

ORDINANCE O-4784

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 35, 92, 95, 105, 112, 180 AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM20-00674.

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, as set forth in the report dated March 1, 2022
4 and bearing Kirkland Planning and Building Department File No. CAM20-
5 00674; and
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7 WHEREAS, prior to making the recommendation, the Kirkland
8 Planning Commission, following notice as required by RCW 36.70A.035,
9 on February 10, 2022, held a public hearing on the amendment
10 proposals and considered the comments received prior to and at the
11 hearing; and
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13 WHEREAS, pursuant to the State Environmental Policy Act
14 (SEPA), there has accompanied the legislative proposal and
15 recommendation through the entire consideration process, a SEPA
16 Addendum to Existing Environmental Documents issued on February 15,
17 2022, by the responsible official pursuant to WAC 197-11-625; and
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19 WHEREAS, in regular public meeting the City Council considered
20 the environmental documents received from the responsible official,
21 together with the recommendation of the Planning Commission.
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23 NOW, THEREFORE, the City Council of the City of Kirkland do
24 ordain as follows:
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26 Section 1. The following specified sections of the Kirkland
27 Zoning Code are amended to read as follows:
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29 KZC Chapter 35, Commercial Zones, amends BCX general
30 regulations (Section 35.10.040), permitted uses (Section
31 35.20), Density/Dimensions (Section 35.30), and related
32 Development Standards (Section 35.40).
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34 KZC Chapter 92, Introduction (Section 92.05) and Pedestrian-
35 Oriented Improvements on or Adjacent to the Subject Property
36 (Section 92.15).
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38 KZC Chapter 95, Minimum Land Use Buffer Requirements
39 (Section 95.42).
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41 KZC Chapter 105, Overhead Weather Protection (Section
42 105.18), and Location of Parking Areas Specific to Design
43 Districts (Section 105.58).

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KZC Chapter 112, Affordable Housing Requirements (Section 112.15).

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

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in 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.

Section 4. A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this 15 day of March, 2022.

Signed in authentication thereof this 15 day of March, 2022.



Penny Sweet, Mayor

Attest:



Kathi Anderson, City Clerk

Approved as to Form:



Kevin Raymond, City Attorney

Publication Date: 03/21/2022

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4784

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 35, 92, 95, 105, 112, 180 AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. CAM20-00674.

SECTION 1. Amends Kirkland Zoning Code Chapters 35, 92, 95, 105, 112 and 180 relating to zoning, planning and land use.

SECTION 2. Provides a severability clause for the Ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

SECTION 4. 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 15 day of March, 2022.

I certify that the foregoing is a summary of Ordinance 4784 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk

CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, FHNC, BC 1, BC 2, BCX, HENC 1, HENC 3)

Sections:

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

35.05 User Guide

- Step 1. Check that the zone of interest is included in KZC [35.05.010](#), Applicable Zones. If not, select the chapter where it is located.
- Step 2. Refer to KZC [35.05.020](#), Common Code References, for relevant information found elsewhere in the code.
- Step 3. Refer to the General Regulations in KZC [35.10](#) that apply to the zones as noted.
- Step 4. Find the Use of interest in the Permitted Uses Table in KZC [35.20](#) and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless “NP” (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).
- Step 5. Find the Use of interest in the Density/Dimensions Table in KZC [35.30](#) and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).
- Step 6. Find the Use of interest in the Development Standards Table in KZC [35.40](#) and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

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

35.05.010 Applicable Zones

This chapter contains the regulations for uses in the commercial zones (BN, BNA, BC 1, BC 2, BCX, FHNC, HENC 1, HENC 3) of the City.

35.05.020 Common Code References

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

(Ord. 4749 § 1, 2021; Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4476 § 2, 2015)

35.10 General Regulations

35.10.010 All Commercial Zones

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

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

35.10.020 BN, BNA Zones

1. The following commercial frontage requirements shall apply to all development that includes dwelling units or assisted living uses:
 - a. The street level floor of all buildings shall be limited to one or more of the following uses, except as allowed in subsection (1)(c) of this section: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office. These uses shall be oriented

toward fronting arterial and collector streets and have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building along the street).

The Design Review Board (or Planning and Building Director if not subject to DR) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. The Design Review Board (or Planning and Building Director if not subject to DR) may modify the frontage requirement where the property abuts residential zones in order to create a more effective transition between uses.

b. The commercial floor shall be a minimum of 13 feet in height. In the BN zone, the height of the structure may exceed the maximum height of structure by three feet for a three-story building with the required 13-foot commercial floor.

c. Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.

2. Where Landscape Category B is specified, the width of the required landscape strip shall be 10 feet for properties within the Moss Bay neighborhood and 20 feet for properties within the South Rose Hill neighborhood. All other provisions of Chapter 95 KZC shall apply.

3. In the BNA zone, developments may elect to provide affordable housing units as defined in Chapter 5 KZC subject to the voluntary use provisions of Chapter 112 KZC.

35.10.030 BC 1, BC 2 Zones

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

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

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

c. Commercial uses shall be oriented to adjoining arterials.

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

uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.

2. In BC 1 and BC 2 zones, developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. See Chapter 112 KZC for additional affordable housing incentives and requirements.
3. In the BC 1 and BC 2 zones, side and rear yards abutting a residential zone shall be 20 feet.
4. In the BC 1 and BC 2 zones, all required yards for any portion of a structure must be increased one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation (does not apply to Public Park uses).
6. Maximum height of structure is as follows:
 - a. In the BC 1 zone, 35 feet above average building elevation.
 - b. In the BC 2 zone, 35 feet above average building elevation. Structure height may be increased to 60 feet in height if:
 - 1) At least 50 percent of the floor area is residential;
 - 2) Parking is located away from the street by placing it behind buildings, to the side of buildings, or in a parking structure;
 - 3) The ground floor is a minimum 15 feet in height for all retail, restaurant, or office uses (except parking garages); and
 - 4) The required yards of any portion of the structure are increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses).

