

ORDINANCE NO. 3683 A

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DESIGN REVIEW PROCEDURES AND PERMITTING PROCESSES FOR THE CENTRAL AND JUANITA BUSINESS DISTRICTS; ADDING CHAPTER 3.30, AMENDING SECTION 5.74.070, AMENDING CHAPTERS 10, 50, 52, 142, 162, AND 165 OF TITLE 23, AND AMENDING SECTION 25.06.110 OF THE KIRKLAND MUNICIPAL CODE (FILE NO. IV-98-44).

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of title 23 of the Kirkland Municipal Code (the Kirkland Zoning Code, Ordinance 2740 as amended) all as set forth in that certain report and recommendation of the Planning Commission dated February 26, 1999 and bearing Kirkland Department of Planning and Community Development File No. IV-98-44; and

WHEREAS, included in the recommendation of the Planning Commission are a number of related recommendations to amend titles 3, 5, and 25 of the Kirkland Municipal Code; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on January 28 and February 25, 1999, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final determination of nonsignificance, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

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

THE CITY COUNCIL OF THE CITY OF KIRKLAND DO ORDAIN AS FOLLOWS:

Section 1. There is created a new Chapter 3.30 of the Kirkland Municipal Code entitled "Design Review Board" to read as follows:

As set forth in Attachment A which by this reference is incorporated herein.

Section 2. Section 5.74.070 of the Kirkland Municipal Code is amended to read as follows:

As set forth in Attachment B which by this reference is incorporated herein.

Section 3. Title 23 (the Kirkland Zoning Code) is amended to read as follows:

As set forth in Attachment C which by this reference is incorporated herein.

Section 4. Section 25.06.110 of the Kirkland Municipal Code is amended to read as follows:

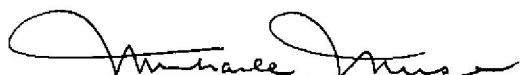
As set forth in Attachment D which by this reference is incorporated herein.

Section 5. 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 6. This ordinance shall be in force and effect on July 1, 1999, or 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, as required by law, whichever occurs last.

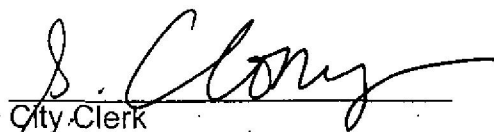
PASSED by majority vote of the Kirkland City Council in regular, open meeting this 20th day of April, 1999.

SIGNED IN AUTHENTICATION thereof this 20th day of April, 1999.



Mayor

Attest:

Deputy City Clerk



Approved as to Form:


City Attorney

K.M.C. – NEW CHAPTER

Chapter 3.30

Design Review Board

Sections:

3.30.010	Membership – Appointment – Compensation – Removal
3.30.020	Qualifications
3.30.030	Powers and duties
3.30.040	Design guidelines adopted
3.30.050	Conflict of interest

3.30.010 Membership – Appointment – Compensation – Removal.

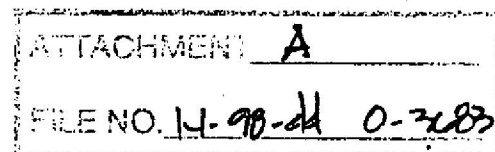
The design review board shall be composed of five appointed members. In addition, the Director of Planning and Community Development shall sit on the design review board as a non-voting member for purposes of advising the board on regulatory and urban design issues. Members shall be appointed by a majority vote of the city council, without regard to political affiliation. The members of the design review board shall serve without compensation. Members shall be appointed to a four-year term. Original terms shall be: One member for a term of one year, two members for terms of two years, one member for a term of three years, and one member for a term of four years. Subsequent terms shall be for four years, but vacancies shall be filled for the remainder of the unexpired term of the vacant position. When a member misses three or more consecutive meetings not excused by a majority vote of the design review board, the board will consider recommending removal of that member. The board shall recommend removal if the absences have negatively affected the board's abilities to perform its duties. The recommendation will be forwarded to city council. Members finding themselves unable to attend regular meetings are expected to tender their resignations. A member may be removed by a majority of city council.

3.30.020 Qualifications

Members of the design review board shall include design professionals and building/construction experts, and residents of Kirkland capable of reading and understanding architectural plans and knowledgeable in matters of building and design. The board shall at all times have a majority composition of professionals from architecture, landscape architecture, urban design/planning, or similar disciplines. In selecting members, professionals who are residents and/or whose place of business is within Kirkland will be preferred.

3.30.030 Powers and duties

The design review board shall have the responsibilities designated in the Zoning Code. In addition, the design review board shall perform such advisory functions related to design issues as designated by the city council.



3.30.040 Design guidelines adopted by reference

The document entitled "Design Guidelines for Pedestrian Oriented Business Districts" bearing the signature of the mayor and the director of the department of planning and community development dated April 20, 1999 is adopted by reference as though fully set forth herein. This document establishes the design guidelines to be used by the design review board, in combination with the authority set forth in Chapter 142 of the Zoning Code. The city council shall consult with the planning commission prior to amending this document.

3.30.050 Conflict of interest

If a member of the design review board is an applicant or a paid or unpaid advocate, agent, or representative for an applicant on a design review application, the member shall not participate in a decision on that design review application.

Table 1: New Fees for Design Board Review (Amends KMC Section 5.74.070)

Fee	Jan. 1, 1999	July 1, 1999	Jan. 1, 2000
Administrative Design Review	\$900+\$100/new unit +\$0.07/sq. ft. new GFA	\$1,500+\$200/new unit+\$0.13/sq. ft. new GFA	\$1,500+\$225/new unit+\$0.15/sq. ft. new GFA
<u>Concept Design Board Review</u>	<u>\$800</u>	<u>\$1,250</u>	<u>\$1,400</u>
<u>Design Response Design Board Review</u>	<u>\$1,500+\$115/new unit +\$0.07/sq. ft. new GFA</u>	<u>\$2,400+\$225/new unit +\$0.14/sq. ft. new GFA</u>	<u>\$2,800+\$250/new unit +\$0.15/sq. ft. new GFA</u>

ATTACHMENT B

FILE NO. 14-98-44 0-3683

CHAPTER 10 - LEGAL EFFECT/APPLICABILITY

10.05	User Guide
10.10	Time of Effect
10.15	Authority
10.17	Purpose
10.20	Map Incorporated
10.25	Zoning Categories Adopted
10.30	Overlay Designations Adopted
10.35	Zoning Boundary Interpretation
10.40	Unzoned Property
10.45	Annexed Property

10.05 User Guide

This chapter contains a variety of information regarding the effect and applicability of this Code and amendments to this Code. It also contains information regarding the Zoning Map, the symbols on that map and the boundaries on that map.

10.10 Time of Effect

1. General - Except as specified in paragraph 2 of this Section, this Code, including amendments, applies to every development, use, action or activity commenced or engaged in after the effective date of this Code, or amendment.

2. Exception - Applicants Choice - If a complete application for a development permit is submitted before the effective date of this Code, or amendment hereto, the applicant may choose to either have that application, and all subsequent development permits necessary to complete construction as specified in the first development permit, processed and decided upon under the Zoning Code in effect on the date of application or under the provisions of the Zoning Code in effect on the date the development permit is decided upon. The applicant must make a complete choice regarding which provisions apply. If an applicant chooses to proceed under the prior Zoning Code, he or she shall proceed, without unreasonable delay, to conclude development. If the applicant does unreasonably delay, the provisions of this Code will apply to all development permits and activities commenced or engaged in after the delay.

10.10.2 Exception - Applicant's Choice - An applicant may elect at any time to withdraw a pending or approved development permit application and submit a new development permit application. The new application will be reviewed entirely under the Zoning Code, including amendments, in effect at the time a complete application is submitted for the new permit.

CHAPTER 50 - CENTRAL BUSINESS DISTRICT (CBD) ZONES

50.05 User Guide. The charts in Sections 10 through 50 of this Chapter contain the basic zoning regulations that apply in the CBD 1 – 8 zones of the City. Use these charts by reading down the extreme 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. In addition, you should read Chapter 1 of this Code which will assist you in finding other regulations that apply to your property or proposal.

Section 50.10

Zone
CBD-1

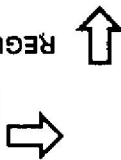
Section 50.10 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone ~~(except Public Transit Shelter)~~ unless otherwise noted:

1. ~~The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.~~
2. Height measured at the midpoint of the frontage of the subject property on the abutting right-of-way, excluding First Avenue South. Buildings exceeding two stories must demonstrate compliance with the design regulations of Section 50.65 and all provisions contained in the Downtown Plan. The City will determine compliance with these requirements through ~~Process HB~~ D.P.
2. ~~Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.~~

Zone
CBD-

REGULATIONS



Special Regulations
(See also General Regulations)

0 - 30283A
PAGE 2

Section 50.15



Zone
CBD-1

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 50.15	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Private Club or Lodge	If the structure exceeds 2 stories above the elevation of the abutting right-of-way then Process 118, Chapter 152 Otherwise, A.D.R. Chapter 142	None	0	0	0	100%	2-4 stories above each abutting right-of-way. See General Regulations	D	B	See Section 105.25 and Section 60 of this Chapter.	<ol style="list-style-type: none">This use may be located on the street level floor of a building only if there is an intervening retail store front between this use and the abutting right-of-way.Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if:<ol style="list-style-type: none">The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; andThe outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses.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.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 A.D.R. and building permit applications.A veterinary office is not permitted if the subject property contains dwelling units.
.070	Office Use								D	One per each 350 sq. ft. of gross floor area. See Section 60 of this Chapter.		
.080	Stacked or Attached Dwelling Units								A	1.7 per unit. See Section 60 of this Chapter.		
.090	School, Day-care Center or Mini School or Day-care Center								B	See Section 105.25 and Section 60 of this Chapter.		

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

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Section 50.15	USE  	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	Assisted Living Facility	If the structure exceeds 2 stories above the elevation of the abutting right-of-way then Process 118, Chapter 152. Otherwise, A.D.R. Chapter 142	None	0	0	0	100%	2-4 stories above each abutting right-of-way. See General Regulations	D	A	1.7 per independent unit 1 per assisted living unit See Section 60 of this Chapter. 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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 included, the following parking standard shall apply to the nursing home portion of the facility: a. 1 parking stall shall be provided for each bed. 3. This use may be located on the street level floor of the building only if there is an intervening retail store front between this use and the abutting right-of-way.	
.110	Public Utility, Government Facility, or Community Facility	None							See Special Reg. 1	B	See Section 105.25 and Section 60 of this Chapter. 1. Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.	
.120	Public Transit Shelter	None						15 feet above average building elevation	--	See Spec. Reg. 2	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. May install transit route and information signs and markers.	
.130	Public Park	If the structure exceeds 2 stories above the elevation of the abutting right-of-way then Process 118, Chapter 152. Otherwise, A.D.R. Chapter 142	Will be determined on a case-by-case basis.					2-4 stories above each abutting right-of-way. See General Regulations	--	B	See Section 105.25 and Section 60 of this Chapter.	

Section 50.20



Section 50.20 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone ~~(except Public Transit Shelter)~~ unless otherwise noted:

1. Development in this zone may also be regulated under the City's Shoreline Master Program; consult that document.
2. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.
3. ~~The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.~~
4. See Section 18 of this Chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
5. Along Lake Street South, north of Kirkland Avenue, buildings exceeding one story above Lake Street South ~~shall be reviewed through Process II-B. Buildings exceeding one story~~ shall demonstrate compliance with the Design Regulations of Section 50.65 and all provisions of the Downtown Plan. Through ~~Process II-B~~ ^{D.R.} the City shall find that any allowance for additional height is clearly outweighed by identified public benefits such as through-block public/pedestrian access or through-block view corridors (does not apply to Public Access Pier or Boardwalk and Moorage Facility for One or Two Boats uses).
6. In no case shall the height exceptions identified in Section 50.62 and 115.60.2.d result in a structure which exceeds 28 feet above the abutting right-of-way (does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats uses and General Moorage Facility Uses).
7. South of Second Avenue South, maximum height of structure is three stories above Lake Street South as measured at the midpoint of the frontage of the subject property on Lake Street South. Buildings exceeding two stories ~~shall be reviewed through Process II-B and~~ shall demonstrate compliance with the design regulations of Section 50.65 and all provisions of the Downtown Plan (does not apply to Public Access Pier or Boardwalk and Moorage Facility for One or Two Boats uses).
8. For purposes of measuring building height, if the subject property abuts more than one right-of-way, the applicant may choose which right-of-way shall be used to measure the allowed height of structure (does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats, and General Moorage Facility uses).



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

Section 50.20	USE ↑ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscaping Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure				
.010	A Retail Establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services, including banking and related financial services	X D.R. Chapter 142. See General Regulations	None	0	0	0	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way. See General Regulations	D See Spec. Reg. 8	E	One per each 350 sq. ft. of gross floor area. See Section 60 of this Chapter.	1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. b. Balconies that are at least 15 feet above finished grade may extend up to 4 feet into the high waterline yard. c. No structure, other than moored structures, may be waterward of the high waterline. For regulation regarding moorages, see the moorage listings in this zone. d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 2. The following uses are not permitted in this Zone: a. Vehicle service stations. b. Vehicle or boat sales, repair, service or rental. c. Drive-in facilities and drive-through facilities. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and 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. 4. A retail use involving the preparation and consumption of food may include as part of this use accessory seating if: a. The seating and associated circulation area does not exceed more than 10% of the gross floor area of this use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.
.020	Entertainment, Cultural and/or Recreational Facility									See Section 105.25 and Section 60 of this Chapter.	
.030	Hotel or Motel									One for each room. See Special Regulation 5.4 and Section 60 of this Chapter.	
.040	Restaurant or Tavern									One per each 125 sq. ft. of gross floor area. See Section 60 of this Chapter.	

Section 50.20

Zone
CBD-2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 50.20	USE 	REGULATIONS 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure				
					Front	Side						
.050	School, Day-Care Center, or Mini-School or Day-Care Facility		X D.R. Chapter 142. See General Regulations.	None	0	0	0	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way. See General Regulations.	D	B	See Section 105.25 and Section 60 of this Chapter. 1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. b. Balconies that are at least 15 feet above finished grade may extend up to 4 feet into the high waterline yard. c. No structure, other than moored structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this Zone. 2. A 6-foot high fence is required along all property lines adjacent to outside play areas. 3. Structured play areas must be set back from all property lines by at least five feet. 4. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 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. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 388-150, and 388-155).

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

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Section 50.20	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure				
				Front	Side						
.060	Assisted Living Facility	X D.R. Chapter 142. See General Regulations.	None	0	0	0	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way. See General Regulations.	D	A	1.7 per independent unit 1 per assisted living unit See Section 60 of this Chapter. 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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 included, the following parking standard shall apply to the nursing home portion of the facility: a. 1 parking stall shall be provided for each bed. 3. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. b. Balconies that are at least 15 feet above finished grade may extend up to 4 feet into the high waterline yard. c. No structure, other than moored structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this Zone. d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 4. This use may be located on the street level floor of the building only if there is an intervening retail store front between this use and the abutting right-of-way.

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Section 50.20

Zone
CBD-2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 50.20	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.070	Private Club or Lodge	A.D.R. Chapter 142. See General Regulations.	None	0	0	0	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way. See General Regulations.	D See Spec. Reg. 5	B	See Section 105.25 and Section 60 of this Chapter.	1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. b. Balconies that are at least 15 feet above finished grade may extend up to 4 feet into the high waterline yard. c. No structure, other than moored structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this Zone. d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 2. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and b. The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses. 3. This use may be located on the street level floor of a building only if there is an intervening retail store front between this use and the abutting right-of-way. 4. Veterinary offices are not permitted in this Zone. 5. Landscape Category C is required if the subject property is adjacent to WDI zone.
.080	Office Use								D	One per 350 sq. ft. of gross floor area. See Section 60 of this Chapter.		

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

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS													
Section 50.20	USE ↓	Stacked or Attached Dwelling Units	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure					
					Front	Side Rear							
.090			X D.R. Chapter 142. See General Regulations.	None	0	0	0	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way. See General Regulations.	D	A	1.7 per unit. See Section 60 of this Chapter.	1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: a. A high waterline yard equal in depth to the greater of 15 ft. or 15 percent of the average parcel depth is hereby established on the subject property. b. Balconies that are at least 15 feet above finished grade may extend up to 4 feet into the high waterline yard. c. No structure, other than moored structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this Zone. d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 2. This use may be located on the street level floor of a building only if there is an intervening retail store front between this use and the abutting right-of-way.
.100		Public Access Pier or Boardwalk	X D.R. Chapter 142		Landward of the high waterline 0 0 0 0 Waterward of the high waterline 0 10' 0 See also Special Regulation 8			--	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	-	See Spec. Reg. 7	--	1. No accessory uses, buildings, or activities may be permitted as part of this use. 2. If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. 3. May not treat structures with creosote, oil base, or toxic substances. 4. Must provide at least one covered and secured waste receptacle. 5. All utility lines must be below the pier deck and, where feasible, underground. 6. Piers must be adequately lit; the source of the light must not be visible from off the subject property. 7. The pier or boardwalk must display the street address of the subject property. The address must be oriented to and visible from the lake with letters and numbers at least 4 inches high. 8. The side property line yards may be reduced for over water public access piers or boardwalks which connect with waterfront public access on adjacent property.

Section 50.20

Zone
CBD-2

USE ZONE CHART

Section 50.20		DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS					
USE ↓	REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS	
			Lot Size	REQUIRED YARDS (See Ch. 115)	Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)
				Front Side Rear			Sign Category (See Ch. 100)
							Required Parking Spaces (See Ch. 105)
							Special Regulations (See also General Regulations)
.110	Moorage Facility for One or Two Boats	A.D.R. Chapter 142	None	Landward of the high waterline 0 0 0 Waterward of the high waterline 0 10' 0 See also Special Regulation 5	100%	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	See Section 105.25 and Section 60 of this Chapter.
							1. No accessory use, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this Zone. 2. Moorage structures may not extend waterward beyond a point 150 ft. from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than 8 feet in width. 3. If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. 4. May not treat structures with creosote, oil-based, or toxic substances. 5. Moored structures may not be closer than 25 feet to another moored structure not on the subject property. 6. Must provide at least one covered and secured waste receptacle. 7. All utility lines must be below the pier deck and, where feasible, underground. 8. Piers must be adequately lit; the source of the light must not be visible from off the subject property. 9. Moored structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least 4 inches high. 10. Covered moorage is not permitted. 11. A high waterline yard equal in depth to the greater of 15 feet or 15% of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard.

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

Section 50.20	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure					
				Front	Side Rear							
120	General Moorage Facility	Process IIA, Chapter 150 and 150 D.R. Chapter 142. See General Regulations.	None, but must have at least 100 ft. of frontage on Lake Washington.	0	0	0	100% See also Spec. Reg 10	Landward of the high waterline 2 stories above average building elevation. Waterward of the high waterline, pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck. See General Regulations.	See Spec. Reg. 5	B See also Spec. Reg. 14	See Section 105.25 and Section 60 of this Chapter.	<p>1. The City will determine the maximum allowable number of moorages based on the following factors:</p> <p>a. The topography of the area.</p> <p>b. The ability of the land waterward of the high waterline to support the moorages.</p> <p>c. The nature of nearby uses.</p> <p>d. The potential for traffic congestion.</p> <p>e. The effect on existing habitats.</p> <p>2. Moorage structures may not be larger than is reasonably necessary to provide safe and reasonable moorage for the boats to be moored. The City will specifically review the size and configuration of moorage structures to insure that:</p> <p>a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the Outer Harbor Line.</p> <p>b. The moored structures are not larger than is necessary to moor the specified number of boats.</p> <p>c. The moored structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation.</p> <p>3. The following accessory components are allowed if approved through Process III, Chapter 155:</p> <p>a. Gas and oil sale for boats, if:</p> <p>1) Storage tanks are underground and on dry land; and</p> <p>2) The use has facilities to contain and clean up oil and gas spills.</p> <p>b. An over-water shed, which is no more than 50 square feet and not more than 10 feet high as measured from the deck, accessory to oil and gas sale for boats.</p> <p>c. Boat and motor sales and leasing.</p> <p>d. Boat or motor repair and service if:</p> <p>1) This activity is conducted on dry land and either totally within a building or totally sight screened from the adjoining property and the right-of-way; and</p> <p>2) All dry land motor testing is conducted within a building.</p> <p>e. Meeting and special events rooms.</p> <p>4. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.</p> <p>5. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer.</p>

REGULATIONS CONTINUED ON NEXT PAGE

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REGULATIONS CONTINUED ON NEXT PAGE

Section 50.20

Zone
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USE ZONE CHART

Section 50.20	USE ↑ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure				
				Front	Side Rear						
.120	General Moorage Facility (continued)										<p>6. At least one pump-out facility shall be provided for use by the general public. This facility must be easily accessible to the general public and clearly marked for public use.</p> <p>7. Must provide public restrooms unless moorage is available only for the residents of dwelling units on the subject property.</p> <p>8. If moored structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use.</p> <p>9. May not treat moored structures with creosote, oil-based, or toxic substances.</p> <p>10. No moorage structure may be within:</p> <ul style="list-style-type: none">a. 100 feet of a public park;b. 50 feet of any abutting lot that contains a detached dwelling unit; andc. 25 feet of another moorage structure not on the subject property. <p>11. Must provide at least two covered and secured waste receptacles.</p> <p>12. All utility lines must be below the pier decks and, where feasible, underground.</p> <p>13. Piers must be adequately lit; the source of the light must not be visible from off the subject property.</p> <p>14. Moored structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least 4 inches high.</p> <p>15. Covered moorage is not permitted. Aircraft moorage is not permitted.</p> <p>16. A high waterline yard equal in depth to the greater of 15 feet or 15% of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard.</p> <p>17. Balconies that are at least 15 feet above finished grade may extend up to 4 feet into the high waterline yard.</p> <p>18. No structures, other than moorage structures, may be waterward of the high waterline.</p>

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

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

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 50.20	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	Public Utility	A.D.R. Chapter 142. See General Regulations.	None	0	0	0	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way. See General Regulations.	D See Spec. Reg. 1	B	See Section 105.25 and Section 60 of this Chapter.	1. Landscape Category C is required if the subject property is adjacent to WDI zone. 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 nearby uses. 2. May be permitted only if locating this use in the immediate area of subject property is necessary to permit efficient service to the area or the City as a whole. 3. No structures, other than moorage structures, may be waterward at the high waterline. For regulations regarding moorages, see the moorage listings in this Zone.
.140	Government Facility											
.150	Community Facility											
.160	Public Transit Shelter	None						15 ft. above average building elevation	See Spec. Reg. 2	None	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. May install transit route and information signs and markers.	
.170	Public Park	A.D.R. Chapter 142. See General Regulations.		Will be determined on a case-by-case basis.				2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way. See General Regulations.	-	B	See Section 105.25 and Section 60 of this Chapter.	1. The design and facilities of the park should emphasize its waterfront location.

Section 50.25



Section 50.25 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone ~~(except Public Transit Shelter)~~ unless otherwise noted:

- ~~1. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.~~
- ~~2.1. No portion of a structure within 100 feet of the southerly boundary of 2nd Avenue South abutting Planned Area 6C may exceed 25 feet above average building elevation (does not apply to Detached Dwelling Unit uses).~~
- ~~3.2. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.~~
- ~~4.3. Site and building design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan (does not apply to Detached Dwelling Unit uses).~~
- ~~5.4. If any portion of a structure is adjoining a low density zone, then either:~~
 - ~~a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or~~
 - ~~b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width. See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details (does not apply to Detached Dwelling Unit and Public Park uses).~~

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS													
Section 50.25	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	Entertainment, Cultural, and/or Recreational Facility	A.D.R. Chapter 142	None	20' See Spec. Reg. 4.	0	0	80%	3 stories above average building elevation.	D See Special Reg. 3	E	See Section 105.25.	1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. 3. Landscape Category B is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 4. The required front yard for this use shall be 0 feet for one story at street level. No parking may encroach into the required 20-foot front yard.	
.020	Hotel or Motel										One for each room. See Spec. Reg. 2.		
.030	Restaurant or Tavern										One per each 125 sq. ft. of gross floor area.		1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. Drive-in facilities and drive-through facilities are not permitted in this zone. 3. Landscape Category B is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 4. The required front yard for this use shall be 0 feet for one story at street level. No parking may encroach into the required 20-foot front yard.

Section 50.25

Zone
CBD-3

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 50.25	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						
.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	A.D.R. Chapter 142	None	20' See Spec. Reg. 4	0	0	80%	3 stories above average building elevation.	D See Special Reg. 4	E	One per each 350 sq. ft. of gross floor area.	<div>1. The following uses are not permitted in this Zone:<div>a. Vehicle service stations.</div>b. Vehicle or boat sales, repair, service, or rental.</div> <div>c. Fast food restaurants.</div> d. Drive-in facilities and drive-through facilities. <div>2. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</div> <div>3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:<div>a. The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises.</div>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</div> <div>4. A use involving the preparation and consumption of food may include, as part of the use, accessory seating if:<div>a. The seating and associated circulation area does not exceed more than 10% of the gross floor area of this use; and</div>b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</div> <div>5. Landscape Category B is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J.</div> <div>6. The required front yard for this use shall be 0 feet for one story at street level. No parking may encroach into the required 20-foot front yard.</div>
.050	Private Lodge or Club See Special Reg. 3.			20' See Spec. Reg. 4					D See Special Reg. 2	B	See Section 105.25.	<div>1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.</div> <div>2. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J.</div> <div>3. This use may be located on the Kirkland Avenue level of a building only if there is an intervening retail storefront between this use and the right-of-way.</div> <div>4. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.</div>

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

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS.													
Section 50.25	USE ↓	REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure					
					Front	Side Rear							
.060	Office Use See Special Reg. 5.		X.D.R. Chapter 142	None	20' See Spec. Reg. 6	0	0	80%	3 stories above average building elevation.	D See Spec. Reg. 4	D	One per each 350 sq. ft. of gross floor area.	1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. 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 X.D.R. and building permit applications. d. A veterinary office is not permitted if the subject property contains dwelling units. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and 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. 4. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 5. This use may be located on the Kirkland Avenue level of a building only if there is an intervening retail storefront between this use and the right-of-way. 6. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.
.070	Stacked or Attached Dwelling Units See Special Reg. 1.			20' See Spec. Reg. 2						D	A	1.7 per unit.	1. This use may be located on the Kirkland Avenue level of a building only if there is an intervening retail storefront between this use and the right-of-way. 2. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.
.080	Detached Dwelling Units		None	3,000 sq. ft.	20'	5', but 2 side yards must be at least 15'	10'	70%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.			2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of size. 2. This use may only be located west of State Street. 3. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

Section 50.25

Zorie
CBD-3

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS													
Section 50.25	USE ↓	REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.090	Church	X.D.R. Chapter 142	None	20' See Spec. Reg. 4	0	0	80%	3 stories above average building elevation.	D See Spec. Reg. 3	B	One per every four people based on maximum occupancy of any area of worship. See Spec. Reg. 2.	1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. No parking is required for day-care or school ancillary to the use. 3. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 4. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.	
.100	School, Day-Care Center, or Mini-School or Day-Care Center			20' See Spec. Reg. 7					D		See Section 105.25.	1. A six-foot-high fence is required along all property lines adjacent to outside play areas. 2. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 3. Structured play areas must be set back from all property lines by at least five feet. 4. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 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. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 388-150, and 388-155). 7. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.	

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS.													
Section 50.25	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					
.110	Assisted Living Facility		X.D.R. Chapter 142	None	20' See General Regulations.	0	0	80%	3 stories above average building elevation. See General Regulations.	D	A	1.7 per independent unit 1 per assisted living unit	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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 included, the following parking standard shall apply to the nursing home portion of the facility: a. 1 parking stall shall be provided for each bed. 3. This use may be located on Kirkland Avenue level of a building only if there is an intervening retail storefront between the use and the right-of-way. 4. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.
.120	Public Utility			20' See Spec. Reg. 3					3 stories above average building elevation.	C See Special Reg. 1			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 nearby uses. 2. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 3. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.
.130	Government Facility or Community Facility									D See Special Regs. 1 and 2			
.140	Public-Transit Shelter		None	0				100%	15 feet above average building elevation.	--	See Spec. Reg. 3	None	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. Site and building design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Master Plan of the Comprehensive Plan. 3. May install transit route and information signs and markers.
.150	Public Park		X.D.R. Chapter 142	Will be determined on a case-by-case basis					3 stories above average building elevation.	--	B	See Section 105.25. See Section 60 of this Chapter.	

Section 50.30

Zone
CBD-4

Section 50.30 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone ~~(except Public Transit Shelter)~~ unless otherwise noted:

1. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
2. Structures east of Second Street South shall be set back 20 feet from Second Avenue South (does not apply to Detached Dwelling Unit and Public Park uses).
3. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure (does not apply to Public Park uses).
4. ~~The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.~~
5. Maximum height of structure is 55.4 feet above average building elevation west of Second Street South, including any adjacent structure in CBD-1 west of 2nd Street South developed with a structure in this zone.
6. ~~No portion of a structure within 100 feet of the southerly boundary of Second Avenue South abutting Planned Area 6C shall exceed 25 feet. No portion of a structure within 40 feet of First Avenue South shall exceed 3 stories (does not apply to Detached Dwelling Unit uses).~~
7. If any portion of a structure is adjoining a low density zone, then either:
 - a. ~~The height of that portion of the structure shall not exceed 15 feet above average building elevation, or~~
 - b. ~~The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width. See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.~~
8. ~~Development shall not isolate any existing detached dwelling unit in this zone (does not apply to Detached Dwelling Unit and Public Park uses).~~

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

DIRECTIONS: FIRST, read down to find use, THEN, across for REGULATIONS												
Section 50.30	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	Restaurant or Tavern	X.D.R. Chapter 142	None	0	0	0	100%	4 stories above average building elevation or existing grade.	D See Spec. Reg. 3	E	One per each 125 sq. ft. of gross floor area.	1. No aspect or component of this use, including open dining areas, may be oriented towards Second Avenue South. 2. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 3. Landscape Category B is required if subject property is adjacent to Planned Area 6C.
.020	Entertainment, Cultural or Recreational Facility								D See Spec. Reg. 4		One for each room. See Spec. Reg. 3.	1. No aspect or component of this use, including hotel/motel rooms and open dining areas, may be oriented toward Second Avenue South. 2. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.
.030	Hotel or Motel											3. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. 4. Landscape Category B is required if subject property is adjacent to Planned Area 6C.

Section 50.30


 Zone
CBD-4

USE ZONE CHART

Section 50.30		USE ↓ REGULATIONS ↓	DIRECTIONS: FIRST read down to find use... THEN across for 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							
.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.	A.D.R. Chapter 142	None	0	0	0	100%	4 stories above average building elevation or existing grade.	D See Spec. Reg. 1-4.5	E	One per each 350 sq. ft. of gross floor area.	1. The following uses are not permitted in this zone: a. Vehicle service stations. b. Vehicle and/or boat sales, repair, service, or rental. c. Drive-in facilities and drive-through facilities. 2. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and 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. 4. A use involving the preparation and consumption of food may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10% of the gross floor area of this use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. Landscape Category B is required if subject property is adjacent to Planned Area 6C.	
.050	Private Lodge or Club			10'					D See Spec. Reg. 2	B	See Section 105.25.	1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. Landscape Category C is required if subject property is adjacent to Planned Area 6C.	

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

Section 50.30	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				
.060 Office Use	USE REGULATIONS	X-D.R. Chapter 142	None	10'	0	0	4 stories above average building elevation of existing grade.	D See Spec. Reg. 4	D	One per each 350 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the X-D.R. and building permit applications. d. A veterinary office is not permitted if the subject property contains dwelling units. 2. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and b. The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses. 3. Primary vehicle access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 4. Landscape Category C is required if subject property is adjacent to Planned Area 6C.
								D See Spec. Reg. 3	B	One per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. No parking is required for daycare or school ancillary to the use. 3. Landscape Category C is required if subject property is adjacent to Planned Area 6C.
.070 Church								D See Spec. Reg. 1	A	1.7 per unit.	1. Landscape Category C is required if subject property is adjacent to Planned Areas 6C.
.080 Stacked or Attached Dwelling Units											

Section 50.30


 Zone
CBD-4

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 50.30	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	School, Day Care or Mini-School or Day Care Center	A.D.R. Chapter 142	None	10'	0	0	100%	4 stories above average building elevation of existing grade.	D	B	See Section 105.25.	1. A six-foot-high fence is required along all property lines adjacent to outside play areas. 2. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 3. Structured play areas must be set back from all property lines by at least five feet. 4. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 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. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 388-150, and 388-155).
.100	Assisted Living Facility								D See Spec. Reg. 3	A	1.7 per independent unit 1 per assisted living unit	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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 included, the following parking standard shall apply to the nursing home portion of the facility: a. 1 parking stall shall be provided for each bed. 3. Landscape Category C is required if subject property is adjacent to Planned Area 6C.
.110	Detached Dwelling Units	None	3,600 sq. ft.	20'	5', but 2 side yards must be at least 15'	10'	60%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above building elevation.	E		2.0 per unit	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 50.30	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.120	Public Utility, Government Facility, or Community Facility	A.D.R. Chapter 142	None	10'	0	0	100%	4 stories above average building elevation of existing grade.	D See Spec. Reg. 1	B	See Section 105.25.	1. Landscape Category C is required if subject property is adjacent to Planned Area 6C. Landscape Category A or B may be required depending on the type of use on the subject property and impacts associated with the use on nearby uses.
.130	Public Transit Shelter	None		0				15 feet above average building elevation.	- See Spec. Reg. 2.		None	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. May install route and information signs and markers.
.140	Public Park	A.D.R. Chapter 142		Will be determined on a case-by-case basis.				4 stories above average building elevation of existing grade.		B	See Section 105.25.	

