

ORDINANCE O-4390

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE AND AMENDING ORDINANCE NO. 3719, AS AMENDED, THE KIRKLAND ZONING ORDINANCE, TO AMEND PROVISIONS FOR COMMERCIAL, RESIDENTIAL AND MIXED-USE DEVELOPMENT IN THE NEIGHBORHOOD BUSINESS (BN AND BNA), MARKET STREET CORRIDOR 2 (MSC 2), COMMUNITY BUSINESS X (BCX), AND COMMUNITY BUSINESS 1 AND 2 (BC 1 AND BC 2) ZONES; TO REVISE ZONING CODE CHAPTERS 92 AND 142 TO INCORPORATE DESIGN REVIEW STANDARDS FOR DEVELOPMENT IN THE BN, BNA, AND MSC 2 ZONES, TO REVISE ZONING CODE CHAPTER 112 TO PRECLUDE THE USE OF AFFORDABLE HOUSING DENSITY BONUS IN THE BN ZONE; TO REVISE ZONING CODE CHAPTERS 105 AND 180 TO ESTABLISH PEDESTRIAN ACCESS REQUIREMENTS FOR DEVELOPMENT IN THE BN, BNA, AND MSC 2 ZONES; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON11-00042.

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, as set forth in the report and recommendation of the Planning Commission dated July 26, 2012, and bearing Kirkland Department of Planning and Community Development File No. ZON11-00042; and

WHEREAS, prior to making the recommendation, the Kirkland Planning Commission, following notice as required by RCW 35A.63.070, on June 28, 2012, held a public hearing on the amendment proposals and considered the comments received at the hearing; and

WHEREAS, on March 14, 2012, draft regulations were forwarded to the Washington State Department of Commerce for review, as required by RCW 36.70A.106; 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 WAC 197-11-625; 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; and.

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 No. 3719, as amended, the Kirkland


Zoning Ordinance, are amended 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.

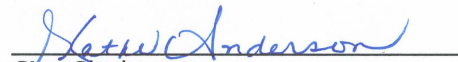
Section 3. This Ordinance shall be in full force and effect five days from and after its passage by the City Council and publication pursuant to Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this Ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 11th day of December, 2012.


Signed in authentication thereof this 11th day of December, 2012.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

**CHAPTER 40 – NEIGHBORHOOD BUSINESS (BN) AND NEIGHBORHOOD BUSINESS A (BNA) ZONES**

**40.05** User Guide. The charts in KZC 40.10 contain the basic zoning regulations that apply in each of the BN and BNA 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 40.08**



**Section 40.08 – 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 15 feet above average building elevation, or
  - b. The maximum horizontal facade shall not exceed 50 feet in width.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. ~~The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).~~
4. ~~At least 75 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, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.~~
5. May also be regulated under the Shoreline Master Program; refer to Chapter 83 KZC.

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

4. The following commercial frontage requirements shall apply to all development that includes dwelling units or assisted living uses:
  - a. The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office. These uses shall be oriented toward fronting arterial and collector streets and have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building along the street).

The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. The Design Review Board (or Planning Director if not subject to D.R.) may modify the frontage requirement where the property abuts residential zones in order to create a more effective transition between uses.
  - b. The commercial floor shall be a minimum of 13 feet in height. In the BN zone, the height of the structure may exceed the maximum height of structure by three feet for a three story building with the required 13 foot commercial floor.
  - c. Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.
6. Surface parking areas shall not be located between the street and building unless no feasible alternative exists. Parking areas located to the side of the building are allowed provided that the parking area and vehicular access occupies less than 30 percent of the property frontage and design techniques adequately minimize the visibility of the parking.
7. Where Landscape Category B is specified, the width of the required landscape strip shall be 10 feet for properties within the Moss Bay Neighborhood and 20 feet for properties within the South Rose Hill Neighborhood. All other provisions of Chapter 95 shall apply.
8. In the BNA zone, developments may elect to provide affordable housing units as defined in Chapter 5 KZC subject to the voluntary use provisions of Chapter 112 KZC.

Section 40.10

Zone  
BN, BNA

USE ZONE CHART

Section 40.10		USE ↓ REGULATIONS ↑	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			Required Review Process	MINIMUMS			MAXIMUMS			Lot Coverage	Use (See Ch. 105)	Site (See Ch. 105)	Regulations	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Use (See Ch. 105)					Site (See Ch. 105)
			Front	Side	Rear									
.010	Retail Establishment selling groceries and related items	None  D.R., Chapter 142 KZC	None	BN zone: 20' 0'	10' on each side	10'	80%	If adjoining a low density zone other than RSX or RSA, then 25' above average building elevation.	B	D	1 per each 300 sq. ft. of gross floor area.	Exceptions: a. Retail establishments selling groceries and related items in the BNA zone are not subject to this limit. b. In the BN zone, the limit shall be 4,000 square feet. (See also General Regulations)		
.020	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art		BNA zone: 10'					Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	see Gen. Reg. 7				1. Except for retail establishments selling groceries and related items in the BNA zone, gross floor area for this use may not exceed 10,000 square feet. 2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of this use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.	
.030	Retail Variety or Department Store													
.040	Retail Establishment providing banking and related financial services								See Gen. Reg. 4.b					1. Gross floor area for this use may not exceed 10,000 square feet. 2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.050	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services													3. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are available for purchase and removal from the premises. b. The outward appearance and in-bly or manufacturing activities shall be 4,000 square feet.
.055	Retail Establishment providing entertainment, recreational or cultural activities See Spec. Reg. 5.												1 per every 4 fixed seats.	4. For restaurants with drive-in or drive-through facilities, one outdoor waste receptacle shall be provided for every eight parking stalls. 5. Retail Establishment providing entertainment, recreational or cultural activities only allowed in BNA zone.
.060	Restaurant or Tavern										1 per each 100 sq. ft. of gross floor area.			

