

ORDINANCE NO. 4222

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, REVISING THE CITY'S REGULATIONS REGARDING AFFORDABLE HOUSING AND DEVELOPMENT INCENTIVES, AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON09-00005.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated November 18, 2009 and bearing Kirkland Department of Planning and Community Development File No. ZON09-00005; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on November 5, 2009, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council reviewed and discussed the amendment proposals at a meeting held on November 23, 2009; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A attached to this ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts

adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect on April 1, 2010. Pursuant to Kirkland Municipal Code 1.08.017, publication of this ordinance shall be in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Section 5. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this 15th day of December, 2009.

SIGNED IN AUTHENTICATION thereof this 15th day of December 2009.



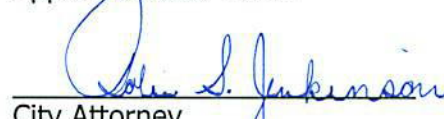
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

5.10 Definitions

.023 Affordable Housing Unit – (A) ~~a~~An owner-occupied dwelling unit reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed ~~70~~the following percent of the King County median household income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), and no more than 30 percent of the monthly household income is paid for monthly housing expenses (mortgage and mortgage insurance, property taxes, property insurance and homeowners dues):

(1) 80 percent in zoning districts where additional building height is allowed in exchange for the creation of affordable housing units; or

(2) 100 percent in zoning districts where additional dwelling units are allowed in exchange for the creation of affordable housing units.

~~or~~ (B) a~~A~~ renter-occupied dwelling unit reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed 50 percent of the King County median household income, adjusted for household size, as determined by HUD, and no more than thirty percent of the monthly household income is paid for monthly housing expenses (rent and an appropriate utility allowance).

In the event that HUD no longer publishes median income figures for King County, the city may use any other method for determining the King County median income, adjusted for household size.

New General Regulation in Density-Limited Zones

Certain sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, would be amended to include the following text as General Regulation number 2:

Developments creating four or more new detached, attached or stacked dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. See Chapter 112 KZC for additional affordable housing incentives and requirements.

This change will be made to the following sections of the Kirkland Zoning Code:

<u>Section</u>	<u>Zone</u>
20.08	RM 1.8, 2.4, 3.6, 5.0
25.08	PR 1.8, 2.4, 3.6, 5.0
30.10	WD I
30.30	WD III
60.15	PLA 2
60.20	PLA 3A
60.25	PLA 3B
60.30	PLA 5A
60.35	PLA 5B
60.40	PLA 5C
60.45	PLA 5D
60.50	PLA 5E
60.55	PLA 6A
60.60	PLA 6B
60.70	PLA 6D
60.80	PLA 6F
60.90	PLA 6H
60.95	PLA 6I
60.100	PLA 6J
60.105	PLA 6K
60.110	PLA 7A, 7B, 7C
60.130	PLA 9
60.170	PLA 15A
60.175	PLA 15B
60.185	PLA 17
60.190	PLA 17A
52.20	JBD 3
52.25	JBD 4
52.30	JBD 5
52.39	JBD 6
51.08	MSC 1, MSC 4
54.34	NRH 5
54.40	NRH 6
55.97	TL 11
53.22	RH 2C
53.42	RH 4

CHAPTER 53 – ROSE HILL BUSINESS DISTRICT (RHBD) ZONES

53.02 User Guide. The charts in KZC 53.06 contain the basic zoning regulations that apply in the RH 1A zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 53.04

Section 53.04 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. The ground floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
3. At least 50 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
4. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
5. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
6. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
 - a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.
7. Access for drive-through facilities must be approved by the Public Works Official. See KZC 105.96 for requirements.
8. For lighting requirements associated with development, see KZC 115.85(2).

Section 53.06

Zone
RH 1A

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.06	USE ↓	REGULATIONS ↔	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.080	Attached or Stacked Dwelling Unit							35'—67' above average building elevation. See Spec. Reg. 2.	D	A	1.7 per unit.	<ol style="list-style-type: none"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. <u>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. Building height may be increased above 35 feet to a maximum of 67 feet above average building elevation if the following is provided. At least 10 percent of the units in new residential developments of 10 units or greater shall be affordable housing units as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</u>
.090	Private Lodge or Club	D.R., Chapter 142 KZC.	None	10'	0'	0'	80%	67' above average building elevation.	C	B	1 per each 300 sq. ft. of gross floor area.	
.100	Church										1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	<ol style="list-style-type: none"> May include accessory living facilities for staff persons. No parking is required for day-care or school ancillary to this use.

53.20 User Guide. The charts in KZC 53.24 contain the basic zoning regulations that apply in the RH 2A, RH 2B and RH 2C zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 53.22

Section 53.22 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. For uses in RH 2A and RH 2B, vehicular access shall be from NE 85th Street or 120th Avenue NE. The subject property shall be configured to structurally prevent vehicular access, other than for emergency vehicles, from 118th Avenue NE. Only office and residential uses in RH 2C may access from 118th Avenue NE if vehicle trips do not exceed the trips that would be generated from residential development at 12 units per acre based on the total site area in RH 2C. Any excess of this amount must access from NE 85th Street or 120th Avenue NE.
3. At least 50 percent of the total gross floor area located on the ground floor of all structures in RH 2A shall contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
4. The ground floor of all structures in RH 2A shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
5. The maximum height of any portion of a building located within 100 feet of a low density zone is 25 feet above the existing grade at the adjacent curblines of 120th Avenue NE. The 25-foot building height shall be measured at the midpoint of the portion of the building wall adjoining the low density zone.
6. Loading and service areas shall be placed away from NE 85th Street, pedestrian areas and adjacent residential uses.
7. Electrical signs are not permitted along 120th Avenue across the street from a residential zone or oriented toward 118th Avenue.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

Section 53.24

Zone
RH 2A, 2B,
2C

USE ZONE CHART

9. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
 - a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Access for drive-through facilities must be approved by the Public Works Official. See KZC 105.96 for requirements. Drive-through facilities are not permitted in an RH 2B or RH 2C zone.
11. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official.
 - Establishments expected to operate past 9:00 p.m.
 - Vehicle service station.
 - Automotive service center.
 - Retail establishment providing entertainment, recreational or cultural activities.
 - Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, or similar vehicles.
 - Car washes.
 - Veterinary offices.
 - Any establishment where animals are kept on site.
 - Drive-through facilities with loudspeaker systems.
 - Establishments involving a large truck loading dock for deliveries.

The study shall verify that the noise that will emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
12. For lighting requirements associated with development, see KZC 115.85(2).

Section 53.24

Zone
RH 2A, 2B,
2C

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.24	USE ↓	REGULATIONS ↘	Required Review Process	MINIMUMS			Lot Coverage	MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
					Front	Side			Rear				
.080	Attached or Stacked Dwelling Unit		In RH 2C the minimum amount of lot area per dwelling unit is 3,600 sq. ft. Otherwise, none.				In RH 2C: 35' above average building elevation. In RH 2B: 55' above average building elevation. In RH 2A: 35 —67' above average building elevation. See Spec. Reg. 3.	D	A	1.7 per unit.	<ol style="list-style-type: none"> This use may not be located on the ground floor of a structure in RH 2A. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. <u>In RH 2A and RH 2B, at least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> Building height may be increased above 35 feet to a maximum of 67 feet in RH 2A, and to a maximum of 55 feet above average building elevation in RH 2B if: a. At least 10 percent of the units in new residential developments of 10 units or greater are affordable housing units as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). 		

