

ORDINANCE O-4637

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING, ZONING AND LAND USE AND AMENDING THE KIRKLAND ZONING MAP, ORDINANCE 3710, AS AMENDED, AND THE KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, REGARDING STANDARDS THAT APPLY TO DEVELOPMENT IN THE HOUGHTON/EVEREST NEIGHBORHOOD CENTER, TO ENSURE THE ZONING MAP AND THE ZONING CODE CONFORM TO THE COMPREHENSIVE PLAN AND THE CITY COMPLIES WITH THE GROWTH MANAGEMENT ACT, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM16-02742.

1 WHEREAS, the City Council has received a recommendation
2 from the Kirkland Planning Commission and the Houghton Community
3 Council to amend certain portions of the Zoning Map, Ordinance 3710,
4 as amended, and certain portions of the Zoning Code, Ordinance 3719,
5 as amended, to ensure the zoning map and Zoning Code conform to the
6 Comprehensive Plan and the City complies with the Growth
7 Management Act, as set forth in the report(s) and recommendation(s)
8 of the Planning Commission dated May 25, 2017 and the Houghton
9 Community Council dated May 22, 2017, and bearing Kirkland Planning
10 and Building Department File No. CAM16-02742; and

11
12 WHEREAS, prior to making the recommendation the Planning
13 Commission and the Houghton Community Council, following notice as
14 required by RCW 35A.63.070, held on March 23, 2017, a joint public
15 hearing on the amendment proposals and considered the comments
16 received at the hearing; and

17
18 WHEREAS, pursuant to the State Environmental Policy Act
19 (SEPA), there has accompanied the legislative proposal and
20 recommendation, a SEPA addendum to Existing Environmental
21 Documents, issued by the responsible official pursuant to WAC
22 197-11-625; and

23
24 WHEREAS, in regular public meeting on January 16, 2018, the
25 City Council considered the environmental documents received from the
26 responsible official, together with the report and recommendation of the
27 Planning Commission and Houghton Community Council; and

28
29 WHEREAS, the Growth Management Act (GMA), RCW
30 36.70A.130, mandates that the City of Kirkland review, and if needed,
31 revise its official Zoning Map; and

32
33 WHEREAS, the Zoning Map and Zoning Code implement the
34 Comprehensive Plan (Ordinance 3481 as amended); and

35
36 NOW, THEREFORE, the City Council of the City of Kirkland do
37 ordain as follows:

38 Section 1. Zoning Map Amended. The official City of
39 Kirkland Zoning Map as adopted by Ordinance 3710 is amended in
40 accordance with Exhibit A attached to this Ordinance and incorporated
41 by reference.

42
43 Section 2. Official Map Change. The Director of the Planning
44 and Building Department is directed to amend the official City of Kirkland
45 Zoning Map to conform with this ordinance, indicating thereon the date
46 of the ordinance’s passage.

47
48 Section 3. Zoning Code Amended. The following chapters of
49 the Kirkland Zoning Code are amended as set forth in Exhibit B to this
50 ordinance and incorporated by reference.

- 51
- 52 Chapters 5 – Definitions
- 53 Chapter 10 – Legal Effect/Applicability
- 54 Chapter 25 – High Density Residential Zones
- 55 Chapter 35 – Commercial Zones
- 56 Chapter 92 – Design Regulations
- 57 Chapter 95 – Tree Management & Required Landscaping
- 58 Chapter 105 – Parking Areas, Vehicle and Pedestrian Access,
- 59 and Related Improvements
- 60 Chapter 110 – Required Public Improvements
- 61 Chapter 112 – Affordable Housing Incentives - Multifamily
- 62 Chapter 142 – Design Review
- 63 Chapter 180 - Plates
- 64

65 Section 4. If any section, subsection, sentence, clause,
66 phrase, part or portion of this Ordinance, including those parts adopted
67 by reference, is for any reason held to be invalid or unconstitutional by
68 any court of competent jurisdiction, such decision shall not affect the
69 validity of the remaining portions of this Ordinance.

70
71 Section 5. To the extent that the subject matter of this
72 Ordinance is subject to the disapproval jurisdiction of the Houghton
73 Community Council as created by Ordinance 2001, the Ordinance shall
74 become effective with the Houghton community either upon approval
75 of the Houghton Community Council, or upon failure of the Community
76 Council to disapprove this Ordinance within 60 days of its passage.

77
78 Section 6. Except as provided in Section 5, this Ordinance
79 shall be in full force and effect five days from and after its passage by
80 the City Council and publication, pursuant to Section 1.08.017, Kirkland
81 Municipal Code in the summary form attached to the original of this
82 Ordinance and by this reference approved by the City Council.

83
84 Section 7. A complete copy of this Ordinance shall be
85 certified by the City Clerk, who shall then forward the certified copy to
86 the King County Department of Assessments.

87
88 Passed by majority vote of the Kirkland City Council in open
89 meeting this 16th day of January, 2018.

90

Signed in authentication thereof this 16th day of January, 2018.



Amy Walsh, Mayor


Attest:



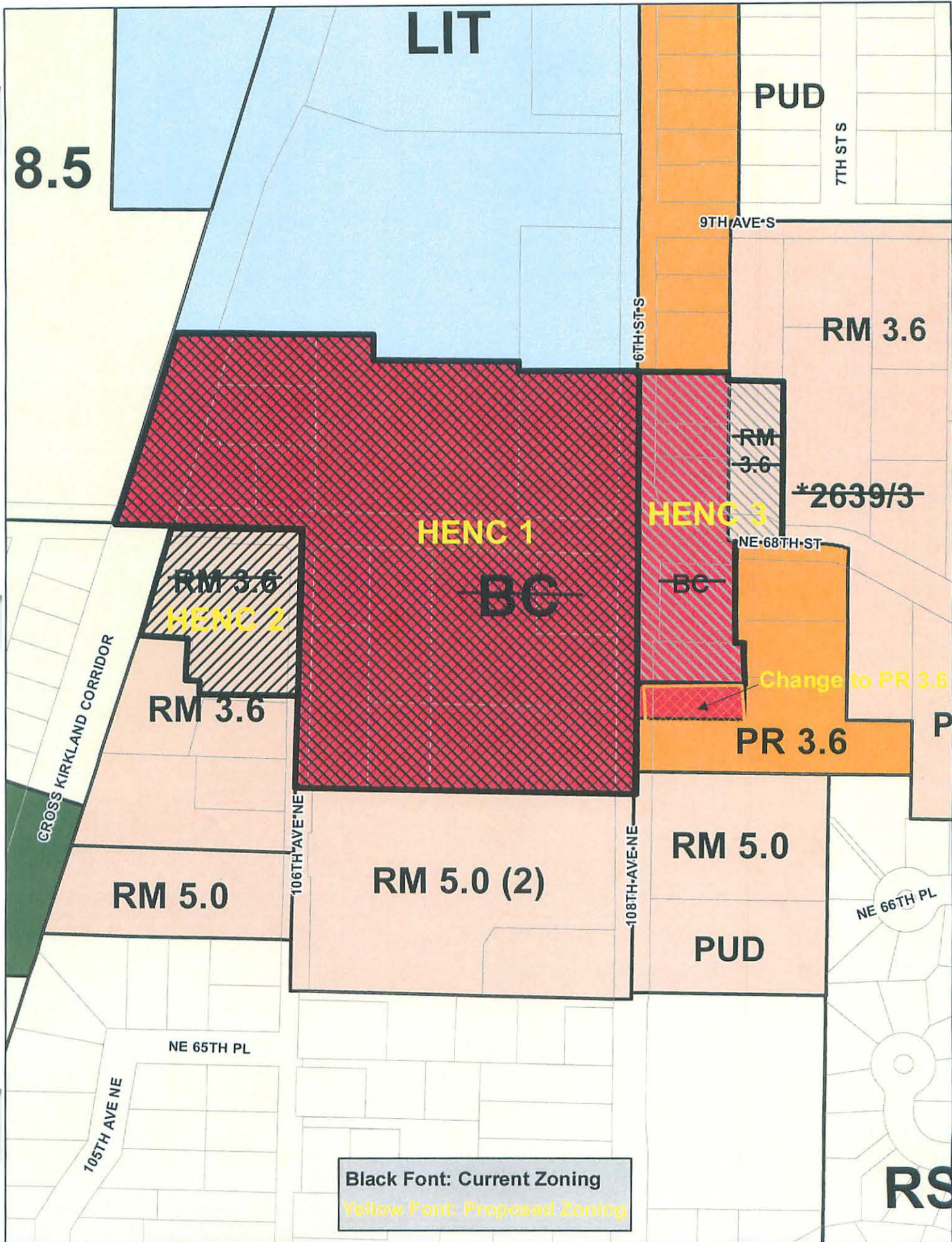
Kathi Anderson, City Clerk

Publication Date: January 22, 2018

Approved as to Form:



Kevin Raymond, City Attorney



Black Font: Current Zoning
 Yellow Font: Proposed Zoning

2. Adult book store means an establishment which in whole or in portion thereof has a substantial or significant portion of its stock and trade books, magazines or other periodicals, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in KZC 5.10.885 and 5.10.884) and which excludes minors by virtue of age.
3. Adult cabaret means a cabaret, nightclub or other establishment which features go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers or attendants, who are so clothed or dressed as to emphasize "specified anatomical areas" (defined in KZC 5.10.884) and/or whose performance or other activities include or mimic "specified sexual activities" (defined in KZC 5.10.885) and which establishment excludes minors by virtue of age.

.023 Affordable Housing Unit

1. An owner-occupied dwelling unit reserved for occupancy by eligible households and affordable to households whose household annual income does not exceed 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):
 - a. Eighty percent in the CBD 5A, RH, TL and PLA 5C zoning districts; or
 - b. One hundred percent in density limited zoning districts.
2. 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 30 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. (Ord. 4474 § 1, 2015; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

.025 Air Rights

The right to in some manner control the use of the space above the surface of the ground.

.030 Alluvium

Soil deposits transported by surface waters.

.035 Alteration

A change or rearrangement of the structural members or exits in a building; an increase in the height or length or depth of the exterior walls of a building; the movement of a structure from one (1) location to another; or, for office or commercial buildings, the changing by the use of partitions of more than one-third of the gross floor area of a single floor.

.037 Amend

To change the Zoning Map, text of the Zoning Code, or Comprehensive Plan in accordance with this code.

