ORDINANCE NO. 3719

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON, REFORMATTING THE CITY'S ZONING CODE; REPEALING TITLE 23 TO THE KIRKLAND MUNICIPAL CODE; AND ADDING A NEW TITLE 23 TO THE KIRKLAND MUNICIPAL CODE, FILE CC-99-122.

WHEREAS, the City's current zoning code, contained in Title 23 of the Kirkland Municipal Code, is reformatted to reduce the number of pages, to make the use zone charts more readable and easier to amend, to convert the text into Internet accessible software, and to provide consistent pagination, section numbers, font size, and font type; and

WHEREAS, the City desires to reformat the current Title 23 of the Kirkland Municipal Code without making any substantive changes to the provisions in Title 23; and

WHEREAS, in a regular public meeting, the City Council considered the new Title 23 attached to this Ordinance as Attachment A, and determined that the new title 23 simply reformats the current Title 23, and does not make any substantive changes to the provisions in the current Title 23;

NOW, THEREFORE, The City Council of the City of Kirkland do ordain as follows:

Section 1. Title 23 to the Kirkland Municipal Code is repealed.

Section 2. A new Title 23 is added to the Kirkland Municipal Code as set forth in Attachment A, which by this reference is incorporated herein.

Section 3. This ordinance shall be in effect five days from and after its passage by the City Council and publication, pursuant to KMC 1.08.017, in the summary form attached to the original of this ordinance, and by this reference approved by the City Council, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 7th day of December, 1999.

SIGNED IN AUTHENTICATION THEREOF this 7th day of December, 1999.

Michaele Muse, Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

TABLE OF CONTENTS

Chapter 1 – User Guide 1
Chapter 5 – Definitions 5
Chapter 10 – Legal Effect/Applicability 25
Chapter 15 – Single-Family Residential (RS) Zones 29
Chapter 17 – Single-Family Residential Annexation (RSX) Zones 37
Chapter 20 – Multifamily Residential (RM) Zones 45
Chapter 25 – Professional Office Residential (PR) Zones 53
Chapter 27 – Professional Office (PO) Zones 61
Chapter 30 – Waterfront District (WD) Zones
WDI Zone 67
WDII Zone 81
WDIII Zone 91
Chapter 35 – Freeway Commercial (FC) Zones
FCI Zone 107
FCII Zone 113
FCIII Zone 123
Chapter 40 – Neighborhood Business (BN) Zones 129
Chapter 45 – Community Business (BC) Zones 135
Chapter 47 – Community Business Annexation (BCX) Zones 143
Chapter 50 – Central Business District (CBD) Zones
CBD-1 151
CBD-2 155
CBD-3 169
CBD-4 175
CBD-5 179
CBD-6 183
CBD-7 191
CBD-8 197
Chapter 52 – Juanita Business District (JBD) Zones
JBD-1 237
JBD-2 247
JBD-3 255
JBD-4 261
JBD-5 269
JBD-6 285
Chapter 55 – Light Industrial Technology (LIT) Zones 313
Chapter 57 – Industrial Limited Commercial (ILC) Zones 321
Chapter 60 – Planned Areas (PLA)
PLA1 329
PLA2 337
PLA3 343
PLA5 363
PLA6 395
PLA7 463
PLA8 483
PLA9 491
PLA10 497
PLA11 515
PLA12 521

PLA13 523
PLA15 541
PLA16 565
PLA17 571
Chapter 65 – Park/Public Use (P) Zone 589
Chapter 72 – Adult Activities Overlay Zone 591
Chapter 75 – Historic Landmark Overlay Zone 593
Chapter 80 – Equestrian Overlay Zone 597
Chapter 85 – Geologically Hazardous Areas 601
Chapter 90 – Drainage Basins 607
Chapter 95 – Landscaping 631
Chapter 100 – Signs 637
Chapter 105 – Parking And Parking Areas, Vehicle and Pedestrian Access, and Related Improvements 649
Chapter 110 – Required Public Improvements 661
Chapter 115 – Miscellaneous Use Development and Performance Standards 679
Chapter 117 – Personal Wireless Service Facilities 715
Chapter 120 – Variances 725
Chapter 125 – Planned Unit Development 727
Chapter 127 – Temporary Use 733
Chapter 130 – Rezone 735
Chapter 135 – Amendments to the Text of the Zoning Code 739
Chapter 140 – Amendments to the Comprehensive Plan 741
Chapter 142 – Design Review 743
Chapter 145 – Process I 753
Chapter 150 – Process IIA 763
Chapter 152 – Process IIB 777
Chapter 155 – Process III 789
Chapter 160 – Process IV 801
Chapter 161 – Process IVA 807
Chapter 162 – Nonconformance 811
Chapter 165 – Authority 821
Chapter 170 – Code Enforcement 825
Chapter 175 – Bonds 833
Chapter 180 – Plates 837

Chapter 1 – USER GUIDE

Sections:

1.05 How To Use This Code
1.10 Additional Regulations

1.05 How To Use This Code

This code has been designed and drafted to make it as easy as possible for the user to determine all land use regulations that apply to a particular piece of property and to uses, structures, and activities on that piece of property. Follow the step-by-step procedure laid out below to find applicable regulations.

1. Find the subject property on the Zoning Map. The subject property will be within one of the following use zones sequentially listed:

RS	BC	JBD 3	PLA 8
RSX	BCX	JBD 4	PLA 9
RM	CBD 1	JBD 5	PLA 10
PR	CBD 2	JBD 6	PLA 11
PO	CBD 3	LIT	PLA 12
WD I	CBD 4	ILC	PLA 13
WD II	CBD 5	PLA 1	PLA 15
WD III	CBD 6	PLA 2	PLA 16
FC I	CBD 7	PLA 3	PLA 17
FC II	CBD 8	PLA 5	P
FC III	JBD 1	PLA 6	
BN	JBD 2	PLA 7	

2. Refer to the text of this code and find the chapter that corresponds to the use zone in which the subject property is located.

3. Each of these use zone chapters contains a series of charts. Read down the first vertical column of each chart to find the use in which you are interested. In some zones, certain uses are listed specifically (e.g., "Retail variety or department store" in Neighborhood Business Zones). In other zones, uses are listed generally (e.g., "Any retail establishment ... selling goods or providing services..." in Community Business Zones). In many cases, the general listing encompasses what could otherwise be numerous separate uses.

   Uses and activities that fall under the definition of "adult entertainment use or activity" are not permitted except as allowed in Chapter 72 KZC.

4. After finding the appropriate use, then read across to find a variety of regulations that apply to the subject property. In addition, review all of the sections to which the use zone chart refers you. You may conduct two or more listed uses on one lot if you comply with all of the regulations that apply to each use. However, if a use zone contains a specific combined use listing, you must comply with the provision of that combined use listing.

5. You now have the basic zoning regulations that apply to the subject property. However, you should review KZC 1.10 to see if other regulations of this code may be applicable.

1.10 Additional Regulations

In addition to the regulations in the use zone charts, this code contains a variety of provisions that may apply to the subject property or to a particular use or activity on the property. The following list

of questions will help you determine what other factors of this code may contain regulations that are of interest.

1. Overlay "AE" – Is there an "AE" on the Zoning Map within a dashed line that contains the subject property? If so, see Chapter 72 KZC.

2. Overlay "HL" – Is there an "HL" on the Zoning Map within a dashed line that contains the subject property? If so, see Chapter 75 KZC.

3. Overlay "EQ" – Is there an "EQ" on the Zoning Map within a dashed line that contains the subject property? If so, see Chapter 80 KZC.

4. Slopes – Does the subject property contain moderately to steeply sloping ground, or an area which has or may settle unevenly? If so, see Chapter 85 KZC.

5. Streams, Lakes, Wetlands – Does the subject property contain or is this property close to a stream; either above ground or in a culvert flowing surface water; lake other than Lake Washington; or a wetland? If so, see Chapter 90 KZC.

6. Signs – Are you interested in erecting or having a sign of any kind on or for the subject property? If so, see Chapter 100 KZC.

7. Performance Standards – If you are interested in provisions regulating any or all of:

   a. Air quality; or
   b. Glare; or
   c. Heat emission; or
   d. Noise emission; or
   e. Odor; or
   f. Radiation; or
   g. Water quality; or
   h. Erosion and sedimentation;

   See the table of contents of Chapter 115 KZC.

8. Domestic Animals – Are you interested in keeping domestic animals in a residential zone? If so, you should read KZC 115.20, Animals in Residential Zones.

9. Fence – Do you want to erect a fence on the subject property? If so, you should read KZC 115.40, Fences. Also, you should review KZC 115.135, Sight Distance at Intersections, for additional regulations that may apply.

10. Garbage Receptacles – Do you need information on the design of enclosures or screening for garbage receptacles? If so, you should read KZC 115.45, Garbage Receptacles and Dumpsters, Placement and Screening.

11. Nonconformance/Legal Building Site – Does some aspect of the subject property, or the use or activity on the subject property not conform to this code? If so, see Chapter 162 KZC. In addition, you should review KZC 115.80, Legal Building Site.

12. Land Surface Modification – Do you want to do any clearing, grading or engage in any land surface modifications including removing vegetation on the subject property? If so, you should read KZC 115.75, Land Surface Modification.

13. Junk and Junk Yards – Are you interested in the City's regulations on junk and junk yards? If so, see KZC 115.70, Junk and Junk Yards Prohibited.

14. Outdoor Use, Activities, and Storage – Are you interested in conducting any use or activity outdoors? If so, see KZC 115.105, Outdoor Use, Activity, and Storage.

15. Public Improvements – Do you want to find out what improvements the City will require you to make in the right-of-way when you develop the subject property? If so, see Chapter 110 KZC.

16. Sight Obstructions at Intersections – Do you want to find out if you must keep part of the subject property near intersections, including the intersection of a driveway onto a street, free of sight obstructions? If so, you should read KZC 115.135, Sight Distance at Intersections.

17. Large Vehicles or Boats – Do you want to park or store a large vehicle or boat of any kind on property in a residential zone? If so, you should read KZC 115.150, Vehicles – Size in Residential Zones Limited.

18. Heavy Equipment Operation – Do you want to know the City's limitation on hours during which certain construction activities are permitted? If so, you should read KZC 115.25, Development Activities and Heavy Equipment Operation – Limitations On.

19. Accessory Uses, Facilities and Activities – Do you want to conduct or use any uses, facilities or activities that are accessory to an allowed use on the subject property? If so, you should read KZC 115.10, Accessory Uses, Facilities, and Activities.

20. Planned Unit Developments – Do you want to develop a development that does not strictly conform to the requirements of the zone in which it will be located? If so, see Chapter 125 KZC.

21. Amendments – If you are interested in amending the Zoning Map, text of the Zoning Code or Comprehensive Plan, refer to Chapters 130, 135 and 140 KZC respectively.

The foregoing list has been provided as an aid to assist the reader in finding applicable regulations. However, you should review the table of contents of this code to find other chapters that may be of interest to you.

Chapter 5 – DEFINITIONS

Sections:

5.05 User Guide
5.10 Definitions

5.05 User Guide

The definitions in this chapter apply for this code.

5.10 Definitions

The following definitions apply throughout this code unless, from the context, another meaning is clearly intended:

.005 Abandoned – Knowing relinquishment of right or claim to the subject property or structure on that property.

.015 Accessory – A use, activity, structure or part of a structure which is subordinate and incidental to the main activity or structure on the subject property.

.017 Accessory Dwelling Unit – A subordinate dwelling unit added to, created within, or detached from a single-family structure, that provides basic requirements for living, sleeping, eating, cooking and sanitation.

.020 Adjoining – Property that touches or is directly across a street, other than a primary arterial, from the subject property. For the purpose of height and horizontal facade length regulations, any portion of a structure which is more than 100 feet from a low density zone or which is not located along a common lot line with a lot in a low density zone is not considered to be adjoining that zone (see Plate 18).

.022 Adult Entertainment Activity or Use – All of the following:

1. Adult theater means a building or enclosure or any portion thereof used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in KZC 5.10.885 and 5.10.884) for observation by patrons therein and which excludes minors by virtue of age.

2. Adult book store means an establishment which in whole or in portion thereof has a substantial or significant portion of its stock and trade books, magazines or other periodicals, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined in KZC 5.10.885 and 5.10.884) and which excludes minors by virtue of age.

3. Adult cabaret means a cabaret, nightclub or other establishment which features go-go dancers, exotic dancers, strippers, male or female impersonators, similar entertainers or attendants, who are so clothed or dressed as to emphasize "specified anatomical areas" (defined in KZC 5.10.884) and/or whose performance or other activities include or mimic "specified sexual activities" (defined in KZC 5.10.885) and which establishment excludes minors by virtue of age.

.025 Air Rights – The right to in some manner control the use of the space above the surface of the ground.

.030 Alluvium – Soil deposits transported by surface waters.

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

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

.040 Applicant – A person who applies for any permit or approval to do anything governed by this code and who is the owner of the subject property, the authorized agent of the owner, or the City.

.041 Assisted Living Unit – A living unit in which a resident receives medical or health care services. A bedroom is the equivalent of a unit for the purpose of calculating the number of assisted living units.

.042 Athletic Instructional Facility – An establishment limited to recreational activities that provide instructional classes in gymnastics, swimming, and dance, exclusive of athletic clubs or fitness clubs.

.043 Automotive Service Center – Establishment primarily engaged in automotive repair, including the sale and installation of lubricants, tires, batteries, mufflers, and similar accessories.

.045 Average Building Elevation – The average elevation of the topography, prior to any development activity, at the center of all exterior walls of a building or structure.

Formula:
Average Building Elevation = (Mid-point Elevation) x (Length of Wall Segment) +
(Mid-point Elevation) x (Length of Segment)
(Length of Segment) + (Length of Segment)

(See Plate 17)

.050 Average Ground Elevation – The average elevation of the topography, prior to any development activity, at the center of all sides of the structure or improvement.

.055 Average Lot Elevation – The average elevation of all corners of a lot as measured from natural or existing topography.

.060 Average Parcel Depth – The average of the distance from the high waterline to the street providing direct access to the subject property as measured along the side property lines or the extension of those lines where the water frontage of the subject property ends, the center of the high waterline of the subject property and the quarter points of the high waterline of the subject property. See the following diagram for examples.

.065 Average Parcel Width – The average of the distance from the north to the south property lines as measured along the high waterline and the front property line.

.067 Average Slope – The average grade of a site within each land area representing a distinct topographic change.

.070 Backfill – Material placed into an excavated area, pit, trench or behind a constructed retaining wall or foundation.

.072 Bay Window – A projecting bay from an exterior wall of a structure that contains window glazing over at least 75 percent of the surface of the bay lying parallel to the exterior wall.

The bay window may be directly supported by a foundation or it may be cantilevered out from an exterior wall.

.075 Bearing Capacity – The ability of a soil to support a structure, as measured in pounds per square foot.

.077 Bed and Breakfast House – An owner-occupied detached dwelling unit that contains guest rooms where lodging with or without meals is provided for compensation. Bed and breakfast houses, as defined, are home occupations pursuant to this code.

.080 Bond – A written certificate guaranteeing to pay up to a specified amount of money if specified work is not performed; or any similar mechanism whereby the City has recourse to an identified fund from which to secure performance of specified work.

.085 Buffer – Any structural, earth or vegetative form that is located along a boundary for the purpose of minimizing visual and noise impacts. Buffers may include, but are not limited to, berms, high shrubs, dense stands of trees, trellises and fences.

.090 Building – A roofed structure used for or intended for human occupancy.

.095 Building-Mounted – All of the following: wall-mounted signs, marquee signs, under marquee signs and projecting signs.

.100 Building Official – "Building Official," as that term is defined in the Uniform Building Code as adopted in KMC Title 21.

.101 Bulk Commodities – Unpackaged articles, except those to be used for human consumption, that are bought and sold at a retail level.

.105 Bulkhead – A wall or embankment used for retaining earth.

.108 Center Identification Sign – A type of building-mounted or ground-mounted sign which identifies the name of a development containing more than one office, retail, institutional, or industrial use or tenant and which does not identify any individual use or tenant.

.110 Certificate of Occupancy – "Certificate of Occupancy," as that term is defined in the Uniform Building Code as adopted in KMC Title 21.

.115 Changing Message Center – An electronically controlled public service time and temperature sign where copy changes are shown on the same lamp bank.

.120 Church – An establishment, the principal purpose of which is religious worship, and for which the principal building or other structure contains the sanctuary or principal place of worship, and which includes related accessory uses.

.125 City Manager – The chief administrative official of the City.

.126 Class A Streams – As defined in Chapter 90 KZC.

.127 Class B Streams – As defined in Chapter 90 KZC.

.128 Class C Streams – As defined in Chapter 90 KZC.

.130 Clustered Development – The grouping or attaching of buildings in such a manner as to achieve larger aggregations of open space than would normally be possible from lot by lot development at a given density.

.135 Code (this) – The code of the City of Kirkland adopted as KMC Title 23.

.140 Commercial Recreation Area and Use – An area and use operated for profit, with private facilities, equipment or services for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses. The use of such an area may be limited to private membership or may be open to the public upon the payment of a fee.

.145 Commercial Zones – BN; BC; BCX; CBD; FC I; FC II; PLA 8, PLA 10A and PLA 13A.

.150 Common Recreational Open Space Usable for Many Activities – Any area available to all of the residents of the subject property that is appropriate for a variety of active and passive recreational activities, if that area:

a. Is not covered by residential buildings, parking or driving areas; and

b. Is not covered by any vegetation that impedes access; and

c. Is not on a slope that is too steep for the recreational activities.

.153 Community Facility – A use which serves the public and is generally of a public service, noncommercial nature. Such use shall include food banks, clothing banks, and other nonprofit social service organizations; nonprofit recreational facilities; and nonprofit performing arts centers.

.155 Community Recreation Area or Clubhouse – An area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community club houses and other similar uses maintained and operated by a nonprofit club or organization whose membership is limited to the residents within a specified geographic area.

.160 Comprehensive Plan – The Comprehensive Plan of the City, listing the goals and policies regarding land use within the city.

.165 Construction Sign – An informational sign which identifies the architect, engineer, contractor and any other individual or corporation involved with the construction of a building or use.

.170 Contour Line – The interconnection of points having the same height above sea level.

.172 Convalescent Center – Facilities for patients who are recovering from an illness, or receiving care for chronic conditions, mental or physical disabilities, terminal illness, alcohol or drug in-patient treatment. Care may include in-patient administration of medicine, preparation of special diets, bedside nursing care, and treatment by a physician or psychiatrist. Out-patient care is limited to prior patients only.

.173 Cornice – An ornamental, horizontal molded projection at the top of the exterior walls of a building.

.175 Court of Competent Jurisdiction – The judicial body empowered to adjudicate the question under consideration.

.180 Cross Section (Drawing) – A visual representation of a vertical cut through a structure or any other three-dimensional form.

.185 Culvert – An open-ended cylindrical structure generally used for the conveyance of storm waters.

.190 Curb Cut – The connection of an access drive or a driveway with a street which may entail a structural alteration to the curb by lowering the height of part of the curb.

.192 Day-Care Center – In RS Zones, a day-care operation with 13 or more attendees at any one time, not including immediate family members who reside in the center. For all other zones, see day-care operation.

.193 Day-Care Home – A day-care operation with no more than six attendees at any one time, not including immediate family members who reside in the home.

.194 Day-Care Operation – The temporary care of persons in a residence or structure on a regular recurring basis for pay or other valuable consideration, including but not limited to the furnishing of shelter, sustenance, supervision, education or other supportive services.

.195 Dedication – The deliberate appropriation of land by an owner for public use or purpose, reserving no other rights than those that are compatible with the full exercise and enjoyment of the public uses or purpose to which the property has been devoted.

.200 Deleterious Material – Any substance which may cause harm to existing life forms with which it comes into contact. Substances used for gardening such as fertilizers or weed control, when applied as directed, are not considered to be deleterious in this code.

.205 Detention of Storm Water – The physical entrapment of water occurring as a result of precipitation and the mechanically controlled release of the entrapped waters into the public storm drainage systems or into a stream or lake.

.210 Development Activity – Any work, condition or activity which requires a permit or approval under this code or the Uniform Building Code.

.215 Development Permit – Any permit or approval under this code or the Uniform Building Code that must be issued before initiating a use or development activity.

.217 Development Regulations – This code, the Zoning Map, regulations relating to water and sewer extensions established in KMC Title 15, Title 20, Development Projects, Title 21, Buildings and Construction, Title 22, Subdivisions, Chapters 24.05 and 24.06 KMC (shoreline regulations), and all other codes, ordinances or regulations of the City containing regulations regarding the use, development and/or modification of land and/or structures.

.220 Differential Settlement – The uneven downward movement of a structure into the soil layers or the uneven compaction of the soil layers.

.225 Domestic Animal – An animal which can be and is continually kept or raised in a home or on a farm.

.230 Dredging – Removal of earth and other materials from the bottom of a body of water or from a wetland.

.235 Dredging Spoils – The earth and other materials removed from the floor of a body of water or a wetland by the dredging process.

.240 Driveway – An area of the subject property designed to provide vehicular access to a parking area or structure contained on the subject property.

.245 Dry Land – The area of the subject property landward of the high waterline.

.247 Duplex – A structure containing not more than two attached dwelling units.

.250 Dwelling Unit – One or more rooms or structures providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, cooking and sanitation.

.255 Dwelling Unit, Attached – A dwelling unit that has one or more vertical walls in common with or attached to one or more other dwelling units or other uses and does not have other dwelling units or uses above or below it.

.260 Dwelling Unit, Detached – A dwelling unit that is not attached or physically connected to any other dwelling unit or other use.

.265 Dwelling Units, Stacked – A dwelling unit that has one or more horizontal walls in common with or adjacent to one or more other dwelling units or other uses and may have one or more vertical walls in common with or adjacent to one or more other dwelling units or other uses.

.270 Easement – Land which has specific air, surface or subsurface rights conveyed for use by someone other than the owner of the subject property or to benefit some property other than the subject property.

.275 Electrical Sign – A sign or sign structure in which electrical wiring, connections, and/or fixtures are used as part of the sign proper.

.280 Entrance Driveway – A driving surface which provides vehicular access to one parcel containing a use, other than a detached dwelling unit.

.282 Environmentally Sensitive Areas Maps (ESA) – As defined in Chapter 90 KZC.

.283 Environmentally Sensitive Area Buffer – As defined in Chapter 90 KZC.

.285 Equestrian – Pertaining to horses and riders.

.290 Erosion and Deposition – The removal of soils and the placement of these removed soils elsewhere by the natural forces of wind or water.

.292 Erosion Hazard Areas – As defined in Chapter 85 KZC.

.295 Excavate(ion) – The mechanical removal of soils and/or underlying strata.

.297 Existing Grade – The elevation of the topography, prior to any land surface modification, at each point on the subject property, or if specified, at the specified point or along a specified wall or facade of a structure or building.

.300 Family – An individual or two or more persons of not more than four degrees of affinity or consanguinity and including persons under legal guardianship, or a group of not more than five persons who are not related by four or less degrees of affinity or consanguinity.

.302 Family Day-Care Home – A child day-care operation in the family living quarters of the provider's home for no more than 12 children.

.305 Fast Food Restaurant – An establishment which offers quick food service which is accomplished through a limited menu of easily produced items. Orders are not taken at the customer's table, and food is served in disposable wrappings or containers, and the seating and associated circulation areas exceed 10 percent of the gross floor area of the use.

.310 Fence – A manmade wall or barrier constructed for the purpose of enclosing space or separating parcels of land.

.315 Fill Material – Dirt, structural rock or gravel, broken concrete and similar structural substances customarily used to raise the level of the ground, but excluding topsoil, bark, ornamental rocks or gravel placed on the surface of the ground.

.320 Finished Grade – The final contour of the land surface prior to landscaping.

.325 Floor – The horizontal surface inside a structure designed and intended for human use and occupancy, excluding parking areas.

.325.5 Floor Area Ratio (F.A.R.) – The maximum permitted gross floor area allowed, expressed as a percentage of the lot size (Gross floor area / lot size = F.A.R.). See KZC 115.42.

.326 Frequently Flooded Areas – As defined in Chapter 90 KZC.

.327 Fuel Price Sign – A type of wall-mounted or pedestal sign displaying the price of fuel for motorized vehicles.

.328 Geologically Hazardous Areas – As defined in Chapter 85 KZC.

.330 Glare – The reflection of harsh, bright light, or "the physical effect resulting from high luminances or insufficiently shielded light sources in the field of view."

.335 Government Facility – A use consisting of services and facilities operated by any level of government, excluding those uses listed separately in this code.

.340 Gross Floor Area – The total square footage of all floors in a structure as measured from either the interior surface of each exterior wall of the structure or, if the structure does not have walls, from each outer edge of the roof. Exterior areas may constitute gross floor area. See Chapter 115 KZC.

.345 Ground Floor – The floor of a structure that is closest in elevation to the finished grade along the facade of the structure that is principally oriented to the street which provides primary access to the subject property.

.350 Ground-Mounted Sign – All of the following: pole signs, pedestal signs and monument signs.

.351 Hazardous Waste – All dangerous and extremely hazardous waste, including substances composed of radioactive and hazardous components (see RCW 70.105.010(15)).

.352 Hazardous Waste Storage – The holding of dangerous waste for a temporary period (see WAC 173-303-040(85)).

.353 Hazardous Waste Treatment – The physical, chemical, or biological processing of dangerous wastes to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume (see WAC 173-303-040(97)).

.355 Heat – Added energy that causes substances to rise in temperature, fuse, evaporate, expand or undergo any other related change.

.360 High Density Residential Zones – The following zones: RM 2.4; RM 1.8; PLA 5A, B, C, D, E; PLA 6A, D, I, J; and PLA 7B, C.

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

.365 High Waterline – The line where the water meets the land when the water level of Lake Washington is 21.8 feet above mean sea level based on the Corps of Engineers Datum

Point. High Waterline shall be construed to be the same as Ordinary High Water Mark (OHWM), as defined in WAC 173-16-030(10).

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

.375 Horizontal Dimension – The length of the facade of a structure as measured along a plane, excluding eaves that extend out to a maximum of 18 inches from the exterior walls of a structure.

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

.385 Hotel or Motel – A single building or group of buildings containing individual sleeping units intended for transient occupancy.

.390 Improvement – Any structure or manmade feature.

.395 Industrial Use – The uses allowed in the industrial zones and not permitted in any other zones.

.400 Industrial Zones – LIT; PLA 6G and PLA 11.

.405 Inner Harbor Line – The line designated as such on the Zoning Map.

.410 Institutional Uses – The following uses: schools, churches, colleges, hospitals, parks, governmental facilities and public utilities.

.415 Institutional Zones – The following zones: P; PLA 1 and PLA 12.

.420 Instructional Sign – A sign which designates public information such as, but not limited to, public restrooms, public telephones, exitways and hours of operation.

.425 Integral Sign – A sign displaying a building date, monument citation, commemorative inscription or similar historic information.

.440 Irrevocable License – A written irrevocable permission given by a property owner to the City for specified purposes.

.445 Isolation – When a use abuts or is directly across the street from high density or higher intensity uses, on at least three sides.

.447 Junk – Old or scrap copper; brass; rope; rags; batteries; paper; trash; rubber debris; wastes; machinery; scrap wood; junked, dismantled or wrecked automobiles, or parts thereof; iron; steel; and other old or scrap ferrous or nonferrous material.

.448 Junk Yard – A property or place of business which is maintained, operated, or used for storing, keeping, buying, selling, or salvaging junk.

.450 Kennel – An establishment, generally retail in nature, which houses, cares for, breeds, raises or sells dogs or cats.

.455 Land Surface Modification – The clearing or removal of trees, shrubs, groundcover and other vegetation, and all grading, excavation and filling of materials. The removal of over-

hanging vegetation and fire hazards as specified in Chapter 9.12 KMC shall not be deemed to be land surface modifications.

.465 Landscaping – The planting, removal and maintenance of vegetation along with the movement and displacement of earth, topsoil, rock, bark and similar substances done in conjunction with the planting, removal and maintenance of vegetation.

.467 Landslide Hazard Areas – As defined in Chapter 85 KZC.

.470 Landward – Toward dry land.

.475 Linear Frontage of Subject Property – The frontage of the subject property adjacent or parallel to all open improved public rights-of-way. Frontage adjacent to I-405 is not applicable except for properties within FC I, FC II, and PLA 10 Zones. If the subject property does not have frontage on an open improved right-of-way, the frontage of any public access easements which serve the subject property and unopened rights-of-way which front on the subject property is the linear frontage of the subject property.

.480 Lot – A parcel of land having fixed boundaries, sufficient in area and dimension to meet zoning requirements for width and area, having common ownership and not severed by an existing public right-of-way.

.482 Lot size – The total area of the subject property minus the area of vehicular access easements or tracts serving more than one lot not abutting a right-of-way.

.485 Low Density Use – A detached dwelling unit on a subject property that contains at least 7,200 square feet.

.490 Low Density Zone – The following zones: RS 35, RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RS 7.2; RSX 7.2; RS 5.0; RSX 5.0; PLA 2; PLA 6C, 6E; PLA 16; WD II and comparable zones in other adjoining jurisdictions, except properties with approved intent to rezones to zoning designations other than low density.

.491 Low Income Household – A household whose total gross income is less than or equal to 80 percent of the median household income in the Seattle Metropolitan Statistical Area. For low income senior citizen households, total assets shall not exceed the maximum established by the City Council.

.492 Low Income Unit – A unit which contains a low income household. In addition, the rent for this type of unit shall not exceed 30 percent of the gross income of the eligible low income household.

.500 Marquee Sign – Any sign which forms part of, or is integrated into, a marquee or canopy and which does not extend horizontally beyond the limits of such marquee or canopy.

.505 Master Plan – A complete development plan for the subject property showing placement, dimensions and uses of all structures as well as streets and other areas used for vehicular circulation.

.510 Maximum Lot Coverage – The maximum percentage of the surface of the subject property that may be covered with materials which will not allow for the percolation of water into the underlying soils.

.515 Medium Density Use – Detached, attached, or stacked dwelling units on a subject property which contains at least 3,600 square feet per unit but not more than 7,199 square feet per unit.

.520 Medium Density Zones – The following zones: RM 5.0; RM 3.6; WD I; WD III; PLA 3; PLA 6B, F, H, K; PLA 7A and PLA 9.

.525 Mean Sea Level – The level of Puget Sound at zero tide as established by the US Army Corps of Engineers.

.527 Mini-Day-Care Center – A day-care operation with no more than 12 attendees at any one time, not including immediate family members who reside in the center.

.528 Mini-School – A school operation with seven to 12 attendees at any one time, not including immediate family members who reside in the school.

.529 Minor Improvements – As defined in Chapter 90 KZC.

.530 Minor Lake – As defined in Chapter 90 KZC.

.535 Minor Stream – Any stream that does not meet the definition of major stream.

.537 Modify – As used in Chapters 75, 122 and 125 KZC, the word "modify" means to allow or require a deviation from the provisions of this code.

.538 Modulation – The recessing back or projecting forward of a portion of a building face or roof within specified intervals of building width and depth, as a means of breaking up the apparent bulk of the building's continuous exterior walls.

.540 Monument Sign – A ground-mounted sign which is higher than five feet above the average ground elevation and which is attached to the ground by means of a wide base of solid appearance. See Plate 13 in Chapter 180 KZC for a graphic depiction of a monument sign.

.545 Moorage Facility – A pier, dock, buoy or other structure providing docking or moorage space for waterborne pleasure craft.

.550 Multi-Use Complex – All of the following: a group of separate buildings operating under a common name or management; or a single building containing multiple uses where there are specific exterior entranceways for individual uses or a group of uses on separate but adjoining properties that request treatment as a multi-use complex.

.555 Natural Features – Physical characteristics of the subject property that are not manmade.

.560 Natural Materials – Materials chemically unaltered from their natural state.

.565 Noise – The intensity, duration and character of sound from any and all sources.

.570 Nonconformance – Any use, structure, lot, condition, activity or any other feature or element of private property or the use or utilization of private property that does not conform to any of the provisions of this code or that was not approved by the City through the appropriate decision-making process required under this code.

.572 Nursing Home – Facilities providing convalescent or chronic care, or both, for a period in excess of 24 consecutive hours for patients who, by reason of illness or infirmity, are unable to properly care for themselves; and provided, that the operation or maintenance of the premises is such that it is required to be licensed as a nursing home under Chapter 18.51 RCW.

.575 Occupant – A person that legally occupies a structure.

.580 Odor – Stimulus affecting the olfactory nerves.

.585 Off-Site Directional Sign – A sign which directs to a business or to merchandise, service, real estate, goods or entertainment which are sold, produced or furnished at a place within the City other than the property on which the sign is located.

.590 Office Use – A place of employment providing services other than production, distribution or sale or repair of goods or commodities. The following is a nonexclusive list of office uses: medical, dental or other health care; veterinary, accounting, architectural, engineering, consulting or other similar professional services; management, administrative, secretarial, marketing, advertising, personnel or other similar personnel services; sales offices where no inventories or goods are available on the premises, real estate, insurance, travel agent, brokerage or other similar services. The following uses are specifically excluded from the definition of office: banks, loan companies and similar financial institutions.

.595 Office Zones – The following zones: PO; PR 5.0, PR 3.6, PR 2.4; PR 1.8; PLA 3; PLA 5B, C; PLA 6B; PLA 10B, C; PLA 11; PLA 13B; FC III.

.600 Official Newspaper of the City – The publication designated by ordinance or resolution to contain official newspaper publications for City government.

.605 Official Notification Boards of the City – The bulletin boards in the public areas of City Hall and the Kirkland Public Library.

.607 On-Site Hazardous Waste Treatment and Storage Facilities – Facilities which treat and store hazardous wastes generated on the same lot, geographically contiguous, or bordering property. Travel between two properties divided by a public right-of-way, and owned, operated, or controlled by the same person, shall be considered on-site travel if: (a) the travel crosses the right-of-way at a perpendicular intersection, or (b) the right-of-way is controlled by the property owner and is inaccessible to the public (see WAC 173-303-040(59)).

.610 Open Space – Land not covered by buildings, roadways, parking areas or surfaces through which water can percolate into the underlying soils.

.612 Ordinary High Waterline – This term has the same meaning as "high waterline."

.615 Oriented – Facing or directed toward.

.620 Outdoor – Not contained within a building.

.622 Outdoor Storage – Any material, including items for storage or sale, lease, processing and repair (including vehicles), not in an enclosed structure.

.625 Outer Harbor Line – The line designated as such on the Zoning Map.

.630 Owner – In reference to property, the person listed at the King County Assessor's Office as paying the property taxes on the subject property.

.632 Parking Area – Any area designed and/or used for parking vehicles.

.633 Parking Lot – An outdoor parking area, excluding outdoor storage or display areas of vehicles or boats for sale or lease.

.635 Parking Space – An area which is improved, maintained and used for the sole purpose of temporarily accommodating a motor vehicle that is not in use.

.640 Pedestal Sign – A ground-mounted sign which is no higher than five feet above average ground elevation. See Plate 12 in Chapter 180 KZC for a graphic depiction of pedestal signs.

.645 Pedestrian Orientation – Pertaining to facilities which encourage pedestrian movement and are designed and oriented toward use by pedestrians.

.647 Pedestrian-Oriented Street – Every street within or abutting the CBD 1 Zone or CBD 2 Zone, except First Avenue South and First Street South, and those streets designated in the design regulations for the JBD.

.650 Person – Any individual, partnership, association, corporation, unit of government or any other legal entity.

.655 Planning Department – The Department of Community Development of the City of Kirkland.

.660 Planning Director – The Director of the Department of Community Development of the City of Kirkland or the acting Director of that department.

.665 Planning Official – The Director of the Department of Community Development or his/her designee.

.670 Pole Sign – Any ground-mounted sign that does not meet the definitions of monument or pedestal signs and which is composed of two chief elements: the sign face and the sign pole or pylon which connects the sign face to the ground.

.675 Political Sign – A sign advertising a candidate for public office, a political party or a particular voting preference during a recognized election period.

.680 Portable Outdoor Sign – An outdoor sign that is not permanently attached to the ground or a structure.

.685 Primary Vehicular Access – The major street from which the majority of vehicles enter the subject property. For single-family residential lots which contain a garage or carport, the right-of-way providing access to the garage or carport.

.690 Private Advertising Sign – A sign announcing an event, use or condition of personal concern to the sign user such as but not limited to "garage sale" or "lost dog."

.695 Private Club – An association of persons organized for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

.700 Private Notice Sign – A sign announcing a restriction on a type of action on the subject property, such as, but not limited to, "no trespassing" or "no dumping."

.710 Private Traffic Direction Sign – A sign on private property which provides information for vehicular movement while on the property.

.715 Projecting Sign – A sign, other than a wall-mounted or marquee sign, which is attached to and projects from a structure or building face.

.720 Property Line – Those lines enclosing a lot and those lines defining a recorded vehicular access easement. The following are categories of property lines:

1. Front property line is any property line that is adjacent to a street or vehicular access easement or tract more than 21 feet in width; except, that neither Burlington Northern right-of-way nor the I-405 right-of-way shall be considered front property lines.

2. Rear property line is any property line that is farther from and essentially parallel to a front property line except on a lot which contains two or more front property lines; or any property line that is adjacent to a street, alley or vehicular access easement or tract easement 21 feet or less in width.

   Exception: A property line adjacent to an access easement or tract serving only one lot will be considered a side property line.

3. Side property line is any property line other than a front property line or a rear property line, or in Waterfront District Zones, any property line other than a north, south, front, or high waterline.

4. North property line is the property line running essentially east to west at the northern end of the lot.

5. South property line is the property line running essentially east to west at the southern end of the lot.

6. High Waterline – This term is defined separately in this chapter.

.725 Public Access – A portion of private property subject to an easement giving the public the right to stand on or traverse this portion of the property.

.727 Public Access Pier or Boardwalk – An elevated structure which is constructed waterward of the high waterline and intended for public use.

.730 Public Park – A natural or landscaped area, provided by a unit of government, to meet the active or passive recreational needs of people.

.735 Public Works Director – The Director of the Department of Public Works.

.740 Public Use Area – A portion of private property that is dedicated to public use and which contains one or more of the following elements: benches, tables, lawns, gardens, piers, exercise or play equipment or similar improvements or features. These elements are to provide the public with recreational opportunities in addition to the right to traverse or stand in this area.

.745 Public Utility – A private business organization such as a public service corporation, including physical plant facilities, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include but are not limited to: water supply, electric power, telephone, cable television, gas and transportation for persons and freight. For the purposes of this code, public utility does not include personal wireless service facilities as defined in KZC 117.05, Definitions.

.750 R.S. Driveway – A driving surface which serves one dwelling unit.

.755 Radio Tower – A structure whose purpose or accessory purpose is the transmission of radio waves and the supporting structure for the transmission antenna or device.

.760 Real Estate, Off-Site Sign – A sign that is readily removable announcing the proposed sale or rental of property or a building other than that upon which the sign is located and providing directions to the subject property.

.765 Real Estate, On-Site Sign – A sign announcing the sale or rental of the property or building upon which the sign is located.

.770 Replacement Cost – The current cost to construct or reconstruct a structure or part of the structure based on the Building Valuation Data published by the International Conference of Building Officials.

.775 Required Yard – Those areas adjacent to and interior from the property lines and involving the following designations (if two required yards are coincidental, the yard with the greater dimensions shall predominate):

1. Front: That portion of a lot adjacent to and parallel with any front property lines and at a distance therefrom equal to the required front yard depth.

2. Rear: That portion of a lot adjacent to and parallel with the rear property line and at a distance therefrom equal to the required rear yard depth.

3. Side: That portion of a lot adjacent to and parallel with the side property line and at a distance therefrom equal to the required side yard depth. All yards not otherwise categorized shall be designated side yards.

4. North Property Line Yard: That portion of a lot adjacent to and parallel with the north property line and at a distance therefrom equal to the required north property line yard depth.

5. South Property Line Yard: That portion of a lot adjacent to and parallel with the south property line and at a distance therefrom equal to the required south property line yard depth.

6. High Waterline Yard: That portion of a lot adjacent to and parallel with the high waterline and at a distance landward therefrom equal to the required high waterline yard depth.

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

.785 Residential Zone – The following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RS 7.2; RSX 7.2; RS 5.0; RSX 5.0; RM 5.0; RM 3.6; RM 2.4; RM 1.8; WD I; WD II; WD III; PLA 2; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15A; and PLA 15B and PLA 16.

.790 Restaurant or Tavern – Commercial use (excluding fast food restaurants) which sells prepared food or beverages and generally offers accommodations for consuming the food or beverage on the premises, and where the seating and associated circulation areas exceed 10 percent of the gross floor area of the use.

.795 Retail Establishment – A commercial enterprise which provides goods and/or services directly to the consumer, whose goods are available for immediate purchase and removal from the premises by the purchaser and/or whose services are traditionally not permitted within an office use. The sale and consumption of food are included if: (a) the seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use, and (b) it can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

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

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

.810 Right-of-Way Realignment – The changing of the horizontal position of the right-of-way.

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

.820 Runoff – The overland or subsurface flow of water.

.823 Salmonid – As defined in Chapter 90 KZC.

.825 Schools – Institutions of learning, excluding those offering post-secondary education, offering instruction in the several branches of learning and study required by the Basic Education Code of the State of Washington to be taught in the public, private and parochial schools.

.827 Seismic Hazard Areas – As defined in Chapter 85 KZC.

.830 SEPA – The State Environmental Policy Act, Chapter 43.21C RCW.

.832 Senior Citizen Household – A household which consists of people, all of whom are age 62 or older.

.835 Shared Access Points – A common point of vehicle access from a right-of-way or vehicular access easement or tract for more than one lot or use.

.840 Shoreline Master Program – The ordinance of the City of Kirkland adopted under the authority of Chapter 90.58 RCW.

.845 Sign – Any communication device, structure, or fixture which is intended to identify a building, use, business, or event, or to promote the sale of a product, goods, or service, using graphics, letters, figures, symbols, trademarks or written copy. Painted wall designs or patterns which do not represent a product, service or registered trademark, and which do not identify the user, are not considered signs. If a design or pattern is combined with a sign, only that part of the design or pattern which cannot be distinguished from the sign will be considered as part of the sign.

.850 Sign Area – The entire area of a sign on which copy is to be placed. Sign structure, architectural embellishments, framework and decorative features which contain no written or advertising copy are not included. Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module or sign field containing the advertising message; provided, however, that individual letters using a wall as the background, without added decoration or change in wall color, have sign area calculated by measuring the perimeter enclosing each letter and totalling the square footage of these.

.852 Sign Field – The background upon which the graphics, letters, figures, symbols, trademark, or written copy of a sign are placed.

.854 Significant Habitat Area – As defined in Chapter 90 KZC.

.855 Significant Natural Area – Any area containing a concentration of significant trees or an area of significant biological importance.

.860 Significant Trees – Any evergreen tree of eight inches in diameter or greater (25 inches in circumference (around) or greater), and any deciduous tree, other than red alder and cot-

tonwood trees, 12 inches in diameter or greater (37 inches in circumference or greater), measured one foot above the root crown.

.865 Silt or Sediment – The soil particles mobilized and deposited by the processes of erosion and deposition.

.870 Single Use Building – A building which contains one use.

.875 Sloping Rip Rap Design – Embankment protection created by the overlaying of rocks over a natural embankment or over a cut in the embankment, and designed to dissipate waves such that any deflected waves do not cause harm to other embankments.

.880 Small Animals – Dogs, cats, birds, small exotic animals (snakes, gerbils, mice, guinea pigs, etc.), and foxes, bob cats and similar small wild animals.

.881 Soft Compressible Soils – Soils susceptible to a decrease in volume when subjected to load.

.882 Solid Screening Fence – A uniformly finished fence at least six feet high which is opaque or perforated; provided, that no more than 50 percent of the face is open.

.883 Special Needs Housing – Housing which is specifically designed and maintained to meet the needs of senior citizen households; mentally, physically or emotionally impaired persons; or low income households.

.884 Specified Anatomical Areas – Both of the following:

1. Less than completely and opaquely covered:

   a. Human genitals, pubic region;

   b. Buttock;

   c. Breast below a point immediately above the top of the areola;

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

.885 Specified Sexual Activities – All of the following:

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

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

.886 Storm Drainage – The movement of water, due to precipitation, either surficially or subsurficially.

.890 Story – The area between and including the surface of a floor, the ceiling above and the horizontal supporting members for the ceiling. If the floor surface is on average not more than six feet above the finished grade, the area between the floor surface and the ceiling above is not a story.

.895 Stream – As defined in Chapter 90 KZC.

.900 Street – A public right-of-way.

.902 Street Level Floor – The floor of a building which is closest in elevation to the elevation of the centerline of each abutting right-of-way measured at the midpoint of the frontage of the subject property on each abutting right-of-way.

.905 Street Providing Direct Vehicle Access – The street from which a vehicle can enter the subject property without traversing another street or piece of property. In the case of a multiuse complex, the street providing direct vehicular access is the exterior street that borders the complex and not an internal street surrounded by the complex.

.910 Structure – Anything which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

.915 Structural Alterations – Any change in the supporting member of a building or structure.

.920 Subject Property – The entire lot, series of lots or parcels on which a development or use is or will be located and that is otherwise subject to the provision of this code.

.923 Temporary Commercial Sign – A sign associated with a business; painted on a window or constructed of cloth, paper or similar flexible materials; readily removable; and displaying a temporary commercial message; but not including a real estate, on-site or real estate, off-site sign.

.925 Topsoil – The uppermost strata of soil containing a large percentage of organic materials and which is capable of providing suitable nourishment for vegetation.

.930 Traffic Control Devices – Signs, signals, stripes and other mechanical or graphic items which control the flow or direction of vehicular and pedestrian traffic.

.931 Trellis – An arbor or arch made with an open design.

.932 Type I Wetlands – As defined in Chapter 90 KZC.

.933 Type II Wetlands – As defined in Chapter 90 KZC.

.935 Under Marquee Sign – A sign which is attached to and suspended from a marquee or canopy but does not extend beyond the marquee or canopy.

.940 Uniform Building Code – The Uniform Building and related Codes as amended and adopted in KMC Title 21.

.945 Uniform Sign Code – The Uniform Sign Code as amended and adopted in Chapter 21.16 KMC.

.955 Use – The nature of the activities taking place on private property or within structures thereon. Each separate listing under the "Use" column in the Chapters 15 through 65 KZC is a separate use.

.960 Use Zone – The zoning designations on the Zoning Map as follows:

RS 35	BC	PLA 6B
RSX 35	BCX	PLA 6C
RS 12.5		PLA 6D
RSX 12.5	CBD 1	PLA 6E
RS 8.5	CBD 2	PLA 6F
RSX 8.5	CBD 3	PLA 6G
RS 7.2	CBD 4	PLA 6H
RSX 7.2	CBD 5	PLA 6I
RS 5.0	CBD 6	PLA 6J
RSX 5.0	CBD 7	PLA 6K
	CBD 8	PLA 7A
RM 3.6		PLA 7B
RM 2.4	JBD 1	PLA 7C
RM 1.8	JBD 2	PLA 8
	JBD 3	PLA 9
WD I	JBD 4	PLA 10A
WD II	JBD 5	PLA 10B
WD III	JBD 6	PLA 10C
		PLA 11
PR 5.0	LIT	PLA 12
PR 3.6	ILC	PLA 13A
PR 2.4	PLA 1	PLA 13B
PR 1.8	PLA 2	PLA 15A
	PLA 3A	PLA 15B
PO	PLA 3B	PLA 16
	PLA 5A	PLA 17A
FC I	PLA 5B	PLA 17B
FC II	PLA 5C	PLA 17C
FC III	PLA 5D	
	PLA 5E	P
BN	PLA 6A	

.965 Vehicle Service Station – A commercial use supplying petroleum products that are for immediate use in a vehicle.

.970 Vehicle Storage Area – An outside area which is used for the storage of operational vehicles.

.973 Vehicular Access Easement or Tract – A privately owned right-of-way.

.974 View Corridor – An open area that provides an unobstructed view across the subject property to and beyond Lake Washington from the adjacent right-of-way.

.975 Wall Sign – A sign attached to and extending not more than 18 inches from the facade or face of a building with the exposed face of the sign parallel to the facade or face of the building.

.980 Waterward – Toward the body of water.

.985 Wetland – As defined in Chapter 90 KZC.

.990 Wholesale Trade – A commercial establishment which sells to retail establishments.

.995 Zones – Use zones.

.1000 Zoning Map – The map designated as such and adopted by the City showing the geographical location of use zones within the municipal boundaries.

Chapter 10 – LEGAL EFFECT/APPLICABILITY

Sections:

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 subsection (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 – 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.

10.15 Authority

This code is adopted under the authority of Article XI, Section 11, of the Washington State Constitution and Chapter 35A.63 RCW.

10.17 Purpose

The purpose of this code is to provide for and promote the health, safety, and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the provisions of this code.

10.20 Map Incorporated

The map, or set of maps, entitled City of Kirkland Zoning Map and signed by the Mayor is hereby adopted as part of this code. See Chapter 130 KZC for information regarding amending this map.

10.25 Zoning Categories Adopted

The City is divided into the following zoning categories:

	Zoning Category	Symbol
1.	Single-Family Residential Zones	RS and RSX (followed by a designation indicating minimum lot size per dwelling unit)

2.	Multifamily Residential Zones	RM (followed by a designation indicating minimum lot size per dwelling unit)
3.	Professional Office/Residential Zones	PR (followed by a designation indicating minimum lot size per dwelling unit)
4.	Professional Office Zones	PO
5.	Waterfront Districts	WD (followed by a designation indicating which Waterfront District)
6.	Freeway Commercial Zones	FC (followed by a designation indicating which Freeway Commercial Zone)
7.	Neighborhood Business	BN
8.	Community Business	BC and BCX
9.	Central Business District	CBD (followed by a designation indicating which sub-zone within the Central Business District)
10.	Juanita Business District	JBD (followed by a designation indicating which sub-zone within the Juanita Business District)
11.	Light Industrial Zones	LIT, ILC
12.	Planned Areas	PLA (followed by a designation indicating which Planned Area, and in some cases, which sub-zone within a Planned Area)
13.	Park/Public Use Zones	P

10.30 Overlay Designations Adopted

The following overlay zones apply in various areas:

	Overlay Zoning Category	Symbol
1.	Adult Activities Overlay Zone	"AE"
2.	Historic Landmark Overlay Zone	"HL"
3.	Equestrian Overlay Zone	"EQ"

10.35 Zoning Boundary Interpretation

1. Following Property Lines – Where a zone boundary is indicated as approximately following a property line, the property line is the zone boundary.

2. Following Streets – Where a zone boundary is indicated as following a street, the midpoint of the street is the zone boundary.

3. Lakes – Where a zone abuts upon or extends into a lake, the zone boundary extends into that lake to the full limit and territorial extent of the police power, jurisdiction and control of the City of Kirkland.

4. Other Cases – Where a zone boundary is not indicated to follow a property line or street, the boundary line is as drawn, based on the scale shown on the Zoning Map.

5. Classification of Vacated Rights-of-Way – Where a right-of-way is vacated, the area comprising the vacated right-of-way will acquire the classification of the property to which it reverts.

10.40 Unzoned Property

Any property within the City of Kirkland which, for any reason, does not indicate a zone designation, will be construed to be within the RS 35 Zone.

10.45 Annexed Property

Whenever, prior to annexation, a proposed extended Comprehensive Plan and zoning regulations and/or map have been prepared and adopted by the City pursuant to RCW 35A.14.330, that plan and zone regulation and/or map will, upon the effective date of annexation, be deemed to amend this code to the extent set forth in the annexation ordinance. Any other property or area which may, because of annexation, become a part of the City, will be deemed to be zoned with a classification the same as, or as nearly comparable as possible with, the classification that the property was zoned immediately prior to annexation.

CHAPTER 15 - SINGLE-FAMILY RESIDENTIAL (RS) ZONES

15.05 User Guide. The charts in KZC 15.10 contain the basic zoning regulations that apply in each RS 35, RS 12.5, RS 8.5, RS 7.2 and RS 5.0 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 15.08

Zone RS

Section 15.08 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit, Mini-School or Mini-Day-Care Center and Day-Care Home uses).

3. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.

4. May also be regulated under the Shoreline Master Program, KMC Title 24.

Section 15.10 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						
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Special Regulation 1.	20′ See Spec. Reg. 3.	5′, but 2 side yards must equal at least 15 feet.	10′	50% See Spec. Reg. 5.	25′ above average building elevation.	E	A	2.0 per dwelling unit.	1. Minimum lot size per dwelling unit is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 5.0 zones, the minimum lot size is 5,000 square feet. In RS 35, 12.5, 8.5, 7.2 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of each lot. 2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: a. In RS 35 zones, F.A.R. is 20 percent of lot size. b. In RS 12.5 zones, F.A.R. is 35 percent of lot size. c. In RS 8.5 zones, F.A.R. is 50 percent of lot size. d. In RS 7.2 zones, F.A.R. is 50 percent of lot size. e. In RS 5.0 zones, F.A.R. is 60 percent of lot size. *This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.* See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. 3. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 5. Residential lots in RS 35 zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart).

Section 15.10 Zone RS USE ZONE CHART

Section 15.10 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						
.020	Church	See Special Regulation 3.	As established on the Zoning Map. See Special Regulation 1.	20′	20′ on each side	20′ on each side	70%	25′ above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 4.	1. Minimum lot size per dwelling unit is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. The property must be served by a collector or arterial street. 3. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. 4. No parking is required for day-care or school ancillary to the use.

Section 15.10 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
			MINIMUMS				MAXIMUMS					
		Required Review Process	Lot Size	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						
.030	School or Day-Care Center	See Special Regulation 10.	As established on the Zoning Map. See Special Regulation 1.	If this use can accommodate 50 or more students or children, then: 50′ / 50′ on each side / 50′ If this use can accommodate 13 to 49 students or children, then: 20′ / 20′ on each side / 20′ Otherwise: 20′ / 5′ but 2 side yards must equal at least 15 feet. / 10′			70%	25′ above average building elevation.	D	B See Spec. Reg. 8.	See KZC 105.25.	1. Minimum lot size per dwelling unit is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. May locate on the subject property only if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site design minimizes adverse impacts on surrounding residential neighborhoods. c. The property is served by a collector or arterial street. 3. A six-foot high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 4. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 6. 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. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 8. Electrical signs shall not be permitted. 9. May include accessory living facilities for staff persons. 10. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC. REGULATIONS CONTINUED ON NEXT PAGE

Section 15.10 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						
.030	School or Day-Care Center (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. 11. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.040	Mini-School or Mini-Day-Care Center	Process I, Chapter 145 KZC.	As established on the Zoning Map. See Special Regulation 1.	20′	5′ but 2 side yards must equal at least 15′.	10′	50%	25′ above average building elevation.	E	B See Spec. Reg. 8.	See KZC 105.25.	1. Minimum lot size is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. May locate on the subject property if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site design must minimize adverse impacts on surrounding residential neighborhoods. 3. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 4. Hours of operation and maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines by five feet. 6. 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. 7. The location of parking and passenger loading areas shall be designated to reduce impacts on nearby residential uses. 8. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses. 9. May include accessory living facilities for staff persons. 10. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 15.10 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	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							
.050	Family Day-Care Home	None	As established on the Zoning Map. See Special Regulation 1.	20′	5′ but 2 side yards must equal at least 15′.	10′	50%	25′ above average building elevation.	E	A	2.0 per dwelling unit.	1. Minimum lot size per dwelling unit is as follows: a. In RS 35 zones, the minimum lot size is 35,000 square feet. b. In RS 12.5 zones, the minimum lot size is 12,500 square feet. c. In RS 8.5 zones, the minimum lot size is 8,500 square feet. d. In RS 7.2 zones, the minimum lot size is 7,200 square feet. e. In RS 5.0 zones, the minimum lot size is 5,000 square feet. 2. Family day-care provider must be licensed by the state to operate a family child day-care home. 3. A safe passenger loading area as certified by the state office of child care policy licensor shall be provided. 4. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	
.060	Golf Course	Process IIA, Chapter 150 KZC.	1 acre	50′	50′ on each side	50′				B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. May not include miniature golf. 3. The following accessory uses are specifically permitted as part of this use. a. Equipment storage facilities. b. Retail sales and rental of golf equipment and accessories. c. A restaurant.	
.070	Public Utility	See Special Regulation 2.	None	20′	20′ on each side	20′	70%		A			1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; provided, however, that within the jurisdiction of the Houghton Municipal Corporation, the required review process is Process IIB, Chapter 152 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. 3. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.	
.080	Government Facility Community Facility				10′ on each side	10′			C See Spec. Reg. 3.				

Section 15.10 Zone RS USE ZONE CHART

Section 15.10 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						
.090	Public Park	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.			--		--	B	See KZC 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: 1) Will not involve lighting for outdoor nighttime activities; and 2) Will not involve the construction of any building of more than 4,000 square feet; and 3) Will not involve the construction of more than 20 parking stalls. 4) Will not involve 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 KZC. 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.

CHAPTER 17 – SINGLE-FAMILY RESIDENTIAL ANNEXATION (RSX) ZONES

17.05 User Guide. The charts in KZC 17.10 contain the basic zoning regulations that apply in each RSX 35, RSX 12.5, RSX 8.5, RSX 7.2 and RX 5.0 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 17.08

Zone RSX

Section 17.08 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit, Mini-School or Mini-Day-Care Center and Family Day-Care Home uses).

Section 17.10 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						
.010	Detached Dwelling Unit	None	As established on the Zoning Map. See Special Regulation 1.	20′	5′ each side. See Spec. Reg. 3.	10′	50% See Spec. Reg. 5.	30′ above average building elevation.	E	A	2.0 per dwelling unit.	1. Minimum lot size per dwelling unit is as follows: a. In RSX 35 zones, the minimum lot size is 35,000 square feet. b. In RSX 8.5 zones, the minimum lot size is 8,500 square feet. c. In RSX 7.2 zones, the minimum lot size is 7,200 square feet. d. In RSX 5.0 zones, the minimum lot size is 5,000 square feet. In RSX 35, 8.5, 7.2 and 5.0 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot. 2. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows: a. In RSX 35 zones, F.A.R. is 20 percent of lot size. b. In RSX 12.5 zones, F.A.R. is 35 percent of lot size. c. In RSX 8.5 zones, F.A.R. is 50 percent of lot size. d. In RSX 7.2 zones, F.A.R. is 50 percent of lot size. e. In RSX 5.0 zones, F.A.R. is 60 percent of lot size. See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. 3. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 5. Residential lots in RSX zones within the Bridle Trails neighborhood north of Bridle Trails State Park must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart).

Section 17.10 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						
.020	Church	See Special Regulation 1.	As established on the Zoning Map. See Special Regulation 2.	20′	20′ on each side	20′	70%	30′ above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of worship. See Special Reg. 4.	1. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility location, land uses within the Master Plan area, parking location, buffering, and landscaping. 2. Minimum lot size per dwelling unit is as follows: a. In RSX 35 zones, the minimum lot size is 35,000 square feet. b. In RSX 8.5 zones, the minimum lot size is 8,500 square feet. c. In RSX 7.2 zones, the minimum lot size is 7,200 square feet. 3. The property must be served by a collector or arterial street. 4. No parking is required for day-care or school ancillary to the use.

Section 17.10	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						
.030	School or Day-Care Center	See Special Regulation 1.	As established on the Zoning Map. See Special Regulation 2.	If this use can accommodate 50 or more students or children, then: 50′ / 50′ on each side / 50′ If this use can accommodate 13 to 49 students or children, then: 20′ / 20′ on each side / 20′ Otherwise: 20′ / 5′ but 2 side yards must equal at least 15′. / 10′			70%	30′ above average building elevation.	D	B See Spec. Reg. 9.	See KZC 105.25.	1. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. 2. Minimum lot size per dwelling unit is as follows: a. In RSX 35 zones, the minimum lot size is 35,000 square feet. b. In RSX 8.5 zones, the minimum lot size is 8,500 square feet. c. In RSX 7.2 zones, the minimum lot size is 7,200 square feet. 3. May locate on the subject property only if: a. It will not be materially detrimental to the character of the neighborhood in which it is located; or b. Site design minimizes adverse impacts on surrounding residential neighborhoods. c. The property is served by a collector or arterial street. 4. A six-foot high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 5. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 6. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 7. 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. REGULATIONS CONTINUED ON NEXT PAGE

Section 17.10 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						
.030	School or Day-Care Center (continued)											8. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 9. Electrical signs shall not be permitted. 10. May include accessory living facilities for staff persons. 11. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.040	Mini-School or Mini-Day-Care Center	Process I, Chapter 145 KZC.	As established on the Zoning Map. See Special Regulation 1.	20′	5′ but 2 side yards must equal at least 15′.	10′	50%	30′ above average building elevation.	E	B See Spec. Reg. 8.	See KZC 105.25.	1. Minimum lot size is as follows: a. In RSX 35 zones, the minimum lot size is 35,000 square feet. b. In RSX 8.5 zones, the minimum lot size is 8,500 square feet. c. In RSX 12.5 zones, the minimum lot size is 12,500 square feet. d. In RSX 7.2 zones, the minimum lot size is 7,200 square feet. e. In RSX 5.0 zones, the minimum lot size is 5,000 square feet. 2. May locate on the subject property if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site design must minimize adverse impacts on surrounding residential neighborhoods. 3. A six-foot high fence is required along the property line adjacent to the outside play areas for mini-school and mini-day-care centers only. 4. Hours of operation and the maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines by five feet. 6. 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. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 8. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses. 9. May include accessory living facilities for staff persons. 10. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 17.10 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						
.050	Family Day-Care Home	None	As established on the Zoning Map. See Special Regulation 1.	20′	5′ each side. See Spec. Reg. 2.	10′	50%	30′ above average building elevation.	E	A	2.0 per dwelling unit.	1. Minimum lot size per dwelling unit is as follows: a. In RSX 35 zones, the minimum lot size is 35,000 square feet. b. In RSX 8.5 zones, the minimum lot size is 8,500 square feet. c. In RSX 7.2 zones, the minimum lot size is 7,200 square feet. 2. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement. 3. Family day-care provider must be licensed by the state to operate a family child day-care home. 4. A safe passenger loading area as certified by the state office of child care policy licensor shall be provided. 5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.060	Golf Course	Process IIA, Chapter 150 KZC.	1 acre	50′	50′ on each side	50′				B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. May not include miniature golf. 3. The following accessory uses are specifically permitted as part of this use. a. Equipment storage facilities. b. Retail sales and rental of golf equipment and accessories. c. A restaurant.
.070	Public Utility	See Special Regulation 2.	None	20′	20′ on each side	20′	70%	25′ above average building elevation.	A			1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping. 3. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.080	Government Facility Community Facility				10′ on each side	10′			C See Spec. Reg. 3.			

Section 17.10 Zone RSX USE ZONE CHART

Section 17.10 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						
.090 Public Park	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.			--		--	B	See KZC 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 KZC. 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.

CHAPTER 20 – MULTIFAMILY RESIDENTIAL (RM) ZONES

20.05 User Guide. The charts in KZC 20.10 contain the basic zoning regulations that apply in each RM 5, RM 3.6, RM 2.4, and RM 1.8 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 20.08

Zone RM

Section 20.08 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to General Moorage Facility and Detached Dwelling Units uses).

3. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:
   Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required (does not apply to General Moorage Facility uses).

4. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation (does not apply to General Moorage Facility and Public Park uses).

5. If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, the following regulations apply:
   a. Must provide a required yard of 15 feet or 15 percent of average parcel depth, 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.
   b. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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.
   c. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous 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 General Moorage Facility, Detached Dwelling Units and Public Park uses).

6. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.

7. May also be regulated under the Shoreline Master Program, KMC Title 24.

Section 20.10 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						
.010	Detached Dwelling Units	None	5,000 sq. ft. in an RM 5.0 Otherwise, 3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	A	2.0 per unit	1. For this use, only one dwelling unit may be on each lot regardless of the size of the lot. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units Stacked Dwelling Units are not permitted in RM 5.0.		3,600 sq. ft. with a density as established on the Zoning Map. See Spec. Reg. 1.						D		1.7 per unit.	1. Minimum amount of lot area per dwelling unit is as follows: a. In RM 5.0 zones the minimum lot area per unit is 5,000 sq. ft. b. In RM 3.6 zones the minimum lot area per unit is 3,600 sq. ft. c. In RM 2.4 zones the minimum lot area per unit is 2,400 sq. ft. d. In RM 1.8 zones, the minimum lot area per unit is 1,800 sq. ft. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. If the subject property contains four or more units, then it must contain at least 200 sq. ft. per unit of common recreational space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 sq. ft. and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 sq. ft. per unit if permanent outdoor furniture, pool, cooking facilities, playing equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.
.030	Church	Process IIA, Chapter 150 KZC.	7,200 sq. ft.		20′	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of worship. See Special Reg. 2.	1. Site must abut and be accessible from at least one roadway having at least two moving traffic lanes. 2. No parking is required for day-care or school ancillary to the use.

Section 20.10 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	North Property Line	South Property Line	High Water Line						
.040	General Moorage Facility	Process IIA, Chapter 150 KZC.	None, but must have at least 100′ of frontage on Lake Washington.	30′ See also Spec. Reg. 4.	Landward of the high waterline the greater of: a. 15′ or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′.	10′	For moorage structure, 0′. For other structures the greater of: a. 15′, or b. 15% of the average parcel depth.	60%	Landward of the high waterline 30′ above average building elevation. Waterward of the high waterline, dock and pier decks may not be more than 24′ above mean sea level.	B	B	None for residents or their guests.	1. Moorage may only be used by residents of the dwelling units on the subject property, or their guests. 2. Except as permitted by Special Regulation 18, no structures, other than moorage structures or public access piers or boardwalks, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone. 3. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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. The required 30′ front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30′ of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 5. 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 that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. 6. The design on the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. REGULATIONS CONTINUED ON NEXT PAGE
					Waterward of the high waterline: -- 10′ 10′ --								
					No moorage structure may be: a. Within 100′ of a public park; or b. Closer to a public park than a line that starts where the high waterline of the park intersects with the side property line of the park closest to the moorage structure at the 45-degree angle from that side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening over water structure; or								
					REGULATIONS CONTINUED ON NEXT PAGE								

Section 20.10 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115)				MAXIMUMS: Lot Coverage	MAXIMUMS: 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	North Property Line	South Property Line	High Water Line						
.040	General Moorage Facility (continued)			c. Closer to a lot containing a detached dwelling unit than a line that starts where the high water line of the lot intersects the side property line of the lot closest to the moorage structure at a 30-degree angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not exceed beyond any intervening over water structure; or d. Within 25' of another moorage structure not on the subject property. The minimum dimension of any yard, other than listed, is 5'.									7. The City will determine the maximum allowable number of moorages based on the following factors: a. The ability of the land landward of the high waterline to accommodate the necessary support facilities. b. The potential for traffic congestion. c. The number of moorages shall not exceed the number of dwelling units on the subject property. 8. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats 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; and b. The moorage structures are not larger than is necessary to moor the specified number of boats; and c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and d. The moorage structures will not adversely affect nearby uses; and e. The moorage structures will not have a significant long-term adverse effect on aquatic habitats. 9. If the 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 submittal of a Building Permit for this use. 10. May not treat moorage structure with creosote, oil base, or toxic substance. 11. Must provide at least two covered and secured waste receptacles. 12. All utility and service lines must be below the pier deck and, where feasible, underground. 13. Piers must be adequately lit. The source of the light must not be visible from neighboring properties. 14. Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high. 15. Covered moorage is not permitted. 16. Aircraft moorage is not permitted. 17. At least one pump-out facility shall be provided. 18. See KZC 30.11 for regulations regarding bulkheads and land surface modification.

Section 20.10 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						
.050	School or Day-Care Center	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′ / 50′ on each side / 50′ If this use can accommodate 13 to 49 students or children, then: 20′ / 20′ on each side / 20′ Otherwise: 20′ / 5′ but 2 side yards must equal at least 15′. / 10′			70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. A six-foot high fence is required only along the property line adjacent to the outside play areas. 3. Hours of operation and maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.060	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop			20′	5′ but 2 side yards must equal at least 15′.	10′	60%		B	E	1 per each 300 sq. ft. of gross floor area.	1. This use may be permitted only if it is specifically consistent with the Comprehensive Plan in the proposed location. 2. May only be permitted if placement, orientation, and scale indicate this use is primarily intended to serve the immediate residential area. 3. Must be located on a collector arterial or higher volume right-of-way. 4. Placement and scale must indicate pedestrian orientation. 5. Must mitigate traffic impacts on residential neighborhood. 6. Gross floor area may not exceed 3,000 square feet. 7. May not be located above the ground floor of a structure. 8. Hours of operation may be limited to reduce impacts on nearby residential uses.

Section 20.10 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						
.070	Mini-School or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′ but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. May locate on the subject property if: a. It will not be materially detrimental to the character of the neighborhood in which it is located. b. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. A six-foot high fence is required along the property line adjacent to the outside play areas for mini-school and mini-day-care centers only. 3. Hours of operation and the maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 20.10 USE ⇩ / REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	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							
.080	Assisted Living Facility (Not permitted in RM 5.0)	None	3,600 sq. ft.	20′	5′ but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the 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. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 6. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies: Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.
.090	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.		10′ on each side		70%		C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.	

Section 20.10 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						
.100	Public Utility	Process IIA, Chapter 150 KZC.	None	20′	20′ on each side	20′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	A	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.110	Government Facility Community Facility				10′ on each side	10′			C See Spec. Reg. 2.			
.120	Public Park	See Special Regulations 1 and 2.		Will be determined on case-by-case basis.					--			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 KZC. 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. This section may include a public access pier or boardwalk. See KZC 30.15.030 for regulations regarding these uses.

CHAPTER 25 – PROFESSIONAL OFFICE RESIDENTIAL (PR) ZONES

25.05 User Guide. The charts in KZC 25.10 contain the basic zoning regulations that apply in each PR 5.0, PR 3.6, PR 2.4 and PR 1.8 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 25.08

Zone PR

Section 25.08 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.

3. The required yard of a structure abutting Lake Washington Boulevard or Lake St. S. must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).

Section 25.10 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						
.010	Detached Dwelling Units	None	3,600 sq. ft.	20′	5′ but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	A	2.0 per dwelling unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units		3,600 sq. ft. with a density as established on the Zoning Map. See Special Regulation 1.						D		1.7 per unit.	1. Minimum amount of lot area per dwelling unit is as follows: a. In PR 5.0 zones, the minimum lot area per unit is 5,000 sq. ft. b. In PR 3.6 zones, the minimum lot area per unit is 3,600 sq. ft. c. In PR 2.4 zones, the minimum lot area per unit is 2,400 sq. ft. d. In PR 1.8 zones, the minimum lot area per unit is 1,800 sq. ft. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. If the subject property contains four or more units, then it must contain at least 200 sq. ft. per unit of common recreational space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 sq. ft. and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 sq. ft. per unit if permanent outdoor furniture, pool, cooking facilities, playing equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.

Section 25.10 Zone PR USE ZONE CHART

Section 25.10	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						
.030	Office Uses	None	None	20'	5' but 2 side yards must equal at least 15'.	10'	70%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	D	If Medical, Dental or Veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 25.10 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						
.040	Development Containing Stacked or Attached Dwelling Units and Office Uses. See Special Regulation 1.	None	3,600 sq. ft. with a residential density as established on the Zoning Map. See Special Regulation 2.	20′	5′ but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwelling units. 2. Minimum amount of lot area per dwelling unit is as follows: a. In PR 5.0 zones, the minimum lot area per unit is 5,000 square feet. b. In PR 3.6 zones, the minimum lot area per unit is 3,600 square feet. c. In PR 2.4 zones, the minimum lot area per unit is 2,400 square feet. d. In PR 1.8 zones, the minimum lot area per unit is 1,800 square feet. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 4. If the subject property contains four or more units, then it must contain at least 200 sq. ft. per unit of common recreational space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 sq. ft. and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 sq. ft. per unit if permanent outdoor furniture, pool, cooking facilities, playing equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 5. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 25.10 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						
.050	Restaurant or Tavern	Process I, Chapter 145 KZC.	7,200 sq. ft.	20′	5′ but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	B	E	1 per each 100 sq. ft. floor area.	
.060	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop				10′ on each side						1 per each 300 sq. ft. floor area.	1. May not be located above the ground floor of a structure. 2. Gross floor area cannot exceed 3,000 square feet.
.070	Funeral Home or Mortuary				20′ on each side	20′			C	B		
.080	Church										1 for every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.

Section 25.10 — 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						
.090	School or Day-Care Center	If this use is adjoining a low density zone, then Process I, Chapter 145 KZC. Otherwise, None	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′	50′ on each side	50′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. 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. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
				If this use can accommodate 13 to 49 students or children, then: 20′	20′ on each side	20′						
				Otherwise: 20′	5′ but 2 side yards must equal at least 15′.	10′						
.100	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′ but 2 side yards must equal at least 15′.	10′			E			1. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses. 7. May include accessory living facilities for staff persons. 8 These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 25.10 Zone PR USE ZONE CHART

Section 25.10 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	None	3,600 sq. ft.	20′	5′ but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the 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. The assisted living facility shall provide usable recreation space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreation space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

Section 25.10 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						
.120	Convalescent Center or Nursing Home	Process I, Chapter 145 KZC.	7,200 sq. ft.	20′	10′ on each side	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.130	Public Utility		None		20′ on each side	20′			A		See KZC 105.25.	
.140	Government Facility Community Facility				10′ on each side	10′			C See Spec. Reg. 2.			1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.150	Public Park	See Special Regulations 1 and 2.		Will be determined on case-by-case basis.					--	--		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 KZC. 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.

CHAPTER 27 - PROFESSIONAL OFFICE (PO) ZONES

27.05 User Guide. The charts in KZC 27.10 contain the basic zoning regulations that apply in each PO zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 27.08

Zone PO

Section 27.08 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.

Section 27.10 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						
.010	Office Uses	None	None	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	If Medical, Dental, or Veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise, one per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.020	Restaurant or Tavern				10′ on each side	20′			B	E	1 per each 100 sq. ft. of gross floor area.	
.030	Funeral Home or Mortuary				20′ on each side				C	B	1 per each 300 sq. ft. of gross floor area.	
.040	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop				10′ on each side				B	E		1. May not be located above the ground floor of a structure. 2. Gross floor area cannot exceed 3,000 sq. ft.
.050	Retail Establishment Providing Banking or Related Financial Service											1. May not be located above the ground floor of a structure.

Section 27.10 Zone PO USE ZONE CHART

Section 27.10 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						
.060	Church	None	None	20′	20′ on each side	20′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	B	1 for every 4 people based on maximum occupant load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to the use.
.070	School or Day-Care Center			If this use can accommodate 50 or more students or children, then: 50′ / 50′ on each side / 50′ If this use can accommodate 13 to 49 students or children, then: 20′ / 20′ on each side / 20′ Otherwise, 20′ / 5′, but 2 side yards must equal at least 15′. / 10′					D		See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social Health Services (WAC Title 388).

Section 27.10 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	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	None	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	B	See KZC 105.25.	1. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.090	Convalescent Center or Nursing Home	Process I, Chapter 145 KZC.			10′ on each side	20′			C		1 for each bed.	
.100	Hospital Facility	Process IIA, Chapter 150 KZC.	One Acre						B		See KZC 105.25.	
.110	Public Utility	Process I, Chapter 145 KZC.	None						A			1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.120	Government Facility Community Facility								C See Spec. Reg. 1.			

Section 27.10 Zone PO USE ZONE CHART

Section 27.10 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						
.130	Public Park	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.					--	B	See KZC 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 are 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. 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 KZC. 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.

CHAPTER 30 – WATERFRONT DISTRICT (WD) ZONES

30.05 User Guide. The charts in KZC 30.15 contain the basic zoning regulations that apply in the WD I zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 30.10

Zone WDI

Section 30.10 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. See KZC 30.17 for regulations regarding bulkheads and land surface modification.
3. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if:
   a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
   b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and
   c. The design of the public use area is specifically approved by the City.

   (Does not apply to Public Access Pier or Boardwalk, Moorage Facility for 1 or 2 Boats, Public Park or Public Utility uses).
4. 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 that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties (does not apply to Public Access Pier or Boardwalk, Moorage Facility for 1 or 2 Boats, or Public Park uses).
5. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.
6. May also be regulated under the Shoreline Master Program, KMC Title 24.

Section 30.15 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	North Property Line	South Property Line	High Water Line						
.010	Detached Dwelling Unit	None	3,600 sq. ft.	30′	The greater of: a. 15′ or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′.	10′	The greater of: a. 15′ or b. 15% of the average parcel depth.	80%	30′ above average building elevation. This provision may not be varied.	E	A	2.0 per unit.	1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulations regarding moorages and public access piers, see the specific listings in this zone. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Attached or Stacked Dwelling Units	Process I, Chapter 145 KZC	3,600 sq. ft. per unit.	The minimum dimension of any yard, other than those listed, is 5′. See General Regulations.					30′ above average building elevation. See also Special Regulation 3.	D			1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulations regarding moorage and public access piers, see the specific listings in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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. The City shall require signs designating the public pedestrian access and public use areas. 3. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 4. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section 30.15 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	North Property Line	South Property Line	High Water Line						
.030	Public Access Pier or Boardwalk	Process I, Chapter 145 KZC.	None	Waterward of the High Waterline -- 10′ 10′ -- See also Special Regulation 8.				--	Pier decks may not be more than 24′ above mean sea level. Diving boards and similar features may not be more than 3′ above the deck.	--	See Spec. Reg. 7.	See KZC 105.25.	1. No accessory uses, buildings, or activities are 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 submittal of a building permit for this use. 3. May not treat a structure 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 neighboring properties. 7. Structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high, and visible from the lake. 8. North and south property line yards may be decreased for over-water public use facilities which connect with waterfront public access on adjacent property.
.040	Moorage Facility for 1 or 2 boats	None		Waterward of the High Waterline -- 10′ 10′ -- In addition, no moorage structure may be within– a. 25′ of a public park; or b. 25′ of another moorage structure not on the subject property. The minimum dimension of any yard, other than those listed, is 5′.				80%			See Spec. Reg. 8.	1 per each 2 slips. Otherwise, None if the moorage is reserved for the exclusive use of an adjoining residential development.	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 structure may not extend waterward beyond a point 150 feet 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 eight feet in width. 3. If the 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 submittal of a building permit for this use. 4. May not treat moorage structure with creosote, oil base or toxic substances. 5. Must provide at least one covered and secured waste receptacle. 6. All utility lines must be below the pier deck and, where feasible, underground. 7. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 8. Moorage structures must display the street address of the subject property. 9. Covered moorage is not permitted. 10. Aircraft moorage is not permitted.

Section 30.15 USE ⇩ REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	North Property Line	South Property Line	High Water Line	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
.050 General Moorage Facility	Process IIA, Chapter 150 KZC.	None, but must have at least 100' of frontage on Lake Washington.	Landward of the High Waterline: 30' See Gen. Regs.	The greater of: a. 15' or b. 1-1/2 times the height of the primary structure above average building elevation minus 10'.	10'	For moorage structure, 0' For other structures, the greater of a. 15' or b. 15% of the average parcel depth.	80%	Landward of the High Waterline, 30' above average building elevation. See also Spec. Reg. 3. Waterward of the High Waterline, Dock and Pier decks may not be more than 24' above mean sea level.	B	B See Spec. Reg. 13.	1 per each 2 slips. Otherwise, None, if the moorage is reserved for the exclusive use of an adjoining residential development.	1. Except as permitted by Special Regulation 16, no structures, other than each moorage structure or public access pier, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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. 3. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30' above average building elevation. 4. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. 5. The City will determine the maximum allowable number of moorages based on the following factors: a. The ability of the land landward of the high waterline to accommodate the necessary support facilities. b. The potential for traffic congestion. 6. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review size and configuration of moorage structures to insure that: a. The moorage structures are not larger than is necessary to moor the specified number of boats; and b. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and c. The moorage structures will not adversely affect nearby uses; and d. The moorage structures will not have a significant long term adverse effect on aquatic habitats. 7. If the moorage 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 submittal of a Building Permit for this use. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE
			Waterward of the High Waterline: --	10'	10'	--						
			No moorage structure may be– a. Within 100' feet of a public park or b. Closer to a public park than a line that starts where the high waterline of the park intersects with the side property line of the park closest to the moorage structure at a 45° angle from the side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening over water structure; or (See next page for the rest of the Required Yard Regulations)									

Section 30.15 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	North Property Line	South Property Line	High Water Line						
.050	General Moorage Facility (continued)			c. Closer to a lot containing a detached dwelling unit than a line that starts where the high water line of the lot intersects the side property line of the lot closest to the moorage structure and runs waterward toward the moorage structure at a 30° angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not extend beyond any intervening over-water structure; or d. Within 25′ of another moorage structure not on the subject property. The minimum dimension of any yard, other than those listed, is 5′. See previous page for the rest of this column.							8. May not treat moorage structure with creosote, oil base or toxic substance. 9. Must provide at least two covered and secured waste receptacles. 10. All utility and service lines must be below the pier deck and, where feasible, underground. 11. Must provide public restrooms unless moorage is only available for residents of dwelling units on the subject property. 12. Piers must be adequately lit. The source of light must not be visible from neighboring properties. 13. Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high. 14. Covered moorage is not permitted. 15. Aircraft moorage is not permitted. 16. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC: a. Boat and motor sales leasing. b. Boat and motor repair and service if: 1) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and 2) All dry land motor testing is conducted within a building. c. Boat launching ramp if: 1) It is not for use of the general public; and 2) Is paved with concrete; and 3) There is sufficient room on the subject property for maneuvering and parking so that traffic impact on the frontage road will not be significant; and 4) Access to the ramp is not directly from the frontage road; and 5) The design of the site is specifically approved by the City. d. Dry land storage. However, stacked storage is not permitted. e. Meeting and special events rooms. f. 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 cleanup gas and oil spills. May have an over-water shed that is not more than 50 square feet and 10 feet high as measured from the deck. 17. 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.

Section 30.15 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	North Property Line	South Property Line	High Water Line						
.060	Restaurant	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	30′ See Gen. Regs.	The greater of: a. 15′ or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′.	10′	The greater of: a. 15′ or b. 15% of the average parcel depth.	80%	30′ above average building elevation. See also Special Regulation 3.	B	E	1 per each 100 sq. ft. of gross floor area.	1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulations regarding moorages, see the moorage listings in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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. 3. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 4. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation. 5. Outside storage is not permitted. 6. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation.
				The minimum dimension of any yard, other than those listed, is 5′.									

Section 30.15 Zone WDI USE ZONE CHART

Section 30.15 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	North Property Line	South Property Line	High Water Line						
.070 Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.							B	See KZC 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 KZC. 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. The provisions of Chapter 90 KZC, limiting development in and around wetlands, do not apply to a public park, if the development is approved as part of a Park Master Plan using Process III, described in Chapter 155 KZC. 4. This use may include a public access pier or boardwalk. See KZC 30.15.030 for regulations regarding these uses.

Section 30.15 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	North Property Line	South Property Line	High Water Line						
.080	Public Utility	Process IIA, Chapter 150 KZC.	None	30′ See Gen. Regs.	The greater of: a. 15′ or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′.	10′	The greater of: a. 15′ or b. 15% of the average parcel depth.	80%	30′ above average building elevation. See also Special Regulation 3.	A	B	See KZC 105.25.	1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulation regarding moorages and public access piers, see the specific listings in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from the adjoining property. The City shall require signs designating the public pedestrian access and public uses areas. 3. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 4. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation. 5. For a Government Facility use, Landscape Category A or B may be required depending on the type of use on the subject property and the impacts on the nearby uses.
.090	Government Facility Community Facility									C See Spec. Reg. 5.			

Section 30.15 Zone WDI USE ZONE CHART

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

Section 30.15 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	North Property Line	South Property Line	High Water Line	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.100	Assisted Living Facility	Process I, Chapter 145 KZC.	3,600 sq. ft.	30′ See Gen. Regs.	The greater of: a. 15′ or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′. The minimum dimension of any yard, other than those listed, is 5′.	10′	The greater of: a. 15′ or b. 15% of the average parcel depth.	80%	30′ above average building elevation. See also Special Regulation 6.	D	A	2.0 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 is included, the following parking standards shall apply to the nursing home portion of the facility: a. One 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 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the 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. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulation regarding moorages and public access piers, see the specific listings in this zone. 5. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from the adjoining property. The City shall require signs designating the public pedestrian access and public uses areas. 6. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 7. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation. 8. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

30.17 Bulkhead and Land Surface Modification

1. Bulkheads

   a. General – Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.

   b. Allowable Reasons – A bulkhead may be constructed only if:

      1) It is needed to prevent significant erosion due to wave action; and

      2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.

   c. Prohibited Location – A bulkhead may not be erected within a wetland or between a wetland and the lake.

   d. Design of Bulkhead – The bulkhead must be designed to minimize the transmittal of wave energy to other properties.

   e. Placement of the Bulkhead – The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.

   f. Change in Configuration of the Land – Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.

   g. Backfill – The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

2. Land Surface Modification Waterward of the High Waterline

   a. General – Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.

   b. Required Permit – The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.

   c. Allowable Reasons – The City may approve an application for a land surface modification waterward of the high waterline only if:

      1) No unique or significant natural area of flora or fauna will be destroyed; and

      2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and

      3) Either:

         a) The application is filed by a public agency to improve navigability, public safety; or

b) The application is to create a public use or recreation area; or

c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or

d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorage.

d. Requirements for Dredging – If the land surface modification involves dredging, the following regulations apply:

1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.

2) The applicant shall restore any beneficial vegetation disturbed during dredging.

3) The dredging shall be the minimum necessary to provide sufficient draft for navigation or moorage.

e. Requirements for Fill – If the land surface modification involves fill, the following regulations apply:

1) Material Used for Landfill – The material used in the landfill must be nondissolving and nondecomposing. The fill material must not contain organic and inorganic material that would be detrimental to the water quality of the existing habitat.

2) Use of Vegetation – Exposed fill areas must be stabilized with vegetation.

3. Land Surface Modification within the High Waterline Yard

a. General – Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.

b. Allowable Reasons – The City may approve an application for a land surface modification within the high waterline yard only if:

1) No unique or significant natural area of flora or fauna will be destroyed; and

2) Either:

a) The application is filed by a public agency to improve public safety, recreation, or access; or

b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or

c) The land surface modification is necessary to provide public access; or

d) The land surface modification is necessary to the structural safety of a structure; or

e) There has been severe and unusual erosion within one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or

f) This application is part of an application for bulkhead approved under paragraph 1 of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.

c. Material Used for Landfill – The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.

d. Use of Vegetation – The applicant shall stabilize exposed areas left after land surface modification with vegetation.

e. Disposition of Excavated Materials – Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.

4. Land Surface Modification Landward of the High Waterline Yard – Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115 KZC for those regulations.

5. Emergency Measures – An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.

30.19 User Guide. The charts in KZC 30.25 contain the basic zoning regulations that apply in the WD II zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 30.20



Section 30.20 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. See KZC 30.27 for regulations regarding bulkheads and land surface modifications.
3. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.
4. May also be regulated under the Shoreline Master Program, KMC Title 24.

Section 30.25 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	North Property Line	South Property Line	High Water Line						
.010	Detached Dwelling Unit	None	12,500 sq. ft.	20′	5′	5′	The greater of: a. 15′ or b. 15% of the average parcel depth. See Special Regulations 3, 4, 5, and 6.	50%	25′ above average building elevation.	E	A	2.0 per unit.	1. No structure, other than a moorage structure, may be waterward of the high waterline. For the regulations regarding moorage, see the Moorage listing in this zone. 2. For this use, only one dwelling unit may be on each lot regardless of lot size. 3. If dwelling units exist on property that adjoins the subject property to the north and south, the required high waterline yard is the average of the existing high waterline yards on these two adjoining properties. If, because of adjoining properties, the required high waterline yard is increased, the required front yard may be decreased to the average of the existing front yards on the properties adjoining the subject property to the north and south. 4. If either the north property line yard or the south property line yard is also the front yard of the subject property, it will be regulated as a front yard. The dimensions of any required yard, other than as specifically listed, will be determined on a case-by-case basis. The City will use the setback for this use in RS zones as a guide. 5. Each portion of a structure must be setback from the north property line by a distance equal to or greater than the height of that portion of the structure above the north property line minus five feet. (See Plate 22). 6. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). 7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section 30.25	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115)	MAXIMUMS: Lot Coverage	MAXIMUMS: 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 / North Property Line / South Property Line / High Water Line						
.020	Moorage Facility for 1 or 2 boats. See also Special Regulations 1 and 11.	None	None	Landward of the High Waterline 20′ 5′ 10′ -- Waterward of the High Waterline -- 10′ 10′ -- In addition, no moorage structure may be within either– a. 25′ of a public park; or b. 25′ of another moorage structure not on the subject property. See Special Regulation 1.	50%	Landward of the High Waterline, 25′ above average building elevation. Waterward of the High Waterline, dock and pier decks may not be more than 24′ above mean sea level. Diving boards and similar features may not be more than 3′ above the deck.	E	See Spec. Reg. 8.	None	1. Moorage must be for the exclusive use of residents of the subject property. Renting moorage space is not permitted. 2. Moorage structures may not extend waterward beyond a point 150 feet 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 eight feet in width. 3. If the 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 moorage structure with creosote, oil base or toxic substances. 5. Must provide at least one covered and secured waste receptacle. 6. All utility lines must be below the pier deck and, where feasible, underground. 7. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 8. Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high, and visible from the lake. 9. Covered moorage is not permitted. 10. Aircraft moorage is not permitted. 11. Two or more adjoining waterfront lots may share a mooring facility. If this occurs, the following regulations apply: a. All lots will be taken together as the subject property to determine compliance with the requirements of this use. b. The moorage structure may be built to accommodate two boats for each residential unit on the subject property. c. The owner of each lot must deed to the City the over-water development rights to the property. Upon request, the City will, without cost, deed this right back to the owner of a lot, but the number of boats permitted to moor at the shared moorage facility will be reduced by two.

Section 30.25	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	North Property Line	South Property Line	High Water Line						
.030	Public Utility	Process IIA, Chapter 150 KZC.	None	20′	20′	20′	The greater of: a. 15′ or b. 15% of the average parcel depth.	70%	25′ above average building elevation.	A	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulations, for more details. 3. If either a north property line yard or the south property line yard is also the front yard of the subject property, it will be regulated as a front yard. The dimension of any required yard, other than as specifically listed, will be determined on a case-by-case basis. The City will use the setback for this use in RS zones as a guide. 4. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.
.040	Government Facility Community Facility			20′	10′	10′				C See Spec. Reg. 4.			
				See Special Regulation 3.									

Section 30.25 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	North Property Line	South Property Line	High Water Line						
.050	Public Park	See Special Regulations 2 and 3.	None	Will be determined on a case-by-case basis.				--		--	B	See KZC 105.25.	1. 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulations, for more details. 2. 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. 3. Any development or use of a park that does not meet the requirements of Special Regulation 2 must be approved through the Process III, Chapter 155 KZC. 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. 4. The provisions of Chapter 90 KZC limiting development in and around wetlands do not apply to a public park if the development is approved as part of a Park Master Plan using Process III, described in Chapter 155 KZC. 5. This use may include a public access pier or boardwalk. See KZC 30.15.030 for regulations regarding these uses.

30.27 Bulkhead and Land Surface Modification

1. Bulkheads

   a. General – Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.

   b. Allowable Reasons – A bulkhead may be constructed only if:

      1) It is needed to prevent significant erosion due to wave action; and

      2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.

   c. Prohibited Location – A bulkhead may not be erected within a wetland or between a wetland and the lake.

   d. Design of Bulkhead – The bulkhead must be designed to minimize the transmittal of wave energy to other properties.

   e. Placement of the Bulkhead – The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.

   f. Change in Configuration of the Land – Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.

   g. Backfill – The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

2. Land Surface Modification Waterward of the High Waterline

   a. General – Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.

   b. Required Permit – The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.

   c. Allowable Reasons – The City may approve an application for a land surface modification waterward of the high waterline only if:

      1) No unique or significant natural area of flora or fauna will be destroyed; and

      2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and

      3) Either:

         a) The application is filed by a public agency to improve navigability, public safety; or

b) The application is to create a public use or recreation area; or

c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property.

d. Requirements for Dredging – If the land surface modification involves dredging, the following regulations apply:

1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.

2) The applicant shall restore any beneficial vegetation disturbed during dredging.

e. Requirements for Fill – If the land surface modification involves fill, the applicant must comply with the provisions of subsections (3)(c) and (d) of this section.

3. Land Surface Modification within the High Waterline Yard

a. General – Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult with that agency for further information.

b. Allowable Reasons – The City may approve an application for a land surface modification within the high waterline yard only if:

1) No unique or significant natural area of flora or fauna will be destroyed; and

2) Either:

a) The application is filed by a public agency to improve public safety, recreation, or access; or

b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or

c) The land surface modification is necessary to provide public access; or

d) The land surface modification is necessary to the structural safety of a structure; or

e) There has been severe and unusual erosion within one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or

f) This application is part of an application for bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.

c. Material Used for Landfill – The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.

d. Use of Vegetation – The applicant shall stabilize exposed areas left after land surface modification with vegetation.

e. Disposition of Excavated Materials – Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.

4. Land Surface Modification Landward of the High Waterline Yard – Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115 KZC for those regulations.

5. Emergency Measures – An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.

30.29 User Guide. The charts in KZC 30.35 contain the basic zoning regulations that apply in the WD III zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 30.30

Zone WDIII

Section 30.30 – GENERAL REGULATIONS

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

1. See KZC 30.37 for regulations regarding bulkheads and land surface modification.
2. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
3. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.
4. May also be regulated under the Shoreline Master Program, KMC Title 24.

Section 30.35 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	North Property Line	South Property Line	High Water Line						
.010 Detached Dwelling Unit	None	3,600 sq. ft.	30′ See also Spec. Reg. 2.	The greater of: a. 15′ or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′.	10′	The greater of: a. 15′ or b. 15% of the average parcel depth.	80%	30′ above average building elevation. This provision may not be varied.	E	A	2.0 per unit.	1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulations regarding moorages and public access piers, see the specific listings in this zone. 2. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 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 that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 5. The required yard of a structure abutting Lake Washington Blvd. must be increased two feet for each one foot that structure exceeds 25 feet above the adjacent centerline of Lake Washington Blvd.
			The minimum dimension of any yard, other than those listed, is 5′.									

Section 30.35 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	North Property Line	South Property Line	High Water Line	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.020	Attached or Stacked Dwelling Units	Process I, Chapter 145 KZC.	3,600 sq. ft. per unit	30′ See also Spec. Reg. 3.	The greater of: a. 15′ or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′.	10′	The greater of: a. 15′ or b. 15% of the average parcel depth.	80%	30′ above average building elevation. See also Spec. Reg. 5.	D	A	2.0 per unit.	1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulations regarding moorages and public access piers, see the specific listings in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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. The City shall require signs designating the public pedestrian access and public uses areas. 3. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 4. A view corridor must be maintained across 30% 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 that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. 5. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by Special Regulation 4; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 6. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. 7. Chapter 115 KZC 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

The minimum dimension of any yard, other than those listed, is 5′.

Section 30.35 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	North Property Line	South Property Line	High Water Line						
.030	Public Access Pier or Boardwalk	Process I, Chapter 145 KZC.	None	Waterward of the High Waterline -- 10′ 10′ -- See also Special Regulation 8.				--	Pier decks may not be more than 24′ above mean sea level. Diving boards and similar features may not be more than 3′ above the deck.	--	See Spec. Reg. 7.	See KZC 105.25.	1. No accessory uses, buildings, or activities are 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 submittal of a Building Permit for this use. 3. May not treat a structure 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 neighboring properties. 7. Structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high, and visible from the lake. 8. North and south property line yards may be decreased for overwater public use facilities which connect with waterfront public access on adjacent property.

Section 30.35 Zone WDIII USE ZONE CHART

Section 30.35 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	North Property Line	South Property Line	High Water Line						
.040	Moorage Facility for 1 or 2 boats See Spec. Reg. 1.	None	None	Waterward of the High Waterline -- 10′ 10′ -- In addition, no moorage structure may be within– a. 25′ of a public park; or b. 25′ of another moorage structure not on the subject property. The minimum dimension of any yard, other than those listed, is 5′.				80%	Pier decks may not be more than 24′ above mean sea level. Diving boards and similar features may not be more than 3′ above the deck.	--	See Spec. Reg. 9.	None	1. Moorage must be for the exclusive use of the residents of the subject property. Renting moorage spaces is not permitted. 2. 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. 3. Moorage structure may not extend waterward beyond a point 150 feet 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 eight feet in width. 4. If the 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 submittal of a Building Permit for this use. 5. May not treat moorage structure with creosote, oil base or toxic substances. 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 neighboring properties. 9. Moorage structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high, and visible from the Lake. 10. Covered moorage is not permitted. 11. Aircraft moorage is not permitted. 12. Live-aboard boats are prohibited.

Section 30.35	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	North Property Line	South Property Line	High Water Line							
.050	General Moorage Facility	Process IIA, Chapter 150 KZC.	None, but must have at least 100′ of frontage on Lake Washington.	Landward of the High Waterline 30′ See also Spec. Reg. 3. The greater of: a. 15′ or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′. 10′ For moorage structure, 0′. For other structures, the greater of: a. 15′ or b. 15% of the average parcel depth. Waterward of the High Waterline -- 10′ 10′ -- No moorage structure may be– a. Within 100′ feet of a public park; or b. Closer to a public park than a line that starts where the high waterline of the park intersects with the side property line of the park closest to the moorage structure at a 45° angle from the side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening overwater structure; or (See next page for the rest of the Required Yard Regulations)				80%	Landward of the High Waterline, 30′ above average building elevation. Waterward of the High Waterline, Dock and Pier decks may not be more than 24′ above mean sea level.	B	B See Spec. Reg. 14.	None	1. Moorage must be for the exclusive use of the residents of the subject property. Renting moorage space is not permitted. 2. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone. 3. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 5. A view corridor must be in one continuous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. 6. The design on the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. 7. The City will determine the maximum allowable number of moorages based on the following factors: a. The ability of the land landward of the high waterline to accommodate the necessary support facilities. b. The potential for traffic congestion. c. The number of moorages shall not exceed the number of dwelling units on the subject property. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE	

Section 30.35	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	North Property Line	South Property Line	High Water Line						
.050	General Moorage Facility (continued)			c. Closer to a lot containing a detached dwelling unit than a line that starts where the high water line of the lot intersects the side property line of the lot closest to the moorage structure and runs waterward toward the moorage structure at a 30° angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not extend beyond any intervening overwater structure; or d. Within 25′ of another moorage structure not on the subject property. The minimum dimension of any yard, other than those listed, is 5′. (See previous page for the rest of this column)									8. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review 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; and b. The moorage structures are not larger than is necessary to moor the specified number of boats; and c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and d. The moorage structures will not adversely affect nearby uses; and e. The moorage structures will not have a significant long-term adverse effect on aquatic habitats. 9. If the 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 submittal of a Building Permit for this use. 10. May not treat moorage structure with creosote, oil base or toxic substance. 11. Must provide at least two covered and secured waste receptacles. 12. All utility and service lines must be below the pier deck and, where feasible, underground. 13. Piers must be adequately lit. The source of light must not be visible from neighboring properties. 14. Moorage structures must display the street address of the subject property. The address must be oriented to the lake with letters and numbers at least four inches high. 15. Covered moorage is not permitted. 16. Aircraft moorage is not permitted. 17. At least one pump-out facility shall be provided.

Section 30.35 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	North Property Line	South Property Line	High Water Line						
.060	Public Park	See Special Regulations 4 and 5.	None	Will be determined on a case-by-case basis.						--	B	See KZC 105.25.	1. The provisions of Chapter 90 KZC limiting development in and around wetlands do not apply to a public park if the development is approved as part of a Park Master Plan using Process III, described in Chapter 155 KZC. 2. This use may include a public access pier or boardwalk. See KZC 30.35.030 for regulations regarding these uses. 3. 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. 4. Any development or use of a park that does not meet the requirements of Special Regulation 4 must be approved through the Process III, Chapter 155 KZC. 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 30.35 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	North Property Line	South Property Line	High Water Line						
.070	Public Utility	Process IIA, Chapter 150 KZC.	None	30′ See also Spec Reg. 3.	The greater of: a. 15′ or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′.	10′	The greater of: a. 15′ or b. 15% of the average parcel depth.	80%	30′ above average building elevation. See also Special Regulation 5.	A C See Spec. Reg. 7.	B	See KZC 105.25.	1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding moorages and public access piers, see the specific listings in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from the adjoining property. The City shall require signs designating the public pedestrian access and public uses areas. 3. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 4. 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 that they do not obscure the view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. 5. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by Special Regulation 4; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 6. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation. 7. Landscape Category A or B may be required, depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.080	Government Facility Community Facility												

Section 30.35 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	North Property Line	South Property Line	High Water Line							
.090	Assisted Living Facility	Process I, Chapter 145 KZC.	3,600 sq. ft.	30' See also Spec. Reg. 6.	The greater of: a. 15' or b. 1-1/2 times the height of the primary structure above average building elevation minus 10'.	10'	The greater of: a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation. See also Special Regulation 8.	D	A	2.0 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 is included, the following parking standards shall apply to the nursing home portion of the facility: a. One 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 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the 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. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulation regarding moorages and public access piers, see the specific listings in this zone. 5. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from the adjoining property. The City shall require signs designating the public pedestrian access and public uses areas. 6. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and c. The design of the public use area is specifically approved by the City. REGULATIONS CONTINUED ON NEXT PAGE	
				The minimum dimension of any yard, other than those listed, is 5'.										

Section 30.35 Zone WDIII USE ZONE CHART

Section 30.35 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	North Property Line	South Property Line	High Water Line						
.090 Assisted Living Facility (continued)												7. 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 that they do not obscure the existing view from Lake Washington Boulevard to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties. 8. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by Special Regulation 7; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 9. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation. 10. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

30.37 Bulkhead and Land Surface Modification

1. Bulkheads

a. General – Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.

b. Allowable Reasons – A bulkhead may be constructed only if:

1) It is needed to prevent significant erosion due to wave action; and

2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.

c. Prohibited Location – A bulkhead may not be erected within a wetland or between a wetland and the lake.

d. Design of Bulkhead – The bulkhead must be designed to minimize the transmittal of wave energy to other properties.

e. Placement of the Bulkhead – The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.

f. Change in Configuration of the Land – Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.

g. Backfill – The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

2. Land Surface Modification Waterward of the High Waterline

a. General – Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.

b. Required Permit – The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.

c. Allowable Reasons – The City may approve an application for a land surface modification waterward of the high waterline only if:

1) No unique or significant natural area of flora or fauna will be destroyed; and

2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and

3) Either:

a) The application is filed by a public agency to improve navigability, public safety; or

b) The application is to create a public use or recreation area; or

c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or

d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorage.

d. Requirements for Dredging – If the land surface modification involves dredging, the following regulations apply:

1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.

2) The applicant shall restore any beneficial vegetation disturbed during dredging.

3) The dredging shall be the minimum necessary to provide sufficient draft for navigation or moorage.

e. Requirements for Fill – If the land surface modification involves fill, the following regulations apply:

1) Material Used for Landfill – The material used in the landfill must be nondissolving and nondecomposing. The fill material must not contain organic and inorganic material that would be detrimental to the water quality of the existing habitat.

2) Use of Vegetation – Exposed fill areas must be stabilized with vegetation.

3. Land Surface Modification within the High Waterline Yard

a. General – Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section.

b. Required Permit – The City will use Process I, described in Chapter 145 KZC, to review and decide upon an application for land surface modification within the high waterline yard. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult with that agency for further information.

c. Allowable Reasons – The City may approve an application for a land surface modification within the high waterline yard only if:

1) No unique or significant natural area of flora or fauna will be destroyed; and

2) Either:

a) The application is filed by a public agency to improve public safety, recreation, or access; or

b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or

c) The land surface modification is necessary to provide public access; or

d) The land surface modification is necessary to the structural safety of a structure; or

e) There has been severe and unusual erosion within one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or

f) This application is part of an application for a bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.

d. Material Used for Landfill – The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the exposing habitat.

e. Use of Vegetation – The applicant shall stabilize exposed areas left after land surface modification with vegetation.

f. Disposition of Excavated Materials – Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.

4. Land Surface Modification Landward of the High Waterline Yard – Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115 KZC for those regulations.

5. Emergency Measures – An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.

CHAPTER 35 – FREEWAY COMMERCIAL (FC) ZONES

35.05 User Guide. The charts in KZC 35.10 contain the basic zoning regulations that apply in each FC I zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 35.08

Zone FCI

Section 35.08 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.

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Section 35.10	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						
.010	Office Use	None	None	20′ See Special Regulation 3.	0′	0′	80%	30′ above average building elevation. See also Special Regulation 4.	C	D	If Medical, Dental or Veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 3. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation. 4. Structure height may be increased above 30 feet in height through a Process IIA, Chapter 150 KZC, if: a. It will not block local or territorial views designated in the Comprehensive Plan; and b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.
.020	Vehicle Service Station			40′ See also Special Regulation 1.	15′	15′		30′ above average building elevation.	A	F	See KZC 105.25.	1. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See the KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.030	Restaurant or Tavern			20′	0′	0′			B		1 per each 100 sq. ft. of gross floor area.	
.040	Fast Food Restaurant								A		1 per each 80 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. Drive-through facilities must be designed so that vehicles will not block traffic while waiting in line to be served.

Section 35.10 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						
.050	Hotel or Motel	None	None	20′ See Special Regulation 2.	0′	0′	80%	30′ above average building elevation. See also Special Regulation 3.	B	F	1 per each room. See also Special Regulation 4.	1. May include meeting and convention facilities. 2. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation. 3. Structure height may be increased above 30 feet in height through a Process IIA, Chapter 150 KZC, if: a. It will not block local or territorial views designated in the Comprehensive Plan, and b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. 4. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirements for those ancillary uses shall be determined on a case-by-case basis.
.060	A retail establishment providing entertainment, recreational, or cultural activities			20′	0′	0′		30′ above average building elevation.			1 per every 4 fixed seats.	
.070	A retail establishment selling groceries and related items										1 per each 300 sq. ft. of gross floor area.	1. Access from drive through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 2. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

Section 35.10	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	Any retail establishment other than those listed in this zone providing goods and services to the freeway traveler. See Special Regulation 1.	Process I, Chapter 145 KZC	Will be determined on a case-by-case basis based on the nature and impacts of the proposed use. The City will use the requirements of other uses in this zone as a guide.								See KZC 105.25.	1. A particular use or development may be approved under this listing if: a. The use or development is principally geared towards serving the freeway traveler; and b. It is reasonable to anticipate that the use or development will be patronized by sufficient freeway travelers to support it. 2. Access from drive through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 3. A delicatessen, bakery, or other similar use may include, as part of 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.

0-1279

Section 35.10 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						
.090	School or Day-care Center	None	None	20′	0′	0′	80%	30′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. 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. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.100	Mini-school or mini-day-care (7-12 attendees) or Day-care home (6 or less attendees)											1. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 4. An on-site passenger loading area must be provided depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 35.10 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	Public Utility	None	None	20'	0'	0'	80%	30' above average building elevation.	A	B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.120	Government Facility Community Facility								C See Spec. Reg. 1			
.130	Public Park	See Special Regulations 1 and 2.		Will be determined on case-by-case basis.					--			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 KZC. 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.

0-3219

35.15 User Guide. The charts in KZC 35.20 contain the basic zoning regulations that apply in each FC II zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 35.17

Zone FCII

Section 35.17 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone lying north of NE 90th Street, 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 KZC 115.130, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.

   (Does not apply to Detached Dwelling Units, Public Utility and Government Facility/Community Facility uses).

3. Provisions for improving the intersection for NE 85th Street and 120th Avenue NE to handle traffic volumes at full development of this zone must be part of the development of the subject property (does not apply to Detached Dwelling Units, Public Utility, Government Facility/Community Facility and Public Park uses).

4. The City may require revision of the site plan or additional landscaping in order to minimize noise and visual impacts on residential uses in the area (does not apply to Office Use, Detached Dwelling Units, Detached, Attached or Stacked Dwelling, Development Containing Stacked Dwelling Units, Public Utility, Government Facility/Community Facility, and Public Park uses).

0-3719

Section 35.20 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						
.010	Vehicle Service Station	None	Must be part of a development with a site area of at least 35,000 sq. ft.	40′ See Special Regulation 3.	15′	15′	80%	If adjoining a low density zone other than RSX, lying north of NE 90th Street, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	A	F	See KZC 105.25.	1. Primary vehicular access must be onto 120th Avenue NE. Access directly onto NE 85th Street is permitted only if access onto 120th Avenue NE is not possible. 2. The following regulations apply to vehicle service stations only: a. May not be more than two vehicle service stations at any intersection; b. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 3. The following regulation applies to a retail establishment providing vehicle service or repair only: a. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A. 4. The following regulations apply to fast food restaurants only: a. Must provide one outdoor waste receptacle for every eight parking stalls. b. Access for drive through facilities must be approved by the Public Works Department. Drive through facilities must be designed so that vehicles will not block traffic while waiting in line to be served.
.020	Restaurant or Tavern			20′	10′ on each side	10′			B		1 per each 100 sq. ft. of gross floor area.	
.030	Fast Food Restaurant								A		1 per each 80 sq. ft. of gross floor area.	

0-3719

6123-6

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

Section 35.20 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.040	Hotel or Motel	None	Must be part of a development with a site area of at least 35,000 sq. ft.	20′	10′ on each side	10′	80%	If adjoining a low density zone lying north of NE 90th Street, then see Spec. Reg. 4. Otherwise, 50′ above average building elevation.	B	F	1 for each room. See also Special Regulation 2b.	1. Primary vehicular access must be onto 120th Avenue NE. Access directly onto NE 85th Street is permitted only if access onto 120th Avenue NE is not possible. 2. The following regulation applies only to hotels and motels: a. May include meeting and convention facilities. b. Excludes parking requirements for those ancillary meeting and convention facilities. Additional parking requirements for those ancillary uses shall be determined on a case-by-case basis. 3. The following regulation applies only to retail establishments selling groceries and related items: a. Gross floor area for this use may not exceed 3,000 square feet. b. Access from drive through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. c. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: 1) The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and 2) It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. If adjoining a low density zone lying north of NE 90th Street, then 25 feet above average building elevation. If adjoining an RSX density lying north of NE 90th Street, then 30 feet above average building elevation.
.050	A retail establishment selling groceries and related items							If adjoining a low density zone other than RSX, lying north of NE 90th Street, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.			1 per each 300 sq. ft. of gross floor area.	
.060	A retail establishment providing entertainment, recreational, or cultural activities										1 per every 4 fixed seats.	1. Primary vehicular access must be onto 120th Avenue NE. Access directly onto NE 85th Street is permitted only if access onto 120th Avenue NE is not possible.

Section 35.20 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							
.070	Any retail establishment other than those listed in this zone providing goods and services to the freeway traveler. See Special Regulation 1.	Process I, Chapter 145 KZC.	Must be part of a development with a site area of at least 35,000 sq. ft.	Will be determined on a case-by-case basis based on the nature and impacts of the proposed use. The City will use the requirements of other uses in this zone as a guide.							See KZC 105.25.	1. A particular use or development may be approved under this listing if: a. The use or development is principally geared towards serving the freeway traveler; and b. It is reasonable to anticipate that the use or development will be patronized by sufficient freeway travelers to support it. 2. Primary vehicular access must be onto 120th Avenue NE. Access points directly onto NE 85th Street is permitted only if access onto 120th Avenue NE is not possible. 3. Access from drive through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 4. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.	
.080	Variety or Department Store		5 acres	20′	10′ on each side	10′	80%	If adjoining a low density zone lying north of NE 90th Street, then see Spec. Reg. 4. Otherwise, 50′ above average building elevation.	A	E	1 per each 300 sq. ft. of gross floor area.	1. This use must contain at least 75,000 square feet of floor area. 2. This use may involve both retail and wholesale sales, provided that retail sales constitute the predominant activity. 3. Primary vehicular access must be onto 120th Avenue NE. Access directly onto NE 85th Street is permitted only if access onto 120th Avenue NE is not possible. 4. If adjoining a low density zone lying north of NE 90th Street, then 25 feet above average building elevation. If adjoining an RSX density lying north of NE 90th Street, then 30 feet above average building elevation. 5. Access from drive through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 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.	

6-1-23

Section 35.20 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	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							
.090	Office Use	None	Must be part of a development with a site area of at least 35,000 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	80%	If adjoining the low density zone lying north of NE 90th Street, then see Spec. Reg. 3. Otherwise, 50′ above average building elevation.	C	D	If Medical, Dental or Veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.	1. Vehicular access onto N.E. 85th Street is permitted only if access onto side streets is not possible. 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 development permit application. 3. If adjoining a low density zone lying north of NE 90th Street, then 25 feet above average building elevation. If adjoining an RSX density lying north of NE 90th Street, then 30 feet above average building elevation. 4. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.100	Detached Dwelling Units		7,200 sq. ft. per unit					If adjoining a low density zone other than RSX, lying north of NE 90th Street, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	A	2.0 per unit.	1. For this use only one dwelling unit may be on each lot, regardless of size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section 35.20 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 Detached, Attached or Stacked Dwelling Units	None	35,000 sq. ft. with a minimum of 3,600 sq. ft. per unit.	20′	5′, but 2 side yards must equal at least 15′.	10′	80%	If adjoining a low density zone lying north of NE 90th Street, then see Spec. Reg. 5. Otherwise, 50′ above average building elevation.	D	A	1.7 per unit.	1. Access points onto N.E. 85th should be limited with primary access onto side streets where feasible. 2. Sanitary sewer systems sufficient to handle full development of the area must be worked out prior to occupancy. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 4. If the subject property contains four or more units, then it must contain at least 200 sq. ft. per unit of common recreational space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 sq. ft. and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 sq. ft. per unit if permanent outdoor furniture, pool, cooking facilities, playing equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 5. If adjoining a low density zone lying north of NE 90th Street, then 25 feet above average building elevation. If adjoining an RSX density lying north of NE 90th Street, then 30 feet above average building elevation.

O-3276

O-83-2719

Section 35.20	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						
.120	Development Containing Stacked Dwelling Units and Office Use. See Spec. Reg. 3.	None	35,000 sq. ft. with a minimum of 3,600 sq. ft. per dwelling unit.	20'	5', but 2 side yards must equal at least 15'.	10'	80%	If adjoining a low density zone lying north of NE 90th Street, then see Spec. Reg. 7. Otherwise, 50' above average building elevation.	C	D	See KZC 105.25.	1. Access points onto N.E. 85th should be limited with primary access onto side streets where feasible. 2. Sanitary sewer systems sufficient to handle full development of the area must be worked out prior to occupancy. 3. A veterinary office is not permitted in any development containing dwelling units. 4. Dwelling units may not be located on the ground floor of a structure. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 6. If the subject property contains four or more units, then it must contain at least 200 sq. ft. per unit of common recreational space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 sq. ft. and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playing equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 7. If adjoining a low density zone lying north of NE 90th Street, then 15 feet above average building elevation. If adjoining an RSX density lying north of NE 90th Street, then 30 feet above average building elevation. 8. Ancillary assembly and manufacture of goods on the premise of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 35.20 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						
.130	School or Day-care Center	None	Must be part of a development with a site area of at least 35,000 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise: 20′ 5′ but 2 side yards must equal at least 15′. 10′			80%	If adjoining a low density zone other than RSX, lying north of NE 90th Street, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. Vehicular access directly onto NE 85th Street is permitted only if access onto side streets is not possible. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 35.20 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						
.140	Mini-school or mini-day-care (7-12 attendees) or Day-Care home (6 or less attendees)	None	Must be part of a development with a site area of at least 35,000 sq. ft.	20′	5′ but 2 side yards must equal at least 15′.	10′	80%	If adjoining a low density zone other than RSX, lying north of NE 90th Street, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. Vehicular access directly onto NE 85th Street is permitted only if access onto side streets is not possible. 2. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.150	Public Utility		None		10′ on each side				A			1. 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.160	Government Facility Community Facility								C See Spec. Reg. 2.			

