ⁴			6 du/ac	9 du/ac
<i>Duplex</i> Base Density: Dwelling Unit/Acre ²	--	--	--	22 du/ac
<i>Duplex</i> Maximum Density: Dwelling Unit/Acre ⁴	--	--	--	24 du/ac
<i>Triplex</i> Base Density: Dwelling Unit/Acre ²	--	--	--	26 du/ac
<i>Triplex</i> Maximum Density: Dwelling Unit/Acre ⁴	--	--	--	29 du/ac

Table B. R-1, R-4 and R-6 Residential Zones Development Standards

STANDARDS	Z O N E S	R-1 ¹	R-4	R-6
Minimum Density		None	None	None
Minimum Lot Width (other than Duplex or Triplex) ⁶		35 ft. ⁷	30 ft.	30 ft.
Side-by-side Duplex Minimum Lot Dimensions ¹⁸	--	--	--	50' wide 100' deep
Stacked Duplex Minimum Lot Dimensions ¹⁸	--	--	--	40' wide 100' deep
Triplex Minimum Lot Dimensions ¹⁸	--	--	--	50' wide 100' deep
Minimum Street Setback		20 ft. ⁷	15 ft. ^{8,9}	15 ft. ^{8,9}
Minimum Side Setback ^{5,10}		5 ft. ⁷	15 ft. total ¹¹	15 ft. total ¹¹
Minimum Rear Setback ^{5,10}		5 ft. ⁷	20 ft.	20 ft.
Maximum Height (Other than Duplex or Triplex) ¹²		35 ft.	35 ft.	35 ft. 45 ft. ¹³
Duplex/Triplex Maximum Height				30 ft. (2 ½ stories), but no more than 24' to the eaves (not including the eaves on dormers)
Base Impervious Surface: Percentage		30%	45%	60%
Maximum Impervious Surface: Percentage ¹⁴		30% ¹⁵	55%	70%
Minimum Lot Size (does not apply to Duplex or Triplex)		2,500 sq. ft.	7,200 sq. ft. ^{16,17}	5,400 sq. ft. ^{16,17}

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2 ² Density applies only to *dwelling units* and not to sleeping units.

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4 ⁴ This maximum density may be achieved only through the application of residential density
5 incentives pursuant to Chapter 18.80 KMC or *transfers of density credits*, or any combination of
6 density incentive or density transfer. Maximum density may only be exceeded pursuant to
7 KMC 18.80.040(E)(1)(f). Bonus density for duplexes or triplexes shall only be permitted in the
8 form of a single detached dwelling unit, a duplex or a triplex.

⁵ These standards may be modified under the provisions for *zero-lot-line developments*.

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⁸ If *development* provides *alleys* or consists of *townhouses*, then the *street setback* may equal be reduced to 10 feet.

⁹ At least 20 linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the street property line. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located and constructed in accordance with the provisions of Chapter 12.50 KMC, Road Standards.

¹⁰ Vehicle access points from gGarages, carports or fenced parking areas shall be set back from the property line on which a *joint use driveway* is located to provide a straight line length of at least 26 feet as measured from the centerline of the garage, carport or fenced parking area, from the access point to the opposite side of the *joint use driveway*.

¹¹ Any side yard shall equal a minimum of five feet but the two side yards combined must equal a minimum of 15 feet.

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¹⁴ Applies to each individual *lot*. *Impervious surface* area standards for:

- a. Regional uses shall be established at the time of permit review;
- b. Nonresidential uses in residential zones shall comply with KMC 18.21.060 and 18.30.170;
- c. Individual lots in the R-4 through R-6 zones which are less than 9,076 square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 zone;
- d. Lots may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit;
- e. The base impervious surface percentage may be exceeded, up to the maximum impervious surface percentage, provided low impact development strategies are implemented subject to approval by the city manager.

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¹⁸ Lot width is measured at the street setback line. Lot depth is measured on a line perpendicular to the street frontage. Lot dimensions for panhandle lots or lots of unusual shape shall be evaluated on a case-by-case basis by the city manager to determine whether lot width and depth are adequate for construction of a duplex or triplex.