(Revised 4/11)

Section 40.10

Zone  
BN, BNA

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 40.10	USE ↓ REGULATIONS →	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.070	Private Lodge or Club	D.R., Chapter 142 KZC	None	BN zone: 20' BNA zone: 10'	10' on each side	10'	80%	If adjoining a low density zone other than RSX or RSA, then 25' above average building elevation.	B  see Gen. Reg. 7	B	1 per each 300 sq. ft. of gross floor area.	4. This use not allowed in the BN zone.
.080	Vehicle Service Station  See Spec. Reg. 4	D.R., Chapter 142 KZC	22,500 sq. ft.	40'	15' on each side.	15'		Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	A	D	See KZC 105.25.	1. Hours of operation may be limited to reduce impact on residential areas. 2. May not be more than two vehicle service stations at any intersection. 3. 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.
.090	Office Use  See Spec. Reg. 4	D.R., Chapter 142 KZC	None	BN zone: 20' BNA zone: 10'	5', but 2-side yards must equal at least 16'.  10' on each side	10'			E  B see Gen. Reg. 7		If a medical, dental or veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. 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. 3. At least 75 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, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.
												4. For properties located within the Moss Bay Neighborhood, this use not allowed above the street level floor of any structure.

(Revised 4/10)

Section 40.10

Zone  
BN, BNA

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 40.10	USE ↓ REGULATIONS → Attached or	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						
.100	Stacked Dwelling Unit. See Special Regulation 1. & 4	None	None	Same as the regulations for the ground floor use.-See Special Regulation 4.				A	1.7 per unit.	<ol style="list-style-type: none"> <li>This use, with the exception of a lobby, may not be located on the ground floor of a structure.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> </ol>		
.110	Church	D.R., Chapter 142 KZC	See Spec. Reg. 3	BN zone: 20'	10' on each side	10'	80%	<p>If adjoining a low density zone other than RSX or RSA, then 25' above average building elevation.</p> <p>Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.</p>	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	<ol style="list-style-type: none"> <li>May include accessory living facilities for staff persons.</li> <li>No parking is required for day-care or school ancillary to this use.</li> </ol>

See Gen. Reg. 4.b

1. This use is only allowed on the street level floor subject to the provisions of General Regulation 4.  
 3. The minimum amount of lot area per dwelling unit is as follows:  
 a. In the BN zone, 900 square feet.  
 b. In the BNA zone:  
     i. North of NE 140th Street, 1,800 sq. ft.  
     ii. South of NE 124th Street, 2,400 sq. ft.  
 4. In the BNA zone, the gross floor area of this use shall not exceed fifty percent of the total gross floor area on the subject property.

Section 40.10

Zone  
BN, BNA

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 40.10	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						
.120	School or Day-Care Center	D.R., Chapter 142 KZC	None	<p>If this use can accommodate 50 or more students or children, then:</p> <p>50' 50' on each side 50'</p> <p>If this use can accommodate 13 to 49 students or children, then:</p> <p>20' 20' on each side 20'</p>	80	<p>If adjoining a low density zone other than RSX or RSA, then 25' above average building elevation.</p> <p>Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.</p> <p>See Spec. Reg. 8- <b>Z.</b></p> <p>See Gen. Reg. 4.b</p>	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</li> <li>2. Hours of operation may be limited to reduce impacts on nearby residential uses.</li> <li>3. Structured play areas must be setback from all property lines as follows:               <ol style="list-style-type: none"> <li>a. 20 feet if this use can accommodate 50 or more students or children.</li> <li>b. 10 feet if this use can accommodate 13 to 49 students or children.</li> </ol> </li> <li>4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.</li> <li>5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>6. May include accessory living facilities for staff persons.</li> <li>7. <del>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</del></li> <li>8. For school use, structure height may be increased, up to 35 feet, if:               <ol style="list-style-type: none"> <li>a. The school can accommodate 200 or more students; and</li> <li>b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and</li> <li>c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.</li> <li>d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</li> </ol> <p><i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i></p> </li> </ol>		

Section 40.10

Zone  
BN, BNA

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 40.10	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						
.130	Mini-School or Mini-Day-Care	D.R., Chapter 142 KZC	None	BN zone: 20'	5', but 2-side yards must equal at least 15'	10'	80%	If adjoining a low density zone other than RSX and RSA, then 25' average building elevation.  Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required along the property lines adjacent to the outside play areas.</li> <li>2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</li> <li>3. Structured play areas must be setback from all property lines by five feet.</li> <li>4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</li> <li>5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>6. May include accessory living facilities for staff persons.</li> <li>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>
.140	Assisted Living Facility See Spec. Reg. 3. 4 & 5			Same as the regulations for the ground floor use. See Spec. Reg. 3.						A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> <li>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.</li> <li>3. This use may not be located on the ground floor of a structure.</li> <li>4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> </ol>

See Gen. Reg. 4.b

3. This use is only allowed on the street level floor subject to the provisions of General Regulation 4.  
 4. In the BNA zone, the gross floor area of this use shall not exceed fifty percent of the total gross floor area on the subject property.  
 5. 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.