- .130 Clustered Development
The grouping or attaching of buildings in such a manner as to achieve larger aggregations of open space than would normally be possible from lot by lot development at a given density.
- .135 Code (this)
The code of the City of Kirkland adopted as KMC Title 23.
- .140 Commercial Recreation Area and Use
A commercial recreational facility, including swimming pools, tennis courts, play facilities and/or other similar uses.
- .142 Commercial Use
A place of employment or a commercial enterprise that meets the definition of office use, retail establishment, restaurant or tavern, or entertainment, cultural and/or recreational facility.
- .145 Commercial Zones
The following zones: BN; BNA; BC; BC 1; BC 2; BCX; CBD; JBD 1; JBD 2; JBD 4; JBD 5; JBD 6; MSC 2; MSC 3; NRH 1A; NRH 1B; NRH 4; RH 1A; RH 1B; RH 2A; RH 2B; RH 2C; RH 3; RH 5A; RH 5B; RH 5C; RH 7; TL 2; TL 4A; TL 4B; TL 4C; TL 5; TL 6A; TL 6B; TL 8; YBD 2; YBD 3. **HENC 193**
- .150 Common Recreational Open Space Usable for Many Activities
Any area available to all of the residents of the subject property that is appropriate for a variety of active and passive recreational activities, if that area:
1. Is not covered by residential buildings, parking or driving areas; and
 2. Is not covered by any vegetation that impedes access; and
 3. Is not on a slope that is too steep for the recreational activities.
- .153 Community Facility
A use which serves the public and is generally of a public service, noncommercial nature, such as food banks, clothing banks, and other nonprofit social service organizations.
- .155 Community Recreation Area or Clubhouse
An area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community club houses and other similar uses maintained and operated by a nonprofit club or organization whose membership is limited to the residents within a specified geographic area.
- .160 Comprehensive Plan
The Comprehensive Plan of the City, listing the goals and policies regarding land use within the city.

2. Land uses that serve critical "lifeline" or emergency functions, such as fire and police facilities, utilities providing regional service, or water supplies if exposed to a significant risk that will curtail its lifeline function for a critical period of time. Utilities that provide system redundancies so that lifeline functions are not curtailed for a critical period of time are not considered high consequence land uses.
3. Uses with similar characteristics as determined by the Planning Official. (Ord. 4520 § 1, 2016; Ord. 4371 § 1, 2012)

.360 High Density Residential Zones HENC 2

The following zones: RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, D, E; PLA 6A, D, I, J; PLA 7A, B; and TL 1B. (Ord. 4196 § 1, 2009; Ord. 3972 § 1, 2004; Ord. 3814 § 1, 2001)

.361 High Density Use

Detached, attached, or stacked dwelling units on a subject property that contains less than 3,600 square feet of land per dwelling unit. (Ord. 4193 § 1, 2009)

.362 High Technology Use

A place of employment engaging in research, development and testing, assembly, office and manufacturing, including industries in biotechnology, medical instrumentation or supplies, communications and information technology, electronics and instrumentation, and computer hardware and software.

.365 High Waterline

This term has the same meaning as "ordinary high waterline." (Ord. 4252 § 1, 2010)

.370 Home Occupation

An occupation, enterprise, activity, or profession which is incidental to a residential use, which is carried on for profit or customarily carried on for profit, and which is not an otherwise permitted use in the zone in which it is pursued.

.375 Horizontal Dimension

The length of the facade of a structure, including covered decks, as measured along a plane, excluding eaves that extend out to a maximum of 18 inches from the exterior walls of a structure. (Ord. 3814 § 1, 2001)

.380 Hospital

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, out-patient facilities, extended care facilities or training facilities.

.385 Hotel or Motel

A facility providing lodging and related services for a charge, typically for a period of one (1) month or less. "Hotel" or "motel" shall include inns, residence or extended stay hotels, other similar facilities, and all businesses subject to collection and payment of the tax levied by Chapter 67.28 RCW or City code. "Hotel" or "motel" does not include accessory dwelling unit, assisted living facility, bed and breakfast house, convalescent center, dwelling unit, nursing home, residential use, or special needs housing. (Ord. 3852 § 1, 2002)

idents share bathroom and/or kitchen facilities. "Residential suites" does not include dwelling units, assisted living facility, bed and breakfast house, convalescent center, nursing home, facility housing individuals who are incarcerated as the result of a conviction or other court order, or secure community transition facility. For purposes of zones where minimum density or affordable housing is required, each living unit shall equate to one (1) dwelling unit.

.780 Residential Use

Developments in which persons sleep and prepare food, other than developments used for transient occupancy.

.785 Residential Zone

The following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RSA 8; RS 7.2; RSX 7.2; RS 6.3; RSA 6; RS 5.0; RSX 5.0; RSA 4; RSA 1; RM 5.0; RMA 5.0; RM 3.6; RMA 3.6; RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; WD I; WD II; WD III; TL 1B; TL 9B; TL 11; PLA 2; PLA 3B; PLA 3C; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15B; PLA 16; PLA 17.

HENC 2

.790 Restaurant or Tavern

Commercial use which sells prepared food or beverages and where the seating and associated circulation areas exceed 10 percent of the gross floor area of the use.

.795 Retail Establishment

A commercial enterprise which provides goods and/or services directly to the consumer, whose goods are available for immediate purchase and removal from the premises by the purchaser and/or whose services are traditionally not permitted within an office use. The sale and consumption of food are included 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.

.800 Retention of Storm Water

The collection of water, due to precipitation, in a given area and the dispersal of these waters through the natural process of groundwater recharge and evaporation or the incorporation of this collection area into a natural stream and lake system and setting.

.805 Right-of-Way

Land dedicated primarily to the movement of vehicles and pedestrians and providing for primary access to adjacent parcels. Secondarily, the land provides space for utility lines and appurtenances and other publicly owned devices.

.810 Right-of-Way Realignment

The changing of the horizontal position of the right-of-way.

.815 Roofline

The line formed by the outside of the gable of the roof, or if the roof is flat or mansard, the top of the roof or mansard.

.885.1 Step Back
An upper story building step back is the horizontal distance between a building facade and the building facade of the floor below.

3. Fondling or other erotic touching of human genitals, pubic region, buttock or breast.

.886 Storm Drainage

The movement of water, due to precipitation, either surficially or subsurficially

.887 Storm Water Dispersion Device

Devices that disperse storm water, such as flow spreaders and rock pads. (Ord. 4551 § 4, 2017)

.888 Storm Water Dispersion Flow Path

The route that storm water runoff follows after release from a storm water dispersion device. The route is designed to disperse water over a vegetated substrate. (Ord. 4551 § 4, 2017)

.890 Story

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under floor space is more than six (6) feet above finished grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above finished grade as defined herein at any point, such usable or unused under floor space shall be considered a story. (Ord. 3814 § 1, 2001)

.895 Stream

For properties within the jurisdiction of the Shoreline Management Act, see Chapter 83 KZC. Otherwise, areas where surface waters produce a defined channel or bed that demonstrates clear evidence of the passage of water, including but not limited to bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water year-round, provided there is evidence of at least intermittent flow during years of normal rainfall. Streams do not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses, unless they are used by salmonids or convey a naturally occurring stream that has been diverted into the artificial channel, or are created for the purposes of stream mitigation. (Ord. 4551 § 4, 2017; Ord. 4252 § 1, 2010)

.897 Stream Channel Stabilization

Actions to stabilize a stream bank to prevent or limit erosion or risk of slope failure. (Ord. 4551 § 4, 2017)

.898 Stream Types

1. Type F: means segments of natural waters, which are within the bankfull widths of defined channels and periodically inundated areas of their associated wetlands, or within lakes, ponds, or impoundments having a surface area of 0.5 acre or greater at seasonal low water and which contain fish habitat pursuant to WAC 222-16-030, as amended.
2. Type Np: means all segments of natural waters within the bankfull width of defined channels that are perennial nonfish habitat streams. Perennial streams are flowing waters that do not go dry any time of a year of normal rainfall and include the intermittent dry portions of the perennial channel below the uppermost point of perennial flow pursuant to WAC 222-16-030, as amended.

10.25 Zoning Categories Adopted

The City is divided into the following zoning categories:

<u>Zoning Category</u>	<u>Symbol</u>
1. Single-Family Residential Zones	RS, RSA and RSX (followed by a designation indicating minimum lot size per dwelling unit or units per acre)
2. Multifamily Residential Zones	RM and RMA (followed by a designation indicating minimum lot size per dwelling unit)
3. Professional Office/Residential Zones	PR and PRA (followed by a designation indicating minimum lot size per dwelling unit)
4. Professional Office Zones	PO
5. Waterfront Districts	WD (followed by a designation indicating which Waterfront District)
6. Yarrow Bay Business District	YBD (followed by a designation indicating which sub-zone within the Yarrow Bay Business District)
7. Neighborhood Business	BN and BNA
8. Community Business	BC, BC 1, BC 2 and BCX
9. Central Business District	CBD (followed by a designation indicating which sub-zone within the Central Business District)
10. Juanita Business District	JBD (followed by a designation indicating which sub-zone within the Juanita Business District)
11. Market Street Corridor	MSC (followed by a designation indicating which sub-zone within the Market Street Corridor)
12. North Rose Hill Business District	NRH (followed by a designation indicating which sub-zone within the North Rose Hill Business District)
13. Rose Hill Business District	RH (followed by a designation indicating which sub-zone within the Rose Hill Business District)
14. Business District Core (BDC) and Totem Lake Business District (TLBD)	TL (followed by a designation indicating which sub-zone within Business District Core (BDC) or the Totem Lake Business District)
15. Light Industrial Zones	LIT, TL 7B
16. Planned Areas	PLA (followed by a designation indicating which Planned Area, and in some cases, which sub-zone within a Planned Area)
17. Park/Public Use Zones	P

9.5 Houghton Everest Neighborhood Center
 HENC (followed by a designation indicating
 which sub-zone within the HENC)

(Ord. 4495 § 2, 2015; Ord. 4333 § 1, 2011; Ord. 4196 § 1, 2009; Ord. 4121 § 1, 2008; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3972 § 1, 2004; Ord. 3889 § 2, 2003)

10.30 Overlay Designations Adopted

The following overlay zones apply in various areas:

<u>Overlay Zoning Category</u>	<u>Symbol</u>
1. Holmes Point Overlay Zone	"HP"
2. Adult Activities Overlay Zone	"AE"
3. Historic Landmark Overlay Zone	"HL"
4. Equestrian Overlay Zone	"EQ"

CHAPTER 25 – HIGH DENSITY RESIDENTIAL ZONES (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

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HENC 2

Sections:

- 25.05 User Guide
 - 25.05.010 Applicable Zones
 - 25.05.020 Common Code References
- 25.10 General Regulations
 - 25.10.010 All High Density Residential Zones
 - 25.10.020 RM, RMA Zones
 - 25.10.030 PLA 5A Zones
 - 25.10.040 PLA 5D Zones
 - 25.10.050 PLA 5E Zones
 - 25.10.060 PLA 6A Zones
 - 25.10.070 PLA 6I Zones
 - 25.10.080 HENC 2 Zone
- 25.20 Permitted Uses
- 25.30 Density/Dimensions
- 25.40 Development Standards

25.05 User Guide

- Step 1. Check that the zone of interest is included in KZC 25.05.010, Applicable Zones. If not, select the chapter where it is located.
- Step 2. Refer to KZC 25.05.020, Common Code References, for relevant information found elsewhere in the code.
- Step 3. Refer to the General Regulations in KZC 25.10 that apply to the zones as noted.
- Step 4. Find the Use of interest in the Permitted Uses Table in KZC 25.20 and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless "NP" (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).
- Step 5. Find the Use of interest in the Density/Dimensions Table in KZC 25.30 and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).