Section 35.20 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						
.170 Public Park	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.			--		--	B	See KZC 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 KZC. 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.

35.25 User Guide. The charts in KZC 35.30 contain the basic zoning regulations that apply in each FC III zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 35.27

Zone FCIII

Section 35.27 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.

3. The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Any Retail Establishment, providing goods and services to the freeway traveler; School or Day-Care Center; Mini-school or Mini-day-care or Day-Care Home, and Public Park uses).

4. City entry way design must be provided on the subject property adjacent to Lake Washington Blvd. as follows:
   a. An earthen berm, 12 feet wide and with a uniform height of three feet at the center.
   b. Lawn covering the berm.
   c. London Plane at least two inches' in diameter, planted 30 feet on center along the berm.

5. Must improve nearby rights-of way and intersections to accommodate traffic generated from the subject property (does not apply to Public Park uses).

6. Access points onto Lake Washington Blvd. and Northup Way must be minimized to prevent arterial congestion and traffic safety hazards. Shared access points must be utilized where feasible (does not apply to Public Park uses).

Section 35.30 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						
.010	Vehicle Service Station	Process I, Chapter 145 KZC.	22,500 sq. ft.	40′	15′ on each side. See also Special Regulation 2b.	15′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	A	E	See KZC 105.25.	1. May include as accessory uses, a dry cleaners and a drug store. The gross floor area of these accessory retail uses may not exceed 20 percent of the gross floor area of the development. 2. The following regulations apply to vehicle service stations only: a. May not be more than two vehicle service stations at any intersection, b. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.020	Restaurant or Tavern	None	None	20′	10′ on each side	10′			B		1 per each 100 sq. ft. of gross floor area.	
.030	Hotel or Motel										1 per each room. See also Special Regulation 2b.	1. May include as accessory uses, a dry cleaners and a drug store. The gross floor area of these accessory retail uses may not exceed 20 percent of the gross floor area of the development. 2. The following regulation applies only to hotels and motels: a. May include meeting and convention facilities. b. 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. 3. The following regulation applies to retail establishments providing banking and related financial services: a. Gross floor area of this use may not exceed 4,000 square feet. b. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.040	A Retail Establishment Providing Banking and Related Financial Services										1 per each 300 sq. ft. of gross floor area.	

Section 35.30 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						
.050	Fast Food Restaurant	None	None	20′	10′ on each side	10′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	A	E	1 per each 80 sq. ft. of gross floor area.	1. May include as accessory uses, a dry cleaners and a drug store. The gross floor area of these accessory retail uses may not exceed 20 percent of the gross floor area of the development. 2. The following regulation applies to retail establishments selling groceries and related items: A gross floor area for the use may not exceed 3,000 square feet. 3. Fast Food Restaurant use must provide one outdoor waste receptacle for every eight parking stalls. 4. Access for drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 5. 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.
.060	A retail establishment selling groceries and related items								B		1 per each 300 sq. ft. of gross floor area.	
.070	Any retail establishment other than those listed in this zone providing goods and services to the freeway traveler. See Special Regulation 1.		Must be part of a development with a site area of at least 35,000 sq. ft.	Will be determined on a case-by-case basis based on the nature and impacts of the proposed use. The City will use the requirements of other uses in this zone as a guide.							See KZC 105.25.	1. A particular use or development may be approved under this listing if: a. The use or development is principally geared towards serving the freeway traveler; and b. It is reasonable to anticipate that the use or development will be patronized by sufficient freeway travelers to support it. 2. Access from drive through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 3. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

Section 35.30 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	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							
.080	Office Use	None	None	20′	5′, but 2 side yards must equal at least 15′.	10′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	If Medical, Dental or Veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise 1 per each 300 sq. ft. of gross floor area.	1. May include as accessory uses, a dry cleaners and a drug store. The gross floor area of these accessory retail uses may not exceed 20 percent of the gross floor area of the development. 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 development permit application. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.	
.090	School or Day-care Center			If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise: 20′ 5′, but 2 side yards must equal at least 15′. 10′					D	B	See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. 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. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	

Section 35.30 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
			MINIMUMS				MAXIMUMS					
		Required Review Process	Lot Size	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						
.100	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	None	20′	5′ but 2 side yards must equal at least 15′.	10′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	B	See KZC 105.25.	1. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.110	Public Utility				10′ on each side				A			
.120	Government Facility Community Facility								C See Spec. 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 the nearby uses.

Section 35.30 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						
.130	Public Park	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.					--	B	See KZC 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 KZC. 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.

CHAPTER 40 – NEIGHBORHOOD BUSINESS (BN) ZONES

40.05 User Guide. The charts in KZC 40.10 contain the basic zoning regulations that apply in each of the BN zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 40.08

Zone BN

Section 40.08 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.

3. The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).

CITY OF KIRKLAND
DEVELOPMENT SERVICES
123 5th Ave
Kirkland, WA 98033

Section 40.10 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							
.010	Retail Establishment Selling Groceries and Related Items	None	None	20′	10′ on each side	10′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	B	D	1 per each 300 sq. ft. of gross floor area.	1. Gross floor area for this use may not exceed 10,000 square feet. 2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of this use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.	
.020	Retail Establishment Selling Drugs, Books, Flowers, Liquor, Hardware Supplies, Garden Supplies or Works of Art												
.030	Retail Variety or Department Store												
.040	Retail Establishment Providing Banking and Related Financial Services											1. Gross floor area for this use may not exceed 10,000 square feet. 2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 3. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are 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.	
.050	Retail Establishment Providing Laundry, Dry Cleaning, Barber, Beauty or Shoe Repair Services												
.060	Restaurant or Tavern										1 per each 100 sq. ft. of gross floor area.		
.070	Private Lodge or Club									B	1 per each 300 sq. ft. of gross floor area.		

ORD 4139

Section 40.10 Zone BN USE ZONE CHART

Section 40.10 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	Vehicle Service Station	Process IIA, Chapter 150.	22,500 sq. ft.	40′	15′ on each side. See Spec. Reg. 3.	15′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	A	D	See KZC 105.25.	1. Hours of operation may be limited to reduce impact on residential areas. 2. May not be more than two vehicle service stations at any intersection. 3. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.090	Office Use	None	None	20′	5′, but 2 side yards must equal at least 15′.	20′			C		If a Medical, Dental or Veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.100	Stacked Dwelling Unit. See Special Regulation 1.			Same as those Regulations for the ground floor use. See Special Regulation 1.						A	1.7 per unit.	1. This use may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section 40.10 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	Church	None	None	20′	10′ on each side	10′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.
.120	School or Day-care Center			If this use can accommodate 50 or more students or children, then: 50′ / 50′ on each side / 50′ If this use can accommodate 13 to 49 students or children, then: 20′ / 20′ on each side / 20′ Otherwise: 20′ / 5′ but 2 side yards must equal at least 15′. / 10′					D		See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 40.10 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						
.130	Mini-school or mini-day-care (7-12 attendees) or Day-care home (6 or less attendees)	None	None	20′	5′, but 2 side yards must equal at least 15′.	10′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day care centers only. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.140	Assisted Living Facility See Spec. Reg. 4.	None	None	Same as those regulations for the ground floor use. See Spec. Reg. 4.						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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the 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. This use may not be located on the ground floor of a structure. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

Section 40.10 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						
.150	Convalescent Center or Nursing Home	None	None	20′	10′ on each side	10′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.160	Public Utility	Process IIA, Chapter 150 KZC			20′ on each side	20′			A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.170	Government Facility Community Facility				10′ on each side	10′			C See Spec. Reg. 1			
.180	Public Park	See Special Regulations 1 and 2.		Will be determined on case-by-case basis.					--			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 KZC. 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.

O-4319

CHAPTER 45 – COMMUNITY BUSINESS (BC) ZONES

45.05 User Guide. The charts in KZC 45.10 contain the basic zoning regulations that apply in each of the BC zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 45.08

Zone BC

Section 45.08 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.

3. The required front yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses).

4. Except if adjoining a low density zone, structure height may be increased above 30 feet in height through a Process IIA, Chapter 150 KZC, if:
   a. It will not block local or territorial views designated in the Comprehensive Plan; and
   b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.

   (Does not apply to Public Park uses).

Section 45.10 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						
.010	Vehicle Service Station	Process I, Chapter 145 KZC.	22,500 sq. ft.	40′ See Special Regulation 2.	15′ on each side	15′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.020	A retail establishment providing new vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 2.	None	None	20′	0′	0′						1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in Chapter 105 KZC. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use.
.030	Restaurant or Tavern								B		1 per each 100 sq. ft. of gross floor area.	
.040	Fast Food Restaurant								A		1 per each 80 sq. ft. of gross floor area.	1. Must provide one outdoor waste receptacle for every 8 parking stalls. 2. Access for drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic while waiting in line to be served.
.050	A retail establishment providing storage services. See also Spec. Reg. 1.										See KZC 105.25.	1. May include accessory living facilities for resident security manager.

Section 45.10 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						
.060	Any retail establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services	None	None	20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	B	E	1 per each 300 sq ft. of gross floor area.	1. 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. 2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 3. A delicatessen, bakery, or other similar use may include, as part of 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.
.070	Office Use								C	D	If a Medical, Dental or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 45.10 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	Hotel or Motel	None	None	20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.090	A retail establishment providing entertainment, recreational or cultural activities										1 per every 4 fixed seats.	
.100	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	
.110	Stacked Dwelling Unit. See Special Regulation 1.			Same as these regulations for the ground floor use. See Spec. Reg. 1.						A	1.7 per unit.	1. This use may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.120	Church			20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	B	1 for every four people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.

Section 45.10 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						
.130	School or Day-care Center	None	None	30′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.140	Mini-school or mini-day-care (7-12 attendees) or Day-care home (6 or less attendees)											1. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day care centers only. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 45.10 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						
.150	Assisted Living Facility	None	None	Same as those regulations for the ground floor use. See Spec. Reg. 4.						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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the 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. This use may not be located on the ground floor of a structure. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.160	Convalescent Center or Nursing Home			30′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.170	Public Utility			20′					A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.180	Government Facility Community Facility								C See Spec. Reg. 1			

Section 45.10 Zone BC USE ZONE CHART

Section 45.10 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	Public Park	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.			--		--	B	See KZC 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 KZC. 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.

CHAPTER 47 – COMMUNITY BUSINESS ANNEXATION (BCX) ZONES

47.05 User Guide. The charts in KZC 47.10 contain the basic zoning regulations that apply in each of the BCX zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 47.08

Zone BCX

Section 47.08 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.

3. If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, the following regulations apply:
   a. Must provide a required yard of 15 feet or 15 percent of average parcel depth, 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.
   b. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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.
   c. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous 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.

4. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses).

5. Except if adjoining a low density zone, structure height may be increased above 30 feet in height through a Process IIA, Chapter 150 KZC if:
   a. It will not block local or territorial views designated in the Comprehensive Plan; and
   b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.

   (Does not apply to Public Park and Automotive Service Center uses).

Section 47.10 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						
.010	Vehicle Service Station	Process I, Chapter 145 KZC.	22,500 sq. ft.	40′	15′ on each side	15′ See Special Regulation 2.	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.020	Automotive Service Center See Spec. Reg. 1.	None	None	20′	0′	0′					1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 3.	1. This use specifically excludes new or used vehicle or boat sales or rentals. 2. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining to any residentially zoned property. Windows are permitted if they are triple-paned and unable to be opened. 3. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. 4. Storage of used parts and tires must be conducted entirely within an enclosed structure. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations. 5. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
.030	Restaurant or Tavern								B		1 per each 100 sq. ft. of gross floor area.	
.040	Fast Food Restaurant								A		1 per each 80 sq. ft. of gross floor area.	1. Must provide one outdoor waste receptacle for every 8 parking stalls. 2. Access for drive through facilities must be approved by the Public Works Department. Drive through facilities must be designed so that vehicles will not block traffic while waiting in line to be served.
.050	A retail establishment providing storage services. See also Spec. Reg. 1.										See KZC 105.25.	1. May include accessory living facilities for resident security manager.

Section 47.10 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						
.060	Any retail establishment, other than those specifically listed in this zone, selling goods or providing services including banking and related financial services. See Spec. Reg. 1.	None	None	20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	B	E	1 per each 300 sq ft. of gross floor area.	1. This use specifically excludes vehicle or boat sales or vehicle or boat service or repair. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 3. Access from drive through facilities must be approved by the Public Works Department. Drive through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 4. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.
.070	Office Use								C	D	If a Medical, Dental or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 47.10	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	Hotel or Motel	None	None	20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	B	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.090	A retail establishment providing entertainment, recreational or cultural activities										1 per every 4 fixed seats.	
.100	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	
.110	Stacked Dwelling Unit. See Special Regulation 1.			Same as these regulations for the ground floor use. See Spec. Reg. 1.						A	1.7 per unit.	1. This use may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.120	Church			20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	B	1 for every four people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.

Section 47.10 / 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						
.130	School or Day-care Center	None	None	20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.140	Mini-school or mini-day-care (7-12 attendees) or Day-care home (6 or less attendees)											1. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day care centers only. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 47.10 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						
.150	Assisted Living Facility See Spec. Reg. 4.	None	None	Same as those regulations for the ground floor use. See Spec. Reg. 4.						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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the 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. This use may not be located on the ground floor of a structure. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.160	Convalescent Center or Nursing Home			20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C		1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.170	Public Utility								A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.180	Government Facility Community Facility								C See Spec. Reg. 1.			

Section 47.10 Zone BCX USE ZONE CHART

Section 47.10	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	Public Parks	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.					--	B	See KZC 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 KZC. 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.

CHAPTER 50 - CENTRAL BUSINESS DISTRICT (CBD) ZONES

50.05 User Guide. The charts in KZC 50.12 contain the basic zoning regulations that apply in the CBD 1 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 50.10

Zone CBD-1

Section 50.10 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. 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 KZC 50.65 and all provisions contained in the Downtown Plan. The City will determine compliance with these requirements through Design Review (D.R.).

Section 50.12 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						
.010	Restaurant or Tavern	D.R., Chapter 142 KZC	None	0	0	0	100%	2 to 4 stories above each abutting right-of-way.	D	E	One per each 125 sq. ft. of gross floor area. See KZC 50.60.	
.020	Any Retail Establishment, other than those specifically listed, limited or prohibited in this Zone, selling goods or providing services, including banking and related financial services										One per each 350 sq. ft. of gross floor area. See KZC 50.60.	1. The following uses are not permitted in this zone: a. Vehicle service stations. b. Vehicle and/or boat sale, repair, service or rental. c. Drive-in facilities and drive-through facilities. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled 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. 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.
.030	Hotel or Motel										One for each room. See Special Regulation 3 and KZC 50.60.	
.040	Entertainment, Cultural and/or Recreational Facility										See KZC 50.60 and 105.25.	
.050	Fast Food Restaurant										One per each 100 sq. ft. of gross floor area. See KZC 50.60.	1. Drive-in facilities and drive-through facilities are not permitted in this zone.

0-93-2-13-0

Section 50.12 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						
.060	Private Club or Lodge	D.R., Chapter 142 KZC.	None	0	0	0	100%	2-4 stories above each abutting right-of-way.	D	B	See KZC 50.60 and 105.25.	1. 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. 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. 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 D.R. and building permit applications. d. 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 KZC 50.60.	
.080	Stacked or Attached Dwelling Units									A	1.7 per unit. See KZC 50.60.	
.090	School, Day-care Center or Mini School or Day-care Center									B	See KZC 50.60 and 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 setback 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 Title 388).

Section 50.12 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						
.100	Assisted Living Facility See Special Regulation 3.	D.R., Chapter 142 KZC.	None	0	0	0	100%	2 to 4 stories above each abutting right-of-way.	D	A	1.7 per independent unit. 1 per assisted living unit. See KZC 50.60.	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. One 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								D See Special Reg. 1.	B	See KZC 50.60 and 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.
.120	Public Park			Will be determined on a case-by-case basis.					--			

50.14 User Guide. The charts in KZC 50.17 contain the basic zoning regulations that apply in the CBD 2 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 50.15

Zone CBD-2

Section 50.15 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. See KZC 50.20 for regulations regarding bulkheads and land surface modification.
3. Along Lake Street South, north of Kirkland Avenue, buildings exceeding one story above Lake Street South shall demonstrate compliance with the Design Regulations of KZC 50.65 and all provisions of the Downtown Plan. Through Design Review (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).
4. In no case shall the height exceptions identified in KZC 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).
5. 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 demonstrate compliance with the design regulations of KZC 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).
6. 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).
7. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.
8. Development in this zone may also be regulated under the City's Shoreline Master Program; consult that document.

ORD 3712

Section 50.17 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						
.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	D.R., Chapter 142 KZC.	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.	D See Spec. Reg. 5.	E	One per each 350 sq. ft. of gross floor area. See KZC 50.60.	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 four 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. 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. 5. Landscape Category B is required if the subject property is adjacent to WDI zone.
.020	Entertainment, Cultural and/or Recreational Facility										See KZC 50.60 and 105.25.	
.030	Hotel or Motel										One for each room. See Special Regulation 4 and KZC 50.60.	
.040	Restaurant or Tavern										One per each 125 sq. ft. of gross floor area. See KZC 50.60.	

0-3216

Section 50.17 Zone CBD-2 USE ZONE CHART

Section 50.17	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						
.050	School, Day-Care Center, or Mini School or Day-Care Facility	D.R., Chapter 142 KZC.	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.	D	B	See KZC 50.60 and 105.25.	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 four 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 six-foot high fence is required along all property lines adjacent to outside play areas. 3. Structured play areas must be setback 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 Title 388).

Section 50.17	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						
.060	Assisted Living Facility See Special Regulation 4.	D.R., Chapter 142 KZC.	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.	D	A	1.7 per independent unit. 1 per assisted living unit. See KZC 50.60.	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. One 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 four 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.

0-3219

Section 50.17 Zone CBD-2 USE ZONE CHART

Section 50.17	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						
.070	Private Club or Lodge	D.R., Chapter 142 KZC.	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.	D See Spec. Reg. 5.	B	See KZC 50.60 and 105.25.	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 four 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 KZC 50.60.	

Section 50.17	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						
.090	Stacked or Attached Dwelling Units	D.R., Chapter 142 KZC.	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.	D	A	1.7 per unit. See KZC 50.60.	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 four 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	D.R., Chapter 142 KZC.		Landward of the high waterline 0 0 0 Waterward of the high waterline 0 10′ 0 See 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 four 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 50.17 Zone CBD-2 USE ZONE CHART

Section 50.17	USE ⇩ / ⇨ REGULATIONS	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
.110	Moorage Facility for One or Two Boats	D.R., Chapter 142 KZC.	None	Landward of the high waterline 0 / Waterward of the high waterline 0	0 / 10′	0 / 0	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 Spec. Reg. 9.	See KZC 50.60 and 105.25.	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 feet 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 eight 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 four inches high. 10. Covered moorage is not permitted. 11. 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. No structure other than moorage structures may be within the high waterline yard.

0-3219

Section 50.17	USE ⇩ REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
.120	General Moorage Facility	Process IIA, Chapter 150 KZC, and D.R., Chapter 142 KZC.	None, but must have at least 100 ft. of frontage on Lake Washington.	0 See Spec. Reg 10.	0	0	100%	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 Spec. Reg. 5.	B See Spec. Reg. 14.	See KZC 50.60 and 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 III, Chapter 155 KZC: 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. 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. 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. REGULATIONS CONTINUED ON NEXT PAGE

0-2763

Section 50.17 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						
.120	General Moorage Facility (continued)											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. 7. Must provide public restrooms unless moorage is available only for the residents of dwelling units on the subject property. 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. 9. May not treat moored structures with creosote, oil-based, or toxic substances. 10. No moorage structure may be within: a. 100 feet of a public park; b. 50 feet of any abutting lot that contains a detached dwelling unit; and c. 25 feet of another moorage structure not on the subject property. 11. Must provide at least two covered and secured waste receptacles. 12. All utility lines must be below the pier decks and, where feasible, underground. 13. Piers must be adequately lit; the source of the light must not be visible from off the subject property. 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 four inches high. 15. Covered moorage is not permitted. Aircraft moorage is not permitted. 16. 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. No structure other than moorage structures may be within the high waterline yard. 17. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. 18. No structures, other than moorage structures, may be waterward of the high waterline.

Section 50.17	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						
.130	Public Utility	D.R., Chapter 142 KZC.	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.	D See Spec. Reg. 1.	B	See KZC 50.60 and 105.25.	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 water-line. For regulations regarding moorages, see the moorage listings in this zone.
.140	Government Facility											
.150	Community Facility											
.160	Public Park			Will be determined on a case-by-case basis.					--			1. The design and facilities of the park should emphasize its waterfront location.

0-63-09

50.20 Bulkhead and Land Surface Modification

1. Bulkheads

a. General – Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.

b. Allowable Reasons – A bulkhead may be constructed only if:

1) It is needed to prevent significant erosion due to wave action; and

2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.

c. Prohibited Location – A bulkhead may not be erected within a wetland or between a wetland and the lake.

d. Design of Bulkhead – The bulkhead must be designed to minimize the transmittal of wave energy to other properties.

e. Placement of the Bulkhead – The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.

f. Change in Configuration of the Land – Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.

g. Backfill – The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

2. Land Surface Modification Waterward of the High Waterline

a. General – Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.

b. Required Permit – The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.

c. Allowable Reasons – The City may approve an application for a land surface modification waterward of the high waterline only if:

1) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and

2) Either:

a) The application is filed by a public agency to improve navigability or public safety; or

b) The application is to create a public use or recreation area; or

c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property.

d. Requirements for Dredging – If the land surface modification involves dredging, the following regulations apply:

1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.

2) The applicant shall restore any beneficial vegetation disturbed during dredging.

e. Requirements for Fill – If the land surface modification involves fill, the applicant must comply with the provisions of subsections (3)(d) and (3)(e) of this section.

3. Land Surface Modification within the High Waterline Yard

a. General – Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult with that agency for further information.

b. Allowable Reasons – The City may approve an application for a land surface modification within the high waterline yard only if:

1) No unique or significant natural area of flora or fauna will be destroyed; and

2) Either:

a) The application is filed by a public agency to improve public safety, recreation, or access; or

b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or

c) The land surface modification is necessary to provide public access; or

d) The land surface modification is necessary to the structural safety of a structure; or

e) There has been severe and unusual erosion within one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or

f) This application is part of an application for a bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.

c. Public Use Area Required – If the land surface modification within the high waterline yard is proposed as part of a development other than a small moorage facility, the City shall require that part of the high waterline be developed as a public use area. The size and design of the public use area must be specifically approved by the City based on the size of the subject property, the use on the subject property, and the ability to use design features to separate the public use area from the private elements of the development.

d. Material Used for Landfill – The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.

e. Use of Vegetation – The applicant shall stabilize exposed areas left after land surface modification with vegetation.

f. Disposition of Excavated Materials – Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.

4. Land Surface Modification Landward of the High Waterline Yard – Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115 KZC for those regulations.

5. Emergency Measures – An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.

50.24 User Guide. The charts in KZC 50.27 contain the basic zoning regulations that apply in the CBD 3 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 50.25



Section 50.25 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. 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. 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).

0-3 12 19

Section 50.27 USE ⇩ REGULATIONS ⇨			DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
				MINIMUMS			MAXIMUMS						
			Required Review Process	Lot Size	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	Entertainment, Cultural, and/or Recreational Facility		D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 4.	0	0	80%	3 stories above average building elevation.	D See Special Reg. 3.	E	See KZC 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.

0-3719

Section 50.27 Zone CBD-3 USE ZONE CHART

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

Section 50.27 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.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	D.R., Chapter 142 KZC.	None	20′ See Spec. Reg. 5.	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.	1. The following uses are not permitted in this zone: a. Vehicle service stations. b. Vehicle or boat sales, repair, service, or rental. c. Fast food restaurants. d. 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. Landscape Category B is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 5. 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.
.050	Private Lodge or Club See Special Reg. 3.			20′ See Spec. Reg. 4.					D See Special Reg. 2.	B	See KZC 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 the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 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. 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 percent of the length of the facade of the structure.

Section 50.27	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
.060	Office Use See Special Reg. 5.	D.R., Chapter 142 KZC.	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 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 percent 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 percent 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 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

Section 50.27 Zone CBD-3 USE ZONE CHART

Section 50.27 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						
.090	Church	D.R., Chapter 142 KZC.	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 percent 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 KZC 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 setback 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 Title 388). 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 percent of the length of the facade of the structure.

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

Section 50.27 / USE / REGULATIONS	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.110 Assisted Living Facility See Special Regulation 3.	D.R., Chapter 142 KZC.	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. One 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 percent 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 percent of the length of the facade of the structure.
.130 Government Facility or Community Facility								D See Special Regs. 1 and 2.			
.140 Public Park			Will be determined on a case-by-case basis.					--	B	See KZC 105.25.	

0-3629

50.29 User Guide. The charts in KZC 50.32 contain the basic zoning regulations that apply in the CBD 4 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 50.30

Zone CBD-4

Section 50.30 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. Structures east of Second Street South shall be setback 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 percent of the length of the facade of the structure (does not apply to Public Park uses).
4. 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.
5. 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).
6. Development shall not isolate any existing detached dwelling unit in this zone (does not apply to Detached Dwelling Unit and Public Park uses).

ORD 3129

Section 50.32 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)	6-93 Ord. 3219
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.010	Restaurant or Tavern	D.R., Chapter 142 KZC.	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. 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.	
.030	Hotel or Motel												
.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.										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. 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 KZC 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.	

Section 50.32 — Zone CBD-4 — USE ZONE CHART

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

Section 50.32	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.060	Office Use	D.R., Chapter 142 KZC.	None	10'	0	0	100%	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 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.
.070	Church								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.
.080	Stacked or Attached Dwelling Units								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.

Section 50.32 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							
.090	School, Day Care or Mini-School or Day Care Center	D.R., Chapter 142 KZC.	None	10′	0	0	100%	4 stories above average building elevation of existing grade.	D	B	See KZC 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 setback 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 Title 388).	
.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. One 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	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.	
.120	Public Utility, Government Facility, or Community Facility	D.R., Chapter 142 KZC.	None	10′	0	0	100%	4 stories above average building elevation of existing grade.	D See Spec. Reg. 1	B	See KZC 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 depedning on the type of use on the subject property and impacts associated with the use on nearby uses.	
.130	Public Park			Will be determined on a case-by-case basis.					--				

6-12-89

50.34 User Guide. The charts in KZC 50.37 contain the basic zoning regulations that apply in the CBD 5 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 50.35

Zone CBD-5

Section 50.35 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. 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:
   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. Buildings exceeding two stories above average building elevation shall demonstrate compliance with the design regulations of KZC 50.65 and the provisions of the Downtown Plan Chapter of the Comprehensive Plan. The City will use Design Review (D.R.) to determine compliance.
4. The minimum required yard abutting Peter Kirk Park is 10 feet. The required front yard is 0 feet 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.
5. No portion of a structure within 100 feet of Peter Kirk Park shall exceed three stories above average building elevation.
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 percent of the length of the facade of the structure (does not apply to Public Park uses).
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).

0-3719

Section 50.37 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)	69 2 63 - 0
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.010	Restaurant or Tavern	D.R., Chapter 142 KZC.	None	20'	0	0	80%	3 to 5 stories above average building elevation.	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. Landscape Category B is required if subject property is adjacent to 6th Street or Kirkland Avenue.	

Section 50.37 — Zone CBD-5 — USE ZONE CHART

Section 50.37 USE ⇩ / REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.060	Private Lodge or Club	D.R., Chapter 142 KZC.	None	20′	0	0	80%	3 to 5 stories above average building elevation.	D See Spec. Reg. 1.	B	See KZC 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 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.

Section 50.37 — 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							
.090	School, Day-care Center, or Mini-School or Day-care Center	D.R., Chapter 142 KZC.	None	20′	0	0	80%	3 to 5 stories above average building elevation.	D	B	See KZC 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 setback 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 Title 388).	
.100	Assisted Living Facility See Spec. Reg. 4.	D.R., Chapter 142 KZC.							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. One 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.R., Chapter 142 KZC.	None	20′	0	0	80%	3 to 5 stories above average building elevation.	D See Special Reg. 1.	A	1.7 per unit.	1. Landscape Category C is required if the subject property to 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 KZC 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.	
.130	Public Park		Will be determined on a case-by-case basis.					3 to 5 stories above average building elevation.	--			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.	

6126-0

50.39 User Guide. The charts in KZC 50.42 contain the basic zoning regulations that apply in the CBD 6 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 50.40

Zone CBD-6

Section 50.40 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. 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.
3. 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.

6126-0

Section 50.42 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						
.010	Restaurant or Tavern See Special Regulation 1.	D.R., Chapter 142 KZC.	None	20′ See Special Regulation 5.	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.	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. 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 nonresidential traffic associated with subject property away from areas north of Sixth Avenue. 3. Access for drive-through facilities must be approved by the Public Works Department. 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. The required front yard for this use shall be zero 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.	
.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.			20′ See Special Regulation 8.	10′	10′			D See Spec. Reg. 6.		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 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 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. 5. Access for drive-through facilities must be approved by the Public Works Department. 6. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones. 7. 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. 8. The required front yard for this use shall be zero feet from Central Way for one or two stories. No parking may encroach into the required 20-foot front yard.
.040	Hotel or Motel. See Special Regulation 1.										One for each room. See Spec. Reg. 7.	
.050	Entertainment, Cultural and/or Recreational Facility. See Special Regulation 1.										See KZC 105.25.	

Section 50.42 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)							
				Front	Side / Rear	Lot Coverage	Height of Structure				
.060	Office Use See Special Regulation 1.	D.R., Chapter 142 KZC.	None	20′ / See Special Regulation 6.	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.	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: 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. 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 percent of the length of the facade of the structure.
.070	Private Club or Lodge See Special Regulation 1.								B	See KZC 105.25.	

Section 50.42	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	Stacked, or Attached Dwelling Units See Special Regulation 1.	D.R., Chapter 142 KZC.	None	20′ See Special Regulations 2 and 5.	10′	10′	80%	4 stories above average building elevation. See also Special Regulation 3.	D See Spec. Reg. 4.	A	1.7 per unit.	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 five feet but two 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 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. 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 percent 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 percent of this area shall be open space.

Section 50.42 Zone CBD-6 USE ZONE CHART

Section 50.42 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						
.090	School, Day-care, or Mini-School or Day-care Center	D.R., Chapter 142 KZC.	None	20′ See Special Regulations 1 and 9.	10′	10′	80%	4 stories above average building elevation. See also Special Regulation 2.	D See Spec. Reg. 3.	B	See KZC 105.25.	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 setback 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 Title 388). 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 percent of the length of the facade of the structure.

0-3219

Section 50.42 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						
.100 Assisted Living Facility See Spec. Reg. 3.	D.R., Chapter 142 KZC.	None	20′ See Special Regulations 4 and 8.	10′	10′	80%	4 stories above average building elevation. See Special Regulation 6.	D See Spec. Reg. 7.	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. One 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 five feet but two 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 percent 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 percent of this area shall be open space.

O-3216

Section 50.42 — Zone CBD-6 — USE ZONE CHART

Section 50.42 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	Church	D.R., Chapter 142 KZC.	None	20′	10′	10′	80%	4 stories above average building elevation. See also Special Regulation 2.	D See Spec. Reg. 3.	B	See KZC 105.25. See Special Regulation 5.	1. 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 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. 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. 5. No parking is required for daycare or school ancillary to the church use. 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 percent of the length of the facade of the structure.
				See Special Regulations 1 and 6.								
.120	Public Utility, Government Facility, or Community Facility								D See Spec. Regs. 3 and 4.		See KZC 105.25.	
.130	Public Park			Will be determined on a case-by-case basis.					--			

0-3216

50.44 User Guide. The charts in KZC 50.47 contain the basic zoning regulations that apply in the CBD 7 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 50.45

Zone CBD-7

Section 50.45 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. 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).
3. No setback is required adjacent to Third Street (does not apply to Vehicle Service Station and Public Park uses).

ORD 3721

Section 50.47 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						
.010	Vehicle Service Station	D.R., Chapter 142 KZC.	22,500 sq. ft.	20′	15′ / 15′ See Special Regulation 2.	60%	3 stories above average building elevation.	B See Spec. Reg. 3.	E	See KZC 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 KZC 115.105, Outdoor Use, Activity, and Storage, 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 See Special Regulation 2.			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 zero 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 See Special Regulation 4.			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 zero 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 See Special Regulation 3.			D See Spec. Reg. 2.		See KZC 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. 3. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard.
.050	Hotel or Motel									One for each room. See Spec. Reg. 1.	

Section 50.47 — Zone CBD-7 — USE ZONE CHART

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

Section 50.47 — USE ⇩ / REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.060	Any Retail Establishment, other than those listed, limited, or prohibited in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	20′ See Special Regulation 5.	0	0	80%	3 stories above average building elevation.	D See Spec. Reg. 4.	E	1 per each 350 sq. ft. of gross floor area.	1. Access for drive-through facilities must be approved by the Public Works Department. 2. Ancillary assembly and manufacture of goods on premises may be 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. 3. Vehicle and boat sale, repair, service, and rental are not permitted in this zone. 4. Landscape Category B is required if the subject property is adjacent to Planned Area 7B. 5. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard.
.070	Private Lodge or Club See Special Regulation 3.			20′	0	0			D See Spec. Reg. 2.	B	See KZC 105.25.	1. No parking is required for daycare or school ancillary to the use. 2. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. 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.
.080	Church See Special Regulation 3.										One per every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	

ORD 3271

Section 50.47 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						
.090	Office Use See Special Regulation 4.	D.R., Chapter 142 KZC.	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 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 See Special Regulation 6.								D	B	See KZC 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 setback 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 Title 388). 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 50.47 Zone CBD-7 USE ZONE CHART

Section 50.47 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 KZC.	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. One 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 KZC 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 Park			Will be determined on a case-by-case basis.					--			

ORD 3716

50.49 User Guide. The charts in KZC 50.52 contain the basic zoning regulations that apply in the CBD 8 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 50.50

Zone CBD-8

Section 50.50 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. 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. 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.
4. The minimum required side and/or rear yard abutting the PR 3.6 and PLA 7A zones is five feet.
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.
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. For properties fronting on 3rd Avenue between 2nd Place and 3rd Street, the 30-foot height limit shall be measured above the projected midpoint on 4th Avenue (does not apply to Public Park uses).
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. 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 or Assisted Living Facilities uses).

Section 50.52 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						
.010	Restaurant or Tavern See Special Regulation 1.	D.R., Chapter 142 KZC.	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.	D See Spec. Reg. 3.	E	One per each 125 sq. ft. of gross floor area. See KZC 50.60.	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 KZC 50.60.	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 See Special Regulation 1.								D See Spec. Reg. 3.		See KZC 50.60 and 105.25.	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 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.
.040	Hotel and Motel See Special Regulation 1.										One per each room. See Spec. Reg. 2 and KZC 50.60.	

Section 50.52 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						
.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.	D.R., Chapter 142 KZC.	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.	D See Spec. Reg. 3.	E	1 per each 350 sq. ft. of gross floor area. See KZC 50.60.	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.
.060	Private Club or Lodge See Special Regulation 1.			10′					D See Spec. Reg. 2.	B	See KZC 50.60 and 105.25.	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 percent of the length of the facade of the structure.

Section 50.52 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							
.070	Office Use See Special Regulation 6.	D.R., Chapter 142 KZC.	None	10′ 0′ 0′ See Special Regulation 5.		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.	D See Spec. Reg. 4.	D	1 per each 350 sq. ft. of gross floor area. See KZC 50.60.	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 certificate to this effect signed by an Acoustical Engineer must be submitted with the D.R. and building permit application. 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 the 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. 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. 4. Landscape Category C is required if the subject property is adjacent to Planned Areas 7A or 7B, or PR 3.6 zones. 5. 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 percent of the length of the facade of the structure. 6. 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 See Special Regulation 1.			10′ 0′ 0′ See Special Regulation 4.				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.	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. No parking is required for daycare or school ancillary to the use. 3. Landscape Category C is required if the subject property is adjacent to Planned Areas 7A or 7B, or PR 3.6 zones. 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 percent of the length of the facade of the structure.	

Section 50.52 Zone CBD-8 **USE ZONE CHART**

Section 50.52 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						
.090	School, Day-care Center or Mini-School or Day-care Center	D.R., Chapter 142 KZC.	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.	D	B	See KZC 50.60 and 105.25.	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 setback 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 Title 388).

ORD 3129

Section 50.52 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						
.100	Assisted Living Facility See Special Regulation 3.	D.R., Chapter 142 KZC.	None	10′	0	0 See Special Regulation 6.	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.	D	A	1.7 per independent unit. 1 per assisted living unit. See KZC 50.60.	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. One 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 percent of the length of the facade of the structure.
.110	Stacked or Attached Dwelling Units			10′	0′	0′ See Special Regulation 3.					1.7 per unit. See KZC 50.60.	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. 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 percent 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 KZC 50.60 and 105.25.	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 Park			Will be determined on a case-by-case basis.					--			

50.60 Special Parking Provisions in the CBD 1, 2, and 8 Zones

1. General

The provisions of this section govern parking for uses in the CBD 1, 2, and 8 Zones. To the extent that these provisions conflict with the provisions of Chapter 105 KZC, the provisions of this section prevail. Where no conflict exists, the provisions of Chapter 105 KZC apply to parking for uses in the CBD 1, 2, and 8 Zones.

2. Number of Spaces

To the extent that subsections (3) and (4) of this section require that uses in the CBD 1, 2, and 8 Zones provide parking, the following establishes the number of spaces required:

a. Residential uses must provide 1.7 parking spaces for each dwelling unit and one parking space for each assisted living unit.

b. Restaurants and taverns must provide one parking space for each 125 square feet of gross floor area.

c. All other uses must provide one parking space for each 350 square feet of gross floor area.

3. Certain Floor Area Exempt from Parking Requirements

The following paragraphs establish several situations under which properties that are both within Local Improvement District 119 and the CBD 1, 2, and 8 Zones are exempt in whole or in part from providing parking spaces:

a. The owner need not increase the number of parking spaces for any floor area that existed prior to September 18, 1978, unless it is converted to a use requiring more parking spaces under subsection (2) of this section. If floor area is converted to a more parking intensive use, the owner has a parking obligation equal to the difference between the parking required for the former use and the parking required for the new use. Existing off-street parking provided for any use may not be reduced below the number required for that use based on subsection (2) of this section.

b. The parking obligation of the subject property is reduced as follows:

1) If new floor area was created or existing floor area converted to a more parking intensive use between September 20, 1976, and October 4, 1982, the number of stalls required for the subject property is reduced by the amount of the subject property's assessment under LID #119 divided by $2,300.

2) If new floor area is created or existing floor area is converted to a more parking intensive use after October 4, 1982, the number of stalls required for the subject property is reduced by the amount of the subject property's assessment under LID #119 divided by $6,000.

3) If the subject property was vacant as of September 18, 1978, the number of parking stalls required for the subject property is reduced by one for each 350 square feet of gross floor area created on the ground floor of the subject property.

4. Options for Meeting Parking Obligations

The applicant may meet his/her parking obligation, computed using subsection (2) of this section and after reductions under subsection (3) of this section, in either or a combination of the following ways:

a. By providing the required number of parking stalls in or on the building containing the primary use conducted on the subject property.

b. Providing, or paying the total cost of providing, with the consent of the City, the additional parking spaces in an existing municipal parking facility within the CBD, Planned Areas 6 or 7 Zones, or park/public use zones located adjacent to the CBD.

c. By satisfying both subparagraphs herein:

1) Paying $6,000 for each required parking stall or fraction of a stall into a special fund that will be used to provide and upgrade municipal off-street parking within the CBD, Planned Areas 6 or 7 Zones, or park/public use zones located adjacent to the CBD; and

2) Purchasing one annual parking permit for a municipal parking facility for each three parking spaces required for the use by this code. When this results in a fraction, the number shall be rounded up to the next whole number if the fraction is at least 0.66. The parking permit requirement shall be satisfied by obligating business occupants of the subject property to purchase such permits as part of the application for a business license or the annual renewal of at business license. A business owner may request that the number of annual permits required be reduced to no more than the number of workers at the business. The decision on a request for such reduction will be made in the same manner as provided in KZC 170.60 through 170.65. Any such reduction will be effective only for permits required for the future and only for the business for which the reduction was requested.

50.65 Design Regulations for the Central Business District

1. Introduction

   a. General – This section establishes the design regulations that apply to development in the CBD. The remainder of this subsection 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 apply to all new development within the CBD. The provisions of Chapters 142 and 162 KZC regarding D.R. and nonconformance establish which of the regulations of this section apply to developed sites within the CBD. Where provisions of this section conflict with provisions in any other section of the code, this section prevails.

   c. D.R. Procedures – The City will use Chapter 142 KZC to apply the regulations of this section to development activities that require D.R. approval.

   d. Landscaping – Various places in this section 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 unless otherwise specifically indicated:

      1) At the time of planting, deciduous trees must be three to four inches in diameter, as measured using the standard of the American Association of Nurserymen, and coniferous trees must be six to eight feet in height at the time of planting.

      2) Shrubs must be 18 inches 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 D.R. approval. Where appropriate, the City will apply the provisions of KZC 95.20(2)(c) to require additional or more mature landscaping.

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 feet 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 feet, 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 Figures 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 percent 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 five feet of the width of the sidewalk. The width may vary (not less than three feet) to accommodate street trees, street lights, etc.;

3) The lowest element of the overhead weather protection must be at least eight feet 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 D.R. decision. See also subsection (6)(e) of this section, 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.

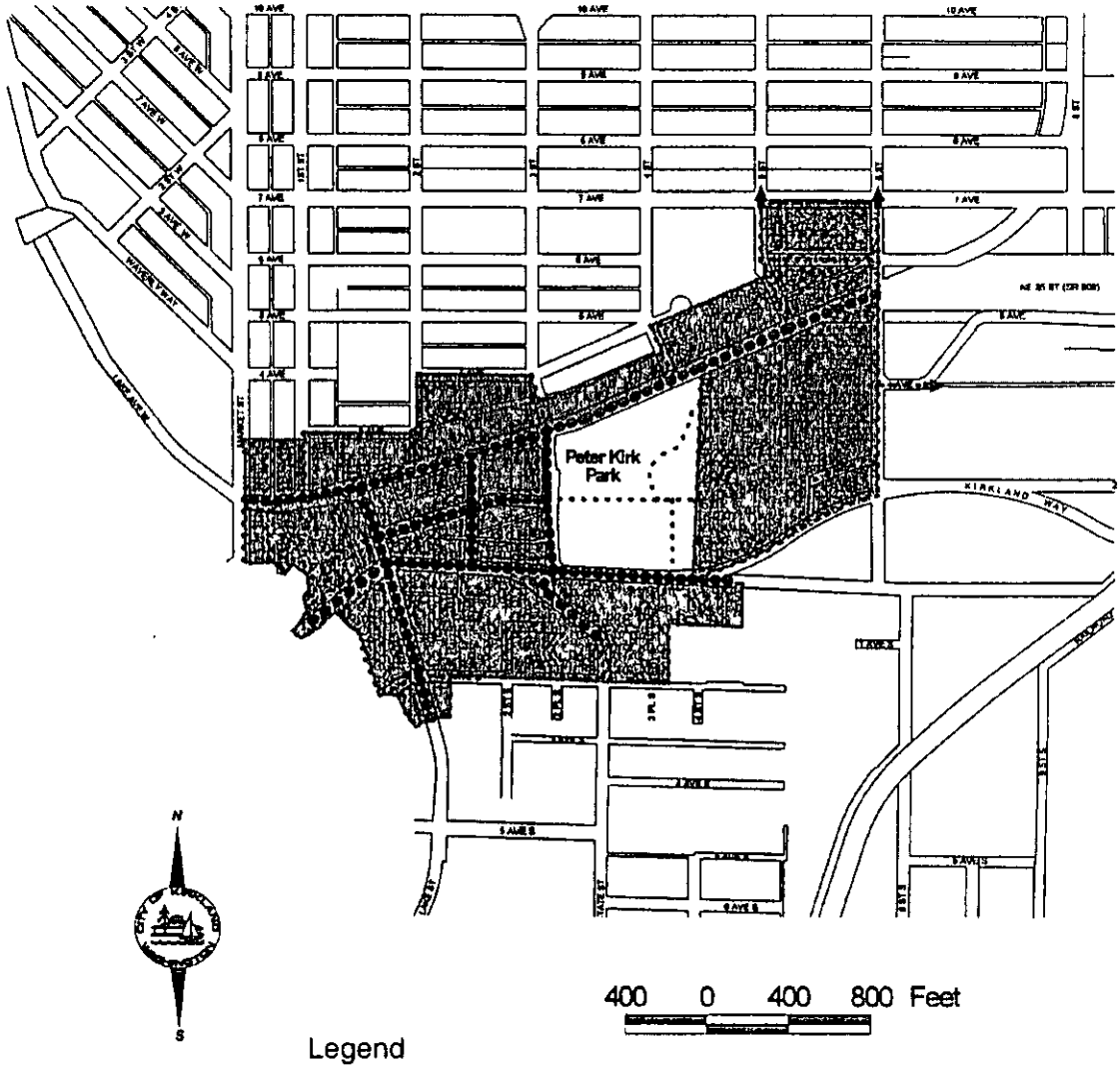
c) Contain on-site or building-mounted lighting which provides adequate illumination.

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 (2)(f) of this section.

Pedestrian Circulation



Legend

Pedestrian-Oriented Street

Major Pedestrian Pathway

Central Business District

Note: The Lakefront Boardwalk (see downtown master plan in Comprehensive Plan) may vary in width from the eight feet required for major pedestrian pathways.

FIGURE 50.65.2.A

Required Sidewalk on Pedestrian-Oriented Streets

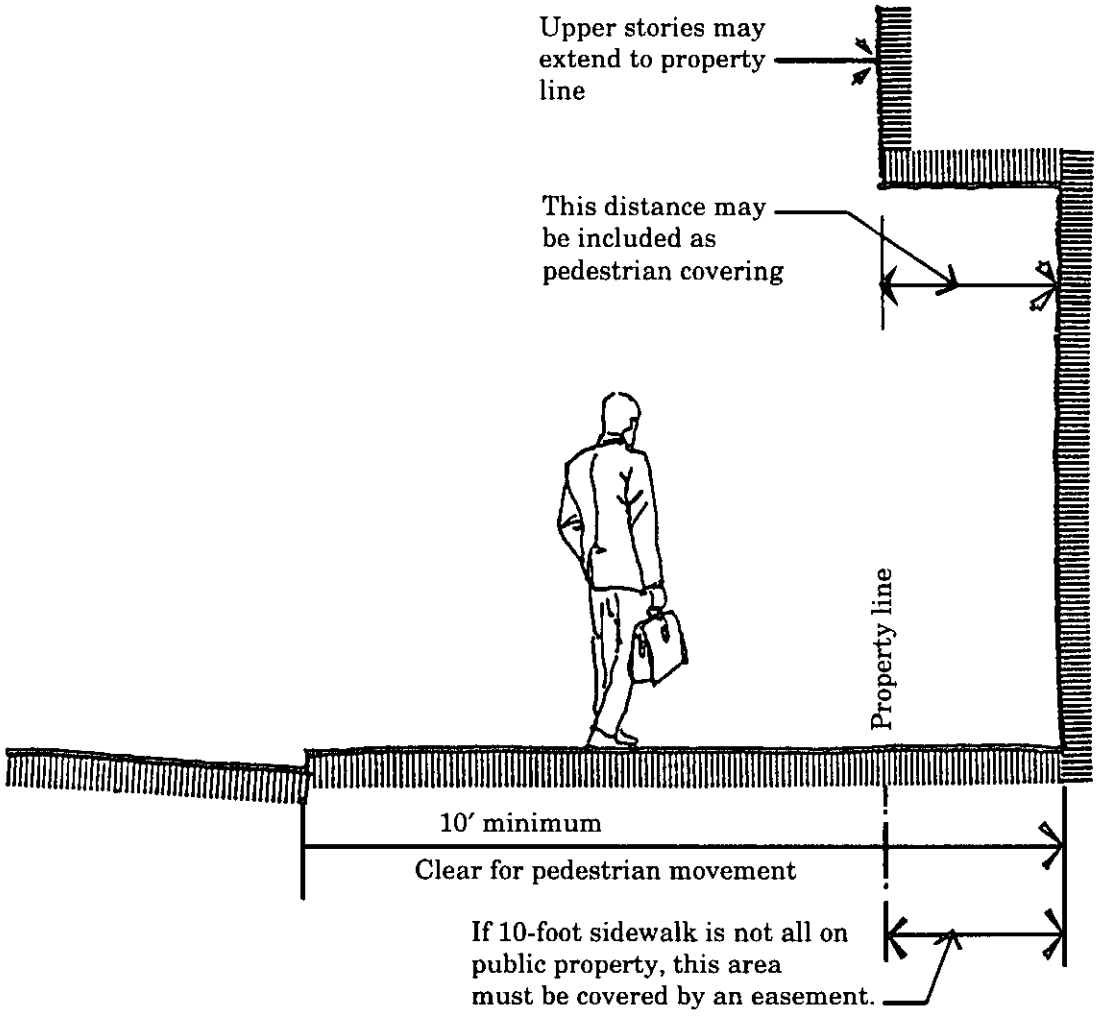


FIGURE 50.65.2.B

e. Blank Wall Treatment

1) Each wall or portion of a wall that is closer than 50 feet 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 (2)(e)(3) of this section if it meets the criteria for a blank wall under subsection (2)(e)(2) of this section.

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 feet without a window, door, building modulation at least one foot in depth or other architectural feature.

b) Any wall or portion of a wall between four feet and 13 feet above ground level with a horizontal dimension longer than 15 feet without a window, door, building modulation at least one foot in depth or other architectural feature.

Two Methods for Designating a Blank Wall

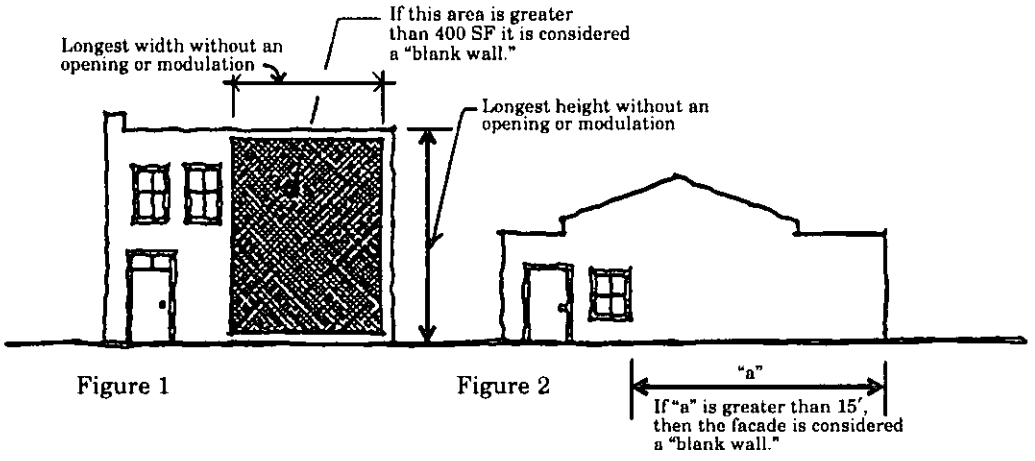


FIGURE 50.65.2.C

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 five feet wide or a raised planter bed at least two feet high and three feet wide in front of the blank wall and planted with plant materials that will obscure or screen at least 50 percent of the blank wall within two years.

c) By providing artwork, such as mosaics, murals, sculptures or bas-relief on the blank wall.

4) The provisions of this subsection (2)(e) may be modified or eliminated as part of the 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 percent of the area of the facade between two feet and seven feet above ground level. See Figure 50.65.2.D.

2) It must contain sculptural, mosaic or bas-relief artwork comprising at least 75 percent of the area of the facade between two feet and seven feet 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 (2)(e)(3)(a) or (2)(e)(3)(b) of this section, depending on the location, dimensions, and size of the area.

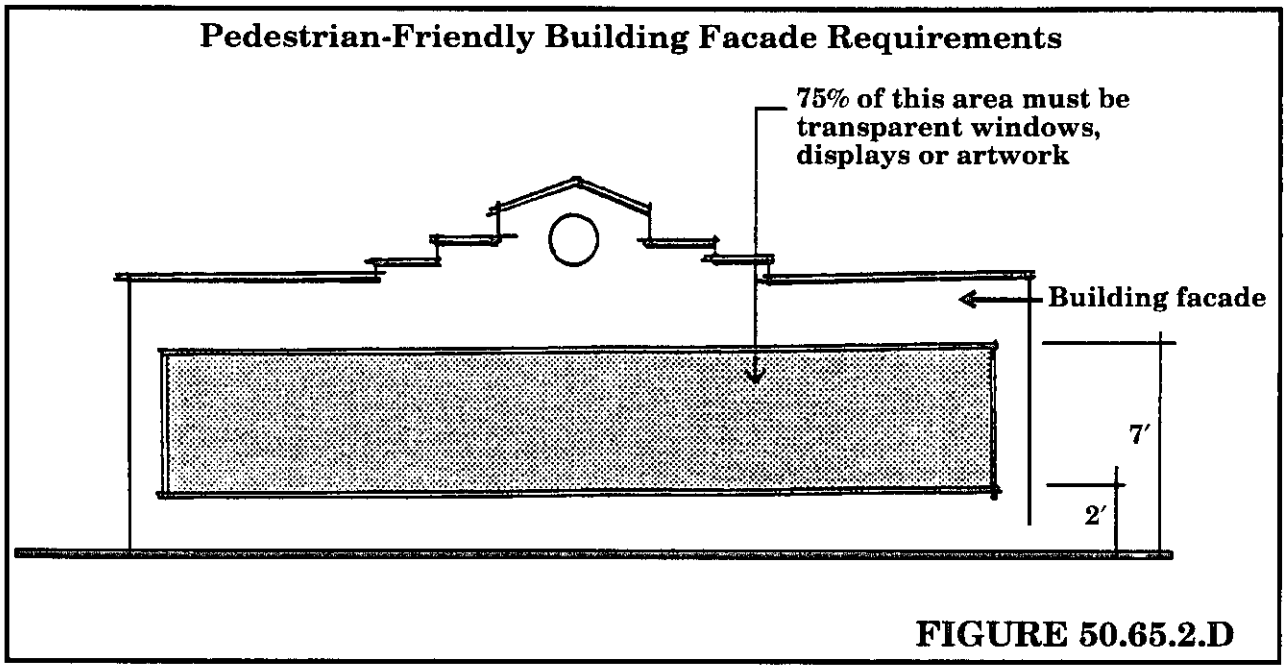


FIGURE 50.65.2.D

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 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 D.R. decision.

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 (2) and (3)(b) of this section both apply to improvements within and/or adjacent to a street, the provisions of subsection (2), and not subsection (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 eight feet, unless otherwise noted in Figure 50.65.2.A. If the existing sidewalk is less than eight feet, 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 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 subsection (3)(c)(1) of this section, 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 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.

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 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 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 six inches above the parking lot pavement.

c) It must be at least five feet 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 (4)(c)(1) and (4)(c)(2) of this section, 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 six inches 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

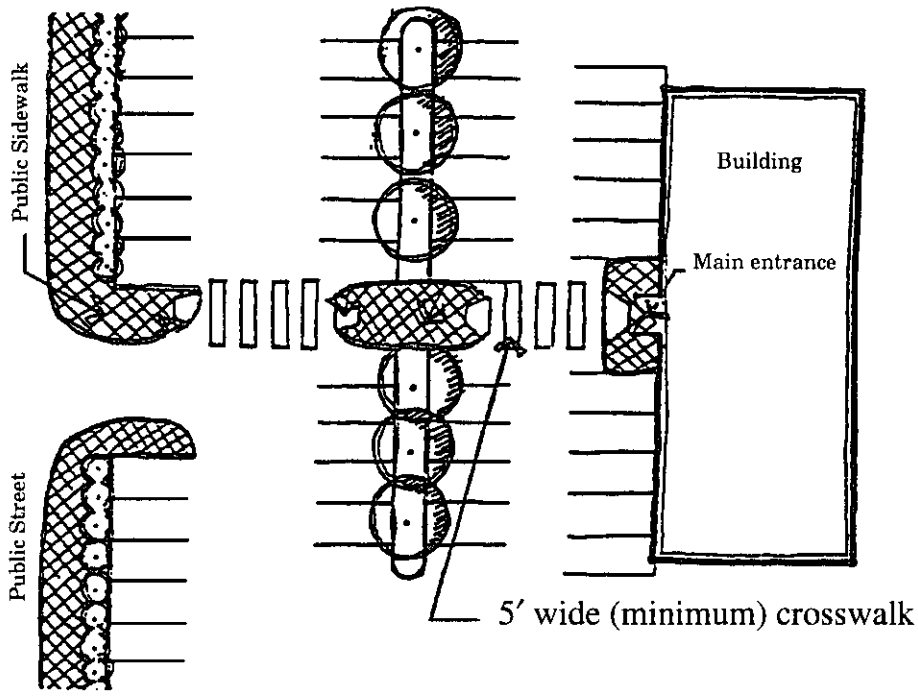


FIGURE 50.65.4.A

d. Internal Parking Lot Landscaping – The following provisions apply to each parking lot or portion thereof containing more than 14 parking stalls within 100 feet 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 six parking stalls.

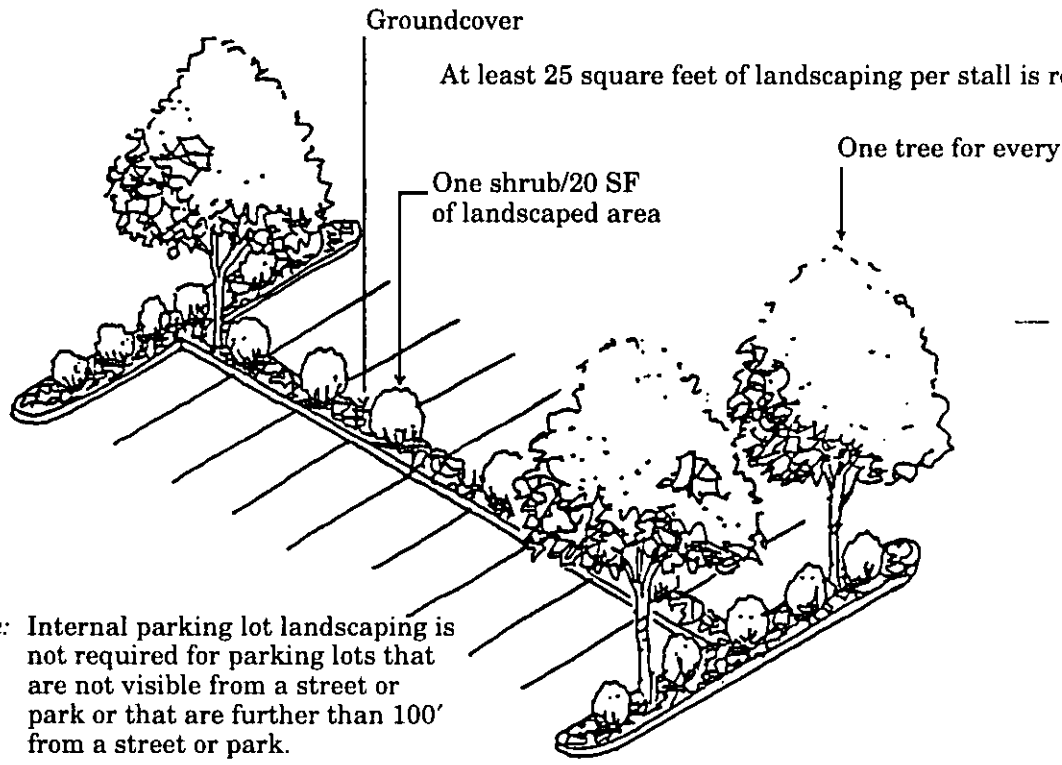
b) At least one shrub for every 20 square feet of landscaped area. Up to 50 percent of the shrubs may be deciduous.

c) Groundcover shall be selected and planted to achieve 90 percent coverage within two years.

d) The location of the landscaping will be reviewed through D.R.

2) As part of the D.R., the City may require or permit a modification to the provisions of subsection (4)(d)(1) of this section to use existing vegetation for internal parking lot landscaping.

Internal Parking Lot Landscaping



Note: Internal parking lot landscaping is not required for parking lots that are not visible from a street or park or that are further than 100′ from a street or park.

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:

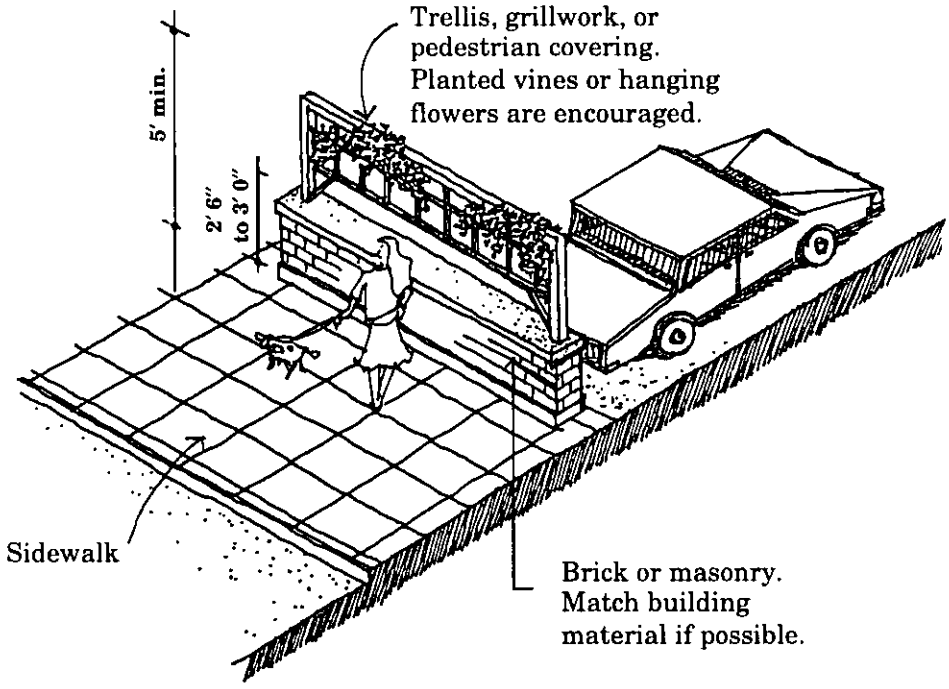
1) By installation of a compact evergreen hedge or wall consistent with the following standards (as applicable):

a) The hedge or wall must extend at least two feet, six inches, and not more than three feet above the ground directly below it.

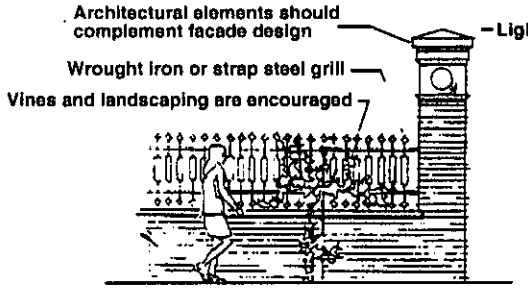
b) The wall may be constructed of masonry or concrete, if consistent with the provisions of subsection (6)(a)(7)(a) of this section, or of wood if the design and materials match the building on the subject property.

See Figure 50.65.4.C.

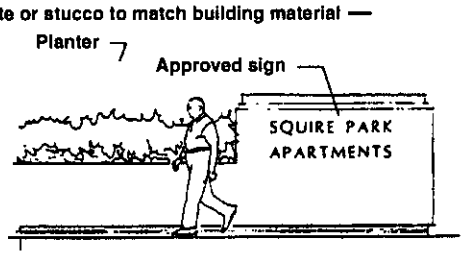
Constructed Screen Wall Option for Perimeter Landscaping



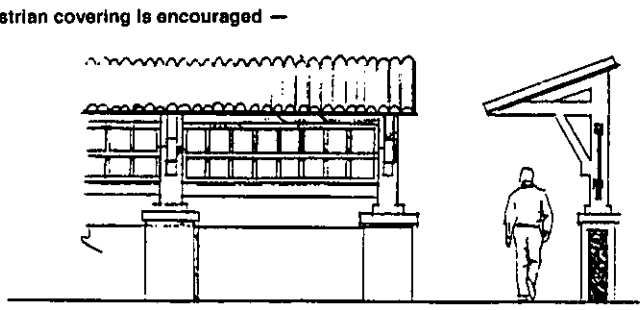
Examples of Various Screen Wall Designs



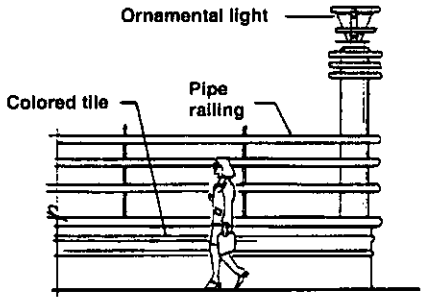
Traditional



Contemporary



Mission Style with Canopy



Deco-Moderne Style

FIGURE 50.65.4.C

2) By providing a landscaped strip, consistent with subsection (1)(d) of this section, at least five feet wide planted as follows:

   a) Trees planted 30 feet or closer on center.

   b) At least one shrub for every 20 square feet of landscaped strip.

   c) Groundcover selected and planted to achieve 90 percent coverage of the remaining landscaped strip within two years.

   See Figure 50.65.4.D.

3) As part of D.R., the City may require or permit a modification to the provisions of subsection (4)(e)(2) of this section to use existing vegetation for perimeter parking lot landscaping.

Shrub and Trees Option for Perimeter Parking Lot Landscaping

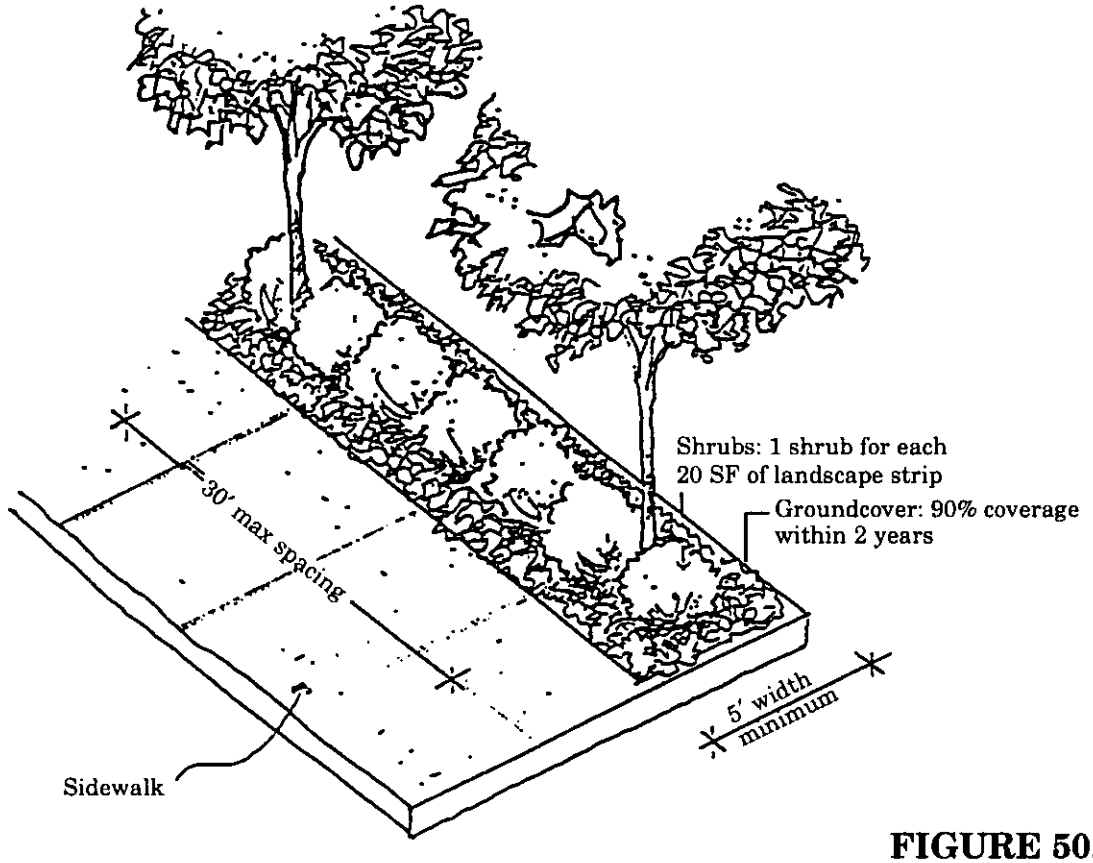


FIGURE 50.65.4.D

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 feet of any adjacent property and which is not regulated under the provisions of subsection (4)(e) of this section, shall be screened using a combination of the following methods:

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

2) By installing a compact evergreen hedge designed to reach at least five feet in height.

As part of D.R., the City may require or permit a modification to the provisions of this subsection 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 feet 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

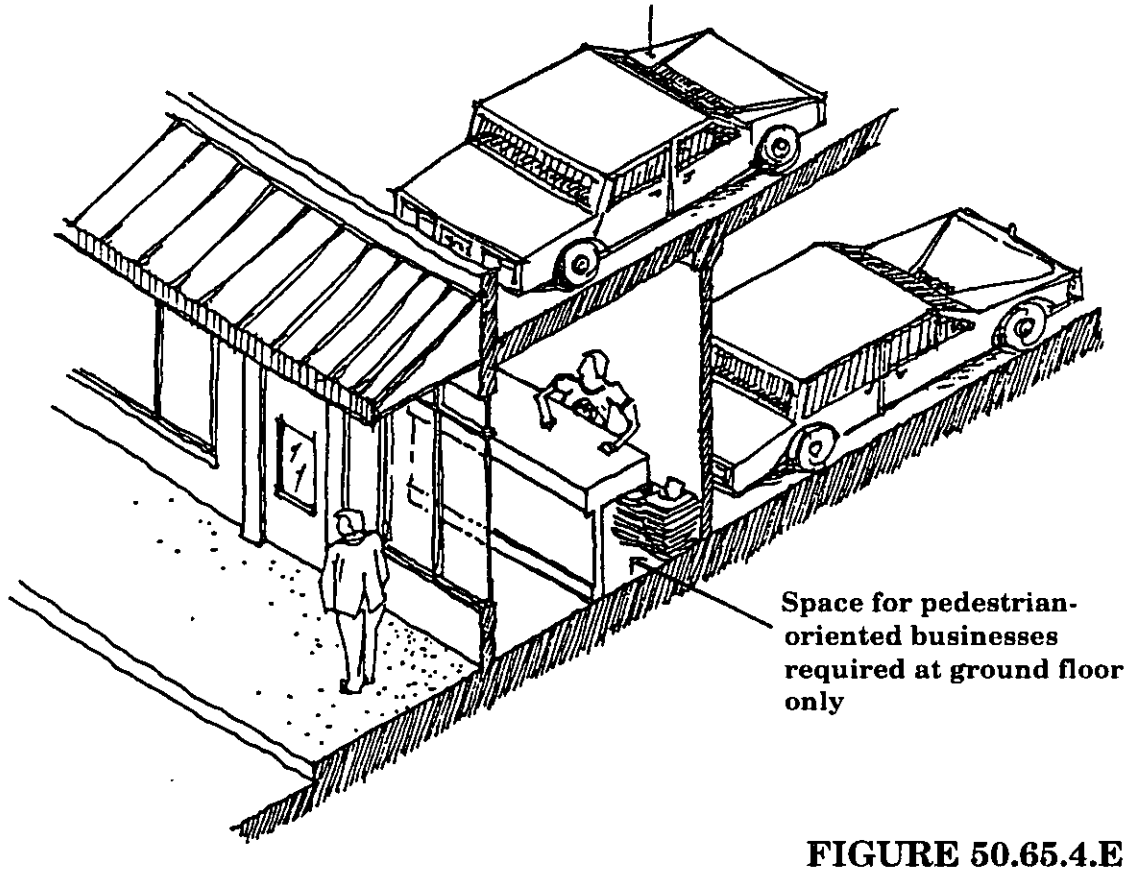


FIGURE 50.65.4.E

b) By providing and maintaining a pedestrian-oriented space, consistent within the standards of subsection (2)(d) of this section, at least 10 feet 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 (2)(f)(1), (2) or (3) of this section.

2) Each side of a garage or building containing ground floor parking, other than as regulated in subsection (4)(g)(1) of this section, must either:

a) Be screened with a landscaped strip 10 feet in depth along the entire facade of the garage or building (excluding vehicle access points), consistent with subsection (1)(d) of this section, and planted as follows:

i. Trees planted 15 feet on center or closer;

ii. At least one shrub for each 20 square feet of landscaped strip;

iii. Groundcover selected and planted to achieve 90 percent coverage within two years;

See Figure 50.65.4.F; or

b) Be treated consistent with subsection (2)(f)(1), (2) or (3) of this section.

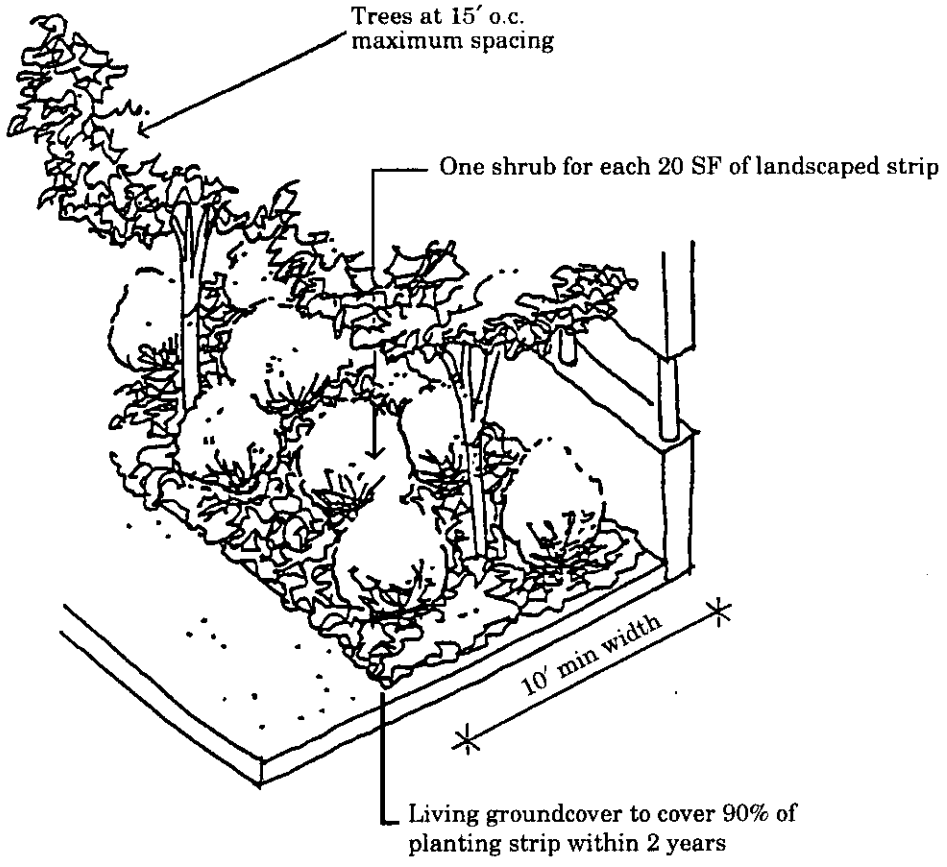
3) There must be architectural screening or other treatment of openings above the ground level for the facades of parking garages along *pedestrian-oriented* streets.

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

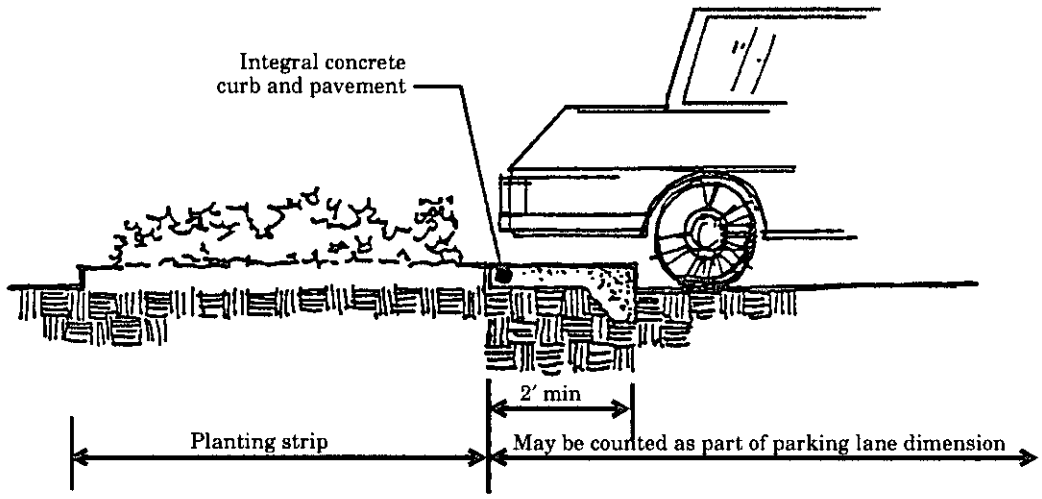
h. Miscellaneous Parking Area Design Details

1) All parking areas must have adequate lighting. Lights in parking lots must be nonglare and must be mounted no more than 20 feet 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 two feet 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 three feet 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.

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 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 feet 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 element 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 feet 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

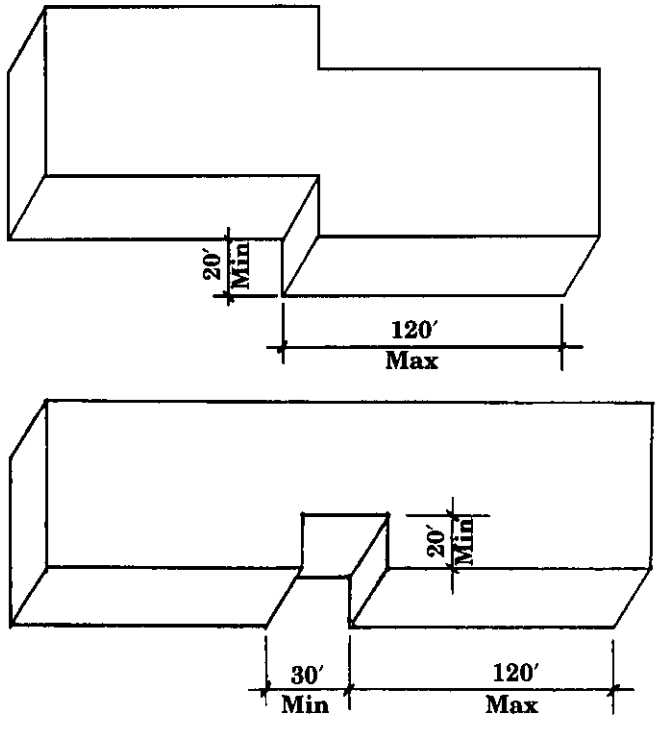


FIGURE 50.65.5.A

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:

i. 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-foot limitation.

ii. 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 feet separated by at least 20 feet in width.

iii. Decks, bay windows, roof overhangs, and chimneys may encroach up to three feet (per side) into the separation.

See Figure 50.65.5.B.

Vertical Definition: CBD 6 and 8

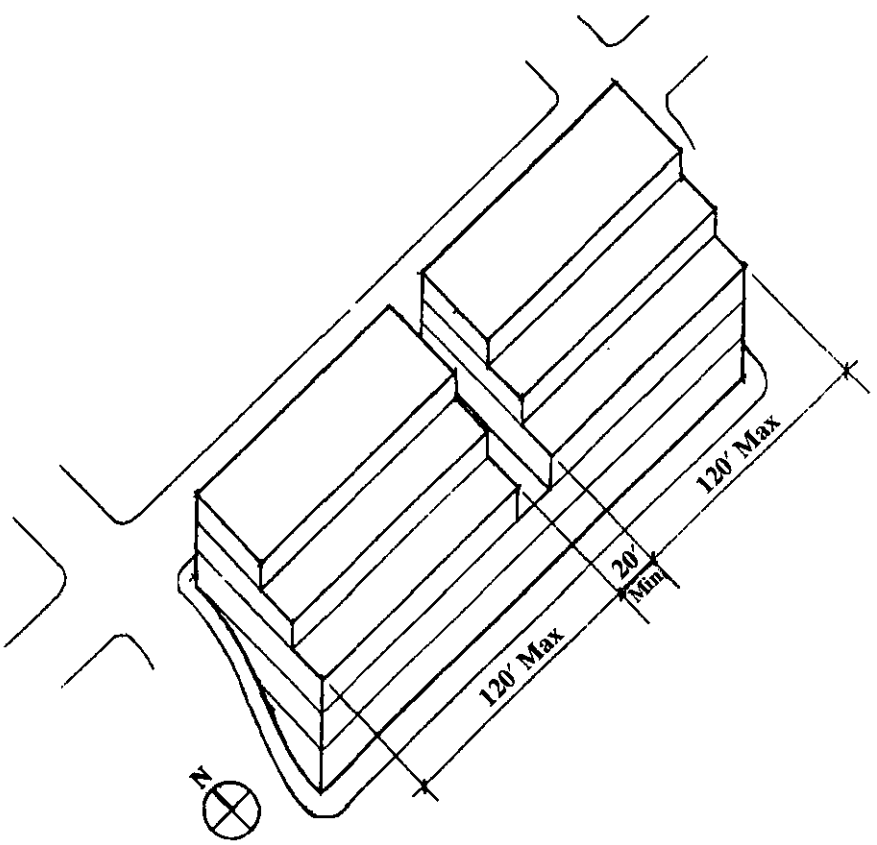


FIGURE 50.65.5.B

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

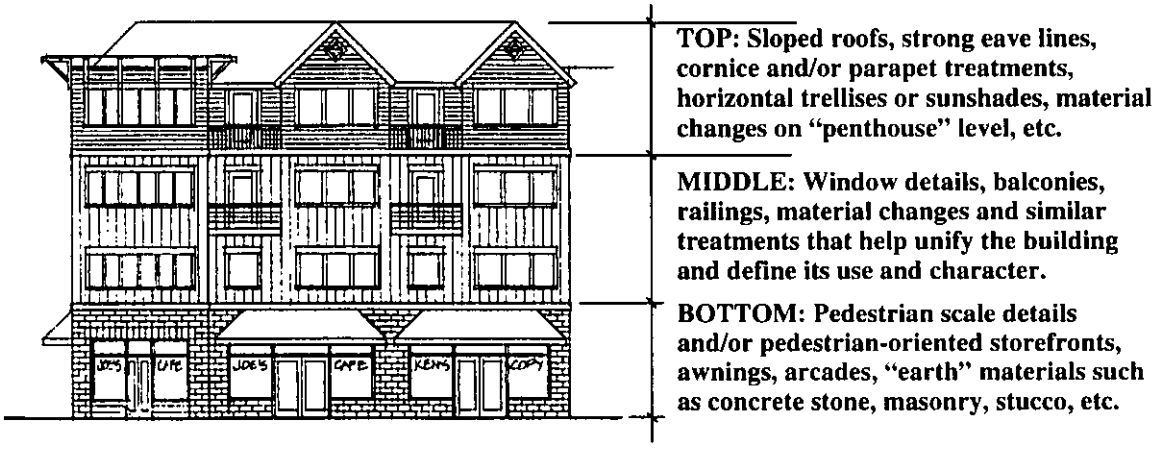


FIGURE 50.65.5.C

b. Achieving Human Scale

1) General

a) Except as provided in subsection (5)(a)(1)(b) of this section, the applicant shall use at least two of the elements or techniques listed in subsection (5)(a)(2) of this section 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 (5)(a)(2) of this section 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 three or more stories; or

ii. The facade is more than 100 feet long.

2) Techniques To Achieve Human Scale – The techniques to be used in the design and construction of building facades under subsection (5)(a)(1) of this section 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 guidelines and in the downtown plan chapter of the Comprehensive Plan.

a) On each story above the ground floor, provide at least one balcony or deck, at least six feet wide and six feet deep.

b) On each story above the ground floor, provide at least one bay window that extends out at least one foot, 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 (2)(d) of this section in front of each facade.

d) Provide at least one-half 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 five feet by seven feet. See Figure 50.65.5.D.

ii. The windows must be surrounded by trim, molding and/or sill at least two inches wide. See Figure 50.65.5.D.

Dimensions for the Individual Windows Option To Meet the Human Scale Requirement

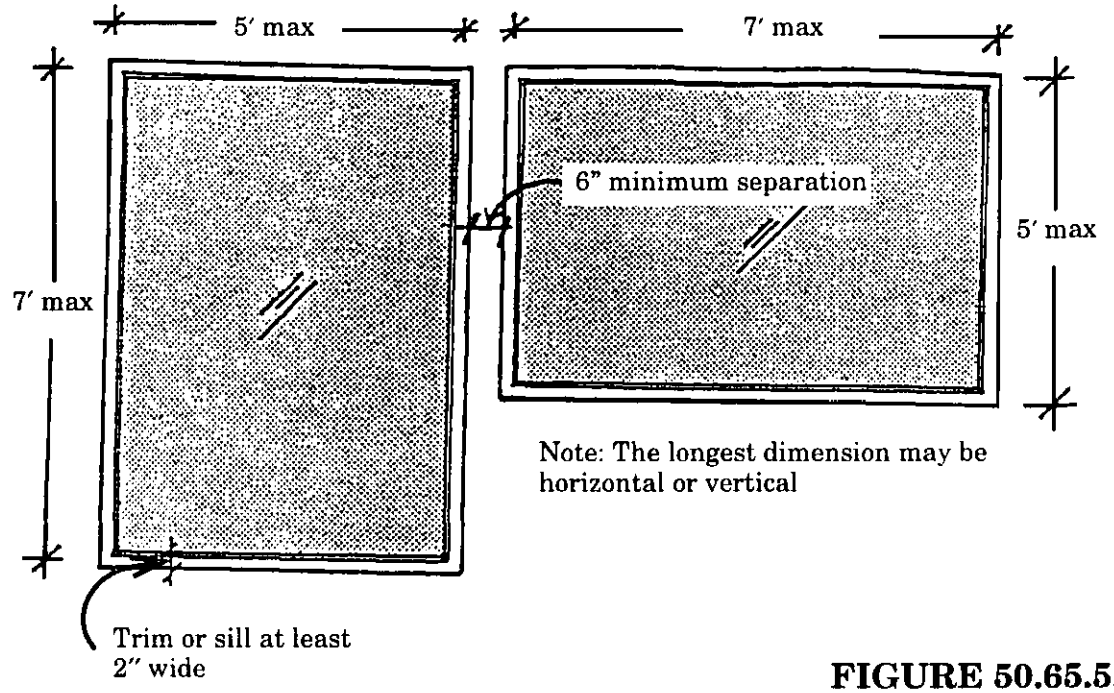


FIGURE 50.65.5.D

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

e) Provide at least one-half of the window area above the ground floor of each facade facing a street or public park in panes with dimensions less than two feet by three feet and with individual panes separated by window mullions. See Figure 50.65.5.E.

Multiple-Paned Fenestration Option To Meet the Human Scale Requirement

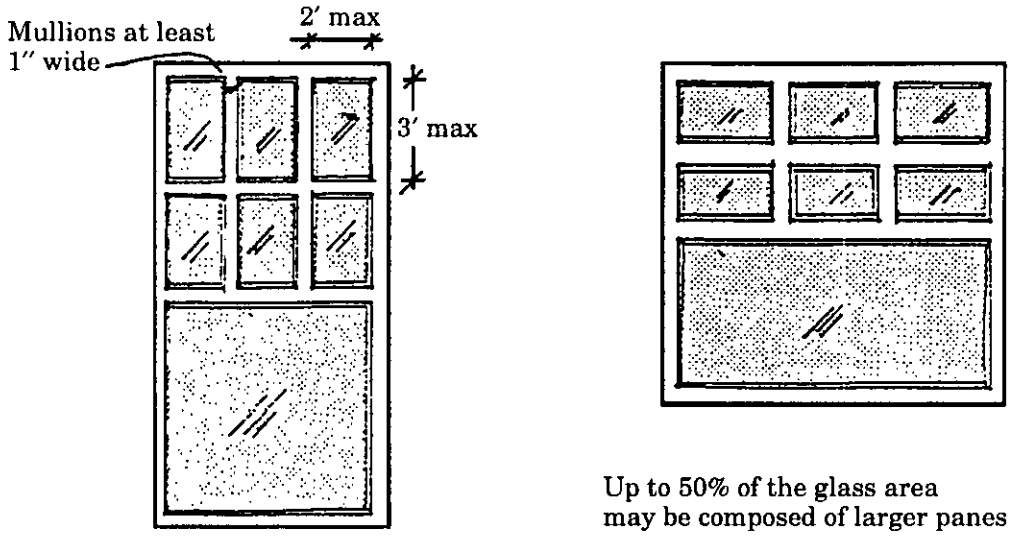


FIGURE 50.65.5.E

f) Provide a hipped or gable roof which covers at least one-half of the building footprint and has a slope equal to or greater than three feet vertical to 12 feet 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 (2)(b) of this section may not be used to meet this requirement unless the required pedestrian weather protection covers an area at least 15 feet long by 15 feet 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 six feet 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 three 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. The City may approve the proposal if it is consistent with the design guidelines and the downtown plan chapter of the Comprehensive Plan.

1) All stories above the second story must be set back at least 10 feet from the ground floor facade along at least two 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 70 feet;

b) The minimum depth of each modulation, except balconies, is 10 feet; and

c) The minimum width of each modulation, except balconies, is 15 feet.

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 feet; and

c) The minimum amount of floor area for each balcony is 100 square feet.

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 three feet vertical to 12 feet horizontal, is 50 feet 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 eight feet if the adjacent roof segments are less than 50 feet in length.

b) The height of the visible roof line must change at least 12 feet if the adjacent roof segments are greater than 50 feet in length.

c) The length of a sloped or gabled roof line segment must be at least 20 feet. The minimum slope of the roof segment is three feet vertical to 12 feet horizontal.

See Figure 50.65.5.F.

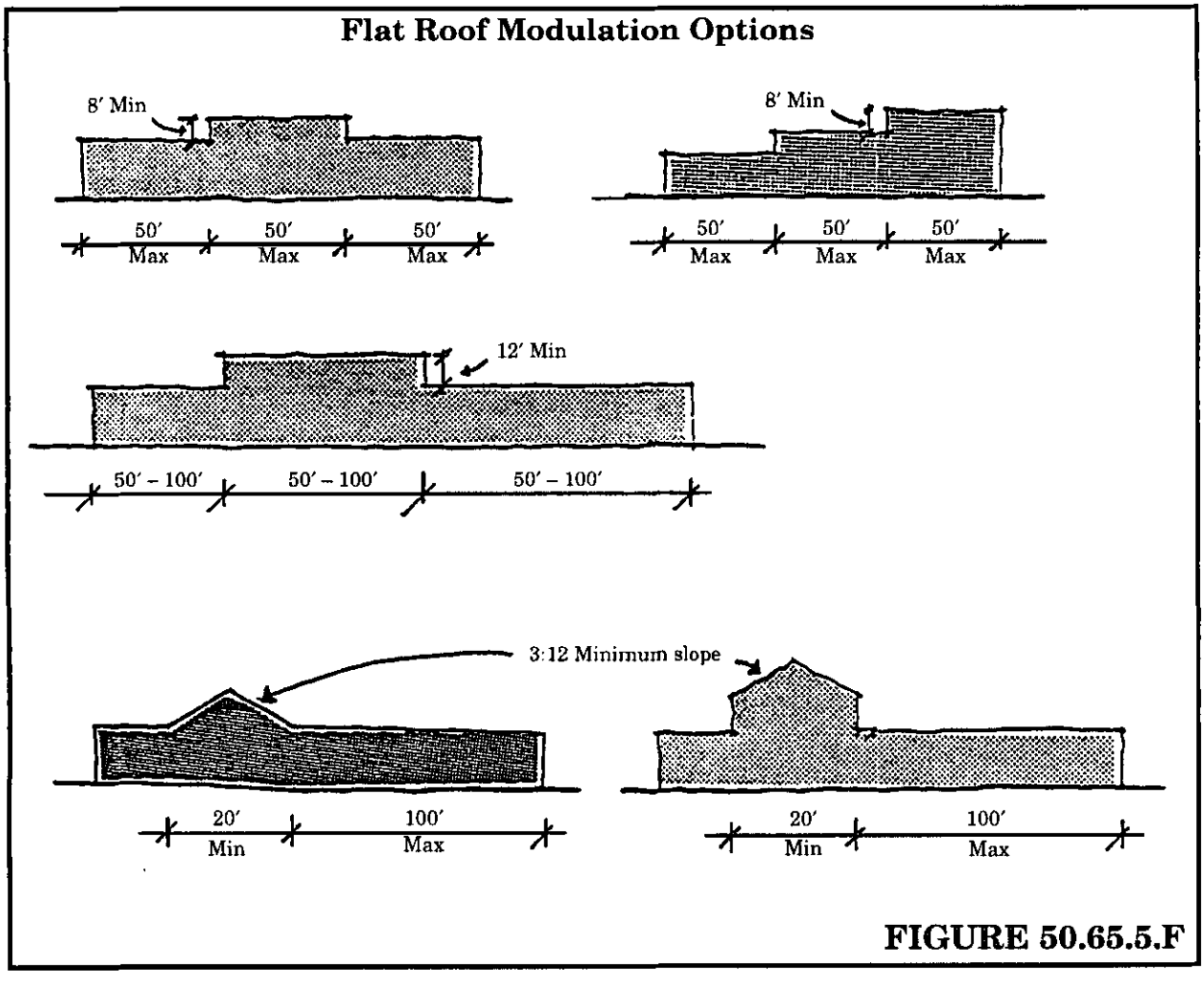


FIGURE 50.65.5.F

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

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 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 eight inches 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 (1)(d) of this section, to achieve at least 30 percent 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 feet 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 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, freestanding sculpture, art in pavement, murals, graphics or other forms, either freestanding 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 percent 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 backlit. 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 (6). As part of 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 two feet and no higher than 10 feet 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 design guidelines and the downtown plan chapter of the Comprehensive Plan.

1) Provide at least 100 square feet of sidewalk area or pedestrian-oriented open space, in addition to the area required to produce a 10-foot-wide sidewalk as required under subsection (2)(a) of this section.

See Figure 50.65.6.A.

Options for Corner Setback Configurations

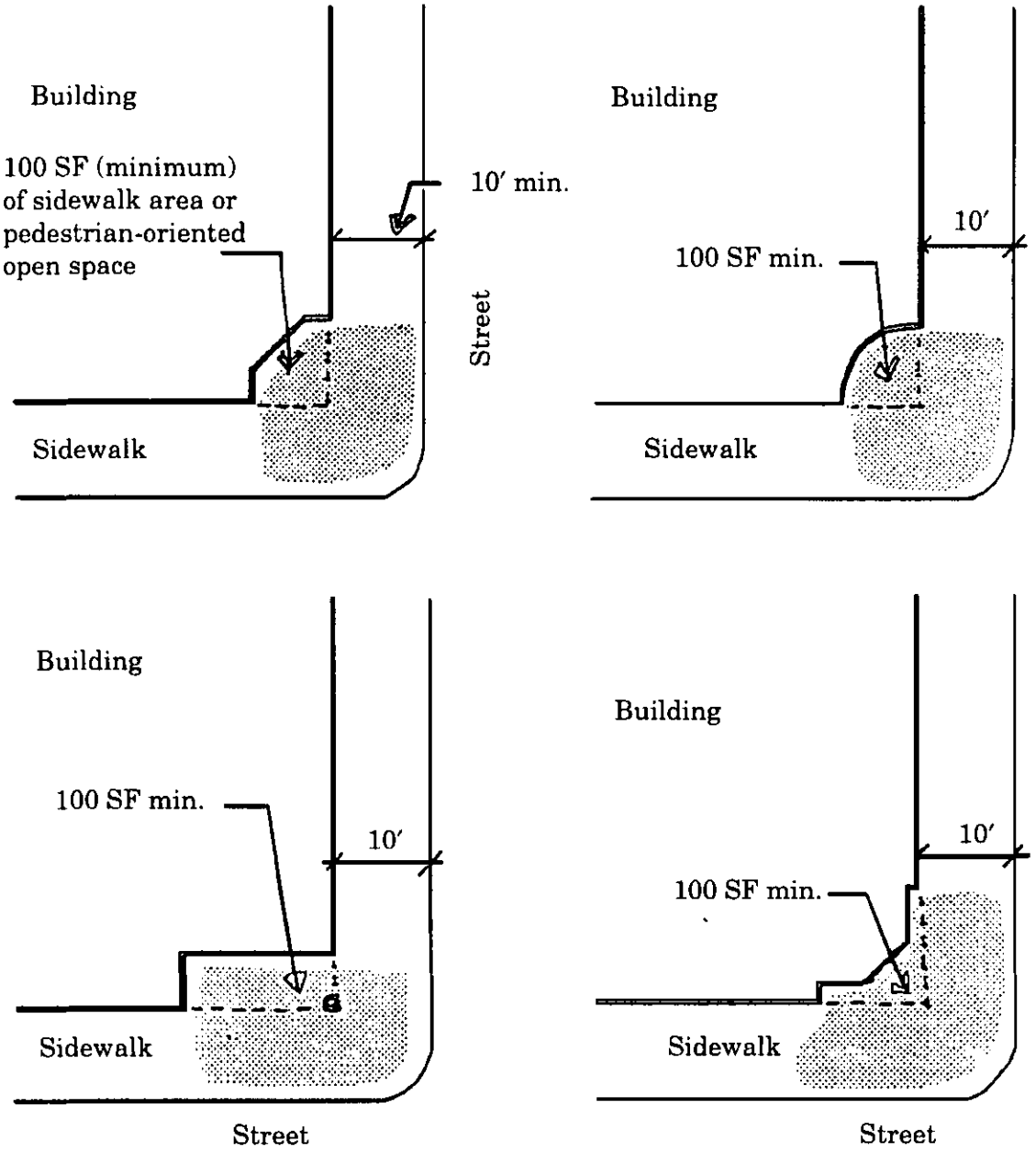


FIGURE 50.65.6.A

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 eight feet in width, that connects to another street, public feature or building. See Figure 50.65.6.B.

Options for Corner Entry Elements

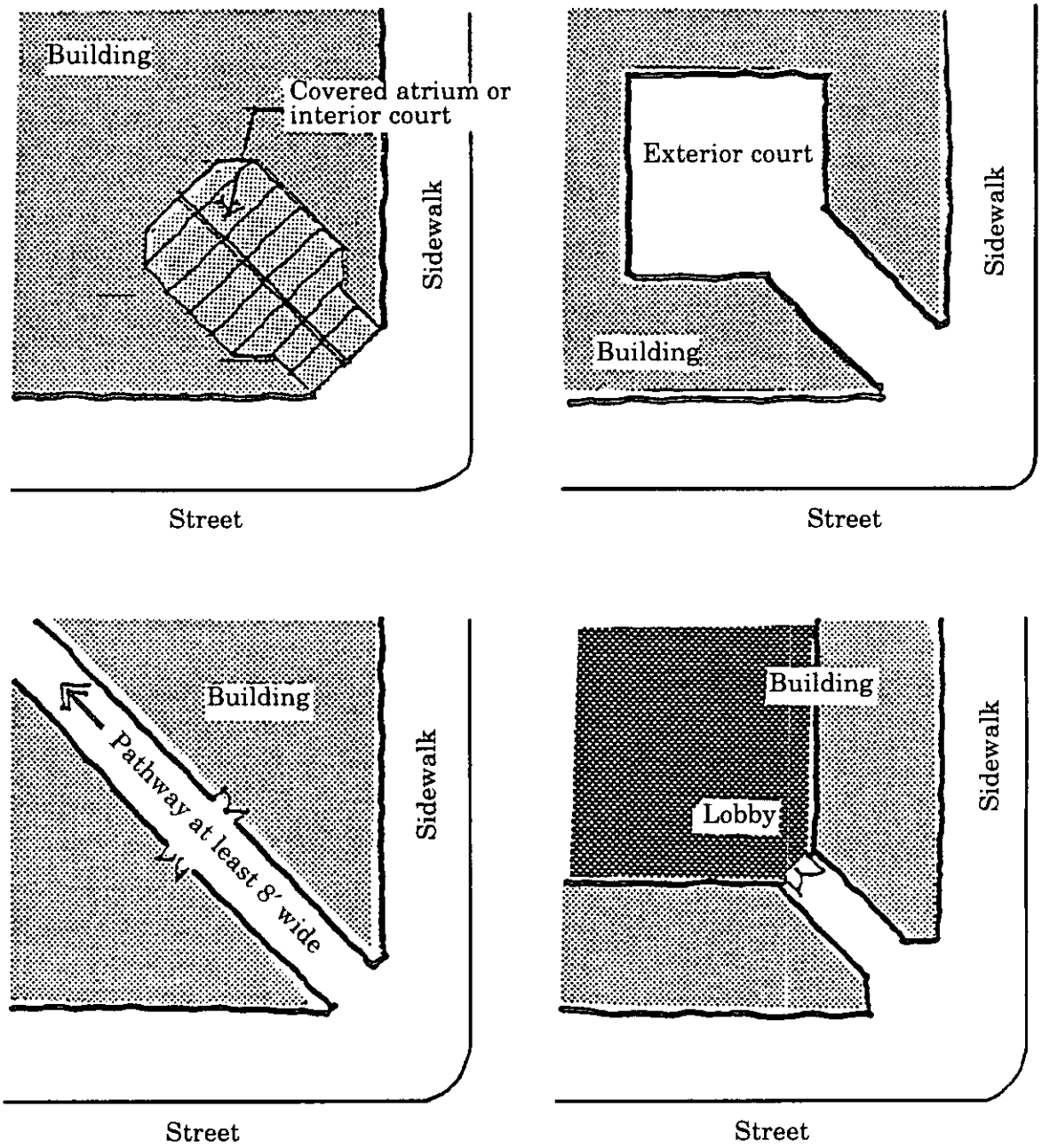


FIGURE 50.65.6.B

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.

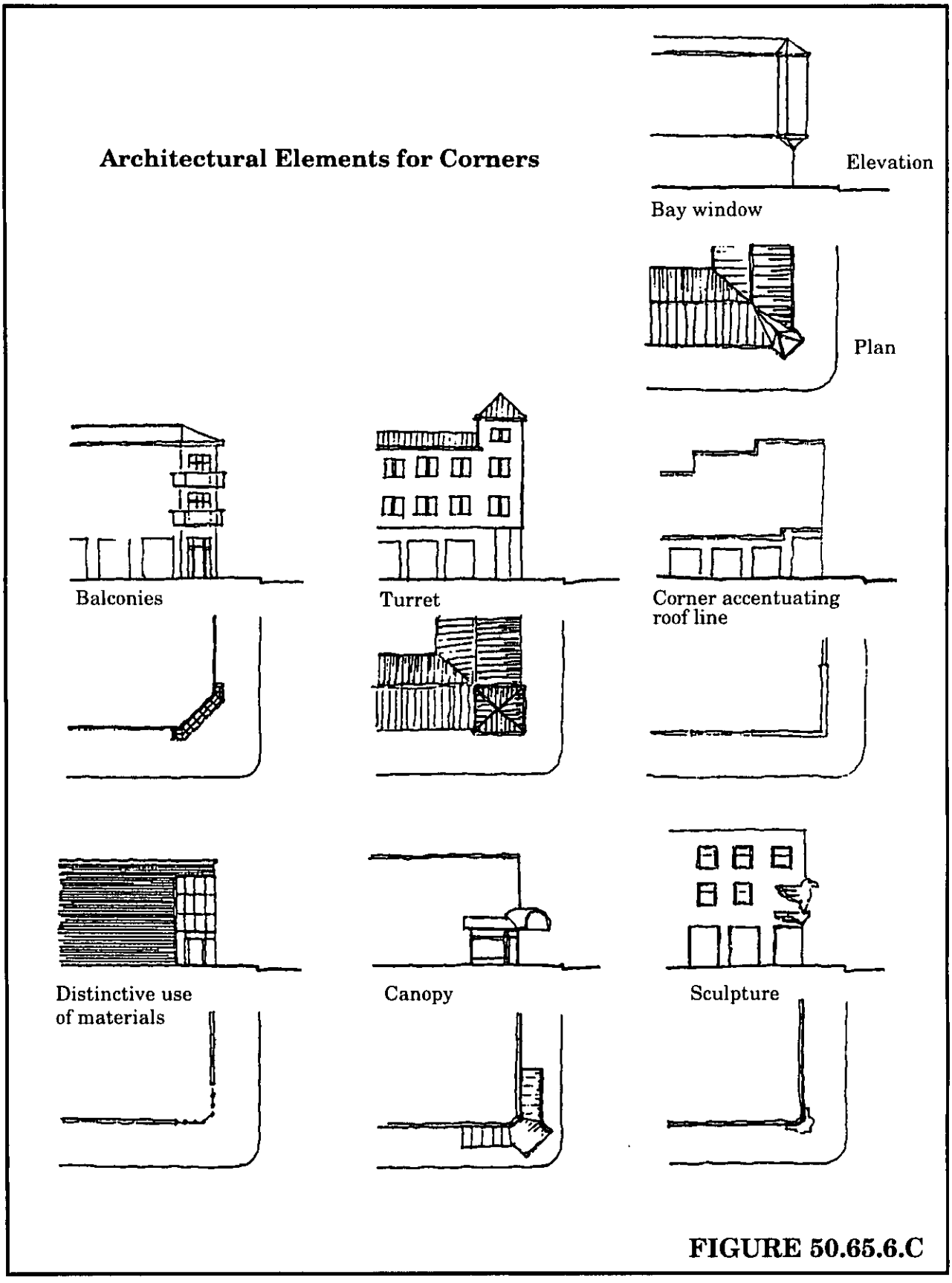


FIGURE 50.65.6.C

CHAPTER 52 – JUANITA BUSINESS DISTRICT (JBD) ZONES

52.05 User Guide. The charts in KZC 52.12 contain the basic zoning regulations that apply in the JBD 1 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 52.10

Zone JBD-1

Section 52.10 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. 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. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed (does not apply to Public Parks uses).

Section 52.12 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						
.010	Vehicle Service Station. See Special Regulation 1.	D.R., Chapter 142 KZC.	22,500 sq. ft.	0′ See Special Regulation 2.	0′	0′	80%	30′ above average building elevation.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands 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 KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.020	Automotive Service Center See Special Regulation 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 WAC 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 KZC 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, KZC 52.50.4(d) and (e). See also KZC 115.105, Outdoor Activity and Storage, for further regulations.
.040	Restaurant or Tavern								D		1 per each 100 sq. ft. of gross floor area.	

Section 52.12 Zone JBD-1 USE ZONE CHART

Section 52.12 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						
.050	Fast Food Restaurant	D.R., Chapter 142 KZC.	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 KZC 105.25.	

Section 52.12 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						
.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 4.	D.R., Chapter 142 KZC.	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.	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. 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. 4. 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.

Section 52.12 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	D.R., Chapter 142 KZC.	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. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 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 KZC 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.

Section 52.12 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						
.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 See Special Regulations 1 and 2.	If the development exceeds 30′ above average building elevation, then Process IIA, Chapter 150 KZC, otherwise D.R., Chapter 142 KZC.	See Spec. Reg. 3	0′	0′	0′	80%	See Special Regulations 4 and 12.	See Spec. Reg. 5.	See Spec. Regs. 6 and 7.	See KZC 105.25.	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. 2. 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 delivery vehicles associated with retail uses. 3. The minimum lot size for this use is eight 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. 4. The maximum height of structures on the subject property is as follows: a. If the subject property contains at least 11 acres: 1) On the northern portion of the site, structures may not exceed 78 feet above average building elevation; and 2) 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 eight acres, but less than 11 acres: 1) On the northern portion of the site, structures may not exceed 52 feet above average building elevation; and 2) On the southern portion of the site, structures may not exceed 30 feet above average building elevation. 5. Chapter 95 KZC 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: 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

Section 52.12	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						
.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 KZC 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. 15. Buildings exceeding 30 feet above average building elevation shall demonstrate compliance with the design regulations of KZC 52.50 and the provisions of the Juanita Business District Chapter of the Comprehensive Plan. The City will use Process IIA, Chapter 152 KZC, to determine compliance.

Section 52.12 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						
.130	Private Lodge or Club	D.R., Chapter 142 KZC.	None	0′	0′	0′	80%	30′ above average building elevation.	D	B	1 per each 300 sq. ft. of gross floor area.	
.140	School or Day-care Center										See KZC 105.25.	1. A six-foot high fence is required along all property lines adjacent to the outside play areas. 2. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five 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 Title 388).
.150	Mini-school or mini-day-care (7-12 attendees) or Day-care home (6 or less attendees)											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 setback from all property lines by five 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 Title 388).

Section 52.12 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						
.160	Assisted Living Facility See Special Regulation 3.	D.R., Chapter 142 KZC.	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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 3. 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. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 6. 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 KZC, 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.
.170	Convalescent Center or Nursing Home									B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.180	Public Utility, Government Facility, and Community Facility								D See Spec. Reg. 1.		See KZC 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.

Section 52.12 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	Public Parks	D.R., Chapter 142 KZC. See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.			--		--	B	See KZC 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 KZC. 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.

52.14 User Guide. The charts in KZC 52.17 contain the basic zoning regulations that apply in the JBD 2 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 52.15

Zone JBD-2

Section 52.15 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. 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. The maximum height of structures on the subject property may be increased by up to 13 feet if a view corridor is maintained across 30 percent of the average parcel width for the portion of the building above 26 feet. The corridor will be located to provide the widest view given development on adjacent properties.
4. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed (does not apply to Public Parks uses).

Section 52.17 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						
.010	Vehicle Service Station See Special Regulation 1.	D.R., Chapter 142 KZC.	22,500 sq. ft.	0′ See Special Regulation 2.	0′	0′	80%	26′ above average building elevation.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands 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 KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.020	Automotive Service Center See Special Regulation 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 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 WAC 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 KZC 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, KZC 52.50.4(d) and (e). See also KZC 115.105, 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 52.17 Zone JBD-2 USE ZONE CHART

Section 52.17	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						
.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.	D.R., Chapter 142 KZC.	None	0′	0′	0′	80%	26′ above average building elevation.	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.

Section 52.17 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	D.R., Chapter 142 KZC.	None	0′	0′	0′	80%	26′ above average building elevation.	D	D	If a Medical, Dental or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 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 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 KZC 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 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.
.110	Hotel or Motel									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	1 per each 300 sq. ft. of gross floor area.	

Section 52.17 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						
.130	School or Day-care Center	D.R., Chapter 142 KZC.	None	0′	0′	0′	80%	26′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required along all property lines adjacent to the outside play areas. 2. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five 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 Title 388). 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)											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 setback 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 Title 388).

Section 52.17 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						
.150	Assisted Living Facility See Spec. Reg. 3.	D.R., Chapter 142 KZC.	None	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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 3. 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. 4. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 6. 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 KZC, 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.
.160	Convalescent Center or Nursing Home									B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.170	Public Utility, Government Facility, and Community Facility								D See Spec. Reg. 1.		See KZC 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.

Section 52.17 Zone JBD-2 USE ZONE CHART

Section 52.17 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						
.180	Public Parks	D.R., Chapter 142 KZC. See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.					--	B	See KZC 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 KZC. 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.

0-2136

52.19 User Guide. The charts in KZC 52.22 contain the basic zoning regulations that apply in the JBD 3 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 52.20

Zone JBD-3

Section 52.20 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. 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 D.R.
3. The maximum height of structures on the subject property may be increased by up to 13 feet if a view corridor is maintained across 30 percent of the average parcel width for the portion of the building above 26 feet. The corridor will be located to provide the widest view given development on adjacent properties.
4. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed (does not apply to Public Parks uses).

Section 52.22 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							
.010	Office Use	D.R., Chapter 142 KZC.	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. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 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 KZC 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 52.22 — Zone JBD-3 — USE ZONE CHART

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

Section 52.22 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	D.R., Chapter 142 KZC.	None	0′	0′	0′	80%	26′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required along all property lines adjacent to the outside play areas. 2. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five 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 Title 388). 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 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 setback 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 Title 388).

Section 52.22 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						
.060	Assisted Living Facility	D.R., Chapter 142 KZC.	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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.070	Convalescent Center or Nursing Home		None						C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.080	Public Utility, Government Facility, and Community Facility								D See Spec. Reg. 1.		See KZC 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.

Section 52.22 Zone JBD-3 USE ZONE CHART

Section 52.22 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						
.090	Public Parks	D.R., Chapter 142 KZC. See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.					See General Regulations.	B	See KZC 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 KZC. 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.

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52.24 User Guide. The charts in KZC 52.27 contain the basic zoning regulations that apply in the JBD 4 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 52.25

Zone JBD-4

Section 52.25 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. 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.
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).
4. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.
5. May also be regulated under the Shoreline Master Program, KMC Title 24.

Section 52.27 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						
.010	Retail Establishment providing Boat Sales, Service, or Repair. See Special Regulation 1.	D.R., Chapter 142 KZC.	None	0′	0′	0′	80%	26′ above average building elevation.	A	E	See KZC 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, KZC 52.50.4(d) and (e). See also KZC 115.105, Outdoor Activity and Storage, for further regulations.
.020	Restaurant or Tavern								C		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 KZC 105.25.	

Section 52.27 Zone JBD-4 USE ZONE CHART

Section 52.27 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						
.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 Regulation 1.	D.R., Chapter 142 KZC.	None	0′	0′	0′	80%	26′ above average building elevation.	C	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. Automobile service station or center. d. 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. e. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. 2. Drive-through facilities are prohibited. 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.

O-3719

Section 52.27	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							
.060	Office Use	D.R., Chapter 142 KZC.	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. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 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 KZC 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 52.27 Zone JBD-4 USE ZONE CHART

Section 52.27 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	School or Day-care Center	D.R., Chapter 142 KZC.	None	0′	0′	0′	80%	26′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required along all property lines adjacent to the outside play areas. 2. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five 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 Title 388). 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)											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 setback from all property lines by five 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 Title 388).

Section 52.27 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						
.130	Assisted Living Facility	D.R., Chapter 142 KZC.	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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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 KZC 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.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.150	Public Utility, Government Facility, and Community Facility								D See Spec. Reg. 1.		See KZC 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.

Section 52.27 Zone JBD-4 **USE ZONE CHART**

Section 52.27	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						
.160	Public Parks	D.R., Chapter 142 KZC. See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.					--	B	See KZC 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 KZC. 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. Public access piers or boardwalks, moorage structures and facilities, bulkheads, breakwaters, dredging, and filling are allowed only if they meet the requirements of the Shoreline Master Program.

0-3219

52.29 User Guide. The charts in KZC 52.32 contain the basic zoning regulations that apply in the JBD 5 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 52.30

Zone JBD-5

Section 52.30 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. 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.
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).
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).
5. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.
6. May also be regulated under the Shoreline Master Program, KMC Title 24.

Ordinance 3719

Section 52.32 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						
.010	Retail Establishment providing Boat Sales, Service, or Repair. See Special Regulation 1.	D.R., Chapter 142 KZC.	None	0′	0′	0′	80%	26′ above average building elevation.	A	E	See KZC 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, KZC 52.50.4(d) and (e). See also KZC 115.105, 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 KZC 105.25.	1. Gross floor area for this use may not exceed 10,000 square feet.