Section 40.10

Zone  
BN, BNA

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 40.10	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						
.150	Convalescent Center or Nursing Home	D.R., Chapter 142 KZC	None	BN zone: 20'	10' on each side	10'	80%	If adjoining a low density zone other than RSX or RSA, then 25' average building elevation.	E	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.160	Public Utility	Process IIA, Chapter 150 KZC		BNA zone: 10'	20' each side	20'		Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses. 2. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if: a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face; b. The electronic readerboard is no more than 50 percent of the sign area; c. Moving graphics and text or video are not part of the sign; d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way; e. The electronic readerboard displays messages regarding public service announcements or City events only; f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness; g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies; h. It is located to have the least impact on surrounding residential properties. If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.
.170	Government Facility Community Facility	D.R., Chapter 142 KZC			10' on each side	10'		Otherwise, for BN zone, 30' above average building elevation and for BNA zone, 35' above average building elevation.	C	See Spec. Reg. 1		
.180	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

51.15 User Guide. The charts in KZC 51.20 contain the basic zoning regulations that apply in the MSC 2 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 51.18**

Zone  
MSC 2

**Section 51.18 – 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 15 feet above average building elevation, or
  - b. The maximum horizontal facade shall not exceed 50 feet in width.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
4. ~~At least 75 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, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.~~

4. The following commercial frontage requirements shall apply to all development that includes dwelling units or assisted living uses:
  - a. The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office. These uses shall be oriented toward Market Street and have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building along Market Street).  
The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest.
  - b. The commercial floor shall be a minimum of 13 feet in height. The height of the structure may exceed the maximum height of structure by three feet for a three story building with the required 13 foot commercial floor.
  - c. Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along Market Street.
5. Surface parking areas shall not be located between the street and building unless no feasible alternative exists. Parking areas located to the side of the building are allowed provided that the parking area and vehicular access occupies less than 30 percent of the property frontage and design techniques adequately minimize the visibility of the parking.
6. Where Landscape Category B is specified, the width of the required landscape strip shall be 10 feet and all other provisions of Chapter 95 shall apply.
7. Developments may elect to provide affordable housing units as defined in Chapter 5 KZC subject to the voluntary use provisions of Chapter 112 KZC.



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 51.20	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						
.010	Any Retail Establishment, other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.	D.R., Chapter 142 KZC.	None	20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	B see Gen. Reg. 6	D	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Gross floor area for this use may not exceed 4,000 square feet.</li> <li>The following uses are not permitted in this zone:                             <ol style="list-style-type: none"> <li>Vehicle service stations.</li> <li>Automotive service centers.</li> <li>Uses with drive-in facilities or drive-through facilities, except those existing as of June 15, 2007.</li> <li>Retail establishments providing storage services unless accessory to another permitted use.</li> <li>Retail establishments involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles.</li> <li>Storage and operation of heavy equipment, except delivery vehicles associated with retail uses.</li> <li>Storage of parts unless conducted entirely within an enclosed structure.</li> </ol> </li> <li>A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if:                             <ol style="list-style-type: none"> <li>The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of this use; and</li> <li>It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</li> </ol> </li> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> </li> <li>Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.</li> </ol>

0' along Market Street, otherwise

see Gen. Reg. 4.b

Section 51.20



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 51.20	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						
.020	Restaurant or Tavern	D.R., Chapter 142 KZC.	None	20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	B see Gen. Reg. 6	D	1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Restaurants and taverns are limited to 4,000 sq. ft. maximum.</li> <li>Drive-in and drive-through facilities are not permitted.</li> <li>Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.</li> </ol>
.030	Private Lodge or Club	0' along Market Street, otherwise								B	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.</li> </ol>
.040	Office Use			5', but 2-side yards must equal at least 15'	20'	10'			E B. See Gen. Reg. 6	D	If a medical, dental or veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>The following regulations apply to veterinary offices only:                             <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.</li> </ol> </li> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol> </li> </ol>
.050	Stacked Dwelling Unit. See Spec. Reg. 1. see Gen. Reg. 4							Same as the regulations for the ground floor use. See Spec. Reg. 1.		A	1.7 per unit.	<ol style="list-style-type: none"> <li>This use, with the exception of a lobby, may not be located on the ground floor of a structure.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> </ol>

(Revised 4/08)

Minimum lot area per dwelling unit is 900 square feet

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 51.20	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						
.060	Church	D.R., Chapter 142 KZC.	None	20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Spec. Reg. 2.	<ol style="list-style-type: none"> <li>May include accessory living facilities for staff persons.</li> <li>No parking is required for day-care or school ancillary to this use.</li> </ol>
.070	School or Day-Care Center			If this use can accommodate 50 or more students or children, then: 50'    50' on each side    50'  If this use can accommodate 13 to 49 students or children, then: 20'    20' on each side    20' <span style="border: 1px solid black; padding: 2px;">10'</span>			If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg. 8: <span style="border: 1px solid black; padding: 2px;">Z</span>	<span style="border: 1px solid black; padding: 2px;">D</span>	<span style="border: 1px solid black; padding: 2px;">B. See Gen. Reg. 6</span>	See KZC 105.25.	<ol style="list-style-type: none"> <li>A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</li> <li>Hours of operation may be limited to reduce impacts on nearby residential uses.</li> <li>Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children.</li> <li>An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.</li> <li>The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>May include accessory living facilities for staff persons.</li> <li><del>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</del></li> <li><span style="border: 1px solid black; padding: 2px;">Z</span> For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</li> </ol>	

