

Date Created:	9/30/21
Drafted by:	LeClair/Jensen
Sponsors:	
Attachments:	none

1 ..Title

2 AN ORDINANCE relating to inclusionary housing
3 development regulations; **(to be filled in after the comment**
4 **period).**

5 ..Body

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 SECTION 1. Findings: **(to be filled in after the comment period)**

- 8 A. Motion 15539
9 B. 2020 Comp Plan Update Action 19
10 C. Socioeconomics of Skyway-West Hill and North Highline
11 D. Housing and income gap
12 E. Anti-displacement report analysis/findings
13 F. Comprehensive Plan policy direction.

14 SECTION 2. Sections 3 through 10 of this ordinance should constitute a new
15 chapter in K.C.C. title 21A.

16 NEW SECTION. SECTION 3. There is hereby added to the chapter established
17 in section 2 of this ordinance a new section to read as follows:

18 The purpose of this chapter is to establish inclusionary housing regulations that
19 provide for the creation of new housing units that are affordable to residents making less
20 than area median income in areas with high risk for displacement due to the high
21 potential for new development in those communities.

22 NEW SECTION. SECTION 4. There is hereby added to the chapter established
23 in section 2 of this ordinance a new section to read as follows:

24 The definitions in this section apply to this chapter unless the context clearly
25 requires otherwise. Where definitions in this section differ from the definitions
26 elsewhere in this title, the following definitions shall control.

27 A. Affordable dwelling unit: an affordable rental dwelling unit or affordable
28 owner-occupied dwelling unit or both.

29 B. Affordable owner-occupied dwelling unit: a dwelling unit that is:

30 1. the primary residence of the legal owner or the primary residence of a
31 resident who is part owner of a limited equity corporation or nonprofit that owns the
32 dwelling unit;

33 2. sold under terms such that the monthly costs of the mortgage, insurance and
34 property taxes, or equivalent costs as a part owner of a limited equity corporation or
35 nonprofit that own the dwelling unit, do not exceed thirty percent of the gross monthly
36 income for the specified qualifying income level; and

37 3. restricted by a covenant or deed restriction subject to approval by the
38 department of community and human services.

39 C. Affordable rental dwelling unit: a dwelling unit that is:

40 1. the primary residence of the tenant and the monthly rent for the unit does not
41 exceed thirty percent of the gross monthly income for the specified qualifying income
42 level; and

43 2. restricted by a covenant or deed restriction subject to approval by the
44 department of community and human services.

45 D. Area median income ("AMI"): the median household income for King County
46 as established by the United States Department of Housing and Urban Development.

47 E. Base density: the amount of development allowed per acre on a parcel under
48 the applicable zoning as established for base densities in K.C.C. chapter 21A.12.

49 F. Dwelling unit: as defined in K.C.C. 21A.06.346 through 21A.06.370, except
50 for accessory dwelling units as defined in K.C.C. 21A06.350.

51 G. Inclusionary housing: a set of policies and administrative procedures requiring
52 or incentivizing new development to include a certain percentage of affordable dwelling
53 units based on the number of market-rate dwelling units in new or substantially improved
54 residential or mixed use developments.

55 H. Market-rate dwelling units: dwelling units which are not restricted to a
56 specified affordable rent or sale price.

57 I. Total allowed density: total number of both market-rate dwelling units and
58 affordable dwelling units allowed to be constructed in a development based on the
59 maximum density allowed in this chapter.

60 NEW SECTION. SECTION 5. There is hereby added to the chapter established
61 in section 2 of this ordinance a new section to read as follows:

62 For new or substantially improved residential or mixed-use developments on
63 properties within the Skyway-West Hill and North Highline community service area
64 program subareas, except for properties subject to K.C.C. 21A.XX.XXX. (the new
65 section established in Section 6 of this ordinance), that propose residential densities
66 above the base density allowed in the zone as established in K.C.C. 21A.12.030, as
67 allowed in this section or elsewhere in this title or both:

