

ORDINANCE O-4683

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 20, 25, 30, 40, 45, 53, 142, AMENDING THE ZONING MAP ORDINANCE 3710, AS AMENDED, TO INCLUDE LEGISLATIVE REZONES, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00043.

1 WHEREAS, the City Council has received a recommendation
2 from the Kirkland Planning Commission to amend certain sections of the
3 Kirkland Zoning Code, Ordinance 3719, as amended, and Zoning Map
4 Ordinance 3710 as amended, as set forth in the staff report dated April
5 25, 2019 containing the recommendation of the Planning Commission
6 and direction from the City Council from the meetings on April 16, 2019
7 and May 7, 2019, bearing Kirkland Planning and Building Department
8 File No. CAM19-00043; and
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10 WHEREAS, prior to making the recommendation, the Kirkland
11 Planning Commission, following notice as required by RCW 36.70A.035,
12 held a public hearing on March 28, 2019, on the amendment proposals
13 and considered the comments received at the hearing; and
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15 WHEREAS, pursuant to the State Environmental Policy Act
16 (SEPA), a SEPA Addendum to the *City of Kirkland 2015 Comprehensive*
17 *Plan Update Draft and Final Environmental Impact Statement (EIS)* was
18 issued on March 15, 2019 by the responsible official pursuant to
19 Washington Administrative Code WAC 197-11-340 and 197-11-625; and
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21 WHEREAS, in a public meeting the City Council considered the
22 environmental documents received on May 7, 2019 from the responsible
23 official, together with the report and recommendation of the Planning
24 Commission; and
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26 WHEREAS, the City Council recognizes that this change to the
27 Zoning Map is consistent with the Comprehensive Plan land use policies
28 in this area shown in Exhibit A; and
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30 WHEREAS, the City Council intends to amend the
31 Comprehensive Plan Land Use Map Figure LU-1 to represent this change
32 in the Zoning Map with the City's 2019 annual Comprehensive Plan
33 amendments currently planned to be adopted at the end of the year;
34 and
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36 NOW, THEREFORE, the City Council of the City of Kirkland do
37 ordain as follows:
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39 Section 1. Official Zoning Map Changes: The Director of the
40 Planning and Building Department is directed to amend the official City
41 of Kirkland Zoning Map as set forth in the following Exhibit A attached
42 to this Ordinance and incorporated by reference indicating thereon the
43 date of this ordinance passage:

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Exhibit A: Zoning Map change to include four properties located at 8519 (PIN:123310-0875), 8523 (PIN:123310-0873), 8525 (PIN:123310-0877), 8527 (PIN:123310-0879) 126th Avenue NE from RS 7.2 zone to RH 5B zone.

Section 2. Zoning Code Text amended: The following specified sections of the Kirkland Zoning Code are amended as set forth in Exhibits B-I attached to this ordinance and incorporated by reference:

- Exhibit B: RH 5A,5B zone Sections 53.52 and 53.54.090
- Exhibit C: RH 7 zone Section 53.72
- Exhibit D: RH 3 zone Sections 53.32 and 53.34.010
- Exhibit E: Institutional PLA 14 zone Section 45.20 PU-18
- Exhibit F: RM, RMA zones Section 20.10.020, 20.20 PU-2, PU-27, 25.10.020, 25.20 PU-1, PU-14, 30.20 PU-1, PU-12, PU-22
- Exhibit G: LIT zones Section 40.10.010, 40.20 PU-7
- Exhibit H: Design Review Sections 142.20, 142.25, 142.35, 142.35, 142.37
- Exhibit I: RH 8 zone Sections 53.82, 53.84.020, 53.84.040, 53.84.050, and 53.84.060

Section 3. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 7th day of May, 2019.

Signed in authentication thereof this 7th day of May, 2019.


Penny Sweet, Mayor

Attest:

Publication Date: May 13, 2019

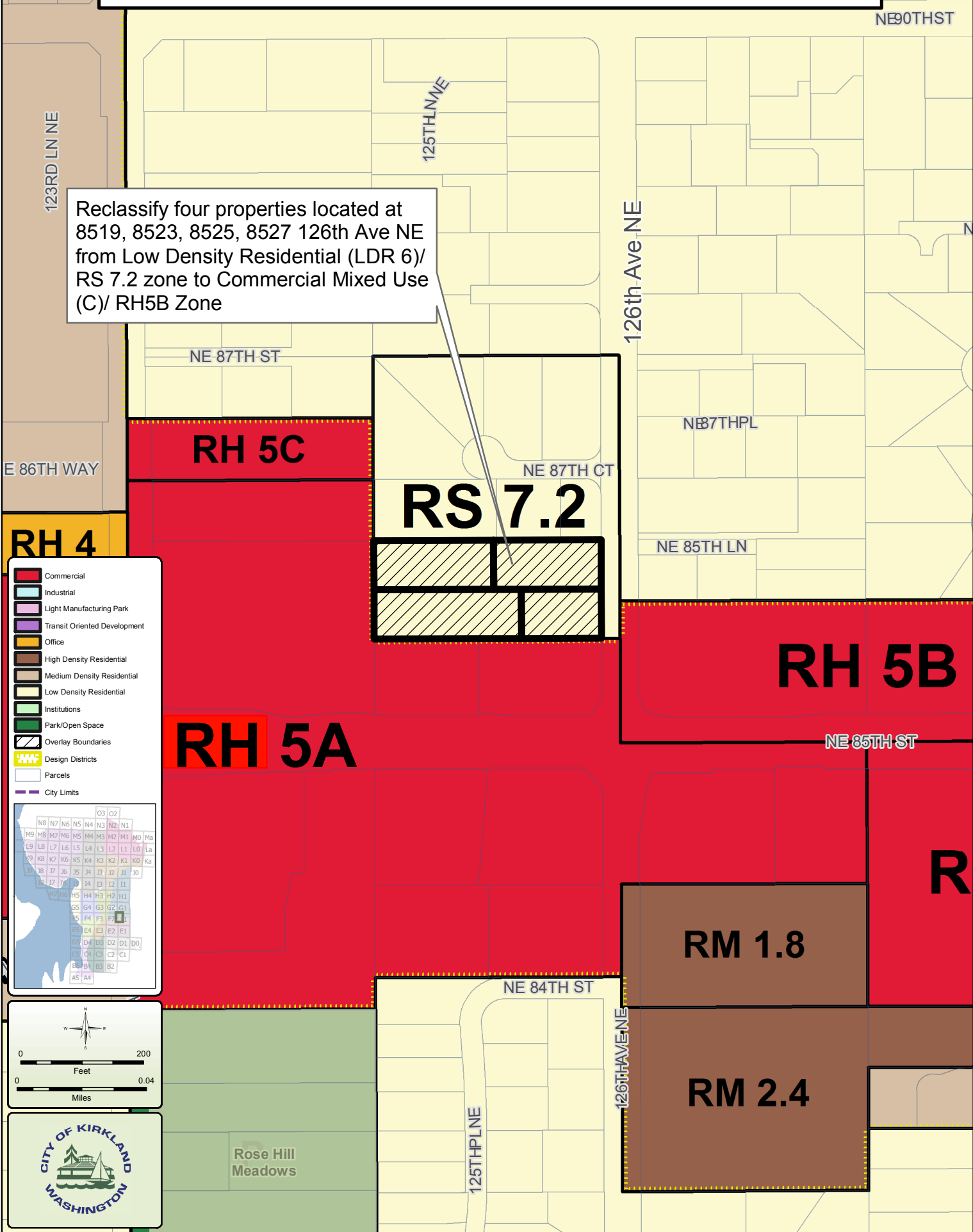

Kathi Anderson, City Clerk

Approved as to Form:

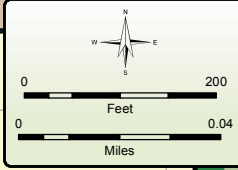
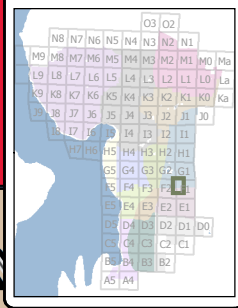

Kevin Raymond, City Attorney

3. PROPOSED ZONING AND LAND USE CHANGE

Reclassify four properties located at 8519, 8523, 8525, 8527 126th Ave NE from Low Density Residential (LDR 6)/ RS 7.2 zone to Commercial Mixed Use (C)/ RH5B Zone