0' along Market Street, otherwise

Section 51.20



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 51.20	USE ↓ REGULATIONS →	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.080	Mini-School or Mini-Day-Care	D.R., Chapter 142 KZC.	None	20'	5', but 2-side yards must equal at least 15'	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D B. See Gen. Reg. 6	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required along the property lines adjacent to the outside play areas.</li> <li>2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</li> <li>3. Structured play areas must be set back from all property lines by five feet.</li> <li>4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</li> <li>5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>6. May include accessory living facilities for staff persons.</li> <li>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>
.090	Assisted Living Facility See Spec. Reg. 2- see Gen. Reg. 4			Same as the regulations for the ground floor use. See Spec. Reg. 2-						A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> <li>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>2. This use may not be located on the ground floor of a structure.</li> <li>3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> </ol>
.100	Convalescent Center or Nursing Home			20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for each bed.	
.110	Public Utility				20' on each side	20'			A		See KZC 105.25.	<ol style="list-style-type: none"> <li>1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.</li> </ol>
.120	Government Facility Community Facility				10' on each side	10'			C See Spec. Reg. 1			
.130	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

0' along Market Street, otherwise

10' on each side

For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of attached or stacked dwelling units allowed on the subject property.

**CHAPTER 45 – COMMUNITY BUSINESSES**

**45.05** User Guide. The charts in KZC 45.05 reading down the left hand column

**Section 45.08**

Zone  
BC, BC 1,  
BC 2

In the BC zone,

Section 45.08 – General  
The following regulations apply:

- 1. Refer to Chapter 45.05
- 2. If any portion of a structure is located in a residential zone:
  - a. The height shall not exceed 35 feet above average building elevation.
  - b. The maximum height shall be as follows:  
See KZC 115.3

- 3. At least 75 percent of the structure shall be used for retail, restaurant, or office uses, or a through-block pedestrian pathway or an internal pathway.

6

- 4. In BC 1 and BC 2 zones, developments creating four or more new 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.

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- 5. In the BC 1 and BC 2 zones, side and rear yards abutting a residential zone shall be 20 feet.

8

- 6. In the BC 1 and BC 2 zones, all required yards for any portion of a structure must be increased one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation (does not apply to Public Park uses).

9

- 7. Maximum height of structure is as follows:
  - a. In the BC zone, if adjoining a low density zone other than RSX, then 25 feet above average building elevation. Otherwise, 30 feet above average building elevation. Except if adjoining a low density zone, structure height may be increased above 30 feet in height through a Process IIA, Chapter 150 KZC, if:
    - i. It will not block local or territorial views designated in the Comprehensive Plan;
    - ii. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
    - iii. The required front yard of any portion of the structure is increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses).
  - b. In the BC 1 zone, 35 feet above average building elevation.
  - c. In the BC 2 zone, 35 feet above average building elevation. Structure height may be increased to 60 feet in height if:
    - i. At least 50 percent of the floor area is residential;
    - ii. Parking is located away from the street by placing it behind buildings, to the side of buildings, or in a parking structure;
    - iii. The ground floor is a minimum 15 feet in height for all retail, restaurant, or office uses (except parking garages); and
    - iv. The required yards of any portion of the structure are increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses).

4. In the BC 1 and BC 2 zones, the following requirements shall apply to all development that includes residential or assisted living uses:

a. The development must include commercial use(s) with gross floor area on the ground floor equal to or greater than 25 percent of the parcel size for the subject property. Commercial floor area shall be one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.

b. The commercial floor shall be a minimum of 13 feet in height.

c. Commercial uses shall be oriented to adjoining arterials.

d. Residential uses, assisted living uses, and parking for those uses shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. The intervening commercial frontage shall be a minimum 20 feet in depth. The Planning Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.

5. Surface parking areas shall not be located between the street and building unless no feasible alternative exists. Parking areas located to the side of the building are allowed provided that the parking area and vehicular access occupies less than 30 percent of the property frontage and design techniques adequately minimize the visibility of the parking.

Section 45.10

Zone  
BC, BC 1,  
BC 2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 45.10	USE ↓ REGULATIONS →	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Vehicle Service Station	Process I, Chapter 145 KZC.	22,500 sq. ft.	40'	15' on each side	15'	80%	See Gen. Regs. 5 and 6. <span style="border: 1px solid black; padding: 2px;">8 &amp; 9</span>	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.
.020	A Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 2.	None	None	BC: 20'	0'	0'						1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Vehicle and boat rental are allowed as part of this use.
.030	Restaurant or Tavern			BC 1 and BC 2: 10'	See Gen. Regs. 4 and 5. <span style="border: 1px solid black; padding: 2px;">7 &amp; 8</span>	See Gen. Regs. 4 and 5. <span style="border: 1px solid black; padding: 2px;">7 &amp; 8</span>			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. c. Landscape Category A shall apply.
.050	A Retail Establishment providing storage services. See also Spec. Regs. 1 and 2.								A		See KZC 105.25.	1. May include accessory living facilities for resident security manager. 2. This use not permitted in BC 1 and BC 2 zones.