Section 50.35



Section 50.35 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone ~~(except Public Transit Shelter)~~ unless otherwise noted:

- ~~1. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.~~
- ~~2.1.~~ No portion of a structure above the elevation of Kirkland Way as measured at the midpoint of the frontage of the subject property on Kirkland Way may exceed the following: ²
 - a. Within 20 feet of Kirkland Way, ~~2~~ stories;
 - b. Within 40 feet of Kirkland Way, 4 stories;
 - c. Within 50 feet of Kirkland Way, 5 stories.
- ~~3. If any portion of a structure is adjoining a low density zone, then either:~~
 - a. The height of that portion of the ~~structure~~ shall not exceed 15 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

~~See the Section in Chapter 115 entitled "Distance Between Structures Regarding Maximum Horizontal Facade Regulation" for further details.~~
- ~~4.2.~~ Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
- ~~5.3.~~ Buildings exceeding 2 stories above average building elevation shall demonstrate compliance with the design regulations of Section 50.65 and the provisions of the Downtown Plan Chapter of the Comprehensive Plan. The City will use ~~Process HB~~ ^{D.B.} to determine compliance.
- ~~6.4.~~ The minimum required yard abutting Peter Kirk Park is 10 feet. The required front yard is 0' for those portions of buildings with continuous retail or restaurant uses at street level. Kirkland Way shall be considered a pedestrian-oriented street if the front yard is less than 20 feet.
- ~~7.5.~~ No portion of a structure within 100 feet of Peter Kirk Park shall exceed 3 stories above average building elevation.
- ~~8.6.~~ Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure (does not apply to Public Park uses).
- ~~9.7.~~ The entire zone must be physically integrated both in site and building design. Also, site design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan, between public sidewalks and building entrances, and between walkways on the subject property and existing or planned walkways on abutting properties (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).

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

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 50.35	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	Restaurant or Tavern	If structure exceeds 2 stories above average building elevation, then Process 1B, Chapter 152. Otherwise, XDR, Chapter 142	None	20'	0	0	80%	3 to 5 stories above average building elevation. See General Regulations.	D See Spec. Reg. 1	E	One per each 125 sq. ft. of gross floor area.	1. Landscape Category B is required if the subject property is adjacent to 6th Street or Kirkland Avenue.
.020	Fast Food Restaurant								D See Spec. Reg. 3		One per each 100 sq. ft. of gross floor area.	1. Must provide one outdoor waste receptacle for every eight parking stalls. 2. Access for drive-through facilities must be approved by the Public Works Department. 3. Landscape Category A is required if the subject property is adjacent to 6th Street or Kirkland Avenue.
.030	Entertainment, Cultural and/or Cultural Recreational Facility								D See Spec. Reg. 2		One per each room. See Special Reg. 1.	1. The parking requirements for hotel or motel use do not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. 2. Landscape Category B is required if the subject property is adjacent to 6th Street or Kirkland Avenue.
.040	Hotel or Motel											
.050	Any Retail Establishment Other than those Specifically Listed, Limited, or Prohibited in the Zone, Selling Goods, or Providing Services Including Banking and Related Financial Services								D See Spec. Reg. 4		One per each 350 sq. ft. of gross floor area.	1. The following uses are not permitted in this Zone: a. Vehicle service stations. b. Vehicle or boat sale, repair, service, or rental. 2. Access for drive-through facilities must be approved by the Public Works Department. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and 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. 4. A use involving the preparation and consumption of food may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10% of the gross floor area of this use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. 5. Landscape Category B is required if subject property is adjacent to 6th Street or Kirkland Avenue.

Section 50.35

Zone
CBD-5

USE ZONE CHART

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

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS.												
Section 50.35	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Private Lodge or Club	If structure exceeds 2 stories above average building elevation, then Process HB, Chapter 152. Otherwise, ADR, Chapter 142	None	20'	0	0	80%	3 to 5 stories above average building elevation. See General Regulations.	D See Spec. Reg. 1	B	See Section 105.25.	1. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.
.070	Office Use								D See Spec. Reg. 3		One per each 350 sq. ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and b. The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses. 2. The following regulations apply to veterinary office 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 X.D.R. and building permit applications. d. A veterinary office is not permitted if the subject property contains dwelling units. 3. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.
.080	Church								D See Spec. Reg. 2		One per every four people based on maximum occupancy of any area of worship.	1. No parking is required for daycare or school ancillary to the use. 2. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue.

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



DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 50.35	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	School, Day-care Center, or Mini-School or Day-care Center	If structure exceeds 2 stories above average building elevation, then Process 115. Otherwise, ADR, Chapter 142	None	20'	0	0	80%	3 to 5 stories above average building elevation. See General Regulations.	D	B	See Section 105.25.	1. A six-foot-high fence is required along all property lines adjacent to outside play areas. 2. Structured play areas must be set back from all property lines by at least five feet. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 388-150, and 388-155).
.100	Assisted Living Facility See Spec. Reg. 4.								D See Spec. Reg. 3	A	1.7 per independent unit 1 per assisted living unit	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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 included, the following parking standard shall apply to the nursing home portion of the facility: a. 1 parking stall shall be provided for each bed. 3. Landscape Category C is required if subject property is adjacent to 6th Street or Kirkland Avenue. 4. This use only allowed on properties with frontage on Second Avenue.
.110	Stacked or Attached Dwelling Units								D See Special Reg. 1		1.7 per unit.	1. Landscape Category C is required if the subject property is adjacent to 6th Street or Kirkland Avenue. 2. This use only allowed on properties with frontage on Second Avenue.
.120	Public Utility, Government Facility, or Community Facility									B	See Section 105.25.	1. Landscape Category C is required if the subject property is adjacent to 6th Street or Kirkland Avenue. 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 nearby uses. 2. Site design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan, between public sidewalks and building entrances, and between walkways on the subject property and existing or planned walkways on abutting properties.

Section 50.35

Zone
CBD-5

USE ZONE CHART

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

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 50.35	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	Public Transit Center	None	None	20'	0	0	80%	15 feet above average building elevation.	--	See Spec. Reg. 3	None	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. Site and building design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan. 3. May install transit route and information signs and markers.
140	Public Park	If structure exceeds 2 stories above average building elevation, then Process #B, Chapter 152. Otherwise, ADR, Chapter 142		Will be determined on a case-by-case basis				3 to 5 stories above average building elevation. See General Regulations.		B	See Section 105.25.	1. Site and building design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan.

Section 50.40



Section 50.40 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone ~~(except Public Transit Shelter)~~ unless otherwise noted:

- ~~4.~~ The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.
- 2.1. The entire zone must be physically integrated both in site and building design. In addition, the design and development of the subject property must provide pedestrian linkage through this zone and between Central Way and areas to the north of this zone, consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan.
- 2.2. The City may require that areas of the northeastern and southeastern portions of the subject property be developed with pedestrian scale amenities and landscaping to enhance the entryway into the Central Business District.
- 4.3. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.

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

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 50.40	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	Restaurant or Tavern See Special Regulation 1	A.D.R. Chapter 142	None	20'	10'	10'	80%	4 stories above average building elevation.	D See Spec. Reg. 4	E	One per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none">These uses are only permitted south of Sixth Avenue. Subterranean parking for these uses may be located north of 6th Avenue provided that the parking structures are not visible from 7th Avenue or 5th Street north of 6th Avenue.Vehicular access for these uses and components of these uses, including subterranean parking must be on Central Way or Fifth or Sixth Streets south of Sixth Avenue. The applicant may be required to install traffic diverters or employ other mechanisms to direct non-residential traffic associated with subject property away from areas north of Sixth Avenue.Access for drive-through facilities must be approved by the Public Works Department.Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones.The required front yard for this use shall be 0 feet from Central Way for one or two stories. No parking may encroach into the required 20-foot front yard.
.020	Fast Food Restaurant See Special Regulation 1			One per each 100 sq. ft. of gross floor area.								



Section 50.40

Zone
CBD-6

USE ZONE CHART

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

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 50.40	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	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 Special Regulations 1 and 2.	D.R. Chapter 142	None	20'	10'	10'	80%	4 stories above average building elevation.	D See Spec. Reg. 7 16	E	One per each 350 sq. ft. of gross floor area.	1. These uses are only permitted south of Sixth Avenue. Subterranean parking for these uses may be located north of 6th Avenue provided that the parking structures are not visible from 7th Avenue or 5th Street north of 6th Avenue. 2. Vehicle and/or boat sale, repair, service, and rental are not permitted in this zone. 3. Vehicular access for these uses and components of these uses, including subterranean parking, must be on Central Way or Fifth or Sixth Streets south of Sixth Avenue. The applicant may be required to install traffic diverters or employ other mechanisms to direct non-residential traffic associated with subject property away from areas north of Sixth Avenue. 4. Ancillary assembly and manufacture of goods on premises may be permitted as part of a retail establishment if: a. The assembled or manufactured goods are directly related to and 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.
.040	Hotel or Motel. See Special Regulation 1.										One for each room. See Spec. Reg. 8.7	5. A use involving the preparation and consumption of food may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10% of the gross floor area of this use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.
.050	Entertainment, Cultural and/or Recreational Facility. See Special Regulation 1.										See Section 105.25.	6. Access for drive-through facilities must be approved by the Public Works Department. 7. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones. 8. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. 9. The required front yard for this use shall be 0 feet from Central Way for one or two stories. No parking may encroach into the required 20-foot front yard.

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS.												
Section 50.40	USE  REGULATIONS 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Office Use See Special Regulation 1.	X-D.R. Chapter 142	None	20'	10'	10'	80%	4 stories above average building elevation.	D See Spec. Reg. 5	D	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none">1. These uses are only permitted south of Sixth Avenue. Subterranean parking for these uses may be located north of 6th Avenue provided that the parking structures are not visible from 7th Avenue or 5th Street north of 6th Avenue.2. Veterinary offices are not permitted in this zone.3. Vehicular access for this uses and components of this use, including subterranean parking, must be on Central Way or Fifth or Sixth Streets south of Sixth Avenue. The applicant may be required to install traffic diverters or employ other mechanisms to direct nonresidential traffic associated with subject property away from areas north of Sixth Avenue.4. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if:<ol style="list-style-type: none">a. The ancillary assembled or manufactured goods are subordinate to and dependent upon this office use; andb. The outward appearance and impacts of this office use with ancillary assembly or manufacturing activities must be no different from other office uses.5. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones.6. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.
.070	Private Club or Lodge See Special Regulation 1.			See Special Regulation 6.					B	See Section 105.25.		

Section 50.40

Zone
CBD-6

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 50.40	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	Stacked, or Attached Dwelling Units See Special Regulation 1.	A.D.R. Chapter 142	None	20'	10'	10'	80%	4 stories above average building elevation. See also Special Regulation 3.	D See Spec. Reg. 4	A	1.7 per unit.	<ol style="list-style-type: none">1. Along Central Way, this use is only permitted above the ground floor.2. For any portion of a structure on the subject property within 40 feet of Seventh Avenue or Fifth Street north of Sixth Avenue that does not exceed 30 feet in height above average building elevation, the minimum required side yards are 5 feet but 2 side yards must equal at least 15 feet.3. No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured from the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street, as measured at the midpoint of the frontage of the subject property on Fifth Street.4. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones.5. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.6. Along Seventh Avenue, buildings shall be designed with predominantly sloped roof forms.7. Within 40 feet of Seventh Avenue, the maximum length of any facade is 50 feet and a minimum 50% of this area shall be open space.

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

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS.												
Section 50.40	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	School, Day-care, or Mini-School or Day-care Center	X D.R. Chapter 142	None	20'	10'	10'	80%	4 stories above average building elevation. See also Special Regulation 2.	D See Spec. Reg. 3	B	See Section 105.25	<ol style="list-style-type: none">1. For any portion of a structure on the subject property within 40 feet of Seventh Avenue of Fifth Street north of Sixth Avenue that does not exceed 30 feet above average building elevation, the minimum required side yards are five feet but two side yards must equal at least 15 feet.2. No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured at the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street as measured at the midpoint of the frontage of the subject property on Fifth Street.3. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones.4. A six-foot high fence is required along all property lines adjacent to outside play areas.5. Structured play areas must be set back from all property lines by at least five feet.6. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.7. 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.8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 388-150, and 388-155).9. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.

Section 50.40

Zone
CBD-6

USE ZONE CHART

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

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 50.40	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	Assisted Living Facility See Spec. Reg. 3.	X.D.R. Chapter 142	None	20'	10'	10'	80%	4 stories above average building elevation. See also Special Regulation 6.	D See Spec. Reg. 7	A	1.7 per independent unit 1 per assisted living unit	<ol style="list-style-type: none">1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.2. 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 included, the following parking standard shall apply to the nursing home portion of the facility:<ol style="list-style-type: none">a. 1 parking stall shall be provided for each bed.3. Along Central Way, this use is only permitted above the ground floor.4. For any portion of a structure on the subject property within 40 feet of Seventh Avenue or Fifth Street north of Sixth Avenue that does not exceed 30 feet in height above average building elevation, the minimum required side yards are 5 feet but 2 side yards must equal at least 15 feet.5. The development shall provide significant openness adjacent to Sixth Street.6. No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured at the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street as measured at the midpoint of the frontage of the subject property on Fifth Street.7. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Area 7B or 7C zones.8. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.9. Along Seventh Avenue, buildings shall be designed with predominantly sloped roof forms.10. Within 40 feet of Seventh Avenue, the maximum length of any facade is 50 feet and a minimum 50% of this area shall be open space.

Section 50.40		USE ↓ REGULATIONS →	DIRECTIONS: FIRST, read down to find use. THEN, across for 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	Church	A.D.R. Chapter 142	None	20'	10'	10'	80%	4 stories above average building elevation. See also Special Regulation 2.	D See Spec. Reg. 3	B	See Section 105.25. See Special Regulation 5.	<ol style="list-style-type: none">For any portion of a structure on the subject property within 40 feet of Seventh Avenue or Fifth Street north of Sixth Avenue that does not exceed 30 feet above average building elevation, the minimum required side yards are 5 feet, but 2 side yards must equal at least 15 feet.No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured at the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street as measured at the midpoint of the frontage of the subject property on Fifth Street.Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones.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 nearby uses.No parking is required for daycare or school ancillary to the church use.Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25% of the length of the facade of the structure.	
.120	Public Utility, Government Facility, or Community Facility										D See Spec. Regs. 3 and 4.		See Section 105.25
.130	Public Park					Will be determined on a case-by-case basis.			—				
.140	Public Transit Shelter	None		0	0	0	100%	15 feet above average building elevation	— See Spec. Reg. 2	None			

Section 50.45



Section 50.45 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone (except Public Transit Shelter) unless otherwise noted:

- ~~1. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.~~
- ~~2.1.~~ Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
- ~~3.2.~~ Site design must include installation of pedestrian linkages between public sidewalks and building entrances and between walkways on the subject property and existing or planned walkways on abutting properties consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
- ~~4.3.~~ No setback is required adjacent to Third Street (does not apply to Vehicle Service Station and Public Park uses).

Section 50.45		USE ↓ REGULATIONS →	DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS									
Required Review Process	Lot Size		MINIMUMS REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Front	Side	Rear							
.010	Vehicle Service Station	D.R. Chapter 142	22,500 sq. ft.	20'	15'	15'	80%	3 stories above average building elevation.	B See Spec. Reg. 3.	E	See Section 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be more than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See the section in Chapter 115 entitled <u>Outdoor Use, Activity, and Storage</u> for further regulations. 3. Landscape Category A is required if the subject property is adjacent to Planned Area 7B.
.020	Restaurant or Tavern		None	20'	0	0			D See Spec. Reg. 1.		1 per each 125 sq. ft. of gross floor area.	1. Landscape Category B is required if the subject property is adjacent to Planned Area 7B. 2. The required front yard for this use shall be 0 feet for one story at street level. No parking may encroach into the required 20-foot front yard.
.030	Fast Food Restaurant		20'	0	0	D See Spec. Reg. 3.			1 per each 100 sq. ft. of gross floor area.		1. Must provide one outdoor waste receptacle for every eight parking stalls. 2. Access for drive-through facilities must be approved by the Public Works Department. 3. Landscape Category A is required if the subject property is adjacent to Planned Area 7B. 4. The required front yard for this use shall be 0 feet for one story at street level. No parking may encroach into the required 20-foot front yard.	
.040	Entertainment, Cultural and/or Recreational Facility		20'	0	0	D See Spec. Reg. 2.			See Section 105.25.		1. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. 2. Landscape Category B is required if the subject property is adjacent to Planned Area 7B.	
.050	Hotel or Motel								One for each room. See Spec. Reg. 1.		3. The required front yard for this use shall be 0 feet for one story at street level. No parking may encroach into the required 20-foot front yard.	

USE ZONE CHART

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

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS													
Section 50.45	USE ↓	REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure					
					Front	Side							Rear
.090	Office Use See Special Regulation 4.		X-D.R. Chapter 142	None	20'	0	0	80%	3 stories above average building elevation.	D See Spec. Reg. 3	D	1 per each 350 sq. ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on premises may be permitted as part of office use if: a. The ancillary assembled or manufactured goods are subordinate to and dependent upon this office use; and b. The outward appearance and impacts of this office use with ancillary assembly or manufacturing activities must be no different from other office uses. 2. 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 X -D.R. and building permit applications. d. A veterinary office is not permitted if the subject property contains dwelling units. 3. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. 4. This use may be located on the Central Way level of a building only if there is an intervening retail storefront between this use and the right-of-way.
.100	School, Day-care Center, or Mini-School or Day-care Center									D	B	See Section 105.25.	1. A six-foot-high fence is required along all property lines adjacent to outside play areas. 2. Structured play areas must be set back from all property lines by at least five feet. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 388-150, and 388-155). 6. This use may be located on the Central Way level of a building only if there is an intervening retail storefront between this use and the right-of-way.

Section 50.45

Zone
CBD-7

USE ZONE CHART

Section 50.45	USE ↓ REGULATIONS →	DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.110	Assisted Living Facility See Spec. Reg. 3.	✓ D.R. Chapter 142	None	20'	0	0	80%	3 stories above average building elevation.	D	A	1.7 per independent unit 1 per assisted living unit	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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 included, the following parking standard shall apply to the nursing home portion of the facility: a. 1 parking stall shall be provided for each bed. 3. This use may be located on the Central Way level of a building only if there is an intervening retail storefront between this use and the right-of-way.
.120	Stacked or Attached Dwelling Units See Special Regulation 1.										1.7 per unit.	1. This use may be located on the Central Way level of a building only if there is an intervening retail storefront between this use and the right-of-way.
.130	Public Utility, Government Facility, or Community Facility								D See Spec. Reg. 1	B	See Section 105.25.	1. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. 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 nearby uses.
.140	Public Transit Shelter	None					100%	15 feet above average building elevation	--	See Spec. Reg. 2	None	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. May install transit route and information signs and markers.
.150	Public Park	✓ D.R. Chapter 142		Will be determined on a case-by-case basis				3 stories above average building elevation.		B	See Section 105.25.	

Section 50.50



Section 50.50 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone ~~(except Public Transit Shelter)~~ unless otherwise noted:

- ~~1.~~ The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 65 of this Chapter.
- ~~2.1.~~ The maximum height of a facade along Central Way is three stories above the elevation of Central Way as measured above the midpoint of the frontage of the subject property on Central Way.
- ~~3.2.~~ Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
- ~~4.3.~~ A minimum 20-foot front yard setback is required adjacent to:
 - a. Fourth Avenue between 2nd Street and 3rd Street;
 - b. Third Street between 3rd Avenue and 4th Avenue;
 - c. Market Street.
- ~~5.4.~~ The minimum required side and/or rear yard abutting the PR 3.6 and PLA 7A zones is 5 feet.
- ~~6.5.~~ No portion of a structure shall exceed the height established by a 3:1 angle starting at a point 41 feet above the elevation of Central Way as measured at the projected midpoint of the subject property on Central Way and continuing to a point which intersects the established 30-foot height limit above 3rd Avenue or 4th Avenue.
- ~~7.6.~~ For properties on the west side of 1st Street, the 30-foot height limit shall be measured above the midpoint of the intersection of 1st Street and 3rd Avenue. For properties with frontage on Market Street, the 30-foot height limit shall be measured above the midpoint of the subject property bordering the PR zone to the north (does not apply to Public Park uses). For properties fronting on 3rd Avenue between 2nd Place and 3rd Street, the 30' height limit shall be measured above the projected midpoint on 4th Avenue.
- ~~8.7.~~ Site design must include installation of pedestrian linkages between public sidewalks and building entrances and between walkways on the subject property and existing or planned walkways on abutting properties consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
- ~~8.8.~~ The site must be designed so that vehicles coming from and going to the site will be directed away from residential neighborhoods to the north of this zone (does not apply to Stacked or Attached Dwelling Units uses).

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 50.50	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	Restaurant or Tavern See Special Regulation 1.	A.D.R. Chapter 142	None	0'	0'	0'	100%	30 feet above the elevation of 3rd Avenue or 4th Avenue as measured at the projected midpoint of the frontage of the subject property on the nearest applicable right-of-way. See General Regulations.	D See Spec. Reg. 3.	E	One per each 125 sq. ft. of gross floor area. See Section 60 of this Chapter.	1. This use is permitted only if the subject property abuts Central Way. The site and building must be designed so that this use is primarily oriented towards Central Way. No aspect or component of this use may be located on or oriented towards Third Avenue between First Street and Second Street or Fourth Avenue. If the subject property abuts Third Avenue between First Street and Second Street or Fourth Avenue, the site and buildings must be designed to provide residential character and scale adjacent to Third Avenue and Fourth Avenue. 2. Drive-in facilities and drive-through facilities are not permitted in this zone. 3. Landscape Category B is required if the subject property is adjacent to the Planned Areas 7A or 7B or PR 3.6 zones.
.020	Fast Food Restaurant See Special Regulation 1.							D See Spec. Reg. 3.	One per each 100 sq. ft. of gross floor area. See Section 60 of this Chapter.		1. This use is permitted only if the subject property abuts Central Way. The site and building must be designed so that this use is primarily oriented towards Central Way. No aspect or component of this use may be located on or oriented towards Third Avenue between First Street and Second Street or Fourth Avenue. If the subject property abuts Third Avenue between First Street and Second Street or Fourth Avenue, the site and buildings must be designed to provide residential character and scale adjacent to Third Avenue and Fourth Avenue. 2. Drive-in facilities and drive-through facilities are not permitted in this zone. 3. Landscape Category A is required if the subject property is adjacent to the Planned Areas 7A or 7B or PR 3.6 zones.	
.030	Entertainment/Cultural and/or Recreational Facility							D See Spec. Reg. 3.	See Section 105.25. See Section 60 of this Chapter.		1. This use is permitted only if the subject property abuts Central Way. The site and building must be designed so that this use is primarily oriented towards Central Way. No aspect or component of this use may be located on or oriented towards Third Avenue between First Street and Second Street or Fourth Avenue. If the subject property abuts Third Avenue between First Street and Second Street or Fourth Avenue, the site and buildings must be designed to provide residential character and scale adjacent to Third Avenue and Fourth Avenue.	
.040	Hotel and Motel See Special Regulation 1.								One per each room. See Spec. Reg. 2 and Section 60 of this Chapter.		2. The parking requirements for hotel or motel use do not include parking requirements for ancillary meeting rooms and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. 3. Landscape Category B is required if the subject property is adjacent to the Planned Areas 7A or 7B or PR 3.6 zones.	

Section 50.50

Zone
CBD-8

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 50.50	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. See Special Regulation 1.	C.D.R. Chapter 142	None	0'	0'	0'	100%	30 feet above the elevation of 3rd Avenue or 4th Avenue as measured at the projected midpoint of the frontage of the subject property on the nearest applicable right-of-way. See General Regulations.	D See Spec. Reg. 3.	E	1 per each 350 sq. ft. of gross floor area. See Section 60 of this Chapter.	1. This use is permitted only if the subject property abuts Central Way. The site and building must be designed so that this use is primarily oriented towards Central Way. No aspect or component of this use may be located on or oriented towards Third Avenue between First Street and Second Street or Fourth Avenue. If the subject property abuts Third Avenue between First Street and Second Street or Fourth Avenue, the site and buildings must be designed to provide residential character and scale adjacent to Third Avenue and Fourth Avenue. 2. The following uses are not permitted in this zone: a. Vehicle service stations. b. Vehicle sales, repair, service, or rental. c. Drive-in facilities and drive-through facilities. 3. Landscape Category B shall be provided if the subject property is adjacent to Planned Areas 7A or 7B, or PR 3.6. Boat sales, repair, service, or rental shall provide a Landscape Category C unless the subject property is adjacent to Planned Areas 7A, 7B, or PR 3.6 zones; then Landscape Category A is required. 4. Boat repair and service shall be conducted within an enclosed structure. 5. A use involving the preparation and consumption of food may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10% of the gross floor area of this use; and b. It can be demonstrated to the City that the floor plan is designed to provide the seating area from being expanded.
.060	Private Club or Lodge			10'	0'	0'			D See Spec. Reg. 2.	B	See Section 105.25 and Section 60 of this Chapter.	1. This use is permitted only if the subject property abuts Central Way. If the subject property abuts Third Avenue between First Street and Second Street or Fourth Avenue, the site and buildings must be designed to provide residential character and scale adjacent to Third Avenue and Fourth Avenue. 2. Landscape Category C is required if the subject property is adjacent to Planned Areas 7A or 7B, or PR 3.6 zones. 3. This use may be located on the Central Way level of a building only if there is an intervening retail store front between this use and the right-of-way. 4. Ground floor porches and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25% of the length of the facade of the structure.

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 50.50	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	Office Use	A.D.R. Chapter 142	None	10'	0'	0'	100%	30 feet above the elevation of 3rd Avenue or 4th Avenue as measured at the projected midpoint of the frontage of the subject property on the nearest applicable right-of-way. See General Regulations.	D See Spec. Reg. 4	D	1 per each 350 sq. ft. of gross floor area. See Section 60 of this Chapter.	<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.Site must be designed so that noise from this use will not be audible off the subject property. A certificate to this effect signed by an Acoustical Engineer must be submitted with the A.D.R. and building permit application.A veterinary office is not permitted if the subject property contains dwelling units.Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if:<ol style="list-style-type: none">The ancillary assembled or manufactured goods are subordinate to and dependent on the office use; andThe outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses.If the subject property abuts Third Avenue between First Street and Second Street, or Fourth Avenue, the site and buildings must be designed to provide residential character and scale adjacent to Third Avenue and Fourth Avenue.Landscape Category C is required if the subject property is adjacent to Planned Areas 7A or 7B, or PR 3.6 zones.Ground floor porches and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25% of the length of the facade of the structure.This use may be located on the Central Way level of a building only if there is an intervening retail store front between this use and the right-of-way.
.080	Church			10'	0'	0'		See Special Regulation 4 and General Regulations.	D See Spec. Reg. 3	B	1 per every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 2 and Section 60 of this Chapter.	<ol style="list-style-type: none">This use is permitted only if the subject property abuts Central Way. If the subject property abuts Third Avenue between First Street and Second Street or Fourth Avenue, the site and buildings must be designed to provide residential character and scale adjacent to Third Avenue and Fourth Avenue.No parking is required for daycare or school ancillary to the use.Landscape Category C is required if the subject property is adjacent to Planned Areas 7A or 7B, or PR 3.6 zones.Ground floor porches and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25% of the length of the facade of the structure.

683A

Section 50.50

Zone
CBD-8

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 50.50	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	School, Day-care Center or Mini-School or Day-care Center	A.D.R. Chapter 142	None	0' 0' 0'	See General Regulations.	100%	30 feet above the elevation of 3rd Avenue or 4th Avenue as measured at the projected midpoint of the frontage of the subject property on the nearest applicable right-of-way. See General Regulations.	D	B	See Section 105.25 and Section 60 of this Chapter.	<ol style="list-style-type: none">1. If the subject property abuts Third Avenue between First Street and Second Street, or Fourth Avenue, the site and buildings must be designed to provide residential character and scale adjacent to Third Avenue and Fourth Avenue.2. A six-foot high fence is required along all property lines adjacent to outside play areas.3. Structured play areas must be set back from all property lines by at least 5 feet.4. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.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.6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 388-150, and 388-155).	
.100	Assisted Living Facility			10' 0 0	See Special Regulation 6 and General Regulations.	100%			A	1.7 per independent unit 1 per assisted living unit. See Section 60 of this Chapter.	<ol style="list-style-type: none">1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.2. 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 included, the following parking standard shall apply to the nursing home portion of the facility:<ol style="list-style-type: none">a. 1 parking stall shall be provided for each bed.3. This use may be located on the Central Way level of a building only if there is an intervening retail storefront between this use and the right-of-way.4. This use is not permitted on the street level floor adjacent to Central Way.5. If the subject property abuts Third Avenue between First Street and Second Street, the site and buildings must be designed to provide residential character and scale adjacent to Third Avenue and Fourth Avenue.6. Ground floor porches and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25% of the length of the facade of the structure.	

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

Section 50.50	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				
.110	Stacked or Attached Dwelling Units	A.D.R. Chapter 142	None	10'	0' 0'	100%	30 feet above the elevation of 3rd Avenue or 4th Avenue as measured at the projected midpoint of the frontage of the subject property on the nearest applicable right-of-way. See General Regulations.	D	A	1.7 per unit. See Section 60 of this Chapter.	1. This use is not permitted on the street level floor adjacent to Central Way. 2. If the subject property abuts Third Avenue between First Street and Second Street, the site and buildings must be designed to provide residential character and scale adjacent to Third Avenue and Fourth Avenue. 3. This use may be located on the Central Way level of a building only if there is an intervening retail store front between this use and the right-of-way. 3. Ground floor porches and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25% of the length of the facade of the structure.
.120	Public Utility, Government Facility, or Community Facility			0'	0' 0'			D See Spec. Reg. 1	B	See Section 105.25 and Section 60 of this Chapter.	1. Landscape Category C is required if the subject property is adjacent to Planned Areas 7A or 7B, or PR 3.6 zones. 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 nearby uses.
.130	Public Transit Shelter	None	0	0	0		15 feet above average building elevation.	See Spec. Reg. 2	See Spec. Reg. 2	None	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. May install transit route and information signs and markers.
.140	Public Park	A.D.R. Chapter 142		Will be determined on a case-by-case basis.			30 feet above the elevation of 3rd Avenue or 4th Avenue as measured at the projected midpoint of the frontage of the subject property on the nearest applicable right-of-way. See General Regulations.		B	See Section 105.25 and Section 60 of this Chapter.	

50.65 DESIGN REGULATIONS FOR THE CENTRAL BUSINESS DISTRICT

- 50.65.1. Introduction
 - a. General
 - b. Applicability
 - c. ~~ADR~~ Procedures
 - d. Landscaping
- 50.65.2. Pedestrian-Oriented Elements
 - a. Installation of Sidewalks
 - b. Pedestrian Weather Protection
 - c. Access to Buildings
 - d. Pedestrian-Oriented Space and Plazas
 - e. Blank Wall Treatment
 - f. Treatment of Building Facades
 - g. Screening of Certain Areas
- 50.65.3. Public Improvements and Site Features
 - a. Pedestrian-Oriented Elements Provisions Supersede
 - b. Required Major Pedestrian Pathways
 - c. Public Improvement and Site Feature Standards and Masterplan for Public Property
 - d. On-site Improvements
- 50.65.4. Parking Area Location and Design
 - a. Location of Parking Lots
 - b. Parking Lot Entrances and Driveways
 - c. Pedestrian Access Within Parking Lots
 - d. Internal Parking Lot Landscaping
 - e. Perimeter Parking Lot Landscaping
 - f. Perimeter Parking Lot Landscaping - Adjacent Properties
 - g. Parking Garages
 - h. Miscellaneous Parking Area Design Details
- 50.65.5. Scale
 - a. Techniques to Moderate Bulk and Mass
 - b. Achieving Human Scale
 - c. Techniques to Achieve Architectural Scale
- 50.65.6. Building Material, Color and Detail
 - a. Required Elements
 - b. Prohibited Materials
 - c. Metal Siding
 - d. Concrete Block
 - e. Lighting of Awnings
 - f. Certain Signs Prohibited
 - g. Covering of Existing Facades
 - h. Building Cornerstone or Plaque
 - i. Building Corners

50.65.1. Introduction

- a. General - This Section 50.65 establishes the design regulations that apply to development in the CBD. The remainder of this subsection 50.65.1 provides general information regarding the design regulations and their applicability in specific instances or to certain types of development in the CBD.
- b. Applicability - The provisions of this Section 50.65 apply to all new development within the CBD. The provisions of Chapter 142 and Chapter 162 of this Code regarding ~~A.D.R.~~ and Nonconformance establish which of the regulations of this Section 50.65 apply to developed sites within the CBD. Where provisions of this Section 50.65 conflict with provisions in any other section of the Code, this section prevails.
- c. ~~A.D.R. Procedures~~ - The City will use Chapter 142 of this Code to apply the regulations of this Section 50.65 to development activities that require ~~A.D.R.~~ approval. ~~The City will use the Design Principles in the Comprehensive Plan to interpret how the regulations of this Section 50.65 apply to particular properties. In addition, the City shall determine, on a case-by-case basis as part of the A.D.R., whether particular regulations of this Section 50.65 apply in a particular instance, based on the policy basis for the regulation as stated in the Downtown Plan Chapter of the Comprehensive Plan.~~
- d. Landscaping - Various places in this Section 50.65 require that landscaping be installed and maintained. The following provisions apply to the installation and maintenance of all landscaping, including street trees, installed under the provisions of this Section 50.65 unless otherwise specifically indicated:
 - 1) At the time of planting, deciduous trees must be 3-4" in diameter, as measured using the standard of the American Association of Nurserymen, and coniferous trees must be 6-8' in height at the time of planting.
 - 2) Shrubs must be 18" high at the time of planting.
 - 3) Drought-tolerant plants are encouraged.
 - 4) The City will review plant choice and specific plant location as part of the ~~A.D.R.~~ approval. Where appropriate, the City will apply the provisions of Section 95.20.2.c to require additional or more mature landscaping.

50.65.2. Pedestrian-Oriented Elements - This subsection contains regulations which require various pedestrian-oriented elements on or adjacent to the subject property within the CBD.

- a. Installation of Sidewalks - The applicant shall install a sidewalk constructed of concrete or unit pavers, at least 10' in width (or as specified in the Public Improvement and Site Feature Master Plan), along the entire frontage of the subject property adjacent to each *pedestrian-oriented street*. If the existing sidewalk is less than 10', the difference may be made up with a public easement over private property. Buildings may cantilever over such easement areas, flush with the property line.

See Figure 50.65.2.a. and b.