- Commercial
- Industrial
- Light Manufacturing Park
- Transit Oriented Development
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space
- Overlay Boundaries
- Design Districts
- Parcels
- City Limits



Rose Hill Meadows

53.50 User Guide. The charts in KZC 53.54 contain the basic zoning regulations that apply in the RH 5A and 5B zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 53.52

Zone
RH 5A,
5B

Section 53.52 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17), KZC 115.136 establishes additional limitations on structure size.
3. To the extent possible, viable significant trees and vegetation shall be retained within required landscape buffers separating nonresidential uses from residential uses. The applicant shall record a greenbelt easement over the required landscape buffer.
4. Individual retail uses in this zone are limited to a maximum of 65,000 square feet of gross floor area.
5. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, detached, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
6. At least 50 percent of the total gross floor area located on the ground-street level floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels (unless use is not permitted in RH 5B). These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
7. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
9. For lighting requirements associated with development, see KZC 115.85(2).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

Section 53.52

Zone
RH 5A,
5B

USE ZONE CHART

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Prior to any of the following uses (unless use is not permitted in RH 5B) occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the planning official:
- Establishments expected to operate past 9:00 p.m.
 - Vehicle service station.
 - Automotive service center.
 - Retail establishment providing entertainment, recreational or cultural activities.
 - Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, or similar vehicles.
 - Car washes.
 - Veterinary offices.
 - Any establishment where animals are kept on site.
 - Drive-through facilities with loudspeaker systems.
 - Establishments involving a large truck loading dock for deliveries.
- The study shall verify that the noise that will emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
11. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
- a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.
12. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105.96 KZC for requirements. Drive-through facilities are not permitted in the RH 5B zone.
13. ~~See Chapters 100 and 162 KZC for information about nonconforming signs. Chapter 162.35 KZC describes when nonconforming signs must be brought into conformance or removed.~~

New #13: If the subject property is located in RH 5B zone west of 126th Ave NE adjoining a low density zone and does not abut NE 85th Street, or is not consolidated with lots abutting NE 85th Street, development is limited to detached, attached, or stacked dwelling units and the minimum lot size per dwelling unit is 3,600 square feet. Development of detached, attached or stacked dwelling units is subject to Administrative Design Review per 142 KZC.

Section 53.54



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.54	USE REGULATIONS 	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Vehicle Service Station See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	22,500 sq. ft.	20' See Spec. Reg. 4.	15' See Spec. Reg. 4.	15' See Spec. Reg. 4.	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> This use is permitted only if the subject property abuts NE 85th Street. This use is not permitted in the RH 5B zone. May not be more than two vehicle service stations at any intersection. Gas pump islands must be set back at least 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 95.40 through 95.45, required landscaping, for further regulations.
.020	Automotive Service Center See Spec. Reg. 1.		None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'					1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 4.	<ol style="list-style-type: none"> This use is not permitted in the RH 5B zone. This use specifically excludes a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of a building adjoining any residential zone. Windows are permitted if they are triple-paned and unable to be opened. 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. Parts and tires must be stored entirely within an enclosed structure. Outdoor vehicle parking or storage must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.030	Entertainment, Cultural and/or Recreational Facility										See KZC 105.25.	


.040	Restaurant or Tavern See Spec. Regs. 1 and 2.									1 per each 100 sq. ft. of gross floor area.	1. Taverns and restaurants with drive-in or drive-through facilities are not permitted uses in an RH 5B zone. 2. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
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Section 53.54

Zone
RH 5A,
5B

USE ZONE CHART

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

Section 53.54	USE REGULATIONS 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	Any Retail Establishment other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> 1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 2. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> 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. 3. For a retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, or recreation trailers, the following shall apply: <ol style="list-style-type: none"> a. This use is not permitted in the RH 5B zone; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. b. For the number of required parking stalls see KZC 105.25. c. Parts must be stored entirely within an enclosed structure. d. See KZC 95.40 through 95.45, required landscaping, for further regulations. 4. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.

.060	Office Use								B	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
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Section 53.54



USE ZONE CHART

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

Section 53.54	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.070	Hotel or Motel See Spec. Reg. 3.	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> May include ancillary meeting and convention facilities. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis. The maximum height of a hotel or motel is 54 feet above ABE on property abutting the LIT zone.
.080	Private Lodge or Club								B	1 per each 300 sq. ft. of gross floor area.		
.090	Detached, Attached or Stacked Dwelling Units See Spec. Reg. 1., 2., 5.	One dwelling unit none otherwise D.R. Chapter 142	For RH 5B zone, See General Regulation #13 and Special Regulation #2 Otherwise none	0' See Special Regulation #3	In RH 5B zone: 10' See Special Regulation #4	60%			One detached dwelling unit E, Otherwise D	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. One detached dwelling unit: 2.0 per unit	<ol style="list-style-type: none"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. This use is allowed subject to the requirements of General Regulations #6 and #13. Minimum required side yard is 5 feet abutting RS 7.2 zone. The side yard may be reduced to zero feet if the side of the dwelling unit is attached to a dwelling unit on an adjoining lot. If one side of a dwelling unit is so attached and the opposite side is not, the side that is not attached must provide a minimum side yard of five feet. The rear yard may be reduced to zero feet if the rear of the dwelling unit is attached to a dwelling unit on an adjoining lot. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.

(Revised 4/16)

.100	Church									B	1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.
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Section 53.54



USE ZONE CHART



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.54	USE REGULATIONS	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.110	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	B	See KZC 105.25. See Spec. Regs. 2 and 4.	<ol style="list-style-type: none"> A six-foot-high fence is required only along the property lines adjacent to the outside play areas. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. May include accessory living facilities for staff persons.4 To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.
.120	Assisted Living Facility, Convalescent Center or Nursing Home								A Convalescent Center or Nursing Home: B	Independent unit: 1.7 per unit. Assisted living unit: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed.		
.130	Public Utility								B	See KZC 105.25.	<ol style="list-style-type: none"> 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. 	
.140	Government Facility Community Facility	C See Spec. Reg. 1.										

.150	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50 for required review process.	
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53.70 User Guide. The charts in KZC 53.74 contain the basic zoning regulations that apply in the RH 7 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 53.72



Zone
RH 7

Section 53.72 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Individual retail uses in this zone are limited to a maximum of 65,000 square feet of gross floor area.
3. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
4. At least 50 percent of the total gross floor area located on the ground-street level floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapter 92 KZC).
5. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
6. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
7. Drive-through and drive-in facilities are not permitted in this zone.
8. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans Manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
 - a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.
9. For lighting requirements associated with development, see KZC 115.85(2).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

10. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official:
- Establishments expected to operate past 9:00 p.m.
 - Vehicle service station.
 - Automotive service center.
 - Car washes.
 - Retail establishment providing entertainment, recreational or cultural activities.
 - Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, or similar vehicles.
 - Veterinary offices.
 - Drive-through facilities with loudspeaker systems.
 - Establishments involving a large truck loading dock for deliveries.
- The study shall verify that the noise that will emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
11. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed.

Section 53.74



USE ZONE CHART

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

Section 53.74	USE REGULATIONS [?] [?]	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Restaurants or Taverns	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	30' above average building elevation.	A	E	1 per each 100 sq. ft. of gross floor area.	1. Fast food restaurants must provide one outdoor waste receptacle for every eight parking stalls.
.020	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. See Spec. Regs. 1 and 2.										1 per each 300 sq. ft. of gross floor area.	1. The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations; Automotive service centers; Uses with drive-in facilities or drive-through facilities; Retail establishments providing storage services unless accessory to another permitted use. A retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, recreation trailers, heavy equipment, and similar vehicles; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 3. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.

USE ZONE CHART

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

Section 53.74	USE [?] REGULATIONS [?]	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.030	Office Use	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	30' above average building elevation.	A	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: <ul style="list-style-type: none"> a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ul style="list-style-type: none"> a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.040	Hotel or Motel								E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.	
.050	Entertainment, Cultural and/or Recreational Facility									See KZC 105.25.		
.060	Private Lodge or Club								B	1 per each 300 sq. ft. of gross floor area.		
.070	Attached or Stacked Dwelling Units								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.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	

Section 53.74



USE ZONE CHART

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

Section 53.74	USE REGULATIONS [?] [?]	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.080	Development Containing Stacked Dwelling Units and one or more of the following uses: Retail uses including Banking and Other Financial Services, Restaurants or Taverns See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	More than 3 acres.	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	45' above average building elevation.	A	E	For residential: 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. For other uses see KZC 105.25.	<ol style="list-style-type: none"> Development may also include other uses allowed in this zone. The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. Automotive service centers. Uses with drive-in facilities or drive-through facilities. Retail establishments providing storage services unless accessory to another permitted use. Retail establishment involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles. The entire zone must be physically integrated both in site, building design, pedestrian access internally and to the street and provide other pedestrian amenities. At least 10 percent of the units in new residential developments of 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.
.090	Church		None				30' above average building elevation.		B	1 per every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 2.	<ol style="list-style-type: none"> May include accessory living facilities for staff persons. No parking is required for day-care or school ancillary to the use. 	

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.74	USE [?] REGULATIONS [?]	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.100	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	30' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> A six-foot-high fence is required only along the property lines adjacent to the outside play areas. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. May include accessory living facilities for staff persons. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.
.110	Assisted Living Facility, Convalescent Center or Nursing Home See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	30' above average building elevation.	A	B	Independent unit: 1.7 per unit. Assisted living unit: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed.	<ol style="list-style-type: none"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.120	Public Utility								A			
.130	Government Facility Community Facility								C See Spec. Reg. 1.			
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

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

Section 53.32



Section 53.32 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
3. Individual retail uses in this zone are limited to a maximum gross floor area of 65,000 square feet.
4. At least 50 percent of the total gross floor area located on the ground-street level floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway (see also Chapters 105 and 110 KZC, and Plate 34K).
5. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
6. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
 - a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.
7. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
8. Access for drive-through facilities must be approved by the Public Works Official. See KZC 105.96 for requirements.
9. A through-block pedestrian pathway shall be installed pursuant to the through-block pathway standards in KZC 105.19; see Plate 34K:
 - a. Along the north portion of the zone to make an east-to-west pedestrian connection between 124th Avenue NE and 120th Avenue NE as designated in the Comprehensive Plan; and
 - b. Connecting the north end of the zone to NE 85th Street.
10. For lighting requirements associated with development, see KZC 115.85(2).

(Revised 9/13)

Section 53.34

Zone
RH 3

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.34	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Development containing: retail establishments selling goods, or providing services including banking and other financial services, restaurants, taverns	D.R., Chapter 142 KZC. See Spec. Regs. 1 and 2.	More than 6 acres See Spec. Reg. 7	As established with design review process.			80% 100%	45'—67'75' above average building elevation along the north end of the zone with a maximum of 45' measured above NE 85th Street. See Spec. Regs. 5 and 7.	See Spec. Reg. 2.	See Spec. Reg. 4.	As established in the CMP.	<ol style="list-style-type: none"> 1. May also include one or more of the other uses allowed in this zone. Development regulations of this section apply to all uses developed within a Conceptual Master Plan (CMP). 2. Development must be part of a Conceptual Master Plan (CMP) for the entire subject property. The proposed CMP shall be reviewed using the Design Review process provisions of KZC 142.35. Subsequent development proposals shall follow DR or ADR as set forth in the Notice of Approval for the Conceptual Master Plan. The Conceptual Master Plan shall incorporate the design guidelines contained in the Design Guidelines for the Rose Hill Business District pertaining to the RH 3 zone. 3. Location of drive-through facilities will not compromise the pedestrian orientation of the development. See KZC 105.96 for other requirements. 4. Signs for a development approved under this provision must be proposed within a Master Sign Plan application pursuant to KZC 100.80 for all signs within the project. 5. Building height shall be 45 feet measured above the midpoint of the frontage of the subject property along NE 85th Street, or if the subject property does not front on NE 85th Street, at the midpoint of the property frontage along any other public right-of-way. If the property abuts more than one public right-of-way, the applicant may select the right-of-way from which to measure. <u>A building on the subject property may exceed the 45 feet height limit so long as the portion of the building located within 20 feet of the public right-of-way does not exceed 45 feet.</u> 6. At least 10 percent 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. 7. Maximum building height for a development including residential use is 6775 feet above average building elevation. However, the equivalent of the additional gross floor area constructed above 4550 feet over ABE must be dedicated to residential use. Residential use may be located anywhere in the building above the ground-street level floor. An applicant may elect to not develop residential uses. However, because elimination of residential uses would also eliminate inclusion of required affordable housing in the zone contrary to City objectives.

(Revised 9/13)


										<p>the applicant is still required to either provide the affordable housing component or provide payment in lieu of constructing affordable housing pursuant to KZC 112.30.4.b and c. For purposes of calculating the number of required affordable units, the number of affordable units shall be provided at a density of 7.25 units per acre based on the total size of the subject property.</p> <p>8. Parcels smaller than six acres may be added to a previously approved Conceptual Master Plan (CMP) if the applicable criteria set forth in the Notice of Approval from the approved CMP are met.</p>
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Section 53.34



USE ZONE CHART


DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 53.34	USE [?]	REGULATIONS [?]	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.020	Vehicle Service Station	D.R., Chapter 142 KZC.	Less than 6 acres.	20'	0'	0'	80%	35' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> Gas pump islands must be set back at least 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 95.40 through 95.45, required landscaping, for further regulations. 	
.030	Automotive Service Center See Spec. Reg. 1.			10'									
.040	Restaurant or Tavern										1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> For restaurants with drive-in or drive-through facilities: <ol style="list-style-type: none"> One outdoor waste receptacle shall be provided for every eight parking stalls. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 	

.050	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. 								C		1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. <p style="text-align: center;">REGULATIONS CONTINUED ON NEXT PAGE</p>
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Section 53.34



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.34	USE  REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.050	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE	
.060	Hotel or Motel	D.R., Chapter 142 KZC.	Less than 6 acres.	10'	0'	0'	80%	35' above average building elevation.	C	E	1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> May include ancillary meeting and convention facilities. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.

.070	Entertainment, Cultural and/or Recreational Facility										See KZC 105.25.	
.080	Office Use										D	<p>If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.</p> <p>1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</p>



Section 53.34



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.34	USE REGULATIONS 	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.090	Private Lodge or Club	D.R., Chapter 142 KZC.	Less than 6 acres.	10'	0'	0'	80%	35' above average building elevation.	C	B	1 per each 300 sq. ft. of gross floor area.	
.100	Church			1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	<p>1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.</p>							

.110	School, Day-Care Center, Mini-School or Mini-Day-Care Center								D		See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 3. May include accessory living facilities for staff persons. 4. Hours of operation of the use may be limited and parking and passenger loading areas shall be located to reduce impacts on nearby residential uses.
.120	Stacked Dwelling Units, Assisted Living Facility										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. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section 53.34



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.34	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	Convalescent Center or Nursing Home	D.R., Chapter 142 KZC.	Less than 6 acres.	10'	0'	0'	80%	35' above average building elevation.	C	B	1 per each bed.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.140	Public Utility								A		See KZC 105.25.	
.150	Government Facility Community Facility								C See Spec. Reg. 1.			
.160	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

Chapter 45 – INSTITUTIONAL ZONES (P, PLA 1, PLA 14)

Code Amendments to PLA 14. Section 45.20. Special Regulation PU-18 2/15/2019

Sections:

45.05	User Guide
	45.05.010 Applicable Zones
	45.05.020 Common Code References
45.10	General Regulations
45.20	Permitted Uses
45.30	Density/Dimensions
45.40	Development Standards
45.50	Public Park
45.60	Private College and Related Facilities

45.05 User Guide

Step 1. Check that the zone of interest is included in KZC 45.05.010, Applicable Zones. If not, select the chapter where it is located.

Step 2. Refer to KZC 45.05.020, Common Code References, for relevant information found elsewhere in the code.

Step 3. Refer to the General Regulations in KZC 45.10 that apply to the zones as noted.

Step 4. Find the Use of interest in the Permitted Uses Table in KZC 45.20 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 45.30 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 45.40 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.

45.05.010 Applicable Zones

This chapter contains the regulations for uses in the institutional zones (P, PLA 1, PLA 14) of the City.

45.05.020 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. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Detached Dwelling Unit uses.
5. 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)

45.10 General Regulations

Reserved. (Ord. 4476 § 2, 2015)

45.20 Permitted Uses

Permitted Uses Table – Institutional Zones (P, PLA 1, PLA 14)

(See also KZC 45.30, Density/Dimensions Table, and KZC 45.40, Development Standards Table)

Use		Required Review Process:		
		P	PLA 1	PLA 14
		IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC NP = Use Not Permitted # = Applicable Special Regulations (listed after the table) None = No Required Review Process		
45.20.010	Church	NP	NP	1, 2
45.20.020	Community Facility	3	4 IIB	1, 4
45.20.030	Detached Dwelling Unit	NP	5 None	6 None
45.20.040	Government Facility	3	4 IIA	1, 4
45.20.050	Mini-School or Mini-Day-Care Center	NP	NP	7, 8, 9, 10 I
45.20.060	Private College and Related Facilities	NP	11, 12	NP
45.20.070	Professional Football, Baseball, or Soccer Practice or Play Facility	NP	13, 14, 15, 16, 17	NP
45.20.080	Public College or University	NP	NP	18 IIB
45.20.090	Public Park	See KZC 45.50 for required review process.		
45.20.100	Public Utility	None	4 IIA	1, 4
45.20.110	School or Day-Care Center	NP	NP	1, 2, 7, 8, 9, 10

Permitted Uses (PU) Special Regulations:

- PU-1. The required review process is as follows:
- a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC.
 - b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping.
- PU-2. The property must be served by a collector or arterial street.
- PU-3. If the proposal is for a governmental facility located at the Houghton Landfill site as designated on the Official Zoning Map, Process IIB. Otherwise, Process IIA.
- PU-4. Site design must minimize adverse impacts on surrounding residential neighborhoods.
- PU-5. Not more than one dwelling unit may be on each lot regardless of lot size.
- PU-6. Not more than one dwelling unit may be on each lot, regardless of the size of the lot.
- PU-7. May locate on the subject property only if:
- a. It will not be materially detrimental to the character of the neighborhood in which it is located; or
 - b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- PU-8. A six-foot-high fence is required along the property line adjacent to the outside play areas.
- PU-9. Hours of operation and the maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses.
- PU-10. May include accessory living facilities for staff persons.
- PU-11. If development is consistent with the Master Plan adopted in R-4203, then none. Otherwise, must amend the Master Plan using Process IIB, Chapter 152 KZC.
- PU-12. See KZC 45.60.
- PU-13. None, if part of approved Master Plan adopted in R-4203. Otherwise, Process IIB, Chapter 152 KZC.
- PU-14. One point of vehicular access only is permitted directly onto NE 53rd Street. Secondary access through the college campus is permitted.
- PU-15. No public exhibitions or games shall be permitted.
- PU-16. No helicopter operations shall be permitted, except for emergency situations.

- PU-17. Only one professional sport organization may occupy and use the facility in any consecutive 12-month period.
- PU-18. If the development is consistent with the Master Plan adopted in R-3571, and with the Planned Unit Development adopted in O-3197, or with a subsequently approved Master Plan, then no zoning process is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking locations, buffering and landscaping. (Ord. 4476)

Add new text to PU-18: A subsequent expansion of the master plan shall include the following additional requirements:

- a. Site plan that is designed to be an active, walkable, transit supportive campus environment.
- b. May include detached, attached, stacked, residential suites and/or dormitory housing for students, staff or employees or other public agencies as part of this use. Development creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing incentives and requirements.
- c. Provide bike and pedestrian routes through the campus that connect with the surrounding neighborhoods, integrate with, and help expand the City's network of Neighborhood Greenways described in the Rose Hill Neighborhood Plan including: connection on campus between 132nd Avenue NE on the east to Slater Avenue NE to the west, and connect the campus to NE 113th Place at the southwest corner.
- d. Protect the natural greenbelt easement on the west slope of campus. Prioritize the redevelopment potential of existing surface parking areas before considering expansion into natural greenbelt easement. Allow additional building height in lieu of expansion into the greenbelt easement. Allow limited encroachment into the greenbelt easement only if sufficient development potential cannot be achieved in the already-developed area outside the greenbelt easement and subject to environmental assessment.
- e. Ensure new development is compatible with the surrounding residential neighborhood.
- f. Allow no additional driveway access to 132nd Avenue NE to maintain traffic flow and safety on the arterial.
- g. Mitigation may be required for impacts of the proposed expansion and existing non-conformances regarding code compliance including, where feasible, correcting parking lot design and landscaping deficiencies consistent with code requirements.

2, 2015)

45.30 Density/Dimensions

Density/Dimensions Table – Institutional Zones (P, PLA 1, PLA 14)

(Refer to KZC 45.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 45.40, 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				
45.30.010	Church	7,200 sq. ft.	20'	20'	20'	70%	30' above ABE.	
45.30.020	Community Facility	None	20' P: 1	10' P: 1	10' P: 1	70% P: 1	25' above ABE. P: 1	
45.30.030	Detached Dwelling Unit	PLA 1: 8,500 sq. ft. PLA 14: 7,200 sq. ft.	PLA 1: 20' PLA 14: 20' ³	PLA 1: 5' ² PLA 14: 5' ³	10'	50%	PLA 1: 25' above ABE. PLA 14: 30' above ABE.	
45.30.040	Government Facility	None	20' P: 1	10' P: 1	10' P: 1	70% P: 1	25' above ABE. P: 1	
45.30.050	Mini-School or Mini-Day-Care Center	7,200 sq. ft.	20' ⁴	5' ^{2,4}	10' ⁴	50%	30' above ABE.	
45.30.060	Private College and Related Facilities	5						
45.30.070	Professional Football, Baseball, or Soccer Practice or Play Facility	10 acres	6, 7			80%	30' above ABE. ^{8, 9}	
45.30.080	Public College or University	As established in the Master Plan.						
45.30.090	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50.						
45.30.100	Public Utility	None	20' P: 1	P: 1 PLA 1: 10' PLA 14: 20'	P: 1 PLA 1: 10' PLA 14: 20'	70% P: 1	25' above ABE. P: 1	
45.30.110	School or Day-Care Center	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then:			70%	30' above ABE. ¹¹	
			50' ¹⁰	50' ¹⁰	50' ¹⁰			
			If this use can accommodate 13 to 49 students or children, then:					
			20' ¹⁰	20' ¹⁰	20' ¹⁰			

Density/Dimensions (DD) Special Regulations:

- DD-1. Will be determined on case-by-case basis.
- DD-2. Five feet but two side yards must equal at least 15 feet.
- DD-3. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.
- DD-4. Structured play areas must be set back from all property lines by five feet.
- DD-5. As established in the Master Plan or as allowed in KZC 45.60.
- DD-6. As established in the Master Plan or as allowed under Special Regulation DD-7.
- DD-7. All structures and practice and play facilities must be set back from exterior property lines at least 50 feet. Parking lots must be set back at least 50 feet from single-family uses and screened and interspersed with landscaping pursuant to Chapters 95 and 105 KZC.
- DD-8. Maximum structure height is determined by the approved Master Plan.
- DD-9. Maximum height of temporary structures shall be 60 feet above finished grade.
- DD-10. Structured play areas must be set back from all property lines as follows:
 - a. 20 feet if this use can accommodate 50 or more students or children.
 - b. 10 feet if this use can accommodate 13 to 49 students or children.
- DD-11. 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 are increased by one foot for each additional one foot 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.

(Ord. 4476 § 2, 2015)

45.40 Development Standards

Development Standards Table – Institutional Zones (P, PLA 1, PLA 14)

(Refer to KZC 45.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 45.30, Density/Dimensions Table)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)	
45.40.010	Church	C	B	1 for every 4 people based on maximum occupancy load of worship. ¹
45.40.020	Community Facility	C ³ P: Will be determined on a case-by-case basis.	B P: Will be determined on a case-by-case basis.	See KZC 105.25.
45.40.030	Detached Dwelling Unit	E	A	2.0 per dwelling unit.
45.40.040	Government Facility	C ³ P: Will be determined on a case-by-case basis.	B P: Will be determined on a case-by-case basis. ²	See KZC 105.25.
45.40.050	Mini-School or Mini-Day-Care Center	E	B ⁴	See KZC 105.25. ^{5,6}
45.40.060	Private College and Related Facilities	7		
45.40.070	Professional Football, Baseball, or Soccer Practice or Play Facility	C ⁸	B ^{9,10}	See KZC 105.25. ^{11,12,13}
45.40.080	Public College or University	As established in the Master Plan.		
45.40.090	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50 and 105.25.		
45.40.100	Public Utility	A ³ P: Will be determined on a case-by-case basis.	B P: Will be determined on a case-by-case basis.	See KZC 105.25.
45.40.110	School or Day-Care Center	D	B ¹⁵	See KZC 105.25. ^{6,14}

Development Standards (DS) Special Regulations:

- DS-1. No parking is required for day-care or school ancillary to the use.
- DS-2. One pedestal sign with a readerboard having electronic programming is allowed at a fire station or at the North Kirkland Community Center only if:
- a. It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
 - b. The electronic readerboard is no more than 50 percent of the sign area;
 - c. Moving graphics and text or video are not part of the sign;
 - d. The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
 - e. The electronic readerboard displays messages regarding public service announcements or City events only;
 - f. The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
 - g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
 - h. It is located to have the least impact on surrounding residential properties.
- If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.
- DS-3. 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-4. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses.
- DS-5. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements.
- DS-6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
- DS-7. As established in the Master Plan or as allowed in KZC 45.60.
- DS-8. Perimeter buffering is determined by the approved Master Plan.
- DS-9. A single pedestal or monument sign, non-interior illuminated, shall be permitted on NE 53rd Street.

- DS-10. No graphics or markings shall be permitted on the exterior of the temporary structure, except as required by state, federal or local regulations.
- DS-11. During summer training camp, the public will be directed, by means of pedestal signs at entrances to the college, to the parking areas in the interior of the campus.
- DS-12. All structures and practice and play facilities must be set back from exterior property lines at least 50 feet. Parking lots must be set back at least 50 feet from single-family uses and screened and interspersed with landscaping pursuant to Chapters 95 and 105 KZC.
- DS-13. On-site parking shall be adequate to meet peak season use.
- DS-14. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.
- DS-15. Electrical signs shall not be permitted.

(Ord. 4476 § 2, 2015)

45.50 Public Park

1. Except as provided for in subsection (3) of this section, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum:
 - a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. The required public hearing on a Master Plan proposed within the Houghton Community Municipal Corporation shall be conducted by the Houghton Community Council, which may be a joint hearing with the Parks Board;
 - b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following:
 - 1) A description of the proposal;
 - 2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies;
 - 3) An analysis of the consistency of the proposal with applicable developmental regulations, if any;
 - 4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act;
 - 5) A summary and evaluation of issues raised and comments received on the proposed Master Plan;
and
 - 6) A recommended action by the City Council.
 - c. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds:
 - 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan;
 - 2) It is consistent with the public health, safety, and welfare;

- 3) If the Master Plan is proposed within the Houghton Community Municipal Corporation, it shall become effective according to the procedure in KMC 2.12.040.
2. In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following:
 - a. Location, dimensions, and uses of all active and passive recreation areas;
 - b. Potential users and hours of use;
 - c. Lighting, including location, hours of illumination, lighting intensity, and height of light standards;
 - d. Landscaping;
 - e. Other features as appropriate due to the character of the neighborhood or characteristics of the subject property.
3. Development and use of a park does not require a Master Plan under this code if it will not involve any of the following:
 - a. Lighting for outdoor nighttime activities;
 - b. The construction of any building of more than 4,000 square feet;
 - c. The construction of more than 20 parking stalls;
 - d. The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment. (Ord. 4476 § 2, 2015)

45.60 Private College and Related Facilities

1. The Master Plan, approved by Resolution R-4203, includes a site plan, which is on file with the City. That site plan is, by reference, incorporated as a part of this code as it pertains to the location, configuration and nature of improvements in the PLA 1 zone.
2. In addition to the site plan referenced above, the adopted Master Plan includes the following special regulations:
 - a. Future development permits shall be reviewed by the Planning Director to ensure consistency with the Master Plan.
 - b. The applicant shall indicate all site improvements and landscaping for the areas to be affected by construction which are proposed to accompany the construction of each facility. The Planning Director shall have the authority to require implementation of these related elements of the Master Plan at such time new facilities, structures or additions are being constructed.
 - c. At the time of application for development of the married student housing information relating to the degree of cutting and filling necessitated shall be provided. Plans for stabilization of nearby slopes shall be included in this information. This information shall indicate to what extent the drainage conditions on the eastern portion of the campus will be disturbed, and what measures will be taken to insure that surrounding properties will not be adversely affected by alternate drainage patterns.
 - d. A 30-foot-wide landscape buffer planted as follows:
 - 1) Two rows of trees planted eight feet on center along the entire length of the buffer. No more than 50 percent of the required trees may be deciduous. At the time of planting, deciduous trees must be at least two inches in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least five feet in height.

- 2) Shrubs, 18 inches high, planted to attain coverage of at least 60 percent of the buffer area within two years.
 - 3) The buffer shall be provided around the campus perimeter, except along 108th Ave. NE, 114th Ave. NE, I-405, and between on-campus duplex housing and adjacent single-family sites or I-405. The buffer shall incorporate all existing significant trees and vegetation. Where fencing is proposed, it shall be wood, unless alternative fencing is requested in writing by the adjacent neighbor and agreed to by the applicant.
- e. A 15-foot-wide landscape buffer planted pursuant to the requirements of subsections (d)(1) and (2) of this section shall be provided between on-campus duplex housing and adjacent single-family sites. The buffer shall incorporate all existing significant trees and vegetation.
 - f. New construction of buildings and parking areas shall preserve existing significant trees to the maximum extent possible.
 - g. Storm drainage plans shall accompany any applications for development permits. Said plans shall comply with the requirements of KMC Title 15.
 - h. Development permits for additional parking areas shall include a lighting plan for review and approval by the Planning Director. The lighting shall be directed such that it does not negatively impact adjacent residential areas.
 - i. All main interior streets shall maintain a driving width of 24 feet plus curb and gutter improvements on both sides of the streets, for a total of 28 feet. Widths of, and improvements to secondary streets and service roads, shall be subject to the review and approval of the Planning Director. It will be necessary for secondary streets and service roads to provide adequate clearance for emergency vehicle access.
 - j. The location, material and design of any walkway within the campus shall be at the discretion of the College and its representatives, but will be reviewed by the Planning Director; provided, that the pedestrian/bicycle path in 114th Ave. NE shall be asphalt or concrete, eight feet wide.
 - k. The “NO PARKING” signs along 110th Avenue NE, east of the men’s dormitory, shall remain indefinitely, to discourage future parking along this street.
 - l. Within 30 feet of all outer edges of the campus (except along 108th Ave. NE, 114th Ave. NE, and I-405), no institutional uses or new parking areas are permitted, including any future redevelopment of the maintenance buildings.
 - m. The housing unit, south of Gairloch, and west of 114th Ave. NE, shall be separated from abutting properties to the north and east by a dense vegetative buffer of not less than 30 feet.
 - n. Parking lots shall include landscaping islands as required by Chapter 105 KZC.
 - o. Where adjacent to existing single-family residences, existing campus roadways and parking areas shall be landscaped as much as possible in the space available to provide a visual screen of the roadways and parking areas from the nearby residences. The amount and type of landscaping shall be subject to the review and approval of the Planning Director. An effort shall be made to reduce the amount of asphalt surfacing wherever possible.
 - p. Construction of the proposed clock tower shall be subject to the issuance of a Process IIB Permit, to be reviewed by the Houghton Community Council, the Kirkland Hearing Examiner and the Kirkland City Council.
 - q. The two westernmost campus access drives (adjacent to the Seventh Day Adventist Church and opposite 111th Ave. NE) shall be closed to general vehicle use. The driveway serving The Firs married student housing shall be relocated to lie within the 114th Ave. NE right-of-way.
 - r. The District Office shall have only one access point from 108th Avenue NE.

- s. New buildings or building expansions must conform with design guidelines as adopted as part of the Master Plan.
 - t. The City is authorized to implement measures, identified in the approved Master Plan, to protect the surrounding neighborhood from parking impacts.
 - u. For other regulations applicable to this use, see the Master Plan approved under Resolution R-4203.
 - v. Structure height shall not exceed 30 feet above average building elevation if located within 100 feet of the campus perimeter, or 40 feet above average building elevation if located greater than 100 feet from the campus perimeter.
3. Deviations from the approved Master Plan may be administratively approved by the Planning Director:
- a. Unless:
 - 1) There is a change in the use and the Zoning Code establishes different or more rigorous standards for the new use than for the existing use.
 - 2) The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change; and
 - b. The proposed modification or deviation satisfies all of the following:
 - 1) No vehicular ingress or egress from surrounding streets may be changed.
 - 2) No roadways, parking lots or structures within 100 feet of the site perimeter may be shifted toward the perimeters. Any other shifting or improvements shall be consistent with the design concept of the College.
 - 3) No buffers shown in the approved site plan may be reduced, unless specifically authorized by some other special regulation.
 - 4) Reconfigurations of the footprint of the structures shown in the approved plan may be permitted; provided, that such changes are not apparent off-site and do not increase building height.
 - 5) Minor new structures not shown on the approved site plan may be permitted; provided, that they are at least 200 feet from the site perimeter, are not apparent from off-site and do not require the significant shifting of roadways, parking areas or other improvements.
 - c. The Planning Director shall notify the Houghton Community Council in writing, at least 40 days before issuance of a decision on a request for a modification of the Master Plan.
 - d. A Process IIB zoning permit review process is required:
 - 1) For any change to the Master Plan that does not meet the above criteria;
 - 2) For leasing of any campus facilities to long-term tenants;
 - 3) For any increase in student population above 1,200; or
 - 4) For a change in all or any part of the Seahawks facility to a use other than a professional football team office and practice facility. (Ord. 4476 § 2, 2015)

Kirkland Zoning Code

20.10

20.10 General Regulations

20.10.010 All Medium Density Residential Zones

1. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.
2. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density (does not apply to PLA 6F, PLA 6H, PLA 6K, PLA 7C, PLA 9 and PLA 15B zones).
3. 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, except for the following uses: KZC 20.20.060, Detached Dwelling Unit, and 20.20.180, Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit (does not apply to WD I, WD III, PLA 2, and PLA 3B zones).

20.10.020 RM, RMA Zones

1. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:

Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.
2. If the subject property is located within the North Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
3. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation. (Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Public Park uses).
4. If the property is located in the ~~NE 85th Street Subarea~~, the following shall apply:

Rose Hill Business District (RHBD)

 - a. If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.

- ← ROSE HILL BUSINESS DISTRICT (RHBD)*
- PU-2. Within the ~~NE 85th Street Subarea~~, D.R., Chapter 142 KZC.
- PU-3. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-4. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is combined with an assisted living facility use, the required review process shall be the least intensive process between the two uses.
- PU-5. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside.
- PU-6. See Chapter 141 KZC for additional procedural requirements in addition to those in Chapter 145 KZC.
- PU-7. Stacked Dwelling Units are not allowed.
- PU-8. a. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation.
b. West of Forbes Lake, site design should provide for the continuation of a bicycle or pedestrian path which generally follows the alignment of Slater Avenue NE and extending south to NE 90th Street.
c. Adjacent to Forbes Lake, new development should provide for public access to the lake in appropriate locations. Public access should be limited to passive uses, such as walking trails or viewpoints.
d. No vehicular connection through this subarea to NE 90th Street is permitted.
e. Viewpoints and interpretive information around streams and wetlands should be provided where possible. These features shall be permitted only where protection of natural features can be reasonably assured.
- PU-9. Detached Dwelling Units are not allowed as part of a development containing Attached or Stacked Dwelling Units.
- PU-10. a. The hotel or motel use may include ancillary meeting and conference facilities for the resident clientele and guests of residents, but not the general public.
b. The hotel or motel use may not include restaurant, retail, or office uses.
- PU-11. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA 15A and PLA 15B, which are owned by the applicant. The Master Plan will be approved in two stages:
a. The first stage will result in approval of a Preliminary Master Plan using Process IIB, Chapter 152 KZC. The Preliminary Master Plan shall consist of at least the following:
1) A site plan which diagrammatically shows the general location, shape and use of the major features of development.
2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the Final Master Plan. The majority of the public use and access areas and off-site right-of-way improvements shall be included in the initial phases of the Final Master Plan.

- PU-18. A community facility use is not permitted on properties within the jurisdiction of the Shoreline Management Act.
- PU-19. May not include miniature golf.
- PU-20. The following accessory uses are specifically permitted as part of this use:
- Equipment storage facilities.
 - Retail sales and rental of golf equipment and accessories.
 - A restaurant.
- PU-21. Stacked dwelling units are not permitted in RM and RMA 5.0.
- PU-22. Development located in the RM 3.6 zone in North Rose Hill, lying between Slater Avenue NE and 124th Avenue NE, and NE 108th Place (extended) and approximately NE 113th Place (extended) shall comply with the following:
- Each development shall incorporate at least two acres; and
 - Significant vegetation that provides protection from I-405 shall be retained to the maximum extent feasible.
- PU-23. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests.
- PU-24. For this use, only one dwelling unit may be on each lot regardless of lot size.
- PU-25. Hours of operation may be limited by the City to reduce impact on residential uses.
- PU-26. The following accessory components are permitted as part of this use:
- Retail sales and rental of sports equipment for activity conducted on the subject property.
 - A restaurant encompassing not more than 20 percent of the gross floor area of this use.
- PU-27. a. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location.
b. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area.
c. Must be located on a collector arterial or higher volume right-of-way.
d. Placement and scale must indicate pedestrian orientation.
e. Must mitigate traffic impacts on residential neighborhood.
f. May not be located above the ground floor of a structure.
g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
h. This use is not permitted in an RM zone located within the ~~NE 85th Street Subarea.~~ *Rose Hill Business District (RHBD)*
i. Also see Chapter 83 KZC for properties in shoreline jurisdiction.
- PU-28. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC:
- Boat and motor sales leasing.

25.10 General Regulations

25.10.010 All High Density Residential Zones

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

1. Developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter 112 KZC for additional affordable housing incentives and requirements.

25.10.020 RM, RMA Zones

1. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:

Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.

2. If the subject property is located within the ~~North~~ ^{delete} Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.

3. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation. (Does not apply to Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units and Public Park uses).

4. If the property is located in the ~~NE 85th Street Subarea~~ ^{← Rose Hill Business District (RHBD)}, the following shall apply:

- a. If the subject property is located south of NE 85th Street between 124th Avenue NE and 120th Avenue NE, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.
- b. If the subject property is located directly north of the RH 4 zone, the applicant shall install a through-block pedestrian pathway pursuant to the standards in KZC 105.19 to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. (See Plate 34K).

5. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
6. Residential uses may have an associated private shoreline park that is commonly owned and used by residents and guests.

Permitted Uses Table – High Density Residential Zones (Continued)
(RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; HENC 2; 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)

Use		Required Review Process:									
		RM, RMA	HENC 2	PLA 5A	PLA 5D	PLA 5E	PLA 6A	PLA 6D	PLA 6I	PLA 6J	PLA 7A, B
		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)									
25.20.100	Nursing Home	IIA 1, 3	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	NP	None 22, 23, 24
25.20.120	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	I 11	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	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 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:

Rose Hill Business District (RHBD)

PU-1. Within the ~~NE 85th Street Subarea~~ and HENC 2, 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.

- f. May not be located above the ground floor of a structure.
- g. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- h. This use is not permitted in an RM zone located within the **NE 85th Street Subarea**.

Rose Hill Business District (RHBD)

- PU-15. May locate on the subject property if:
 - a. It will not be materially detrimental to the character of the neighborhood in which it is located.
 - b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.
- PU-16. A six-foot-high fence is required along the property line adjacent to the outside play areas.
- PU-17. Structured play areas must be set back from all property lines by five feet.
- PU-18. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.
- PU-19. May include accessory living facilities for staff persons.
- PU-20. May locate on the subject property only if:
 - a. It will serve the immediate neighborhood in which it is located; or
 - b. It will not be materially detrimental to the character of the neighborhood in which it is located.
- PU-21. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- PU-22. This use is permitted only in PLA 7B, extending 50 feet west of the property line adjoining 4th Street, south of 4th Avenue.
- PU-23. The following regulations apply to veterinary offices only:
 - a. May only treat small animals on the subject property.
 - b. Outside runs and other outside facilities for the animals are not permitted.
 - c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.
 - d. A veterinary office is not permitted in any development containing dwelling units.
- PU-24. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:
 - a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
 - b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
- PU-25. May locate on the subject property only if:
 - a. It will serve the immediate neighborhood in which it is located; or
 - b. It will not be materially detrimental to the character of the neighborhood in which it is located; or
 - c. The property is served by a collector or arterial street.

(Ord. 4637 § 3, 2018; Ord. 4476 § 2, 2015)

Permitted Uses Table – Office Zones (Continued)
 (PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PRA 2.4; PR 1.8; PRA 1.8; PLA 5B, PLA 5C; PLA 6B; PLA 15A; PLA 17A)
 (See also KZC 30.30, Density/Dimensions Table, and KZC 30.40, Development Standards Table)

Use		Required Review Process:						
		PO	PR, PRA	PLA 5B	PLA 5C	PLA 6B	PLA 15A	PLA 17A
		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)				
30.20.290	Water Taxi	NP	NP	NP	NP	NP	I 16	NP

Permitted Uses (PU) Special Regulations:

Rose Hill Business District (RHBD)

- 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 less intensive process between the two uses.
- PU-4. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside.
- PU-5. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment.
- PU-6. No structures, other than moorage structures or public access piers, may be waterward of the high waterline.
- PU-7. Must provide public pedestrian access as required under Chapter 83 KZC.
- PU-8. A transportation demand management plan shall be provided and implemented for the subject property, including provisions for safe pedestrian crossing and vehicle turning movements to and from the subject property to Lake Washington Boulevard, and bus stop improvements if determined to be needed by METRO. The City shall review and approve the plan.
- PU-9. The design of the site must be compatible with the scenic nature of the waterfront.

- PU-10. An applicant may propose a development containing residential uses and moorage facilities using this use listing only if the use of the moorage facilities is limited to the residents of the subject property.
- PU-11. The common recreational open space requirements may be waived if the City determines that preservation of critical areas provides a superior open space function.
- PU-12. Within the ~~NE 85th Street Subarea~~ and Yarrow Bay Business District, D.R., Chapter 142 KZC. *Rose Hill Business District (RHBD)*
- PU-13. Site design must minimize adverse impacts on surrounding residential neighborhoods.
- PU-14. Outdoor uses are not permitted.
- PU-15. For this use, only one dwelling unit may be on each lot regardless of lot size.
- PU-16. See Chapter 141 KZC for additional procedural requirements in addition to those on Chapter 145 KZC.
- PU-17. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA 15A and PLA 15B, which are owned by the applicant. The Master Plan will be approved in two stages:
- a. The first stage will result in approval of a Preliminary Master Plan using Process IIB, Chapter 152 KZC. The Preliminary Master Plan shall consist of at least the following:
 - 1) A site plan which diagrammatically shows the general location, shape and use of the major features of development.
 - 2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the Final Master Plan.

In approving the Preliminary Master Plan, the City shall determine the appropriate review process for the Final Master Plan. The City may determine that the Final Master Plan be reviewed using Process IIA, Chapter 150 KZC, if the Preliminary Master Plan shows the placement, approximate dimensions and uses of all structures, vehicular and pedestrian facilities, open space and other features of development. Otherwise, the Final Master Plan shall be reviewed using Process IIB, Chapter 152 KZC.
 - b. The second stage will result in approval of a Final Master Plan using Process IIA, Chapter 150 KZC, or Process IIB, Chapter 152 KZC, as established by the Preliminary Master Plan. The Final Master Plan shall set forth a detailed development plan which is consistent with the Preliminary Master Plan. Each phase of the Master Plan shall set forth a schedule for obtaining building permits for and construction of that phase.
- PU-18. a. The following uses and components are also allowed:
- 1) Retail establishment.
 - 2) Office use.
 - 3) Hotel.
 - 4) Boat and motor repair and service if:
 - a) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and

- b) All dry land motor testing is conducted within a building.
- 5) Dry land boat storage. However, stacked storage is not permitted.
- 6) Gas and oil sales or boats if:
 - a) Storage tanks are underground and on dry land; and
 - b) The use has facilities to contain and clean up gas and oil spills.
May have an overwater shed that is not more than 50 square feet and 10 feet high as measured from the pier deck.
- 7) Meeting and/or special events rooms.
- 8) Boat launching ramp if it is paved with concrete.
- 9) School or day-care center.
- 10) Mini-school or mini-day-care center, or day-care home.
- b. Development must provide opportunities for public access to, use of and views of the waterfront by including all of the following elements:
 - a. A public pedestrian access trail along the entire waterfront of the subject property within connections to Lake Washington Boulevard at or near either end;
 - b. Waterfront areas developed and open for public use;
 - c. Improvements to and adjacent to Lake Washington Boulevard which are open for public use; and
 - d. Corridors which allow unobstructed views of Lake Washington from Lake Washington Boulevard. In addition, obstruction of views from existing development lying east of Lake Washington Boulevard must be minimized.
- c. All nonresidential uses, except office uses, must be located and designed to have substantial waterfront orientation and accessibility from waterfront public use areas.
- d. Marina use must comply with Chapter 83 KZC.
- e. Must provide pumping facilities to remove effluent from boat holding tanks.
- f. Must provide a waste oil tank.
- g. Vehicular circulation on the subject property must be designed to mitigate traffic impacts on Lake Washington Boulevard and Lakeview Drive. Access points must be limited, with primary access located at the intersection of Lake Washington Boulevard and Lakeview Drive. The City may require traffic control devices and right-of-way realignment or limit development if necessary to further reduce traffic impacts.
- h. The regulations for this use may not be modified with a Planned Unit Development.
- i. Restaurant uses with drive-in or drive-through facilities are not permitted in this zone.

PU-19. A veterinary office is not permitted in any development containing dwelling units.

PU-20. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:

- a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
- b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

PU-21. Primary vehicular access must be directly from 6th Street or 4th Avenue.

PU-22. This use is not permitted in a PR 3.6 zone located in the **NE 85th Street Subarea.**

Rose Hill Business District (RHBD)

PU-23. May not be located above the ground floor of a structure.

40.10

40.05.010 Applicable Zones

This chapter contains the regulations for uses in the industrial zones (LIT, PLA 6G) of the City.

40.05.020 Common Code References

1. Refer to Chapter 1 KZC to determine what other provision 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. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.
4. Refer to KZC 115.105 for provisions regarding outside use, activity and storage.
5. 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. 4494 § 2, 2015; Ord. 4476 § 2, 2015)

40.10 General Regulations

40.10.010 LIT Zones

1. If the property is located in the NE 85th Street Subarea, the applicant shall install a through-block pedestrian pathway to connect an east-west pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE pursuant to the through-block pathway standards in KZC 105.19 (See Plate 34K).
Rose Hill Business District (RHBD)
2. Retail uses are prohibited unless otherwise allowed in the use zone tables.

40.10.020 PLA 6G 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 25 feet above average building elevation (does not apply to Public Park uses).
2. All vehicular access shall be from the east. The site access shall be configured to structurally prevent the use of 7th Avenue South or other residential streets (does not apply to Detached, Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).

(Ord. 4494 § 2, 2015; Ord. 4476 § 2, 2015)

Permitted Uses Table – Industrial Zones (LIT, PLA 6G) (Continued)
(See also KZC 40.30, Density/Dimensions Table, and KZC 40.40, Development Standards Table)

Use		Required Review Process:	
		LIT	PLA 6G
		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)	
40.20.245	Retail Establishment Selling Marijuana or Products Containing Marijuana	None 7, 30, 31	NP
40.20.250	School or Day-Care Center	None 7, 16, 17, 18	Schools are NP, see KZC 40.20.060 for Day-Care Centers
40.20.260	Vehicle or Boat Repair, Services, Storage, or Washing	None 7, 25	NP
40.20.270	Warehouse Storage Service	None 7, 14	None 11, 12, 13, 14, 15
40.20.280	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control	None 7	None 11, 12, 13, 14, 15
40.20.290	Wholesale Printing or Publishing	None 7, 14	None 11, 12, 13, 14, 15
40.20.300	Wholesale Trade	None 7, 14	None 11, 12, 13, 14, 15

Permitted Uses (PU) Special Regulations:

PU-1 – PU-6. Reserved.

PU-7. Within the ~~NE 85th Street Subarea~~, D.R., Chapter 142 KZC.

Rose Hill Business District (RHBD)

PU-8. Livestock auctions are not permitted.

PU-9. Reserved.

→ Rose Hill Business District (RHBD)

- 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, the Houghton/Everest Neighborhood Center, 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

→ Rose Hill Business District (RHBD)

Planning Official to designate which design regulations, or design guidelines, apply to the proposed development based primarily on the location and nature of the proposed development.