0-123-09

Section 52.32 Zone JBD-5 USE ZONE CHART

Section 52.32	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						
.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 Regulation 1.	D.R., Chapter 142 KZC.	None	0′	0′	0′	80%	26′ above average building elevation.	C	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. Automobile service station or center. d. 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. e. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses. 2. Gross floor area for this use may not exceed 10,000 square feet. 3. Drive-through facilities are prohibited. 4. 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.

0-1-23

Section 52.32 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							
.060	Office Use	D.R., Chapter 142 KZC.	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. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 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 KZC 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	1. Gross floor area for this use may not exceed 10,000 square feet.	

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Section 52.32 Zone JBD-5 USE ZONE CHART

Section 52.32 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						
.100	School or Day-care Center	D.R., Chapter 142 KZC.	None	0′	0′	0′	80%	26′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required along all property lines adjacent to the outside play areas. 2. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five 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 Title 388). 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 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 setback from all property lines by five 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 Title 388).

Section 52.32 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						
.120	Assisted Living Facility	D.R., Chapter 142 KZC.	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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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 KZC 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.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.140	Public Utility, Government Facility, and Community Facility								D See Spec. Reg. 1.		See KZC 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.

6-1-2-3-0

Section 52.32 Zone JBD-5 USE ZONE CHART

Section 52.32 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						
.150	Public Parks	D.R., Chapter 142 KZC. See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.					--	B	See KZC 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 KZC. 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 KZC 52.35 for regulations regarding bulkheads and land surface modification.

Section 52.32	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						
.160	Public Access Pier or Boardwalk	D.R., Chapter 142 KZC.	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.	--	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 four 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 KZC 52.35 for regulations regarding bulkheads and land surface modification. 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 52.32	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						
.170	Moorage Facility for One or Two Boats	D.R., Chapter 142 KZC.	None	Landward of the high waterline 0′ 0′ 0′ Waterward of the high waterline 0′ 10′ 0′ See Spec. Reg. 5.		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 Spec. Reg. 9.	See KZC 105.25.	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 eight 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 four inches high. 10. Covered moorage is not permitted. Aircraft moorage is nor permitted. 11. 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. No structure other than moorage structures may be within the high waterline yard. 12. See KZC 52.35 for regulations regarding bulkheads and land surface modification. In addition, refer to Chapter 1 KZC 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.

Section 52.32 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						
.180	General Moorage Facility	Process IIA, Chapter 150 KZC, and D.R., Chapter 142 KZC.	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 KZC 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 KZC: 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. 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 KZC as a guide for requiring a buffer. REGULATIONS CONTINUED ON NEXT PAGE

Section 52.32	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						
.180	General Moorage Facility (Continued)											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. 6. Must provide restrooms unless moorage is available only for the residents of dwelling units on the subject property. 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. 8. May not treat moorage structures with creosote, oil base, or toxic substances. 9. No moorage structure may be within: a. 100 feet of a public park; b. 50 feet of any abutting lot that contains a detached dwelling unit; or c. 25 feet to another moorage structure not on the subject property. 10. Must provide at least two covered and secured waste receptacles. 11. All utility lines must be below the pier decks and, where feasible, underground. 12. Piers must be adequately lit; the source of the light must not be visible from off the subject property. 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 four inches high. 14. Covered moorage is not permitted. Aircraft moorage is nor permitted. 15. 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. No structure other than moorage structures may be within the high waterline yard. 16. No structures, other than moorage structures, may be waterward of the high waterline. 17. See KZC 52.35 for regulations regarding bulkheads and land surface modification. 18. This development may also be regulated under the City's Shoreline Master Program; consult that document. 19. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.

52.35 Bulkhead and Land Surface Modification

1. Bulkheads

a. General – Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section.

b. Required Permit – The City will use Process I, described in Chapter 145 KZC, to review and decide upon an application for a bulkhead. A permit may also be required from the U.S. Army Corps of Engineers. Consult that agency for further information.

c. Allowable Reasons – A bulkhead may be constructed only if:

1) It is needed to prevent significant erosion due to wave action; and

2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.

d. Prohibited Location – A bulkhead may not be erected within a wetland or between a wetland and the lake.

e. Design of Bulkhead – The bulkhead must be designed to minimize the transmittal of wave energy to other properties.

f. Placement of the Bulkhead – The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.

g. Change in Configuration of the Land – Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.

h. Backfill – The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

2. Land Surface Modification Waterward of the High Waterline

a. General – Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.

b. Required Permit – The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.

c. Allowable Reasons – The City may approve an application for a land surface modification waterward of the high waterline only if:

1) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and

2) Either:

a) The application is filed by a public agency to improve navigability or public safety; or

b) The application is to create a public use or recreation area; or

c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or

d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorage.

d. Requirements for Dredging – If the land surface modification involves dredging, the following regulations apply:

1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.

2) The applicant shall restore any beneficial vegetation disturbed during dredging.

3) The dredging shall be the minimum necessary to provide sufficient draft for navigation and moorage.

e. Requirements for Fill – If the land surface modification involves fill, the applicant must comply with the provisions of subsections (3)(e) and (3)(f) of this section.

3. Land Surface Modification within the High Waterline Yard

a. General – Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section.

b. Required Permit – The City will use Process I, described in Chapter 145 KZC, to review and decide upon an application for land surface modification within the high waterline yard. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult with that agency for further information.

c. Allowable Reasons – The City may approve an application for a land surface modification within the high waterline yard only if:

1) No unique or significant natural area of flora or fauna will be destroyed; and

2) Either:

a) The application is to improve public safety, recreation, or access; or

b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or

c) The land surface modification is necessary to provide public access; or

d) The land surface modification is necessary to the structural safety of a structure; or

e) There has been severe and unusual erosion within the one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or

f) This application is part of an application for a bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(h) of this section.

d. Public Use Area Required – If the land surface modification within the high waterline yard is proposed as part of a development other than a small moorage facility, the City shall require that part of the high waterline be developed as a Public Use Area. The size and design of the Public Use Area must be specifically approved by the City based on the size of the subject property, the use on the subject property, and the ability to use design features to separate the Public Use Area from the private elements of the development.

e. Material Used for Landfill – The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.

f. Use of Vegetation – The applicant shall stabilize exposed areas left after land surface modification with vegetation.

g. Disposition of Excavated Materials – Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.

4. Land Surface Modification Landward of the High Waterline Yard – Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115 KZC for those regulations.

5. Emergency Measures – An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.

52.39 User Guide. The charts in KZC 52.42 contain the basic zoning regulations that apply in the JBD 6 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 52.40

Zone JBD-6

Section 52.40 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. The maximum height of structures on the subject property may be increased by up to 13 feet if the impacts of the additional height are mitigated by design techniques that minimize the perceived building mass and achieve superior architectural and human scale (does not apply to Public Parks uses).

Section 52.42	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						
.010	Restaurant or Tavern. See Special Regulation 1.	D.R., Chapter 142 KZC.	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 KZC 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 52.42 Zone JBD-6 USE ZONE CHART

Section 52.42 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						
.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 and 2.	D.R., Chapter 142 KZC.	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.

ORD 3718

Section 52.42 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							
.050	Office Use	D.R., Chapter 142 KZC.	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. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 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 KZC 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 52.42 Zone JBD-6 USE ZONE CHART

Section 52.42 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						
.090	School or Day-care Center	D.R., Chapter 142 KZC.	None	0′	0′	0′	80%	26′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required along all property lines adjacent to the outside play areas. 2. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five 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 Title 388). 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)											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 setback 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 Title 388).

0 1 2 3 6

Section 52.42 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	D.R., Chapter 142 KZC.	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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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 KZC 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.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.130	Public Utility, Government Facility, and Community Facility								D See Spec. Reg. 1.		See KZC 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.

6-1-23

Section 52.42 Zone JBD-6 USE ZONE CHART

Section 52.42 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						
.140	Public Parks	D.R., Chapter 142 KZC. See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.			--		--	B	See KZC 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 KZC. 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.

6129

52.50 Design Regulations for the Juanita Business District

1. Introduction

   a. General – This section establishes the design regulations that apply to development in the Juanita Business District (JBD). The remainder of this subsection (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 apply to all new development within the JBD. The provisions of Chapters 142 and 162 KZC regarding D.R. and nonconformance establish which of the regulations of this section apply to developed sites within the JBD. Where provisions of this section conflict with provisions in any other section of the code, this section prevails.

   c. D.R. Procedures – The City will use Chapter 142 KZC to apply the regulations of this section to development activities that require D.R. approval.

   d. Landscaping – Various places in this section 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 unless otherwise specifically indicated:

      1) At the time of planting, deciduous trees must be two inches in diameter, as measured using the standard of the American Association of Nurserymen, and coniferous trees must be five feet in height at the time of planting.

      2) Shrubs must be 18 inches 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 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.

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 feet 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 eight feet.

      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 Figures 52.50.2.A and B.

Pedestrian Circulation

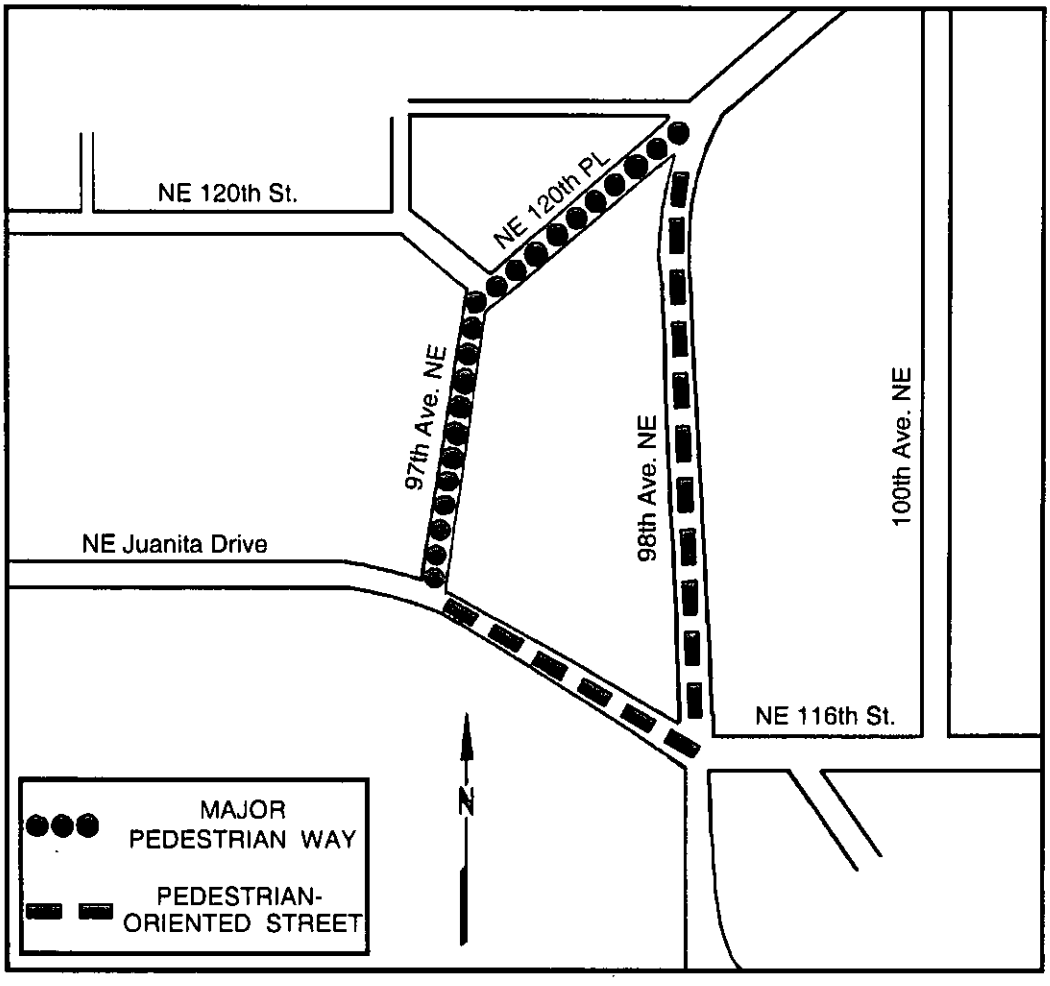


FIGURE 52.50.2.A

Required Sidewalk on Pedestrian-Oriented Streets and Major Pedestrian Ways

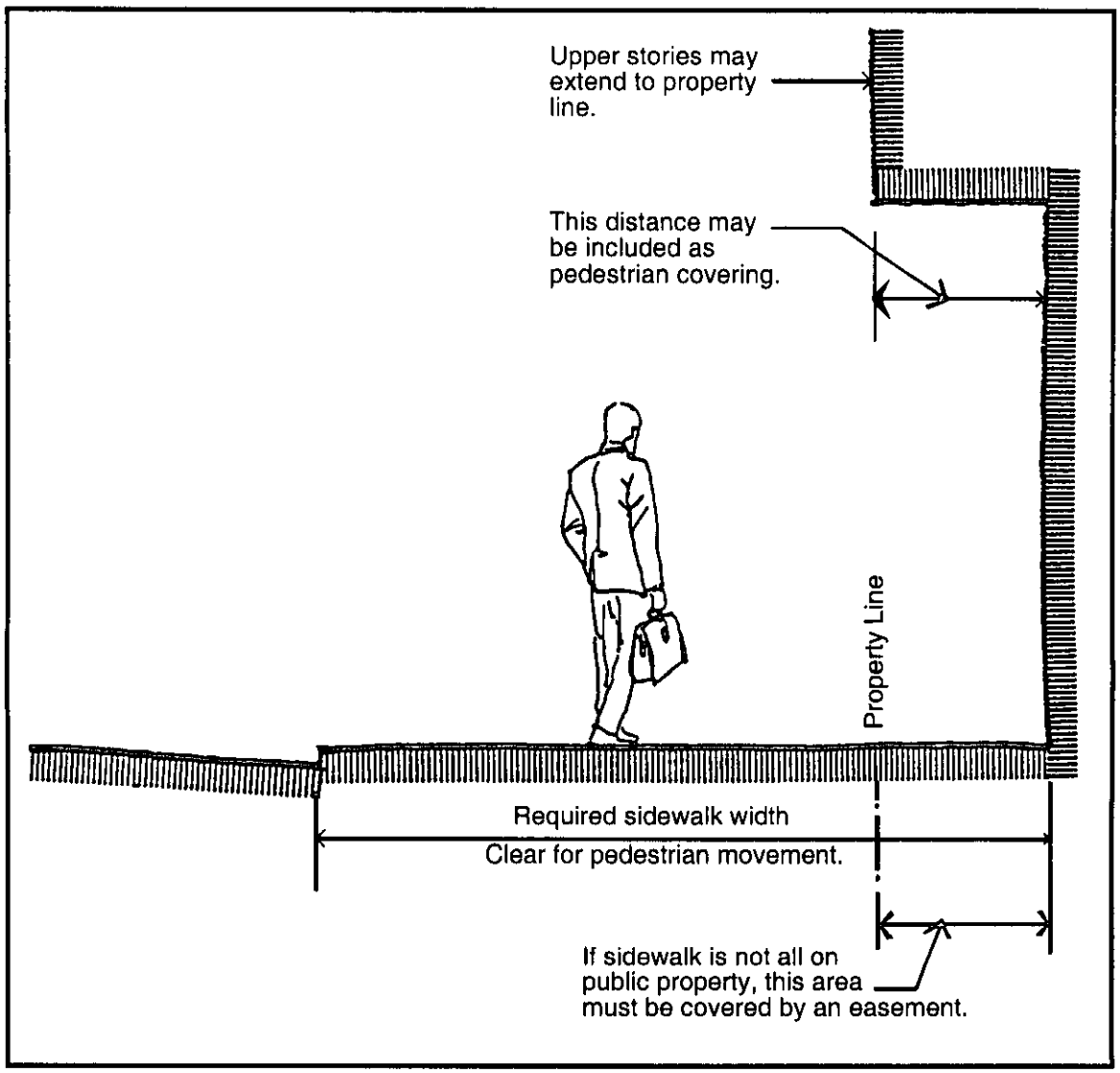


FIGURE 52.50.2.B

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 D.R. process, the 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 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 percent 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 three feet of the width of the adjacent walkway;

3) The lowest element of the overhead weather protection must be at least eight feet 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 D.R. decision. See also subsection (6)(e) of this section, 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 feet 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 (2)(f)(3) of this section if it meets the criteria for a blank wall under subsection (2)(f)(2) of this section.

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 feet without a window, door, building modulation at least one foot in depth or other architectural feature.

b) Any wall or portion of a wall between four feet and 13 feet above ground level with a horizontal dimension longer than 15 feet without a window, door, building modulation at least one foot in depth or other architectural feature.

See Figure 52.50.2.C.

Designating Blank Walls

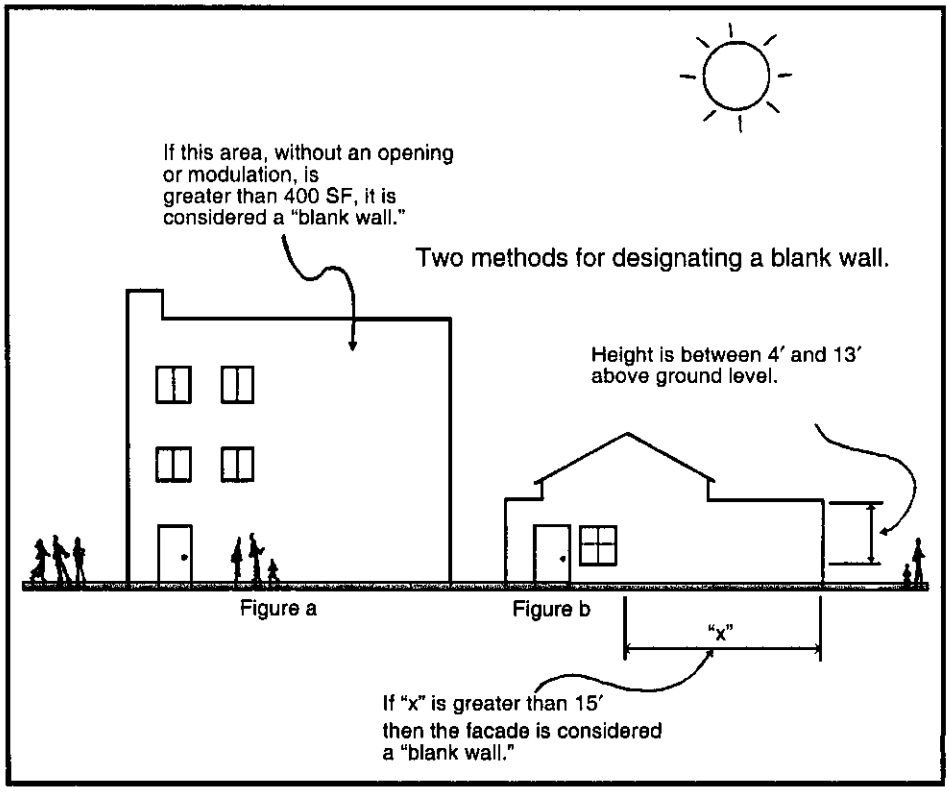


FIGURE 52.50.2.C

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 five feet wide or a raised planter bed at least two feet high and three feet wide in front of the blank wall and planted with plant materials that will obscure or screen at least 50 percent of the blank wall within two 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 D.R.

4) The provisions of this subsection (f) may be modified or eliminated as part of the 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 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 D.R decision.

3. Entry Features – If the subject property includes an area designated for an entry feature in the Comprehensive Plan or design guidelines, 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 design review for the proposed development.

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 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 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 six inches above the parking lot pavement.

         c) It must be at least five feet wide.

         d) The walkway must be handicapped accessible.

         See Figure 52.50.4.A.

Pedestrian Walkway

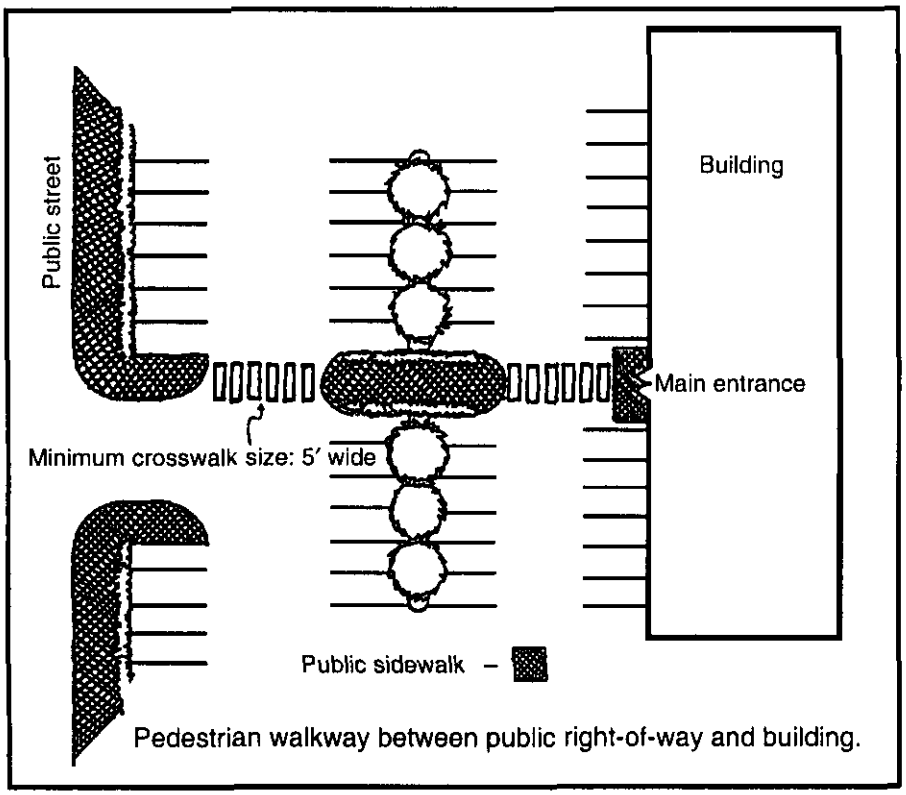


FIGURE 52.50.4.A

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 (c)(1) and (c)(2) of this section, 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 six inches 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 feet 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 six parking stalls.

b) At least one shrub for every 20 square feet of landscaped area. Up to 50 percent of the shrubs may be deciduous.

c) Groundcover shall be selected and planted to achieve 90 percent coverage within two years.

d) The location of the landscaping will be reviewed through D.R.

See Figure 52.50.4.B.

Internal Parking Lot Landscaping

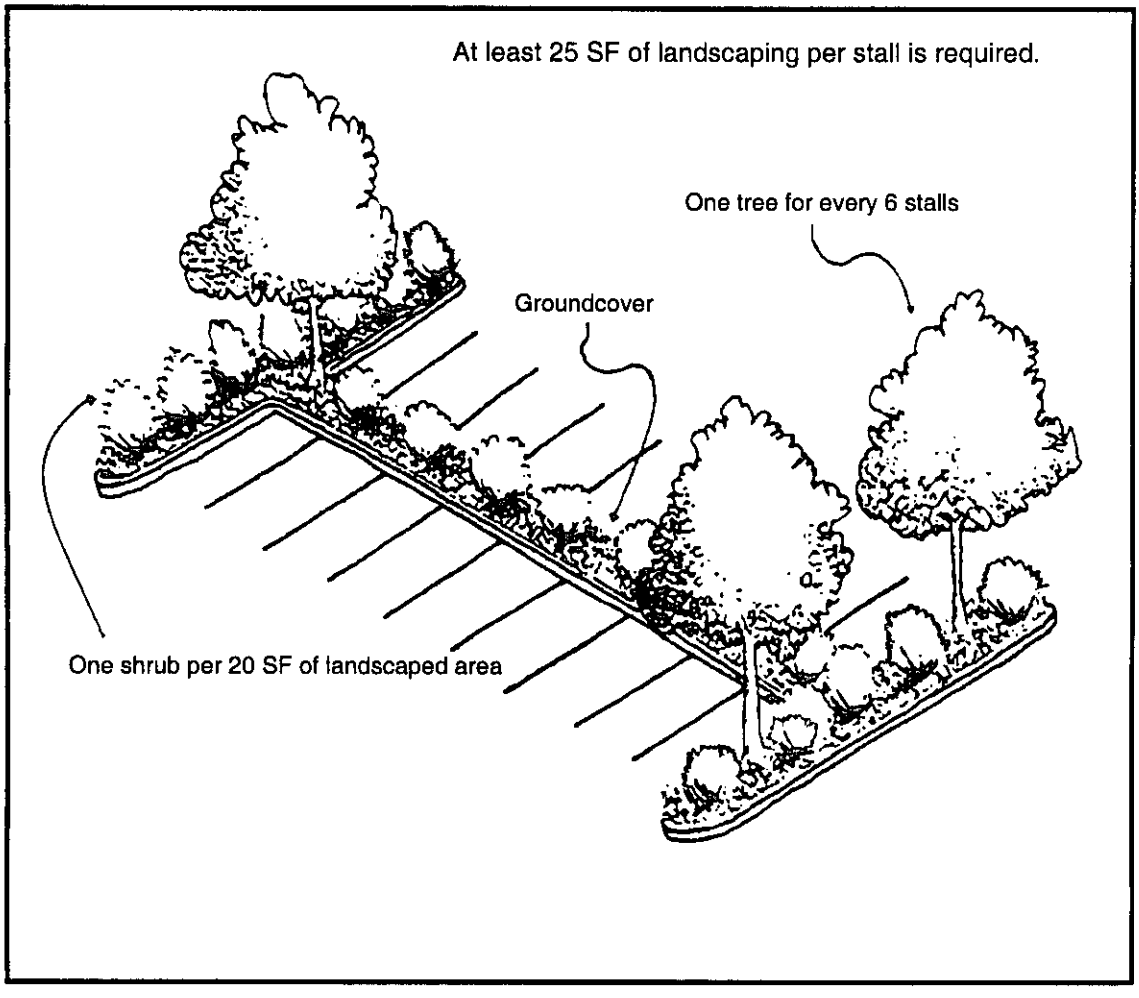


FIGURE 52.50.4.B

2) As part of the D.R., the City may require or permit a modification to the provisions of subsection (4)(d)(1) of this section 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):

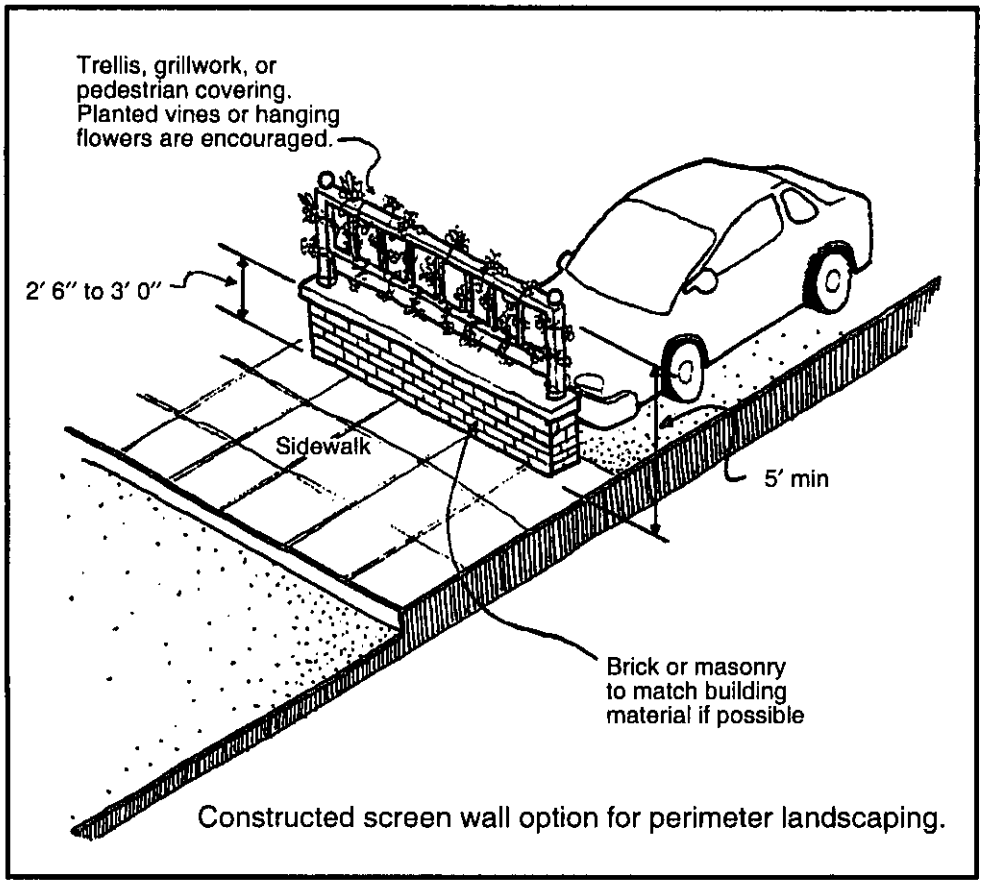
a) The hedge or wall must extend at least two feet, six inches, and not more than three feet above the ground directly below it.

b) The wall may be constructed of masonry or concrete, if consistent with the provisions of subsection (6)(a)(7)(a) of this section, Building Material, Color, and Detail, 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 five feet in height above the ground, placed on top of or in front of the wall and planted with climbing vines consistent with subsection (1)(d) of this section, Landscaping. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.

See Figure 52.50.4.C.

Constructed Screen Wall Option



Constructed screen wall option for perimeter landscaping.

FIGURE 52.50.4.C

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

2) By providing a landscaped strip, consistent with subsection (1)(d) of this section, Landscaping, at least five feet wide planted as follows:

a) Trees planted 30 feet or closer on center.

b) At least one shrub for every 20 square feet of landscaped strip.

c) Groundcover selected and planted to achieve 90 percent coverage of the remaining landscaped strip within two years.

See Figure 52.50.4.D.

Shrub and Trees Option for Perimeter Parking Lot Landscaping

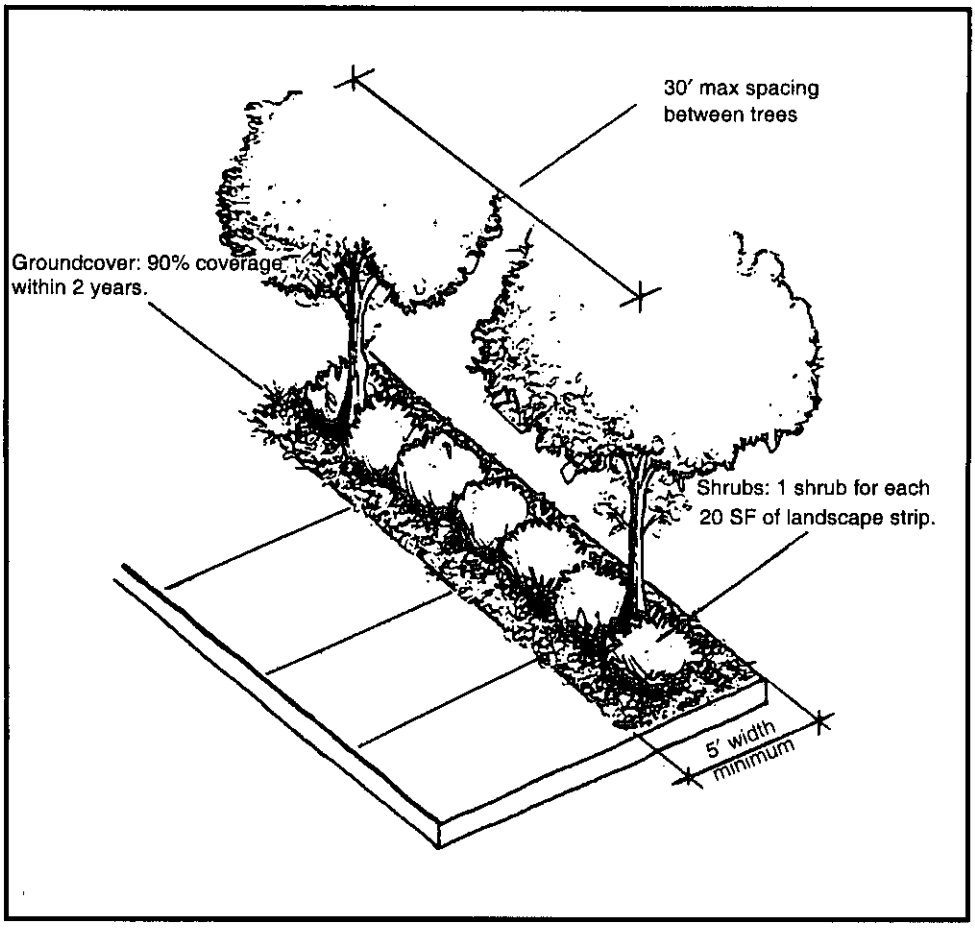


FIGURE 52.50.4.D

3) As part of D.R., the City may require or permit a modification to the provisions of subsection (4)(e)(2) of this section 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 feet of any adjacent property and which is not regulated under the provisions of subsection (4)(e) of this section, Perimeter Parking Lot Landscaping, shall be screened using a combination of the following methods:

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

2) By installing a compact evergreen hedge designed to reach at least five feet in height.

As part of D.R., the City may require or permit a modification to the provisions of this subsection (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.

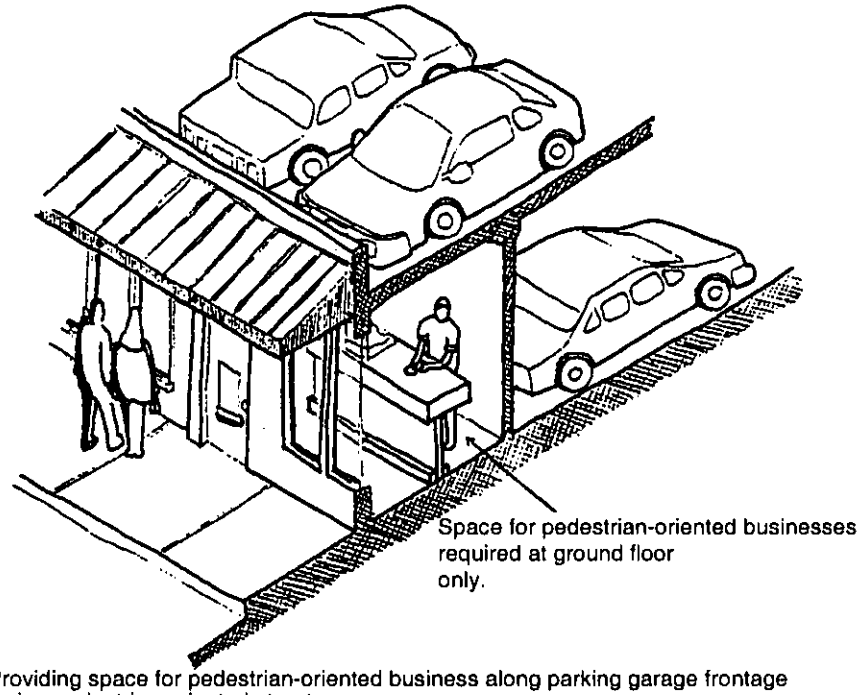
g. Parking Garages

1) Each facade of a garage or a building containing ground floor parking that is within 10 feet 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 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 52.50.4.E.

Providing Space for Pedestrian-Oriented Business



Providing space for pedestrian-oriented business along parking garage frontage facing pedestrian-oriented street.

FIGURE 52.50.4.E

b) By treating the facade consistent with subsection (2)(f)(3) of this section, Blank Wall Treatment.

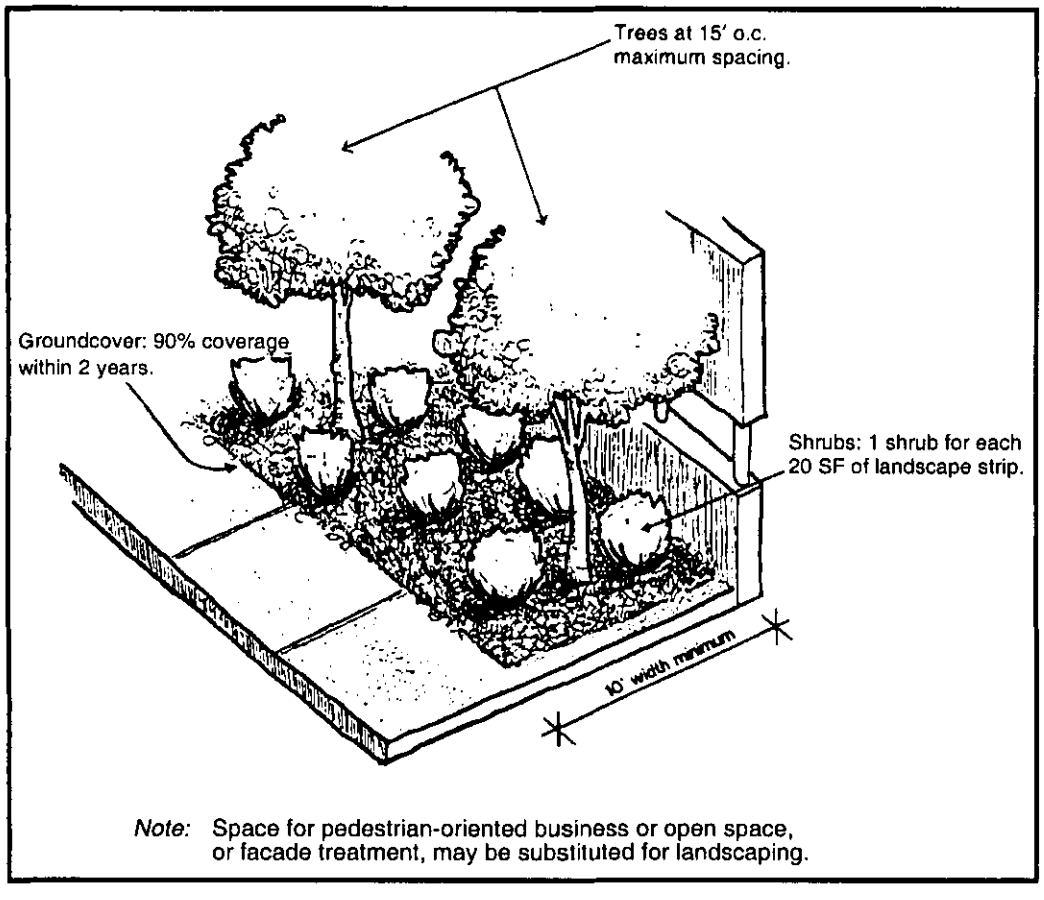
2) Each side of a garage or building containing ground floor parking, other than as regulated in subsection (4)(g)(1) of this section, must either:

a) Be screened with a landscaped strip 10 feet in depth along the entire facade of the garage or building (excluding vehicle access points), consistent with subsection (1)(d) of this section, Landscaping, and planted as follows:

- Trees planted 15 feet on center or closer.
- At least one shrub for each 20 square feet of landscaped strip.
- Groundcover selected and planted to achieve 90 percent coverage within two years.

See Figure 52.50.4.F, or

Minimum Landscaping Standards for Parking Garages



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

FIGURE 52.50.4.F

b) Be treated consistent with subsection (2)(f)(3) of this section, 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 nonglare and must be mounted no more than 20 feet 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 two feet from landscape and pedestrian areas. Freestanding wheel-stop bumpers must be replaced or repaired if cracked or broken.

See Figure 52.50.4.G.

Extended Curb Used To Protect Landscape Strip

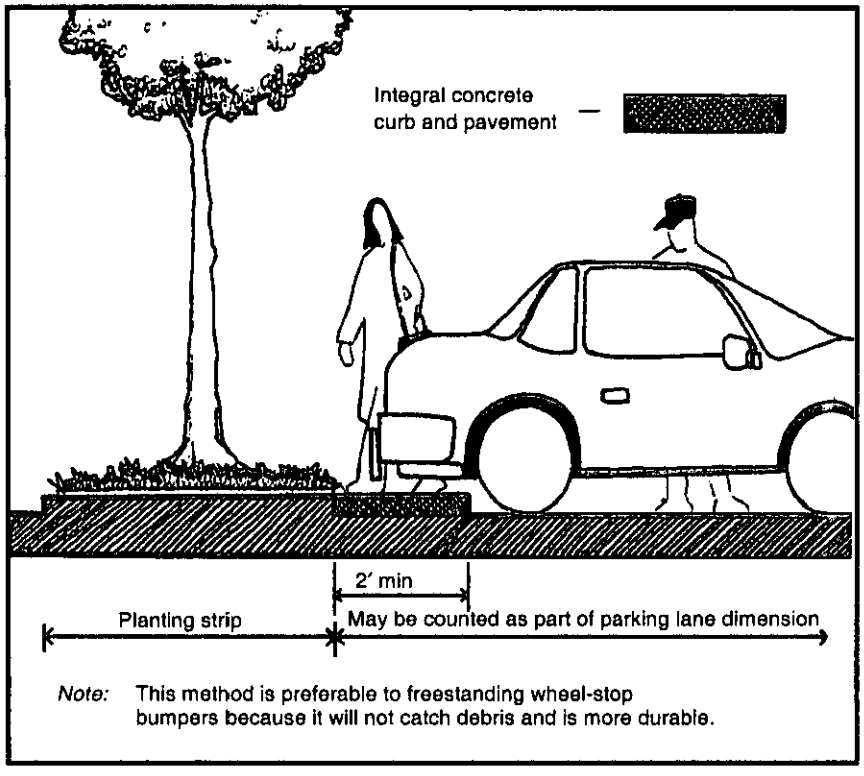


FIGURE 52.50.4.G

3) No freestanding or wall-mounted signs for individual parking spaces are permitted to extend more than three feet 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.

5. Scale

a. Achieving Human Scale

1) General

a) Except as provided in subsection (5)(a)(1)(b) of this section, the applicant shall use at least one of the elements or techniques listed in subsection (5)(a)(2) of this section 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.

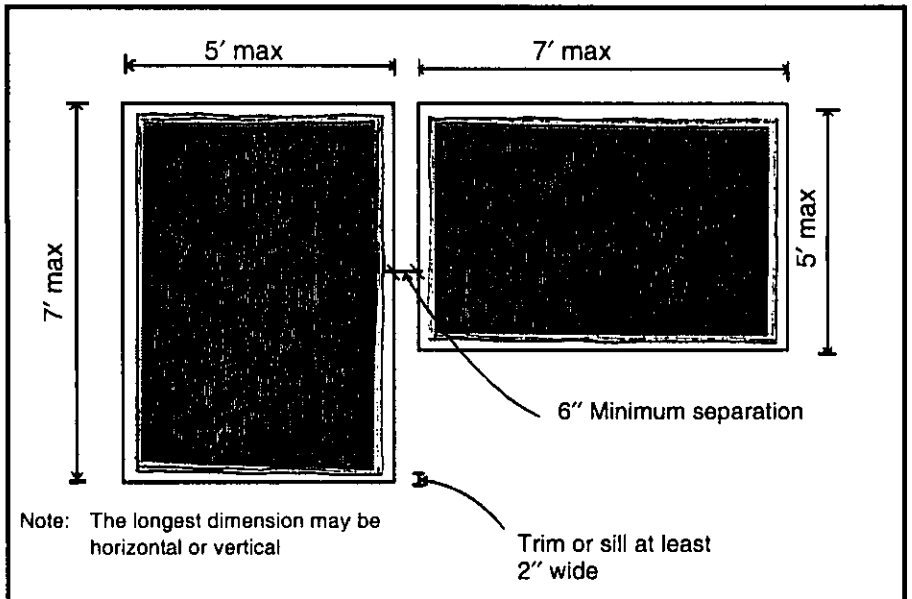
b) The applicant shall use at least three of the elements or techniques listed in subsection (5)(a)(2) of this section in the design and construction of any facade of a building *facing a street or through-block sidewalk*, if:

i. The facade has a height of three or more stories; or

ii. The facade is more than 100 feet long.

2) Techniques To Achieve Human Scale – The techniques to be used in the design and construction of building facades under subsection (5)(a)(1) of this section 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 guidelines.

Individual Windows Option



Dimensions for individual windows option to meet human scale requirement.

FIGURE 52.50.5.A

a) On each story above the ground floor, provide balconies or decks, at least six feet wide and six feet deep.

b) On each story above the ground floor, provide bay windows that extend out at least one foot, 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 one-half 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 five feet by seven feet.

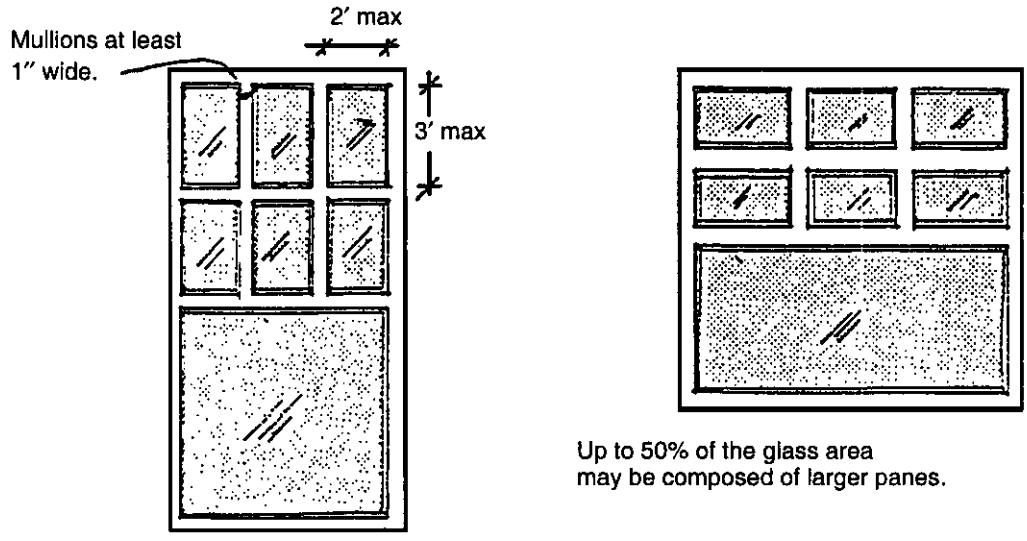
ii. The windows must be surrounded by trim, molding and/or sill at least two inches wide.

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

See Figure 52.50.5.A on previous page.

e) Provide at least one-half of the window area above the ground floor of each facade facing a street or public park in panes with dimensions less than two feet by three feet and with individual panes separated by window mullions.

Multiple-Paned Fenestration Option



Multiple-paned fenestration option to meet the human scale requirement.

FIGURE 52.50.5.B

f) Provide a hipped or gable roof which covers at least one-half of the building footprint and has a slope equal to or greater than three feet vertical to 12 feet 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 (2)(c) of this section may not be used to meet this requirement unless the required pedestrian weather protection covers an area at least 15 feet long by 15 feet 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 six feet 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 three 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 (b). The City may approve the proposal if it is consistent with the design guidelines and Juanita Business District Plan chapter of the Comprehensive Plan.

1) All stories above the second story must be set back at least 10 feet from the ground floor facade along at least two 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 feet;

b) The minimum depth of each modulation, except balconies, is 10 feet; and

c) The minimum width of each modulation, except balconies, is 15 feet.

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 feet; and

c) The minimum amount of floor area for each balcony is 100 square feet.

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 three feet vertical to 12 feet horizontal, is 50 feet 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 eight feet if the adjacent roof segments are less than 50 feet in length.

b) The height of the visible roof line must change at least 12 feet if the adjacent roof segments are greater than 50 feet in length.

c) The length of a sloped or gabled roof line segment must be at least 20 feet. The minimum slope of the roof segment is three feet vertical to 12 feet horizontal.

Flat Roof Modulation Options

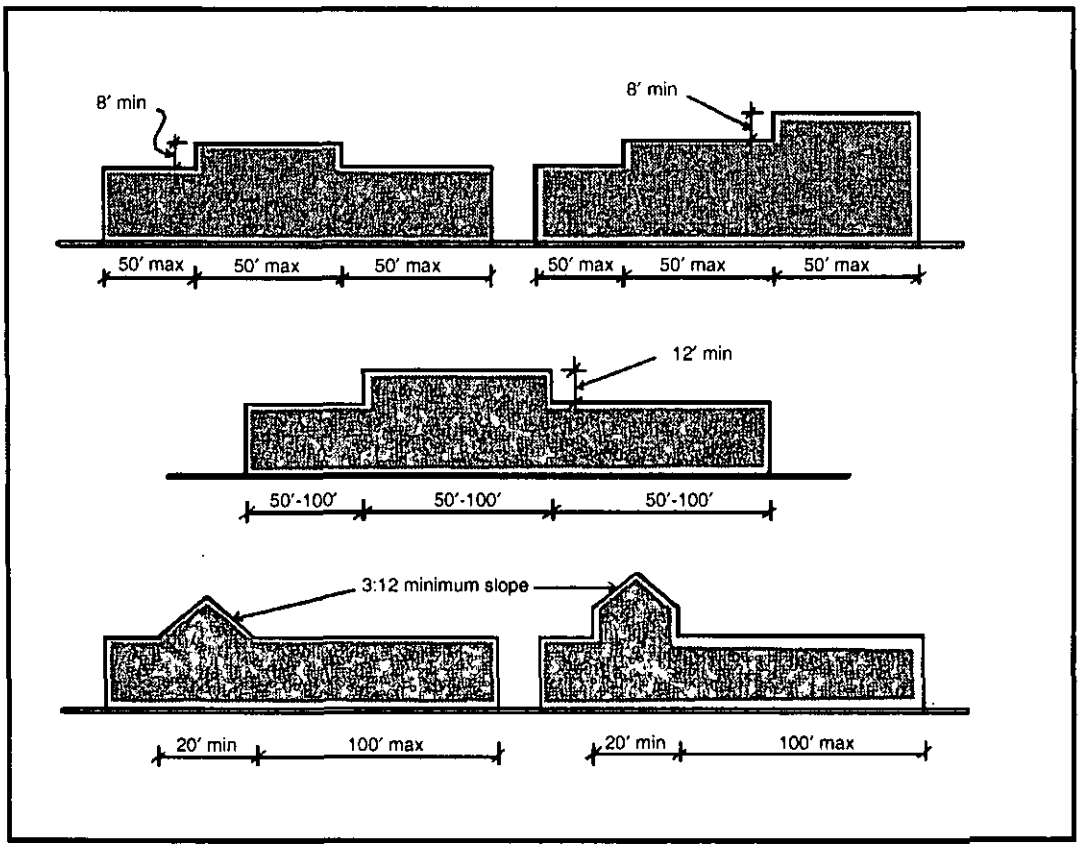


FIGURE 52.50.5.C

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

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 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 eight inches 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 (1)(d) of this section, Landscaping, to achieve at least 30 percent 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 feet 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 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, freestanding sculpture, art in pavement, murals, graphics or other forms, either freestanding 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 percent 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 backlit. 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 (6). As part of 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 two feet and no higher than 10 feet above ground and must be made of bronze, brass, anodized aluminum, porcelain enamel-covered steel or aluminum or other corrosion-resistant material.

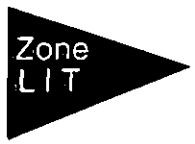
3) Building cornerstones and plaques must indicate the name of the building and, if known, the date of construction and architect.

4) Building cornerstones and plaques may include the owner's name and other historical information.

Chapter 55 – LIGHT INDUSTRIAL TECHNOLOGY (LIT) ZONES

55.05 User Guide. The charts in KZC 55.15 contain the basic zoning regulations that apply in the LIT zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.10



Section 55.10 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 20 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Hazardous Waste Treatment and Storage Facilities uses).

3. Except if adjoining a low density zone, structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if:
   a. It will not block local or territorial views designated in the Comprehensive Plan;
   b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
   c. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.

   (Does not apply to Hazardous Waste Treatment and Storage Facilities and Public Parks uses).

Section 55.15	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							
.010	Packaging of prepared materials Manufacturing See Special Regulations 1 and 2.	None	None	20′	0′	0′	90%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment, fabricated metal products; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include as part of this use, accessory retail sales, office or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.	
.020	A retail establishment providing storage services									E	See KZC 105.25.	1. May include accessory living facilities for resident security manager.	
.030	Warehouse Storage Service									C	1 per each 1,000 sq. ft. of gross floor area.	1. May include as part of this use, accessory retail sales, office or service utilizing no more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.	
.040	Wholesale Trade												
.050	Industrial Laundry Facility												
.060	Wholesale Printing or Publishing												

Section 55.15 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						
.070	Wholesale establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control	None	None	20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	B	E	1 per each 1,000 sq. ft. of gross floor area.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.080	A retail establishment providing banking and related financial services										1 per each 300 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building; and c. There is no vehicle drive-in or drive-through.
.090	High Technology								A	D	If manufacturing then 1 per each 1,000 sq. ft. of gross floor area. If office then 1 per 300 sq. ft. of gross floor area. Otherwise, see KZC 105.25.	1. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. May include as part of this use, accessory retail sales or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. Refer to KZC 115.105 for provisions regarding Outside Use, Activity and Storage.
.100	Office Use						70%		C See also Spec. Reg. 1a.		If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be setback at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.

Section 55.15 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							
.110	Auction House See Special Regulation 1.	None	None	20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	B	E	1 per each 300 sq. ft. of gross floor area.	1. Livestock auctions are not permitted. 2. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.	
.120	Kennel			20′ See Special Regulation 1.	0′	0′						1. Outside runs and other facilities for the animals must be setback at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Must provide suitable shelter for the animals. 3. Must maintain a clean healthful environment for the animals.	
.130	Day-care Center See Special Regulation 1.			20′	0′	0′			D	B	See KZC 105.25.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building. 2. A six-foot high fence is required along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. An on-site passenger loading area may 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	

Section 55.15 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						
.140	Mini-day-care (7-12 attendees) See Special Regulation 1.	None	None	20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	D	B	See KZC 105.25.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building. 2. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini -schools and mini-daycare centers only. 3. Hours of operation may be limited by the City to reduce impacts in nearby residential uses. 4. Structured play areas must be setback from all property lines by 5 feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.150	Recycling Center								A	C		1. May deal in metal cans, glass, and paper. Other materials may be recycled if the Planning Director determines that the impacts are no greater than those associated with recycling metal cans, glass, or paper. The individual will have the burden of proof in demonstrating similar impacts.
.160	Public Utility								C	B		1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.170	Government Facility Community Facility								See Spec. Reg. 1.			

Section 55.15 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							
.180	Hazardous Waste Treatment and Storage Facilities	None	None	30′	0′	0′	90%	35′ above average building elevation with a maximum of two stories, exclusive of parking levels. See Special Regulation 2.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210. 2. Structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if: a. It will not block local or territorial views designated in the Comprehensive Plan; and b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and c. The need for an increase in height is directly related to the hazardous waste treatment and/or storage activity; and d. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.	
.190	Vehicle or boat sales, repair, services, washing or rental See Special Regulation 1.			20′			80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.		E	See KZC 105.25.	1. Vehicle or boat sales or rental uses are only permitted if the property has direct vehicle access from NE 116th Street. 2. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in Chapter 105 KZC. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 3. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.	
.200	Fast Food or Restaurant See Special Regulation 1.								B		1 per each 100 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building; and c. There is no vehicle drive-in or drive-through.	

Section 55.15 Zone L I T USE ZONE CHART

Section 55.15 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						
.210	Public Park	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.						B	See KZC 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 KZC. 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.

0-2193

CHAPTER 57 - INDUSTRIAL LIMITED COMMERCIAL (ILC) ZONES

57.05 User Guide. The charts in KZC 57.15 contain the basic zoning regulations that apply in the ILC zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 57.10

Zone ILC

Section 57.10 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. Structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if:
   a. It will not block local or territorial views designated in the Comprehensive Plan;
   b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
   c. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.

   (Does not apply to Public Park uses).

Section 57.15	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						
.010	Packaging of pre-pared materials Manufacturing See Special Regulations 1 and 2.	None	None	20′	0′	0′	90%	35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment, fabricated metal products; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. May include as part of this use, accessory retail sales, office or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.020	Warehouse Storage Service											1. May include as part of this use, accessory retail sales, office or service utilizing no more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.030	Wholesale Trade											
.040	Industrial Laundry Facility											
.050	Wholesale Printing or Publishing											
.060	A retail establishment providing storage services. See Special Regulation 1.									E	See KZC 105.25.	1. May include accessory living facilities for resident security manager.

Section 57.15 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						
.070	A Retail Establishment Providing Building Construction, Plumbing, Electrical, Landscaping, or Pest Control Services	None	None	20′	0′	0′	80%	35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	B	E	1 per each 300 sq. ft. of gross floor area.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.080	A Retail Establishment Selling Building Materials or Hardware											
.090	A Retail Establishment Providing Rental Services											
.100	A retail establishment providing banking and related financial services See Special Regulation 1.											1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building; and c. There is no vehicle drive-in or drive-through.
.110	High Technology								A	D	If manufacturing then 1 per each 1,000 sq. ft. of gross floor area If office then 1 per 300 sq. ft. of gross floor area Otherwise, See KZC 105.25.	1. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. May include as part of this use, accessory retail sales, or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. Refer to KZC 115.105 for provisions regarding Outside Use, Activity and Storage.

Section 57.15 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							
.120	Office Use	None	None	20′	0′	0′	70%	35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	C See also Spec. Reg. 1a.	D	If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be setback at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.	
.130	A Retail, Variety or Department Store						80%		B	E	1 per each 300 sq. ft. of gross floor area.	1. This use must contain at least 75,000 square feet of gross floor area. 2. Outdoor storage for this use must be buffered as established in Chapter 95 for Landscaping Category A. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of 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. 4. No drive-through or drive-in facilities are permitted.	
.140	A multi-use complex or mixed use building containing 7 or more restaurants, taverns, fast food restaurants, retail establishments, or churches										See KZC 105.25.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A. 2. No drive-through or drive-in facilities are permitted. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of 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. 4. Ancillary assembly and manufactured goods on the premise 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. 5. Churches are limited to no more than 15 percent of the gross floor area of the complex.	

0-3219

Section 57.15	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						
.150	Athletic Instructional Facility	None	None	20′	0′	0′	80%	35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	B	E	See KZC 105.25.	
.160	Hotel or Motel										1 per each room. See Special Reg. 2.	1. May include meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for those ancillary uses shall be determined on a case-by-case basis.
.170	A Retail Establishment Providing Printing, Publishing, or Duplicating Services										1 per each 300 sq. ft. of gross floor area.	1. Gross floor area for this use may not exceed 3,000 sq. ft. For a larger printing or publishing facility, see wholesale printing or publishing listing in this use zone.
.180	A retail establishment providing vehicle or boat sales, repair, services, washing, or rental								A		See KZC 105.25.	1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in Chapter 105 KZC. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.190	Fast Food or Restaurant See Special Regulation 1.								B		1 per each 100 sq. ft. of gross floor area.	1. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; b. The use is integrated into the design of the building; and c. There is no vehicle drive-no or drive-through.
.200	Auction House See Special Regulation 1.										1 per each 300 sq. ft. of gross floor area.	1. Livestock auctions are not permitted. 2. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.210	Kennel			20′ See Special Regulation 1.	0′	0′						1. Outside runs and other facilities for the animals must be setback at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Must provide suitable shelter for the animals. 3. Must maintain a clean healthful environment for the animals.

Section 57.15 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						
.220	Vehicle Service Station	Process I Chapter 145	22,500 sq. ft.	40′	15′ on each side	10′	80%	35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may not be closer than 15 feet to any property line. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.230	Hazardous Waste Treatment and Storage Facilities	None	None	30′	0′	0′	90%			C	1 per each 1,000 sq. ft. of gross floor area.	1. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210. 2. Structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if: a. It will not block local or territorial views designated in the Comprehensive Plan; b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; c. The need for an increase in height is directly related to the hazardous waste treatment and/or storage activity; and d. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.
.240	Day-care Center See Special Regulation 6.			20′			80%		D	B	See KZC 105.25.	1. A six-foot high fence is required along the property lines adjacent to the outside play areas. 2. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 3. An on-site passenger loading area may 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 any 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 Title 388). 6. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; and b. The use is integrated into the design of the building.

Section 57.15 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						
.250	Mini-day-care (7-12 attendees) See Special Regulation 6.	None	None	20′	0′	0′	80%	35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	D	B	See KZC 105.25.	1. A six-foot high fence is required along the property lines adjacent to the outside play areas. 2. Structured play areas must be setback from all property lines by five 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 Title 388). 6. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; and b. The use is integrated into the design of the building.
.260	Public Utility								C			1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.270	Government Facility Community Facility								See Spec. Reg. 1.			
.280	Recycling Center			20′			80%	35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	A	C		1. May deal in metal cans, glass, and paper. Other materials may be recycled if the Planning Director determines that the impacts are no greater than those associated with recycling metal cans, glass, or paper. The individual will have the burden of proof in demonstrating similar impacts.

Section 57.15 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						
.290 Public Park	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.						B	See KZC 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 KZC. 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.

0-3219

CHAPTER 60 – PLANNED AREAS (PLA)

60.05 User Guide. The charts in KZC 60.12 contain the basic zoning regulations that apply in Planned Area 1, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.10

Zone PLA1

Section 60.10 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

0-3216

Section 60.12 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							
.010	Private College and Related Facilities	If development is consistent with the master plan adopted in R-4203, then none. Otherwise, must amend the master plan using Process III, Chapter 155 KZC.	As established in the master plan or as allowed in Special Regulations.									1. The master plan, approved by Resolution 4203, includes a site plan, which is on file with the City. That site plan is, by reference, incorporated as a part of this Code as it pertains to the location, configuration and nature of improvements in the PLA-1 zone. 2. In addition to the site plan referenced above, the adopted master plan includes the following special regulations: a. Future development permits shall be reviewed by the Planning Director to ensure consistency with the master plan. b. The applicant shall indicate all site improvements and landscaping for the areas to be affected by construction which are proposed to accompany the construction of each facility. The Planning Director shall have the authority to require implementation of these related elements of the master plan at such time new facilities, structures or additions are being constructed. c. At the time of application for development of the married student housing information relating to the degree of cutting and filling necessitated shall be provided. Plans for stabilization of nearby slopes shall be included in this information. This information shall indicate to what extent the drainage conditions on the eastern portion of the campus will be disturbed, and what measures will be taken to insure that surrounding properties will not be adversely affected by alternate drainage patterns. d. A 30-foot-wide landscape buffer planted pursuant to the requirements of KZC 95.25(2) shall be provided around the campus perimeter, except along 108th Ave. NE, 114th Ave. NE, I-405, and between on-campus duplex housing and adjacent single-family sites or I-405. The buffer shall incorporate all existing significant trees and vegetation. Where fencing is proposed, it shall be wood, unless alternative fencing is requested in writing by the adjacent neighbor and agreed to by the applicant. e. A 15-foot-wide landscape buffer planted pursuant to the requirements of KZC 95.25(2) shall be provided between on-campus duplex housing and adjacent single-family sites. The buffer shall incorporate all existing significant trees and vegetation. f. New construction of buildings and parking areas shall preserve existing significant trees to the maximum extent possible. g. Storm drainage plans shall accompany any applications for development permits. Said plans shall comply with the requirements of KMC Title 15. REGULATIONS CONTINUED ON NEXT PAGE	

Section 60.12	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						
.010	Private College and Related Facilities (continued)											h. Development permits for additional parking areas shall include a lighting plan for review and approval by the Planning Director. The lighting shall be directed such that it does not negatively impact adjacent residential areas. i. All main interior streets shall maintain a driving width of 24 feet plus curb and gutter improvements on both sides of the streets, for a total of 28 feet. Widths of, and improvements to secondary streets and service roads shall be subject to the review and approval of the Planning Director. It will be necessary for secondary streets and service roads to provide adequate clearance for emergency vehicle access. j. The location, material and design of any walkway within the campus shall be at the discretion of the College and its representatives, but will be reviewed by the Planning Director; provided, that the pedestrian/bicycle path in 114th Ave. NE shall be asphalt or concrete, eight feet wide. k. The "NO PARKING" signs along 110th Avenue N.E., east of the men's dormitory, shall remain indefinitely, to discourage future parking along this street. l. Within 30 feet of all outer edges of the campus (except along 108th Ave. NE, 114th Ave. NE, and I-405), no institutional uses or new parking areas are permitted, including any future redevelopment of the maintenance buildings. m. The housing unit, south of Gairloch, and west of 114th Ave. N.E., shall be separated from abutting properties to the north and east by a dense vegetative buffer of not less than 30 feet. n. Parking lots shall include landscaping islands as required by Chapter 105 KZC. o. Where adjacent to existing single-family residences, existing campus roadways and parking areas shall be landscaped as much as possible in the space available to provide a visual screen of the roadways and parking areas from the nearby residences. The amount and type of landscaping shall be subject to the review and approval of the Planning Director. An effort shall be made to reduce the amount of asphalt surfacing wherever possible. REGULATIONS CONTINUED ON NEXT PAGE

Section 60.12 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						
.010	Private College and Related Facilities (continued)											p. Construction of the proposed clock tower shall be subject to the issuance of a Process IIB Permit, to be reviewed by the Houghton Community Council, the Kirkland Hearing Examiner and the Kirkland City Council. q. The two westernmost campus access drives (adjacent to the Seventh Day Adventist Church and opposite 111th Ave. NE) shall be closed to general vehicle use. The driveway serving The Firs married student housing shall be relocated to lie within the 114th Ave. NE right-of-way. r. The District Office shall have only one access point from 108th Avenue N.E. s. New buildings or building expansions must conform with design guidelines as adopted as part of the master plan. t. The City is authorized to implement measures, identified in the approved master plan, to protect the surrounding neighborhood from parking impacts. u. For other regulations applicable to this use, see the master plan approved under Resolution R-4203. v. Structure height shall not exceed 30 feet above average building elevation if located within 100 feet of the campus perimeter, or 40 feet above average building elevation if located greater than 100 feet from the campus perimeter. 3. Deviations from the approved master plan may be administratively approved by the Planning Director: a. Unless: 1) There is a change in the use and the Zoning Code establishes different or more rigorous standards for the new use than for the existing use. 2) The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change; and b. The proposed modification or deviation satisfies all of the following: 1. No vehicular ingress or egress from surrounding streets may be changed. 2. No roadways, parking lots or structures within 100 feet of the site perimeter may be shifted toward the perimeters. Any other shifting or improvements shall be consistent with the design concept of the College. REGULATIONS CONTINUED ON NEXT PAGE

Section 60.12 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						
.010	Private College and Related Facilities (continued)											3. No buffers shown in the approved site plan may be reduced, unless specifically authorized by some other special regulation. 4. Reconfigurations of the footprint of the structures shown in the approved plan may be permitted; provided, that such changes are not apparent off-site and do not increase building height. 5. Minor new structures not shown on the approved site plan may be permitted; provided, that they are at least 200 feet from the site perimeter, are not apparent from off-site and do not require the significant shifting of roadways, parking areas or other improvements. c. The Planning Director shall notify the Houghton Community Council in writing, at least 40 days before issuance of a decision on a request for a modification of the master plan. d. A Process III zoning permit review process is required: 1) For any change to the master plan that does not meet the above criteria; 2) For leasing of any campus facilities to long-term tenants; 3) For any increase in student population above 1,200; or 4) For a change in all or any part of the Seahawks facility to a use other than a professional football team office and practice facility.

0-3719

Section 60.12 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							
.020	Professional Football, Baseball, or Soccer Practice or Play Facility	None, if part of approved master plan adopted in R-4203. Otherwise, Process III, Chapter 155 KZC.	10 acres	As established in the master plan or as allowed under Special Regulation 1.			80%	30' above average building elevation. See Special Regulations 2 and 3.	C See Spec. Reg. 4.	B See Spec. Reg. 6.	See KZC 105.25. See Spec. Reg. 7.	1. All structures and practice and play facilities must be setback from exterior property lines at least 50 feet. Parking lots must be setback at least 50 feet from single-family uses and screened and interspersed with landscaping pursuant to Chapters 95 and 105 KZC. 2. Maximum structure height is determined by the approved master plan. 3. Maximum height of temporary structures shall be 60 feet above finished grade. 4. Perimeter buffering is determined by the approved master plan. 5. One point of vehicular access only is permitted directly onto NE 53rd Street. Secondary access through the college campus is permitted. 6. A single pedestal or monument sign, non-interior illuminated, shall be permitted on NE 53rd Street. 7. During summer training camp, the public will be directed, by means of pedestal sings at entrances to the college, to the parking areas in the interior of the campus. 8. On-site parking shall be adequate to meet peak season use. 9. No public exhibitions or games shall be permitted. 10. No helicopter operations shall be permitted, except for emergency situations. 11. No graphics or markings shall be permitted on the exterior of the temporary structure, except as required by state, federal or local regulations. 12. Only one professional sport organization may occupy and use the facility in any consecutive 12-month period.
.030	Detached Dwelling Unit	None	8,500 sq. ft.	20'	5', but 2 side yards must equal at least 15'.	10'	50%	25' above average building elevation.	E	A	2.0 per unit.	1. Not more than one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

Section 60.12 Zone PLA1 USE ZONE CHART

Section 60.12 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						
.040	Public Utility	Process IIA, Chapter 150 KZC.	None	20′	10′ on each side	10′	70%	25′ above average building elevation.	A	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. If any portion of a structure is adjoining a low density zone, then either: a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details. 3. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.050	Government Facility								C See Spec. Reg. 3.			
.060	Community Facility	Process IIB, Chapter 152 KZC.										
.070	Public Park	See Special Regulations 2 and 3.		Will be determined on a case-by-case basis.					--			1. 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details. 2. Development and use of a park does not require a development permit under this Code if: a. A master plan for the 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; 2) Construction of any building of more than 4,000 square feet; 3) The construction of more than 20 parking stalls. 4) The development of any structured sports or activity areas. 3. Any development or use of a park that does not meet the requirements of Special Regulation 2 must be approved through the Process III, Chapter 155 KZC. The City will use the following factors is 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.

60.14 User Guide. The charts in KZC 60.17 contain the basic zoning regulations that apply in Planned Area 2, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.15

Zone PLA2

Section 60.15 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. Development in parts of this zone may be limited by Chapter 90 KZC, regarding development near streams, lakes and wetlands. In addition, the site must be designed to concentrate development away from, and to minimize impact on, the wetlands.
3. See KZC 60.18 for regulations concerning bulkheads and land surface modifications (does not apply to Mini-School or Mini-Day-Care (7 – 12 attendees) and Day-Care Home (6 or less attendees) uses).
4. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.
5. May also be regulated under the Shoreline Master Program, KMC Title 24.

0-3219

Section 60.17 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
			MINIMUMS				MAXIMUMS					
		Required Review Process	Lot Size	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	Attached or Stacked Dwelling Unit	Process IIB, Chapter 152 KZC.	35,000 sq. ft. per unit	20′ See Special Regulation 2.	5′, but 2 side yards must equal at least 15′.	10′	60%	25′ above average building elevation. See Special Regulation 4.	D	A	1.7 per unit.	1. No structure may be waterward of the high waterline. 2. No structure may be within 50 feet of the high waterline of the canal. No structure may be within 100 feet of the high waterline of the remainder of Lake Washington. 3. If the development includes portions of Planned Area 3, the applicant may propose and the City may require that part or all of the density allowed in Planned Area 2 be developed in Planned Area 3. 4. The height of a structure may be increased as long as neither of the following maximums is exceeded: a. The structure may not exceed 60 feet above average building elevation. b. The structure may not exceed a plane that starts 3.5 feet above the outside westbound lane of SR 520 and ends at the high waterline of Lake Washington in the zone, excluding the canal. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

Section 60.17	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						
.020	Mini-School or Mini-Day-Care (7-12 attendees) or Day-Care Home (6 or less attendees)	Process III, Chapter 155 KZC. None	35,000 sq. ft.	20′	5′, but 2 side yards must equal at least 15′. See Special Regulation 2.	10′	60%	25′ above average building elevation. See Special Regulation 4.	D	B	See KZC 105.25.	1. No structure may be waterward of the high waterline. 2. No structure may be within 50 feet of the high waterline of the canal. No structure may be within 100 feet of the high waterline of the remainder of Lake Washington. 3. If the development includes portions of Planned Area 3, the applicant may propose and the City may require that part or all of the density allowed in Planned Area 2 be developed in Planned Area 3. 4. The height of a structure may be increased as long as neither of the following maximums is exceeded: a. The structure may not exceed 60 feet above average building elevation. b. The structure may not exceed a plane that starts 3.5 feet above the outside westbound lane of SR 520 and ends at the high waterline of Lake Washington in the zone, excluding the canal. 5. May locate on the subject property if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 6. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 7. Hours of operation may be limited by the City to reduce impacts on nearby residential areas. 8. Structured play areas must be setback from all property lines by five feet. 9. 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. 10. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential areas. 11. May include accessory living facilities for staff persons. 12. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.17 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						
.030	Public Utility	Process IIA, Chapter 150 KZC.	None	20′	20′ on each side	10′	70%	25′ above average building elevation.	A	A	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. Landscape Category A may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.040	Government Facility				10′ on each side				B See Spec. Reg. 2.	B		
.050	Community Facility	Process IIB, Chapter 152 KZC.										
.060	Public Park	See Special Regulations 2 and 3.		Will be determined on a case-by-case basis.					--			1. Portions of the park located within the wetlands must be devoted exclusively to passive recreation that is not consumptive of the natural environment. 2. 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; 2) The construction of any building of more than 4,000 square feet; 3) The construction of more than 20 parking stalls. 4) The development of any structured sports or activity areas. 3. Any development or use of a park that does not meet the requirements of Special Regulation 2 must be approved through the Process III, Chapter 155 KZC. The City will use the following factors is 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.

0-3719

60.18 Bulkhead and Land Surface Modification

1. Bulkheads – Bulkheads are not permitted in this zone.

2. Land Surface Modification Waterward of the High Waterline

   a. General – Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.

   b. Required Permit – The City will use the City Council Process III as described in Chapter 155 KZC to review and decide upon an application for a land surface modification waterward of the high waterline.

   c. Allowable Reasons – The City may approve an application for a land surface modification waterward of the high waterline only if the application is filed be a public agency to improve navigability, public recreation, or public safety; and

      1) No unique or significant natural area of flora or fauna will be destroyed; and

      2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties.

   d. Requirements for Dredging – If the land surface modification involves dredging, the dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved fill on the subject property.

   e. Requirements for Fill – If the land surface modification involves fill, the material for the fill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.

   f. Use of Vegetation – The applicant shall stabilize exposed areas left after land surface modification with vegetation.

3. Land Surface Modification within the Regulated Wetland – Land surface modification within a regulated wetland and within a wetland buffer is regulated by Chapter 90 KZC. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.

4. Land Surface Modification Other than Waterward of the High Waterline or the Regulated Wetland or Wetland Buffer – See Chapter 115 KZC for regulations regarding land surface modifications other than waterward of the high waterline or within the regulated wetland or wetland buffer.

5. Emergency Measures – An applicant may take emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.

60.19 User Guide. The charts in KZC 60.22 contain the basic zoning regulations that apply in Planned Area 3A, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.20

Zone PLA3A

Section 60.20 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.
2. Developments in parts of this zone may be limited by Chapter 90 KZC, regarding development near streams, lakes, and wetlands.
3. The site must be designed to concentrate development away from and to minimize impacts on the wetlands (does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Unit, Mini-School or Mini-Day-Care, Family Day-Care Home, and Public Park uses).
4. If the development includes portions of Planned Area 2, the applicant may propose and the City may require that part or all of the density allowed in Planned Area 2 be developed in Planned Area 3 (does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Unit, Family Day-Care Home, Public Utility, Government or Community Facility, and Public Park uses).
5. The height of structures may be increased if:
   a. The structure does not exceed 60 feet above average building elevation,
   b. The amount of pervious surface on the subject property in this zone significantly exceeds 50 percent, and
   c. The site is designed to the maximum extent feasible to provide views through the subject property from Lake Washington Boulevard and Bellevue Way while complying with the General Regulations.

   (Does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Unit, Family Day-Care Home, Public Utility, Government or Community Facility, and Public Park uses).
6. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.
7. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure extends 25 feet above average building elevation.
8. City entryway design must be provided on the subject property adjacent to Lake Washington Boulevard as follows:
   a. An earthern berm, 12 feet wide and with a uniform height of three feet at the center;
   b. Lawn covering the berm;
   c. London Plane at least two inches in diameter, planted 30 feet on center along the berm.
9. Vehicular circulation on the subject property must be designed to minimize traffic impacts on Lake Washington Boulevard and at the SR-520 interchange. The city may limit access points onto Lake Washington Boulevard and Points Drive and require traffic control devices and right-of-way realignment (does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Unit, Family Day-Care Home, Public Utility, Government or Community Facility, and Public Park uses).
10. May also be regulated under the Shoreline Master Program, KMC Title 24.

Section 60.22 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)	6/19/09
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.010	Detached Dwelling Unit	None	5,000 sq. ft. per unit	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	30′ above average building elevation.	E	A	2.0 per unit.	1. Access points onto Lake Washington Boulevard must be minimized to prevent arterial congestion and traffic safety hazards. Shared access points must be utilized where feasible. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.	
.020	Attached or Stacked Dwelling Unit								D		1.7 per unit.		
.030	Attached or Stacked Dwelling Units	Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres with 3,600 sq. ft. per unit.		10′ on each side			30′ above average building elevation. See General Regulations.				1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.	
.040	Office Uses		Must be part of a development with a site area of at least 15 acres. See Special Regulation 1.		5′, but 2 side yards must equal at least 15′.				C	D	If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, one per each 300 sq. ft. of gross floor area.	1. The minimum lot size for this use is 7,200 square feet if the subject property has frontage on Lake Washington Boulevard. 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 development permit application. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.	

Section 60.22 — Zone PLA3A — USE ZONE CHART

Section 60.22 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						
.050	Development Containing Attached, or Stacked Dwelling Units and Office uses.	Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres with 3,600 sq. ft. per unit.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	30′ above average building elevation. See General Regulations.	C	D	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwelling units. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.060	School or Day-Care Center		Must be part of a development with a site area of at least 15 acres. See Special Regulation 1.	If this use can accommodate 50 or more students or children, then: 50′ / 50′ on each side / 50′ If this use can accommodate 13 to 49 students or children, then: 20′ / 20′ on each side / 20′ Otherwise: 20′ / 5′ but 2 side yards must equal at least 15′. / 10′					D	B		1. The minimum lot size for this use is 7,200 square feet if the subject property has frontage on Lake Washington Boulevard. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential areas. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7 The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential areas. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.22 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						
.070	Mini-School or Mini-Day-Care	Process III, Chapter 155 KZC.	Must be part of a development with a site area of at least 15 acres with 3,600 sq. ft. per unit.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	30′ above average building elevation. See General Regulations.	E	B	See KZC 105.25.	1. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential areas. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.080	Family Day-Care Home	None	5,000 sq. ft. per unit		5′, but 2 side yards must equal at least 15′.			30′ above average building elevation.		A	2.0 per unit	1. Access points onto Lake Washington Boulevard must be minimized to prevent arterial congestion and traffic safety hazards. Shared access points must be utilized where feasible. 2. Family day-care provider must be licensed by the state to operate a family child day-care home. 3. A safe passenger loading area as certified by the state office of child care policy licensor shall be provided. 4. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.090	Convalescent Center or Nursing Home	Process III, Chapter 155 KZC.	Must be part of a development with a site area of at least 15 acres. See Special Regulation 1.		10′ on each side			30′ above average building elevation. See General Regulations.	C	B	1 for each bed	1. The minimum lot size for this use is 7,200 square feet if the subject property has frontage on Lake Washington Boulevard.

ORD 3163

Section 60.22 Zone PLA3A USE ZONE CHART

Section 60.22 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						
.100	Church	Process IIB, Chapter 152 KZC.	Must be part of a development with a site area of at least 15 acres. See Special Regulation 1.	20′	20′ on each side	20′	70%	30′ above average building elevation. See General Regulations.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 2.	1. The minimum lot size for this use is 7,200 square feet if the subject property has frontage on Lake Washington Boulevard. 2. No parking is required for day-care or school ancillary to the use.
.110	Public Utility		None					30′ above average building elevation.	A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.120	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 1.			
.130	Public Park	See Special Regulations 2 and 3.	Will be determined on a case-by-case basis.						--		See KZC 105.25.	1. Any portion of the park located within the wetland must be devoted exclusively to passive recreation that is not consumptive. 2. 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. 3. Any development or use of a park that does not meet the requirements of Special Regulation 2 must be approved through the Process III, Chapter 155 KZC. 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.

60.24 User Guide. The charts in KZC 60.27 contain the basic zoning regulations that apply in Planned Area 3B, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.25

Zone PLA3B

Section 60.25 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulations regarding moorages and public access piers, see the specific listings in this zone (does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats, General Moorage Facility and Public Park uses).
3. The required 30-foot front yard may be reduced one foot for each foot of this yard that is developed as a public use area if:
   a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and
   b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and
   c. The design of the public use area is specifically approved by the City.
   (Does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats and Public Park uses).
4. 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, that they do not obscure the view from Lake Washington Boulevard to beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties (does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats and Public Park uses).
5. See KZC 60.28 for regulations regarding bulkheads and land surface modification.
6. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.
7. May also be regulated under the Shoreline Master Program, KMC Title 24.

0-3219

Section 60.27 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	North Property Line	South Property Line	High Water Line						
.010	Detached Dwelling Unit	None	3,600 sq. ft.	30′ See Gen. Regs.	The greater of: a. 15′, or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′.	10′	The greater of: a. 15′, or b. 15% of the average parcel depth.	80%	30′ above average building elevation. This provision may not be varied.	E	A	2.0 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. The required yard of a structure abutting Lake Washington Boulevard must be increased two feet for each one foot that structure exceeds 25 feet above the adjacent centerline of Lake Washington Blvd.
				The minimum dimension of any yard, other than those listed, is 5′.									

0-1619

Section 60.27 Zone PLA3B USE ZONE CHART

Section 60.27 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
			MINIMUMS					MAXIMUMS						
				REQUIRED YARDS (See Ch. 115)										
		Required Review Process	Lot Size	Front	North Property Line	South Property Line	High Water Line	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)	
.020	Attached or Stacked Dwelling Units	Process IIB, Chapter 152 KZC.	3,600 sq. ft. per unit	30′	The greater of: a. 15′, or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′.	10′	The greater of: a. 15′, or b. 15% of the average parcel depth.	80%	30′ above average building elevation. See Special Regulation 2.	D	A	2.0 per unit.	1. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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. The City shall require signs designating the public pedestrian access and public uses areas. 2. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 3. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of the isolation. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 5. The hotel or motel use may include ancillary meeting and conference facilities for the resident clientele and guests of residents, but not the general public. 6. The hotel or motel use may not include restaurant, retail, or office uses.
.030	Hotel or Motel		None							B	E	1 per each room.		

The minimum dimension of any yard, other than those listed, is 5′.

ORD 3716

Section 60.27 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	North Property Line	South Property Line	High Water Line							
.040	Assisted Living Facility	Process IIB, Chapter 152 KZC.	3,600 sq. ft.	30′	The greater of: a. 15′, or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′.	10′	The greater of: a. 15′, or b. 15% of the average parcel depth.	80%	30′ above average building elevation.	D	A	2.0 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. 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 KZC, 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. 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. One parking stall shall be provided for each bed. 4. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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. The City shall require signs designating the public pedestrian access and public use areas.	
				The minimum dimension of any yard, other than those listed, is 5′.										
.050	Public Access Pier or Boardwalk		None	Waterward of the High Waterline -- 10′ 10′ -- See Special Regulation 8.				--	Pier decks may not be more than 24′ above mean sea level. Diving boards and similar features may not be more than 3′ above the deck.	--	See Spec. Reg. 7.	See KZC 105.25.	1. No accessory uses, buildings, or activities are 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 submittal of a Building Permit for this use. 3. May not treat a structure 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. Pier must be adequately lit; the source of the light must not be visible from neighboring properties. 7. Structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high, and visible from the Lake. 8. North and south property line yards may be decreased for overwater public use facilities which connect with waterfront public access or adjacent property.	

Section 60.27 Zone PLA3B USE ZONE CHART

Section 60.27 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	North Property Line	South Property Line	High Water Line						
.060	Moorage Facility for One or Two Boats. See Special Regulation 1.	None	None	Waterward of the High Waterline -- 10′ 10′ -- In addition, no moorage structure may be within-- a. 25′ of a public park; or b. 25′ of another moorage structure not on the subject property. The minimum dimension of any yard, other than those listed, is 5′.				80%	Pier decks may not be more than 24′ above mean sea level. Diving boards and similar features may not be more than 3′ above the deck.	--	See Spec. Reg. 9.	None	1. Moorage must be for the exclusive use of the residents of the subject property. Renting moorage space is not permitted. 2. 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. 3. Moorage structures may not extend waterward beyond a point 150 feet 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 eight feet in width. 4. If the 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 submittal of a Building Permit for this use. 5. May not treat moorage structure with creosote, oil base or toxic substances. 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 the neighboring properties. 9. Moorage structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high, and visible from the Lake. 10. Covered moorage is not permitted. 11. Aircraft moorage is not permitted. 12. Live-aboard boats are prohibited.

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Section 60.27 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	North Property Line	South Property Line	High Water Line							
.070	General Moorage Facility	Process IIB, Chapter 152 KZC.	None, but must have at least 100′ feet of frontage on Lake Washington.	Landward of the High Waterline 30′ The greater of: a. 15′, or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′.		10′	For moorage structure, 0′. For other structures, the greater of: a. 15′, or b. 15% of the average parcel depth.	80%	Landward of the High Waterline, 30′ above average building elevation. Waterward of the High Waterline, Dock and Pier decks may not be more than 24′ above sea level.	B	B See Spec. Reg. 11.	1 per each 2 slips Otherwise, none, if the moorage is reserved for the exclusive use of an adjoining residential development.	1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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. 3. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. 4. The City will determine the maximum allowable number of moorages based on the following factors: a. The ability of the land landward of the high waterline to accommodate the necessary support facilities. b. The potential for traffic congestion. c. The number of moorages shall not exceed the number of dwelling units on the subject property. 5. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats moored. The City will specifically review the size and configuration of moorage structures to insure that the moorage structures: a. 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; and b. Are not larger than is necessary to moor the specified number of boats; and c. Will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and d. Will not adversely affect nearby uses; and e. Will not have a significant long-term adverse effect on aquatic habitats. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE	
				Waterward of the High Waterline -- 10′ 10′ --										

No moorage structure may be--
a. Within 100′ of a public park; or
b. Closer to a public park than a line that starts where the high waterline of the park intersects with the side property line of the park closest to the moorage structure at a 45° angle from that side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening overwater structure; or

(See next page for the rest of the Required Yards regulations)

Section 60.27 Zone PLA3B USE ZONE CHART

Section 60.27 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	North Property Line	South Property Line	High Water Line						
.070	General Moorage Facility (continued)			c. Closer to a lot containing a detached dwelling unit than a line that starts where the high water line of the lot intersects the side property line of the lot closest to the moorage structure and runs waterward toward the moorage structure at a 30° angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not extend beyond any intervening over water structure; or d. Within 25' of another moorage structure not on the subject property. The minimum dimension of any yard other than those listed, is 5'. (See previous page for the rest of this column)								6. If the 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 submittal of a Building Permit for this use. 7. May not treat moorage structure with creosote, oil base or toxic substance. 8. Must provide at least two covered and secured waste receptacles. 9. All utility and service lines must be below the pier deck and, where feasible, underground. 10. Piers must be adequately lit. The source of light must not be visible from neighboring properties. 11. Moorage structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high. 12. Covered moorage is not permitted. 13. Aircraft moorage is not permitted. 14. At least one pump-out facility shall be provided. 15. Must provide public restrooms unless moorage is only available for residents of dwelling units on the subject property.

Section 60.27 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	North Property Line	South Property Line	High Water Line							
.080	Public Park	See Special Regulations 4 and 5.	None	Will be determined on a case-by-case basis.						--	B	See KZC 105.25.	1. 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details. 2. The provisions of Chapter 90 KZC limiting development in and around wetlands do not apply to a public park if the development is approved as part of a Park Master Plan using Process III, described in Chapter 155 KZC. 3. This use may include a public access pier or boardwalk. See KZC 30.15.030 through 30.15.050 for regulations regarding these uses. 4. 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. 5. Any development or use of a park that does not meet the requirements of Special Regulation 4 must be approved through the Process III, Chapter 155 KZC. 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 60.27 Zone PLA3B **USE ZONE CHART**

Section 60.27 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	North Property Line	South Property Line	High Water Line						
.090	Public Utility	Process IIB, Chapter 152 KZC.	None	30' See Gen. Regs.	The greater of: a. 15', or b. 1-1/2 times the height of the primary structure above average building elevation minus 10'.	10'	The greater of: a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation. See Special Regulation 2.	A C See Spec. Reg. 4.	B	See KZC 105.25.	1. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from the adjoining property. The City shall require signs designating the public pedestrian access and public uses areas. 2. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 3. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design, and landscaping must mitigate the impacts of that isolation. 4. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.100	Government Facility or Community Facility												

6128-0

60.28 Bulkhead and Land Surface Modification

1. Bulkheads

a. General – Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section. A permit may be required from the U.S. Army Corps of Engineers. Consult with that agency for further information.

b. Allowable Reasons – A bulkhead may be constructed only if:

1) It is needed to prevent significant erosion due to wave action; and

2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.

c. Prohibited Location – A bulkhead may not be erected within a wetland or between a wetland and the lake.

d. Design of Bulkhead – The bulkhead must be designed to minimize the transmittal of wave energy to other properties.

e. Placement of the Bulkhead – The bulkhead may not extend waterward of the high waterline. If there has been severe and unusual erosion within one year preceding the application for the bulkhead, the City may allow the placement of the bulkhead to recover the dryland area lost by this erosion.

f. Change in Configuration of the Land – Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.

g. Backfill – The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

2. Land Surface Modification Waterward of the High Waterline

a. General – Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.

b. Required Permit – The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.

c. Allowable Reasons – The City may approve an application for a land surface modification waterward of the high waterline only if:

1) No unique or significant natural area of flora or fauna will be destroyed;

2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and

3) Either:

a) The application is filed by a public agency to improve navigability or public safety; or

b) The application is to create a public use or recreation area; or

c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or

d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorage.

d. Requirements for Dredging – If the land surface modification involves dredging, the following regulations apply:

1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.

2) The applicant shall restore any beneficial vegetation disturbed during dredging.

3) The dredging shall be the minimum necessary to provide sufficient draft for navigation and moorage.

e. Requirements for Fill – If the land surface modification involves fill, the following regulations apply:

1) Material Used for Landfill – The material used in the landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.

2) Use of Vegetation – Exposed fill areas must be stabilized with vegetation.

3. Land Surface Modification within the High Waterline Yard

a. General – Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult with that agency for further information.

b. Allowable Reasons – The City may approve an application for a land surface modification within the high waterline yard only if:

1) No unique or significant natural area of flora or fauna will be destroyed; and

2) Either:

a) The application is filed by a public agency to improve public safety, recreation, or access; or

b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or

c) The land surface modification is necessary to provide public access; or

d) The land surface modification is necessary to the structural safety of a structure; or

e) There has been severe and unusual erosion within the one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or

f) This application is part of an application for a bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(g) of this section.

c. Material Used for Landfill – The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality of the existing habitat.

d. Use of Vegetation – The applicant shall stabilize exposed areas left after land surface modification with vegetation.

4. Land Surface Modification Landward of the High Waterline Yard – Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115 KZC for those regulations.

5. Emergency Measures – An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.

60.29 User Guide. The charts in KZC 60.32 contain the basic zoning regulations that apply in Planned Area 5A, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.30

Zone PLA5A

Section 60.30 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density use within PLA 5A, 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 within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.

   See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).

3. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
   a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.
   b. Any required yard of the subject property abutting the 4th Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
   c. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.

   (Does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).

Section 60.32 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						
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′,but 2 side yards must equal at least 15′.	10′	60%	25′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units		3,600 sq. ft. with at least 1,800 sq. ft. per unit.	20′	5′,but 2 side yards must equal at least 15′.	10′		30′ above average building elevation.	D		1.7 per unit.	1. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
				The required yard of any structure abutting a lot containing a low density use within PLA 5 must be increased 1′ for each 1′ that structure exceeds 20′ above average building elevation.								

Section 60.32 — USE ⇩ / REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	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							
.030	Church	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20′	20′ on each side	20′	70%	30′ above average building elevation.	C	B	1 for every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.	
.040	School or Day-Care Center			If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise, 20′ 5′, but 2 side yards must equal at least 15′. 10′					D		See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	

Section 60.32 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							
.050	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	30′ above average building elevation.	E	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	
.060	Assisted Living Facility			20′	5′,but 2 side yards must equal at least 15′.	10′			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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	
				The required yard of any structure abutting a lot containing a low density use within PLA 5 must be increased 1′ for each 1′ that structure exceeds 20′ above average building elevation.									

Section 60.32 Zone PLA5A USE ZONE CHART

Section 60.32 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	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						
.070	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20′	10′ on each side	10′	70%	30′ above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.080	Public Utility	None	None		20′ on each side				A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility or Community Facility	Process IIA, Chapter 150 KZC.			10′ on each side				C See Spec. Reg. 1			
.100	Public Park	See Special Regulations 1 and 2.	Will be determined on a case-by-case basis.						--	B	See KZC 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 II, Chapter 155 KZC. 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.

s60.34 User Guide. The charts in KZC 60.37 contain the basic zoning regulations that apply in Planned Area 5B, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.35

Zone PLA5B

Section 60.35 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density use within PLA 5A, 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 within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.

   See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).

3. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
   a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.
   b. Any required yard of the subject property abutting the 4th Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
   c. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.

   (Does not apply to Public Park uses).

4. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment (does not apply to Detached Dwelling Unit and Public Park uses).

Section 60.35 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						
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	25′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units		3,600 sq. ft. with at least 1,800 sq. ft. per unit.	20′	5′,but 2 side yards must equal at least 15′. The required yard of any structure abutting a lot containing a low density use within PLA 5A must be increased 1′ for each 1′ that structure exceeds 20′ above average building elevation.	10′		30′ above average building elevation.	D		1.7 per unit.	1. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.030	Office Use		None						C	D	If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 60.35 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						
.040 Development Containing Stacked or Attached Dwelling Units and Office Uses. See Special Regulation 1.	None	3,600 sq. ft. with at least 1,800 sq. ft. per unit.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	30′ above average building elevation.	C	D	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwelling units. 2. Primary vehicular access must be directly from 6th Street or 4th Avenue. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 4. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 5. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
			The required yard of any structure abutting a lot containing a low density use within PLA 5A must be increased 1′ for each 1′ that structure exceeds 20′ above average building elevation.								

Section 60.35 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						
.050	Church	Process I, Chapter 145 KZC.	7,200 sq. ft.	20′	20′ on each side	20′ The required yard of any structure abutting a lot containing a low density use within PLA 5A must be increased 1′ for each 1′ that structure exceeds 20′ above average building elevation.	70%	30′ above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.
.060	School or Day-Care Center	If this use is adjoining a low density zone, then Process I, Chapter 145 KZC. Otherwise, none.		If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise, 20′ 5′, but 2 side yards must equal at least 15′. 10′					D		See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

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Section 60.35 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						
.070	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	30′ above average building elevation.	E	B	See KZC 105.25.	1. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 4. An on-site passenger loading are may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
				The required yard of any structure abutting a lot containing a low density use within PLA 5A must be increased 1′ for each 1′ that structure exceeds 20′ above average building elevation.								
.080	Assisted Living Facility								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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.090	Convalescent Center or Nursing Home	Process I, Chapter 145 KZC.	7,200 sq. ft.						C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.

Section 60.35 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							
.100	Public Utility	Process I, Chapter 145 KZC.	None	20′	20′ on each side	20′	70%	30′ above average building elevation.	A	B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.	
				The required yard of any structure abutting a lot containing a low density use within PLA 5A must be increased 1′ for each 1′ that structure exceeds 20′ above average building elevation.									
.110	Government Facility or Community Facility			20′	10′ on each side	10′			C See Spec. Reg. 1.				
				The required yard of any structure abutting a lot containing a low density use within PLA 5A must be increased 1′ for each 1′ that structure exceeds 20′ above average building elevation.									
.120	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--			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 KZC. 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.	

60.39 User Guide. The charts in KZC 60.42 contain the basic zoning regulations that apply in Planned Area 5C, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.40

Zone PLA5C

Section 60.40 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density use within PLA 5A, 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 within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.

   See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).

3. Any portion of a structure that exceeds 30 feet above average building elevation must be setback from the front property line one foot for each one foot that the portion of the structure exceeds 30 feet above average building elevation (does not apply to Detached Dwelling and Public Park uses).

4. The minimum setback from a lot containing a low density use within PLA 5A of any structure that exceeds 30 feet above average building elevation is twice the height of that structure as measured on the side of the structure closest to the lot containing a low density use within PLA 5A (does not apply to Detached Dwelling and Public Park uses).

5. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
   a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.
   b. Any required yard of the subject property abutting the 4th Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
   c. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
   d. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.

   (Does not apply to Public Park uses).

Section 60.42 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						
.010	Detached Dwelling Units	None	3,600 sq. ft.	20′	5′,but 2 side yards must equal at least 15′.	10′	70%	25′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units		3,600 sq. ft. with at least 1,800 sq. ft. per unit.					If the development contains at least 1 acre, then the lower of: 6 stories or 60′ above average building elevation. Otherwise, 30′ above average building elevation.	D		1.7 per unit.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.

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Section 60.42 Zone PLA5C USE ZONE CHART

Section 60.42 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						
.030	Office Use	None	None	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If the development contains at least 1 acre, then the lower of: 6 stories or 60′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 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 development permit application. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 60.42 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						
.040	Development Containing Stacked or Attached Dwelling Units and Office Uses. See Special Regulation 1.	None	3,600 sq. ft. with at least 1,800 sq. ft. per unit.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If the development contains at least 1 acre, then the lower of: 6 stories or 60′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwelling units. 2. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 4. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 5. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 60.42 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						
.050	Church	Process I, Chapter 145 KZC.	7,200 sq ft.	20′	20′ on each side	20′	70%	The lower of 6 stories or 60′ above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 2. No parking is required for day-care or school ancillary to this use.
.060	School or Day-Care Center	If this use is adjoining a low density zone, then Process I, Chapter 145 KZC. Otherwise, None.		If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise, 20′ 5′, but 2 side yards must equal at least 15′. 10′					D		See KZC 105.25.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 2. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 3. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 4. Hours of operation may be limited to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 6. 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 any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 9. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.42 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							
.070	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If the development contains at least 1 acre, then the lower of: 6 stories or 60′ above average building elevation. Otherwise, 30′ above average building elevation.	E	B	See KZC 105.25.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 2. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by 5 feet. 5. An on-site passenger loading are may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	
.080	Assisted Living Facility								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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 6. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	

Section 60.42 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						
.090	Convalescent Center or Nursing Home	Process I, Chapter 145 KZC.	7,200 sq. ft.	20'	10' on each side	10'	70%	The lower of 6 stories or 60' above average building elevation.	C	B	1 for each bed.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.100	Public Utility		None		20' on each side				A		See KZC 105.25.	1. The City may limit access points onto 6th Street and require traffic control devices and right-of-way realignment. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.110	Government Facility or Community Facility				10' on each side				C See Spec. Reg. 2.			
.120	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					--			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 the Special Regulation 1 must be approved through the Process III, Chapter 155 KZC. 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.

60.44 User Guide. The charts in KZC 60.47 contain the basic zoning regulations that apply in Planned Area 5D, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.45

Zone PLA5D

Section 60.45 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density use within PLA 5A, 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 within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.

   See KZC115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).

3. Any portion of a structure that exceeds 30 feet above average building elevation must be setback from the front property line one foot for each one foot that the portion of the structure exceeds 30 feet above average building elevation (does not apply to Detached Dwelling and Public Park uses).

4. The minimum setback from a lot containing a low density use within PLA 5A of any structure that exceeds 30 feet above average building elevation is twice the height of that structure as measured on the side of the structure closest to the lot containing a low density use within PLA 5A (does not apply to Detached Dwelling and Public Park uses).

5. If the subject property abuts the 4th Avenue right-of-way or the easterly extension of the alignment of that right-of-way to 10th Street, the following regulations apply:
   a. The City may require the applicant to dedicate and improve land as shown in the Public Improvements Master Plan adopted by the City for this area.
   b. Any required yard of the subject property abutting the 4th Avenue right-of-way or the easterly extension of that right-of-way will be regulated as a front yard.
   c. Any required yard of the subject property abutting 5th Avenue will be regulated as a rear yard.
   d. Service and parking areas must, to the maximum extent possible, be located and oriented away from the 4th Avenue right-of-way unless primary vehicular access to the subject property is directly from that right-of-way.

   (Does not apply to Public Park uses).

Section 60.47 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						
.010	Detached Dwelling Units	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′	10′	60%	25′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units		3,600 sq. ft. with at least 1,800 sq. ft. per unit.					If the development contains at least 1 acre, then the lower of: 4 stories or 40′ above average building elevation. Otherwise, 30′ above average building elevation.	D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.

Section 60.47 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						
.030	Church	Process IIA, Chapter 150 KZC.	7,200 sq ft.	20′	20′ on each side	20′	70%	The lower of 4 stories or 40′ above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.
.040	School or Day-Care Center			If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise, 20′ 5′, but 2 side yards must equal at least 15′. 10′					D		See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.47 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							
.050	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If the development contains at least 1 acre, then the lower of: 4 stories or 40′ above average building elevation.	E	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 5. An on-site passenger loading are may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	
.060	Assisted Living Facility							If the development contains at least 1 acre, then the lower of: 4 stories or 40′ above average building elevation. Otherwise, 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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	

Section 60.47 Zone PLA5D USE ZONE CHART

Section 60.47 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						
.070	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20′	10′ on each side	10′	70%	The lower of 4 stories or 40′ above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.080	Public Utility		None		20′ on each side	20′			A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 1			
.100	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					--			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 the Special Regulation 1 must be approved through the Process III, Chapter 155 KZC. 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.

60.49 User Guide. The charts in KZC 60.52 contain the basic zoning regulations that apply in Planned Area 5E, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.50

Zone PLA5E

Section 60.50 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.
2. If any portion of a structure is adjoining a low density use within PLA 5A, 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 within 100 feet of the lot containing a low density use within PLA 5A shall not exceed 75 feet.

   See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).
3. Primary vehicular access must be directly from 2nd Street unless this is not possible (does not apply to Detached Dwelling and Public Park uses).

Section 60.52 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						
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	25′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units		3,600 sq. ft. with at least 1,800 sq. ft. per unit.					30′ above average building elevation.	D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.
.030	Church	Process IIA, Chapter 150 KZC.	7,200 sq ft.		20′ on each side	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.

Section 60.52 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						
.040	School or Day-Care Center	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise, 20′ 5′, but 2 side yards must equal at least 15′. 10′			70%	30′ above average building elevation.	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.52 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						
.050	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	30′ above average building elevation.	E	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 5. An on-site passenger loading are may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.060	Assisted Living Facility								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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

Section 60.52 Zone PLA5E USE ZONE CHART

Section 60.52 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						
.070	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20′	10′ on each side	10′	70%	30′ above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.080	Public Utility		None		20′ on each side				A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility or Community Facility				10′ on each side				C See Spec. Reg. 1			
.100	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					--			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 the Special Regulation 1 must be approved through the Process III, Chapter 155 KZC. 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.

60.54 User Guide. The charts in KZC 60.57 contain the basic zoning regulations that apply in Planned Area 6A, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.55

Zone PLA6A

Section 60.55 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).

3. The required yard of a structure abutting Lake Washington Blvd. or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).

Section 60.57 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						
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units		3,600 sq. ft. with at least 1,800 sq. ft. per unit.						D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.
.030	Church	Process IIA, Chapter 150 KZC.	7,200 sq ft.		20′ on each side	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.

Section 60.57 Zone PLA6A USE ZONE CHART

Section 60.57	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
.040	School or Day-Care Center	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′	50′ on each side	50′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above building elevation.	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
				If this use can accommodate 13 to 49 students or children, then: 20′	20′ on each side	20′						
				Otherwise, 20′	5′, but 2 side yards must equal at least 15′.	10′						

Section 60.57 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						
.050	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above building elevation.	E	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.060	Assisted Living Facility								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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

Section 60.57 Zone PLA6A USE ZONE CHART

Section 60.57 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						
.070	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20′	10′ on each side	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.080	Public Utility		None		20′ on each side	20′			A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 1.			
.100	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--			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 the Special Regulation 1 must be approved through the Process III, Chapter 155 KZC. 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.

60.59 User Guide. The charts in KZC 60.62 contain the basic zoning regulations that apply in Planned Area 6B, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.60

Zone PLA6B

Section 60.60 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).

Section 60.62 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						
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units		3,600 sq. ft. per dwelling unit.						D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.
.030	Office Use	None	7,200 sq. ft.						C	D	If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 60.62 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						
.040	Development Containing Stacked or Attached Dwelling Units and Office Uses. See Special Regulation 1.	None	3,600 sq. ft. per dwelling unit.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above building elevation.	C	D	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwelling units. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 4. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.050	Funeral Home or Mortuary	Process I, Chapter 145 KZC.	7,200 sq. ft.		20′ on each side	20′				B		

Section 60.62 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						
.060	Church	None	7,200 sq ft.	20′	20′ on each side	20′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.
.070	School or Day-Care Center			If this use can accommodate 50 or more students or children, then: 50′ / 50′ on each side / 50′ If this use can accommodate 13 to 49 students or children, then: 20′ / 20′ on each side / 20′ Otherwise, 20′ / 5′, but 2 side yards must equal at least 15′. / 10′					D		See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.62 — Zone PLA6B — USE ZONE CHART

Section 60.62	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	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above building elevation.	E	B	See KZC 105.25.	1. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 2. Structured play areas must be setback from all property lines by five 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 any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. A six-foot high fence is required only along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.090	Assisted Living Facility								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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

Section 60.62 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						
.100	Convalescent Center or Nursing Home	Process I, Chapter 145 KZC.	7,200 sq. ft.	20′	10′ on each side	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.110	Public Utility	Process IIA, Chapter 150 KZC.	None		20′ on each side	20′			A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.120	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 1			
.130	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--			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 the Special Regulation 1 must be approved through the Process III, Chapter 155 KZC. 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.

60.64 User Guide. The charts in KZC 60.67 contain the basic zoning regulations that apply in Planned Area 6C, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.65

Zone PLA6C

Section 60.65 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit, Mini-School or Mini-Day-Care and Family Day-Care Home uses).

3. The required review process is as follows:
   a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC.
   b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master plan area, parking location, buffering and landscaping.

   (Does not apply to Detached Dwelling Unit, Mini-School or Mini-Day-Care, Family Day-Care Home and Public Park uses).

Section 60.67 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						
.010	Detached Dwelling Unit	None	5,000 sq. ft.	20′ See Spec. Reg. 3.	5′, but 2 side yards must equal at least 15′.	10′	50%	25′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Floor Area Ratio (F.A.R.) allowed for the subject property is 60 percent of lot size. See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. 3. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Church	See General Regulations.	8,500 sq ft.	20′	20′ on each side	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. The property must be served by a collector or arterial street. 2. No parking is required for day-care or school ancillary to this use.

Section 60.67 Zone PLA6C USE ZONE CHART

Section 60.67 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						
.030 School or Day-Care Center	See General Regulations.	8,500 sq ft.	If this use can accommodate 50 or more students or children, then: 50′ / 50′ on each side / 50′ If this use can accommodate 13 to 49 students or children, then: 20′ / 20′ on each side / 20′ Otherwise, 20′ / 5′, but 2 side yards must equal at least 15′. / 10′			70%	25′ above average building elevation.	D	B See Spec. Reg. 7.	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. c. The property is served by a collector or arterial street. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. Electrical signs are not permitted. 8. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 9. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.67 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						
.040	Mini-School or Mini-Day-Care	Process I, Chapter 145 KZC.	5,000 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	50%	25′ above average building elevation.	E	B See Spec. Reg. 7.	See KZC 105.25.	1. May locate on the subject property if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. Electrical signs are not permitted. Size of signs may be limited to be compatible with nearby residential uses. 8. May include accessory living facilities for staff persons. 9. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.050	Family Day-Care Home	None								A	2.0 per unit.	1. Family day-care provider must be licensed by the state to operate a family child day-care home. 2. A safe passenger loading area as certified by the state office of child care policy licensor shall be provided. 3. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.060	Public Utility	See General Regulations.	None		20′ on each side	20′	70%		A	B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.070	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 1.			

Section 60.67 Zone PLA6C USE ZONE CHART

Section 60.67 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 Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					--	B	See KZC 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 KZC. 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.

0-2719

60.69 User Guide. The charts in KZC 60.72 contain the basic zoning regulations that apply in Planned Area 6D, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.70

Zone PLA6D

Section 60.70 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details
   (Does not apply to Detached Dwelling Unit uses).

Ord. 3927

Section 60.72 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							
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	
.020	Detached, Attached or Stacked Dwelling Units	If less than 3,600 sq. ft. of lot area per unit, then Process I, Chapter 145. Otherwise, None. See Special Regulation 2.	3,600 sq. ft. with at least 1,800 sq. ft. per unit.						D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. If proposed development contains less than 3,600 square feet of lot area per unit, the following right-of-way improvements shall be required on rights-of-way which serve the subject property. The improvements shall extend from State Street to the eastern boundary of the subject property/frontage on the right-of-way. a. On 2nd Avenue South, 3rd Avenue South, and 5th Avenue South: 20 feet of paved surface, six-inch vertical curb on each side, five-foot sidewalk on north side adjacent to curb and two-foot utility strip on each side. In addition, right-of-way dedication on 5th Avenue South will be required as necessary to install these improvements. b. On 4th Avenue South: 24 feet of paved surface, six-inch vertical curb on each side, five-foot sidewalk on north side adjacent to curb and five-foot six-inch utility strip on each side. 3. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.	

Section 60.72 Zone PLA6D USE ZONE CHART

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

Section 60.72 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.030	Church	Process IIA, Chapter 150 KZC.	7,200 sq ft.	20′	20′ on each side	20′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.
.040	School or Day-Care Center			If this use can accommodate 50 or more students or children, then: 50′	50′ on each side	50′			D		See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located; or c. The property is served by a collector or arterial street. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
				If this use can accommodate 13 to 49 students or children, then: 20′	20′ on each side	20′						
				Otherwise, 20′	5′, but 2 side yards must equal at least 15′.	10′						

ORD 3216

Section 60.72 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
				REQUIRED YARDS (See Ch. 115)									
		Required Review Process	Lot Size	Front	Side	Rear	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)	
.050	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 attendees or less)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by 5 feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	
.060	Assisted Living Facility	If between 1,800 and 3,600 sq. ft. of lot area per unit, then Process I, Chapter 145 KZC. If 3,600 sq. ft. of lot area per unit or more, then None.							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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.	

Section 60.72 Zone PLA6D USE ZONE CHART

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

Section 60.72 USE ⇩ / REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.070	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20′	10′ on each side	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.080	Public Utility		None		20′ on each side	20′			A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 1			
.100	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--			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 KZC. 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.

60.74 User Guide. The charts in KZC 60.77 contain the basic zoning regulations that apply in Planned Area 6E, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.75

Zone PLA6E

Section 60.75 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit and Mini-School or Mini-Day-Care uses).

Section 60.77 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
			MINIMUMS				MAXIMUMS					
		Required Review Process	Lot Size	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	Detached Dwelling Unit	None	5,000 sq. ft. per unit	20′ See Spec. Reg. 3.	5′, but 2 side yards must equal at least 15′.	10′	50%	25′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Floor Area Ratio (F.A.R.) allowed for the subject property is 60 percent of lot size. See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. 3. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Church	See Spec. Reg. 2.	7,200 sq ft.	20′	20′ on each side	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 3.	1. The property must be served by a collector or arterial street. 2. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering and landscaping. 3. No parking is required for day-care or school ancillary to this use.

0-2763

Section 60.77 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						
.030	School or Day-Care Center	See Spec. Reg. 9.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise, 20′ 5′, but 2 side yards must equal at least 15′. 10′			70%	25′ above average building elevation.	D	B See Spec. Reg. 10.	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; b. It will not be detrimental to the character of the neighborhood in which it is located; or c. The property is served by a collector or arterial street. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 9. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering and landscaping. 10. Electrical signs shall not be permitted.

Section 60.77 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							
.040	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	25′ above average building elevation.	E	B See Spec. Reg. 9.	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play area for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by 5 feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 9. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses.
.050	Public Utility	See Special Regulation 1.	None		20′ on each side	20′	70%		A	B		1. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering and landscaping. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.060	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 2.				

Section 60.77 Zone PLA6E USE ZONE CHART

Section 60.77 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						
.070	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.			--		--	B	See KZC 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 KZC. 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.

60.79 User Guide. The charts in KZC 60.82 contain the basic zoning regulations that apply in Planned Area 6F, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.80

Zone PLA6F

Section 60.80 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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.

   See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).

Section 60.82 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						
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached, or Stacked Dwelling Units		3,600 sq. ft. per dwelling unit						D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.
.030	Church	Process IIA, Chapter 150 KZC.	7,200 sq ft.		20′ on each side	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to the use.

Section 60.82 Zone PLA6F USE ZONE CHART

Section 60.82	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
.040	School or Day-Care Center	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′	50′ on each side	50′ If this use can accommodate 13 to 49 students or children, then: 20′	20′ on each side	20′ Otherwise, 20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required along the property lines adjacent to the outside play areas. 3. Hours of operation be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

0-3216

Section 60.82	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							
.050	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play area for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.060	Assisted Living Facility								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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.070	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq ft.		10′ on each side.		70%		C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.

Section 60.82	USE ⇩ / ⇨ REGULATIONS	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
.080	Public Utility	None	None	20′	20′ on each side	20′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above building elevation.	A	B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility or Community Facility	Process IIA, Chapter 150 KZC.			10′ on each side	10′			C See Spec. Reg. 1.			
.100	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--	B	See KZC 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 KZC. 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.

60.84 User Guide. The charts in KZC 60.87 contain the basic zoning regulations that apply in Planned Area 6G, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.85



Section 60.85 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 20 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Attached or Stacked Dwelling Units).

3. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 25 feet above average building elevation (does not apply to Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).

4. Except if adjoining a low density zone, structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if:
   a. It will not block local or territorial views designated in the Comprehensive Plan;
   b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
   c. The need for additional setback yards to compensate for the added height and bulk will be determined as part of the review of any request to increase structure height.

   (Does not apply to Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).

5. All vehicular access shall be from the east. The site access shall be configured to structurally prevent the use of 7th Avenue South or other residential streets (does not apply to Attached or Stacked Dwelling Units, Assisted Living Facility and Public Park uses).

ORD 2169

Section 60.87	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 YARD (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.010	Manufacturing See Special Regulation 1.	None	None	20′	0′	0′	90%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramic products, electrical equipment, scientific or photographic equipment, fabricated metal products; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. Prior to issuance of a development permit, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property. 3. Outdoor storage and fabrication is not permitted. 4. May include as part of this use accessory wholesale, office or retail trade utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 5. Use shall not create noise, glare, light, dust, fumes, and other adverse conditions which disrupt the residential character of the surrounding area. 6. Site and building design shall be complementary with surrounding residential, through use of design elements such as roof forms, building modulation, setbacks, and landscaping. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area. 7. The Planning Director may allow incidental visitor parking to access from 7th Avenue South; provided, that the applicant can demonstrate that the visitor parking will not adversely affect the residential character of the neighborhood, the parking will not be used by delivery vehicles, and the design precludes expanded use of this parking.	
.020	Warehouse Storage Service												
.030	Wholesale Trade												
.040	Industrial Laundry Facility												
.050	Wholesale Printing and Publishing												
.060	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control												

Section 60.87 Zone PLA6G USE ZONE CHART

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

Section 60.87 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.070	Retail Establishment Providing Storage Services. See also Special Regulation 1.	None	None	20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	A	E	See KZC 105.25.	1. May include accessory living facilities for resident security manager. 2. Site and building design shall be complementary with surrounding residential, through use of design elements such as roof forms, building modulation, setbacks, and landscaping. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area. 3. The Planning Director may allow incidental visitor parking to access from 7th Avenue South; provided, that the applicant can demonstrate that the visitor parking will not adversely affect the residential character of the neighborhood, the parking will not be used by delivery vehicles, and the design precludes expanded use of this parking.
.080	High Technology									D	If manufacturing then 1 per each 1,000 sq. ft. of gross floor area. If office then 1 per 300 sq. ft. of gross floor area. Otherwise, See KZC 105.25.	1. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. Prior to issuance of a development permit, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property. 3. Refer to KZC 105.115 for provisions regarding Outside Use, Activity and Storage. 4. The Planning Director may allow incidental visitor parking to access from 7th Avenue South; provided, that the applicant can demonstrate that the visitor parking will not adversely affect the residential character of the neighborhood, the parking will not be used by delivery vehicles, and the design precludes expanded use of this parking. 5. Use shall not create noise, glare, light, dust, fumes, and other adverse conditions which disrupt the residential character of the surrounding area. 6. Site and building design shall be complementary with surrounding residential, through use of design elements such as roof forms, building modulation, setbacks, and landscaping. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area.

Section 60.87 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 YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.090	Office Use	None	None	20′	0′	0′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	C See Spec. Reg. 5.	D	If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The Planning Director may allow incidental visitor parking to access from 7th Avenue South; provided, that the applicant can demonstrate that the visitor parking will not adversely affect the residential character of the neighborhood, the parking will not be used by delivery vehicles, and the design precludes expanded use of this parking. 2. Use shall not create noise, glare, light, dust, fumes, and other adverse conditions which disrupt the residential character of the surrounding area. 3. Site and building design shall be complementary with surrounding residential, through use of design elements such as roof forms, building modulation, setbacks, and landscaping. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area. 4. Prior to issuance of a development permit, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property. 5. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other facilities for the animals, then use must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be setback at least 10 feet from each property line and must be surrounded by a fence by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.

Section 60.87 Zone PLA6G USE ZONE CHART

Section 60.87	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.100	Day-care Center See Special Regulation 7.	None	None	20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories. exclusive of parking levels.	D	B	See KZC 105.25.	1. A six-foot high fence is required along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. An on-site passenger loading area must be provided if this use can accommodate five or more children. 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 any 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 Title 388). 7. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; and b. The use is integrated into the design of the building.
.110	Mini-day-care (7-12 attendees) See Special Regulation 8.			30′					E			1. A six-foot high fence is required along the property lines adjacent to the outside play area for mini-schools and mini-day-care centers only. 2. Hours of operation may be limited by the City to reduce impacts in nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 8. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; and b. The use is integrated into the design of the building.

Section 60.87	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 YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.120	Assisted Living Facility	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ 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. 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 KZC, 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. 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 standards shall apply to the nursing home portion of the facility: a. One parking stall shall be provided for each bed. 4. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 6. Site design must provide for a bicycle and pedestrian path connection to Lakeview Elementary School and be available for public use. 7. All vehicular access shall be from 7th Avenue So. Access from 5th Place South is prohibited. 8. This use is permitted south of 7th Avenue South and only if the entire PLA 6G zone south of 7th Avenue South is included.

Section 60.87 — Zone PLA6G — USE ZONE CHART

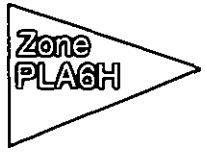
DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS

Section 60.87	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.130	Attached or Stacked Dwelling Units. See Special Regulation 6.	None	3,600 sq. ft. per dwelling unit	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	A	1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more places each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details. 4. Site design must provide for a bicycle and pedestrian path connection to Lakeview Elementary School and be available for public use. 5. All vehicular access shall be from 7th Avenue South. Access from 5th Place South is prohibited. 6. This use is only permitted south of 7th Avenue South and only if the entire PLA6G zone south of 7th Avenue South is included.

Section 60.87 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 YARD (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.140	Public Utility	Process IIA, Chapter 150 KZC.	None	20′	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation, exclusive of parking levels.	A	B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses. 2. Site and building design shall be complementary with surrounding residential through use of design elements such as roof forms, building modulation, setbacks, and landscaping. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area. 3. Prior to issuance of a development permit, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.	
.150	Government Facility or Community Facility								C See Spec. Reg. 1.				
.160	Public Park	See Spec. Regs. 1 and 2.		Will be determined on case-by-case basis.					--			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.	

60.89 User Guide. The charts in KZC 60.92 contain the basic zoning regulations that apply in Planned Area 6H, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.90



Section 60.90 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).

0-3719

Section 60.92 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							
.010	Detached Dwelling Unit	None	5,000 sq. ft. per unit	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	25′ above average building elevation.	E See Spec. Reg. 2.	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Must provide the buffer described in Buffering Standard 2 in Chapter 95 KZC where the subject property adjoins a low density zone. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	
.020	Detached, Attached, or Stacked Dwelling Units	Process IIA, Chapter 150 KZC.	2 acres with at least 3,600 sq. ft. per unit.	20′	5′, but 2 side yards must equal at least 15′. See Special Regulation 1.	10′			D See Spec. Reg. 2.		1.7 per unit.	1. Buildings may not be closer than 40 feet to any low density zone. 2. Must provide the buffer described in Buffering Standard 2 in Chapter 95 KZC where the subject property adjoins a low density zone. 3. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	
.030	Church		7,200 sq ft.	20′	20′ on each side	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.	

Section 60.92 Zone PLA6H USE ZONE CHART

Section 60.92 — 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						
.040 School or Day-Care Center	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise, 20′ 5′, but 2 side yards must equal at least 15′. 10′			70%	25′ above average building elevation.	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

6128

Section 60.92 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	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							
.050	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	25′ above average building elevation.	E	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play area for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	
.060	Assisted Living Facility	Process IIA, Chapter 150 KZC.	2 acres						D See Spec. Reg. 6.	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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Buildings may not be closer than 40 feet to any low density zone. 6. Must provide the buffer described in Buffering Standard 2 in Chapter 95 KZC where the subject property adjoins a low density zone. 7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.	

Section 60.92 Zone PLA6H USE ZONE CHART

Section 60.92 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						
.070	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq ft.	20′	10′ on each side.	10′	70%	25′ above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.080	Public Utility		None		20′ on each side				A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility or Community Facility				10′ on each side				C See Spec. Reg. 1.			
.100	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					--			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 KZC. 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.

60.94 User Guide. The charts in KZC 60.97 contain the basic zoning regulations that apply in Planned Area 6I, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.95



Section 60.95 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).

3. The required yard of a structure abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot that structure exceeds 25 feet above average building elevation (does not apply to Public Park uses).

6128-09

Section 60.97 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						
.010	Detached Dwelling Unit	None	3,600 sq. ft.	10′	5′, but 2 side yards must equal at least 15′.	10′	60%	30′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached, or Stacked Dwelling Units		3,600 sq. ft. with at least 2,400 sq. ft. per unit.	20′					D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.
.030	Church	Process IIA, Chapter 150 KZC.	7,200 sq ft.		20′ on each side	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.

Section 60.97 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						
.040	School or Day-Care Center	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 10′ Otherwise, 20′ 20′, but 2 side yards must equal at least 15′. 10′			70%	30′ above average building elevation.	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

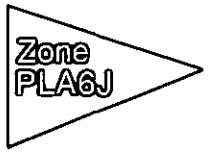
Section 60.97 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Front	Side	Rear							
.050	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	30′ above average building elevation.	E	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play area for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	
.060	Assisted Living Facility	Process IIA, Chapter 150 KZC.	3,600 sq. ft.						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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.	

Section 60.97 Zone PLA6I USE ZONE CHART

Section 60.97 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						
.070	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	None	20′	10′ on each side	10′	70%	30′ above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.080	Public Utility				20′ on each side				A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility or Community Facility				10′ on each side				C See Spec. Reg. 1.			
.100	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					--			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 KZC. 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.

60.99 User Guide. The charts in KZC 60.102 contain the basic zoning regulations that apply in Planned Area 6J, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.100



Section 60.100 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).

0-3219

Section 60.102 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						
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached, or Stacked Dwelling Units		3,600 sq. ft. with at least 1,800 sq. ft. per unit.						D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.
.030	Church	Process IIA, Chapter 150 KZC.	7,200 sq. ft.		20′ on each side	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.

0-1293

Section 60.102 — Zone PLA6J — USE ZONE CHART

Section 60.102 — USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) — Front / Side / Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS									
.040 School or Day-Care Center	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′ / 50′ on each side / 50′ If this use can accommodate 13 to 49 students or children, then: 20′ / 20′ on each side / 20′ Otherwise, 20′ / 5′, but 2 side yards must equal at least 15′. / 10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

0-3219

Section 60.102 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)	6123
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.050	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play area for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	
.060	Assisted Living Facility		3,600 sq. ft.						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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.	

Section 60.102 Zone PLA6J USE ZONE CHART

Section 60.102 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						
.070	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20′	10′ on each side.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.080	Public Utility		None		20′ on each side	20′			A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 1			
.100	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--			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 KZC. 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.

60.104 User Guide. The charts in KZC 60.107 contain the basic zoning regulations that apply in Planned Area 6K, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.105



Section 60.105 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).

6-1-2-3-0

USE ZONE CHART

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

Section 60.107 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	30′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached, or Stacked Dwelling Units		3,600 sq. ft. with at least 2,400 sq. ft. per unit.						D		1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.
.030	Church	Process IIA, Chapter 150 KZC.	7,200 sq ft.		20′ on each side	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.

Section 60.107 Zone PLA6K USE ZONE CHART

Section 60.107 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						
.040	School or Day-Care Center	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise, 20′ 5′, but 2 side yards must equal at least 15′. 10′			70%	30′ above average building elevation.	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

0-3219

Section 60.107 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							
.050	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	30′ above average building elevation.	E	B	See KMC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play area for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	
.060	Assisted Living Facility								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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.	

Section 60.107 Zone PLAGK USE ZONE CHART

Section 60.107 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						
.070	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20′	10′ on each side.	10′	70%	30′ above average building elevation.	C		1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.080	Public Utility		None		20′ on each side				A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility or Community Facility				10′ on each side				C See Spec. Reg. 1.			
.100	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					--	B		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 KZC. 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.

60.109 User Guide. The charts in KZC 60.112 contain the basic zoning regulations that apply in Planned Area 7A, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.110



Section 60.110 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).
3. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation (does not apply to Detached Dwelling Unit and Public Park uses).
4. Development on the subject property must be designed to minimize view obstruction from the north (does not apply to Detached Dwelling Unit and Public Park uses).

0-3719

USE ZONE CHART

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

Section 60.112 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached, or Stacked Dwelling Units	If development will result in a low density use being bordered on two sides by higher density uses, then Process I, Chapter 145 KZC. Otherwise, None.	3,600 sq. ft. with at least 2,400 sq. ft. per unit.						D		1.7 per unit.	1. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. *The required common recreational open space may be reduced* to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.030	Church	Process IIA, Chapter 150 KZC.	7,200 sq ft.		20′ on each side	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.

Section 60.112 Zone PLA7A USE ZONE CHART

Section 60.112 USE ⇩ / REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
			MINIMUMS				MAXIMUMS					
		Required Review Process	Lot Size	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						
.040	School or Day-Care Center	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise, 20′ 5′, but 2 side yards must equal at least 15′. 10′			70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.050	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%		E			1. A six-foot high fence is required only along the property lines adjacent to the outside play area for mini-schools and mini-day-care centers only. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.112 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	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						
.060	Assisted Living Facility	If development will result in a low density use being bordered on two sides by higher density uses, then Process I, Chapter 145 KZC. Otherwise, None.	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.070	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.		10′ on each side		70%		C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.

Section 60.112 Zone PLA7A USE ZONE CHART

Section 60.112 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	Public Utility	Process IIA, Chapter 150 KZC.	None	20′	20′ on each side	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	A	B	See KZC 105.25.	
.090	Government Facility or Community Facility				10′ on each side				C See Spec. 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 the nearby uses.
.100	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--			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 KZC. 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.

60.114 User Guide. The charts in KZC 60.117 contain the basic zoning regulations that apply in Planned Area 7B, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.115



Section 60.115 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone or detacjed dwelling unit in Planned Area 7C, 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 or detached dwelling unit shall not exceed 50 feet in width.

   See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit and Development Containing Attached or Stacked Dwelling Units, and any Retail Establishment Selling Goods or Providing Services Including Banking and Related Financial Services or Office Uses uses).

3. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation (does not apply to Detached Dwelling Unit, Public Utility, Development Containing Attached or Stacked Dwelling Units, and any Retail Establishment Selling Goods or Providing Services Including Banking and Related Financial Services or Office Uses, and Public Park uses).

4. Development on the subject property must be designed to minimize view obstruction from the north (does not apply to Detached Dwelling Unit and Public Park uses).

0-2193

Section 60.117 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						
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, or detached dwelling unit in Planned Area 7C, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached, or Stacked Dwelling Units	If development will result in a low density use being bordered on two sides by higher density uses, then Process I, Chapter 145 KZC. Otherwise, None.	3,600 sq. ft. with at least 1,800 sq. ft. per unit.						D		1.7 per unit.	1. May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

0-3216

Section 60.117 Zone PLA7B USE ZONE CHART

Section 60.117	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.030	Development containing Attached or Stacked Dwelling Units, and any Retail Establishment selling goods or providing services including banking and related financial services, or office Uses See Special Regulations 1 and 2.	Process IIB, Chapter 152 KZC.	3,600 sq. ft. with at least 1,800 sq. ft. per unit.	20′	5′, but 2 side yards must equal at least 15′.	10′	80%	The roofline may not exceed 30′ above the crown of 4th Avenue lying adjacent to the subject property.	B	D	See KZC 105.25.	1. This use is permitted only south of 4th Avenue and only if developed in conjunction with property in the CBD-7 or CBD-8 zone. 2. A veterinary office is not permitted in any development containing dwelling units. 3. Dwelling units may not access directly onto Central Way. 4. Retail establishment may not access directly onto 4th Avenue. 5. Drive-in and drive-through fast food restaurant facilities are not permitted in this zone. 6. Vehicle service stations are not permitted in this zone. 7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 8. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 9. 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 on 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. 10. 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. 11. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

Section 60.117 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	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						
.040	Church	Process IIA, Chapter 150 KZC.	7,200 sq ft.	20′	20′ on each side	20′	70%	If adjoining a low density zone other than RSX, or detached dwelling unit in Planned Area 7C, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available. 2. No parking is required for day-care or school ancillary to this use.
.050	School or Day-Care Center			If this use can accommodate 50 or more students or children, then: 50′ / 50′ on each side / 50′ If this use can accommodate 13 to 49 students or children, then: 20′ / 20′ on each side / 20′ Otherwise, 20′ / 5′, but 2 side yards must equal at least 15′. / 10′					D		See KZC 105.25.	1. May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.117 Zone PLA7B USE ZONE CHART

Section 60.117 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						
.060	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	B	See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play area for mini-schools and mini-day-care centers only. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 8. May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available.

Section 60.117 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	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						
.070	Assisted Living Facility	If development will result in a low density use being bordered on two sides by higher density uses, then Process I, Chapter 145 KZC. Otherwise, None.	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, or detached dwelling unit in Planned Area 7C, then 25′ above average building elevation. Otherwise, 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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.080	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.		10′ on each side		70%		C	B	1 for each bed.	1. May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.090	Public Utility		None		20′ on each side				A		See KZC 105.25.	
.100	Government Facility or Community Facility				10′ on each side				C See Spec. Reg. 2.			1. May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.

Ord. 2619

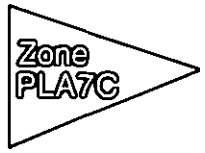
Section 60.117 Zone PLA7B USE ZONE CHART

Section 60.117 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	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.			--		--	B	See KZC 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 KZC. 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.

91-23-09

60.119 User Guide. The charts in KZC 60.122 contain the basic zoning regulations that apply in Planned Area 7C, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.120



Section 60.120 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone in Planned Area 7C, 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit uses).

3. Development on the subject property must be designed to minimize view obstruction from the north (does not apply to Detached Dwelling Unit and Public Park uses).

4. May not access directly onto 2nd, 3rd, 4th, 5th or 6th Streets unless no other access is available (does not apply to Detached Dwelling Unit and Public Park uses).

5. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation (does not apply to Detached Dwelling Unit and Public Park uses).

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

Section 60.122 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.010	Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, or detached dwelling unit in Planned Area 7C, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached, or Stacked Dwelling Units	If development will result in a low density use being bordered on two sides by higher density uses, then Process I, Chapter 145 KZC. Otherwise, None	3,600 sq. ft. per unit.						D		1.7 per unit.	1. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.030	Church	Process IIA, Chapter 150 KZC.	7,200 sq ft.		20′ on each side	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of an area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.

0 1 2 3 6 9

Section 60.122 Zone PLA7C USE ZONE CHART

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

Section 60.122	USE / REGULATIONS	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.040	School or Day-Care Center	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′	50′ on each side	50′	70%	If adjoining a low density zone other than RSX, or detached dwelling unit in Planned Area 7C, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
				If this use can accommodate 13 to 49 students or children, then: 20′	20′ on each side	20′						
				Otherwise, 20′	5′, but 2 side yards must equal at least 15′.	10′						
.050	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%		E			1. A six-foot high fence is required only along the property lines adjacent to the outside play area for mini-schools and mini-day-care centers only. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.122 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
			MINIMUMS				MAXIMUMS					
		Required Review Process	Lot Size	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						
.060	Assisted Living Facility	If development will result in a low density use being bordered on two sides by higher density uses, then Process I, Chapter 145 KZC. Otherwise, None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	If adjoining a low density zone other than RSX, or detached dwelling unit in Planned Area 7C, then 25′ above average building elevation. Otherwise, 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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.070	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.		10′ on each side.		70%		C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.080	Public Utility		None		20′ on each side				A		See KZC 105.25.	
.090	Government Facility or Community Facility				10′ on each side				C See Spec. 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 the nearby uses.

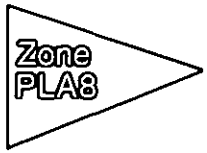
Section 60.122 Zone PLA7C USE ZONE CHART

Section 60.122 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						
.100	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					--	B	See KZC 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 KZC. 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.

0-3719

60.124 User Guide. The charts in KZC 60.127 contain the basic zoning regulations that apply in Planned Area 8, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.125



Section 60.125 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.
4. Development must emphasize Totem Lake as the focal point of this zone (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
2. Shared access points must be used to the maximum extent possible. Curb cuts must be limited to minimize traffic congestion (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
3. No grading, filling or other development activity may occur below the 120-foot contour line, based on the King County datum point (does not apply to Public Park uses).
4. Development must emphasize Totem Lake as the focal point of this zone (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
5. Refer to Chapter 90 KZC regarding restrictions on development around Totem Lake and wetland areas (does not apply to Public Park uses).
6. Must install a landscape berm on the subject property adjacent to 120th Avenue N.E. and Totem Lake Way consistent with existing landscaped berms along these rights-of-way (does not apply to Public Park uses).

0-93 7/19

Section 60.127 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						
.010	Hotel or Motel	None	None	20′	10′ on each side	10′	70%	30′ above average building elevation.	B	E	1 per each room. See Spec. Reg. 5.	1. The following uses are not allowed: vehicle or boat sales or repair, vehicle service station, storage services. 2. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent on this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 3. 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. 4. Outdoor storage and drive-through facilities are not permitted. 5. Required parking spaces for a hotel or motel excludes parking for ancillary meeting or convention facilities. Additional parking requirements for these ancillary uses shall be determined on a case-by-case basis.
.020	A retail establishment providing entertainment or recreational activity										1 per every four fixed seats.	
.030	Athletic, exercise, or health club/facility										1 per each 250 sq. ft. of gross floor area.	
.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 Regulation 1.										1 per each 300 sq. ft. of gross floor area.	
.050	Restaurant or Tavern										1 per each 100 sq. ft. of gross floor area.	

Section 60.127 Zone PLA8 USE ZONE CHART

Section 60.127 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						
.060	Office Use	None	7,200 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	30′ above average building elevation.	C	D	If a Medical, Dental or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.070	Attached or Stacked Dwelling Units		3,600 sq. ft. per unit						D	A	1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

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Section 60.127 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	Development containing Attached or Stacked Dwelling Units and Offices, Restaurants or Taverns, or Retail Uses allowed in this zone. See Spec. Reg. 1.	None	3,600 sq. ft. per unit	20′	10′ on each side	10′	70%	30′ above average building elevation.	B	E	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwelling units. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent on 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. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 5. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

Section 60.127 — Zone PLA8 — USE ZONE CHART

Section 60.127 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						
.090	School or Day-Care Center	None	7,200 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	30′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five 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 any nearby residential uses. 4. May include accessory living facilities for staff persons. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.100	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)		3,600 sq. ft.						E			1. A six-foot high fence is required only along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Structured play areas must be setback from all property lines by five 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 Title 388).

Section 60.127 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	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.120	Convalescent Center or Nursing Home		7,200 sq. ft.		10′ on each side.				C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.130	Public Utility		None		20′ on each side	20′			A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.140	Government Facility or Community Facility				10′ on each side				C See Spec. Reg. 1.			

Section 60.127 Zone PLA8 USE ZONE CHART

Section 60.127 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						
.150 Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.			--		--	B	See KZC 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 KZC. 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.

60.129 User Guide. The charts in KZC 60.132 contain the basic zoning regulations that apply in Planned Area 9, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.130



Section 60.130 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit, Detached Dwelling Units, and Family Day-Care Home uses).

3. The area of the formal gravel pit must be recontoured to a usable, natural appearing topography. This area must be covered with topsoil and revegetated, using native plant materials wherever feasible (does not apply to Mini-School or Mini-Day-Care, Family Day-Care Home, Public Utility, Government Facility, Community Facility and Public Park uses).

4. The site must be designed to minimize the noise impacts from this use. A certificate to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application (does not apply to Mini-School or Mini-Day-Care, Family Day-Care Home, Public Utility, Government Facility, Community Facility and Public Park uses).

5. N.E. 106th Street must be rerouted to provide for through traffic. 108th Avenue N.E. and N.E. 108th Street west of 111th Avenue N.E. must be signed for local access only (does not apply to Mini-School or Mini-Day-Care, Family Day-Care Home, Public Utility, Government Facility, Community Facility and Public Park uses).

6. Access to this use must, to the maximum extent possible, be coordinated with a centralized circulation system that will serve the entire zone (does not apply to Government Facility, Community Facility and Public Park uses).

7. Structures must be clustered to the maximum extent possible with open space provided adjacent to any abutting public park, low density zone, or environmentally sensitive area (does not apply to Detached Dwelling Unit, Mini-School or Mini-Day-Care, Family Day-Care Home, Public Utility, Government Facility, Community Facility and Public Park uses).

8. Exterior lighting must be directed away from the nearby residential use, and must be at an intensity comparable to lighting in a residential neighborhood. The City may require that lighting be reduced to the minimum required for building security after 10 p.m. (does not apply to Detached Dwelling Unit, Attached Dwelling Unit, Mini-School or Mini-Day-Care, Family Day-Care Home and Public Park uses).

Section 60.132 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						
.010	Detached Dwelling Unit	None	8,500 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	50%	25′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached Dwelling Units	Process III, Chapter 155 KZC.	5,000 sq. ft. per unit.									1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.030	Attached Dwelling Units										1.7 per unit.	
.040	Office Use See Special Regulations 1 and 2.	Process IIB, Chapter 152 KZC.	Must be part of a development that encompasses the entire zone. See Special Regulation 1 for the maximum amount of office space allowed.				60%		C	D	1 per each 300 sq. ft. of gross floor area of office use.	1. This use must be part of a primarily residential development that encompasses the entire zone. The maximum amount of allowable floor area for office use is computed using the following formula: (The maximum number of dwelling units allowed on the subject property minus the number of dwelling units proposed) x (the average square footage of the dwelling units proposed equals the amount of square footage available for office use). In addition, the gross floor area of office use may not exceed 25 percent of the gross floor area of residential use. 2. May not include offices providing veterinary, medical, dental, or other health-related services. 3. Hours of operation may be limited to reduce impact on residential areas. 4. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 60.132 Zone PLA9 USE ZONE CHART

Section 60.132 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						
.050	Recreation establishments providing one or more of the following activities: 1. golf 2. swimming 3. tennis or other racquet sports 4. handball 5. jogging or other exercise 6. field sports 7. health club or spa facilities.	Process IIB, Chapter 152 KZC.	7,200 sq. ft.	20′	10′ on each side	10′	60%	25′ above average building elevation.	B	D	See KZC 105.25.	1. Hours of operation may be limited to reduce impact on residential areas. 2. The area covered by structures, parking, buffers, and other elements of this use may not be used in calculating residential density in the development. 3. The following accessory components are permitted as part of this use: a. Retail sales and rental of sports equipment for activity conducted on the subject property. b. A restaurant encompassing not more than 20 percent of the gross floor area of this use.
.060	Church	Process IIA, Chapter 150 KZC.			20′ on each side	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 1.	1. No parking is required for day-care or school ancillary to this use.

Section 60.132 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						
.070	School or Day-Care Center	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise, 20′ 5′, but 2 side yards must equal at least 15′. 10′			70%	25′ above average building elevation.	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

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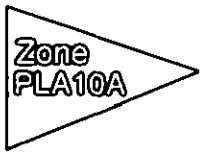
Section 60.132 — Zone PLA9 — USE ZONE CHART

Section 60.132 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	Mini-school or Mini-Day-Care	Process IIA, Chapter 150 KZC.	5,000 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	50%	25′ above average building elevation.	E	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited to reduce impacts on nearby residential areas. 4. Structured play areas must be setback from all property lines by five feet. 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. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.090	Family Day-Care Home	None	8,500 sq. ft.		5′, but 2 side yards must equal at least 15′.					A	2.0 per unit.	1. Family day-care provider must be licensed by the state to operate a family child day-care home. 2. A safe passenger loading area as certified by the state office of child care policy licensor shall be provided. 3. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.100	Convalescent Center or Nursing Home	Process IIA, Chapter 150 KZC.	7,200 sq. ft.		10′ on each side.		70%		C	B	1 for each bed.	

Section 60.132 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	Public Utility	Process IIA, Chapter 150 KZC.	None	20′	20′ on each side	10′	70%	25′ above average building elevation.	A	B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.120	Government Facility or Community Facility				10′ on each side				C See Spec. Reg. 1.			
.130	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--			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 KZC. 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.

60.134 User Guide. The charts in KZC 60.137 contain the basic zoning regulations that apply in Planned Area 10A, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.135



Section 60.135 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. Development must retain and maintain the existing hill form. Seventy-five percent of the significant trees on the hill form must be retained. Supplemental plantings may be required.
3. Access must be directly from 120th NE, or must be coordinated with commercial development to the west and must be from NE 124th (does not apply to Public Park uses).

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

Section 60.137 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.010	Restaurant or Tavern	Process IIA, Chapter 150 KZC.	None	20′	10′ on each side	10′	80%	30′ above average building elevation.	B	E	1 per each 100 sq. ft. of gross floor area.	1. Outdoor storage is not permitted.
.020	Hotel or Motel										1 per each room. See Spec. Reg. 3.	1. Outdoor storage is not permitted. 2. May include meeting and convention facilities as part of this use. 3. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirements for those ancillary uses shall be determined on a case-by-case basis.
.030	Office Use				5′, but 2 side yards must equal at least 15′.		70%				If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. Outdoor storage is not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.040	A retail establishment providing new vehicle or vehicle service or repair			20′ See Spec. Reg. 3.	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation. See Spec. Reg. 4.	A		See KZC 105.25.	1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in Chapter 105 KZC. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Vehicle and used vehicle sales are allowed as part of this use. 3. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation. 4. Except if adjoining a low density zone, structure height may be increased above 30 feet in height through a Process IIA, Chapter 150 KZC, if: a. It will not block local or territorial views designated in the Comprehensive Plan; and b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. 5. Use of loudspeakers shall be prohibited.

Section 60.137 Zone PLA10A USE ZONE CHART

Section 60.137 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						
.050	Any retail establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services	Process IIA, Chapter 150 KZC.	None	20′ See Spec. Reg. 2.	0′	0′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation. See Spec. Reg. 3.	B	E	1 per each 300 sq. ft. of gross floor area.	1. 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 or removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 2. The required yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation. 3. Except if adjoining a low density zone, structure height may be increased above 30 feet in height through a Process IIA, Chapter 150 KZC, if: a. It will not block local or territorial views designated in the Comprehensive Plan; and b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. 4. Drive-through facilities shall be prohibited. 5. 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. 6. Use of loudspeakers shall be prohibited.

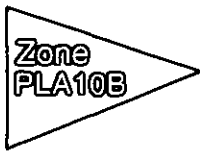
Section 60.137 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.060	School or Day-Care Center	Process IIA, Chapter 150 KZC.	None	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	30′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five 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 any nearby residential uses. 4. May include accessory living facilities for staff persons. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.070	Mini-school or Mini-Day-Care (7-12 attendees) or Day-Care Home (6 or less attendees)								E			1. A six-foot high fence is required only along the property lines adjacent to the outside play area for mini-schools and mini-day-care centers only. 2. Structured play areas must be setback from all property lines by five 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 any 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 Title 388).
.080	Public Utility				10′ on each side				A			1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility or Community Facility								C See Spec. Reg. 1.			

Section 60.137 Zone PLA10A USE ZONE CHART

Section 60.137 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						
.100	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					--	B	See KZC 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 KZC. 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.

60.139 User Guide. The charts in KZC 60.142 contain the basic zoning regulations that apply in Planned Area 10B, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.140



Section 60.140 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.

3. Vehicular circulation on the subject property must be designed to mitigate traffic impacts. The City may require on or off-site traffic control devices, roadway improvements, or limit development, if necessary, to further reduce traffic impacts (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).

4. Primary access shall be to NE 124th Street, at only one access point for the entire planned area. Secondary access to NE 124th Street is prohibited (does not apply to Business Park uses).

5. Development must retain and maintain the existing hill form. Seventy-five percent of the significant trees on the hill form must be retained. Supplemental plantings may be required.

6. Development is prohibited within the regulated slope in the southern portion of the planned area.

7. Development in part of this zone may be limited by Chapter 90 KZC, regarding development near wetlands. In addition, the site must be designed to concentrate development away from, and to minimize impact on the wetlands.

Ord. 3719

Section 60.142 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						
.010	Business Park See Special Regulation 1.	Must be an approved Master Plan. See Special Regulation 2.	25 acres	30′	20′ See Spec. Reg. 4.	20′	80%	If adjoining a low density zone, then see Spec. Reg. 12. Otherwise, the lower of 6 stories or 60 ft. See Spec. Reg. 5.	As established in the Master Plan. See Special Regulation 2.			1. The following business park uses are permitted: Office, wholesale trade, wholesale printing or publishing, manufacturing of electrical equipment, manufacturing of scientific or photographic equipment, packaging of prepared materials, manufacturing of textile or leather products from pre-prepared material, manufacturing of paper products from pre-prepared material, manufacturing of plastic products from pre-prepared material, ancillary warehouse and other compatible uses if approved within the Master Plan are permitted. 2. This use requires an approved Master Plan. Approval of the Master Plan shall be through Process III, Chapter 155 KZC. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan, parking location, buffering, landscaping and access to any of the parcels within the planned area which are not within the Master Plan area. 3. Subsequent to Master Plan approval, a deviation, as determined by the Planning Official, must be approved through Process I, Chapter 145 KZC; except deviations for increased height or gross floor area which must be approved through Process III, Chapter 155 KZC. 4. Required yards pertain only to the perimeter of the subject property. 5. Development must be compatible in height and placement with adjacent low density residential uses. Development of the subject property must be designed to minimize view obstruction to properties to the south. 6. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area. 7. Primary access shall be to NE 124th Street and at only one point. Secondary access points onto NE 124th Street are prohibited. Secondary access to 120th Avenue NE should be utilized if available. In the case that secondary access to 120th Avenue NE is not available at the time of master plan approval, the City may permit access to NE 116th Street. Analysis at that time must establish traffic impacts to the circulation system and to adjacent residential uses to aid in determining the appropriateness of this access point. 8. A 50-foot wide sight-obscuring landscaped buffer must be provided adjacent to any low density residential zone. 9. Outdoor storage is prohibited. REGULATIONS CONTINUED ON NEXT PAGE

Section 60.142 Zone PLA10B USE ZONE CHART

Section 60.142 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						
.010	Business Park (Continued)											10. The discharge of any substance which creates any impact detrimental to the environment or adjacent residents is not permitted. 11. Subsequent subdivision of an approved Master Plan into small lots is permitted provided that the required minimum acreage is met for the Master Plan. 12. If adjoining a low density zone other than RSX, then 25 feet above average building elevation. If adjoining an RSX zone, 30 feet above average building elevation.
.020	Office Use	None	7,200 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	One per 300 sq. ft. of gross floor area.	1. Secondary access is permitted to 120th Avenue NE if available. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

0-3219

USE ZONE CHART

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

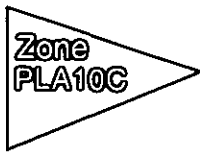
Section 60.142 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
.030	School or Day-Care Center	None	7,200 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. Secondary access is permitted to 120th Avenue NE if available. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.040	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)		None									1. Secondary access is permitted to 120th Avenue NE if available. 2. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.142 Zone PLA10B USE ZONE CHART

Section 60.142 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						
.050	Church	Process IIA, Chapter 150 KZC.	None	20′	20′ on each side	20′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. Secondary access is permitted to 120th Avenue NE if available. 2. No parking is required for day-care or school ancillary to the use.
.060	Public Utility								A		See KZC 105.25.	1. Outdoor uses are not permitted. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.070	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 2.			
.080	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--			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 KZC. 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.

60.144 User Guide. The charts in KZC 60.147 contain the basic zoning regulations that apply in Planned Area 10C, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.145



Section 60.145 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.

3. Development in part of this zone may be limited by Chapter 90 KZC, regarding development near wetlands. In addition, the site must be designed to concentrate development away from, and to minimize impact on the wetlands.

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

Section 60.147 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.010	Office Uses	Process IIB, Chapter 152 KZC.	7,200 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone, see Spec. Reg. 3. Otherwise, 40′ above average building elevation.	C	D	If Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. gross floor area. Otherwise, 1 per each 300 sq. ft. gross floor area.	1. No development is permitted within 50 feet of a low density zone. Where necessary, for visual screening, sight-obscuring landscaping must be provided within this area. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 3. If adjoining a low density zone other than RSX, then 25 feet above average building elevation. Otherwise, 30 feet above average building elevation.
.020	Attached or Stacked Dwelling Units		3,600 sq. ft. per unit						D	A	1.7 per unit.	1. If the subject property contains four or more units, then it must contain at least 200 sq. ft. per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 sq. ft. and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, a recreation building and/or a trail around the wetland are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.

Section 60.147 Zone PLA10C USE ZONE CHART

Section 60.147 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						
.030	School or Day-Care Center	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise, 20′ 5′, on side yards must equal at least 15′. 10′			70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. No structure, roadway or land surface modification is allowed on any regulated slope. 2. Only one access point to NE 124th Street is permitted. This access must be aligned with an access point adjacent to the north. 3. No development is permitted within 50 feet of a low density zone. Where necessary, for visual screening, sight-obscuring landscaping must be provided within this area. 4. Vehicular circulation on the subject property must be designed to mitigate traffic impacts. The City may require on and off-site traffic control devices, roadway improvements, or limit development, if necessary, to further reduce traffic impacts. 5. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 6. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 7. 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 any nearby residential uses. 8. May include accessory living facilities for staff persons. 9. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 10. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.147 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						
.040	Mini-school or mini-day-care (7-12 attendees) or Day-Care Home (6 or less attendees)	Process IIA, Chapter 150 KZC.	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. No structure, roadway or land surface modification is allowed on any regulated slope. 2. Only one access point to NE 124th is permitted. This access must be aligned with an access point adjacent to the north. 3. No development is permitted within 50 feet of a low density zone. Where necessary, for visual screening, sight-obscuring landscaping must be provided within this area. 4. Vehicular circulation on the subject property must be designed to mitigate traffic impacts. The City may require on an off-site traffic control devices, roadway improvements, or limit development, if necessary, to further reduce traffic impacts. 5. A six-foot high fence is required along the property lines adjacent to the outside play area for mini-schools and mini-day-care centers only. 6. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 9. May include accessory living facilities for staff persons. 10. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.147 Zone PLA10C USE ZONE CHART

Section 60.147 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						
.050	Convalescent Center or Nursing Home	Process IIB, Chapter 152 KZC.	7,200 sq. ft.	20′	10′ on each side	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	1 for each bed.	1. No structure, roadway, or land surface modification is allowed on any regulated slope. 2. Only one access point to NE 124th Street is permitted. This access must be aligned with an access point adjacent to the north. 3. No development is permitted within 50 feet of a low density zone. Where necessary, for visual screening, sight-obscuring landscaping must be provided within this area. 4. Vehicular circulation on the subject property must be designed to mitigate traffic impacts. The City may require on and off-site traffic control devices, roadway improvements, or limit development, if necessary, to further reduce traffic impacts.
.060	Public Utility	Process IIA, Chapter 150 KZC.	None		20′ on each side	20′		25′ above average building elevation.	A	B	See KZC 105.25.	1. No structure, roadway, or land surface modification is allowed on any regulated slope. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.070	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 2.			

Section 60.147 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	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.			--		--	B	See KZC 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 KZC. 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.

60.149 User Guide. The charts in KZC 60.152 contain the basic zoning regulations that apply in Planned Area 11, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.150

Zone PLA11

Section 60.150 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 20 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Hazardous Waste Facility uses).

3. Site design must minimize visual impacts of development as viewed from the freeway (does not apply to Public Park and Hazardous Waste Treatment and Storage Facility uses).

4. Access onto NE 116th is permitted only if no other access is possible (does not apply to Public Park and Hazardous Waste Treatment and Storage Facility uses).

5. Except if adjoining a low density zone, structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if:
   a. It will not block local or territorial views designated in the Comprehensive Plan;
   b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
   c. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.

   (Does not apply to Public Park and Hazardous Waste Treatment and Storage Facility uses).

6. If the subject property adjoins a residential zone, noise exceeding that normally associated with a residential neighborhood must be minimized using the best available technology (does not apply to Public Utility, Government or Community Facility, Public Park and Hazardous Waste Facility uses).

7. Development must be designed to retain the existing hill along NE 116th St. and retain at a minimum, 25 percent of the significant trees. The City may require a greater than 25 percent depending on the location and clustering of trees (does not apply to Hazardous Waste Treatment and Storage Facilities and Public Park uses).

Section 60.152 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							
.010	Manufacturing See Special Regulations 1 and 4.	Chapter 145 KZC, Process I.	35,000 sq. ft.	20′	0′	0′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: a. Food, drugs, stone, clay, glass, china, ceramic products, electrical equipment, scientific or photographic equipment, fabricated metal products; b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities; c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations; d. Packaging of prepared materials; e. Textile, leather, wood, paper and plastic products from pre-prepared material; and f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes. 2. Outdoor fabrication is not permitted. Outdoor storage must be located as far as possible from the adjoining residential zones and the freeway. 3. May include as part of this use accessory retail sales, office or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.	
.020	Warehouse Storage Services												
.030	Hazardous Waste Treatment and Storage Facilities	None	None					35′ above average building elevation with a maximum of two stories, exclusive of parking levels. See Special Regulation 2.				1. Must comply with the state siting criteria as adopted in accordance with RCW 70.105.210. 2. Structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if: a. It will not block local or territorial views designated in the Comprehensive Plan; b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; c. The need for an increase in height is directly related to the hazardous waste treatment and/or storage facility; and d. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.	

Section 60.152 Zone PLA11 USE ZONE CHART

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

Section 60.152 USE ⇩ / REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.040	Wholesale Trade	Chapter 145 KZC, Process I.	35,000 sq. ft.	20′	0′	0′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. Outdoor fabrication is not permitted. Outdoor storage must be located as far as possible from the adjoining residential zones and the freeway. 2. May include as part of this use, accessory retail sales, office or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.050	Industrial Laundry Facility											
.060	Wholesale Printing or Publishing											
.070	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control								B			
.080	Office Use								C See Spec. Reg. 1.	D	If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply only to veterinary offices: a. Outdoor runs or other outdoor facilities for the animals must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be setback at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 60.152 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						
.090	Day-Care Center See Special Regulation 8.	Chapter 145 KZC, Process I.	35,000 sq. ft.	30′	0′	0′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	D	B	See KZC 105.25.	1. A six-foot high fence is required along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 8. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; and b. The use is integrated into the design of the building.
.100	High Technology		None	20′			80%		A	D	If manufacturing then 1 per each 1,000 sq. ft. of gross floor area. If office then 1 per 300 sq. ft. of gross floor area. Otherwise, See KZC 105.25.	1. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. Refer to KZC 115.105 for provisions regarding Outside Use, Activity and Storage.

Section 60.152 Zone PLA11 USE ZONE CHART

Section 60.152 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	Mini-day-care (7-12 attendees) See Special Regulation 8.	Chapter 145 KZC, Process I.	35,000 sq. ft.	30′	0′	0′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 35′ above average building elevation with a maximum of two stories, exclusive of parking levels.	D	B	See KZC 105.25.	1. A six-foot high fence is required along the property lines adjacent to the outside play area for mini-schools and mini-day-care centers only. 2. Hours of operation may be limited to reduce impacts in nearby residential uses. 3. Structured play areas must be setback from all property lines by 5 feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 8. This use is permitted if accessory to a primary use, and: a. It will not exceed 20 percent of the gross floor area of the building; and b. The use is integrated into the design of the building.
.120	Church	Chapter 150 KZC, Process IIA.		20′					C		1 for every 4 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.
.130	A retail establishment providing storage services	Chapter 145 KZC, Process I.							A	E	See KZC 105.25.	1. May include accessory living facilities for staff persons. 2. Outdoor storage must be located as far as possible from the adjoining residential zones and the freeway.
.140	Public Utility		None							B		1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.150	Government Facility or Community Facility	None					80%		C See Spec. Reg. 1.			

Section 60.152 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						
.160	Public Park	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.					--	B	See KZC 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 KZC. 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.

6123-09

60.154 User Guide. The charts in KZC 60.157 contain the basic zoning regulations that apply in Planned Area 12, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.155

Zone PLA12

Section 60.155 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.

Section 60.157 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 YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Hospital Facility	If development is consistent with a Master Plan adopted using Process III, Chapter 155 KZC, then none. Otherwise, Process III Chapter 155 KZC.	None	20′	20′ on each side	20′	70%	The existing structure, including addition, may not exceed 75′ above average building elevation and may not exceed 6 stories. New structures may not exceed 30′ above average building elevation unless otherwise specified in the Master Plan.	B	E See Spec. Reg. 4.	1 per each 1,000 sq. ft. of gross floor area.	1. Traffic flow must be designed to minimize impacts on the areas to the north and south of the hospital. 2. Access on 120th Avenue N.E. must be designed to insure safety and to prevent arterial congestion. 3. May include the following accessory components as part of this use: a. Temporary living facilities for staff persons. b. A helipad, if noise from this facility is minimized using the best available technology. 4. Regardless of the linear frontage of the subject property, the maximum sign area for this use is 450 square feet. All other provisions of Chapter 100 KZC apply to signs for this use.
.020	Public Utility	Process IIA, Chapter 150 KZC.				10′		30′ above average building elevation.	A	B	See KZC 105.25.	1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.030	Government Facility or Community Facility				10′ on each side				C See Spec. Reg. 2.			

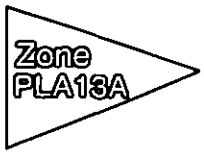
Section 60.157 Zone PLA12 USE ZONE CHART

Section 60.157 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 YARD (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.040	Public Park	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.			--		--	B	See KZC 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 KZC. 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.

0-2319

60.159 User Guide. The charts in KZC 60.162 contain the basic zoning regulations that apply in Planned Area 13A, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.160



Section 60.160 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Units uses).

3. If the subject property adjoins a low density use, the minimum setback of any structure from the lot containing that low density use is equal to the height of that structure, as measured on the side of that structure closest to the detached unit (does not apply to Vehicle Service Station, Retail establishment providing new vehicle or boat sales or vehicle or boat service or repair, Restaurant or Tavern, Fast Food Restaurant and Any retail establishment other than those specifically listed in this zone, selling goods or providing services including banking and related financial services uses).

Section 60.162 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						
.010	Vehicle Service Station See Special Regulation 1.	Process I, Chapter 145 KZC.	22,500 sq. ft.	20′	15′ on each side	15′ See Special Regulations 2 and 7.	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	A See Spec. Reg. 10.	E See Spec. Reg. 3.	See KZC 105.25.	1. May develop this use only in conjunction with the development located on the property in the commercial zone abutting the northern boundary of this zone. 2. If the subject property adjoins a non-retail use, the minimum setback of any structure from the lot containing that non-retail use is twice the height of that structure, as measured on the side of that structure closest to the non-retail use. 3. Free-standing signs and back-lit signs are not permitted along or oriented to 118th NE and 120th NE. 4. The City may require that the topography be recontoured and that structures be depressed to mitigate the impacts of bulk and noise on surrounding uses. 5. May not access directly onto 118th NE. 6. Parking and circulation must be coordinated with commercial development to the north. 7. The following regulations apply only to vehicle service stations: a. May not be more than two vehicle service stations at any intersection. b. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.30, Outdoor Use, Activity and Storage, for further regulations. 8. The following regulation applies only to new vehicle or boat sales or vehicle or boat repair or service: a. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use. 9. On Lot 6, within Block 2, automobile service areas, body shops, and customer parking are not permitted. 10. Uses that abut a residential use must install a landscape buffer consisting of a berm that is a minimum of 20 feet wide and five feet high at the center or an equal to or superior alternate design. The berm shall include fencing, trees, and shrubs in sufficient size and spacing to provide for a screening of the views of the subject property from the abutting residential uses. 11. The site must be designed so that noise from the use will not be audible off the subject property. A certification to this effect by an acoustical engineer must be submitted with the development permit application. 12. The type of exterior lighting may be limited by the City to reduce glare on neighboring properties. See KZC 115.50, Glare Regulation.
.020	A retail establishment providing new vehicle or boat sales or vehicle or boat service and repair. See Special Regulation 1.	None	None	20′	10′ on each side	10′ See Special Regulation 2.						

Section 60.162 Zone PLA13A USE ZONE CHART

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

Section 60.162 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.030	Restaurant or Tavern See Special Regulation 1.	None	None	20′	10′ on each side	10′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	A See Spec. Reg. 12.	E See Spec. Reg. 3.	1 per each 100 sq. ft. of gross floor area.	1. May develop this use only in conjunction with the development located on the property in the commercial zone abutting the northern boundary of this zone. 2. If the subject property adjoins a non-retail use, the minimum setback of any structure from the lot containing that non-retail use is twice the height of that structure, as measured on the side of that structure closest to the non-retail use. 3. Free-standing signs and back-lit signs are not permitted along or oriented to 118th NE and 120th NE. 4. The City may require that the topography be recontoured and that structures be depressed to mitigate the impacts of bulk and noise on surrounding uses. 5. May not access directly onto 118th NE. 6. Parking and circulation must be coordinated with commercial development to the north. 7. The following regulation applies only to fast food restaurants: a. Must provide one outdoor waste receptacle for every 8 parking stalls. 8. 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. 9. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served. 10. Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are 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. 11. On Lot 6, Block 2, automobile service area, body shops, customer parking are not permitted. REGULATIONS CONTINUED ON NEXT PAGE
.040	Fast Food Restaurant See Special Regulation 1.										1 per each 80 sq. ft. of gross floor area.	
.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 Regulation 1.										1 per each 300 sq. ft. of gross floor area.	

Section 60.162 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							
.050	Any retail establishment other than those specifically listed in this zone, selling goods or providing services including banking and related financial services (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE 12. Uses that abut a residential use must install a landscape buffer consisting of a berm that is a minimum of 20 feet wide and five feet high at the center, or an equal to or superior alternative design. The berm shall include fencing, trees, and shrubs in sufficient size and spacing to provide for screening of the views of the subject property from the abutting residential uses. 13. The site must be designed so that noise from the use will not be audible off the subject property. A certification to this effect by an acoustical engineer must be submitted with the development permit application. 14. The type of exterior lighting may be limited by the City to reduce glare on neighboring properties. See KZC 115.50, Glare Regulation.	
.060	Office Use	None	7,200 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	If a Medical, Dental, or Veterinary office, then 1 per 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.	
.070	Detached Dwelling Unit	None	3,600 sq. ft.						E	A	2.0 per unit	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	

Section 60.162 Zone PLA13A USE ZONE CHART

Section 60.162 USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
		MINIMUMS				MAXIMUMS						
	Required Review Process	Lot Size	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						
.080 Detached, Attached or Stacked Dwelling Units	None	3,600 sq. ft. per unit	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	A	1.7 per unit.	1. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

6-23-09

Section 60.162 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	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						
.090	Development containing attached or stacked dwelling units and office uses. See Special Regulation 1.	None	3,600 sq. ft. per unit	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwelling units. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.100	Church		7,200 sq. ft.		20′ on each side.	20′				B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 1.	1. No parking is required for day-care or school ancillary to the use.

Section 60.162 Zone PLA13A USE ZONE CHART

Section 60.162 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	School or Day-Care Center	None	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′	50′ on each side	50′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
				If this use can accommodate 13 to 49 students or children, then: 20′	20′ on each side	20′						
				Otherwise, 20′	5′, on side yards must equal at least 15′.	10′						
.120	Mini-School or Mini-Day-Care (7-12 attendees) or Day-Care Home (6 or less attendees)	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%		E			1. A six-foot high fence is required only along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Structured play areas must be setback from all property lines by five 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 any 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 Title 388).

Section 60.162 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	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						
.130	Assisted Living Facility	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.140	Convalescent Center or Nursing Home		7,200 sq. ft.		10′ on each side	10′				B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.150	Public Utility		None		20′ on each side	20′			A		See KZC 105.25.	1. For a Government Facility Use, Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.160	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 1			

Section 60.162 Zone PLA13A USE ZONE CHART

Section 60.162 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						
.170	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					--	B	See KZC 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 KZC. 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.

0-3219

60.164 User Guide. The charts in KZC 60.167 contain the basic zoning regulations that apply in Planned Area 13B, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.165

Zone PLA13B

Section 60.165 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit and Vehicle Storage uses).

3. If the subject property adjoins a low density use, the minimum setback of any structure from the lot containing that low density use is equal to the height of that structure, as measured on the side of that structure closest to low density use (does not apply to Detached Dwelling Unit, Vehicle Storage, School or Day-Care Center and Public Park uses).

0-3219

Section 60.167 USE ↓ REGULATIONS →	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
.010 Detached Dwelling Unit	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	E	A	2.0 per unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020 Detached, Attached or Stacked Dwelling Units		3,600 sq. ft. per unit		5′, but 2 side yards must equal at least 15′.				C		1.7 per unit.	1. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.030 Office Use	Process I, Chapter 145 KZC.	7,200 sq. ft.							D	If a Medical, Dental, or Veterinary office, then 1 per 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 60.167 Zone PLA13B USE ZONE CHART

Section 60.167 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						
.040	Development Containing Attached or Stacked Dwelling Units and Office Uses See Special Regulation 1.	Process I, Chapter 145 KZC.	3,600 sq. ft. per unit	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	See KZC 105.25.	1. A veterinary office is not permitted in any development containing dwelling units. 2. If the subject property contains four or more units, then it must contain at least 200 square feet per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 square feet and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

0-3216

Section 60.167 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
			MINIMUMS				MAXIMUMS					
		Required Review Process	Lot Size	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						
.050	Vehicle Storage See Special Regulation 1.	Process I, Chapter 145 KZC.	None	20′	5′, but 2 side yards must equal at least 15′.	10′	80%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	See Spec. Reg. 7.	None See Spec. Reg. 3.	See KZC 105.25.	1. This use is only permitted on Lot 7 within Block 2 if it is ancillary to the existing land use on Lot 6 in PLA 13A. When the use on Lot 6 is no longer associated with the automobile sales and service establishment abutting NE 85th Street zoned BC, the use of Lot 7 must cease. 2. Vehicular access to 118th Avenue NE is prohibited. 3. Signs are prohibited. 4. See also KZC 115.105, Outdoor Use Activity and Storage, for further regulations. 5. The type of exterior lighting may be limited by the City to reduce glare on neighboring properties. See KZC 115.50, Glare Regulation. 6. The site must be designed so that noise from the 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 application. 7. Uses that abut a residential use must install a landscape buffer consisting of a berm that is a minimum of 20 feet wide and five feet high at the center or an equal to or superior alternate design. The berm shall include fencing, trees, and shrubs in sufficient size and spacing to provide for screening of the views of the subject property from the abutting residential uses.
.060	Church		7,200 sq. ft.		20′ on each side.	20′	70%		C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 1.	1. No parking is required for day-care or school ancillary to the use.

Section 60.167 Zone PLA13B USE ZONE CHART

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

Section 60.167 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.070	School or Day-Care Center	None	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′	50′ on each side	50′	70%	If adjoining a low density zone other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	D	B	See KZC 105.25.	1. If the subject property adjoins a low density use, the minimum setback of any structure from the lot containing that low density use is equal to the height of that structure, as measured on the side of that structure closest to the detached unit. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
				If this use can accommodate 13 to 49 students or children, then: 20′	5′, on side yards must equal at least 15′.	20′						
				See Special Regulation 1.								
.080	Mini-School or Mini-Day-Care (7-12 attendees) or Day-Care Home (6 or less attendees)		3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′						1. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Structured play areas must be setback from all property lines by five 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 any 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 Title 388).

Section 60.167 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							
.090	Assisted Living Facility	None	3,600 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	If adjoining a low density zone other than RSX, then 25′ above *average* building elevation. Otherwise, 30′ above average building elevation.	C	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. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	
.100	Convalescent Center or Nursing Home	Process I, Chapter 145 KZC.	7,200 sq. ft.		10′ on each side					B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.	
.110	Public Utility		None		20′ on each side	20′			A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.	
.120	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 1				

Section 60.167 Zone PLA13B USE ZONE CHART

Section 60.167 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						
.130	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.					--	B	See KZC 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 KZC. 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.

0-2719

60.169 User Guide. The charts in KZC 60.172 contain the basic zoning regulations that apply in Planned Area 15A, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.170



Section 60.169 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. 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 that they do not obscure the view from Lake Washington Blvd. to and beyond Lake Washington. This corridor must be adjacent to either the north or south property line, whichever will result in the widest view corridor given development on adjacent properties.
3. See KZC 60.173 for regulations regarding bulkheads and land surface modifications.
4. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.
5. May also be regulated under the Shoreline Master Program, KMC Title 24.

0-3219

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

Section 60.172 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARD (See Ch. 115) Front	North Property Line	South Property Line	High Water Line	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.010	Detached Dwelling Unit	Process I, Chapter 145 KZC.	5,000 sq. ft.	30′ See also Spec. Reg. 1.	The greater of: a. 15′, or b. 1 1/2 times the height of the primary structure above average building elevation minus 10′.	10′	The greater of: a. 15′ or b. 15% of the average parcel depth.	80%	30′ above average building elevation.	E	A	2.0 per unit.	1. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and c. The design of the public use area is specifically approved by the city. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. An applicant may propose a development containing residential uses and moorage facilities using this use listing only if the use of the moorage facilities is limited to the residents of the subject property.
				The minimum dimension of any yard, other than those listed, is 5′.									

0-3219

Section 60.172 Zone PLA15A USE ZONE CHART

Section 60.172 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 YARD (See Ch. 115)				Lot Coverage	Height of Structure				
			Front	North Property Line	South Property Line	High Water Line						
.020 Attached or Stacked Dwelling Units	Process IIB, Chapter 152 KZC.	7,200 sq. ft. with at least 3,600 sq. ft. per unit	30' See also Spec. Reg. 3.	The greater of: a. 15', or b. 1 1/2 times the height of the primary structure above average building elevation minus 10'.	10'	The greater of: a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation. See Spec. Reg. 4.	D	A	2.0 per unit.	1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding moorages and public access piers, see the specific listings in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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. The City shall require signs designating the public pedestrian access and public use areas. 3. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and c. The design of the public use area is specifically approved by the city. 4. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset be a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 5. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. 6. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 7. An applicant may propose a development containing residential uses and moorage facilities using this use listing only if the use of the moorage facilities is limited to the residents of the subject property.
			The minimum dimension of any yard, other than those listed, is 5'.									

Section 60.172 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 YARD (See Ch. 115)				Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line	High Water Line							
.030	Public Access Pier or Boardwalk	Process IIB, Chapter 152 KZC.	None	Waterward of the High Waterline -- 10′ 10′ -- See Special Regulation 8.				--	Pier decks may not be more than 24′ above mean sea level. Diving boards and similar features may not be more than 3′ above the deck.	--	See Spec. Reg. 7.	See KZC 105.25.	1. No accessory uses, buildings, or activities are 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 submittal of a building permit for this use. 3. May not treat a structure 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 neighboring properties. 7. Structure must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high, and visible from the Lake. 8. North and south property line yards may be decreased for overwater public use facilities which connect with waterfront public access or adjacent property.	
.040	Moorage Facility for 1 or 2 Boats	None		Waterward of the High Waterline -- 10′ 10′ -- In addition, no moorage structure may be within: a. 25′ of a public park; or b. 25′ of another moorage structure not on the subject property. The minimum dimension of any yard, other than those listed, is 5′.				80%	Pier decks may not be more than 24′ above mean sea level. Diving boards and similar features may not be more than 3′ above the deck.		See Spec. Reg. 8.	1 per each 2 slips. Otherwise, none if the moorage facility is reserved for the exclusive use of an adjoining residential development.	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 feet 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 eight feet in width. 3. If the 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 submittal of a Building Permit for this use. 4. May not treat moorage structure with creosote, oil base or toxic substances. 5. Must provide at least one covered and secured waste receptacle. 6. All utility lines must be below the pier deck and, where feasible, underground. 7. Piers must be adequately lit; the source of the light must not be visible from neighboring properties. 8. Moorage structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high, and visible from the Lake. 9. Covered moorage is not permitted. 10. Aircraft moorage is not permitted.	

Section 60.172 Zone PLA15A USE ZONE CHART

Section 60.172 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 YARD (See Ch. 115)				Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line	High Water Line						
.050	General Moorage Facility	Process IIB, Chapter 152 KZC.	None, but must have at least 100′ of frontage on Lake Washington.	Landward of the High Waterline 30′ See Spec. Reg. 3. The greater of: a. 15′ or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′. 10′ For moorage structure, 0′ For other structures, the greater of: a. 15′ or b. 15% of the average parcel depth. Waterward of the High Waterline -- 10′ 10′ -- No moorage structure may be: a. Within 100′ feet of a public park; or b. Closer to a public park than a line that starts where the high waterline of the park intersects with the side property line of the park closest to the moorage structure at a 45° angle from the side property line. This setback applies whether or not the subject property abuts the park, but does not extend beyond any intervening overwater structure; or (See next page for the rest of the Required Yard Regulations)				80%	Landward of the High Waterline, 30′ above average building elevation. See Spec. Reg. 4. Waterward of the High Waterline, Dock and Pier decks may not be more than 24′ above mean sea level.	B	B See Spec. Reg. 14.	1 per each 2 slips. Otherwise, none if the moorage facility is reserved for the exclusive use of an adjoining residential development.	1. Except as permitted by Special Regulation 17, no structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding public access piers, see the specific listing in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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. 3. The required 30-foot front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard (from north to south property lines) is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 4. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset be a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 5. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. 6. The City will determine the maximum allowable number of moorages based on the following factors: a. The ability of the land landward of the high waterline to accommodate the necessary support facilities. b. The potential for traffic congestion. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 60.172 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 YARD (See Ch. 115)				Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line	High Water Line						
.050	General Moorage Facility (continued)			c. Closer to a lot containing a detached dwelling unit than a line that starts where the high water line of the lot intersects the side property line of the lot closest to the moorage structure and runs waterward toward the moorage structure at a 30° angle from that side property line. This setback applies whether or not the subject property abuts the lot, but does not extend beyond any intervening overwater structure; or d. Within 25′ of another moorage structure not on the subject property. The minimum dimension of any yard, other than those listed, is 5′. (See previous page for the rest of this column)							7. Moorage structures may not be larger than is necessary to provide safe and reasonable moorage for the boats 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; and b. The moorage structures are not larger than is necessary to moor the specified number of boats; and c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation; and d. The moorage structures will not adversely affect nearby uses; and e. The moorage structures will not have a significant long-term adverse effect on aquatic habitats. 8. If the moorage 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 submittal of a Building Permit for this use. 9. May not treat moorage structure with creosote, oil base or toxic substance. 10. Must provide covered and secured waste receptacles on all piers. 11. All utility and service lines must be below the pier deck and, where feasible, underground. 12. Must provide public restrooms unless moorage is only available for residents of dwelling units on the subject property. 13. Piers must be adequately lit. The source of light must not be visible from neighboring properties. 14. Moorage structures must display the street address of the subject property. The address must be oriented to the Lake with letters and numbers at least four inches high. 15. Covered moorage is not permitted. 16. Aircraft moorage is not permitted. 17. The following accessory components are allowed if approved through Process III, Chapter 155 KZC: a. Boat and motor sales leasing. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 60.172 Zone PLA15A USE ZONE CHART

Section 60.172 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 YARD (See Ch. 115)				Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line	High Water Line						
.050	General Moorage Facility (continued)												b. Boat and motor repair and service if: 1) The activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and 2) All dry land motor testing is conducted within a building. c. Boat launch ramp if: 1) It is not for the use of the general public; and 2) Is paved with concrete; and 3) There is sufficient room on the subject property for maneuvering and parking so that traffic impact on the frontage road will not be significant; and 4) Access to the ramp is not directly from the frontage road; and 5) The design of the site is specifically approved by the City. d. Dry land storage. However, stacked storage is not permitted. e. Meeting and special events rooms. f. 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 cleanup gas and oil spills. May have an over-water shed that is not more than 50 square feet and 10 feet high as measured from the pier deck. 18. 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.

Section 60.172 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 YARD (See Ch. 115)				Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line	High Water Line							
.060	Professional Football, Baseball, or Soccer Practice or Play Facility	Process III, Chapter 155 KZC.	3 acres See Special Regulation 6.	20' See Spec. Reg. 3.	The greater of: a. 15' or b. 15% of the average parcel depth.	10'	The greater of: a. 15' or b. 15% of the average parcel depth.	80%	30' above average building elevation. See Special Regulation 4.	C	B	See KZC 105.25.	1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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. 3. The required 20-foot front yard may be reduced one foot for each obe foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 4. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset be a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 5. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. 6. Subsequent division of an approved Master Plan into smaller lots is permitted provided that the required minimum acreage is met for the Master Plan.	
				The minimum dimension of any yard, other than those listed, is 5 feet.										

Section 60.172 Zone PLA15A USE ZONE CHART

Section 60.172	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 YARD (See Ch. 115)				Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line	High Water Line						
.070	Development containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and General Moorage Facility See Special Regulation 1 for other uses also allowed.	See Special Regulation 2.	5 acres with no less than 3,100 sq. ft. per dwelling unit. See also Special Regulations 3 and 14.	See Special Regulation 7.							See Spec. Reg. 8.	See KZC 105.25.	1. The following uses and components are also allowed: a. Retail establishment. b. Office use. c. Hotel. d. Boat and motor repair and service if: 1) This activity is conducted on dry land and either totally within a building or totally sight screened from adjoining property and the right-of-way; and 2) All dry land motor testing is conducted within a building. e. Dry land boat storage. However, stacked storage is not permitted. f. Gas and oil sales or boats if: 1) Storage tanks are underground and on dry land; and 2) The use has facilities to contain and clean up gas and oil spills. May have an over-water shed that is not more than 50 square feet and 10 feet high as measured from the pier deck. g. Meeting and or special events rooms. h. Boat launching ramp if it is paved with concrete. i. School or day-care center. j. Mini-school or mini-day-care center, or day-care home. 2. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA-15A and PLA-15B, which are owned by the applicant. The Master Plan will be approved in two stages: a. The first stage will result in approval of a Preliminary Master Plan using Process III, Chapter 155 KZC. The Preliminary Master Plan shall consist of at least the following: 1) A site plan which diagrammatically shows the general location, shape and use of the major features of development. 2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the final Master Plan. In approving the Preliminary Master Plan, the City shall determine REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 60.172 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 YARD (See Ch. 115)				Lot Coverage	Height of Structure					
			Front	North Property Line	South Property Line	High Water Line							
.070 Development containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and General Moorage Facility (Continued)												the appropriate review process for the Final Master Plan. The City may determine that the Final Master Plan be reviewed using Process IIA, Chapter 150 KZC, if the Preliminary Master Plan shows the placement, approximate dimensions and uses of all structures, vehicular and pedestrian facilities, open space and other features of development. Otherwise, the Final Master Plan shall be reviewed using Process III, Chapter 155 KZC. b. The second stage will result in approval of a final Master Plan using Process IIA, Chapter 150 KZC, or Process III, Chapter 155 KZC, as established by the Preliminary Master Plan. The final Master Plan shall set forth a detailed development plan which is consistent with the Preliminary Master Plan. Each phase of the Master Plan shall set forth a schedule for obtaining building permits for and construction of that phase. 3. Part of the unit count allowed in Planned Area 15A may be developed in Planned Area 15B. The maximum permitted number of dwelling units on the subject property in Planned Area 15A is computed using the following formula: (The total lot area in square feet divided by 3,100) minus the unit count transferred to Planned Area 15B = the maximum permitted number of dwelling units. 4. The maximum amount of allowable floor area for nonresidential use is computed using the following formula: (The maximum number of dwelling units allowed on the subject property - the number of dwelling units proposed) x the average square footage of the dwelling units = amount of square footage available for nonresidential use. 5. Development must provide opportunities for public access to, use of and views of the waterfront by including all of the following elements: a. A public pedestrian access trail along the entire waterfront of the subject property within connections to Lake Washington Boulevard at or near either end; b. Waterfront areas developed and open for public use; c. Improvements to and adjacent to Lake Washington Boulevard which are open for public use; and d. Corridors which allow unobstructed views of Lake Washington from Lake Washington Boulevard. In addition, obstruction of views from existing development lying east of Lake Washington Boulevard must be minimized. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE	

Section 60.172 Zone PLA15A USE ZONE CHART

Section 60.172 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 YARD (See Ch. 115)				Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line	High Water Line						
.070	Development containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and General Moorage Facility (Continued)												6. All nonresidential uses, except office uses, must be located and designed to have substantial waterfront orientation and accessibility from waterfront public use areas. 7. The City will determine required yards, lot coverage, structure height and landscaping based on the compatibility of development with adjacent uses and the degree to which public access, use and views are provided. 8. All signs must be approved as part of a Comprehensive Design Plan in accordance with KZC 100.80. 9. Must comply with General Regulations and Special Regulations 6 – 16 for the use listing in this zone entitled "General Moorage Facility." 10. Must provide pumping facilities to remove effluent from boat holding tanks. 11. Must provide a waste oil tank. 12. Vehicular circulation on the subject property must be designed to mitigate traffic impacts on Lake Washington Boulevard and Lakeview Drive. Access points must be limited, with primary access located at the intersection of Lake Washington Boulevard and Lakeview Drive. The City may required traffic control devices and right-of-way realignment or limit development if necessary to further reduce traffic impacts. 13. The regulations for this use may not be modified with a Planned Unit Development. 14. Subsequent subdivision of an approved Master Plan into smaller lots is permitted provided that the required minimum acreage is met for the Master Plan.

Section 60.172 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 YARD (See Ch. 115)				Lot Coverage	Height of Structure					
				Front	North Property Line	South Property Line	High Water Line							
.080	Public Utility	Process IIA, Chapter 150 KZC.	None	30′ See Spec. Reg. 3.	The greater of: a. 15′ or b. 1-1/2 times the height of the primary structure above average building elevation minus 10′.	10′	The greater of: a. 15′ or b. 15% of the average parcel depth.	80%	30′ above average building elevation. See Special Regulation 4.	A	B	See KZC 105.25.	1. No structures, other than moorage structures or public access piers, may be waterward of the high waterline. For the regulations regarding moorages, see the moorage listings in this zone. 2. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. 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. 3. The required 30′ front yard may be reduced one foot for each one foot of this yard that is developed as a public use area if: a. Within 30 feet of the front property line, each portion of a structure is setback from the front property line by a distance greater than or equal to the height of that portion above the front property line; and b. Substantially, the entire width of this yard, from north to south property lines, is developed as a public use area; and c. The design of the public use area is specifically approved by the City. 4. Structure height may be increased to 35 feet above average building elevation if the increase does not impair views of the lake from properties east of Lake Washington Boulevard; and a. The increase is offset by a view corridor that is superior to that required by the General Regulations; or b. The increase is offset by maintaining comparable portions of the structure lower than 30 feet above average building elevation. 5. The design of the site must be compatible with the scenic nature of the waterfront. If the development will result in the isolation of a detached dwelling unit, site design, building design and landscaping must mitigate the impacts of that isolation. 6. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility Community Facility									C See Spec. Reg. 6.				

Section 60.172 Zone PLA15A USE ZONE CHART

Section 60.172 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 YARD (See Ch. 115)				Lot Coverage	Height of Structure				
				Front	North Property Line	South Property Line	High Water Line						
.100	Public Park	See Special Regulations 1 and 2.	None	Will be determined on a case-by-case basis.						--	B	See KZC 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 KZC. 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.

0-3219

60.173 Bulkhead and Land Surface Modification

1. Bulkheads

a. General – Bulkheads are permitted in this zone subject to all of the conditions and restrictions of this section.

b. Required Permit – The City will use Process I, described in Chapter 145 KZC, to review and decide upon an application for a bulkhead. A permit may also be required from the U.S. Army Corps of Engineers. Consult that agency for further information.

c. Allowable Reasons – A bulkhead may be constructed only if:

1) It is needed to prevent significant erosion due to wave action; and

2) The use of vegetation will not sufficiently stabilize the shoreline to prevent significant erosion.

d. Prohibited Location – A bulkhead may not be erected within a wetland or between a wetland and the lake.

e. Design of Bulkhead – The bulkhead must be designed to minimize the transmittal of wave energy to other properties.

f. Placement of the Bulkhead – The bulkhead may not extend waterward of the high waterline unless it is associated with approved fill.

g. Change in Configuration of the Land – Except as allowed under subsections (2) and (3) of this section, alteration of the horizontal or vertical configuration of the land must be kept to a minimum.

h. Backfill – The extent and nature of any backfill proposed landward of the bulkhead must be approved by the City.

2. Land Surface Modification Waterward of the High Waterline

a. General – Land surface modification waterward of the high waterline is permitted in this zone subject to all of the conditions and restrictions in this section.

b. Required Permit – The City will use Process IIB, described in Chapter 152 KZC, to review and decide upon an application for a land surface modification waterward of the high waterline. This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.

c. Allowable Reasons – The City may approve an application for a land surface modification waterward of the high waterline only if:

1) No unique or significant natural area of flora or fauna will be destroyed; and

2) The land surface modification will not result in erosion of the shoreline or undermine stability of neighboring properties; and

3) Either:

a) The application is filed by a public agency to improve navigability, public recreation, or public safety; or

b) The application is to create a public use or recreation area; or

c) The application is for dredging to remove silt or sediment deposited because of severe and unusual erosion or resulting from the existence of a bulkhead on nearby property; or

d) At such time as permitted by the Shoreline Master Program, the application is for dredging to provide sufficient draft for boat moorages; or

e) The application is consistent with an approved master plan for a "development containing attached or stacked dwelling units, restaurants or taverns and general moorage facilities."

d. Requirements for Dredging – If the land surface modification involves dredging, the following regulations apply:

1) Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity on the subject property.

2) The applicant shall restore any beneficial vegetation disturbed during dredging.

3) The dredging shall be the minimum necessary to provide sufficient draft for navigation or moorage.

e. Requirements for Fill – If the land surface modification involves fill, the following regulations apply:

1) Material Used for Landfill – The material used in the landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality or the existing habitat.

2) Vegetation – Exposed fill areas must be stabilized with vegetation.

3) Public Use Area Required – If the fill is proposed as part of a "Development containing attached or stacked dwelling units, restaurants or taverns and general moorage facilities," part of the high waterline yard shall be developed as a public use area. The size and design of the public use area must be specifically approved by the City based on the size of the subject property, the use on the subject property, and the ability to use design features to separate the public use area from the private elements of the development.

3. Land Surface Modification within the High Waterline Yard

a. General – Land surface modification in the high waterline yard is permitted in this zone subject to all of the conditions and restrictions of this section.

b. Required Permit – The City will use Process I, described in Chapter 145 KZC, to review and decide upon an application for land surface modification within the high waterline yard.

This activity may also require a permit from the U.S. Army Corps of Engineers. Consult that agency for further information.

c. Allowable Reasons – The City may approve an application for a land surface modification within the high waterline yard only if:

1) No unique or significant natural area of flora or fauna will be destroyed; and

2) Either:

a) The application is filed by a public agency to improve public safety, recreation, or access; or

b) The application is part of a development proposal for the subject property and is to improve access to a pier or beach; or

c) The land surface modification is necessary to provide public access; or

d) The land surface modification is necessary to the structural safety of a structure; or

e) There has been severe and unusual erosion within the one year directly preceding the application and the land surface modification is to restore the shoreline to its configuration prior to this erosion; or

f) This application is part of an application for bulkhead approved under subsection (1) of this section. For backfill landward of a bulkhead, see subsection (1)(h) of this section.

d. Material Used for Landfill – The material used in a landfill must be nondissolving and nondecomposing. The fill material must not contain organic or inorganic material that would be detrimental to the water quality or the existing habitat.

e. Use of Vegetation – The applicant shall stabilize exposed areas left after land surface modification with vegetation.

f. Disposition of Excavated Materials – Dredging spoils may not be deposited in Lake Washington and may be deposited on the subject property only if this is part of an approved development activity.

4. Land Surface Modification Landward of the High Waterline Yard – Land surface modification landward of the high waterline yard is regulated like land surface modifications throughout the City. See Chapter 115 KZC for those regulations.

5. Emergency Measures – An applicant may erect a temporary bulkhead and take other emergency measures to protect against harm to persons or property resulting from imminent and unanticipated natural hazards. The area modified must be restored to the condition that existed immediately prior to any emergency modification as soon as practicable after the emergency.

60.174 User Guide. The charts in KZC 60.177 contain the basic zoning regulations that apply in Planned Area 15B, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.175

Zone PLA15B

Section 60.175 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Units and Mini-School or Mini-Day-Care Center/Day-Care Home uses).

3. Refer to Chapter 85 KZC for regulations regarding development on property containing an unstable slope.

6-12-93

Section 60.177 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)	60.177
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.010	Detached Dwelling Unit	None	12,500 sq. ft. per dwelling unit	20′	5′, but 2 side yards must equal at least 15′.	10′	50%	25′ above average building elevation.	E	A	2.0 per dwelling unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	
.020	Attached or Stacked Dwelling Units	See Special Regulation 2.	5 acres, with no less than 6,200 sq. ft. per unit. See Special Regulations 3 and 9.	See Special Regulation 8.			50%	See Special Regulation 8.	D		1.7 per unit.	1. Must be developed in conjunction with property in Planned Area 15A. 2. Development must be consistent with an approved Master Plan. The Master Plan must address all properties within PLA-15A and PLA-15B, which are owned by the applicant. The Master Plan will be approved in two stages: a. The first stage will result in approval of a Preliminary Master Plan using Process III, Chapter 155 KZC. The Preliminary Master Plan shall consist of at least the following: 1) A site plan which diagrammatically shows the general location, shape and use of the major features of development. 2) A written description of the planned development which discusses the elements of the site plan and indicates the maximum number of dwelling units and their probable size; the maximum area to be developed with nonresidential uses; the maximum size of moorage facilities and the maximum number of moorage slips; the maximum and minimum number of parking stalls; and the schedule of phasing for the final Master Plan. The majority of the public use and access areas and off-site right-of-way improvements shall be included in the initial phases of the final Master Plan. In approving the Preliminary Master Plan, the City shall determine the appropriate review process for the Final Master Plan. The City may determine that the Final Master Plan be reviewed using Process IIA, Chapter 150 KZC, if the Preliminary Master Plan shows the placement, approximate dimensions and uses of all structures, vehicular and pedestrian facilities, open space and other features of development. Otherwise, the Final Master Plan shall be reviewed using Process III, Chapter 155 KZC. REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE	

Section 60.177 Zone PLA15B USE ZONE CHART

Section 60.177 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						
.020 Attached or Stacked Dwelling Units (Continued)											2. b. The second stage will result in approval of a final Master Plan using Process IIA, Chapter 150 KZC, or Process III, Chapter 155 KZC, as established by the Preliminary Master Plan. The final Master Plan shall set forth a detailed development plan which is consistent with the Preliminary Master Plan. Each phase of the Master Plan shall set forth a schedule for obtaining building permits for and construction of that phase. 3. Part of the unit count allowed in Planned Area 15A may be developed in Planned Area 15B. The maximum permitted number of dwelling units on the subject property in Planned Area 15B is computed using the following formula: (The total lot area in square feet divided by 6200) plus the unit count transferred from Planned Area 15A = The maximum number of permitted dwelling units. 4. Vehicular circulation on the subject property must be designed to mitigate impacts on Lake Washington Boulevard and Lakeview Drive. Access points must be limited. The City may require traffic control devices and right-of-way realignment or limit development if necessary to further reduce traffic impacts. 5. Obstruction of views from existing development lying east of the Burlington Northern Railroad right-of-way must be minimized. 6. Structures, parking areas and roadways must be clustered and located away from areas with soils limitations and outside of the steep ravine located near the middle of Planned Area 15B. 7. Development must be consistent with the policies for development on the Houghton Slope in the Comprehensive Plan. 8. The City will determine required yards and structure height based on the compatibility of development with adjacent uses and the degree to which development maintains the existing natural characteristics of the slope. 9. Subsequent subdivision of an approved Master Plan into smaller lots is permitted provided that the required minimum acreage is met for the Master Plan.

Section 60.177 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						
.030	Church	Process IIA, Chapter 150 KZC.	12,500 sq. ft.	20′	20′ on each side.	20′	50%	25′ above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 1.	1. No parking is required for day-care or school ancillary to the use.

0-3219

Section 60.177 Zone PLA15B USE ZONE CHART

Section 60.177	USE ⇩ / ⇨ REGULATIONS	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
.040	School or Day-Care Center	Process IIA, Chapter 150 KZC.	12,500 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′	50′ on each side	50′ If this use can accommodate 13 to 49 students or children, then: 20′	20′ on each side	20′ Otherwise, 20′	10′ on each side	10′	50%	25′ above average building elevation.	D	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.050	Mini-School or Mini-Day-Care Center (7-12 attendees) or Day-Care Home (6 attendees or less)	None		20′	5′, but 2 side yards must equal at least 15′.	10′			E			1. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.177 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						
.060	Public Utility	Process IIA, Chapter 150 KZC.	None	20′	20′ on each side	20′	50%	25′ above average building elevation.	A	B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.070	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 2			
.080	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--			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 KZC. 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.

0-3219

60.179 User Guide. The charts in KZC 60.182 contain the basic zoning regulations that apply in Planned Area 16, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.180

Zone PLA16

Section 60.180 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   (Does not apply to Detached Dwelling Unit, Commercial Equestrian Facility, Commercial Recreation Area and Use and Mini-Day-Care Center or Day-Care Home uses).

3. Must provide an improved public equestrian access trail and appropriate public signage. The trail must be located and designed so as to allow for an eventual connection between N.E. 60th Street and the Bridle Trails State and King County Parks (does not apply to Detached Dwelling Unit, Commercial Equestrian Facility, Commercial Recreation Area and Use and Public Parks uses).

Section 60.182 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							
.010	Detached Dwelling Unit	If lot size is less than 35,000 sq. ft., then Process III, Chapter 155 KZC. Otherwise, None.	35,000 sq. ft. except as established under Special Regulation 5.	20′ See Spec. Reg. 3.	5′, but 2 side yards must equal at least 15′.	10′	50%	30′ above average building elevation.	E	A	2.0 per dwelling unit.	1. For this use, not more than one dwelling unit may be on each lot, regardless of the size of the lot. 2. Floor Area Ratio (F.A.R.) allowed for the subject property is 20 percent of lot size. See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information. 3. On corner lots with two required front yards, one may be reduced to the average of the front yards for the two adjoining properties fronting the same street as the front yard to be reduced. The applicant may select which front yard will be reduced (see Plate 24). 4. Each lot may contain no more than two horses. 5. Residential lots must contain a minimum area of 10,000 permeable square feet, which shall comply with Special Regulation 6 for large domestic animals in KZC 115.20(4) (chart). 6. On each lot, no outdoor manure pile may be placed closer than 65 feet to any adjacent residential structure. 7. This use may have a lot size of less than 35,000 square feet if all of the following standards are met: a. The property must contain at least 16 contiguous acres. b. A Master Plan shall be approved for the entire property. c. The minimum lot size allowed on the property shall be determined and approved as part of the Master Plan. In no case shall the minimum lot size be less than 26,000 square feet. d. A commercial equestrian facility, including an arena, stables and paddock areas, must be provided on the property. The facility must be available to the public and not exclusively for the residences within the Master Plan. The facility must meet requirements and special regulations as established for the use listing in this zone entitled "Commercial Equestrian Facility." e. An improved public equestrian access trail and appropriate public signing must be provided. The trail must be located and designed so as to allow for an eventual connection between N.E. 60th Street and the Bridle Trails State and King County Parks. f. A coordinated vehicular and pedestrian circulation system for the property as well as other properties in the vicinity shall be provided as part of the Master Site Plan. 8. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	

Section 60.182 — Zone PLA16 — USE ZONE CHART

Section 60.182 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						
.020	Commercial Equestrian Facility See Special Regulation 1.	Process IIB	3 acres	20′	20′	20′ See Special Regulation 2.	80%	See Special Regulation 4.	C	B	See KZC 105.25.	1. This use may include arenas, stables, roaming and grazing areas, club house and ancillary equestrian facilities. 2. This use must comply with KZC 80.30 through 80.45. 3. An improved public equestrian access trail through the subject property and appropriate public signing must be provided. The trail must be located and designed to allow for an eventual connection between N.E. 60th Street and Bridle Trails State and King County Parks. 4. Structures exceeding 25 feet above average building elevation must have the ground floor placed below existing grade to the extent possible and screened by a vegetative earthen berm. 5. Existing natural vegetation must be maintained to the greatest extent possible.
.030	Commercial Recreation Area and Use See Special Regulation 1.		1 acre	20′	20′	20′		38′ above average building elevation. See Special Regulation 3.				1. This use may include activities such as: indoor and outdoor tennis courts, club house, swimming pool, other sport court games and ancillary commercial recreation activities. 2. Hours of operation may be limited to reduce adverse impacts on a residential neighborhood. 3. Structures exceeding 25 feet above average building elevation must have the ground floor placed below existing grade to the extent possible and screened by a vegetative earthen berm. Structures can be placed at existing grade if the structures are located on lower ground than adjacent properties and if the adjacent properties are developed and do not contain residential use. 4. A 20-foot wide sight-obscuring landscape buffer must be provided along the west and south perimeter of the property. 5. Existing natural vegetation must be maintained to the greatest extent possible. 6. Vehicular and pedestrian circulation to and from the property shall be coordinated with the other properties in the vicinity to the maximum extent possible.

Section 60.182 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						
.040	Church	Process IIA, Chapter 150 KZC.	35,000 sq. ft.	20′	20′ on each side	20′	70%	30′ above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 1.	1. No parking is required for day-care or school ancillary to the use.
.050	School or Day-Care Center			If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise, 20′ 5′, but 2 side yards must equal at least 15′. 10′					D		See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 3. Hours of operation may be limited to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 5. 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 any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.182 Zone PLA16 USE ZONE CHART

Section 60.182 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						
.060	Mini-Day-Care Center (7-12 attendees) or Day-Care Home (6 attendees or less)	None	35,000 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	50%	30′ above average building elevation.	E	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 3. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 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 Title 388). 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses.

Section 60.182 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						
.070	Public Utility	Process IIA, Chapter 150 KZC.	None	20′	20′ on each side	20′	70%	30′ above average building elevation.	A	B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.080	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 1.			
.090	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--			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 KZC. 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.

6-93 Ord 2713

60.184 User Guide. The charts in KZC 60.187 contain the basic zoning regulations that apply in Planned Area 17A, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.185

Zone PLA17A

Section 60.185 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone or low density use in PLA 17A, then:
   a. A building bulk maximum will apply as follows – either:
      (1) The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
      (2) 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.

   b. A significant buffer shall be required around all proposed structures and parking areas. This buffer should take the form of up to a 25-foot wide landscaped area OR a lesser dimensioned area furnished with screening walls, fences, berms, or dense stands of trees, but in no case be less than 10 feet.

   c. A solid screening wall or fence shall be required between any portion of a parking area which is closer than 40 feet to a low density use, low density zone, or the right-of-way of NE 97th Street. Such wall or fence shall be in addition to the landscape materials required by Chapter 95 of this code.

   (Does not apply to Detached Dwelling Unit, Mini-School or Mini-Day-Care and Family Day-Care Home uses).

3. During and after construction, substantial setbacks and protective measures should be provided around streams and wetlands (does not apply to Detached Dwelling Unit and Family Day-Care Home uses).

0-3216

Section 60.187 USE ⇩ REGULATIONS ⇨		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS											
			MINIMUMS				MAXIMUMS						
		Required Review Process	Lot Size	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	Detached Dwelling Unit	None	7,200 sq. ft.	20′	5′ each side. See Special Regulation 2.	10′	60%	30′ above average building elevation.	E	A	2.0 per dwelling unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	
.020	Attached or Stacked Dwelling Units	Process IIA, Chapter 150 KZC.	3,600 sq. ft. per unit, with a minimum lot size of 2 acres.		5′, but 2 side yards must equal at least 15′.				D		1.7 per unit. See Special Regulation 11.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. If the subject property contains four or more units, then it must contain at least 200 sq. ft. per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 sq. ft. and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 sq. ft. per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. 3. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation. 4. Building placement and landscape plans should provide views of Forbes Lake from adjacent rights-of-way, particularly 124th Avenue NE and I-405. 5. West of Forbes Lake, site design should provide for the continuation of a bicycle or pedestrian path which generally follows the alignment of Slater Avenue NE and NE 92nd Street and connects to NE 90th Street. 6. Adjacent to Forbes Lake, new development should provide for public access to the lake in appropriate locations. Public access should be limited to passive uses, such as walking trails or viewpoints. REGULATIONS CONTINUED ON NEXT PAGE	

Section 60.187 Zone PLA17A USE ZONE CHART

Section 60.187 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						
.020	Attached or Stacked Dwelling Units (Continued)											7. No vehicular connection through this subarea to NE 90th Street is permitted. 8. Adjacent to I-405, on-site improvements, such as berms, landscaping, acoustic walls, and/or other improvements to minimize visual and noise impacts should be included in site design. 9. Viewpoints and interpretive information around streams and wetlands should be provided where possible. These features shall be permitted only where protection of natural features can be reasonably assured. 10. Lands upland of the ordinary high waterline only may be included in the calculation of lot area. 11. The parking area shall also include a designated location and facilities to serve on-site residents as they wash or otherwise service their personal vehicles. These facilities shall be so located, improved, and furnished to prevent surface water contaminants, such as detergents, oils and debris, from entering the lake or wetlands.
.030	Church	See Special Regulation 1.	7,200 sq. ft.	20′	20′ on each side	20′	70%	30′ above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 3.	1. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering and landscaping. 2. The property must be served by a collector or arterial street. 3. No parking is required for day-care or school ancillary to the use. 4. No vehicular connection through this subarea to NE 90th Street is permitted.

Section 60.187 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						
.040	School or Day-Care Center	See Special Regulation 1.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then: 50′ 50′ on each side 50′ If this use can accommodate 13 to 49 students or children, then: 20′ 20′ on each side 20′ Otherwise, 20′ 5′, on side yards must equal at least 15′. 10′			70%	30′ above average building elevation.	D	B	See KZC 105.25.	1. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering and landscaping. 2. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; b. It will not be detrimental to the character of the neighborhood in which it is located. 3. A six-foot high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 4. Hours of operation and maximum number of attendees at one time may be limited to reduce impacts on nearby residential uses. 5. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 6. 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 any nearby residential uses. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. May include accessory living facilities for staff persons. 9. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 10. No vehicular connection through this subarea to NE 90th Street is permitted.

Section 60.187 Zone PLA17A USE ZONE CHART

Section 60.187 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						
.050	Mini-School or Mini-Day-Care	Process I, Chapter 145 KZC.	7,200 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	60%	30′ above average building elevation.	E	B	See KZC 105.25.	1. May locate on the subject property only if: a. It will serve the immediate neighborhood in which it is located; or b. It will not be detrimental to the character of the neighborhood in which it is located. 2. A six-foot high fence is required along the property line adjacent to the outside play areas for mini-schools and mini-day-care centers only. 3. Hours of operation and maximum number of attendees may be limited by the City to reduce impacts on nearby residential uses. 4. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 9. No vehicular connection through this subarea to NE 90th Street is permitted.

93-169

Section 60.187 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							
.060	Assisted Living Facility	Process IIA, Chapter 150 KZC.	2 acres	20′	5′, but side yards mus equal at least 15′.	10′	60%	30′ above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit. See Special Regulation 14.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses. 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 KZC, 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. The assisted living facility shall provide usable recreational space of at least 100 square feet per unit, in the aggregate, for both assisted living units and independent dwelling units, with a minimum of 50 square feet of usable recreational space per unit located outside. 5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 6. If development will result in the isolation of a low density use, site design, building design, and landscaping must mitigate the impact of that isolation. 7. Building placement and landscape plans should provide views of Forbes Lake from adjacent rights-of-way, particularly 124th Avenue NE and I-405. 8. West of Forbes Lake, site design should provide for the continuation of a bicycle or pedestrian path which generally follows the alignment of Slater Avenue NE and NE 92nd Street and connects to NE 90th Street. 9. Adjacent to Forbes Lake, new development should provide for public access to the lake in appropriate locations. Public access should be limited to passive uses, such as walking trails or viewpoints. 10. No vehicular connection through this subarea to NE 90th Street is permitted. 11. Adjacent to I-405, on-site improvements, such as berms, landscaping, acoustic walls, and/or other improvements to minimize visual and noise impacts should be included in site design. 12. Viewpoints and interpretive information around streams and wetlands should be provided where possible. These features shall be permitted only where protection of natural features can be reasonably assured. REGULATIONS CONTINUED ON NEXT PAGE	

Section 60.187 Zone PLA17A USE ZONE CHART

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

Section 60.187 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.060	Assisted Living Facility (Continued)											13. Lands upland of the ordinary high waterline only may be included in the calculation of lot area. 14. The parking area shall also include a designated location and facilities to serve on-site residents as they wash or otherwise service their personal vehicles. These facilities shall be so located, improved, and furnished to prevent surface water contaminants, such as detergents, oils and debris, from entering the lake or wetlands.
.070	Family Day-Care Home	None	7,200 sq. ft.	20′	5′, on each side. See Special Regulation 1.	10′	60%	30′ above average building elevation.	E	A	2.0 per dwelling unit.	1. On corner lots, only one front yard must be a minimum of 20 feet. All other yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement. 2. Family day-care provider must be licensed by the state to operate a family child day-care home. 3. A safe passenger loading area as certified by the state office of child care policy licensor shall be provided. 4. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.080	Golf Course See Special Regulations 2 and 3.	Process IIA, Chapter 150 KZC.	1 acre	50′	50′ on each side	50′				B	See KZC 105.25.	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. May not include miniature golf. 3. The following accessory uses are specifically permitted as part of this use: a. Equipment storage facilities. b. Retail sales and rental of golf equipment and accessories. c. A restaurant. 4. No vehicular connection through this subarea to NE 90th Street is permitted. 5. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.090	Convalescent Center or Nursing Home		7,200 sq. ft.	20′	10′ on each side	10′	70%	20′ above average building elevation.	C	B	1 for each bed.	

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

Section 60.187 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 Utility	See Special Regulation 1.	None	20′	20′ on each side	20′	70%	30′ above average building elevation.	A	B	See KZC 105.25.	1. The required review process is as follows: a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC. b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process III, Chapter 155 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering and landscaping. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses. 3. No vehicular connection through this subarea to NE 90th Street is permitted.
.110	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 2.			
.120	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--			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 KZC. 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. No vehicular connection through this subarea to NE 90th Street is permitted.

60.189 User Guide. The charts in KZC 60.192 contain the basic zoning regulations that apply in Planned Area 17B, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.190

Zone PLA17B

Section 60.190 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone or low density use in PLA 17A, then:
   a. A building bulk maximum will apply as follows – either:
      (1) The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
      (2) 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   b. A significant buffer shall be required around all proposed structures and parking areas. This buffer should take the form of up to a 25-foot wide landscaped area OR a lesser dimensioned area furnished with screening walls, fences, berms, or dense stands of trees, but in no case be less than 10 feet.
   c. A solid screening wall or fence shall be required between any portion of a parking area which is closer than 40 feet to a low density use, low density zone, or the right-of-way of NE 97th Street. Such wall or fence shall be in addition to the landscape materials required by Chapter 95 KZC.

3. Development in part of this zone may be limited by Chapter 90, regarding development near wetlands. In addition, the site must be designed to concentrate development away from, and to minimize impact on, the wetlands. The following specific standards also apply:
   a. During and after construction, substantial setbacks and protective measures should be provided around all streams and wetlands; and
   b. Whenever possible, viewpoints and interpretive information around streams and wetlands should be developed. Such improvements shall only be permitted if protection of the natural features can be reasonably assured.

4. All vehicular access must be from NE 90th Street.

5. Vehicular circulation on the subject property must be designed to mitigate traffic impacts. The City may require on or off-site traffic control devices, roadway improvements, or limit development, if necessary, to further reduce traffic impacts (does not apply to Retail establishment selling groceries or related items, Public Utility, Government Facility or Community Facility and Public Park uses).

0-3216

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

Section 60.192 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	A retail establishment selling groceries or related items	None	7,200 sq. ft.	20′	10′ on each side	10′	80% See Spec. Reg. 5.	30′ above average building elevation.	B	D	N/A	1. No new retail floor area shall be permitted. 2. Accessory parking for retail uses with a lot size of at least 35,000 square feet abutting the south side of the NE 90th Street right-of-way, is a permitted use. 3. Development near wetlands must comply with the requirements of Chapter 90 KZC, as well as the following specific standards: a. During and after construction, substantial setbacks and protective measures should be provided around all streams and wetlands; and b. Whenever possible, viewpoints and interpretive information around streams and wetlands should be developed. Such improvements shall only be permitted if protection of the natural features can be reasonably assured. 4. Developments with frontage on 120th Avenue NE should provide for the continuation of a bridge/pedestrian path that generally follows the alignment of 120th Avenue NE and connects to NE 90th Street. 5. Lot coverage for structured parking facilities may not exceed 60 percent.
.020	Business Park See Special Regulation 1.	Process IIA, Chapter 150 KZC.		30′	0′	0′	80%	If adjoining a low density zone, other than RSX, then 25′ above average building elevation. Otherwise, 30 feet.	A	C	See KZC 105.25.	1. The following business park uses are permitted: Office, wholesale trade, wholesale printing or publishing, light assembly, manufacturing of small-scale articles such as electrical equipment, manufacturing of scientific or photographic equipment; packaging of prepared materials, manufacturing of textile or leather products from pre-prepared material, manufacturing of paper products from pre-prepared material, manufacturing of plastic products from pre-prepared material, ancillary warehouse and other compatible uses are allowed if approved within the IIA Permit. 2. Development must be compatible in height, placement, and design with adjacent low density residential uses. 3. The City may require revision of the building design, site plan or landscaping plan in order to minimize noise and enhance the visual character of the area. 4. Outdoor storage is prohibited. 5. The discharge of any substance which creates any impact detrimental to the environment or adjacent residents is not permitted. 6. The number and size of signs shall be strictly limited. In addition, only wall- and ground-mounted signs shall be permitted. 7. Loading areas and exterior lighting must be located away from residential areas. Exterior lighting may be limited through the review process. 8. Developments with frontage on 120th Avenue NE should provide for the continuation of a bridge/pedestrian path that generally follows the alignment of 120th Avenue NE and connects to NE 90th Street.

Section 60.192 Zone PLA17B USE ZONE CHART

Section 60.192	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						
.030	Office Use	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20′	5′ but 2 side yards must at least equal 15′.	10′	80%	If adjoining a low density zone, other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	D	One per 300 sq. ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.040	School or Day-Care Center	None							D	B	See Section 105.25.	1. A six-foot high fence is required only along the property lines adjacent to the outside play areas. 2. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five 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 any nearby residential uses. 4. May include accessory living facilities for staff persons. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.050	Mini-School or Mini-Day-Care (7 – 12 attendees) or Day-Care Home (6 or less attendees)		None									1. A six-foot high fence is required along the property lines adjacent to the outside play areas for mini-schools and mini-day-care centers only. 2. Structured play areas must be setback from all property lines by five 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 any 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 Title 388).

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

Section 60.192 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.060	Church	Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20′	20′ on each side	20′	80%	If adjoining a low density zone, other than RSX, then 25′ above average building elevation. Otherwise, 30′ above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to the use.
.070	Convalescent Center or Nursing Home				10′ on each side	10′					1 for each bed.	
.080	Public Utility		None		20′ on each side	20′			A		See KZC 105.25.	1. Outdoor uses are not permitted. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 2			
.100	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--			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 KZC. 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. To preserve the natural wetland system in this area, some active recreational uses may be prohibited.

60.194 User Guide. The charts in KZC 60.197 contain the basic zoning regulations that apply in Planned Area 17C, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 60.195



Section 60.195 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone or low density use in PLA 17A, then:
   a. A building bulk maximum will apply as follows – either:
      (1) The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
      (2) 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
   b. A significant buffer shall be required around all proposed structures and parking areas. This buffer should take the form of up to a 25-foot wide landscaped area OR a lesser dimensional area furnished with screening walls, fences, berms, or dense stands of trees, but in no case be less than 10 feet.
   c. A solid screening wall or fence shall be required between any portion of a parking area which is closer than 40 feet to a low density use or a low density zone. Such wall or fence shall be in addition to the landscape materials required by Chapter 95 KZC.
   (Does not apply to Detached Dwelling Unit and Attached or Stacked Dwelling Unit uses).

3. Development in part of this zone may be limited by Chapter 90 KZC, regarding development near wetlands. In addition, the site must be designed to concentrate development away from, and to minimize impact on, the wetlands and stream. The following specific standards also apply:
   a. During and after construction, substantial setbacks and protective measures should be provided around all streams and wetlands; and
   b. Whenever possible, viewpoints and interpretive information around streams and wetlands should be developed. Such improvements shall only be permitted if protection of the natural features can be reasonably assured.

4. All vehicular access must be from NE 90th Street (does not apply to Detached Dwelling Unit, Attached or Stacked Dwelling Units and Office uses).

0-3219

Section 60.197 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						
.010	Detached Dwelling Unit	None	5,000 sq. ft.	20′	5′ each side. See Special Regulation 2.	10′	70%	30′ above average building elevation.	E	A	2.0 per dwelling unit.	1. For this use, only one dwelling unit may be on each lot regardless of the size of the lot. 2. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 4. Site design should provide for the continuation of a bicycle or pedestrian path which generally follows the alignment of 120th Avenue and connects to NE 90th Street.

Section 60.197 Zone PLA17C USE ZONE CHART

Section 60.197	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						
.020	Attached or Stacked Dwelling Units	Process IIA, Chapter 150 KZC.	5,000 sq. ft. per unit	20′	5′, but 2 side yards must equal at least 15′.	10′	70%	30′ above average building elevation.	D	A	1.7 per unit. See Special Regulation 4.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 2. If the subject property contains four or more units, then it must contain at least 200 sq. ft. per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions: a. For four to 20 units, the open space must be in one or more pieces each having at least 800 sq. ft. and having a length and width of at least 25 feet. b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet. The required common recreational open space may be reduced to 150 sq. ft. per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, and/or a recreation building are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced, based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area. The common recreational open space requirements may be waived if the City determines that preservation of environmentally sensitive areas provides a superior open space function. 3. Site design should provide for the continuation of a bicycle or pedestrian path which generally follows the alignment of 120th Avenue and connects to NE 90th Street. 4. If the subject property contains eight or more units, then the parking area shall also include a designated location and facilities to serve on-site residents as they wash or otherwise service their personal vehicles. These facilities shall be so located, improved, and furnished to prevent surface water contaminants, such as detergents, oils, and debris, from entering the lake or wetlands. 5. Adjacent to NE 90th Street and existing institutional parking lots, the property must include dense landscaping and a fence or screen wall which provide screening for this use.

USE ZONE CHART

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

Section 60.197 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	MAXIMUMS: 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)
.030	Office Use	Process IIA, Chapter 150 KZC.	7,200 sq. ft. per unit	20′	5′, but 2 side yards must equal at least 15′.	10′	80%	30′ above average building elevation.	C	D	If Medical, Dental, or Veterinary office, then one per each 200 sq. ft. gross floor area. Otherwise, one per each 300 sq. ft. of gross floor area.	1. Vehicular circulation on the subject property must be designed to mitigate traffic impacts. The City may require on- and off-site traffic control devices, roadway improvements, or limit development, if necessary, to further reduce traffic impacts. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.040	Church		7,200 sq. ft.		20′ on each side.	20′				B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 2.	1. Vehicular circulation on the subject property must be designed to mitigate traffic impacts. The City may require on- and off-site traffic control devices, roadway improvements, or limit development, if necessary, to further reduce traffic impacts. 2. No parking is required for day-care or school ancillary to the use. 3. Site design should provide for the continuation of a bicycle or pedestrian path which generally follows the alignment of 120th Avenue and connects to NE 90th Street.
.050	Convalescent Center or Nursing Home				10′ on each side.	10′					One for each bed	

0-3719

Section 60.197 Zone PLA17C USE ZONE CHART

Section 60.197 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						
.060	School or Day-Care Center	None	7,200 sq. ft.	20′	5′, but 2 side yards must equal at least 15′.	10′	80%	30′ above average building elevation.	D	B	See KZC 105.25.	1. Vehicular circulation on the subject property must be designed to mitigate traffic impacts. The City may require on- and off-site traffic control devices, roadway improvements, or limit development, if necessary, to further reduce traffic impacts. 2. A six-foot high fence along the side and rear property lines is required only along the property lines adjacent to the outside play areas. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. Otherwise, five feet. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.070	Mini-School or Mini-Day-Care (7 – 12 attendees) or Day-Care Homes (6 attendees or less)		None				70%					1. Vehicular circulation on the subject property must be designed to mitigate traffic impacts. The City may require on- and off-site traffic control devices, roadway improvements, or limit development, if necessary, to further reduce traffic impacts. 2. A six-foot high fence is required along the property line adjacent to the outside play areas for mini-schools and mini-day-care centers only. 3. Structured play areas must be setback from all property lines by five feet. 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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 6. May include accessory living facilities for staff persons. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

Section 60.197 Zone PLA17C USE ZONE CHART

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

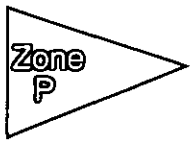
Section 60.197 USE ⇩ REGULATIONS ⇨		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.080	Public Utility	Process IIA, Chapter 150 KZC.	None	20′	20′ on each side	20′	80%	30′ above average building elevation.	A	B	See KZC 105.25.	1. Outdoor uses are not permitted. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.090	Government Facility or Community Facility				10′ on each side	10′			C See Spec. Reg. 2.			
.100	Public Park	See Special Regulations 1 and 2.		Will be determined on a case-by-case basis.					--			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 KZC. 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. To preserve the natural wetland system in this area, some active recreational uses may be prohibited.

0-139

CHAPTER 65 – PARK/PUBLIC USE (P) ZONES

65.05 User Guide. The charts in KZC 65.15 contain the basic zoning regulations that apply in each P zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 65.10



Section 65.10 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.

2. If any portion of a structure is adjoining a low density zone, then either:
   a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
   b. The 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 KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.

0-2719

Section 65.15 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						
.010	Public Park	See Special Regulations 1 and 2.	None	Will be determined on case-by-case basis.			--	--	--	--	See KZC 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 KZC. 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.
.020	Public Utility	None										
.030	Government Facility Community Facility	Process IIA, Chapter 150 KZC.										

Chapter 72 – ADULT ACTIVITIES OVERLAY ZONE

Sections:

72.05 User Guide
72.10 Designation – Required Review
72.15 Designation – Who May Apply
72.20 Designation – Criteria
72.25 Effect – General
72.30 Effect – Uses Allowed
72.35 Effect – Development Standards
72.40 Effect – Bonds

72.05 User Guide

This chapter establishes a mechanism for designating certain areas or improvements in the City for adult entertainment uses or activities normally not permitted within the City. This chapter also contains regulations that govern the nature and extent of adult entertainment uses or activities in those designated areas.

Various places on the Zoning Map contain an "AE" within dashed lines. This indicates that the area has been designated as an Adult Entertainment Overlay Zone where special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

If you are interested in proposing that an area be designated as an Adult Entertainment Overlay Zone or if you wish to participate in the City's decision on a proposed designation you should read KZC 72.10 through 72.20.

If you are interested in conducting an adult entertainment use or activity in an area designated as "AE" or if you wish to participate in the City's decision on a proposed use or activity in an area designated as "AE" you should read KZC 72.25 through 72.35.

72.10 Designation – Required Review

The City will review and decide upon each application to designate an area as an Adult Entertainment Overlay Zone on the Zoning Map, using the nonproject quasijudicial rezone provisions of Chapter 130 KZC.

72.15 Designation – Who May Apply

Any person may apply to designate property as an Adult Entertainment Overlay Zone. To the extent that these provisions are inconsistent with the provisions of Chapter 130 or 155 KZC, the provisions of this section govern.

72.20 Designation – Criteria

The City may approve the designation of an area as an Adult Entertainment Overlay Zone only if it finds that:

1. The applicable criteria of Chapter 130 KZC are met; and

2. The underlying zone for such area is either BC, CBD or within a planned area where either commercial or theatre uses are specifically permitted uses with no review process required (see column 3 of applicable use zone charts); and

3. The proposed designation will not conflict with the policies of the Comprehensive Plan to such a degree as to be contrary to the public interest, health, safety or welfare, nor be injurious to nearby properties.

72.25 Effect – General

If the City Council enacts an ordinance designating an area as an Adult Entertainment Overlay Zone an "AE" will be placed on the area on the Zoning Map. Any development or use of property designated as an Adult Entertainment Overlay Zone must comply with this section through KZC 72.35. To the extent that the provisions in this section through KZC 72.35 conflict with any other requirements of this code, the provisions of this chapter govern. Where no conflict exists, the other requirements of this code apply.

72.30 Effect – Uses Allowed

The following uses may be permitted in an "AE" overlay zone:

1. The applicant may propose any use that is permitted in the underlying zone. The City will review and decide upon this use based on the provisions of this code as if the "AE" overlay zone did not exist.

2. The applicant may propose an adult entertainment activity or use. The City shall review and decide upon the proposed use or activity using Process III, described in Chapter 155 KZC. The City may approve an adult entertainment use or activity if:

   a. The building or part of a building containing the proposed use or activity is located no closer than 1,500 feet to the subject property of any school, public park, athletic or recreation center, or establishment, which establishment caters to or is attended in substantial part by minors; or

   b. The applicant can show, by clear and convincing evidence, that there is no location in the City that would comply with KZC 72.20 and 72.30(2)(a).

72.35 Effect – Development Standards

1. There may be no outside pictorial or other visual display that will be mounted within view of the general public other than the name of the establishment, a statement identifying the establishment as an adult entertainment establishment (which statement may contain no more than four words) and the street address.

2. The City shall establish with respect to any adult entertainment activity or use requirements for signs and parking, which requirements may vary to a moderate degree from the sign and parking requirements which would otherwise be required by this code; provided, that the City determines that such variations are necessary in the interest of the public health, safety and welfare and to protect nearby properties from injury.

72.40 Effect – Bonds

The City may require a bond under Chapter 175 KZC to insure compliance with this chapter.

Chapter 75 – HISTORIC LANDMARK OVERLAY ZONE

Sections:

75.05 User Guide
75.10 Designation – Required Review
75.15 Designation – Who May Apply/Special Fee Provision
75.20 Designation – Criteria
75.25 Designation – Required Elements of Recommendation
75.30 Effect – General
75.35 Effect – Review Requested To Alter
75.40 Effect – Criteria for Alteration
75.45 Effect – Nonconforming Elements
75.47 Effect – Modification of Code Provisions
75.50 Effect – Bonds

75.05 User Guide

This chapter establishes a mechanism for designating certain areas or improvements in the City as historic landmarks. This chapter also contains regulations that govern the use and alteration of any area or improvement that has been designated as an historic landmark.

Various places on the Zoning Map contain an "HL" within a dashed line. This indicates that this area has been designated as an Historic Landmark Overlay Zone where special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

If you are interested in proposing that an area or structure be designated as an historic landmark or if you wish to participate in the City's decision on a proposed designation you should read KZC 75.10 through 75.25.

If you are interested in conducting a use or altering the appearance of an area or structure that has been designated as an historic landmark or if you wish to participate in the City's decision on a proposed use or alteration of a designated historic landmark, you should read KZC 75.30 through 75.50.

75.10 Designation – Required Review

The City will review and decide upon each proposal to designate an area as an Historic Landmark Overlay Zone on the Zoning Map using the nonproject quasijudicial rezone provisions of Chapter 130 KZC.

75.15 Designation – Who May Apply/Special Fee Provision

The City, the person holding fee title to the subject property, or any member of the general public may apply to designate a property as an Historic Landmark Overlay Zone. To the extent that these provisions are inconsistent with the provisions of Chapter 130 or 155 KZC, the provisions of this section govern.

75.20 Designation – Criteria

1. The City may approve the designation of an area as an Historic Landmark Overlay Zone only if it finds that:

   a. The applicable criteria of Chapter 130 KZC are met; and

b. Either:

1) The property contains an object, improvement, or site that is more than 40 years old, and that possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

a) Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or

b) Is associated with the lives of persons significant in national, state or local history; or

c) Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

d) Has yielded, or may be likely to yield, information important in prehistory or history; or

e) Is an outstanding work of a designer or builder who has made a substantial contribution to the art; or

2) The property contains an object, improvement or site which does not meet the criteria listed in subsection (1)(b)(1) of this section but which is:

a) A religious property deriving primary significance from architectural or artistic distinction or historic importance; or

b) A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with an historic person or event; or

c) A birthplace, grave or residence of an historic figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life;

d) A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historic significance; or

g) A property achieving significance within the past 40 years if it is of exceptional importance.

NOTE: The criteria listed in subsection (1)(b) of this section are, with slight modification, the criteria used in evaluating entries to the National Register under the National Historic Preservation Act of 1966.

3) This subsection applies only to those areas annexed to the City on January 1, 1988, by Ordinance 3062, 3063, and 3064 (known as the Lower Juanita, North Rose Hill and South Rose Hill areas).

For a 12-month period beginning January 1, 1988, and ending December 31, 1988, the City shall approve the designation of an area as an Historic Landmark Overlay Zone if the site has been proposed by the King County Landmarks Commission subject to the conditions of Chapter 130 KZC.

75.25 Designation – Required Elements of Recommendation

If City Council adopts an ordinance designating an area as an Historic Landmark Overlay Zone on the Zoning Map, this ordinance must include the following information:

1. The boundaries of the area and description of the improvement, object, or site or significance, sufficient to identify its location.

2. The significant features of the improvement, object, or site to which the restrictions of KZC 75.30 through 75.50 apply.

75.30 Effect – General

If the City Council enacts an ordinance to designate an area as an Historic Landmark Overlay Zone, an "HL" will be placed on the area on the Zoning Map. This will have the following effects:

1. No feature identified as significant under KZC 75.25(2) may be altered in any manner except as provided in KZC 75.35 through 75.50.

2. The City may require that a sign be conspicuously posted on the subject property identifying the historic landmark.

3. The other requirements of this code apply to the subject property unless they conflict with a specific provision of this section through KZC 75.50. Where a conflict exists, the provisions of this chapter govern.

75.35 Effect – Review Requested To Alter

The City will review and decide upon any proposal to alter a designated significant feature of an Historic Landmark Overlay Zone using Process III, described in Chapter 155 KZC.

75.40 Effect – Criteria for Alteration

The City will review any proposed alteration to a significant feature of an historic landmark using the following criteria:

1. The extent to which the proposed alteration would adversely affect the significant features or site as an historic landmark; and

2. The reasonableness of the proposed alteration in light of other alternatives available to achieve the objectives of the applicant; and

3. The extent to which the proposed alteration may be necessary to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance.

75.45 Effect – Nonconforming Elements

Nonconformance on the subject property need not be corrected if correcting the nonconformance would require altering a feature designated as significant or the acquisition of additional property or facilities.

75.47 Effect – Modification of Code Provisions

1. General – The provisions of this section establish the circumstances under which the City may modify any of the provisions of this code for an historic landmark, except:

   a. The City may not modify any of the provisions of this chapter; and

   b. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under this chapter; and

   c. The City may not modify any of the procedural provisions of this code; and

   d. The City may not modify any provision that specifically applies to development on a wetland, flood plain, or regulated slope; and

   e. The City may not allow any use in a low density zone that is not specifically allowed in that zone unless the subject property contains at least 35,000 square feet.

2. Review Procedure – The City will review and decide upon any proposal to modify the provisions of this code for an historic landmark using Process III, described in Chapter 155 KZC. Modifications may be proposed in conjunction with or subsequent to a proposal to designate the subject property as an Historic Landmark Overlay Zone as provided in KZC 75.10 through 75.25.

3. Criteria for Modification – The City may approve a modification under the provisions of this section only if it finds that the following requirements are met:

   a. The proposed modification would promote or aid in the preservation or rehabilitation of an historic landmark; and

   b. Either:

      1) The historic landmark for which the modification is proposed is located on property which abuts one of the following rights-of-way:

         a) Market Street between Central Way and N.E. 106th Street.

         b) State Street between N.E. 68th Street and 2nd Avenue South.

         c) Lake Washington Blvd. and Lake Street South between Northup Way and Third Avenue South; or

      2) The proposed modification would not promote traffic, noise, light view blockage or other impacts which are incompatible with adjacent properties or the surrounding neighborhood.

75.50 Effect – Bonds

The City may require a bond under Chapter 175 KZC to ensure that any alteration to an historic landmark complies with the conditions of its approval.

Chapter 80 – EQUESTRIAN OVERLAY ZONE

Sections:

80.05 User Guide
80.10 Designation – Required Review
80.15 Designation – Criteria
80.20 Effect – General
80.25 Effect – Review for Equestrian Uses or Activities
80.30 Effect – Criteria for Conducting Equestrian Uses or Activities
80.35 Effect – Factors To Be Considered for Equestrian Uses and Activities
80.40 Effect – Standards and Requirements for Equestrian Uses and Activities
80.45 Effect – Bonds

80.05 User Guide

This chapter is a mechanism for designating areas particularly suited for equestrian uses and activities normally not permitted within the City. This chapter also contains regulations that govern the nature and extent of equestrian uses and activities in these designated areas.

Various places on the Zoning Map contain an "EQ" within dashed lines. This indicates that the area has been designated as an Equestrian Overlay Zone where special regulations apply. These special regulations add to and in some cases supersede the other regulations of this code.

If you are interested in proposing that an area or structure be designated as an Equestrian Overlay Zone, or if you wish to participate in the City's decision on a proposed designation, you should read KZC 80.10 through 80.15.

If you are interested in conducting an equestrian use or activity in an area designated as "EQ" or if you wish to participate in the City's decision on a proposed use or activity in an area designated as "EQ" you should read KZC 80.20 through 80.45.

80.10 Designation – Required Review

The City will review and decide upon each application to designate an area as an Equestrian Overlay Zone on the Zoning Map using the nonproject quasijudicial rezone provisions of Chapter 130 KZC.

80.15 Designation – Criteria

The City may approve the designation of an area as an Equestrian Overlay Zone only if it finds that:

1. The applicable criteria of Chapter 130 KZC are met; and

2. The area is sufficiently close to an equestrian-related public park so as to permit convenient utilization of that park; and

3. The area is, or is part of, an area where equestrian-related uses and activities are an integral part of the character of the area.

80.20 Effect – General

If the City enacts an ordinance designating an area as an Equestrian Overlay Zone, an "EQ" will be placed on the area on the Zoning Map. This will have the following effects:

1. At the option of the applicant, equestrian uses and activities may either be included under the applicable provision of Chapter 115 KZC, regarding the keeping of animals in residential zones, or under KZC 80.25 through 80.45.

2. Equestrian-related commercial uses and activities may be proposed under KZC 80.25 through 80.45.

3. The other requirements of this code apply to the subject property unless they conflict with a specific provision of KZC 80.20 through 80.45. Where a conflict exists, the provisions of this chapter govern.

80.25 Effect – Review for Equestrian Uses or Activities

The City will review and decide upon a proposal to keep horses or to conduct an equestrian-related use or activity using Process IIB, described in Chapter 152 KZC.

80.30 Effect – Criteria for Conducting Equestrian Uses or Activities

The City may approve a proposal to keep horses or to conduct an equestrian-related use or activity only if it finds that:

1. The keeping of horses as proposed will not adversely affect surrounding uses; and

2. The facility is designed in a manner that will provide a sanitary and healthful environment for the horses; and

3. The facility complies with all applicable state and local health regulations; and

4. The nature of the proposed use or activity will be compatible with the equestrian character of the area and with nearby properties.

80.35 Effect – Factors To Be Considered for Equestrian Uses and Activities

In reviewing a proposed use or activity in relation to the criteria provided in KZC 80.30, the City shall consider the following factors:

1. The number of animals proposed.

2. The size of the subject property.

3. The proximity to an equestrian public park.

4. The abutting uses.

5. The nature of the facility.

6. The arrangement of structures and enclosures for housing the horses, roaming and grazing area, and storage areas.

7. Hours of operation.

8. Traffic impacts.

80.40 Effect – Standards and Requirements for Equestrian Uses and Activities

As part of any equestrian use or activity approved under this chapter, the City shall establish requirements for the following elements:

1. Signs, which should be as small as possible and may not be backlit.

2. Parking.

3. Any other element of the subject property where this code does not establish sufficient or relevant requirements.

80.45 Effect – Bonds

The City shall require a bond under Chapter 175 KZC to insure maintenance of the subject property in a clean condition.

Chapter 85 – GEOLOGICALLY HAZARDOUS AREAS

Sections:

85.05 User Guide
85.10 Applicability
85.12 Environmentally Sensitive Areas (ESA) Maps
85.13 Definitions
85.14 Erosion Hazard Areas
85.15 Required Information – Landslide Hazard Areas and Seismic Hazard Areas
85.20 Required Review – Landslide Hazard Areas and Seismic Hazard Areas
85.25 Performance Standards – Landslide Hazard Areas and Seismic Hazard Areas
85.30 Appeals
85.35 Bonds
85.40 Dedication
85.45 Liability
85.50 Request for Determination

85.05 User Guide

1. This chapter establishes special regulations that apply to development on property containing geologically hazardous areas. These regulations add to and, in some cases, supersede other regulations of this code.

2. If you are interested in developing property that contains a geologically hazardous area, or if you wish to participate in the City's decision on a proposed development on any of these areas, you should read this chapter.

85.10 Applicability

1. General – This chapter applies to any property that contains any of the following:

   a. An erosion hazard area.

   b. A landslide hazard area.

   c. A seismic hazard area.

2. Conflict with Other Provisions of this Code – The provisions of this chapter supersede any conflicting provisions of this code. The other provisions of this code that do not conflict with the provisions of this chapter apply to property that contains a geologically hazardous area. If more than one provision of this chapter applies to the subject property because of the presence on the subject property of more than one type of geologically hazardous area, then the regulations that provide the greatest protection from the hazardous area shall apply to the area governed by multiple regulations.

3. SEPA Compliance – Nothing in this chapter or the decisions made pursuant to this chapter in any way affect the authority of the City to review, condition, and deny projects under SEPA.

85.12 Environmentally Sensitive Areas (ESA) Maps

As part of the City's SEPA Ordinance, City Council adopts, and from time to time amends, a map folio entitled "Kirkland Sensitive Areas." This folio contains maps entitled "Seismic Hazards" and "Landslide and Erosion Hazards." These maps will be used as a guide only to determine the presence of seismic hazards, erosion hazards, and landslide hazards, and the determination regarding whether these hazards exist on or near the subject property will be based on the actual characteristics of these areas and the definitions of this code.

85.13 Definitions

The following definitions apply throughout this code, unless, from the context, another meaning is clearly intended:

1. Environmentally Sensitive Areas Maps – As defined in Chapter 90 KZC.

2. Erosion Hazard Areas – Those areas containing soils which, according to the USDA Soil Conservation Service King County Soil Survey dated 1973, may experience severe to very severe erosion hazard. This group of soils includes, but is not limited to, the following when they occur on slopes of 15 percent or greater: Alderwood gravelly sand loam (AgD), Kitsap silt loam (KpD), Ragnar Indianola Association (RdE) and portions of the Everett gravelly sand loams (EvD) and Indianola Loamy fine sands (InD).

3. Geologically Hazardous Areas – Landslide hazard areas, erosion hazard areas and seismic hazard areas.

4. Landslide Hazard Areas – Both of the following:

   a. High Landslide Hazard Areas – Areas sloping 40 percent or greater, areas subject to previous landslide activities and areas sloping between 15 percent and 40 percent with zones of emergent ground water or underlain by or embedded with impermeable silts or clays.

   b. Moderate Landslide Hazard Areas – Areas sloping between 15 percent and 40 percent and underlain by relatively permeable soils consisting largely of sand and gravel or highly competent glacial till.

5. Seismic Hazard Areas – Those areas subject to severe risk of earthquake damage as a result of seismically induced settlement or soil liquefaction, which conditions occur in areas underlain by cohesionless soils of low density usually in association with a shallow ground water table.

85.14 Erosion Hazard Areas

Regulations to control erosion are contained within KMC Title 15 and in other codes and ordinances of the City. Development activity within erosion hazard areas is regulated using these other provisions of this code and other City codes and ordinances and may be subject to increased scrutiny and conditioning because of the presence of an erosion hazard area.

85.15 Required Information – Landslide Hazard Areas and Seismic Hazard Areas

The City may require the applicant to submit some or all of the following information, consistent with the nature and extent of the proposed development activity, for any proposed development activity in a landslide hazard area or seismic hazard area or on property which may contain one of these areas based on the environmentally sensitive areas maps or preliminary field investigation by the Planning Official:

1. A topographic survey of the subject property, or the portion of the subject property specified by the Planning Official, with contour intervals specified by the Planning Official. This mapping shall contain the following information:

   a. Delineation of areas containing slopes 15 percent or greater.

   b. The proximity of the subject property to streams.

   c. The location of structured storm drainage systems on the subject property.

d. Existing vegetation, including size and type of significant trees.

2. A geotechnical investigation, prepared by a qualified geotechnical engineer or engineering geologist, to determine if a landslide hazard area or seismic hazard area exists on the subject property.

3. A geotechnical report, prepared by a qualified geotechnical engineer or engineering geologist, showing and including the following information:

   a. A description of how the proposed development will or will not affect slope stability, surface and subsurface drainage, erosion, and seismic hazards on the subject and adjacent properties.

   b. Evidence, if any, of holocene or recent landsliding, sloughing, or soil creep.

   c. The location of springs, seeps, or any other surface expression of ground water, and the location of surface water or evidence of seasonal runoff or ground water.

   d. Identification of existing fill areas.

   e. Soil description in accordance with the United Soil Classification Systems.

   f. Depth to ground water and estimates of potential seasonal fluctuations.

4. Geotechnical recommendations, prepared by a qualified geotechnical engineer, for special engineering or other mitigation techniques appropriate to the hazard area along with an analysis of how these techniques will affect the subject and adjacent properties, including discussions and recommendations on the following:

   a. The present stability of the subject property, the stability of the subject property during construction, the stability of the subject property after all development activities are completed and a discussion of the relative risks and slide potential relating to adjacent properties during each stage of development.

   b. Location of buildings, roadways, and other improvements.

   c. Grading and earthwork, including compaction and fill material requirements, use of site solids as fill or backfill, imported fill or backfill requirements, height and inclination of both cut and fill slopes and erosion control and wet weather construction considerations and/or limitations.

   d. Foundation and retaining wall design criteria, including bearing layer(s), allowable capacities, minimum width, minimum depth, estimated settlements (total and differential), lateral loads, and other pertinent recommendations.

   e. Surface and subsurface drainage requirements and drainage material requirements.

   f. Assessment of seismic ground motion amplification and liquefaction potential.

   g. Other measures recommended to reduce the risk of slope instability.

   h. Any additional information believed to be relevant by the geotechnical engineer preparing the recommendations or requested by the Planning Official.

85.20 Required Review – Landslide Hazard Areas and Seismic Hazard Areas

1. General – Except as specified in subsection (2) of this section, the City will administratively review and decide upon any proposed development activity within a landslide hazard area or seismic hazard area.

2. Other Approval Required – If the proposed development on the subject property requires approval through Process I, IIA, IIB, or III, described in Chapters 145, 150, 152, and 155 KZC, respectively, the proposed development activity within the landslide hazard area or seismic hazard area will be reviewed and decided upon as part of that other process.

85.25 Performance Standards – Landslide Hazard Areas and Seismic Hazard Areas

As part of any approval of development in a landslide hazard area or seismic hazard area, the City may require the following to protect property and persons:

1. Implementation of the geotechnical recommendations to mitigate identified impacts, along with a written acknowledgment on the face of the plans signed by the architect, engineer, and/or designer that he/she has reviewed the geotechnical recommendations and incorporated these recommendations into the plans.

2. Funding of a qualified geotechnical engineer or engineering geologist, selected and retained by the City subject to a three-party contract, to review the geotechnical report and recommendations.

3. That a qualified geotechnical professional be present on-site during land surface modification and foundation installation activities, and submittal by a geotechnical engineer of a final report prior to occupancy, certifying substantial compliance with the geotechnical recommendations and geotechnical-related permit requirements.

4. The retention of any and all trees, shrubs, and groundcover, and implementation of a revegetation plan including immediate planting of additional vegetation.

5. Specifically engineered foundation and retaining wall designs.

6. The review of all access and circulation plans by the Department of Public Works.

7. Limitation or restriction of any development activity that may:

   a. Significantly impact slope stability or drainage patterns on the subject property or adjacent properties;

   b. Cause serious erosion hazards, sedimentation problems or landslide hazards on the subject property or adjacent properties; or

   c. Cause property damage or injury to persons on or off the subject property.

8. Dedication of one or more natural greenbelt protective easements or tracts.

85.30 Appeals

All classifications, decisions, and determinations made under this chapter are appealable using, except as stated below, the applicable appeal provisions of Chapter 145 KZC:

1. The appeal may be filed by the applicant or any other aggrieved person within 15 days of the date of the City's written classification, determination, or decision.

2. If a proposed development activity on the subject property required approval through Process IIA, IIB, or III, described in Chapters 150, 152, and 155 KZC, respectively, any appeal of a classification, determination, or decision under this chapter will be heard as part of that other process.

85.35 Bonds

The City may require a bond under Chapter 175 KZC and/or a perpetual landscape maintenance agreement to ensure compliance with any aspect of this chapter or any decision or determination made under this chapter.

85.40 Dedication

The City may require that the applicant dedicate development rights, air space, or an open space easement to the City to ensure the protection of any landslide hazard area or seismic hazard area on the subject property.

85.45 Liability

Prior to issuance of any development permit, the applicant shall enter into an agreement with the City, which runs with the property, in a form acceptable to the City Attorney, indemnifying the City for any damage resulting from development activity on the subject property which is related to the physical condition of the property. The applicant shall record this agreement with the King County Department of Elections and Records.

85.50 Request for Determination

1. General – The determination of whether a geologically hazardous area exists on the subject property and the boundaries of that geologically hazardous area will normally be made when the applicant applies for a development permit for the subject property. However, a property owner may, pursuant to the provisions of this section, request a determination from the City regarding whether a geologically hazardous area exists on the subject property and the boundaries of the geologically hazardous area.

2. Application Information – The applicant shall submit a letter of request along with a vicinity map and site plan indicating the location of the potential geologically hazardous area and other information, as appropriate.

3. Review – A request for determination of whether a geologically hazardous area exists on the subject property, the location of the geologically hazardous area, and the type of geologically hazardous area will be made using the definitions, procedures, and criteria of this chapter, as appropriate.

4. Decision – Determinations regarding geologically hazardous areas pursuant to this section will be made by the Planning Official.

5. Appeals – Appeals from decisions made under this section will be reviewed and decided upon pursuant to KZC 85.30.

6. Effect – Any decision made under this section will be used by the City in any development activity proposed on the subject property for which an application is received within two years of the final decision of the City under this section; provided, that the City may modify any decision made under this section any time physical circumstances have markedly and demonstrably changed on the subject property or the surrounding areas as a result of natural processes or human activity.

Chapter 90 – DRAINAGE BASINS

Refer to interim Ordinance No. 3658 for sensitive areas adopted on October 20, 1998.

Chapter 95 – LANDSCAPING

Sections:

95.05 User Guide
95.10 Minimum Landscaping Requirements
95.15 Significant Trees
95.20 Supplemental Plantings
95.25 Buffering Standards
95.30 Plant Choice
95.32 Appeals
95.35 Planting and Care
95.40 Bonds
95.45 Dedication

95.05 User Guide

Chapters 15 through 65 KZC containing the use zone charts assign a landscaping category to each use in each zone. This category is either "A," "B," "C," "D," or "E." This chapter contains the specific requirements that pertain to each category. This chapter establishes certain minimum requirements for all uses. It also establishes that, in some cases, a specified buffer must be installed along certain property lines.

If you do not know what landscaping category applies to the subject property, you should consult the appropriate use zone chart.

In addition to the requirements of this chapter, other similar requirements may be found in the following other chapters:

1. Chapter 105 KZC describing parking lot design specifies screening around parking lots.
2. Various use zone charts, in Chapters 15 through 65 KZC, establish additional or special buffering requirements for some uses in some zones.
3. KZC 115.135, Sight Distance at Intersections, which may limit the placement of landscaping in some areas.

95.10 Minimum Landscaping Requirements

The applicant shall comply with the provisions specified in the following chart. Certain requirements apply to all uses. Other requirements, which pertain to buffering, may apply to the subject property, depending on what permitted use exists on the adjoining property or, if no permitted use exists, depending on the zone that the adjoining property is in.

LANDSCAPING CATEGORY ⇩ / ADJOINING PROPERTY ⇨	*Public park or low density residential use or if no permitted use exists on the adjoining property then a low density zone.	Medium or high density residential use or if no permitted use exists on the adjoining property then a medium density or high density zone.	Institutional or office use or if no permitted use exists on the adjoining property then an institutional or office zone.	A commercial use or an industrial use or if no permitted use exists on the adjoining property then a commercial or industrial zone.
A	Must comply with KZC 95.15, 95.20 and 95.25(1) (Buffering Standard 1)	Must comply with KZC 95.15, 95.20 and 95.25(1) (Buffering Standard 1)	Must comply with KZC 95.15, 95.20 and 95.25(3) (Buffering Standard 3)	Must comply with KZC 95.15 and 95.20
B	Must comply with KZC 95.15, 95.20 and 95.25(2) (Buffering Standard 2)	Must comply with KZC 95.15, 95.20 and 95.25(2) (Buffering Standard 2)	Must comply with KZC 95.15 and 95.20	Must comply with KZC 95.15 and 95.20
C	Must comply with KZC 95.15, 95.20 and 95.25(2) (Buffering Standard 2)	Must comply with KZC 95.15, 95.20 and 95.25(3) (Buffering Standard 3)	Must comply with KZC 95.15 and 95.20	Must comply with KZC 95.15 and 95.20
D	Must comply with KZC 95.15, 95.20 and 95.25(3) (Buffering Standard 3)	Must comply with KZC 95.15 and 95.20	Must comply with KZC 95.15 and 95.20	Must comply with KZC 95.15 and 95.20
E	Must comply with KZC 95.15			
Footnotes:	*If the adjoining property is zoned Central Business District, KZC 95.25 does not apply.			

95.15 Significant Trees

1. General – The applicant shall retain significant trees on the subject property to the maximum extent possible.

2. Minor Site Plan Changes Required by the City – The City may require minor alterations in the arrangement of buildings and other elements of the proposed development in order to achieve the maximum retention of significant trees. The City may not require an alteration which will result in a significant added expenditure to the applicant or in a decrease in the number of units or bulk of structures permitted.

3. Replacement If Significant Trees Removed – If all or substantially all of the significant trees on the subject property are brought down, the City may require the applicant to plant trees on the subject property. The maximum number of trees that the City may require the applicant to plant is equal to the number of significant trees that are brought down. The trees that are planted must be at least three to five inches in diameter as measured one foot above grade.

4. Protection Techniques

   a. General – In order to provide the best possible conditions for the retention of significant trees, the applicant shall comply with the following requirements:

      1) The applicant may not excavate within the area defined by the drip line of any tree to be retained.

      2) The applicant shall construct a temporary but immovable four-foot-high sturdy fence generally corresponding to the drip line of each tree to be retained.

      3) If the grade level adjoining to a tree to be retained is to be raised, the applicant shall construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be equal to the diameter of the tree plus five feet.

      4) The applicant may not install impervious surface within the area defined by the drip line of any tree to be retained.

      5) The applicant shall prune branches and roots, fertilize, and water as appropriate.

      6) The grade level around any tree to be retained may not be lowered within the greater of the following areas:

         a) The area defined by the drip line of the tree.

         b) An area around the tree equal to one foot in diameter for each one inch of tree diameter as measured one foot above grade.

   b. Alternative Techniques – The Planning Official may approve the use of alternative tree protection techniques if the significant trees will be protected to an equal or greater degree than by the techniques listed in subsection (4)(a) of this section.

5. Tree Restoration – If any tree designated for retention, or required to be planted, is damaged or destroyed during construction or within two years following the end of construction through the fault of the applicant, the applicant shall plant a tree of the same species at least three to five inches in diameter as measured one foot above grade in the immediate vicinity of the damaged or destroyed tree. The City may require the applicant to remove the damaged or destroyed tree.

95.20 Supplemental Plantings

1. General – The applicant shall provide the supplemental landscaping specified in subsection (2) of this section in any area of the subject property that:

   a. Is not covered with a building, vehicle circulation area or other improvement; and

   b. Is not committed to and being used for some specific purpose.

2. Standards – The applicant shall provide the following at a minimum:

   a. Living plant material which will cover 80 percent of the area to be landscaped within two years. If the material to be used does not spread over time, the applicant shall plant the entire area involved immediately. Any area that will not be covered with living plant material must be covered with nonliving groundcover.

b. One tree for each 1,000 square feet of area to be landscaped. At the time of planting, deciduous trees must be at least two inches in diameter as measured one foot above grade, and coniferous trees must be at least five feet in height.

c. If a development requires approval through Process I, IIA, IIB or III as described in Chapters 145, 150, 152 and 155 KZC, respectively, the City may require additional vegetation to be planted along a building facade if:

1) The building facade is more than 25 feet high or more than 50 feet long; or

2) Additional landscaping is necessary to provide a visual break in the facade.

95.25 Buffering Standards

The chart in KZC 95.10 establishes which buffering standard applies in a particular case. The following subsections establish the specific requirement for each standard:

1. For standard 1, the applicant shall provide either the buffer described in subsection (1)(a) or the buffer described in subsection (1)(b) of this section:

a. A 25-foot-wide landscaped strip planted as follows:

1) Two rows of trees, planted eight feet on center along the entire length of the buffer. No more than 50 percent of the required trees may be deciduous. At the time of planting, deciduous trees must be at least two inches in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least five feet in height.

2) Shrubs, 18 inches high, planted to attain a coverage of at least 60 percent of the buffer area within two years.

b. A 15-foot-wide landscaped strip with a six-foot high sight-obscuring fence; except for public utilities, the fence must be on the outside edge of this strip. For public utilities, the fence may be placed either on the outside or inside edge of the landscaping strip. The landscaped strip must be planted as follows:

1) Two rows of trees, planted eight feet on center along the entire length of the buffer. No more than 50 percent of the required trees may be deciduous. At the time of planting, deciduous trees must be at least two inches in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least five feet in height.

2) Shrubs, 18 inches high, planted to attain a coverage of at least 60 percent of the buffer area within two years.

2. For standard 2, the applicant shall provide a 15-foot-wide landscaped strip planted as follows:

a. Two rows of trees planted eight feet on center along the entire length of the buffer. No more than 50 percent of the required trees may be deciduous. At the time of planting, deciduous trees must be at least two inches in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least five feet in height.

b. Shrubs, 18 inches high, planted to attain a coverage of at least 60 percent of the buffer area within two years.

3. For standard 3, the applicant shall provide a five-foot-wide landscaped strip planted as follows:

   a. One row of trees planted eight to 10 feet on center along the entire length of the buffer. Up to 100 percent of the required trees may be deciduous. At the time of planting, deciduous trees must be at least two inches in diameter as measured using the standards of the American Association of Nurserymen; and coniferous trees must be at least five feet in height.

   b. Shrubs, 18 inches high, planted to attain a coverage of at least 60 percent of the buffer area within two years.

4. Location of the Buffer – The applicant shall provide the required buffer along the entire common border between the subject property and the adjoining property.

5. Multiple Buffering Requirement – If the subject property borders more than one adjoining property along the same property line, the applicant shall provide a gradual transition between different buffers. This transition must occur totally within the area which has the less stringent buffering requirement. The specific design of the transition must be approved by the City.

6. Adjoining Property Containing Several Uses – If the adjoining property contains several permitted uses, the applicant may provide the least stringent buffer required for any of these uses.

7. Subject Property Containing Several Uses – If the subject property contains more than one use, the applicant shall comply with the buffering requirement that pertains to the use that is within the most stringent landscaping category.

8. Use of Significant Natural Vegetation

   a. General – The applicant may use significant natural vegetation to meet all or part of the requirements of this section.

   b. Supplement – The City may require the applicant to plant trees, shrubs, and groundcover according to the requirements of this section to supplement the significant natural vegetation in order to provide a buffer at least as efficient as the required buffer.

9. Modification – The applicant may request a modification of the requirements of this section. The Planning Official may approve a modification if:

   a. The owner of the adjoining property agrees to this in writing; and

   b. The existing topography of the subject property or the adjoining property decreases or eliminates the need for buffering; or

   c. The modification will be more beneficial to the adjoining property than the required buffer by causing less impairment of view or sunlight; or

   d. The Planning Official determines that it is reasonable to anticipate that the adjoining property will be redeveloped in the foreseeable future to a use that would require no, or a less intensive, buffer; or

   e. The location of pre-existing improvements on the adjoining site eliminates the need or benefit of the required landscape buffer.

95.30 Plant Choice

1. Plant List Adopted by the City – The Director of the Parks and Recreation Department shall adopt a list of plant materials that may be used to comply with the buffering and landscaping provisions of this code. A copy of this plant list is available for inspection and copying in the Planning Department during regular business hours.

2. Applicant's Choice/Modifications by City – The applicant may use plant material on the adopted plant list or may use other plant materials. The City may require the applicant to modify his/her plant choice to:

   a. Provide a desired diversity of species; or

   b. Make the plantings more in scale and comparable with the uses in the immediate vicinity of the subject property; or

   c. Provide plant materials that will fulfill the buffering or landscaping purpose of that planting on a year-round basis.

95.32 Appeals

Modifications granted by the Planning Official under KZC 95.25(9) and 95.30(2) may be appealed using the appeal provisions of Process I of this code, KZC 145.60 through 145.100.

95.35 Planting and Care

1. General – The applicant shall follow accepted nursery standards and practices in the planting and maintenance of vegetation required by this chapter.

2. Replacement – The applicant shall replace any plants required by this code that are unhealthy or dead for a period of two years after initial planting.

95.40 Bonds

The City may require a bond under Chapter 175 KZC to ensure compliance with any aspect of this chapter.

95.45 Dedication

The City may require the applicant to dedicate development rights, air space, or an open space easement to the City to ensure compliance with any of the requirements of this chapter.

Chapter 100 – SIGNS

Sections:

100.05 User Guide
100.10 Purpose
100.15 Scope and Exclusions
100.20 Uniform Sign Code and Uniform Building Code – Compliance Required
100.25 Required Permits
100.30 Sign Type
100.35 Number of Signs
100.40 Sign Area
100.45 Sign Area Chart
100.50 Designated Corridors
100.55 Development Containing Uses in More Than One Sign Category
100.60 Allocation of Sign Area within a Development with More Than One Use or Tenant
100.65 Sign Height and Dimensions
100.70 Special Regulations Regarding Pole Signs
100.75 Location of Signs
100.80 Master Sign Plan
100.85 Prohibited Devices
100.90 Sign Maintenance and Removal
100.95 Landscaping Around Ground-Mounted Signs
100.100 Structural Components – Overall Appearance
100.110 Illumination Limitations on Electrical Signs
100.115 Special Signs
100.120 Bonds

100.05 User Guide

Chapters 15 through 65 KZC, which contain the use zone charts, assign a sign category to each use in each zone. This category is either A, B, C, D, E, or F. This chapter contains the specific requirements in each sign category. If you do not know what sign category applies to the subject property, you should consult the appropriate use zone chart.

This chapter also contains regulations regarding special signs (e.g., political, real estate or temporary signs). These regulations are contained in KZC 100.115.

100.10 Purpose

It is the purpose of this chapter to promote:

1. Commercial communications that accommodate the need of the business community to convey information to the public; and

2. The protection and enhancement of the visual character and identity of the community by the thoughtful placement and design of signs; and

3. The elimination of clutter and visual distraction; and

4. Flexibility and incentive for creative and innovative sign designs; and

5. The proper maintenance of signs; and

6. Insure consistency with the goals and policies of the Comprehensive Plan.

100.15 Scope and Exclusions

This chapter applies to all signs erected or altered after the effective date of this code. This chapter does not apply to the following:

1. Traffic signs, directional signs and signs displaying a public service message installed by a governmental agency.
2. Point-of-purchase advertising displays such as product dispensers.
3. National flags and flags of political subdivisions.
4. Gravestones.
5. Historical site plaques and signs integral to an historic building.
6. Structures or improvements intended for a separate use, such as phone booths, Goodwill containers and newspaper recycling boxes.
7. Building addresses with numbers and letters not more than 10 inches in height.

100.20 Uniform Sign Code and Uniform Building Code – Compliance Required

1. General – Each sign erected or altered after the effective date of this code must comply with the provisions of the Uniform Sign Code and the Uniform Building Code as adopted by the City.
2. Conflict of Provisions – If any provision of this chapter conflicts with the Uniform Sign Code or the Uniform Building Code, the provision of this chapter will govern.

100.25 Required Permits

1. The following permits must be obtained for signs regulated by this chapter:
   a. A permit must be obtained from the Department of Building and Fire Services in order to erect or move a sign or alter the structural components of an existing sign.
   b. A permit must be obtained from the Department of Administration and Finance by any candidate or organization wishing to display political signs.
   c. A permit must be obtained from the Department of Planning and Community Development in order to display any sign for which a permit is not required by subsections (1)(a) and (b) of this section, except for real estate on-site (other than for dwelling units), real estate off-site, construction, temporary commercial, integral, private notice, instructional, private advertising, private traffic direction and off-site directional signs. Change in the temporary message on a reader board or electronic message center is also excluded from this permit requirement.
2. If a proposed use or site plan requires approval through Process I, IIA, IIB, or III, as described respectively in Chapters 145, 150, 152 and 155 KZC, the Planning Official may require that any sign proposed for that development be approved through the same process if he/she determines that it will provide more coordinated, effective signs.

100.30 Sign Type

Permitted types of signs for each sign category are listed below:

1. Sign Category A – Wall-mounted and pedestal signs. Electrical signs are not permitted. Commercial messages are not permitted.

2. Sign Category B – Wall-mounted, marquee and pedestal signs.

3. Sign Categories C, D and E – Wall-mounted, marquee, pedestal and monument signs.

4. Sign Category F – Wall-mounted, marquee, pedestal, monument and pole signs. See also KZC 100.70 for special regulations regarding pole signs.

See also KZC 100.115 for permitted special signs.

100.35 Number of Signs

The permitted maximum number of signs for each sign category is listed below. The permitted number applies only to the sign types listed in KZC 100.30 and does not apply to the special sign described in KZC 100.115.

1. Sign Category A

   a. Signs identifying a detached dwelling unit: one.

   b. Signs identifying a complex or subdivision: no limitation.

2. Sign Category B – One per right-of-way providing direct vehicular access.

3. Sign Categories C, D, E and F

   a. Wall-mounted signs: no limitation.

   b. Marquee signs: one per business or use per right-of-way.

   c. Pedestal, monument, or pole sign (including center identification signs): One per abutting right-of-way per development.

100.40 Sign Area

The maximum permitted sign area for each sign category is listed below. The permitted area applies only to the sign types listed in KZC 100.30 and does not apply to the special signs described in KZC 100.115.

1. Sign Category A

   a. Signs identifying a detached dwelling unit: two square feet.

   b. Signs identifying a complex or subdivision: 20 square feet per sign face.

2. Sign Category B – 20 square feet per sign face.

3. Sign Categories C, D, E and F

   a. Each development is allowed the sign area shown in the chart in KZC 100.45; and

   b. Each multi-use complex containing more than one use or business is allowed 30 square feet per individual use or business; and

c. Each multi-use complex containing seven or more uses or businesses is allowed 64 square feet per sign face per pedestal, monument or pole sign or 64 square feet for one wall-mounted sign per abutting right-of-way to be used for center identification signs. These signs may not have internally lighted sign fields and must be constructed with materials, colors, shapes, or other architectural features which are the same as the buildings with which the signs are associated.

100.45 Sign Area Chart

General – The chart below establishes the sign area allowed by KZC 100.40(3)(a). The sign area is primarily dependent on the linear frontage of the subject property and the sign category of the use. To use this chart, first find the applicable sign category along the top of the chart, then find the linear frontage of the subject property along the left margin of the chart. Where the sign category and the linear frontage meet you will find the maximum sign area for the subject property. Next, review the sign area multipliers listed on the right side of the chart to determine if there are any increases or decreases in the maximum allowable sign area.

1. Find the sign category that applies to your use.
2. Find the linear frontage of the subject property.
3. Where sign category and linear frontage meet you will find the maximum sign size for the subject property.
4. Use the multiplier to the right of the chart to determine if maximum allowable sign area is increased by the factors listed.

TOTAL LINEAR FRONTAGE OF SUBJECT PROPERTY IS LESS THAN ⇩	SIGN CATEGORIES ⇩ C	D	E	F
25	20	26	48	56
30	20	28	50	59
35	20	29	52	62
40	21	31	55	65
45	21	32	57	68
50	22	33	59	70
55	23	34	61	72
60	23	35	63	74
65	24	36	64	76
70	25	37	66	78
75	25	38	68	80
80	26	39	69	82
85	26	40	70	84
90	27	40	72	85
95	27	41	73	87
100	28	42	74	88
105	28	42	76	90
110	29	43	77	91
115	29	44	78	92
120	30	44	79	94
125	30	45	80	95
130	30	46	81	96
135	31	46	82	97
140	31	47	83	99
145	32	47	84	100
150	32	48	85	101
155	32	48	86	102
160	33	49	87	103
165	33	49	88	104
170	33	50	89	105
175	34	50	89	106
180	34	51	90	107
185	34	51	91	108
190	34	52	92	109
195	35	52	93	110
200	35	53	94	111
205	35	53	94	112
210	36	53	95	113
215	36	54	96	114
220	36	54	97	115
225	36	55	97	116
230	37	55	98	116
235	37	56	99	117
240	37	56	99	118
245	38	56	100	119
250	38	57	101	120
(Measured in Linear Feet)	(Measured in Square Feet)			

If the linear frontage of the subject property exceeds 250 feet, please refer to Plate 9.

SIGN AREA MULTIPLIERS

1. Except on a designated corridor, if no signs have internally lighted sign fields, then multiply the figure in the chart plus the sign area allowed by KZC 100.40(3)(b) by 1.25.

2. If all signs, other than center identification signs, are building-mounted signs, multiply either the above product or the figure in the chart plus the sign area allowed by KZC 100.40(3)(b) by 1.25.

100.50 Designated Corridors

1. General – KZC 100.45 contains limitations on sign area along the following designated corridors:

   a. Market Street between Central Way and N.E. 106th Street.

   b. State Street, between N.E. 68th Street and 2nd Avenue South.

   c. Lake Washington Boulevard and Lake Street South between N.E. 38th Street and 3rd Avenue South.

2. Electrical Signs Prohibited – Electrical signs shall not be located along designated corridors.

100.55 Development Containing Uses in More Than One Sign Category

If the subject property contains uses assigned to different sign categories, the signs for the entire development must comply with the sign category assigned to the uses that predominate on the subject property.

100.60 Allocation of Sign Area within a Development with More Than One Use or Tenant

The owner(s) of a development with more than one use or tenant must submit to the City a letter allocating the allowable sign area for the development to the various uses or leasable area in the development or to sign(s) which identify the development. The owner(s) must agree in the letter to include the specified sign allocation in all leases, rental agreements, condominium by-laws and similar documents.

100.65 Sign Height and Dimensions

The permitted height of signs for each type of sign is listed below:

1. Wall-Mounted and Marquee Signs:

   Shall not project above the roofline of the building to which they are attached.

2. Under Marquee Signs:

   Shall not extend further from a building facade than the marquee or canopy to which they are attached.

3. Pedestal Signs:

   a. Shall not exceed five feet above average ground elevation.

   b. Must conform to the dimensional standards shown on Plate 12.

4. Monument Signs:

   a. Shall not exceed 12 feet above average ground elevation.

   b. Must conform to the dimensional standards shown on Plate 13.

5. Pole Signs:

   a. Shall not exceed 20 feet above average ground elevation.

b. Must conform to the dimensional standards shown on Plate 13A.

See KZC 100.70 for special regulations regarding pole signs.

100.70 Special Regulations Regarding Pole Signs

Pole signs are permitted only in Sign Category F. They must be approved using Process I, described in Chapter 145 KZC. However, prior to issuing a decision, the Planning Director may consult with the Planning Commission. The City may grant a request for a pole sign and may grant increased sign area and height if:

1. It is necessary to identify a use that is oriented toward and primarily intended to serve motorists on the interstate system; and

2. It will not be out of scale or character with signs for nearby uses; and

3. It will not focus attention away from existing signs oriented to the interstate motorist and create a demand for increased height for other signs; and

4. It will not create a traffic hazard.

100.75 Location of Signs

1. General

   a. Except as allowed under subsection (2) of this section, all signs must be located on the same lot or property as the use, building, or event with which the sign is associated.

   b. All signs shall be located outside those areas required in KZC 115.135 to be kept clear of all sight obstructions.

2. Exceptions – The provisions of subsection (1) of this section do not apply as follows:

   a. The provisions of subsection (1)(a) of this section do not apply to the signs regulated under KZC 100.115.

   b. Wall-mounted and marquee signs may extend into a right-of-way abutting the subject property only upon approval of the Department of Public Works.

   c. Monument and pole signs must be set back at least five feet from all property lines, except in zones that have no setbacks.

   d. The owners of two or more properties that adjoin or are separated only by a private roadway may propose a joint sign package to the City. The City will review and decide upon the proposal by the Planning Director. The City will approve the joint sign package if it will provide more coordinated, effective and efficient signs. In determining the total allowable size for all of the signs in the joint sign package, the City will use the total area of signs that would be allowed for all of the participating properties if they were not proposing a joint sign package. The decision of the Planning Director in approving or denying a joint sign package may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60 through 145.110.

100.80 Master Sign Plan

1. General – This section provides a mechanism under which special consideration can be given to signs which use a master sign plan to encourage the integration of signs into the framework

of the building or buildings on the subject property. The City may allow deviations from the requirements of this chapter consistent with the criteria listed in subsection (4) of this section. At an applicant's request, this section may also be used to review proposed changes to sign plans which were initially approved as part of a previously approved PUD or CUP under prior zoning ordinances or through Process IIA, IIB, or III under this code (Ordinance 2740, as amended).

2. Required Review Process – An application for a master sign plan under this section will be reviewed and decided upon by the Planning Director. However, prior to issuing a decision, the Planning Director may consult with the Planning Commission.

3. Required Information – As part of any application for a master sign plan under this section, the applicant shall submit the following information:

   a. A narrative describing how the proposal is consistent with the criteria listed in subsection (4) of this section.

   b. A colored rendering of the proposed signs in relation to development in the area and on the subject property.

4. Criteria – The City may approve a proposed master sign plan if:

   a. The proposal manifests exceptional effort toward creating visual harmony between the sign, buildings, and other components of the subject property through the use of a consistent design theme. The elements which create visual harmony may include but are not limited to color, materials, location, and/or type of sign(s) proposed.

   b. The proposed deviations are the minimum necessary to create readable signs from the rights-of-way providing direct vehicular access based on traffic speeds and patterns in the area of the subject property.

   c. The signs are in character and orientation with planned and existing uses in the area of the subject property.

5. Minor Modifications – The Planning Official may grant a minor modification to the approved master sign plan in writing if:

   a. The change does not increase the sign area of the subject property approved in the original master sign plan.

   b. The change maintains visual harmony with those elements specifically identified in the original master sign plan as integral to the design theme of the subject property (for example; location(s), color(s), material(s), or type(s)).

6. Appeals – The decision of the Planning Director in approving or denying a master sign plan under subsection (2) of this section and modifications granted by the Planning Official under subsection (5) of this section may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60 through 145.110.

100.85 Prohibited Devices

1. General – Except as specifically allowed under subsection (2) of this section, the following devices and facilities are specifically prohibited:

   a. Pennants, banners, streamers and private flags except as permitted under KZC 100.115.

b. Strings of lights, flashing lights, colored lights, advertising search lights, and flares.

c. Twirlers, propellers, and wind-activated devices.

d. Balloons.

e. Signs of a garish or of a carnival-like nature.

f. Any sign that rotates, turns or moves by electrical or mechanical means except barber poles.

g. Projecting and under marquee signs, except as permitted by KZC 100.115.

h. Any sign attached to or placed on a vehicle or trailer parked on public or private property. The prohibition of this subsection does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business.

i. Except as allowed in KZC 100.115, any portable outdoor sign.

j. Any sign with the shape and colors of a traffic sign.

k. Any sign which constitutes a traffic hazard including but not limited to signs containing words such as "stop," "look," "danger."

2. Exceptions – The provisions of subsections (1)(a) through (k) of this section do not apply to the following:

a. Holiday decorations appropriately displayed.

b. The use of devices described in subsection (1) of this section for no more than seven days to announce the grand opening of a business or use.

c. The use of devices described in subsection (1) of this section if approved on a temporary basis using Process I, described in Chapter 145 KZC, if this will not be detrimental to any nearby neighborhood or use.

d. Thematic flags, banners or pennants that are complementary to and normally associated with the character of a specific location.

e. Changing message centers.

100.90 Sign Maintenance and Removal

1. Maintenance – All signs must be kept in a safe manner at all times. Damaged or deteriorated signs must be repaired within 30 days of notification by the City. The area surrounding ground-mounted signs must be kept free of litter and debris at all times.

2. Removal – Unless otherwise specified in this code, the applicant or property owner must remove all nonconforming signs within 14 days and all conforming signs within 90 days of the date of the closure or discontinuance of the business, use or event with which the signs were associated.

100.95 Landscaping Around Ground-Mounted Signs

An area around the base of each ground-mounted sign equal to the sign area must be landscaped to improve the overall appearance of the sign and to reduce the risk of automobiles hitting the sign or supports of the sign. This landscaping must include vegetation and may include other materials and components such as brick or concrete bases, planter boxes, pole covers, or decorative framing.

100.100 Structural Components – Overall Appearance

To the maximum extent possible, signs should be constructed and installed so that angle irons, guywires, braces, and other structural elements are not visible. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or woods.

100.110 Illumination Limitations on Electrical Signs

No sign may contain or utilize any of the following:

1. Any exposed incandescent lamp with a wattage in excess of 25 watts.
2. Any exposed incandescent lamp with an internal or external reflector.
3. Any continuous or sequential flashing operation.
4. Except for changing message centers, any incandescent lamp inside internally lighted signs.
5. External light sources directed towards or shining on vehicular or pedestrian traffic or on a street.
6. Internally lighted signs using 800 milliamp ballasts if the lamps are spaced closer than 12 inches on center.
7. Internally lighted signs using 425 milliamp ballasts if the lamps are spaced closer than six inches on center.

100.115 Special Signs

The chart below establishes regulations that apply to numerous signs of a limited purpose or special nature. These signs are permitted in addition to the signs permitted in Sign Categories A through F. Except as specifically stated in the chart, the signs in the chart are not subject to the regulations of KZC 100.30 through 100.75 and KZC 100.95. To use the chart on the following page, first read down to find the type of sign in which you are interested, then read across for the relevant regulations. You may want to consult the definitions in Chapter 5 KZC for the meanings and definitions of some of the types of signs listed.

TYPE OF SIGN	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA	PERMITTED LOCATION	PERMITTED DURATION OF DISPLAY
Real Estate, On-site	For each dwelling unit, use or development: 1 per broker per abutting right-of-way.	Dwelling units: 6 sq. ft. per sign face. Other uses or developments: 32 sq. ft. per sign face – not to exceed 64 sq. ft. per property for sale or rent.	Subject property.	Must remove when property is sold or rented.
Real Estate, Off-site	1 per block per property for sale or rent.	6 sq. ft. per sign face.	No limitation.	Must remove when property is sold or rented.
Construction	1 per abutting right-of-way.	32 sq. ft. per sign face.	Subject property.	Shall not be displayed prior to issuance of a building permit. Must be removed prior to issuance of a certificate of occupancy.
Temporary Commercial	No maximum.	No maximum.	Subject property. Must be entirely attached to a building face or fence.	Must remove at end of use, event or condition.
Integral	1 per structure.	6 sq. ft. per sign face.	Subject property.	No limitation.
Private Notice and Instructional	No maximum.	2 sq. ft. per sign face.	Subject property.	No limitation.
Private Advertising	No maximum.	16 sq. ft. per sign face.	No closer than 50 ft. from another sign advertising the same use, event or condition.	Must remove at end of use, event or condition.
Private Traffic Direction	No maximum.	4 sq. ft. per sign face.	Subject property.	No limitation.
Off-site Directional(1)	1.	16 sq. ft. per use, not to exceed 64 sq. ft.	Where necessary to direct the public to the subject properties.	Determined on case-by-case basis.
Political	No maximum.	6 sq. ft. per sign face.	Private property.	No sooner than 30 days prior to the primary election and no later than 7 days after the final election.

TYPE OF SIGN	MAXIMUM NUMBER OF SIGNS	MAXIMUM SIGN AREA	PERMITTED LOCATION	PERMITTED DURATION OF DISPLAY
Projecting and Under Marquee	1 per pedestrian or vehicular entrance.	4 sq. ft. per sign face.	Subject property right-of-way abutting subject property. For uses subject to Sign Categories C, D, E and F only. Shall not project above roof-line of structure to which sign is attached.	No limitation.
Fuel Price(2)	1 per abutting right-of-way.	20 sq. ft. per sign face.	Subject property.	No limitation.

(1) Must be approved by the Planning Director. Shall only be approved if there is a demonstrated need for an off-site sign because of poor visibility or traffic patterns. All uses in an area wanting a permanent off-site directional sign must use one sign. The applicant must show that the proposed sign can accommodate all uses in the area that may reasonably need to be listed on the sign. The decision of the Planning Director in approving or denying an off-site directional sign may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60 through 145.110.

(2) Fuel price signs are also subject to KZC 100.95.

100.120 Bonds

The City may require a bond under Chapter 175 KZC to ensure compliance with any aspect of this chapter.

Chapter 105 – PARKING AND PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS

Sections:

105.05 User Guide
105.10 Vehicular Access Easement or Tract Standards
105.12 Maximum Allowable Grade
105.15 Exception in the CBD
105.17 Site Plan Review
105.18 Pedestrian, Bicycle, and Transit Facilities
105.20 Number of Spaces – Minimum
105.25 Number of Spaces – Not Specified in Use Zones
105.30 Number of Spaces – Fractions
105.40 Location of Parking Areas – General
105.45 Location of Parking Areas – Shared Facilities
105.50 Location of Parking Areas – Adjoining Low Density Zones
105.55 Location of Parking Areas – Required Setback Yards
105.60 Parking Area Design – General
105.62 Parking Area Design – Turnaround Space
105.65 Parking Area Design – Compact Car Spaces
105.70 Parking Area Design – Parking Designed for the Handicapped
105.75 Parking Area Design – Landscaping
105.77 Parking Area Design – Curbing
105.80 Parking Area Design – Buffering
105.85 Parking Area Design – Dedication
105.90 Parking Area Design – Plant Choice
105.95 Parking Area Design – Traffic Control Devices
105.97 Parking Area Design – Backing onto Street Prohibited
105.100 Parking Area Design – Surface Materials
105.102 Parking Area Design – Streets Use in Circulation Pattern
105.103 Modifications
105.104 Planning Director Authority To Adopt Standards
105.105 Appeals
105.106 Bonds

105.05 User Guide

This chapter contains information on vehicle and pedestrian circulation areas, parking areas, and related improvements. For the most part, this chapter will not tell you how many parking spaces are required for a particular use. This information is listed for most uses in the use zone charts. However, this chapter does provide a mechanism for determining the specific parking requirement for some uses. It also contains a mechanism for requesting permission to increase or decrease the parking requirements of this code. Finally, this chapter contains requirements regarding the location and minimum dimensions of parking areas and other vehicular and pedestrian circulation areas.

105.10 Vehicular Access Easement or Tract Standards

1. Roadway Widths – For vehicular access easements or tracts, minimum standards for widths are established as follows:

    a. For one to four detached dwelling units or one to two duplex structures served by an easement or tract: The minimum standard is 16 feet of unobstructed pavement in a 20-foot-wide easement. For easements or tracts less than 100 feet in length, the Public Works Department may reduce the standard to 10 feet of unobstructed pavement in a 15-foot-wide

easement if the easement and abutting driveways are located to allow for safe ingress and egress.

b. For five or more detached dwelling units, a dedicated and improved public right-of-way is required. See Chapter 110 KZC for the required improvements.

c. For all other uses, the minimum standard is 20 feet of unobstructed paved surface with vertical cast in place curbs and gutters within a 20-foot-wide easement or tract.

d. A greater pavement width and/or easement or tract width may be required by the Departments of Public Works, Fire, or Planning as determined on a case-by-case basis.

2. General

a. For subsection (1)(a) of this section, a dwelling unit that meets the following criteria shall not be counted as a "served dwelling unit" on a vehicular access easement or tract (see Plate 21):

1) The dwelling unit is on a lot that abuts and has vehicular access rights to the improved public right-of-way that joins the vehicular access easement or tract; and

2) The Fire Department determines that fire apparatus can service the lot containing the dwelling unit from the abutting improved public right-of-way.

b. For subsection (1)(a) of this section, the length of the easement or tract shall be measured from the serving improved public right-of-way to the front property line of the furthest lot at the end of the easement or tract.

c. Vehicular access rights for each lot served by the easement or tract shall be established either by segregating the roadway into a separate tract in which each lot served has an undivided ownership interest and recording the tract document, or by recording a vehicular access easement document. The recorded documents must establish equal maintenance responsibilities for the owners of all lots served by the roadway and require the owners to erect and maintain a sign where the easement or tract joins the serving improved public right-of-way to identify the roadway as "private."

d. The paved surface in an easement or tract shall have a minimum of two inches of asphalt concrete over a suitably prepared base which has a minimum thickness of four inches of crushed rock or three inches of asphalt-treated base. The Department of Public Works is authorized to modify the standards for a paved surface on a case-by-case basis.

e. A minimum unobstructed vertical clearance of 13 feet, six inches shall be provided in the easement or tract. The easement or tract shall remain unobstructed at all times. No parking, structures or vegetation, with the exception of grass, shall be permitted in the easement or tract.

f. The paved surface in the easement or tract shall be set back at least five feet from any adjacent property which does not receive access from that easement or tract.

g. An easement or tract that has a paved area greater than 10 feet in width must be screened from any adjacent property that does not receive access from that easement or tract. The screening shall be:

1) A minimum five-foot high sight-obscuring fence; or

2) Vegetation that will provide comparable screening to a five-foot fence within two years of planting; and

3) Along the entire easement or tract outside the required front yard.

h. See KZC 105.20 for providing adequate guest parking spaces.

105.12 Maximum Allowable Grade

The slope of vehicular access easements and tracts, and the slope of entrance and exit driveways, except driveways for detached single-family residences, shall not exceed six percent for the first 20 feet from the face of the abutting right-of-way curb. Thereafter, the slope shall not exceed 15 percent. The Departments of Public Works and Fire are authorized to modify the standards for maximum allowable grade on a case-by-case basis.

105.15 Exception in the CBD

If the subject property is within the Central Business District Zone, the requirements contained within Chapter 50 KZC supersede any conflicting provisions of this chapter. The provisions of this chapter that do not conflict with Chapter 50 KZC apply to properties in the CBD.

105.17 Site Plan Review

Before commencing any development activity on a new parking area or any alteration or improvement to an existing parking area (except routine maintenance), the applicant must submit a site plan for approval by the Planning Department. Parking areas must comply with the Zoning Code. The site plan must be drawn to scale and show the following items:

1. All buildings on the subject property.
2. All parking and driving areas and pedestrian and bicycle facilities on the subject property.
3. All landscaping and buffering on the subject property.
4. The nature of the use of all adjoining properties.
5. All adjoining rights-of-way.
6. All transit stops and/or facilities on abutting rights-of-way.

105.18 Pedestrian, Bicycle, and Transit Facilities

1. The applicant shall comply with the requirements for each use specified in the following chart:

Use on Subject Property ⇨ / Requirements[1] ⇩	Multifamily (except single duplex structures)	Office	Retail	Restaurants and Taverns	Institutional Uses and Community Facilities	Industrial
Provide pedestrian walkways designed to minimize walking distances from the building entrance to the right-of-way, and adjacent transit facilities.	X	X	X	X	X	X
Provide covered bicycle parking within 50 feet of an entrance to the building.	X	X	X	X	X	X
Provide pedestrian walkways between the principal entrances to all businesses, uses, and/or buildings on the subject property.	X	X	X	X	X	
Provide pedestrian walkways connecting to adjacent properties with multifamily developments of three or more units, office uses, retail uses, restaurants, taverns, institutional uses, industrial uses, or community facilities. Barriers which limit future pedestrian access are not permitted.	X[2]	X	X	X	X	X[3]
Locate service bays away from pedestrian areas.		X	X	X	X	X
Provide overhead weather protection along any portion of the building which is adjacent to a pedestrian walkway.		X	X	X	X	

[1] See KZC 110.60 for additional walkway requirements.

[2] Not required to connect to adjacent properties with industrial uses.

[3] Not required to connect to adjacent properties with industrial or residential uses.

2. Development standards required for improvements:

   a. Pedestrian walkways:

      1) Must be at least five feet wide;

      2) Must be distinguishable from traffic lanes by pavement texture or elevation;

      3) Must have adequate lighting for security and safety. Lights must be nonglare and mounted no more than 20 feet above the ground; and

      4) Will not be included with other impervious surfaces for lot coverage calculations.

b. Overhead weather protection:

1) May be composed of awnings, marquees, canopies or building overhangs;

2) Must cover at least three feet of the width of the adjacent walkway; and

3) Must be at least eight feet above the ground immediately below it.

105.20 Number of Spaces – Minimum

The number of parking spaces required for a use is the minimum required. The applicant shall provide at least that number of spaces, consistent with the provisions of this chapter.

The square footage of pedestrian, transit, and/or bicycle facilities on the subject property shall not be included in the gross floor area calculation used to determine required number of parking stalls. See also KZC 105.103(3)(c).

For residential uses, the City may require guest parking spaces in excess of the required parking spaces if there is inadequate guest parking on the subject property.

105.25 Number of Spaces – Not Specified in Use Zones

If this code does not specify a parking space requirement for a particular use in a particular zone, the Planning Official shall establish a parking requirement on a case-by-case basis. The Planning Official shall base this determination on the actual parking demand on existing uses similar to the proposed use.

105.30 Number of Spaces – Fractions

If the required formula for determining the number of parking spaces results in a fraction, the applicant shall provide the number of spaces equal to the next higher whole number.

105.40 Location of Parking Areas – General

Unless otherwise specified, the applicant shall provide the required number of parking spaces either:

1. On the lot(s) containing the proposed use which generates the parking space(s) requirement; or

2. On a lot adjoining subsection (1) of this section if that lot is in a zone that permits the use conducted on the subject property.

For situation (2) of this section, where the lot is not owned by the same person who owns the lot containing the proposed use which generates the parking space requirements, the owner of the lot containing the parking must sign a statement in a form acceptable to the City Attorney, stating that the lot is devoted in whole or in part to required parking for the use on another lot. The applicant must file this statement with the King County Bureau of Elections and Records to run with the property.

105.45 Location of Parking Areas – Shared Facilities

Two or more uses may share a parking area if the number of parking spaces provided is equal to the greatest number of required spaces for uses operating at the same time. To insure that a parking area is shared, each property owner must sign a statement in a form acceptable to the City

Attorney, stating that his/her property is used for parking by the other property. The applicant must file this statement with the King County Bureau of Elections and Records to run with the properties.

105.50 Location of Parking Areas – Adjoining Low Density Zones

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

105.55 Location of Parking Areas – Required Setback Yards

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

105.60 Parking Area Design – General

1. The minimum dimensions for parking spaces and parking areas are displayed in plates in Chapter 180 KZC. These plates apply to parking for all uses except detached dwelling units.
2. Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.
3. Parking areas must be constructed so that car wheels are kept at least two feet from pedestrian and landscape areas.
4. All parking lots which contain more than 25 stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location. The walkways must meet the development standards outlined in KZC 105.18(2)(a).
5. Shared parking lot entrances and driveways between properties shall be installed whenever feasible as determined by the Planning Official.

105.62 Parking Area Design – Turnaround Space

All parking stalls located at the end of a dead end parking aisle must be provided with adequate backing and turnaround space. The required depth of the turnaround space shall be determined as follows (see also Plate 20):

Width of Driving Aisle	Depth of Turnaround Space
24' or less	6'
25'	5'
26'	4'
27'	3'
28'	2'
29'	1'
30'	0'

105.65 Parking Area Design – Compact Car Spaces

The applicant may develop and designate up to 50 percent of the number of parking spaces for compact cars.

105.70 Parking Area Design – Parking Designed for the Handicapped

The applicant shall design the parking area using standards set forth in Chapter 75 of the Uniform Building Code regarding parking for handicapped persons.

105.75 Parking Area Design – Landscaping

1. General – Except as specified in subsection (2) of this section, the applicant shall arrange the spaces so that there are no more than eight contiguous spaces in each row of spaces. An island or peninsula of the same dimensions as the adjacent parking stalls must separate adjacent groups of spaces from one another and each row of spaces from any adjacent driveway which runs perpendicular to the row. This island or peninsula must be surrounded by a six-inch high vertical curb and must be landscaped with at least one deciduous tree, two inches in diameter as measured using the standards of the American Association of Nurserymen or a coniferous tree five feet in height.

2. Exception – The requirements of subsection (1) of this section do not apply to any parking area that:

   a. Is within the CBD Zone; or

   b. Is within or under a building; or

   c. Contains less than 14 parking spaces; or

   d. Is within the JBD Zone and requires JBD design regulation compliance.

105.77 Parking Area Design – Curbing

All parking areas and driveways, for uses other than detached dwelling units, must be surrounded by a six-inch high vertical concrete curb.

105.80 Parking Area Design – Buffering

1. General – Except as specified in subsection (2) of this section, the applicant shall buffer all parking areas and driveways from the right-of-way and from adjacent property with a five-foot-wide strip along the perimeter of the parking areas and driveways planted as follows:

   a. One row of trees, two inches in diameter as measured using the standards of the American Association of Nurserymen, planted 30 feet on center along the entire length of the strip. No more than 25 percent of the required trees may be deciduous.

   b. Groundcover planted to attain a coverage of at least 60 percent of the strip area within two years.

2. Exception – The requirements of subsection (1) of this section do not apply to any parking area that:

   a. Is within the CBD Zone; or

   b. Is within or under a building; or

   c. Serves detached dwelling units exclusively; or

   d. Is a shared parking area serving two or more adjacent uses; or

   e. Is within the JBD Zone and requires JBD design regulation compliance.

3. Overlapping Requirements – If buffering is required under Chapter 95 KZC and by this section, the applicant shall utilize the more stringent buffering requirement.

4. Significant Natural Vegetation

   a. General – The applicant may use significant natural vegetation to meet all or part of the requirements of subsection (1) of this section.

   b. Protection Techniques – The applicant shall use the protection techniques described in Chapter 95 KZC to ensure the protection of significant natural vegetation.

   c. Supplement – The City may require the applicant to plant trees and shrubs according to the requirements of subsection (1) of this section to supplement the retained significant natural vegetation in order to provide a buffer at least as efficient as the required standard.

105.85 Parking Area Design – Dedication

The City may require the applicant to dedicate development rights, air space, or an open space easement to the City in order to ensure the preservation of significant natural vegetation or planted materials.

105.90 Parking Area Design – Plant Choice

The provisions of Chapter 95 KZC regarding plant choice apply to the landscaping and buffering required in this chapter.

105.95 Parking Area Design – Traffic Control Devices

If the parking area serves a use other than a detached dwelling unit, the applicant shall clearly delineate parking spaces, traffic direction, and entrance and exitways. The City may require other traffic control devices necessary to ensure the safe and efficient flow of traffic.

105.97 Parking Area Design – Backing Onto Street Prohibited

Parking areas for uses other than detached dwelling units must be designed so that traffic need not back onto any street.

105.100 Parking Area Design – Surface Materials

1. General – The applicant shall surface the parking area and driveway with a material comparable or superior to the right-of-way providing direct vehicle access to the parking area.

2. Exception – Grass grid pavers may be used for emergency access areas that are not used in required permanent circulation and parking areas.

105.102 Parking Area Design – Streets Used in Circulation Pattern

If a parking lot is designed so that a street is used as part of the circulation pattern, the parking lot must be designed so that traffic turning into or out of the parking area need not cross any moving lanes of traffic in the street. See Plate 8a.

105.103 Modifications

1. General – The provisions of this section establish under what circumstances the requirements of this chapter may be modified.

2. Authority To Grant and Duration

   a. If the proposed development of the subject property requires approval through Process I, IIA, IIB, or III, described in Chapters 145, 150, 152 and 155 KZC, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the criteria listed below in KZC 105.103(3). If granted under Process I, IIA, IIB or III, the modification is binding on the City for all development permits issued for that development under the Building Code within five years of the granting of the modification.

   b. If subsection (2)(a) of this section does not apply, the Planning Official may grant a modification in writing under the provisions of this section.

3. Modifications – The Planning Official may require or grant a modification to required improvement in this chapter if the applicant demonstrates on submitted plans and/or in writing that the following criteria have been met for modifications to the applicable sections:

   a. For a modification to KZC 105.10 for vehicular access easements or tracts and for KZC 105.60 and 105.97 for parking area design, the requirements may be modified if:

      1) The modifications will not affect the ability to provide any property with police, fire, emergency medical, or other essential services; and

      2) One of the following requirements is met:

         a) The modification is necessary because of a preexisting physical condition; or

         b) The modification will produce a site design superior to that which would result from adherence to the adopted standard.

      3) Exception: KZC 105.10(2)(g) relating to screening for access easements or tracts will use the modification criteria for buffering in subsection (3)(g) of this section.

   b. For a modification to KZC 105.18, the requirements for pedestrian, bicycle, and transit facilities may be modified if:

      1) The modification is necessary because of the size, configuration, topography or location of the subject property;

      2) The modification will provide for equal or improved pedestrian and bicycle safety and convenience; and

      3) The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.

   c. For a modification to KZC 105.20 and 105.45, a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking study to be sufficient to fully serve the use.

      A decrease in the minimum required number of spaces may be based in whole or part on the provision of pedestrian, transit, and/or bicycle facilities. These facilities are not included in the gross floor area square footage calculation used to determine required number of parking stalls and may include:

      1) Bicycle lockers, showers, and locker rooms in commercial buildings;

2) Transit shelters;

3) Public plazas and landscaped sitting areas; or

4) Other improvements proposed by the applicant.

d. For a modification to KZC 105.40, the requirements for parking area location may be modified if:

1) The proposed parking area will have no adverse impacts on adjacent properties;

2) It is reasonable to expect that the proposed parking area will be used by the subject use; and

3) A safe pedestrian and/or shuttle connection exists, or will be created, between the subject use and the proposed parking area.

e. For a modification to KZC 105.75, the landscape requirements may be modified if:

1) The modification will produce a landscaping design in the parking area comparable or superior to that which would result from adherence to the adopted standard; or

2) The modification will result in increased retention of significant natural vegetation.

f. For a modification to KZC 105.77, the curbing requirement for parking areas and driveways may be modified if:

1) The modification would result in superior landscaping and/or increased retention of significant natural vegetation;

2) The modification will not result in increased hazards for pedestrians or vehicles; and

3) The modification will not result in increased erosion of unpaved areas onto the parking area, driveway, or rights-of-way.

g. For a modification to KZC 105.10(2)(g) and 105.80, the screening requirements for access easements or tracts and the buffering requirements for parking areas and driveways may be modified if:

1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or

2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or

3) The modification will provide a visual screen that is comparable or superior to the buffer required by KZC 105.80 and 105.10(2)(g).

h. For a modification to KZC 105.100, the surface material requirement for parking areas and driveways may be modified if:

1) The surfacing material will not enter into the drainage system, or onto public or other private property; and

2) The material will provide a parking surface which is usable on a year-round basis.

105.104 Planning Director Authority To Adopt Standards

1. The Planning Director is authorized to develop, consistent with this chapter, any additional dimensional or similar standards that may be necessary for implementation of this chapter.

2. The City shall enforce any standards established under subsection (1) of this section as if they were part of this code.

105.105 Appeals

Modifications granted by the Planning Official under KZC 105.103 and standards established by the Planning Director under KZC 105.104 may be appealed using the appeal provisions of Process I of this code, KZC 145.60 through 145.100.

105.106 Bonds

The City may require or permit a bond under Chapter 175 KZC to ensure compliance with any of the requirements of this chapter.

Chapter 110 – REQUIRED PUBLIC IMPROVEMENTS

Sections:

110.05 User Guide
110.10 General
110.15 Special Regulations Applicable in Certain Areas
110.20 Right-of-Way Designation Map Adopted
110.22 Neighborhood Access Street Designations
110.25 Required Public Improvements
110.27 Alleys
110.30 R-20 Neighborhood Access Streets
110.35 R-24 Neighborhood Access Streets
110.38 R-28 Neighborhood Access Streets
110.40 Collector Streets
110.45 Minor Arterial Streets
110.50 Principal Arterial Streets
110.60 Additional Requirements
110.62 Voluntary Agreements for Fee-in-Lieu of Sidewalks
110.65 Engineering Standards
110.70 Modifications, Deferments and Waivers
110.75 Bonds

110.05 User Guide

This chapter establishes requirements for the improvements that an applicant must make within the public rights-of-way that abut the subject property. Consult the use zone charts in Chapter 15 through 65 KZC for regulations in certain zones regarding similar improvements.

110.10 General

The applicant shall comply with the provisions of this chapter if the applicant is granted a development permit unless:

1. The cost of the proposed improvement in any 12-month period is less than 50 percent of the replacement cost of any improvements that exist on the subject property. Improvement costs shall be evaluated using the current Building Valuation Data charts published annually by the International Conference of Building Officials (ICBO) on file with the City Building Official. Any valuations not specified in that publication will be determined by the Building Official; or

2. The applicant or previous owner of the subject property installed improvements in the adjacent right-of-way as part of a subdivision or discretionary land use permit approved within four years prior to the present development permit application.

110.15 Special Regulations Applicable in Certain Areas

The following is a series of special situations with applicable regulations:

1. If the City Council has approved a public improvements master plan that includes a particular right-of-way, that master plan will govern the improvements to be provided by developments that abut that right-of-way.

2. If subsection (1) of this section does not apply and if the subject property is zoned Central Business District or Juanita Business District, the Public Works Director will establish the extent and nature of required improvements in the right-of-way on a case-by-case basis.

3. If subsections (1) or (2) of this section do not apply, the applicant must provide the improvements as established in the remainder of this chapter.

110.20 Right-of-Way Designation Map Adopted

The Director is directed to produce and keep current a Rights-of-Way Designation Map, designating each improved right-of-way, including alleys, according to the following criteria. When an unimproved right-of-way is to be improved, the Public Works Director is directed to designate that right-of-way according to the following criteria based on projections for that right-of-way:

Street Designation	General Description	Average Daily Trips*
Alley	Public right-of-way providing service access to adjacent uses.	Less than 200
Neighborhood Access	Streets providing access to adjacent residences and to cul-de-sacs and linking these areas with neighborhood collector streets. KZC 110.22 establishes criteria for subcategories of neighborhood access streets.	Less than 1,500
Collector	Streets providing access to adjacent uses, linking neighborhoods and commercial areas together, and linking these areas to the arterial system.	Up to 10,000
Minor Arterial	Intra-community highways connecting community centers. Access to adjacent residences is not permitted when acceptable alternate access is available.	5,000 – 25,000
Principal Arterial	Intra and inter-community highways connecting major community centers; access to adjacent residences or single commercial sites is not permitted when acceptable alternate access is available.	15,000 – 40,000

* "Average Daily Trips" is defined as the number of vehicles passing a given point, in either direction, during a 24-hour period, based on an average over seven consecutive days.

110.22 Neighborhood Access Street Designations

When public improvements to a neighborhood access street are required or proposed, the Public Works Director will designate that right-of-way according to the following criteria:

Street Designation	Designation Criteria
R-20	1. Provides access only to properties designated Low Density Residential in the Comprehensive Plan and/or those properties zoned RS 5.0 or RM 5.0.
	2. Parking allowed one side only.*
	3. Shall not be dead-ended if length exceeds 400 feet in length.

4. May only be used to improve an existing unimproved street if at least 300 feet or one full block face of matching improvements can be installed on both sides of the street, at present or in the future. Otherwise, an R-28 shall be used.

R-24

1. Provides access only to properties designated Low Density Residential in the Comprehensive Plan and/or those properties zoned RS 5.0 or RM 5.0.

2. Parking allowed on both sides.*

3. Dead-end streets over 400 feet in length.

4. May only be used to improve an existing unimproved street if at least 300 feet or one full block face of matching improvements can be installed on both sides of the street, at present or in the future. Otherwise, an R-28 shall be used.

R-28

Provides access to properties other than those designated Low Density Residential in the Comprehensive Plan.

* If the Public Works Director determines that R-20 will not meet existing or projected parking demand, based on land use characteristics of the area and availability of on-site parking, an R-24 street will be required.

110.25 Required Public Improvements

1. General – KZC 110.27 through 110.50 establish different improvements for the different classifications of rights-of-way listed in KZC 110.20 and 110.22. Except as specified in subsection (2) of this section, the applicant shall install the specified improvements from the center line of the right-of-way to the applicant's property line. The applicant may increase the dimensions of any required improvement or install additional improvements in the right-of-way with the written consent of the Public Works Director.

2. Half-Street Improvements – If the one-half of the right-of-way opposite the subject property has not been improved based on the provisions of this chapter, the applicant shall install improvements in the right-of-way as follows:

   a. Alleys – The applicant shall install the required improvements for the entire width of the alley.

   b. All other rights-of-way.

      1) The applicant shall install the required improvements from his/her property line to and including the curb.

      2) The applicant shall grade to finished grade all the required driving and parking lanes in the entire right-of-way and a five-foot-wide shoulder on the side of the right-of-way opposite the subject property.

      3) The applicant shall pave outward 20 feet from the curb adjacent to his/her property or as required by the Public Works Director.

3. Required Paved Connection – If the access point for the subject site is not connected to an existing improved street by an improved hard surface, the applicant shall provide a hard surface improvement, of at least 20 feet in width, to the existing improved street. The applicant may request a modification, deferment or waiver of this requirement through KZC 110.70.

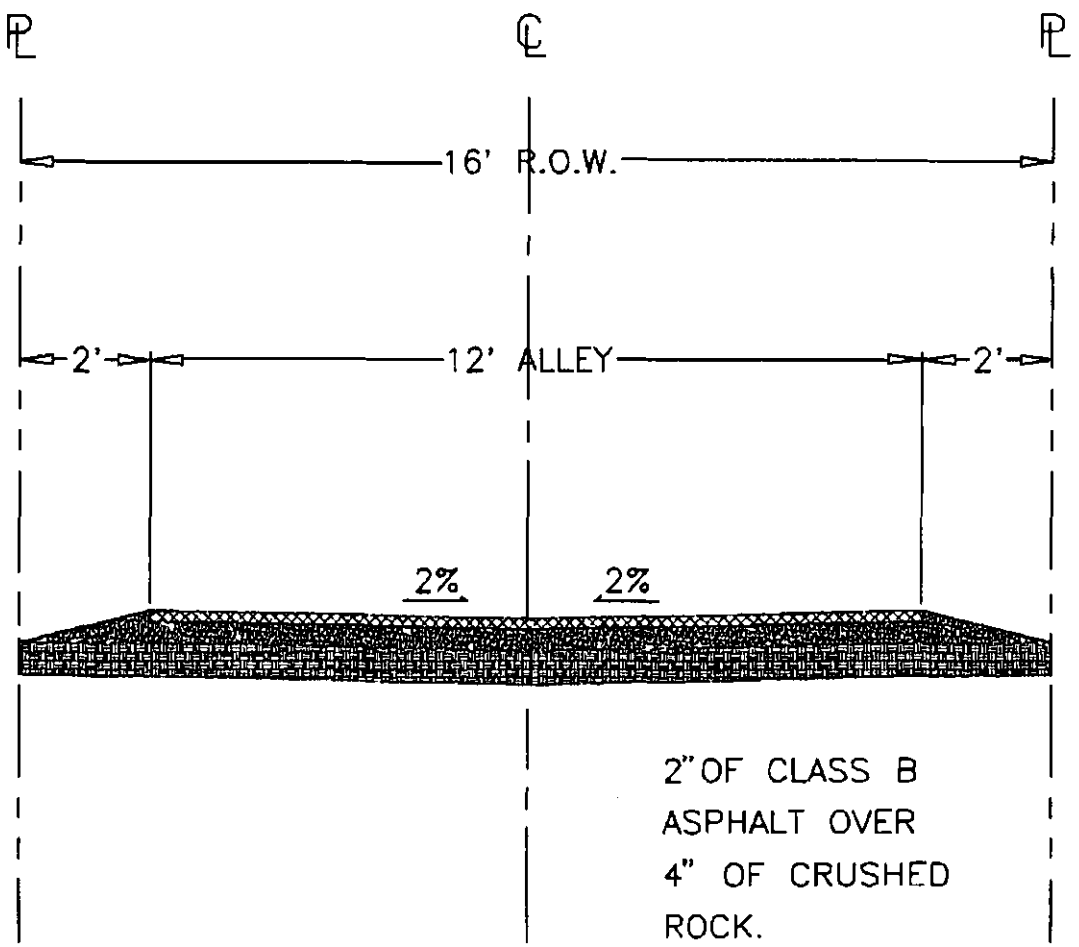
110.27 Alleys

The pavement width of an alley must be at least 12 feet but may be required to be increased by the Public Works Director. For all commercial, industrial, office, or multifamily projects, the applicant shall improve the alley abutting the subject property and extend it to the existing improved street, and may be required to improve an additional 30 feet past the property frontage to provide emergency turnaround. For single-family projects, the applicant shall improve a 12-foot-wide apron extending 20 feet from the nearest improved street toward the subject property. The Public Works Director shall determine the extent and nature of other improvements required in alleys on a case-by-case basis.

Street Type	Minimum Requirements for Street Type	Minimum Right-of-Way	Parking	Curb and Gutter	Landscape Strip	Sidewalks
Alley	1. May only be used if the property served by the alley is also served by another street. 2. 12-foot minimum paving required.	16 feet	No parking allowed	Not required Storm water collection and conveyance system required	Not required	Not required

Special Regulations:

a. The improvements shall generally be centered in the right-of-way (see chart on following page).



NOTES:

* MINIMUM COMPACTION STANDARDS REQUIRED.
* GRAVEL FROM TOP EDGE OF PAVEMENT TO R.O.W. REQUIRED.
* STORM DRAINAGE MAY BE REQUIRED.

CITY OF KIRKLAND WASHINGTON

TYPICAL ALLEY CROSS-SECTION

110.30 R-20 Neighborhood Access Streets

The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided in an R-20 street. See also KZC 110.60 through 110.75 for other requirements that apply to improvements in the right-of-way.

Street Type	Minimum Requirements for Street Type	Minimum Right-of-Way	Parking	Curb and Gutter	Landscape Strip	Sidewalks
20 feet (R-20)	1. Pavement width is 20 feet. 2. Cul-de-sacs shall have 70-foot pavement diameter. Center planter islands are not allowed. 3. Shall not be dead-ended if length exceeds 400 feet (present or future). 4. A cul-de-sac is required on dead-end streets, 200 to 400 feet long. A vehicle hammerhead turnaround may be required on any street less than 200 feet long. 5. Alternate parking schemes such as parallel parking bump-outs may be proposed if it can be demonstrated that the alternate scheme will meet parking demand (existing and projected) and will not create safety problems.	30-45 feet 80-foot diameter for cul-de-sacs. Right-of-way width determined by width of required improvements, rounded up to nearest interval of 5 feet.	Allowed one side only Cul-de-sacs posted "No Parking Anytime"	Required both sides Must install vertical curb, gutter, and storm water collection and conveyance systems.	4.5-foot width required both sides with or without sidewalk Shall include street trees 30 feet on center with grass sod or groundcover Shall be adjacent to the curb	1. Sidewalk width shall be 5 feet unless otherwise specified in the Comprehensive Plan, the Nonmotorized Transportation Plan, a design report for the specific street, elsewhere in this code, or as a special condition of development. 2. For permanently dead-ended streets less than 300 feet long, no sidewalk required unless a pedestrian connection is available at the end of the street. 3. For permanently dead-ended street segments greater than 300 feet long, sidewalks required on both sides. If the street is 300-1,000 feet long, one side of sidewalk can be substituted by participating in the fee-in-lieu-of-sidewalk program. See KZC 110.62 for requirements.

Special Regulations:

a. Pavement widths are measured from face of curb, and sidewalk widths are measured from back of curb.

b. The Fire Department may require a temporary emergency vehicle turnaround on streets which are longer than 200 feet and will be connected in the future.

c. If excess right-of-way exists or is created, the City may require wider planter strips.

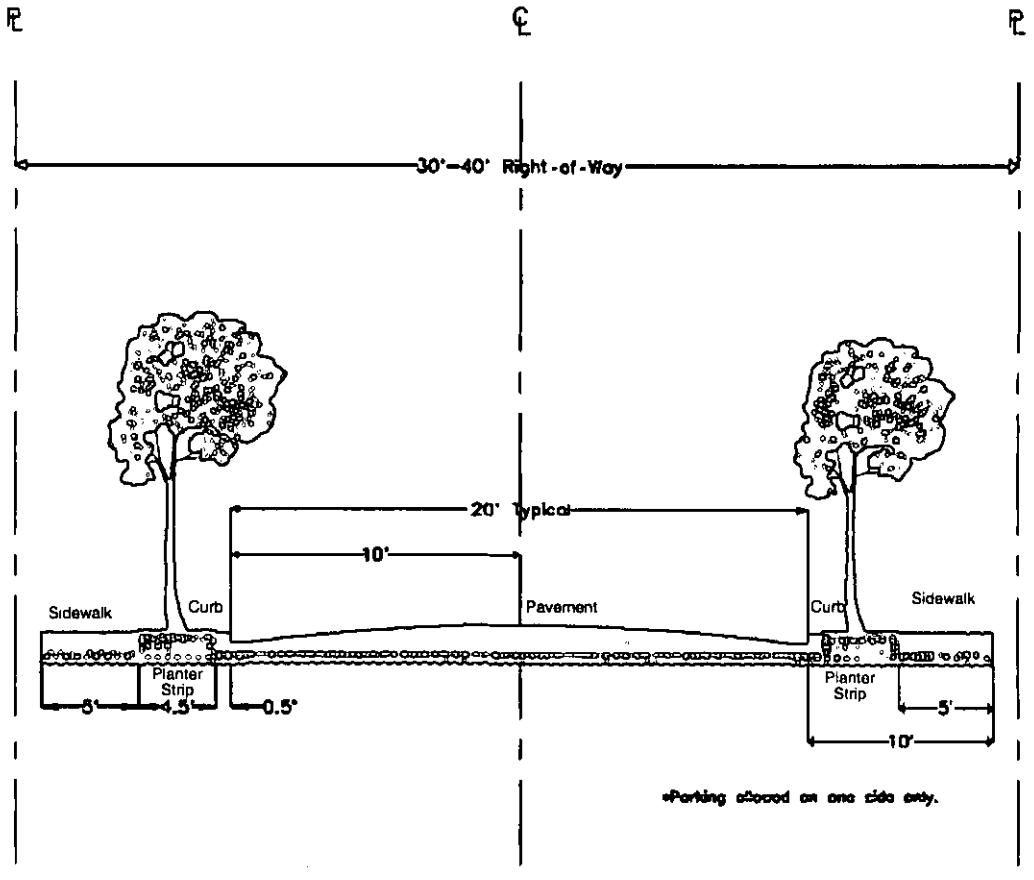
d. The Public Works Director may require and allow special amenities such as wider planter strips, meandering sidewalks, and curb and gutter bump-ins to save significant trees and other natural features.

e. The improvements shall generally be centered in the right-of-way.

f. A landscape strip is not required if:

1) The average slope of the ground from the right-of-way to the front yard setback line is greater than 2:1, or

2) The Public Works Director determines, in writing, that the frontage of the subject property is too short to provide a useful landscape strip; and it is unlikely that development on the adjacent property will increase this strip in the future.



CITY OF KIRKLAND ENGINEERING

TYPICAL 20FT ROADWAY SECTION

110.35 R-24 Neighborhood Access Streets

The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided on an R-24 street. See also KZC 110.60 through 110.75 for other requirements that apply to improvements in the rights-of-way.

Street Type	Minimum Requirements for Street Type	Minimum Right-of-Way	Parking	Curb and Gutter	Landscape Strip	Sidewalks
24 feet (R-24)	1. Pavement width is 24 feet. 2. Cul-de-sacs shall have 70-foot pavement diameter. Center planter islands are not allowed. 3. A cul-de-sac is required on dead-end streets exceeding 200 feet in length. A vehicle hammerhead turnaround may be required on any street less than 200 feet long.	30-50 feet 80-foot diameter for cul-de-sacs Right-of-way width determined by width of required improvements, rounded up to nearest interval of 5 feet.	Allowed both sides Cul-de-sacs posted "No Parking Anytime"	Required both sides Must install vertical curb, gutter, and storm water collection and conveyance systems.	4.5-foot width required both sides with or without sidewalk Shall include street trees 30 feet on center with grass sod or groundcover Shall be adjacent to the curb	1. Sidewalk width shall be 5 feet unless otherwise specified in the Comprehensive Plan, the Nonmotorized Transportation Plan, a design report for the specific street, elsewhere in this code, or as a special condition of development. 2. For permanently dead-ended streets less than 300 feet long, no sidewalk required unless a pedestrian connection is available at the end of the street. 3. For permanently dead-ended street segments greater than 300 feet long, sidewalks required on both sides. If the street is 300-1,000 feet long, one side of sidewalk can be substituted by participating in the fee-in-lieu-of-sidewalk program. See KZC 110.62 for requirements.

Special Regulations:

a. Pavement widths are measured from face of curb, and sidewalk widths are measured from back of curb.

b. The Fire Department may require a temporary emergency vehicle turnaround on streets which are longer than 200 feet and will be connected in the future.

c. If excess right-of-way exists or is created, the City may require wider planter strips.

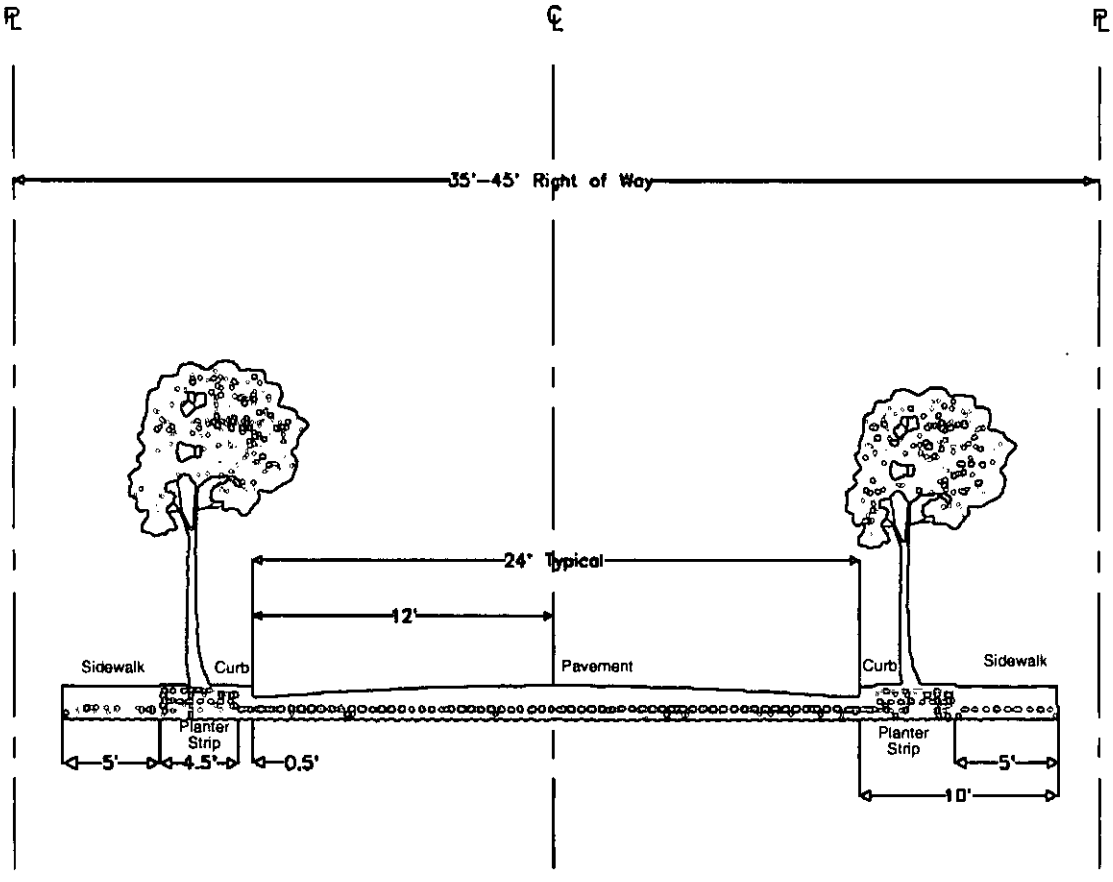
d. The Public Works Director may require and allow special amenities such as wider planter strips, meandering sidewalks, and curb and gutter bump-ins to save significant trees and other natural features.

e. The improvements shall generally be centered in the right-of-way.

f. A landscape strip is not required if:

1) The average slope of the ground from the right-of-way to the front yard setback line is greater than 2:1, or

2) The Public Works Director determines, in writing, that the frontage of the subject property is too short to provide a useful landscape strip; and it is unlikely that development on the adjacent property will increase this strip in the future.



CITY OF KIRKLAND WASHINGTON

TYPICAL 24FT ROADWAY SECTION

110.38 R-28 Neighborhood Access Streets

The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided on an R-28 street. See also KZC 110.60 through 110.75 for other requirements that apply to improvements in the rights-of-way.

Street Type	Minimum Requirements for Street Type	Minimum Right-of-Way	Parking	Curb and Gutter	Landscape Strip	Sidewalks
28 feet (R-28)	1. Pavement width is 28 feet. 2. Cul-de-sacs shall have 70-foot pavement diameter. Center planter islands are not allowed. 3. A cul-de-sac is required if the street is not connected (present or future).	40-50 feet 80-foot diameter for cul-de-sacs Right-of-way width determined by width of required improvements, rounded up to nearest interval of 5 feet.	Allowed both sides Cul-de-sacs posted "No Parking Anytime"	Required both sides Must install vertical curb, gutter, and storm water collection and conveyance systems.	4.5-foot width required both sides with or without sidewalk Shall include street trees 30 feet on center with grass sod or groundcover Shall be adjacent to the curb	1. Sidewalk width shall be 5 feet unless otherwise specified in the Comprehensive Plan, the Nonmotorized Transportation Plan, a design report for the specific street, elsewhere in this code, or as a special condition of development. 2. For permanently dead-ended streets less than 300 feet long, no sidewalk required unless a pedestrian connection is available at the end of the street. 3. For permanently dead-ended street segments greater than 300 feet long, sidewalks required on both sides. If the street is 300-1,000 feet long, one side of sidewalk can be substituted by participating in the fee-in-lieu-of-sidewalk program. See KZC 110.62 for requirements.

Special Regulations:

a. Pavement widths are measured from face of curb, and sidewalk widths are measured from back of curb.

b. The Fire Department may require a temporary emergency vehicle turnaround on streets which are longer than 200 feet and will be connected in the future.

c. If excess right-of-way exists or is created, the City may require wider planter strips.

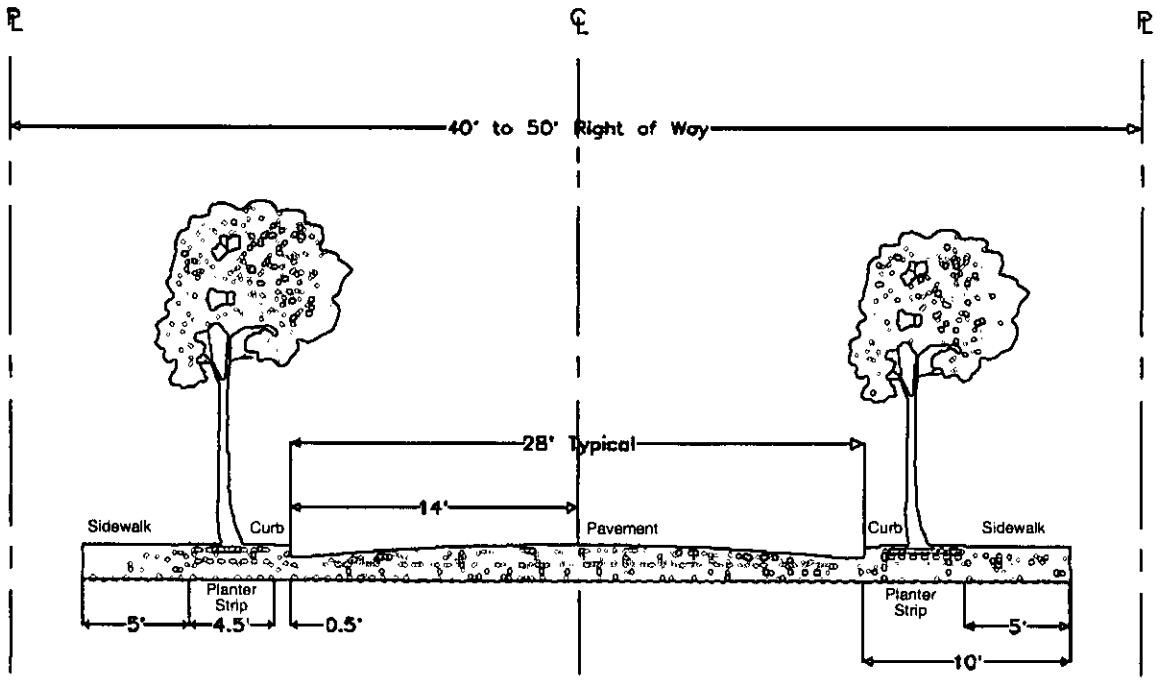
d. The Public Works Director may require and allow special amenities such as wider planter strips, meandering sidewalks, and curb and gutter bump-ins to save significant trees and other natural features.

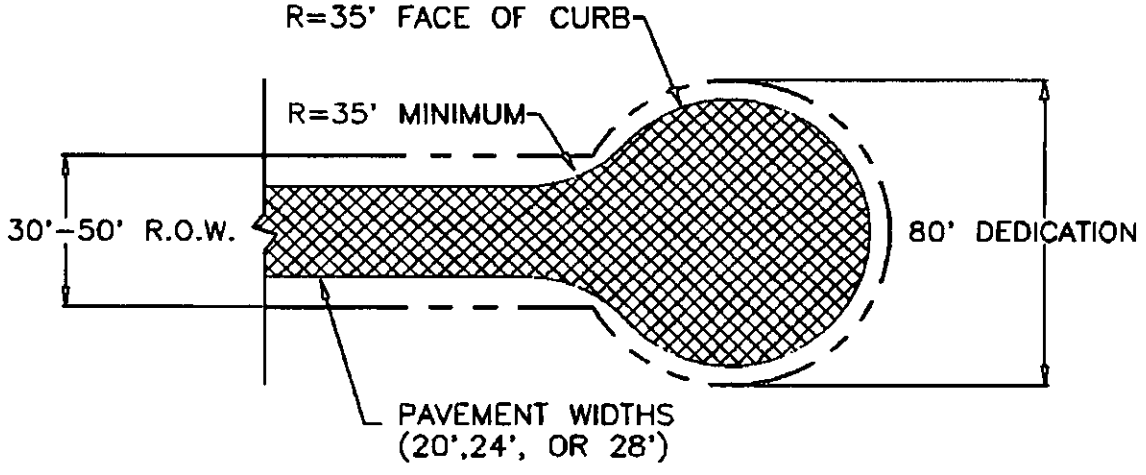
e. The improvements shall generally be centered in the right-of-way.

f. A landscape strip is not required if:

1) The average slope of the ground from the right-of-way to the front yard setback line is greater than 2:1, or

2) The Public Works Director determines, in writing, that the frontage of the subject property is too short to provide a useful landscape strip; and it is unlikely that development on the adjacent property will increase this strip in the future.





NOTES:
* UTILITY EASEMENTS AROUND THE PERIMETER OF THE CUL-DE-SAC MAY BE REQUIRED.
* CUL-DE-SAC APPLIES TO PERMANENT AND TEMPORARY ROADWAY IMPROVEMENTS.

CITY OF KIRKLAND WASHINGTON

TYPICAL 28FT ROADWAY SECTION & CUL-DE-SAC

110.40 Collector Streets

The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided in collector streets. See also KZC 110.60 through 110.75 for other requirements that apply to improvements in the right-of-way.

Street Type	Right-of-way	Number of Lanes	Lane Width		Bicycle Lane Width	Parking	Land-scape Strip	Curb and Gutter	Sidewalks
			Center	Thru					
Collector	60-foot minimum Right-of-way width determined by width of required improve-ments, rounded up to nearest interval of 5 feet.	2	11-12 feet	Two 11-foot lanes	Two Class II 5-foot bike lanes (See Special Regula-tion c.)	Allowed both sides	4.5-foot width required both sides with or with-out side-walk Shall include street trees 30 feet on center with grass sod or ground-cover Shall be adjacent to the curb	Required both sides Must install vertical curb, gutter, and storm-water collection and convey-ance systems.	Sidewalk width shall be 5 feet unless oth-erwise specified in the land use Compre-hensive Plan, the Nonmotor-ized Trans-portation Plan, a design report for the specific street, else-where in this code, or as a specific condition of develop-ment.

Special Regulations:

a. The standards listed above are minimum standards; specific standards for individual streets may be outlined in a design report for the subject street.

b. A two-way left-turn pocket may be added and the parking eliminated.

c. Bike lanes will be installed (constructed and striped) if identified in the City's Nonmotorized Transportation Plan.

d. Parking lane widths are 6 feet.

e. The Public Works Director may require or allow special amenities such as wider planter strips, meandering sidewalks, and curb and gutter bump-ins to save significant trees and other natural features.

f. Wider planter strips may be required with any sidewalk installation, if adequate right-of-way exists.

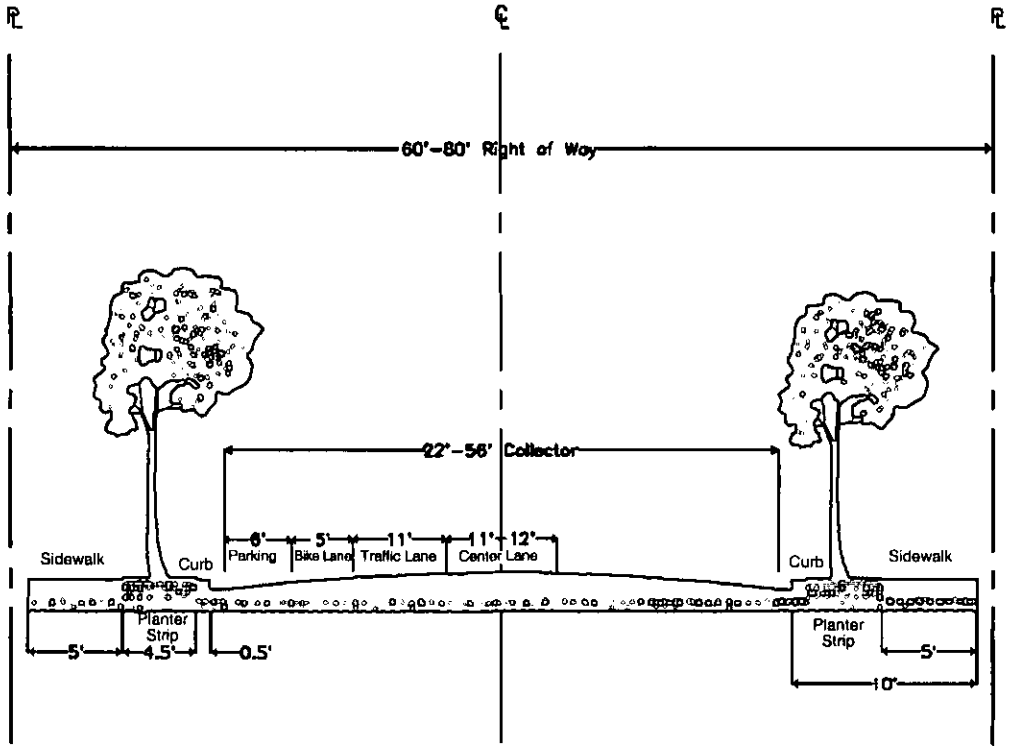
g. A 7-foot sidewalk shall be installed if the Public Works Director determines that a 4.5-foot planter strip cannot be accommodated.

h. A landscape strip is not required if:

1) A sidewalk is neither required nor proposed, or

2) The average slope of the ground from the right-of-way to the front yard setback line is greater than 2:1, or

3) The Public Works Director determines, in writing, that the frontage of the subject property is too short to provide a useful landscape strip; and it is unlikely that development on the adjacent property will increase this strip in the future.



CITY OF KIRKLAND WASHINGTON

TYPICAL COLLECTOR ROADWAY SECTION

110.45 Minor Arterial Streets

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

110.50 Principal Arterial Streets

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

110.60 Additional Requirements

This section contains a series of requirements that apply to improvements required or proposed to be installed.

1. Dedication of Right-of-Way – If a right-of-way abutting the subject property is not wide enough to contain the required improvements, the applicant shall dedicate as right-of-way a strip of land adjacent to the existing right-of-way equal to one-half of the needed additional width. The Public Works Director may require the applicant to make land available, by dedication, for new rights-of-way and utility infrastructure if this is reasonably necessary as a result of the development activity.

2. Walkways – The City may require the applicant to install public pedestrian walkways, other than sidewalks as otherwise required by this chapter, in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:

   a. A walkway is indicated as appropriate in the Comprehensive Plan or Nonmotorized Transportation Plan; or

   b. A walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City or transit; or

   c. Midblock pedestrian access may be required if blocks are unusually long.

   Pedestrian access shall be provided by means of dedicated right-of-way, tracts, or easements at the City's option.

3. Fire Hydrants – The applicant shall install fire hydrants where and in the manner specified by the Department of Fire Services.

4. Incompatible Improvements – If improvements required by this chapter will connect with existing improvements in the same right-of-way that do not conform to this chapter, the following regulations apply:

   a. If the improvements will connect with existing improvements of a greater dimension, the new improvement must be built at the greater dimension unless the Public Works Director determines that the dimensions of the existing improvement will be decreased in the future.

   b. If the improvements will connect with existing improvements of a lesser dimension, the following regulations apply:

1) If the Public Works Director determines that the dimensions of the existing improvements will not be increased in the future, the new improvement must be permanently flared or tapered to match the existing improvements.

2) If the Public Works Director determines that the dimensions of the existing improvements will be increased in the future, the applicant shall install the required improvements in the full length of the right-of-way abutting the subject property with temporary flaring or tapering on the existing improvements.

5. Landscape Strip – The applicant shall plant all landscape strips with vegetation approved by the City. Root deflectors shall be provided for all street trees, and tree grates shall be provided around trees in sidewalks. The owner of the subject property shall maintain the vegetation in the strip. The owner of the subject property shall sign a maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property. The applicant shall record this agreement in the King County Bureau of Elections and Records. It is a violation of this code to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.

6. Mailboxes – The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.

7. Street Signs and Traffic Control Devices – The applicant shall install all street signs and traffic control devices in the location and manner established by the Department of Public Works.

8. Trees – All trees planted in the right-of-way must be approved as to species by the City. In the vicinity of overhead lines, trees species shall be selected, based on City guidelines, that will not interfere with those lines in the future. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.

9. Utility Lines and Appurtenances

   a. The location of sanitary sewer lines and water mains shall be as approved or required by the Public Works Director. All other utility lines, water meters and other utility appurtenances must be undergrounded within the utility strip, unless an alternate location is approved or required by the Public Works Director. Utility appurtenances must be no higher than finished grade unless this is determined by the Public Works Director to be infeasible.

   b. All utility lines on the subject property must be undergrounded. All existing overhead utility lines in the public right-of-way adjacent to the subject site must be undergrounded unless the Public Works Director determines that this is infeasible. The applicant shall submit a statement from all utility companies with existing overhead lines indicating if undergrounding is feasible. If undergrounding is determined not to be feasible, the applicant must sign a concomitant agreement for future undergrounding.

10. The applicant shall do preliminary engineering and provide construction design for the improvements required by this chapter.

11. Sidewalk and Vegetation Maintenance – The abutting property owner shall be responsible for keeping the sidewalk abutting the subject property clean and litter-free, and any vegetation there shall be maintained. The owner of the subject property shall sign a maintenance agreement in a form acceptable to the City Attorney, to be recorded with King County.

12. Other Necessary Improvements – The applicant shall install any other improvements that are necessary for the installation or proper operations or maintenance of the improvements required by this code.

110.62 Voluntary Agreements for Fee-in-Lieu of Sidewalks

1. General – The provisions of this section establish the circumstances under which the applicant may propose and the City may accept a fee-in-lieu of installing a sidewalk in the right-of-way abutting the subject property under the provisions of this chapter.

2. Proposal by Applicant – KZC 110.30 through 110.38 establish the instances where the applicant may propose the payment of a fee-in-lieu of installing a sidewalk. The applicant may propose the payment of fee-in lieu only if the applicant can demonstrate that impacts to pedestrian safety directly resulting from the proposed development can be better mitigated through contributions for off-site pedestrian improvements.

3. Approval by the City – The City will accept a fee-in-lieu of installing a sidewalk when proposed by an applicant only on one side of the street as determined by the Public Works Director and only if the Public Works Director determines pedestrian safety impacts that result from the development could be better mitigated through installation of pedestrian safety improvements in a location consistent with subsection (5) of this section.

4. Amount of Fee-in-Lieu – In each instance where the City approves a proposed fee-in-lieu under the provisions of this section, the amount of the fee-in-lieu shall be 75 percent of the then estimated cost of constructing the sidewalk that would otherwise be required under this chapter, based on information compiled and kept current by the Department of Public Works on the cost of sidewalk construction.

5. Use of In-Lieu Funds – In each instance where the City accepts a fee-in-lieu of installing a sidewalk under the provisions of this section, the City shall deposit those funds into a reserve account and expend the funds collected within five years of the date collected to fund the mitigating pedestrian safety improvements in the areas of the subject property that are reasonably necessary to mitigate a direct impact of the development.

110.65 Engineering Standards

The Public Works Director is directed to develop and keep current full engineering standards and specifications for all improvements in the right-of-way. The applicant shall comply with these standards and specifications for all improvements in the right-of-way. These standards and specifications are available for public inspection and copying in the Public Works Department during regular business hours.

110.70 Modifications, Deferments and Waivers

1. General – The provisions of this section establish under what circumstances the requirements of this chapter may be modified, deferred or waived.

2. Authority To Grant and Duration

   a. If the proposed development of the subject property requires approval through Process I, IIA, IIB or III, described in Chapters 145, 150, 152 and 155 KZC, respectively, or short plat or subdivision approval described in the subdivision ordinance, a request for a modification, deferment or waiver will be considered as part of this process under the provisions of this section. If granted under Process I, IIA, IIB or III, or through the short plat or subdivision processes, the modification, deferment, or waiver is binding on the City for all development

permits issued for that development under the Building Code within five years of the granting of the modification, deferment or waiver.

b. If subsection (2)(a) of this section does not apply, the Public Works Department may, after considering a written recommendation from the Planning Official, grant a modification, deferment or waiver in writing under the provisions of this section.

3. Modifications – The City may require or grant a modification to the nature or extent of any required improvement for any of the following reasons:

   a. If the improvement as required would not match the existing improvements.

   b. If unusual topographic or physical conditions preclude the construction of the improvements as required.

   c. If other unusual circumstances preclude the construction of the improvements as required.

4. Deferment – The City may require or permit that the required improvements be installed at a later time:

   a. If the required improvement is part of a larger project that has been scheduled for implementation in the City's Capital Improvement Program; or

   b. If the applicant is proposing to construct one detached dwelling unit on the subject property and all of following requirements are met:

      1) The applicant has no current plans for additional development on the subject property or adjacent property and has not applied for any additional development on the subject property or adjacent property within the prior 12 months;

      2) The installation of the improvement to be deferred will not, in conjunction with existing improvements and/or concomitant agreements, complete improvement of the entire block face;

      3) The installation of the improvement to be deferred will not, in conjunction with existing improvements and/or concomitant agreements, complete improvement of at least 300 feet of frontage on all abutting rights-of-way, excluding alleys; or

   c. If installation of the required improvement would require substantial off-site roadway modifications; or

   d. If the Public Works Department determines that installation of the required improvement would result in a safety hazard.

   If the applicant meets the above criteria for deferment, he/she is only obligated to install, at a future date, improvements from the center line of the alley to the property line.

5. Deferment Requirements – If the City approves a deferment:

   a. The applicant must sign a concomitant agreement to run with the property, in a form acceptable to the City Attorney, specifying that the applicant will install or reimburse the City for construction of the deferred improvements as directed by the City. The applicant must file this agreement with the King County Bureau of Elections and Records.

b. The applicant must grade the subject portion of the right-of-way as though the improvement were to be immediately installed and stabilize the graded area in a manner approved by the Public Works Department. The applicant may be exempted from this requirement if the Public Works Department determines that unusual circumstances preclude the grading.

c. The City will decide if grading will be deferred as part of the deferment process for alleys.

6. Waiver – The City may waive and not require or allow installations of a required improvement if the City determines that the current level and extent of the improvement in the right-of-way adjacent to the subject property will not be changed in the future.

7. Multiple Adjacent Rights-of-Way – When the subject property is adjacent to two or more rights-of-way; modifications, deferments or waivers must be considered separately for each right-of-way. If the subject property is a corner lot, the highest level of improvement required must be constructed around the angle formed by the intersecting streets.

8. Appeals – The decision of the Public Works Department regarding deferments, modifications, and waivers may be appealed using the appeal provisions, as applicable, of Process I of this code, KZC 145.60 through 145.110.

110.75 Bonds

The City may require or permit a bond under Chapter 175 KZC to ensure compliance with any of the requirements of this chapter.

Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

Sections:

115.05 User Guide
115.10 Accessory Uses, Facilities and Activities
115.15 Air Quality Regulations
115.20 Animals in Residential Zones
115.25 Development Activities and Heavy Equipment Operation – Limitations On
115.30 Distance Between Structures/Adjacency to Institutional Use
115.35 Erosion and Sedimentation Regulation
115.40 Fences
115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones
115.43 Garage Setback Requirements for Detached Dwelling Units in Low Density Zones
115.45 Garbage Receptacles and Dumpsters – Placement and Screening
115.50 Glare Regulation
115.55 Heat Regulation
115.60 Height Regulations – Exceptions
115.65 Home Occupations, Accessory Dwelling Units, and Other Accessory Components of Residential Uses
115.70 Junk and Junk Yards Prohibited
115.75 Land Surface Modification
115.80 Legal Building Site
115.85 Lighting Regulations
115.90 Calculating Lot Coverage
115.95 Noise Regulations
115.100 Odor
115.105 Outdoor Use, Activity and Storage
115.110 Radiation
115.115 Required Yards
115.120 Rooftop Appurtenances – Required Screening
115.125 Rounding of Fractions of Dwelling Units
115.135 Sight Distance at Intersections
115.140 Temporary Trailers for Construction and Real Estate Sales Offices
115.142 Transit Shelters, Public
115.145 Trees – Certain Species Prohibited
115.150 Vehicles – Size in Residential Zones Limited

115.05 User Guide

This chapter contains a variety of regulations and standards that apply to the development and use of land. The regulations in this chapter do not all pertain to the same general subject matter. The regulations are arranged alphabetically so that careful review of the table of contents is important to finding all pertinent regulations.

115.10 Accessory Uses, Facilities and Activities

1. General – Accessory uses, facilities and activities normally associated with a use listed as a permitted use in a zone are permitted as part of that permitted use. The accessory use, facility or activity must be clearly secondary to the permitted use.

2. Authority of the Planning Director – The Planning Director is specifically authorized to determine if a particular accessory use, facility or activity is normally associated with a particular permitted use and if a particular accessory use, facility or activity is clearly secondary to the permitted use.

3. Exceptions and Limitations – This code establishes specific limitations and regulations for some accessory uses and facilities for some uses in some zones. Where applicable, those specific regulations supersede the general statement of subsection (1) of this section.

4. On-Site Hazardous Waste Treatment and Storage – Pursuant to Chapter 70.105 RCW, on-site hazardous waste treatment and storage facilities are considered accessory facilities in all zones, except residential, that allow the processing or handling of hazardous substances. These facilities must comply with the state siting criteria as adopted in accordance with RCW 70.105.210, and/or all applicable DOE standards.

115.15 Air Quality Regulations

1. State Regulation – Air quality is regulated by the Washington Clean Air Act, Chapter 70.94 RCW. Any inquiry, complaint, or violation regarding air quality will be referred to the Puget Sound Air Pollution Control Authority.

2. Public Nuisance – Any emission of air contaminants which annoys; injures; endangers the comfort, repose, health or safety of persons; or in any way renders persons insecure in life, or in the use of property, is a violation of this code.

115.20 Animals in Residential Zones

1. General – This section establishes special regulations that govern the keeping of animals in any zone where a dwelling unit is permitted.

2. Types of Animals – Animals will be regulated according to the following categories:

   a. Household Pets – The following animals will be regulated as household pets:

      1) Three dogs or less per dwelling unit.
      2) Three cats or less per dwelling unit.
      3) A total of four dogs and cats per dwelling unit.
      4) Four rabbits or less per dwelling unit.
      5) Gerbils.
      6) Guinea pigs.
      7) Hamsters.
      8) Mice.
      9) Cage birds.
      10) Nonvenomous reptiles and amphibians.
      11) Other animals normally associated with a dwelling unit, and which are generally housed within the dwelling unit.

   b. Small Domestic Animals – The following animals will be regulated as small domestic animals:

      1) More than three dogs per dwelling unit.
      2) More than three cats per dwelling unit.
      3) More than a total of four dogs and cats per dwelling unit.
      4) More than four rabbits per dwelling unit.
      5) Fowl.

   c. Large Domestic Animals – The following animals will be regulated as large domestic animals:

      1) Horses.
      2) Cattle.

3) Sheep.
4) Pigs.
5) Goats.
6) Other grazing or foraging animals.

d. Bees

3. Other Regulations – Nothing in this section eliminates the need to comply with King County animal control regulations, state law regulating the keeping of animals, and any other ordinance of the City of Kirkland regulating the keeping of animals.

4. Minimum Requirements – The applicant shall comply with the requirements contained within the chart at the end of this section regarding the keeping of animals in any zone where a dwelling unit is permitted.

5. Bonds – The City may require a bond under Chapter 175 KZC to ensure that the subject property is maintained in a clean condition.

TYPE OF ANIMAL ⇩ / REGULATIONS ⇨	Required Review Process	MAXIMUM	MINIMUMS		Special Regulations
		Number of Adult Animals	Lot Size	Setback	
Household Pets	None	Per Dwelling Unit Dogs: 3 Cats: 3 Dogs and Cats: A total of 4 animals Rabbits: 4 Other: No maximum	As required for a dwelling unit in the zone in which the subject property is located.	Structures and pens must be at least 5′ from each property line.	1. Household pets, excluding dogs, cats, and rabbits, must be housed within the dwelling unit. If housed outside of the dwelling units, household pets, excluding dogs, cats, and rabbits, will be regulated as small domestic animals.
Small Domestic Animals	None	20 per 35,000 sq. ft. of lot area and 1 per each additional 500 sq. ft. of lot area.	35,000 sq. ft. per dwelling unit.	Structures and pens used to house animals must be at least 40′ from each property line.	1. The City may limit the number of animals allowed to less than the maximum considering: a. Proximity to dwelling units both on and off the subject property; and b. Lot size and isolation; and c. Compatibility with surrounding uses; and d. Potential noise impacts. 2. The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition.

TYPE OF ANIMAL ⇩ / REGULATIONS ⇨	Required Review Process	MAXIMUM	MINIMUMS		Special Regulations
		Number of Adult Animals	Lot Size	Setback	
Large Domestic Animals	If lot size is less than 35,000 sq. ft., then Process I, Chapter 145 KZC Otherwise none	2 per 35,000 sq. ft. of lot area and 1 per each additional 17,500 sq. ft. of lot area If lot size is less than 35,000 sq. ft., then only 1 house	35,000 sq. ft. per dwelling unit May be less if approved through Chapter 145 KZC, Process I	Structures and pens used to house animals must be at least 40′ from each property line subject to Special Regulation 1. Roaming, grazing areas and horse paddock areas must be at least 20′ from each property line, subject to Special Regulation 1.	1. If an abutting property owner files a signed and notarized statement in support of the request, the City may permit areas for roaming or grazing, horse paddock areas and structures or pens to extend into the property line in common with the abutting property; provided, that the structure or pen complies with all other regulations pertaining to setback in that zone. 2. The City may limit the number of animals allowed to less than the maximum considering: a. Proximity to dwelling units both on and off the subject property; and b. Lot size and isolation; and c. Compatibility with surrounding uses; and d. Potential noise impacts. 3. The applicant must provide a suitable structure or pen to house the animals, and must maintain that structure or pen in a clean condition. 4. No outdoor manure pile may be placed closer than a point equidistant to any adjacent residential structure. 5. For residential lots containing one or more horses other than those regulated below in Special Regulation 6, each lot must contain an area of at least 14,500 sq. ft. capable of being used as a horse paddock area and configured in a contiguous and usable manner to accommodate the feed storage and manure pile for two horses. This area must be exclusive of any structures, including storage sheds, barns, residential units and carports. Direct access to this area must be available for trucks to deliver feed and pick up manure from an alley, easement, or an adjacent right-of-way across a side yard of the lot. 6. The following regulations apply to residential lots in RS 35 and RSX 35 Zones within the Bridle Trails neighborhood north of Bridle Trails State Park and to all residential lots in PLA 16 which are not part of a recorded master plan: a. Each residential lot must contain an area of least 10,000 permeable square feet for the purpose of accommodating two horses, capable of being used for a paddock area and barn, having a minimum width of 20 feet and configured in a contiguous and usable manner to accommodate the feed, storage and manure pile. This area must be pervious and exclusive of any structures (except livestock barns) such as storage sheds, residential units, carports, decks, patios, swimming pools, sports courts or paving. (CONTINUED ON NEXT PAGE)

TYPE OF ANIMAL ⇩ / REGULATIONS ⇨	Required Review Process	MAXIMUM	MINIMUMS		Special Regulations
		Number of Adult Animals	Lot Size	Setback	
Large Domestic Animals (Continued)					b. Up to two additional horses may be kept on a residential lot, providing that an additional 3,000 square feet of paddock area is available for each additional horse. c. Direct access to this area must be available to deliver feed and pick up manure from an alley, an easement or an adjacent right-of-way across a side yard of the lot. d. Horse paddock areas must be setback five feet from each property line which abuts a school use or a residential use other than RS 35, RSX 35 or PLA 16. e. Required horse paddock areas must be setback 10′ from habitable dwellings. Livestock barns must be setback 40′ from habitable dwellings. f. Livestock barns permitted within the designated paddock area may not exceed 1,200 square feet in footprint, excluding covered overhangs, and must be designed solely for housing of animals and storage of tack, feed, shavings or ancillary equipment. g. Special Regulations 2, 3 and 4 apply to this area. h. Interpretations of the Zoning Code which directly or indirectly involve application of regulations about horse paddock areas shall be liberally construed in favor of an equestrian character for the neighborhood.
Bees	None	Lots containing 15,000 sq. ft. or less: Maximum of two hives. Lots containing more than 15,000 sq. ft. but less than 35,000 sq. ft.: Maximum of 5 hives. Lots containing 35,000 sq. ft. or more: Maximum of 15 hives.	7,200 sq. ft.	Hive must be at least 25′ from any property line. See also Special Regulation 5.	1. Colonies shall be in movable frame hives. 2. Adequate space shall be maintained in the hive to prevent overcrowding and swarming. 3. Colonies shall be requeened following any swarming or aggressive behavior. 4. All colonies shall be registered with the Wash. State Dept. of Agriculture, Plant Services Division, 406 General Administration Building, Olympia, WA 98504, prior to April of each year. 5. Hives may be located closer than 25′ to any property line if: a. Situated eight feet or more above adjacent ground level; or b. Situated less than six feet above adjacent ground level and behind a solid fence or hedge six feet in height parallel to any property line within 25 feet of the hive and extending at least 20 feet beyond the hive in both directions. 6. Bees living in trees, buildings, or any other space except in movable frame hives; abandoned colonies or diseased bees shall constitute a public nuisance.
In addition to the maximum number of adult animals permitted, offspring from one female are permitted at any given time until those offspring are able to survive independently.					

115.25 Development Activities and Heavy Equipment Operation – Limitations On

1. General – It is a violation of this code to engage in any development activity or to operate any heavy equipment between the hours of 8:00 p.m. and 7:00 a.m., Monday through Saturday. No development activity or use of heavy equipment may occur on Sundays or holidays which are observed by the City.

2. a. Exception – The Planning Official may grant written permission to engage in a development activity or to operate heavy equipment between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday or 7:00 a.m. to 8:00 p.m. on Sundays or holidays which are observed by the City if this will not interfere with any residential use that is permitted in the zone in which it is located.

   b. The Planning Official may limit the hours of operation permitted under subsection (1) of this section, if:

      1) The reduced hours will best serve the public's health, safety and welfare; or

      2) There have been substantial verifiable complaints received by the Planning Department that the operation of heavy equipment or development activity is interfering with the health and repose of residents of a residential use which is permitted in the zone in which the operation of heavy equipment or development activity is located.

   If the Planning Official determines that the hours of operation on a site should be limited pursuant to subsections (2)(b)(1) or (2) of this section, he/she shall provide written notice to the owner of the property affected by this decision one week prior to the imposition of the restriction. The Planning Official shall have the right to repeal this restriction at any time it can be shown that the use of heavy equipment or development activity can and will be conducted so as not to be contrary to subsections (2)(b)(1) and (2) of this section.

115.30 Distance Between Structures/Adjacency to Institutional Use

1. Distance Between Structures

   a. Apply to:

      1) Calculation of F.A.R. for detached dwelling units in low density zones, and

      2) Regulation of maximum horizontal facade.

   b. General – For purposes of the regulation in this code regarding maximum horizontal facade and F.A.R. calculation for detached dwelling units in low density residential zones only, two structures will be treated and considered as one structure if any elements of the structures, other than as specified in subsection (2) of this section, are closer than 20 feet to each other. In addition, two structures connected by a breezeway or walkway will be regulated as one structure if any element of the breezeway or walkway is higher than eight feet above finished grade.

   c. Exceptions

      1) Porches and similar elements of a structure no higher than 18 inches above finished grade may be closer than 20 feet to another structure.

      2) Chimneys, bays, greenhouse windows, eaves, cornices and similar elements that customarily extend beyond the exterior walls of a structure may be no closer than 17 feet from another structure.

2. Adjacency to Institutional Uses – If a structure is located adjacent to an institutional use which is located in a low density zone, the maximum horizontal dimension provision of 50 feet may be waived by the Planning Director.

115.35 Erosion and Sedimentation Regulation

It is a violation of this code for the owner of the subject property to create, allow or perpetuate conditions on the subject property which cause the erosion or undermining of adjacent property. It is also a violation of this code for the owner of the subject property to create, allow or perpetuate a condition which causes the deposition of sediments or the movement of other geologic materials onto adjacent property.

115.40 Fences

1. General

   a. Fences not over six feet in height may be anywhere on the subject property except:

      1) A fence may not be within 15 feet of any street curb, or the edge of the street pavement, if no curb exists; or

      2) If the applicant can show with a survey, or other reasonable means, the location of his/her property line, the fence can be placed on the property line regardless of the distance from a street curb or the edge of the pavement.

      3) A fence may not violate the provisions of KZC 115.135.

      4) A detached dwelling unit abutting a neighborhood access or collector street may not have a fence over 3.5 feet in height within the required front yard.

         On corner lots with two required front yards, this restriction shall apply only within the front yard adjacent to the front facade of the structure.

      5) No fence may be placed within a high waterline setback yard or within any portion of a north or south property line yard which is coincident with the high waterline setback yard.

   b. Fences over six feet in height may not be located in a required setback yard. See KZC 115.15, Required Yards, for regulations relating to fences on retaining walls.

   c. The Planning Official may approve a modification to the fence height requirements, if:

      1) The modification is necessary because of the size, configuration, topography or location of the subject property; and

      2) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

2. Barbed Wire – Barbed wire is permitted only atop a fence or a wall at least six feet in height.

3. Electrified Fences – Electrified fences are not permitted in Kirkland, except to contain large domestic animals (see KZC 115.20(2)(c)). All electric fences and appliances, equipment, and materials used in connection therewith shall be listed or labeled by a qualified testing agency and shall be installed in accordance with manufacturer's specifications and in compliance with the latest edition of the National Electrical Code. Furthermore, electrified fences must be

located at least 18 inches on the inside of wood fences when located along any property line. In addition, all electric fences shall be posted with permanent signs which are a minimum of 36 square inches in area at intervals of 15 feet along the fence stating that the fence is electrified.

115.42 Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones

1. Gross floor area for purposes of calculating F.A.R. and maximum floor area for detached dwelling units on low density residential zones does not include the following:

   a. Attic area with less than five feet of headroom.
   b. Floor area with a ceiling height, including the horizontal supporting members for the ceiling, less than six feet above finished grade. The ceiling height will be measured along the outside perimeter of the building (see Plate 23).
   c. Accessory structures located more than 20 feet from the main structure (see KZC 115.30 for additional information on the required distance between structures).
   d. Uncovered and covered decks, porches, and walkways.

2. *This section is not effective within the disapproval jurisdiction of the Houghton Community Council.*

115.43 Garage Setback Requirements for Detached Dwelling Units in Low Density Zones

1. In a low density zone, the garage must be set back five feet from the remaining portion of the front facade of a dwelling unit, if:

   a. The garage door is located on the front facade of the dwelling unit; and
   b. The lot is at least 50 feet wide at the front setback line; and
   c. The garage width exceeds 50 percent of the combined dimensions of the front facades of the dwelling unit and the garage.

2. In measuring the garage setback, the front facade of the dwelling unit shall include covered entry porches that extend across 100 percent of the remaining front facade, but shall not include other elements that are allowed to extend into the required front yard, pursuant to KZC 115.115.

3. *This section is not effective within the disapproval jurisdiction of the Houghton Community Council.*

115.45 Garbage Receptacle and Dumpsters – Placement and Screening

1. Placement – All garbage receptacles and dumpsters, including underground facilities, must comply with either of the following:

   a. Setback a minimum of five feet from side property lines, 10 feet from rear property lines and 10 feet from front property lines, or

   b. Comply with the setbacks established for the use with which they are associated.

   In either case, garbage receptacles and dumpsters may not be located in landscape buffers required by Chapters 95 and 105 KZC.

2. Screening – All garbage receptacles and dumpsters must be screened from view from the street and from adjacent properties by a solid sight-obscuring enclosure.

3. Exemptions – Garbage receptacles for detached dwelling units, duplexes, moorage facilities, parks, and construction sites are exempt from the placement and screening requirements of this section.

115.50 Glare Regulation

Any artificial surface which produces glare which annoys; injures; endangers the comfort, repose, health or safety of persons; or in any way renders persons insecure in life, or in the use of property, is a violation of this code.

115.55 Heat Regulation

Heat generated by any activity or operation on the subject property which annoys; injures; endangers the comfort, repose, health or safety of persons on abutting properties or streets; or in any way renders persons insecure in life or in the use of abutting property or streets is a violation of this code.

115.60 Height Regulations – Exceptions

1. General – No element or feature of a structure, other than as listed in subsection (2) of this section, may exceed the applicable height limitation established for each use in each use zone in Chapters 15 through 65 KZC.

2. Exceptions

a. Detached Dwelling Units

1) Vents and chimneys for a detached dwelling unit may exceed the maximum height limit.

2) Skylights may exceed the height limit by a maximum of six inches.

3) Rod, wire and dish antennas, to the extent they do not constitute personal wireless service facilities, which are subject to the provisions of Chapter 117 KZC, may not be placed above the maximum height allowed for any structure unless approved by the Planning Director. The City will approve the application if it can be demonstrated that views across the subject property are not substantially impaired and that the antenna must be placed above the roofline in order to function properly. The decision of the Planning Director in approving or denying a rod, wire, or dish antenna may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60.

For the purposes of this subsection, "dish antenna" includes any antenna, whether or not it is of solid or mesh construction, designed or constructed so that the horizontal dimension of its microwave reflector or collector face equals or exceeds 30 percent of its vertical dimension. The phrase "rod or wire antenna" includes those antennas not falling within the definition of dish antenna and antennas for use by licensed amateur radio operators.

b. Other Structures

1) Rooftop appurtenances for all structures other than detached dwelling units may exceed the applicable height limitation by a maximum of four feet if the area of all appurtenances and screening does not exceed 10 percent of the total area of the building footprint. These structures must be located in such a way as to minimize view blockage.

2) Appurtenances that do not meet the standards of subsection (1) of this section may be permitted if the Planning Official determines that, based on accurate graphic representations provided by the applicant, views from adjacent properties will not be significantly blocked.

3) Any appurtenance, other than chimneys and antennas, must be screened from all streets and nearby properties. See KZC 115.120 for standards pertaining to rooftop screening.

4) The provisions in Chapter 117 KZC related to personal wireless service facilities supersede the provisions of this section to the extent an appurtenance falls within the definition of a personal wireless service facility.

c. Radio Tower – A radio tower and antenna structure for use by a noncommercial, licensed amateur operator shall be allowed, if the Planning Official determines that:

1) A reasonable effort is made to minimize radio tower and antenna structure visibility from adjacent properties, while still permitting effective operation; and

2) The radio tower and antenna structure does not extend higher than reasonably necessary to operate effectively; and

3) The radio tower and antenna structure does not physically interfere with nearby utility lines.

Notice of filing application for building or other permit to construct a radio tower and/or antenna shall be given in the manner required by KZC 145.22 as to each such application which shows the proposed tower and/or antenna to either exceed the maximum allowable height for the zone in which it is located, or be within 20 feet of an electrical power or telecommunication utility line.

Any person believing a radio tower or antenna structure does not comply with the foregoing may request in writing a determination of compliance from the Planning Director, providing such request is filed with the City and a copy delivered to the permit applicant within 14 days of the date of publication of the notice of filing. The Planning Director shall make such determination utilizing Process I described in Chapter 145 KZC. In making his determination, the Planning Director shall take into consideration the strong federal interest in promoting amateur communications and the rules adopted by the Federal Communications Commission in support of that interest to regulate the amateur service (47 CFR Part 97 and FCC PRB-1).

d. CBD and JBD Zones – In the CBD and JBD Zones, if the structure has a peaked roof, the peak may extend five feet above the height limit. The slope of the roof must be equal to or greater than three feet vertical to 12 feet horizontal.

115.65 Home Occupations, Accessory Dwelling Units, and Other Accessory Components of Residential Uses

1. General – The regulations of this section apply to every residential use within the City.

2. Home Occupations

a. Purpose – The purpose of this section is to allow commercial occupations incidental to residential uses to be located in residences while guaranteeing all residents freedom from

excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential neighborhoods.

b. Home Occupation Regulations – A home occupation may be conducted subject to the following regulations:

A home occupation is permitted if it:

1) Is carried on exclusively by family members who reside in the dwelling unit and not more than two additional people who are not residents of the dwelling;

2) Is conducted indoors and has no outside storage, exterior indication, or outside activity, including equipment stored on vehicles;

3) Requires no alteration to the interior or exterior of the dwelling that changes its residential character;

4) Involves activities, including but not limited to heavy equipment, power tools, power sources, or other equipment, which do not result in noise, vibration, smoke, dust, odors, heat, or other conditions that exceed in duration or intensity, such conditions normally produced by a residential use;

5) Has no pickup or delivery by commercial vehicles; however, occasional mail and courier deliveries are permitted;

6) Does not include the following businesses:

   a) Motor vehicle-related businesses including but not limited to auto, truck, body work, detailing, painting, or taxicab, van shuttle, limousine, towing, or other transportation service or sales;

   b) Repair or sales of large appliances or heavy equipment;

   c) Welding;

   d) Kennels or commercial stables;

   e) Inventory storage of more than 1,200 cubic feet of materials;

   f) Restaurants; and

   g) Landscaping.

   Office-only activities for the above uses may be allowed as home occupations; provided, all other requirements of this section are met;

7) Does not include more than four persons per day and no more than two persons at any time coming to and leaving from the subject property for goods or services. Customer visits or deliveries to a home occupation shall be between the hours of 8:00 a.m. and 8:00 p.m.(not applicable to bed and breakfast house);

8) Operates no more than one vehicle, van, truck or similar vehicle, not exceeding a gross vehicle weight of 10,000 pounds; and

9) Has no signs other than one building-mounted, nonilluminated sign with a maximum size of two square feet.

c. A home occupation which does not meet one or more of the requirements of subsection (2)(b) of this section may be approved using Process IIA, described in Chapter 150 KZC, if it:

1) Will not harm the character of the surrounding neighborhood;

2) Will not include outdoor storage and/or operation of building materials, machinery, commercial vehicles, or tools, except if it meets the following criteria:

a) Is appropriately screened from other properties;

b) Does not emit noise, odor, or heat; and

c) Does not create glare;

3) Does not create a condition which injures or endangers the comfort, repose, health or safety of persons on abutting properties or streets; and

4) Will not generate excessive traffic or necessitate excessive parking.

d. Licensing – A business license shall be required for all home occupations.

e. Revocation of Home Occupation Permit – Upon determination that there has been a violation of any decision criteria or condition of approval of a home occupation permit granted pursuant to subsection (2)(c) of this section, the Director of Planning and Community Development may revoke a home occupation permit pursuant to the provisions of Chapter 170 KZC, Zoning Code Enforcement.

f. Bed and Breakfast House

The City will use a Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a bed and breakfast house. A bed and breakfast house may be permitted provided it meets the criteria listed in subsection (2) of this section, home occupations, and the following standards:

1) It is operated by the owner of the dwelling in which it is located and it is the primary residence of the owner/operator;

2) There is a maximum of four guest rooms;

3) Guests stay a maximum of 30 days;

4) Food service shall be limited to serving overnight guests of the establishment. Individual rooms shall not be equipped with cooking facilities;

5) The applicant may be required to provide up to one parking stall per guest room. The applicant shall demonstrate the parking provided will be adequate based on the following criteria:

a) The number of guest rooms,

b) The number of permanent residents of the dwelling proposed for the bed and breakfast,

c) The number of parking stalls that can be accommodated in a garage or driveway, and

d) The number of legal on-street parking stalls immediately adjacent to the bed and breakfast;

6) Concentrations of Bed and Breakfasts Houses – Where a bed and breakfast house is proposed within 500 feet of another bed and breakfast house, the applicant shall demonstrate that the neighborhood will not be adversely affected by the concentration.

3. Accessory Structure (detached dwelling unit uses only) – Structures, to be used as a tool shed, greenhouse, private garage, accessory dwelling unit, barns or similar use are permitted. The total size of all such structures may not exceed the gross floor area of 1,200 square feet plus 10 percent of the lot area that exceeds 7,200 square feet. The height (roof peak elevation) of an accessory structure may not exceed 15 feet above the existing height (roof peak elevation) of the primary residence or 25 feet above average building elevation, whichever is less. Accessory dwelling units must also comply with subsection (5) of this section.

4. Domestic Animals – Please see KZC 115.20, Animals in Residential Zones, for regulations for keeping animals in residential zones.

5. Accessory Dwelling Units – One accessory dwelling unit (ADU) is permitted as subordinate to a single-family dwelling; provided, that the following criteria are met:

a. Number of Occupants – The total number of occupants in the principal dwelling unit and the ADU combined shall not exceed the maximum number established for a single-family dwelling as defined in KZC 5.10.300.

b. Owner Occupancy – One of the units must be owner-occupied. Owner occupancy is defined as a person with an ownership interest in the property.

c. Subdivision – Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.

d. Scale – The square footage of the accessory dwelling unit shall not exceed 40 percent of the primary residence and accessory dwelling unit combined. If the accessory unit is completely located on a single floor, the Planning Director may allow increased size in order to efficiently use all floor area.

Detached accessory dwelling units shall not exceed 800 square feet of gross floor area. When calculating the square footage of the ADU (see KZC 5.10.340, definition of "gross floor area"), covered exterior elements such as decks and porches will not be included; provided, the total size of all such covered exterior elements does not exceed 200 square feet. An accessory dwelling unit will be considered to be "detached" from the principal unit if it has any of the following characteristics:

1) It does not share a common roof structure with the principal unit.

2) It is not integrated into the footprint of the principal unit.

3) The design is inconsistent with the existing roof pitch, siding treatment, and window style of the principal unit.

e. Location. The accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure. Detached structures must conform with the setbacks, height restrictions, lot coverage and other applicable zoning regulations required for single-family dwellings in the applicable use zone.

f. Entrances. The primary entrance to the accessory dwelling unit shall be located in such a manner as to be clearly secondary to the main entrance to the principal unit and shall not detract from or alter the single-family character of the principal unit.

g. Parking. There shall be one off-street parking space provided for the accessory dwelling unit.

h. WD I and WD III Zones. Properties located in the WD I and WD III Zones which develop accessory dwelling units must provide public pedestrian access consistent with the regulations contained in KZC 30.15.020 and 30.30.020 for attached or stacked dwelling units.

i. Applicable Codes. The portion of a single-family dwelling in which an accessory dwelling unit is proposed must comply with all standards for health and safety contained in all applicable codes, with the following exception for ceiling height. Space need not meet current Uniform Building Code (UBC) ceiling height requirements if it was legally constructed as habitable space.

j. Permitting

1) Application

a) The property owner shall apply for an accessory dwelling unit permit with the Building Department. The application shall include an affidavit signed by the property owner agreeing to all the general requirements outlined in this section.

In the event that proposed improvements in the accessory dwelling unit do not require a building permit, a registration form for the unit must be completed and submitted to the Planning Department.

b) The registration form as required by the City shall include a property covenant. The covenant must be filed by the property owner with the City for recording with the King County Department of Records and Elections to indicate the presence of the accessory dwelling unit, and reference to other standards outlined in this section. The covenant shall run with the land as long as the accessory dwelling unit is maintained on the property.

c) If an ADU was or is created without being part of a project for which a building permit was or is finaled, an ADU inspection will be required for issuance of an ADU permit. The ADU inspection fee will cover a physical inspection of the ADU. This fee will be waived if the ADU existed on January 1, 1995, and the ADU permit is applied for by December 31, 1995.

2) Eliminating an Accessory Dwelling Unit. Elimination of a registered accessory dwelling unit may be accomplished by the owner filing a certificate with the Planning Department, or may occur as a result of enforcement action.

3) Preexisting Units. That portion of a single-family residence which meets the definition of accessory dwelling unit which existed on January 1, 1995, may be legally established, and not subject to zoning violation fines, if the following requirements are met:

a) An application for an accessory dwelling permit is filed by December 31, 1997;

b) The accessory dwelling unit is determined to meet the requirements of this section, as well as the other code requirements referred to in KZC 115.65(5)(g).

4) Appeals. The decision of the Planning Official in approving or denying a request to construct an accessory dwelling unit may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60 through 145.110.

115.70 Junk and Junk Yards Prohibited

It is a violation of this code to accumulate junk or for a property owner or the person in control of property to allow junk to accumulate on the subject property. In addition, a junk yard is not permitted in the City.

115.75 Land Surface Modification

1. General – The applicant shall comply with this section with respect to all land surface modifications.

2. Nature of Fill Materials – All materials used as fill must be nondissolving and nondecomposing. Fill material must not contain organic or inorganic material that would be detrimental to the water quality, or existing habitat, or create any other significant adverse impacts to the environment.

3. A land surface modification is permitted, only if it:

a. Has been approved as part of a valid development permit, subdivision, or substantial development permit; or

b. Is for cemetery graves; or

c. Is in a right-of-way authorized in writing by the Director of the Department of Public Works; or

d. Is for mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where a permit has been issued by the State of Washington, Department of Natural Resources; or

e. Is for exploratory excavations under the direction of a professional engineer licensed in the state of Washington, as long as the extent of the land surface modification does not exceed the minimum necessary to obtain the desired information; or

f. Is for normal maintenance and repair of the facilities of a common carrier by rail in interstate commerce within its existing right-of-way; or

g. Is for excavations for utility service connections to serve existing and/or new structures; or

h. Is for actions which must be undertaken immediately, or within a time too short to allow full compliance with the permit requirements of subsection (4) of this section, to avoid an imminent threat to public health or safety; to prevent an imminent danger to public or private property; or to prevent an imminent threat of serious environmental degradation. This determination will be made by the Planning Official; or

i. Is for the removal of overhanging vegetation and fire hazards as specified in Chapter 9.12 KMC, and the removal of blackberry vines or dead, dangerous, or diseased trees, when authorized by the Building Official; or

j. Is for placement of fill on land owned or controlled by the City; or

k. Complies with all of the following criteria:

1) The subject property contains a permanent building or an active use; and

2) The land surface modification will not change the points where the storm water or groundwater enters or exits the subject property; and will not change the quality, quantity, or velocity of storm water or groundwater; and

3) The land surface modification is not in a stream, lake, wetland, or required setback therefrom is not on or within 25 feet of a regulated slope; and is not in an area with soft compressible soils; and

4) In any one-year period, not more than five healthy trees defined as significant natural vegetation are removed. If the subject property is larger than one acre, the limit is five trees within each acre. See also Chapter 95 KZC for regulations requiring the retention of significant natural vegetation in some cases; and

5) In any one-year period, not more than 500 cubic yards of fill material is deposited on, excavated and removed from or moved from place to place on the subject property and will not result in more than a two-foot increase or one-foot decrease in average slope. If the subject property is larger than one acre, the limit is 500 cubic yards within each acre; and

6) If the land surface modification is between 100 and 500 cubic yards, the City may require a soils report. If a soils report is required, it shall contain a description of any on- or off-site impacts of the proposed land surface modification on each of the following elements:

a) Slope stability – if the site has an average slope 15 percent or greater;

b) Landslide hazard, sloughing or mud flows;

c) Seismic hazards (based on subclassifications within the Class III risk zone);

d) Erosion hazards;

e) Drainage;

f) Springs or seeps or any other surface water;

g) Groundwater;

h) Flood hazard;

i) Existing vegetation;

The soils report also must contain recommended methods for mitigating identified impacts and a description of how these mitigating measures impact adjacent proper-

ties. The City may require implementation of recommendations in the soils report to mitigate identified impacts.

4. The Planning Official may approve a land surface modification which does not comply with subsection (3) of this section if the land surface modification:

   a. Except as allowed by Chapter 90 KZC, does not alter or adversely affect streams, lakes, wetlands, or significant trees, either on the subject property or on any other property; and

   b. Does not violate any expressed policy of the City; and

   c. Either:

      1) Is proposed to correct an erosion or drainage problem on an undeveloped site; or

      2) Is proposed to create new utility or access corridors; or

      3) The subject property contains a permanent building or an active use and in any one-year period more than 500 cubic yards of fill material is deposited on, excavated and removed from, or moved from place to place on the subject property and will not result in more than a two-foot increase or one-foot decrease in average slope. If the subject property is larger than one acre, the threshold is 500 cubic yards within each acre; or

      4) The subject property contains a permanent building or an active use and is on or within 25 feet of a regulated slope or is within an area of soft compressible soils; or

      5) Is proposed to ensure grading is done to avoid erosion, landslides, or other environmental hazards for a development activity for which a complete building permit application is being processed and a bond for restoration has been submitted. All land surface modification authorized by the Planning Official must be completed no later than October 1st, unless extended by the Building Official. The bond shall be held until all site work associated with the approved building permit is completed.

5. Prior to approving a land surface modification under subsection (4) of this section, the applicant shall submit to the Planning Official:

   a. Survey of the subject property;

   b. Limits of proposed grading;

   c. Tree retention plan;

   d. Utility locations;

   e. Easement and right-of-way improvement locations;

   f. Erosion control/construction phase storm water control plan; and

   g. A soils report which contains all elements described in subsection (3)(k)(6) of this section.

6. In approving the LSM, the Planning Official may require measures to mitigate the impacts of the LSM, including but not limited to the following:

   a. The limit of grading line shall be clearly marked in the field with the installation of a six-foot high temporary chain link fence and signage and flagging of trees to be retained.

b. An erosion control siltation fence shall be erected along required setbacks from streams, wetlands, and steep-sloped areas.

7. Appeals – The decision of the Planning Official in approving or denying a land surface modification may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60 through 145.110.

8. Bonds – The City may require the following bonds, per Chapter 175 KZC:

   a. A performance bond to guarantee that the land surface modification will conform to City standards; and/or

   b. A maintenance bond after the land surface modification is completed.

9. Tree and Plant Restoration

   If any tree required to be retained or planted is damaged or destroyed, the applicant shall plant a tree of the same species at least three to five inches in diameter, if deciduous, as measured one foot above grade or at least 16 feet high, if coniferous, in the immediate vicinity of the damaged or destroyed tree. The City may require the applicant to remove the damaged or destroyed tree.

   In addition, if grading or clearing destroys groundcover or shrubbery, the applicant shall hydroseed the bare soil and plant shrubs at least 24 inches in height in the immediate vicinity of the damaged or destroyed vegetation.

115.80 Legal Building Site

1. General – It is a violation of this code to erect any structure on or to use or occupy any lot or parcel unless that lot or parcel is a legal building site. A lot or parcel is a legal building site if it meets all of the following criteria:

   a. It was created or segregated pursuant to all applicable laws, ordinances and regulation.

   b. Except as specified in subsection (2) of this section, it meets the allowable minimum lot size established by this code.

   c. It is either adjacent to or has a recorded access easement to a street providing access to the lot or parcel, that meets the minimum requirements established under this code.

2. Exception, Detached Dwelling Units – An applicant may build one detached dwelling unit on a lot or parcel regardless of the size of the lot or parcel if:

   a. The applicant applies for necessary permits to construct the unit within five years of the date the lot or parcel is annexed into the City and the lot or parcel was a lawfully created lot under King County subdivision and zoning laws; or

   b. There is or ever has been a residence on the subject property. At any time, the applicant may remodel, rebuild, or enlarge that one residence; provided, that all other Zoning Code requirements are met; or

   c. The lot lines defining the lot or parcel were recorded in the King County Assessors Office prior to May 17, 1972, and the lot or parcel has not simultaneously been owned by the owner of a contiguous lot or parcel which fronts on the same right-of-way subsequent to May 17, 1972.

115.85 Lighting Regulation

1. Efficient Light Sources – The applicant shall utilize energy efficient light sources.

2. State Code – The applicant shall comply with the Washington State Energy Code with respect to the selection and regulation of light sources.

3. Glare from Subject Property Prohibited – The applicant shall select, place and direct light sources both directable and nondirectable so that glare produced by any light source, to the maximum extent possible, does not extend to adjacent properties or to the right-of-way.

115.90 Calculating Lot Coverage

1. General – The area of all structures and pavement and any other impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one use, the maximum lot coverage requirements for the predominant use will apply to the entire development.

2. Exceptions

   a. Wood decks may be excluded if constructed with gaps between the boards and if there is pervious surface below the decks.

   b. An access easement or tract that serves more than one lot that does not abut a right-of-way will not be used in calculating lot coverage for any lot it serves or crosses.

   c. For detached dwelling units in low density zones, 10 feet of the width of a driveway, outside of the required front yard, serving a garage or carport.

      The portion of the driveway excepted from lot coverage calculations shall not exceed 10 percent of the lot area.

   d. Grass grid pavers will be calculated as impervious surface at a ratio of 50 percent of the total area covered.

   e. Outdoor swimming pools.

   f. Pedestrian walkways required by KZC 105.18 and 105.60(4).

115.95 Noise Regulations

1. Maximum Environmental Noise Levels

   a. State Standard Adopted – The City of Kirkland adopts by reference the maximum environmental noise levels established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-60 WAC.

   b. Watercraft Noise Performance Standards – The City of Kirkland adopts by reference the Watercraft Noise Performance Standards established pursuant to the Noise Control Act of 1974, RCW 70.107. See Chapter 173-70 WAC.

   c. Availability – These regulations are available for inspection and copying in the Planning Department during regular business hours.

2. Noise – Public Nuisance – Any noise which injures; endangers the comfort, repose, health or safety of persons; or in any way renders persons insecure in life, or in the use of property, is a violation of this code.

3. Bonds – The City may require a bond under Chapter 175 KZC to insure compliance with the provisions of this section.

115.100 Odor

Any odor which injures; endangers the comfort, repose, health or safety of persons on abutting properties or streets; or in any way renders persons insecure in life, or in the use of abutting properties or streets, is a violation of this code.

115.105 Outdoor Use, Activity and Storage

1. Residential Uses

Uses and activities normally associated with a residential use are allowed unless Chapters 15 through 65 KZC limit outside activity for a residential use in a particular zone. The outdoor storage of firewood may be located within setback yards only if it is stacked immediately adjacent to a structure, fence or comparable visual screen, and if the height does not exceed that structure, fence or comparable visual screen.

2. Commercial and Industrial Nonresidential Uses

a. General – Subject to the requirements of subsections (2)(b) through (f) of this section, the uses and activities that are allowable on a site may be conducted out of doors unless Chapters 15 through 65 KZC limit outside activity for a particular use in a particular zone.

b. Site Plan – The applicant shall submit for approval, to the Department of Planning and Community Development, a site plan drawn to scale consisting of the following items:

1) Locations and dimensions of all structures and fences on site; and

2) Locations and dimensions of all parking and driving areas on site; and

3) Locations and dimensions of all existing and proposed outdoor use, activity or storage areas; and

4) Locations and description of all existing landscape buffering on site; and

5) The duration of time for which the outdoor use, activity or storage is intended.

c. Specific Use and Development Requirements – The City will administratively review and either approve or deny any application for outdoor use, activity and storage based on the following standards:

1) All outdoor use, activity and storage areas must comply with required buffers for the primary use.

2) A minimum six-foot high solid screening fence or other appropriate screening approved by the Department of Planning and Community Development is required around the outside edges of the area devoted to the outdoor use, activity or storage. The fence shall be measured above finished grade except when the outdoor storage abuts a sidewalk, in which case the six feet must be above the sidewalk.

3) Outdoor use, activity or storage areas located adjacent to nonresidential zones may be located in the required side and rear setback yards; except, that all outdoor use, activity and storage areas located adjacent to residential zones, or adjacent to residential uses within nonresidential zones, must meet required setbacks for the primary use.

4) If the outdoor storage area is surrounded on all sides by property zoned for industrial use, then the height of the outdoor storage shall not exceed the height of the primary structure. In all other cases, the height of items related to outdoor use, activity or storage shall not exceed six feet above finished grade.

5) The outdoor use, activity or storage area shall not inhibit the safe vehicular and pedestrian movement to, from and on the subject property in accordance with the requirements of the Zoning Code and standards of the Fire Department, Building Department and the Public Works Department.

6) For the purposes of this code, an outdoor use, activity or storage area will be used in calculating the gross floor area of a use or development if this area will be used as an outdoor use, activity or storage area for at least two months in every year; except, that outdoor cafes may be operated for six months before being used in calculating the gross floor area of the use or development.

7) If located on an unimproved area of the site, the underlying ground must be improved as required by the Department of Public Works and Planning and Community Development, and no trees over six inches in caliper may be cut.

d. Exceptions to Outdoor Use, Activity or Storage – The following outdoor uses and activities, when located in commercial and industrial zones, are exempt from the requirements of this section as stated below:

1) Exceptions to subsections (2)(c)(1) through (5) of this section; provided, that a temporary certificate of occupancy from the Building Department is obtained:

a) Outdoor Christmas tree lots and fireworks stands if these uses will not exceed 30 days.

b) Outdoor amusement rides, carnivals and circuses, and parking lot sales which are ancillary to the indoor sale of the same goods and services if these uses will not exceed seven days.

2) Exceptions to subsections (2)(c)(1) and (2)(c)(2) of this section:

a) That portion of an outdoor use, activity or storage area which abuts another outdoor use, activity or storage area which is located on property zoned for commercial or industrial use.

b) Outdoor use, activity and storage areas which are located adjacent to a fence or structure which is a minimum of six feet above finished grade; and do not extend outward from the fence or structure more than five feet; provided, that the total horizontal dimensions of these areas shall not exceed 50 percent of the length of the facade or fence (see Plate 11).

c) If there is an improved path or sidewalk in front of the outdoor storage area, the outdoor use, activity or storage area may extend beyond five feet if a clearly defined walking path at least three feet in width is maintained and there is ade-

quate pedestrian access to and from the primary use. The total horizontal dimension of these areas shall not exceed 50 percent of the length of the facade of the structure or fence (see Plate 11).

d) Outdoor dining areas. In addition to being exempt from subsections (2)(c)(1) and (2)(c)(2) of this section, table umbrellas may exceed the six-foot height limitation of subsection (2)(c)(4) of this section.

e) That portion of an outdoor display of vehicles for sale or lease which is adjacent to a public right-of-way that is improved for vehicular use; provided, that it meets all of the standards of KZC 105.80(1)(a) and (b). KZC 105.80(2)(a) is not applicable; therefore, the requirements of KZC 105.80(1)(a) and (b) must be met in the CBD for outdoor display of vehicles for sale or lease.

e. Modification – The applicant may request a modification of the requirements of subsections (b) through (d) of this section by submitting a written request with their site plan to the Department of Planning and Community Development for review. The Planning Official may approve a modification if:

1) The modification will not create a greater impact on any nearby residential use than would be created without the modification; and

2) The modification will not detract from the character of nearby uses; and

3) The modification will not be injurious to public health, safety or welfare; and

4) The modification complies with the Comprehensive Plan.

f. Appeals of Outdoor Use, Activity and Storage Modification Requests

1) Who Can Appeal – Any person who is aggrieved by a determination regarding a modification for outdoor use, activity or storage may appeal that determination at any time.

2) How To Appeal – The applicant must file a letter of appeal indicating how the determination affects his/her property and present any relevant arguments or information on the correctness of the determination. The applicant shall include the appeals fee as established by ordinance.

3) Applicable Procedures – All appeals and determinations of this chapter will be reviewed and decided upon using Process IIA described in Chapter 150 KZC.

115.110 Radiation

Ionizing radiation is defined and regulated by the state of Washington pursuant to Chapter 70.98 RCW. Any complaint, inquiry, or violation regarding ionizing radiation within the City of Kirkland will be referred to the Department of Social and Health Services.

115.115 Required Yards

1. General – This section establishes what structures, improvements, and activities may be in or take place in required yards as established for each use in each zone in Chapters 15 through 65 KZC.

2. Exceptions and Limitations in Some Zones – Chapters 15 through 65 KZC contain specific regulations regarding what may be in or take place in required yards. Where applicable, those specific regulations supersede the provisions of this section.

3. Structures and Improvements – No improvement or structure may be in a required yard except as follows:

   a. A driveway and/or parking area subject to the standards of KZC 115.115(5)(a) and 115.115(5)(b).

   b. Any improvement or structure, other than a driveway and/or parking area, that is not more than four inches above finished grade may be anywhere in a required setback yard. A bridge is allowed anywhere in a required setback yard regardless of its height above finished grade.

   c. An improvement or structure that is not more than 18 inches above finished grade may extend not more than five feet into a required yard.

   d. Chimneys, bay windows, greenhouse windows, eaves, cornices, awnings, and similar elements of a structure that customarily extend beyond the exterior walls of a structure may extend up to 18 inches into any required yard. Eaves on bay windows may extend an additional 18 inches beyond the bay window. The total horizontal dimension of the elements that extend into a required yard, excluding eaves and cornices, may not exceed 25 percent of the length of the facade of the structure. See Plate 10.

   e. Minor improvements such as garden sculpture, light fixtures, trellises and similar decorative structures may be located in required yards if it is determined by the Planning Official that they will no have any substantial detrimental effect on abutting properties or the City as a whole.

   f. Fences and railings may be located in required yards subject to the fence regulations contained within this chapter.

   g. Rockeries and Retaining Walls

      1) Rockeries and retaining walls may be a maximum of four feet high in a required yard.

         The Planning Official may approve a modification to that height limit if it is necessary because of the size, configuration, topography or location of the subject property, and either:

         a) The design of the rockery or retaining wall includes terraces deep enough to incorporate vegetation, or other techniques that reduce the visual mass of the wall; or

         b) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

      2) The combined height of fences and retaining walls within five feet of each other in a required yard may be a maximum of six feet.

         a) An open guard railing is required by the Building Code and the height of the guard railing does not exceed the minimum required; or

         b) The modification is necessary because of the size, configuration, topography or location of the subject property, and either:

i. The design of the rockery or retaining wall includes terraces deep enough to incorporate vegetation or other techniques that reduce the visual mass of the wall, and the fence is designed to be no more than 50 percent solid; or

ii. The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

h. Improvements associated with shoreline public use and access areas may be located in any required yard. The landward end of a pier may be located in the high waterline yard.

i. See subsection (5) of this section for regulations on parking areas.

j. Those structures and improvements permitted in required yards by KZC 115.105.

k. Signs may be located in required yards subject to KZC 100.75 and 115.135.

l. Covered walkways in commercial, office, and industrial zones may be permitted in required yards. Covered walkways may be no more than eight feet wide and 10 feet tall and may not be enclosed along the sides.

m. In low density residential zones, the applicant may request a modification to locate a storage shed in a required yard, except a required front yard. The Planning Official may approve a modification if:

1) The proposed structure is no more than eight feet tall; and

2) The maximum length of the side of the proposed structure parallel to the affected property line(s) shall not exceed 10 feet. The structure shall not exceed 120 square feet in total area; and

3) No reasonable alternative location may be found due to special circumstances regarding the size, shape, topography, or location of the subject property or the location of legal or legally nonconforming preexisting improvements of the subject property; and

4) The modification will not create a significant negative impact on the character of nearby residential properties.

If approved, the Planning Official may require the storage shed to be screened by a solid fence or dense vegetation.

The decision of the Planning Official in approving or denying a modification for a storage shed may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60 through 145.110.

n. In low density residential zones, covered entry porches on detached dwelling units may be located within 13 feet of the front property line, if:

1) The porch is covered and no higher than one story;

2) Three sides of the porch are open;

3) The porch roof form is architecturally compatible with the roof form of the main house;

4) No deck, balcony, or living area is permitted on the roof of the porch within the required front yard;

5) Allowed exceptions to the above criteria are:

a) Solid walls or railings may extend up to 42 inches above the porch floor;

b) Eaves on the porch roof may extend an additional 18 inches into the required front yard;

c) Stairs may extend an additional five feet into the required front yard.

This subsection (KZC 115.115(3)(n)) is not effective within the disapproval jurisdiction of the Houghton Community Council.

o. In low density residential zones:

1) Detached garages utilizing an alley for their primary vehicular access may be located within five feet of the rear property line, if:

a) Garage doors will not extent over the property line when open; and

b) The garage complies with KZC 115.135, which regulates sight distance at intersections.

2) Detached garages utilizing an alley for their primary vehicular access may extend to the rear property line, if:

a) The lot is 50 feet wide at the rear property line on the alley;

b) The garage has side access with garage doors that are perpendicular to the alley;

c) The garage eaves do not extend over the property line; and

d) The garage complies with KZC 115.135, which regulates sight distance at intersections.

3) One story garages without alley access may be located within five feet of the rear property line.

4. Outdoor Uses, Activities and Storage – For regulations on outdoor uses, activities and storage, see KZC 115.105.

5. Driveways and Parking Areas – Driveways and parking areas are not allowed in required yards except as follows:

a. Detached Dwelling Units

1) General – Vehicles may be parked in the required front, rear and north property line yards if parked on a driveway and/or parking area. For the purpose of this section, vehicles are limited to those devices or contrivances which can carry or convey persons or objects and which are equipped as required by federal or state law for operation on public roads. A driveway and/or parking area shall not exceed 20 feet in width in any required front yard, and shall not be closer than five feet to any side property line (see Plate 14).

2) Exception – Driveways and/or parking areas may exceed 20 feet in width if:

a) The driveway/parking area serves a three-car garage.

b) The subject property is at least 60 feet in width.

c) The garage is located no more than 40 feet from the front property line.

d) The driveway/parking area flares from 20 feet at the property line to a maximum of 30 feet in width.

3) The Planning Official may approve a modification to the driveway and/or setback requirements in KZC 115.115(a)(1) if:

a) The existing topography of the subject property or the abutting property decreases or eliminates the need for the setback; or

b) The location of pre-existing improvements or vegetation on the abutting site eliminates the need for or benefit of a setback; and

c) The modification will not have any substantial detrimental effect on abutting properties or the City as a whole.

b. Attached and Stacked Dwelling Units and Assisted Living Facilities in Residential Zones

1) Vehicle parking areas shall have a minimum 20-foot setback from all front property lines and meet the minimum required setbacks from all other property lines for that use. Vehicle parking areas for schools and day care centers greater than 12 students shall have a minimum 20-foot setback from all property lines.

2) Driveways shall have a minimum five-foot setback from all property lines, except for the portion of any driveway which connects with an adjacent street.

c. Other Uses – Parking areas and driveways for uses other than those addressed in subsections (5)(a) and (b) of this section may be located within required setback yards, but, except for the portion of any driveway which connects with an adjacent street, not closer than five feet to any property line.

d. Shared Parking and Shared Driveways – If a parking area or driveway serves two adjacent uses, the shared parking area or driveway may be anywhere in the required setback yard between the uses.

115.120 Rooftop Appurtenances – Required Screening

1. Except as noted in subsection (3) of this section, vents, mechanical penthouses, elevator equipment and similar appurtenances that extend above the roofline must be surrounded by a solid sight-obscuring screen.

2. The Planning Official will review the proposed screen for compliance with the following criteria:

a. The screen must be integrated into the architecture of the building; and

b. The screen must obscure the view of the appurtenance from adjacent rights-of-way and properties.

3. Exemptions

a. Rod, wire, and dish antennas approved pursuant to KZC 115.60(2) are exempt from the requirements of this section where screening would interfere with the effective operation of these antennas.

b) A painted appurtenance is exempt from the requirements of this section only if the Planning Official determines that painting will be as effective in minimizing rooftop clutter as a solid structural screen.

115.125 Rounding of Fractions of Dwelling Units

In many zones, the number of dwelling units allowed on the subject property is determined by dividing the lot size by the number of square feet this code requires per unit. When this results in a fraction, the number of permitted dwelling units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.66.

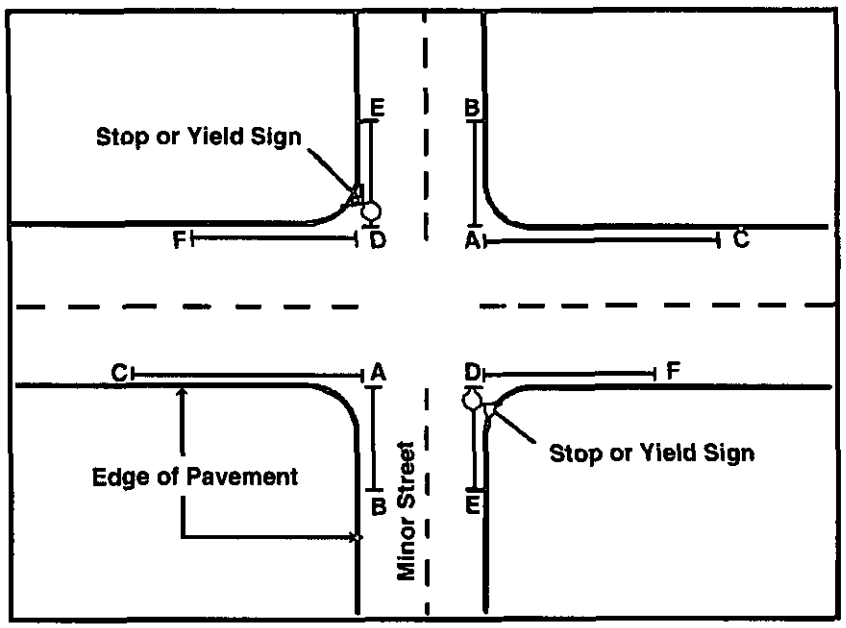
115.135 Sight Distance at Intersections

1. General – This section establishes that areas around all intersections, including the entrance of driveways onto streets, must be kept clear of sight obstruction. The extent of these areas depends on a number of factors. Listed in subsection (2) of this section are a number of types of intersections and the regulations applicable to each. Subsection (3) of this section establishes what may be in the area that is to be kept clear of sight obstructions.

2. Intersections by Type

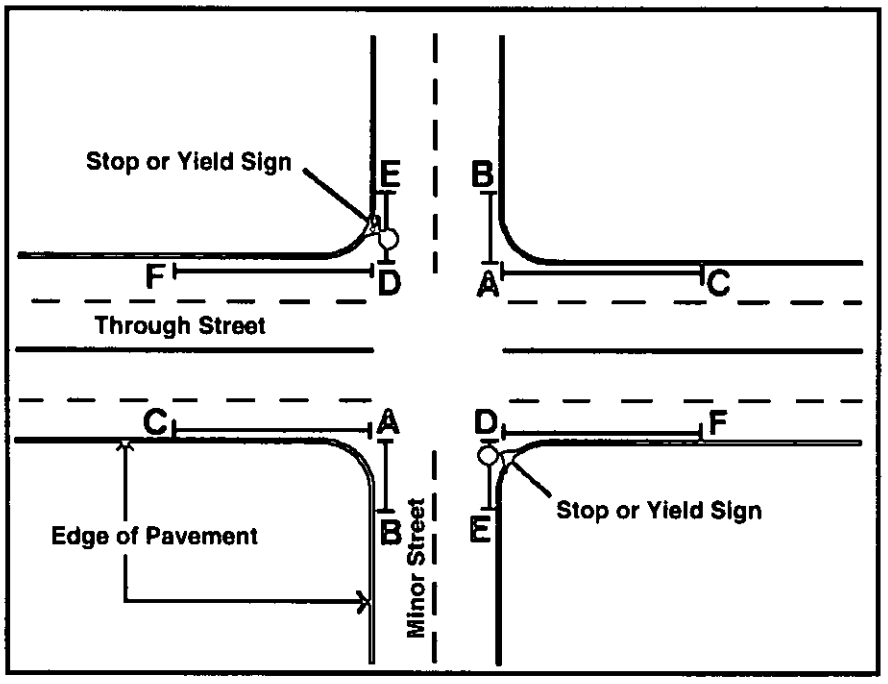
a. Type "A" Intersection – A type "A" intersection is one in which two streets converge in any configuration where one of these streets is controlled with either a stop or yield sign (the minor street) and the other street is not controlled by a stop or yield sign or other control device (the through street). The object at type "A" intersection is to allow traffic at the stop sign or approaching the yield sign on the minor street to see approaching traffic on the through street and to allow traffic on the through street to see approaching traffic on the minor street.

The dimensions of the area that must be clear of sight obstructions depends on whether the minor street is controlled by a stop or yield sign, the posted speed on the through street, and the number of through traffic lanes on the side of the through street closest to the minor street. The area that must be kept clear is in the shape of a triangle at each corner of the intersection. Below are two diagrams and tables that will establish the length of two sides of the triangle. Connecting the end points of these two sides establishes the area to be kept clear of sight obstruction. Note that the two sides of the triangle shown on the diagrams below are measured along the pavement edge.



TYPE "A" INTERSECTION:
1 Approaching Traffic Lane on Through Street

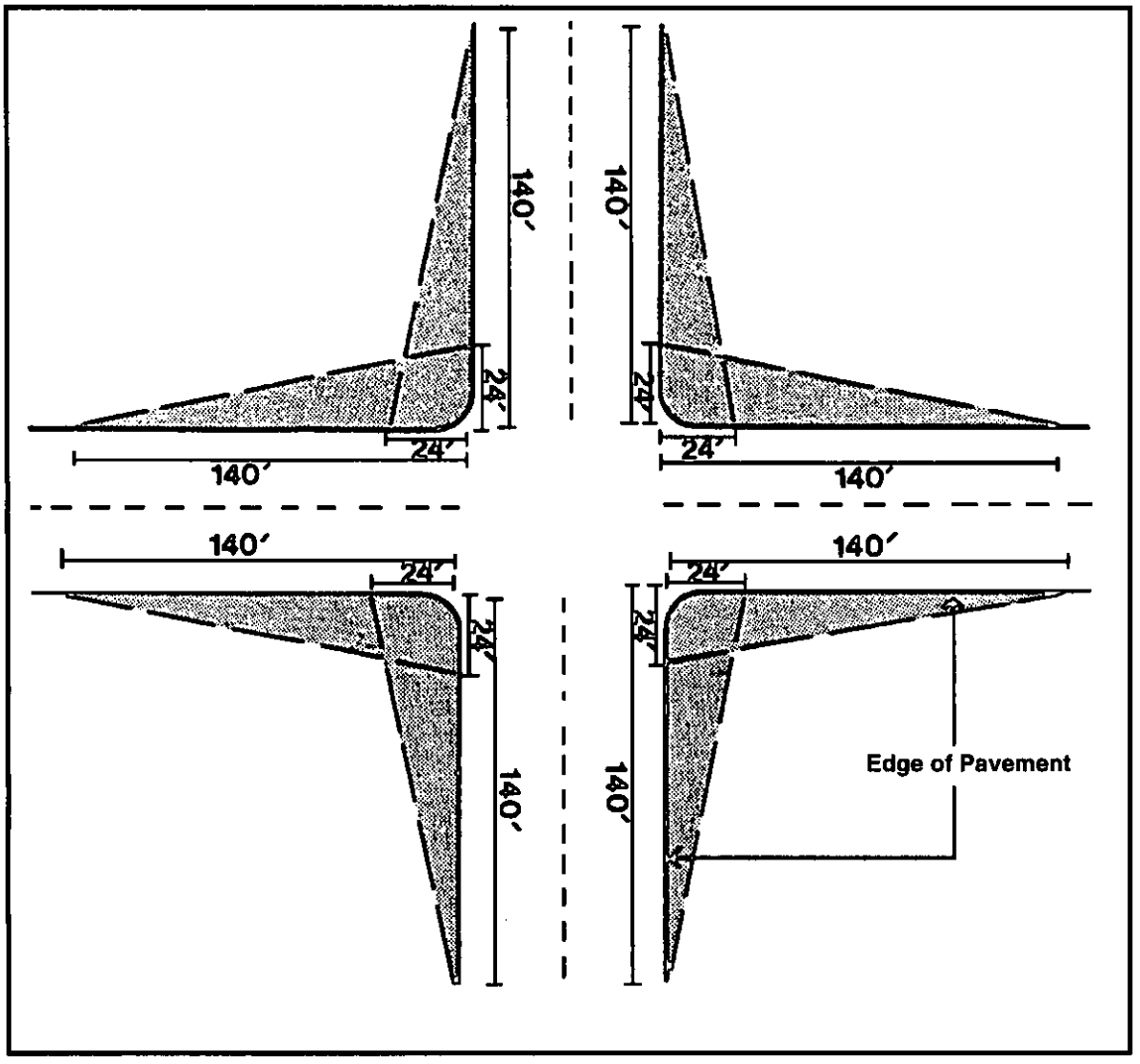
⇩ TYPE OF SIGN CONTROLLING INTERSECTION	POSTED SPEED OF THROUGH STREET	LENGTH OF SIDE IN FEET			
		SIDES			
		A – B	A – C	D – E	D – F
Minor Street Controlled by Stop Sign	Unposted or 20 – 25 MPH	13′	175′	14′	105′
	30 MPH	14′	200′	14′	130′
	35 MPH	14′	250′	14′	160′
	40 MPH	14′	275′	14′	180′
Minor Street Controlled by Yield Sign	Unposted or 20 – 25 MPH	24′	190′	24′	140′
	30 MPH	24′	230′	24′	170′
	35 MPH	24′	280′	24′	205′
	40 MPH	24′	320′	24′	240′



TYPE "A" INTERSECTION:
2 Approaching Traffic Lanes on Through Street

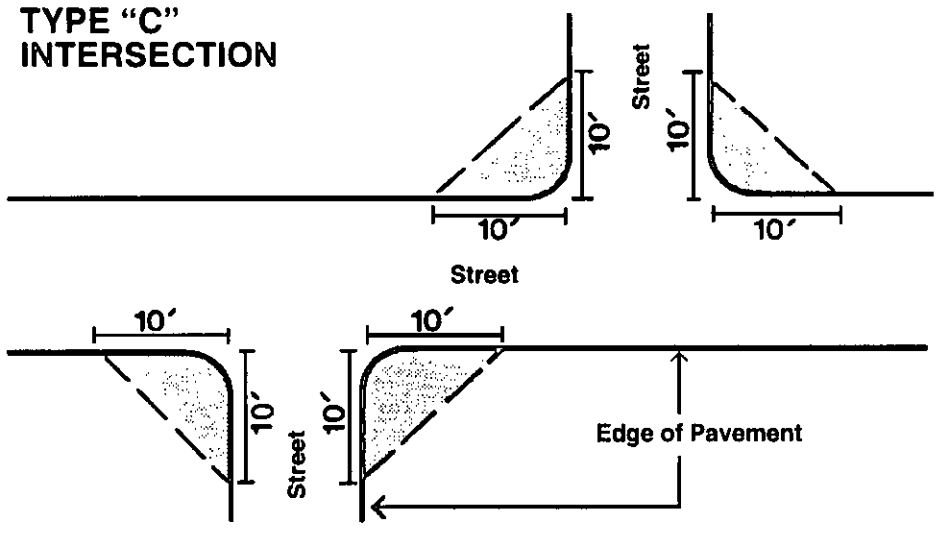
⇩ TYPE OF SIGN CONTROLLING INTERSECTION	POSTED SPEED OF THROUGH STREET	LENGTH OF SIDE IN FEET			
		SIDES			
		A – B	A – C	D – E	D – F
Minor Street Controlled by Stop Sign	Unposted or 20 – 25 MPH	13′	175′	14′	75′
	30 MPH	14′	200′	14′	90′
	35 MPH	14′	250′	14′	110′
	40 MPH	14′	275′	14′	125′
Minor Street Controlled by Yield Sign	Unposted or 20 – 25 MPH	24′	190′	24′	105′
	30 MPH	24′	230′	24′	130′
	35 MPH	24′	280′	24′	130′
	40 MPH	24′	320′	24′	180′

b. Type "B" Intersection – A type "B" intersection is one in which two streets cross and neither is controlled by a stop or yield sign or other control device. The object at these intersections is to allow traffic on both streets to see approaching traffic. The areas that must be clear of sight obstruction is in the shape of two partially overlapping triangles at each corner of the intersection. One side of each triangle is 24 feet long measured along the pavement edge. The second side is 140 feet long measured along the pavement edge. Connecting the end points of these sides will define the area that must be clear of sight obstruction. See the following diagram.

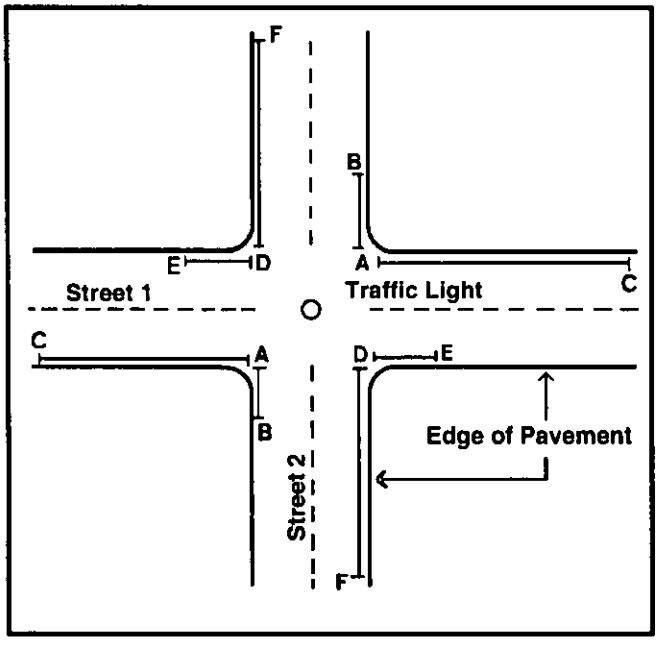


TYPE "B" INTERSECTION

c. Type "C" Intersection – A type "C" intersection is one in which two streets converge in any configuration and both streets are controlled by stop signs. The object at these intersections is to allow traffic stopped at the stop sign to see traffic stopped at the stop signs in every approaching traffic lane. The areas that must be clear of sight obstructions are in the shape of triangles, one at each corner of the intersection. Two sides of each triangle are 10 feet long each as measured along the edge of the pavement. Connecting the ends of these two sides defines the area that must be clear of sight obstructions. See the diagram below.



d. Type "D" Intersection – A type "D" intersection is one in which all streets are controlled by a traffic light. The object at these intersections is to allow traffic that could turn on a red light to see approaching traffic and to allow traffic with a green light to see traffic that could turn on a red light. The areas that must be kept clear of sight obstructions are in the shape of a triangle, one at each corner of the intersection. The dimensions of these areas depend on the speed of the two streets. Below is a diagram and table that will establish the length of two sides of these triangles. Connecting the end points of these two sides will establish the area that must be kept clear of sight obstructions at each corner of the intersection. Note that the two sides of the triangle shown on the diagram below are measured along the pavement edge.

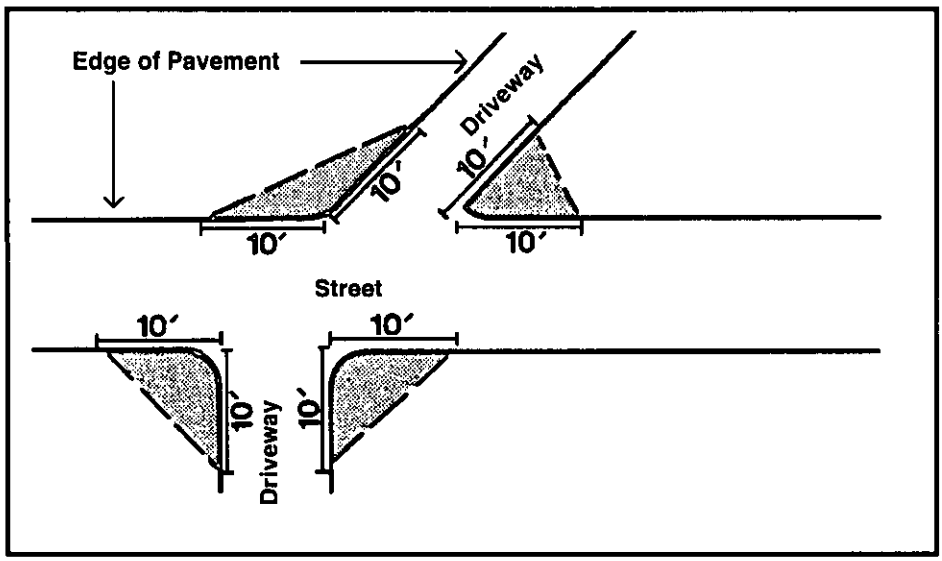


TYPE "D" INTERSECTION

⇩ INTERSECTING STREETS	POSTED SPEED OF THROUGH STREET	LENGTH OF SIDE IN FEET	
		SIDES	
		A – B and D – E	A – C and D – F
Street No. 1	Unposted or 20 – 25 MPH	13′	175′
	30 MPH	14′	200′
	35 MPH	14′	250′
	40 MPH	14′	275′
Street No. 2	Unposted or 20 – 25 MPH	13′	175′
	30 MPH	14′	200′
	35 MPH	14′	250′
	40 MPH	14′	275′

e. Type "E" Intersections – A type "E" intersection is an intersection in which a driveway or access driveway serving any use other than residential use enters a street. The object at these intersections is to allow traffic coming out of the driveway or vehicular access easement or tract to see approaching traffic. These intersections are regulated as Type "A" intersections as if the driveway or vehicular access easement or tract is the minor street controlled with a stop sign and the street is the through street.

f. Type "F" Intersection – A type "F" intersection is an intersection in which a driveway or vehicular access easement or tract serving exclusively residential uses enters a street. The object at these intersections is to allow traffic coming out of the driveway or vehicular access easement or tract to see approaching traffic. The areas that must be clear of sight obstructions are the areas enclosed within triangles, one at each corner of the intersection. Two sides of each triangle area are 10 feet long each as measured along the pavement edge. Connecting the ends of these two sides defines the area that must be clear of sight obstruction. See the diagram below.



TYPE "F" INTERSECTION

g. One-Way Streets and Streets with Median Barriers – The provisions of this section are written to apply to streets with two-way traffic and without a median barrier. The Public Works Director may modify the requirements of this section to fulfill the purpose of these regulations for intersections including a one-way street or a street with a median barrier.

h. Intersections Not Specifically Regulated – The Public Works Director shall establish the area that must be clear of sight obstructions on a case-by-case basis for intersections containing more than two streets and for other intersections that are not specifically regulated in subsections (2)(a) through (f) of this section.

3. Permissible Intrusion in the Area To Be Kept Clear of Sight Obstruction

a. General – Except as stated in subsection (3)(b) of this section or unless specifically approved by the Public Works Director, no structure, improvement, vegetation or other thing may be within the area to be kept clear of sight obstructions between three feet and eight feet above the elevations of the pavement edge of each intersecting street, driveway, or vehicular access easement or tract where that street, driveway or vehicular access easement or tract meets the points of the triangle that form this area furthest away from the intersection.

b. Exceptions – The following are permitted to be within the area that must be clear of sight obstructions:

Natural and fabricated objects and natural topography of the ground if the Public Works Director determines that adequate visual access is available. However, to fulfill the intent of this section, the Public Works Director may require land surface modification as part of any development activity on the subject property.

115.140 Temporary Trailers for Construction and Real Estate Sales Offices

Temporary trailers or buildings used for construction offices and real estate sales offices normally associated with construction of a building or development are permitted. The temporary trailers or buildings must be removed from site prior to issuance of a certificate of occupancy for the building or use.

In addition, during construction of a commercial building, temporary trailers may also be used for any commercial uses which will be housed in the buildings being constructed, subject to the following conditions:

1. The site must have an active building permit at all times that the trailer is used;

2. When the building permit is initially granted, a maximum time period for using the trailer will be established. The time period will reflect the expected duration of construction, assuming a normal and constant construction schedule. Other conditions may also be established on a case-by-case basis as necessary to mitigate impacts.

3. Sufficient temporary parking shall be provided, based on the gross floor area of the trailer.

115.142 Transit Shelters, Public

Public transit shelters are allowed in all zones. Shelter height shall not exceed 15 feet above average building elevation, and the use must not unreasonably impede pedestrian movement or create traffic safety problems. Transit route and information signs and markers may be installed. One hundred percent lot coverage is allowed. There are no specific requirements for review process, minimum lot size, minimum required yards, landscaping, or parking for this use.

115.145 Trees – Certain Species Prohibited

The following types of trees may not be planted closer than the listed minimum planting distance to streets or sewers:

Trees	Minimum Planting Distance
1. Ailathus Altisinia (Tree of Heaven)	25'
2. Catalpa	25'
3. Cottonwood	40'
4. Juglamus Nigra (Black Walnut)	25'
5. Platanus (Plane, Sycamore)	40'
6. Populus (Poplars)	40'
7. Salix (Willows)	25'
8. Tilia Americana (Basswood)	25'
9. Ulmus (Elm)	40'

Any person violating this provision is responsible for any damage caused by the tree or trees.

115.150 Vehicles – Size in Residential Zones Limited

1. General – Except as specified below, it is a violation of this code to park or store any vehicle on any lot in a residential zone if that vehicle is both more than nine feet in height and 22 feet

in length, including bumpers and any other elements that are required by federal or state law for the operation of the vehicle on public roads.

2. Exceptions

a. A vehicle of any size may be parked on any lot in the City for not more than 48 hours for the exclusive purpose of loading or unloading the vehicle.

b. The City may, using Process IIA, described in Chapter 150 KZC, approve a request to park or store a vehicle of any size on a lot in a residential zone if:

1) The parking or storage of the vehicle will not be detrimental to the character of the neighborhood; and

2) The property abutting the subject property will not be impacted by the parking or storage; and

3) The placement of the vehicle will not create a potential fire hazard; and

4) The parking or storage is clearly accessory to a residential use on the subject property and the vehicle is operated by a resident of the subject property.

The City may impose screening requirements, limit the hours of operation of the vehicle, and impose other restrictions to eliminate adverse impacts of the parking or storage.

Chapter 117 – PERSONAL WIRELESS SERVICE FACILITIES

Sections:

117.05 Definitions
117.10 Policy Statement
117.15 New and Existing Facilities
117.20 Priority of Locations
117.25 Co-Location
117.30 Design Standards
117.35 Landscaping/Buffering
117.40 Non-Use/Abandonment
117.45 Application Requirements
117.50 Third Party Review
117.55 Permit Requirement
117.60 Violations and City Remedies
117.65 Other Wireless Communications Facilities
117.70 Modifications
117.75 Appeals
117.80 Conflict

117.05 Definitions

For the purpose of this chapter, the following terms shall have the meaning ascribed to them below:

1. "Antenna" shall mean any exterior apparatus designed for telephonic, radio, data, Internet or other communications through the sending and/or receiving of radio frequency signals including, but not limited to, equipment attached to a tower, pole, light standard, building or other structure for the purpose of providing personal wireless services and its attendant base station. Types of antennas include:

   a. An "omni-directional antenna" receives and transmits radio frequency signals in a 360-degree radial pattern. For the purposes of this chapter, a "whip antenna" is an omni-directional antenna that is up to 15 feet in height and up to four inches in diameter.

   b. A "directional or panel antenna" receives and transmits radio frequency signals in a specific directional pattern of less than 360 degrees.

2. "Antenna height" shall mean the vertical distance measured from average building elevation to the highest point of the antenna, or if on a rooftop or other structure, from the top of the roof or structure to the highest point of the antenna. Measurement of antenna height shall include the base pad, support structure, antenna, lightning rods, and other appurtenances.

3. "Cell site" shall mean a tract or parcel of land or building that contains the personal wireless service facilities including any antenna, antenna support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless services.

4. "Co-location" shall mean the use of a common personal wireless service facility or tower by two or more personal wireless service providers or by one personal wireless service provider for more than one type of communication technology.

5. "Equipment structure" shall mean a facility, shelter, cabinet or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include, for example, air conditioning, backup power supplies and emergency generators.

6. "Existing structure" shall mean, but is not limited to, a building, electrical transmission tower, flagpole, light standard, utility pole, water tank, and accessory structures thereto.

7. "FAA" shall mean the Federal Aviation Administration.

8. "FCC" shall mean the Federal Communications Commission.

9. "Nonresidential" or "nonresidential zone" shall mean (1) all portions of the City in an area not zoned residential as defined in this chapter or (2) I-405 right-of-way.

10. "Personal wireless services" and "personal wireless service facilities," as used in this chapter, shall be defined in the same manner as in Title 47, United States Code, Section 332(c)(7)(C), as they may be amended now or in the future.

11. "Residential" shall mean portions of the City in the following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RS 7.2; RSX 7.2; RS 5.0; RSX 5.0; RM 5.0; RM 3.6; RM 2.4; RM 1.8; WD I; WD II; WD III; PLA 1; PLA 2; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15B; PLA 16 and P.

12. "Tower" shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including any antenna support structure, self-supporting lattice towers or monopole towers, and does not include utility poles.

117.10 Policy Statement

The City has received requests to site towers and antennas. The purpose of this chapter is to provide specific regulations for the placement, construction, modification and removal of personal wireless service facilities. Pursuant to the guidelines of Section 704 of the Federal Telecommunications Act of 1996, 47 USC Section 332(c)(7), the provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this chapter be applied in such a manner as to unreasonably discriminate among providers of functionally equivalent personal wireless services. The goals of this chapter are to: (i) encourage the location of towers in nonresidential areas and to minimize the total number of tall towers throughout the City, (ii) encourage the joint use of existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the impact on the City is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the visual impact of the towers and antennas, (v) strongly encourage the providers of personal wireless services to use concealment technology, (vi) provide standards for the siting of personal wireless service facilities and other wireless communications facilities (such as television and AM/FM radio towers), and (vii) facilitate the ability of the providers of personal wireless services to provide such services throughout the City quickly, effectively and efficiently. Accordingly, the City Council finds that the promulgation of this chapter is warranted and necessary:

1. To manage the location of towers and antennas in the City;

2. To protect residential areas and other land uses from potential adverse impacts of towers and antennas;

3. To minimize visual impacts of towers and antennas through careful design, siting, landscaping, screening, innovative camouflaging techniques and concealment technology;

4. To accommodate the growing need for towers and antennas;

5. To promote and encourage shared use and co-location on existing towers as a desirable option rather than construction of additional single-use towers; and

6. To avoid potential damage to adjacent properties through engineering and proper siting of personal wireless service facilities.

117.15 New and Existing Facilities

1. New Facilities – All new personal wireless service facilities, including without limitation antennas and towers, and replacement of personal wireless service antennas and towers, shall comply with this chapter unless the applicant had a vested application to site a personal wireless service facility under a prior version of this code.

2. Existing Facilities – All personal wireless service facilities, including without limitation antennas and towers, shall be allowed to continue their usage as they presently exist as of the effective date of this chapter. Routine maintenance and reconfiguration of antennas shall be permitted on such existing antennas and towers. However, any reconfiguration that increases antenna height shall be treated like a new facility.

117.20 Priority of Locations

1. An application to site a personal wireless service facility shall be subject to the criteria contained in the table below. Only when the application does not meet a criteria shall the next group of criteria be considered. The hierarchy of criteria is divided into three separate approval processes: administrative decision, Process I permit and Process IIB permit. The order of criteria for locating personal wireless service facilities shall be as follows:

a. Administrative Decision	1) Co-location of antennas on personal wireless service towers in nonresidential zones. 2) Attachment of antennas to existing structures in nonresidential zones: • whip antennas may exceed the structure height by a maximum of 15 feet, and other omni-directional antennas may exceed the structure height by a maximum of 10 feet; • otherwise, facilities may be mounted on one or more building facades or on one or more sides of a mechanical equipment enclosure; and • all appurtenances and screening (including personal wireless service facilities) may not exceed 5% of the total roof area of a building and/or 5% of any facade of a building. 3) Equipment structures may not exceed 500 cubic feet with a 5-foot height limit in residential zones. 4) Antennas may be attached to ball field light standards, electrical transmission towers, water tanks or existing utility poles in residential zones. Whip antennas may exceed the structure height by a maximum of 15 feet and other antennas may exceed the structure height by a maximum of 10 feet.
b. Process I Permit	1) New personal wireless service towers and associated equipment in nonresidential zones: • located at least a distance equal to 100% of antenna height from any property line adjacent to or across the street from a residential use or residential zone; • antenna height is a maximum of 40 feet. 2) Attachment of antennas to existing structures in nonresidential zones: • whip antennas may exceed the structure height by a maximum of 15 feet, and other omni-directional antennas may exceed the structure height by a maximum of 10 feet; • otherwise, facilities may be mounted on one or more building facades or on one or more sides of a mechanical equipment enclosure; and • all appurtenances and screening (including personal wireless service facilities) may not exceed 10% of the total roof area of a building and/or 10% of any facade of a building.

c.	Process IIB Permit	1) Any personal wireless service facility that is unable to meet the preceding priority of locational criteria for an administrative decision or Process I permit; see also KZC 117.70.

2. Further Process IIB Permit Requirements – An applicant for a new facility to be located in a residential zone shall demonstrate that a diligent effort has been made to locate the proposed facility in a nonresidential zone, and that due to valid considerations including physical constraints, or technological feasibility, no other location is available. The personal wireless services provider is required to demonstrate that it contacted the landowners or owners of structures in excess of 30 feet within a one-quarter mile radius of the site proposed, asked for permission to build the personal wireless service tower or install the antenna on an existing structure, and was denied. The information submitted by the applicant shall include a map of the area to be served by the facility, its relationship to other sites in the applicant's network, and an evaluation of existing available land, and buildings and structures taller than 30 feet within one-quarter mile of the proposed site.

117.25 Co-Location

To minimize potential adverse visual impacts associated with towers, co-location of antennas by more than one provider on personal wireless service towers shall take precedence over the construction of new personal wireless service towers. Providers are encouraged, by the opportunity for expedited review as provided in this chapter, to co-locate antennas onto personal wireless service towers. Unless the applicant has shown by substantial evidence that it has made a good faith effort to mount the antenna on an existing personal wireless service tower, the City may deny the application to construct a new personal wireless service tower.

117.30 Design Standards

1. The location and design of sites in the City shall consider the visual and physical impact of the site on the surrounding neighborhood.

2. Facilities shall be architecturally compatible with the surrounding buildings and land uses or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the maximum extent practical.

3. Concealment Technology – Concealment technology applies to all personal wireless service facilities, including, without limitation, antennas, towers and equipment structures. For any facility, "concealment technology" means the use of both existing and future technology through which a personal wireless service facility is designed to resemble an object which is already present in the local environment, such as a tree, streetlight, or traffic signal. It also includes:

   a. For personal wireless service towers:

      If within existing trees, "concealment technology" means that the tower is to be painted a dark color, is made of wood or metal, and that a greenbelt easement is required to ensure permanent retention of the surrounding trees.

      "Concealment technology" for towers in a more open setting means that they must have a backdrop (for example, but not limited to, trees, a hillside, or a structure) on at least two sides, be a compatible color with the backdrop, be made of compatible materials with the backdrop, and that architectural or landscape screening be provided for the other two sides. If existing trees are the backdrop, then a greenbelt easement is required to ensure permanent retention of the surrounding trees.

In all cases where a greenbelt easement is required, it shall be the minimum necessary to provide screening and may be removed at the landowner's request in the event the facility is removed.

Antennas shall be integrated into the design of any personal wireless service tower to which they are attached. External projections from the tower shall be limited to the greatest extent technically feasible.

b. For rooftop antennas or antennas mounted on other structures:

For omni-directional antennas 15 feet or less above the roof, "concealment technology" means use of a color compatible with the roof, structure or background.

For other antennas, "concealment technology" means use of compatible colors and architectural screening or other techniques approved by the City.

Antennas shall be integrated into the design of any existing structure or support structure to which they are attached. External projections from the existing structure or support structure shall be limited to the greatest extent technically feasible.

c. For antennas mounted on one or more building facades:

"Concealment technology" means use of color and materials such that the facility has architectural compatibility with the building. It shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted.

d. For equipment structures:

"Concealment technology" means locating within a building, or if on top of a building, with architecturally compatible screening. An underground location, or above ground with a solid fence and landscaping, is also considered concealment technology.

4. Setbacks – Ground-mounted personal wireless service facilities shall be located at least a distance equal to 100 percent of antenna height from any property line adjacent to or across the street from a residential use or residential zone; and a minimum of 10 feet from any property line adjacent to or across the street from all other uses or zones.

5. Views – Personal wireless service facilities, including towers, must be located and oriented in such a way as to minimize view blockage.

6. Lights, Signals and Signs – No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA.

7. Equipment Structures – The standards for equipment structures are as follows:

a. Equipment structures shall be designed to be compatible with the surrounding area in which they are located. For example, in a residential area, a sloped roof or wood siding may be required.

b. Gross floor area shall be the minimum necessary but not greater than 240 square feet per provider. Maximum height is 10 feet above average building elevation.

c. Equipment structures shall be oriented so that exhaust ports or outlets are pointed away from properties which may be impacted by noise. Equipment shall comply with noise reg-

ulations in KZC 115.95. The City may require an assessment of noise after operation begins and remediation if the noise levels created are not within the prescribed limits. Cumulative noise impacts will be measured in cases where there is more than one equipment structure.

8. Federal Requirements – All towers and antennas must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations in accordance with the compliance deadlines and requirements of such standards and regulations. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Additionally, if, upon inspection, the City concludes that a tower fails to comply with such regulations and standards and constitutes a danger to persons or property, then, upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards and regulations. If the owner fails to bring such tower into compliance within said 30 days, the City may remove such tower at the owner's expense.

9. Tower and Antenna Height – The applicant shall demonstrate that the tower and antenna are the minimum height required to function satisfactorily. Personal wireless service towers shall not exceed 40 feet in residential zones.

10. Antennas and equipment structures on or above a structure shall be subject to the following criteria:

    a. Antenna and equipment structure height is measured above the top of the roof, not the parapet.

    b. Only omni-directional antennas may be roof-mounted. No panel or directional antennas may be mounted on roofs.

    c. All roof-mounted antennas must be set back from the edge of the roof a distance equal to 100 percent of antenna height.

    d. Roof-mounted antennas and equipment structures shall be incorporated into the pitched or stepped roof form, and not appear as a separate penthouse or box.

    e. Roof-mounted antennas shall be consolidated and centered in the roof to the maximum extent feasible rather than scattered.

    f. Antennas may be attached to an existing conforming mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than the enclosure.

    g. In no instance shall equipment structures, antenna and related equipment occupy more than 25 percent of the total roof area of a building.

    h. No antennas shall be permitted on property designated as a historic resource or community landmark as identified in the Comprehensive Plan, unless such antennas have been approved in accordance with design requirements pertaining to historic structures.

    i. No antennas shall cause localized interference with the transmission or reception of any other communications signals including, but not limited to, public safety signals, and television and radio broadcast signals.

j. No guy or other support wires shall be used in connection with antennas, antenna arrays or support structures except when required by the UBC to anchor the antennas, antenna arrays or support structures.

117.35 Landscaping/Buffering

1. General – Landscaping, as described herein, shall be required to screen as much of the new personal wireless service tower as possible, the fence surrounding both the tower and any other ground level features (such as an equipment structure), and in general soften the appearance of the site. The City may require any other form of concealment technology if it achieves the same degree of screening as the required landscaping. The effectiveness of visual mitigation techniques must be evaluated by the City, in the City's discretion, taking into consideration the site as built. If the antenna is mounted on an existing building, and the equipment structure is housed inside the building, landscaping shall not be required.

2. Existing Vegetation – Existing vegetation shall be preserved or improved, and disturbance of the existing topography of the site shall be minimized, unless such disturbance will result in less visual impact of the site on the surrounding area.

3. Buffering – Buffering of ground-mounted personal wireless service facilities shall be required around the perimeter of the facility. Landscape buffering shall at a minimum comply with the requirements of KZC 95.25(3), except that all trees must be evergreen.

4. Fencing – Fencing may be allowed or required if it is needed for security purposes, or if it is part of concealment technology. The use of chain link, plastic, vinyl or wire fencing is prohibited unless it is fully screened from public view. Landscaping shall be installed on the outside of fences.

5. Maintenance – In the event that landscaping is not maintained at the required level, the City, after giving 30 days' advance written notice to the provider, may maintain or establish the landscaping and bill both the landowner and provider for such costs until such costs are paid in full.

117.40 Non-Use/Abandonment

1. Bond – The City may require a bond as per Chapter 175 KZC to cover the costs of removal of the antenna or tower.

2. Annual Report – The provider must confirm in writing to the City on an annual basis that the personal wireless service facility is still in use on a form to be provided by the City.

3. In the event the use of any tower or antenna will be discontinued for a period of 60 consecutive days, the owner or operator shall so notify the City in writing, and the tower or antenna shall thereafter be deemed to be abandoned. Determination of the date of abandonment shall be made by the City which shall have the right to request documentation and affidavits from the tower or antenna owner or operator regarding the issue of tower or antenna usage. Upon such abandonment, the owner or operator of the tower or antenna or the owner of the property upon which such facility is located shall have an additional 60 days within which to:

   a. Reactivate the use of the tower or antenna or transfer the tower or antenna to another owner or operator who makes actual use of the tower or antenna; or

   b. Dismantle and remove the tower or antenna. If such tower or antenna is not removed within said 60 days from the date of abandonment, the City may remove such tower or antenna at the facility owner's and property owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, City approval for the tower or antenna shall automatically expire.

117.45 Application Requirements

In the course of reviewing any request for any approval required under this chapter made by an applicant to install personal wireless service facilities, the City shall act within a reasonable period of time, taking into account the nature and scope of the request, after an application has been determined to be complete. Any decision to deny such a request shall be in writing and supported by substantial evidence contained in a written record.

All applications for administrative decision, Process I and Process IIB permits to locate a personal wireless service facility (including, but without limitation, an antenna or tower in the City) shall be submitted to the Planning Department with the applicable requested information (depending upon the type of facility which is involved). A detailed plan that complies with the submittal requirements of this chapter, and other regulations and ordinances of the City, along with other pertinent information requested by the City shall also be submitted. An applicant's submission may utilize any combination of site plans, surveys, maps, technical reports or written narratives necessary to convey the following information depending upon the type of facility which is involved:

1. All applicants must register their request with the City on a form provided by the City at the time of building permit or right-of-way use permit application.

2. A scaled site plan clearly indicating the location, type and height of the proposed tower, antennas, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, the equipment structure, fencing, buffering and the type of concealment technology which will be utilized. The full, detailed site plan shall not be required if the antenna is to be mounted on an existing structure.

3. Photosimulations of the proposed facility from affected residential properties and public rights-of-way.

4. A current map and/or aerial photograph showing the location of the proposed tower.

5. Legal description of the parcel, if applicable.

6. Approximate distance between the proposed tower and antennas, as applicable, and the nearest residential unit, or residentially zoned properties.

7. Information of sufficient detail to demonstrate that the equipment structure is the minimum size necessary.

8. A landscape plan showing specific landscape, screening and fencing materials.

9. A notarized letter signed by the applicant stating that the personal wireless service facilities will comply with all applicable federal and state laws, including specifically FCC and FAA regulations, and all City codes.

10. A notarized letter signed by the applicant stating that the antenna usage will not interfere with other adjacent or neighboring transmission or reception communications signals.

11. Manufacturers information indicating compliance with adopted noise standards.

12. The personal wireless services provider must demonstrate that it is licensed by the FCC, if required to be licensed under FCC regulations.

13. The applicant, if not the personal wireless services provider, shall submit proof of a lease agreement with an FCC-licensed personal wireless services provider if such provider is required to be licensed by the FCC.

14. Propagation maps shall be provided showing that the tower and antennas are required for present and future network coverage in order to satisfy the requirements of the provider's grid system. The maps shall also demonstrate that the height specified is the minimum height necessary for the tower and antennas, as applicable. The maps shall additionally show coverage areas at the requested height and at lower heights. Finally, they shall show the neighboring or regional facilities with which the facilities in the City can communicate.

15. If the site is within or adjacent to a residential zone, then a study shall be provided showing why alternative locations are not acceptable.

16. All providers shall submit satisfactory evidence that the facility is designed for and will provide services primarily for residents of the City and/or visitors within City limits.

17. See also KZC 117.20(2), Further Process IIB Permit Requirements, and KZC 117.50, Third Party Review.

117.50 Third Party Review

In certain instances (including all Process IIB permit applications) there may be a need for expert review by a third party of the technical data submitted by the personal wireless services provider. The City may require such a technical review, to be paid for by the applicant for the personal wireless service facilities. The selection of the third party expert shall be by mutual agreement between the applicant and the City, such agreement not to be unreasonably withheld by either party. The third party expert shall have recognized training and qualifications in the field of radio frequency engineering.

The expert review is intended to be a site-specific review of technical aspects of the personal wireless services, facilities and other matters as described herein, and not a subjective review of the site selection. In particular, but without limitation, the expert shall be entitled to provide a recommendation on the height of the proposed facilities relative to the applicant's coverage objectives and system design parameters. Such a review should address the accuracy and completeness of the technical data, whether the analysis techniques and methodologies are legitimate, the validity of the conclusions and any specific technical issues outlined by the City or other interested parties. Based on the results of the third party review, the City may require changes to the application for the personal wireless service facilities that comply with the recommendations of the expert.

117.55 Permit Requirement

In all instances, a permit must be obtained from the City before any personal wireless service facilities may be constructed within the City.

117.60 Violations and City Remedies

Any person who violates any of the provisions of this chapter shall be subject to the provisions of Chapter 170 KZC, Code Enforcement. In addition to fines, the City shall have the right to seek damages and injunctive relief for any and all violations of this chapter and all other remedies provided at law or in equity.

117.65 Other Wireless Communication Facilities

All of the provisions of this chapter, which address personal wireless services and personal wireless service facilities, shall also be deemed to cover other wireless communications facilities (and, in particular, but without limitation, television and AM/FM radio towers) to the maximum extent allowed by law.

117.70 Modifications

Provisions of this chapter shall not be subject to variances described in Chapter 120 KZC. However, through Process IIB, Chapter 152 KZC, the City may consider modification of standards in the chapter except for:

1. The 40-foot height limit for personal wireless service facilities in residential zones; and/or

2. A 20-foot minimum distance between a ground-mounted personal wireless service facility and any property line adjacent to or across the street from a residential use or residential zone.

117.75 Appeals

Appeals of administrative decisions shall be processed according to the appeal procedures for Process I; except, that any affected party may appeal and participate in the appeal; the time to appeal is taken from the date of administrative decision; and distribution of the appeal hearing notice by the Planning Official shall be to the applicant, appellant, the official newspaper of the City, and posted on public notice sign(s).

Appeals of Process I or IIB permits are processed according to the appeal procedures for either Process I or IIB respectively.

117.80 Conflict

To the extent that any provision or provisions of this chapter are inconsistent or in conflict with any other provision of the Zoning Code, Comprehensive Plan or any ordinance or regulation of the City, the provisions of this chapter shall be deemed to control. Personal wireless service facilities are permitted in the City pursuant to this chapter notwithstanding the fact they are not mentioned in the use zone charts in Chapters 15 through 65 KZC.

Chapter 120 – VARIANCES

Sections:

120.05 User Guide
120.10 Process for Deciding Upon a Proposed Variance
120.12 Expansion or Modification of an Existing Structure
120.15 Application Information
120.20 Criteria for Granting a Variance
120.25 What May Not Be Varied

120.05 User Guide

This chapter establishes a mechanism whereby the provisions of this code can be varied on a case-by-case basis if the application of these provisions would result in an unreasonable and unusual hardship. While almost any provision may be varied, there are some limitations.

If you are interested in applying to see if a provision of this code can be varied in a particular case, or if you wish to participate in the City's decision on a proposed variance, you should read this chapter.

120.10 Process for Deciding Upon a Proposed Variance

The following subsection is not effective within the disapproval jurisdiction of the Houghton Community Council:

1. The City will use Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a variance except as to property located within an RS or RSX Zone or for a detached dwelling unit in any zone. For variance applications as to property located within an RS or RSX Zone or for a detached dwelling unit in any zone, the City will use Process I described in Chapter 145 KZC; provided, however, KZC 145.10 shall not apply; and also provided, that the content of the notice shall be per KZC 145.22(1) while the distribution of the notice shall be per KZC 150.30(2).

The following subsection is effective only within the disapproval jurisdiction of the Houghton Community Council:

2. The City will use Process IIA, described in Chapter 150 KZC, to review and decide upon an application for a variance except as to property located within an RS or RSX Zone. For variance applications as to property located within an RS or RSX Zone, the City will use Process I described in Chapter 145 KZC; provided, however, KZC 145.10 shall not apply; and also provided, that the content of the notice shall be per KZC 145.30(1) while the distribution of the notice shall be per KZC 150.3(2).

120.12 Expansion or Modification of an Existing Structure

The following section is not effective within the disapproval jurisdiction of the Houghton Community Council.

If the expansion or modification of an existing structure requires a variance under this chapter, the Planning Director may approve such expansion or modification without requiring the variance process if all of the following criteria are met:

1. The request complies with the criteria in KZC 120.20; and

2. The gross floor area of the structure is expanded by less than five percent; and

3. The Planning Director determines that the change or alteration will not have significantly more or different impact on the surrounding area than does the present development.

120.15 Application Information

In addition to the application materials required in Chapter 150 KZC, the applicant shall submit a completed application on the form provided by the Planning Department, along with all the information listed on that form.

120.20 Criteria for Granting a Variance

The City may grant a variance only if it finds that:

1. The variance will not be materially detrimental to the property or improvements in the area of the subject property or to the City in part or as a whole; and

2. The variance is necessary because of special circumstances regarding the size, shape, topography, or location of the subject property, or the location of a preexisting improvement on the subject property that conformed to the Zoning Code in effect when the improvement was constructed; and

3. The variance will not constitute a grant of special privilege to the subject property which is inconsistent with the general rights that this code allows to other property in the same area and zone as the subject property.

120.25 What May Not Be Varied

The City may grant a variance to any of the provisions of this code except:

1. The City may not grant a variance to any provision establishing the uses that are permitted to locate or that may continue to operate in any zone; and

2. The City may not grant a variance to any of the procedural provisions of this code; and

3. The City may not grant a variance to any provision that specifically states that its requirements are not subject to variance.

Chapter 125 – PLANNED UNIT DEVELOPMENT

Sections:

125.05 User Guide
125.10 Process for Deciding on a PUD Application
125.15 Decision on the PUD – Application
125.20 Decision on the PUD – What Provisions May Be Modified
125.25 Decision on the PUD – Uses in a PUD
125.30 Decision on the PUD – Density
125.35 Decision on the PUD – Criteria for Approving a PUD
125.40 Decision on the PUD – Site Plan Required
125.45 Decision on the PUD – Effect of an Approved PUD
125.50 Final Site Plan Review – Application
125.55 Final Site Plan Review – General
125.60 Final Site Plan Review – Minor Modifications
125.65 Final Site Plan Review – Major Modifications
125.67 Final Site Plan Review – Appeals
125.70 Final Site Plan Review – Effect
125.75 Map Designations
125.80 Lapse of the Approved PUD

125.05 User Guide

This chapter establishes a mechanism for a person to propose a development that is innovative or otherwise beneficial, but which does not strictly comply with the provisions of this code.

This mechanism, which is called a Planned Unit Development or PUD, is intended to allow developments which benefit the City more than would a development which complies with the specific requirements of this code.

If you are interested in proposing a Planned Unit Development or if you wish to participate in the City's decision on a proposed PUD, you should read this chapter.

125.10 Process for Deciding on a PUD Application

An application for a PUD has two stages. The first stage is described in KZC 125.15 through 125.45 and results in the City's decision whether or not to grant the PUD. The decision on this stage will be made using Process IIB described in Chapter 152 KZC. During the second stage described in KZC 125.55 through 125.75, the City will review the final site plan of the project to ensure that it is consistent with the PUD as approved. The decision on this stage will be made by the Planning Director, unless the City Council determines, with the approval of the preliminary PUD, that either:

1. There is substantial public interest in the PUD; or

2. Substantial changes in the proposed preliminary PUD are required; or

3. Additional technical information is required prior to approval of the final PUD.

If the City Council determines that one of the above conditions exists, then the final PUD will be reviewed and decided upon using Process IIB, described in Chapter 152 KZC. The applicant may request to have the preliminary and final PUD applications reviewed concurrently. However, the request does not ensure that one or both of the applications will be approved.

125.15 Decision on the PUD – Application

In addition to the application materials required in Chapter 152 KZC, the applicant shall submit a completed application on the form provided by the Planning Department, along with all the information listed on that form.

125.20 Decision on the PUD – What Provisions May Be Modified

The City may modify any of the provisions of the code for a PUD except:

1. The City may not modify any of the provisions of this chapter; and
2. The City may not modify any provision of this code that specifically states that its requirements are not subject to modifications under a PUD; and
3. The City may not modify any of the procedural provisions of this code; and
4. The City may not modify any provision that specifically applies to development on a regulated slope; and
5. The City may not modify any provision pertaining to the installation and maintenance of storm water retention/detention facilities; and
6. The City may not modify any provision pertaining to the installation of public improvements; and
7. The City may not modify any provision regulating signs; and
8. The City may not modify any provision regulating the construction of one detached dwelling unit.

125.25 Decision on the PUD – Uses in a PUD

1. The City may approve any use that is listed as potentially allowed in the zone in which the PUD is proposed.
2. The City may approve any use that the Comprehensive Plan specifically states is appropriate in the area that includes the subject property.

125.30 Decision on the PUD – Density

The maximum residential densities that the City may approve in a PUD are as follows:

1. Except as allowed under subsections (2) and (3) of this section, the maximum permitted residential density is the greater of that recommended by the Comprehensive Plan or 110 percent of that permitted in the zone in which the PUD is located.
2. If the PUD is designed, developed and maintained as "special needs housing," additional density may be permitted on the following basis:
   a. Housing for senior citizens households, or for mentally, physically or emotionally impaired persons, except for assisted living facilities, may be permitted a maximum density of up to 1.5 times the maximum density recommended by the Comprehensive Plan; provided, that traffic impacts, impacts to public services and utilities, and impacts to adjacent properties are comparable to the impacts of the project if it were not providing special needs housing and if it were developed at the maximum density permitted in the zone in which the project is located.

b. Housing for low income households may be permitted a maximum density above the density permitted under subsections (1) and (2)(a) of this section based upon the percentage of dwelling units which are low income units, using the following multipliers:

Density

% of "Low Income Units"	=	Multiplier
5 – 9%	=	1.1
10 – 14%	=	1.2
15 – 19%	=	1.3
20 – 24%	=	1.4
25% +	=	1.5

3. If a project consists of special needs housing, the applicant shall prepare a document, to be approved by the City Attorney, stating that the PUD will become void and use and occupancy must cease if the development is used for any purpose other than that for which it was specifically approved. This document, which will run with the subject property, must be recorded in the King County Department of Elections and Records.

4. If the PUD is proposed in an RS 35, RSX 35, RS 12.5, RSX 12.5, RS 8.5, RSX 8.5, RS 7.2, RSX 7.2, RS 5.0 or RSX 5.0 Zone, the City will subtract the area actually used for vehicular circulation and surface parking areas that serve more than one dwelling unit, before determining the maximum number of dwelling units potentially permitted under this section.

125.35 Decision on the PUD – Criteria for Approving a PUD

The City may approve a PUD only if it finds that all of the following requirements are met:

1. The proposed PUD meets the requirements of this chapter.

2. Any adverse impacts or undesirable effects of the proposed PUD are clearly outweighed by specifically identified benefits to the residents of the City.

3. The applicant is providing one or more of the following benefits to the City as part of the proposed PUD:

   a. The applicant is providing public facilities that could not be required by the City for development of the subject property without a PUD.

   b. The proposed PUD will preserve, enhance or rehabilitate natural features of the subject property such as significant woodlands, wildlife habitats or streams that the City could not require the applicant to preserve, enhance or rehabilitate through development of the subject property without a PUD.

   c. The design of the PUD incorporates active or passive solar energy systems.

   d. The design of the proposed PUD is superior in one or more of the following ways to the design that would result from development of the subject property without a PUD:

      1) Increased provision of open space or recreational facilities.

      2) Superior circulation patterns or location or screening of parking facilities.

3) Superior landscaping, buffering, or screening in or around the proposed PUD.

4) Superior architectural design, placement, relationship or orientation of structure.

5) Minimum use of impervious surfacing materials.

4. Any PUD which is proposed as special needs housing shall be reviewed for its proximity to existing or planned services (i.e., shopping centers, medical centers, churches, parks, entertainment, senior centers, public transit, etc.).

125.40 Decision on the PUD – Site Plan Required

As part of the approval of the PUD, the City shall incorporate a site plan submitted by the applicant of the PUD showing at a minimum:

1. The topography at five-foot intervals of the PUD after grading.
2. The structures in the PUD.
3. All relevant dimensions of the PUD, including the outside dimensions and required yards.
4. The pedestrian and vehicular circulation and parking areas in the PUD.
5. The areas of common open space, or areas to be dedicated to the City.
6. The landscaping of the PUD, including the general type, location, and growth characteristics of the vegetation.
7. Any other relevant physical feature in the PUD.

125.45 Decision on the PUD – Effect of an Approved PUD

1. General – Except as specified in subsection (2) of this section, the applicant must comply with KZC 125.50 through 125.70 before commencing any development activities on the subject property.
2. Exception – If the City approves the preliminary PUD, the applicant may, subject to all other applicable codes and ordinances, begin any site work on the subject property that is specifically approved in the resolution or ordinance approving the preliminary PUD.

125.50 Final Site Plan Review – Application

In addition to the application materials required in Chapter 152 KZC, the applicant shall submit the following:

1. A completed application on the form provided by the Planning Department, along with all information listed in that form.
2. A site plan of the PUD as approved by City Council.
3. Any information or material that City Council, by ordinance approving the PUD, indicated is to be submitted as part of the final site plan review.

125.55 Final Site Plan Review – General

The City shall use the final site plan review process for the following two purposes:

1. To check the final site plan submitted under KZC 125.50 to ensure that the PUD conforms in all respects to that which was approved by City Council.

2. To make any decisions or determinations that the City Council, by ordinance approving the PUD, indicated are to be made during the final site plan review. Any decisions or determinations made during this process become part of the approved PUD.

125.60 Final Site Plan Review – Minor Modifications

The City may require or approve a minor modification to the site plan of the PUD as approved by City Council if:

1. The change will not have the effect of reducing landscaped area, or reducing or encroaching into buffering areas or reducing the amount of open space in the PUD; and

2. The change will not have the effect of increasing the residential density of the PUD; and

3. The change will not have the effect of increasing the area devoted to nonresidential uses in the PUD; and

4. The change will not increase the height of any structure above the height allowed in the underlying zone nor change the orientation of structures which would result in reduced view corridors or increase in the perceived bulk and mass of the structure; and

5. The City determines that the change will not increase any adverse impacts or undesirable effects of the project, or that the change in no way significantly alters the project.

125.65 Final Site Plan Review – Major Modifications

If an applicant seeks a modification to an approved PUD that does not meet all of the requirements of KZC 125.60, he/she may do so by submitting the application material required for approval of a new PUD. The City will process and decide upon this application, using the provisions of this chapter, as if it were an application for a new PUD.

125.67 Final Site Plan Review – Appeals

The decision of the Planning Director in approving or denying the final site plan may be appealed using the appeal provisions, as applicable, of Process I of this code, KZC 145.60 through 145.110.

125.70 Final Site Plan Review – Effect

If the City approves the final site plan, the applicant may proceed with the development of the PUD subject to all other applicable codes and ordinances.

125.75 Map Designation

1. General – Upon completion of the PUD as approved, the City shall place the designation "PUD" on the subject property on the Zoning Map.

2. Effect – This PUD designation means that any redevelopment of the subject property must either:

   a. Comply with the PUD as approved; or

   b. Comply with all of the requirements for development in the zone in which the subject property is located without a PUD.

125.80 Lapse of the Approved PUD

1. Increased Time – City Council may, by the ordinance approving the final PUD or by the resolution or ordinance approving the preliminary PUD, extend the time limits of KZC 152.115 for that PUD. Otherwise, within four years after the final decision of the City of Kirkland approving the preliminary PUD the applicant must have obtained approval of the final PUD and submitted a complete building permit for the PUD or the lapse provisions of KZC 152.115 will apply.

2. Effect on Land Use if PUD Lapses – If an approved PUD lapses under the time limits of KZC 152.115, or subsection (1) of this section, any development on the subject property must comply with all applicable laws of the City as if the PUD had not been granted.

Chapter 127 – TEMPORARY USE

Sections:

127.05 User Guide
127.10 Process for Deciding Upon a Proposed Temporary Use
127.15 Application Information
127.20 Criteria for Granting a Temporary Use Permit
127.25 Dimensional Requirements and Development and Performance Standards
127.30 Frequency and Duration of Temporary Use
127.35 Removal of a Temporary Use
127.40 Exceptions to Permit Requirement
127.45 Appeals

127.05 User Guide

This chapter establishes a mechanism whereby the City may, on a short-term basis, permit a use to be conducted that would not otherwise be allowed in the zone in which it is located. This chapter is intended to permit certain inherently temporary uses, such as community festivals and fresh vegetable stands, that would not be allowed in the zone in which they are proposed, but which, if limited in time and strictly controlled, may be in the best interests of the residents of Kirkland.

If you are interested in proposing a short-term use that is not otherwise allowable in the zone in which it is proposed, or if you are interested in participating in the City's decision on a proposed use of this kind, you should read this chapter.

127.10 Process for Deciding Upon a Proposed Temporary Use

An application for a temporary use permit will be reviewed and decided upon by the Planning Director.

127.15 Application Information

The applicant shall submit:

1. A completed application on the form provided by the Planning Department, along with all information listed in that form; and

2. An irrevocable, signed, and notarized statement granting the City permission to summarily abate the temporary use and all physical evidence of that use if it is not removed by the applicant within the period specified as part of the permit, and agreeing to reimburse the City for any expenses incurred by the City in abating the temporary use.

127.20 Criteria for Granting a Temporary Use Permit

The City may grant a temporary use permit only if it finds that:

1. The proposed temporary use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity; and

2. The proposed temporary use is compatible with existing land use in the immediate vicinity; and

3. The proposed temporary use or site plan is not otherwise allowable in the zone in which it is proposed.

127.25 Dimensional Requirements and Development and Performance Standards

The City shall establish dimensional requirements and development and performance standards as part of the approval of each temporary use permit. The City will use the nature of the proposed use and the character of the surrounding area as guides in establishing these requirements and standards.

127.30 Frequency and Duration of Temporary Use

1. The City may not grant a temporary use permit to the same user more frequently than once in every 365-day period. The City may only grant a temporary use permit for a specified period of time, not to exceed 60 days.

2. Exception – Temporary staging facilities for public projects may be approved for a time period not to exceed the duration of their construction.

127.35 Removal of a Temporary Use

The City shall designate, as part of the temporary use permit, a period following the expiration of the permit within which the temporary use must be terminated and all physical evidence of the use must be removed by the applicant. If the temporary use and all physical evidence of the use are not removed within the time specified, the City will remove it under the authority provided in KZC 127.15(2).

127.40 Exceptions to Permit Requirement

The following temporary uses, when located in commercial and industrial zones, are exempt from the permit requirements of this chapter:

1. Not to exceed 90 days:

   a. Farm and gardener produce stands selling fruit and vegetables.

2. Not to exceed 30 days:

   a. Christmas tree lots.

   b. Fireworks stands.

3. Not to exceed five days:

   a. Amusement rides.

   b. Carnivals and circuses.

   c. Parking lot sales which are ancillary to the indoor sale of the same goods and services.

127.45 Appeals

The decision of the Planning Director in approving or denying a temporary use may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60 through 145.110.

Chapter 130 – REZONE

Sections:

130.05 User Guide
130.10 Types of Reclassification
130.15 Legislative Rezones – Applicable Process
130.20 Legislative Rezones – Criteria
130.25 Legislative Rezones – Map Change
130.30 Quasijudicial Rezones – Applicable Process
130.35 Quasijudicial Rezones – Application
130.40 Quasijudicial Rezones – Types
130.45 Quasijudicial Nonproject Rezones – Criteria
130.50 Quasijudicial Nonproject Rezones – Map Change
130.55 Quasijudicial Project Rezones – General
130.60 Quasijudicial Project Rezones – Criteria
130.65 Quasijudicial Project Rezones – Effect of Approval
130.70 Quasijudicial Project Rezones – Minor Modifications
130.75 Quasijudicial Project Rezones – Major Modifications
130.80 Quasijudicial Project Rezones – Lapse of a Resolution of Intent To Rezone
130.85 Quasijudicial Project Rezones – Map Change

130.05 User Guide

This chapter establishes the mechanism and criteria for the City to change a zoning classification on the Zoning Map and to change the boundaries of zones on the Zoning Map. This mechanism is called rezoning. If you are interested in proposing a rezone or want to participate in the City's decision on a proposed rezone, you should read this chapter.

Please note that this chapter does not apply to proposals to amend the text of this code. Chapter 135 KZC describes how that can be done.

130.10 Types of Reclassification

There are two types of reclassification as follows:

1. Legislative Rezones – A rezone will be treated as a legislative matter when:

   a. It is initiated by the City; and

   b. The subject property is part of a significant class of properties which are similarly affected by the proposed rezone; and

   c. It is either:

      1) Based upon a comprehensive planning process; or

      2) Part of a process that includes amending the text of this code.

2. Quasijudicial – A rezone will be treated as a quasijudicial matter when it does not meet the requirements of subsection (1) of this section.

KZC 130.15 through 130.25 apply to legislative rezones. KZC 130.30 through 130.85 apply to quasijudicial rezones.

130.15 Legislative Rezones – Applicable Process

The City will use Process IV described in Chapter 160 KZC to review and decide upon a proposal for a legislative rezone.

130.20 Legislative Rezones – Criteria

The City may decide to approve a proposal to rezone land only if it finds that:

1. The proposal is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposal bears a substantial relation to public health, safety, or welfare; and
3. The proposal is in the best interest of the residents of Kirkland.

130.25 Legislative Rezones – Map Change

If the City approves a proposal to rezone land it will give effect to this decision by making the necessary amendment to the Zoning Map of the City.

130.30 Quasijudicial Rezones – Applicable Process

The City will use Process IIB described in Chapter 152 KZC to review and decide upon an application for a quasijudicial rezone.

130.35 Quasijudicial Rezones – Application

In addition to the application materials required in Chapter 155 KZC, the applicant shall submit a completed application on the form provided by the Planning Department, along with all the information listed on that form.

130.40 Quasijudicial Rezones – Types

There are two types of quasijudicial rezones as follows:

1. Nonproject Related – A quasijudicial rezone will be treated as nonproject related when:
   a. The proposed rezone is initiated by the City and the subject property is not owned by the City; or
   b. The proposed rezone is from one single-family residential zone classification to another single-family residential zone classification; or
   c. The proposed rezone is to place or remove an overlay zoning designation on the Zoning Map under Chapters 70 through 80 KZC.
2. Project Related – A quasijudicial rezone will be treated as project related when it does not meet the provisions of subsection (1) of this section. All project related reclassifications require a specific development proposal for the subject property.

   KZC 130.45 through 135.50 apply to nonproject related quasijudicial rezones. KZC 130.55 through 130.85 apply to project related quasijudicial rezones.

130.45 Quasijudicial Nonproject Rezones – Criteria

The City may approve an application for a nonproject rezone only if it finds that:

1. The proposed rezone is consistent with the Comprehensive Plan; and

2. The proposed rezone bears a substantial relation to public health, safety, or welfare; and

3. The proposed rezone is in the best interest of the residents of Kirkland; and

4. The proposed rezone is appropriate because either:

   a. Conditions in the immediate vicinity have so markedly changed since the property was given its present zoning and that under those changed conditions a rezone is within the public interest; or

   b. The rezone will correct a zone classification or zone boundary that was inappropriate when established; or

   c. The rezone is to place or remove an overlay zoning designation on the Zoning Map and the proposal meets the applicable designation criteria of Chapters 70 through 80 KZC.

130.50 Quasijudicial Nonproject Rezones – Map Change

If the City approves an application for a nonproject related rezone it will give effect to this decision by adopting an ordinance that makes the appropriate change to the zone boundary or zone classification on the Zoning Map.

130.55 Quasijudicial Project Rezones – General

The purpose of a project related rezone is to enable the City to evaluate the applicant's specific development proposal for the subject property as part of the decision on the rezone. If the City decides to grant the application, it will adopt a resolution of intent to rezone which permits the applicant to develop the subject property as shown on the site plan that will be approved as part of that resolution. After the approved development is completed, the City will make the appropriate change to the Zoning Map of the City.

130.60 Quasijudicial Project Rezones – Criteria

The City may approve an application for a project related rezone only if it finds that:

1. The criteria set forth in KZC 130.45 are met; and

2. The proposed project complies with this code in all respects; and

3. The site plan of the proposed project is designed to minimize all adverse impacts on existing land use in the immediate vicinity of the subject property.

130.65 Quasijudicial Project Rezones – Effect of Approval

If City Council approves an application for a project related rezone, it will give effect to this decision by adopting a resolution of intent to rezone which will have the following effects:

1. Effect on the Applicant – The applicant may, subject to all other applicable codes and ordinances, develop the subject property in conformity with the resolution of intent to rezone and the site plan approved as part of that resolution.

2. Effect on the City – If the applicant completes development of the subject property in conformity with the resolution of intent to rezone and the site plan approved as part of that resolution, the City shall make the zone boundary or zone classification change on the Zoning Map that was approved in that resolution.

130.70 Quasijudicial Project Rezones – Minor Modifications

Subsequent to the adoption of the resolution of intent to rezone, the applicant may apply for a minor modification to the site plan approved as part of that resolution. The City will use the Process I described in Chapter 145 KZC to review and decide upon an application for a minor modification. The City may approve a minor modification only if it finds that:

1. The change will not result in reducing the landscaped area, buffering areas or the amount of open space on the project; and

2. The change will not result in increasing the residential density or gross floor area of the project; and

3. The change will not result in any structure, or vehicular circulation or parking area, being moved more than 10 feet in any direction and will not reduce any required yard; and

4. The change will not result in any increase in height of any structure; and

5. The City determines that the change will not increase any adverse impacts or undesirable effects of the project and that the change in no way significantly alters the project.

130.75 Quasijudicial Project Rezones – Major Modifications

If the applicant seeks a modification to the approved site plan that does not meet all of the requirements of KZC 130.70, he/she may do so by submitting the application material required for a new quasijudicial project related rezone. The City will process and decide upon this application, using the provisions in KZC 130.55 through this section, as if it were an application for a new quasijudicial project related rezone.

130.80 Quasijudicial Project Rezones – Lapse of a Resolution of Intent To Rezone

1. Increased Time – City Council may, in the resolution of intent to rezone, extend the time limit of Chapter 152 KZC for the project.

2. Effect on Land Use If Resolution Lapses – If the resolution of intent to rezone lapses under the time limits of Chapter 152 KZC, or subsection (1) of this section, any development on the subject property must comply with all applicable laws of the City as if the resolution of intent to rezone had not been granted.

130.85 Quasijudicial Project Rezones – Map Change

Upon completion of the project in full compliance with the resolution of intent to rezone and the site plan approved as part of that resolution, the City shall give effect to the rezone by adopting an ordinance that makes the change to the zone boundary or zone classification on the Zoning Map that was approved in the resolution of intent to rezone.

Chapter 135 – AMENDMENTS TO THE TEXT OF THE ZONING CODE

Sections:

135.05 User Guide
135.10 Applicable Process
135.15 Criteria for Amending the Text of the Zoning Code

135.05 User Guide

This chapter establishes a mechanism for the City to amend the text of this code, the Zoning Code. If you are interested in proposing an amendment to this code, or if you want to participate in the decision on a proposed amendment, you should read this chapter.

135.10 Applicable Process

The City generally will use Process IV described in Chapter 160 KZC to review and decide upon a proposal to amend the text of this code. However, some minor Zoning Code amendments will be reviewed under an abbreviated process. The abbreviated Process IVA is described in Chapter 161 KZC. Process IVA is used for proposals which are not controversial and do not need extensive policy study.

135.15 Criteria for Amending the Text of the Zoning Code

The City may amend the text of this code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and

2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and

3. The proposed amendment is in the best interest of the residents of Kirkland.

Chapter 140 – AMENDMENTS TO THE COMPREHENSIVE PLAN

Sections:

140.05 User Guide
140.10 Applicable Process
140.15 Factors for Consideration in an Amendment to the Comprehensive Plan
140.20 Criteria for Amending the Comprehensive Plan
140.25 Responsibility To Review

140.05 User Guide

This chapter establishes a mechanism for the City to amend the Comprehensive Plan, Title 17 of the Kirkland Municipal Code. If you are interested in proposing an amendment to the Comprehensive Plan, or if you want to participate in the decision on a proposed amendment, you should read this chapter.

140.10 Applicable Process

The City will use Process IV described in Chapter 160 KZC to review and decide upon a proposal to amend the Comprehensive Plan.

140.15 Factors for Consideration in an Amendment to the Comprehensive Plan

The City shall take into consideration, but is not limited to, the following factors when considering a proposed amendment to the Comprehensive Plan:

1. The effect upon the physical environment.
2. The effect upon the economic environment.
3. The effect upon the social environment.
4. The effect on open space, streams, and lakes.
5. The compatibility with and impact on adjacent land uses and surrounding neighborhoods.
6. The adequacy of and impact on community facilities including utilities, roads, public transportation, parks, recreation, and schools.
7. The quantity and location of land planned for the proposed land use type and density.
8. The current and projected population density in the area.
9. The effect upon other aspects of the Comprehensive Plan.

140.20 Criteria for Amending the Comprehensive Plan

The City may amend the Comprehensive Plan only if it finds that:

1. The proposed amendment bears a substantial relation to public health, safety, and welfare;
2. The proposed amendment is consistent with the Growth Management Act;
3. The proposed amendment is consistent with the countywide planning policies;
4. The Comprehensive Plan will be internally consistent; and

5. The proposed amendment will result in long-term benefits to the community as a whole and is in the best interest of the community.

140.25 Responsibility To Review

According to state law, the City shall review the Comprehensive Plan regularly to determine if any changes are desirable.

Chapter 142 – DESIGN REVIEW

Sections:

142.05 User Guide
142.15 Development Activities Requiring D.R. Approval
142.17 Design Review Process
142.20 Timing
142.25 Administrative Design Review (A.D.R.)
142.35 Design Board Review (D.B.R.)
142.40 Appeals of Design Review Board Decisions
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 required to be reviewed through design review or D.R. Design review may either be administrative design review (A.D.R.) or design board review (D.B.R.). This chapter describes these design review processes.

142.15 Development Activities Requiring D.R. Approval

1. All development activities subject to KZC 50.65(6)(b), (e), and (f) and KZC 52.50(6)(b), (e), and (f) need not be reviewed through D.R., but shall comply with this chapter.

2. The following development activities are subject to D.R. unless subsection (3) of this section 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 percent of a facade visible from a street or park.

3. The following activities are not subject to 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 KZC 162.35, Certain Nonconformances 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 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 KZC 142.25:

   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 percent.

   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 KZC 142.35.

142.20 Timing

For any development activity that requires D.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity.

An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.

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:

   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;

   b. To discuss how the design guidelines and other applicable provisions of this code and Comprehensive Plan affect or pertain to the proposed development;

   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.

2. Application – Following the pre-design meeting, the applicant shall submit an A.D.R. application on a form provided by the Planning Department. The application shall include all docu-

ments and exhibits listed on the application form, as well as all application materials required as a result of the pre-design meeting.

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.

4. Requests for Reconsideration

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

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

   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 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.

   d. Within seven 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.

   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 using the D.B.R. 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 subsection (5)(d) of this section.

   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 and the City or the neighborhood.

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

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 Chapter 3.30 KMC.

   b. The design regulations contained in KZC 50.63 and 52.50. 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 KZC 142.25(5)(d).

3. Pre-Design Conference – Before applying for D.B.R. approval, the applicant shall attend a pre-design conference with the Planning Official. The conference will be scheduled by the Planning Official upon written request by the applicant. The purpose of this conference is for the Planning Official to discuss how the design regulations, design guidelines, and other applicable provisions of this code and the Comprehensive Plan relate to the proposed development and to assist the applicant in preparing for the conceptual design conference.

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 30 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 regulation, 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 design response conference with the Design Review Board to occur within 60 calendar days of receiving the complete application. The Planning Official shall provide public notice of the design response conference. Public notice shall contain the name of the applicant and project, the location of the subject property, a description of the proposed project, time and place of the first design response conference, and a statement of the availability of the application file.

   b. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the first design response 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 subsection (2) of this section. 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 subsection (2) of this section. The Design Review Board shall make its decision by motion that adopts approved project drawings in addition to 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 its 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 D.B.R. application and other application materials, the Design Review Board may grant, deny or conditionally approve subject to modifications the D.B.R. application for the proposed development. No development permit for the subject property requiring D.B.R. approval will be issued until the proposed development is granted D.B.R. approval or conditional approval. The terms of D.B.R. approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the D.B.R. approval or conditional approval. The Planning Official shall send written notice of the D.B.R. decision to the applicant and all other parties who participated in the conference(s) within 14 calendar days of the approval. If the D.B.R. is denied, the decision shall specify the reasons for denial. The final D.B.R. decision of the City on the D.B.R. application shall be the postmarked date of the written D.B.R. decision or, if the D.B.R. decision is appealed, the date of the City's final decision on the appeal. Notwithstanding any other provision of this code, if an applicant submits a complete application for a building permit for the approved D.B.R. development within 180 days of the

final D.B.R. decision, the date of vesting for the building permit application shall be the date of the final D.B.R. decision.

142.40 Appeals of Design Review Board Decisions

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 KZC 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 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 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 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 calendar days after the public hearing, the hearing body or officer shall issue a written decision on the appeal. Within four 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.

142.50 Modifications

1. The Planning Official may approve a modification to the 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 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, design guidelines, and Comprehensive Plan.

2. Any modification, other than as specified in subsection (1) of this section, must be reviewed and decided upon as a new D.R. approval under this chapter.

142.55 Lapse of Approval

1. General – Unless otherwise specified in the decision granting 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 D.R. approval within one year after the final decision granting the D.R. approval or that decision becomes void. The applicant must substantially complete construction consistent with the D.R. approval and complete all conditions listed in the D.R. approval decision within three years after the final decision on the D.R. approval or the decision becomes void. "Final decision" means the final decision of the Planning Official or Design Review Board.

2. Extensions

   a. Application – The applicant may apply for a one-time extension, of up to one year, of the time limits under subsection (1) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (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 D.R. approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (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 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 KZC.

142.60 Bonds

The Planning Official may require a bond under Chapter 175 KZC to ensure compliance with any aspect of a D.R. approval.

Chapter 145 – PROCESS I

Sections:

145.05 User Guide
145.10 Proposal Requiring Approval through Process IIA, IIB or III
145.12 Pre-Submittal Meeting
145.15 Applications
145.17 Determination of Completeness of Application
145.20 Compliance with SEPA
145.22 Notice of Application and Comment Period
145.25 Official File
145.35 Burden of Proof
145.45 Planning Director's Decision
145.50 Effect of the Decision
145.60 Appeals
145.65 Notice of the Appeal Hearing
145.70 Participation in the Appeal
145.75 Scope of the Appeal
145.80 Staff Report on the Appeal
145.85 Public Hearing on the Appeal
145.90 Electronic Sound Recordings
145.95 Burden of Proof
145.100 Continuation of the Hearing
145.105 Decision on the Appeal
145.110 Judicial Review
145.115 Lapse of Approval
145.120 Bonds
145.125 Complete Compliance Required
145.130 Time Limits

145.05 User Guide

Various places of this code indicate that certain developments, activities or uses are permitted only if approved using Process I. This chapter describes how Process I works.

If you are interested in obtaining approval for something through Process I or if you wish to participate in a decision that will be made using this process, you should read this chapter. However, this chapter only applies if another provision of this code specifically states that a decision will be made using Process I. Please review KMC Title 20 for additional information regarding the City's processing of project permits.

145.10 Proposal Requiring Approval through Process IIA, IIB or III

If the development, use or activity that requires approval through Process I is part of a proposal that requires additional approval through Process IIA, Process IIB or Process III, the entire proposal will be decided upon using that other process.

145.12 Pre-Submittal Meeting

1. General – Before applying for a permit or approval under this chapter, the applicant shall attend a pre-submittal meeting with the Planning Official consistent with the provisions of this section.

2. Scheduling – The Planning Department will arrange a time for the pre-submittal meeting as soon as is reasonably practicable after the meeting is requested by the applicant.

3. Purpose – The purpose of the pre-submittal meeting is for the Planning Official to provide information to the applicant regarding what information needs to be submitted for a complete application.

4. Time Limits – The City will not accept an application under this chapter unless the applicant attended a pre-submittal meeting under this section, regarding the proposal for which application is made, within the three months immediately prior to the date the application is submitted.

145.15 Applications

1. Who May Apply – Any person may, personally or through an agent, apply for a decision regarding property he/she owns.

2. How To Apply – The applicant shall file the following information with the Planning Department:

   a. A complete application, with supporting affidavits, on forms provided by the Planning Department.

   b. Any information or material that is specified in the provisions of this code that describes the applied for decision.

   c. Any additional information or material that the Planning Official specifies at the pre-submittal meeting.

   d. Any additional information or material which must be submitted in order to have a complete application under KMC Title 20.

3. Fee – The applicant shall submit the fee established by ordinance with the application.

145.17 Determination of Completeness of Application

1. General – Within 28 calendar days after the date of submittal of the application, the Planning Official shall mail to the applicant, or provide in person to the applicant, a written determination of whether the application is complete, and if the application is not complete, what must be submitted by the applicant in order for the application to be complete. In this written determination, the Planning Official shall also identify, to the extent known to the City, the other agencies of local, state or federal government that may have jurisdiction over some aspect of the proposed development activity. The Planning Official may also include other information with this determination that will assist in the review and decision upon the application.

2. Standard for Determining Completeness – An application is complete for purposes of this section when it contains the information required by KZC 145.15 and is sufficient for continued processing even though additional information may be required or modification of the proposal may be subsequently undertaken. A determination of completeness under this section does not preclude the City from requesting additional information or studies either at the time of providing the written determination of completeness or subsequently if new information is required.

3. Review of Additional Information – The Planning Official shall provide a written determination under subsection (1) of this section within 14 calendar days of the date the applicant submits additional information required under this section.

4. Application Considered Withdrawn – Unless the notice specifying additional information to be submitted for a complete application establishes a longer period, the application will be considered withdrawn for all purposes if the applicant has not submitted the required information to the City within 90 days after the date of the notice or, if applicable, after any extension

granted in writing by the Planning Director. The Planning Director may grant an extension if, based on information submitted by the applicant with the request for the extension, the Planning Director concludes that the applicant is making reasonable progress toward submitting the required information.

145.20 Compliance with SEPA

The State Environmental Policies Act (Chapter 43.21C RCW) applies to some of the decisions that will be made using this chapter. The Planning Official shall evaluate each application and, where applicable, comply with SEPA and with state regulation and City ordinances issued under the authority of SEPA.

145.22 Notice of Application and Comment Period

1. Contents – The Planning Official shall prepare a notice of each application containing the following information:

   a. The street address of the subject property, or if this is not available, a locational description of nonlegal language along with a vicinity map that identifies the subject property.

   b. The date of application.

   c. The date of the notice of completeness under KZC 145.17.

   d. The date of this notice.

   e. A description of the proposed development activity and the decision that will be made under this chapter; a list of the permits and approvals included in the application; and an identification of other necessary permits not included in the application to the extent known by the City.

   f. A list of any studies requested by the City pertinent to the application.

   g. Identification of existing environmental documents that evaluate the proposed development activity.

   h. The location where the official file may be examined.

   i. The time limit, which will not be less than 18 days nor more than 30 days after the date of the notice, for submitting comments to the Planning Director, which the Planning Director shall consider before making the decision on the application.

   j. Information regarding how to request a copy of the decision once it is made.

   k. General information regarding how to appeal decisions made under this chapter.

   l. A statement of any preliminary determination, if any, made by the Planning Official at the time of the notice regarding the development regulations that the Planning Official will propose as mitigation of project impact and the consistency of the proposed development activity with those development regulations.

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.

2) A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

b. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the applicant shall provide for and erect public notice signs as follows:

1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a vicinity map shall be attached to each sign.

2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.

3) One sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.

4) The applicant shall post a bond pursuant to Chapter 175 KZC to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.

5) The signs may not be removed until 21 calendar days after the final decision of the City on the application, and the applicant shall remove the signs within seven calendar days thereafter.

145.25 Official File

1. Contents – The Planning Official shall compile an official file on the application containing the following:

a. All application material submitted by the applicant.

b. All written comments received on the matter.

c. The written decision of the Planning Director.

d. If the decision of the Planning Director is appealed, the following will be added to the file:

(1) The letter of appeal.

(2) All written comments submitted regarding the appeal.

(3) The staff report on the appeal.

(4) The electronic sound recording of the hearing on the appeal.

(5) The decision of the Hearing Examiner on the appeal.

e. Any other information relevant to the matter.

2. Availability – The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

145.35 Burden of Proof

The applicant has the responsibility of convincing the Planning Director that, under the provisions of this chapter, the applicant is entitled to the requested decision.

145.45 Planning Director's Decision

1. General – After the deadline for submitting comments and after considering all of the information and comments submitted on the matter, the Planning Director shall issue a written decision either:

   a. Granting the application; or

   b. Modifying and granting the application; or

   c. Denying the application.

2. Decisional Criteria – The Planning Director shall use the criteria listed in the provision of this code describing the requested decision in deciding upon the application. In addition, the Planning Director may approve the application only if:

   a. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and

   b. It is consistent with the public health, safety and welfare.

3. Conditions and Restrictions – The Planning Director shall include in the written decision any conditions and restrictions that he/she determines are necessary to eliminate or minimize any undesirable effects of granting the application. Any conditions and restrictions that are imposed become part of the decision.

4. Contents – The Planning Director shall include in the written decision:

   a. A statement granting, modifying and granting, or denying the application;

   b. Any conditions and restrictions that are imposed;

   c. A statement of facts presented to him/her that support the decision, including any conditions and restrictions that are imposed;

   d. A statement of the Director's conclusions based on those facts;

   e. A statement of the criteria used by the Director in making the decision; and

   f. A summary of the procedures, as established in this chapter, to appeal the decision of the Director.

5. Notice of Decision – Within four calendar days after the Planning Director's written decision is issued, the Planning Official shall mail a copy of the decision to the following persons:

   a. The applicant.

   b. Each person who submitted written comments.

   c. Each person who has requested notice of the decision.

   In addition, within four calendar days after the Planning Director's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA and the procedures for appealing the decision under this chapter, on the public notice sign erected under KZC 145.22(2)(b).

6. The Planning Director retains jurisdiction to correct errors in and/or to clarify the decision until the appeal period under KZC 145.60 has expired.

145.50 Effect of the Decision

The applicant may not engage in any activity based on the decision granting the application until the time to appeal has expired. If the decision is appealed, the applicant may not engage in any activity based on the decision granting the application until the City issues a final decision on the matter. If the decision of the Planning Director is not appealed, that decision is the final decision of the City.

145.60 Appeals

1. Who May Appeal – The decision of the Planning Director may be appealed by:

   a. The applicant, or

   b. Any person who submitted written comments or information to the Planning Director.

2. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 calendar days following the postmarked date of distribution of the Planning Director's decision; provided, that the appeal letter must be delivered to the Planning Department within 21 calendar days of the postmarked date of distribution of the Planning Director's decision if state or local rules adopted pursuant to SEPA allow for public comment on a declaration of nonsignificance issued on the proposed development activity. It must contain:

   a. A clear reference to the matter being appealed; and

   b. A statement of the specific elements of the Planning Director's decision disputed by the person filing the appeal.

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

4. Jurisdiction – Appeals from the decision of the Planning Director will be heard by the Hearing Examiner.

145.65 Notice of the Appeal Hearing

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

a. The file number and a brief verbal description of the matter being appealed.

b. A statement of the scope of the appeal including a summary of the specific factual findings and conclusions disputed in the letter of appeal.

c. The time and place of the public hearing on the appeal before the Hearing Examiner.

d. A statement of who may participate in the appeal.

e. A statement of how to participate in the appeal.

2. Distribution – At least 14 calendar days before the hearing on the appeal, the Planning Official shall send a copy of this notice to each person entitled to appeal the decision under KZC 145.60.

145.70 Participation in the Appeal

Only those persons entitled to appeal the decision under KZC 145.60 may participate in the appeal. These persons may participate in either or both of the following ways:

1. By submitting written comments or testimony to the Hearing Examiner prior to the commencement of the hearing.

2. By appearing in person, or through a representative, at the hearing and submitting oral testimony directly to the Hearing Examiner. The Hearing Examiner may reasonably limit the extent of the oral testimony to facilitate the orderly and timely conduct of the hearing.

145.75 Scope of the Appeal

The appeal will be an open record appeal hearing. The scope of the appeal is limited to the specific elements of the Planning Director's decision disputed in the letter of appeal, and the Hearing Examiner may only consider comments, testimony and arguments on these specific elements.

145.80 Staff Report on the Appeal

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

a. The written decision of the Planning Director.

b. All written comments submitted to the Planning Director.

c. The letter of appeal.

d. All written comments on the appeal received by the Planning Department from persons entitled to participate in the appeal and within the scope of the appeal.

e. An analysis of the specific elements of the Planning Director's decision disputed in the letter of appeal.

2. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute copies of the staff report as follows:

a. A copy will be sent to the Hearing Examiner.

b. A copy will be sent to the applicant.

c. A copy will be sent to the person who filed the appeal.

d. A copy will be sent to any person who received a copy of the Director's decision.

145.85 Public Hearing on the Appeal

1. Hearing in General – The Hearing Examiner shall hold a public hearing on the appeal.

2. Hearing Declared Open – The hearings of the Hearing Examiner are open to the public.

145.90 Electronic Sound Recordings

The Hearing Examiner shall make a complete electronic sound recording of each hearing.

145.95 Burden of Proof

The person filing the appeal has the responsibility of convincing the Hearing Examiner that the Planning Director made an incorrect decision.

145.100 Continuation of the Hearing

The Hearing Examiner may continue the hearing if, for any reason, he/she is unable to hear all of the public comments on the appeal or if the Hearing Examiner determines that he/she needs more information within the scope of the appeal. If, during the hearing, the Hearing Examiner announces the time and place of the next hearing on the matter, no further notice of that hearing need be given.

145.105 Decision on the Appeal

1. General – The Hearing Examiner shall consider all information and material within the scope of the appeal submitted by persons entitled to participate in the appeal. Based on the Hearing Examiner's findings and conclusions, he/she shall either:

   a. Affirm the decision being appealed;

   b. Reverse the decision being appealed; or

   c. Modify the decision being appealed.

2. Time Limits – The Hearing Examiner shall issue his/her decision within 90 calendar days of the date the letter of appeal was filed under KZC 145.60.

3. Notice of Decision – Within four calendar days after it is issued, the Hearing Examiner shall mail a copy of his/her decision to the following persons:

   a. The applicant.

   b. The person who filed the appeal.

   c. All other persons who participated in the appeal.

   d. Each person who has requested notice of the decision.

   In addition, within four calendar days after the Hearing Examiner's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA, on the public notice signs erected under KZC 145.22(2)(b).

4. Effect – The decision by the Hearing Examiner is the final decision of the City.

145.110 Judicial Review

The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 36.21C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the City. For more information on the judicial review process for land use decisions, see Chapter 36.70C RCW.

145.115 Lapse of Approval

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within four years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 145.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within six years after the final approval on the matter, or the decision becomes void. For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

145.120 Bonds

The Planning Director and the Hearing Examiner may require a bond as per Chapter 175 KZC to insure compliance with any aspect of a permit or approval.

145.125 Complete Compliance Required

1. General – Except as specified in subsection (2) of this section, the applicant must comply with all aspects, including conditions and restrictions, of an approval granted under this chapter in order to do everything authorized by that approval.

2. Exception – Subsequent Modification – If a specific use or site plan is approved through this process, or any quasijudicial process under previous zoning codes, the applicant is not required to apply for and obtain approval through this process for a subsequent change in use or site plan unless:

   a. There is a change in use and this code establishes different or more rigorous standards for the new use than for the existing use; or

   b. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change.

145.130 Time Limit

Any time limit, pursuant to Chapter 36.70B RCW, upon the City's processing and decision upon applications under this chapter may, except as specifically otherwise stated in this chapter, be modified by a written agreement between the applicant and Planning Director. In the event a permit constitutes or presents a special circumstance under the provisions of this chapter, the time limits for the City to make a final decision and issue its notice of decision under Chapter 36.70B RCW are extended by the number of days that the final decision of the City was delayed as a result of that special circumstance.

Chapter 150 – PROCESS IIA

Sections:

150.05 User Guide
150.10 Proposals Requiring Approval through Process IIB or III
150.12 Pre-Submittal Meeting
150.15 Applications
150.17 Determination of Completeness of Application
150.20 Compliance with SEPA
150.22 Notice of Application
150.25 Official File
150.30 Notice of Hearing
150.35 Staff Report
150.40 Open Record Hearing
150.45 Electronic Sound Recording
150.50 Burden of Proof
150.55 Participation at the Hearing
150.60 Continuation of the Hearing
150.65 Hearing Examiner's Decision
150.70 Effect of the Decision
150.80 Appeals
150.85 Notice of the Appeal Hearing
150.90 Participation in the Appeal
150.95 Nature of the Appeal and Scope of the Appeal
150.100 Staff Report on the Appeal
150.105 Public Hearing
150.110 Electronic Sound Recordings
150.115 Burden of Proof
150.120 Continuation of the Hearing
150.125 Decision on the Appeal
150.130 Judicial Review
150.135 Lapse of Approval
150.140 Bonds
150.145 Complete Compliance Required
150.150 Time Limits

150.05 User Guide

Various places in this code indicate that certain developments, activities or uses are permitted only if approved using Process IIA. This chapter describes Process IIA.

If you are interested in obtaining approval for something through Process IIA or if you wish to participate in a decision that will be made using this process, you should read this chapter. However, this chapter only applies if another provision of the code specifically states that a decision will be made using Process IIA. Please review KMC Title 20 for additional information regarding the City's processing of project permits.

In addition, please refer to KZC 150.10 to see if that section applies.

150.10 Proposals Requiring Approval through Process IIB or III

If the development, use or activity that requires approval through Process IIA is part of a proposal that requires additional approval through Process IIB or Process III, the entire proposal will be decided upon using that other process.

150.12 Pre-Submittal Meeting

1. General – Before applying for a permit or approval under this chapter, the applicant shall attend a pre-submittal meeting with the Planning Official consistent with the provisions of this section.

2. Scheduling – The Planning Department will arrange a time for the pre-submittal meeting as soon as is reasonably practicable after the meeting is requested by the applicant.

3. Purpose – The purpose of the pre-submittal meeting is for the Planning Official to provide information to the applicant regarding what information needs to be submitted for a complete application.

4. Time Limits – The City will not accept an application under this chapter unless the applicant attended a pre-submittal meeting under this section, regarding the proposal for which application is made, within the three months immediately prior to the date the application is submitted.

150.15 Applications

1. Who May Apply – Any person may, personally or through an agent, apply for a decision regarding property he/she owns.

2. How To Apply – The applicant shall file the following information with the Planning Department:

   a. A completed application, with supporting affidavits, on forms provided by the Planning Department.

   b. Address labels containing the names and addresses of the owners of all property, including the subject property, within 300 feet of any boundary of the subject property. Address labels must be no more than six months old.

   c. Address labels marked "resident" or "tenant" for all addresses located:

      1) On the subject property, and

      2) Adjoining the subject property.

   d. A copy of the King County Assessor's Map identifying the properties specified in subsections (2)(b) and (2)(c) of this section.

   e. A vicinity map showing the subject property and all property within 400 feet of any boundary of the subject property.

   f. Any information or material that is specified in the provision of this code that describes the applied for decision.

   g. Any additional information or material that the Planning Official specified at the pre-submittal meeting.

   h. Any additional information or material which must be submitted in order to have a complete application under KMC Title 20.

3. Fee – The applicant shall submit the fee established by ordinance with the application.

150.17 Determination of Completeness of Application

1. General – Within 28 calendar days after the date of submittal of the application, the Planning Official shall mail to the applicant, or provide in person to the applicant, a written determination of whether the application is complete, and, if the application is not complete, what must be submitted by the applicant in order for the application to be complete. In this written determination, the Planning Official shall also identify, to the extent known to the City, the other agencies of local, state or federal government that may have jurisdiction over some aspect of the proposed development activity. The Planning Official may also include other information with this determination that will assist in the review and decision upon the application.

2. Standard for Determining Completeness – An application is complete for purposes of this section when it contains the information required by KZC 150.15 and is sufficient for continued processing even though additional information may be required or modification of the proposal may be subsequently undertaken. A determination of completeness under this section does not preclude the City from requesting additional information or studies either at the time of providing the written determination of completeness or subsequently if new information is required.

3. Review of Additional Information – The Planning Official shall provide a written determination under subsection (1) of this section within 14 calendar days of the date the applicant submits additional information required under this section.

4. Application Considered Withdrawn – Unless the notice specifying additional information to be submitted for a complete application establishes a longer period, the application will be considered withdrawn for all purposes if the applicant has not submitted the required information to the City within 90 calendar days after the date of the notice or, if applicable, after any extension granted in writing by the Planning Director. The Planning Director may grant an extension if, based on information submitted by the applicant with the request for the extension, the Planning Director concludes that the applicant is making reasonable progress toward submitting the required information.

150.20 Compliance with SEPA

The State Environmental Policies Act (Chapter 43.21C RCW) applies to some of the decisions that will be made using this chapter. The Planning Official shall evaluate each application and, where applicable, comply with SEPA and with state regulations and City ordinances issued under the authority of SEPA. See KMC 24.02.105 regarding consolidation of certain appeals hearings under SEPA with the hearing required under this chapter.

150.22 Notice of Application

1. Contents – The Planning Official shall prepare a notice of each application containing the following information:

   a. The street address of the subject property, or if this is not available, a locational description in nonlegal language along with a vicinity map that identifies the subject property.

   b. The date of application.

   c. The date of the notice of completeness under KZC 150.17.

   d. The date of this notice.

   e. A description of the proposed development activity and the decision that will be made under this chapter; a list of the permits and approvals included in the application; and an

identification of other necessary permits not included in the application to the extent known by the City.

f. A list of any studies requested by the City pertinent to the application.

g. Identification of existing environmental documents that evaluate the proposed development activity.

h. The location where the official file may be examined.

i. The time limit, which will not be less than 18 calendar days nor more than 30 calendar days after the date of the notice, for submitting comments to the Planning Official, which the Planning Official shall consider prior to making a recommendation on the application.

j. Information regarding how to request a copy of the decision once it is made.

k. General information regarding how to appeal decisions made under this chapter.

l. A statement of any preliminary determination, if any, made by the Planning Official at the time of the notice regarding the development regulations that the Planning Official will propose as mitigation of project impact and the consistency of the proposed development activity with those development regulations.

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) A copy of the notice, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.

2) A copy of the notice, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

3) A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.

4) A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

5) A copy of the notice will be sent to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.

b. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the applicant shall provide for and erect public notice signs as follows:

1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a vicinity map shall be attached to each sign.

2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.

3) One sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.

4) The applicant shall post a bond pursuant to Chapter 175 KZC to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.

5) The signs may not be removed until 21 calendar days after the final decision of the City on the application, and the applicant shall remove the signs within seven calendar days thereafter.

150.25 Official File

1. Contents – The Planning Official shall compile an official file on the application containing the following:

   a. All application materials submitted by the applicant.

   b. The staff report.

   c. All written comments and testimony received on the matter.

   d. The electronic recording of the public hearing on the matter.

   e. The decision of the Hearing Examiner.

   f. If the decision of the Hearing Examiner is appealed, the following will be added to the file:

      1) The letter of appeal.

      2) All written comments submitted regarding the appeal.

      3) The staff report on the appeal.

      4) The electronic sound recording and minutes of the hearing on the appeal.

      5) The decision of the City Council on the appeal.

   g. Any other information relevant to the matter.

2. Availability – The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

150.30 Notice of Hearing

1. Contents – The Planning Official shall prepare a notice of the hearing of the Hearing Examiner containing the following information:

   a. The name of the applicant and, if applicable, the project name.

   b. The street address of the subject property, or if this is not available, a locational description in nonlegal language along with a vicinity map that identifies the subject property.

c. The citation of the provision of this code describing the applied for decision.

d. A brief verbal description of the requested decision.

e. The time and place of the hearing.

f. A statement of the availability of the official file.

g. A statement of the right of any person to submit written comments or testimony to the Hearing Examiner and to appear at the public hearing of the Hearing Examiner to give comments or testimony orally.

h. A statement that only persons who submit written or oral comments or testimony to the Hearing Examiner may appeal the Hearing Examiner's decision.

2. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:

a. A copy of the notice, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.

b. A copy of the notice, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

c. A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.

d. A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

e. A copy of the notice will be posted on each of the public notice signs erected under KZC 150.22(2).

3. Combined Notice – The Planning Official may combine the notice required under this section with the notice required under KZC 150.22.

150.35 Staff Report

1. Contents – The Planning Official shall prepare a staff report containing the following information:

a. All pertinent application materials.

b. All comments regarding the matter received by the Planning Department prior to distribution of the staff report.

c. An analysis of the application in relation to the applicable provisions of this code and the Comprehensive Plan.

d. A statement of the facts found by the Planning Official and the conclusions drawn from those facts.

e. A recommendation on the matter.

2. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute the staff report as follows:

   a. A copy will be sent to the Hearing Examiner.

   b. A copy will be sent to the applicant.

150.40 Open Record Hearing

1. General – The Hearing Examiner shall hold an open record hearing on each application.

2. Hearing Declared Open – The hearings of the Hearing Examiner are open to the public.

150.45 Electronic Sound Recording

The Hearing Examiner shall make a complete electronic sound recording of each public hearing.

150.50 Burden of Proof

The applicant has the responsibility of convincing the Hearing Examiner that, under the provisions of this chapter, the applicant is entitled to the requested decision.

150.55 Participation at the Hearing

Any person may participate in the hearing in either or both of the following ways:

1. By submitting written testimony or comments to the Hearing Examiner, either by delivering the testimony or comments to the Planning Department prior to the hearing or by giving it directly to the Hearing Examiner at the hearing.

2. By appearing in person, or through a representative, at the hearing and providing oral testimony or comments directly to the Hearing Examiner. The Hearing Examiner may reasonably limit the extent of oral testimony and comments to facilitate the orderly and timely conduct of the hearing.

150.60 Continuation of the Hearing

The Hearing Examiner may continue the hearing if, for any reason, he/she is unable to hear all of the public comments on the matter or if the Hearing Examiner determines that he/she needs more information on the matter. However, if the continuation of the hearing would result in the Hearing Examiner not complying with the time limit for issuing his/her decision consistent with KZC 150.65, the Hearing Examiner may continue the hearing only if the time limit for issuing his/her decision is extended under the provisions of that section. If, during the hearing, the Hearing Examiner announces the time and place of the next hearing on the matter, no further notice of that hearing need be given.

150.65 Hearing Examiner's Decision

1. General – After considering all of the information, testimony and comments submitted on the matter, the Hearing Examiner shall issue a written decision either:

   a. Granting the application; or

   b. Modifying and granting the application; or

   c. Denying the application.

2. Time Limits – The Hearing Examiner shall issue his/her decision within eight calendar days of the date of the open record hearing, as stated in the notice provided under KZC 150.30, except as follows:

   a. If the Hearing Examiner and the applicant agree in writing on an extension of the time limit for the Hearing Examiner to issue his/her decision, the Hearing Examiner has the additional agreed-upon time to issue his/her decision.

   b. If the proposed development activity presents a special circumstance, as defined below, the Hearing Examiner shall issue his/her decision within 21 calendar days of the date of the open record hearing as stated in the notice provided under KZC 150.30. For the purposes of this section, a permit for a proposed development activity presents a special circumstance under RCW 36.70B.140 when, because of the unusually large size of the subject property, the unusual complexity of what the applicant is proposing, the unusually large number of discretionary permits or approvals that are required and/or other unusual characteristics stated on the record by the Hearing Examiner, the proposed development activity requires more in-depth review and/or analysis than could reasonably be conducted under the time frame that would otherwise apply.

3. Decisional Criteria – The Hearing Examiner shall use the criteria listed in the provision of this code describing the requested decision in deciding upon the application. In addition, the Hearing Examiner may approve the application only if:

   a. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and

   b. It is consistent with the public health, safety and welfare.

4. Conditions and Restrictions – The Hearing Examiner shall include in the written decision any conditions and restrictions that he/she determines are necessary to eliminate or minimize any undesirable effects of granting the application. Any conditions and restrictions that are imposed become part of the decision.

5. Contents – The Hearing Examiner shall include the following in his/her written decision:

   a. A statement granting, modifying and granting, or denying the application.

   b. Any conditions and restrictions that are imposed.

   c. A statement of facts presented to him/her that support the decision, including any conditions and restrictions that are imposed.

   d. A statement of the Hearing Examiner's conclusions based on those facts.

   e. A statement of the criteria used by the Hearing Examiner in making the decision.

   f. A summary of the rights, as established in this chapter, of the applicant and others to appeal the decision of the Hearing Examiner.

6. Notice of Decision – Within four calendar days after the Hearing Examiner's written decision is issued, the Planning Official shall mail a copy of the decision to the following persons:

   a. The applicant.

   b. Each person who submitted written or oral testimony to the Hearing Examiner.

c. Each person who has requested notice of the decision.

In addition, within four calendar days after the Hearing Examiner's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA and the procedures for appealing the decision under this chapter, on the public notice signs erected under KZC 150.22(2)(b).

7. The Hearing Examiner retains jurisdiction to correct errors in and/or to clarify the decision until the appeal period under KZC 150.80 has expired.

150.70 Effect of the Decision

The applicant may not engage in any activity based on the decision granting the application until the time to appeal has expired. If the decision is appealed, the applicant may not engage in any activity based on the decision granting the application until the City issues a final decision on the matter. If the decision of the Hearing Examiner is not appealed, that decision is the final decision of the City.

150.80 Appeals

1. Who May Appeal – The decision of the Hearing Examiner may be appealed by:

   a. The applicant; and

   b. Any person who submitted written or oral testimony or comments to the Hearing Examiner.

2. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 calendar days following the postmarked date of distribution of the Hearing Examiner's decision; provided, that the appeal letter must be delivered to the Planning Department within 21 calendar days of the postmarked date of distribution of the Hearing Examiner's decision if state or local rules adopted pursuant to SEPA allow for public comment on a declaration of nonsignificance issued on the proposed development activity. It must contain:

   a. A clear reference to the matter being appealed; and

   b. A statement of the specific factual findings and conclusions of the Hearing Examiner disputed by the person filing the appeal.

3. Fee – The person filing the appeal shall include with the letter of appeal the fee established by ordinance.

4. Jurisdiction – Appeals from the decision of the Hearing Examiner will be heard by City Council.

150.85 Notice of the Appeal Hearing

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

   a. The file number and a brief verbal description of the matter being appealed.

   b. A statement of the scope of the appeal including a summary of the specific factual findings and conclusions disputed in the letter of appeal.

   c. The time and place of the public hearing on the appeal before City Council.

   d. A statement of who may participate in the appeal.

e. A statement of how to participate in the appeal.

2. Distribution – At least 14 calendar days before the hearing on the appeal, the Planning Official shall send a copy of this notice to each person entitled to appeal the decision under KZC 150.80(1).

150.90 Participation in the Appeal

Only those persons entitled to appeal the decision under KZC 150.80(1) may participate in the appeal. These persons may participate in either or both of the following ways:

1. By submitting written arguments to the City Council prior to the commencement of the hearing.

2. By appearing in person, or through a representative, at the hearing and providing oral or written arguments directly to the City Council. The Council may reasonably limit the extent of the oral arguments to facilitate the orderly and timely conduct of the hearing.

150.95 Nature of the Appeal and Scope of the Appeal

The appeal will be a closed record appeal. The scope of the appeal is limited to the specific factual findings and conclusions disputed in the letter of appeal, and City Council may only consider arguments on these factual findings and conclusions. The appeal will be considered only on the record developed in the hearing before the Hearing Examiner.

150.100 Staff Report on the Appeal

1. Contents – The Planning Official shall prepare a staff report on the appeal containing the following:

   a. The staff report prepared for the public hearing before the Hearing Examiner.

   b. The written decision of the Hearing Examiner.

   c. All written testimony and comments submitted to the Hearing Examiner.

   d. A summary of the testimony, comments and discussion at the hearing of the Hearing Examiner and a statement of the availability of the electronic sound recording of the hearing.

   e. The letter of appeal.

   f. All written arguments received by the Planning Department from persons entitled to participate in the appeal and within the scope of the appeal.

   g. An analysis of the specific factual findings and conclusions disputed in the letter of appeal.

2. Distribution – The Planning Official shall distribute copies of the staff report as follows:

   a. Prior to the hearing, a copy will be sent to each member of the City Council.

   b. At least seven calendar days before the hearing, a copy will be sent to:

      1) The applicant;

      2) The person who filed the appeal; and

3) A copy will be sent to any person who received a copy of the Hearing Examiner's decision.

150.105 Public Hearing

1. Hearing in General – City Council shall hold a closed record appeal hearing on the appeal.

2. Hearing Declared Open – The hearings of the City Council are open to the public.

150.110 Electronic Sound Recordings

City Council shall make a complete electronic sound recording of each hearing.

150.115 Burden of Proof

The person filing the appeal has the responsibility of convincing the City Council that the Hearing Examiner made an incorrect decision because of erroneous findings of fact or conclusions.

150.120 Continuation of the Hearing

City Council may continue the hearing if, for any reason, they are unable to hear all of the public comments on the appeal or if City Council determines that they need more information within the scope of the appeal. If, during the hearing, the time and place of the next public hearing on the matter is announced, no further notice of that hearing need be given.

150.125 Decision on the Appeal

Within 60 calendar days of the date the letter of appeal was filed under KZC 150.80 and after considering all arguments within the scope of the appeal submitted by persons entitled to participate in the appeal, City Council shall, by motion approved by a majority of its total membership, take one of the following actions:

1. If City Council determines that disputed findings of fact and conclusions of the Hearing Examiner are the correct findings of fact and conclusions, the Council shall affirm the decision.

2. If City Council determines that the disputed findings of fact and conclusions of the Hearing Examiner are not correct and that correct findings of fact and conclusions do not support the decision of the Hearing Examiner, the Council shall modify or reverse the decision.

3. In all other cases, the Council shall direct the Hearing Examiner to hold a rehearing on the matter. The motion may limit the scope of the matters to be considered at this rehearing. The provisions of KZC 150.25 through 150.70 apply to a rehearing under this subsection. In the event the City Council orders a rehearing on the matter, this shall constitute a special circumstance under RCW 36.70B.140. The Hearing Examiner shall hold the rehearing within 28 calendar days of the date the City Council orders the rehearing, and the time limits and other pertinent requirements of this chapter shall apply to the rehearing.

4. Notice of Decision

   a. General – Following the final decision of the City Council, the Planning Official shall prepare a notice of the City's final decision on the application.

   b. Distribution – Within four calendar days after the City Council's decision is made, the Planning Official shall mail a copy of the decision to the following persons:

      1) The applicant.

2) The person who filed the appeal.

3) Each person who submitted written or oral comments to the City Council.

4) Each person who has requested notices of the decision.

In addition, within four calendar days after the City Council's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA, on the public notice signs erected under KZC 150.22(2)(b).

5. Effect – The decision of City Council is the final decision of the City.

150.130 Judicial Review

The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 36.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the City. For more information on the judicial review process for land use decision, see Chapter 36.70C RCW.

150.135 Lapse of Approval

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within four years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 150.130, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within six years after the final approval on the matter, or the decision becomes void. For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

150.140 Bonds

The Hearing Examiner and City Council may require a bond under Chapter 175 KZC to insure compliance with any aspect of a permit or approval.

150.145 Complete Compliance Required

1. General – Except as specified in subsection (2) of this section, the applicant must comply with all aspects, including conditions and restrictions, of an approval granted under this chapter in order to do everything authorized by that approval.

2. Exception – Subsequent Modification

If a specific use or site plan is approved through this process, or any quasijudicial process under previous zoning codes, the applicant is not required to apply for and obtain approval through this process for a subsequent change in use or site plan unless:

a. There is a change in use and this code establishes different or more rigorous standards for the new use than for the existing use; or

b. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change.

150.150 Time Limits

Any time limit, pursuant to Chapter 36.70B RCW, upon the City's processing and decision upon applications under this chapter may, except as specifically otherwise stated in this chapter, be modified by a written agreement between the applicant and Planning Director. In the event a permit constitutes or presents a special circumstance under the provisions of this chapter, the time limits for the City to make a final decision and issue its notice of decision under Chapter 36.70B RCW are extended by the number of days that the final decision of the City was delayed as a result of that special circumstance.

Chapter 152 – PROCESS IIB

Sections:

152.05 User Guide
152.10 Proposals Requiring Approval through Process III
152.12 Pre-Submittal Meeting
152.15 Applications
152.17 Determination of Completeness of Application
152.20 Compliance with SEPA
152.22 Notice of Application
152.25 Official File
152.30 Notice of Hearing
152.35 Staff Report
152.45 Open Record Hearing
152.50 Electronic Sound Recording
152.55 Burden of Proof
152.60 Public Comments and Participation at the Hearing
152.65 Continuation of the Hearing
152.70 Recommendation by the Hearing Examiner
152.75 Distribution of Hearing Examiner's Recommendation
152.85 Challenge to the Hearing Examiner's Recommendation
152.90 City Council Action
152.100 Action and Jurisdiction of the Houghton Community Council
152.105 Notice of Decision
152.110 Judicial Review
152.115 Lapse of Approval
152.120 Bonds
152.125 Complete Compliance Required
152.130 Time Limits

152.05 User Guide

Various places in this code indicate that certain developments, activities or uses are permitted only if approved using Process IIB. This chapter describes Process IIB.

If you are interested in obtaining approval for something through Process IIB or if you wish to participate in a decision that will be made using this process, you should read this chapter. However, this chapter only applies if another provision of the code specifically states that a decision will be made using Process IIB. Please review KMC Title 20 for additional information regarding the City's processing of project permits.

In addition, please refer to KZC 152.10 to see if that section applies.

152.10 Proposals Requiring Approval through Process III

If the development, use or activity that requires approval through Process IIB is part of a proposal that requires additional approval through Process III, the entire proposal will be decided upon using Process III.

152.12 Pre-Submittal Meeting

1. General – Before applying for a permit or approval under this chapter, the applicant shall attend a pre-submittal meeting with the Planning Official consistent with the provisions of this section.

2. Scheduling – The Planning Department will arrange a time for the pre-submittal meeting as soon as is reasonably practicable after the meeting is requested by the applicant.

3. Purpose – The purpose of the pre-submittal meeting is for the Planning Official to provide information to the applicant regarding what information needs to be submitted for a complete application.

4. Time Limits – The City will not accept an application under this chapter unless the applicant attended a pre-submittal meeting under this section, regarding the proposal for which application is made, within the three months immediately prior to the date the application is submitted.

152.15 Applications

1. Who May Apply – Any person may, personally or through an agent, apply for a decision regarding property he/she owns.

2. How To Apply – The applicant shall file the following information with the Planning Department:

   a. A completed application, with supporting affidavits, on forms provided by the Planning Department.

   b. Address labels containing the names and addresses of the owners of all property, including the subject property, within 300 feet of any boundary of the subject property. Address labels must be no more than six months old.

   c. Address labels marked "resident" or "tenant" for all addresses located:

      1) On the subject property, and

      2) Adjoining on the subject property.

   d. A copy of the King County Assessor's Map identifying the properties specified in subsections (2)(b) and (c) of this section.

   e. A vicinity map showing the subject property and all property within 400 feet of any boundary of the subject property.

   f. Any information or material that is specified in the provision of this code that describes the applied for decision.

   g. Any additional information or material that the Planning Official specified at the pre-submittal meeting.

   h. Any additional information or material which must be submitted in order to have a complete application under KMC Title 20.

3. Fee – The applicant shall submit the fee established by ordinance with the application.

152.17 Determination of Completeness of Application

1. General – Within 28 calendar days after the date of submittal of the application, the Planning Official shall mail to the applicant, or provide in person to the applicant, a written determination of whether the application is complete, and, if the application is not complete, what must be submitted by the applicant in order for the application to be complete. In this written determination, the Planning Official shall also identify, to the extent known to the City, the other agencies of local, state or federal government that may have jurisdiction over some aspect of the proposed development activity. The Planning Official may also include other information with this determination that will assist in the review and decision upon the application.

2. Standard for Determining Completeness – An application is complete for purposes of this section when it contains the information required by KZC 152.15 and is sufficient for continued processing even though additional information may be required or modification of the proposal may be subsequently undertaken. A determination of completeness under this section does not preclude the City from requesting additional information or studies either at the time of providing the written determination of completeness or subsequently if new information is required.

3. Review of Additional Information – The Planning Official shall provide a written determination under subsection (1) of this section within 14 calendar days of the date the applicant submits additional information required under this section.

4. Application Considered Withdrawn – Unless the notice specifying additional information to be submitted for a complete application establishes a longer period, the application will be considered withdrawn for all purposes if the applicant has not submitted the required information to the City within 90 calendar days after the date of the notice or, if applicable, after any extension granted in writing by the Planning Director. The Planning Director may grant an extension if, based on information submitted by the applicant with the request for the extension, the Planning Director concludes that the applicant is making reasonable progress toward submitting the required information.

152.20 Compliance with SEPA

The State Environmental Policies Act (Chapter 43.21C RCW) applies to some of the decisions that will be made using this chapter. The Planning Official shall evaluate each application and, where applicable, comply with SEPA and with state regulations and City ordinances issued under the authority of SEPA. See KMC 24.02.105 regarding consolidation of certain appeal hearings under SEPA with the hearing required under this chapter.

152.22 Notice of Application

1. Contents – The Planning Official shall prepare a notice of each application containing the following information:

   a. The street address of the subject property, or if this is not available, a locational description in nonlegal language along with a vicinity map that identifies the subject property.

   b. The date of application.

   c. The date of the notice of completeness under KZC 152.17.

   d. The date of this notice.

   e. A description of the proposed development activity and the decision that will be made under this chapter; a list of the permits and approvals included in the application; and an identification of other necessary permits not included in the application to the extent known by the City.

   f. A list of any studies requested by the City pertinent to the application.

   g. Identification of existing environmental documents that evaluate the proposed development activity.

   h. The location where the official file may be examined.

i. The time limit, which will not be less than 18 calendar days nor more than 30 calendar days after the date of the notice, for submitting comments to the Planning Official, which the Planning Official shall consider prior to making a recommendation on the application.

j. Information regarding how to request a copy of the decision once it is made.

k. General information regarding how to appeal decisions made under this chapter.

l. A statement of any preliminary determination, if any, made by the Planning Official at the time of the notice regarding the development regulations that the Planning Official will propose as mitigation of project impact and the consistency of the proposed development activity with those development regulations.

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) A copy of the notice, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.

2) A copy of the notice, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

3) A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.

4) A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

5) A copy of the notice will be sent to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.

b. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the applicant shall provide for and erect public notice signs as follows:

1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a vicinity map shall be attached to each sign.

2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.

3) One sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.

4) The applicant shall post a bond pursuant to Chapter 175 KZC to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the signs.

5) The signs may not be removed until 21 calendar days after the final decision of the City on the application, and the applicant shall remove the signs within seven calendar days thereafter.

152.25 Official File

1. Contents – The Planning Official shall compile an official file on the application containing the following:

   a. All application materials submitted by the applicant.

   b. The staff report.

   c. All written comments and testimony received on the matter.

   d. The electronic recording of the public hearing on the matter.

   e. The recommendation of the Hearing Examiner.

   f. The electronic sound recording and minutes of the City Council proceedings on the matter.

   g. The decision of the City Council.

   h. The recommendation and final action, if any, of the Houghton Community Council.

   i. Any other information relevant to the matter.

2. Availability – The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

152.30 Notice of Hearing

1. Contents – The Planning Official shall prepare a notice of the hearing of the Hearing Examiner containing the following information:

   a. The name of the applicant and, if applicable, the project name.

   b. The street address of the subject property or, if this is not available, a locational description in nonlegal language along with a vicinity map that identifies the subject property.

   c. The citation of the provision of this code describing the applied for decision.

   d. A brief verbal description of the requested decision.

   e. The time and place of the hearing.

   f. A statement of the availability of the official file.

   g. A statement of the right of any person to submit written comments or testimony to the Hearing Examiner and to appear at the public hearing of the Hearing Examiner to give comments or testimony orally.

   h. A statement that only persons who submit written or oral comments or testimony to the Hearing Examiner may challenge the recommendation of the Hearing Examiner.

2. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:

   a. A copy of the notice, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.

   b. A copy of the notice, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

   c. A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.

   d. A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

   e. A copy of the notice will be posted on each of the public notice signs erected under KZC 152.22(2).

3. Combined Notice – The Planning Official may combine the notice required under this section with the notice required under KZC 152.22.

152.35 Staff Report

1. Contents – The Planning Official shall prepare a staff report containing the following information:

   a. All pertinent application materials.

   b. All comments regarding the matter received by the Planning Department prior to distribution of the staff report.

   c. An analysis of the application in relation to the applicable provisions of this code and the Comprehensive Plan.

   d. A statement of the facts found by the Planning Official and the conclusions drawn from those facts.

   e. A recommendation on the matter.

2. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute the staff report as follows:

   a. A copy will be sent to the Hearing Examiner

   b. A copy will be sent to the applicant.

152.45 Open Record Hearing

1. General – The Hearing Examiner shall hold an open record hearing on each application.

2. Hearing Declared Open – The hearings of the Hearing Examiner are open to the public.

3. Effect – The hearing of the Hearing Examiner is the hearing for City Council.

152.50 Electronic Sound Recording

The Hearing Examiner shall make a complete electronic sound recording of each public hearing.

152.55 Burden of Proof

The applicant has the responsibility of convincing the City that, under the provisions of this chapter, the applicant is entitled to the requested decision.

152.60 Public Comments and Participation at the Hearing

Any person may participate in the hearing in either or both of the following ways:

1. By submitting written testimony or comments to the Hearing Examiner, either by delivering the testimony or comments to the Planning Department prior to the hearing or by giving it directly to the Hearing Examiner at the hearing.

2. By appearing in person, or through a representative, at the hearing and providing oral testimony or comments directly to the Hearing Examiner. The Hearing Examiner may reasonably limit the extent of oral testimony or comments to facilitate the orderly and timely conduct of the hearing.

152.65 Continuation of the Hearing

The Hearing Examiner may continue the hearing if, for any reason, he/she is unable to hear all of the public comments on the matter or if the Hearing Examiner determines that he/she needs more information on the matter. However, if the continuation of the hearing would result in the Hearing Examiner not complying with the time limit for issuing his/her recommendation consistent with KZC 152.70, the Hearing Examiner may continue the hearing only if the time limit for issuing his/her recommendation is extended under the provisions of that section. If, during the hearing, the Hearing Examiner announces the time and place of the next hearing on the matter, no further notice of that hearing need be given.

152.70 Recommendation by the Hearing Examiner

1. General – After considering all of the information, testimony and comments submitted on the matter, the Hearing Examiner shall issue a written recommendation to the City Council to either:

   a. Grant the application; or

   b. Modify and grant the application; or

   c. Deny the application.

2. Time Limits – The Hearing Examiner shall issue his/her recommendation within eight calendar days of the date of the open record hearing, as stated in the notice provided under KZC 152.30, except as follows:

   a. If the Hearing Examiner and the applicant agree in writing on an extension of the time limit for the Hearing Examiner to issue his/her recommendation, the Hearing Examiner has the additional agreed-upon time to issue his/her recommendation.

   b. If the proposed development activity presents a special circumstance, as defined below, the Hearing Examiner shall issue his/her recommendation within 21 calendar days of the date of the open record hearing as stated in the notice provided under KZC 152.30. For

the purposes of this section, a permit for a proposed development activity presents a special circumstance under RCW 36.70B.140 when, because of the unusually large size of the subject property, the unusual complexity of what the applicant is proposing, the unusually large number of discretionary permits or approvals that are required and/or other unusual characteristics stated on the record by the Hearing Examiner, the proposed development activity requires more in-depth review and/or analysis than could reasonably be conducted under the time frame that would otherwise apply.

3. Decisional Criteria – The Hearing Examiner shall use the criteria listed in the provision of this code describing the requested decision in making a recommendation to City Council on the application. In addition, the Hearing Examiner may recommend approval of the application only if:

   a. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and

   b. It is consistent with the public health, safety and welfare.

4. Conditions and Restrictions – The Hearing Examiner shall include in the written recommendation any conditions and restrictions that he/she determines are necessary to eliminate or minimize any undesirable effects of granting the application.

5. Contents – The Hearing Examiner shall include the following in his/her written recommendation to City Council:

   a. A statement of facts presented to the Hearing Examiner that support his/her recommendation, including any conditions and restrictions that are recommended.

   b. A statement of the Hearing Examiner's conclusions based on those facts.

   c. A statement of the criteria used by the Hearing Examiner in making the recommendation.

   d. A summary of the rights, as established in this chapter, of the applicant and others to challenge the recommendation of the Hearing Examiner.

152.75 Distribution of Hearing Examiner's Recommendation

The Planning Official shall distribute copies of the recommendation of the Hearing Examiner as follows:

1. Within four calendar days after the Hearing Examiner's written recommendation is issued, a copy will be sent to the applicant, and to any person who submitted written or oral testimony to the Hearing Examiner.

2. Prior to the meeting where City Council considers the application, a copy will be sent to each member of City Council. The Planning Official shall include the following material with the copy of the recommendation sent to each City Council member:

   a. A draft resolution or ordinance that embodies the Hearing Examiner's recommendation.

   b. Any challenge to the Hearing Examiner's recommendation filed under KZC 152.85 and received by the Planning Department before the Hearing Examiner's recommendation is sent to the members of City Council.

152.85 Challenge to the Hearing Examiner's Recommendation

1. Who May Challenge – The recommendation of the Hearing Examiner may be challenged by:

   a. The applicant; and

   b. Any person who submitted written or oral comments or testimony to the Hearing Examiner.

2. Contents of a Challenge – The challenge must be in writing and contain a statement of the factual findings and conclusions made by the Hearing Examiner that are contested. The challenge will be considered only on the record developed in the hearing before the Hearing Examiner.

3. How and When To File a Challenge

   a. The challenge may be filed by delivering it to the Planning Department, together with the fee established by ordinance, within seven calendar days of the date of the Hearing Examiner's recommendation on the application.

   b. The person filing the challenge shall, prior to delivery under subsection (3)(a) of this section, mail or personally deliver a copy of the challenge and a notice of the deadline for responding to the challenge as established in subsection (3)(c) of this section to those persons described in subsection (1) of this section. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the challenge letter filed with the Planning Department pursuant to subsection (3)(a) of this section.

   c. Any person receiving a copy of the challenge letter, pursuant to subsection (3)(b) of this section, may file a written response to the challenge. Such response shall be submitted to the Planning Department within seven calendar days after the day the challenge letter was filed with the Planning Department.

   d. Any person filing a response pursuant to this section shall mail or personally deliver a copy of the response to those persons described in subsection (1) of this section. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the response to the challenge letter filed with the Planning Department pursuant to subsection (3)(a) of this section.

152.90 City Council Action

1. General – The City Council shall consider the application at a scheduled meeting within 45 calendar days of the date of issuance of the Hearing Examiner's recommendations on the proposal.

2. City Council Decision – After consideration of the entire matter on the record before the Hearing Examiner, the City Council shall, by motion, approved by a majority of the total membership, take one of the following actions:

   a. Adopt an ordinance or resolution to either:

      1) Grant the application; or

      2) Modify and grant the application; or

      3) Deny the application.

   b. If the City Council concludes, based on a challenge to the recommendation or its own review of the recommendation, that the record compiled by the Hearing Examiner is incom-

plete or inadequate for the City Council to make a decision on the application, the City Council may by motion remand the matter to the Hearing Examiner with the directions to reopen the hearing and provide supplementary findings and conclusions on the matter or matters specified in the motion. Any remand under this section shall constitute a special circumstance under RCW 36.70B.140. The motion may limit the scope of the issues to be considered at this rehearing. In the event of a remand, the Hearing Examiner shall hold the rehearing within 28 calendar days of the date of the City Council motion, and the time limits and other pertinent requirements of this chapter shall apply to the rehearing.

3. Decisional Criteria – The City Council shall use the criteria listed in KZC 152.70(3) in deciding upon the application.

4. Conditions and Restrictions – The City Council shall include in the ordinance or resolution granting the application any conditions and restrictions they determine are necessary to eliminate or minimize any undesirable effects of granting the application. Any conditions and restrictions that are imposed become part of the decision.

5. Findings of Fact and Conclusion – The City Council shall include in their ordinance or resolution:

   a. A statement of the facts presented to City Council that support the decision, including any conditions and restrictions that they impose; and

   b. The City Council's conclusions based on those facts.

6. Effect – Subject to the provision of KZC 152.100, the ordinance or resolution of City Council is the final decision of the City.

152.100 Action and Jurisdiction of the Houghton Community Council

The Houghton Community Municipal Corporation is a separate municipal entity, under Chapter 35.14 RCW, existing within the Houghton neighborhood of the City. The governing body of the Houghton Community Municipal Corporation is the Houghton Community Council. If the application is within the disapproval jurisdiction of the Houghton Community Council, the provisions of this section apply to that application.

1. Houghton Community Council Public Meeting – The Houghton Community Council may hold a public meeting, which will be informal in nature, to obtain comments from the public and others on the application, and the following provisions shall apply:

   a. The public meeting shall be scheduled at the earliest practicable time, based on the schedule of the Houghton Community Council, that will allow for fair and informed deliberation, compliance with all notice requirements and the orderly processing of the application.

   b. The notice under KZC 152.30 shall include the time, place and other pertinent information about the public meeting.

   c. The Planning Official shall provide a copy of the staff report prepared under KZC 152.35 to each member of the Houghton Community Council prior to the public meeting.

   d. After the Houghton Community Council receives comments and information at the public meeting, it may make any recommendations on the application, in writing, that it deems appropriate.

   e. The Hearing Examiner shall consider any recommendation on the application from the Houghton Community Council that the Hearing Examiner receives within four calendar

days following the close of the hearing of the Hearing Examiner, and the City Council shall consider any recommendation from the Houghton Community Council that the City Council receives before the City Council first considers the application.

f. Neither the lack of a Houghton Community Council quorum at the public meeting nor the lack of a recommendation from the Houghton Community Council in any way affects the jurisdiction of the Hearing Examiner and the City Council under this chapter or the jurisdiction of the Houghton Community Council under subsection (2) of this section.

2. Disapproval Jurisdiction – If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, that approval is not effective until:

a. A majority of the entire membership of the Houghton Community Council vote by resolution to approve it; or

b. The Houghton Community Council fails to disapprove it within 60 calendar days after City Council adopts the ordinance or resolution granting the application. The vote to disapprove the application must be approved by a majority of the entire membership of the Community Council.

152.105 Notice of Decision

1. General – Following the decision by City Council, the Planning Official shall prepare a notice of decision on the application.

2. Distribution – Within four calendar days after the City Council's decision is made, the Planning Official shall mail a copy of the decision to the following persons:

a. The applicant.

b. Each person who submitted written or oral comments or testimony on the application.

c. Each person who has requested notice of the decision.

In addition, within four calendar days after the City Council's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA, on the public notice signs erected under KZC 152.22(2)(b).

3. Applications within the Jurisdiction of the Houghton Community Council – If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, the notice of decision shall also state that, while the decision of the City Council is the final decision of the City, such decision shall become effective only as specified in KZC 152.100(2).

152.110 Judicial Review

The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 36.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the City. The date of the final decision of the City is the date of passage of the City Council ordinance or resolution constituting the City's final decision unless such City Council decision is subject to the disapproval jurisdiction of the Houghton Community Council, in which case the petition for judicial review must be filed within 21 calendar days of the date of approval or disapproval action by the Houghton Community Council. For more information on the judicial review process for land use decisions, see Chapter 36.70C RCW.

152.115 Lapse of Approval

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within four years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 152.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within six years after the final approval on the matter, or the decision becomes void. For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

152.120 Bonds

The City Council may require a bond under Chapter 175 KZC to ensure compliance with any aspect of the permit or approval.

152.125 Complete Compliance Required

1. General – Except as specified in subsection (2) of this section, the applicant must comply with all aspects, including conditions and restrictions, of an approval granted under this chapter in order to do everything authorized by that approval.

2. Exception – Subsequent Modification

   If a specific use or site plan is approved through this process, or any quasijudicial process under previous zoning codes, the applicant is not required to apply for and obtain approval through this process for a subsequent change in use or site plan unless:

   a. There is a change in use and this code establishes different or more rigorous standards for the new use than for the existing use; or

   b. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change.

152.130 Time Limits

Any time limit, pursuant to Chapter 36.70B RCW, upon the City's processing and decision upon applications under this chapter may, except as specifically otherwise stated in this chapter, be modified by a written agreement between the applicant and Planning Director. In the event a permit constitutes or presents a special circumstance under the provisions of this chapter, the time limits for the City to make a final decision and issue its notice of decision under Chapter 36.70B RCW are extended by the number of days that the final decision of the City was delayed as a result of that special circumstance.

Chapter 155 – PROCESS III

Sections:

155.05 User Guide
155.10 Decision To Be Made Using Process II
155.12 Pre-Submittal Meeting
155.15 Applications
155.17 Determination of Completeness of Application
155.20 Compliance with SEPA
155.22 Notice of Application
155.25 Official File
155.30 Notice of Hearing
155.35 Staff Report
155.45 Open Record Hearing
155.50 Electronic Sound Recording
155.55 Burden of Proof
155.60 Participation at the Hearing
155.65 Continuation of the Hearing
155.70 Recommendation by the Planning Commission
155.75 Distribution of Planning Commission's Report Recommendation
155.85 Challenge to the Planning Commission's Recommendation
155.90 City Council Action
155.100 Action and Jurisdiction of the Houghton Community Council
155.105 Notice of Decision
155.110 Judicial Review
155.115 Lapse of Approval
155.120 Bonds
155.125 Complete Compliance Required
155.130 Time Limits

155.05 User Guide

Various places of this code indicate that certain developments, activities or uses are permitted only if approved using Process III. This chapter describes how Process III works.

If you are interested in obtaining approval for something through Process III or if you wish to participate in a decision that will be made using this process, you should read this chapter. However, this chapter only applies if another provision of this code specifically states that a decision will be made using Process III. Please review KMC Title 20 for additional information regarding the City's processing of project permits.

In addition, please refer to KZC 155.10 to see if that section applies.

155.10 Decision To Be Made Using Process II

1. General – If the City Council determines that the waiting time for a public hearing before the Planning Commission is too long, or if it is otherwise in the best interests of the residents of the City, the Council may, by resolution, order that certain categories of decisions that would normally be made using Process III be made using either Process IIA or Process IIB instead. This resolution must specify which Process, IIA or IIB, will be used and the duration of the effect of the resolution.

2. Exceptions – The City Council may not order that the following decision will be made using Process IIA or IIB:

   a. A decision on an application for PUD under Chapter 125 KZC;

b. A decision on an application for a reclassification under Chapter 130 KZC.

3. Effect – Any application received by the Planning Department for a decision that is within a category specified in a current resolution to be decided upon using Process IIA or Process IIB will be processed and decided upon through Process IIA or IIB, described respectively in Chapters 150 and 152 KZC.

155.12 Pre-Submittal Meeting

1. General – Before applying for a permit or approval under this chapter, the applicant shall attend a pre-submittal meeting with the Planning Official consistent with the provisions of this section.

2. Scheduling – The Planning Department will arrange a time for the pre-submittal meeting as soon as is reasonably practicable after the meeting is requested by the applicant.

3. Purpose – The purpose of the pre-submittal meeting is for the Planning Official to provide information to the applicant regarding what information needs to be submitted for a complete application.

4. Time Limits – The City will not accept an application under this chapter unless the applicant attended a pre-submittal meeting under this section, regarding the proposal for which application is made, within the three months immediately prior to the date the application is submitted.

155.15 Applications

1. Who May Apply – Any person may, personally or through an agent, apply for a decision regarding property he/she owns. In addition, any person may apply for a decision under this chapter if this is authorized by another provision of this code, regardless of whether the decision applies to property owned by the applicant.

2. How To Apply – The applicant shall file the following information with the Planning Department:

a. A completed application, with supporting affidavits, on forms provided by the Planning Department.

b. Address labels containing the names and addresses of the owners of all property, including the subject property, within 300 feet of any boundary of the subject property. Address labels must be no more than six months old.

c. Address labels marked "resident" or "tenant" for all addresses located:

1) On the subject property, and

2) Adjoining to the subject property.

d. A copy of the King County Assessor's Map identifying the properties specified in subsections (2)(b) and (c) of this section.

e. A vicinity map showing the subject property and all property within 400 feet of any boundary of the subject property.

f. Any information or material that is specified in the provision of this code that describes the applied for decision.

g. Any additional information or material that the Planning Official specified at the pre-submittal meeting.

h. Any additional information or material which must be submitted in order to have a complete application under KMC Title 20.

3. Fee – The applicant shall submit the fee established by ordinance with the application.

155.17 Determination of Completeness of Application

1. General – Within 28 calendar days after the date of submittal of the application, the Planning Official shall mail to the applicant, or provide in person to the applicant, a written determination of whether the application is complete, and, if the application is not complete, what must be submitted by the applicant in order for the application to be complete. In this written determination, the Planning Official shall also identify, to the extent known to the City, the other agencies of local, state or federal government that may have jurisdiction over some aspect of the proposed development activity. The Planning Official may also include other information with this determination that will assist in the review and decision upon the application.

2. Standard for Determining Completeness – An application is complete for purposes of this section when it contains the information required by KZC 155.15 and is sufficient for continued processing even though additional information may be required or modification of the proposal may be subsequently undertaken. A determination of completeness under this section does not preclude the City from requesting additional information or studies either at the time of providing the written determination of completeness or subsequently if new information is required.

3. Review of Additional Information – The Planning Official shall provide a written determination under subsection (1) of this section within 14 calendar days of the date the applicant submits additional information required under this section.

4. Application Considered Withdrawn – Unless the notice specifying additional information to be submitted for a complete application establishes a longer period, the application will be considered withdrawn for all purposes if the applicant has not submitted the required information to the City within 90 calendar days after the date of the notice or, if applicable, after any extension granted in writing by the Planning Director. The Planning Director may grant an extension if, based on information submitted by the applicant with the request for the extension, the Planning Director concludes that the applicant is making reasonable progress toward submitting the required information.

155.20 Compliance with SEPA

The State Environmental Policies Act (Chapter 43.21C RCW) applies to some of the decisions that will be made using this chapter. The Planning Official shall evaluate each application and, where applicable, comply with SEPA and with state regulations and City ordinances issued under the authority of SEPA. See KMC 24.02.105 regarding consolidation of certain appeal hearings under SEPA with the hearing required under this chapter.

155.22 Notice of Application

1. Contents – The Planning Official shall prepare a notice of each application containing the following information:

   a. The street address of the subject property, or if this is not available, a locational description in nonlegal language along with a vicinity map that identifies the subject property.

   b. The date of application.

   c. The date of the notice of completeness under KZC 155.17.

d. The date of this notice.

e. A description of the proposed development activity and the decision that will be made under this chapter; a list of the permits and approvals included in the application; and an identification of other necessary permits not included in the application to the extent known by the City.

f. A list of any studies requested by the City pertinent to the application.

g. Identification of existing environmental documents that evaluate the proposed development activity.

h. The location where the official file may be examined.

i. The time limit, which will not be less than 18 calendar days nor more than 30 calendar days after the date of the notice, for submitting comments to the Planning Official, which the Planning Official shall consider prior to making a recommendation on the application.

j. Information regarding how to request a copy of the decision once it is made.

k. General information regarding how to appeal decisions made under this chapter.

l. A statement of any preliminary determination, if any, made by the Planning Official at the time of the notice regarding the development regulations that the Planning Official will propose as mitigation of project impact and the consistency of the proposed development activity with those development regulations.

2. Distribution

a. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the Planning Official shall distribute this notice as follows:

1) A copy of the notice, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.

2) A copy of the notice, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

3) A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.

4) A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

5) A copy of the notice will be sent to each local, state and federal agency that the City knows has jurisdiction over the proposed development activity.

b. Not more than 10 calendar days after the Planning Official determines that the application is complete, and at least 18 calendar days prior to the end of the comment period, the applicant shall provide for and erect public notice signs as follows:

1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a vicinity map shall be attached to each sign.

2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.

3) One sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The Department of Planning and Community Development shall approve the location of each sign.

4) The applicant shall post a bond pursuant to Chapter 175 KZC to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.

5) The signs shall be removed within seven calendar days after the final decision of the City on the application.

155.25 Official File

1. Contents – The Planning Official shall compile an official file on the application containing the following:

   a. The application materials submitted by the applicant.

   b. The staff report.

   c. All written comments and testimony received on the matter.

   d. The electronic recording and minutes of the public hearing on the matter.

   e. The recommendation of the Planning Commission.

   f. The electronic sound recording and minutes of City Council proceedings on the matter.

   g. The decision of City Council.

   h. The recommendation and final action, if any, of the Houghton Community Council.

   i. Any other information relevant to the matter.

2. Availability – The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

155.30 Notice of Hearing

1. Contents – The Planning Official shall prepare a notice of the hearing of the Planning Commission containing the following information:

   a. The name of the applicant and, if applicable, the project name.

   b. The street address of the subject property, or if this is not available, a locational description in nonlegal language along with a vicinity map that identifies the subject property.

   c. The citation of the provision of this code describing the applied-for decision.

   d. A brief verbal description of the requested decision.

e. The time and place of the public hearing.

f. A statement of the availability of the official file.

g. A statement of the right of any person to submit written comments or testimony to the Planning Commission and to appear at the public hearing of the Planning Commission to give comments or testimony orally.

h. A statement that only persons who submit written or oral comments or testimony to the Planning Commission may challenge the recommendation of the Planning Commission.

2. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the public hearing as follows:

a. A copy of the notice, including a vicinity map, will be sent to the owners of all property within 300 feet of any boundary of the subject property.

b. A copy of the notice, including a vicinity map, will be sent to the residents of each piece of property adjacent to or directly across the street from the subject property.

c. A copy of the notice will be published in the official newspaper of the City. The published notice does not require a vicinity map.

d. A copy of the notice, including a vicinity map, will be posted on each of the official notification boards of the City.

e. A copy of the notice will be posted on each of the public notice signs erected under KZC 155.22(2).

3. Combined Notice – The Planning Official may combine the notice required under this section with the notice required under KZC 155.22.

155.35 Staff Report

1. Contents – The Planning Official shall prepare a staff report containing the following information:

a. All pertinent application materials.

b. All comments regarding the matter received by the Planning Department prior to distribution of the staff report.

c. An analysis of the application in relation to the applicable provisions of this code and the Comprehensive Plan.

d. A statement of the facts found by the Planning Official and the conclusions drawn from those facts.

e. A recommendation on the matter.

2. Distribution in General – At least seven calendar days before the hearing, the Planning Official shall distribute the staff report as follows:

a. A copy will be sent to each member of the Planning Commission.

b. A copy will be sent to the applicant.

155.45 Open Record Hearing

1. General – The Planning Commission shall hold an open record hearing on each application.

2. Hearing Declared Open – The hearings of the Planning Commission are open to the public.

3. Effect – The hearing of the Planning Commission is the hearing for City Council.

155.50 Electronic Sound Recording

The Planning Commission shall make a complete electronic sound recording of each hearing.

155.55 Burden of Proof

The applicant has the responsibility of convincing the City that, under the provisions of this chapter, the applicant is entitled to the requested decision.

155.60 Participation at the Hearing

Any person may participate in the hearing in either or both of the following ways:

1. By submitting written testimony or comments to the Planning Commission, either by delivering the testimony or comments to the Planning Department prior to the hearing or by giving it directly to the Planning Commission at the hearing.

2. By appearing in person, or through a representative, at the hearing and providing oral testimony or comments directly to the Planning Commission. The Planning Commission may reasonably limit the extent of oral testimony and comments to facilitate the orderly and timely conduct of the hearing.

155.65 Continuation of the Hearing

The Planning Commission may continue the hearing if, for any reason, it is unable to hear all of the public comments on the matter or if the Commission determines that it needs more information on the matter. However, if the continuation of the hearing would result in the Planning Commission not complying with the time limit for issuing its recommendation consistent with KZC 155.70, the Planning Commission may continue the hearing only if the time limit for issuing its recommendation is extended under the provisions of that section. If, during the hearing, the Commission announces the time and place of the next hearing on the matter, no further notice of that hearing need be given.

155.70 Recommendation by the Planning Commission

1. General – After receiving the written and oral testimony and comments at the hearing, the Planning Commission shall deliberate on the application. Following its deliberation, the Planning Commission shall, by a motion approved by a majority of the members present, recommend that City Council take one of the following actions:

   a. Grant the application.

   b. Modify and grant the application.

   c. Deny the application.

2. Decisional Criteria – The Planning Commission shall use the criteria listed in the provisions of this code describing the requested decision in making a recommendation to City Council on

the application. In addition, the Planning Commission may recommend approval of the application only if:

a. It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and

b. It is consistent with the public health, safety and welfare.

3. Conditions and Restrictions – The Planning Commission shall include in the motion containing its recommendation to City Council any conditions and restrictions that the Planning Commission determines are necessary to eliminate or minimize any undesirable effects of granting the application.

4. Findings of Fact and Conclusions – The Planning Commission shall include in the motion containing their recommendations to City Council:

a. A statement of the facts presented to the Planning Commission that support the Commission's recommendations, including any conditions and restrictions it has recommended; and

b. A statement of the Planning Commission's conclusions based on those facts.

5. Time Limits – The Planning Commission shall issue its recommendation within eight calendar days of the date of the open record hearing, as stated in the notice provided under KZC 155.30, except as follows:

a. If the Planning Commission and the applicant agree in writing on an extension of the time limit for the Planning Commission to issue its recommendation, the Planning Commission has the additional agreed-upon time to issue its recommendation.

b. If the proposed development activity presents a special circumstance, as defined below, the Planning Commission shall issue its recommendation within 21 calendar days of the date of the open record hearing as announced in the notice provided under KZC 155.30. For the purposes of this section, a permit for a proposed development activity presents a special circumstance under RCW 36.70B.140 when, because of the unusually large size of the subject property, the unusual complexity of what the applicant is proposing, the unusually large number of discretionary permits or approvals that are required and/or other unusual characteristics stated on the record by the Planning Commission, the proposed development activity requires more in-depth review and/or analysis than could reasonably be conducted under the time frame that would otherwise apply.

155.75 Distribution of Planning Commission's Report Recommendation

The Planning Official shall distribute copies of the report of the Planning Commission as follows:

1. Within four calendar days following the date the Planning Commission issues its written recommendation, a copy will be sent to the applicant, and to any person who submitted written or oral testimony to the Planning Commission.

2. Prior to the meeting where City Council considers the application, a copy will be sent to each member of City Council. The Planning Official shall include the following material with the copy of the Planning Commission report sent to each City Council member:

a. A draft resolution or ordinance that embodies the Planning Commission's recommendation.

b. Any challenge to the Planning Commission's recommendation filed under KZC 155.85 and received by the Planning Department before the Planning Commission report is sent to the members of City Council.

155.85 Challenge to the Planning Commission's Recommendation

1. Who May Challenge – The recommendation of the Planning Commission may be challenged by:

   a. The applicant; and

   b. Any person who submitted written or oral testimony or comments to the Planning Commission.

2. Contents of a Challenge – The challenge must be in writing and contain a statement of the factual findings and conclusions made by the Planning Commission that are contested. The challenge will be considered only on the record developed in the hearing before the Planning Commission.

3. How and When To File a Challenge

   a. The challenge may be filed by delivering it to the Planning Department, together with the fee established by ordinance, within seven calendar days of the date of the Planning Commission's recommendation on the application.

   b. The person filing the challenge shall, prior to delivery under subsection (3)(a) of this section, mail or personally deliver a copy of the challenge and a notice of the deadline for responding to the challenge, as established in subsection (3)(c) of this section, to those persons described in subsection (1) of this section. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the challenge letter filed with the Planning Department pursuant to subsection (3)(a) of this section.

   c. Any person receiving a copy of the challenge letter pursuant to subsection (3)(b) of this section may file a written response to the challenge. Such response shall be submitted to the Planning Department within seven calendar days after the challenge letter was filed with the Planning Department.

   d. Any person filing a response pursuant to this section shall mail or personally deliver a copy of the response to those persons described in subsection (1) of this section. Proof of delivery by mail or personal delivery shall be by affidavit attached to the copy of the response to the challenge letter filed with the Planning Department pursuant to subsection (3)(a) of this section.

155.90 City Council Action

1. General – The City Council shall consider the application at a scheduled meeting within 45 calendar days following the date of the Planning Commission's recommendation on the proposal.

2. City Council Decision – After consideration of the entire matter on the record before the Planning Commission, the City Council shall, by motion approved by a majority of its total membership, take one of the following actions:

   a. Adopt an ordinance or resolution to either:

      1) Grant the application; or

2) Modify and grant the application; or

3) Deny the application.

b. If the City Council concludes, based on a challenge to the recommendation or its own review of the recommendation, that the record compiled by the Planning Commission is incomplete or inadequate for the City Council to make a decision on the application, the City Council may by motion remand the matter to the Planning Commission with the direction to reopen the hearing and provide supplementary findings and conclusions on the matter or matters specified in the motion. Any remand under this section shall constitute a special circumstance under RCW 36.70B.140. The motion may limit the scope of the issues to be considered at this rehearing. In the event of a remand, the Planning Commission shall hold the rehearing within 28 calendar days of the date of the City Council motion, and the time limits and other pertinent requirements of this chapter shall apply to the rehearing.

3. Decisional Criteria

The City Council shall use the criteria listed in KZC 155.70(2) in deciding upon the application.

4. Conditions and Restrictions – The City Council shall include in the ordinance or resolution granting the application any conditions and restrictions they determine are necessary to eliminate or minimize any undesirable effects of granting the application. Any conditions and restrictions that are imposed become part of the decision.

5. Findings of Fact and Conclusion – The City Council shall include in their motion:

a. A statement of the facts presented to City Council that support the decision, including any conditions and restrictions that they impose; and

b. The City Council's conclusions based on those facts.

6. Effect – Subject to the provision of KZC 155.100, the ordinance or resolution of City Council is the final decision of the City.

155.100 Action and Jurisdiction of the Houghton Community Council

The Houghton Community Municipal Corporation is a separate municipal entity, under Chapter 35.14 RCW, existing within the Houghton neighborhood of the City. The governing body of the Houghton Community Municipal Corporation is the Houghton Community Council. If the application is within the disapproval jurisdiction of the Houghton Community Council, the provisions of this section apply to that application:

1. Houghton Community Council Public Meeting – The Houghton Community Council may hold a public meeting, which will be informal in nature, to obtain comments from the public and others on the application, and the following provisions shall apply:

a. The public meeting shall be scheduled at the earliest practicable time, based on the schedule of the Houghton Community Council, that will allow for fair and informed deliberation, compliance with all notice requirements and the orderly processing of the application.

b. The notice under KZC 155.30 shall include the time, place and other pertinent information about the public meeting.

c. The Planning Official shall provide a copy of the staff report prepared under KZC 155.35 to each member of the Houghton Community Council prior to the public meeting.

d. After the Houghton Community Council receives comments and information at the public meeting, it may make any recommendations on the application, in writing, that it deems appropriate.

e. The Planning Commission shall consider any recommendation on the application from the Houghton Community Council that the Planning Commission receives before the Planning Commission first considers the application, and the City Council shall consider any recommendation from the Houghton Community Council that the City Council receives before the City Council first considers the application.

f. Neither the lack of a Houghton Community Council quorum at the public meeting nor the lack of a recommendation from the Houghton Community Council in any way affects the jurisdiction of the Planning Commission and the City Council under this chapter or the jurisdiction of the Houghton Community Council under subsection (2) of this section.

2. Disapproval Jurisdiction – If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, that approval is not effective until:

a. A majority of the entire membership of the Houghton Community Council votes by resolution to approve it; or

b. The Houghton Community Council fails to disapprove it within 60 calendar days after City Council adopts the ordinance or resolution granting the application. The vote to disapprove the application must be approved by a majority of the entire membership of the Community Council.

155.105 Notice of Decision

1. General – Following the decision by City Council, the Planning Official shall prepare a notice of decision on the application.

2. Distribution – Within four calendar days after the City Council's decision is made, the Planning Official shall mail a copy of the decision to the following persons:

a. The applicant.

b. Each person who submitted written or oral comments or testimony on the application.

c. Each person who has requested notice of the decision.

In addition, within four calendar days after the City Council's decision is issued, the Planning Official shall post a summary of the decision, along with a summary of any threshold determination under SEPA, on the public notice signs erected under KZC 155.22(2)(b).

3. Applications within the Jurisdiction of the Houghton Community Council – If the City Council approves an application within the disapproval jurisdiction of the Houghton Community Council, the notice of decision shall also state that, while the decision of the City Council is the final decision of the City, such decision shall become effective only as specified in KZC 155.100(2).

155.110 Judicial Review

The action of the City in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW 36.70C.130 in the King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the City. The date of the final decision of the City is the date of passage of the City Council ordinance or resolution constituting the City's final decision unless such City Council decision is subject to the

disapproval jurisdiction of the Houghton Community Council, in which case the petition for judicial review must be filed within 21 calendar days of the date of approval or disapproval action of the Houghton Community Council. For more information on the judicial review process for land use decision, see Chapter 36.70C RCW.

155.115 Lapse of Approval

The applicant must begin construction or submit to the City a complete building permit application for the development activity, use of land or other actions approved under this chapter within four years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 155.110, the running of the four years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the required development activity, use of land, or other actions. The applicant must substantially complete construction for the development activity, use of land, or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within six years after the final approval on the matter, or the decision becomes void. For development activity, use of land, or other actions with phased construction, lapse of approval may be extended when approved under this chapter and made a condition of the notice of decision.

155.120 Bonds

The City Council may require a bond under Chapter 175 KZC to ensure compliance with any aspect of the permit or approval.

155.125 Complete Compliance Required

1. General – Except as specified in subsection (2) of this section, the applicant must comply with all aspects, including conditions and restrictions, of an approval granted under this chapter in order to do everything authorized by that approval.

2. Exception – Subsequent Modification

   If a specific use or site plan is approved through this process, or any quasijudicial process under previous zoning codes, the applicant is not required to apply for and obtain approval through this process for a subsequent change in use or site plan unless:

   a. There is a change in use and this code establishes different or more rigorous standards for the new use than for the existing use; or

   b. The Planning Director determines that there will be substantial changes in the impacts on the neighborhood or the City as a result of the change.

155.130 Time Limits

Any time limit, pursuant to Chapter 36.70B RCW, upon the City's processing and decision upon applications under this chapter may, except as specifically otherwise stated in this chapter, be modified by a written agreement between the applicant and Planning Director. In the event a permit constitutes or presents a special circumstance under the provisions of this chapter, the time limits for the City to make a final decision and issue its notice of decision under Chapter 36.70B RCW are extended by the number of days that the final decision of the City was delayed as a result of that special circumstance.

Chapter 160 – PROCESS IV

Sections:

160.05 User Guide
160.15 Initiation of Proposals
160.20 Compliance with SEPA
160.25 City Council Review
160.35 Official File
160.40 Notice
160.45 Staff Report
160.50 Community Council Proceeding
160.55 Public Hearing
160.60 Material To Be Considered
160.65 Electronic Sound Recordings
160.70 Public Comments and Participation at the Hearing
160.75 Continuation of the Hearing
160.80 Planning Commission Action
160.85 Planning Commission Report to City Council
160.90 Publication and Effect
160.95 Jurisdiction of the Houghton Community Council

160.05 User Guide

Various places in this code indicate that certain proposals to amend the Zoning Map, this code, and the Comprehensive Plan must be reviewed and decided upon using Process IV. This chapter describes how Process IV works.

If you wish to participate in a decision that will be made using this process, you should read this chapter. However, this chapter applies only if another provision of this code specifically states that a decision on a proposed amendment will be made using Process IV.

160.15 Initiation of Proposals

A proposal that will be reviewed using this chapter may be initiated by the City Council or Planning Commission.

160.20 Compliance with SEPA

The State Environmental Policies Act (Chapter 43.21C RCW) applies to some of the decisions that will be made using this chapter. The Planning Director shall evaluate each proposal and, where applicable, comply with SEPA and with state regulations and City ordinances issued under authority of SEPA.

160.25 City Council Review

1. General – The City Council shall make a threshold review of each proposal to amend the Comprehensive Plan and each legislative rezone proposal initiated by the Planning Commission. The City Council may request the Planning Department, or any other department of the City, to provide any information or material on the proposal consistent with KZC 160.60.

2. Decision – Following its review, the City Council may decide that:

   a. The proposal does not have merit and shall not be given further consideration; or

   b. The proposal has merit and shall be considered by the Planning Commission at a public hearing; or

c. The proposal shall be tabled.

160.35 Official File

1. Contents – The Planning Official shall compile an official file containing all information and materials relevant to the proposal and to the City's consideration of the proposal.

2. Availability – The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

160.40 Notice

1. Contents – The Planning Official shall prepare a notice of hearing for each proposal for which a public hearing will be held. This notice shall contain the following information:

   a. The citation of the provision that would be changed by the proposal along with a brief description of that provision.

   b. A statement of how the proposal would change the affected provision.

   c. A statement of what areas, zones or locations will be directly affected or changed by the proposal.

   d. The time and place of the public hearing.

   e. A statement of the availability of the official file.

   f. A statement of the right of any person to submit written comments to the Planning Commission and to appear at the public hearing before the Planning Commission to give comments orally.

2. Distribution

   a. The Planning Official shall distribute this notice at least 14 days before the public hearing as follows:

      1) A copy of the notice will be published in the official newspaper of the City.

      2) A copy of the notice will be posted on each of the official notification boards of the City.

   b. Public Notice Signs – If the proposal is to reclassify land on the Zoning Map, the applicant shall provide for and erect public notice signs at least 14 calendar days before the public hearing as follows:

      1) The signs shall be designed and constructed to City standards. A copy of the notice described in subsection (1) of this section and a vicinity map shall be attached to each sign.

      2) The Department of Planning and Community Development is authorized to develop the standards for the public notice signs necessary for implementation of this section.

      3) One sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts

the subject property. The Department of Planning and Community Development shall approve the location of each sign.

4) The signs shall be removed within seven calendar days after the final public hearing.

160.45 Staff Report

1. General – The Planning Official shall prepare a staff report containing:

   a. An analysis of the proposal and a recommendation on the proposal; and

   b. Any other information the Official determines is necessary for consideration of the proposal.

2. Distribution – The Planning Official shall distribute the staff report as follows:

   a. A copy will be sent to each member of the Planning Commission prior to the hearing.

   b. A copy will be sent promptly to any person requesting it.

   c. If applicable, a copy will be sent to each member of the Houghton Community Council prior to their proceedings on the proposal.

160.50 Community Council Proceeding

1. General – If the proposal is within the disapproval jurisdiction of the Houghton Community Council, that Community Council may consider the proposal at a meeting or hold a public hearing on it. The Houghton Community Council and the Planning Commission may hold joint meetings or public hearings on the proposal.

2. Notice – If the Houghton Community Council holds a hearing, the Planning Official shall give public notice of that hearing as set forth in KZC 160.40.

3. Recommendation – The Houghton Community Council, by resolution approved by a majority vote of its entire membership, may make a recommendation on the proposal. The Planning Official shall present any recommendation of the Houghton Community Council to the Planning Commission before the Planning Commission takes a final vote on the proposal.

160.55 Public Hearing

1. General – The Planning Commission shall hold one or more public hearings on a proposal if:

   a. It is initiated by the City Council; or

   b. It is a proposal to amend the Comprehensive Plan or a legislative rezone proposal which is initiated by the Planning Commission and which the City Council has reviewed and decided shall be considered at a public hearing; or

   c. It is any other proposal initiated by the Planning Commission.

2. Hearing Declared Open – The hearings of the Planning Commission and the Houghton Community Council are open to the public.

3. Effect – The hearing of the Planning Commission is the hearing for City Council. City Council need not hold another hearing on the proposal.

160.60 Material To Be Considered

1. General – The City Council, Planning Commission and Houghton Community Council shall use the decisional criteria established in the various provisions of this code that describe the decisions that will be made using this process.

2. Exclusion

   a. General – The City may not consider a specific proposal site plan or project in deciding whether or not a proposal should be approved through this process.

   b. Exception for Environment Information – If a proposal that will be decided upon using this process is part of a specific development plan, the City may consider all information submitted under KZC 160.35 in deciding upon that proposal.

160.65 Electronic Sound Recordings

The Planning Commission and, if applicable, the Houghton Community Council shall make a complete electronic sound recording of each hearing on a proposal.

160.70 Public Comments and Participation at the Hearing

Any interested person may participate in the public hearing in either or both of the following ways:

1. By submitting written comments to the Planning Commission and, if applicable, the Houghton Community Council, either by delivering these comments to the Planning Department prior to the hearing or by giving them directly to the Planning Commission or Community Council at the hearing.

2. By appearing in person, or through a representative, at the hearing and making oral comments. The Planning Commission and the Houghton Community Council may reasonably limit the extent of the oral comments to facilitate the orderly and timely conduct of the hearing.

160.75 Continuation of the Hearing

The Planning Commission and Houghton Community Council may for any reason continue the hearing on the proposal. If, during the hearing, the Commission or Community Council announces the time and place of the next public hearing on the proposal, no further notice of that hearing need be given.

160.80 Planning Commission Action

1. General – Following the public hearing, the Planning Commission shall consider the proposal in light of all of the information submitted to it including the recommendation, if any, of the Houghton Community Council. The Planning Commission may modify the proposal in any way.

2. Modifications Requiring a Rehearing – If, following the public hearing, the Planning Commission fundamentally modifies the proposal, the Planning Commission shall hold a public hearing on the proposal as modified under the provisions of this chapter.

3. Recommendation – If the Planning Commission determines that the proposal meets the applicable decisional criteria established in KZC 160.60, it may, by majority vote of the entire membership, recommend that City Council give effect to the proposal by amending the appropriate text or Zoning Map. If the Planning Commission determines that the proposal does not meet the applicable criteria, it may, by a majority vote of the members present, recommend that City

Council take no action. If the Planning Commission cannot take either of the actions described in this section, this fact will be included in the report to City Council under KZC 160.85.

160.85 Planning Commission Report to City Council

1. General – The Planning Official shall prepare a Planning Commission report on the proposal containing a copy of the proposal, along with any explanatory information, and the Planning Commission recommendation, if any, on the proposal.

2. Transmittal to City Council – The Planning Official shall transmit the Planning Commission report to the City Manager for consideration by City Council. The City Manager shall acknowledge receipt of the report and shall direct the clerk to certify on the report the date of receipt.

3. Distribution – The Planning Official shall promptly send a copy of the Planning Commission report to any person requesting it.

4. City Council Consideration – Within 60 days of receipt of the Planning Commission report by the City Manager, the City Council shall consider the proposal.

5. City Council Action – After consideration of the Planning Commission report, the City Council shall by majority vote of its total membership:

   a. Approve the proposal by adopting an appropriate resolution or ordinance; or

   b. Modify and approve the proposal by adopting an appropriate resolution or ordinance; or

   c. Disapprove the proposal; or

   d. Refer the proposal back to the Planning Commission for further proceedings. If this occurs, the City Council shall specify the time within which the Planning Commission shall report back to the City Council on the proposal.

160.90 Publication and Effect

1. Publication – If City Council adopts an ordinance, the City Clerk shall post or publish the ordinance as required by law.

2. Effect – Except as stated in KZC 160.95, the ordinance will be in effect from and after five days after it is posted or published as required by law.

160.95 Jurisdiction of the Houghton Community Council

1. General – If the City Council approves a resolution or ordinance within the disapproval jurisdiction of the Houghton Community Council, that ordinance is not effective within the Houghton Community until:

   a. A majority of the entire membership of the Houghton Community Council votes to approve it; or

   b. The Houghton Community Council fails to disapprove it, by majority vote of the entire membership, within 60 days after City Council approves the resolution or ordinance.

Chapter 161 – PROCESS IVA

Sections:

161.05 User Guide
161.15 Initiation of Proposals
161.20 Compliance with SEPA
161.25 Suitability for Process IVA
161.35 Official File
161.40 Notice
161.45 Staff Report
161.55 Public Hearing
161.60 Material To Be Considered
161.65 Electronic Sound Recording
161.70 Public Comments and Participation at the Hearing
161.75 Continuation of the Hearing
161.80 Planning Director Action
161.85 Planning Director Recommendation to City Council
161.90 Publication and Effect
161.95 Jurisdiction of the Houghton Community Council

161.05 User Guide

Certain proposals to amend this code will be reviewed and decided upon using Process IVA. This is an abbreviated process which will only be used if the proposal is suitable for Process IVA as specified in this chapter. If you wish to participate in a decision that will be made using this process, you should read this chapter.

161.15 Initiation of Proposals

Process IVA is used to review and decide upon proposed minor Zoning Code amendments. It is an abbreviated process used for proposals which are not controversial and do not need extensive policy study. The Planning Director prepares a roster of amendments proposed for review under Process IVA.

161.20 Compliance with SEPA

The State Environmental Policies Act (Chapter 43.21C RCW) applies to some of the decisions that will be made using this chapter. The Planning Director shall evaluate each proposal and, where applicable, comply with SEPA and with state regulations and City ordinances issued under authority of SEPA.

161.25 Suitability for Process IVA

1. General – Process IVA is for minor Zoning Code amendments to promote clarity, eliminate redundancy, or to correct inconsistencies. The Planning Director may propose amendments for review under Process IVA. To do so, the Planning Director shall periodically present to the City Council a roster of proposed amendments for review and decision under Process IVA. The City Council, by motion, may approve the entire proposed Process IVA roster. Otherwise, the City Council may ask for more discussion about the suitability of a subject for Process IVA or could remove a subject from the Process IVA roster.

2. Distribution – Thirty days prior to City Council consideration of the roster of proposed amendments, the Planning Director shall distribute a copy of it to the City Council, the Planning Commission, the Houghton Community Council, neighborhood associations and the Chamber of Commerce.

161.35 Official File

1. Contents – The Planning Official shall compile an official file containing all information and materials relevant to the proposal and to the City's consideration of the proposal.

2. Availability – The official file is a public record. It is available for inspection and copying in the Planning Department during regular business hours.

161.40 Notice

1. Contents – The Planning Official shall prepare a notice of hearing for proposed amendments. This notice shall contain the following information:

   a. The citation of the provision that would be changed by the proposal along with a brief description of that provision.

   b. A statement of how the proposal would change the affected provision.

   c. A statement of what areas, zones, or locations will be directly affected or changed by the proposal.

   d. The time and place of the public hearing.

   e. A statement of the availability of the official file.

   f. A statement of the right of any person to submit written comments to the Planning Director and to appear at the public hearing before the Planning Director to give comments orally.

2. Distribution – The Planning Official shall have this notice published once in the official newspaper of the City at least 14 days before the public hearing. Continued hearings may be held at the discretion of the Planning Director, but no additional notices need be published.

161.45 Staff Report

1. General – The Planning Official shall prepare a staff report containing:

   a. An analysis of the proposal and a recommendation on the proposal; and

   b. Any other information the Official determines is necessary for consideration of the proposal.

2. Distribution – The Planning Official shall distribute the staff report as follows:

   a. A copy will be given to the Planning Director prior to the hearing.

   b. A copy will be sent promptly to any person requesting it.

   c. If applicable, a copy will be sent to each member of the Houghton Community Council.

161.55 Public Hearing

1. General – The Planning Director shall hold one or more public hearings on a proposal.

2. Effect – The hearing of the Planning Director is the hearing for City Council. City Council need not hold another hearing on the proposal.

161.60 Material To Be Considered

Review under Process IVA shall use the decisional criteria established in applicable provisions of this code. The City may not consider a specific proposed site plan or project in deciding whether or not an amendment should be approved through this process.

161.65 Electronic Sound Recording

The Planning Director shall make a complete electronic sound recording of each public hearing.

161.70 Public Comments and Participation at the Hearing

Any interested person may participate in the public hearing in either or both of the following ways:

1. By submitting written comments to the Planning Director either by delivering these comments to the Planning Department prior to the hearing or by giving them directly to the Planning Director at the hearing.

2. By appearing in person, or through a representative, at the hearing and making oral comments. The Planning Director may reasonably limit the extent of the oral comments to facilitate the orderly and timely conduct of the hearing.

161.75 Continuation of the Hearing

The Planning Director may for any reason continue the hearing on the proposal.

161.80 Planning Director Action

1. General – Following the public hearing, the Planning Director shall consider the proposal in light of all of the information submitted to him/her. The Planning Director may modify the proposal in any way.

2. Modifications Requiring a Rehearing – If, following the public hearing, the Planning Director materially modifies the proposal, the Planning Director shall give notice of a new public hearing on the proposal as modified.

3. Recommendation – If the Planning Director determines that the proposal meets the applicable decisional criteria established in KZC 161.60, he/she may recommend that City Council give effect to the proposal by amending the appropriate text.

161.85 Planning Director Recommendation to City Council

1. General – The Planning Director may forward a proposed ordinance to Council which, if passed, would make the recommended amendment to this code. The proposed ordinance may be placed on the City Council consent calendar. The Planning Official shall prepare a Planning Director report on the proposal, containing a copy of the proposal, along with any explanatory information, and the Planning Director recommendation on the proposal.

2. City Council Action – The City Council may pass the proposed ordinance and amend the Zoning Code by passage of the consent calendar. Alternatively, the City Council could carry the topic over as unfinished business or may instead decide to hold a new public hearing on the proposed Zoning Code amendment. The City Council may adopt the proposed ordinance at any time subsequent to its receipt of the Planning Director report on the proposed amendment. If the City Council wants to consider adoption of a materially modified ordinance, then the City Council shall first hold a public hearing on the proposal as modified, after notice as provided in this chapter.

161.90 Publication and Effect

1. Publication – If the City Council adopts an ordinance, the City Clerk shall post or publish the ordinance as required by law.

2. Effect – Except as stated in KZC 161.95, the ordinance will be in effect on the date specified in the ordinance.

161.95 Jurisdiction of the Houghton Community Council

1. If applicable, all staff reports or Planning Director reports about the proposed amendments will also be distributed to the Houghton Community Council. The Houghton Community Council may decide to take these reports for their information or for their review.

2. Process IVA includes only minor Zoning Code amendments which are not quasijudicial. In turn, the Houghton Community Council may limit its review of the proposals. Alternatively, a majority of the members of the Houghton Community Council may choose to hold a public hearing at any time on one or more of the Process IVA subjects. Such a public hearing would use the procedures set forth in this chapter.

3. General – If the City Council approves an ordinance within the disapproval jurisdiction of the Houghton Community Council, that ordinance is not effective within the Houghton Community until:

   a. A majority of the entire membership of the Houghton Community Council votes to approve it; or

   b. The Houghton Community Council fails to disapprove it, by majority vote of the entire membership, within 60 days after City Council approves the resolution or ordinance.

Chapter 162 – NONCONFORMANCE

Sections:

162.05 User Guide
162.10 When Conformance Is Required
162.15 General
162.20 Abatement of Nonconformance That Was Illegal When Initiated
162.25 Immediate Compliance with Certain Provisions Required
162.30 Special Provision for Damaged Improvements
162.35 Certain Nonconformances Specifically Regulated
162.40 Additional Provision If a Quasijudicial Decision Is Required
162.45 Prohibition on Increasing Nonconformance
162.50 Applicability of Uniform Codes
162.55 Special Provisions for Continued Uses – Lot Coverage
162.57 JBD 5 Continued Use
162.60 Special Provisions for Continued Uses – Density
162.65 CBD Continued Use

162.05 User Guide

This chapter establishes when and under what circumstances nonconforming aspects of a use or development must be brought into conformance with this code. You need to consult the provisions of this chapter only if there is some aspect of the use or development on the subject property that is not permitted under this code.

162.10 When Conformance Is Required

If an aspect, element or activity of or on the subject property conformed to the applicable zoning code in effect at the time the aspect, element or activity was constructed or initiated, that aspect, element or activity may continue and need not be brought into conformance with this code unless a provision of this chapter requires conformance.

162.15 General

If a use is nonconforming, the applicable use zone chart does not establish what regulation of this code applies. Therefore, to determine what regulations apply, the City will determine the zone that allows the nonconforming use that is most similar to the zone in which the nonconforming use is located and apply the regulations of that chapter.

162.20 Abatement of Nonconformance That Was Illegal When Initiated

1. General – Except as specified in subsection (2) of this section, any nonconformance that was illegal when initiated must immediately be brought into conformance with this chapter. The City may, using the provisions of Chapter 170 KZC, immediately abate any nonconformance that was illegal when initiated.

2. Exceptions – If a nonconformance has ever been in complete conformance with an applicable zoning code it may continue to exist subject to the provisions of this chapter, and it is not subject to abatement under subsection (1) of this section.

162.25 Immediate Compliance with Certain Provisions Required

1. General – Regardless of any other provision of this chapter, the following nonconformances must be immediately brought into conformance with the applicable provisions of this code:

   a. Nonconformance with the noise standards in Chapter 115 KZC.

b. Nonconformance with the lighting standards in Chapter 115 KZC.

c. Nonconformance with the heat emission standards in Chapter 115 KZC.

d. Nonconformance with the radiation standards in Chapter 115 KZC.

e. Nonconformance with the air quality standards in Chapter 115 KZC.

f. Nonconformance with the water quality standards in Chapter 115 KZC.

g. Nonconformance with the odor standards in Chapter 115 KZC.

h. Nonconformance with the provisions in Chapter 115 KZC regarding parking and storage of large vehicles in residential zones.

i. Nonconformance with the provisions in Chapter 115 KZC regarding junk in residential zones.

j. Nonconformance with the glare standards in Chapter 115 KZC.

k. Nonconformance with the provision of KZC 100.85(1)(i) regarding portable outdoor signs.

l. Nonconformance with the provision of KZC 100.75(1) regarding location of signs as it relates to pole signs extending over rights-of-way.

m. Any other nonconformance if the Planning Director concludes that the public interest in abating the nonconformance outweighs the detriment or loss to the owner or occupant of the property, and either:

1) Immediate abatement is necessary to fulfill a specific adopted policy of the City; or

2) The nonconformance is causing distinct and identifiable harm to adjacent property, the neighborhood in which it exists, or the City as a whole.

2. Abatement – The City may immediately abate any nonconformance listed in KZC 162.25(1) using the provisions of KZC 170.25 through 170.40, or any other abatement process lawfully available to the City.

162.30 Special Provision for Damaged Improvements

1. If a nonconforming improvement is damaged by sudden accidental cause and the damage does not exceed 50 percent of the assessed or appraised value of that improvement, whichever is greater, the applicant may reconstruct that improvement. The reconstructed improvement may not be more nonconforming than it was immediately prior to the damage. A building permit to rebuild the nonconforming improvement must be applied for within six months or the nonconformance shall be considered to be terminated and shall not be resumed.

2. If the damage exceeds 50 percent of the assessed or appraised value of the improvement, whichever is greater, the improvement, the use conducted in or on the improvement, and other site improvements that support the damaged improvement must conform to this code.

3. The provisions of subsections (1) and (2) of this section are superseded by any specific provision of KZC 162.35.

162.35 Certain Nonconformances Specifically Regulated

1. General – The provisions of this section specify when and under what circumstances certain nonconformances must be corrected. If a nonconformance must be corrected under this section, the applicant must submit all information necessary for the City to review the correction as part of the application for any development permit. In addition, the City will not permit occupancy until the correction is made.

   If KZC 162.25 applies to a specific nonconformance, then the provisions of this section do not apply to that same nonconformance.

2. Nonconforming Use

   a. For the purpose of determining a nonconforming use, the word "use" refers to the specific activity being conducted and not the definition of use set forth in KZC 5.10.955. A nonconforming use may be continued by successive owners or tenants.

   b. Any nonconforming use except for a detached dwelling unit must be brought into conformance or discontinued if:

      1) The applicant is making a structural alteration or increasing the gross floor area of any structure that houses or supports the nonconforming use; or

      2) The nonconforming use has ceased for 90 or more consecutive days; or

      3) The nonconforming use is replaced by another use; the City may allow a change from one nonconforming use to another such use if, through Process IIA, the City determines that the proposed new use will not be more nonconforming and will have a less adverse effect on the neighborhood than does the existing use.

3. Expansion or Modification of an Existing Use or Structure or the Addition of New Structures

   If the expansion or modification of an existing use or structure or the addition of a new structure(s) requires review of the application by any one of the processes described in Chapters 145 through 155 KZC, the proposal shall be reviewed pursuant to such process; unless:

   a. The gross floor area of the use is expanded by less than 10 percent; and

   b. The Planning Director determines that the change or alteration will not have significantly more or different impact on the surrounding area than does the present development.

4. Nonconforming Parking

   a. If there are fewer parking spaces for the uses conducted on the subject property than are required under this code, this additional required number of spaces must be provided if the applicant is going to change the use conducted on the subject property and the new use requires more parking spaces than the former use.

   b. Existing parking stalls which conformed to the code effective at the time of construction are not required to meet the parking area dimensional requirements of Chapter 180 KZC, Plates 1 through 8.

5. Nonconforming Signs

   a. All nonconforming signs are defined as either major nonconforming signs or minor nonconforming signs.

1) Major nonconforming signs include the following:

a) Any pole sign associated with a pole which is not entitled to Sign Category F.

b) Any pole sign which exceeds 20 feet or monument sign which exceeds 12 feet in height above average ground elevation.

c) Any sign attached to the building and which extends above the building roofline.

d) Any projecting sign except those allowed by KZC 100.115.

e) Any sign listed as a prohibited device by KZC 100.85.

f) Any sign which has exposed structural supporting elements such as angle irons, guy wires and braces.

g) Any sign located off-site which does not meet the provisions of KZC 100.75.

2) Minor nonconforming signs are those, other than listed above in subsection (1) of this section, which violate any provision of the Zoning Code.

b. Nonconforming signs must be brought into conformance as specified below:

1) Notwithstanding the provisions of KZC 162.30, any major nonconforming sign must be brought into conformance if:

a) Structural alteration is made to the sign; or

b) The color, design, lettering or shape of the sign is altered. Change in temporary message on a readerboard is excluded from this requirement; or

c) Structural alteration or an increase in the gross floor area is made to any structure that houses or supports the use that has the major nonconforming sign.

2) In addition to the provisions of subsection (5)(b)(1) of this section, any major nonconforming sign by subsection (5)(a)(1)(g) of this section shall be brought into conformance or removed within 18 months after the effective date of this subsection, or within 18 months after the effective date of annexation of the location at which the sign is erected, whichever is later.

Nothing in this subsection shall relieve the property owner and owner of the sign of the duty to immediately remove such sign if it was not erected in compliance with federal, state and local law, or if it does not meet the requirements to be a nonconforming sign.

Nonconforming signs may remain in a nonconforming state for a greater period of time than the amortization period provided above if such extension is applied for no later than six months prior to the otherwise applicable deadline. The Hearing Examiner, through Process IIA, Chapter 150 KZC, may grant discretionary extensions of the amortization period a maximum of two times for up to three years at a time. In addition to the criteria listed in KZC 150.65(2), the Hearing Examiner shall consider the following criteria in making this decision:

a) Any hazard to traffic or pedestrian safety.

b) The detriment to the appearance of a neighborhood, or the impinging upon a view of scenic interest.

c) The demonstration of need for an even greater depreciation period, such as because the date of erection of the billboard was less than four years and more than six months before the annexation. However, it is not the intent of this provision that the nonconformance necessarily be allowed to remain for the length of amortization period satisfactory to the applicant.

3) Nonconforming signs must be brought into conformance or removed immediately if there is a change in land use or change in business name on the sign structure or ownership of the sign.

4) Nothing in this section shall relieve the owner or user of a nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this code regarding safety, maintenance, and repair of signs.

5) Notwithstanding the provisions of KZC 162.30, any minor nonconforming sign must be brought into complete conformance when either:

a) The fair market value of any nonstructural alteration (such as color, design) of the sign exceeds 35 percent of the replacement value of that sign (change in temporary message on a readerboard is excluded from this requirement); or

b) Structural alternation is made to the sign. In such event, the applicant must sign and record a concomitant agreement to run as a covenant with the property, in a form acceptable to the City Attorney. Said agreement shall describe the minor nonconforming elements involved and state that they will be brought into conformance within 10 years of the date of issuance of the building or sign permit. The applicant shall also grant to the City license to enter the property and shall also sign an agreement to reimburse the City for the cost of removing the sign(s) if, after the specified time, the prescribed minor nonconforming element(s) is not brought into conformance; or

c) Structural alteration or an increase is made to the gross floor area of any structure that houses or supports the use that has the minor nonconforming sign.

c. Any sign which can be classified as both a major nonconforming sign and a minor nonconforming sign shall be regulated as a major nonconforming sign.

d. Exception for Repair and Maintenance

Repair and maintenance work to any nonconforming sign is excepted from the provisions of this chapter, subject only to the following:

1) The repair or maintenance work will not increase the degree or magnitude of nonconformance.

2) If the repair or maintenance work requires a building or sign permit, the applicant must sign and record a concomitant agreement to run as a covenant with the property, in a form acceptable to the City Attorney. Said agreement shall describe the minor nonconforming elements involved and state that they will be brought into conformance within 10 years of the date of issuance of the building or sign permit. The applicant shall also grant to the City license to enter the property and shall also sign an agreement to reim-

burse the City for the cost of removing the sign(s) if, after the specified time, the prescribed minor nonconforming element(s) is not brought into conformance.

3) For purposes of this section, "repair" shall mean the work that is necessary to restore a sign to its former appearance subsequent to a sudden, accidental event.

6. Nonconforming Landscaping, Buffers and Paving

a. The landscaping requirements of KZC 95.20, 105.75, and 105.80 must be brought into conformance as much as is feasible, based on available land area, in either of the following situations:

1) An increase in gross floor area of any structure; or

2) An alteration to any structure, the cost of which exceeds 50 percent of the replacement cost of the structure.

b. Landscape buffers must be brought into conformance in either of the following situations:

1) An increase in gross floor area of any structure (the requirement to provide conforming buffers applies only to the new gross floor area); or

2) A change in use on the subject property and the new use requires larger buffers than the former use.

c. Parking lot surfaces must be brought into conformance in any of the following situations:

1) An increase in gross floor area of any use; or

2) A change in use on the subject property and the new use requires more parking than the former use; or

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

7. Nonconforming 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 is the repair or maintenance of structural members.

8. CBD and JBD Design Regulations

a. The provisions of this subsection (8) regulate under what circumstances nonconformance with the CBD and JBD design regulations of KZC 50.65 and 52.50 must be corrected. Compliance with CBD and JBD design regulations is only required when D.R. is required pursuant to Chapter 142 KZC. However, the City encourages voluntary compliance with the design regulations even for projects which do not require 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 nonconforming elements on or within the building or site (or portions 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 Nonconformance

If any nonconformance exists on the subject property, other than as specifically listed in the prior subsections 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 nonconforming or houses, supports or is supported by the nonconformance, and the cost of the alteration, change or other work exceeds 50 percent 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 nonconforming aspect of the new use than this code establishes for the former use.

10. Personal Wireless Service Facilities

Existing or nonconforming personal wireless service facilities are governed by KZC 117.15, New and Existing Facilities.

162.40 Additional Provision If a Quasijudicial 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 KZC, respectively, the City shall in such process consider the degree of nonconformance, 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.

162.45 Prohibition on Increasing Nonconformance

No nonconformance may in any way be enlarged, expanded, increased, intensified, compounded or in any other way made greater, except as permitted in this chapter.

162.50 Applicability of Uniform Codes

Nothing in this chapter in any way supersedes or relieves the applicant from compliance with the requirements of KMC Title 21, Buildings and Construction.

162.55 Special Provisions for Continued Uses – Lot Coverage

As used in this chapter, the term "continued use" shall mean an existing lawful use of land (and structures) which became nonconforming as to use solely as a result of this amendatory Ordinance No. 2347 or which becomes nonconforming solely as a result of the maximum lot coverage provision of this code, Ordinance No. 2678, effective on October 2, 1982.

A continued use shall be permitted to exist as a lawful use subject only to the following conditions:

1. Any change in use shall conform to the Comprehensive Plan and zoning regulations in effect at the time such change is made.

2. Ordinary repairs and maintenance may be carried out consistent with the provisions of this chapter; provided, that there shall be no limitation on the amount or cost of such repairs and maintenance.

3. A continued use shall be not be subject to the provisions of this chapter relating to destruction by fire or other casualty. In the event a structure so designated as a continued use is destroyed to any extent by fire or other casualty, the structure may be rebuilt; provided, however, that the gross floor area of the structure and major exterior dimensions of the structure shall not exceed the same dimensions or standards of the previous structure. This provision shall not reduce any requirements of the building or fire codes in effect when such structure may be rebuilt.

   The provisions of this section shall only be available if any application for a building permit is filed within 12 months of such fire or other casualty and construction is commenced and completed in conformance with the provisions of the building code then in effect.

4. A continued use shall be subject to the provisions of this chapter relating to the abandonment of structure or use.

5. The owner of a continued use may request the issuance of a "certificate of continued use" which shall identify the property, existing use, density and site characteristics for which the certificate is issued and which shall include the provisions of this chapter.

162.57 JBD 5 Continued Use

The term "JBD 5 continued use" means an existing residential structure in JBD 5 which became nonconforming as to height when the area was annexed to the City in 1988 and which has been in continuous use as a residential structure from 1988 to the present, unless destroyed.

A JBD 5 continued use shall be permitted to exist as a lawful use subject only to the following conditions:

1. Any change in use or density shall conform to the Comprehensive Plan and zoning regulations in effect at the time such change is made.

2. Ordinary repairs and maintenance may be carried out consistent with the provisions of this chapter; provided, that there shall be no limitation on the amount or cost of such repairs and maintenance.

3. A JBD 5 continued use shall not be subject to the provisions of this chapter relating to destruction by fire or other casualty.

   In the event a structure designated as a JBD 5 continued use is destroyed to any extent by fire or other casualty, the structure may be rebuilt in accordance with this paragraph. The structure may be rebuilt as a residential structure so long as the rebuilt structure meets all Zoning Code, Building Code, and Fire Code requirements; except, that the height of the rebuilt structure may be up to a maximum of the height of the JBD 5 continued use structure. Provided that the other requirements of this paragraph are met, the rebuilt structure may have, at a maximum, the same number of dwelling units, the same gross floor area, and the same major exterior dimensions as the previous structure.

   The provisions of this section shall only be available if an application for a building permit is filed within 12 months of such fire or other casualty and construction is commenced and completed in conformance with the provisions of the building code then in effect.

4. A JBD 5 continued use shall be subject to the provisions of this chapter relating to the abandonment of structure or use.

5. The owner of a JBD 5 continued use may request the issuance of a "certificate of JBD 5 continued use" which shall identify the property, existing use, and maximum building height for which the certificate is issued.

162.60 Special Provisions for Continued Uses – Density

The provisions of this section set forth when, and under what circumstances, residential property with nonconforming density may continue in existence or be rebuilt or redeveloped. An existing lawful use of a residential structure which became nonconforming as to density either as a result of amendatory Ordinance No. 2347 or due to other zoning changes implemented to bring about conformity with the Comprehensive Plan shall be allowed to continue in existence, or be remodeled, repaired or maintained subject to the conditions listed below. Redevelopment or rebuilding may not occur unless the structure is destroyed by fire or other casualty (see subsection (4) of this section).

1. The provisions of this section apply only to multifamily structures in areas designated by the Comprehensive Plan for multifamily use.

2. Any change in use shall conform to the Comprehensive Plan and zoning regulations in effect at the time such change is made.

3. Any change in density shall comply with the provisions of this section.

4. Ordinary repairs and maintenance may be carried out consistent with the provisions of this chapter; provided, that there shall be no limitation on the amount or cost of such repairs and maintenance.

5. Remodeling may be carried out consistent with the provisions of this chapter; provided, that within any 24-month period, the value of all improvements may not exceed 50 percent of either the assessed valuation of the existing structure based on the King County assessed valuation of the structure, or the value of the existing building as determined by the most current Building Standards as published by the International Conference of Building Officials, whichever is greater. If there is no King County assessment for the structure to be remodeled, the most current Building Standards as published by the International Conference of Building Officials shall be used to determine valuation.

   The remodeled density must be at least 75 percent of that contained in the original structure. The major exterior dimensions of the structure shall not exceed the major exterior dimensions of the previous structure. Except as noted in this subsection and subsection (7) of this section, this provision shall not reduce any requirements of the zoning, building, or fire codes in effect when the structure is remodeled.

6. Residential property with nonconforming density shall not be subject to the provisions of this chapter relating to destruction by fire or other casualty. In the event a residential structure that is nonconforming as to density is destroyed to any extent by fire or other casualty, the structure may be rebuilt as a residential structure; provided, however, that the number of dwelling units, gross floor area of the structure, and major exterior dimensions of the structure shall not exceed the same dimensions or standards of the previous structure. This subsection shall not reduce any requirements of the zoning, building, or fire codes in effect when the structure is rebuilt. The property owner shall also have the option of rebuilding the structure at a reduced density, as described in subsection (5) of this section. The provisions of this subsection shall only be available if an application for a building permit is filed within 12 months of fire or other casualty and construction is commenced and completed in conformance with the provisions of the building code then in effect.

7. Should the number of parking stalls provided on-site be insufficient to meet zoning regulations in effect at the time of remodeling, this deficiency shall be allowed to remain with the remodel; provided, that the number of stalls may not be reduced from the number of stalls on-site with the original structure. Any surplus of parking stalls above those required by the zoning regulations in effect at the time of remodeling may be eliminated.

8. The owner of a continued use nonconforming as to density may request the issuance of a "certificate of continued use" which shall identify the property, existing use, density and site characteristics for which the certificate is issued and which shall include the provisions of this chapter.

162.65 CBD Continued Use

The term "CBD continued use" means an existing structure in a CBD Zone which became nonconforming solely as a result of the adoption of Ordinance No. 3609.

A CBD continued use shall be permitted to exist as a lawful use subject only to the following conditions:

1. Ordinary repairs and maintenance may be carried out consistent with the provisions of this chapter; provided, that there shall be no limitation on the amount or cost of such repairs and maintenance.

2. In the event a CBD continued use is destroyed to any extent by fire or other casualty, the structure may be rebuilt; provided, however, that the gross floor area of the structure and major exterior dimensions of the structure shall not exceed the same gross floor area or major exterior dimensions of the previous structure. This provision shall not reduce any requirements of the building or fire codes in effect when such structure may be rebuilt.

   The provisions of this section shall only be available if any application for a building permit is filed within 12 months of such fire or other casualty and construction is commenced and completed in conformance with the provisions of the building code then in effect.

3. Except as would be in conflict with this section, rebuilding shall conform to then-current codes or regulations.

4. The owner of a CBD continued use may request the issuance of a "certificate of CBD continued use" which shall identify the property, existing use, building dimensions, and site characteristics for which the certificate is issued and which shall include the provisions of this section.

Chapter 165 – AUTHORITY

Sections:

165.05 User Guide
165.10 City Council
165.15 Houghton Community Council – General
165.20 Houghton Community Council – Instruction to New Member
165.25 Planning Commission – Membership
165.30 Planning Commission – Instruction to New Member
165.35 Planning Commission – Rules of Procedure
165.40 Hearing Examiner – Appointment
165.45 Hearing Examiner – Rules of Procedure
165.47 Design Review Board – Membership
165.48 Design Review Board – Rules of Procedure
165.50 Additional Committees, Boards, Commissions, Councils, and Individuals
165.55 Department of Community Development – General
165.60 Department of Community Development – Authority
165.65 Department of Community Development – Operating Procedures
165.70 Department of Community Development – Development Code Enforcement Officer

165.05 User Guide

This chapter contains information about the following groups and entities:

1. The City Council.
2. The Houghton Community Council.
3. The Planning Commission.
4. The Hearing Examiner.
5. The Department of Community Development.

For the most part, this information involves the appointment, removal and training of members and establishes the general authority of these groups and entities.

165.10 City Council

The City Council is the legislative body of the City. Its existence, membership, jurisdiction, powers, and authority are derived from RCW Title 35A. The jurisdiction, power and authority of City Council, as these relate to matters included in this code, are recognized in Chapters 150 through 160 KZC.

165.15 Houghton Community Council – General

The Houghton Community Council is the elected council for the Houghton Community Municipal Corporation. The Community Municipal Corporation was created pursuant to the provisions of Chapter 35.14 RCW. Its existence, membership, jurisdiction, powers and authority are listed in Chapter 2.12 KMC. The jurisdiction, powers and authority of the Houghton Community Council, as these relate to matters covered by this code, are recognized in Chapters 152 through 160 KZC.

165.20 Houghton Community Council – Instruction to New Member

The Planning Official shall offer to each new member of the Houghton Community Council the opportunity to attend a training session that includes the following topics:

1. The responsibilities of the Houghton Community Council.

2. The legal basis and framework for land use planning and regulation.

3. The policy and regulatory enactments of the City related to land use planning and regulation.

4. The appropriate way to conduct a public hearing and the appropriate standards to be applied in formulating recommendations.

165.25 Planning Commission – Membership

The existence, membership, and general powers of the Planning Commission are established in Chapter 3.32 KMC. The jurisdiction, powers and authority of the Planning Commission as these relate to matters covered by this code are established in Chapters 155 and 160 KZC.

165.30 Planning Commission – Instruction to New Member

Within 90 days after becoming a member of the Planning Commission, each new member shall attend a training session given by the Planning Official. This session will cover the following topics:

1. The responsibilities of the Planning Commission.

2. The legal basis and framework for land use planning and regulation.

3. The policy and regulatory enactments of the City related to land use planning and regulation.

4. The appropriate way to conduct a hearing and the appropriate standards to be applied in formulating findings, conclusions and recommendations.

165.35 Planning Commission – Rules of Procedure

The Planning Commission 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 regular business hours.

165.40 Hearing Examiner – Appointment

The existence and general powers of the Hearing Examiner are established in the Kirkland Municipal Code. The jurisdiction, powers, and authority of the Hearing Examiner as these relate to matters covered in this code are established in Chapters 145, 150 and 152 KZC.

165.45 Hearing Examiner – Rules of Procedure

The Hearing Examiner shall establish rules of procedure for the efficient and fair conduct of matters that come before him/her. These rules must be 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 regular business hours.

165.47 Design Review Board – Membership

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

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.

165.50 Additional Committees, Boards, Commissions, Councils, and Individuals

As the need arises, City Council may appoint additional committees, boards, commissions, councils, or individuals and grant to the same specific responsibilities and powers, consistent with state law and City ordinances.

165.55 Department of Community Development – General

The Department of Community Development is responsible for the general administration of this code. The City Manager shall appoint a Director of the Department of Community Development and shall appoint other staff members as is necessary for the administration of this code.

165.60 Department of Community Development – Authority

In addition to the authority granted to the Department of Community Development and the Planning Director by this code, they shall have whatever additional authority is granted to them by the City Manager consistent with state law and City ordinances.

165.65 Department of Community Development – Operating Procedures

The Planning Director may issue application forms, operating procedures, and similar material to facilitate the orderly conduct of the Department's responsibilities. The Department shall use, follow and enforce these issuances as if they were part of this code.

165.70 Department of Community Development – Development Code Enforcement Officer

The Planning Director may appoint one or more Development Code Enforcement Officers. These Enforcement Officers are responsible for enforcing this code and other related ordinances as assigned by the Planning Director. These Enforcement Officers are empowered to file code violation complaints in the court of competent jurisdiction for violations of this code and for violations of other related ordinances as assigned by the Planning Director.

Chapter 170 – CODE ENFORCEMENT

Sections:

170.05 User Guide
170.10 Permits Issued by Building Official – Responsibility Prior to Issuance of Permit
170.15 Permits Issued by Building Official – Certificate of Occupancy
170.20 Code Enforcement Officer – Duty To Investigate
170.25 Violation of This Code
170.30 Code Enforcement Officer – Order To Cease Activity
170.35 Code Enforcement Officer – Notice of Violation
170.40 Code Enforcement Officer – Notice of Civil Infraction
170.42 Failure To Satisfy Penalty
170.45 Variance, Permit, Decision or Discretionary Approval – General
170.50 Variance, Permit, Decision, or Discretionary Approval – Voiding
170.55 No Personal Liability for Acts or Omissions
170.60 Interpretations of This Code – General
170.65 Interpretations of This Code – Appeal
170.70 Conflict of Provisions
170.75 Easement Agreements Approved by the City Attorney

170.05 User Guide

This chapter contains a variety of provisions generally pertaining to the administration and enforcement of this code. Specifically, this chapter contains provisions in the following areas:

1. Code administration.
2. Code enforcement.
3. Penalties for code violation.
4. Status of discretionary decision.
5. Liability of employees and others.
6. Code interpretations and appeals.
7. Conflict of provisions.
8. Recording of easements.

170.10 Permits Issued by Building Official – Responsibility Prior to Issuance of Permit

1. General – The Building Official may not issue a permit to conduct any activity or to erect or alter any structure that does not conform to this code.
2. Required Information – The Building Official shall distribute to each applicant for a permit issued by that Official a list, prepared by the Planning Official, of all of the information and renderings required by this code.
3. Responsibility of Building Official – Upon receiving an application for any permit that is not exempt under subsection (7) of this section, the Building Official shall send the application and all relevant information to the Planning Department. The Building Official may not issue the permit until the permit application has been signed by the Planning Official.

4. Responsibility of the Planning Official – Upon receiving an application for a permit routed from the Building Official, the Planning Official shall promptly review it and make any necessary field inspection to determine whether the proposed development or activity complies with this code.

5. Additional Information – The Planning Official may require the applicant to provide any information or renderings required by this code, or any other information or renderings that are reasonably necessary to determine if the proposed development or activity complies with the provisions of this code.

6. Authorization by Planning Official – The Planning Official shall sign the permit application if the proposed development or activity conforms to the provisions of this code.

7. Permits Exempted from Review by the Planning Director – The Planning Director may specifically exempt categories of permits issued by the Building Official from the Planning Department review requirements of this section. The Building Official shall review applications for exempted permits for compliance with this code.

170.15 Permits Issued by Building Official – Certificate of Occupancy

1. General – It is unlawful to occupy a building or conduct a use requiring a certificate of occupancy unless the Planning Official has approved the certificate of occupancy for that building or use.

2. Responsibility of Building Official – Upon receipt of a request to issue a certificate of occupancy, the Building Official shall promptly notify the Planning Official of the request. The Building Official may not issue a certificate of occupancy until he/she receives written approval from the Planning Official.

3. Responsibility of the Planning Official – Upon receiving notice from the Building Official of a request for a certificate of occupancy, the Planning Official shall promptly review the request, and if necessary, conduct a field inspection to determine if the structure or use conforms to this code.

4. Issuance of the Planning Official Approval – The Planning Official shall sign and forward to the Building Department the Certificate of Occupancy if the building or use conforms to this code.

170.20 Code Enforcement Officer – Duty To Investigate

1. General – The Code Enforcement Officer shall, either upon a complaint or on his/her own initiative, investigate potential violations of this code.

2. Entrance on Private Property – The Code Enforcement Officer may enter upon private property to investigate potential violations of this code if he/she has a good faith belief that a violation exists or is occurring on the property. Before entering upon private property, the Code Enforcement Officer shall present his/her credentials to the owner or person in possession or charge of the property and demand entry. If entry is refused, the Code Enforcement Officer may use every lawful means and remedy to obtain entry.

170.25 Violation of This Code

1. General – It is a violation for any person to do or cause any of the following to be done contrary to this code, and for the property owner to permit any of the following to be done contrary to this code:

   a. Construct, in any way alter, or move any improvement.

b. Engage in any activity.

c. Use or occupy any structure or land.

d. Conduct any use.

e. Create any conditions.

It is also a violation for any person to fail to perform any activity or obligation required by this code. Violation of a provision of this code is a civil infraction for which a monetary penalty may be imposed under this chapter.

2. Monetary Penalty – The amount of the monetary penalty per day or portion thereof for each violation is as follows:

   a. First violation: $100.00;

   b. Second violation: $200.00;

   c. Third violation: $300.00;

   d. Additional violation in excess of three: $500.00.

3. Continued Duty To Correct – Payment of a monetary penalty pursuant to this chapter does not relieve a person of the duty to correct the violation as ordered by the applicable department director.

4. Other Legal Remedies – Nothing in this chapter limits the right of the City to pursue other lawful criminal, civil, or equitable remedies to abate, discontinue, or correct unlawful acts under or in violation of this code.

170.30 Code Enforcement Officer – Order To Cease Activity

1. General – If the Code Enforcement Officer determines that any activity being conducted or any improvement being erected or altered:

   a. Does not conform to the code, and

   b. Such activity (i) involves use of noise-emitting heavy construction equipment or land surface modification, or (ii) poses an immediate threat to the safety, repose or right of quiet enjoyment of neighboring property owners, or to the general public,

   he/she may issue an order to cease activity.

2. Posting and Notice – The Code Enforcement Officer shall prominently post this Order on the subject property and shall make reasonable attempts to send this Order on to the property owner, the person in charge of the property, or the person causing the activity to be conducted or the improvement to be erected or altered.

3. Effect – When an order to cease activity has been posted on the subject property, it is a violation for any person with actual or constructive knowledge of the order to conduct the activity or do the work covered by the order until the Code Enforcement Officer has removed the posted copy of the order and issued written authorization for the activity or work to be continued. If an order to cease activity is violated, the Code Enforcement Officer may issue a notice of civil infraction under KZC 170.40 and need not first issue a notice of violation.

4. Appeal – An order to cease activity may be appealed in like manner as a notice of civil infraction to the Hearing Examiner under the provisions of KZC 170.40. If a notice of civil infraction has also been issued and appealed, the appeals shall be consolidated for hearing.

170.35 Code Enforcement Officer – Notice of Violation

1. General – If the Code Enforcement Officer determines that any activity, condition, structure, or use exists that does not conform to this code, he/she may issue a notice of violation. This notice will specifically indicate:

   a. The name and address of the property owner or other person to whom the notice of violation is directed; and

   b. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and

   c. A description of the violation and a reference to that provision or provisions of this code being violated; and

   d. A statement of the action required to be taken to correct the violation as determined by the applicable department director and a date or time by which correction is to be completed, which date shall be not less than seven days after the date of issuance of the notice of violation; and

   e. A statement that a monetary penalty in an amount per day for each violation as specified by KZC 170.25 shall be assessed against the person to whom the notice of violation is directed for each and every day, or portion of a day, on which the violation continues following the date set for correction.

2. Notice to Occupant and Owner – The Code Enforcement Officer shall:

   a. Leave a copy of this notice with the occupant or person in charge of the property or post it in a conspicuous place on the subject property; and

   b. Send a copy of the notice by certified mail to the owner of the subject property.

3. Extension – Upon written request received prior to the correction date or time, the Code Enforcement Officer may extend the date set for correction for good cause. The Code Enforcement Officer may consider substantial completion of the necessary correction or unforeseeable circumstances which render completion impossible by the date established as good cause.

170.40 Code Enforcement Officer – Notice of Civil Infraction

1. General – The Code Enforcement Officer may cause a notice of civil infraction to be issued in either of the following circumstances:

   a. There is a violation of a posted order to cease activity.

   b. If, after this time specified in the notice of violation, the activity, conditions, structure, or use cited in the notice of violation still does not conform to this code.

2. Issuance

   a. The notice of civil infraction will be issued to the owner of the property, the occupant, or person in charge of the property and/or any other person causing or allowing the activity, conditions, structure or use to exist or occur.

   b. Notwithstanding the provisions of KZC 170.30 and 170.35, the Code Enforcement Officer may issue a notice of civil infraction without having issued a notice of violation or order to cease activity when a repeated violation occurs within a six-month period of time.

   c. A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless appealed as provided in this chapter.

3. Content – The Code Enforcement Officer shall include the following in the notice of civil infraction:

   a. The name and address of the property owner or other persons to whom the notice of civil infraction is directed; and

   b. The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and

   c. A description of the violation and a reference to that provision or provisions of this code which has been violated; and

   d. A statement that the monetary penalty in the amount per day for each violation as specified in KZC 170.25 is assessed against the person to whom the notice of civil infraction is directed for each and every day, or portion thereof, during which the violation continues beyond the date or time established for correction in the notice of violation; and

   e. A statement that the person to whom the notice of civil infraction was directed must complete correction of the violation and may pay the monetary penalty imposed to the City Clerk or may appeal the notice of civil infraction as provided in this section.

4. Service of Notice – The Code Enforcement Officer shall serve the notice of civil infraction upon the person to whom it is directed, either personally or by mailing a copy of the notice of civil infraction by certified mail, postage prepaid, return receipt requested, to such person at his/her last known address or by posting the notice of civil infraction conspicuously on the affected property or structure. The person who effected personal service shall make proof of service at the time of service by a written declaration under penalty of perjury declaring the time and date and the manner in which service was made.

5. Appeal to Hearing Examiner

   a. A person to whom a notice of civil infraction is directed may appeal the notice of civil infraction including the determination that a violation exists or may appeal the amount of any monetary penalty imposed to the Hearing Examiner.

   b. A person may appeal the notice of civil infraction by filing a written notice of appeal with the Department of Planning and Community Development within seven calendar days from the date of service of the notice of civil infraction.

   c. The monetary penalty for a continuing violation does not accrue during the pendency of the appeal; however, the Hearing Examiner may impose a daily monetary penalty from the

date of service of the notice of civil infraction if he finds that the appeal is frivolous or intended solely to delay compliance.

d. The hearing before the Hearing Examiner shall be conducted as follows:

1) The office of the Hearing Examiner shall give notice of the hearing before the Hearing Examiner to the appellant 17 calendar days before such hearing.

2) The Hearing Examiner shall conduct a hearing on the appeal pursuant to the rules of procedure as provided by the Administrative Procedure Act, Chapter 34.05 RCW. The City and the appellant may participate as parties in the hearing and each may call witnesses. The City shall have the burden of proof by a preponderance of the evidence that a violation has occurred.

6. Action of Hearing Examiner

a. The Hearing Examiner shall determine whether the City has proven by a preponderance of the evidence that a violation has occurred and shall affirm, vacate, suspend, or modify the amount of any monetary penalty imposed by the notice of civil violation with or without written conditions.

b. The Hearing Examiner shall consider the following in making his/her determination:

1) Whether the intent of the appeal was to delay compliance, or

2) Whether the appeal is frivolous, or

3) Whether there was a written contract or agreement with another party which specified the securing by the other party of the applicable permit or approval from the City, or

4) Whether the appellant exercised reasonable and timely effort to comply with applicable development regulations, or

5) Any other relevant factors.

7. Notice of Decision – The Hearing Examiner shall mail a copy of his decision to the appellant by certified mail, postage prepaid, return receipt requested.

8. Judicial Review – The decision of the Hearing Examiner may be reviewed pursuant to the standards set forth in RCW 36.70C.130 in King County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision by the Hearing Examiner. For more information on the judicial review process for land use decisions, see Chapter 36.70C RCW.

9. Collection of Monetary Penalty

a. The monetary penalty constitutes a personal obligation of the person to whom the notice of civil infraction is directed. Any monetary penalty assessed must be paid to the City Clerk within seven calendar days from the date of service of notice of civil infraction or, if an appeal was filed pursuant to this section, within seven calendar days of the Hearing Examiner's decision.

b. The City Attorney, on behalf of the City, is authorized to collect the monetary penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor

terminate accrual of additional per diem monetary penalties so long as the violation continues.

c. In the event of failure to appear at a hearing provided in this section, the Hearing Examiner shall assess the monetary penalty prescribed and a penalty of $25.00.

d. In the event of a conflict between this chapter and any other provision of this code or City ordinance providing for a civil penalty, this chapter shall control.

170.42 Failure To Satisfy Penalty

A person who willfully fails to pay a monetary penalty as required by provisions of this chapter may be found in civil contempt of court after notice and hearing.

170.45 Variance, Permit, Decision or Discretionary Approval – General

The City shall enforce the provisions, including any conditions or restrictions, of a variance, permit, decision, or discretionary approval issued under this code as if those provisions are part of this code.

170.50 Variance, Permit, Decision, or Discretionary Approval – Voiding

1. General – Under the provisions of this section, the City may void any variance, permit, decision or discretionary approval granted or issued under this code.

2. Review Process – The City, as the applicant, shall use the same process to determine if a variance, permit, decision, or discretionary approval should be voided as it used to grant the variance, permit, decision, or discretionary approval.

3. Decisional Criteria – The City may void a variance, permit, decision, or discretionary approval only if it finds that:

   a. There have been repeated violations of any aspect, including conditions or restrictions, of the variance, permit, decision, or discretionary approval; and

   b. The detriment caused by the violations clearly outweighs any public benefit of the variance, permit, decision, or discretionary approval.

4. Effect – If the City voids a variance, permit, decision, or discretionary approval, the City will apply and enforce the provisions of this code on the subject property, as if the variance, permit, decision, or discretionary approval had never been granted.

170.55 No Personal Liability for Acts or Omissions

Each person responsible for the enforcement or administration of this code and each member of a Committee, Board, Commission or Council responsible for making any decision or recommendation under this code is relieved from any personal liability whatsoever from any injury to persons or property as a result of his/her act or omission in the good faith discharge of his/her responsibilities. If the person or member is sued for acts or omissions occurring in the good faith discharge of his/her responsibilities, the City shall defend and provide legal representation to the person or member until final disposition of the proceedings. The City shall reimburse the person or member for any costs incurred in defending against alleged liability for the acts or omissions of the person or members in the good faith discharge of his/her duties.

170.60 Interpretations of This Code – General

1. Criteria – The Planning Director may, acting on his/her own initiative or in response to an inquiry, issue interpretations of any of the provisions of this code. The Director shall base his/her interpretations on:

   a. The defined or common meaning of the words of the provision; and

   b. The general purpose of the provision as expressed in the provision; and

   c. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan.

2. Effect – An interpretation of this code will be enforced as if it is part of this code.

3. Availability – All interpretations of this code, filed sequentially, are available for public inspection and copying in the Planning Department during regular business hours. The Planning Official shall also make appropriate references in this code to these interpretations.

170.65 Interpretations of This Code – Appeal

1. Who Can Appeal – Any person who is aggrieved by an interpretation issued by the Planning Director may appeal that interpretation at any time.

2. How To Appeal – The applicant must file a letter of appeal indicating how the interpretation affects his/her property and presenting any relevant arguments or information on the correctness of the interpretation. The applicant shall include the appeals fee as established by ordinance.

3. Applicable Procedures – All appeals of interpretations of this code will be reviewed and decided upon using Process IIA, described in Chapter 150 KZC.

4. Effect – If the interpretation of the Planning Director is modified, the Planning Official shall:

   a. Place the modifying decision in the Interpretation File; and

   b. Change or remove, as appropriate, the interpretation that was modified; and

   c. Change the reference in this code to reflect the modification.

170.70 Conflict of Provisions

The standards, procedures, and requirements of the code are the minimum necessary to promote the health, safety, and welfare of the residents of Kirkland. The City is free to adopt more rigorous or different standards, procedures, and requirements whenever this becomes necessary. If the provisions of this code conflict one with another, or if a provision of this code conflicts with the provision of another ordinance of the City, the most restrictive provision or the provision imposing the highest standard prevails.

170.75 Easement Agreements Approved by the City Attorney

In each case where the City requires an applicant to provide a public walkway, public use area, or other area, facility or structure that is open to the public, the applicant shall execute and record with the King County Bureau of Elections and Records an easement or similar document approved by the City Attorney.

Chapter 175 – BONDS

Sections:

175.05 User Guide
175.10 When May a Bond Be Used
175.15 Type of Bond
175.20 Amount of the Bond
175.25 Supplemental Administrative Costs
175.30 Bond Agreement
175.35 Irrevocable License Signed by the Owner of the Subject Property
175.40 Release of Bond and Cash Deposit
175.45 Use of Proceeds – Notice to Property Owner
175.50 Use of Proceeds – Work by the City
175.55 Use of Proceeds – Refund of Excess Charge for All Costs
175.60 Use of Cash Deposit
175.65 Itemized Statement

175.05 User Guide

Various places in this code state that the City either may or shall require an applicant to post a bond to ensure continued compliance with some aspect of this code. Bonds for this purpose are referred to as maintenance bonds. In addition there are circumstances where an applicant may wish to post a bond in lieu of doing certain site work prior to occupancy. Bonds for this purpose are referred to as performance bonds. This chapter provides the regulation regarding under what circumstances the City will accept a bond, the nature of the bond, and other information about administering and using bonds.

175.10 When May a Bond Be Used

1. Maintenance Bond – The Planning Official may require an applicant to establish a maintenance bond only if another provision of this code or other ordinance specifically authorizes it.

2. Performance Bond – General – The Planning Official may allow an applicant to establish a performance bond and obtain a certificate of occupancy or other permit in advance of completing all required work or improvements if the following criteria are met:

   a. The applicant is unable to complete the work or improvements to be covered by the bond because of unavoidable circumstances that in no way resulted from the actions or inaction of the applicant.

   b. It is reasonably certain that the applicant will be able to complete the work or improvements to be covered by the bond within a reasonable amount of time.

   c. Granting the certificate of occupancy or other permit prior to completion of the work or improvements will not be materially detrimental to the City or the properties in the vicinity of the subject property.

175.15 Type of Bond

In each case where the City requires or allows an applicant to post a bond, the Planning Official shall determine the type of bond that will be used. The Official shall select the type that will be least burdensome on the applicant while fully protecting the interests of the City.

175.20 Amount of the Bond

1. General – The Planning Official shall determine the amount of the bond as follows:

a. For a maintenance bond the amount will be 30 percent of the cost of replacing the materials covered by the bond based on estimated costs on the last day covered by the device.

b. For a performance bond the amount will be 100 percent of the cost of the work or improvements covered by the bond based on estimated costs immediately following the expiration of the bond.

2. Assistance in Determining Estimated Costs – The Planning Official may consult with one or more persons with applicable special knowledge or expertise in determining the amount of a bond under subsection (1) of this section. The applicant shall pay the actual costs of this consultation prior to the Planning Official accepting the bond and signing the bond agreement under KZC 175.30.

175.25 Supplemental Administrative Costs

In addition to the bond and any consultation fees under KZC 175.20, the applicant shall post a cash deposit with the City equal to the following percentages of the amount of the bond:

Amount of Bond	Amount of Cash Deposit
Up to $20,000	5% of the bond (Minimum $100.00)
$20,001 to $50,000	4% of the bond
$50,001 to $100,000	3% of the bond
$100,001 and up	2-1/2% of the bond

This cash deposit will be used to cover the City's actual expenses of administering, and if necessary, using the proceeds of the bond.

175.30 Bond Agreement

In each case where the City requires or allows an applicant to post a bond, the applicant and the Planning Official shall sign an agreement prepared by the City stating the following:

1. The work or improvements covered by the bond.

2. Either the period of time covered by the maintenance bond or the date after which the City will use the proceeds of the performance bond to complete the required work or improvements.

3. The amount and nature of the bond and the amount of the cash deposit.

4. The rights and duties of the City and the applicant as established in this chapter.

175.35 Irrevocable License Signed by the Owner of the Subject Property

In each case where the City requires or allows an applicant to establish a bond, the owner of the subject property shall give the City a signed notarized irrevocable license to run with the property to allow the employees, agents, or contractors of the City to go on the subject property for the purpose of inspecting and, if necessary, doing the work or making the improvements covered by the bond. The applicant shall file this license with the King County Bureau of Elections and Records.

175.40 Release of Bond and Cash Deposit

After the work or improvements covered by a performance bond have been completed or, at the end of the time covered by a maintenance bond, the applicant may request the City to release the bond and refund the cash deposit. If the applicant has complied with the bond agreement and this

code, the Planning Official shall release the bond and the cash deposit remaining after any subtractions under KZC 175.55 and 175.60.

175.45 Use of Proceeds – Notice to Property Owner

If during the period of time covered by a maintenance bond or after the date by which the required work or improvements are to be completed under a performance bond, the Planning Official determines that the bond agreement has not been complied with, he/she shall notify the applicant of this. The notice must state:

1. The work that must be done or the improvement that must be made to comply with the bond agreement; and

2. The amount of time, not to exceed 30 days, that the applicant has to commence and complete the required work or improvements; and

3. That, if the work or improvements are not commenced and completed within the time specified, the City will use the proceeds of the bond to have the required work or improvements completed.

175.50 Use of Proceeds – Work by the City

If the work or improvements covered by the bond are not completed within the time specified in the notice given under KZC 175.45, the City shall obtain the proceeds of the bond and do the work or make the improvements covered by the bond. The City may either have employees of the City do the work or make the improvements or, by using procurement procedures established by law, have a contractor do the work or make the improvements.

175.55 Use of Proceeds – Refund of Excess Charge for All Costs

The property owner is responsible for all costs incurred by the City in doing the work and making the improvements covered by the bond. The City shall release or refund any proceeds of a performance bond remaining after subtracting all costs for doing the work or making the improvements covered by the bond. The City shall release or refund any proceeds of a maintenance bond remaining at the end of the time covered by the bond after subtracting all costs for doing the work covered by the bond. The owner of the subject property shall reimburse the City for any amount expended by the City that exceeds the proceeds of the bond. The City may file a lien against the subject property for the amount of any excess.

175.60 Use of Cash Deposit

The City shall subtract all of its expenses incurred in administering and, if necessary, using the proceeds of the bond from the cash deposit. After the work or improvements covered by a performance bond have been completed or at the end of the time covered by a maintenance bond, the City shall refund any remaining funds. If the amount of the cash deposit is insufficient to cover the City's costs in administering and, if necessary, using the proceeds of the bond, the property owner shall pay this amount to the City prior to the release of the bond. The City may file a lien against the subject property for this amount.

175.65 Itemized Statement

In each case where the City uses any of the proceeds of the bond or any of the funds of the cash deposit, it shall give the owner of the subject property an itemized statement of all proceeds and funds used.

Chapter 180 – PLATES

Plate 1 One-Way Traffic – Standard Size Stall (8.5′ x 18.5′)
Plate 2 Two-Way Traffic – Standard Size Stall (8.5′ x 18.5′)
Plate 3 One-Way Traffic – Compact Stall (8′ x 16′)
Plate 4 Two-Way Traffic – Compact Stall (8′ x 16′)
Plate 5 One-Way Traffic – Standard Size Stall (8.5′ x 18.5′) – Dead-End Stall
Plate 6 Two-Way Traffic – Standard Size Stall (8.5′ x 18.5′) – Dead-End Stall
Plate 7 One-Way Traffic – Compact Stall (8′ x 16′) – Dead-End Stall
Plate 8 Two-Way Traffic – Compact Stall (8′ x 16′) – Dead-End Stall
Plate 8A Parking Area Design Using Street for Circulation
Plate 9 Allowable Signage
Plate 10 Intrusions into Required Setback Yards
Plate 11 Outdoor Use Activity and Storage Areas
Plate 12 Pedestal Signs
Plate 13 Monument Signs
Plate 13A Pole Signs
Plate 14 Driveway Configuration for Detached Dwelling Units
Plate 15 Measuring 15 Percent Slopes
Plate 16 Determining Stream Setbacks
Plate 17 Calculating Average Building Elevation
Plate 18 Adjoining Properties
Plate 19 Calculating Average Parcel Depth
Plate 20 Turnaround Space
Plate 21 Dwelling Units "Served" and Not "Served" by a Vehicular Access Easement or Tract
Plate 22 WD II North Property Line Yard and Height of Structure
Plate 23 Calculating Floor Area for Basements (Detached Dwelling Units in Low Density Zones)
Plate 24 Required Front Yard Averaging

180.05 User Guide

To graphically display or explain a regulation, various provisions in this code refer the user to particular plates. This chapter contains those plates arranged numerically.

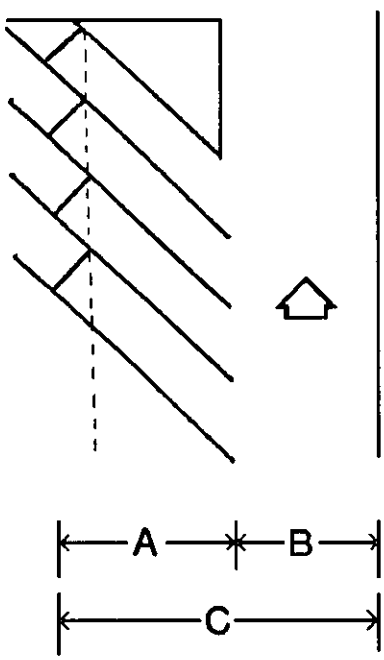
Plate 1

ONE-WAY TRAFFIC – STANDARD SIZE STALL (8.5′ X 18.5′)

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8.5	18.5	27.0	8.5	18.5	35.5
30	9.5	18.5	28.0	9.5	18.5	37.5
35	10.0	18.5	28.5	10.0	18.5	38.5
40	11.0	18.5	29.5	11.0	18.5	40.5
45	12.0	18.5	30.5	12.0	18.5	42.5
50	13.0	18.5	31.5	13.0	18.5	44.5
55	14.0	18.5	32.5	14.0	18.5	46.5
60	15.0	18.5	33.5	15.0	18.5	48.5
65	16.0	19.5	35.5	16.0	19.5	51.5
70	16.5	20.0	36.5	16.5	20.0	53.0
75	17.0	20.5	37.5	17.0	20.5	54.5
80	17.5	21.0	38.5	17.5	21.0	56.0
85	18.0	21.5	39.5	18.0	21.5	57.5
90	18.5	22.0	40.5	18.5	22.0	59.0

*The Fire Department may require a minimum driving aisle width of 20′ for access of fire apparatus to the structure(s).

*For a double loaded aisle containing standards size stalls on one side and compact size stalls on the other side, the required driving aisle width (Column E) shall be the required width for standard size stalls.



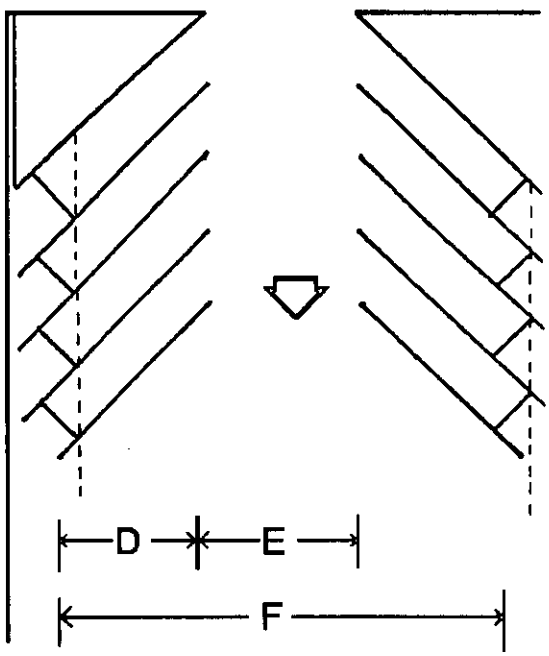
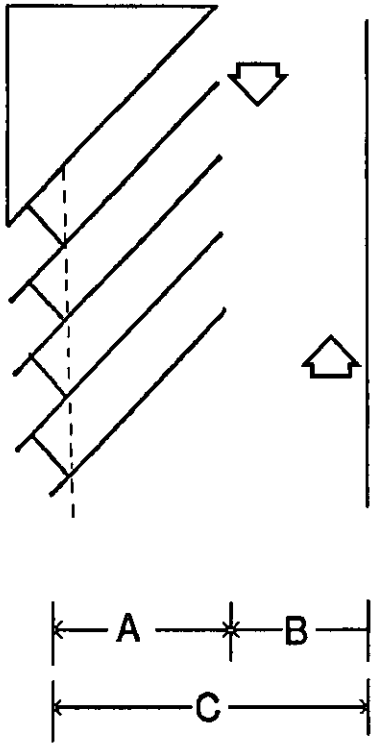


Plate 2

TWO-WAY TRAFFIC – STANDARD SIZE STALL (8.5′ X 18.5′)

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8.5	24	32.5	8.5	24	41
30	9.5	24	33.5	9.5	24	43
35	10.0	24	34.0	10.0	24	44
40	11.0	24	35.0	11.0	24	46
45	12.0	24	36.0	12.0	24	48
50	13.0	24	37.0	13.0	24	50
55	14.0	24	38.0	14.0	24	52
60	15.0	24	39.0	15.0	24	54
65	16.0	24	40.0	16.0	24	56
70	16.5	24	40.5	16.5	24	57
75	17.0	24	41.0	17.0	24	58
80	17.5	24	41.5	17.5	24	59
85	18.0	24	42.0	18.0	24	60
90	18.5	24	42.5	18.5	24	61

*For a double loaded aisle containing standards size stalls on one side and compact size stalls on the other side, the required driving aisle width (Column E) shall be the required width for standard size stalls.



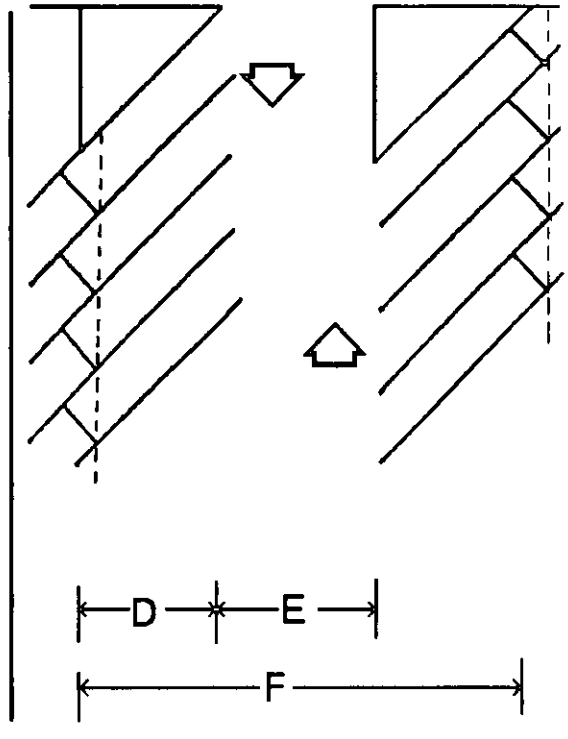


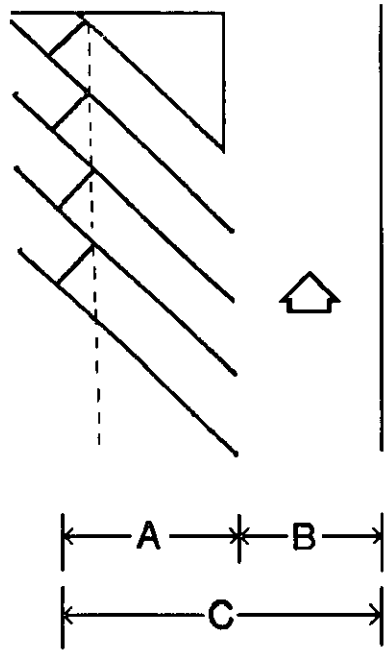
Plate 3

ONE-WAY TRAFFIC – COMPACT STALL (8′ X 16′)

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8	17	25	8	17	33
30	8	17	25	8	17	33
35	9	17	26	9	17	35
40	10	17	27	10	17	37
45	11	17	28	11	17	39
50	12	17	29	12	17	41
55	13	17	30	13	17	43
60	13	17	30	13	17	43
65	14	17	31	14	17	45
70	15	17	32	15	17	47
75	15	17	32	15	17	47
80	16	18	34	16	18	50
85	16	18	34	16	18	50
90	16	18	34	16	18	50

*The Fire Department may require a minimum driving aisle width of 20′ for access of fire apparatus to the structure(s).

*For a double loaded aisle containing standards size stalls on one side and compact size stalls on the other side, the required driving aisle width (Column E) shall be the required width for standard size stalls.



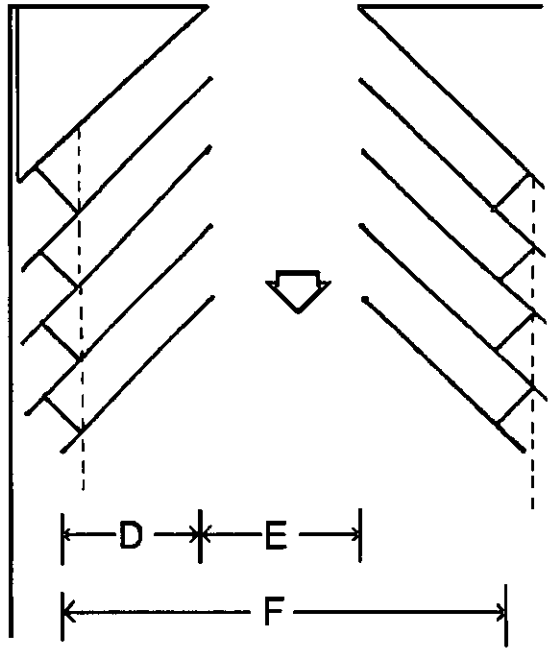
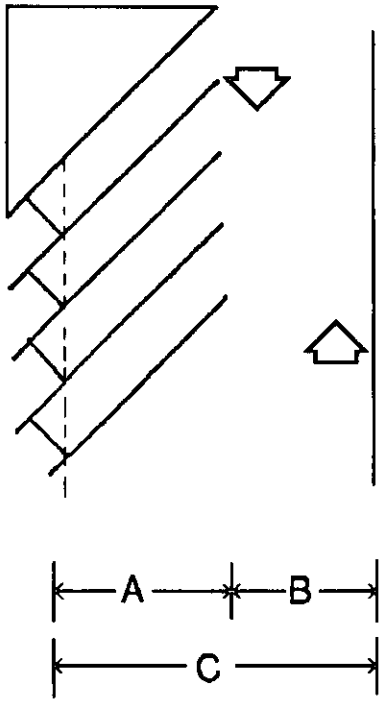


Plate 4

TWO-WAY TRAFFIC – COMPACT STALL (8′ X 16′)

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8	20	28	8	20	36
30	8	20	28	8	20	36
35	9	20	29	9	20	38
40	10	20	30	10	20	40
45	11	20	31	11	20	42
50	12	20	32	12	20	44
55	13	20	33	13	20	46
60	13	20	33	13	20	46
65	14	20	34	14	20	48
70	15	20	35	15	20	50
75	15	20	35	15	20	50
80	16	20	36	16	20	52
85	16	20	36	16	20	52
90	16	20	36	16	20	52

*For a double loaded aisle containing standards size stalls on one side and compact size stalls on the other side, the required driving aisle width (Column E) shall be the required width for standard size stalls.



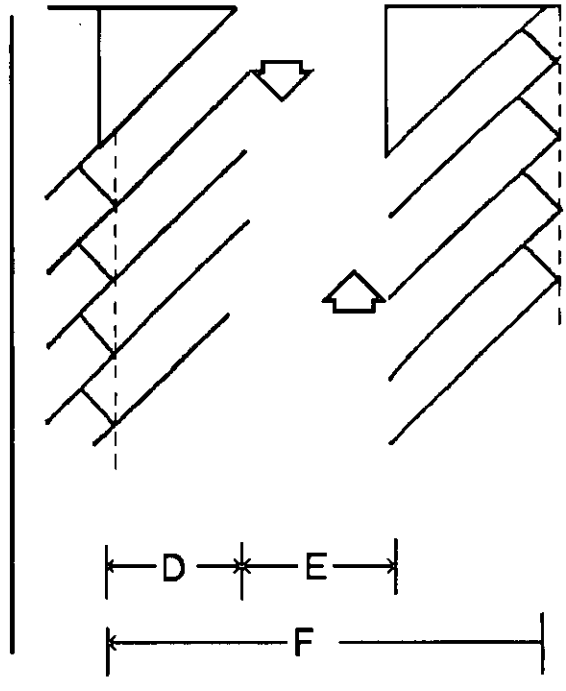


Plate 5

ONE-WAY TRAFFIC – STANDARD SIZE STALL (8.5′ X 18.5′) – DEAD-END STALL

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8.5	18.5	27.0	8.5	18.5	35.5
30	9.5	18.5	28.0	9.5	18.5	37.5
35	10.0	18.5	28.5	10.0	18.5	38.5
40	11.0	18.5	29.5	11.0	18.5	40.5
45	12.0	18.5	30.5	12.0	18.5	42.5
50	13.0	18.5	31.5	13.0	18.5	44.5
55	14.0	18.5	32.5	14.0	18.5	46.5
60	15.0	18.5	33.5	15.0	18.5	48.5
65	16.0	19.5	35.5	16.0	19.5	51.5
70	16.5	20.0	36.5	16.5	20.0	53.0
75	17.0	20.5	37.5	17.0	20.5	54.5
80	17.5	21.0	38.5	17.5	21.0	56.0
85	18.0	21.5	39.5	18.0	21.5	57.5
90	18.5	22.0	40.5	18.5	22.0	59.0

*The Fire Department may require a minimum driving aisle width of 20′ for access of fire apparatus to the structure(s).

*For a double loaded aisle containing standards size stalls on one side and compact size stalls on the other side, the required driving aisle width (Column E) shall be the required width for standard size stalls.

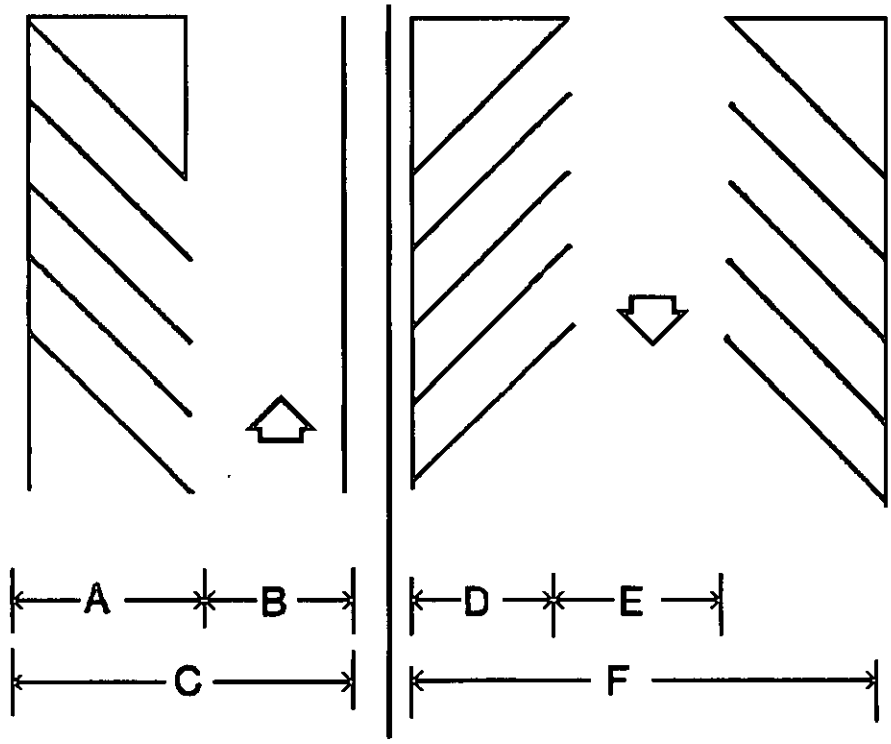


Plate 6

TWO-WAY TRAFFIC – STANDARD SIZE STALL (8.5' X 18.5') – DEAD-END STALL

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8.5	24	32.5	8.5	24	41
30	9.5	24	33.5	9.5	24	43
35	10.0	24	34.0	10.0	24	44
40	11.0	24	35.0	11.0	24	46
45	12.0	24	36.0	12.0	24	48
50	13.0	24	37.0	13.0	24	50
55	14.0	24	38.0	14.0	24	52
60	15.0	24	39.0	15.0	24	54
65	16.0	24	40.0	16.0	24	56
70	16.5	24	40.5	16.5	24	57
75	17.0	24	41.0	17.0	24	58
80	17.5	24	41.5	17.5	24	59
85	18.0	24	42.0	18.0	24	60
90	18.5	24	42.5	18.5	24	61

*For a double loaded aisle containing standards size stalls on one side and compact size stalls on the other side, the required driving aisle width (Column E) shall be the required width for standard size stalls.

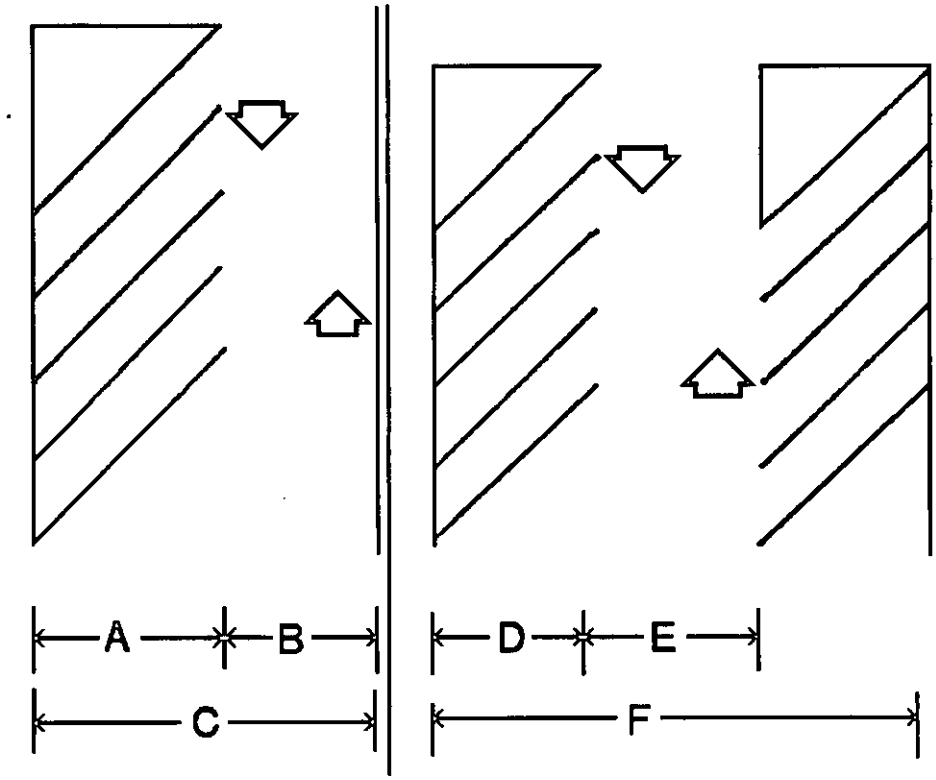


Plate 7

ONE-WAY TRAFFIC – STANDARD SIZE STALL (8′ X 16′) – DEAD-END STALL

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8	17	25	8	17	33
30	8	17	25	8	17	33
35	9	17	26	9	17	35
40	10	17	27	10	17	37
45	11	17	28	11	17	39
50	12	17	29	12	17	41
55	13	17	30	13	17	43
60	13	17	30	13	17	43
65	14	17	31	14	17	45
70	15	17	32	15	17	47
75	15	17	32	15	17	47
80	16	18	34	16	18	50
85	16	18	34	16	18	50
90	16	18	34	16	18	50

*The Fire Department may require a minimum driving aisle width of 20′ for access of fire apparatus to the structure(s).

*For a double loaded aisle containing standards size stalls on one side and compact size stalls on the other side, the required driving aisle width (Column E) shall be the required width for standard size stalls.

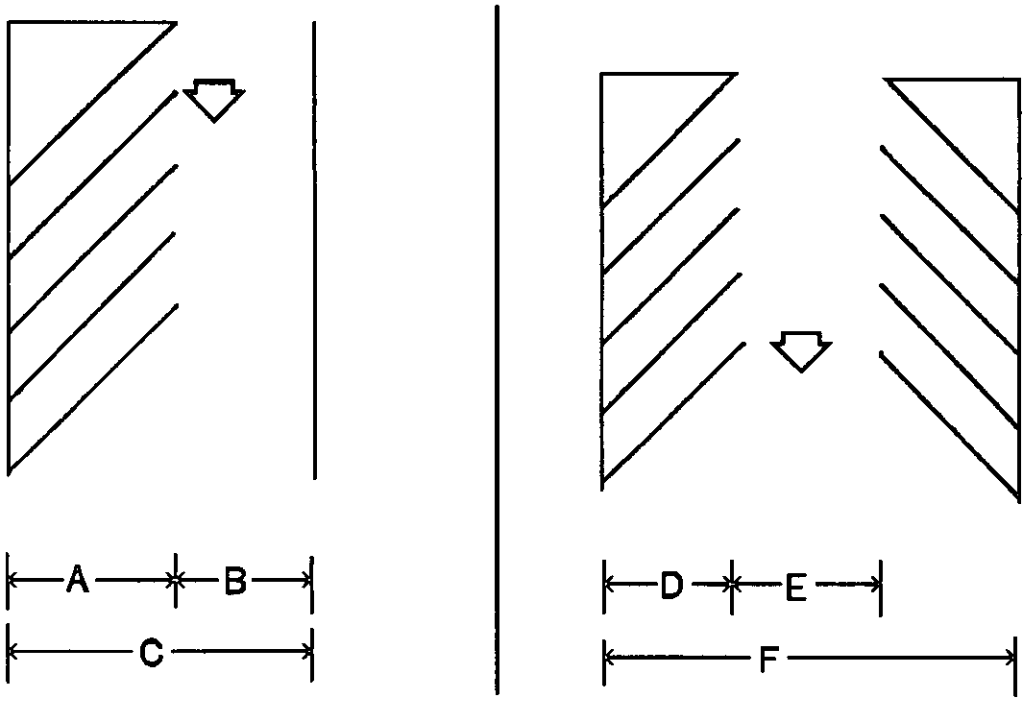


Plate 8

TWO-WAY TRAFFIC – COMPACT STALL (8′ X 16′) – DEAD-END STALL

Parking Angle	Single Loaded Aisle			Double Loaded Aisle		
	A	B	C	D	*E	F
0	8	20	28	8	20	36
30	8	20	28	9	20	36
35	9	20	29	9	20	38
40	10	20	30	10	20	40
45	11	20	31	11	20	42
50	12	20	32	12	20	44
55	13	20	33	13	20	46
60	13	20	34	13	20	46
65	14	20	34	14	20	48
70	15	20	35	15	20	50
75	15	20	35	15	20	50
80	16	20	36	16	20	52
85	16	20	36	16	20	52
90	16	20	36	16	20	52

*For a double loaded aisle containing standards size stalls on one side and compact size stalls on the other side, the required driving aisle width (Column E) shall be the required width for standard size stalls.

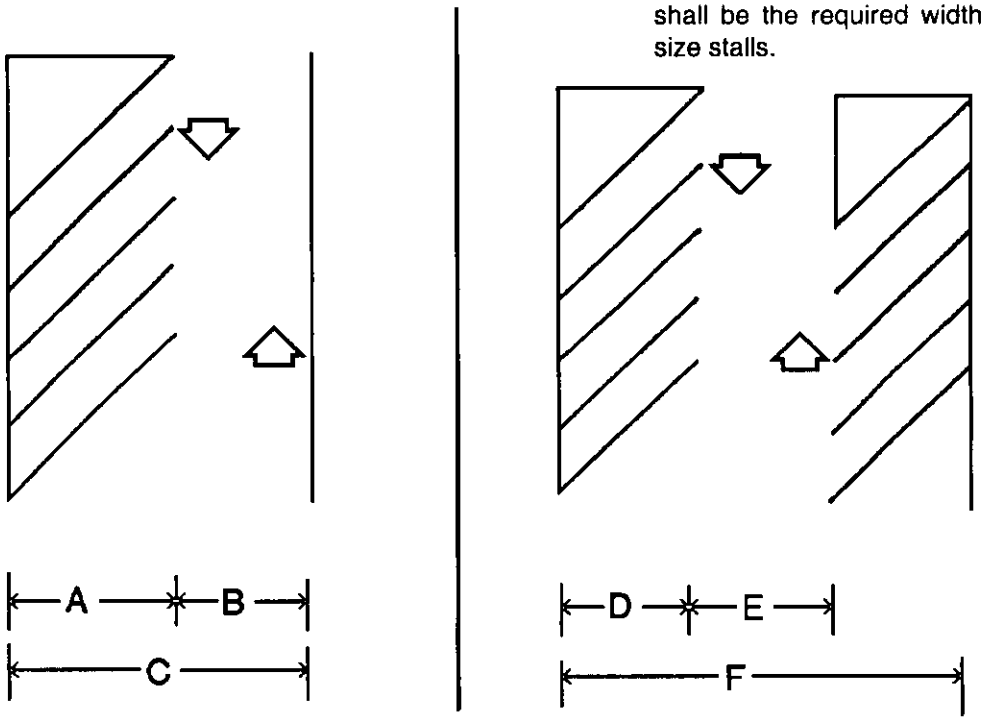
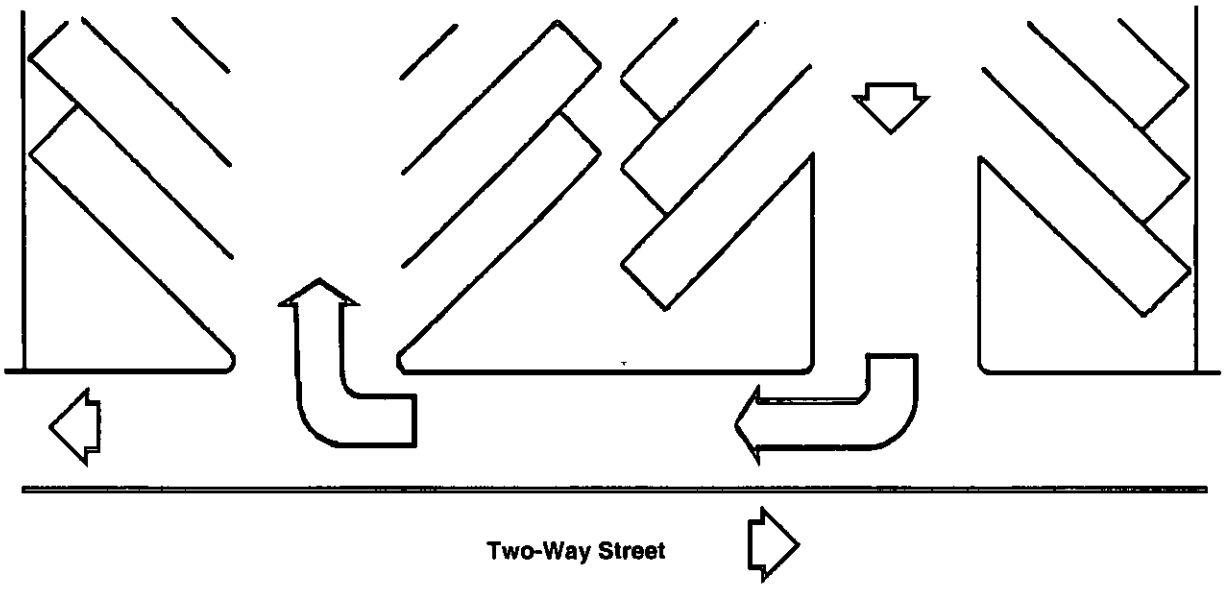


Plate 8A – Parking Area Design Using Street for Circulation

A

Design of parking area using two-way street for circulation



B

Design of parking area using one-way street for circulation

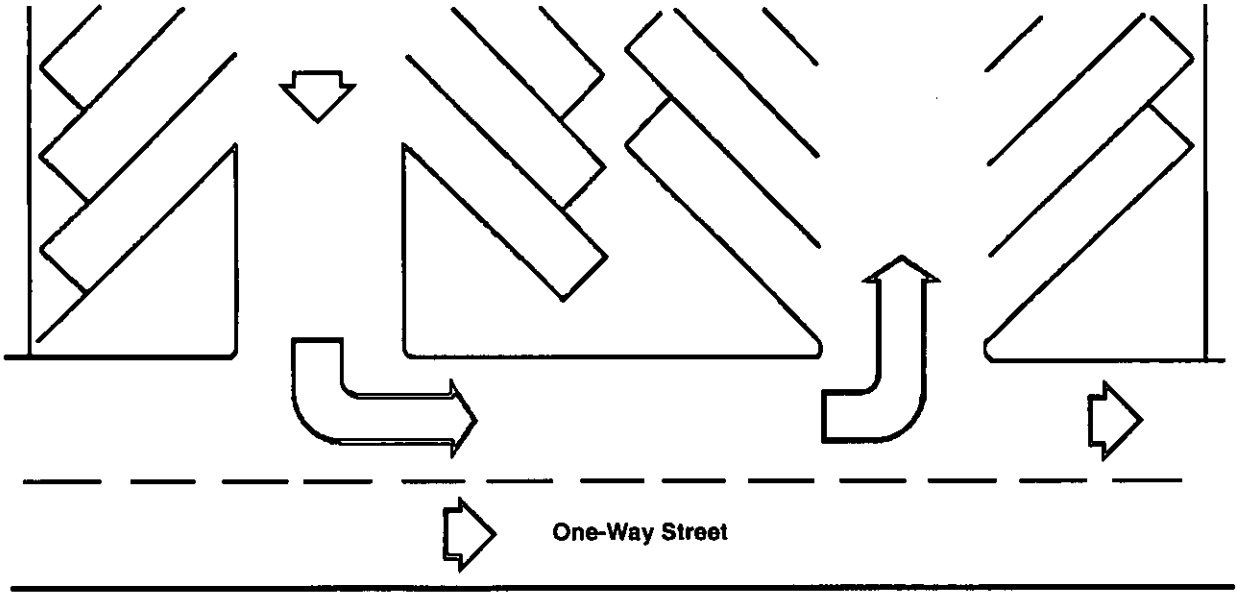


Plate 9 – ALLOWABLE SIGNAGE

Linear Frontages of Subject Property (ft.)	Sign Category C*	Sign Category D*	Sign Category E*	Sign Category F*
25	20	26	48	56
30	20	28	50	59
35	20	29	52	62
40	21	31	55	65
45	21	32	57	68
50	22	33	59	70
55	23	34	61	72
60	23	35	63	74
65	24	36	64	76
70	25	37	66	78
75	25	38	68	80
80	26	39	69	82
85	26	40	70	84
90	27	40	72	85
95	27	41	73	87
100	28	42	74	88
105	28	42	76	90
110	29	43	77	91
115	29	44	78	92
120	30	44	79	94
125	30	45	80	95
130	30	46	81	96
135	31	46	82	97
140	31	47	83	99
145	32	47	84	100
150	32	48	85	101
155	32	48	86	102
160	33	49	87	103
165	33	49	88	104
170	33	50	89	105
175	34	50	89	106
180	34	51	90	107
185	34	51	91	108
190	34	52	92	109
195	35	52	93	110
200	35	53	94	111
205	35	53	94	112
210	36	53	95	113
215	36	54	96	114
220	36	54	97	115
225	36	55	97	116
230	37	55	98	116
235	37	56	99	117
240	37	56	99	118
245	38	56	100	119

*Square Feet of Signage Permitted

Linear Frontages of Subject Property (ft.)	Sign Category C*	Sign Category D*	Sign Category E*	Sign Category F*
250	38	57	101	120
255	38	57	101	120
260	38	57	102	121
265	39	58	103	122
270	39	58	103	123
275	39	59	104	124
280	39	59	105	124
285	39	59	105	125
290	39	59	106	126
295	40	60	106	126
300	40	60	107	127
305	40	61	108	128
310	41	61	108	129
315	41	61	109	129
320	41	62	109	130
325	41	62	110	131
330	41	62	111	131
335	42	63	111	132
340	42	63	112	133
345	42	63	112	133
350	42	63	113	134
355	42	64	113	135
360	43	64	114	135
365	43	64	114	136
370	43	65	115	136
375	43	65	115	137
380	43	65	116	138
385	44	65	116	138
390	44	66	117	139
395	44	66	117	139
400	44	66	118	140
405	44	67	118	141
410	45	67	119	141
415	45	67	119	142
420	45	67	120	142
425	45	68	120	143
430	45	68	121	143
435	45	68	121	144
440	45	68	121	145
445	46	69	122	145
450	46	69	123	146
455	46	69	123	146
460	46	69	124	147
465	46	70	124	147
470	47	70	124	148
475	47	70	125	148
480	47	70	125	149

*Square Feet of Signage Permitted

Linear Frontages of Subject Property (ft.)	Sign Category C*	Sign Category D*	Sign Category E*	Sign Category F*
485	47	71	126	149
490	47	71	126	150
495	47	71	127	150
500	48	71	127	151
505	48	72	127	151
510	48	72	128	152
515	48	72	128	152
520	48	72	129	153
525	48	73	129	153
530	49	73	129	154
535	49	73	130	154
540	49	73	130	155
545	49	74	131	155
550	49	74	131	156
555	49	74	131	156
560	49	74	132	157
565	50	74	132	157
570	50	75	133	158
575	50	75	133	158
580	50	75	133	158
585	50	75	134	159
590	50	75	134	159
595	50	76	135	160
600	50	76	135	160
605	51	76	135	161
610	51	76	136	161
615	51	77	136	162
620	51	77	136	162
625	51	77	137	162
630	51	77	137	163
635	52	77	138	163
640	52	78	138	164
645	52	78	138	164
650	52	78	139	165
655	52	78	139	165
660	52	78	139	166
665	52	79	140	166
670	52	79	140	166
675	53	79	140	167
680	53	79	140	167
685	53	79	141	167
690	53	79	141	168
695	53	79	142	168
700	53	80	142	169
705	53	80	142	169
710	53	80	143	170
715	54	80	143	170

*Square Feet of Signage Permitted

Linear Frontages of Subject Property (ft.)	Sign Category C*	Sign Category D*	Sign Category E*	Sign Category F*
720	54	81	143	170
725	54	81	144	171
730	54	81	144	171
735	54	81	144	171
740	54	81	145	172
745	54	82	145	172
750	55	82	145	173
755	55	82	146	173
760	55	82	146	173
765	55	82	146	174
770	55	82	147	174
775	55	83	147	175
780	55	83	147	175
785	55	83	148	175
790	55	83	148	176
795	56	83	148	176
800	56	84	149	176
805	56	84	149	177
810	56	84	149	177
815	56	84	149	177
820	56	84	150	178
825	56	84	150	178
830	56	85	150	179
835	56	85	151	179
840	57	85	151	179
845	57	85	151	180
850	57	85	152	180
855	57	85	152	180
860	57	86	152	181
865	57	86	152	181
870	57	86	153	181
875	57	86	153	182
880	57	86	153	182
885	58	86	154	182
890	58	87	154	183
895	58	87	154	183
900	58	87	154	183
905	58	87	155	184
910	58	87	155	184
915	58	87	155	184
920	58	88	156	184
925	58	88	156	185
930	59	88	156	185
935	59	88	156	186
940	59	88	157	186
945	59	88	157	186
950	59	88	157	187

*Square Feet of Signage Permitted

Linear Frontages of Subject Property (ft.)	Sign Category C*	Sign Category D*	Sign Category E*	Sign Category F*
955	59	89	158	187
960	59	89	158	187
965	59	89	158	188
970	59	89	158	188
975	59	89	159	188
980	60	89	159	189
985	60	90	159	189
990	60	90	159	189
995	60	90	160	190
1000	60	90	160	190
1005	60	90	160	190
1010	60	90	161	191
1015	60	90	161	191
1020	60	91	161	191
1025	60	91	161	192
1030	61	91	162	192
1035	61	91	162	192
1040	61	91	162	193
1045	61	91	162	193
1050	61	91	163	193
1055	61	92	163	193
1060	61	92	163	194
1065	61	92	163	194
1070	61	92	164	194
1075	61	92	164	195
1080	62	92	164	195
1085	62	92	164	195
1090	62	93	165	196
1095	62	93	165	196
1100	62	93	165	196
1105	62	93	165	196
1110	62	93	166	197
1115	62	93	166	197
1120	62	93	166	197
1125	62	94	166	198
1130	62	94	167	198
1135	63	94	167	198
1140	63	94	167	198
1145	63	94	167	199
1150	63	94	168	199
1155	63	94	168	199
1160	63	95	168	200
1165	63	95	168	200
1170	63	95	169	200
1175	63	95	169	200
1180	63	95	169	201
1185	63	95	169	201

*Square Feet of Signage Permitted

Linear Frontages of Subject Property (ft.)	Sign Category C*	Sign Category D*	Sign Category E*	Sign Category F*
1190	64	95	170	201
1195	64	96	170	202
1200	64	96	170	202
1205	64	96	170	202
1210	64	96	170	202
1215	64	96	171	203
1220	64	96	171	203
1225	64	96	171	203
1230	64	96	171	204
1235	64	97	172	204
1240	64	97	172	204
1245	65	97	172	204
1250	65	97	172	205
1255	65	97	173	205
1260	65	97	173	205
1265	65	97	173	205
1270	65	97	173	206
1275	65	98	173	206
1280	65	98	174	206
1285	65	98	174	207
1290	65	98	174	207
1295	65	98	174	207
1300	65	98	175	207
1305	66	98	175	208
1310	66	98	175	208
1315	66	99	175	208
1320	66	99	176	208
1325	66	99	176	209
1330	66	99	176	209
1335	66	99	176	209
1340	66	99	176	209
1345	66	99	177	210
1350	66	99	177	210
1355	66	100	177	210
1360	66	100	177	211
1365	67	100	177	211
1370	67	100	178	211
1375	67	100	178	211
1380	67	100	178	212
1385	67	100	178	212
1390	67	100	179	212
1395	67	101	179	212
1400	67	101	179	213
1405	67	101	179	213
1410	67	101	179	213
1415	67	101	180	213
1420	67	101	180	214

*Square Feet of Signage Permitted

Linear Frontages of Subject Property (ft.)	Sign Category C*	Sign Category D*	Sign Category E*	Sign Category F*
1425	68	101	180	214
1430	68	101	180	214
1435	68	102	180	214
1440	68	102	181	215
1445	68	102	181	215
1450	68	102	181	215
1455	68	102	181	215
1460	68	102	182	216
1465	68	102	182	216
1470	68	102	182	216
1475	68	102	182	216
1480	68	103	182	217
1485	68	103	183	217
1490	69	103	183	217
1495	69	103	183	217
1500	69	103	183	217

For linear frontages greater than 1500 feet, use the following formulas for the appropriate category to determine the allowable signage:

$$\text{Sign Category C} = 6\ \sqrt[3]{\text{Linear Frontage}}$$

$$\text{Sign Category D} = 9\ \sqrt[3]{\text{Linear Frontage}}$$

$$\text{Sign Category E} = 16\ \sqrt[3]{\text{Linear Frontage}}$$

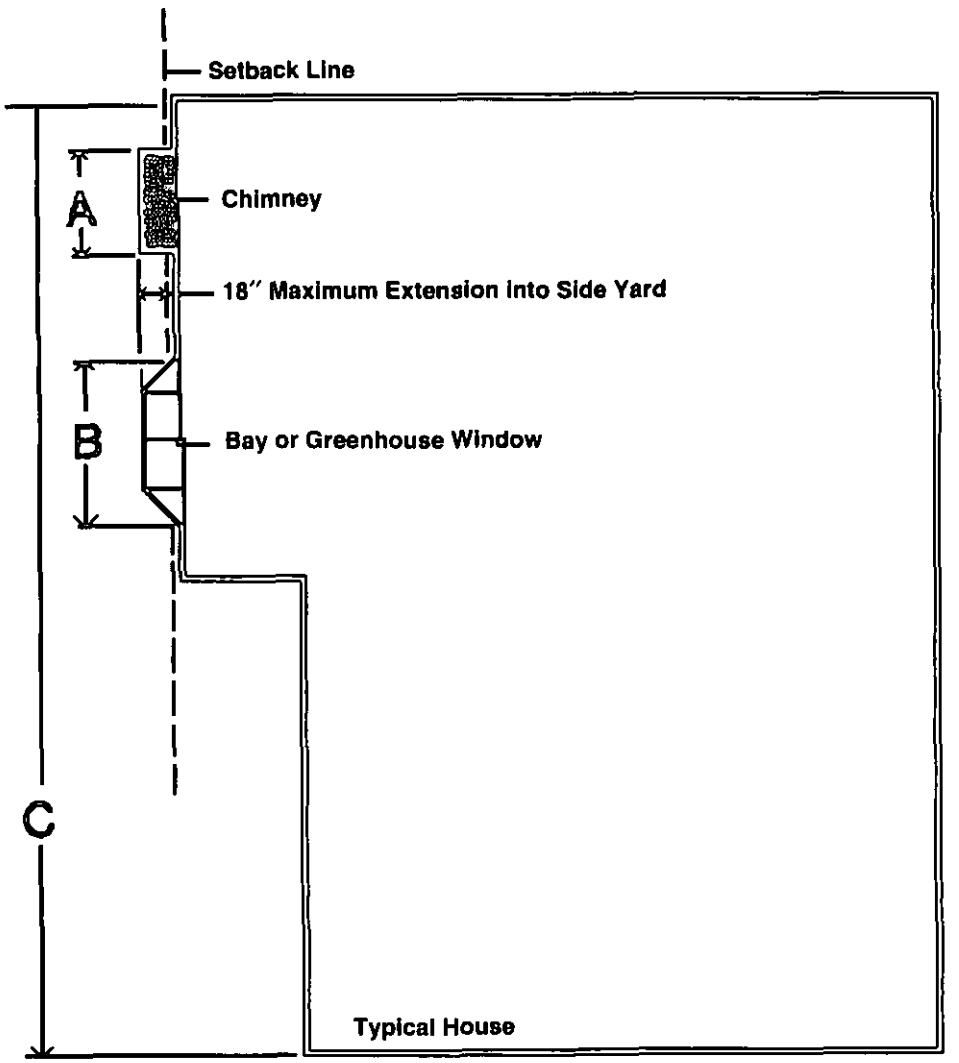
$$\text{Sign Category F} = 19\ \sqrt[3]{\text{Linear Frontage}}$$

*Square Feet of Signage Permitted

Plate 10

Intrusions into Required Setback Yards

Plan View



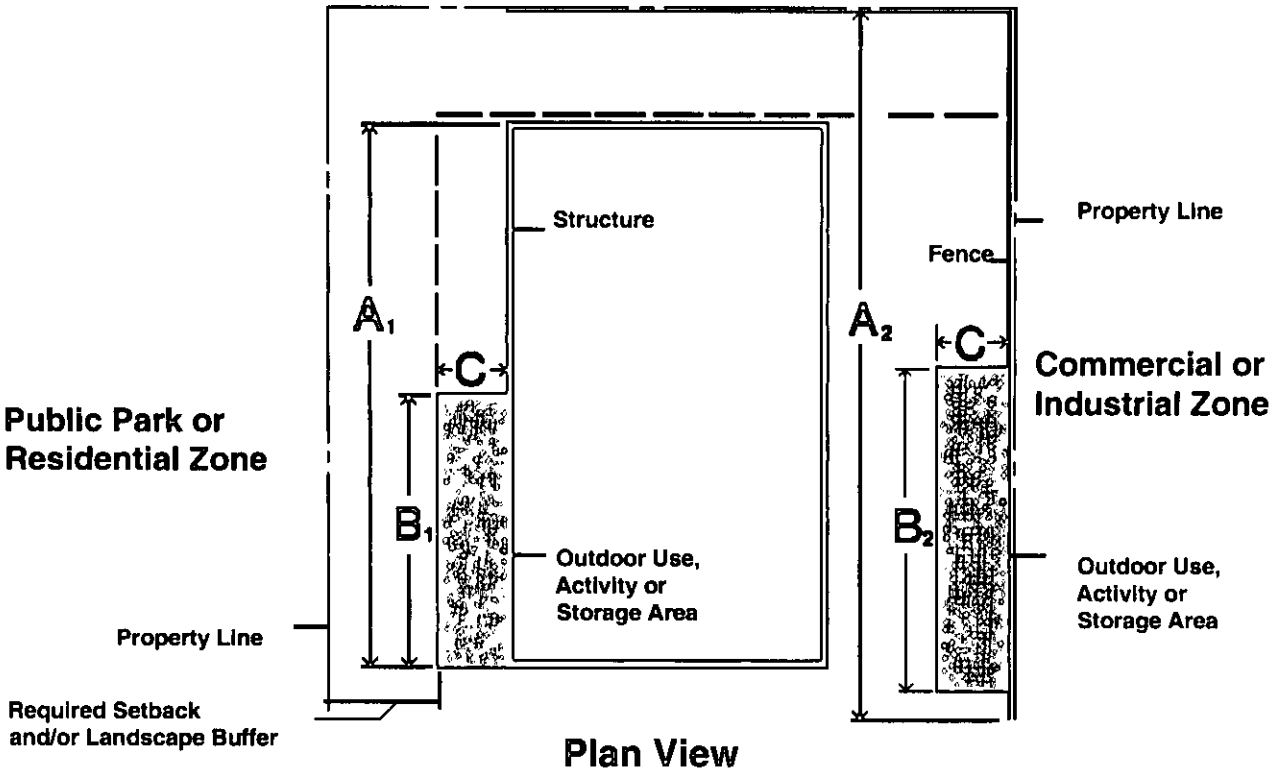
$A + B \leq 25\%C$

Scale: 1/8" 1'–0"

Plate 11

Outdoor Use Activity and Storage Areas

Public Park or Residential Zone



Plan View

A – Horizontal Dimension of Structure, Building or Fence

B – Permitted Length of Outdoor Use, Activity and Storage Area as Determined by Horizontal Dimension of Adjacent Structure or Fence

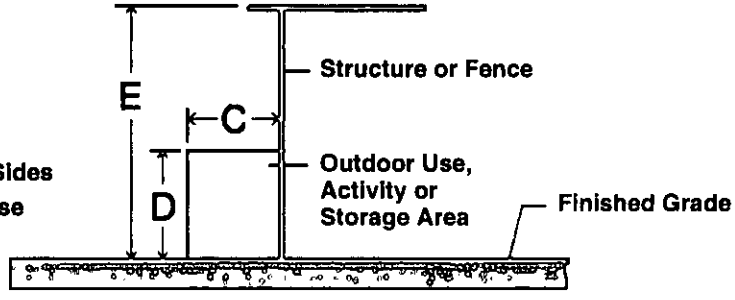
B (Less than or Equal to) **50% A**

C (Less than or Equal to) **5 ft.**

E (Greater than or Equal to) **6 ft.**

D (Less than or Equal To) **6 ft.**

(If Subject Property is Surrounded on All Sides by Property Zoned for Industrial Use, Please Refer to KZC 115.105(2)(d).)

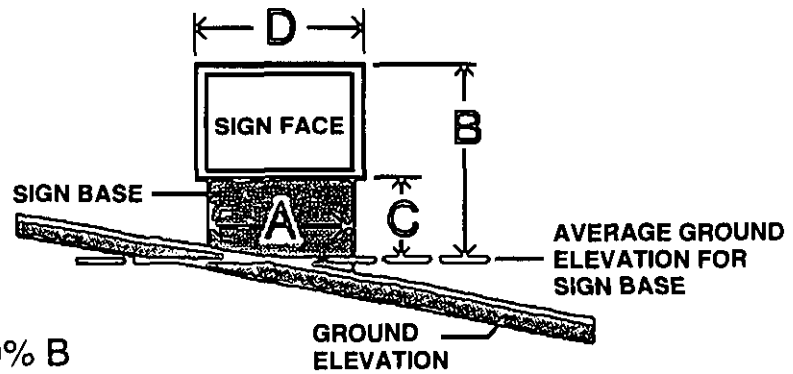


Section

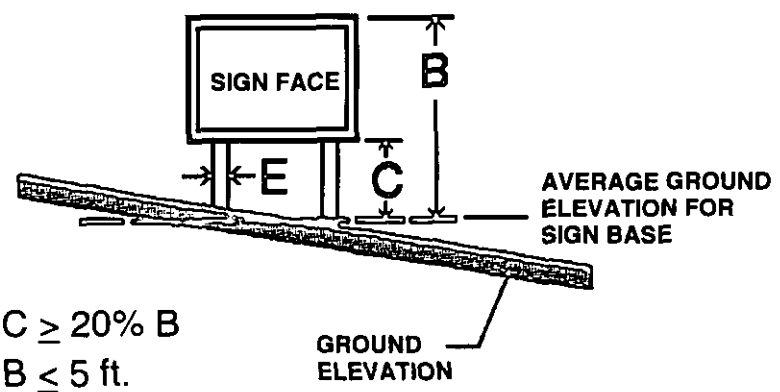
Plate 12

Pedestal Signs

Type a



$A \geq 50\%\ B$
$A \geq 50\%\ D$
$C \geq 20\%\ B$
$B \leq 5$ ft.

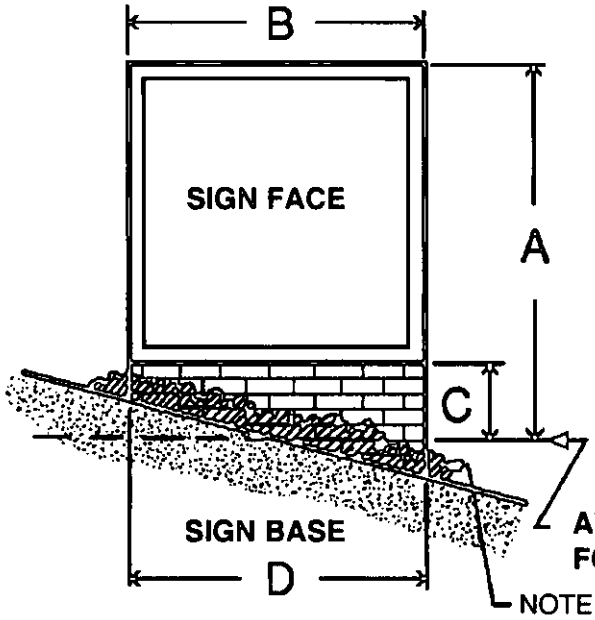


$C \geq 20\%\ B$
$B \leq 5$ ft.
$E \geq 4$ in

Minor deviations from the dimensional standards for pedestal signs, except for maximum sign height, may be approved by the Planning Official if he/she concludes that the resulting sign has a clear and substantial visual linkage to the ground.

Plate 13

Monument Signs



Monument Sign

A: Max. 12′ – 0″

B: Max. 80% of A

C: Min. 20% of A

D: Equal to 100% of B*

Design Criteria

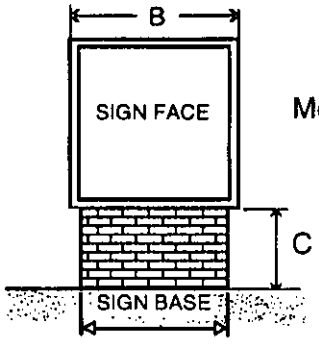
SIGN BASE: The base of the sign must be done in landscape construction materials such as brick, stucco, stonework, textured wood, tile or textured concrete or materials that are harmonious with the character of the primary structures on the subject property and subject to Planning Official approval. No visible gap shall be allowed between the sign base and the finished grade.

SIGN FACE: The color, shape, material, lettering, and other architectural details of the sign face must be harmonious with the character of the primary structures.

Minor Deviations

Minor deviations from the dimensional standards for monument signs, except for maximum sign height, may be approved by the Planning Official if he/she concludes that the resulting sign does not significantly change the relative proportion of the sign base to the sign face.

* If the height of the sign base is greater than three feet, then the width of the base may be as narrow as 90 percent of the width of the sign face.



Monument Sign
(Option)

Plate 13A

Pole Signs

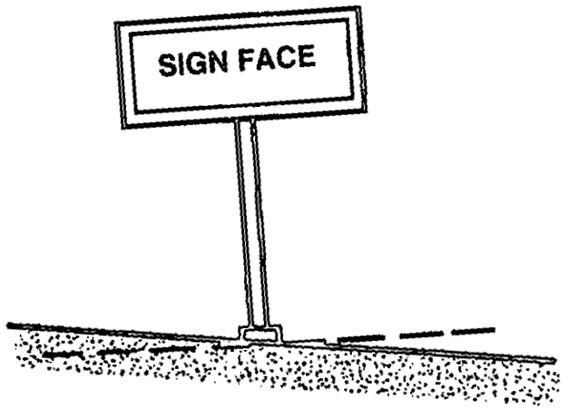
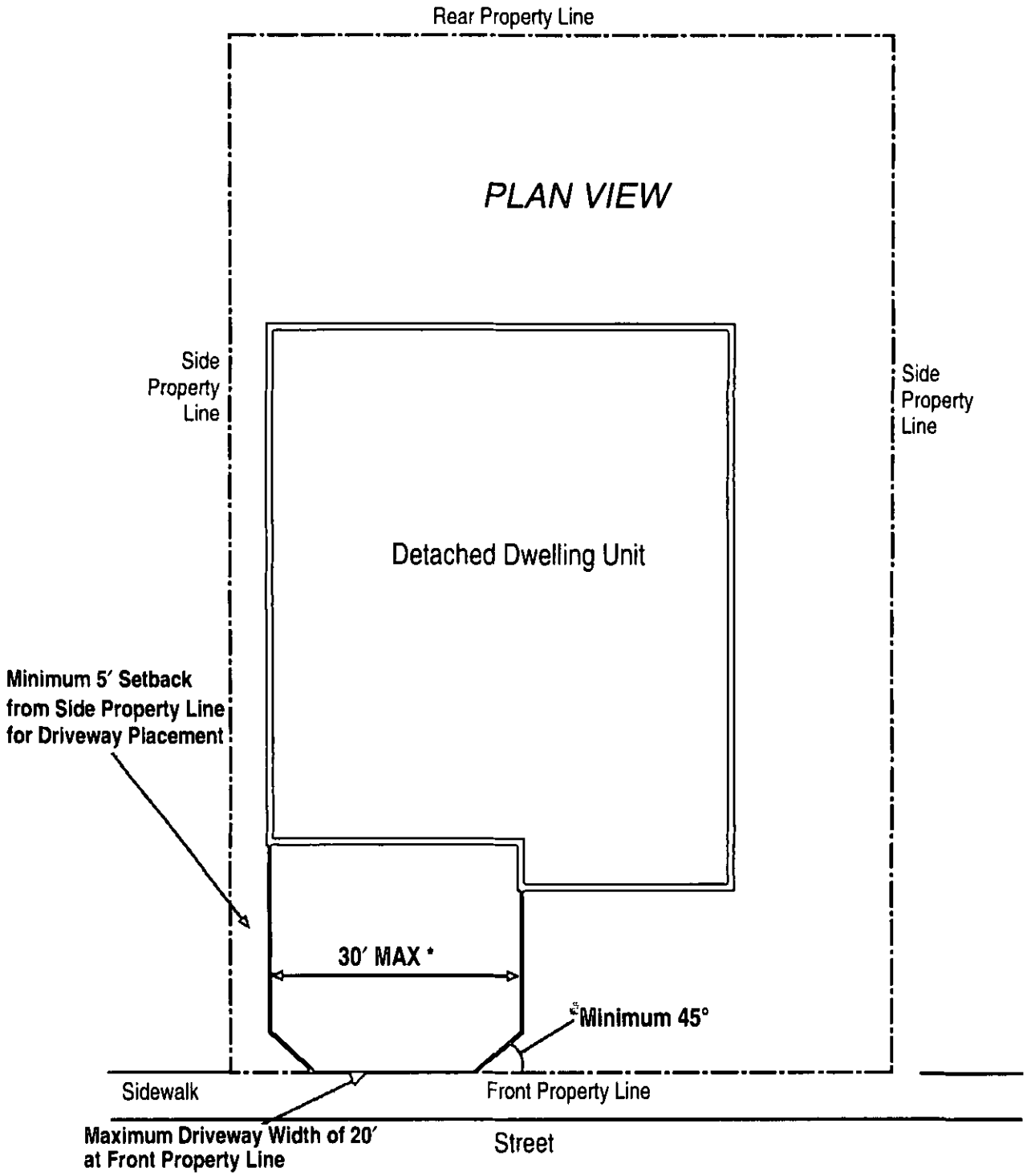


Plate 14

Driveway Configuration for Detached Dwelling Units



*If driveway is greater than 20′ in width, property must be greater than or equal to 60′ wide, must serve a 3-car garage, and the garage must be no farther than 40′ from the front property line.

Plate 15

Measuring 15 Percent Slopes

Formula

distance = contour interval / minimum grade

Where:

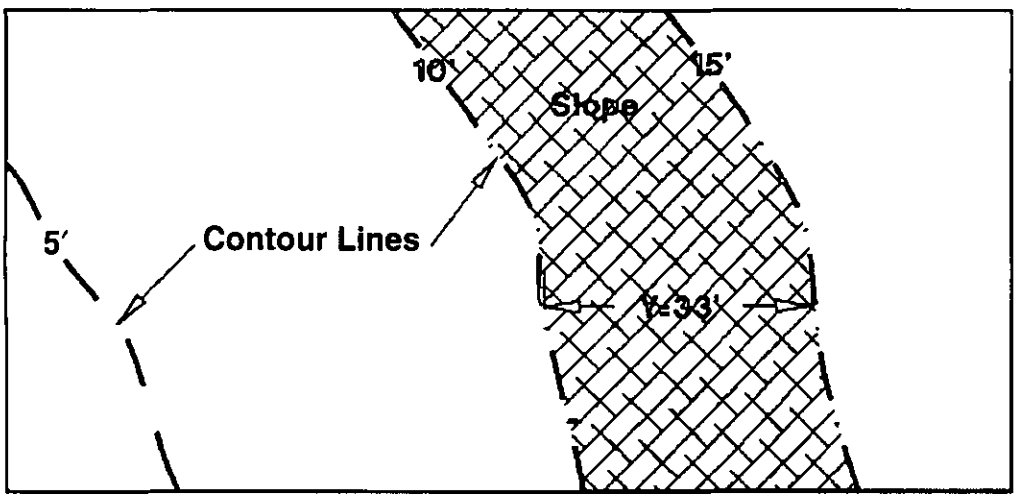
Y = maximum distance between contour lines for slopes

.15 (15%) = minimum grade for slopes

5′ = contour interval

$$Y = 5'/.15 = 33'$$

Topographic Map



Profile

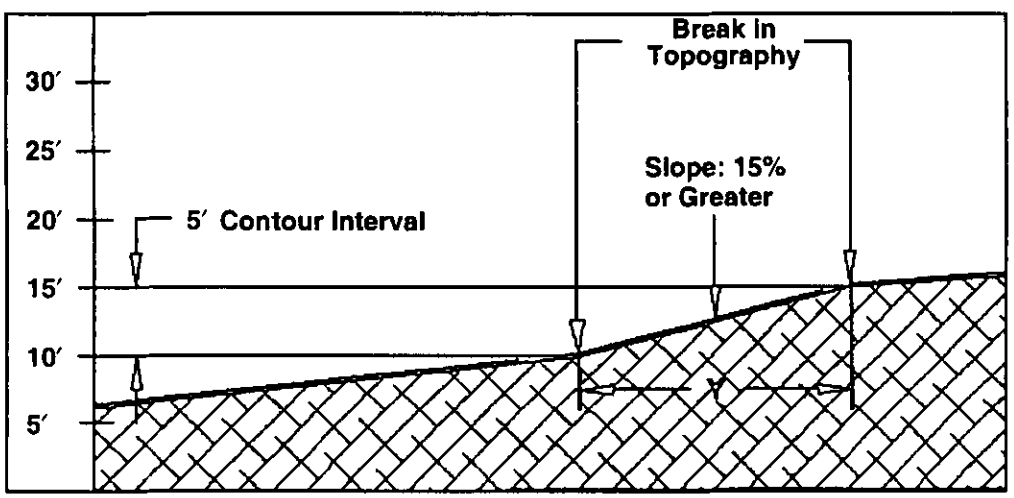
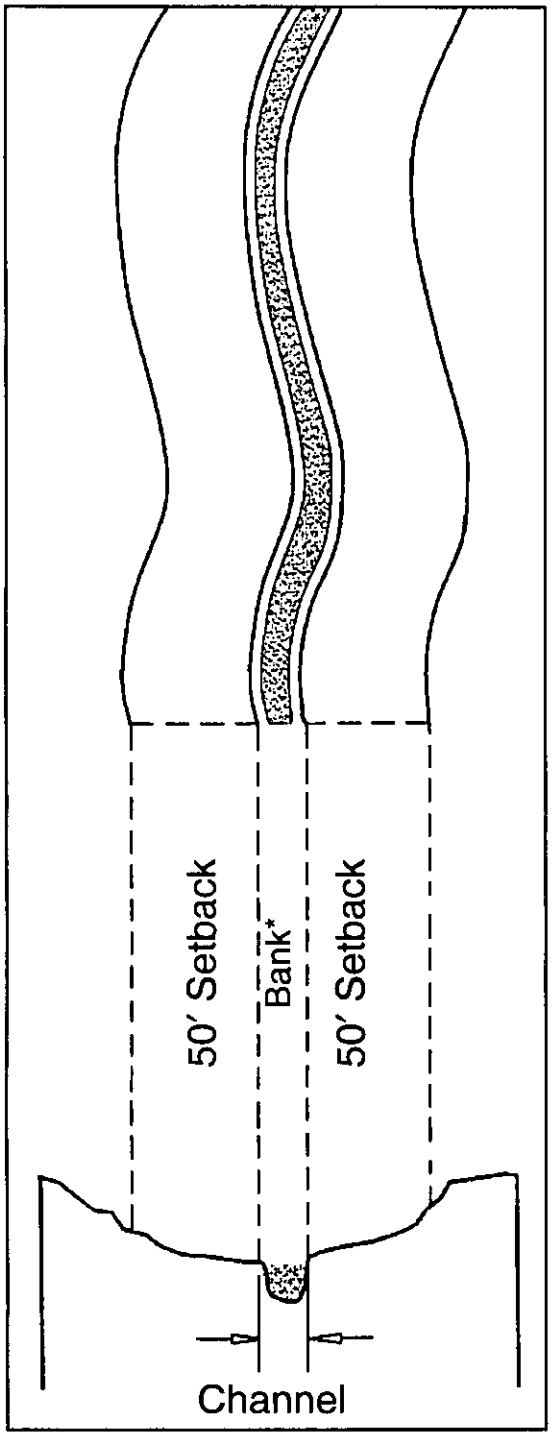
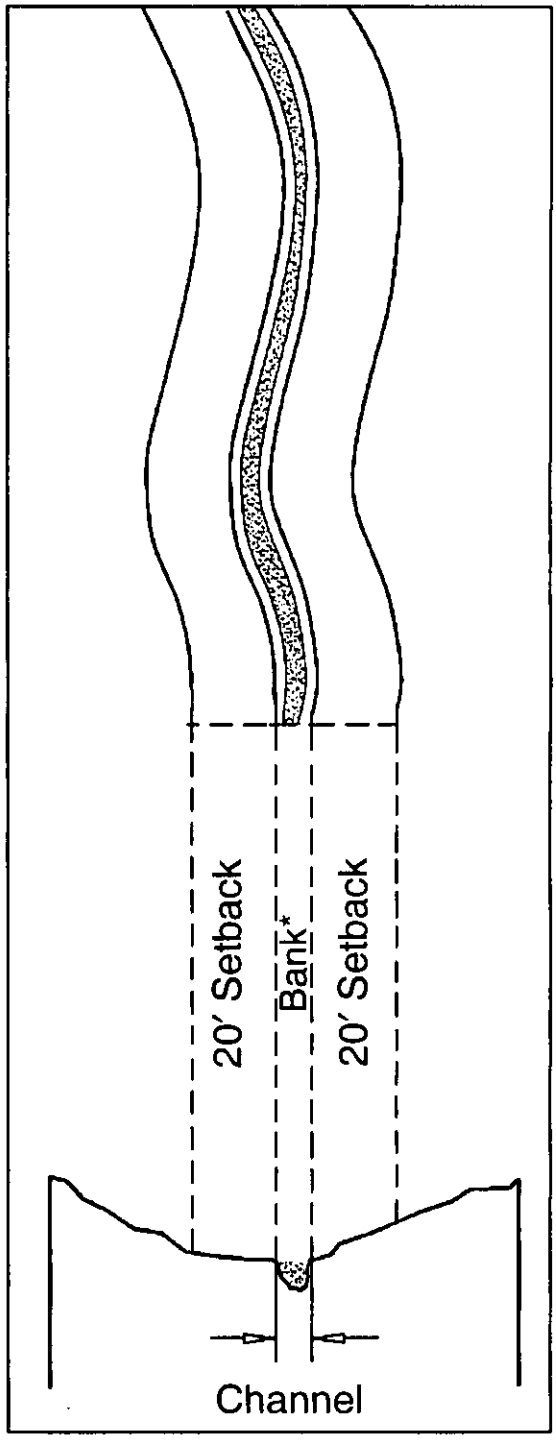


Plate 16

Determining Stream Setbacks



Class A & B



Class C

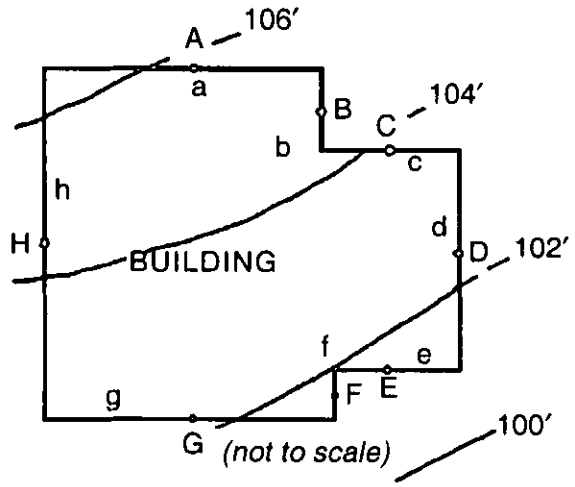
* Note: Bank full width is determined by the 2.5-year storm line.

Plate 17

Calculating Average Building Elevation

A, B, C, D... Existing Ground Elevation at Midpoint of Wall Segment

a, b, c, d... Length of Wall Segment Measured on Outside of Wall



Midpoint Elevation	Wall Segment Length
A = 105.9′	a = 30′
B = 104.7′	b = 9′
C = 103.7′	c = 17′
D = 102.2′	d = 25′
E = 101.6′	e = 13′
F = 101.7′	f = 6′
G = 102.2′	g = 34′
H = 104.5′	h = 40′

FORMULA

$$\frac{(A \times a) + (B \times b) + (C \times c) + (D \times d) + (E \times e) + (F \times f) + (G \times g) + (H \times h)}{a + b + c + d + e + f + g + h} = \text{Avg. Bldg. Elev.}$$

EXAMPLE

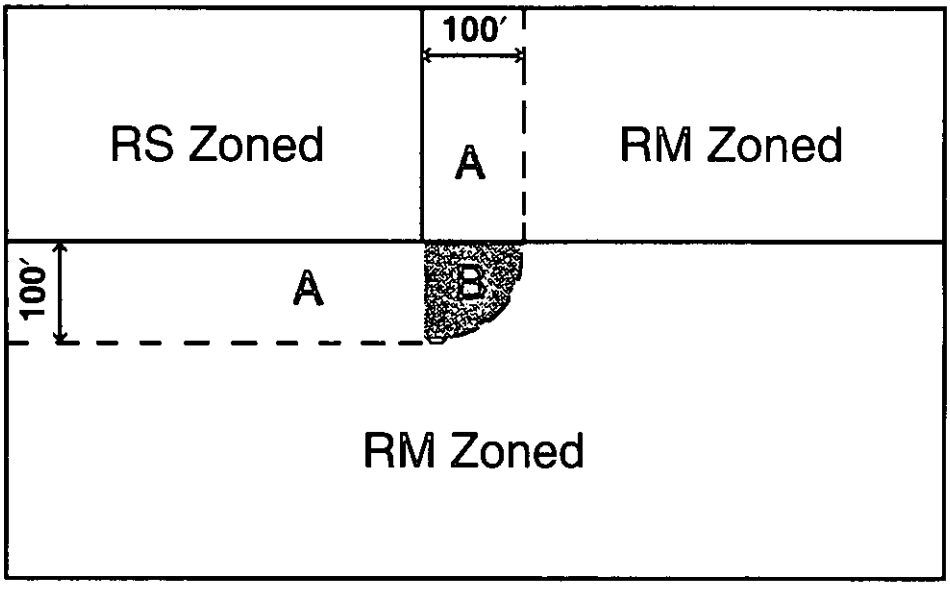
$$\frac{(105.9)(30) + (104.7)(9) + (103.7)(17) + (102.2)(25) + (101.6)(13) + (101.7)(6) + (102.2)(34) + (104.5)(40)}{30 + 9 + 17 + 25 + 13 + 6 + 34 + 40} =$$

$$\frac{18023}{174} = 103.6′$$

NOTE: PLEASE INCLUDE THE ELEVATION OF THE RIDGE OF THE ROOF ON THE SITE PLAN AND/OR INDICATE ON THE ELEVATION DRAWINGS WHERE THE AVERAGE BUILDING ELEVATION (CALCULATED ABOVE) STRIKES THE BUILDING.

Plate 18

Adjoining Properties



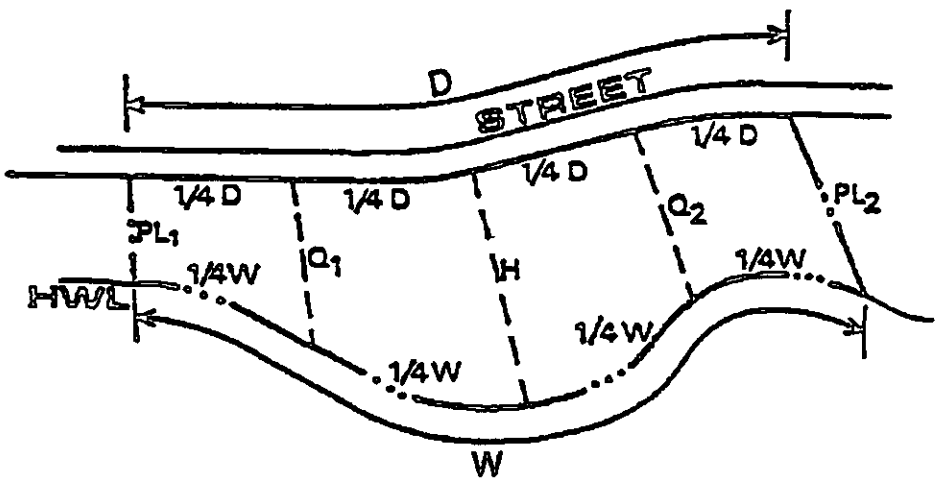
A **Area to be considered adjoining property**

B **Area not to be considered adjoining property**

Plate 19

Calculating Average Parcel Depth

$$\text{Average Parcel Depth} = \frac{PL_1 + Q_1 + H + Q_2 + PL_2}{5}$$



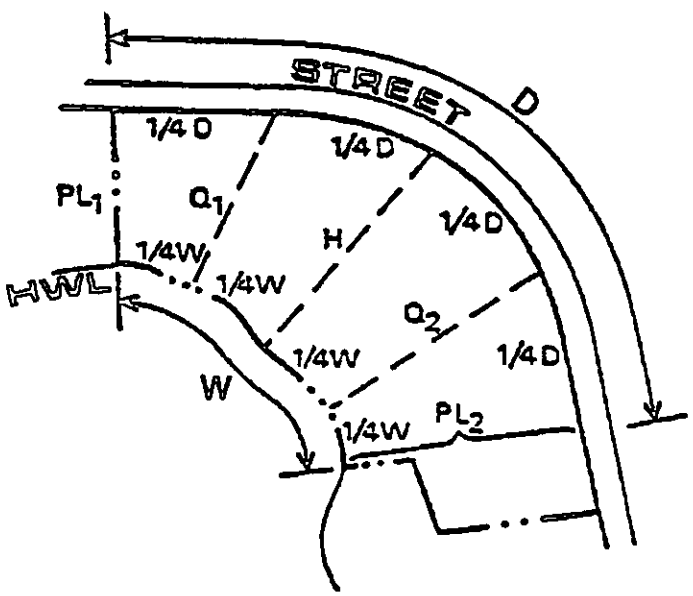
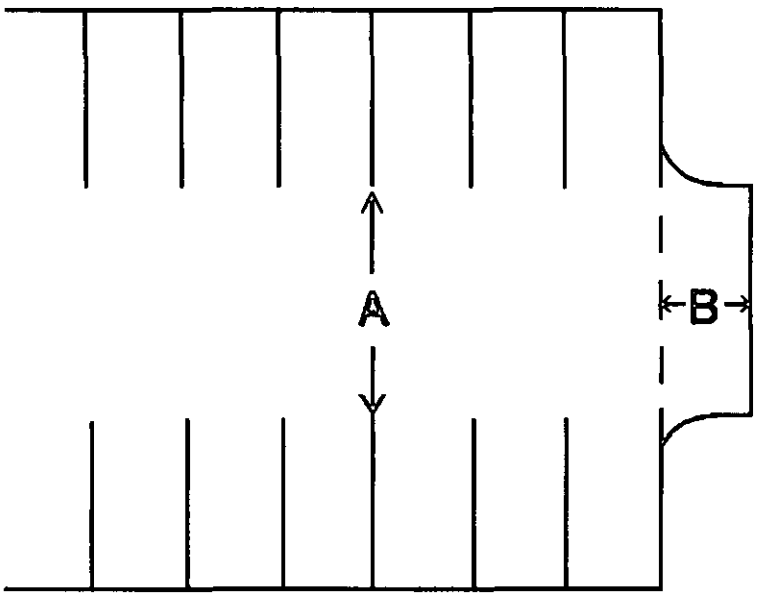


Plate 20

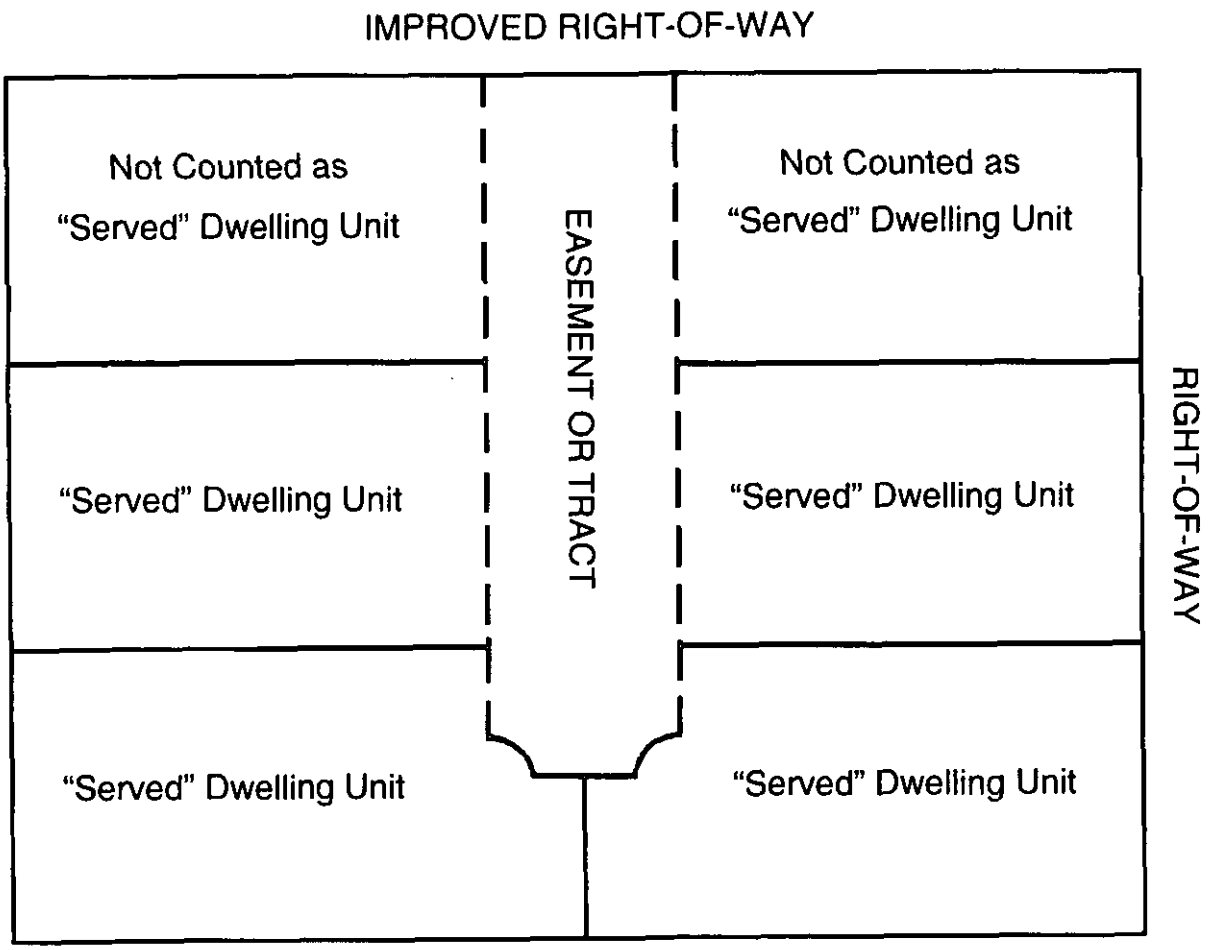
Turnaround Space



A	B
24′ or less	6′
25′	5′
26′	4′
27′	3′
28′	2′
29′	1′
30′ or more	0′

Plate 21

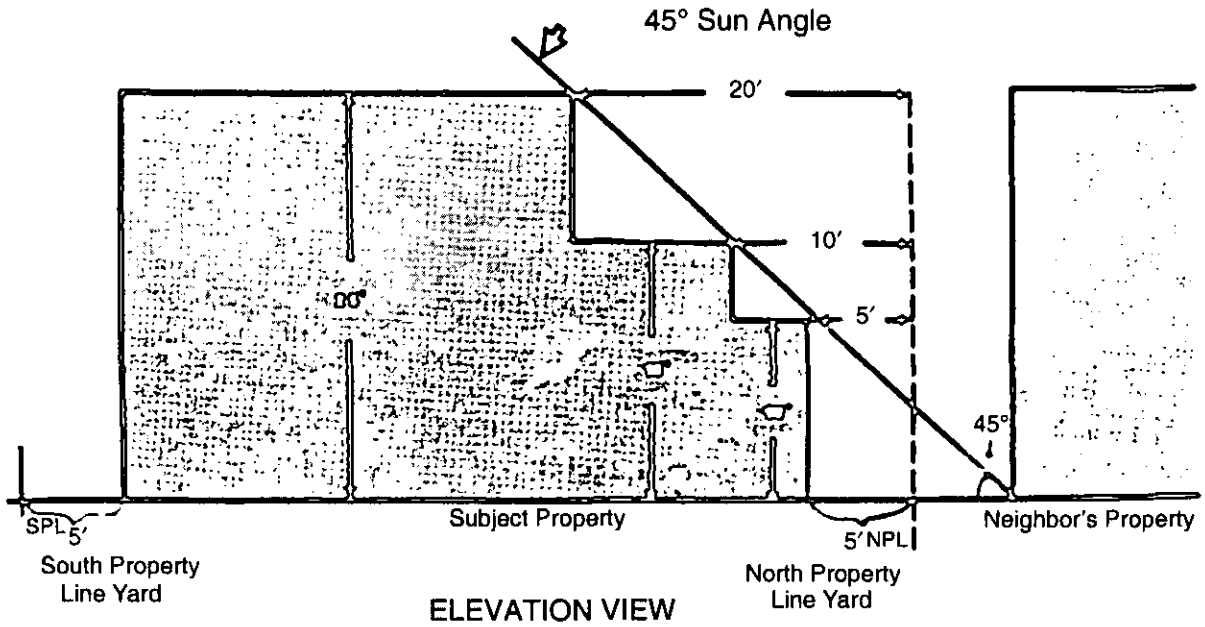
Dwelling Units "Served" and Not "Served" by a Vehicular Access Easement or Tract



Example of 4 Dwelling Units "Served" by an Easement or Tract

Plate 22

WD II NORTH PROPERTY LINE YARD AND HEIGHT OF STRUCTURE



ELEVATION VIEW

Setback = Height – 5' from North Property Line
Scale 1'' = 10''

Plate 23

CALCULATING FLOOR AREA FOR BASEMENTS (DETACHED DWELLING UNITS IN LOW DENSITY ZONES)

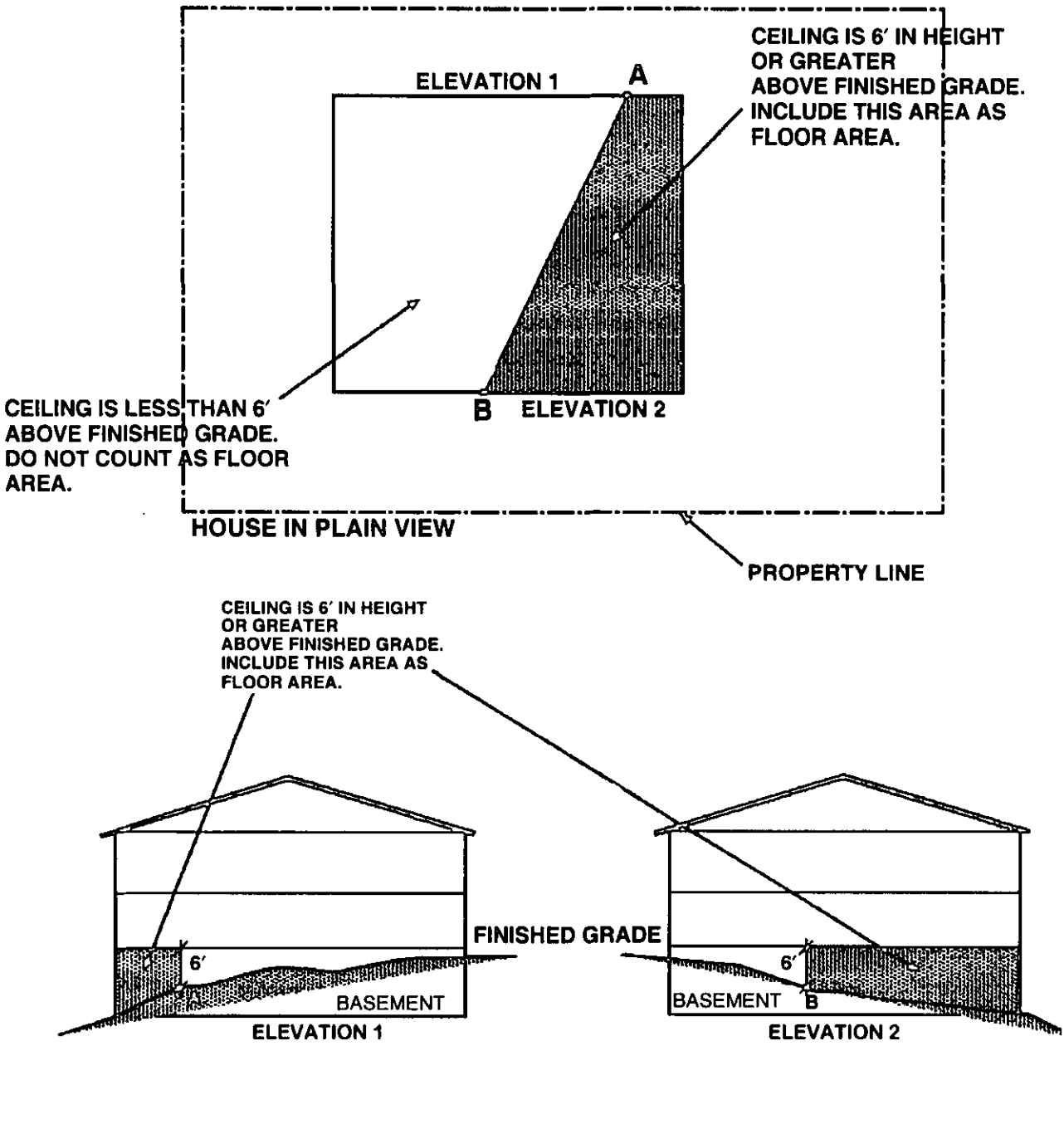
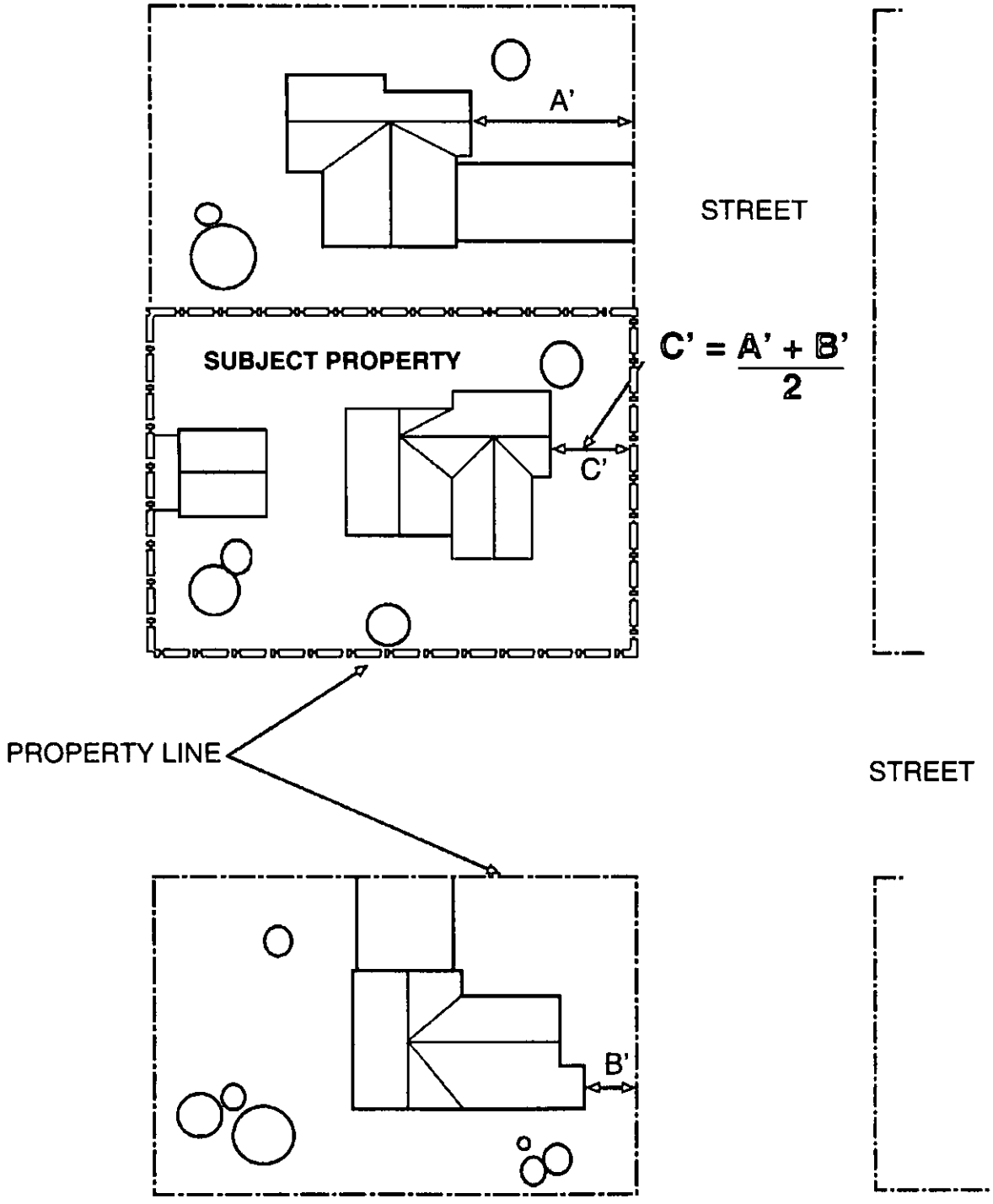


Plate 24

REQUIRED FRONT YARD AVERAGING

CORNER LOT WITH 2 REQUIRED FRONT YARDS (DETACHED DWELLING UNITS IN LOW DENSITY ZONES)



SUBJECT PROPERTY REQUIRED FRONT YARD = (A' + B') / 2

* AVERAGING CAN ONLY BE APPLIED TO ONE REQUIRED FRONT YARD

PUBLICATION SUMMARY
OF ORDINANCE NO. 3719

AN ORDINANCE of the City of Kirkland, Washington, relating to zoning; repealing Title 23 and adding a new Title 23 to the Kirkland Municipal Code for the purpose of reformatting the Zoning Code, File CC-99-122.

Section 1. Repeals Title 23 of the Kirkland Municipal Code.

Section 2. Adds a new Title 23 to the Kirkland Municipal Code, regulating zoning and zoning application, consideration and appeal processes, for the sole purpose of reformatting the provisions in the current Title 23 to the Kirkland Municipal Code.

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

The full text of Ordinance No. 3719 will be mailed without charge to any person upon request made to the city clerk. The ordinance was passed by the Kirkland City Council at its regular meeting on the 7th day of December, 1999.

I certify that the foregoing is a summary of Ordinance No. 3719 approved by the Kirkland City Council for summary publication.

City Clerk