68 A. The density shall not be increased using the residential density incentives in
69 K.C.C. chapter 21A.34; and

70 B.1. The maximum density may be increased to two hundred percent of the base
71 density if the development provides the following percentages of dwelling units at the
72 following affordability levels:

73 a. one hundred percent of units are affordable rental dwelling units for
74 households at, or below, sixty percent of AMI;

75 b. one hundred percent of units are affordable owner-occupied units for
76 households at, or below, eighty percent of AMI; or

77 c. or one hundred percent of units are a combination of affordable rental
78 dwelling units and affordable owner-occupied units for households as outlined in
79 subsections A.1. and 2. of this section, respectively; or

80 2. The maximum density may be increased to one hundred fifty percent of the
81 base density if the development provides at least one of the following percentages of
82 dwelling units at the following affordability levels:

83 1. no less than thirty percent of the units shall be affordable owner-occupied
84 units for households at no greater than eighty percent of AMI;

85 2. no less than twenty-five percent of the units shall be a combination of
86 affordable rental dwelling units and affordable owner-occupied units for households at no
87 greater than seventy percent AMI;

88 3. no less than twenty percent of the units shall be affordable rental units for
89 households at no greater than sixty percent of AMI; or

90 4. no less than fifteen percent of the units shall be affordable rental units for

91 households at no greater than fifty percent of AMI.

92 NEW SECTION. SECTION 6. There is hereby added to the chapter established
93 in section 2 of this ordinance a new section to read as follows:

94 For new or substantially improved residential or mixed use buildings on
95 properties in the Skyway and White Center Unincorporated Activity Centers as
96 designated in the King County Comprehensive Plan:

97 A. The base residential density allowed in the zone as established in K.C.C.
98 21A.12.030 shall not be increased using the residential density incentives in K.C.C.
99 chapter 21A.34;

100 B. The development shall provide one of the following percentages of dwelling
101 units at the following affordability levels:

102 1. thirty percent of the units shall be affordable owner-occupied units for
103 households at eighty percent of AMI;

104 2. twenty-five percent of the units shall be a combination of affordable rental
105 dwelling units and affordable owner-occupied units for households at seventy percent
106 AMI;

107 3. twenty percent of the units shall be affordable rental units for households at
108 sixty percent of AMI; or

109 4. fifteen percent of the units shall be affordable rental units for households at
110 fifty percent of AMI;

111 C. The maximum residential density for the development may be increased to
112 one hundred fifty percent of the base density if meeting the requirements of this section;

113 D. The maximum residential density for the development may be increased to

114 two hundred percent of the base density if providing one hundred percent affordable units
115 consistent with the affordability requirements of subsection B.1. of K.C.C. 21A.XX.XXX
116 (the new section established in Section 6 of this ordinance); and

117 E. A development proposing to exceed the base residential density as allowed
118 elsewhere in this title shall provide affordable dwelling units as required in subsection B.
119 of this section.

120 NEW SECTION. SECTION 7. There is hereby added to the chapter established
121 in section 2 of this ordinance a new section to read as follows:

122 A. The total allowed density for dwelling units to be constructed shall be
123 calculated by multiplying the site area as established in K.C.C. chapter 21A.12 by the
124 applicable maximum residential density in this chapter. If the calculation of units results
125 in a fraction, the fraction shall be rounded to the nearest whole number as follows:

- 126 1. Fractions of 0.50 or above shall be rounded up; and
- 127 2. Fractions below 0.50 shall be rounded down.

128 B. The number of required affordable dwelling units shall be calculated by
129 multiplying the number of market-rate dwelling units to be constructed by the applicable
130 percentages of affordable dwelling units as established in this chapter.

131 1. If the calculation results in a fraction, the fraction shall be rounded to the
132 nearest whole number as follows:

133 a. Fractions of 0.50 or above shall be rounded up, and the affordable dwelling
134 unit shall be included in the development; or

135 b. Fractions below 0.50 do not require an affordable unit to be provided in the
136 development. The applicant shall pay a fee based on the fraction multiplied by the value

137 of a single affordable dwelling unit.

138 (1) The fee and affordable dwelling unit value shall be calculated as
139 established by the department of community and human services.