Section 45.10



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 45.10	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						
.060	Any Retail Establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services	None	None	BC: 20'	0'	0'	80%	See Gen. Regs. 5 and 6. <b>8 &amp; 9</b>	B	E	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> </li> <li>Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.</li> <li>A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:                             <ol style="list-style-type: none"> <li>The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and</li> <li>It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</li> </ol> </li> </ol>
.070	Office Use			BC 1 and BC 2: 10'	See Gen. Regs. 4 and 5: <b>7 &amp; 8</b>	See Gen. Regs. 4 and 5: <b>7 &amp; 8</b>			C	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>The following regulations apply to veterinary offices only:                             <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.</li> </ol> </li> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol> </li> </ol>

Section 45.10

Zone  
BC, BC 1,  
BC 2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 45.10	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	Hotel or Motel	None	None	BC: 20'	0'	0'	80%	See Gen. Regs. 5 and 6. 8 & 9	B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. 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.
.090	A Retail Establishment providing entertainment, recreational or cultural activities	None	None	BC 1 and BC 2: 10'	See Gen. Regs. 4 and 5. 7 & 8	See Gen. Regs. 4 and 5. 7 & 8	80%	See Gen. Regs. 5 and 6. 8 & 9	B	E	1 per every 4 fixed seats.	In the BC zone,
.100	Private Lodge or Club			C	B	1 per each 300 sq. ft. of gross floor area.					In the BC 1 and BC 2 zones, this use is only allowed subject to the provisions of General Regulation 4	
.110	Stacked Dwelling Unit. See Special Regulation 1.	None	None	900 square feet per unit in BC 1 and BC 2, otherwise none.			Same as the regulations for the ground floor use. See Spec. Reg. 1.		C	B	1.7 per unit.	1. This use, with the exception of a lobby, may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.120	Church			BC: 20'	0'	0'	80%	See Gen. Regs. 5 and 6. 8 & 9			C	B

Section 45.10

Zone  
BC, BC 1,  
BC 2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 45.10	USE ↓ REGULATIONS →	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.130	School or Day-Care Center	None	None	BC: 20'	0'	0'	80%	See Gen. Regs. 5 and 6. <div style="border: 1px solid black; padding: 2px;">8 &amp; 9</div>	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</li> <li>2. Hours of operation may be limited to reduce impacts on nearby residential uses.</li> <li>3. Structured play areas must be setback from all property lines as follows:                             <ol style="list-style-type: none"> <li>a. 20 feet if this use can accommodate 50 or more students or children.</li> <li>b. 10 feet if this use can accommodate 13 to 49 students or children.</li> </ol> </li> <li>4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.</li> <li>5. May include accessory living facilities for staff persons.</li> <li>6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>7. <del>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</del></li> </ol>
.140	Mini-School or Mini-Day-Care			BC 1 and BC 2: 10'	See Gen. Regs. 4 and 5. <div style="border: 1px solid black; padding: 2px;">7 &amp; 8</div>	See Gen. Regs. 4 and 5. <div style="border: 1px solid black; padding: 2px;">7 &amp; 8</div>						<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required along the property lines adjacent to the outside play areas.</li> <li>2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</li> <li>3. Structured play areas must be setback from all property lines by five feet.</li> <li>4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</li> <li>5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>6. May include accessory living facilities for staff persons.</li> <li>7. <del>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</del></li> </ol>

Section 45.10

Zone  
BC, BC 1,  
BC 2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 45.10	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	In the BC zone,		
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage			Height of Structure	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Front	Side	Rear						
.150	Assisted Living Facility	None	For BC 1 and BC 2, see Spec. Reg. 5, otherwise none.	Same as the regulations for the ground floor use. See Spec. Reg. 4.					A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> <li>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.</li> <li>3. This use may not be located on the ground floor of a structure.</li> <li>4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>5. In BC 1 and BC 2, subject to density limits listed for attached and stacked dwelling units. For density purposes, two assisted living units constitute one dwelling unit.</li> </ol>	
.160	Convalescent Center or Nursing Home			BC: 20'	0'	0'	80%	See Gen. Regs. 5 and 6.	C	B	1 for each bed.	<ol style="list-style-type: none"> <li>1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.</li> </ol>
.170	Public Utility			BC 1 and BC 2: 10'	See Gen. Regs. 4 and 5.	See Gen. Regs. 4 and 5.		8 & 9	A		See KZC 105.25.	<ol style="list-style-type: none"> <li>1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.</li> </ol>
.180	Government Facility Community Facility				7 & 8	7 & 8			C See Spec. Reg. 1			
.190	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										In the BC 1 and BC 2 zones, this use is only allowed subject to the provisions of General Regulation 4

## CHAPTER 47 – COMMUNITY BUSINESS X (BCX) ZONES

47.05 User Guide. The charts in KZC 47.10 contain the basic zoning regulations that apply in each of the BCX 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 47.08

Zone  
BCX

#### Section 47.08 – 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 15 feet above average building elevation, or
  - b. The maximum horizontal facade shall not exceed 50 feet in width.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses). 33
4. Except if adjoining a low density zone, structure height may be increased above 30 feet in height through a Process IIA, Chapter 150 KZC if:
  - a. It will not block local or territorial views designated in the Comprehensive Plan; and
  - b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. (Does not apply to Public Park and Automotive Service Center uses).
5. ~~At least 75 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, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.~~