35.10.040 BCX Zones

- ~~1. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses).~~
2. 1. The following requirements shall apply to all development that includes residential or assisted living uses For development where the maximum height of the structure is thirty feet above average building elevation:
 - a. The development must include commercial use(s) with gross floor area on the ground floor equal to or greater than 25 percent of the parcel size for the subject property. Commercial floor area shall be one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.
 - b. The commercial floor shall be a minimum of 13 feet in height. The height of the structure may exceed the maximum height of structure by three feet.
 - c. Commercial uses shall be oriented to adjoining arterials.
 - d. Residential uses, assisted living uses, and parking for those uses shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. The intervening commercial frontage shall be a minimum of 20 feet in depth. The Planning and Building Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.

- 3- 2. For development where the maximum height of the structure is sixty feet above average building elevation:
- a. Uses above the 3rd story are limited to Assisted Living Facility and Attached or Stacked Dwelling Units.
 - b. No portion of a building within 40 feet of NE 70th Place shall exceed a height of 60 feet above NE 70th Place measured at the midpoint of the frontage of the subject property on the NE 70th Place right-of-way. The Design Review Board is authorized to allow rooftop amenities where this height limit is imposed.
 - c. The development includes a Retail Establishment Selling Groceries and Related Items with a minimum 15,000 square feet of floor area. This requirement only applies if the subject property contains more than five acres. This use must provide for a full-service grocery store that sells food and supplies including but not limited to fresh fruits and vegetables; refrigerated and frozen foods; dairy products; canned goods; dry goods; fresh meats and cheeses; delicatessen items; beverages; nonfood items such as soaps, detergents, paper goods, and other household products; and health and beauty aids. The Planning and Building Director is authorized to allow a decrease in the square footage to not less than 10,000 square feet if the applicant demonstrates that a smaller space supports a viable full-service grocery store with all required components.
 - d. For all building facades facing and within 100 feet of the abutting right-of-way, all portions of a structure greater than three stories in height, as measured from the abutting right-of-way, shall be stepped back from the third story façade as follows:
 - 1) From NE 70th Place and that portion of 132nd Avenue NE across from Snyder's Corner Park by an average of 8 feet;
 - 2) From 130th Avenue NE, and NE 65th Street, and that portion of 132nd Avenue NE south of Snyder's Corner Park by an average of 12 feet;
 - 3) The required upper story step backs for all floors above the third story shall be calculated as Total Upper Story Step Back Area as follows: Total Upper Story Step Back Area = (Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas) x (Required average step back) x (Number of stories proposed above the third story). The Design Review Board is authorized to allow rooftop amenities within the step back area.
 - e. The development shall provide publicly accessible pedestrian oriented open space(s) adjacent to the street or through-block pathway. The publicly accessible space(s) shall contain a minimum of 1,000 square feet or one square foot per 200 gross square feet of above grade building area, whichever is greater. The size calculation shall not include the required width of abutting sidewalks or pathways. Locations, dimensions, features and improvements (such as plazas, seating, public art, children's recreation space) shall be reviewed and approved through by the Design Review Board based on applicable guidelines.
 - f. Development at the corner of NE 70th Place and 132nd Avenue NE shall provide a gateway feature, such as public art. The gateway feature shall be reviewed and approved by the Design Review Board based on applicable design guidelines.
 - g. 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. See Chapter 112 KZC for additional affordable housing incentives and requirements.
 - h. Development shall be designed, built and certified to achieve or exceed one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified. An applicant may propose alternative certifications if the Planning Official determines that the alternative certification is equal or superior to the programs listed in the zoning code in terms of building performance.
 - i. The commercial floor shall be a minimum of 13 feet in height.
 - j. Except along NE 65th Street and 130th Avenue NE, residential uses, assisted living uses, and parking for those uses shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. The intervening commercial frontage shall have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building). The Design Review Board (or Planning and Building Director if not subject to Design Review) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest.
 - k. Development shall contain commercial uses oriented to adjoining arterials and through-block pathways. The location and frontages of these commercial uses shall be reviewed through Design Review for consistency with applicable guidelines or regulations.

- i. Development shall provide for one north-south through-block pathway connection between NE 70th Place and NE 65th Street and two east-west through-block pathway connections between 130th Avenue NE and 132nd Avenue NE (see Plate 34Q). The Design Review Board shall determine the final location and configuration of the through-block pathway connections based on convenience and utility for nonmotorized access and orientation toward commercial uses and pedestrian oriented open space.
- m. Lobbies and amenity space for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear retail frontage along the street or through-block pathway. The Design Review Board (or Planning and Building Director if not subject to Design Review) may approve a minor increase to ground floor residential lobbies and amenities if they are connected to retail use and the design of the ground floor frontage will maximize visual interest.
- n. Attached or Stacked Dwelling Units and Assisted Living Facilities located at the street level floor along NE 65th Street and 130th Avenue NE shall have a minimum seven-foot required yard.
- o. In addition to the height exceptions of KZC 115.60, the following height exceptions are established:
 - 1) An additional 5 feet is allowed for buildings providing a grocery store.
 - 2) Decorative parapets may exceed the height limit by a maximum of four feet provided that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - 3) For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

35.10.050 FHNC Zone

1. The following commercial frontage requirements shall apply to all development that includes dwelling units or assisted living uses:
 - a. The street level floor of all buildings shall be limited to one or more of the following uses, except as allowed in subsection (1)(c) of this section: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office. These uses shall be oriented toward fronting streets and have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building along the street).