140 (2) The revenues from the fee shall be used to help fund affordable housing
141 projects in the community where the development is occurring.

142 2. The number of required affordable dwelling units in the development shall be
143 provided as follows:

144 a. Studio, one bedroom, and two-bedroom dwelling units meeting the
145 affordability requirements in this chapter shall be counted as one affordable dwelling
146 unit;

147 b. Three-bedroom dwelling units meeting the affordability requirements of this
148 chapter shall be counted as one and one half affordable dwelling units; and

149 c. Dwelling units meeting the affordability requirements of this chapter and
150 with four or more bedrooms shall be counted as two affordable dwelling units.

151 C. The total number of market-rate dwelling units and affordable dwelling units
152 shall not exceed the total allowed density as established in subsection A. of this section.

153 NEW SECTION. SECTION 8. There is hereby added to the chapter established
154 in section 2 of this ordinance a new section to read as follows:

155 A. As a condition of development permit issuance, the department shall approve
156 the preliminary calculation of the number of required affordable dwelling units and
157 allowed market-rate dwelling units.

158 B. As a condition of issuance for the certificate of occupancy for the dwelling
159 units, the department shall approve the final calculation of the number of required

160 affordable dwelling units and constructed market-rate dwelling units. Within thirty days
161 of issuance, a covenant or deed restriction on the property shall be recorded with
162 recorder's office reflecting the following:

- 163 1. A statement that the length of the term of the affordability shall be for the life
164 of the development project or fifty years, whichever is longer.
- 165 2. The total allowed density.
- 166 3. The number of market-rate dwelling units.
- 167 4. The number and affordability of affordable dwelling units based on the
168 standards of this chapter.
- 169 5. Signatures of the property owner and the director.

170 NEW SECTION. SECTION 9. There is hereby added to the chapter established
171 in section 2 of this ordinance a new section to read as follows:

172 For developments implementing the affordable housing provisions established in
173 this chapter:

174 A. The affordable dwelling units shall be:

- 175 1. of a similar or larger size and bedroom count as the market-rate dwelling
176 units in the development;
- 177 2. integrated throughout the development; and
- 178 3. constructed with materials and finishes of comparable quality and
179 workmanship as the market-rate dwelling units in the development.

180 B. Accessible elements shall be provided in the affordable dwelling units at a
181 similar ratio as the accessible elements in the market-rate dwelling units, if provided.

182 B. In the R-18, R-24, R-48, NB, CB, RB, and O zones, the dimensional standards

183 of K.C.C. chapter 21A.12 apply, except as follows:

184 1. Building height limits may exceed the height limits set forth in K.C.C.

185 chapter 21A.12 by an additional fifteen feet.

186 2. Any portion of the building that exceeds the height limits set forth K.C.C.

187 chapter 21A.12 shall be set back an additional ten feet from the street property line and
188 interior property line.

189 C. The parking standards of K.C.C. chapter 21A.18 apply, except that required
190 off-street parking shall be reduced to one space per dwelling unit.

191 1. An additional parking waiver of up to fifty percent may be approved with
192 completion of parking study in accordance with K.C.C. 21A.18.030.B.

193 2. Nonresidential uses of the project, if any, shall provide parking in accordance
194 with K.C.C. chapter 21A.18.

195 NEW SECTION. SECTION 10. There is hereby added to the chapter established
196 in section 2 of this ordinance a new section to read as follows:

197 The provisions of this chapter may be modified for a development proposal, at the
198 director's discretion, if an applicant demonstrates by a preponderance of evidence that the
199 cost of complying with this chapter is either unduly and negatively disproportionate to or
200 does not address the harm this chapter is intended to prevent. Requests for such
201 modifications shall clearly set forth the facts upon which the request for relief is sought.