5. The following requirements shall apply to all development that includes residential or assisted living uses:
  - a. The development must include commercial use(s) with gross floor area on the ground floor equal to or greater than 25 percent of the parcel size for the subject property. Commercial floor area shall be one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.
  - b. The commercial floor shall be a minimum of 13 feet in height. The height of the structure may exceed the maximum height of structure by three feet.
  - c. Commercial uses shall be oriented to adjoining arterials.
  - d. Residential uses, assisted living uses, and parking for those uses shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. The intervening commercial frontage shall be a minimum 20 feet in depth. The Planning Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.
6. Surface parking areas shall not be located between the street and building unless no feasible alternative exists. Parking areas located to the side of the building are allowed provided that the parking area and vehicular access occupies less than 30 percent of the property frontage and design techniques adequately minimize the visibility of the parking.

Section 47.10



USE ZONE CHART

*Editors note: deleted 25' reference because the BCX zone is only adjoined by RSX zone*

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 47.10	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 YARDS (See Ch. 115)									
				Front	Side	Rear							
.010	Vehicle Service Station	Process I, Chapter 145 KZC.	22,500 sq. ft.	40'	15' on each side	15'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	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.	
.020	Automotive Service Center See Spec. Reg. 1.	None	None	20'	0'	0'					1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 3.	1. This use specifically excludes new or used vehicle or boat sales or rentals. 2. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining to any residentially zoned property. Windows are permitted if they are triple-paned and unable to be opened. 3. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. 4. Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations. 5. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.	
.030	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. c. Landscape Category A shall apply.	

Section 47.10



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 47.10	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						
.050	A Retail Establishment providing storage services. See also Spec. Reg. 1.	None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	A	E	See KZC 105.25.	1. May include accessory living facilities for resident security manager.
.060	Any Retail Establishment, other than those specifically listed in this zone, selling goods or providing services including banking and related financial services. See Spec. Reg. 1.								B		1 per each 300 sq ft. of gross floor area.	1. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers is not permitted. Motorcycle sales, service, or rental is permitted if conducted indoors. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon 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. Access from drive through facilities must be approved by the Public Works Department. Drive through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 4. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

Section 47.10

Zone  
BCX

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 47.10	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscaping 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						
.070	Office Use	None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	E B	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>The following regulations apply to veterinary offices only:                             <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.</li> </ol> </li> <li>Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ol> </li> </ol>
.080	Hotel or Motel								B	E	1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> <li>May include ancillary meeting and convention facilities.</li> <li>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.</li> </ol>
.090	A Retail Establishment providing entertainment, recreational or cultural activities										1 per every 4 fixed seats.	
.100	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	
.110	Stacked Dwelling Unit. See Special Regulation 1.			Same as the regulations for the ground floor use. See Spec. Reg. 1.						A	1.7 per unit.	<ol style="list-style-type: none"> <li>This use, with the exception of a lobby, may not be located on the ground floor of a structure.</li> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> </ol>

1. This use is only allowed subject to the provisions of General Regulation 5.



Section 47.10



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 47.10	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						
.120	Church	None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for every four 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.

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Section 47.10



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 47.10	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						
.130	School or Day-Care Center	None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</li> <li>2. Hours of operation may be limited to reduce impacts on nearby residential uses.</li> <li>3. Structured play areas must be setback from all property lines as follows:                             <ol style="list-style-type: none"> <li>a. 20 feet if this use can accommodate 50 or more students or children.</li> <li>b. 10 feet if this use can accommodate 13 to 49 students or children.</li> </ol> </li> <li>4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.</li> <li>5. May include accessory living facilities for staff persons.</li> <li>6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>
.140	Mini-School or Mini-Day-Care											<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required along the property lines adjacent to the outside play areas.</li> <li>2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</li> <li>3. Structured play areas must be setback from all property lines by five feet.</li> <li>4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.</li> <li>5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>6. May include accessory living facilities for staff persons.</li> <li>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>

Section 47.10

Zone  
BCX

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 47.10	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						
.150	Assisted Living Facility See Spec. Reg. 3.	None	None	Same as the regulations for the ground floor use. See Spec. Reg. 3.					A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> <li>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.</li> <li>3. This use may not be located on the ground floor of a structure.</li> <li>4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> </ol>	
.160	Convalescent Center or Nursing Home	None	None	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for each bed.	<ol style="list-style-type: none"> <li>1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.</li> </ol>
.170	Public Utility			A	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.</li> </ol>						
.180	Government Facility Community Facility			C See Spec. Reg. 1.								
.190	Public Parks	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

3. This use is only allowed subject to the provisions of General Regulation 5.

**KZC Text Amendments  
File No. ZON11-00042**

**92.05 Introduction**

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Market Street Corridor (MSC), Neighborhood Business Districts (BN, BNA), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD), Totem Center (TC), and in areas indicated on the use zone charts for PLA 5C.