Section 53.24

Zone
RH 2A, 2B,
2C

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.24	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.090	Assisted Living Facility, Convalescent Center or Nursing Home	D.R., Chapter 142 KZC.	In RH 2C the minimum amount of lot area per dwelling unit is 3,600 sq. ft. Otherwise, none.	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	In RH 2A and RH 2B: 80% In RH 2C: 70%	In RH 2C: 35' above average building elevation. In RH 2B: 55' above average building elevation. In RH 2A: 35 —67' above average building elevation.	C	A Convalescent Center or Nursing Home: B	Independent unit: 1.7 per unit. Assisted Living Facility: 1 per unit. Convalescent Center or Nursing Home: 1 per bed.	<ol style="list-style-type: none"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. In RH 2C for density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. 	
.100	Hotel or Motel		None				In RH 2B: 55' above average building elevation.	A	E	1 per each room. See also Spec. Reg. 3.	<ol style="list-style-type: none"> This use is permitted in RH 2A and RH 2B only. May include ancillary meeting and convention facilities. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis. 		
.110	Private Lodge or Club						In RH 2A: 67' above average building elevation.	C	B	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> This use is permitted in RH 2B only if developed in conjunction with RH 2A. This use is not permitted in RH 2C. 		

53.30 User Guide. The charts in KZC 53.34 contain the basic zoning regulations that apply in the RH 3 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 53.32

Section 53.32 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
3. Individual retail uses in this zone are limited to a maximum gross floor area of 65,000 square feet.
4. At least 50 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapters 105 and 110 KZC, and Plate 34K).
5. The ground floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
6. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
 - a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.
7. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
8. Access for drive-through facilities must be approved by the Public Works Official. See KZC 105.96 for requirements.

Section 53.34

Zone
RH 3

USE ZONE CHART

9. A through-block pedestrian pathway shall be installed pursuant to the through-block pathway standards in KZC 105.19(3); see Plate 34K:
 - a. Along the north portion of the zone to make an east-to-west pedestrian connection between 124th Avenue NE and 120th Avenue NE as designated in the Comprehensive Plan; and
 - b. Connecting the north end of the zone to NE 85th Street.
10. For lighting requirements associated with development, see KZC 115.85(2).

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.34	USE ↓	REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)							
					Front	Side						Rear
.010	Development containing: retail establishments selling goods, or providing services including banking and other financial services, restaurants, taverns	D.R., Chapter 142 KZC. See Spec. Regs. 1 and 2.	More than 6 acres See Spec. Reg. 7	As established with design review process.			80%	45' – 67' above average building elevation along the north end of the zone with a maximum of 45' measured above NE 85th Street. See Spec. Regs. 5 and 7 <u>6</u> .	See Spec. Reg. 3.	See Spec. Reg. 4.	As established in the CMP.	<ol style="list-style-type: none"> 1. May also include one or more of the other uses allowed in this zone. Development regulations of this section apply to all uses developed within a Conceptual Master Plan (CMP). 2. Development must be part of a Conceptual Master Plan (CMP) for the entire subject property. The proposed CMP shall be reviewed using the Design Review process provisions of KZC 142.35. Subsequent development proposals shall follow DR or ADR as set forth in the Notice of Approval for the Conceptual Master Plan. The Conceptual Master Plan shall incorporate the design guidelines contained in the Design Guidelines for the Rose Hill Business District pertaining to the RH 3 zone. 3. Location of drive-through facilities will not compromise the pedestrian orientation of the development. See KZC 105.96 for other requirements. 4. Signs for a development approved under this provision must be proposed within a Master Sign Plan application pursuant to KZC 100.80 for all signs within the project. 5. Building height shall be 45 feet measured above the midpoint of the frontage of the subject property along NE 85th Street, or if the subject property does not front on NE 85th Street, at the midpoint of the property frontage along any other public right-of-way. If the property abuts more than one public right-of-way, the applicant may select the right-of-way from which to measure. 6. <u>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> 7. <u>Maximum building height for a development including residential use is 67 feet above average building elevation. However, the equivalent of the additional gross floor area constructed above 45' over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor.</u> <p>Building height may be increased above 45 feet average elevation to a maximum 67 feet above average building elevation if affordable housing is a component of the development. At least 10 percent of the units in new residential development of 10 units or greater shall be affordable housing units as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate</p>

(Revised)

53.70 User Guide. The charts in KZC 53.74 contain the basic zoning regulations that apply in the RH 7 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 53.72

Section 53.72 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Individual retail uses in this zone are limited to a maximum of 65,000 square feet of gross floor area.
3. The ground floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
4. At least 50 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
5. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
6. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
7. Drive-through and drive-in facilities are not permitted in this zone.

Section 53.74

Zone
RH 7

USE ZONE CHART

8. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans Manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
 - a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.

9. For lighting requirements associated with development, see KZC 115.85(2).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official:
 - Establishments expected to operate past 9:00 p.m.
 - Vehicle service station.
 - Automotive service center.
 - Car washes.
 - Retail establishment providing entertainment, recreational or cultural activities.
 - Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, or similar vehicles.
 - Veterinary offices.
 - Drive-through facilities with loudspeaker systems.
 - Establishments involving a large truck loading dock for deliveries.

The study shall verify that the noise that will emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
11. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed.

Section 53.74

Zone
RH 7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 53.74	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.080	Development Containing Stacked Dwelling Units and one or more of the following uses: Retail uses including Banking and Other Financial Services, Restaurants or Taverns See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	More than 3 acres.	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	45' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> Development may also include other uses allowed in this zone. The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. Automotive service centers. Uses with drive-in facilities or drive-through facilities. Retail establishments providing storage services unless accessory to another permitted use. Retail establishment involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles. The entire zone must be physically integrated both in site, building design, pedestrian access internally and to the street and provide other pedestrian amenities. At least 10 percent of the units in new residential developments of 10 units or greater shall be affordable housing units as defined in Chapter 5 KZC. <u>See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). 	

Chapter 55 – TOTEM LAKE (TL) ZONES

55.05 User Guide. The charts in KZC 55.09 contain the basic zoning regulations that apply in the TL 1A zone of the city. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.07



Section 55.07 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.
2. All ground floor uses shall be a minimum of 15 feet in height. This regulation does not apply to parking garages or property with no frontage on NE 128th Street.
3. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
4. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking, other than underground parking, may encroach into the required 10-foot front yard.
5. The ability to accommodate new development in the TL 1A zone is dependent upon the construction of two new streets: 119th Avenue NE, between NE 128th Street and NE 130th Place, and NE 130th Place, between 120th Avenue NE and Totem Lake Boulevard NE, as shown on Plate 34A. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which these streets in whole or in part extend, shall contribute to the creation of the streets as follows:
 - a. With all new development, the portions of these streets crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34A; and
 - b. With all new development exceeding 30 feet in height, the streets shall be improved consistent with Plate 34A.

Minor deviations in the location and width of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.
6. Properties located between TL 2 and NE 128th Street may be required to provide a pedestrian connection between TL 2 and NE 128th Street.