202 SECTION 11. Ordinance 10870, Section 340, as amended, and K.C.C.

203 21A.12.030 are hereby amended to read as follows:

204 A. Densities and dimensions - residential and rural zones.

STANDARDS	RURAL				RESIDENTIAL								
	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density:	0.2	0.2	0.1	0.05	0.2	1	4	6	8	12	18	24	48

Dwelling Unit/Acre (15) (28)	du/a c	du/a c	du/ac	du/ac	du/ac (21)	du/ac	du/ac (6)	du/a c	du/a c	du/a c	du/a c	du/a c	du/a c
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/a c (20)						6 du/ac (22) 8 du/ac (27)	9 du/a c 12 du/a c 16 du/a c 24 du/a c 36 du/a c 48 du/a c 96 du/a c	12 du/a c 16 du/a c 24 du/a c 36 du/a c 48 du/a c 96 du/a c	18 du/a c 24 du/a c 36 du/a c 48 du/a c 96 du/a c	27 du/a c 36 du/a c 48 du/a c 96 du/a c	36 du/a c 48 du/a c 96 du/a c	72 du/a c 96 du/a c
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.87 5 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft (25)	35 ft 45 ft (14) (25)	35 ft 45 ft (14) (25)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percentage (5)	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

205

B. Development conditions.

206

1. This maximum density may be achieved only through the application of:

207

a. residential density incentives in accordance with K.C.C. chapter 21A.34 or

208

transfers of development rights in accordance with K.C.C. chapter 21A.37, or any

209

combination of density incentive or density transfer; or

210

b. the inclusionary housing regulations in accordance with K.C.C. chapter

211

21A.XX (the new chapter established in Section 2 of this ordinance). For properties

212

within the Skyway-West Hill and North Highline community service area program

213

subareas, use of the residential density incentives in accordance with K.C.C. chapter

214

21A.34 shall not be allowed.

215

2. Also see K.C.C. 21A.12.060.

216 3. These standards may be modified under the provisions for zero-lot-line and
217 townhouse developments.

218 4.a. Height limits may be increased if portions of the structure that exceed the
219 base height limit provide one additional foot of street and interior setback for each foot
220 above the base height limit, but the maximum height may not exceed seventy-five feet.

221 ~~((b-))~~ Netting or fencing and support structures for the netting or fencing used to contain
222 golf balls in the operation of golf courses or golf driving ranges are exempt from the
223 additional interior setback requirements but the maximum height shall not exceed
224 seventy-five feet, except for recreation or multiuse parks, where the maximum height
225 shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires
226 a higher fence.

227 ~~((e-))~~ b. Accessory dwelling units and accessory living quarters shall not
228 exceed base heights, except that this requirement shall not apply to accessory dwelling
229 units constructed wholly within an existing dwelling unit.

230 c. Height limits may be increased in accordance with K.C.C. chapter 21A.XX
231 (the new chapter established in Section 2 of this ordinance).

232 5. Applies to each individual lot. Impervious surface area standards for:

233 a. Regional uses shall be established at the time of permit review;

234 b. Nonresidential uses in rural area and residential zones shall comply with
235 K.C.C. 21A.12.120 and 21A.12.220;

236 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
237 seventy-six square feet in area shall be subject to the applicable provisions of the nearest
238 comparable R-6 or R-8 zone; and

239 d. A lot may be increased beyond the total amount permitted in this chapter
240 subject to approval of a conditional use permit.

241 6. Mobile home parks shall be allowed a base density of six dwelling units per
242 acre.

243 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
244 square feet in area.

245 8. At least twenty linear feet of driveway shall be provided between any garage,
246 carport or other fenced parking area and the street property line. The linear distance shall
247 be measured along the center line of the driveway from the access point to such garage,
248 carport or fenced area to the street property line.

249 9.a. Residences shall have a setback of at least one hundred feet from any
250 property line adjoining A, M or F zones or existing extractive operations. However,
251 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
252 existing extractive operations shall have a setback from the rear property line equal to
253 fifty percent of the lot width and a setback from the side property equal to twenty-five
254 percent of the lot width.

255 b. Except for residences along a property line adjoining A, M or F zones or
256 existing extractive operations, lots between one acre and two and one-half acres in size
257 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
258 to the requirements of the R-4 zone.