Step 6. Find the Use of interest in the Development Standards Table in KZC 25.40 and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.

25.05.010 Applicable Zones

This chapter contains the regulations for uses in the high density residential zones of the City:

RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, D, E; PLA 6A, D, I, J; PLA 7A, B.

25.05.020 Common Code References

HENC2

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.
4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living Facility; Detached, Attached or Stacked Dwelling Units; and Detached Dwelling Unit uses.
5. Chapter 115 KZC contains regulations regarding common recreational space requirements for Detached, Attached or Stacked Dwelling Units uses.
6. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.
7. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136.
8. A hazardous liquid pipeline extends through or near the RMA 2.4 and RMA 3.6 zones in the vicinity of 136th Avenue NE. Refer to Chapter 118 KZC for regulations pertaining to properties near hazardous liquid pipelines.

(Ord. 4476 § 2, 2015)

- c. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
- d. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.

(Does not apply to Public Park uses).

25.10.050 PLA 5E Zones

- 1. Primary vehicular access must be directly from 2nd Street unless this is not possible (does not apply to Detached Dwelling and Public Park uses).

25.10.060 PLA 6A Zones

- 1. The required yard of a structure abutting Lake Washington Boulevard 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).

25.10.070 PLA 6I Zones

- 1. The required yard of a structure abutting Lake Washington Boulevard 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).

(Ord. 4476 § 2, 2015)

25.10.080 HENC 2 Zone

(see next page)

25.10.080 HENC 2 Zone General Regulations

1. Development adjoining the Cross Kirkland Corridor shall comply with the standards of KZC 115.24. A safe public pedestrian connection thru the site to the Cross Kirkland Corridor is required (for approximate location see Plate 34-O).
2. Minimum 14' wide sidewalks are required along NE 68th Street.
3. Development shall be designed, built and certified to achieve or exceed one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.

25.20

25.20 Permitted Uses

HENC2

Permitted Uses Table - High Density Residential Zones
(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)
(See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

Required Review Process:

I = Process I, Chapter 145 KZC
IIA = Process IIA, Chapter 150 KZC
IIB = Process IIB, Chapter 152 KZC

DR = Design Review, Chapter 142 KZC
None = No Required Review Process

NP = Use Not Permitted

HENC2

= Applicable Special Regulations (listed after the table)

Use	RM, RMA	PLA 5A	PLA 5D	PLA 5E	PLA 6A	PLA 6D	PLA 6I	PLA 6J	PLA 7A, B
25.20.010 Assisted Living Facility	None 1, 2, 3, 4	None 2, 3, 4	None 2, 3, 4	None 2, 3, 4	None 2, 3, 4	I or None 2, 3, 4, 5	IIA 2, 3, 4	None 2, 3, 4	None 2, 3, 4
25.20.020 Church	IIA 1, 6	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.030 Community Facility	IIA 1, 7, 8	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.040 Convalescent Center	IIA 1, 3	I 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3
25.20.050 Detached, Attached, or Stacked Dwelling Units	None 1, 9	None	None	None	None	I or None 5, 12	None	None	None
25.20.060 Detached Dwelling Unit	None 13	None 13	None 13	None 13	None 13	None 13	None 13	None 13	None 13
25.20.070 Government Facility	IIA 1, 8	IIA	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.080 Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	IIA 14	NP	NP	NP	NP	NP	NP	NP	NP
25.20.090 Mini-School or Mini-Day-Care Center	None 1, 15, 16, 17, 18, 19	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 20, 21	None 16, 17, 19, 21

HENC 2

Permitted Uses Table – High Density Residential Zones (Continued)
 (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)
 (See also KZC 25.30, Density/Dimensions Table, and KZC 25.40, Development Standards Table)

Required Review Process:

I = Process I, Chapter 145 KZC
 IIA = Process IIA, Chapter 150 KZC
 IIB = Process IIB, Chapter 152 KZC

DR = Design Review, Chapter 142 KZC
 None = No Required Review Process

NP = Use Not Permitted

= Applicable Special Regulations (listed after the table)

HENC 2

Use	RM, RMA	PLA 5A	PLA 5D	PLA 5E	PLA 6A	PLA 6D	PLA 6I	PLA 6J	PLA 7A, B
25.20.100 Nursing Home	IIA 1, 3	I 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3	IIA 3
25.20.110 Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)	NP	NP	NP	NP	NP	NP	NP	NP	None 22, 23, 24
25.20.120 Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	I 11	NP	NP	NP	NP	NP	NP	NP	NP
25.20.130 Public Park	See KZC 45.50 for required review process.								
25.20.140 Public Utility	IIA 1, 8	None	IIA	IIA	IIA	IIA	IIA	IIA	IIA
25.20.150 School or Day-Care Center	IIA 1, 10, 15, 16, 18, 19	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 21, 25	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 20, 21	IIA 10, 16, 19, 21

Permitted Uses (PU) Special Regulations:

and HENC 2

- PU-1. Within the NE 85th Street Subarea, D.R., Chapter 142 KZC.
- PU-2. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-3. 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.

25.30 Density/Dimensions

HENC 2

Density/Dimensions Table – High Density Residential Zones

(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

(Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.40, Development Standards Table)

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
25.30.010 Assisted Living Facility ¹	3,600 sq. ft.	20'	5' ⁴	10'	60%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ⁵
		RM, RMA: 20' ²	RMA: 5'			RMA: 35' above ABE.
			PLA 5A: ³			PLA 5A, PLA 5E, PLA 6I: 30' above ABE.
		10'	0	0	80%	PLA 5D: 30' above ABE. ⁶
25.30.020 Church	7,200 sq. ft.	20'	20'	20'	70%	RM, PLA 6D: 30' above ABE. ⁵
		RM, RMA: 20' ²				RMA: 35' above ABE.
			HENC 2			PLA 5A, PLA 5E, PLA 6I: 30' above ABE.
		10'	0	0	80%	PLA 5D: The lower of 4 stories or 40' above ABE.
			HENC 2			PLA 6A, PLA 6J: 30' above ABE. ^{5, 12}
		10'	0	0	80%	PLA 7A, 7B: 30' above ABE. ⁷
25.30.030 Community Facility	None	20'	10'	10'	70%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ⁵
		RM, RMA: 20' ²				RMA: 35' above ABE.
			HENC 2			PLA 5A, PLA 5E, PLA 6I: 30' above ABE.
		10'	0	0	80%	PLA 5D: The lower of 4 stories or 40' above ABE.
			HENC 2			PLA 7A, 7B: 30' above ABE. ⁷

HENC 2

Density/Dimensions Table – High Density Residential Zones (Continued)
 (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)
 (Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.40, Development Standards Table)

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
25.30.040 Convalescent Center	7,200 sq. ft. PLA 6I: None	20' RM, RMA: 20 ²	10'	10'	70%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ⁵ RMA: 35' above ABE. PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. ⁷
			HENC 2			
			10'	0	0	80%
25.30.050 Detached, Attached or Stacked Dwelling Units	3,600 sq. ft. with at least 1,800 sq. ft. per unit. RM, RMA: 3,600 sq. ft. ⁸ PLA 6I: 3,600 sq. ft. with at least 2,400 sq. ft. per unit. PLA 7A, 7B: 3,600 sq. ft. ¹⁴	20' RM, RMA: 20 ²	Detached units, 5'; attached or stacked units, 5' ^{4, 10} RMA: 5'	10' ¹¹	60%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ^{5, 12} RMA: 35' above ABE. PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: 30' above ABE. ⁶ PLA 7A, 7B: 30' above ABE. ^{7, 12}
			HENC 2			
			10'	0	0	80%
25.30.060 Detached Dwelling Unit	3,600 sq. ft.	20' RM, RMA: 20 ² PLA 6I: 10'	5' RM, RMA: 5' ⁴	10'	60%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ^{5, 12} RMA: 35' above ABE. ¹² PLA 5A, PLA 5D, PLA 5E: 25' above ABE. PLA 6I: 30' above ABE. PLA 7A, 7B: 30' above ABE. ^{7, 12}
			HENC 2			

HENC 2:
3600 sq. ft.
No density limit

HENC 2

HENC 2

HENC 2

HENC 2

Density/Dimensions Table – High Density Residential Zones (Continued)
(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)
(Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.40, Development Standards Table)

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
25.30.070 Government Facility	None	20'	10'	10'	70%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ⁵
		RM, RMA: 20' ²				RMA: 35' above ABE. ← HENC 2
			HENC 2			PLA 5A, PLA 5E, PLA 6I: 30' above ABE.
		10'	0	0	80%	PLA 5D: The lower of 4 stories or 40' above ABE.
25.30.080 Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	7,200 sq. ft. ⁹	20' ²	5' ⁴	10'	60%	PLA 7A, 7B: 30' above ABE. ⁷
						RM: 30' above ABE. ⁵ ← HENC 2
			HENC 2			RMA: 35' above ABE.
		10'	0	0	80%	
25.30.090 Mini-School or Mini-Day-Care Center	3,600 sq. ft.	20'	5' ⁴	10'	60%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ⁵
		RM, RMA: 20' ²				RMA: 35' above ABE.
			HENC 2			PLA 5D: 30' above ABE. ⁶ ← HENC 2
		10'	0	0	80%	PLA 5A, PLA 5E, PLA 6I: 30' above ABE.
25.30.100 Nursing Home	7,200 sq. ft. PLA 6I: None	20'	10'	10'	70%	PLA 7A, 7B: 30' above ABE. ⁷
		RM, RMA: 20' ²				RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ⁵
			HENC 2			RMA: 35' above ABE. ← HENC 2
		10'	0	0	80%	PLA 5A, PLA 5E, PLA 6I: 30' above ABE.
			HENC 2			PLA 5D: The lower of 4 stories or 40' above ABE.
		10'	0	0	80%	PLA 7A, 7B: 30' above ABE. ⁷

HENC 2

Density/Dimensions Table – High Density Residential Zones (Continued)
 (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)
 (Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.40, Development Standards Table)

USE	Minimum Lot Size	REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
25.30.110 Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)	3,600 sq. ft. with at least 1,800 sq. ft. per unit	20'	5' ⁴	10'	80%	30' above ABE.
25.30.120 Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	None	See Chapter 83 KZC.			-	Landward of the ordinary high water mark: RM: 30' above ABE. RMA: 35' above ABE.
25.30.130 Public Park	Development standards will be determined on a case-by-case basis.					
25.30.140 Public Utility	None	20' RM, RMA: 20' ²	20'	RM, RMA, PLA 5D, PLA 6A, PLA 6D, PLA 6J: 20' PLA 5A, PLA 5E, PLA 6I, PLA 7A, 7B: 10' HENC 2-0	70%	RM, PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ⁵ RMA: 35' above ABE. PLA 5A, PLA 5E, PLA 6I: 30' above ABE. PLA 5D: The lower of 4 stories or 40' above ABE. PLA 7A, 7B: 30' above ABE. ⁷
25.30.150 School or Day-Care Center	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then:			70%	RM: 30' above ABE. ^{5, 15} RMA: 35' above ABE. PLA 5A, PLA 5E, PLA 6I: 30' above ABE. ¹⁵ PLA 5D: The lower of 4 stories or 40' above ABE. PLA 6A, PLA 6D, PLA 6J: 30' above ABE. ^{5, 15} PLA 7A, 7B: 30' above ABE. ^{7, 15}
		50'	50'	50'		
		If this use can accommodate 13 to 49 students or children, then:				
		20'	20'	20'		
		RM, RMA: ²				

- DD-14. Minimum amount of lot area per dwelling unit is as follows:
- a. In the PLA 7A zone, the minimum lot area per unit is 2,400 square feet.
 - b. In the PLA 7B zone, the minimum lot area per unit is 1,800 square feet.