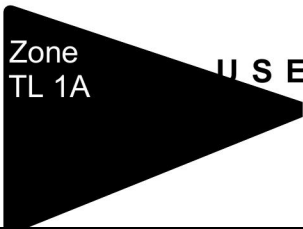
Section REGULATIONS

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.09

Zone
TL 1A

USE ZONE CHART

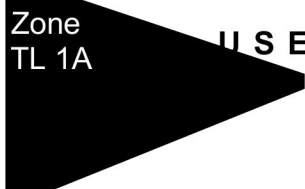


DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.09	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.040	Attached or Stacked Dwelling Units (continued)										<p>4. On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) may be increased by an additional 0.30 FAR for each 10 percent or portion thereof of the subject property required to be dedicated. Where this use is combined with office use, the maximum FAR for the office use may be increased by an additional 0.2 of office use for each 10 percent or portion thereof of the subject property required to be dedicated.</p> <p>5. Building height may be increased as follows:</p> <p>a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided:</p> <ol style="list-style-type: none"> 1) Dedication and improvement of new streets pursuant to General Regulation 5; or 2) Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 3) Provides for at least 10 percent of the units in new residential developments of 4-10 units or greater as affordable housing units, as defined in Chapter 5 KZC. <u>See Chapter 112 KZC for additional affordable housing requirements and incentives. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66.</u> <p>An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.</p> <p>Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</p> <p>b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following conditions:</p> <ol style="list-style-type: none"> 1) Development on the subject property complies with 5(a) above. 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC) 		

(Revised)

Section 55.09



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.09	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.070	Assisted Living Facility		D.R., Chapter 142 KZC	None	10'	0'	0'	85% See Spec. Reg. 5.	30' to 160' above average building elevation. See Spec. Reg. 4.	B	A	See KZC 105.25.	<ol style="list-style-type: none"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size, except as provided in Special Regulation 3 below. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone. On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) may be increased by an additional 0.30 FAR for each 10 percent or portion thereof, of the subject property required to be dedicated. Building height may be increased as follows: <ol style="list-style-type: none"> Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: <ol style="list-style-type: none"> Dedication and improvement of new streets pursuant to General Regulation 5; or Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and Provides for at least 10 percent of the units in new residential developments of 440 units or greater as affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66.

(Revised)

~~An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project.~~
 Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).

55.11 User Guide. The charts in KZC 55.15 contain the basic zoning regulations that apply in the TL 1B zone of the city. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.13



Section 55.13 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.
2. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
3. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
4. The ability to accommodate new development in the TL 1B zone is dependent upon the construction of a new street: NE 130th Place, between 120th Avenue NE and Totem Lake Boulevard NE, as shown on Plate 34A. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which this street in whole or in part extends, shall contribute to the creation of the street as follows:
 - a. With all new development, the portions of the street crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34A; and
 - b. With all new development exceeding 30 feet in height, the street shall be improved consistent with Plate 34A.

Minor deviations in the location, width and improvement of the street may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the street.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
Section 55.15	USE	REGULATIONS	Required Review Process	MINIMUMS		MAXIMUMS		Landscape Category (See Ch. 95) Sign Category (See Ch. 100)	Required Parking Spaces (See Ch.	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARD (See Ch. 115)	Lot Coverage	Height of			

Section 55.15

Zone
TL 1B

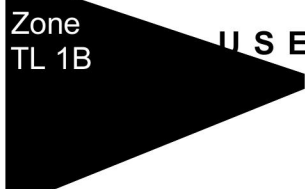
USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.15	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.020	Development Containing Both Office Use and Attached or Stacked Dwelling Units (continued)										<ul style="list-style-type: none"> b. On parcels where land dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.3 of residential use for each 10 percent or portion thereof of the subject property required to be dedicated. 2. Twenty-foot yard required where properties abut NE 132nd Street. 3. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street along the subject property. 4. Building height may be increased as follows: <ul style="list-style-type: none"> a. Building height may exceed 30 feet above average building elevation, if: <ul style="list-style-type: none"> 1) One of the following public improvements is provided: <ul style="list-style-type: none"> a) Dedication and improvement of new streets pursuant to General Regulation 4; or b) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 2) Provides for at least 10 percent of the units in new residential developments of 440 units or greater as affordable housing units, as defined in Chapter 5 KZC. <u>See Chapter 112 KZC for additional affordable housing requirements and incentives. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66.</u> An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). 		

(Revised)

Section 55.15



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

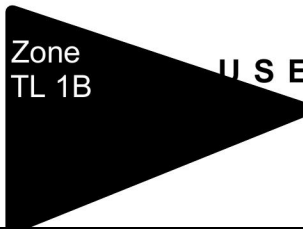
Section 55.15	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.050	Attached or Stacked Dwelling Units	D.R., Chapter 142 KZC	None	10' See Spec. Reg. 5.	0'	0'	85% See Spec. Reg. 8.	30' to 160' above average building elevation. See Spec. Regs.-6 and 7.	C	A	See KZC 105.25.	<ol style="list-style-type: none"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. Residential development must provide a minimum density of 50 dwelling units per gross acre. The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone. On parcels where road dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.30 for each 10 percent or portion thereof of the subject property required to be dedicated. Twenty-foot yard required where properties abut NE 132nd Street. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street along the subject property. Building height may be increased as follows: <ol style="list-style-type: none"> Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: <ol style="list-style-type: none"> Dedication and improvement of new streets pursuant to General Regulation 4; or Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and Provides for at least 10 percent of the units in new residential developments of 440 units or greater as affordable housing units, as defined in Chapter 5 KZC. <u>See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. 	

(Revised)

Section 55.15

Zone
TL 1B

USE ZONE CHART



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.15	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.050	Attached or Stacked Dwelling Units (continued)										<p>Additional affordable housing incentives may be applicable to residential development (see Chapter 112-KZC).</p> <p>b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations:</p> <ol style="list-style-type: none"> 1) Development on the subject property complies with 7(a) above. 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height. 4) Methods for mitigating any significant shadowing and lighting impacts of the increased building height on the residential areas to the north are proposed. 5) Taller elements of buildings would be stepped back from the perimeter of TL 1B boundaries, away from adjacent residential zones. 6) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties. <p>8. Increases in lot coverage may be considered if:</p> <ol style="list-style-type: none"> a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space. 		

Section 55.15



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.15	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.080	Assisted Living Facility		D.R., Chapter 142 KZC	None	10' See Spec. Reg. 4.	0'	0'	85% See Spec. Reg. 7.	30' to 160' above average building elevation. See Spec. Regs. 5 and 6.	C	A	1 per assisted living unit.	<ol style="list-style-type: none"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone. On parcels where road dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.30 for each 10 percent or portion thereof, of the subject property required to be dedicated. Twenty-foot yard required where properties abut NE 132nd Street. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street. Building height may be increased as follows: <ol style="list-style-type: none"> Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: <ol style="list-style-type: none"> Dedication and improvement of new streets pursuant to General Regulation 4; or Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and Chapter 105 KZC. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and Provides for at least 10 percent of the units in new residential developments of 440 units or greater as affordable housing units, as defined in Chapter 5 KZC. <u>See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which the affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.

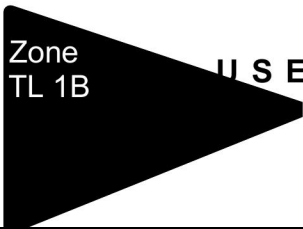
(Revised)

Kirkland Zoning Code
520.15

Section 55.15

Zone
TL 1B

USE ZONE CHART



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.15	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.080	Assisted Living Facility (continued)										<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p>Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</p> <p>b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations:</p> <ol style="list-style-type: none"> 1) Development on the subject property complies with 6(a) above. 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height. 4) Methods for mitigating any significant shadowing and lighting impacts of the increased building height on the residential areas to the north are proposed. 5) Taller elements of buildings would be stepped back from the perimeter of TL 1B boundaries, away from adjacent residential zones. 6) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties. <p>7. Increases in lot coverage may be considered if:</p> <ol style="list-style-type: none"> a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space. 		

55.29 User Guide. The charts in KZC 55.33 contain the basic zoning regulations that apply in the TL 4A, TL 4B and TL 4C zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.31

**Zone
TL 4A,
4C**

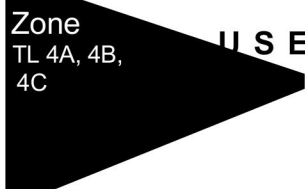
Section 55.31 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space, shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities;
 - b. Parking garages; or
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
3. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
4. At least 50 percent of the total gross floor area located on the ground floor area of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter 105 KZC).
5. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
6. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

Section	REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS				
		Required	MINIMUMS	MAXIMUMS	Land use Sign	Special Regulations

Section 55.33



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.33	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.100	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone. See Spec. Regs. 3-4.			Same as the regulations for the ground floor use. See Spec. Reg. 1.			TL 4A and TL 4B: 65'48" above average building elevation. See Spec. Reg. 4.5. TL 4C: 45' above average building elevation. See Spec. Reg. 5.	D	E	See KZC 105.25.	<ol style="list-style-type: none"> 1. A veterinary office is not permitted in any development containing dwelling units. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. No more than 10 percent of the ground floor of a structure may contain residential use. 4. <u>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> 5. <u>The equivalent of the additional gross floor area constructed above 35' over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor. At least one full story of the building must be dedicated to residential use.</u> 5. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 		
.110	Church			20'	0'	0'	80%	35' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Spec.	<ol style="list-style-type: none"> 1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use. 	