**92.15 Pedestrian-Oriented Improvements on or Adjacent to the Subject Property**

1. All Zones – Pedestrian-Oriented Space and Plazas in Parking Areas – The applicant must provide at least 175 square feet of pedestrian-oriented space at the main building entrance in a central location, or adjacent to a parking area. This area must be raised at least six (6) inches above the parking lot surface and must be paved with concrete or unit pavers.
2. Pedestrian-Oriented Space and Plazas in TC, CBD, BN, BNA, MSC 2, NRHBD, RHBD and TLN Zones
  - a. In the CBD, BN, BNA, MSC 2, or in TC – If the subject property abuts a pedestrian-oriented street (see Plate 34 in Chapter 180 KZC) or public park, the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:
    - 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
    - 2) Contain paved walking surface of either concrete or approved unit pavers.
    - 3) Contain on-site or building-mounted lighting which provides adequate illumination.
    - 4) Contain two (2) linear feet of seating area or one (1) individual seat per 65 square feet of area between the sidewalk and the building.
    - 5) Contain landscaping such as trees, shrubs, trellises, or potted plants.
    - 6) It may not include asphalt or gravel pavement or be adjacent to an unscreened parking area, a chain link fence or a blank wall which does not comply with the requirements of subsection (3) of this section, Blank Wall Treatment.
    - 7) An alternative solution for the pedestrian-oriented space may be established through a Conceptual Master Plan in TL 2.

**92.30 Architectural and Human Scale**

6. Achieving Human Scale in All Zones

a. General

- 1) CBD – Except as provided in subsection (6)(a)(3) of this section, the applicant shall use at least two (2) of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of each facade of a building facing a street or public park.
- 2) BN, JBD, NRHBD, RHBD, MSC, TC, YBD and TLN – Except as provided in subsection (6)(a)(3) of this section, the applicant shall use at least one (1) of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of each facade of a 1-story building facing a street or through-block pathway, and at least two (2) of the elements or techniques for a 2-story building facing a street or through-block pathway (see Plate 34 in Chapter 180 KZC).
- 3) All Zones – The applicant shall use at least three (3) of the elements or techniques listed in subsection (6)(b) of this section in the design and construction of any facade of a building facing a street, through-block pathway or public park, if:
  - a) The facade has a height of three (3) or more stories; or
  - b) The facade is more than 100 feet long.

### **105.18 Pedestrian Access**

#### **3. Pedestrian Access – Required Improvements**

#### **b. Overhead Weather Protection – Location – The applicant shall provide pedestrian overhead weather protection in the following locations:**

- 1) Along any portion of the building which is adjacent to a pedestrian walkway or sidewalk;
- 2) Over the primary exterior entrance to all buildings including residential units.
- 3) Exceptions in Design Districts:

In CBD Zones: Along at least 80 percent of the frontage of the subject property on each pedestrian-oriented street.

In RHBD, BN, BNA, MSC 2 and TLN Zones: Along at least 75 percent of a pedestrian-oriented building facade.

In JBD Zones: Along 100 percent of a building facade abutting a street or through-block pathway.

For more information regarding designated pedestrian-oriented streets see Plate 34 in Chapter 180 KZC, and pedestrian-oriented facades in Chapter 92 KZC.

### **105.58 Location of Parking Areas Specific to Design Districts**

If the subject property is located in a Design District, the applicant shall locate parking areas on the subject property according to the following requirements:

- ~~3. Location of Parking Areas in the MSC Zones – Parking areas in the MSC zones shall not be located between the street and the building unless the Planning Official determines that the proposed landscape design provides superior visual screening of the parking area.~~
43. Location of Parking Areas in Certain TLN and RHBD Zones – Parking areas and vehicular access may not occupy more than 50 percent of the street frontage in the following zones (see Figure 105.58.A):

### **112.15 Affordable Housing Requirement**

#### 1. Applicability –

- a. Minimum Requirement – All developments creating four (4) or more new dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations 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.
- b. Voluntary Use – All other provisions of this chapter are available for use within the disapproval jurisdiction of the Houghton Community Council and in developments where the minimum requirement does not apply; provided, however, the provisions of this chapter are not available for use in developments located within the BN zone.

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 and in the Designated Portion of PLA 5C Zone – For developments in the RH and TL Zones, and the portion of PLA 5C south of 4th Avenue and within 180 feet of 6th Street, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed.
4. Rounding and Alternative Compliance – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66. KZC 112.30 establishes methods for alternative compliance, including payment in lieu of construction for portions of required affordable housing units that are less than 0.66 units.

### **142.15 Development Activities Requiring D.R. Approval**

#### 1. Design Board Review (D.B.R.)

- a. The following development activities shall be reviewed by the Design Review Board pursuant to KZC 142.35:
    - 1) New buildings greater than one (1) story in height or greater than 10,000 square feet of gross floor area, or in the Market Street Corridor Historic District (MSC 3 Zone).
    - 2) Additions to existing buildings where:
      - a) The new gross floor area is greater than 10 percent of the existing building's gross floor area; and
      - b) The addition is greater than 2,000 square feet of gross floor area; and
      - c) Either:
        - 1) The existing building and addition total more than 10,000 square feet of gross floor area; or
        - 2) The addition adds another story; or
        - 3) Is in the Market Street Corridor Historic District (MSC 3 zone).
    - 3) Renovations to existing facades, where the building is identified by the City as an historic structure or is in the Market Street Corridor Historic District (MSC 3 zone).
  - b. Exemptions from D.B.R. – The following development activities shall be reviewed through the administrative design review process in KZC 142.25:
    - 1) Any development where administrative design review is indicated in the applicable Use Zone Chart.
    - 2) Any development in the following zones within the NE 85th Street Subarea: RH 8, PR 3.6, RM, PLA 17A.
    - 3) Any development in the MSC 1, ~~MSC 2~~, and MSC 4 zones located within the Market Street Corridor.
2. Administrative Design Review (A.D.R.) – All other development activities not requiring D.B.R. review under subsection (1) of this section shall be reviewed through the A.D.R. process pursuant to KZC 142.25.