18.21.035 Additional duplex and triplex development standards

A. Building dimensions

1. Maximum building dimensions for a duplex apply as follows:

LOT WIDTH:	40-49'	50'-59'	60'-69'	70'-79'	>80'
Side-by-side duplex: Maximum building width along street frontage	Not permitted	32'	42'	50'	42' if building is sited to allow future development with at least a 40' street frontage
Stacked duplex: Maximum building width along street frontage	22'	32'	42'	50'	32' if building is sited to allow future development with at least a 40' street frontage

LOT DEPTH:	<100'	100-124'	125-149'	150-199'	>200'
Side-by-side duplex: Maximum building depth perpendicular to the building's street facade	Not permitted	40'	50'	50'	60' for 1 story structure 50' for 2 story structure
Stacked duplex: Maximum building depth perpendicular	Not permitted	40'	50'	50'	50'

to the <i>building's</i> street facade					
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2. Maximum *building* dimensions for a *triplex building* apply as follows:

<u>LOT WIDTH:</u>	<u>40-49'</u>	<u>50-59'</u>	<u>60-69'</u>	<u>70-79'</u>	<u>>80'</u>
Maximum <i>building</i> width along <i>street</i> <i>frontage</i>	Not permitted	32'	42'	50'	50'

<u>LOT DEPTH:</u>	<u><100'</u>	<u>100-124'</u>	<u>125-149'</u>	<u>150-199'</u>	<u>>200'</u>
Maximum <i>building</i> depth perpendicular to the <i>building's</i> street facade	Not permitted	40'	40'	50'	60' for 1 story structure 50' for 2 story structure

3. In rare cases, the *city manager* may adjust maximum *building* widths and depths by up to 20% to make more efficient use of land or to address unique circumstances.

B. Design standards. To ensure that new *buildings* are of similar size and scale to neighboring *single detached dwelling units*, the following design standards apply to *duplex* and *triplex buildings*:

1. Building orientation.

a. A *duplex* or *triplex building* shall be oriented with the front of the *building* parallel to the *street*.

2. Dwelling Unit Entrances.

a. Each *duplex* or *triplex building* shall have its primary *building* entrance oriented toward the *street*, located on the front façade and/or along the sides(s) of the *building* via an entry porch visible from and connected to the *street* by a walkway.

b. Access to second floor dwelling units may be by an external stair, which may be open or enclosed, but shall not be located between the *building* and the *street*. If enclosed, the stair shall be within the *building's* overall massing and roof.

3. Garage and carport size and location.

a. On lots narrower in width than 60', a garage or carport shall be located at the rear of the lot.

b. Garages and carports shall be located a minimum of 20' behind the street façade of the duplex or triplex and have a maximum width of 20' as measured parallel to the street. The equivalent of no more than 2 single-car garage doors may be visible on the street facade.

c. Garages may be entered from the side of the building (parallel to the street). If entered from the side, any garage wall facing the street shall incorporate windows so that the garage appears to contain habitable space.

d. A *porte cochere* up to 12 feet wide overall is allowed at the same front setback as the street façade of the duplex or triplex and must allow access to the rear of the lot. A *porte cochere* is not included in the maximum building width. The *porte cochere* shall be designed in the same style and level of detail as the duplex or triplex.

3. Surface Parking

a. Surface parking for a duplex or triplex shall be limited to groups of no more than 3 spaces.

b. Parking areas with more than two spaces shall be located to the rear of the building, shall be visually separated by at least a distance of 5' from perimeter property lines, and shall be screened from neighboring properties through site plan design and/or landscaping.

Landscaping

18.35.030 Land use grouping.

To facilitate the application of this chapter, land uses have been grouped in the following manner:

A. "Residential development" refers to residential land uses.

B. "Attached/group residences" refers to:

1. Multiple-family dwellings, except duplexes and triplexes, and as provided in subsection (C)(1) of this section;

2. *Single detached dwelling units* developed on common property at a density of 12 or more units per acre;

3. *Supportive living facilities*;

4. *Temporary lodging*;

5. *Adult family homes*; and

6. *Manufactured housing communities*.

C. "Single-family *development*" refers to:

1. Residential subdivisions and short subdivisions, including attached and detached *dwelling units* on individually platted or short platted *lots*;

2. Any detached *dwelling units* located on a *lot*;

3. *Family child-care homes*; and

4. Type I *community residential facilities*.

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18.35.050 Landscaping – Street trees for single-family residential subdivisions.