55.35 User Guide. The charts in KZC 55.39 contain the basic zoning regulations that apply in the TL 5 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.37

Section 55.37 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.

Section 55.39

Zone
TL 5

USE ZONE CHART

Zone
TL 5

2. The ability to accommodate new development in the TL 5 zone is dependent upon the construction of two new streets: 123rd Avenue NE and NE 120th Street, as shown on Plate 34B. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which these streets in whole or in part extend shall contribute to the creation of the streets as follows:
 - a. With all new development, the portions of these streets crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34B; and
 - b. With all new development exceeding 35 feet in height, the streets shall be improved as determined by the Public Works Director. Minor deviations in the location and width of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.
 - c. The street network within the TL 5 zone should be primarily made up of dedicated public rights-of-way with street improvements that meet the current City standards. The Public Works Director may authorize that an access street can be within a private access easement if it is found that the private street allows for a superior site design that also maintains an effective street network. If a private access street is allowed, the standards for the street improvements should be similar to those of public streets, and the maintenance of such streets shall be the responsibility of the property owner. Additionally, if a private access street is allowed, design standards applicable to development abutting a major pedestrian sidewalk continue to apply.
 - d. Development in the TL 5 zone must provide a grid of internal access roads shown on Plate 34B and Plate 34F pursuant to the following standards:
 - 1) A north-south street (123rd Avenue NE) from NE 116th Street on the south leading to the extension of NE 120th Street and a potential future bridge connecting over the BNSF railroad to 120th Place NE. This is intended to be a dedicated public street that can be implemented in phases as redevelopment occurs on applicable sites.
 - 2) An east/west connection with the planned NE 120th Street extension. This is intended to link the proposed 123rd Avenue NE extension above with 124th Avenue NE. This is intended to be a dedicated public street that can be implemented in conjunction with redevelopment on applicable sites.
 - 3) Two or three other east-west access roads from 124th Avenue NE towards interior lots and areas closer to I-405. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets implemented in conjunction with redevelopment on applicable sites. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.
 - 4) Suggested cross-sections for each of these roads would include:
 - a) Two travel lanes (one lane each way);
 - b) On-street parallel parking;
 - c) Eight- to 12-foot-wide sidewalks on each side of the street with street trees placed toward the curb 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

Section 55.39

Zone
TL 5

USE ZONE CHART

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

3. Maximum allowable building height may be increased to 45 feet above average building elevation on parcels where dedication for roads is provided. Additional building height may be allowed with participation in a Conceptual Master Plan. No portion of a structure may exceed the following heights above the elevation of NE 116th Street, as measured at the midpoint of the frontage of the subject property on NE 116th Street:
 - a. Within 20 feet of NE 116th Street, 35 feet.
 - b. Within 30 feet of NE 116th Street, 45 feet.
 - c. Within 40 feet of NE 116th Street, 55 feet.
4. The ground floor of all structures on the subject property with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
5. At least 30 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. Ground floor spaces in structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space must contain retail establishments, restaurants or taverns.
6. No surface parking may encroach into the required front yard.
7. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

Section 55.39

Zone
TL 5

USE ZONE CHART

9. The applicant shall install a through-block pathway or other pathways to link streets and/or activities. In addition to the new roads to be developed through the district (123rd Avenue NE and NE 120th Street), designated as major pedestrian sidewalks in Plate 34F, a network of east-west pathways at intervals no greater than 350 feet that link uses to 124th Avenue NE shall be installed. Through-block pathways may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See KZC 105.19(3) for through-block pathway standards. Additional through-block pathways not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

Section 55.39

Zone
TL 5

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.39	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Any use or combination of uses allowed in this zone, when developed within a Conceptual Master Plan. (Continued)										<p>REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <ol style="list-style-type: none"> 1. Location of drive-through facilities to not compromise the pedestrian orientation of the development. 4. The following uses are not permitted within a Conceptual Master Plan: <ol style="list-style-type: none"> a. Retail establishments providing storage services unless accessory to another permitted use. b. Outdoor storage of bulk commodities, except in the following circumstances: <ol style="list-style-type: none"> i. If the outdoor storage involves vehicles for sale associated with a vehicle dealership. ii. If the square footage of the storage area is less than 20 percent of the total square footage of the use it is serving; or c. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. 5. Signs for a development approved under this provision must be proposed within a Master Sign Plan application (KZC 100.80) for all signs within the project. 6. Land dedicated for roads pursuant to General Regulation 2 may be included in the lot size used to meet the minimum size requirement for a Conceptual Master Plan. 7. <u>At least 10 percent of the units provided in new residential developments of 440 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> 8.7. Building height may exceed the limits set forth in General Regulation 3, provided that: <ol style="list-style-type: none"> a. Development on the property within the Conceptual Master Plan does not exceed the maximum floor area ratio (FAR) of 2.0, or 200 percent of lot size. Land dedicated for roads pursuant to General Regulation 2 may be included in the land used to calculate FAR; and b. In buildings over 35 feet in height, at least 10 percent of the units provided in new residential developments of 20 units or greater are affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the 		

(Revised)

Section 55.39

Zone
TL 5

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.39	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Any use or combination of uses allowed in this zone, when developed within a Conceptual Master Plan. (Continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). 9.8. Parcels smaller than four acres may be added to a previously approved Conceptual Master Plan (CMP), if the applicable criteria set forth in the notice of approval for the approved CMP are met.	
.020	Vehicle Service Station	D.R., Chapter 142 KZC.	22,500 sq. ft.	40'	15' on each side	15'	80%	35' above average building elevation. See General Regulation 3.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.	
.030	A Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 1.		None	10'	0'	0'							
.040	Restaurant or Tavern								B		1 per each 100 sq. ft. of gross floor area.	1. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.	

(Revised)

Section 55.39

Zone
TL 5

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.39	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.110	Attached or Stacked Dwelling Unit See Spec. Reg. 1.			Same as those regulations for the primary ground floor use-45'. See Spec. Regs. 1 and 2.					A	1.7 per unit.	<ol style="list-style-type: none"> 1. No more than 10 percent of the ground floor of a structure may contain residential use. 2. At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. 3. The maximum height for buildings may be increased to 45 feet above average building elevation if: At least two stories of the building must be are dedicated to residential use. <ol style="list-style-type: none"> a. At least two stories of the building are dedicated to residential use; and b. At least 10 percent of the units provided in new residential developments of 10 units or greater are affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. <ul style="list-style-type: none"> Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 		

55.41 User Guide. The charts in KZC 55.45 contain the basic zoning regulations that apply in the TL 6A and TL 6B zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.43

**Zone
TL 6A,
6B**

Section 55.43 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Where feasible, primary access for nonresidential uses within TL 6 shall be from 124th Avenue NE, NE 124th Street, or NE 120th Street.
3. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, residential development in TL 6A where over 80 percent of the total units in the development are affordable to households earning no more than 60 percent of the King County median income, public utilities, government facilities or community facilities;
 - b. Parking garages;
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible; or
 - d. Parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE.
4. Within TL 6B, at least 50 percent of the gross floor area located on the ground floor of all structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space, must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter 105 KZC). This regulation does not apply to parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE (see Plate 34G).
5. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
6. The review process for development in this zone is as follows:
 - a. In TL 6A, any development activities requiring Design Review approval pursuant to KZC 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no design review is required.