- b. Pedestrian Weather Protection - The applicant shall provide overhead weather protection, consistent with the following standards, along at least 80% of the frontage of the subject property on each *pedestrian-oriented street*:

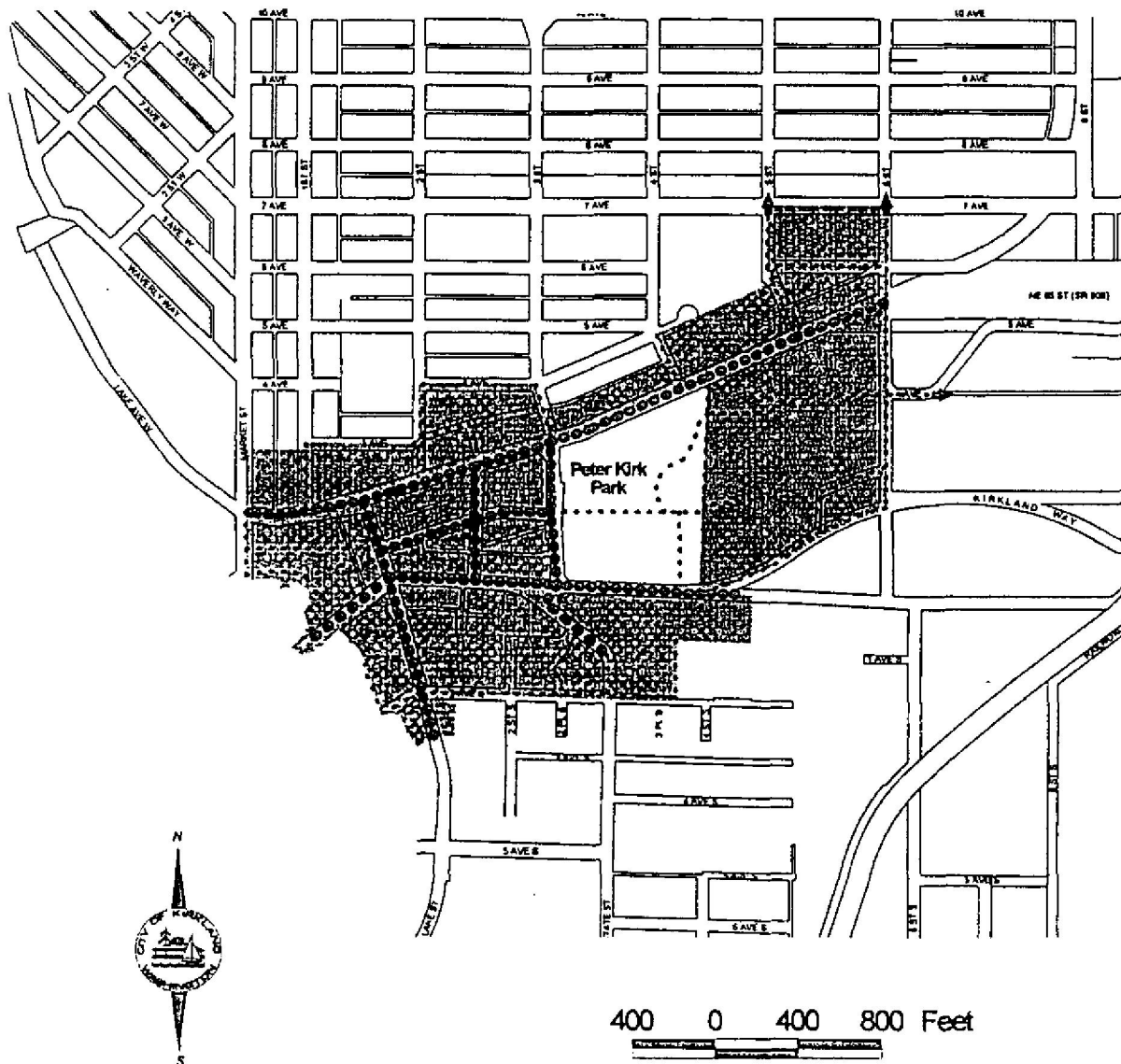
- 1) The overhead weather protection may be composed of awnings, marquees, canopies or building overhangs;
- 2) It must cover at least 5' of the width of the sidewalk. The width may vary (not less than 3') to accommodate street trees, street lights, etc.;
- 3) The lowest element of the overhead weather protection must be at least 8' above the ground immediately below it;
- 4) The City will specifically review and approve the color, material and configuration of all overhead weather protection as part of the ~~Y~~D.R. decision. See also Section 50.65.6.e., Awnings.

- c. Access to Buildings - All buildings on property abutting *pedestrian-oriented streets* must have direct access from the sidewalk of the *pedestrian-oriented street* to the main building entrance.




- d. Pedestrian-Oriented Space and Plazas - If the subject property abuts a *pedestrian-oriented street* or public park, the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:

- 1) It must:
 - a) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
 - b) Contain paved walking surface of either concrete or approved unit pavers.
 - c) Contain on-site or building-mounted lighting which provides adequate illumination.
 - d) Contain two linear feet of seating area or one individual seat per 65 square feet of area between the sidewalk and the building.
 - e) Contain landscaping, such as trees, shrubs, trellises, or potted plants.
- 2) It may not include asphalt or gravel pavement or be adjacent to an unscreened parking area, a chain link fence or a blank wall which does not comply with the requirements of subsection 65.2.f. of this Chapter.

Pedestrian Circulation



Legend

-  Pedestrian-oriented Street
-  Major Pedestrian Pathway
-  Central Business District

Note: The Lakefront Boardwalk (see Downtown Masterplan in Comprehensive Plan) may vary in width from the 8 feet required for major pedestrian pathways.

FIGURE 50.65.2.A

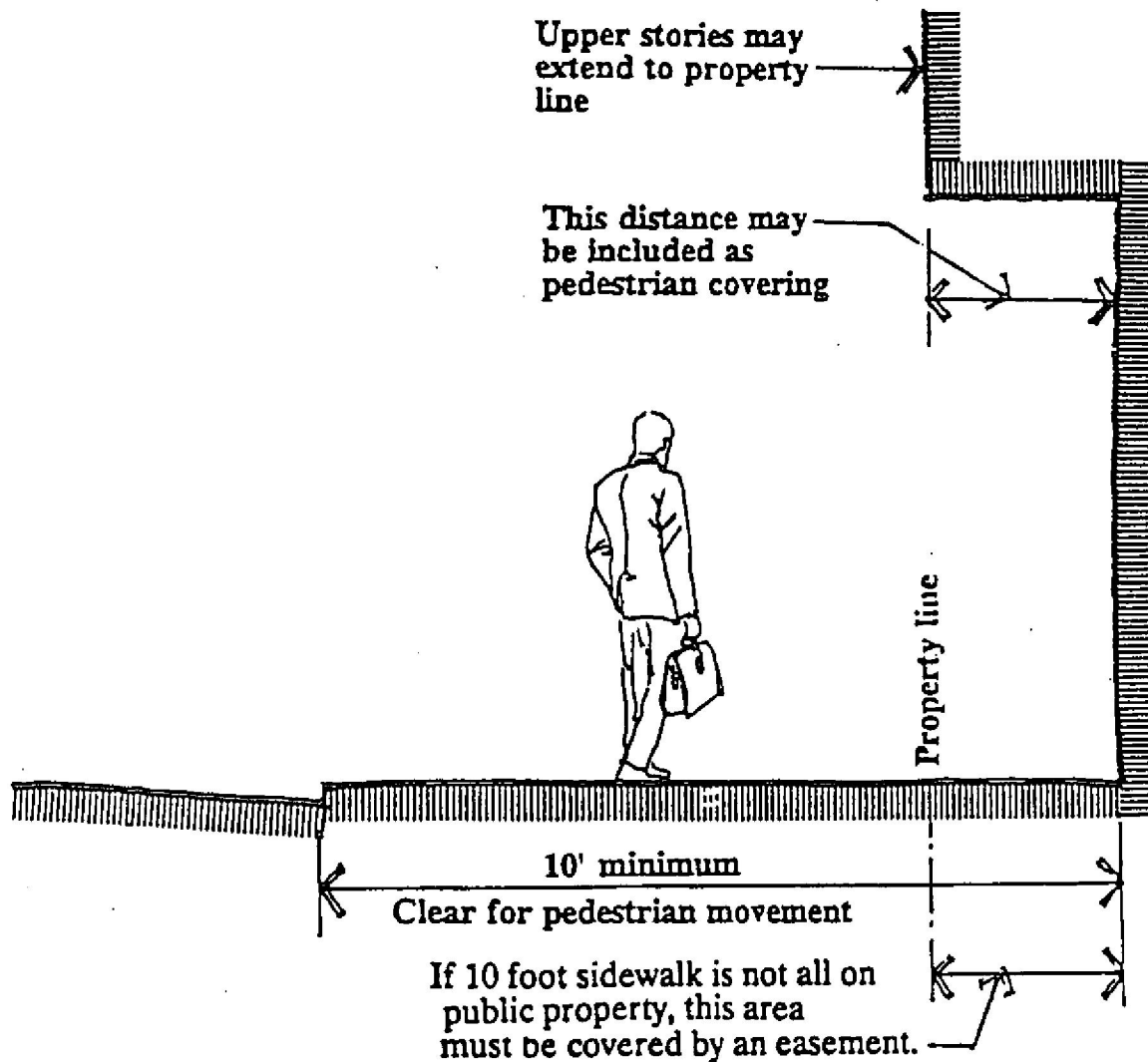


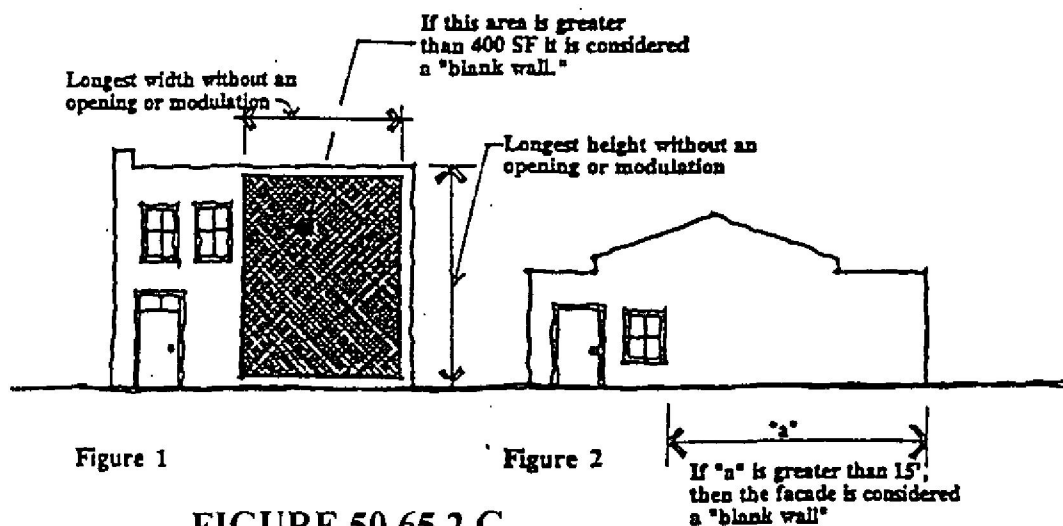
FIGURE 50.65.2.B

e. Blank Wall Treatment

- 1) Each wall or portion of a wall that is closer than 50' to any exterior property line of the subject property and is visible from **any** right-of-way must be screened or treated in at least one of the ways listed in subsection 65.2.e.3) of this Chapter if it meets the criteria for a blank wall under subsection 65.2.e.2). of this Chapter.
- 2) A blank wall is any wall or portion of a wall that meets either of the following criteria:

- a) A wall or portion of a wall with a surface area of at least 400 square feet having both a length and a width of at least 10' without a window, door, building modulation at least 1' in depth or other architectural feature.
- b) Any wall or portion of a wall between 4' and 13' above ground level with a horizontal dimension longer than 15' without a window, door, building modulation at least 1' in depth or other architectural feature.

Two Methods for Designating a Blank Wall



- 3) At least one of the following techniques must be used to treat or screen blank walls:
 - a) By the installation of a vertical trellis with climbing vines or plant material in front of the blank wall.
 - b) By providing a landscaped planting bed at least 5' wide or a raised planter bed at least 2' high and 3' wide in front of the blank wall and planted with plant materials that will obscure or screen at least 50% of the blank wall within 2 years.
 - c) By providing artwork, such as mosaics, murals, sculptures or bas-relief on the blank wall.
- 4) The provisions of this subsection 65.2.e. of this Chapter may be modified or eliminated as part of the A.D.R. decision if they conflict with the Uniform Building Code.

- f. **Treatment of Building Facades** - Each facade of a building facing a *pedestrian-oriented street* or public park must contain or be treated with at least one of the following elements:

- 1) It must contain transparent windows or window displays comprising at least 75% of the area of the facade between 2' and 7' above ground level. See Figure 50.65.2.d.
- 2) It must contain sculptural, mosaic or bas-relief artwork comprising at least 75% of the area of the facade between 2' and 7' above ground level. See Figure 50.65.2.d.
- 3) The area next to the facade must be developed such that for every 10 linear feet of the facade, at least 20 square feet of this area must be developed with landscaping consistent with subsection 65.2.e.3)a) or 65.2.e.3)b) of this Chapter, depending on the location, dimensions, and size of the area.

Pedestrian Friendly Building Facade Requirements

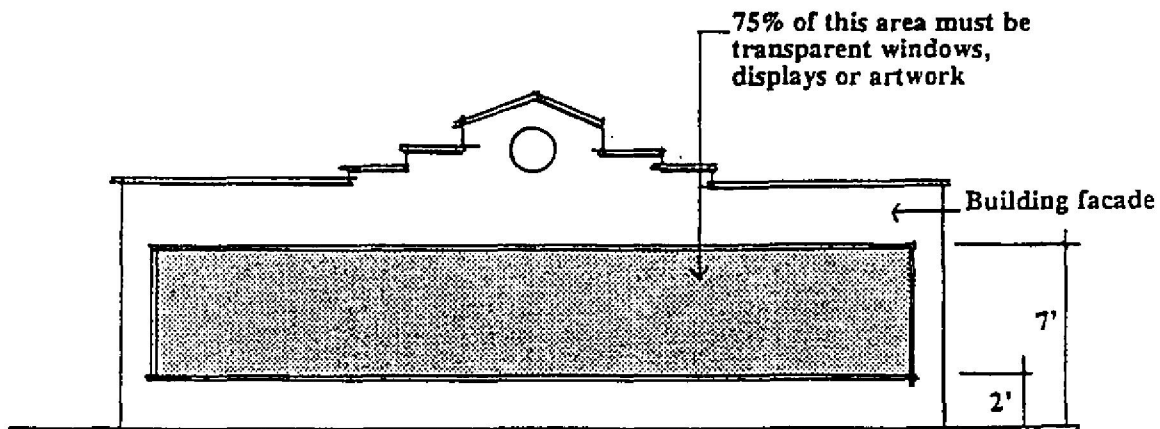


FIGURE 50.65.2.D

- g. **Screening of Certain Areas** - All loading areas, service areas, outdoor storage areas of more than 100 square feet, areas containing waste storage and disposal facilities or containers and similar areas must be:

- 1) Located on the subject property so that they are not visible from any street or public park. If the City determines that this is not physically possible, then these areas must be screened from public view using a compact evergreen hedge, a solid wall or fence, or in a manner approved by the City as part of the ~~X~~D.R. decision.
- 2) Screened from on-site ground floor uses using a compact evergreen hedge, a solid wall or fence, or in a manner approved by the City as part of the ~~X~~D.R. decision.

50.65.3. Public Improvements and Site Features - This subsection establishes the requirements for the installation of various site features and public improvements on and adjacent to the subject property in the CBD.

a. Pedestrian-Oriented Elements Provisions Supersede - If the provisions of subsections 65.3.b. and 65.2 of this Chapter both apply to improvements within and/or adjacent to a street, the provisions of subsection 65.2, and not subsection 65.3.b., must be followed.

b. Required Major Pedestrian Pathways - If the subject property abuts a street designated to contain a major pedestrian pathway on Figure 50.65.2.a, the applicant shall install that pathway on and/or adjacent to the subject property consistent with the following standards:

- 1) The major pedestrian pathways must be installed in the approximate location shown on Figure 50.65.2.a and make the connections shown on that figure.
- 2) The major pedestrian pathways must be paved with concrete or unit pavers and have a minimum width of at least 8', unless otherwise noted in Figure 50.65.2.a. If the existing sidewalk is less than 8', the difference may be made up with a public easement over private property.
- 3) The major pedestrian pathways must have adequate lighting with increased illumination around building entrances and transit stops.
- 4) If parcels are developed in aggregate, then alternative solutions may be proposed.

c. Public Improvement and Site Feature Standards and Masterplan for Public Property

- 1) The City Manager shall administratively adopt and publish public improvement and site feature standards for the placement, installation, construction and maintenance of the following features to be constructed on and adjacent to major pedestrian pathways, streets, alleys and public parks:
 - a) Street trees and street tree grates.
 - b) Landscape plant materials.
 - c) Paving materials.
 - d) Lighting fixtures for streets, pedestrian areas and special areas.
 - e) Public signs.
 - f) Benches and seating areas.
 - g) Trash receptacles.
 - h) Drinking fountains.
 - i) Sidewalk widths and details
 - j) Bicycle racks.
 - k) Bollards.

l) Crosswalks.

Until the public improvement and site feature standards are adopted and published, the City shall, as part of the ~~X~~D.R. decision, specifically review and approve the placement, installation, construction and maintenance of these features.

- 2) The City shall adopt a masterplan for public spaces downtown. The masterplan shall discuss the placement of the features noted in Section 50.65.3.c.1), present a long range and coordinated plan for public property, and further implement the Downtown Plan Chapter of the Comprehensive Plan.
- 3) Once adopted and published, the City may allow departure from the public improvement and site feature standards or the masterplan as part of the ~~X~~D.R. approval where compliance with those standards or masterplan is not feasible or where major development warrants special design emphasis.

d. On-site Improvements

- 1) Mixed use centers, residential projects and office buildings shall provide bicycle racks which are conveniently located for bicyclist use and provide secure storage for bicycles.
- 2) Water spigots shall be provided on all building facades along sidewalks for cleaning and plant watering.

50.65.4. Parking Area Location and Design - This subsection regulates the location and design of, access for and other features of parking areas within the CBD.

a. Location of Parking Lots

- 1) Unless specified in the Public Improvement and Site Feature Masterplan, parking lots shall not be located between a *pedestrian-oriented street* and a building.
- 2) 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.

b. Parking Lot Entrances and Driveways - As part of ~~X~~D.R., the City may impose additional restrictions on the width, number and location of driveways to and from the subject property to improve vehicle circulation or public safety or to enhance pedestrian movement or desirable visual characteristics.

c. Pedestrian Access Within Parking Lots

- 1) Any property adjacent to a right-of-way or park must contain a pedestrian walkway from the right-of-way or park to the main entrance of the building, or to a central location if the building has multiple entrances, even if this pathway must cross a parking lot. The pathway should meet the following standards, as applicable, as determined through ~~X~~D.R.:
 - a) The walkway must be centrally located within the parking lot.
 - b) It must be delineated by painted markings, distinctive pavement, or by being raised 6" above the parking lot pavement.

- c) It must be at least 5' wide.
- d) The walkway must be handicapped accessible.

See Figure 50.65.4.a.

- 2) All parking lots which contain more than 25,000 square feet of paved area, including access lanes and driveways, must include clearly identified pedestrian routes from the parking stalls to the main building entrance or central location.
- 3) In addition to the walkways required under subsections 65.4.c.1) and 65.4.c.2), the applicant must provide a sidewalk, plaza or platform with an area of at least 175 square feet at the main building entrance or central location. This area must be raised at least 6" above the parking lot surface and must be paved with concrete or unit pavers.
- 4) Convenient pedestrian access must be provided on the subject property to adjacent properties. Impenetrable barriers which will limit future pedestrian access are not permitted.

Pedestrian Walkway between Public Right-of-Way and Building

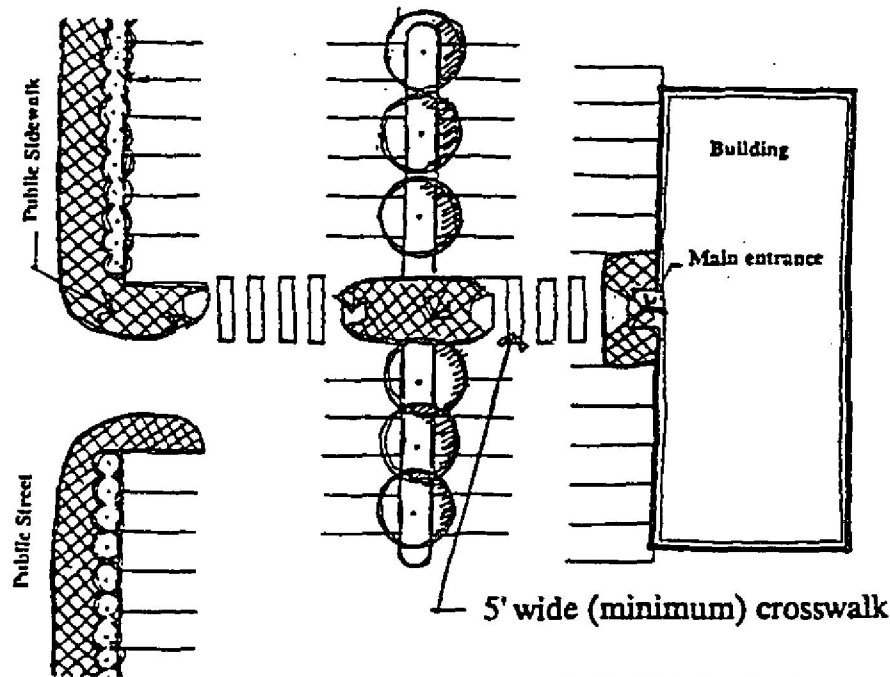


FIGURE 50.65.4.A

- d. Internal Parking Lot Landscaping - The following provisions apply to each parking lot or portion thereof containing more than 14 parking stalls within 100' of a street or public park. The provisions do not apply to parking lots that are not visible from a street or public park.
 - 1) The parking lot must contain 25 square feet of landscape area per parking stall planted as follows:

- a) At least one tree for every 6 parking stalls.
 - b) At least 1 shrub for every 20 square feet of landscaped area. Up to 50% of the shrubs may be deciduous.
 - c) Ground cover shall be selected and planted to achieve 90% coverage within 2 years.
 - d) The location of the landscaping will be reviewed through ~~X~~D.R.
- 2) As part of the ~~X~~D.R., the City may require or permit a modification to the provision of subsection 65.4.d.1) of this Chapter to use existing vegetation for internal parking lot landscaping.

Internal Parking Lot Landscaping

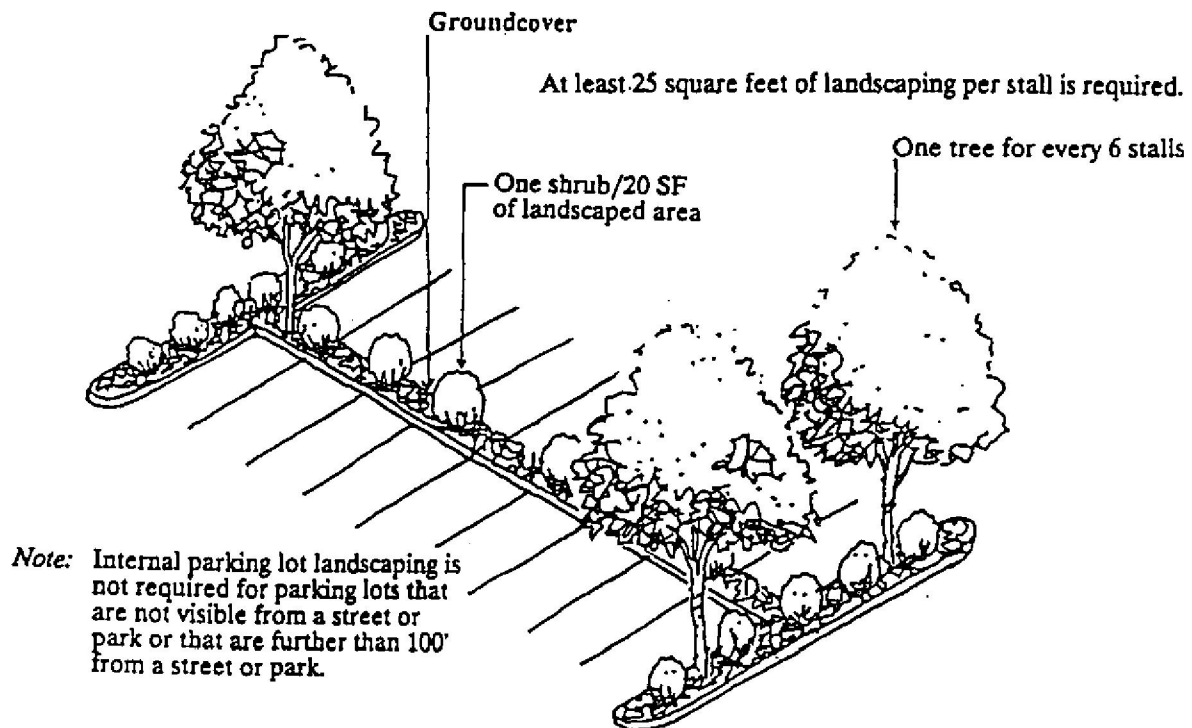
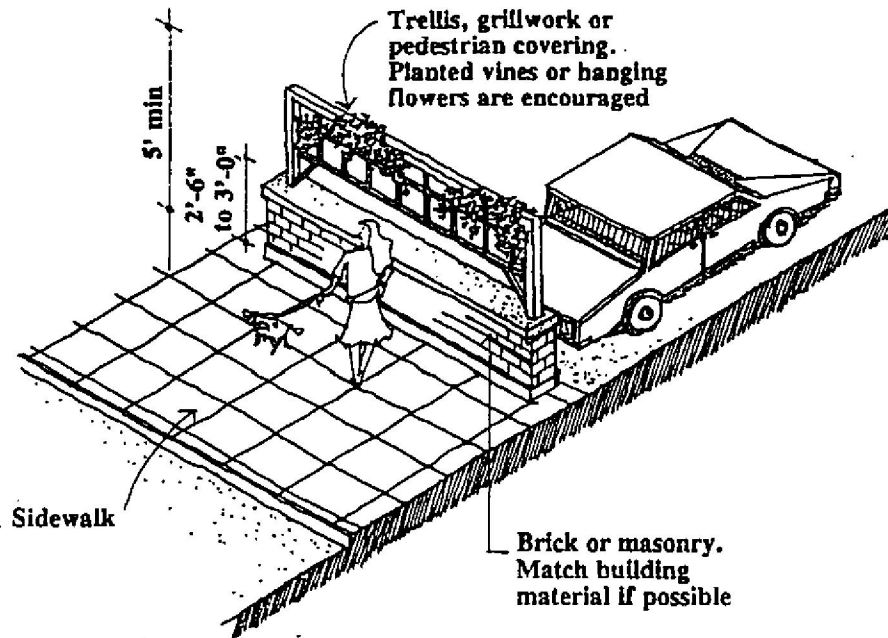


FIGURE 50.65.4.B

- e. Perimeter Parking Lot Landscaping - Each side of a parking lot which abuts a street or public park must be screened from that street or public park using one or a combination of the following methods:
- 1) By installation of a compact evergreen hedge or wall consistent with the following standards (as applicable):
 - a) The hedge or wall must extend at least 2'6" and not more than 3' above the ground directly below it.
 - b) The wall may be constructed of masonry or concrete, if consistent with the provisions of subsection 65.6.7)a) of this Chapter, or of wood if the design and materials match the building on the subject property.

See Figure 50.65.4.c.

Constructed Screen Wall Option for Perimeter Landscaping



Examples of Various Screen Wall Designs

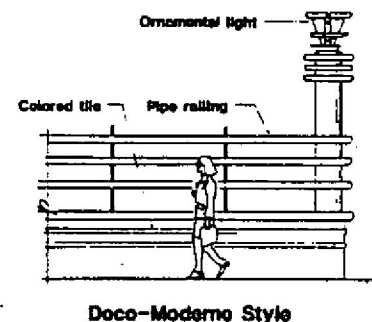
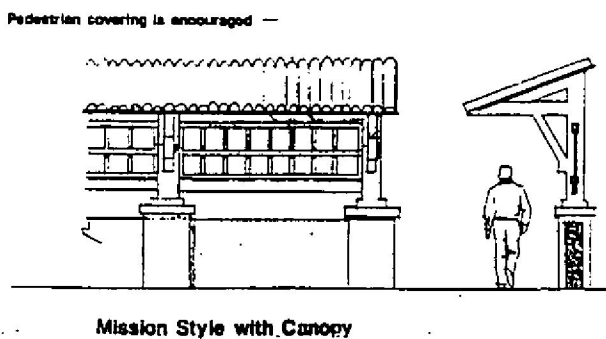
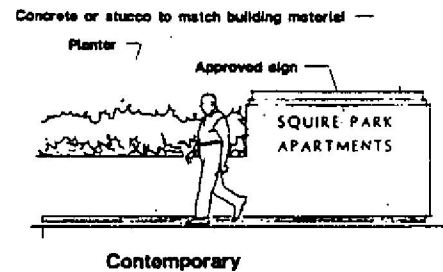
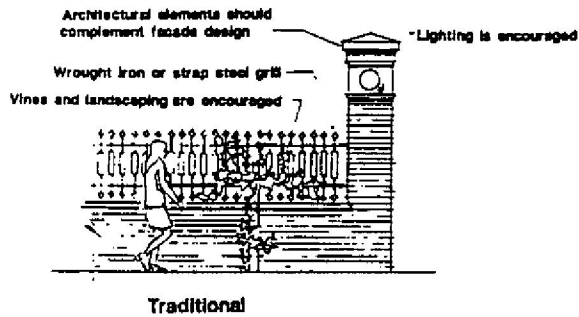


FIGURE 50.65.4.C

- 2) By providing a landscaped strip, consistent with subsection 65.1.d. of this Chapter, at least 5' wide planted as follows:
 - a) Trees planted 30' or closer on center.
 - b) At least one shrub for every 20 square feet of landscaped strip.
 - c) Ground cover selected and planted to achieve 90% coverage of the remaining landscaped strip within 2 years.

See Figure 50.65.4.d.

- 3) As part of ~~A.D.R.~~, the City may require or permit a modification to the provision of subsection 65.4.e)2) of this Chapter to use existing vegetation for perimeter parking lot landscaping.

Shrub and Trees Option for Perimeter Parking Lot Landscaping

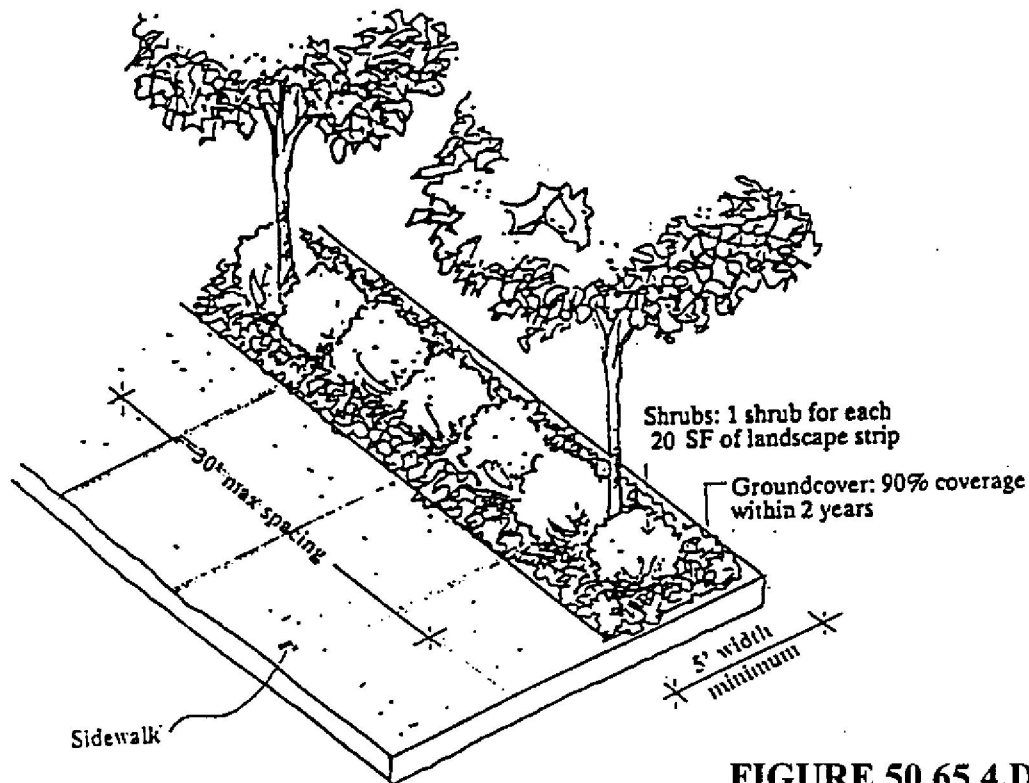


FIGURE 50.65.4.D

- f. Perimeter Parking Lot Landscaping - Adjacent Properties - Each side of the perimeter of a parking lot which contains more than 14 parking stalls, which is within 10' of any adjacent property and which is not regulated under the provisions of subsection 65.4.e. of this Chapter, shall be screened using a combination of the following methods:

- 1) By installing a solid, continuous fence or wall at least 5' in height constructed of wood and/or masonry.

- 2) By installing a compact evergreen hedge designed to reach at least 5' in height.

As part of ~~X~~D.R., the City may require or permit a modification to the provision of this subsection 65.4.f. for any side of the parking lot which abuts or is connected to a parking lot on an adjacent property if the parking lots have internal vehicular connections.

g. Parking Garages

- 1) Each facade of a garage or a building containing ground floor parking that is within 10' of a *pedestrian-oriented street* or public park must be separated from the sidewalk or public park by one or a combination of the following methods:
- a) By providing and maintaining a ground floor area of the garage or building extending along the entire facade of the garage or building (excluding vehicle access points) which is developed as and made available for pedestrian-oriented businesses. See Figure 50.65.4.e.

**Providing Space for Pedestrian-Oriented Business along Parking
Garage Frontage Facing Pedestrian-Oriented Street**

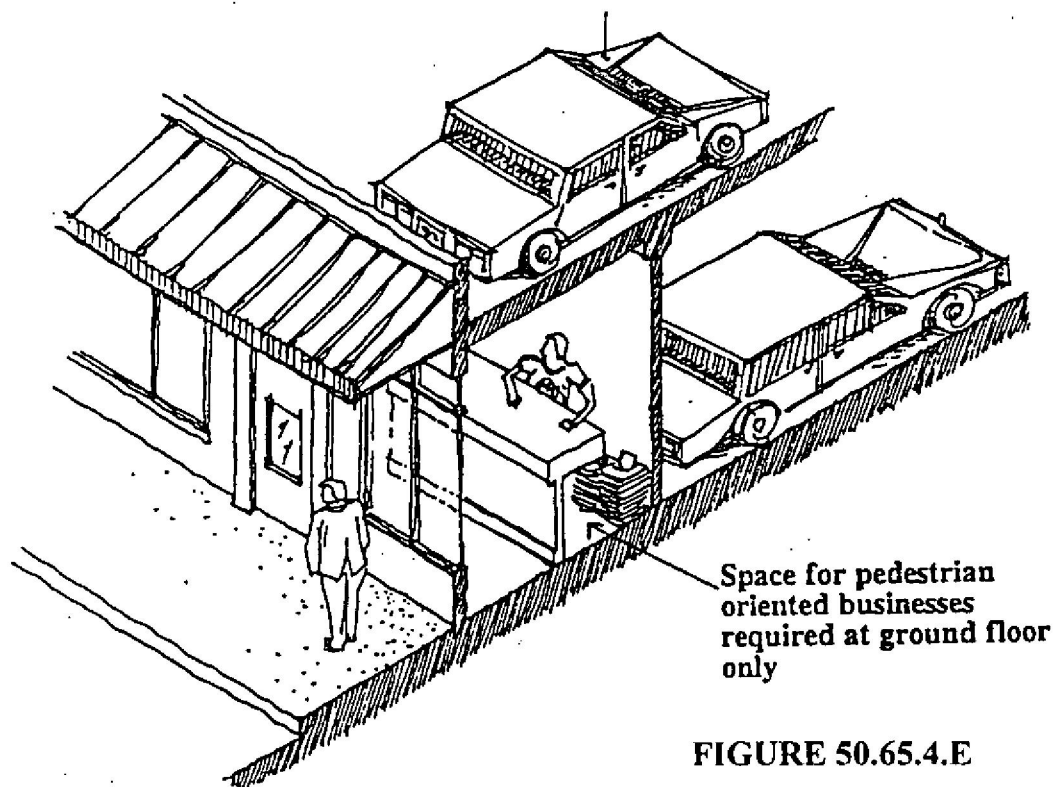
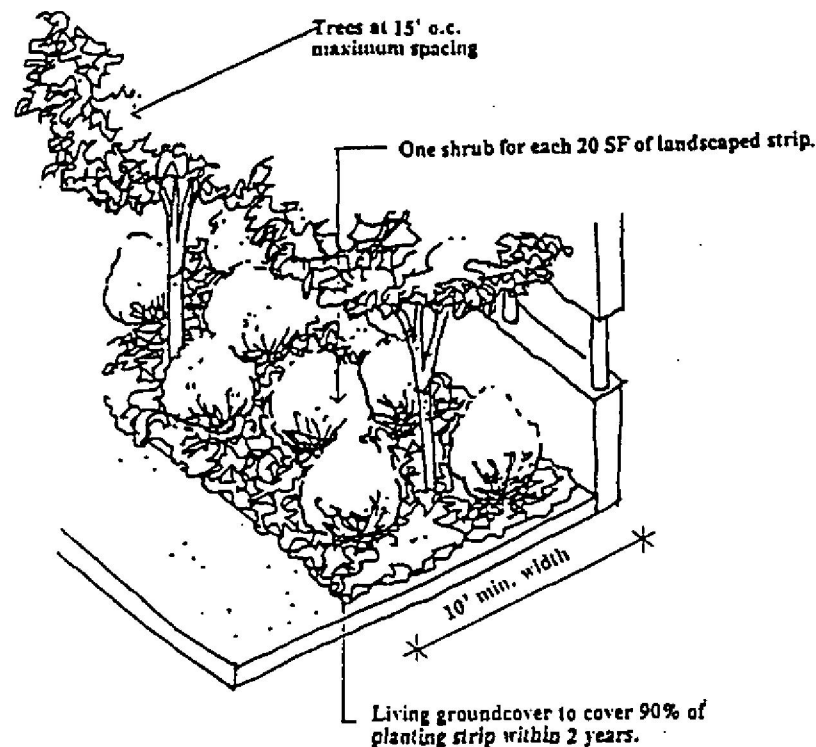


FIGURE 50.65.4.E

- b) By providing and maintaining a pedestrian-oriented space, consistent within the standards of subsection 65.2.d. of this Chapter, at least 10' in depth and extending along the entire facade of the garage or building (excluding vehicle access points).
 - c) By treating the facade consistent with subsection 65.2.f.1), 2) or 3).
- 2) Each side of a garage or building containing ground-floor parking, other than as regulated in subsection 65.4.g.1) of this Chapter, must either:
- a) Be screened with a landscaped strip 10' in depth along the entire facade of the garage or building (excluding vehicle access points), consistent with subsection 65.1.d of this Chapter, and planted as follows:
 - o Trees planted 15' on-center or closer.
 - o At least one shrub for each 20 square feet of landscaped strip.
 - o Ground cover selected and planted to achieve 90% coverage within 2 years.
 - b) Be treated consistent with subsection 65.2.f.1), 2) or 3).
- 3) There must be architectural screening or other treatment of openings above the ground level for the facades of parking garages along *pedestrian-oriented streets*.
- 4) All parking garages and parking within a structure must contain--
- a) Designated pedestrian pathways, that do not use vehicle entrance or exit driveways, from the parking area to a public right-of-way; and
 - b) Designated pedestrian pathways from the parking spaces to the pedestrian entrance to the building served by the parking.

Minimum Landscaping Standards for Parking Garages



Note: Space for pedestrian-oriented business or open space, or facade treatment may be substituted for landscaping.

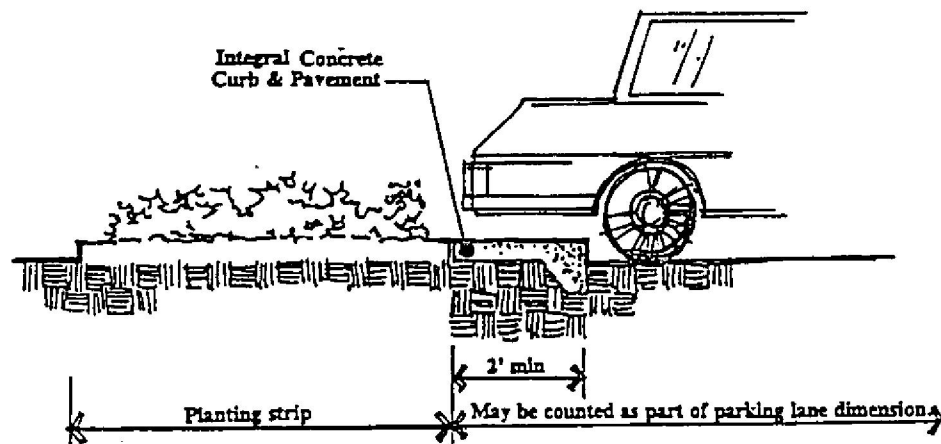
FIGURE 50.65.4.F

h. Miscellaneous Parking Area Design Details

- 1) All parking areas must have adequate lighting. Lights in parking lots must be non-glare and must be mounted no more than 20' above the ground.
- 2) All landscape and pedestrian areas shall be protected from encroachment by parked cars. At a minimum, the parking area must be designed and constructed so that car wheels are kept at least 2' from landscape and pedestrian areas.

Freestanding wheel-stop bumpers must be replaced or repaired if cracked or broken. See Figure 50.65.4.g.

Extended Curb used to Protect Landscape Strip



Note: This method is preferable to freestanding wheel-stop bumpers because it will not catch debris and is more durable.

FIGURE 50.65.4.G

- 3) No freestanding or wall-mounted signs for individual parking spaces are permitted to extend more than 3' above the ground. Provisions in the UBC for handicapped stalls supersede this requirement.
- 4) Moveable parking area equipment, such as barrels and sawhorses, may not be visible from a street when not in use. Parking areas and accessory components, areas and facilities must be well maintained and kept in a clean, neat and litter-free manner at all times.

50.65.5. Scale

a. Techniques to Moderate Bulk and Mass

- 1) General - This Section establishes required techniques to be used in the design and construction of building facades in specific areas of the CBD. The applicant shall comply with the techniques listed below in order to reduce the perceived bulk and mass of large structures by dividing the building mass into smaller-scale components. As an alternative, the applicant may propose and the City may approve other techniques, elements, or methods if consistent with the following criteria:
 - a) The alternative is generally consistent with the Downtown Plan and design principles in Appendix G of the Comprehensive Plan, and ~~the Design Guidelines~~
 - b) The alternative clearly provides superior moderation of the architectural bulk and mass than would result from strict application of the required techniques.

- 2) **Vertical Definition** - The applicant shall comply with the following requirements to moderate the horizontal scale of buildings;
- a) **All Zones:** The maximum length of any facade facing a street is 70' without vertical definition. Vertical definition may be in the form of changes in color and materials, modulations of sufficient width and depth to define the vertical element, or some combination of these techniques. This vertical definition should carry through all floors of the building.
 - b) **CBD 4, CBD 6, CBD 8:** Along First Street, Second Street South, First Avenue South, and Fifth Street, the maximum length of a facade is 120 feet. Any facade that exceeds 120 feet along the right-of-way shall comply with the following requirements:
 - i. Shall be divided by a 30-foot-wide modulation of the exterior wall so the maximum length of the facade is 120' without this modulation.
 - ii. The modulation shall be 20 feet in depth and shall start at finished grade and extend through all floors.
 - iii. Decks and roof overhangs may encroach up to three feet (per side) into the modulation.

See Figure 50.65.5.a

Vertical Definition: CBD 4, 6, and 8

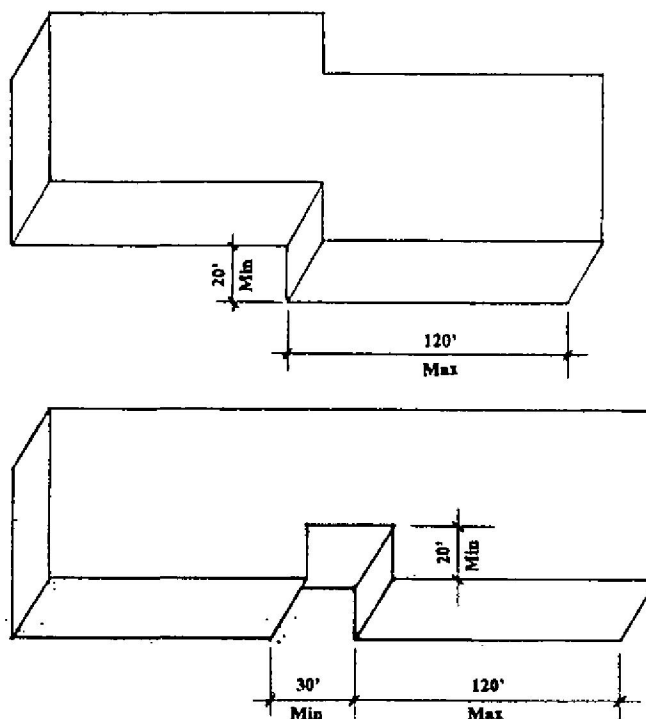
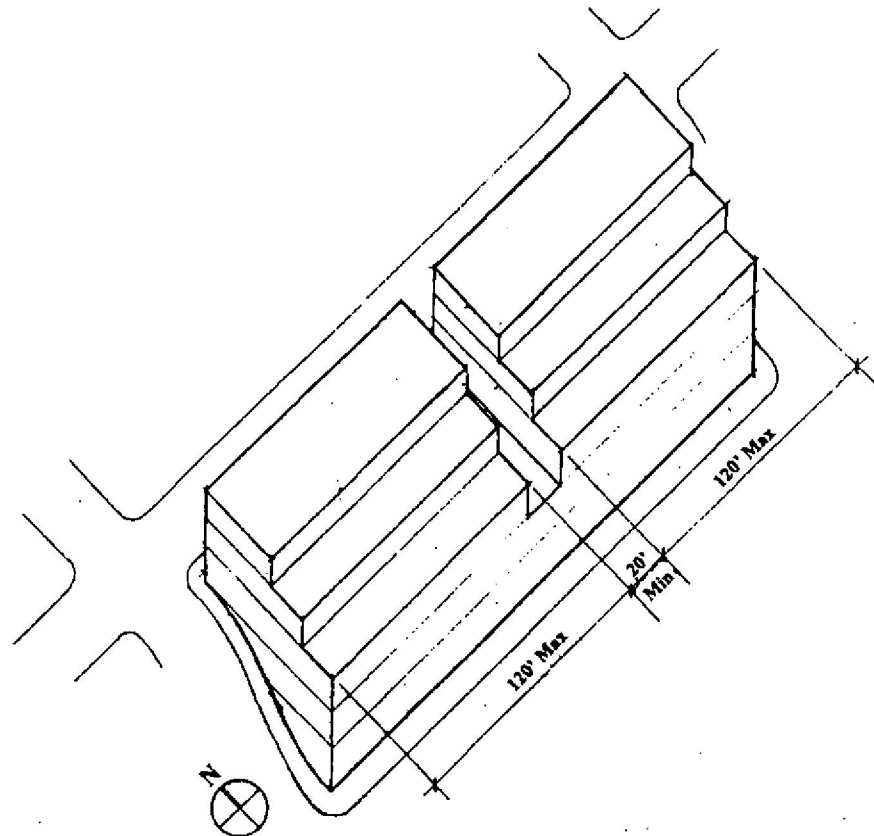


FIGURE 50.65.5.A

- c) **CBD 6, CBD 8:** Along the axis of all buildings which is predominantly east-west and/or most closely parallel to Central Way, Third Avenue, Fourth Avenue, or Sixth Avenue, the maximum length of a building is 120 feet. The following exceptions apply:
- Portions of buildings which are below the elevation of Third Avenue, Fourth Avenue, or Sixth Avenue, as measured at the midpoint of the frontage of the subject property on the applicable right-of-way, may exceed the 120' limitation.
 - Portions of the building above Third Avenue, Fourth Avenue, or Sixth Avenue shall be divided into two or more distinct building masses with a maximum length of 120' separated by at least 20' in width.
 - Decks, bay windows, roof overhangs, and chimneys may encroach up to 3' (per side) into the separation.

See Figure 50.65.5.b



Vertical Definition: CBD 6 and 8

FIGURE 50.65.5.B

- 3) **Horizontal Definition** - The applicant shall comply with the following requirements to moderate the vertical scale of buildings. All buildings in the CBD shall include design techniques which clearly define the building's top, middle, and bottom (see Figure 50.65.5.c.). The following techniques are suggested methods of achieving vertical articulation.

- a) **Top:** Sloped roofs, strong eave lines, cornice treatments, horizontal trellises, or sunshades, etc.
- b) **Middle:** Windows, balconies, material changes, railings, and similar treatments that unify the building design.
- c) **Bottom:** Pedestrian-oriented storefronts, pedestrian scale building details, awnings, arcades, "earth" materials such as concrete stone, stucco, etc.

Where appropriate, the applicant should coordinate the horizontal elements (i.e., cornices, window lines, arcades, etc.) in a pattern and height to reflect similar elements on neighboring buildings.

See Figure 50.65.5.c

Horizontal Definition: Articulation of Buildings' Top, Middle, and Bottom

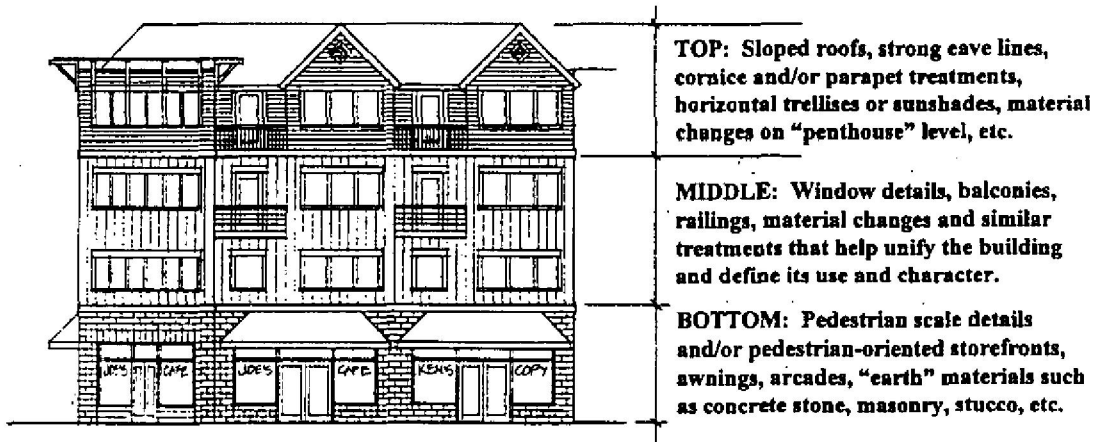


FIGURE 50.65.5C

b. Achieving Human Scale1) General

- a) Except as provided in subsection 65.5.a.1)b) of this Chapter, the applicant shall use at least **two** of the elements or techniques listed in subsection 65.5.a.2) of this Chapter in the design and construction of each facade of a building *facing a street or public park*.
- b) The applicant shall use at least **three** of the elements or techniques listed in subsection 65.5.a.2) of this Chapter in the design and construction of any facade of a building *facing a street or public park*, if:
 - i. The facade has a height of 3 or more stories; or
 - ii. The facade is more than 100' long.

2) Techniques to Achieve Human Scale - The techniques to be used in the design and construction of building facades under subsection 65.5.a.1) of this Chapter are listed below. As an alternative, the applicant may propose other techniques, elements or methods which provide human scale to the building and are consistent with the applicable ~~design principles in the Downtown Plan Chapter of the Comprehensive Plan.~~ DESIGN GUIDELINES AND

- a) On each story above the ground floor, provide at least one balcony or deck, at least 6' wide and 6' deep.
- b) On each story above the ground floor, provide at least one bay window that extends out at least 1', measured horizontally, from each facade of the building.
- c) Provide at least 150 square feet of pedestrian-oriented space that meets the criteria of subsection 65.2.d. of this Chapter in front of each facade.
- d) Provide at least 1/2 of the window area above the ground floor of each facade consistent with all of the following criteria:
 - i. The windows must have glazed areas with dimensions less than 5' by 7'. See Figure 50.65.5.d.

- ii. The windows must be surrounded by trim, molding and/or sill at least 2" wide. See Figure 50.65.5.d.

Dimensions For the Individual Windows Option to Meet the Human Scale Requirement

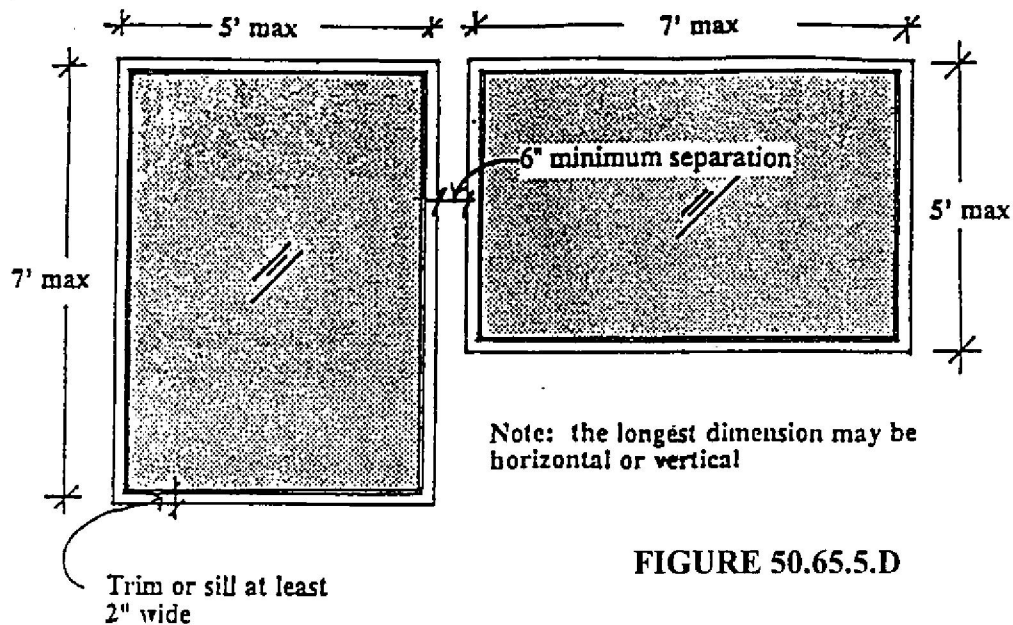


FIGURE 50.65.5.D

- iii. Individual window units must be separated from adjacent window units by at least 6" of siding or other exterior finish material of the building.

- e) Provide at least 1/2 of the window area above the ground floor of each facade facing a street or public park in panes with dimensions less than 2' by 3' and with individual panes separated by window mullions. See Figure 50.65.5.e.

Multiple Paned Fenestration Option to Meet the Human Scale Requirement

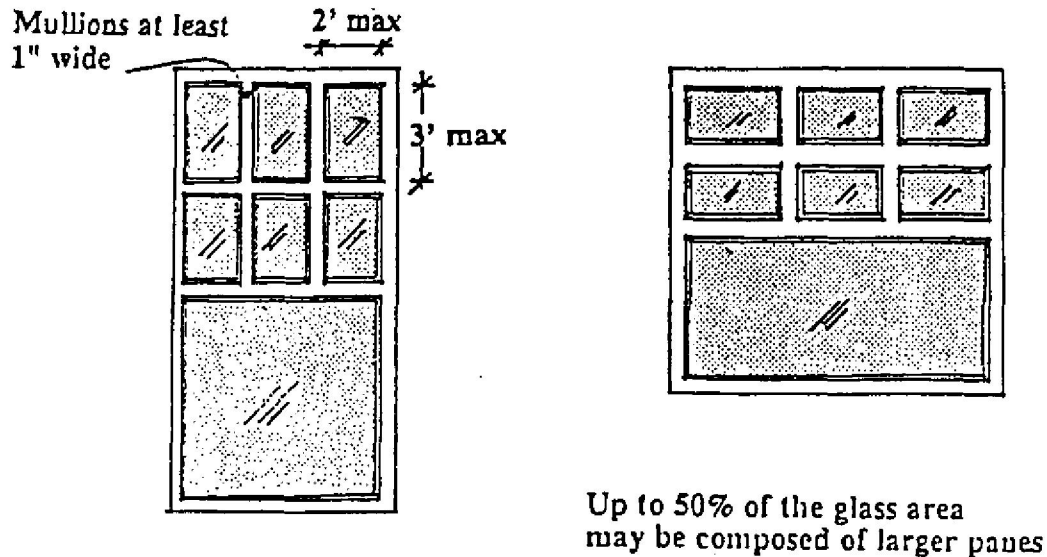


FIGURE 50.65.5.E

- f) Provide a hipped or gable roof which covers at least 1/2 of the building footprint and has a slope equal to or greater than 3' vertical to 12' horizontal.
- g) If the main entrance of the building is on the facade of the building facing a street or public park, provide a covered porch or entry on the subject property at the building's main entrance. Pedestrian weather protection required under subsection 65.2.b. of this Chapter may not be used to meet this requirement unless the required pedestrian weather protection covers an area at least 15' long by 15' wide and is available for outdoor display or outdoor vendors or contains pedestrian-oriented improvements or amenities beyond what is otherwise required.
- h) Provide one or more stories above the ground floor setback at least 6' from the ground floor facade facing the street or public park.
- c. **Techniques to Achieve Architectural Scale** - The applicant shall use at least **two** of the following elements and features in the design and construction of all buildings in the CBD that are 3 or more stories or have a building footprint of more than 10,000 square feet. As an alternative, the applicant may propose slight variations from the required dimensions noted in the following techniques, or other methods to comply with the requirements of this subsection 5.b. The City may approve the proposal if it is consistent with the Downtown Plan Chapter of the Comprehensive Plan.

- 1) All stories above the second story must be set back at least 10' from the ground floor facade along at least 2 facades of the building.
- 2) On all building facades, which are visible from a street or public park, provide horizontal modulation of the exterior wall consistent with all of the following standards:
 - a) The **maximum** allowable horizontal dimension of the facade between modulations is 70';
 - b) The **minimum** depth of each modulation, except balconies, is 10'; and
 - c) The **minimum** width of each modulation, except balconies, is 15'.
- 3) On all building facades which are visible from a street or public park, provide balconies which are consistent with the following standards:
 - a) Balconies must be placed on at least every other floor above the ground floor.
 - b) The **maximum** distance between balconies, measured horizontally, is 100';
 - c) The **minimum** amount of floor area for each balcony is 100 square feet; and
- 4) Provide vertical modulation of the roof line of all facades of the building adjoining a street or public park. For buildings with flat, gabled, hipped or similar roofs, the maximum length of any continuous roof line, with a slope of less than 3' vertical to 12' horizontal, is 50' without being modulated. If modulation is necessary, at least one of the following methods must be used:
 - a) The height of the visible roof line must change at least 8' if the adjacent roof segments are less than 50' in length.
 - b) The height of the visible roof line must change at least 12' if the adjacent roof segments are greater than 50' in length.
 - c) The length of a sloped or gabled roof line segment must be at least 20'. The minimum slope of the roof segment is 3' vertical to 12' horizontal.

See Figure 50.65.5.f.

Flat Roof Modulation Options

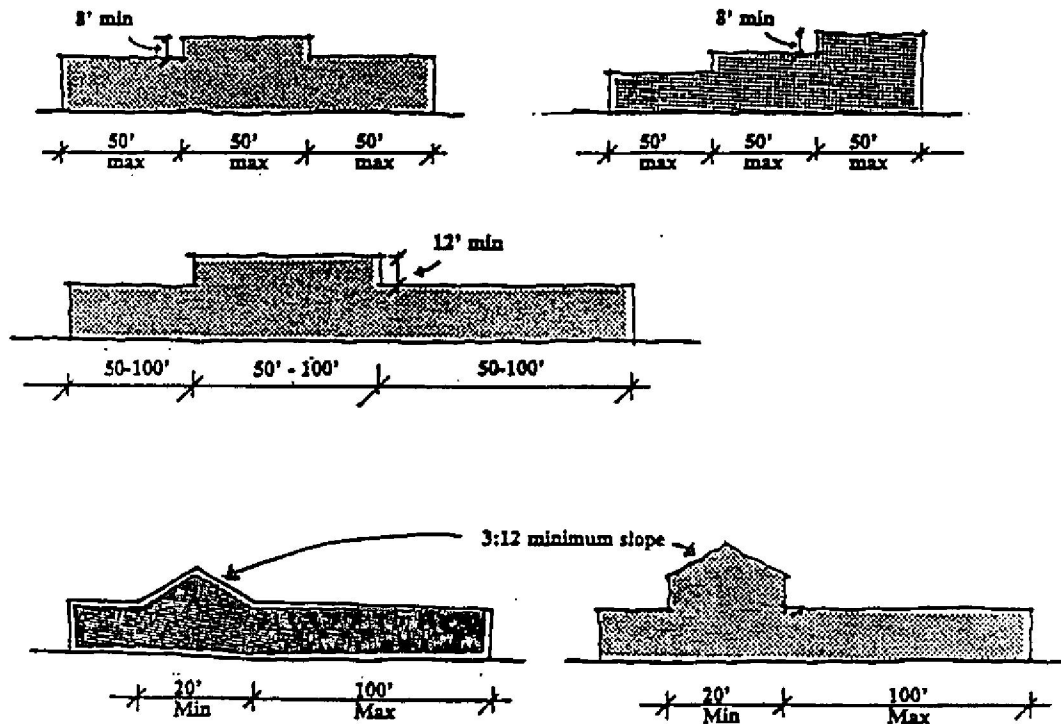


FIGURE 50.65.5.F

- 5) Buildings with other roof forms, such as arched, gabled, vaulted, dormered or sawtooth must have a significant change in slope or significant change in roof line at least every 100'.

50.65.6. Building Material, Color and Detail

- a. Required Elements - The applicant shall incorporate at least **three** of the following elements on each facade of a building that faces a street or public park. As an alternative, the applicant may propose other mechanisms for providing interesting visual detail to buildings, consistent with the Building Detail Principles in the CDD ~~portion of the Comprehensive Plan.~~ *Design Guidelines*

- 1) Decorative roof lines, including ornamental molding, frieze or other roof line devices visible from the ground. Linear features must be at least 8" wide, measured vertically.
- 2) Decorative molding or framing details around all ground floor doors and windows. The molding or trim may have a traditional, contemporary, geometric or sculptural design.

- 3) Decorative glazing on all ground floor doors and windows, including stained glass, crystal cut glass, etched glass or similar individualized and permanent treatment, but excluding single colored glass, opaque glass or plastic. On all ground floor windows, this decorative glazing must have a surface area of at least 30 square feet.
- 4) Railings, grill work, landscape guards or other similar elements which include materials, design, configuration, embellishment or workmanship that exceeds the normal functional requirements for the element.
- 5) Trellises or arbors having an area of at least 100 square feet and planted, consistent with the requirements of subsection 65.1.d. of this Chapter, to achieve at least 30% coverage of the trellis or arbor with plant material within three years.
- 6) Decorative light fixture or fixtures, either one if one-of-a-kind or custom built or one every 30' along the facade of the building if not one-of-a-kind or custom built, that meet either of the following criteria:
 - a) Includes a diffuse, visible light source, such as a globe.
 - b) Contains a shade or mounting that includes some use of material, configuration, shape, embellishment or detail that exceeds the normal functional requirement for the shade or mounting.
- 7) Use of any of the following decorative materials:
 - a) Any of the following decorative masonry elements:
 - i. Decorative masonry patterns, other than running bond pattern.
 - ii. Bricks, tile, stone, cast stone or other masonry units of at least two colors installed in layers or tiers to form a geometric pattern.
 - iii. Decorative bands of masonry, such as a soldier course of brick or multicolored ceramic tile band, in conjunction with another exterior surface material.
 - b) Individualized wood patterns or continuous wood details, such as fancy butt shingles in a geometric pattern, decorative moldings, brackets, eave trim or lattice work.
 - c) Ceramic tile, stone, glass blocks, camera glass or other similar materials incorporated into other compatible surface materials and used to form or create, or in conjunction with, a geometric pattern, distinctive shape, unusual surface treatment, special lighting or other decorative or textural element.
 - d) Other materials with decorative or textural qualities, as demonstrated by architectural drawings and material samples, approved by the City as part of X.D.R.
- 8) Decorative unit paving, including at least 50 square feet of multicolored tile, paver blocks, brick or other paving material in a decorative pattern, installed in a pedestrian-circulation area adjacent to the facade.

- 9) Artwork in the form of a mosaic mural, bas-relief sculpture, light sculpture, water sculpture, fountain, free-standing sculpture, art in pavement, murals, graphics or other forms, either free standing in front of the facade or attached to the facade.
- b. Prohibited Materials - The following materials may not be used on any exterior surface which is visible from any area beyond the subject property:
 - 1) Mirrored glass.
 - 2) Corrugated fiberglass.
 - 3) Chain link fencing, except for temporary purposes, such as during construction.
- c. Metal Siding - Corner and edge trim must be used to cover exposed edges of metal siding. If metal siding covers more than 25% of a building's facade, the following regulations apply:
 - 1) The siding must have a matted finish.
 - 2) The siding must be in a neutral, earth tone or dulled color such as buff, grey, beige, tan, creme, white, barn-red, blue-grey, burgundy or ocher.
 - 3) The facade must have visible window and door trim painted or finished in a color which is complementary to the siding color.
- d. Concrete Block - Any concrete block, masonry unit or cinder block wall which is visible from a street or public park must contain one or more of the following features or elements:
 - 1) Use of textured blocks with surfaces such as split faced or grooved.
 - 2) Use of colored mortar complementary to the color of the blocks.
 - 3) Use of other surface material such as bricks, glass blocks or tile as a significant feature of the wall.
- e. Awnings
 - 1) Translucent awnings shall not be back-lit. Lights directed downward mounted from internal awning frames are permitted. Lights mounted above awnings and directed downward are permitted.
 - 2) Vinyl or plastic awnings and awnings used predominantly for advertising are discouraged.
 - 3) Steel and glass, fabric, and other materials of a more permanent nature are encouraged. The design of awnings should complement the architecture of the building.
- f. Certain Signs Prohibited - Signs with an internal light source and a sign face constructed of plastic or similar material are prohibited.

- g. Covering of Existing Facades - Existing brick or cast stone masonry facades may not be covered with metal siding, metal screening, plastic siding, fiberglass siding, plywood siding, or wood siding materials. Other existing facades may be covered if consistent with the provisions of this Subsection 50.65.6. As part of ~~X~~D.R.-for remodels, the City may require the removal of coverings.
- h. Building Cornerstone or Plaque - All commercial buildings designed for use by more than one tenant must have a building cornerstone or plaque, placed in a prominent location, consistent with the following standards:
- 1) Building cornerstones must be constructed in carved stone, cast stone, carved masonry, terra cotta or other vandal-resistant material.
 - 2) Building plaques must be mounted no lower than 2' and no higher than 10' above ground and must be made of bronze, brass, anodized aluminum, porcelain enamel covered steel or aluminum or other corrosion resistant material.
 - 3) Building cornerstones and plaques must indicate the name of the building and, if known, the date of construction and architect.
 - 4) Building cornerstones and plaques may include the owner's name and other historical information.
- i. Building Corners - If the subject property is adjacent to the intersection of two streets, at least one of which is a *pedestrian-oriented* street, the applicant shall use **one or more** of the following elements or treatments in the design and construction of the corner of the building facing the intersection of the streets which includes the *pedestrian-oriented* street. As an alternative, the applicant may propose other techniques, elements or treatments in the design of the corner which are consistent with the ~~applicable design principles in~~ the Downtown Plan chapter of the Comprehensive Plan. DESIGN GUIDELINES ADD
- 1) Provide at least 100 square feet of sidewalk area or pedestrian-oriented open space, in addition to the area required to produce a 10' wide sidewalk as required under subsection 65.2.a of this Chapter.

See Figure 50.65.6.a.