- DD-15. 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; and
 - d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.
- This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*

(Ord. 4476 § 2, 2015)

25.40 Development Standards

HENC 2
Development Standards Table – High Density Residential Zones

(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)

(Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.30, Density/Dimensions Table)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
25.40.010 Assisted Living Facility	D RM, RMA: D ¹	A	1.7 per independent unit. 1 per assisted living unit.
25.40.020 Church	C RM, RMA: C ¹	B	1 for every 4 people based on maximum occupancy load of any area of worship. ²
25.40.030 Community Facility	C ³ RM, RMA: C ^{1, 3}	B RM, RMA: B ⁴	See KZC 105.25.
25.40.040 Convalescent Center	C RM, RMA: C ¹	B	1 for each bed.

HENC 2

Development Standards Table – High Density Residential Zones (Continued)
(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)
(Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.30, Density/Dimensions Table)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
25.40.050 Detached, Attached, or Stacked Dwelling Units	D RM, RMA: D ^{5, 6} PLA 7A, 7B: D ⁶ HENC 2	A	1.2 per studio unit. 1.3 per 1 bedroom unit. 1.6 per 2 bedroom unit. 1.8 per 3 or more bedroom unit. See KZC 105.20 for visitor parking requirements.
25.40.060 Detached Dwelling Unit	E	A	2.0 per unit.
25.40.070 Government Facility	C ³ RM, RMA: C ^{1, 3}	B RM, RMA: B ⁴	See KZC 105.25.
25.40.080 Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	B	E	1 per each 300 sq. ft. of gross floor area.
25.40.090 Mini-School or Mini-Day-Care Center	E RM, RMA: D	B	See KZC 105.25. ^{7, 8} RM, RMA: See KZC 105.25. ⁷
25.40.100 Nursing Home	C RM, RMA: C ¹	B	1 for each bed.
25.40.110 Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)	C	D	See KZC 105.25.
25.40.120 Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	B	B	None
25.40.130 Public Park	Development standards will be determined on a case-by-case basis.		
25.40.140 Public Utility	A ³ RM, RMA: A ^{1, 3} PLA 7A, PLA 7B: A	B RM, RMA: B ⁴	See KZC 105.25.
25.40.150 School or Day-Care Center	D	B	See KZC 105.25. ^{8, 9} RM, RMA: See KZC 105.25. ⁹

CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, BC, BC 1, BC 2, BCX)

HENC 1 & 3

Sections:

- 35.05 User Guide
 - 35.05.010 Applicable Zones
 - 35.05.020 Common Code References
- 35.10 General Regulations
 - 35.10.010 All Commercial Zones
 - 35.10.020 BN, BNA Zones
 - 35.10.030 BC, BC 1, BC 2 Zones
 - 35.10.040 BCX Zones
 - 35.10.050 HENC 1 & 3 ZONES
- 35.20 Permitted Uses
- 35.30 Density/Dimensions
- 35.40 Development Standards
- 35.05 User Guide

Step 1. Check that the zone of interest is included in KZC 35.05.010, Applicable Zones. If not, select the chapter where it is located.

Step 2. Refer to KZC 35.05.020, Common Code References, for relevant information found elsewhere in the code.

Step 3. Refer to the General Regulations in KZC 35.10 that apply to the zones as noted.

Step 4. Find the Use of interest in the Permitted Uses Table in KZC 35.20 and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless "NP" (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).

Step 5. Find the Use of interest in the Density/Dimensions Table in KZC 35.30 and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).

Step 6. Find the Use of interest in the Development Standards Table in KZC 35.40 and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.

35.10

35.05.010 Applicable Zones

This chapter contains the regulations for uses in the commercial zones (BN, BNA, BC, BC 1, BC 2, BCX) of the City.

HENC 1#3

35.05.020 Common Code References

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.
4. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living Facility, Attached or Stacked Dwelling Units, and Stacked Dwelling Unit uses.
6. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.
7. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136.

(Ord. 4476 § 2, 2015)

35.10 General Regulations35.10.010 All Commercial Zones

The following regulations apply to all uses in these zones unless otherwise noted:

1. 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.

35.10.040 BCX Zones

1. 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).
2. 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 of 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.

(Ord. 4476 § 2, 2015)

35.10.050 HENC 1 & 3 Zones

(see next page)

35.10.050 HENC 1 and 3 Zones - General Regulations

1. In the HENC 1 and 3 zones:

- a. 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 a pedestrian oriented street, a major pedestrian sidewalk, a through-block pathway or the Cross Kirkland Corridor.
- b. Adjacent to NE 68th Street, 106th Avenue NE, 108th Avenue NE, 6th Street South and the Cross Kirkland Corridor (CKC), any portion of a structure greater than two stories in height must be stepped back from the façade below by an average of 15' with a minimum step back of 5'.

The Design Review Board is authorized to allow rooftop deck and/or garden structures within the step back area.

- c. Development adjoining the Cross Kirkland Corridor shall comply with the standards of KZC 115.24. Safe public pedestrian connections through sites to the Cross Kirkland Corridor are required (for approximate locations see Plate 34-O).
- d. Minimum 14' wide sidewalks are required along 106th Avenue NE, 108th Avenue NE and 6th Street South on the side of the right-of-way that abuts HENC 1; and on both sides of NE 68th Street.
- e. Drive-in and drive-through facilities are allowed for gas stations and drug stores. All other drive-in and drive-through facilities are prohibited.

2. In the HENC 1 zone:

- a. No more than 20% of the gross floor area for any building may include office uses. This requirement does not apply to the area in HENC 1 that is located north of NE 68th Street between the Cross Kirkland Corridor and what would be the northern extension of 106th Avenue NE.
- b. Structure height may be increased to 35' above ABE if;
 - (1). A development of 4 acres or less includes at least one grocery store, hardware store, or drug store containing a minimum of 20,000 square feet of gross floor area.
 - (2). A development of more than 4 acres includes at least one grocery store, hardware store, or drug store containing a minimum of 20,000 square feet

of gross floor area and one grocery store, hardware store, or drug store containing a minimum of 10,000 square feet of gross floor area.

- (3) The site plan is approved by the Design Review Board and includes public gathering places and community plazas with public art. At least one of these public areas must measure a minimum of 1500 square feet with a minimum width of 30'.
- (4) The commercial floor is a minimum of 13 feet in height.
- (5) Maximum allowed lot area per residential dwelling unit is 900 square feet or 48 units per acre.
- (6) Development shall be designed, built and certified to achieve or exceed one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.
- (7) At least 10% of the units provided in new residential developments of four 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.

35.20

Permitted Uses

Permitted Uses Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX)
(See also KZC 35.30, Density/Dimensions Table, and KZC 35.40, Development Standards Table)

HENC 1 #3

Use	Required Review Process:		
	BN, BNA	BC, BC 1, BC 2	BCX
35.20.010 Assisted Living Facility	DR 1, 2, 3	None 1, 2, 4	None 1, 2, 5
35.20.020 Attached or Stacked Dwelling Units*	DR 3	None 4	None 5
35.20.030* Reserved			
35.20.040 Church	DR 10	None 10	None 10
35.20.050 Community Facility	DR	None	None
35.20.060 Convalescent Center	DR	None 2	None
35.20.070 Entertainment, Cultural and/or Recreational Facility	DR 11, 12, 13, 14	None	None
35.20.080 Government Facility	DR	None	None
35.20.090 Hotel or Motel	NP	None 15	None 15
35.20.100 Mini-School or Mini-Day-Care Center	DR 10, 16, 17	None 10, 16, 17	None 10, 16, 17
35.20.110 Nursing Home	DR	None 2	None

I = Process I, Chapter 145 KZC
IIA = Process IIA, Chapter 150 KZC
IIB = Process IIB, Chapter 152 KZC
DR = Design Review, Chapter 142 KZC
None = No Required Review Process

NP = Use Not Permitted
= Applicable Special Regulations (listed after the table)

HENC 1 #3
DR required for ball allowed uses except public parks

Permitted Uses Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued)
 (See also KZC 35.30, Density/Dimensions Table, and KZC 35.40, Development Standards Table)

HENC 1#3

Required Review Process:

I = Process I, Chapter 145 KZC
 IIA = Process IIA, Chapter 150 KZC
 IIB = Process IIB, Chapter 152 KZC

DR = Design Review, Chapter 142 KZC
 None = No Required Review Process

NP = Use Not Permitted

= Applicable Special Regulations (listed after the table)

HENC 1#3
 DR required for all allowed uses except public parks

Use	Required Review Process:		
	BN, BNA	BC, BC 1, BC 2	BCX
35.20.120 Office Use	DR 18, 19, 20, 21	None 18, 19	None 18, 19
35.20.130 Private Lodge or Club	DR	None	None
35.20.140 Public Park	See KZC 45.50 for required review process.		
35.20.150 Public Utility	IIA	None	None
35.20.160 Restaurant or Tavern	DR 11, 12, 13	None 11, 13	None 11, 13
35.20.170* Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	NP	None 11, 12, 23, 30	None 11, 12, 23
35.20.180* Retail Establishment providing banking and related financial services	DR 11	None 11	None 11
35.20.190* Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	DR 11, 12, 13	None 11, 12	None 11, 12
35.20.200 Retail Establishment providing storage services	NP	None 25, 26	None 25
35.20.210* Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	NP	None 27	None 6, 7, 8, 9
35.20.220* Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	DR 11, 23, 30	None 11, 12, 23, 30	None 11, 12, 23

Not allowed in HENC 1#3

35.20

Permitted Uses Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued)
(See also KZC 35.30, Density/Dimensions Table, and KZC 35.40, Development Standards Table)

Use	Required Review Process:		
	BN, BNA	BC, BC 1, BC 2	BCX
35.20.230* Retail Establishment selling groceries and related items	DR 11, 23	None 11, 12, 23, 30	None 11, 12, 23
35.20.240* Retail Variety or Department Store	DR 11, 23	None 11, 12, 23, 30	None 11, 12, 23
35.20.250 School or Day-Care Center	DR 10, 16, 17	None 10, 16, 17	None 10, 16, 17
35.20.260* Reserved			
35.20.270 Vehicle Service Station	DR 17, 28, 29	I 28	I 28

I = Process I, Chapter 145 KZC
IIA = Process IIA, Chapter 150 KZC
IIB = Process IIB, Chapter 152 KZC
DR = Design Review, Chapter 142 KZC
None = No Required Review Process

NP = Use Not Permitted
= Applicable Special Regulations (listed after the table)

HENC 1#3
DR required for all allowed uses except public parks

Permitted Uses (PU) Special Regulations:

- PU-1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-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.
- PU-3. This use is only allowed on the street level floor subject to the provisions of KZC 35.10.020(1).
- PU-4*. Attached Dwelling Units are not allowed in the BC, BC 1 and BC 2 zones. In the BC zone, this use, with the exception of a lobby, may not be located on the ground floor of a structure. In the BC 1 and BC 2 zones, this use is only allowed subject to the provisions of KZC 35.10.030(2). *and HENC 1#3*
- PU-5*. Attached Dwelling Units are not allowed in the BCX zone. This use is only allowed subject to the provisions of KZC 35.10.040(2).
- PU-6*. This use specifically excludes new or used vehicle or boat sales or rentals, except motorcycle sales, service, or rental is permitted if conducted indoors.