Section 55.45

Zone
TL
6A, 6
B

USE ZONE CHART

- b. In TL 6B, as set forth in Chapter 142 KZC.

- 7. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
- 8. Some development standards or design regulations may be modified as part of the design review process. See Chapter 92 or 142 KZC for requirements.

- (GENERAL REGULATIONS CONTINUED ON NEXT PAGE)
- (GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

- 9. In TL 6B, development must provide a grid of internal access roads (see Plate 34G) pursuant to the following standards:
 - a. A centralized east-west connection that forms the spine for the site. Such a connection would reduce the need for vehicular circulation on NE 124th Street.
 - b. Two to three north-south connections from NE 124th Street to the east-west connection noted above. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.
 - c. Suggested cross-sections for each of these roads:
 - 1) Two travel lanes (one lane each way);
 - 2) On-street parallel parking;
 - 3) Eight- to 12-foot-wide sidewalks on each side of the street with street trees placed 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.The above access roads may be private or public.

- 10. The applicant shall install a through-block pathway or other pathways to link streets and/or activities. (See Plate 34G). Include at least one mid-block east-west pathway connecting uses to 116th Avenue NE and a network of north-south pathways at intervals no greater than 350 feet that link uses to NE 124th Street. Through-block pathways may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See KZC 105.19(3) for through-block pathway standards. Additional through-block pathways not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

Section 55.45

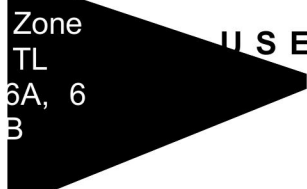
Zone
TL
6A, 6
B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.45	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.100	Attached or Stacked Dwelling Units. See Spec. Reg. 1.	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35 to 65' above average building elevation. See Spec. Reg. 2.	D	A	See KZC 105.25.	<ol style="list-style-type: none"> On parcels abutting NE 124th Street or 124th Avenue NE, no more than 10 percent of the ground floor of a structure may be in residential use within 250 feet of these streets; provided, however, there shall be no such restriction on ground floor residential use in TL 6A where over 80 percent of the total units in the development are affordable to households earning no more than 60 percent of King County median income, adjusted for household size. Maximum building height may exceed 35 feet above average building elevation if: <ol style="list-style-type: none"> No portion of a structure on the subject property within 40 feet of Slater Avenue may exceeds 30 feet above the elevation of Slater Avenue as measured at the midpoint of the frontage of the subject property on Slater Avenue; and At least 10 percent of the units provided in new residential developments of 40 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. This regulation does not apply to developments which provide over 80 percent of their units as affordable to households earning no more than 60 percent of King County median income, adjusted for household size. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 	

Section 55.45



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.45	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.110	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone.	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	10'	0'	0'	80%	35' to 65' above average building elevation. See Spec. Reg. 4.	D	E	See KZC 105.25.	<ol style="list-style-type: none"> 1. A veterinary office is not permitted in any development containing dwelling units. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. No more than 10 percent of the ground floor of a structure may be in residential use within 250 feet of 124th Avenue NE or NE 124th Street; provided, however, there shall be no such restriction on ground floor residential use in TL 6A where over 80 percent of the total units in the development are affordable to households earning no more than 60 percent of King County median income, adjusted for household size. 4. Maximum building height may exceed 35 feet above average building elevation if: <ol style="list-style-type: none"> a. No portion of a structure on the subject property within 40 feet of Slater Avenue may exceeds 30 feet above the elevation of Slater Avenue as measured at the midpoint of the frontage of the subject property on Slater Avenue; and 5.b. The equivalent of the additional gross floor area constructed above 35' over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor. At least three stories of the building are dedicated to residential use; and 6. e. At least 10 percent of the units provided in new residential developments of 410 units or greater shall bear affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the subject development, and at least 30 years from the date of initial owner occupancy for ownership units. This regulation does not apply to developments which provide over 80 percent of their units as affordable to 	

(Revised)

Section 55.45

Zone
TL
6A, 6
B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.45	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.110	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone. (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE 75. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.		
.120	Wholesale Trade See Spec. Reg. 1. Packaging of Prepared Materials Wholesale Printing or Publishing Industrial Laundry Facility	D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	20'	0'	0'	80%	35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. This use is only allowed on property in TL 6A. 2. May include, as part of this use, accessory retail sales or service. 3. The building housing the use shall have been in existence on December 31, 2005, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building. 4. The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.	
.130	Church			10'	5' on each side	10'			C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Spec. Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.	

55.53 User Guide. The charts in KZC 55.57 contain the basic zoning regulations that apply in the TL 8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.55

A black triangle pointing to the right, containing the text "Zone TL 8" in white.

**Zone
TL 8**

Section 55.55 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Ground floor uses on the two westernmost parcels in this zone with frontage on 120th Avenue NE must contain retail, restaurants, and/or taverns.
3. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities;
 - b. Parking garage; or
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
4. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
5. Shared access points must be used to the maximum extent possible. Curb cuts must be limited to minimize traffic congestion (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
6. Development must emphasize Totem Lake as the focal point of this zone (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
7. Refer to Chapter 90 KZC regarding restrictions on development around Totem Lake and wetland areas.
8. Parcels located east of the strip of land zoned “P” are exempt from Design Review.

Section 55.57

Zone
TL 8

USE ZONE CHART

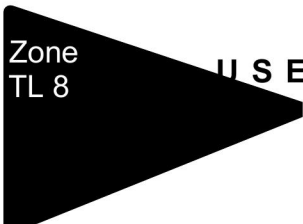
9. Must install a landscape berm on the subject property adjacent to 120th Avenue N.E. and Totem Lake Way consistent with existing landscaped berms along these rights-of-way.
(Does not apply to Public Park uses).
10. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
11. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

Section 55.57	USE ↓	REGULATIONS →	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
			Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage				
			Front	Side	Rear							
.010	Hotel or Motel See Gen. Reg. 2.	D.R., Chapter 142 KZC. See Gen. Reg. 8.	None	10'	5' each side	10'	70%	35' above average building elevation.	B	E	See KZC 105.25.	<ol style="list-style-type: none"> 1. The following uses are not allowed: The sale, service, and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers, vehicle service station, and storage services; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. 2. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> a. The assembled or manufactured goods are directly related to and are dependent on this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 3. Outdoor storage and drive-in or drive-through facilities are not permitted.
.020	A Retail Establishment providing entertainment or recreational activity											
.030	Athletic, Exercise, or Health Club/Facility See Gen. Reg. 2.											

Section 55.57

Zone
TL 8

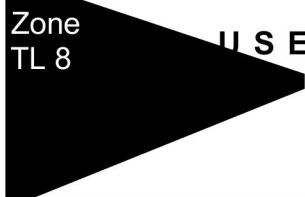
USE ZONE CHART



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.57	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.070	Attached or Stacked Dwelling Units See Gen. Reg. 2.				5' each side See Spec. Reg. 2.	10' See Spec. Reg. 3.		65' 45' above average building elevation.	D	A		<ol style="list-style-type: none"> 1. 4.Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. <u>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> 3. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 4.3. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. 	