For single-family residential subdivisions:

A. Trees shall be planted at the rate of one tree for every 40 feet of frontage along a neighborhood collector street or arterial street. Native vegetation cultivars are preferred in accordance with the provisions of Chapter 12.50 KMC, Road Standards;

B. The trees shall be:

1. Located within the street right-of-way in accordance with the provisions of Chapter 12.50 KMC, Road Standards if permitted by the City;

2. Located ~~No~~ no more than 20 feet from the street right-of-way line if located within a *lot*. Sight distance shall be reviewed in accordance with the provisions of Chapter 12.50 KMC, Road Standards;

3. Maintained as follows:

a. Right of way trees shall be maintained by the adjacent landowner in accordance with the provisions of Chapter 12.70 KMC, Sidewalks, Planting Strips and Street Trees.

b. Trees on private streets shall be maintained by the adjacent landowner unless part of a homeowners' association program unless part of a City maintenance program; and

4. A species in accordance with the provisions of Chapter 12.50 KMC, Road Standards approved by the City if located within the street right-of-way and compatible with overhead utility lines;

C. The trees may be spaced at irregular intervals to accommodate sight distance requirements for driveways and intersections.

General Development Standards

18.30.110 Lot width – Measurement method.

Lot width shall be measured by scaling a circle of the applicable diameter within the boundaries of the lot; provided, that an access easement, access tract, access panhandle and building setbacks shall not be included within the circle area. See KMC 17.20.120(C) for additional standards related to lot configuration. See KMC 18.21.030 for lot width measurement methods for duplexes and triplexes in the R-6 Residential zoning district.

18.30.230 Setbacks – Projections and structures allowed.

Provided that the required setbacks from regional utility corridors of KMC 18.30.200, the adjoining half-street or designated arterial setbacks of KMC 18.30.220 and the sight distance requirements of KMC 18.30.240 are maintained, structures may extend into or be located in required setbacks, including setbacks as required by KMC 18.21.060(B), as follows:

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Q. In a rear setback in the R-4 and R-6 residential zones, the following structures are permitted if it is determined by the city manager that they will not have any substantial detrimental effect on abutting properties or the City as a whole; and provided, that they shall be no closer than five feet to the rear lot line:

1. Children's play structures not otherwise regulated by this title;

2. No more than one storage shed or similar use, limited in height to eight feet for a flat roof or 10 feet for a pitched roof, with a maximum dimension of 15 feet on any side and a total area not exceeding 200 square feet;

3. An *arbor*, not attached to a building and limited in height to eight feet, with a maximum footprint of 100 square feet, including eaves. If latticework is used, there shall be a minimum opening of two inches between crosspieces.

R. In a rear *setback* in the R-4 and R-6 residential zones, an *accessory dwelling unit* shall be permitted; provided, that the *accessory dwelling unit* shall be no closer than 10 feet to the rear *lot* line. All of the other standards for *accessory dwelling units* specified in Chapter [18.73](#) KMC shall be met.

S. In a rear *setback* for a *duplex* or *triplex* in the R-6 residential zone, a garage for a maximum of 3 vehicles shall be permitted; provided, that the garage shall be no closer than 10 feet to the rear *lot* line unless an alley access is provided. If an alley access is provided, this setback may be further reduced to a minimum of 5'.

Parking

18.40.030 Computation of required off-street parking spaces.

A. Except as modified in KMC [18.40.040](#), [18.40.050](#) or [18.40.090](#), off-street parking areas shall contain at a minimum the number of *parking spaces* as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square foot means the usable or net square footage of floor area, exclusive of nonpublic areas. Nonpublic areas include but are not limited to building maintenance areas, storage areas, closets, restrooms and exterior walls. If the formula for determining the number of off-street *parking spaces* results in a fraction, the number of off-street *parking spaces* shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
RESIDENTIAL:		
<i>Single detached dwelling unit</i>	2.0 per <i>dwelling unit</i>	2.0 per <i>dwelling unit</i> ; tandem stalls permitted
<i>Townhouse</i>	2.0 per <i>dwelling unit</i>	1.5 per <i>dwelling unit</i> ; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units
<u>Duplex</u>	<u>.75 per dwelling unit</u>	<u>.75 per dwelling unit</u>