259 10.a. For developments consisting of three or more single-detached dwellings
260 located on a single parcel, the setback shall be ten feet along any property line abutting
261 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in

262 K.C.C. 21A.14.190, which shall have a setback of five feet.

263 b. For townhouse and apartment development, the setback shall be twenty feet
264 along any property line abutting R-1 through R-8, RA and UR zones, except for
265 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback
266 of five feet, unless the townhouse or apartment development is adjacent to property upon
267 which an existing townhouse or apartment development is located.

268 11. Lots smaller than one-half acre in area shall comply with standards of the
269 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
270 larger, the maximum impervious surface area allowed shall be at least ten thousand
271 square feet. On any lot over one acre in area, an additional five percent of the lot area
272 may be used for buildings related to agricultural or forestry practices. For lots smaller
273 than two acres but larger than one-half acre, an additional ten percent of the lot area may
274 be used for structures that are determined to be medically necessary, if the applicant
275 submits with the permit application a notarized affidavit, conforming with K.C.C.
276 21A.32.170A.2.

277 12. For purposes of calculating minimum density, the applicant may request that
278 the minimum density factor be modified based upon the weighted average slope of the
279 net buildable area of the site in accordance with K.C.C. 21A.12.087.

280 13. The minimum lot area does not apply to lot clustering proposals as provided
281 in K.C.C. chapter 21A.14.

282 14. The base height to be used only for projects as follows:

283 a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
284 fifteen percent finished grade; and

285 b. in R-18, R-24 and R-48 zones using residential density incentives and
286 transfer of density credits in accordance with this title.

287 15. Density applies only to dwelling units and not to sleeping units.

288 16. Vehicle access points from garages, carports or fenced parking areas shall
289 be set back from the property line on which a joint use driveway is located to provide a
290 straight line length of at least twenty-six feet as measured from the center line of the
291 garage, carport or fenced parking area, from the access point to the opposite side of the
292 joint use driveway.

293 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
294 be clustered if the property is located within or contains:

- 295 (1) a floodplain;
- 296 (2) a critical aquifer recharge area;
- 297 (3) a regionally or locally significant resource area;
- 298 (4) existing or planned public parks or trails, or connections to such facilities;
- 299 (5) a category type S or F aquatic area or category I or II wetland;
- 300 (6) a steep slope; or
- 301 (7) an urban separator or wildlife habitat network designated by the

302 Comprehensive Plan or a community plan.

303 b. The development shall be clustered away from critical areas or the axis of
304 designated corridors such as urban separators or the wildlife habitat network to the extent
305 possible and the open space shall be placed in a separate tract that includes at least fifty
306 percent of the site. Open space tracts shall be permanent and shall be dedicated to a
307 homeowner's association or other suitable organization, as determined by the director,

308 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and
309 designated urban separators shall be placed within the open space tract to the extent
310 possible. Passive recreation, with no development of recreational facilities, and natural-
311 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

312 18. See K.C.C. 21A.12.085.

313 19. All subdivisions and short subdivisions in R-1 and RA zones within the
314 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
315 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
316 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
317 Sammamish Community Planning Area that drains to Patterson Creek shall have a
318 maximum impervious surface area of eight percent of the gross acreage of the plat.
319 Distribution of the allowable impervious area among the platted lots shall be recorded on
320 the face of the plat. Impervious surface of roads need not be counted towards the
321 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
322 more restrictive shall be required.

323 20. This density may only be achieved on RA 2.5 zoned parcels receiving
324 density from rural forest focus areas through a transfer of density credit pursuant to
325 K.C.C. chapter 21A.37.

326 21. Base density may be exceeded, if the property is located in a designated
327 rural city urban growth area and each proposed lot contains an occupied legal residence
328 that predates 1959.

329 22. The maximum density is four dwelling units per acre for properties zoned
330 R-4 when located in the Rural Town of Fall City.

331 23. The minimum density requirement does not apply to properties located
332 within the Rural Town of Fall City.