Section 55.57



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.57	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.080	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone. See Gen. Reg. 2. See Spec. Reg. 1.	D.R., Chapter 142 KZC. See Gen. Reg. 8.	None	10'	5' each side. See Spec. Reg. 4.	10' See Spec. Reg. 5.	70%	65'45" above average building elevation.	B	E	See KZC 105.25.	<ol style="list-style-type: none"> 1. A veterinary office is not permitted in any development containing dwelling units. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> a. The assembled or manufactured goods are subordinate and directly related to and dependent on this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail or office uses. 4. <u>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> 5. <u>The equivalent of the additional gross floor area constructed above 35' over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground floor.</u> 6. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 7. 5.The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. 	
.090	Private Lodge or Club See Gen. Reg. 2.				5' each side.	10'		35' above average building elevation.	C	B			

55.62User Guide. The charts in KZC 55.64 contain the basic zoning regulations that apply in the TL 9B zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.63



Section 55.63 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. All development or associated land surface modifications shall be set back 100 feet from the north boundary of the TL 9B zone.
3. Vehicular access shall be from the south of the slope. If necessary, access may be from 132nd Avenue NE; provided, that such access is limited to one point and meets other City standards.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.64	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Detached Dwelling Units	Process IIA, Chapter 150 KZC	5,000 sq. ft.	20'	5'	10'	60%	30' above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of the size of the lot. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	

Section 55.64

Zone
TL 9B

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.64	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			Lot Coverage	MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARD (See Ch. 115)				Height of Structure					
				Front	Side	Rear							
.020	Detached, Attached or Stacked Dwelling Units			5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'. See Spec. Reg. 3.	10' See Spec. Reg. 4.		<u>Detached Dwelling units: 30'</u> <u>Attached and/or Stacked dwelling units:— 50' above average building elevation;</u> —See Spec. Reg. 5.	D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. Chapter 115 KZC contains regulations regarding common recreational space requirements for this use. 3. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. 4. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. 5. For attached and/or stacked dwelling units, <u>at least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> the maximum building height may exceed 30 feet above average building elevation if at least 10 percent of the units provided in new residential developments of 4 units or greater are affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).		

55.71 User Guide. The charts in KZC 55.75 contain the basic zoning regulations that apply in the TL 10B zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.73

A black triangle pointing to the right, containing the text "Zone TL 10B" in white.

**Zone
TL 10B**

Section 55.73 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 20 feet above average building elevation; or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. The ability to accommodate new development in the TL 10B zone is dependent upon the extension of 118th Avenue NE to NE 116th Street as shown on Plate 34C, Chapter 180 KZC. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which this street in whole or in part extends, shall contribute to the creation of the street as follows:
 - a. With all new development, the portions of this street crossing the subject property shall be dedicated as public right-of-way consistent with Plate 34C; and
 - b. With all new development exceeding 35 feet in height, the street shall be improved as determined by the Public Works Director. Minor deviations in the location and width of the street may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the street.
4. Maximum allowable building height may be increased to 45 feet above average building elevation on parcels where dedication for the road is provided. Additional height increases beyond 45 feet above A.B.E. may be allowed for certain uses, as authorized in the Use Zone Chart.
5. Vehicular access to NE 116th is permitted only via 118th Avenue NE, or if the subject property does not have access to 118th Avenue NE. (Does not apply to Public Park use).
6. Any development activities requiring Design Review approval pursuant to KZC Section 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no Design Review is required.
7. Development must be designed to retain the existing hill along NE 116th Street and retain, at a minimum, 25 percent of the viable significant trees. The City may require greater than 25 percent depending on the location and clustering of trees. (Does not apply to Public Park use).

8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.75	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Attached or Stacked Dwelling Units See Spec. Reg. 1.		D.R., Chapter 142 KZC. See Gen. Reg. 6.	None	20'	5' but 2 side yards must equal at least 15'. See Spec. Reg. 5.	10' See Spec. Reg. 6.	70%	35' to 60' above average building elevation See Gen. Reg. 4 and Spec. Reg. 2.	D	A	1.7 per unit.	<ol style="list-style-type: none"> This use is permitted only on parcels located west of the 118th Avenue NE right-of-way alignment (see Plates 36 and 37, Chapter 180). Maximum building height may be increased from 35 feet to 60 feet if at least 10 percent of the units provided in new residential developments of 410 units or greater are affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

55.77 User Guide. The charts in KZC 55.81 contain the basic zoning regulations that apply in the TL 10C zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.79



Section 55.79 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
3. When a permitted use is included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.
4. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 152 KZC for requirements.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.81	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95) Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARD (See Ch. 115)								
					Front	Side	Rear						

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.81	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Attached or Stacked Dwelling Units See Spec. Reg. 1.		D.R., Chapter 142 KZC	None	20'	5' but 2 side yards must equal at least 15'. See Spec. Reg. 6.	10' See Spec. Reg. 7.	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, up to 55' above average building elevation. See Spec. Reg. 4.	D	A	1.7 per unit.	<ol style="list-style-type: none"> This use is permitted as a freestanding development only in locations identified on Plate 37 as "Stand-Alone Housing Areas" (see Plate 37, Chapter 180). If developed in a mixed-use project with three stories of office or high technology use, it may be located throughout the TL 10C zone. At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives. At least 10 percent of the units provided in new residential developments of 10 units or greater must be affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with the King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). No portion of a structure may exceed the following heights above the elevation of NE 116th Street, as measured at the midpoint of the frontage of the subject property on NE 116th Street: <ol style="list-style-type: none"> Within 20 feet of NE 116th Street, 35 feet. Within 30 feet of NE 116th Street, 45 feet. Within 40 feet of NE 116th Street, 55 feet. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot.

(Revised)

55.83 User Guide. The charts in KZC 55.87 contain the basic zoning regulations that apply in the TL 10D zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.85



Section 55.85 – GENERAL REGULATIONS

The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. When a permitted use is included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS														
Section 55.87	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARD (See Ch. 115)									
					Front	Side	Rear							

Section 55.87

Zone
TL 10D

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 55.87	USE ↓	REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.100	Attached or Stacked Dwelling Units See Spec. Reg. 1.		D.R., Chapter 142 KZC	None	20'	5', but 2 side yards must equal at least 15'. See Spec. Reg. 4.	0'	80%	Where adjoining a low density zone, 30' above average building elevation. Otherwise, 65' above average building elevation. See Spec. Reg. 1.	D	A	1.7 per unit.	<ol style="list-style-type: none"> This use is permitted as a free-standing development only in locations identified on Plate 37 as "Stand-Alone Housing Areas" (see Plate 37, Chapter 180). If developed in a mixed-use project with three stories of office or high technology use, it may be located throughout the TL 10D zone. <u>At least 10 percent of the units provided in new residential developments of 4 units or greater shall be affordable housing units, as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.</u> <u>Maximum building height may be increased as follows:</u> <ol style="list-style-type: none"> Maximum building height is 45 feet above average building elevation where not adjoining a low density zone, and where affordable housing units as described in 2.b below are not provided, and Maximum building height is 65 feet above average building elevation where not adjoining a low density zone, and where at least 10 percent of the units provided in new residential developments of 10 units or greater are affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet.

(Revised)

Chapter 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY

Sections:

[112.05](#) User Guide

[112.10](#) ~~Voluntary Provisions~~Purpose

[112.15](#) ~~Applicable Use Zones~~Affordable Housing Requirement

[112.20](#) ~~Defined-Basic~~ Affordable Housing Incentives

[112.25](#) Additional Affordable Housing Incentives (~~Non-Defined~~)

[112.30](#) Alternative Compliance

[112.35](#) Affordability Provisions

[112.40](#) Regulatory Review and Evaluation

112.05 User Guide

This chapter offers dimensional standard flexibility and density and economic incentives to encourage construction of affordable housing units in commercial zones, high density residential zones, medium density zones and office zones.

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

112.10 ~~Voluntary Provisions~~Purpose

~~The provisions of this chapter are available, at the sole discretion of the property owner as incentives to encourage the construction of multifamily affordable housing units.~~ There is a limited stock of land within the City zoned and available for residential development and there is a demonstrated need in the City for housing which is affordable to persons of low and moderate income. Therefore, this chapter provides development incentives in exchange for the public benefit of providing affordable housing units in commercial zones, high density residential zones, medium density zones and office zones.