The Design Review Board (or Planning and Building Director if not subject to DR) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest.
 - b. The commercial floor shall be a minimum of 15 feet in height.
 - c. Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. Lobbies for residential or assisted living uses are allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.
2. Maximum height of structure is as follows:
 - a. Thirty-five feet above average building elevation;
 - b. Fifty-five feet above the midpoint of the subject property on the abutting right-of-way, if:
 - 1) The subject property contains a minimum of five acres and any development includes a grocery store with a minimum 20,000 square feet of floor area.
 - 2) Office uses are only allowed on the ground floor and second floor of any structure.
 - 3) For all building facades facing and within 100 feet of Juanita Drive or NE 141st Street, all portions of a structure greater than two stories in height shall be stepped back from the second story building facade by an average of 20 feet. The required upper story step

backs for all floors above the second story shall be calculated as Total Upper Story Step Back Area as follows: Total Upper Story Step Back Area = (Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas) x (Required average step back) x (Number of stories proposed above the second story). The Design Review Board is authorized to allow rooftop garden structures within the step back area.

- 4) The proposal includes public gathering places, community plazas, and public art. At least one public plaza shall contain a minimum of 2,500 square feet in one continuous piece with a minimum width of 30 feet. The space shall be designed to be consistent with the design guidelines for public open space.
 - 5) 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. See Chapter 112 KZC for additional affordable housing incentives and requirements.
 - 6) Development shall be designed, built and certified to achieve or exceed one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.
 - 7) Signs for a development approved under this provision must be proposed within a Master Sign Plan application (Chapter 100 KZC) for all signs within the project.
 - 8) Drive-in and drive-through facilities are prohibited.
- c. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations zone are established:
- 1) Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - 2) For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

35.10.060 HENC 1, HENC 3 Zones

1. In the HENC 1 and 3 zones:
 - a. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to a pedestrian-oriented street, a major pedestrian sidewalk, a through-block pathway or the Cross Kirkland Corridor.
 - b. Adjacent to NE 68th Street, 106th Avenue NE, 108th Avenue NE, 6th Street South and the Cross Kirkland Corridor (CKC), any portion of a structure greater than two stories in height must be stepped back from the facade below by an average of 15 feet with a minimum step back of five feet.

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

c. Development adjoining the Cross Kirkland Corridor shall comply with the standards of KZC [115.24](#). Safe public pedestrian connections through sites to the Cross Kirkland Corridor are required (for approximate locations see Plate [340](#)).

d. Minimum 14-foot-wide sidewalks are required along 106th Avenue NE, 108th Avenue NE and 6th Street South on the side of the right-of-way that abuts HENC 1; and on both sides of NE 68th Street.

e. Drive-in and drive-through facilities are allowed for gas stations and drug stores. All other drive-in and drive-through facilities are prohibited.

2. In the HENC 1 zone:

a. No more than 20 percent of the gross floor area for any building may include office uses. This requirement does not apply to the area in HENC 1 that is located north of NE 68th Street between the Cross Kirkland Corridor and what would be the northern extension of 106th Avenue NE.

b. Structure height may be increased to 35 feet above ABE if:

1) A development of four acres or less includes at least one grocery store, hardware store, or drug store containing a minimum of 20,000 square feet of gross floor area.

2) A development of more than four acres includes at least one grocery store, hardware store, or drug store containing a minimum of 20,000 square feet of gross floor area and one grocery store, hardware store, or drug store containing a minimum of 10,000 square feet of gross floor area.

3) The site plan is approved by the Design Review Board and includes public gathering places and community plazas with public art. At least one of these public areas must measure a minimum of 1,500 square feet with a minimum width of 30 feet.

4) The commercial floor is a minimum of 13 feet in height.

5) Maximum allowed lot area per residential dwelling unit is 900 square feet or 48 units per acre.

6) Development shall be designed, built and certified to achieve or exceed one or more of the following green building certification standards: Built Green 5 star certified, LEED Gold certified, or Living Building Challenge certified.

7) At least 10 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.

(Ord. 4749 § 1, 2021; Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4476 § 2, 2015)

35.20 Permitted Uses

Permitted Uses Table – Commercial Zones (BN, BNA, FHNC, BC 1, BC 2, BCX, HENC 1, HENC 3)

(See also KZC [35.30](#), Density/Dimensions Table, and KZC [35.40](#), Development Standards Table)

Use		Required Review Process:				
		BN, BNA	FHNC	BC 1, BC 2	BCX	HENC 1, HENC 3
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)				
35.20.010	Assisted Living Facility	DR 1, 2, 3	DR 1, 2, 3	None 1, 2, 4	DR None 1, 2, 5	DR 1, 2, 4
35.20.020	Attached or Stacked Dwelling Units*	DR 3	DR 3	None 4	DR None 5	DR 4
35.20.030*	Reserved					
35.20.040	Church	DR 10	DR 10	None 10	DR None 10	DR 10
35.20.050	Community Facility	DR	DR	None	DR None	DR
35.20.060	Convalescent Center	DR	DR	None 2	DR None	DR 2
35.20.070	Entertainment, Cultural and/or Recreational Facility	DR 11, 12, 13, 14	DR 11, 12, 13, 14	None	DR None 14	DR
35.20.080	Government Facility	DR	DR	None	DR None	DR
35.20.090	Hotel or Motel	NP	DR 15	None 15	DR None 15	DR 15
35.20.100	Mini-School or Mini-Day-Care Center	DR 10, 16, 17	DR 10, 16, 17	None 10, 16, 17	DR None 10, 16, 17	DR 10, 16, 17
35.20.110	Nursing Home	DR	DR	None 2	DR None	DR 2
35.20.120	Office Use	DR 18, 19, 21	DR 18, 19, 21	None 18, 19	DR None 18, 19	DR 18, 19
35.20.130	Private Lodge or Club	DR	DR	None	DR None	DR