LAND USE	MINIMUM PARKING SPACES REQUIRED Citywide, Except in Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE	MINIMUM PARKING SPACES REQUIRED Downtown Commercial and Downtown Residential Zones West of 68th Avenue NE
<i>Triplex</i>	.75 per <i>dwelling unit</i>	.75 per <i>dwelling unit</i>
<i>Apartment</i> Other <i>multiple-family dwellings</i> :		
<i>Microhousing dwelling unit</i>	Within 1/4 mile of SR-522: 0.75 per dwelling unit. Otherwise, 1.2 per dwelling unit	Within 1/4 mile of SR-522: 0.75:du. Otherwise, 1.0:du. Tandem stalls permitted
Studio unit	1.2 per <i>dwelling unit</i>	1.0:du; tandem stalls permitted
One-bedroom unit	1.5 per <i>dwelling unit</i>	1.0:du; tandem stalls permitted
Two-bedroom unit	1.7 per <i>dwelling unit</i>	1.5:du; tandem stalls permitted
Three-bedroom unit or larger	2.0 per <i>dwelling unit</i>	1.7:du; tandem stalls permitted
Guest parking	1 space for every 5 units	1 space for every 5 units

18.40.110 Off-street parking plan design standards.

A. Off-street parking ~~areas~~ *spaces* shall not be located more than 600 feet from the *building* they are required to serve for all *uses* except those specified as follows; where an off-street parking area does not abut the *building* it serves, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For ~~all~~ single detached dwellings, *duplexes, and triplexes*, ~~the~~ *parking spaces* shall be located on the same *lot* they are required to serve;

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E. Driveways providing ingress and egress between off-street parking areas and abutting *streets* shall be designed, located and constructed in accordance with the provisions of Chapter [12.50](#) KMC, *Street/Road* Standards. ~~Driveways for single detached dwelling units, no more than 20 feet in width, may cross required setbacks or landscaped areas to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or setback area is eliminated by the driveway. Joint use driveways may be located within required landscaping or setback areas. Driveways for all other developments may cross or be located within required setbacks or landscaped areas to provide access between the off-street parking areas and the street, if no more than 10 percent of the required landscaping is displaced by the driveway and the driveway is located no closer than five feet from any property line except where intersecting the street.~~

F. *Parking spaces* required under this title shall be located as follows:

1. For *single detached dwelling units* the required *parking spaces* shall be located outside of any required ~~*setbacks or landscaping*~~, but driveways crossing ~~*setbacks and required landscaping*~~ may be used for parking. ~~However, if the driveway is a joint use driveway, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or parking spaces;~~

2. For *duplexes and triplexes*, all *parking spaces* shall be outside of the required *street setback* and shall be no closer than 5' to perimeter *lot* lines. KMC 18.21.035.B contains additional standards for parking area/garage/carport locations. Driveways crossing required *setbacks* may be used for parking if a 5' separation from perimeter *lot* lines is maintained.

3. For nonresidential *uses* in residential zones, parking is permitted in *setback* areas in accordance with KMC [18.21.060](#).

4. For all other *developments*, *parking spaces* may be permitted by the city manager in *setback* areas in accordance with an approved landscape plan; and

5. If the driveway is a *joint use driveway*, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or *parking spaces*.

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H. Tandem or end-to-end parking is allowed in residential *developments*. ~~*Apartment*~~*Multiple-family dwellings, including duplex, triplex,* or *townhouse developments*, may have tandem parking ~~areas~~ for each *dwelling unit* but shall not combine parking for separate *dwelling units* in a tandem parking areas configuration.

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J. The total number of vehicles parked or stored outside of a *building* on a ~~*single-family residential*~~ *lot* in the ~~*R-4*~~*R-1* through R-6 zones, excluding *recreational vehicles* and trailers, shall not exceed six vehicles on *lots* 12,500 square feet or less and eight vehicles on *lots* greater than 12,500 square feet.

Nonconformances

18.100.010 Purpose.

The purposes of this chapter are to:

- 1 A. Establish the legal status of a *nonconformance* by creating provisions through which
- 2 a *nonconformance* may be maintained, altered, reconstructed, expanded or terminated;
- 3 B. Establish the rules for an *existing legal use* by creating provisions through which an *existing*
- 4 *legal use* may be maintained, altered, reconstructed, expanded or terminated; and
- 5 C. Provide for the temporary establishment of *uses* that are not otherwise permitted in a zone
- 6 or that do not meet all development standards of a zone and to regulate such *uses* by their
- 7 scope and period of use.