112.15 ~~Applicable Use Zones~~Affordable Housing Requirement

~~The affordable housing incentives described in this chapter may be used~~

1. Minimum Requirement - All developments creating four or more new detached, attached or stacked dwelling units in commercial, high density residential, medium density and office zones that allow dwelling units shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations for the Use Zone or the Special Regulations in the Use Zone Chart for the specific use. This subsection is not effective within the disapproval jurisdiction of the Houghton Community Council. All other provisions of this chapter are applicable within the disapproval jurisdiction of the Houghton Community Council.
2. Calculation in Density Limited Zones - For developments in density limited zones, the required amount of affordable housing shall be calculated based on the number of dwelling units proposed prior to the addition of any bonus units allowed pursuant to KZC 112.20.
3. Calculation in RH and TL Zones – For developments in the RH and TL Zones, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed.
4. Rounding – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66.

5. Alternative Compliance - KZC Section 112.30 establishes methods for alternative compliance, including payment in lieu of construction for portions of required affordable housing units that are less than 0.66 units.

112.20 ~~Defined~~ Basic Affordable Housing Incentives

1. Approval Process – The City will use the underlying permit process to review and decide upon an application ~~for utilizing~~ the affordable housing incentives identified in this section, ~~through the same required review process as if no affordable housing units were provided.~~
2. Density Bonus
 - a. Height Bonus. In RH and TL use zones where there is no minimum lot size per dwelling unit, additional building height will be granted in exchange for affordable housing, as specified in each Use Zone Chart.
 - b. Bonus Units. In use zones where the number of dwelling units allowed on the subject property is determined by dividing the lot size by the required minimum lot area per unit, two additional units ('bonus units') may be constructed for each affordable housing unit provided. (See Plate 32 for example of bonus unit calculations.)
 - ~~b. Bonus FAR. In use zones where the density allowed on the subject property is expressed as a maximum floor area ratio (FAR), two additional square feet of floor area ('bonus FAR') may be constructed for each square foot of floor area constructed in affordable housing units. (See Plate 32 for example of bonus FAR calculations.)~~
 - ~~c. Alternative Calculation of Density Bonus. Except in those zones that have an established affordable housing requirement, an applicant may propose alternative affordability levels for the affordable housing units. The ratio of bonus units or bonus floor area per affordable housing unit for alternative affordability levels will be as follows:~~

Affordability Level	Density Bonus to Affordable Ratio
Renter Occupied Housing	=
60% of median income	1.33 to 1
70% of median income	1 to 1
Owner Occupied Housing	=
80% of median income	1.6 to 1
60% of median income	2.67 to 1

~~Depending on the level of affordability provided, the affordable housing units may not be eligible for the impact fee waivers described in subsections (4)(a) and (4)(b) of this section.~~

- ~~dc.~~ Maximum Unit Bonuses. The maximum number of bonus units ~~or amount of bonus FAR~~ achieved through a ~~defined-basic~~ affordable housing incentive shall be 25 percent of the number of units ~~or floor-area~~ allowed based on the underlying zone of the subject property.
- ~~ed.~~ Density Bonus for Assisted Living Facilities. The affordable housing density bonus may be used for assisted living facilities to the extent that the bonus for affordable housing may not exceed 25 percent of the base density of the underlying zone of the subject property.

3. Alternative Affordability Levels~~Alternative Calculation of Density Bonus. - Except in those zones that have an established affordable housing requirement, a~~An applicant may propose alternative affordability levels different from those defined in KZC Chapter 5 for the affordable housing units.

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

<u>Affordability Level</u>	<u>Density-Bonus Unit to Affordable Unit Ratio</u>
<u>Renter Occupied Housing</u>	
<u>60% of median income</u>	<u>1.33 to 1</u> 1.9 to 1
<u>70% of median income</u>	<u>1 to 1</u> 1.8 to 1
<u>Owner Occupied Housing</u>	
<u>80% of median income</u>	<u>1.6 to 1</u> 2.1 to 1
<u>90% of median income</u>	<u>2.67 to 1</u> 2.2 to 1

~~Depending on the level of affordability provided, the affordable housing units may not be eligible for the impact fee waivers described in subsections (4)(a) and (4)(b) of this section.~~

- b. In use zones where additional height is provided in exchange for affordable housing units, the percent of affordable units required for alternative affordability levels will be as follows:

<u>Affordability Level</u>	<u>% of Project Units Required to be Affordable</u>
<u>Renter Occupied Housing</u>	
<u>60% of median income</u>	<u>13%</u>
<u>70% of median income</u>	<u>17%</u>
<u>Owner Occupied Housing</u>	
<u>70% of median income</u>	<u>8%</u>
<u>90% of median income</u>	<u>13%</u>
<u>100% of median income</u>	<u>21%</u>

c. To encourage “pioneer developments” in the Rose Hill and Totem Lake business districts, the definition of affordable housing for projects in the RH and TL zones shall be as provided in the following table. This subsection shall apply only to those projects which meet the affordability requirements on-site or off-site. This subsection shall not apply to those projects which elect to use a payment in lieu of constructing affordable units as authorized in KZC 112.30.4.

The affordable housing requirements for projects vested on or after the effective date of the ordinance codified in this section must be targeted for households whose incomes do not exceed the following:

<u>Number of Total Units</u>		<u>Affordability Level</u>	
<u>RH Zones</u>	<u>TL Zones</u>	<u>Renter Occupied</u>	<u>Owner Occupied</u>
<u>First 50 units</u>	<u>First 150 units</u>	<u>70% of median income</u>	<u>100% of median income</u>
<u>Second 50 units</u>	<u>Second 150 units</u>	<u>60% of median income</u>	<u>90% of median income</u>
<u>All subsequent units</u>	<u>All subsequent units</u>	<u>50% of median income</u>	<u>80% of median income</u>

“Number of Total Units” shall mean the total number of housing units (affordable and otherwise) permitted to be constructed within the RH and TL zones where affordable housing units are required and which have not received funding from public sources.

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

34. Dimensional Standards Modification – To the extent necessary to accommodate the bonus units allowed under KZC 112.20.2.b on-site, the following requirements of the Kirkland Zoning Code may be modified through the procedures outlined in this subsection, ~~to the extent necessary to accommodate the bonus units on-site.~~ These modifications may not be used to accommodate the units resulting from the base density ~~or FAR~~ calculation.

- a. Maximum Lot Coverage. The maximum lot coverage may be increased by up to five percentage points over the maximum lot coverage permitted by the underlying use zone. Maximum lot coverage may not be modified through this provision on properties with streams, wetlands, minor lakes or their buffers.
- b. Parking Requirement. The required parking may be reduced to 1.0 space per affordable housing unit. No additional guest parking is required for affordable housing units. If parking is reduced through this provision, the owner of the affordable housing unit shall sign a covenant, in a form acceptable to the City Attorney, restricting the occupants of each affordable housing unit to a maximum of one automobile.
- c. Structure Height. Maximum height for structures containing affordable housing units may be increased by up to six feet for those portions of the structure(s) that are at least 20 feet from all property lines. Maximum structure height may not be modified through this provision for any portion of a structure that is adjoining a low density zone.

- d. Required Yards. Structures containing affordable housing units may encroach up to five feet into any required yard except that in no case shall a remaining required yard be less than five feet.
- e. Common Recreational Space. Common recreational open space per unit, when required, may be reduced by 50 square feet per affordable housing unit.

45. Impact and Permit Fee Calculation

- a. Applicants ~~proposing~~ providing affordable housing units may request an exemption from payment of road impact fees for the affordable housing units as established by KMC 27.04.050.
- b. Applicants ~~proposing~~ providing affordable housing units may request an exemption from payment of park impact fees for the affordable housing units as established by KMC 27.06.050.
- c. Applicants ~~proposing~~ providing affordable housing units are eligible for exemption from various planning, building, plumbing, mechanical and electrical permit fees ~~and sewer capital facility charges~~ for the bonus units allowed under KZC 112.20.2.b as established in KMC 5.74.070 ~~and 15.12.063~~ and KMC Title 21.

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

112.25 Additional Affordable Housing Incentives (Non-Defined)

- 1. Approval Process for Additional Affordable Housing Incentives (Non-Defined) – An applicant may request that the City grant affordable housing incentives in addition to or in place of the ~~defined basic~~ affordable housing incentives allowed in KZC 112.20 due to specific site conditions. Such a request shall be reviewed and decided upon as outlined below. ~~Such a request shall be reviewed and decided upon using Process IIA, described in Chapter 150 KZC. If the development, use, or activity requires approval through Process IIB or Process III, the entire proposal will be decided upon using that other process.~~
- 2. Density Bonus – An applicant may propose more than two bonus units ~~or two additional square feet of floor area~~ for every affordable housing unit ~~or square foot of affordable housing unit, as applicable.~~ However, in no event may a project receive a bonus that would result in a ~~total~~ number of bonus units ~~or floor area~~ that exceeds 50 percent of the number of units ~~or floor area~~ allowed based on the underlying zone of the subject property. Such a request shall be reviewed and decided upon by the Planning Director. The decision of the Planning Director in approving or denying a modification under this subsection may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60 through 145.110..
- 3. Dimensional Standards Modification – An applicant may request further modification from the dimensional standards listed in KZC 112.20.4(3). Approval of any further modification of the dimensional standards will be based on the applicant's demonstration that the subject property cannot reasonably achieve the permitted density, including the bonus units. Such a request shall be reviewed and decided upon using Process IIA, described in Chapter 150 KZC. If the development, use, or activity requires approval through Process IIA, IIB or Process III, the entire proposal will be decided upon using that other process.
- 4. Criteria for Approving Additional Affordable Housing Incentives (Non-defined) – The City may approve one or more of the additional affordable housing incentives listed in KZC 112.25(2) or 112.25(3), in

addition to or in place of the ~~defined-basic~~ affordable housing incentives, if one or more of the following requirements are met:

- a. The additional incentive is necessary to provide sufficient economic incentive to the applicant to offset the cost of providing the affordable housing units.
- b. The additional incentive is necessary to reasonably achieve the permitted density, including the bonus units.
- c. The additional incentive is necessary to achieve a greater number of affordable housing units than the ~~defined-affordable housing incentives-requirements~~ would prescribe or a greater level of affordability than is defined by the term affordable housing unit.

In making its decision on additional incentives, the City will consider the value of any property tax exemptions available to the project from the City as established in Chapter 5.88 KMC, as well as other fee waivers or reductions as established in the Kirkland Municipal Code.

112.30 Alternative Compliance

1. Approval Process for Alternative Compliance – As an alternative to providing some or all of the ~~required~~ affordable housing units on the subject property, the Planning Director may approve a request for alternative compliance. Alternative compliance may include providing affordable housing units at another location within the City of Kirkland, payment to the City in lieu of constructing partial affordable housing units to be used to create affordable housing units, or such other means proposed by the applicant and approved at the discretion of the Planning Director, consistent with the following criteria for alternative compliance.
2. Criteria for Alternative Compliance – The City may approve a request for alternative compliance if both of the following requirements are met:
 - a. The applicant demonstrates that the proposed alternative compliance method achieves an affordable housing benefit to the City equal to or better than providing the affordable housing units on-site.
 - b. The affordable housing units provided through the alternative compliance will be based on providing the same type of ownership of units as would have been provided on-site.
3. Requirements for Off-Site Alternative Compliance – Off-site affordable housing units are subject to the following requirements:
 - a. The off-site location chosen for the affordable housing units shall not lead to an undue concentration of affordable housing either at the off-site location or in any particular area of the City.
 - b. Any building permits required for off-site affordable housing units shall be submitted prior to submittal of building permits for the subject property. Certificates of occupancy for off-site affordable housing units shall be issued prior to issuance of the final certificate of occupancy for the subject property.

4. Requirements for Payment in Lieu Alternative Compliance - Payments in lieu of constructing affordable housing units are subject to the following requirements:

- a. To encourage "pioneer developments" subject to these regulations, payments in lieu are allowed for one whole required affordable housing unit and portions of required affordable housing units that are less than 0.66 units during the five years immediately following the effective date of this Ordinance (until DATE). After that time period, payments in lieu are allowed only for portions of required affordable housing units that are less than 0.66 units. Rounding up to the next whole number of units and actual construction of the affordable units is required when the calculated number of required affordable units results in a fraction of 0.66 or more.
- b. Payments in lieu shall be based on the difference between the cost of construction for a prototype affordable housing unit on the subject property, including land costs and development fees, and the revenue generated by an affordable housing unit. The formula for payments shall be established by the Planning Director.
- c. The payment obligation shall be established prior to issuance of any building permits for the project and shall be due prior to issuance of any certificate of occupancy for the project. Collected payments shall be deposited in the City's Housing Trust Fund account.

112.35 Affordability Provisions

1. Approval of Affordable Housing Units – Prior to the issuance of any permit(s), the City shall review and approve the location and unit mix of the affordable housing units consistent with the following standards:
 - a. The affordable housing units shall be intermingled with all other dwelling units in the development.
 - b. The type of ownership of the affordable housing units shall be the same as the type of ownership for the rest of the housing units in the development.
 - c. The affordable housing units shall consist of a range of number of bedrooms that are comparable to units in the overall development.
 - d. The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the development, must be approved by the Planning Director. In no case shall the affordable housing units be more than 10 percent smaller than the comparable dwelling units in the development, based on number of bedrooms, or less than ~~600~~500 square feet for a one bedroom unit, ~~800~~700 square feet for a two bedroom unit, or ~~1,000~~900 square feet for a three bedroom unit, whichever is less.
 - e. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.
 - f. The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the development.

- g. The interior finish and quality of construction of the affordable housing units shall at a minimum be comparable to entry level rental or ownership housing in the City of Kirkland.
2. Affordability Agreement – Prior to issuing a certificate of occupancy, an agreement in a form acceptable to the City Attorney that addresses price restrictions, homebuyer or tenant qualifications, long-term affordability, and any other applicable topics of the affordable housing units shall be recorded with King County Department of Records and Elections. This agreement shall be a covenant running with the land and shall be binding on the assigns, heirs and successors of the applicant.

Affordable housing units that are provided under this section shall remain as affordable housing for a minimum of 350 years from the date of initial owner occupancy for ownership affordable housing units and for the life of the project for rental affordable housing units.

112.40 Regulatory Review and Evaluation

At least every two years, the Planning Department shall submit a report that tracks the use of these regulations to the Houghton Community Council, Planning Commission and City Council.

PUBLICATION SUMMARY
OF ORDINANCE NO. 4222

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, REVISING THE CITY'S REGULATIONS REGARDING AFFORDABLE HOUSING AND DEVELOPMENT INCENTIVES, AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON09-00005

SECTION 1. Provides that portions of the Kirkland Zoning Code relating to affordable housing and development incentives are amended in various respects, and that the amendments are attached to the Ordinance as Attachment A.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Provides that the Ordinance may be subject to the disapproval jurisdiction of the Houghton Community Council.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as April 1, 2010.

SECTION 5. Provides that the City Clerk shall send a certified copy of the Ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 15th day of December, 2009.

I certify that the foregoing is a summary of Ordinance 4222 approved by the Kirkland City Council for summary publication.



City Clerk