Use		Required Review Process:				
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC		DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)		
		BN, BNA	FHNC	BC 1, BC 2	BCX	HENC 1, HENC 3
35.20.140	Public Park	See KZC 45.50 for required review process.				
35.20.150	Public Utility	IIA	IIA	None	DR None	DR
35.20.160	Restaurant or Tavern	DR 11, 12, 13	DR 11, 12, 13	None 11, 13	DR None 11, 13	DR 11
35.20.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	NP	DR 12, 23	None 11, 12, 23, 30	DR None 11, 12, 23	DR 11, 12, 23, 30
35.20.180*	Retail Establishment providing banking and related financial services	DR 11	DR 11	None 11	DR None 11	DR 11
35.20.190*	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	DR 11, 12, 13	DR 11, 12, 13	None 11, 12	DR None 11, 12	DR 11, 12
35.20.200	Retail Establishment providing storage services	NP	NP	None 25, 26	NP None 25	DR 25, 26
35.20.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	NP	NP	None 27	NP None 6, 7, 8, 9	NP
35.20.220*	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	DR 11, 23, 30	DR 11, 23, 30	None 11, 12, 23, 30	DR None 11, 12, 23	DR 11, 12, 23, 30
35.20.230*	Retail Establishment selling groceries and related items	DR 11, 23	DR 11, 23	None 11, 12, 23, 30	DR None 11, 12, 23	DR 11, 12, 23, 30
35.20.240*	Retail Variety or Department Store	DR 11, 23	DR 11, 23	None 11, 12, 23, 30	DR None 11, 12, 23	DR 11, 12, 23, 30
35.20.250	School or Day-Care Center	DR 10, 16, 17	DR 10, 16, 17	None 10, 16, 17	DR None 10, 16, 17	DR 10, 16, 17
35.20.260*	Reserved					

Use		Required Review Process:				
		BN, BNA	FHNC	BC 1, BC 2	BCX	HENC 1, HENC 3
35.20.270 Vehicle Service Station		DR 17, 28, 29	DR 17, 28, 29	I 28	DR+ 28	DR 28

I = Process I, Chapter [145](#) KZC
 IIA = Process IIA, Chapter [150](#) KZC
 IIB = Process IIB, Chapter [152](#) KZC
 DR = Design Review, Chapter [142](#) KZC
 None = No Required Review Process
 NP = Use Not Permitted
 # = Applicable Special Regulations (listed after the table)

Permitted Uses (PU) Special Regulations:

- PU-1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
- PU-3. This use is only allowed on the street level floor subject to the provisions of KZC [35.10.020\(1\)](#) or [35.10.050](#).
- PU-4*. Attached Dwelling Units are not allowed in the BC 1 and BC 2 zones. In the HENC 1 and HENC 3 zones, this use, with the exception of a lobby, may not be located on the ground floor of a structure. In the BC 1 and BC 2 zones, this use is only allowed subject to the provisions of KZC [35.10.030\(2\)](#).
- PU-5*. ~~Attached Dwelling Units are not allowed in the BCX zone. This use is only allowed subject to the provisions of KZC [35.10.040\(2\)](#).~~
Attached or Stacked Dwelling Units and Assisted Living Facilities are allowed in BCX subject to the provision of KZC [35.10.040](#).
- PU-6*. This use specifically excludes new or used vehicle or boat sales or rentals, except motorcycle sales, service, or rental is permitted if conducted indoors.
- PU-7. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining to any residentially zoned property. Windows are permitted if they are triple-paned and unable to be opened.
- PU-8. Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC [95.45](#). See KZC [115.105](#), Outdoor Use, Activity and Storage, for additional regulations.
- PU-9. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential zoned property complies with the standards set forth in WAC [173-60-040\(1\)](#) for a Class B source property and a Class A receiving property.
- PU-10. May include accessory living facilities for staff persons.

- PU-11. Uses with drive-in and drive-through facilities are prohibited in the BN zone. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
- PU-12. Ancillary assembly and manufactured goods on the premises of this use are permitted only if:
- 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.
- PU-13. For restaurants with drive-in or drive-through facilities, one outdoor waste receptacle shall be provided for every eight parking stalls.
- PU-14. Entertainment, cultural and/or recreational facilities are only allowed in BNA and FHNC zones.
- PU-15. May include ancillary meeting and convention facilities.
- PU-16. A six-foot-high fence is required along the property lines adjacent to the outside play areas.
- PU-17. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- PU-18. The following regulations apply to veterinary offices only:
- May only treat small animals on the subject property.
 - Outside runs and other outside facilities for the animals are not permitted.
 - 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.
- PU-19. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:
- 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.
- PU-20. Reserved.
- PU-21. For properties located within the Moss Bay neighborhood, this use not allowed above the street level floor of any structure.
- PU-22. Reserved.

- PU-23. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:
 - a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and
 - b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.
- PU-24. Reserved.
- PU-25. May include accessory living facilities for resident security manager.
- PU-26. This use not permitted in BC 1 and BC 2 zones or if any portion of the property is located within 150 feet of the Cross Kirkland Corridor.
- PU-27. Vehicle and boat rental are allowed as part of this use.
- PU-28. May not be more than two vehicle service stations at any intersection.
- PU-29. This use is not allowed in the BN zone.
- PU-30. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.

(Ord. 4749 § 1, 2021; Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4479 § 1, 2015; Ord. 4476 § 2, 2015)

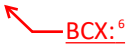


**Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.*

35.30 Density/Dimensions





Density/Dimensions Table – Commercial Zones (BN, BNA, FHNC, BC 1, BC 2, BCX, HENC 1, HENC 3)

(Refer to KZC [35.20](#), Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC [35.40](#), Development Standards Table)

USE	Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		

USE	Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.010	Assisted Living Facility	BN: None ³ BNA: None ^{2,3} FHNC: None ² BC 1, BC 2, HENC 1, HENC 3: None ¹ BCX: None	BN, BNA: ⁴ FHNC: ^{4, 18} BC 1, BC 2: ^{4, 5} BCX: ^{4, 6} HENC 1, HENC 3: ^{4, 20}			
35.30.020*	Attached or Stacked Dwelling Units	BN, BNA: None ^{2, 7} FHNC: None ² BCX, HENC 1, HENC 3: None BC 1, BC 2: None ¹⁶	BN, BNA, BC 1, BC 2, BCX : ⁴ FHNC: ^{4, 18} HENC 1, HENC 3: ^{4, 20} 			
35.30.030*	Reserved					
35.30.040	Church	None	10' BN, BCX : 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80% BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰ 
35.30.050	Community Facility	None	10' BN, BCX : 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80% BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰ 

USE	Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear			
35.30.060	Convalescent Center	None	10' BN, BCX: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80%	BNA: 35' above ABE. ^{9, 10} BC 1, BC 2: ¹¹ FHNC: ¹⁹ BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.070	Entertainment, Cultural and/or Recreational Facility	None BN, BNA: None ¹²	10' BCX: 20'	BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.080	Government Facility	None	10' BN, BCX: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.090	Hotel or Motel	None	10' BCX: 20'	BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0' FHNC: 10'	BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0' FHNC: 10'	80%	FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.100	Mini-School or Mini-Day-Care Center	None	10' BN: 0' BCX: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰

USE	Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear			
35.30.110	Nursing Home	None	10' BN, BCX: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹  BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.120	Office Use	None	10' BN: 0' BCX: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹  BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.130	Private Lodge or Club	None	10' BN, BCX: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹  BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.140	Public Park	Development standards will be determined on a case-by-case basis.					
35.30.150	Public Utility	None	10' BN, BCX: 20'	BN, BNA, FHNC: 20' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 20' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80%	BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹  BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰

USE	Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.160	Restaurant or Tavern	None BN, BNA, HENC 1, HENC 3: None ¹²	10' BN, HENC 1, HENC 3: 0' BCX: 20'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80% ²¹ BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	None	BCX: 20' FHNC, BC 1, BC 2: 10' HENC 1, HENC 3: 0'	BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0' FHNC: 10'	BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0' FHNC: 10'	80% ²¹ FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.180*	Retail Establishment providing banking and related financial services	None BN, BNA, HENC 1, HENC 3: None ¹²	BN, HENC 1, HENC 3: 0' BCX: 20' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80% ²¹ BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.190*	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	None BN, BNA, HENC 1, HENC 3: None ¹²	BN, HENC 1, HENC 3: 0' BCX: 20' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80% ²¹ BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.200	Retail Establishment providing storage services	None	BCX: 20' HENC 1, HENC 3: 10'	BCX, HENC 1, HENC 3: 0'	BCX, HENC 1, HENC 3: 0'	80% BCX: 30' above ABE. HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	None	BCX: 20' BC 1, BC 2: 10'	BCX, BC 1, BC 2: 0' ⁸	BCX, BC 1, BC 2: 0' ⁸	80% BC 1, BC 2: ¹¹ BCX: 30' above ABE.

USE	Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.220*	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	None BN, BNA: None ¹⁴	BN, HENC 1, HENC 3: 0' BCX: 20' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80% ²¹ BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.230*	Retail Establishment selling groceries and related items	None BN, BNA: None ¹⁴	BN, HENC 1, HENC 3: 0' BCX: 20' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80% ²¹ BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.240*	Retail Variety or Department Store	None BN, BNA: None ¹⁴	BN, HENC 1, HENC 3: 0' BCX: 20' BNA, FHNC, BC 1, BC 2: 10'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80% ²¹ BN: 30' above ABE. ^{9, 10} BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.250	School or Day-Care Center	None	BN: 0' BNA, FHNC, BC 1, BC 2, HENC 1, HENC 3: 10' BCX: 20' ^{BCX}	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	BN, BNA, FHNC: 10' BC 1, BC 2: 0' ⁸ BCX, HENC 1, HENC 3: 0'	80% BN: 30' above ABE. ^{9, 10, 15} BNA: 35' above ABE. ^{9, 10, 15} FHNC: ¹⁹ BC 1, BC 2: ¹¹ BCX: 30' above ABE. ⁶ HENC 1, HENC 3: 30' above ABE. ²⁰
35.30.260*	Reserved					
35.30.270	Vehicle Service Station	22,500 sq. ft.	40'	15'	15'	80% BNA: 35' above ABE. ^{9, 10} FHNC: ¹⁹ BC 1, BC 2: ¹¹

USE	Minimum Lot Size	REQUIRED YARDS (See Chapter 115 KZC)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
			17		BCX: 30' above ABE. ← 6 HENC 1, HENC 3: 30' above ABE. 20	

Density/Dimensions (DD) Special Regulations:

- DD-1. In BC 1, BC 2 and HENC 1, subject to density limits listed for attached and stacked dwelling units. For density purposes, two assisted living units constitute one dwelling unit.
- DD-2. In the BNA zone and in the FHNC zone for properties containing less than five acres, the gross floor area of this use shall not exceed 50 percent of the total gross floor area on the subject property.
- DD-3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property.
- DD-4. Same as the regulations for the ground floor use.
- DD-5. See KZC 35.10.030(2).
- DD-6. See KZC 35.10.040(2).
- DD-7. The minimum amount of lot area per dwelling unit is as follows:
 - a. In the BN zone, 900 square feet.
 - b. In the BNA zone:
 - i. North of NE 140th Street, 1,800 square feet.
 - ii. South of NE 124th Street, 2,400 square feet.
- DD-8. See KZC 35.10.030(4) and (5).
- DD-9. If adjoining a low density zone other than RSX or RSA, then 25 feet above ABE.
- DD-10. See KZC 35.10.020(1)(b).
- DD-11. See KZC 35.10.030(5) and (6).
- DD-12. Gross floor area for this use may not exceed 10,000 square feet, except in the BN zone the limit shall be 4,000 square feet.

DD-13. Reserved.

DD-14. The gross floor area for this use may not exceed 10,000 square feet. Exceptions:

- a. Retail establishments selling groceries and related items in the BNA zone are not subject to this limit.
- b. In the BN zone, the limit shall be 4,000 square feet.

DD-15. For school use, structure height may be increased, up to 35 feet, if:

- a. The school can accommodate 200 or more students; and
- b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
- c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.
- d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.


DD-16. Nine hundred square feet per unit in BC 1 and BC 2.

DD-17. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC [115.105](#), Outdoor Use, Activity and Storage, for further regulations.

DD-18. See KZC [35.10.050\(2\)](#).

DD-19. See KZC [35.10.050](#).

DD-20. See KZC [35.10.060](#).

 **DD-21. In the BCX zone, where this use is the ground floor of a mixed use development, 100 percent lot coverage applies to the entire development.**
(Ord. 4749 § 1, 2021; Ord. 4637 § 3, 2018; Ord. 4636 § 3, 2018; Ord. 4476 § 2, 2015)

**Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.*

35.40 Development Standards


Development Standards Table – Commercial Zones (BN, BNA, FHNC, BC 1, BC 2, BCX, HENC 1, HENC 3)

(Refer to KZC [35.20](#), Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC [35.30](#), Density/Dimensions Table)

Use		Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.010	Assisted Living Facility	1	A ← 14	1.7 per independent unit. 1 per assisted living unit.
35.40.020	Attached or Stacked Dwelling Units	1	A ← 14	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. See DS-2.
35.40.030*	Reserved			
35.40.040	Church	C	B ← 14	1 for every four people based on maximum occupancy load of any area of worship. ³
35.40.050	Community Facility	C ⁴	B ← 14 BN, BNA: B ⁵	See KZC 105.25 .
35.40.060	Convalescent Center	C BN, BNA: B ⁶	B ← 14	1 for each bed.
35.40.070	Entertainment, Cultural and/or Recreational Facility	B BNA: B ⁶	E ← 14 BNA: D	See KZC 105.25 .
35.40.080	Government Facility	C ⁴	B ← 14 BN, BNA: B ⁵	See KZC 105.25 .
35.40.090	Hotel or Motel	B	E ← 14	1 per each room. ⁷
35.40.100	Mini-School or Mini-Day-Care Center	D BN, BNA: B ⁶	B ← 14	See KZC 105.25 . ^{8, 9}
35.40.110	Nursing Home	C BN, BNA: B ⁶	B ← 14	1 for each bed.
35.40.120	Office Use	BN, BNA: B ⁶ HENC 1, HENC 3, BC 1, BC 2: C FHNC, BCX: B	D ← 14	1 per each 300 sq. ft. of gross floor area. ¹³
35.40.130	Private Lodge or Club	C BN, BNA: B ⁶	B ← 14	1 per each 300 sq. ft. of gross floor area.
35.40.140	Public Park	Development standards will be determined on a case-by-case basis.		

Use		Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.150	Public Utility	A ⁴	B ^{←14} BN, BNA: B ⁵	See KZC 105.25 .
35.40.160	Restaurant or Tavern	BN, BNA: B ⁶ FHNC, BC 1, BC 2, BCX: B ¹⁰ HENC 1, HENC 2: B	E ^{←14} BN, BNA: D	1 per each 100 sq. ft. of gross floor area. ^{←15}
35.40.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	B	E ^{←14}	1 per each 300 sq. ft. of gross floor area.
35.40.180*	Retail Establishment providing banking and related financial services	B ⁶	E ^{←14} BN, BNA: D	1 per each 300 sq. ft. of gross floor area.
35.40.190*	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	B ⁶	E ^{←14} BN, BNA: D	1 per each 300 sq. ft. of gross floor area.
35.40.200	Retail Establishment providing storage services	A	E	See KZC 105.25 .
35.40.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	A	E	BC 1, BC 2: See KZC 105.25.11 BCX: 1 per each 250 sq. ft. of gross floor area.²
35.40.220*	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	B ⁶	E ^{←14} BN, BNA: D	1 per each 300 sq. ft. of gross floor area.
35.40.230*	Retail Establishment selling groceries and related items	B ⁶	E ^{←14} BN, BNA: D	1 per each 300 sq. ft. of gross floor area.
35.40.240*	Retail Variety or Department Store	B ⁶	E ^{←14} BN, BNA: D	1 per each 300 sq. ft. of gross floor area.
35.40.250	School or Day-Care Center	D BN, BNA: B ⁶	B ^{←14}	See KZC 105.25.9, 12
35.40.260*	Reserved			
35.40.270	Vehicle Service Station	A	E ^{←14} BNA: D	See KZC 105.25 .