333 24. The impervious surface standards for the county fairground facility are
334 established in the King County Fairgrounds Site Development Plan, Attachment A to
335 Ordinance 14808 on file at the department of natural resources and parks and the
336 department of local services, permitting division. Modifications to that standard may be
337 allowed provided the square footage does not exceed the approved impervious surface
338 square footage established in the King County Fairgrounds Site Development Plan
339 Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808,
340 by more than ten percent.

341 25. For cottage housing developments only:

342 a. The base height is twenty-five feet.

343 b. Buildings have pitched roofs with a minimum slope of six and twelve may
344 extend up to thirty feet at the ridge of the roof.

345 26. Impervious surface does not include access easements serving neighboring
346 property and driveways to the extent that they extend beyond the street setback due to
347 location within an access panhandle or due to the application of King County Code
348 requirements to locate features over which the applicant does not have control.

349 27. Only in accordance with K.C.C. 21A.34.040.F.1.g., F.6. or K.C.C.
350 21A.37.130.A.2.

351 28. On a site zoned RA with a building listed on the national register of historic
352 places, additional dwelling units in excess of the maximum density may be allowed under
353 K.C.C. 21A.12.042.

354 29. Height and setback requirements shall not apply to regional transit authority
 355 facilities.

356 SECTION 12. Ordinance 10870, Section 341, as amended, and K.C.C.

357 21A.12.040 are hereby amended to read as follows:

358 A. Densities and dimensions - resource and commercial/industrial zones.

	ZONES	RESOURCE				COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	F O R E S T	M I N E R A L		NEIGHBOR- HOOD BUSINESS	COMMUNI TY BUSINESS	REGIONA L BUSINESS	O F F I C E	I N D U S T R I A L
STANDARDS		A-10	A-35	F	M	NB	CB	RB	O	I
Base Density: Dwelling Unit/Acre (19)		0.1 du/ac	.0286 du/ac	.0125 du/ac		8 du/ac (2)	48 du/ac (2)	36 du/ac (2) 48 du/ac (1)	48 du/ac (2)	
Maximum Density: Dwelling Unit/Acre (20)						12 du/ac (3) 16 du/ac (15)	72 du/ac (16) 96 du/ac (17)	48 du/ac (3) 72 du/ac (16) 96 du/ac (17)	72 du/ac (16) 96 du/ac (17)	
Minimum Lot Area		10 acres	35 acres	80 acres	10 acres					
Maximum Lot Depth/ Width Ratio		4 to 1	4 to 1							
Minimum Street Setback		30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Minimum Interior Setback		10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (18) 20 ft (14)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)
Base Height (10)		35 ft	35 ft	35 ft	35 ft	35 ft 45 ft (6)	35 ft 60 ft (6) 65 ft (17)	35 ft 65 ft (6)	45 ft 65 ft (6)	45 ft
Maximum Floor/Lot Ratio: Square Feet						1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)		15% 35% (11)	10% 35% (11)	10% 35% (11)		85%	85%	90%	75%	90%

359 B. Development conditions.

360 1. In the RB zone on property located within the Potential Annexation Area of a
 361 rural city, this density is not allowed.

362 2. These densities are allowed only through the application of mixed-use
363 development standards and, in the NB zone on property in the urban area designated
364 commercial outside of center, for stand-alone townhouse development.

365 3. These densities may only be achieved through the application of residential
366 density incentives or transfer of development rights in mixed-use developments and, in
367 the NB zone on property in the urban area designated commercial outside of center, for
368 stand-alone townhouse development. See K.C.C. chapters 21A.34 and 21A.37.

369 4.a. in the F zone, scaling stations may be located thirty-five feet from property
370 lines. Residences shall have a setback of at least thirty feet from all property lines.

371 b. for lots between one acre and two and one half acres in size, the setback
372 requirements of the R-1 zone shall apply. For lots under one acre, the setback
373 requirements of the R-4 zone shall apply.

374 c. for developments consisting of three or more single-detached dwellings
375 located on a single parcel, the setback shall be ten feet along any property line abutting
376 R-1 through R-8, RA and UR zones.

377 5. Gas station pump islands shall be placed no closer than twenty-five feet to
378 street front lines.