35.30 Density/Dimensions

Density/Dimensions Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) ← HENC 1#3
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE	Minimum Lot Size	* REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	** Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.010 Assisted Living Facility HENC 1#3 →	BN: None ³ BNA: None ^{2,3} BC, BC 1, BC 2: None ¹ BCX: None	BN, BNA: ⁴ BC, BC 1, BC 2: ^{4,5} BCX: ^{4,6}				
35.30.020* Attached or Stacked Dwelling Units HENC 1#3 →	BN: None ^{2,7} BC, BCX: None BC, BC 1, BC 2: None ¹⁶	⁴				
35.30.030* Reserved						
35.30.040 Church	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.050 Community Facility	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.060 Convalescent Center	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BNA: 35' above ABE. ^{9,10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.070 Entertainment, Cultural and/or Recreational Facility	None BNA: None ¹³	BNA: 10' BC: 20' BC 1, BC 2: 10' BCX: 20'	BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9,10} BNA: 35' above ABE. ^{9,10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.

* See attached for required yards for HENC 1#3.
 ** Maximum height in HENC 1#3 is 30' above ABE, except see 35.10.050.
 (Revised 3/15)

35.30

Density/Dimensions Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) - HENC 1#3
(Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE	Minimum Lot Size	* REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	** Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.080 Government Facility	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.090 Hotel or Motel	None	BC, BCX: 20' BC 1, BC 2: 10'	BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.100 Mini-School or Mini-Day-Care Center	None	BN: 0' BNA, BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.110 Nursing Home	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.120 Office Use	None	BN: 0' BNA, BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.130 Private Lodge or Club	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.140 Public Park	Development standards will be determined on a case-by-case basis.					
35.30.150 Public Utility	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 20' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 20' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.

* See attached for required yards for HENC 1#3. (Except public parks)
** Maximum height in HENC 1#3 is 30' above ABE, except see 35.10.050.

Density/Dimensions Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) **HENC 1#3**
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE	Minimum Lot Size	* REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	** Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.160 Restaurant or Tavern	None ¹²	BN: 0' BNA, BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.170* Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	None	BC, BCX: 20' BC 1, BC 2: 10'	BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.180* Retail Establishment providing banking and related financial services	None ¹²	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.190* Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	None ¹²	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.200 Retail Establishment providing storage services	None	BC, BCX: 20'	BC: 0' ⁸ BCX: 0'	BC: 0' ⁸ BCX: 0'	80%	BC: ¹¹ BCX: 30' above ABE.
35.30.210* Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	None	BC, BCX: 20' BC 1, BC 2: 10'	BC, BCX, BC 1, BC 2: 0' ⁸	BC, BCX, BC 1, BC 2: 0' ⁸	80%	BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.220* Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	None ¹⁴ HENC 1#3 None	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.230* Retail Establishment selling groceries and related items	None ¹⁴ HENC 1#3 None	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.

* See attached for required yards for HENC 1#3.
 ** Maximum height in HENC 1#3 is 29 30' above ABE, except see 35.10.050.
 (Revised 7/15)

Density/Dimensions Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) ← HENC 1-3
(Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE	Minimum Lot Size	* REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	** Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.240* Retail Variety or Department Store	None ¹⁴ HENC 1-3 None	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.250 School or Day-Care Center	None	BN: 0' BNA, BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' ⁸ BCX: 0'	80%	BN: 30' above ABE. ^{9, 10, 15} BNA: 35' above ABE. ^{9, 10, 15} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.
35.30.260* Reserved						
35.30.270 Vehicle Service Station	22,500 sq. ft.	40'	15'	15'	80%	BNA: 35' above ABE. ^{9, 10} BC, BC 1, BC 2: ¹¹ BCX: 30' above ABE.

Density/Dimensions (DD) Special Regulations:

- DD-1. 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.
- DD-2. In the BNA zone, the gross floor area of this use shall not exceed 50 percent of the total gross floor area on the subject property.
- DD-3. 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.
- DD-4. Same as the regulations for the ground floor use.
- DD-5. See KZC 35.10.030(2).
- DD-6. See KZC 35.10.040(2).

* See attached for required yards for HENC 1-3, except vehicle service station.
 ** Maximum height in HENC 1-3 is 30' above ABE, except see 35.10.050.

35.30 Density/Dimensions Charts for HENC 1 and 3 Zones

Required Yards:

All retail uses (except storage services) and **restaurants or taverns**

Front 0, Side 0, Rear 0

Remaining ground floor uses:

Front 10', Side 0, Rear 0

35.40

35.40 Development Standards

Development Standards Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) ← HENC 1 + 3
(Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.30, Density/Dimensions Table)

	Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.010	Assisted Living Facility	1	A	1.7 per independent unit. 1 per assisted living unit.
35.40.020	Attached or Stacked Dwelling Units	1	A	1.2 per studio unit. 1.3 per 1 bedroom unit. 1.6 per 2 bedroom unit. 1.8 per 3 or more bedroom unit. See KZC 105.20 for visitor parking requirements.
35.40.030*	Reserved			
35.40.040	Church	C	B	1 for every four people based on maximum occupancy load of any area of worship. ³
35.40.050	Community Facility	C ⁴	B BN, BNA: B ⁵	See KZC 105.25.
35.40.060	Convalescent Center	C BN, BNA: B ⁶	B	1 for each bed.
35.40.070	Entertainment, Cultural and/or Recreational Facility	B BNA: B ⁶	E BNA: D	See KZC 105.25.
35.40.080	Government Facility	C ⁴	B BN, BNA: B ⁵	See KZC 105.25.
35.40.090	Hotel or Motel	B	E	1 per each room. ⁷
35.40.100	Mini-School or Mini-Day-Care Center	D BN, BNA: B ⁶	B	See KZC 105.25. ^{8, 9}
35.40.110	Nursing Home	C BN, BNA: B ⁶	B	1 for each bed.

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Development Standards Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) ← HENC 1#3
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.30, Density/Dimensions Table)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.120 Office Use	BN, BNA: B ⁶ HENC 1#3 → BC, BC 1, BC 2: C BCX: B	D	1 per each 300 sq. ft. of gross floor area. ¹³
35.40.130 Private Lodge or Club	C BN, BNA: B ⁶	B	1 per each 300 sq. ft. of gross floor area.
35.40.140 Public Park	Development standards will be determined on a case-by-case basis.		
35.40.150 Public Utility	A ⁴	B BN, BNA: B ⁵	See KZC 105.25.
35.40.160 Restaurant or Tavern	BN, BNA: B ⁶ BC, BC 1, BC 2, BCX: B ¹⁰	E BN, BNA: D	1 per each 100 sq. ft. of gross floor area.
35.40.170* Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	B	E	1 per each 300 sq. ft. of gross floor area.
35.40.180* Retail Establishment providing banking and related financial services	B ⁶	BN, BNA: D BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.
35.40.190* Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	B ⁶	BN, BNA: D BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.
35.40.200 Retail Establishment providing storage services	A	E	See KZC 105.25.
35.40.210* Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	A	E	BC, BC 1, BC 2: See KZC 105.25. ¹¹ BCX: 1 per each 250 sq. ft. of gross floor area. ²
35.40.220* Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	B ⁶	BN, BNA: D BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.

Development Standards Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) ← HENC 173
(Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.30, Density/Dimensions Table)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.230* Retail Establishment selling groceries and related items	B ⁶	BN, BNA: D BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.
35.40.240* Retail Variety or Department Store	B ⁶	BN, BNA: D BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.
35.40.250 School or Day-Care Center	D BN, BNA: B ⁶	B	See KZC 105.25. ^{9, 12}
35.40.260* Reserved			
35.40.270 Vehicle Service Station	A	E BNA: D	See KZC 105.25.

Development Standards (DS) Special Regulations:

- DS-1. Same as the regulations for the ground floor use.
- DS-2. 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.
- DS-3. No parking is required for day-care or school ancillary to this use.
- DS-4. 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.
- DS-5. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
- It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
 - The electronic readerboard is no more than 50 percent of the sign area;
 - Moving graphics and text or video are not part of the sign;
 - 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;
 - The electronic readerboard displays messages regarding public service announcements or City events only;
 - 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;

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 Business District (TLBD), North Rose Hill Business District (NRHBD), Business District Core (BDC), Yarrow Bay Business District (YBD), and in PLA 5C.

Houghton/Everest Neighborhood Center (HENC)

Special provisions that apply to a particular Design District are noted in the section headings of the chapter.

2. Applicability – The provisions of this chapter apply to all new development, with the exception of development in the TL 7 zone. The provisions of Chapters 142 and 162 KZC regarding Design Review and nonconformance establish which of the regulations of this chapter apply to developed sites. Where provisions of this chapter conflict with provisions in any other section of the code, this chapter prevails. For more information on each Design District refer to the Design Guidelines applicable to that Design District adopted by reference in Chapter 3.30 KMC.
3. Design Review Procedures – The City will use Chapter 142 KZC to apply the regulations of this chapter to development activities that require Design Review approval.
4. Relationship to Other Regulations – Refer to the following chapters of the Zoning Code for additional requirements related to new development on or adjacent to the subject property.
 - a. Landscaping – Chapter 95 KZC describes the installation and maintenance of landscaping requirements on the subject property.
 - b. Installation of Sidewalks, Public Pedestrian Pathways and Public Improvements – Chapter 110 KZC describes the regulations for the installation of public sidewalks, major pedestrian sidewalks, pedestrian-oriented sidewalks, or other public improvements on or adjacent to the subject property in zones subject to Design Review. Plate 34 in Chapter 180 KZC provides the location and designation of the sidewalk, pedestrian walkways, pathways or other required public improvements within each Design District.
 - c. Pedestrian Access to Buildings, Installation of Pedestrian Pathways, Pedestrian Weather Protection – Chapter 105 KZC describes the requirements for pedestrian access to buildings and between properties, through parking areas and requirements for pedestrian weather protection. See also Plate 34 in Chapter 180 KZC.
 - d. Parking Area Location and Design, Pedestrian and Vehicular Access – Chapter 105 KZC describes the requirements for parking lot design, number of driveways, or pedestrian and vehicular access through parking areas.
 - e. Screening of Loading Areas, Outdoor Storage Areas and Garbage Receptacles – Chapter 95 KZC describes the location and screening requirements of outdoor storage. Chapter 115 KZC describes the screening of loading areas, waste storage and garbage disposal facilities.
5. Dedication – The City may require the applicant to dedicate development rights, air space, or an easement to the City to ensure compliance with any of the requirements of this chapter.
6. Design Districts in Rose Hill Business District – Various places in this chapter refer to the three (3) Design Districts in the Rose Hill Business District: Regional Center, Neighborhood Center and East End. Figure 92.05.A below describes where these are located. For a more detailed description of each area, see the Design Guidelines for the Rose Hill Business District adopted by reference in Chapter 3.30 KMC.