### **142.37 Design Departure and Minor Variations**

1. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:
  - a. In the CBD: minimum required yards; and
  - b. In the Totem Center: minimum required yards, floor plate maximums and building separation requirements; and



- c. In the RHBD and the TLN: minimum required yards, landscape buffer and horizontal facade requirements; and
- d. In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards and horizontal facade requirements; and
- e. In the MSC 2 zone of the Market Street Corridor: height (up to an additional five (5) feet), minimum required front yards and horizontal facade requirements; and
- f. In the MSC 3 zone of the Market Street Corridor: horizontal facade requirements; and.
- g. In the BN and BNA zones: horizontal facade requirements.

Plate 34M

Pedestrian Circulation in Neighborhood Business Zones (BN, BNA & MSC 2)

----- Pedestrian-Oriented Street

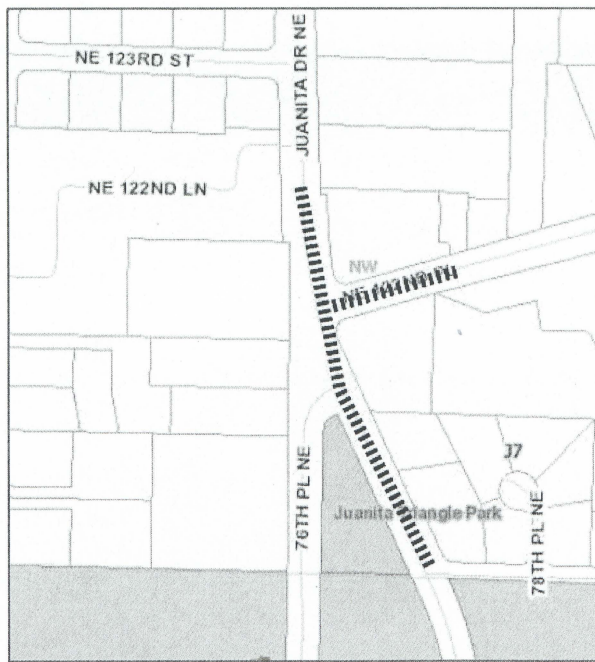
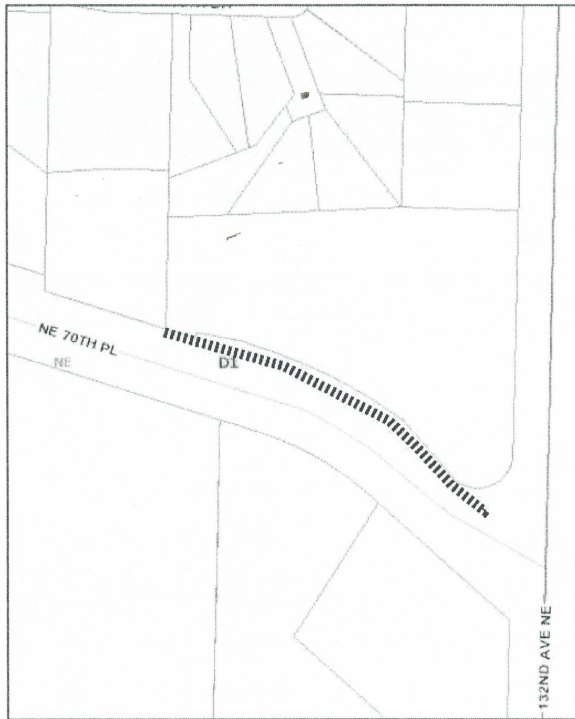


Plate 34M (continued)



PUBLICATION SUMMARY  
OF ORDINANCE O-4390

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE AND AMENDING ORDINANCE NO. 3719, AS AMENDED, THE KIRKLAND ZONING ORDINANCE, TO AMEND PROVISIONS FOR COMMERCIAL, RESIDENTIAL AND MIXED-USE DEVELOPMENT IN THE NEIGHBORHOOD BUSINESS (BN AND BNA), MARKET STREET CORRIDOR 2 (MSC 2), COMMUNITY BUSINESS X (BCX), AND COMMUNITY BUSINESS 1 AND 2 (BC 1 AND BC 2) ZONES; TO REVISE ZONING CODE CHAPTERS 92 AND 142 TO INCORPORATE DESIGN REVIEW STANDARDS FOR DEVELOPMENT IN THE BN, BNA, AND MSC 2 ZONES, TO REVISE ZONING CODE CHAPTER 112 TO PRECLUDE THE USE OF AFFORDABLE HOUSING DENSITY BONUSES IN THE BN ZONE; TO REVISE ZONING CODE CHAPTERS 105 AND 180 TO ESTABLISH PEDESTRIAN ACCESS REQUIREMENTS FOR DEVELOPMENT IN THE BN, BNA, AND MSC 2 ZONES; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON11-00042.

SECTION 1. Amends certain text of the Kirkland Zoning Code.

SECTION 2. Provides a severability clause for the Ordinance.

SECTION 3. 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 five days after publication of summary.

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 11th day of December, 2012.

I certify that the foregoing is a summary of Ordinance O-4390 approved by the Kirkland City Council for summary publication.

  
\_\_\_\_\_  
City Clerk