379 6. This base height allowed only for mixed-use developments and for stand-
380 alone townhouse development in the NB zone on property designated commercial outside
381 of center in the urban area.

382 7. Required on property lines adjoining rural area and residential zones.

383 8. Required on property lines adjoining rural area and residential zones for
384 industrial uses established by conditional use permits.

385 9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.
386 chapter 21A.14.

387 10.a. Height limits may be increased if portions of the structure building that
388 exceed the base height limit provide one additional foot of street and interior setback for
389 each foot above the base height limit, provided the maximum height may exceed seventy-
390 five feet only in mixed use developments. Netting or fencing and support structures for
391 the netting or fencing used to contain golf balls in the operation of golf courses or golf
392 driving ranges are exempt from the additional interior setback requirement provided that
393 the maximum height shall not exceed seventy-five feet.

394 b. Height limits may be increased in accordance with K.C.C. chapter 21A.XX
395 (the new chapter established in Section 2 of this ordinance).

396 11. Applicable only to lots containing less than one acre of lot area.
397 Development on lots containing less than fifteen thousand square feet of lot area shall be
398 governed by impervious surface standards of the nearest comparable R-4 through R-8
399 zone.

400 12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

401 13. The impervious surface area for any lot may be increased beyond the total
402 amount permitted in this chapter subject to approval of a conditional use permit.

403 14. Required on property lines adjoining rural area and residential zones unless
404 a stand-alone townhouse development on property designated commercial outside of
405 center in the urban area is proposed to be located adjacent to property upon which an
406 existing townhouse development is located.

407 15. Only as provided for walkable communities under K.C.C. 21A.34.040.F.8.

408 well-served by transit or for mixed-use development through the application of rural area
409 and residential density incentives under K.C.C. 21A.34.040.F.1.g.

410 16. Only for mixed-use development through the application of residential
411 density incentives under K.C.C. chapter 21A.34 or the transfer of development rights
412 under K.C.C. chapter 21A.37. In the RB zone on property located within the Potential
413 Annexation Area of a rural city, this density is not allowed.

414 17. Only for mixed-use development through the application of residential
415 density incentives through the application of residential density incentives under K.C.C.
416 chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37.
417 Upper-level setbacks are required for any facade facing a pedestrian street for any portion
418 of the structure greater than forty-five feet in height. The upper level setback shall be at
419 least one foot for every two feet of height above forty-five feet, up to a maximum
420 required setback of fifteen feet. The first four feet of horizontal projection of decks,
421 balconies with open railings, eaves, cornices, and gutters shall be permitted in required
422 setbacks. In the RB zone on property located within the Potential Annexation Area of a
423 rural city, this density is not allowed.

424 18. Required on property lines adjoining rural area and residential zones only
425 for a social service agency office reusing a residential structure in existence on January 1,
426 2010.

427 19. On a site zoned A with a building designated as a county landmark in
428 accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess
429 of the maximum density may be allowed under K.C.C. 21A.12.042.

430 20. For properties in the NB, CB, and RB zones within the Skyway-West Hill

431 and North Highline community service area program subareas, these residential densities
432 may only be achieved through the application of the inclusionary housing regulations in
433 accordance with K.C.C. chapter 21A.XX (the new chapter established in Section 2 of this
434 ordinance).

435 SECTION 13. Ordinance 10870, Section 561 and K.C.C. 21A.34.020 are hereby
436 amended to read as follows:

437 A. Residential density incentives (RDI) shall be used only on sites served by
438 public sewers and only in the following zones:

439 ~~((A.))~~ 1. In R-4 through R-48 zones; and

440 ~~((B.))~~ 2. In NB, CB, RB and O zones when part of a mixed use development.

441 B. RDI shall not be used on sites located within the Skyway-West Hill and North
442 Highline community service area program subareas. See K.C.C. chapter 21A.XX. (the
443 new chapter established in Section 2 of this ordinance) for density incentives for these
444 geographies.

445 SECTION 14. Severability. If any provision of this ordinance or its application
446 to any person or circumstance is held invalid, the remainder of the ordinance or the
447 application of the provision to other persons or circumstances is not affected.