8 | **18.100.020 Nonconformance – Applicability.**

- 9 A. All *nonconformances* shall be subject to the provisions of this chapter, except for:

- 10 1. nonconforming billboards, which shall be subject to KMC [18.42.150](#), and
- 11 2. existing legal *multiple-family dwellings* that do not conform to the following standards:
- 12 *base density, maximum density, minimum setbacks, maximum height, or minimum lot*
- 13 *size. This exception is not applicable to other standards for a multiple-family dwelling,*
- 14 *such as base or maximum impervious surface or critical area buffers, which continue to*
- 15 *be nonconformances subject to the provisions of this chapter.*

- 16 B. The provisions of this chapter do not supersede or relieve a property owner from compliance
- 17 with:

- 18 1. The requirements of the International Building and Fire Codes; or
- 19 2. The provisions of this code beyond the specific *nonconformance* addressed by this
- 20 chapter. [Ord. 17-0445B § 3; Ord. 11-0329 § 3 (Exh. 1).]

21 | **18.100.090 Nonconformance – Residences.**

- 22 Any residence nonconforming relative to *use* may be expanded, after review and approval,
- 23 subject to all other applicable codes besides those set forth in this chapter
- 24 for *nonconformances*.

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26 | **Road Standard Amendments**

- 27 5.04 Driveways and Driveway Approaches This section provides driveway and driveway
- 28 approach standards to public and private roads. It is not the intent of these Standards to
- 29 govern design or location of driveways on private property except where they connect to the

road where minimum setbacks are required along property lines and where safety is a concern. However, fire access requirements governed by the Fire Code (KMC 15.10) and KMC Title 18, establish criteria for driveway widths.

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B. Single Family Residential Driveway and Driveway Approaches:

1. Driveways and driveway approaches must be a minimum length of 20 feet, measured along any point between the nearest tract/easement/right-of-way line of a shared access or roadway and the nearest edge of the parking area/carport/garage required per KMC 18.40.030. Driveways may not exceed 45 feet in length if feasible.

2. Driveway and driveway approaches shall have a minimum width of 12 feet and a maximum width as follows:

i. Driveways and driveway approaches accessed from private roads shall have a maximum width of 35 feet.

ii. Driveways and driveway approaches accessed from public roads shall have a maximum width of 20 feet at the right-of-way line. Driveways may be widened to a maximum of 35 feet beginning at a minimum of 5 feet from the right-of-way line.

3. Driveways shall be continuously paved or surfaced with gravel between the public right-of-way and the parking area required by KMC 18.40.030, unless otherwise approved by the City of Kenmore.

i. This requirement shall not restrict the use of alternative pavement types (such as porous pavements or pavers) and methods (such as wheel strips) to meet flow control BMP or Low Impact Development requirements.

ii. Driveways with a slope exceeding 5% in grade shall be paved; gravel surfacing will not be permitted on steep driveways.

4. If frontage improvements do not exist and are not required, driveway approaches from the right of way line to the edge of pavement shall be HMA unless otherwise approved by the City Engineer.

C. Duplex or Triplex Driveways and Driveway Approaches:

1. Driveways and driveway approaches must be a minimum length of 35 feet, measured along any point between the nearest tract/easement/right-of-way line of a shared access or roadway and the nearest edge of a carport or garage. Driveways or driveway approaches to a parking area must be a minimum length of 20'.

2. Driveway and driveway approaches shall be 12 feet wide between the tract/easement/right-of-way line and the duplex or triplex building. A minimum driveway width of 10' is required along the side of the building or in the rear of the lot.

3. Driveways shall be continuously paved or surfaced with gravel between the public right-of-way and the parking area required by KMC 18.40.030, unless otherwise approved by the City of Kenmore.

i. This requirement shall not restrict the use of alternative pavement types (such are porous pavements or pavers) and methods (such as wheel strips) to meet flow control BMP or Low Impact Development requirements.

ii. Driveways with a slope exceeding 5% in grade shall be paved; gravel surfacing will not be permitted on steep driveways.