4. A.D.R. Approval

a. The Planning Official may grant, deny, or conditionally approve the A.D.R. application. The A.D.R. approval or conditional approval will become conditions of approval for any related development permit, and no development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval.

b. Additions or Modifications to Existing Buildings

1) Applications involving additions or modifications to existing buildings shall comply with the design regulations of Chapter 92 KZC, or where applicable, the design guidelines adopted by KMC 3.30.040 to the extent feasible depending on the scope of the project. The Planning Official may waive compliance with a particular design regulation if the applicant demonstrates that it is not feasible given the existing development and scope of the project.

2) The Planning Official may waive the A.D.R. process for applications involving additions or modifications to existing buildings if the design regulations are not applicable to the proposed development activity.

5. Lapse of Approval – The lapse of approval for the A.D.R. decision shall be tied to the development permit and all conditions of the A.D.R. approval shall be included in the conditions of approval granted for that development permit.

6. Design departure and minor variations may be requested pursuant to KZC 142.37.

(Ord. 4637 § 3, 2018; Ord. 4496 § 2, 2015; Ord. 4495 § 2, 2015; Ord. 4491 § 3, 2015; Ord. 4392 § 1, 2012; Ord. 4357 § 1, 2012; Ord. 4333 § 1, 2011; Ord. 4177 § 2, 2009; Ord. 4107 § 1, 2007; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3956 § 1, 2004)

142.35 Design Board Review (D.B.R.) Process

1. Timing of D.B.R. – For any development activity that requires D.B.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity. An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.

2. Public Meetings – All meetings of the Design Review Board shall be public meetings and open to the public.

3. Authority – The Design Review Board shall review projects for consistency with the following:

a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30 KMC.

b. Design Guidelines for the **Rose Hill Business District (RHBD)** and the Totem Lake Business District (TLBD) as adopted in Chapter 3.30 KMC.

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,**

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.

Rose Hill Business District (RHBD)

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. 4637 § 3, 2018; 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:
 - a. In the CBD and YBD: minimum required yards; and
 - b. In the Business District Core: minimum required yards, floor plate maximums and building separation requirements; and
 - c. In the RHBD, FHNC, the PLA 5C zone, the HENC, and the TLBD: minimum required yards, and landscape buffer; and

53.80 User Guide. The charts in KZC 53.84 contain the basic zoning regulations that apply in the RH 8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 53.82

**Zone
RH 8**

Section 53.82 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Development creating four or more new dwelling units that includes lots or portions of lots adjoining 131st Avenue NE or 132nd Avenue NE that are located more than 120 feet north of NE 85th Street shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. For structures located within 30 feet of a parcel in a low density zone (or a low density use in PLA 17), KZC 115.136 establishes additional limitations on structure size.
4. On lots that are not abutting NE 85th Street or are not consolidated with at least one lot abutting NE 85th Street, development shall be subject to the permitted uses and regulations in the RSX zone, except that isolated parcels may be developed independently with office use.
5. If the lot area of the subject property is equal to or greater than 18,000 square feet, maximum building height is 35 feet above average building elevation, except maximum building height is 30 feet within 30 feet of an RSX zone, on lots located more than 120 feet north of NE 85th Street, between 132nd Avenue NE and parcels abutting 131st Avenue NE.
6. The ground-street level floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
7. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
9. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-Approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
 - a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

Section 53.82

Zone
RH 8

USE ZONE CHART

(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)


10. Drive-through and drive-in facilities are not permitted in this zone.
11. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed.
12. For lighting requirements associated with development see KZC 115.85(2).
13. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official:
 - Establishments expected to operate past 9:00 p.m.
 - Retail establishment providing entertainment, recreational or cultural activities.
 - Veterinary offices.
 - Any establishment where animals are kept on site.
 - Establishments involving a large truck loading dock for deliveries.The study shall verify that the noise expected to emanate from the site adjoining any residential-zoned property complies with the standards specified in KZC 115.95(1) and (2) and WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
14. A City entryway feature shall be provided on the parcel located at the northwest corner of the intersection of NE 85th Street and 132nd Avenue, or adjacent parcel under common ownership with such parcel. Entryway features shall include such elements as: a sign, art, landscaping and lighting. See Chapter 92 KZC, Design Regulations.

Section 53.84



USE ZONE CHART

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

Section 53.84	USE REGULATIONS 	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Office Use	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation. See Gen. Regs. 3 and 5.	A	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this use. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.020	Restaurant								E	1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> May not be located above the ground-floor-street level floor of a structure. Must be oriented toward NE 85th Street. Gross floor area for each individual use may not exceed 4,000 sq. ft. 	
.030	Entertainment, Cultural and/or Recreational Facility									See KZC 105.25.	<ol style="list-style-type: none"> Gross floor area for each individual use may not exceed 4,000 sq. ft. 	

<p>.040 Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services.</p> <p style="text-align: center;">❓</p>									<p>D 1 per each 300 sq. ft. of gross floor area.</p>	<p>1. The following uses are not permitted in this zone:</p> <ol style="list-style-type: none"> Vehicle service stations. Automotive service centers. Uses with drive-in facilities or drive-through facilities. Retail establishments providing storage services unless accessory to another permitted use. A retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, recreation trailers, heavy equipment and similar vehicles; provided, that motorcycle sales, service or rental is permitted if conducted indoors. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. Storage of parts unless conducted entirely within an enclosed structure. <p>2. This use <u>must be oriented toward NE 85th Street and</u> may not be located above the <u>ground-street level</u> floor of a structure except for personal service establishments that provide services involving the care of a person, or of a person's apparel, such as laundry and dry cleaning services, beauty shops, barber shops, shoe repair shops and tailors may be located above the <u>ground-street level</u> floor; provided, that the use of exterior areas adjoining residential uses is prohibited.</p>
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Section 53.84



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.84	USE ❓ REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.040	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. (continued)										REGULATIONS CONTINUED FROM PREVIOUS PAGE	
											<ol style="list-style-type: none"> Gross floor area for each individual use may not exceed 4,000 sq. ft. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46. 	

.050	Stacked Dwelling Units See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation. See Gen. Regs. 3 and 5.	A	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.	1. This use may not be located on the ground floor of a structure. 1. At least 60% of the linear frontage of the property along NE 85th Street shall only include commercial use. The commercial use shall be at the street level floor and oriented toward NE 85th Street. Commercial uses shall have a minimum depth of 20' and an average depth of at least 30' (as measured from the face of the building along the street). Stacked Dwelling Units are not permitted on the street level floor within 30' of the property line along NE 85th Street. The Planning Director or Design Review Board 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 the design of the retail frontage will maximize visual interest. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.060	Assisted Living Facility, Convalescent Center or Nursing Home See Spec. Reg. 1.										Independent unit: 1.7 per unit. Assisted living facility: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed.	1. This use may not be located on the ground floor of a structure. 1. At least 60% of the linear frontage of the property along NE 85th Street shall only include commercial use. The commercial use shall be at the street level floor and oriented toward NE 85th Street. Commercial uses shall have a minimum depth of 20' and an average depth of at least 30' (as measured from the face of the building along the street). Assisted Living, Convalescent Center or Nursing Home is not permitted on the street level floor within 30' of the property line along NE 85th Street. The Planning Director or Design Review Board 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 the design of the retail frontage will maximize visual interest. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.070	Church										1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to the use.

Section 53.84



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 53.84	USE REGULATIONS 	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.080	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation. See Gen. Regs. 3 and 5.	A	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 3. May include accessory living facilities for staff persons. 4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 5. For school use, structure height may be increased, up to 35 feet, if: <ol style="list-style-type: none"> a. The school can accommodate 200 or more students; and b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.
.090	Public Utility											1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.100	Government Facility Community Facility								C See Spec. Reg. 1.			
.110	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50 for required review process.										

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4683

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING THE KIRKLAND ZONING CODE ORDINANCE 3719 AS AMENDED, INCLUDING CHAPTERS 20, 25, 30, 40, 45, 53, 142, AMENDING THE ZONING MAP ORDINANCE 3710, AS AMENDED, TO INCLUDE LEGISLATIVE REZONES, AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM19-00043

SECTION 1. Zoning Map changes to include rezone of four parcels in Exhibit A attached to the Ordinance.

SECTION 2. Zoning Code text amended in Exhibits B-I, attached to the Ordinance.

SECTION 3. Provides a severability clause for the Ordinance.

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

SECTION 5. 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 7th day of May, 2019.

I certify that the foregoing is a summary of Ordinance O-4683 approved by the Kirkland City Council for summary publication.


Kathi Anderson, City Clerk

Publication Date: May 13, 2019