Options for Corner Setback Configurations

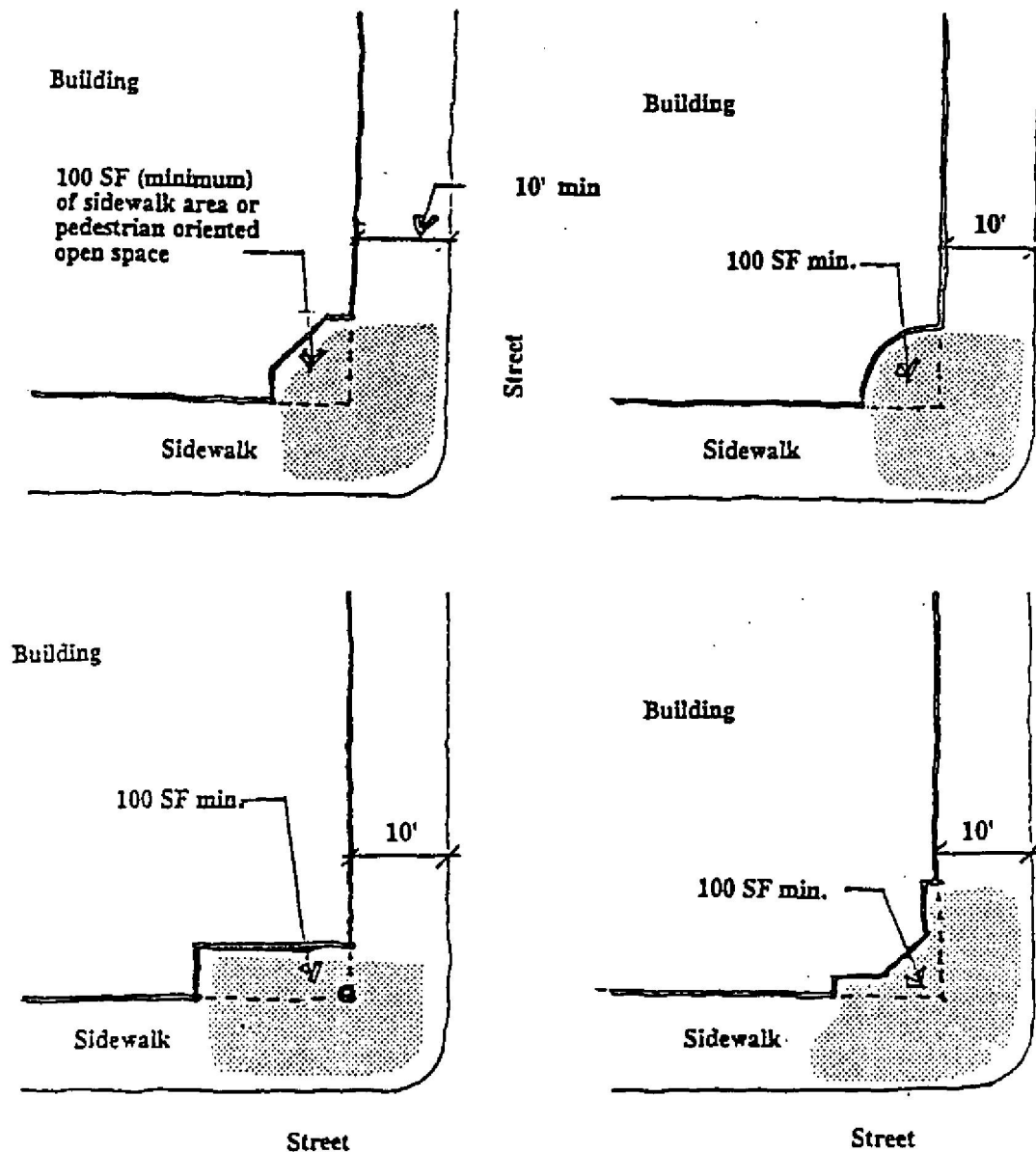


FIGURE 50.65.6.A

- 2) Provide an entrance way to a store, building atrium or lobby, exterior courtyard or pedestrian-oriented open space. See Figure 50.65.6.b.
- 3) Provide a pedestrian pathway, at least 8' in width, that connects to another street, public feature or building. See Figure 50.65.6.b.

Options for Corner Entry Elements

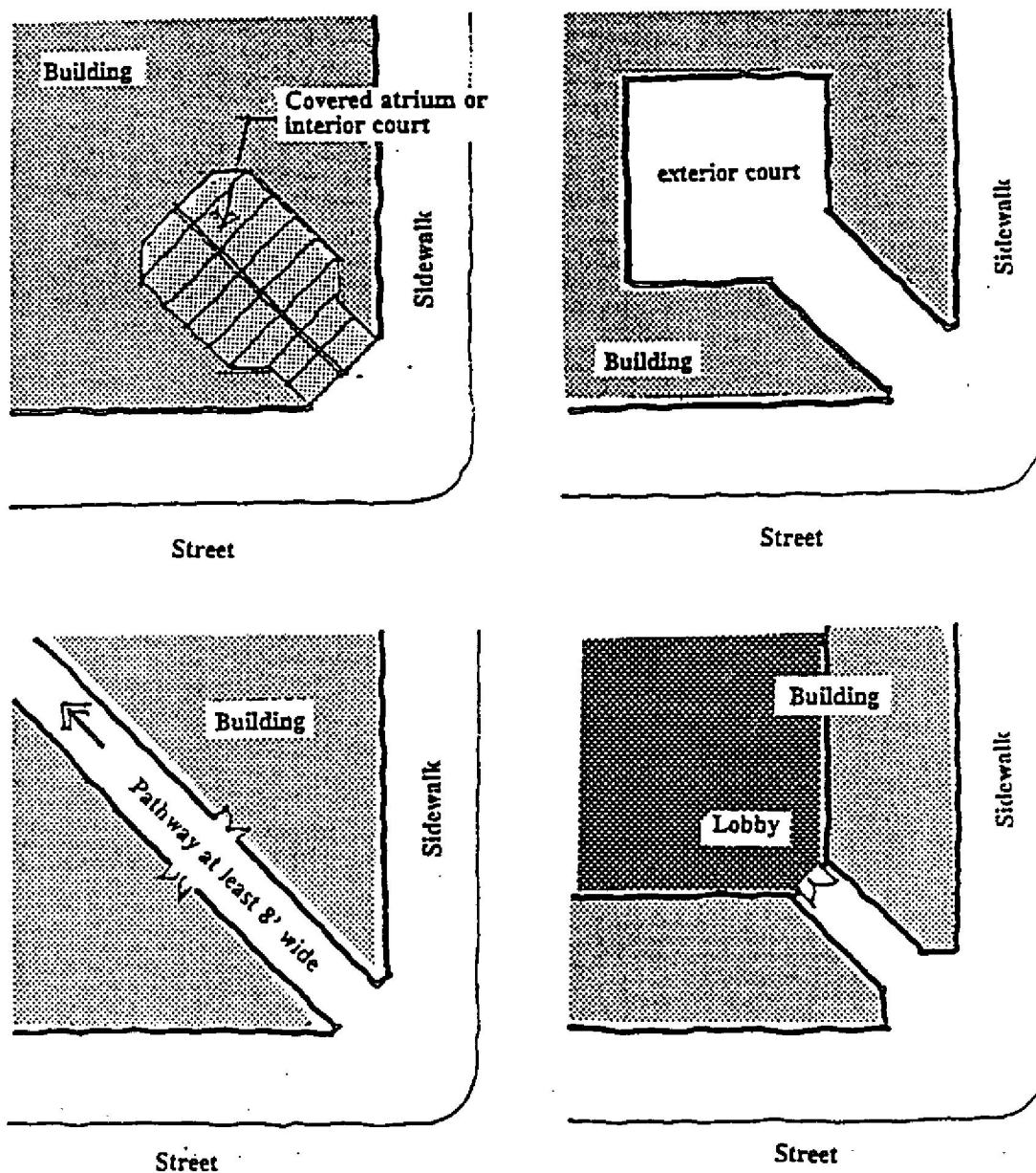


FIGURE 50.65.6.B

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

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 52.25	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	Vehicle Service Station See Special Regulation 1	A.D.R. Chapter 142 See General Regulations	22,500 sq. ft.	0'	0'	0'	80%	26' above average building elevation. See General Regulations.	A	E	See Section 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be closer than 10 feet to any property line. See the Section in Chapter 115 entitled "Outdoor Use, Activity and Storage" for further regulations.
.020	Automotive Service Center See Spec. Reg. 1		None	0'	0'	0'					1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 3	1. This use specifically excludes new or used automobile sales or rentals. 2. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining a residential use. Windows are permitted if they are triple-paned and unable to be opened. 3. Ten (10) percent of the required parking spaces on site must have a minimum dimension of 10-feet wide by 30-feet long for motor home/travel trailer use. 4. Storage of used parts and tires must be conducted entirely within an enclosed structure. See also the section in Chapter 115 entitled "Outdoor Use, Activity and Storage" for additional regulations. 5. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential use complies with the standards set forth in Washington Administrative Code Section 173-60-040(1) for a Class B source property and a Class A receiving property.
.030	Retail Establishment providing Boat Sales, Service, or Repair See Special Regulation 1		See Section 105.25.	1. Boat rental and used boat sales are allowed as part of this use. 2. Storage of parts must be conducted entirely within an enclosed structure. 3. Outdoor boat parking and storage areas must be buffered as required for a parking area per design regulations section 50.4.d and e. See also the section in Chapter 115 entitled "Outdoor Activity and Storage" for further regulations.								
.040	Restaurant or Tavern		D	1 per each 100 sq. ft. of gross floor area.								
.050	Fast Food Restaurant		D See Spec. Reg. 2	1 per each 80 sq. ft. of gross floor area.	1. Must provide one outdoor waste receptacle for every eight parking stalls. 2. Landscape Category B will be required if the use includes drive-through facilities.							
.060	A retail establishment providing entertainment, recreational, or cultural activities		D	See Section 105.25.								

Section 52.25

Zone
JBD-2

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS													
Section 52.25	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	Any retail establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services See Special Regulation 1 and 6	X D.R. Chapter 142 See General Regulations	None	0'	0'	0'	80%	26' above average building elevation. See General Regulations.	D See Spec. Reg. 2.	E	1 per each 300 sq ft. of gross floor area.	1. The following uses are not permitted in this zone: a. Retail establishments providing storage services unless accessory to another permitted use. b. Automobile sales and/or rental facilities. c. Outdoor storage of bulk commodities, except in the following circumstances: 1) If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure, or; 2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. d. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. 2. Landscape Category B will be required if the use includes drive-through facilities. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 4. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.	

Zone
JBD-2

USE ZONE CHART

Section 52.25		USE ↓ REGULATIONS ↓	DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS									
Required Review Process	Lot Size		MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
			Front	Side	Rear							
.080	Office Use	A.D.R. Chapter 142 See General Regulations	None	0'	0'	0'	80%	26' above average building elevation. See General Regulations.	D	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. 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. 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 if the subject property contains dwelling units. 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; and b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.090	Attached or Stacked Dwelling Unit See Special Regulation 1								A	A	1.7 per unit.	1. This use may be located on the street level floor of a building only if there is an intervening retail storefront or office between this use and the abutting right-of-way. 2. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property. 3. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.100	Church								B	B	1 per every four people based on maximum occupancy load of any area of worship. See Special Regulation 2	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.
.110	Hotel or Motel								E	E	1 per each room. See Spec. Reg. 2	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirements for these ancillary uses shall be determined on a case-by-case basis.
.120	Private Lodge or Club								B	B	1 per each 300 sq. ft. of gross floor area.	

Section 52.25

Zone
JBD-2

USE ZONE CHART

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

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS.													
Section 52.25		USE REGULATIONS		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure						
			Front		Side			Rear					
.130	School or Day-care Center	X D.R. Chapter 142 See General Regulations	None	0'	0'	0'	80%	26' above average building elevation. See General Regulations.	D	B	See Section 105.25.	<ol style="list-style-type: none">1. A 6-foot high fence is required along all property lines adjacent to the outside play areas.2. Structured play areas must be set back from all property lines as follows:<ol style="list-style-type: none">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.c. Otherwise, 5 feet.3. 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.4. May include accessory living facilities for staff persons.5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 150, and 155).6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.	
.140	Mini-school or mini-day-care (7-12 attendees) or Day-care home (6 or less attendees)											<ol style="list-style-type: none">1. A 6-foot high fence is required along all property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only.2. Structured play areas must be set back from all property lines by 5 feet.3. 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.4. May include accessory living facilities for staff persons.5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 150, and 155).	

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

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 52.25	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.150	Assisted Living Facility See Spec. Reg. 4-3	A.D.R. Chapter 142 See General Regulations	None	0'	0'	0'	80%	26' above average building elevation. See General Regulations.	D	A	1.7 per independent unit 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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 included, the following parking standard shall apply to the nursing home portion of the facility: a. 1 parking stall shall be provided for each bed. 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. Through Process 110, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met: a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 3. 4. This use may be located on the street level floor of a building only if there is an intervening storefront or office between this use and the abutting right-of-way. d. 5. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property. 4. 6. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.160	Convalescent Center or Nursing Home									B	1 for each bed.	
.170	Public Utility, Government Facility, and Community Facility								D See Spec. Reg. 1	See Section 105.25.	1. Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.	
.180	Public Transit Shelter	None					100%	15' above average building elevation.	--	See Spec. Reg. 2.	None	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. May install transit route and information signs and markers.

Section 52.25

Zone
JBD-2

USE ZONE CHART

Section 52.25	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use... THEN, across for 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						
190	Public Parks	A.O.R. Chapter 142. See Special Regulations 1 and 2	None	Will be determined on case-by-case basis			--	B	See Section 105.25.	<div>1. Development and use of a park does not require a development permit under this Code if:<div><div>a. A master plan for that park has been approved by the City and the proposed development and use is consistent with the master plan; or</div><div>b. The proposed use and development will not involve:<div><div>1) Lighting for outdoor nighttime activities; and</div><div>2) The construction of any building of more than 4,000 square feet; and</div><div>3) The construction of more than 20 parking stalls; and</div><div>4) The development of any structured sports or activity areas.</div></div></div></div><div>2. Any development or use of a park that does not meet the requirements of Special Regulation 1 must be approved through the Process III, Chapter 155. The City will use the following factors in determining what facilities and uses will be permitted:<div><div>a. Ease of access to the park.</div><div>b. Character of the neighborhood.</div><div>c. Size, nature, and topography of the subject property.</div></div></div></div>		

Section 52.30

Zone
JBD-3

Section 52.30 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone ~~(except Public Transit Shelter)~~ unless otherwise noted:

- ~~1. The development of the subject property and adjacent rights of way must be consistent with the regulations of Section 50 of this Chapter.~~
- ~~2.1.~~ A 10-foot landscape buffer shall be provided along 98th Avenue NE. Alternative techniques for framing this entryway to the business district may be proposed by the applicant as part of ~~X~~ D.R.
- ~~3.2.~~ Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
- ~~4.3.~~ The maximum height of structures on the subject property may be increased by up to 13 feet ~~if:~~
 - ~~a. A view corridor is maintained across 30% of the average parcel width for the portion of the building above 26 feet; and~~
 - ~~b. The proposal is reviewed and decided upon through Process I, Chapter 145.~~The corridor will be located to provide the widest view given development on adjacent properties.
- ~~5.4.~~ See Chapters 100 and 162 for information about non-conforming signs. Section 162.35 describes when non-conforming signs must be brought into conformance or removed (does not apply to Public Parks uses).

Section 52.35		USE ↓ REGULATIONS ↓	DIRECTIONS: FIRST, read down to find use. THEN, across for 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	Office Use	X D.R. Chapter 142. See General Regulations.	None	0'	0'	0'	80%	26' above average building elevation. See General Regulations.	C	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. 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. 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 if the subject property contains dwelling units. 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; and b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.020	Detached, Attached or Stacked Dwelling Unit		3,600 sq. ft. with a minimum of 2,400 sq. ft. per unit						D	A	1.7 per unit.	1. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.030	Church		None						C	B	1 per every four 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.

Section 52.35

Zone
JBD-3

USE ZONE CHART

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

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS													
Section 52.35		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						
.040	School or Day-care Center	W.D.R. Chapter 142, See General Regulations	None	0'	0'	0'	80%	26' above average building elevation. See General Regulations.	D	B	See Section 105.25.	1. A 6-foot high fence is required along all property lines adjacent to the outside play areas. 2. 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. c. Otherwise, 5 feet. 3. 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. 4. May include accessory living facilities for staff persons. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 150, and 155). 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.	
.050	Mini-school or mini-day-care (7-12 attendees) or Day-care home (6 or less attendees)											1. A 6-foot high fence is required along all property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Structured play areas must be set back from all property lines by 5 feet. 3. 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. 4. May include accessory living facilities for staff persons. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 150, and 155).	

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

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 52.35	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Assisted Living Facility	A.D.R. Chapter 142. See General Regulations.	3,600 sq. ft.	0'	0'	0'	80%	26' above average building elevation. See General Regulations.	D	A	1.7 per independent unit 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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 included, the following parking standard shall apply to the nursing home portion of the facility: a. 1 parking stall shall be provided for each bed. 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. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met: a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 4. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.070	Convalescent Center or Nursing Home		None						C		1 for each bed.	
.080	Public Utility, Government Facility, and Community Facility								D See Spec. Reg. 1		See Section 105.25.	1. Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Public Transit Shelter	None					100%	15' above average building elevation.	--	See Spec. Reg. 2.	None	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. May install transit route and information signs and markers.

Section 52.35

Zone
JBD-3

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS												
Section 52.35	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	Public Parks	A.D.R. Chapter 142. See Special Regulations 1 and 2	None	Will be determined on case-by-case basis			See General Regulations.	B	See Section 105.25.	1. Development and use of a park does not require a development permit under this Code if: a. A master plan for that park has been approved by the City and the proposed development and use is consistent with the master plan; or b. The proposed use and development will not involve: 1) Lighting for outdoor nighttime activities; and 2) The construction of any building of more than 4,000 square feet; and 3) The construction of more than 20 parking stalls; and 4) The development of any structured sports or activity areas. 2. Any development or use of a park that does not meet the requirements of Special Regulation 1 must be approved through the Process III, Chapter 155. The City will use the following factors in determining what facilities and uses will be permitted: a. Ease of access to the park. b. Character of the neighborhood. c. Size, nature, and topography of the subject property.		

Section 52.40



Section 52.40 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone ~~(except Public Transit Shelter)~~ unless otherwise noted:

- ~~1. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 50 of this Chapter.~~
- 2.1. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
- 3.2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.
- 4.3. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor, given development on adjacent properties (does not apply to Public Parks uses).

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS													
Section 52.45	USE ↓	REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Retail Establishment providing Boat Sales, Service, or Repair. See Special Regulation 1		M.D.R. Chapter 142	None	0'	0'	0'	80%	26' above average building elevation	A	E	See Section 105.25. 1. Boat rental and used boat sales are allowed as part of this use. 2. Storage of parts must be conducted entirely within an enclosed structure. 3. Outdoor boat parking and storage areas must be buffered as required for a parking area per design regulations section 50.4 d and e. See also the section in Chapter 115 entitled "Outdoor Activity and Storage" for further regulations.	
.020	Restaurant or Tavern									C	1 per each 100 sq. ft. of gross floor area.	1 per each 100 sq. ft. of gross floor area.	
.030	Fast Food Restaurant										1 per each 80 sq. ft. of gross floor area.	1. Must provide one outdoor waste receptacle for every eight parking stalls. 2. Drive-through facilities are prohibited.	
.040	A retail establishment providing entertainment, recreational, or cultural activities										See Section 105.25.		

Section 52.45

Zone
JBD-4

USE ZONE CHART

Section 52.45	USE REGULATIONS	DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS						
		Required Review Process	MINIMUMS			MAXIMUMS		Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure	
			Front	Side	Rear			
.050	A retail establishment other than those specifically listed in this zone, selling goods or providing services including banking and related financial services. See Special Regulations 1 and 4.	CDR, Chapter 142	None	0'	0'	80%	26' above average building elevation.	<p>1. The following uses are not permitted in this zone:</p> <ul style="list-style-type: none"> a. Retail establishments providing storage services unless accessory to another permitted use. b. Automobile sales and/or rental facilities. c. Automobile service station or center. d. Outdoor storage of bulk commodities, except in the following circumstances: <ul style="list-style-type: none"> 1) If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure, or; 2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. e. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. <p>2. Drive-through facilities are prohibited.</p> <p>3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <ul 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. <p>4. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:</p> <ul 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.



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

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 52.45	USE ↑ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Office Use	ADO R. Chapter 142	None	0'	0'	0'	26' above average building elevation.	C	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. 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. 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 if the subject property contains dwelling units. 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; and b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.	
.070	Detached, Attached or Stacked Dwelling Unit		3,600 sq. ft. with a minimum of 1,800 sq. ft. per unit.					D	A	1.7 per unit.	1. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	
.080	Church		None					C	B	1 per every four 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.	
.090	Hotel or Motel							B	E	1 per each room. See 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.	
.100	Private Lodge or Club							C	B	1 per each 300 sq. ft. of gross floor area		

Section 52.45

Zone
JBD-4

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 52.45	USE  REGULATIONS 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.110	School or Day-care Center	A .D.R. Chapter 142	None	0'	0'	0'	80%	26' above average building elevation. See General Regulations.	D	B	See Section 105.25.	<ol style="list-style-type: none">1. A 6-foot high fence is required along all property lines adjacent to the outside play areas.2. Structured play areas must be set back from all property lines as follows:<ol style="list-style-type: none">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.c. Otherwise, 5 feet.3. 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.4. May include accessory living facilities for staff persons.5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 150, and 155).6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
.120	Mini-school or mini-day-care (7-12 attendees) or Day-care home (6 or less attendees)											<ol style="list-style-type: none">1. A 6-foot high fence is required along all property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only.2. Structured play areas must be set back from all property lines by 5 feet.3. 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.4. May include accessory living facilities for staff persons.5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 150, and 155).

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

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 52.45	USE ↑ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
130	Assisted Living Facility	ADR, Chapter 142 ft.	3,600 sq. ft.	0'	0'	0'	80%	26' above average building elevation.	D	A	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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 included, the following parking standard shall apply to the nursing home portion of the facility: a. 1 parking stall shall be provided for each bed. 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. Through Process 118, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met: a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 4. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.	
140	Convalescent Center or Nursing Home		None					26' above average building elevation. See General Regulations.	C	B	1 for each bed.	
150	Public Utility, Government Facility, and Community Facility								D See Spec. Reg. 1	See Section 105.25.	1. Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.	
160	Public Transit Shelter	None					100%	15' above average building elevation.	--	See Spec. Reg. 2.	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. May install transit route and information signs and markers.	

USE ZONE CHART

Zone JBD-4

Adopted/Amended

Section 52.50

Zone
JBD-5

Section 52.50 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone ~~(except Public Transit Shelter)~~ unless otherwise noted:

- ~~1. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 50 of this Chapter.~~
- ~~2.1~~ Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property (does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats and General Moorage Facility uses).
- ~~2.2~~ Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.
- ~~4.3~~ A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one continuous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor, given development on adjacent properties (does not apply to Public Access Pier or Boardwalk, Public Parks and Moorage Facility for 1 or 2 Boats uses).
- ~~5.4~~ Must provide a required yard of 15 feet or 15 percent of average parcel depth, whichever is greater, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this Chapter, this provision shall govern (does not apply to Public Access Pier or Boardwalk, Public Parks, Moorage Facility for 1 or 2 Boats and General Moorage Facility uses).

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 52.55	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	Retail Establishment providing Boat Sales, Service, or Repair. See Special Regulation 1	A.D.R. Chapter 142	None	0'	0'	0'	80%	26' above average building elevation	A	E	See Section 105.25.	1. Boat rental and used boat sales are allowed as part of this use. 2. Gross floor area for this use may not exceed 10,000 square feet. 3. Storage of parts must be conducted entirely within an enclosed structure. 4. Outdoor boat parking and storage areas must be buffered as required for a parking area per design regulations section 50.4.d and e. See also the section in Chapter 115 entitled "Outdoor Activity and Storage" for further regulations.
.020	Restaurant or Tavern								C		1 per each 100 sq. ft. of gross floor area.	1. Gross floor area for this use may not exceed 10,000 square feet.
.030	Fast Food Restaurant										1 per each 80 sq. ft. of gross floor area.	1. Must provide one outdoor waste receptacle for every eight parking stalls. 2. Drive-through facilities are prohibited. 3. Gross floor area for this use may not exceed 10,000 square feet.
.040	A retail establishment providing entertainment, recreational, or cultural activities										See Section 105.25.	1. Gross floor area for this use may not exceed 10,000 square feet.

Section 52.55

Zone
JBD-5

USE ZONE CHART

Section 52.55	USE ↓ REGULATIONS ↓	DIRECTIONS: FIRST, read down to find use... THEN, across for 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						
.050	Any retail establishment other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services. See Special Regulations 1 and 5.	X D.R. Chapter 142	None	0'	0'	0'	80%	26' above average building elevation.	C	E	1 per each 300 sq. ft. of gross floor area.	<div>1. The following uses are not permitted in this zone:<div>a. Retail establishments providing storage services unless accessory to another permitted use.</div><div>b. Automobile sales and/or rental facilities.</div><div>c. Automobile service station or center.</div><div>d. Outdoor storage of bulk commodities, except in the following circumstances:<div>1) If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure; or</div><div>2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers.</div></div><div>e. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses.</div></div> <div>2. Gross floor area for this use may not exceed 10,000 square feet.</div> <div>3. Drive-through facilities are prohibited.</div> <div>4. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:<div>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.</div><div>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</div></div> <div>5. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:<div>a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and</div><div>b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</div></div>

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

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 52.55	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.060	Office Use	A.D.R. Chapter 142	None	0'	0'	0'	80%	26' above average building elevation.	C	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. 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. 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 if the subject property contains dwelling units. 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; and b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.070	Detached, Attached or Stacked Dwelling Unit		3,600 sq. ft. with a minimum of 1,800 sq. ft. per unit.						D	A	1.7 per unit.	1. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.080	Church		None						C	B	1 per every four 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.
.090	Private Lodge or Club											1 per each 300 sq. ft. of gross floor area

Section 52.55

Zone
JBD-5

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS									
Section 52.55	USE ↑ REGULATIONS	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure	
				Front	Side	Rear			
.100 School or Day-care Center		AD R. Chapter 142	None	0'	0'	0'	80%	26' above average building elevation.	1. A 6-foot high fence is required along all property lines adjacent to the outside play areas. 2. 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. c. Otherwise, 5 feet. 3. 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. 4. May include accessory living facilities for staff persons. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 150, and 155). 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
.110 Mini-school or mini-day-care (7-12 attendees) or Day-care home (6 or less attendees)									1. A 6-foot high fence is required along all property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Structured play areas must be set back from all property lines by 5 feet. 3. 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. 4. May include accessory living facilities for staff persons. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 150, and 155).

0-3683A

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

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Section 52.55	USE ↑	REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.120	Assisted Living Facility		A.D.R. Chapter 142	3,600 sq. ft.	0'	0'	0'	80%	26' above average building elevation.	D	A	1.7 per independent unit 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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 included, the following parking standard shall apply to the nursing home portion of the facility: a. 1 parking stall shall be provided for each bed. 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. Through Process IIB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met: a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 4. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.130	Convalescent Center or Nursing Home			None						C	B	1 for each bed.	
.140	Public Utility, Government Facility, and Community Facility									D See Spec. Reg. 1		See Section 105.25.	1. Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.
.150	Public Transit Shelter		None					100%	15' above average building elevation.	--	See Spec. Reg. 2.	None	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. May install transit route and information signs and markers.


Section 52.55



USE ZONE CHART

Section 52.55	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						
160 Public Parks		A.D.R. Chapter 142. See Special Regulations 1 and 2	None	Will be determined on case-by-case basis			-	B	See Section 105.25.	1. Development and use of a park does not require a development permit under this Code if: a. A master plan for that park has been approved by the City and the proposed development and use is consistent with the master plan; or b. The proposed use and development will not involve: 1) Lighting for outdoor nighttime activities; and 2) The construction of any building of more than 4,000 square feet; and 3) The construction of more than 20 parking stalls; and 4) The development of any structured sports or activity areas. 2. Any development or use of a park that does not meet the requirements of Special Regulation 1 must be approved through the Process III, Chapter 155. The City will use the following factors in determining what facilities and uses will be permitted: a. Ease of access to the park. b. Character of the neighborhood. c. Size, nature, and topography of the subject property. 3. See Section 55.200 of this chapter for regulations regarding bulkheads and land surface modification.	

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

Section 52.55	USE REGULATIONS 	Required Review Process	MINIMUMS			MAXIMUMS		Landscaping Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure				
				Front	Side						
170	Public Access Pier or Boardwalk	A.D.R. Chapter 142	None	Landward of the high waterline 0' 0' 0'	Waterward of the high waterline 0' 10' 0'	See also Spec. Reg. 8.	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	-	See Spec. Reg. 7.	-	<ol style="list-style-type: none">1. No accessory uses, buildings, or activities may be permitted as part of this use.2. If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use.3. May not treat structures with creosote, oil base, or toxic substances.4. Must provide at least one covered and secured waste receptacle.5. All utility lines must be below the pier deck and, where feasible, underground.6. Piers must be adequately lit; the source of the light must not be visible from off the subject property.7. The pier or boardwalk must display the street address of the subject property. The address must be oriented to and visible from the lake with letters and numbers at least 4 inches high.8. The side property line yards may be reduced for over water public access piers or boardwalks which connect with waterfront public access on adjacent property.9. See Section 55.200 of this chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provisions of this code may apply to the subject property.10. This development may also be regulated under the City's Shoreline Master Program; consult that document.11. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.

Section 52.55

Zone
JBD-5

USE ZONE CHART

Section 52.55	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						
180	Moorage Facility for One or Two Boats	A.D.R. Chapter 142	None	Landward of the high waterline 0' 0'	0' 0'	0'	80%	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck. See also Spec. Reg. 5.	See Spec. Reg. 9.	See Section 105.25	<ol style="list-style-type: none">1. No accessory uses, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this Zone.2. Moorage structures may not extend waterward beyond a point 150 ft. from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than 8 feet in width.3. If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use.4. May not treat structures with creosote, oil base, or toxic substances.5. Moorage structures may not be closer than 25 feet to another moorage structure not on the subject property.6. Must provide at least one covered and secured waste receptacle.7. All utility lines must be below the pier deck and, where feasible, underground.8. Piers must be adequately lit; the source of the light must not be visible from off the subject property.9. Moorage structures must display the street address of the subject property. The address must be oriented to and visible from the lake with letters and numbers at least 4 inches high.10. Covered moorage is not permitted. Aircraft moorage is not permitted.11. A high waterline yard equal in depth to the greater of 15 feet or 15% of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard.12. See Section 55.200 of this chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provisions of this code may apply to the subject property.13. This development may also be regulated under the City's Shoreline Master Program; consult that document.14. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.	

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

Section 52.55	USE ↓ REGULATIONS ↓	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
Front	Side	Rear										
.190	General Moorage Facility	Process IIA, Chapter 150 and A.D.R. Chapter 142	None, but must have at least 100' of frontage on Lake Washington	Landward of the high waterline 0' 0' 0'	Waterward of the high waterline 0' 10' 0'	See also Spec. Reg. 5.	80%	Landward of the high waterline 26' above average building elevation. Waterward of the high waterline, pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3' above the deck.	See Spec. Reg. 4.	B See Spec. Reg. 13.	See Section 105.25	1. The City will determine the maximum allowable number of moorages based on the following factors: a. The topography of the area. b. The ability of the land waterward of the high waterline to support the moorages. c. The nature of nearby uses. d. The potential for traffic congestion. e. The effect on existing habitats. 2. Moorage structures may not be larger than is reasonably necessary to provide safe and reasonable moorage for the boats to be moored. The City will specifically review the size and configuration of moorage structures to insure that: a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the Outer Harbor Line. b. The moored structures are not larger than is necessary to moor the specified number of boats. c. The moored structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation. 3. The following accessory components are allowed if approved through Process IIB, Chapter 152: a. Gas and oil sale for boats, if: 1) Storage tanks are underground and on dry land; and 2) The use has facilities to contain and clean up oil and gas spills. b. An over-water shed, which is no more than 50 square feet and not more than 10 feet high as measured from the deck, accessory to oil and gas sale for boats. c. Boat and motor sales and leasing. d. Boat or motor repair and service if: 1) This activity is conducted on dry land and either totally within a building or totally sight screened from the adjoining property and the right-of-way; and 2) All dry land motor testing is conducted within a building. e. Meeting and special events rooms.
REGULATIONS CONTINUED ON NEXT PAGE												

REGULATIONS CONTINUED ON NEXT PAGE

USE ZONE CHART



DIRECTIONS: FIRST, read down to find use... THEN, across, for REGULATIONS												
Section 52.55	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						
190	General Moorage Facility (Continued)										<p>4. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer.</p> <p>5. At least one pump-out facility shall be provided. This facility must be easily accessible to the general public and clearly marked for public use, unless moorage is available only for the residents of dwelling units on the subject property.</p> <p>6. Must provide restrooms unless moorage is available only for the residents of dwelling units on the subject property.</p> <p>7. If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use.</p> <p>8. May not treat moorage structures with creosote, oil base, or toxic substances.</p> <p>9. No moorage structure may be within:</p> <p>a. 100 feet of a public park;</p> <p>b. 50 feet of any abutting lot that contains a detached dwelling unit; or</p> <p>c. 25 feet to another moorage structure not on the subject property.</p> <p>10. Must provide at least two covered and secured waste receptacles.</p> <p>11. All utility lines must be below the pier decks and, where feasible, underground.</p> <p>12. Piers must be adequately lit; the source of the light must not be visible from off the subject property.</p> <p>13. Moorage structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least 4 inches high.</p> <p>14. Covered moorage is not permitted. Aircraft moorage is not permitted.</p> <p>15. A high waterline yard equal in depth to the greater of 15 feet or 15% of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard.</p> <p>16. No structures, other than moorage structures, may be waterward of the high waterline.</p> <p>17. See Section 55.200 of this chapter for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 to determine what other provisions of this code may apply to the subject property.</p> <p>18. This development may also be regulated under the City's Shoreline Master Program; consult that document.</p> <p>19. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.</p>	

Adapted/Amended

PAGE 11

Section 52.60

Zone
JBD:6

Section 52.60 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone ~~(except Public Transit Shelter)~~ unless otherwise noted:

- ~~1. The development of the subject property and adjacent rights of way must be consistent with the regulations of Section 50 of this Chapter.~~
- ~~2. Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.~~
- ~~3. The maximum height of structures on the subject property may be increased by up to 13 feet if the proposal is reviewed and decided upon through Process I, Chapter 145 (does not apply to Public Parks uses).~~

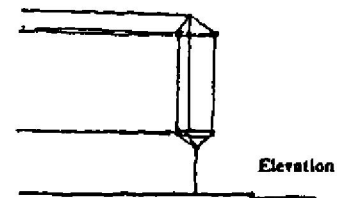
Impacts of the additional height are mitigated by design techniques that minimize the perceived building mass and achieve superior architectural and human scale.