Development Standards (DS) Special Regulations:

- DS-1. Same as the regulations for the ground floor use.  Landscape Category E for street level floor residential uses, otherwise same as the regulations for the street level floor use.
- DS-2. ~~Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use.~~ Within the BCX zone a parking modification to decrease the required number of spaces for attached or stacked dwelling units is not required to increase the parking supply fifteen (15) percent over demand per KZC 105.103(3).
- DS-3. No parking is required for day-care or school ancillary to this use.
- DS-4. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
- DS-5. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
- It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
 - The electronic readerboard is no more than 50 percent of the sign area;
 - Moving graphics and text or video are not part of the sign;
 - The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
 - The electronic readerboard displays messages regarding public service announcements or City events only;
 - The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
 - The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
 - 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 and Building Director may impose additional conditions.
- DS-6. See KZC 35.10.020(2).
- DS-7. 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.
- DS-8. 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-9. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.

- DS-10. For restaurants with drive-in or drive-through facilities Landscape Category A shall apply.
- DS-11. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC [95.45](#). See KZC [115.105](#), Outdoor Use, Activity and Storage, for further regulations.
- DS-12. 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.
- DS-13. If a medical, dental or veterinary office, then one per each 200 square feet of gross floor area.
- DS-14. Signs for a development within the BCX Zone must be proposed within a Master Sign Plan application (KZC 100.80).
(Ord. 4749-5) In addition to the approval criteria of KZC 100.80(4) a master sign plan application shall show how signs on the subject property will not be visually disruptive to the adjoining residential neighborhood.
- *Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.*
- DS-15. Within the BCX zone the required parking for Restaurants and Taverns uses is 1 per each 300 sq. ft. of gross floor area.

The Kirkland Zoning Code is current through Ordinance 4751, passed February 2, 2021.

Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.kirklandwa.gov/> (<http://www.kirklandwa.gov/>)

City Telephone: (425) 587-3000

Code Publishing Company (<https://www.codepublishing.com/>)

eLibrary (<https://www.codebook.com/listing/>)

Chapter 92 – DESIGN REGULATIONS

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92.05 Introduction

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Finn Hill Neighborhood Center (FHNC), Market Street Corridor (MSC), Neighborhood Business Districts (BN, BNA), [Bridle Trails Neighborhood Center \(BCX Zone\)](#), Houghton/Everest Neighborhood Center (HENC), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Business District (TLBD), North Rose Hill Business District (NRHBD), Business District Core (BDC), Yarrow Bay Business District (YBD) and in PLA 5C.

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

1. All Zones – Pedestrian-Oriented Space and Plazas in Parking Areas – The applicant must provide at least 175 square feet of pedestrian-oriented space at the main building entrance in a central location, or adjacent to a parking area. This area must be raised at least six (6) inches above the parking lot surface and must be paved with concrete or unit pavers.

2. Pedestrian-Oriented Space and Plazas in BDC, CBD, BN, BNA, [BCX](#), MSC 2, FHNC, HENC 1, HENC 3, NRHBD, RHBD and TLBD Zones

a. In the CBD, BN, BNA, [BCX](#), MSC 2, FHNC, HENC 1, HENC 3 or in BDC – If the subject property abuts a pedestrian-oriented street (see Plate 34 in Chapter 180 KZC) or public park, the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:

KZC Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING

95.42 Minimum Land Use Buffer Requirements

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

Footnotes:

*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, [Bridle Trails Neighborhood Center \(BCX Zone\)](#), Finn Hill Neighborhood Center, Houghton/Everest Neighborhood Center, Business District Core or is located in TL 5, this section KZC [95.42](#) does not apply.

105.18 Pedestrian Access

Pedestrian Access – Required Improvements

- a. Pedestrian Walkway Standards – General – The applicant shall install pedestrian walkways pursuant to the following standards:
- 1) Must be at least five (5) feet wide;
 - 2) Must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;
 - 3) Must have adequate lighting for security and safety. Lights must be nonglare and mounted no more than 20 feet above the ground;
 - 4) Must be centrally located on the subject property;
 - 5) Must be accessible;
 - 6) Barriers which limit future pedestrian access between the subject property and adjacent properties are not permitted;
 - 7) Easements to provide rights of access between adjacent properties shall be recorded prior to project occupancy.

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

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

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

In RHBD, BN, BNA, MSC 2, BCX, FHNC, HENC 1, HENC 3 and TLBD Zones: Along at least 75 percent of a pedestrian-oriented building facade.

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

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

105.58 Location of Parking Areas Specific to Design Districts

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

1. Location of Parking Areas in the CBD, BCX, HENC, BDC (TL 1, TL 2, TL 3) Zones

- a. Parking areas shall not be located between a pedestrian-oriented street and a building unless specified in a Conceptual Master Plan in TL 2. (See Plate 34 in Chapter 180 KZC and Chapters 92 and 110 KZC for additional requirements regarding pedestrian-oriented streets).
- b. On all other streets, parking lots shall not be located between the street and the building on the subject property unless no other feasible alternative exists.

112.15 Affordable Housing Requirement

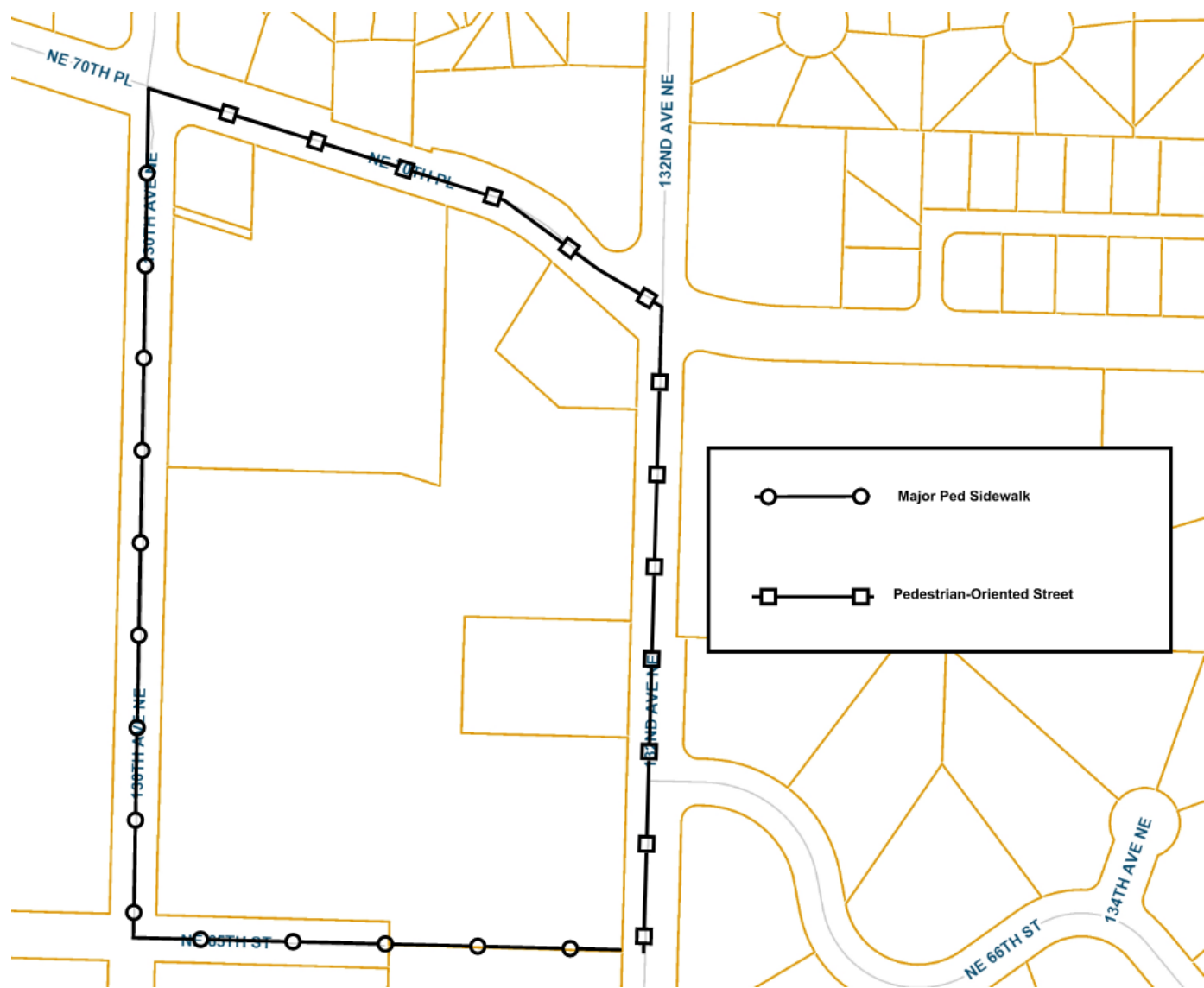
1. Applicability –

- a. Minimum Requirement – All developments creating four (4) or more new dwelling units in commercial, high density residential, medium density and office zones shall provide at least 10 percent of the units as affordable housing units and comply with the provisions of this chapter as established in the General Regulations or the Special Regulations for the specific use in Chapters 20 through 56 KZC. This subsection is not effective within the disapproval jurisdiction of the Houghton Community Council, except in the HENC 1 and HENC 2 zones. For Transit Oriented Development in the PR 1.8 zone, see the permitted uses for the minimum amount of affordable housing to be provided and other requirements of this chapter that do not apply.
- b. Voluntary Use – All other provisions of this chapter are available for use within the disapproval jurisdiction of the Houghton Community Council and in developments where the minimum requirement does not apply; provided, however, the provisions of this chapter are not available for use in developments located within the BN zone.

2. Calculation in Density-Limited Zones – For developments in density-limited zones, the required amount of affordable housing shall be calculated based on the number of dwelling units proposed prior to the addition of any bonus units allowed pursuant to KZC 112.20.
3. Calculation in CBD 5A, RH, HENC 2, TL, Transit Oriented Development in PR 1.8, FHNC, BCX and PLA 5C Zones – For developments in the CBD 5A, RH, TL, FHNC, BCX, TOD in PR 1.8, HENC 2, and PLA 5C zones, the required amount of affordable housing shall be calculated based on the total number of dwelling units proposed.
4. Rounding and Alternative Compliance – In all zones, the number of affordable housing units required is determined by rounding up to the next whole number of units if the fraction of the whole number is at least 0.66. KZC 112.30 establishes methods for alternative compliance, including payment in lieu of construction for portions of required affordable housing units that are less than 0.66 units.

Chapter 180 – PLATES

[Plate 34Q Pedestrian Circulation in BCX](#)



In addition to the Major Pedestrian Sidewalks and Pedestrian-Oriented Streets, development within the Bridle Trails Neighborhood Center (BCX Zone) shall provide for one north-south through-block pathway connection between NE 70th Place and NE 65th Street and two east-west through-block pathway connections between 130th Avenue NE and 132nd Avenue NE.