4. If frontage improvements do not exist and are not required, driveway approaches from the right of way line to the edge of pavement shall be HMA unless otherwise approved by the City Engineer.

D. Townhome Driveways and Driveway Approaches: Driveways lengths shall be 20 feet when accessed from a public road with a width between 8 feet and 20 feet. Driveways are not required when accessing from a private road. If driveways are proposed off of a private road, they shall follow the requirements for access from a public road. Driveway approaches to garages from private roads shall not exceed 6 feet in length. Any conflicts with the KMC, the KMC shall prevail.

CE. Commercial, Industrial, & **Other** Multi-Family Driveways and Driveway Approaches:

1. Driveways, when designed, must be a minimum length of 40 feet, measured along any point between the nearest tract/easement/right-of-way line of a shared access or roadway and the nearest edge of the parking area/carport/garage required per KMC 18.40.030.

2. Driveways and Driveway approaches shall have a minimum width of 24 feet and a maximum width of 36 feet.

3. Driveways shall be continuously paved between the public right-of-way and the parking area required by KMC 18.40.030.

i. This requirement shall not restrict the use of alternative pavement types (such are porous pavements or pavers) and methods (such as wheel strips) to meet a flow control BMP or Low Impact Development requirement.

EF. Location of New Driveways.

1. Driveway location is subject to City approval.

2. No portion of driveway width **for uses other than duplexes or triplexes** shall be allowed within 5 feet of any existing side property lines.

i. Exceptions may be granted without a formal variance request for access panhandles to single lots and for lots taking access from a cul-de-sac bulb; in such cases the driveway shall be located, and possibly reduced in width, to provide the largest setback feasible.

ii. A setback variance may be approved if approval from the adjacent property owner(s) is received.

3. For duplexes and triplexes, a driveway may be allowed within 3 feet of any existing side property line if *native vegetation* is provided to screen the driveway from the neighboring property. Landscaping shall minimally consist of a mix of native evergreen and deciduous shrubs spaced no more than 6' on center and with an ultimate height of at least 5', along with additional native garden plantings spaced to result in total coverage of the majority of the required landscape area within three years. The landscape plan shall be incorporated into the site plan submitted with the permit and the landscaping shall be maintained as specified in KMC 18.35.120. Noxious weeds, as defined in KMC 18.20.1890, shall not be used for landscaping.

As an alternative, a minimum 6'-tall fence, consistent with the standards in KMC 18.30.040, may be provided.

. . .

AMENDMENTS RESULTING FROM ELIMINATION OF "APARTMENT" DEFINITION

18.15.040 Residential zones.

A. The purpose of the residential zones (R and MHC) is to implement comprehensive plan goals and policies for housing quality, diversity and affordability, and to efficiently use residential land, public services and energy. These purposes are accomplished by:

1. Providing, in the R-1 through R-6 zones, for a mix of predominantly *single detached dwelling units*, with a variety of densities and sizes in locations appropriate for residential use;

2. Providing, in the R-6 zone within ¼-mile of major transit corridors, for a mix of *single detached dwelling units, duplexes, and triplexes*;

23. Providing, in the R-12 through R-48 zones, for a mix of predominantly ~~apartment~~ and ~~townhouse~~ multiple-family dwelling units, with a variety of densities and sizes in locations appropriate for residential use;

18.20.830 Dwelling unit, microhousing.

"Microhousing dwelling unit" means an ~~apartment~~ multiple-family dwelling unit with a total square footage of less than 320 square feet and a habitable space, as defined in the International Building Code as adopted in the Kenmore Municipal Code, of at least 220 square feet. The room(s) are intended for use solely by the dwelling's occupant(s), although common kitchen or bath facilities may be provided.

18.20.1375 Hotel.

"Hotel" means a *building* or portion thereof designed or used for transient rental for sleeping purposes. Hotel *structures* are at least two stories in height, with lodging space above the first floor. Lodging space may also be located on the first floor. Individual rooms are typically accessed from a common hallway. A central *kitchen* and dining room and accessory shops and services catering to the general public may be provided. Not included in this definition are ~~townhouses, apartments~~ multiple-family dwelling units, bed and breakfasts, or *motels*.