- 1) Locate and orient the building towards the street corner (within 10 feet of corner property line). To qualify for this option, the building must have direct pedestrian access from the street corner. Exception: Properties in the RHBD Regional Center must provide a 10-foot minimum setback between NE 85th Street and any building.
 - 2) Provide an architectural feature that adds identity or demarcation of the area. Such an architectural element may have a sign incorporated into it (as long as such sign does not identify an individual business or businesses) (see Figure 92.10.D).
 - 3) Provide a "pedestrian-oriented space" at the corner leading directly to a building entry or entries (see KZC 92.15 and Figure 92.10.D).
 - 4) Install substantial landscaping (at least 30-foot by 30-foot or 900 square feet of ground surface area with trees, shrubs, and/or ground cover).
- b. RHBD Properties Located at the 124th, 126th, and 128th Avenue NE Intersections – Buildings must be located at the street corner and provide pedestrian-oriented facades along both streets. Exceptions:
- 1) Setbacks will be allowed only where the space between the sidewalk and the building meets the definition of a pedestrian-oriented space. An example is shown in Figure 92.10.D.
 - 2) Vehicle sales and properties on the west side of the 124th Avenue NE are exempt from this standard because of transmission line easement limitations.

Building located directly on a street corner with direct pedestrian access and pedestrian-oriented facades.



FIGURE 92.10.D

7. Building Location at Street Corners in CBD ~~and HENC 1#3~~
 - a. Building Corners in the CBD ~~and HENC 1#3~~ – If the subject property is adjacent to the intersection of two (2) streets, at least one (1) of which is a pedestrian-oriented street, the applicant shall use

more of the following elements or treatments in the design and construction of the corner of the building facing the intersection of the streets which includes the pedestrian-oriented street. As an alternative, the applicant may propose other techniques, elements or treatments in the design of the corner which are consistent with the design guidelines and the provisions of the Comprehensive Plan.

- 1) Provide at least 100 square feet of sidewalk area or pedestrian-oriented open space in addition to the area required to produce a 10-foot-wide sidewalk as required under KZC 110.52, pedestrian-oriented street (see Figure 92.10.E).
- 2) Provide an entranceway to a store, building atrium or lobby, exterior courtyard or pedestrian-oriented open space (see Figure 92.10.F).
- 3) Provide a pedestrian pathway, at least eight feet in width, that connects to another street, public feature or building (see Figure 92.10.F).
- 4) Provide one or more of the elements listed below on both sides of an axis running diagonally through the corner of the building and bisecting the angle formed by the two building facades (see Figure 92.10.G):
 - a) A bay window or turret.
 - b) A roof deck.
 - c) Balconies above the ground floor.
 - d) A building corner setback notch or curved facade surface.
 - e) Sculpture or artwork, either bas-relief or figurative.
 - f) Distinctive use of facade materials.
- 5) Provide special or unique treatment, other than the use of fabric or vinyl awnings, for pedestrian weather protection at the corner of the building.

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 BDC, CBD, BN, BNA, MSC 2, NRHBD, RHBD and TLBD Zones

a. In the CBD, BN, BNA, MSC 2 or in BDC – 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.

b. In the NRHBD Zones – If the subject property abuts a major pedestrian sidewalk on the southwest corner of NE 116th Street and 124th Avenue NE (see Plate 34 in Chapter 180 KZC), 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) In the alternative, the pedestrian-oriented space can be integrated with a pedestrian connection linking Slater Avenue NE and NE 116th Street, anywhere on the subject property, consistent with the criteria in subsections (2)(b)(1) through (5) of this section.

c. In the RHBD and TLBD Zones – All nonresidential uses must provide pedestrian-oriented space in conjunction with new development according to the formula below. For the pur-

2. Standards. The applicant shall provide the following at a minimum:
- a. Living plant material which will cover 80 percent of the area to be landscaped within two (2) years. If the material to be used does not spread over time, the applicant shall re-plant the entire area involved immediately. Any area that will not be covered with living plant material must be covered with nonliving groundcover.
 - b. One (1) tree for each 1,000 square feet of area to be landscaped. At the time of planting, deciduous trees must be at least two (2) inches in caliper and coniferous trees must be at least five (5) feet in height.
 - c. If a development requires approval through Process I, IIA or IIB as described in Chapters 145, 150 and 152 KZC, respectively, the City may require additional vegetation to be planted along a building facade if:
 - 1) The building facade is more than 25 feet high or more than 50 feet long; or
 - 2) Additional landscaping is necessary to provide a visual break in the facade.
 - d. In RHBD varieties of rose shrubs or ground cover along with other plant materials shall be included in the on-site landscaping.
 - e. If development is subject to Design Review as described in Chapter 142 KZC, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

(Ord. 4238 § 2, 2010)

95.42 Minimum Land Use Buffer Requirements

The applicant shall comply with the provisions specified in the following chart and with all other applicable provisions of this chapter. Land use buffer requirements may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.

ADJOINING PROPERTY →	*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
LANDSCAPING CATEGORY ↓				
A	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)	
B	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (1) (Buffering Standard 1)		
C	Must comply with subsection (1) (Buffering Standard 1)	Must comply with subsection (2) (Buffering Standard 2)		
D	Must comply with subsection (2) (Buffering Standard 2)			
E				
Footnotes:	*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, Business District Core or is located in TL 5, this section KZC 95.42 does not apply. ↗ Houghton Everest Neighborhood Center			

This chart establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:

1. For standard 1, the applicant shall provide a 15-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The land use buffer must be planted as follows:
 - a. Trees planted at the rate of one (1) tree per 20 linear feet of land use buffer, with deciduous trees of two and one-half (2-1/2) inch caliper, minimum, and/or coniferous trees eight (8) feet in height, minimum. At least 70 percent of trees shall be evergreen. The trees shall be distributed evenly throughout the buffer, spaced no more than 20 feet apart on center.
 - b. Large shrubs or a mix of shrubs planted to attain coverage of at least 60 percent of the land use buffer area within two (2) years, planted at the following sizes and spacing, depending on type:
 - 1) Low shrub – (mature size under three (3) feet tall), 1- or 2-gallon pot or balled and burlapped equivalent;
 - 2) Medium shrub – (mature size from three (3) to six (6) feet tall), 2- or 3-gallon pot or balled and burlapped equivalent;
 - 3) Large shrub – (mature size over six (6) feet tall), 5-gallon pot or balled and burlapped equivalent.

- c. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the shrubs or trees.
2. For standard 2, the applicant shall provide a 5-foot-wide landscaped strip with a 6-foot-high solid screening fence or wall. Except for public utilities, the fence or wall must be placed on the outside edge of the land use buffer or on the property line when adjacent to private property. For public utilities, the fence or wall may be placed either on the outside or inside edge of the landscaping strip. A fence or wall is not required when the land use buffer is adjacent and parallel to a public right-of-way that is improved for vehicular use. See KZC 115.40 for additional fence standards. The landscaped strip must be planted as follows:
 - a. One (1) row of trees planted no more than 10 feet apart on center along the entire length of the buffer, with deciduous trees of 2-inch caliper, minimum, and/or coniferous trees at least six (6) feet in height, minimum. At least 50 percent of the required trees shall be evergreen.
 - b. Living ground covers planted from either 4-inch pot with 12-inch spacing or 1-gallon pot with 18-inch spacing to cover within two (2) years 60 percent of the land use buffer not needed for viability of the trees.
3. Plant Standards. All plant materials used shall meet the most recent American Association of Nurserymen Standards for nursery stock: ANSI Z60.1.
4. Location of the Land Use Buffer. The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.
5. Multiple Buffering Requirement. If the subject property borders more than one (1) adjoining property along the same property line, the applicant shall provide a gradual transition between different land use buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.
6. Adjoining Property Containing Several Uses. If the adjoining property contains several permitted uses, the applicant may provide the least stringent land use buffer required for any of these uses.
7. Subject Property Containing Several Uses. If the subject property contains more than one (1) use, the applicant shall comply with the land use buffering requirement that pertains to the use within the most stringent landscaping category that abuts the property to be buffered.
8. Subject Property Containing School. If the subject property is occupied by a school, land use buffers are not required along property lines adjacent to a street.
9. Encroachment into Land Use Buffer. Typical incidental extensions of structures such as chimneys, bay windows, greenhouse windows, cornices, eaves, awnings, and canopies may be permitted in land use buffers as set forth in KZC 115.115(3)(d); provided, that:
 - a. Buffer planting standards are met; and
 - b. Required plantings will be able to attain full size and form typical to their species.

(Ord. 4495 § 2, 2015; Ord. 4238 § 2, 2010)

- 5) Must be accessible;
 - 6) Barriers which limit future pedestrian access between the subject property and adjacent properties are not permitted;
 - 7) Easements to provide rights of access between adjacent properties shall be recorded prior to project occupancy.
- 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 2nd and TLBD 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.
- c. Overhead Weather Protection – Configuration – The overhead weather protection may be composed of awnings, marquees, canopies, building overhangs, covered porches, recessed entries or other similar features. The overhead weather protection must cover at least five (5) feet of the width of the adjacent walkway and must be at least eight (8) feet above the ground immediately below it.
- If development is subject to Design Review, the City will specifically review and approve the color, material and configuration of all overhead weather protection and the material and configuration of all pedestrian walkways as part of the Design Review decision.

105.50 Location of Parking Areas – Adjoining Low Density Zones

The applicant shall locate a parking area for a use other than a detached dwelling unit as far as possible from any adjoining low density zone, or existing low density permitted use.

105.55 Location of Parking Areas – Required Setback Yards

For regulations on parking areas in required setback yards, see Chapter 115 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:

1. Location of Parking Areas in the CBD, BDC (TL 1, TL 2, TL 3) Zones
 - a. Parking areas shall not be located between a pedestrian-oriented street and a building unless specified in a Conceptual Master Plan in TL 2. (See Plate 34 in Chapter 180 KZC and Chapters 92 and 110 KZC for additional requirements regarding pedestrian-oriented streets).
 - b. On all other streets, parking lots shall not be located between the street and the building on the subject property unless no other feasible alternative exists.
2. Location of Parking Areas in the JBD 2, NRHBD and YBD Zones – Parking areas shall not be located between the street and the building unless no other feasible alternative exists on the subject property.
3. Location of Parking Areas in Certain TLBD 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):
 - a. TL 4, only properties fronting on 120th Avenue NE;
 - b. TL 5;
 - c. TL 6A, only properties fronting on 124th Avenue NE. Auto dealers in this zone are exempt from this requirement;
 - d. TL 6B, only properties fronting on NE 124th Street;
 - e. TL 10E.