- 4) Provide one or more of the elements listed below on both sides of an axis running diagonally through the corner of the building and bisecting the angle formed by the two building facades:
- a) A bay window or turret.
 - b) A roof deck.
 - c) Balconies above the ground floor.
 - d) A building corner setback notch or curved facade surface.
 - e) Sculpture or artwork, either bas-relief or figurative.
 - f) Distinctive use of facade materials.

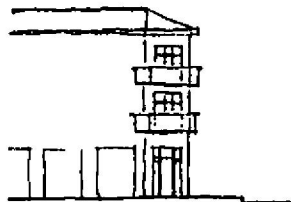
See Figure 50.65.6.c.

- 5) Provide special or unique treatment, other than the use of fabric or vinyl awnings, for pedestrian weather protection at the corner of the building.

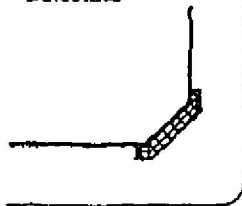
Architectural Elements for Corners



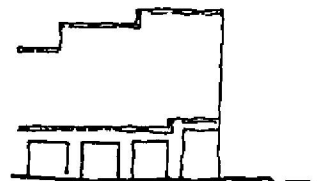
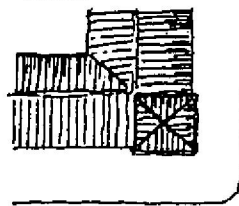
Bay window



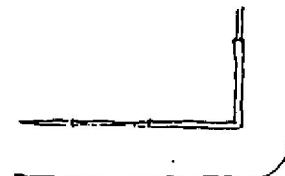
Balconies



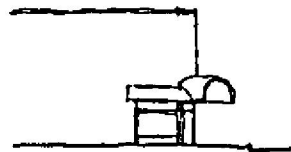
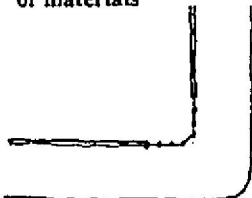
Turret



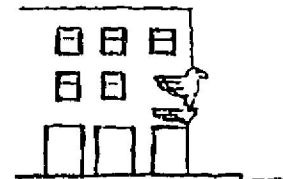
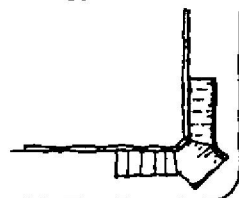
Corner accentuating roof line



Distinctive use of materials



Canopy



Sculpture

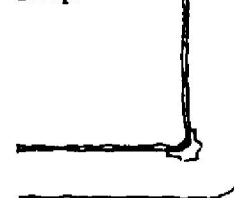


FIGURE 50.65.6.C

CHAPTER 52 – JUANITA BUSINESS DISTRICT (JBD) ZONES

52.05 User Guide. The charts in Section 10 through 65 of this Chapter contain the basic zoning regulations that apply in the JBD 1 – 6 zones of the City. Use these charts by reading down the extreme 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. In addition, you should read Chapter 1 of this Code which will assist you in finding other regulations that apply to your property or proposal.

Section 52.10



Section 52.10 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone ~~(except Public Transit Shelter)~~ unless otherwise noted:

- ~~1. The development of the subject property and adjacent rights-of-way must be consistent with the regulations of Section 50 of this Chapter.~~
- 2.1. Building height and placement and other site design features should seek to provide for a view corridor from 98th Avenue NE through the subject property towards Lake Washington.
- ~~3.2.~~ Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
- ~~4.3.~~ See Chapters 100 and 162 for information about non-conforming signs. Section 162.35 describes when non-conforming signs must be brought into conformance or removed.

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 52.15	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Vehicle Service Station. See Special Regulation 1	X D.R. Chapter 142	22,500 sq. ft.	0'	0'	0'	80%	30' above average building elevation.	A	E	See Section 105.25:	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be closer than 10 feet to any property line. See the Section in Chapter 115 entitled "Outdoor Use, Activity and Storage" for further regulations.
.020	Automotive Service Center. See Spec. Reg. 1		None	0'	0'	0'					1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 3	1. This use specifically excludes new or used vehicle sales or rentals. 2. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining a residential use. Windows are permitted if they are triple-paned and unable to be opened. 3. Ten (10) percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. 4. Storage of used parts and tires must be conducted entirely within an enclosed structure. See also the section in Chapter 115 entitled "Outdoor Use, Activity and Storage" for additional regulations. 5. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential use complies with the standards set forth in Washington Administrative Code Section 173-60-040(1) for a Class B source property and a Class A receiving property.
.030	Retail Establishment providing Boat Sales, Service, or Repair. See Special Regulation 1.										See Section 105.25.	1. Boat rental and used boat sales are allowed as part of this use. 2. Storage of parts must be conducted entirely within an enclosed structure. 3. Outdoor boat parking and storage areas must be buffered as required for a parking area per design regulations section 50.4.d and e. See also the section in Chapter 115 entitled "Outdoor Activity and Storage" for further regulations.
.040	Restaurant or Tavern										D	1 per each 100 sq. ft. of gross floor area.

Section 52.15

Zone
JBD-1

USE ZONE CHART

Section 52.15		USE ↓		REGULATIONS ↑							
	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
		Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
			Front	Side	Rear						
.050	Fast Food Restaurant	None	0'	0'	0'	80%	30' above average building elevation.	D See Spec. Reg. 3	E	1 per each 80 sq. ft. of gross floor area.	1. Must provide one outdoor waste receptacle for every eight parking stalls. 2. Drive-in and drive-through facilities are permitted only if these facilities do not compromise the pedestrian orientation of the development. The location and specific design of the facilities required Planning Official approval. 3. Landscape Category B will be required if the use includes drive-through facilities.
.060	A retail establishment providing entertainment, recreational, or cultural activities							D		See Section 105.25.	

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 52.15	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.070	A retail establishment other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services. See Special Regulations 1 and 5.	X.D.R. Chapter 142	None	0'	0'	0'	80%	30' above average building elevation.	D See Spec. Reg. 3.	E	1 per each 300 sq ft. of gross floor area.	<ol style="list-style-type: none">The following uses are not permitted in this zone:<ol style="list-style-type: none">Retail establishments providing storage services unless accessory to another permitted use.Automobile sales and/or rental facilities.Outdoor storage of bulk commodities, except in the following circumstances:<ol style="list-style-type: none">If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure, or;If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers.Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses.Drive-in and drive-through facilities are permitted only if these facilities do not compromise the pedestrian orientation of the development. The location and specific design of the facilities required Planning Official approval.Landscape Category B will be required if the use includes drive-through facilities.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; andIt can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

Section 52.15

Zone
JBD-1

USE ZONE CHART

Section 52.15	USE ↓ REGULATIONS ↑	DIRECTIONS: FIRST read down to find use... THEN across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.080	Office Use	X.D.R. Chapter 142	None	0'	0'	0'	80%	30' above average building elevation.	D	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. 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. 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 if the subject property contains dwelling units. 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; and b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.090	Attached or Stacked Dwelling Unit See Special Regulation 1									A	1.7 per unit.	1. This use may not be located on the ground floor of a structure within 120 feet of 98th Avenue NE, NE 120th Place, or Juanita Drive NE. 2. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property. 3. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.100	Church									B	1 per every four people based on maximum occupancy load of any area of worship. See Special Regulation 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.
.110	Hotel or Motel									E	1 per each room. See Special Regulation 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.

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 52.15	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
Development containing two or more of the following uses: - Retail Establishments, including Restaurants, Taverns, and Fast Food Restaurants - Office Uses - Stacked or Attached Dwelling Units See Special Regulations 1 and 2		If the development exceeds 30' above average building elevation, then Process IIA, Chapter 150, and A-B-R, Chapter 142, otherwise K.D.R., Chapter 142	See Spec. Reg. 3	0'	0'	0'	80%	See Special Regulations 4 and 12.	See Spec. Regs. 6 and 7.	See Section 105.25.	<p>1. A development which includes two or more of the uses specifically listed in this "use" column may also include one or more of the other uses allowed in this zone.</p> <p>2. The following uses are not permitted in this zone:</p> <ul style="list-style-type: none">a. Retail establishments providing storage services unless accessory to another permitted use.b. Automobile sales and/or rental facilities.c. Outdoor storage of bulk commodities, except in the following circumstances:<ul style="list-style-type: none">1) If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure; or2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers.d. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. <p>3. The minimum lot size for this use is 8 acres. Lot size requirements for this use do not require that the entire subject property be under one ownership, as long as the entire development is approved at one time as a master plan.</p> <p>4. The maximum height of structures on the subject property is as follows:</p> <ul style="list-style-type: none">a. If the subject property contains at least 11 acres:<ul style="list-style-type: none">1) On the northern portion of the site, structures may not exceed 78 feet above average building elevation; and2) On the southern portion of the site, structures may not exceed 30 feet above average building elevation.b. If the subject property contains more than 8 acres, but less than 11 acres:<ul style="list-style-type: none">1) On the northern portion of the site, structures may not exceed 52 feet above average building elevation; and2) On the southern portion of the site, structures may not exceed 30 feet above average building elevation. <p>5. Chapter 95 applies to the development of the subject property. The City will determine required buffers for the proposed development as part of the approval process based on the following:</p> <ul style="list-style-type: none">a. The buffering should integrate development of the subject property with compatible development on adjoining property to provide a unified appearance to the business district.b. The buffering should provide some separation and visual relief for present or reasonably anticipated residential use on adjoining property.c. The buffering should provide a linkage to Juanita Beach Park, rather than a separation from the park.	
REGULATIONS CONTINUED ON NEXT PAGE												

REGULATIONS CONTINUED ON NEXT PAGE

Section 52.15

Zone
JBD-1

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS													
Section 52.15	USE ↓	REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.120	Development containing two or more of the following uses: - Retail Establishments, including Restaurants, Taverns, and Fast Food Restaurants - Office Uses - Stacked or Attached Dwelling Units (continued)											6. Any development approved under this provision must include a comprehensive design plan for all signs on the subject property. 7. If the development contains restaurant, tavern, fast food restaurant, or retail use, then sign category E applies. Otherwise, sign category D applies. 8. Drive-in and drive-through facilities are permitted only if these facilities do not compromise the pedestrian orientation of the development. The location and specific design of the facilities requires Planning Official approval. 9. Restaurants, taverns, fast food restaurants, and retail establishments selling goods and services should be the predominate use on the ground floor of structures. Other permitted uses, including dwelling units, may be allowed on the ground floor of structure if this does not compromise the desired mixed use character of the development. 10. The subject property must contain landscaped public open space in conjunction with a pedestrian path or series of pedestrian paths that link the East Ridge to the subject property and the subject property to Juanita Beach Park. 11. The subject property must have access points from at least two public rights-of-way. 12. Buildings exceeding 35 feet above average building elevation shall be permitted only if design techniques are used to minimize perceived building mass and achieve superior architectural and human scale from abutting rights-of-way and public open spaces. In meeting this requirement, buildings shall exceed the design requirements of Zoning Code Sections 52.50.5.a and b, and will normally include terracing of upper floors and modulation of front facades. 13. The applicant shall comply with the Special and General Regulations established in this Chapter for the uses that are proposed to be included on the subject property unless the City determines that they conflict with regulations applicable to this use listing. 14. The City may approve the proposed development only if it contains public amenities such as plazas, sculptures, fountains, water fountains, and pocket parks.	
.130	Private Lodge or Club	A.D.R. Chapter 142	None	0'	0'	0'	80%	30' above average building elevation	D	B	1 per each 300 sq. ft. of gross floor area		
												15. Buildings exceeding 30' above average building elevation shall demonstrate compliance with the design regulations of Chapter 52.50 and the provisions of the Juanita Business District Chapter of the Comprehensive Plan. The City will use Process IIA to determine compliance.	

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



DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 52.15	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.140	School or Day-care Center	P.D.R. Chapter 142	None	0'	0'	0'	80%	30' above average building elevation.	D	B	See Section 105.25.	<ol style="list-style-type: none">1. A 6-foot high fence is required along all property lines adjacent to the outside play areas.2. Structured play areas must be set back from all property lines as follows:<ol style="list-style-type: none">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.c. Otherwise, 5 feet.3. 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.4. May include accessory living facilities for staff persons.5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 150, and 155).
.150	Mini-school or mini-day-care (7-12 attendees) or Day-care home (6 or less attendees)											<ol style="list-style-type: none">1. A six-foot high fence is required along all property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only.2. Structured play areas must be set back from all property lines by 5 feet.3. 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.4. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.5. May include accessory living facilities for staff persons.6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 150, and 155).

Section 52.15

Zone
JBD-1

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 52.15	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.160	Assisted Living Facility See Spec. Reg. 4.3	A.D.R. Chapter 142	None	0'	0'	0'	80%	30' above average building elevation.	D	A	1.7 per independent unit 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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 included, the following parking standard shall apply to the nursing home portion of the facility: a. 1 parking stall shall be provided for each bed. 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. Through Process HB, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met: a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 3. 4. This use may not be located on the ground floor of a structure within 120 feet of 98th Avenue NE, NE 120th Place, or Juanita Drive NE. 4. 5. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property. 5. 6. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.170	Convalescent Center or Nursing Home									B	1 for each bed.	
.180	Public Utility, Government Facility, and Community Facility								D See Spec. Reg. 1		See Section 105.25.	1. Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.
.190	Public Transit Shelter	None					100%	15' above average building elevation.	-	See Spec. Reg. 2.	None	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. May install transit route and information signs and markers.

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 52.15	USE  REGULATIONS 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.200	Public Parks	X.D.R. Chapter 142 and see Special Regulations 1 and 2	None	Will be determined on case-by-case basis			-	B	See Section 105.25.	1. Development and use of a park does not require a development permit under this Code if: a. A master plan for that park has been approved by the City and the proposed development and use is consistent with the master plan; or b. The proposed use and development will not involve: 1) Lighting for outdoor nighttime activities; and 2) The construction of any building of more than 4,000 square feet; and 3) The construction of more than 20 parking stalls; and 4) The development of any structured sports or activity areas. 2. Any development or use of a park that does not meet the requirements of Special Regulation 1 must be approved through the Process III, Chapter 155. The City will use the following factors in determining what facilities and uses will be permitted: a. Ease of access to the park. b. Character of the neighborhood. c. Size, nature, and topography of the subject property.		

Section 52.20



Section 52.20 - GENERAL REGULATIONS

The following regulations apply to all uses in this zone ~~(except Public Transit Shelter)~~ unless otherwise noted:

- ~~1. The development of the subject property and adjacent rights of way must be consistent with the regulations of Section 50 of this Chapter.~~
- ~~2.1~~ 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.
- ~~3.1~~ Refer to Chapter 1 to determine what other provisions of this Code may apply to the subject property.
- ~~4.3~~ The maximum height of structures on the subject property may be increased by up to 13 feet if:
 - ~~a. A view corridor is maintained across 30% of the average parcel width for the portion of the building above 26 feet; and~~
 - ~~b. The proposal is reviewed and decided upon through Process 1, Chapter 145.~~The corridor will be located to provide the widest view given development on adjacent properties.
- ~~5.4~~ See Chapters 100 and 162 for information about non-conforming signs. Section 162.35 describes when non-conforming signs must be brought into conformance or removed (does not apply to Public Parks uses).

Section 52.65	USE ↓ REGULATIONS ↓	DIRECTIONS: FIRST, read down to find use... THEN, across for 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	Restaurant or Tavern. See Special Regulation 1	D.R. Chapter 142	None	0'	0'	0'	80%	26' above average building elevation	C	E	1 per each 100 sq. ft. of gross floor area.	1. This use is not allowed east of NE 120th Place. 2. Gross floor area for this use may not exceed 10,000 square feet.
.020	Fast Food Restaurant. See Special Regulation 1										1 per each 80 sq. ft. of gross floor area.	1. This use is not allowed east of NE 120th Place. 2. Gross floor area for this use may not exceed 10,000 square feet. 3. Must provide one outdoor waste receptacle for every eight parking stalls. 4. Drive-through facilities are prohibited.
.030	A retail establishment providing entertainment, recreational, or cultural activities. See Special Regulation 1										See Section 105.25.	1. This use is not allowed east of NE 120th Place. 2. Gross floor area for this use may not exceed 10,000 square feet.

Section 52.65

Zone
JBD-6

USE ZONE CHART

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

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Section 52.65	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						
.040	Any retail establishment other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services. See Special Regulations 1, 2 and 6.	X.D.R. Chapter 142	None	0'	0'	0'	80%	26' above average building elevation.	C	E	1 per each 300 sq ft. of gross floor area.	1. This use is not allowed east of NE 120th Place. 2. The following uses are not permitted in this zone: a. Retail establishments providing storage services unless accessory to another permitted use. b. Automobile or boat sales and/or rental facilities. c. Automobile service station or center. d. Boat service or repair. e. Outdoor storage of bulk commodities, except in the following circumstances: 1) If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure; or 2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. f. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. 3. Gross floor area for this use may not exceed 10,000 square feet. 4. Drive-through facilities are prohibited. 5. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 6. 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.

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

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Section 52.65	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	Office Use	A.D.R. Chapter 142	None	0'	0'	0'	80%	26' above average building elevation.	C	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. 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. 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 if the subject property contains dwelling units. 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; and b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.060	Detached, Attached or Stacked Dwelling Unit		3,600 sq. ft. with a minimum of 1,800 sq. ft. per unit.						D	A	1.7 per unit.	1. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.070	Church		None						C	B	1 per every four 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.
.080	Private Lodge or Club. See Special Regulation 1										1 per each 300 sq. ft. of gross floor area	1. This use is not allowed east of NE 120th Place. 2. Gross floor area for this use may not exceed 10,000 square feet.

Section 52.65



USE ZONE CHART

Section 52.65		DIRECTIONS: FIRST, read down to find use. THEN, across for REGULATIONS									
USE ↑ REGULATIONS ↑		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure				
				Front	Side	Rear					
.090	School or Day-care Center	X-D.R. Chapter 142	None	0'	0'	0'	80%	26' above average building elevation.	B	See Section 105.25.	<ol style="list-style-type: none"> 1. A 6-foot high fence is required along all property lines adjacent to the outside play areas. 2. Structured play areas must be set back from all property lines as follows: <ol style="list-style-type: none"> 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. c. Otherwise, 5 feet. 3. 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. 4. May include accessory living facilities for staff persons. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 150, and 155). 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
.100	Mini-school or mini-day-care (7-12 attendees) or Day-care home (6 or less attendees)										<ol style="list-style-type: none"> 1. A 6-foot high fence is required along all property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Structured play areas must be set back from all property lines by 5 feet. 3. 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. 4. May include accessory living facilities for staff persons. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC 388-73, 150, and 155).

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

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Section 52.65	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						
110	Assisted Living Facility	AD.R. Chapter 142.	3,600 sq. ft.	0'	0'	0'	80%	26' above average building elevation.	D	A	1.7 per independent unit 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. 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 included, the following parking standard shall apply to the nursing home portion of the facility: a. 1 parking stall shall be provided for each bed. 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. Through Process 11B, Chapter 152, up to 1 1/2 times the number of Stacked Dwelling Units allowed on the subject property may be approved if the following criteria are met: a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 4. Chapter 115 contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
120	Convalescent Center or Nursing Home		None						C	B	1 for each bed.	
130	Public Utility, Government Facility, and Community Facility								D See Spec. Reg. 1	See Section 105.25.		1. Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with this use on nearby uses.
140	Public Transit Shelter	None					100%	15' above average building elevation.	-	See Spec. Reg. 2.	None	1. May be permitted only if it will not unreasonably impede pedestrian movement or create traffic safety problems. 2. May install transit route and information signs and markers.

0 - 3683A

Section 52.65

Zone
JBD-6

USE ZONE CHART

Section 52.65	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.150	Public Parks	C.D.R. Chapter 142. See Special Regulations 1 and 2	None	Will be determined on case-by-case basis			-	B	See Section 105.25.	<div>1. Development and use of a park does not require a development permit under this Code if:<div><div>a. A master plan for that park has been approved by the City and the proposed development and use is consistent with the master plan; or</div><div>b. The proposed use and development will not involve:<div><div>1) Lighting for outdoor nighttime activities; and</div><div>2) The construction of any building of more than 4,000 square feet; and</div><div>3) The construction of more than 20 parking stalls; and</div><div>4) The development of any structured sports or activity areas.</div></div></div></div><div>2. Any development or use of a park that does not meet the requirements of Special Regulation 1 must be approved through the Process III, Chapter 155. The City will use the following factors in determining what facilities and uses will be permitted:<div><div>a. Ease of access to the park.</div><div>b. Character of the neighborhood.</div><div>c. Size, nature, and topography of the subject property.</div></div></div></div>		

DESIGN REGULATIONS JUANITA BUSINESS DISTRICT

Zoning Code Section 52.50

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h.	Building Cornerstone or Plaque	

52.50.1. Introduction

- a. General - This Section 52.50 establishes the design regulations that apply to development in the Juanita Business District (JBD). The remainder of this subsection 52.50.1 provides general information regarding the design regulations and their applicability in specific instances or to certain types of development in the JBD.
- b. Applicability - The provisions of this Section 52.50 apply to all new development within the JBD. The provisions of Chapter 142 and Chapter 162 of this Code regarding ~~X~~D.R. and Nonconformance establish which of the regulations of this Section 52.50 apply to developed sites within the JBD. Where provisions of this Section 52.50 conflict with provisions in any other section of the Code, this section prevails.
- c. A.D.R. Procedures - The City will use Chapter 142 of this Code to apply the regulations of this Section 52.50 to development activities that require ~~X~~D.R. approval. ~~The City will use the Design Principles in the Comprehensive Plan to interpret how the regulations of this Section 52.50 apply to particular properties. In addition, the City shall determine, on a case-by-case basis as part of the A.D.R., whether particular regulations of this Section 52.50 apply in a particular instance, based on the policy basis for the regulation as stated in the Juanita Business District Plan Chapter of the Comprehensive Plan.~~
- d. Landscaping - Various places in this Section 52.50 require that landscaping be installed and maintained. The following provisions apply to the installation and maintenance of all landscaping installed under the provisions of this Section 52.50 unless otherwise specifically indicated:
 - 1) At the time of planting, deciduous trees must be 2" in diameter, as measured using the standard of the American Association of Nurserymen, and coniferous trees must be 5' in height at the time of planting.
 - 2) Shrubs must be 18" high at the time of planting.
 - 3) Drought-tolerant plants are encouraged.
 - 4) The City will review plant choice and specific plant location as part of the ~~X~~D.R. approval.
- e. Dedication - The City may require the applicant to dedicate development rights, air space, or an easement to the City to ensure compliance with any of the requirements of this Chapter.

52.50.2. Pedestrian-Oriented Elements - This subsection contains regulations which require various pedestrian-oriented elements on or adjacent to the subject property within the JBD.

- a. **Installation of Sidewalks** - The applicant shall install a sidewalk constructed of concrete or unit pavers, at least 10' in width, along the entire frontage of the subject property adjacent to each *pedestrian-oriented street*.

If the subject property abuts a street designated to contain a *major pedestrian way*, the applicant shall install a sidewalk constructed of concrete or unit pavers with a minimum width of 8'.

If the existing sidewalk is less than the required width, the difference may be made up with a public easement over private property. Buildings may cantilever over such easement areas, flush with the property line

See Figure 52.50.2.A and B.

PEDESTRIAN CIRCULATION

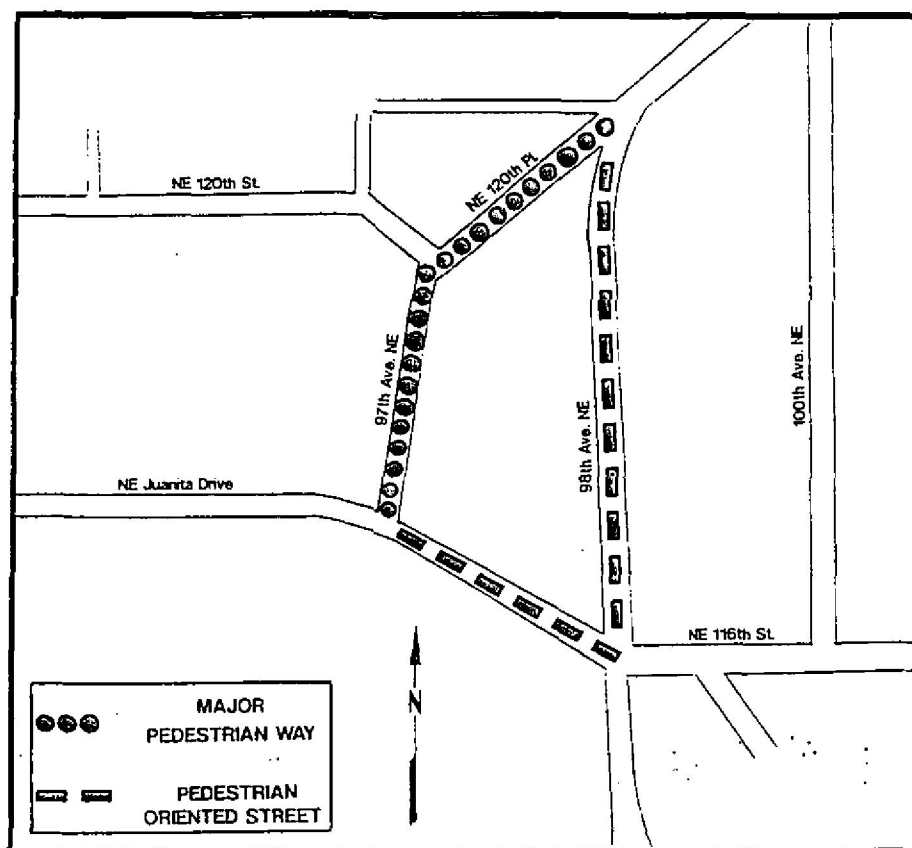


FIGURE 52.50.2.A

REQUIRED SIDEWALK ON PEDESTRIAN-ORIENTED STREETS AND MAJOR PEDESTRIAN WAYS

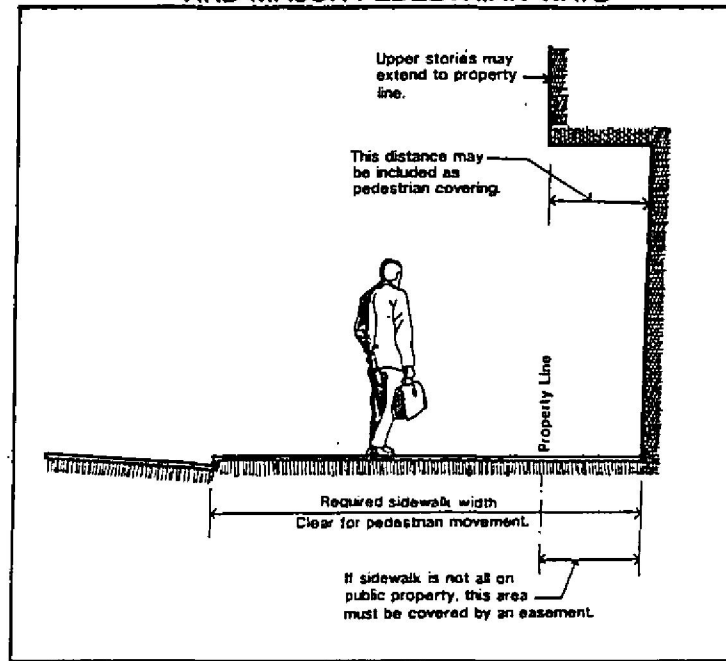


FIGURE 5250.2.B

- b. **Through-Block Sidewalks** - There will be a through-block sidewalk extending from the north end to the south end of JBD 1 of the Juanita Business District. Two through-block sidewalks, spaced far enough apart to provide maximum accessibility for the whole block, will also extend from the east side to the west side of JBD 1.

The alignment of these sidewalks will take into account proposed and existing buildings and to the extent possible, will extend along building fronts or property lines.

- 1) The applicant must install sidewalks that run generally north/south (or diagonally northeast/southwest) and east/west on the subject property. The sidewalks shall be located to provide a direct continuation of the existing or future through-block sidewalk on adjacent properties. When possible, the sidewalks shall be located to create view corridors and reinforce connections to Lake Washington. During the ~~X~~D.R. process, the ~~Planning Department~~ ^{CITY} may determine that a through-block sidewalk is not required if a suitable sidewalk exists on adjacent properties.
 - 2) Through-block sidewalks adjacent to the front of buildings must be 10 feet wide with a six-inch vertical curb, and paved with concrete or unit pavers. Sidewalks that are not adjacent to the front of buildings must have a minimum width of eight feet and be differentiated from underlying pavement with texture or material, unless otherwise determined through ~~X~~D.R.
 - 3) The through-block sidewalks must have adequate lighting with increased illumination around building entrances and transit stops.
 - 4) If parcels are developed in aggregate, then alternative solutions may be proposed.
 - 5) Barriers which will limit pedestrian access between the subject property and adjacent properties are not permitted.
- c. **Pedestrian Weather Protection** - The applicant shall provide overhead weather protection, consistent with the following standards, along 100% of the front of the building.

- 1) The overhead weather protection may be composed of awnings, marquees, canopies or building overhangs;
 - 2) It must cover at least 3' of the width of the adjacent walkway;
 - 3) The lowest element of the overhead weather protection must be at least 8' above the ground immediately below it;
 - 4) The City will specifically review and approve the color, material and configuration of all overhead weather protection as part of the ~~X~~D.R. decision. See also Section 52.50.6.e., Lighting of Awnings.
- d. **Building Frontage** - All buildings must front on a right-of-way or through-block sidewalk.
- e. **Access to Buildings** - All buildings must have convenient access from the street sidewalk or the through-block sidewalk to the main building entrance.
- f. **Blank Wall Treatment**
- 1) Each wall or portion of a wall that is closer than 50' to any exterior property line of the subject property and is visible from any right-of-way, or is adjacent to a through-block sidewalk, must be screened or treated in at least one of the ways listed in subsection 52.50.2.f.3) of this Chapter if it meets the criteria for a blank wall under subsection 52.50.2.f.2) of this Chapter.
 - 2) A blank wall is any wall or portion of a wall that meets either of the following criteria:

DESIGNATING BLANK WALLS

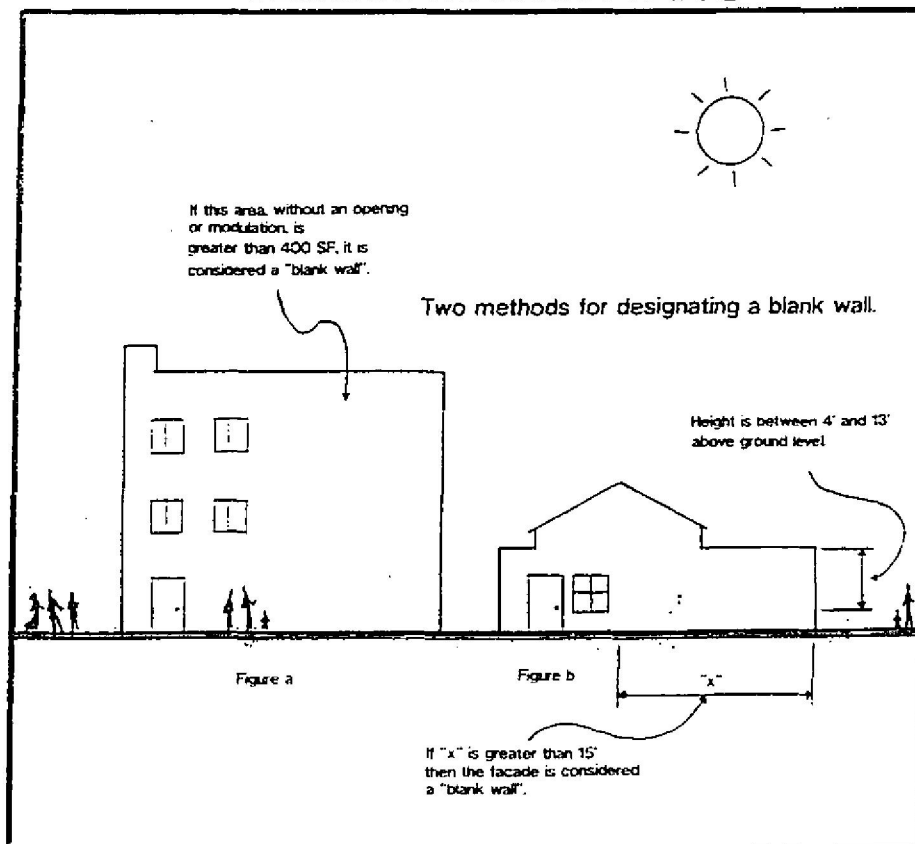


FIGURE 52.50.2.C

- a) A wall or portion of a wall with a surface area of at least 400 square feet having both a length and a width of at least 10' without a window, door, building modulation at least 1' in depth or other architectural feature.
- b) Any wall or portion of a wall between 4' and 13' above ground level with a horizontal dimension longer than 15' without a window, door, building modulation at least 1' in depth or other architectural feature.

See Figure 52.50.2.c on previous page.

- 3) At least one of the following techniques must be used to treat or screen blank walls:

- a) By the installation of a vertical trellis with climbing vines or plant material in front of the blank wall.
- b) By providing a landscaped planting bed at least 5' wide or a raised planter bed at least 2' high and 3' wide in front of the blank wall and planted with plant materials that will obscure or screen at least 50% of the blank wall within 2 years.
- c) By providing artwork, such as mosaics, murals, sculptures or bas-relief on the blank wall.
- d) By proposing alternative techniques as part of ~~X~~D.R.

- 4) The provisions of this subsection 50.2.f. of this Chapter may be modified or eliminated as part of the ~~X~~D.R. decision if they conflict with the Uniform Building Code.

- g. Screening of Certain Areas - All loading areas, service areas, outdoor storage areas of more than 100 square feet, areas containing waste storage and disposal facilities or containers and similar areas must be:

- 1) Located on the subject property so that they are not visible from any street, through-block sidewalk, or public park. If the City determines that this is not physically possible, then these areas must be screened from public view using a compact evergreen hedge, a solid wall or fence, or in a manner approved by the City as part of the ~~X~~D.R. decision.
- 2) Screened from on-site ground floor uses using a compact evergreen hedge, a solid wall or fence, or in a manner approved by the City as part of the ~~X~~D.R. decision.

52.50.3. Entry Features

OR DESIGN GUIDELINES

If the subject property includes an area designated for an entry feature in the Comprehensive Plan, the applicant shall provide the City with a publicly maintained easement or dedication of property for this purpose. The size of the entry feature area will be at least 100 square feet. The applicant shall propose and install landscaping for the area that will be reviewed by the City and decided upon as part of the ~~Administrative~~ Design Review for the proposed development.

52.50.4. Parking Area Location and Design - This subsection regulates the location and design of, access for and other features of parking areas within the JBD.

- a. **Location of Parking Lots in JBD 2** - Parking lots in JBD 2 shall not be located between the street and the building unless no other feasible alternative exists on the subject property.
- b. **Parking Lot Entrances and Driveways** - As part of ~~X~~D.R., the City may impose restrictions on the width, number and location of driveways to and from the subject property to improve vehicle circulation or public safety or to enhance pedestrian movement or desirable visual characteristics. Parking lot entrances and driveways must be shared between properties whenever possible.
- c. **Parking Lot Pedestrian and Vehicular Access**
 - 1) Any property adjacent to a right-of-way or park must have access to or contain a pedestrian walkway from the right-of-way or park to the main entrance of the building, or to a central location if the building has multiple entrances, even if this pathway must cross a parking lot. The pathway should meet the following standards, as applicable, as determined through ~~X~~D.R.:
 - a) The walkway must be centrally located within the parking lot.
 - b) It must be delineated by painted markings, distinctive pavement, or by being raised 6" above the parking lot pavement.
 - c) It must be at least 5' wide.
 - d) The walkway must be handicapped accessible.

See Figure 52.50.4.A.

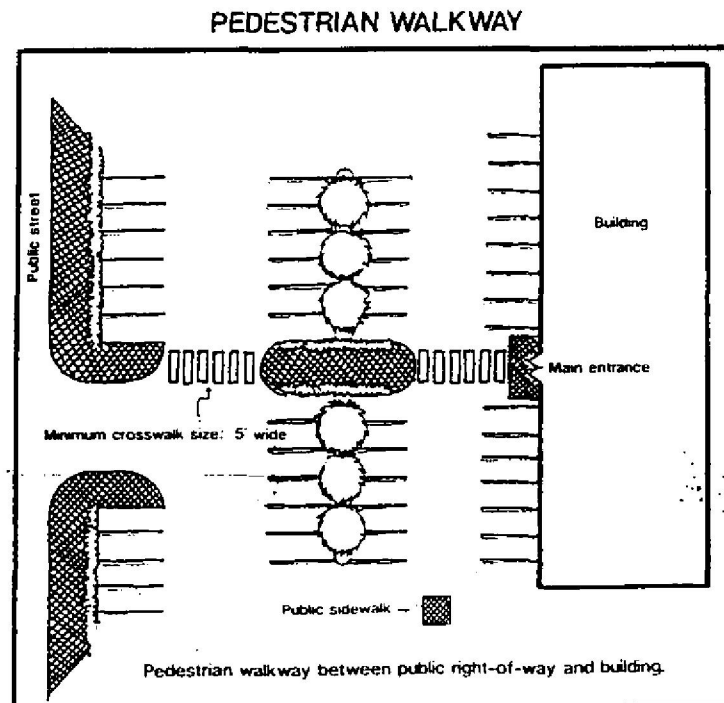


FIGURE 52.50.4.A

- 2) All parking lots which contain more than 25,000 square feet of paved area, including access lanes and driveways, must include clearly identified pedestrian routes from the parking stalls to the main building entrance or central location.
 - 3) In addition to the walkways required under subsections 50.4.c.1) and 50.4.c.2), the applicant must provide a sidewalk, plaza or platform with an area of at least 175 square feet at the main building entrance or central location. This area must be raised at least 6" above the parking lot surface and must be paved with concrete or unit pavers.
 - 4) Convenient pedestrian and vehicular access must be provided on the subject property to adjacent properties. Barriers which will limit future pedestrian and vehicular access are not permitted.
- d. **Internal Parking Lot Landscaping** - The following provisions apply to each parking lot or portion thereof containing more than 14 parking stalls within 100' of a street, through-block sidewalk, or public park. The provisions do not apply to parking lots that are not visible from a street, through-block sidewalk, or public park.
- 1) The parking lot must contain 25 square feet of landscape area per parking stall planted as follows:
 - a) At least one tree for every 6 parking stalls.
 - b) At least 1 shrub for every 20 square feet of landscaped area. Up to 50% of the shrubs may be deciduous.
 - c) Ground cover shall be selected and planted to achieve 90% coverage within 2 years.
 - d) The location of the landscaping will be reviewed through ~~X~~D.R.

See Figure 52.50.4.B.

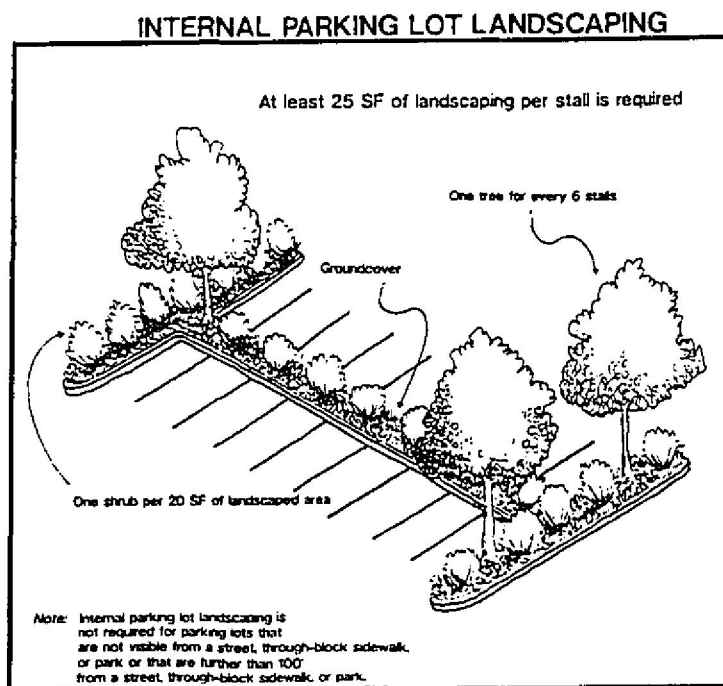


FIGURE 52.50.4.B

- 2) As part of the ~~X~~D.R., the City may require or permit a modification to the provision of subsection 50.4.d.1) of this Chapter to use existing vegetation for internal parking lot landscaping.
- e. **Perimeter Parking Lot Landscaping** - Each side of a parking lot which abuts a street, through-block sidewalk, or public park must be screened from that street, through-block sidewalk, or public park using one or a combination of the following methods:
- 1) By installation of a compact evergreen hedge or wall consistent with the following standards (as applicable):
 - a) The hedge or wall must extend at least 2'6" and not more than 3' above the ground directly below it.
 - b) The wall may be constructed of masonry or concrete, if consistent with the provisions of subsection 50.6.a.7)a), Building Material, Color, and Detail, of this Chapter, or of wood if the design and materials match the building on the subject property.
 - c) If the street is a *pedestrian-oriented street*, the wall may also include a continuous trellis or grillwork, at least 5' in height above the ground, placed on top of or in front of the wall and planted with climbing vines consistent with subsection 50.1.d., Landscaping, of this Chapter. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.

See Figure 52.50.4.C.

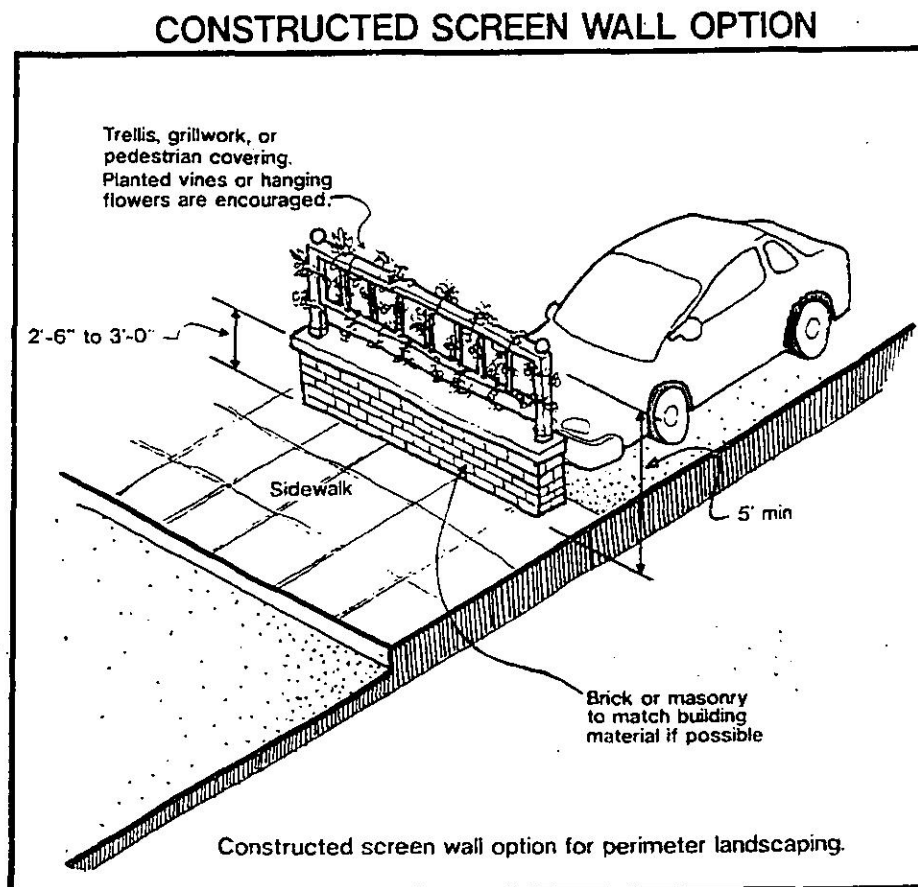


FIGURE 52.50.4.C

d) If the wall abuts a *pedestrian-oriented street*, the requirements of this paragraph may be fulfilled by providing pedestrian weather protection along at least 80% of the frontage of the subject property.

2) By providing a landscaped strip, consistent with subsection 50.1.d., Landscaping, of this Chapter, at least 5' wide planted as follows:

- a) Trees planted 30' or closer on center.
- b) At least one shrub for every 20 square feet of landscaped strip.
- c) Ground cover selected and planted to achieve 90% coverage of the remaining landscaped strip within 2 years.

See Figure 52.50.4.D.

SHRUB AND TREES OPTION FOR PERIMETER PARKING LOT LANDSCAPING

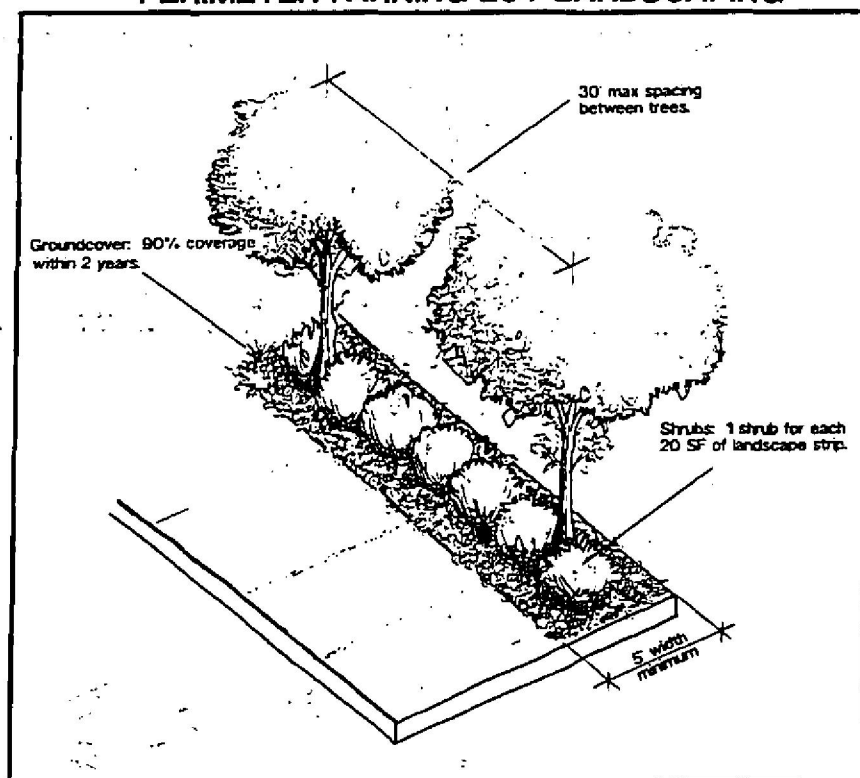


FIGURE 52.5

- 3) As part of ~~X~~D.R., the City may require or permit a modification to the provision of subsection 50.4.e.2) of this Chapter to use existing vegetation for perimeter parking lot landscaping.

f. **Perimeter Parking Lot Landscaping - Adjacent Properties** - Each side of the perimeter of a parking lot which contains more than 14 parking stalls, which is within 10' of any adjacent property and which is not regulated under the provisions of subsection 50.4.e., Perimeter Parking Lot Landscaping, of this Chapter, shall be screened using a combination of the following methods:

- 1) - By installing a solid, continuous fence or wall at least 5' in height constructed of wood and/or masonry.

- 2) By installing a compact evergreen hedge designed to reach at least 5' in height.

As part of ~~X~~D.R., the City may require or permit a modification to the provision of this subsection 50.4.f. for any side of the parking lot which abuts or is connected to a parking lot on an adjacent property if the parking lots have internal vehicular or pedestrian connections.

g. Parking Garages

- 1) Each facade of a garage or a building containing ground floor parking that is within 10' of a *pedestrian-oriented street*, through-block sidewalk, or public park must be separated from the sidewalk or public park by one or a combination of the following measures:
- a) By providing and maintaining a ground floor area of the garage or building extending along the entire facade of the garage or building (excluding vehicle access points) which is developed as and made available for pedestrian-oriented businesses.

See Figure 52.50.4.E.

PROVIDING SPACE FOR
PEDESTRIAN ORIENTED BUSINESS

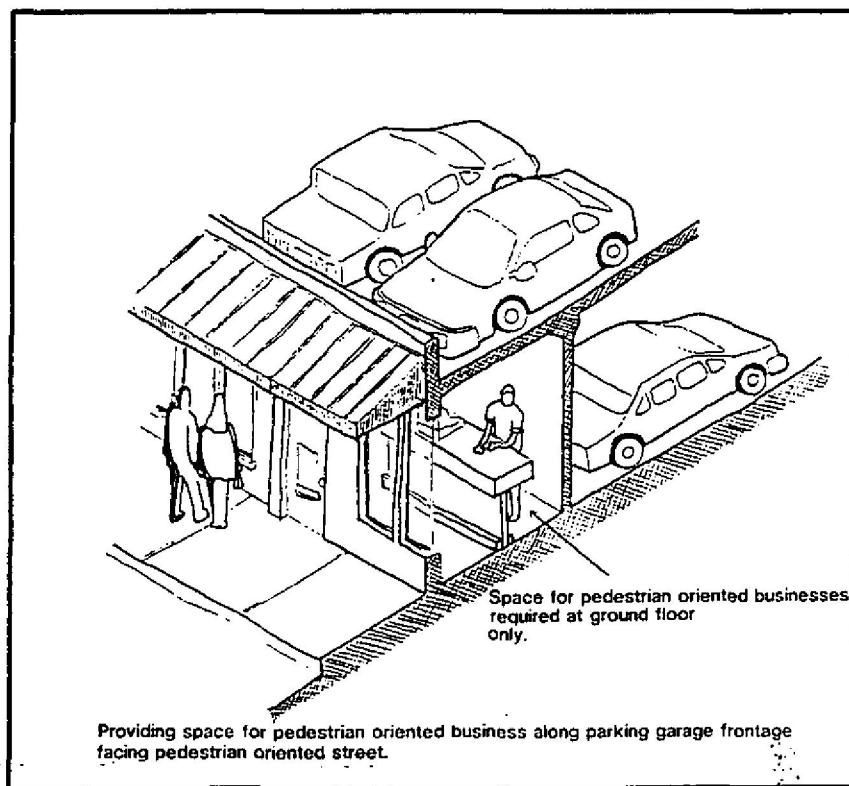


FIGURE 52.50.4.E

- b) By treating the facade consistent with subsection 50.2.f.3), Blank Wall Treatment.
- 2) Each side of a garage or building containing ground-floor parking, other than as regulated in subsection 50.4.g.1) of this Chapter, must either:

- a) Be screened with a landscaped strip 10' in depth along the entire facade of the garage or building (excluding vehicle access points), consistent with subsection 50.1.d., Landscaping, of this Chapter, and planted as follows:

- Trees planted 15' on-center or closer.
- At least one shrub for each 20 square feet of landscaped strip.
- Ground cover selected and planted to achieve 90% coverage within 2 years.

See Figure 52.50.4.F, or

MINIMUM LANDSCAPING STANDARDS FOR PARKING GARAGES

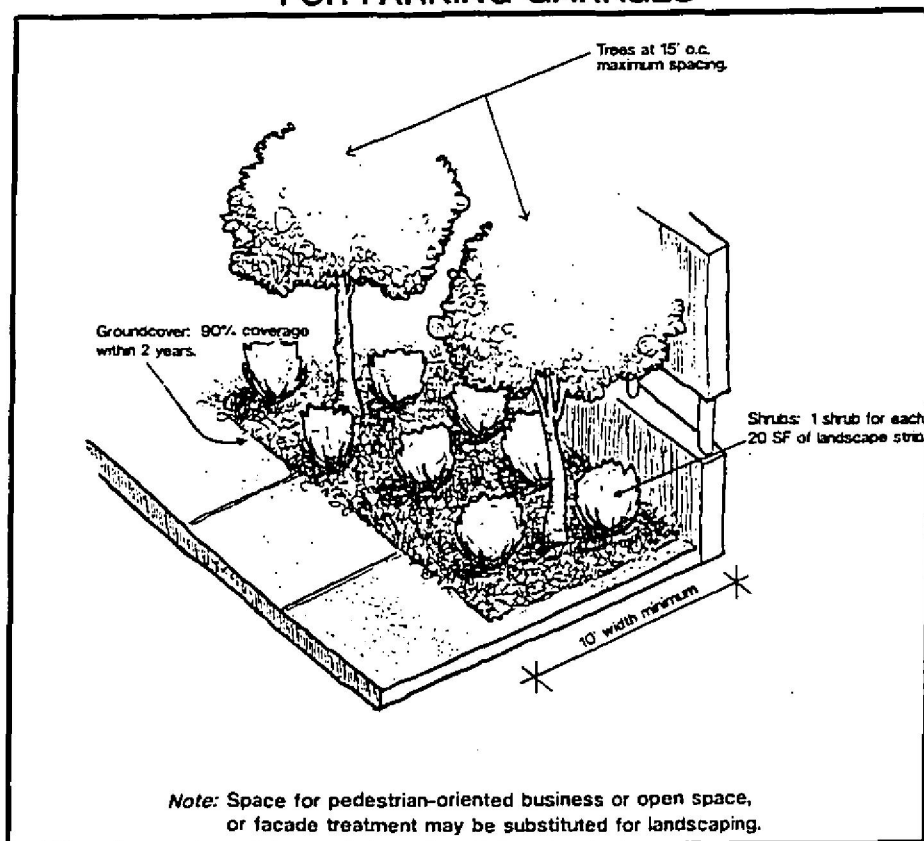


FIGURE 52.50.4.F

- b) Be treated consistent with subsection 50.2.f.3), Blank Wall Treatment.
- 3) There must be architectural screening or other treatment of openings above the ground level for the facades of parking garages along *pedestrian-oriented streets*, or through-block sidewalks.
 - 4) All parking garages and parking within a structure must contain designated pedestrian pathways, that do not use vehicle entrance or exit driveways, from the parking area to a public right-of-way.

h. Miscellaneous Parking Area Design Details

- 1) All parking areas must have adequate lighting. Lights in parking lots must be non-glare and must be mounted no more than 20' above the ground.
- 2) All landscape and pedestrian areas shall be protected from encroachment by parked cars. At a minimum, the parking area must be designed and constructed so that car wheels are kept at least 2' from landscape and pedestrian areas. Freestanding wheel-stop bumpers must be replaced or repaired if cracked or broken.

See Figure 52.50.4.G.

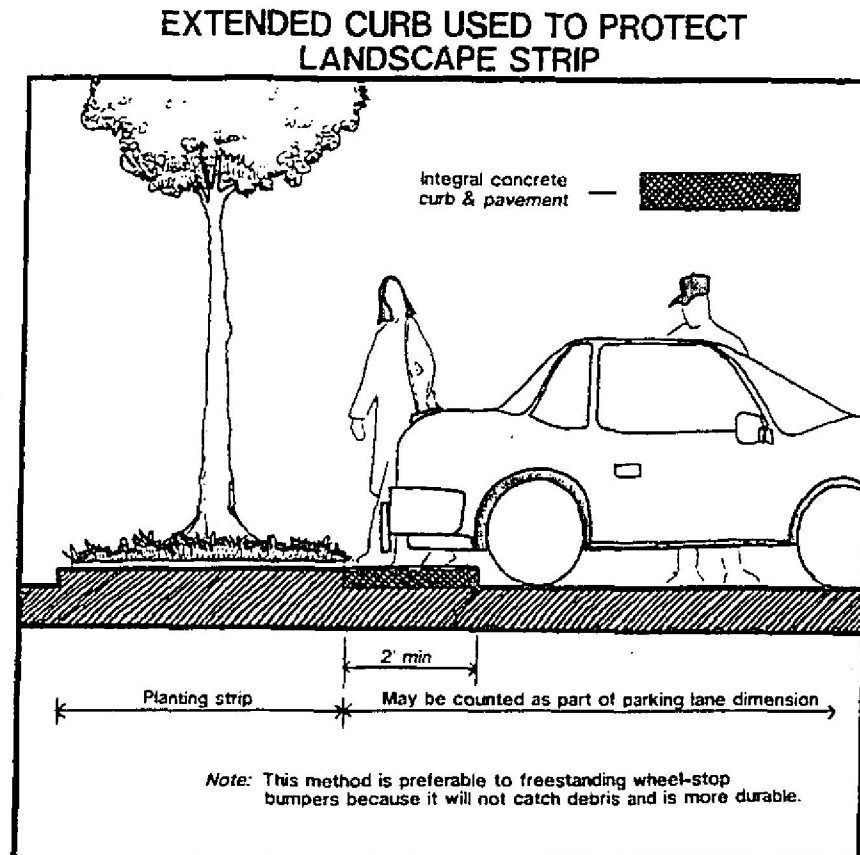


FIGURE 52.50.4.G

- 3) No freestanding or wall-mounted signs for individual parking spaces are permitted to extend more than 3' above the ground. Provisions in the UBC for handicapped stalls supersede this requirement.
- 4) Moveable parking area equipment, such as barrels and sawhorses, may not be visible from a street when not in use. Parking areas and accessory components, areas and facilities must be well maintained and kept in a clean, neat and litter-free manner at all times.

52.50.5. Scale

a. Achieving Human Scale

1) General

- a) Except as provided in subsection 50.5.a.1)b) of this Chapter, the applicant shall use at least **one** of the elements or techniques listed in subsection 50.5.a.2) of this Chapter in the design and construction of each facade of a one-story building *facing a street or through-block sidewalk*, and at least two of the elements or techniques for a two-story building facing a street or through-block sidewalk.
- b) The applicant shall use at least three of the elements or techniques listed in subsection 50.5.a.2) of this Chapter in the design and construction of any facade of a building *facing a street or through-block sidewalk*, if:
 - i. The facade has a height of 3 or more stories; or
 - ii. The facade is more than 100' long.

- 2) Techniques to Achieve Human Scale - The techniques to be used in the design and construction of building facades under subsection 50.5.a.1) of this Chapter are listed below. As an alternative, the applicant may propose other techniques, elements or methods which provide human scale to the building and are consistent with the applicable design principles in the Comprehensive Plan.

~~Design Guidelines~~

INDIVIDUAL WINDOWS OPTION

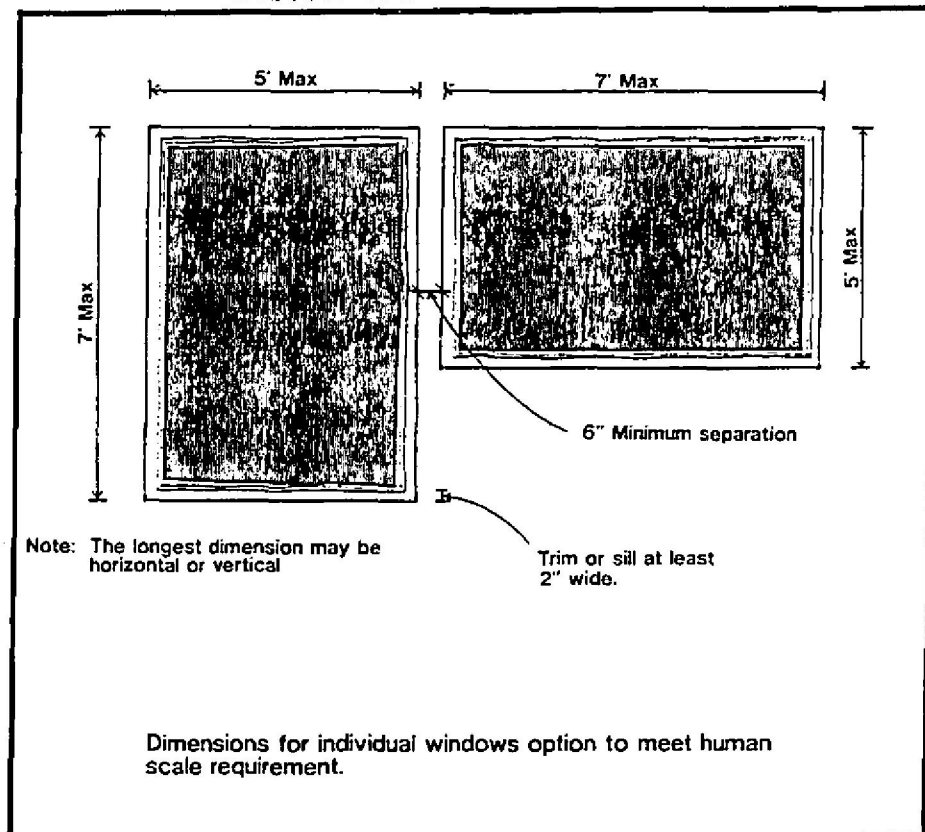


FIGURE 52.50.5.A

- a) On each story above the ground floor, provide balconies or decks, at least 6' wide and 6' deep.
- b) On each story above the ground floor, provide bay windows that extend out at least 1', measured horizontally, from each facade of the building.
- c) Provide at least 150 square feet of pedestrian-oriented space between the sidewalk and the front of each facade.
- d) Provide at least 1/2 of the window area above the ground floor of each facade consistent with all of the following criteria:
 - i. The windows must have glazed areas with dimensions less than 5' by 7'.
 - ii. The windows must be surrounded by trim, molding and/or sill at least 2" wide.
 - iii. Individual window units must be separated from adjacent window units by at least 6" of siding or other exterior finish material of the building.

See Figure 52.50.5.A. on previous page.

- e) Provide at least 1/2 of the window area above the ground floor of each facade facing a street or public park in panes with dimensions less than 2' by 3' and with individual panes separated by window mullions.

See Figure 52.50.5.B.

MULTIPLE PANED FENESTRATION OPTION

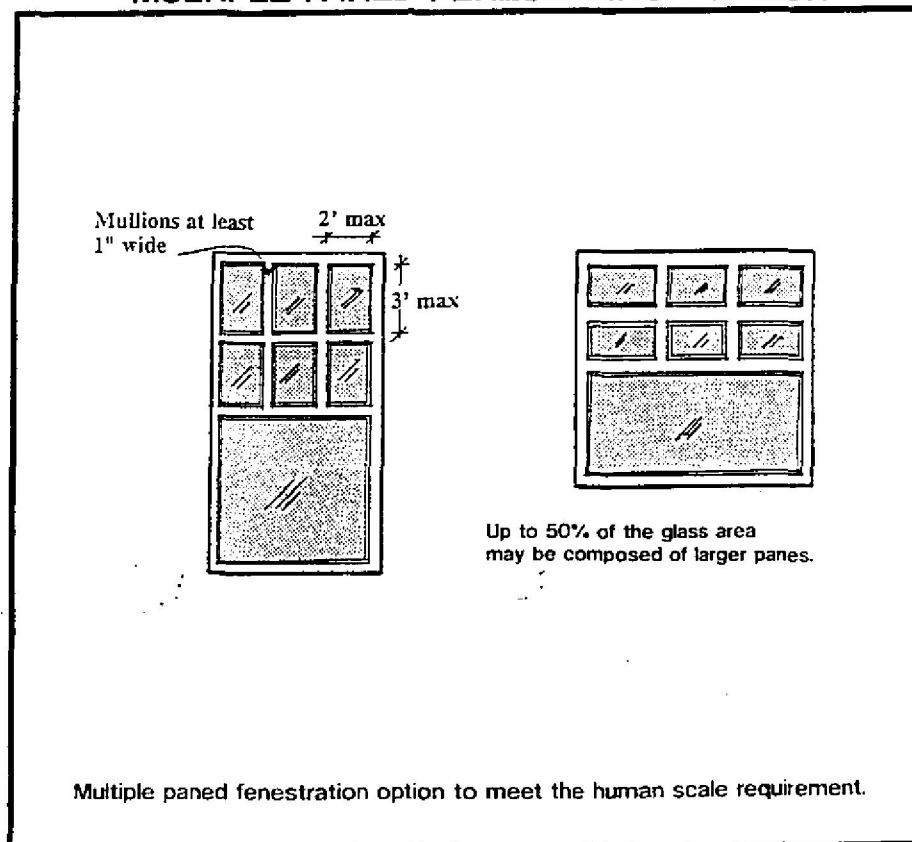


FIGURE 52.50.5.B

- f) Provide a hipped or gable roof which covers at least 1/2 of the building footprint and has a slope equal to or greater than 3' vertical to 12' horizontal.
 - g) If the main entrance of the building is on the facade of the building facing a street, through-block sidewalk, or public park, provide a covered porch or entry on the subject property at the building's main entrance. Pedestrian weather protection required under subsection 50.2.c. of this Chapter may not be used to meet this requirement unless the required pedestrian weather protection covers an area at least 15' long by 15' wide and is available for outdoor display or outdoor vendors or contains pedestrian-oriented improvements or amenities beyond what is otherwise required.
 - h) Provide one or more stories above the ground floor setback at least 6' from the ground floor facade facing the street or through-block sidewalk.
- b. **Techniques to Achieve Architectural Scale** - The applicant shall use at least two of the following elements and features in the design and construction of all buildings in the JBD that are 3 or more stories or have a building footprint of more than 10,000 square feet. As an alternative, the applicant may propose slight variations from the required dimensions noted in the following techniques, or other methods to comply with the requirements of this subsection 50.5.b. The City may approve the proposal if it is consistent with the Juanita Business District Plan Chapter of the Comprehensive Plan.

DESIGN GUIDELINES AND #1

- 1) All stories above the second story must be set back at least 10' from the ground floor facade along at least 2 facades of the building.
- 2) On all building facades, which are visible from a street or public park, provide horizontal modulation consistent with all of the following standards:
 - a) The **maximum** allowable horizontal dimension of the facade between modulations is 100';
 - b) The **minimum** depth of each modulation, except balconies, is 10'; and
 - c) The **minimum** width of each modulation, except balconies, is 15'.
- 3) On all building facades which are visible from a street or public park, provide balconies which are consistent with the following standards:
 - a) Balconies must be placed on at least every other floor above the ground floor.
 - b) The **maximum** distance between balconies, measured horizontally, is 100';
 - c) The **minimum** amount of floor area for each balcony is 100 square feet; and
- 4) Provide vertical modulation of the roof line of all facades of the building adjoining a street or public park. For buildings with flat, gabled, hipped or similar roofs, the maximum length of any continuous roof line, with a slope of less than 3' vertical to 12' horizontal, is 50' without being modulated. If modulation is necessary, at least one of the following methods must be used:
 - a) The height of the visible roof line must change at least 8' if the adjacent roof segments are less than 50' in length.

- b) The height of the visible roof line must change at least 12' if the adjacent roof segments are greater than 50' in length.
- c) The length of a sloped or gabled roof line segment must be at least 20'. The minimum slope of the roof segment is 3' vertical to 12' horizontal.

See Figure 52.50.5.C.

FLAT ROOF MODULATION OPTIONS

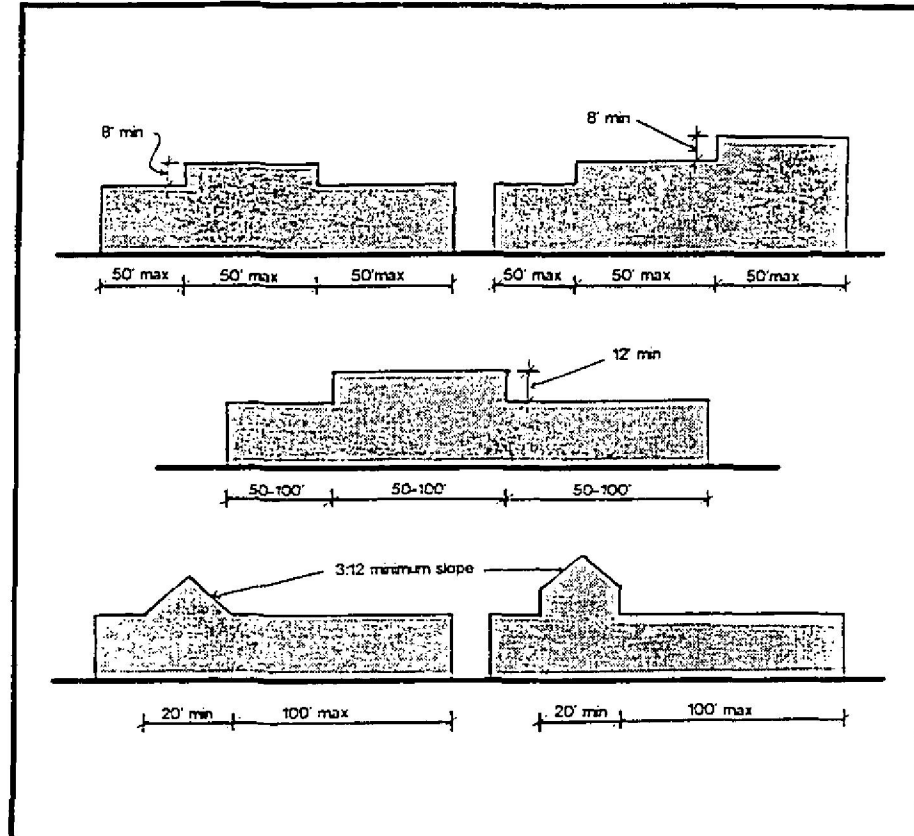


FIGURE 52.50.5.C

- 5) Buildings with other roof forms, such as arched, gabled, vaulted, dormered or sawtooth must have a significant change in slope or significant change in roof line at least every 100'.

52.50.6. Building Material, Color and Detail

- a. Required Elements - The applicant shall incorporate at least three of the following elements on each facade of a building that faces a street or through-block sidewalk. As an alternative, the applicant may propose other mechanisms for providing interesting visual detail to buildings, consistent with the Building Detail Principles in the Comprehensive Plan.

Design Guidelines

- 1) Decorative roof lines, including ornamental molding, frieze or other roof line devices visible from the ground. Linear features must be at least 8" wide, measured vertically.
- 2) Decorative molding or framing details around all ground floor doors and windows. The molding or trim may have a traditional, contemporary, geometric or sculptural design.
- 3) Decorative glazing on all ground floor doors and windows, including stained glass, crystal cut glass, etched glass or similar individualized and permanent treatment, but excluding single colored glass, opaque glass or plastic. On all ground floor windows, this decorative glazing must have a surface area of at least 30 square feet.
- 4) Railings, grill work, landscape guards or other similar elements which include materials, design, configuration, embellishment or workmanship that exceeds the normal functional requirements for the element.
- 5) Trellises or arbors having an area of at least 100 square feet and planted, consistent with the requirements of subsection 50.1.d., Landscaping, of this Chapter, to achieve at least 30% coverage of the trellis or arbor with plant material within three years.
- 6) Decorative light fixture or fixtures, either one if one-of-a-kind or custom built, or one every 30' along the facade of the building if not one-of-a-kind or custom built, that meet either of the following criteria:
 - a) Includes a diffuse, visible light source, such as a globe.
 - b) Contains a shade or mounting that includes some use of material, configuration, shape, embellishment or detail that exceeds the normal functional requirement for the shade or mounting.
- 7) Use of any of the following decorative materials:
 - a) Any of the following decorative masonry elements:
 - i. Decorative masonry patterns, other than running bond pattern.
 - ii. Bricks, tile, stone, cast stone or other masonry units of at least two colors installed in layers or tiers to form a geometric pattern.
 - iii. Decorative bands of masonry, such as a soldier course of brick or multicolored ceramic tile band, in conjunction with another exterior surface material.

- b) Individualized wood patterns or continuous wood details, such as fancy butt shingles in a geometric pattern, decorative moldings, brackets, eave trim or lattice work.
 - c) Ceramic tile, stone, glass blocks, camera glass or other similar materials incorporated into other compatible surface materials and used to form or create, or in conjunction with, a geometric pattern, distinctive shape, unusual surface treatment, special lighting or other decorative or textural element.
 - d) Other materials with decorative or textural qualities, as demonstrated by architectural drawings and material samples, approved by the City as part of ~~X~~D.R.
- 8) Decorative unit paving, including at least 50 square feet of multicolored tile, paver blocks, brick or other paving material in a decorative pattern, installed in a pedestrian-circulation area adjacent to the facade.
 - 9) Artwork in the form of a mosaic mural, bas-relief sculpture, light sculpture, water sculpture, fountain, free-standing sculpture, art in pavement, murals, graphics or other forms, either free standing in front of the facade or attached to the facade.
- b. **Prohibited Materials** - The following materials may not be used on any exterior surface which is visible from any area beyond the subject property:
 - 1) Mirrored glass.
 - 2) Corrugated fiberglass.
 - 3) Chain link fencing, except for temporary purposes, such as during construction.
 - c. **Metal Siding** - Corner and edge trim must be used to cover exposed edges of metal siding. If metal siding covers more than 25% of a building's facade, the following regulations apply:
 - 1) The siding must have a matted finish.
 - 2) The siding must be in a neutral, earth tone or dulled color such as buff, grey, beige, tan, creme, white, barn-red, blue-grey, burgundy or ocher.
 - 3) The facade must have visible window and door trim painted or finished in a color which is complementary to the siding color.
 - d. **Concrete Block** - Any concrete block, masonry unit or cinder block wall which is visible from a street or public park must contain one or more of the following features or elements:
 - 1) Use of textured blocks with surfaces such as split faced or grooved.
 - 2) Use of colored mortar complementary to the color of the blocks.
 - 3) Use of other surface material such as bricks, glass blocks or tile as a significant feature of the wall.
 - e. **Lighting of Awnings** - Translucent awnings shall not be back-lit. Lights directed downward mounted from internal awning frames are permitted. Lights mounted above awnings and directed downward are permitted.

- f. Certain Signs Prohibited - Signs with an internal light source and a sign face constructed of plastic or similar material are prohibited.
- g. Covering of Existing Facades - Existing brick or cast stone masonry facades may not be covered with metal siding, metal screening, plastic siding, fiberglass siding, plywood siding, or wood siding materials. Other existing facades may be covered if consistent with the provisions of this Subsection 50.6. As part of ~~X~~D.R. for remodels, the City may require the removal of coverings.
- h. Building Cornerstone or Plaque - All commercial buildings designed for use by more than one tenant must have a building cornerstone or plaque, placed in a prominent location, consistent with the following standards:
- 1) Building cornerstones must be constructed in carved stone, cast stone, carved masonry, terra cotta or other vandal-resistant material.
 - 2) Building plaques must be mounted no lower than 2' and no higher than 10' above ground and must be made of bronze, brass, anodized aluminum, porcelain enamel covered steel or aluminum or other corrosion resistant material.
 - 3) Building cornerstones and plaques must indicate the name of the building and, if known, the date of construction and architect.
 - 4) Building cornerstones and plaques may include the owner's name and other historical information.

CHAPTER 142 - ADMINISTRATIVE-DESIGN REVIEW

142.05	User Guide
142.15	Development Activities Requiring A-D.R. <u>Design Review Approval</u>
142.17	<u>Design Review Process</u>
142.20	Timing
142.25	Pre-Design Conference <u>Administrative Design Review (ADR)</u>
142.30	Application
142.35	Decision <u>Design Board Review (DBR)</u>
142.40	Requests for Reconsideration <u>Appeals of Design Review Board Decisions</u>
142.45	Design Departure
142.50	Modifications
142.55	Lapse of Approval
142.60	Bonds

142.05 User Guide

Various places in this Code indicate that certain developments, activities, or uses are permitted only if they are approved are required to be reviewed through Administrative Design Review or A-D.R. Design Review may either be Administrative Design Review (ADR) or Design Board Review (DBR). This chapter describes A-D.R. these design review processes.

142.15 Development Activities Requiring A-D.R. Approval

1. All development activities subject to Sections 50.65.6.b, e, and f and Sections 52.50.6.b, e, and f need not be reviewed through A-D.R., but shall comply with this section~~chapter~~.
2. The following development activities are subject to A-D.R. unless subsection 142.15.3 applies:
 - a. The development of an undeveloped site.
 - b. The addition of new floor area to an existing building.
 - c. A change to the exterior appearance of over 25% of a facade visible from a street or park.
3. The following activities are not subject to A-D.R.:
 - a. Any activity which does not require a Building Permit; or,
 - b. Any activity on the exterior of a building of which the total cost or fair market value, whichever is higher, does not exceed \$10,000; or,
 - c. Interior work which does not alter the exterior of the structure; or,
 - d. Normal building maintenance including the repair or maintenance of structural members.
4. See also Section 162.35, Certain Non-Conformances Specifically Regulated, for additional information regarding the application of design regulations to existing development and remodels. The City encourages voluntary compliance with the Design Regulations, the Comprehensive Plan, and Design Guidelines even for projects which do not require A-D.R. approval according to the terms of this subsection.

142.17 Design Review Process

1. The following development activities shall be reviewed administratively pursuant to Section 142.25 below:
 - a. All new one-story buildings containing less than 10,000 square feet of gross floor area.
 - b. The following additions to existing buildings:
 - (1) To one-story buildings where the existing and new floor area total less than 10,000 square feet of gross floor area; or
 - (2) To buildings greater than one-story or 10,000 square feet of gross floor area where the gross floor area is expanded by less than 10%.
 - c. Renovations to existing facades, unless the building is identified by the City as a historic structure.
2. All other development activities shall be reviewed by the Design Review Board pursuant to Section 142.35 below.

142.20 Timing

For any development activity that requires D.R. approval, the applicant must comply with the provisions of this chapter before an application for a building permit for any development activity that requires A.D.R. approval can be considered complete approved. Provided that an applicant may submit a building permit application at any time during the design review process. The City will not consider any permit application for a development activity requiring A.D.R. approval complete until that development activity has been granted A.D.R. approval. 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 sixty (60) calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.

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

1. Pre-Design Conference -

Before applying for A.D.R. approval, the applicant shall schedule and attend an A.D.R. 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--

1. To discuss how the design regulations, design guidelines and other applicable provisions of this Code and Comprehensive Plan affect or pertain to the proposed development;
2. a. For the Planning Official to designate which design regulations apply to the proposed development based primarily on the location and nature of the proposed development; and

b. To discuss how the Design Guidelines and other applicable provisions of this Code and Comprehensive Plan affect or pertain to the proposed development;

3-c. For the Planning Official to determine what models, drawings, perspectives, 3-D CAD model, or other application materials the applicant will need to submit with the A.D.R. application.

This pre-design meeting may be combined with a pre-submittal meeting, if applicable.

442-30 2. Application -

Following the pre-design meeting, the applicant shall submit ~~the~~an A.D.R. application on ~~the~~a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application form, as well as all application materials required as a result of the pre-design meeting.

442-35 3. Decision

The Planning Official shall review the A.D.R. application for compliance with the design regulations of this Code, using the Design Guidelines and Comprehensive Plan to interpret how the regulations apply to the subject property. After reviewing the A.D.R. application and other application materials, the Planning Official may grant, deny or conditionally approve subject to modifications the A.D.R. approval for the proposed development. No development permit for the subject property requiring A.D.R. approval will be issued until the proposed development is granted A.D.R. approval or conditional approval. The terms of A.D.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 A.D.R. approval or conditional approval. The Planning Official shall send written notice of the A.D.R. decision to the applicant. If the A.D.R. is denied, the decision shall specify the reasons for denial.

442-40 4. Requests for Reconsideration

4-a. Only the applicant may request reconsideration of the A.D.R. decision.

2-b. Only the City and the applicant may participate in the request for reconsideration.

3-c. The applicant may request the Planning Director to reconsider any aspect of the Planning Official's A.D.R. decision by delivering a written request for reconsideration to the Planning Department within seven (7) calendar days following the postmarked date of distribution of the Planning Official's written decision. The applicant shall specify in the request what aspect of the decision he/she wishes to have reconsidered and the reason for the request.

4-d. Within seven (7) calendar days after receiving a request for reconsideration, the Planning Director shall notify the applicant whether or not the Planning Director will reconsider the decision. The Planning Director may reconsider the decision only if he/she concludes that there is substantial merit in the request.

6-e. If the Planning Director reconsiders the decision, the Planning Director shall send written notice of the final A.D.R. decision to the applicant. The decision shall specify the reasons for modifications, if applicable.

5. Design Departure and Minor Variations

a. General - This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting

minor variations from setback requirements in the CBD. This section does not apply when a design regulation permits the applicant to propose an alternate method for complying with it or the use zone chart allows the applicant to request a reduced setback administratively.

- b. Process - If a design departure or minor variation is requested, the D.R. decision, including the design departure or minor variation, will be reviewed and decided upon through the DBR process.
- c. Application Information - The applicant shall submit a complete application on the form provided by the Planning Department, along with all information listed on that form, including a written response to the criteria in Section 142.25.5.d, below.
- d. Criteria - The DRB may grant a design departure or minor variation only if it finds that all of the following requirements are met:
 - 1) The request results in superior design and fulfills the policy basis for the applicable design regulations and Design Guidelines.
 - 2) The departure will not have any substantial detrimental effect on nearby properties or the neighborhood.

142.35 Design Board Review (DBR)

- 1. Public Meetings - All meetings of the design review board shall be public meetings and open to the public.
- 2. Authority - The design review board shall review projects for consistency with the following:
 - a. Design Guidelines for Pedestrian-Oriented Business Districts, as adopted in Title 3.30 of the Kirkland Municipal Code.
 - b. The Design Regulations contained in Section 50.65 and 52.50 of this Code. To the extent that the standards of the Design Guidelines or Design Regulations address the same issue but are not entirely consistent or contain different levels of specificity, the design review board shall determine which standard results in superior design.
 - c. The Downtown Plan and Juanita Business District Plan contained in the Comprehensive Plan

The design review board is authorized to approve minor variations in minimum required yards provided that the variation complies with the criteria of Section 142.25.5.d.

- 3. Pre-Design Conference - Before applying for DBR approval, the applicant shall attend a pre-design conference with the Planning Official. The conference will be scheduled by the Planning Official upon written request by the applicant. The purpose of this conference is for the Planning Official to discuss how the design regulations, Design Guidelines, and other applicable provisions of this Code and the Comprehensive Plan relate to the proposed development and to assist the applicant in preparing for the Conceptual Design Conference.
- 4. Conceptual Design Conference - Before applying for design review approval, the applicant shall attend a conceptual design conference with the design review board. The conference will be scheduled by the Planning Official to occur within thirty (30) calendar days of written request by the applicant. The

purpose of this conference is to provide an opportunity for the applicant to discuss the project concept with the design review board and –

- a. To discuss how the design regulations, Design Guidelines and other applicable provisions of the Comprehensive Plan affect or pertain to the proposed development;
- b. For the design review board to designate which design regulations, Design Guidelines and other applicable provisions of the Comprehensive Plan apply to the proposed development based primarily on the location and nature of the proposed development; and
- c. For the design review board to determine what models, drawings, perspectives, 3-D CAD model, or other application materials the applicant will need to submit with the design review application.

5. Application – Following the conceptual design conference, the applicant shall submit the Design Review application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application, as well as all application materials required as a result of the conceptual design conference.

6. Public Notice

- a. Contents - On receipt of a complete design review application, the Planning Official shall schedule a concept design review conference with the design review board to occur within sixty (60) calendar days of receiving the complete application. The Planning Official shall provide public notice of the concept design review conference. Public notice shall contain the name of the applicant and project, the location of the subject property, a description of the proposed project, time and place of the first concept design review conference, and a statement of the availability of the application file.
- b. Distribution – The Planning Official shall distribute this notice at least fourteen (14) calendar days before the first concept design review conference as follows:
 - 1) By mail to owners of all property within 300 feet of any boundary of the subject property based on records of the King County Assessor.
 - 2) Publish once in the official newspaper of the City.
 - 3) Post conspicuously on the subject property on a public notice sign. The Department of Planning and Community Development is authorized to develop standards and procedures for public notice signs.

7. Design Response Conference – The design response stage allows the design review board to review the design plans and provide direction to the applicant on issues to be resolved for final approval. The applicant shall present a summary of the project to the design review board. The Planning Official shall present a review of the project for consistency with the requirements specified in Section 142.35.2. Public comment relevant to the application of the Design Guidelines, Design Regulations, Downtown Plan, or Juanita Business District Plan shall be taken. Persons commenting must provide their full name and mailing address. The design review board may reasonably limit the extent of comments to facilitate the orderly and timely conduct of the conference. The

design review board shall decide whether the application complies with the requirements specified in Section 142.35.2. The design review board shall make their decision by motion that adopts approved project drawings in addition to and changes or conditions required by the design review board. If the design review board finds that the application does not meet those requirements, it shall specify what requirements have not been met and options for meeting those requirements. The design review board may continue the conference if necessary to gather additional information necessary for their decision on the design review application. If the conference is continued to a specific date, no further public notice is required, otherwise notice shall be mailed to all parties participating in the design response conference.

8. Approval – After reviewing the DBR application and other application materials, the design review board may grant, deny or conditionally approve subject to modifications the DBR application for the proposed development. No development permit for the subject property requiring DBR approval will be issued until the proposed development is granted DBR approval or conditional approval. The terms of DBR 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 DBR approval or conditional approval. The Planning Official shall send written notice of the DBR decision to the applicant and all other parties who participated in the conference(s) within fourteen calendar days of the approval. If the DBR is denied, the decision shall specify the reasons for denial. The final DBR decision of the City on the DBR application shall be the postmarked date of the written DBR decision or, if the DBR 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 DBR development within 180 days of the final DBR decision, the date of vesting for the building permit application shall be the date of the final DBR decision.

142.40 Appeals of Design Review Board Decision

1. Jurisdiction - Appeals of the decision of the design review board will be heard as follows:
 - a) If a related development permit requires an open record public hearing, then the appeal shall be heard at that hearing and decided upon by the hearing body or officer or officer hearing the related development permit.
 - b) If there are no other open record hearings required for related development permits, then the decision of the design review board shall be heard at an open record hearing by the City Council.

Only those issues under the authority of the design review board as established by Section 142.35.2 are subject to appeal.

2. Who May Appeal - The decision of the design review board may be appealed by the applicant or any other individual or entity who submitted written or oral comments to the design review board.
3. Time to Appeal/How to Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within fourteen (14) calendar days following the postmarked date of the distribution of the design review board decision. It must contain a clear reference to the matter being appealed and a statement of the specific elements of the design review board decision disputed by the person filing the appeal.

4. Fees – The person filing the appeal shall include with the letter of appeal the fee as established by ordinance.

5. Notice –

a. Content – The Planning Official shall prepare a notice of the appeal containing the following:

- 1) The file number and a brief written description of the matter being appealed.
- 2) A statement of the scope of the appeal including a summary of the specific matters disputed in the letter of appeal.
- 3) The time and place of the public hearing on the appeal.
- 4) A statement of who may participate in the appeal.
- 5) A statement of how to participate in the appeal.

b. Distribution – At least fourteen (14) calendar days before the hearing on the appeal, the Planning Official shall send a copy of this notice to the applicant, appellant(s), and design review board. The notice of appeal may be combined with the hearing notice for the related development permit, if applicable.

6. Participation in the Appeal – Only the person(s) who filed the appeal, the applicant, and the chair (or designee) of the design review board may participate in the appeal. These persons may participate in the appeal in either or both of the following ways:

- a. By submitting written comments or testimony to the hearing body or officer prior to commencement of the hearing.
- b. By appearing in person, or through a representative, at the hearing and submitting oral testimony directly to the hearing body or officer. The hearing body or officer may reasonably limit the extent of oral testimony to facilitate the orderly and timely conduct of the hearing.

7. Scope of the Appeal – The scope of the appeal is limited to the specific elements of the design review board decision disputed in the letter of appeal and the hearing body or officer may only consider comments, testimony, and arguments on these specific elements.

8. Staff Report on the Appeal –

a. Content – The Planning Official shall prepare a staff report containing the following:

- 1) The written decision of the design review board.
- 2) All written comments received by the design review board.
- 3) The letter of appeal.
- 4) All written comments on the appeal received by the Planning Department from the appellant or applicant and within the scope of the appeal.

5) An analysis of the specific element(s) of the design review board's decision disputed in the letter of appeal.

The Planning Official may present the staff report orally to the hearing body or officer.

b. Distribution – At least seven (7) calendar days before the hearing, the Planning Official shall distribute copies of the staff report to the hearing body or officer, the appellant, and the applicant.

9. Electronic Sound Recordings – The hearing body or officer shall make a complete electronic sound recording of each hearing.

10. Continuation of the Hearing – The hearing body or officer may continue the hearing if, for any reason, it is unable to hear all of the testimony on the appeal or if it determines that it needs more information within the scope of the appeal. If, during the hearing, the hearing body or officer announces the time and place of the continued hearing on the matter, no further notice of that hearing need be given.

11. Decision on the Appeal –

a. Criteria – Unless substantial relevant information is presented which was not considered by the design review board, the decision of the design review board shall be accorded substantial weight. The decision may be reversed or modified if, after considering all of the evidence in light of the design regulations, Design Guidelines, and Comprehensive Plan, the hearing body or officer determines that a mistake has been made. Specific allowances established by the applicable use zone charts may not be appealed unless the design review board has approved exceptions to those allowances.

b. General – The hearing body or officer shall consider all information and material within the scope of the appeal submitted by the appellant. The hearing body or officer shall adopt findings and conclusions and either –

1) Affirm the decision being appealed; or

2) Reverse the decision being appealed; or

3) Modify the decision being appealed.

c. Issuance of Written Decision – Within eight (8) calendar days after the public hearing, the hearing body or officer shall issue a written decision on the appeal. Within four (4) calendar days after it is issued, the hearing body or officer shall distribute the decision by mail to the appellant and the applicant.

d. Effect – If the appeal hearing is combined with an open record hearing for a related development permit, the decision on the appeal shall become part of the decision on the related development permit. The final decision of the City on the appeal of the design review board decision shall occur at the same stage as the final decision of the City on the related development permit. Any appeal or challenge of the action of the hearing body or officer on the appeal of the design review board decision shall be limited to the scope of the initial appeal.

1. ~~General~~ This section provides a mechanism for obtaining approval from the City for departing from strict adherence to the design regulations.
2. ~~Process~~ If a design departure is requested, the A.D.R. decision, including the design departure, will be reviewed and decided upon using Process I, Chapter 145 of this Code. However, when a design regulation permits the applicant to propose an alternate method for complying with it, the decision on any such proposal will be made through the general A.D.R. provision described in this chapter.
3. ~~Application Information~~ In addition to the application materials required in Chapter 145 of this Code, the applicant shall submit a complete application on the form provided by the Planning Department, along with all information listed on that form, including a written response to the criteria in Section 142.45.4, below.
4. ~~Criteria~~ The City may grant a design departure only if it finds that either
 - a. All of the following requirements are met:
 - 1) The request is consistent with and fulfills the policy basis for the applicable design regulations and design guidelines;
 - 2) The departure will not have any substantial detrimental effect on nearby properties and the City as a whole;
 - 3) The departure manifests high quality design and/or innovative and appropriate use of materials that will create a high quality development; or
 - b. All of the following requirements are met:
 - 1) The size, configuration, topography or location of the subject property is unusual and was not contemplated in the design regulations;
 - 2) Because of these unusual circumstances, application of the design regulations to the subject property would not result in a project that fulfills the policy basis for the design regulation;
 - 3) The proposed departure will result in a development which fulfills the policy basis for the design regulations and will result in high quality development sensitive to its surroundings.

142.50

Modifications

1. The Planning Official may approve a modification to the A.D.R. approval for the proposed development if—
 - a. The need for the modification was not known and could not reasonably have been known before the A.D.R. approval was granted;
 - b. The modification is minor and will not, in any substantial way, change the proposed development or violate any requirement imposed by the design review board. The Planning Official may consult with the design review board in his/her decision; and
 - c. The development that will result from the modification will be consistent with the design regulations, and design guidelines Design Guidelines, and Comprehensive Plan.

2. Any modification, other than as specified in paragraph 1 of this Section, must be reviewed and decided upon as a new A-D.R. approval under this Chapter.

142.55 Lapse of Approval

1. General - Unless otherwise specified in the decision granting A-D.R. approval, the applicant must begin construction or submit to the City a complete Building Permit application for development of the subject property consistent with the A-D.R. approval within one (1) year after the final decision granting the A-D.R. approval or that decision becomes void. The applicant must substantially complete construction consistent with the A-D.R. approval and complete all conditions listed in the A-D.R. approval decision within three (3) years after the final decision on the A-D.R. approval or the decision becomes void. "Final decision" means the final decision of the Planning Official or Design Review Board, if applicable, as specified in Chapter 145 of this Code.

2. Extensions

- a. Application - The applicant may apply for a one-time extension, of up to one year, of the time limits under paragraph 1 of this Section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under paragraph 1 of this Section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the A-D.R. approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under paragraph 1 of this Section.
- b. Fee - The applicant shall include with the letter of request the fee as established by ordinance.
- c. Review Process - An application for a time extension will be reviewed by the Planning Official.

3. Appeals

- a. Who Can Appeal - Any person who is aggrieved by a time extension or denial of a time extension under this Section may appeal that determination.
- b. How to Appeal - The applicant must file a letter of appeal within fourteen (14) days of the approval or denial of the time extension indicating how the determination affects his/her property and presenting any relevant arguments or information on the correctness of the determination. The applicant shall include the appeal fee as established by ordinance.
- c. Applicable Procedures - All appeals of decisions under this Section will be reviewed and decided upon using Process IIA, described in Chapter 150 of this Code.

142.60 Bonds

The Planning Official may require a bond under Chapter 175 of this Code to ensure compliance with any aspect of an A-D.R. approval.

- 3) An alteration to any structure, the cost of which exceeds 50% of the replacement cost of the structure.

7. Non-Conforming Height, Setbacks and View Corridors

Any structural alteration of a roof or exterior wall which does not comply with height, setback or view corridor standards will require that the nonconforming height, setback or view corridor be brought into conformance. Excepted from this section are the repair or maintenance of structural members.

162.35.8. CBD and JBD Design Regulations

- a. The provisions of this subsection 162.35.8 regulate under what circumstances nonconformance with the CBD and JBD Design Regulations of Section 50.65 and Section 52.50 of this Code must be corrected. Compliance with CBD and JBD Design Regulations is only required when ~~X~~D.R. is required pursuant to Chapter 142 of this Code. However, the City encourages voluntary compliance with the Design Regulations even for projects which do not require ~~X~~D.R. approval.
- b. If the applicant proposes to modify a building or site (or portions thereof) that does not conform to the design regulations, then the non-conforming elements on or within the building or site (or portion thereof) must be brought into conformance to the greatest extent feasible, as determined by the City, depending on the scope of the project.

If the design regulation that the portion of the building or site does not comply with contains alternatives for compliance, not all of which involve the portion of the building or site that will be modified, then the remodel must be brought into conformance to the greatest extent feasible, as determined by the City, depending on the scope of the project.

9. Any Other Non-Conformance

If any non-conformance exists on the subject property, other than as specifically listed in the prior paragraphs of this Section, these must be brought into conformance if:

- a. The applicant is making any alteration or change or doing any other work in a consecutive 12 month period to an improvement that is non-conforming or houses, supports or is supported by the non-conformance, and the cost of the alteration, change or other work exceeds 50% of the replacement cost of that improvement; or
- b. The use on the subject property is changed and this Code establishes more stringent or different standards or requirements for the non-conforming aspect of the new use than this Code establishes for the former use.

162.40

Additional Provision if a Quasi-Judicial Decision is Required

If a development activity on the subject property is being decided upon using either Process I, IIA, IIB or III, described in Chapters 145, 150, 152 and 155 respectively, the City shall in such process consider the degree of non-conformance, its relationship to the proposed development activity, and pursuant to the relevant provisions of this Chapter, may require that the applicant correct any nonconformance that exists on the subject property.

162.35.10 Personal Wireless Service Facilities
Existing or non-conforming personal wireless service facilities are governed by Section 117.15 New and Existing Facilities of the Kirkland Zoning Code.

Ord
3949

165.47 Design Review Board – Membership

The existence, membership, and general powers of the Design Review Board are established in Chapter 3.30 of the Kirkland Municipal Code. The jurisdiction, powers, and authority of the Design Review Board as these relate to matters covered by this Code are established in Chapter 142 of this Code.

165.48 Design Review Board – Rules of Procedure

The Design Review Board shall establish rules of procedure for the efficient and fair conduct of its business consistent with State law and City ordinances. A copy of these rules of procedure is available for inspection and copying in the Planning Department during normal business hours.

25.06.090 Concurrency facilities.

"Concurrency facilities" means facilities for which concurrency is required in accordance with the provision of this title. They are roads, potable water, and sanitary sewer. (Ord. 3552 § 1 (part), 1997)

25.06.100 Concurrency test.

"Concurrency test" means:

(1) For sewer and water, the comparison of a development's demand to the available capacity of each concurrency facility;

(2) For roads, the comparison of the development's impact on the level of service standards of each affected subarea.

A concurrency test must be passed for sewer, water and roads, and a notice issued by the public works department in order to obtain a certificate of concurrency.

The concurrency test notice shall be valid for one year. (Ord. 3552 § 1 (part), 1997)

25.06.110 Development permit.

"Development permit" means a land use permit. Development permits include short plat, preliminary or final rezone/reclassification, zoning permit, shoreline substantial development permit/conditional use permit, planned unit development, ~~administrative design review~~, or any other permit or approval under the zoning code or subdivision ordinance. Exempt development permits are set forth in Chapter 25.08 of this title. (Ord. 3552 § 1 (part), 1997)

25.06.120 Financial commitment.

"Financial commitment" means:

(1) Revenue sources anticipated to be available and designated for facilities in the comprehensive plan;

(2) Unanticipated revenue from federal and state grants for which the city has received notice of approval; or

(3) Funding that is assured by the applicant in a form approved by the public works department. (Ord. 3552 § 1 (part), 1997)

25.06.130 Level of service standard.

"Level of service standard" means those standards specified in the adopted capital facilities element of the comprehensive plan. For water and sewer, "level of service standard" also means those standards defined in Title 15 of this code. (Ord. 3552 § 1 (part), 1997)

25.06.140 Noncity managed facilities.

"Noncity managed facilities" include any noncity provider of water and sewer. (Ord. 3552 § 1 (part), 1997)

25.06.150 Planned capacity.

"Planned capacity" means road facilities that do not exist but for which the necessary facility construction, expansion, or modification project is contained in the current capital facilities element of the comprehensive plan. The improvements must be scheduled to be completed within six years and the financial commitment must be in place at the time of approval of the certificate of concurrency to complete the improvements within six years. (Ord. 3552 § 1 (part), 1997)

25.06.160 Public works official.

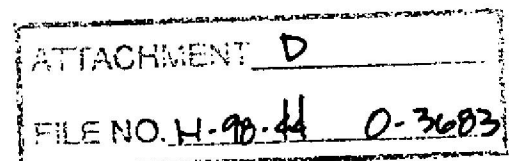
"Public works official" means public works department employees designated by the public works director to perform the concurrency test. (Ord. 3552 § 1 (part), 1997)

25.06.170 Transportation strategies.

"Transportation strategies" means transportation demand management strategies and other techniques or programs that reduce single occupant vehicle travel. (Ord. 3552 § 1 (part), 1997)

25.06.180 Vested.

"Vested" means the right to develop or continue development in accordance with the laws, rules, and other regulations in effect at the time vesting is achieved. (Ord. 3552 § 1 (part), 1997)



Chapter 25.08

EXEMPTIONS

Sections:

25.08.010 Exemptions.

25.08.020 Applications filed before March 12, 1997.

25.08.010 Exemptions.

The following development permits or building permits are exempt from the requirements of this title:

- (1) Accessory dwelling units as defined in the zoning code Section 5.10.20;
- (2) Annexations;
- (3) Any addition or accessory structure to a residence with no change in use;
- (4) Business licenses;
- (5) Categorically exempt construction under Sections 24.02.040 and 24.02.045 of Chapter 24.02, SEPA Procedures and Policies, in this code;
- (6) Cellular antennas and satellite dishes;
- (7) Demolitions;
- (8) Driveway, resurfacing, or parking lot paving; provided, that additional vehicular trips are not generated;
- (9) Electrical, plumbing, and mechanical permits;
- (10) Expansions or phases of projects that were disclosed by the applicant and subject to a concurrency test as part of the original application; provided, that the certificate of concurrency was issued for the expansion or subsequent phase;
- (11) Final planned unit development (if a concurrency test was conducted and approved for the corresponding preliminary planned unit development);
- (12) Final plats (if a concurrency test was conducted for the corresponding preliminary plat permit);
- (13) Final rezone (if a concurrency test was conducted and approved for the corresponding intent to rezone);
- (14) Interior renovations or replacement structure with no change in use or increase in floor area;
- (15) Interior renovations of a structure for new use(s) with the same or less intensity as the existing use or a previously approved use and with no increase in floor area;
- (16) Land surface modification permits;
- (17) Lot line adjustments;
- (18) Outdoor cafe permits;
- (19) Reroofing of structures;
- (20) Side sewer permit for single-family residence;

- (21) Sign permits and master sign plans;
- (22) Street use permits and right-of-way permits;
- (23) Street vacations;
- (24) Subdivision vacations/alterations;
- (25) Subsequent building permit for an approved development permit if a concurrency test was approved for the development permit and there is no change in use, densities, and intensities;
- (26) Temporary construction trailers;
- (27) Temporary use permits;
- (28) Variances; (29) DRAIN REVIEW
- ~~29~~ (29) Water service permit for single-family residence; and
- ~~30~~ (30) Any other development permit or building permit which the public works department determines has no impact on the concurrency facility. (Ord. 3552 § 1 (part), 1997)

25.08.020 Applications filed before March 12, 1997.

Complete development permit or building permit applications that have been submitted before the effective date of the ordinance codified in this title are exempt from the requirements of this title. (Ord. 3552 § 1 (part), 1997)

PUBLICATION SUMMARY
OF ORDINANCE NO. 3683 A

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DESIGN REVIEW PROCEDURES AND PERMITTING PROCESSES FOR THE CENTRAL AND JUANITA BUSINESS DISTRICTS; ADDING CHAPTER 3.30, AMENDING SECTION 5.74.070, AMENDING CHAPTERS 10, 50, 52, 142, 162, AND 165 OF TITLE 23, AND AMENDING SECTION 25.06.110 OF THE KIRKLAND MUNICIPAL CODE (FILE NO. IV-98-44).

SECTION 1. Creates a new Chapter 3.30 of the Kirkland Municipal Code to establish a design review board.

SECTION 2. Amends Section 5.74.070 of the Kirkland Municipal Code to establish fees for design review applications.

SECTION 3. Amends Title 23 (the Kirkland Zoning Code) to establish a design board review process and modify permitting procedures.

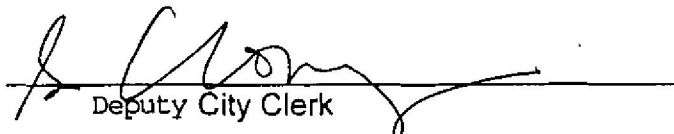
SECTION 4. Amends Section 25.06.110 of the Kirkland Municipal Code to exempt design review application from concurrency requirements.

SECTION 5. Provides a severability clause for the ordinance.

SECTION 6. 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 the later of July 1, 1999 or five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its regular meeting on the 20th day of April, 1999.

I certify that the foregoing is a summary of Ordinance 3683 A approved by the Kirkland City Council for summary publication.


Deputy City Clerk