18.20.1785 Motel.

"Motel" means a *building* or group of detached or connected *buildings* designed or used primarily for providing sleeping accommodations for automobile travelers and typically having a *parking space* adjacent to a sleeping accommodation. This definition excludes ~~townhouses, apartments~~ multiple-family dwelling units, *bed and breakfast guesthouses*, and *hotels*.

18.21.040 Residential zones R-12, R-18 and R-24 – Use allowances.

35. *Self-service storage* only permitted and only if accessory to an ~~apartment~~ multiple-family development of at least 12 units, provided:

a. The gross floor area in *self-service storage* shall not exceed the total gross floor area of the ~~apartment~~ multiple-family dwellings on the *site*;

18.21.050 Residential zones R-12, R-18, R-24, R-48, and MHC – Development standards.

a. For *developments* consisting of three or more single detached dwellings located on a single parcel, the *setback* shall be 10 feet along any property line abutting R-1 through R-6, except for *structures* in on-site recreation areas required in KMC [18.30.130](#), which shall have a *setback* of five feet.

b. For ~~townhouse and apartment~~*multiple-family* development, the *setback* shall be 20 feet along any property line abutting R-1 through R-6, except for *structures* in on-site recreation areas required in KMC [18.30.130](#), which shall have a *setback* of five feet, unless the ~~townhouse or apartment~~*multiple-family* development is adjacent to property upon which an existing ~~townhouse or apartment~~*multiple-family* development is located.

18.24.040 Zoning standards.

Specific zone-based development standards for the downtown residential zone in Table B apply to the DR zone as follows:

Table B. Downtown Residential Development Standards

STANDARD	REQUIREMENT
Base Density: <i>Dwelling Units</i> /Gross Acre	48; applies east of 68th Avenue NE
Maximum Density: <i>Dwelling Units</i> /Gross Acre with Density Bonus Incentives	72; density incentives or bonuses not required west of 68th Avenue NE
Minimum Density: <i>Dwelling Units</i> /Net Acre	18 – Townhouse only development 18 – 36 – Townhouse/ apartment <i>other multiple-family</i> combination development 36 – Apartments <i>Multiple-family development other than townhouses</i>
Minimum Lot Width	Townhouse – 20 ft. Apartment <i>Other Multiple-Family development</i> – 30 ft.

18.30.130 Recreation space – On-site areas.

A. Single-family detached subdivisions, ~~apartment, townhouse~~*multiple-family development* and *mixed use development* of more than nine units in the R-4 through R-48 and DR zones and standalone ~~apartment or townhouse~~*multiple-family* developments in the NB, UC or DC zone of more than nine units, excluding age restricted *senior citizen* housing, shall provide a common recreational open space area on site, except when facilities are available to the public that meet all of the following requirements:

18.40.030 Computation of required off-street parking spaces.

. . .

E. In any *development* required to provide six or more *parking spaces*, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

. . .

5. One indoor bicycle storage space shall be provided for every two *dwelling units* in ~~townhouse and apartment~~ *multiple-family* residential uses ~~other than duplexes and triplexes~~, unless individual garages are provided for every unit. The *city manager* may reduce the number of bike rack parking spaces if *indoor storage* facilities are available to all residents.

18.40.110 Off-street parking plan design standards.

. . .

H. Tandem or end-to-end parking is allowed in residential *developments*. ~~Apartment or townhouse~~ *Multiple-family* *developments* may have tandem parking areas for each *dwelling unit* but shall not combine parking for separate *dwelling units* in tandem parking areas.

18.40.130 Compact car allowance requirements.

In any *development* containing more than 20 *parking spaces*, up to 50 percent of the total number of spaces may be sized to accommodate compact cars, subject to the following:

A. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the *parking space* and centered between the striping;

B. Aisle widths shall conform to the standards set for standard size cars; and

C. ~~Apartment~~ *Multiple-family* *developments* with less than 20 parking spaces may designate up to 40 percent of the required parking spaces as compact spaces.

18.42.090 Residential zone signs.

Signs in the downtown residential, R and MHC zones are limited as follows:

1 . . .

2 B. Residential Use.

3 1. One *sign* not exceeding two square feet is permitted; and

4 2. One *permanent residential development identification sign* not exceeding 32 square feet is
 5 permitted per neighborhood, subdivision, manufactured housing
 6 community, ~~apartment/condominium~~ *multiple-family complex development (but not*
 7 *including a duplex or triplex)*, or other residential area. The maximum height for
 8 the *sign* shall be six feet. The *sign* may be freestanding or mounted on a wall, *fence*, or
 9 other *structure*.

10 **18.50.060 Attached dwellings and group residences –**
 11 **Applicability.**

12 The standards of KMC [18.50.070](#) and [18.50.080](#) shall apply to all new ~~apartment~~ *multiple-family*
 13 *developments* exceeding four *dwelling units*, ~~new townhouse development~~ and new group
 14 residences except Class I *community residential facilities (CRF-I)*. Expansions of
 15 existing *development* that involve four or more *dwelling units* shall be subject to compliance with
 16 KMC [18.50.070](#) and [18.50.080](#).

17 **18.50.070 Attached dwellings and group residences – Vehicular**
 18 **access and parking location.**

19 Except for *development* located in the downtown commercial or downtown residential zones, or
 20 RB-zoned properties that are not subject to P-suffix condition NS-P4 and which lie north of NE
 21 175th Street, which must comply with Chapter [18.52](#) KMC, Downtown Design Standards, the
 22 following requirements apply:

23 A. On *sites* abutting an *alley* constructed to a width of at least 20
 24 feet, ~~apartment and townhouse~~ *multiple-family development* and all group residences except Class
 25 I *community residential facilities (CRF-I)* shall have parking areas placed to the rear
 26 of *buildings* with primary vehicular access via the *alley*, except when waived by the *city*
 27 *manager* due to physical *site* limitations.

28

18.50.080 Attached dwellings and group residences – Building facade modulation.

Except for *development* located in the downtown commercial or downtown residential zones, or RB-zoned properties that are not subject to P-suffix condition NS-P4 and which lie north of NE 175th Street, which must comply with Chapter 18.52 KMC, Downtown Design Standards, ~~apartment and townhouse~~ multiple-family developments, excluding duplexes and triplexes, and all group residences shall provide *building facade modulation* on facades exceeding 60 feet and facing abutting *streets* or properties zoned R-1 through R-6. The following standards shall apply:

. . .

18.50.220 Re-use of facilities – Standards for conversion of historic buildings.

In order to ensure that significant features of the property are protected pursuant to Chapter 2.20 KMC, the following standards shall apply to conversion of historic *buildings*:

A. Gross floor area of *building* additions or new *buildings* required for the conversion shall not exceed 20 percent of the gross floor area of the historic *building*, unless allowed by the zone;

B. Conversions to ~~apartments~~ multiple-family dwelling units shall not exceed one *dwelling unit* for each 3,600 square feet of lot area, unless allowed by the zone; and

C. Any construction required for the conversion shall require certification of appropriateness from the *City* landmark commission.

18.80.080 Applicability of development standards.

A. RDI *developments* shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the RDI *development*; provided, that an RDI proposal in the R-4 through R-6 zones shall conform to the height requirements of the underlying zone in which it is located.

B. RDI *developments* in the R-4 through R-6 zones shall be landscaped as follows:

1. When 75 percent or more of the units in the RDI *development* consist of ~~townhouses or apartments~~ multiple-family dwelling units other than duplexes or triplexes,

the *development* shall provide perimeter *landscaping* and *tree* retention in accordance with Chapters [18.35](#) and [18.57](#) KMC ~~for townhouse or apartment projects~~.

2. When less than 75 percent of the units in the RDI consist of ~~townhouses or apartments~~ *multiple-family dwelling units* other than *duplexes* or *triplexes*, the *development* shall provide *landscaping* and *tree* retention in accordance with Chapters [18.35](#) and [18.57](#) KMC ~~for townhouses or apartments~~ on the portion(s) of the *development* containing such units; provided, that if *buildings* containing such units are more than 100 feet from the *development's* perimeter, the required *landscaping* may be reduced by 50 percent.

18.100.180 Temporary real estate offices.

One temporary real estate office may be located on any new residential *development*; provided, that activities are limited to the initial sale or rental of property or units within the *development*. The office *use* shall be discontinued within one year of recording of a short subdivision of four lots or less or issuance of a final certificate of occupancy for ~~an apartment~~ *multiple-family* *development*, and within two years of the recording of a formal subdivision or short subdivision of more than four lots.