Alternative configurations may be considered through the Design Review process, if the project meets the objectives of the KMC Design Guidelines for the Totem Lake Business District.

- f. In the Regional Center (RH 1A, RH 2A, RH 3 and RH 5A zones west of 124th Avenue). For parcels over two (2) acres in size, parking lots and vehicular access areas may not occupy more than 50 percent of the NE 85th Street property frontage (see Figure 105.58.A). Alternative configurations will be considered through the Design Review process, if the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.

110.45 Minor Arterial Streets

The Public Works Director shall determine the extent and nature of other improvements required in minor arterial streets on a case-by-case basis. See also KZC 110.65 through 110.75 for other requirements that apply to improvements in the right-of-way.

(Ord. 4001 § 1, 2005; Ord. 3886 § 1, 2003)

110.50 Principal Arterial Streets

The Public Works Director shall determine the extent and nature of improvements required in principal arterial streets on a case-by-case basis. See also KZC 110.65 through 110.75 for other requirements that apply to improvements in the right-of-way.

(Ord. 4001 § 1, 2005; Ord. 3886 § 1, 2003)

110.52 Sidewalks and Other Public Improvements in Design Districts

1. This section contains regulations that require various sidewalks, pedestrian circulation and pedestrian-oriented improvements on or adjacent to properties located in Design Districts subject to Design Review pursuant to Chapter 142 KZC such as CBD, JBD, TLBD, BDC, RHBD, NRHBD and YBD zones.

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The applicant must comply with the following development standards in accordance with the location and designation of the abutting right-of-way as a pedestrian-oriented street or major pedestrian sidewalk shown in Plate 34 of Chapter 180 KZC. See also Public Works Pre-Approved Plans manual for public improvements for each Design District. If the required sidewalk improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property; provided, that a minimum of five (5) feet from the curb shall be retained as public right-of-way and may not be in an easement. Buildings may cantilever over such easement areas, flush with the property line in accordance with the International Building Code as adopted in KMC Title 21. (See Figure 110.52.A and Plate 34.)

2. Pedestrian-Oriented Street Standards – Unless a different standard is specified in the applicable use zone chart, the applicant shall install a 10-foot-wide sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street. (See Figure 110.52.A.)

Chapter 112 – AFFORDABLE HOUSING INCENTIVES – MULTIFAMILY

Sections:

- 112.05 User Guide
- 112.10 Purpose
- 112.15 Affordable Housing Requirement
- 112.20 Basic Affordable Housing Incentives
- 112.25 Additional Affordable Housing Incentives
- 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 four (4) 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, you should read this chapter.

(Ord. 4392 § 1, 2012; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

112.10 Purpose

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.

(Ord. 4392 § 1, 2012; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

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 or the Special Regulations for the specific use in Chapters 15 through 56 KZC. This subsection is not effective within the disapproval jurisdiction of the Houghton Community Council, **except in the HIENC 1 & 2 zones.**
 - 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.

HENC 2
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3. Calculation in CBD 5A, RH, TL and PLA 5C Zones – For developments in the CBD 5A, RH, TL and PLA 5C Zones, 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.

HENC 2

(Ord. 4476 § 3, 2015; Ord. 4474 § 1, 2015; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4337 § 1, 2011; Ord. 4286 § 1, 2011; Ord. 4222 § 1, 2009; Ord. 3938 § 1, 2004)

112.20 Basic Affordable Housing Incentives

1. Approval Process – The City will use the underlying permit process to review and decide upon an application utilizing the affordable housing incentives identified in this section.
2. Bonus
 - a. Height Bonus. In RH, PLA 5C, and TL use zones where there is no minimum lot size per dwelling unit, additional building height has been granted in exchange for affordable housing, as reflected in each Use Zone Chart for the RH and TL zones and table for the PLA 5C zone.
 - b. Development Capacity Bonus. On lots or portions of lots in the RH 8 use zone located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and parcels abutting 131st Avenue NE, and in the CBD 5A use zone where there is no minimum lot size per dwelling unit, additional residential development capacity has been granted in exchange for affordable housing as reflected in the Use Zone Chart.
 - c. 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 (2) additional units ("bonus units") may be constructed for each affordable housing unit provided. (See Plate 32 for example of bonus unit calculations.)
 - d. Maximum Unit Bonuses. The maximum number of bonus units achieved through a basic affordable housing incentive shall be 25 percent of the number of units allowed based on the underlying zone of the subject property.
 - e. 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 – An applicant may propose affordability levels different from those defined in Chapter 5 KZC for the affordable housing units.

in the HENC 2 use zone,

Kirkland Zoning Code

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

Affordability Level	Bonus Unit to Affordable Unit Ratio
Renter-Occupied Housing	
60% of median income	1.9 to 1
70% of median income	1.8 to 1
Owner-Occupied Housing	
90% of median income	2.1 to 1
80% of median income	2.2 to 1

- b. In the CBD 5A/RH, TL and PLA 5C use zones, the percent of affordable units required for alternative affordability levels will be as follows:

Affordability Level	% of Project Units Required to Be Affordable
Renter-Occupied Housing	
60% of median income	13%
70% of median income	17%
Owner-Occupied Housing	
70% of median income	8%
90% of median income	13%
100% of median income	21%

- 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:

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

"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.

- 2) Any development in the following zones within the NE 85th Street Subarea: RH 8 except development that includes lots or portions of lots located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and properties abutting 131st Avenue NE, PR 3.6, RM, PLA 17A.
 - 3) Any development in the MSC 1 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.
 3. Exemptions from Design Review – The following development activities shall be exempt from either A.D.R. or D.B.R. and compliance with the design regulations of Chapter 92 KZC:
 - a. Any activity which does not require a building permit; or
 - b. Interior work that does not alter the exterior of the structure; or
 - c. Normal building maintenance including the repair or maintenance of structural members; or
 - d. Any development listed as exempt in the applicable Use Zone Chart.

(Ord. 4498 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4177 § 2, 2009; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3833 § 1, 2002)

142.25 Administrative Design Review (A.D.R.) Process

1. Authority – The Planning Official shall conduct A.D.R. in conjunction with a related development permit pursuant to this section.

The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter 92 KZC, or in zones where so specified, with the applicable design guidelines adopted by KMC 3.30.040. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:

- a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.
- b. Design guidelines for the Rose Hill Business District (RHBD), the Totem Lake Business District (TLBD) and Yarrow Bay Business District (YBD) as adopted in KMC 3.30.040
- c. For review of attached or stacked dwelling units within the NE 85th Street Subarea, the PLA 5C Zone and the Market Street Corridor, Design Guidelines for Residential Development as adopted in KMC 3.30.040.

2. Application – As part of any application for a development permit requiring A.D.R., the applicant shall show compliance with the design regulations in Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040, by submitting an A.D.R. application on a form provided by the Planning and Building Department. The application shall include all documents and exhibits listed on the application form, as well as application materials required as a result of a pre-design conference.
3. Pre-Design Conference – Before applying for A.D.R. approval, the applicant may schedule a pre-design meeting with the Planning Official. The meeting will be scheduled by the Planning Official upon written request by the applicant. The purpose of this meeting is to provide an opportunity for an applicant to discuss the project concept with the Planning Official and for the

- c. The Design Guidelines for Residential Development, as adopted in KMC 3.30.040, for review of attached and stacked dwelling units located within the NE 85th Street Subarea, the PLA 5C zone, and the Market Street Corridor.
- d. The Parkplace Master Plan and Design Guidelines for CBD 5A as adopted in Chapter 3.30 KMC.
4. The Design Review Board is authorized to approve minor variations in development standards within certain Design Districts described in KZC 142.37, provided the variation complies with the criteria of KZC 142.37.
5. Pre-Design Conference – Before applying for D.B.R. approval, the applicant shall attend a pre-design conference with the Planning Official. The conference will be scheduled by the Planning Official upon written request by the applicant. The purpose of this conference is for the Planning Official to discuss how the design regulations, design guidelines, and other applicable provisions of this code and the Comprehensive Plan relate to the proposed development and to assist the applicant in preparing for the conceptual design conference. A pre-design conference may be combined with a pre-submittal meeting.
6. Conceptual Design Conference – Before applying for design review approval, the applicant shall attend a conceptual design conference (CDC) with the Design Review Board. The conference will be scheduled by the Planning Official to occur within 30 days of written request by the applicant. The applicant shall submit a complete application for Design Review within six (6) months following the CDC, or the results of the CDC will be null and void and a new CDC will be required prior to application for design review approval. The purpose of this conference is to provide an opportunity for the applicant to discuss the project concept with the Design Review Board and:
- To discuss how the design regulations, design guidelines and other applicable provisions of the Comprehensive Plan affect or pertain to the proposed development;
 - For the Design Review Board to designate which design regulations, design guidelines and other applicable provisions of the Comprehensive Plan apply to the proposed development based primarily on the location and nature of the proposed development; and
 - For the Design Review Board to determine what models, drawings, perspectives, 3-D CAD models, or other application materials the applicant will need to submit with the design review application.
7. Application – Following the conceptual design conference, the applicant shall submit the design review application on a form provided by the Planning and Building Department. The application shall include all documents and exhibits listed on the application, as well as all application materials required as a result of the conceptual design conference.
8. Public Notice
- Contents – On receipt of a complete design review application, the Planning Official shall schedule a design response conference with the Design Review Board to occur within 60 calendar days of receiving the complete application. The Planning Official shall provide public notice of the design response conference. Public notice shall contain the name of the applicant and project, the location of the subject property, a description of the proposed project, time and place of the first design response conference, and a statement of the availability of the application file.

Conceptual Master Plan Conference for TL 5 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over four (4) acres in size in TL 5. The CMP shall incorporate the design principles set forth in the special regulations for the use in the TL 5 zoning chart.

Conceptual Master Plan Conference for RHBD – The Design Review Board shall consider a Conceptual Master Plan (CMP) in the RH 3 zone within the NE 85th Street Subarea. The CMP shall incorporate the design considerations for the RH 3 zone set forth in the Design Guidelines for the Rose Hill Business District.

10. Approval – After reviewing the D.B.R. application and other application materials, the Design Review Board may grant, deny or conditionally approve subject to modifications the D.B.R. application for the proposed development. No development permit for the subject property requiring D.B.R. approval will be issued until the proposed development is granted D.B.R. approval or conditional approval. The terms of D.B.R. approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the D.B.R. approval or conditional approval. The Planning Official shall send written notice of the D.B.R. decision to the applicant and all other parties who participated in the conference(s) within 14 calendar days of the approval. If the D.B.R. is denied, the decision shall specify the reasons for denial. The final D.B.R. decision of the City on the D.B.R. application shall be the date of distribution of the written D.B.R. decision or, if the D.B.R. decision is appealed, the date of the City's final decision on the appeal. Notwithstanding any other provision of this code, if an applicant submits a complete application for a building permit for the approved D.B.R. development within 180 days of the final D.B.R. decision, the date of vesting for the building permit application shall be the date of the final D.B.R. decision.

Additional Approval Provision for TL 2 and TL 5 – The Notice of Approval for a Conceptual Master Plan (CMP) shall set thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a CMP in TL 2 or TL 5. The Notice of Approval shall also include a phasing plan for all improvements shown or described in the CMP.

Additional Approval Provision for RHBD – The Design Review Board shall determine the thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a Conceptual Master Plan (CMP) in the RHBD. The Notice of Approval for the CMP will state the thresholds for future review of projects and also include a phasing plan for all improvements shown or described in the CMP.

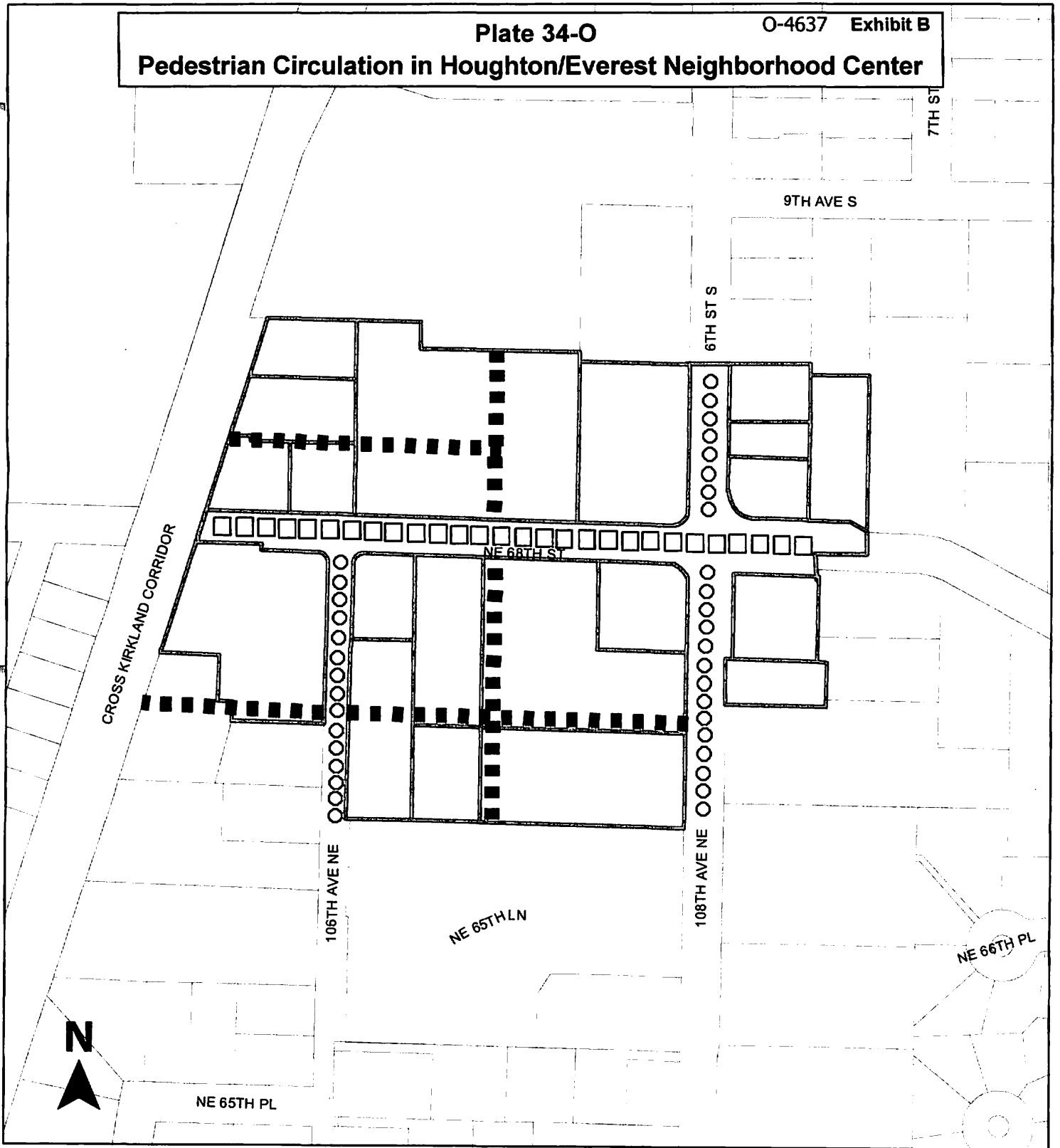
(Ord. 4496 § 3, 2015; Ord. 4495 § 2, 2015; Ord. 4491 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4193 § 1, 2009; Ord. 4177 § 2, 2009; Ord. 4171 § 1, 2009; Ord. 4121 § 1, 2008; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3956 § 1, 2004; Ord. 3954 § 1, 2004; Ord. 3889 § 2, 2003; Ord. 3833 § 1, 2002; Ord. 3814 § 1, 2001)

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:
- In the CBD and YBD: minimum required yards; and
 - In the Business District Core: minimum required yards, floor plate maximums and building separation requirements; and
 - In the RHBD, the PLA 5C zone, and the TLBD: minimum required yards, and landscape buffer; and

the HENC

Pedestrian Circulation in Houghton/Everest Neighborhood Center

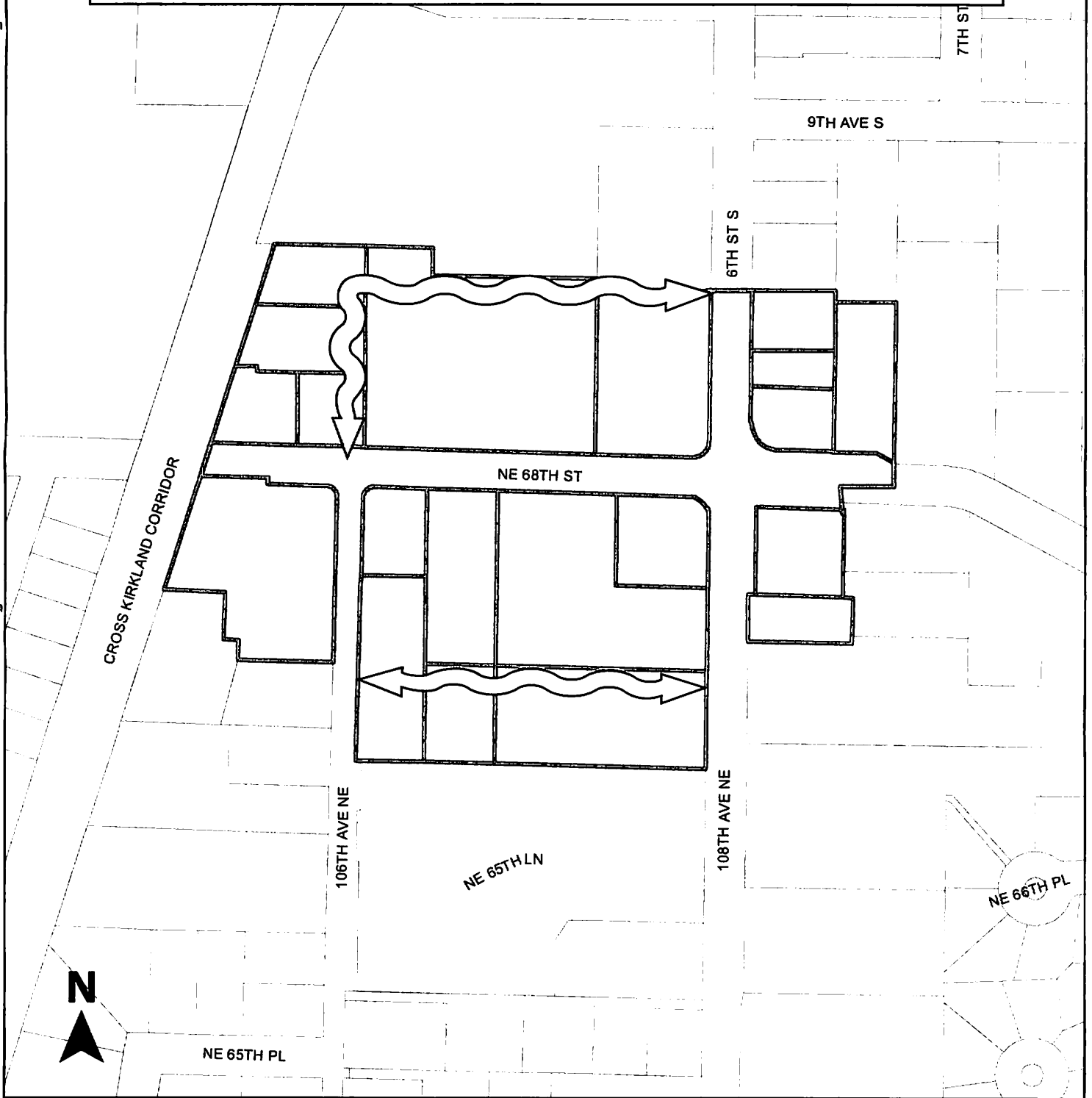


14' SIDEWALK REQUIRED


- Both sides of NE 68th Street
- East side of 106th Ave. NE
- West Side of 108th Ave NE
- West Side of 6th Street South

- ○ ○ ○ Major Ped Sidewalks
- □ □ □ Pedestrian-Oriented Street
- ■ ■ ■ Through-Block Pathway
(Location Estimated)

Plate 34-P **O-4637 Exhibit B**
Vehicular Access Concept for Houghton/Everest Neighborhood Center



Consolidate driveways per ZC section 105.35

 **Vehicular Access**
(Location Estimated)

PUBLICATION SUMMARY
OF ORDINANCE O-4637

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO COMPREHENSIVE PLANNING, ZONING AND LAND USE AND AMENDING THE KIRKLAND ZONING MAP, ORDINANCE 3710, AS AMENDED, AND THE KIRKLAND ZONING CODE, ORDINANCE 3719 AS AMENDED, REGARDING STANDARDS THAT APPLY TO DEVELOPMENT IN THE HOUGHTON/EVEREST NEIGHBORHOOD CENTER, TO ENSURE THE ZONING MAP AND THE ZONING CODE CONFORM TO THE COMPREHENSIVE PLAN AND THE CITY COMPLIES WITH THE GROWTH MANAGEMENT ACT, AND APPROVING A SUMMARY FOR PUBLICATION, FILE NO. CAM16-02742.

SECTION 1. Provides amendments to the Zoning Map.

SECTION 2. Provides that the Director of Planning and Building Department is directed to amend the Zoning Map.

SECTION 3. Provides amendments to the Kirkland Zoning Code.

SECTION 4. Provides a severability clause for the ordinance.

SECTION 5. Establishes that this ordinance, to the extent it is subject to disapproval jurisdiction, will be effective within the disapproval jurisdiction of the Houghton Community Council Municipal Corporation upon approval by 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 6. Except as provided in Section 5, establishes the effective date of the Ordinance and authorizes the publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code.

SECTION 7. Directs the City Clerk to certify and forward a complete certified copy of this 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 16th day of Janaury, 2018.

I certify that the foregoing is a summary of Ordinance O-4637 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk