

ORDINANCE NO. 3933

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE, AMENDING CHAPTERS 1, 5, 10, 55, 57, 60, 92, 105, 142, 162, 180, OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP (FILE NO. IV-02-70).

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated February 26, 2004 and bearing Kirkland Department of Planning and Community Development File No. IV-02-70;

WHEREAS, prior to making the recommendation the Planning Commission, following notice as required by RCW 35A.63.070, held on February 12, 2004, a public hearing on the amendment proposals and considered the comments received at the hearing; and

WHEREAS, pursuant to the State Environmental Policy Act there has accompanied the legislative proposal and recommendation through the entire consideration process, an addendum to the Environmental Impact Statement for the 1995 Kirkland Comprehensive Plan (including supporting environmental documents) issued by the responsible official pursuant to WAC 197-11-625 and WAC 197-11-630; and

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

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

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Code (Title 23 of the Kirkland Municipal Code) are amended to read as follows:

- A. Chapter 1. User Guide:  
Text amendments to Section 1.05 to delete reference to PLA 12 and add references to TL 1A, as shown in Exhibit A attached to this ordinance and incorporated by reference.
- B. Chapter 5 Definitions:  
Text amendments to Sections 5.10.415, 5.10.595 and 5.10.960 as shown in Exhibit B attached to this ordinance and incorporated by reference.
- C. Chapter 10 Legal Effect/Applicability:  
Text amendment to Section 10.25, as shown in Exhibit C attached to this ordinance and incorporated by reference.

- D. Chapter 55 Light Industrial Technology:  
Text amendment to renumber the existing Zoning Code charts from Chapter 55 to Chapter 48.
- E. Chapter 55 Totem Lake (TL) Zones:  
Text amendments also add new Use Zone Charts as the new TL 1A Zone in Chapter 55, as shown in D attached to this ordinance and incorporated by reference.
- F. Chapter 57 Light Industrial Commercial:  
Text amendment to renumber the existing Zoning Code charts from Chapter 57 to Chapter 49.
- G. Chapter 60 Planned Area 12:  
Text amendment to delete Sections 60.154, 60.155 and 60.157.
- H. Chapter 60 TL 3:  
Text amendment to move Sections 60.155 and 60.157, as adopted in Ordinance 3862, to Chapter 55.
- I. Chapter 92 Design Regulations:  
Text amendments to miscellaneous sections, as shown in Exhibit E attached to this ordinance and incorporated by reference.
- J. Chapter 105 Parking and Parking Area, Vehicle and Pedestrian Access, and Related Improvements:  
Text amendments to Sections 105.75 and 105.80, as shown in Exhibit F attached to this ordinance and incorporated by reference.
- K. Chapter 142 Design Review:  
Text amendments to Section 142.35, as shown in Exhibit G attached to this ordinance and incorporated by reference.
- L. Chapter 162 Non Conformance:  
Text amendment to Section 162.35, as shown in Exhibit H attached to this ordinance and incorporated by reference.
- M. Chapter 180 Plates  
Text amendment to add Plate X, as shown in Exhibit I attached to this ordinance and incorporated by reference.

Section 2. Zoning Map amended: The following specified zones of the Ordinance 3710 as amended, the Kirkland Zoning Map, are amended as follows:

As set forth in Exhibit J which by this reference is incorporated herein.

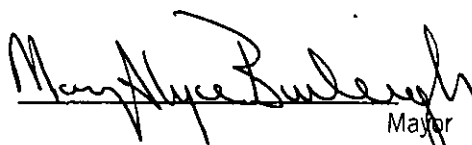
Section 3. Severability: If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. Effective Date: This ordinance shall be in full force and effect five days from and after its passage by the City Council and publication, as required by law.

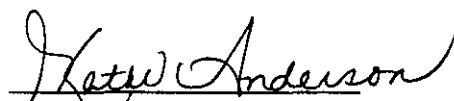
Section 5 Ordinance Copy: A complete copy of this ordinance shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this 16th day of March, 2004.


SIGNED IN AUTHENTICATION THEREOF this 16th day of March, 2004.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_, City Attorney

## 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	ILC	PLA 13
RSX	BCX	JBD 4	PLA 1	PLA 14
RM	CBD 1	JBD 5	PLA 2	PLA 15
PR	CBD 2	JBD 6	PLA 3	PLA 16
PO	CBD 3	NRH1A	PLA 5	PLA 17
WD I	CBD 4	NRH1B	PLA 6	P
WD II	CBD 5	NRH2	PLA 7	<u>TL 1</u>
WD III	CBD 6	NRH3	PLA 8	
FC I	CBD 7	NRH4	PLA 9	<u>TL 3</u>
FC II	CBD 8	NRH5	PLA 10	
FC III	JBD 1	NRH6	PLA 11	
BN	JBD 2	LIT	<del>PLA 12</del>	

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

EXHIBIT \_\_\_\_\_

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

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

.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 – The following zones: ILC; 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; ~~PLA 42~~; TL 3 and PLA 14.

.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 Kenel – 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 overhanging 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.

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- .595 Office Zones – The following zones: PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PR 1.8; JBD 3; PLA 3A; PLA 5B, C; PLA 6B; PLA 10B, C; PLA 11; PLA 13B; PLA 15A; PLA 17B, C; FC III, NRH 2, NRH 3, NRH 5, and NRH 6 and TL 1A.
- .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.

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

.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, but not including a driveway easement.

.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.

- 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. North Rose Hill Business District NRH (followed by a designation indicating which sub-zone within the North Rose Hill Business District)
- 12. Totem Center TL (followed by a designation indicating which sub-zone within Totem Center)
- ~~12~~ 13 Light Industrial Zones LIT, ILC
- ~~13~~ 14 Planned Areas PLA (followed by a designation indicating which Planned Area, and in some cases, which sub-zone within a Planned Area)
- ~~14~~ 15 Park/Public Use Zones P

10.30 Overlay Designations Adopted

The following overlay zones apply in various areas:

<u>Overlay Zoning Category</u>	<u>Symbol</u>
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

EXHIBIT <u>                    C                    </u>



**CHAPTER 55 – TOTEM LAKE (TL) ZONES**

**55.05** User Guide. The charts in KZC 55.09 contain the basic zoning regulations that apply in the TL 1A 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 55.07**

**Section 55.07 GENERAL REGULATIONS**

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. All ground floor uses shall be a minimum of 15 feet in height. This regulation does not apply to parking garages or property with no frontage on NE 128<sup>th</sup> Street.
3. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
  - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
4. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking, other than underground parking, may encroach into the required 10 foot front yard.
5. The ability to accommodate new development in the TL 1A zone is dependent upon the construction of a new street: 119<sup>th</sup> Ave. NE, between NE 128<sup>th</sup> St. and NE-130<sup>th</sup> Place, as shown on Plate X. New development on properties across which this street in whole or in part extends shall contribute to the creation of the street as follows:
  - a) With all new development, the portions of this street crossing the subject property shall be dedicated as public right of way. Total width of the right-of-way shall be 51' and
  - b) With all new development exceeding 30 feet in height, the street shall be improved as determined by the Public Works Director. Minor deviations in the location and width of the street may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the street.
6. Properties located between TL 2 and NE 128<sup>th</sup> Street may be required to provide a pedestrian connection between TL 2 and NE 128<sup>th</sup> Street.

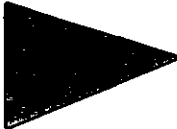
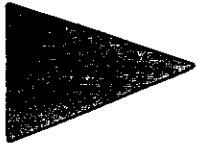


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USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS													
Section 55.09	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 95)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.10	Office Use		DESIGN REVIEW Chapter 142 KMC	None	10'	0'	0'	85% (see special regulation 4)	30'-160' above average building elevation (see special regulation 3).	B	D	See KZC 105	<ol style="list-style-type: none"> <li>1. The minimum Floor Area Ratio (F.A.R.) for development on the subject property is 1.0, or 100 percent of lot size.</li> <li>2. The maximum Floor Area Ratio (F.A.R.) for development on the subject property is 2.5, or 250 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone.</li> <li>3. Building height may be increased as follows:                             <ol style="list-style-type: none"> <li>a. Building height may exceed 30' above average building elevation, if the development meets General Regulation 5 for this zone, or where the requirements of General Regulation 5 do not apply to the subject property, if the proposed development provides strong pedestrian-oriented elements and/or public amenities. Examples include a significant building entrance at the street, plazas, sculptures, fountains, mini-parks, substantial public seating areas or other elements that exceed the standard pedestrian-oriented elements of Chapter 92, and</li> <li>b. Building height may exceed 75' and be increased up to 160' above average building elevation, with the height increases to be based on the following considerations:                                     <ol style="list-style-type: none"> <li>i. Development on the subject property complies with 3(a) above.</li> <li>ii. Design of buildings meets guidelines for</li> </ol> </li> </ol> </li> </ol>

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towers set forth in Design Guidelines (KZC Chapter 142, and Chapter 3.30 KMC).

- iii. The mass of taller building elements is minimized through the use of compact floor plates, not to exceed 10,000 square feet per floor above 75 feet in height.
- iv. Massing impacts of taller elements of buildings would be minimized through step backs from property lines and neighboring structures.
- v. Openness between structures is preserved by providing for separation of at least 60' between the portions of structures that exceed 75', both on the subject property and from taller building elements on adjacent properties.
- vi. Use of design treatments in upper portions of buildings promotes visual interest and variety at the skyline.

4. Increases in lot coverage may be considered if:

- a. Land dedication on the subject property provided pursuant to General Regulation 5 limits area available for development on the property, and/or
- b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.

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

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

6. 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 noise from this use is not audible off the subject property. A

(.10 cont.)												<p>certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.</p> <p>d. A veterinary office is not permitted if the subject property contains dwelling units.</p>
.20	Restaurant or Tavern	DESIGN REVIEW Chapter 142	See Special Regulation 1.								1 per each 100 sq. ft. of gross floor area.	<p>1. This use is only permitted as an accessory use to another permitted use within this zone. It may not be located in a separate structure from the primary use.</p>
.30	Any retail establishment, other than those specifically listed in this zone, selling goods and providing services including banking and other financial services	DESIGN REVIEW Chapter 142	See special regulation 1.								1 per each 300 square feet of gross floor area.	<p>1. This use is only permitted as an accessory use to another permitted use within this zone. It may not be located in a separate structure from the primary use.</p> <p>2. The location of drive-through facilities may not compromise pedestrian movement.</p> <p>3. The following uses and activities are prohibited:</p> <ul style="list-style-type: none"> <li>a. Vehicle and/or boat sales, repair, service or rental facilities.</li> <li>b. Retail establishments providing storage services unless accessory to another permitted use;</li> <li>c. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses;</li> <li>d. Outdoor storage of bulk commodities, except in the following circumstances: <ul style="list-style-type: none"> <li>1) If the square footage of the storage area is less than 10% of the retail structure,</li> <li>2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers.</li> </ul> </li> </ul>

DRAFT

# USE ZONE CHART

TL 1A

Section	USE	REGULATIONS	MINIMUMS				MAXIMUMS				Special Regulations (See also General Regulations)		
			Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)		Sign Category (See Ch. 95)	Req'd Parking Spaces (See Ch. 105)
					Front	Side	Rear						
40	Attached or Stacked Dwelling Units	DESIGN REVIEW Chapter 142	None	10'	0'	0'	85% (see special regulation on 5)	30'-160' above average building elevation (see special regulation 5).	C	A	See KZC 105.25.	<ol style="list-style-type: none"> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. Residential development must provide a minimum density of 50 dwelling units per gross acre.</li> <li>The maximum Floor Area Ratio (F.A.R.) for development on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone.</li> <li>Building height may be increased as follows:                             <ol style="list-style-type: none"> <li>Building height may exceed 30' above average building elevation:                                     <ol style="list-style-type: none"> <li>If the development meets General Regulation 5 for this zone, or where the requirements of General Regulation 5 do not apply to the subject property, if the proposed development provides strong pedestrian-oriented elements and/or public amenities. Examples include a significant building entrance at the street, plazas, sculptures, fountains, mini-parks, substantial public seating areas or other elements that exceed the standard pedestrian-oriented elements of Chapter 92, and</li> </ol> </li> </ol> </li> </ol>	

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

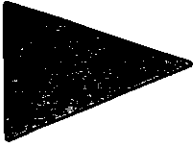
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- ii. Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable. For rental housing, these units must be affordable to households whose income does not exceed 60% of the median income for the Seattle Metropolitan Statistical Area (adjusted for household size). For ownership housing, the units must be affordable to moderate income households. The number of required affordable units is determined by rounding fractional numbers equal to or greater than .5 up to the nearest whole number.

An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required low or moderate income units will remain as low or moderate income units for the life of the property

- b. Building height may exceed 75' and be increased up to 160' above average building elevation, with the height increases to be based on the following considerations:
  - i. Development on the subject property complies with 4(a) above.
  - ii. Design of buildings meets guidelines for towers set forth in Design Guidelines (KZC Chapter 142, and Chapter 3.30 KMC).
  - iii. The mass of taller building elements is minimized through the use of compact floor plates, not to exceed 10,000 square feet per floor above 75' in height.
  - iv. Massing impacts of taller elements of buildings would be minimized through step backs from property lines and

<p>(.40 cont.)</p>														<p>neighboring structures. v. Openness between structures is preserved by providing for separation of at least 60' between the portions of structures that exceed 75', both on the subject property and from taller building elements on adjacent properties. vi. Use of design treatments in upper portions of buildings promotes visual interest and variety at the skyline. 5. Increases in lot coverage may be considered if: a. Land dedication on the subject property provided pursuant to General Regulation 5 limits area available for development on the property, and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.</p>	
<p>.50</p>	<p>Church</p>	<p>DESIGN REVIEW Chapter 142</p>	<p>None</p>	<p>10'</p>	<p>0'</p>	<p>0'</p>	<p>80%</p>	<p>40' above average building elevation (see special regulation 3.)</p>	<p>C</p>	<p>B</p>	<p>1 for every four people based on maximum occupancy load of any area of worship (see spec. reg.2).</p>	<p>1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use 3. When included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.</p>			



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS													
Section	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 95)	Req'd Parking Spaces (See Ch. 10B)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)		Lot Coverage	Height of Structure					
					Front	Side							Rear
.60	School, Day-care Center or Mini School or Mini-day-care		DESIGN REVIEW Chapter 142	None	10' (see special reg. 3).	0' (See special reg. 3).	0' (See special reg. 3).	80%	40' above average building elevation (see spec. reg. 6).	D	B	See KZC 105.25. (see spec. reg 4).	<ol style="list-style-type: none"> <li>1. A six-foot high fence is required along property lines adjacent to outside play areas.</li> <li>2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.</li> <li>3. Structured play areas must be setback from all property lines by at least five feet.</li> <li>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.</li> <li>5. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> <li>6. When included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.</li> </ol>





# USE ZONE CHART

## TL 1A

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

Section	USE	REGULATIONS	MINIMUMS				MAXIMUMS		Special Regulations (See also General Regulations)			
			Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage		Height of Structure		
			Front	Side	Rear			Landscaping Category (See Ch. 95)	Sign Category (See Ch. 95)	Req'd Parking Spaces (See Ch. 105)		
.70	Assisted Living Facility	DESIGN REVIEW Chapter 142	10'	0'	0'	0'	85% (see spec. reg. 4)	30'-160' above average building elevation (see special regulation 3).	B	A	See KZC 105.25.	<ol style="list-style-type: none"> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>The maximum Floor Area Ratio (F.A.R.) for development on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone.</li> <li>Building height may be increased as follows:                             <ol style="list-style-type: none"> <li>Building height may exceed 30' above average building elevation.</li> <li>if the development meets General Regulation 5 for this zone, or where the requirements of General Regulation 5 do not apply to the subject property, if the proposed development provides strong pedestrian-oriented elements and/or public amenities. Examples include a significant building entrance at the street, plazas, sculptures, fountains, mini-parks, substantial public seating areas or other elements that exceed the standard pedestrian-oriented elements of Chapter 92, and</li> </ol> </li> </ol>

(.70  
cont.)

developments of 10 units or greater as affordable. For rental housing, these units must be affordable to households whose income does not exceed 60% of the median income for the Seattle Metropolitan Statistical Area (adjusted for household size). For ownership housing, the units must be affordable to moderate income households. The number of required affordable units is determined by rounding fractional numbers equal to or greater than .5 up to the nearest whole number.

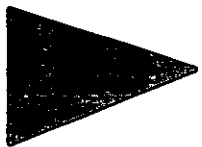
An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required low or moderate income units will remain as low or moderate income units for the life of the property

- b. Building height may exceed 75' and be increased up to 160' above average building elevation, with the height increases to be based on the following considerations:
  - i. Development on the subject property complies with 3(a) above.
  - ii. Design of buildings meets guidelines for towers set forth in Design Guidelines (KZC Chapter 142, and Chapter 3.30 KMC).
  - iii. The mass of taller building elements is minimized through the use of compact floor plates, not to exceed 10,000 square feet per floor above 75' in height.
  - iv. Massing impacts of taller elements of buildings would be minimized through step backs from property lines and neighboring structures.
  - v. Openness between structures is preserved by providing for

(.70  
cont.)

- separation of at least 60' between the portions of structures that exceed 75', both on the subject property and from taller building elements on adjacent properties.
- vi. Use of design treatments in upper portions of buildings promotes visual interest and variety at the skyline.
- 4. Increases in lot coverage may be considered if:
  - a. Land dedication on the subject property provided pursuant to General Regulation 5 limits area available for development on the property, and/or
  - b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.

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USE ZONE CHART

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

Section	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 95)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.80	Convalescent Center or Nursing Home	DESIGN REVIEW Chapter 142	None	10	0'	0'	85% (see spec. reg. 3).	30'-160' above average building elevation (see special regulation 2).	C	B	1 for each bed.	<ol style="list-style-type: none"> <li>1. The maximum Floor Area Ratio (F.A.R.) for development on the subject property is 2.5, or 250 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone.</li> <li>2. Building height may be increased as follows:                             <ol style="list-style-type: none"> <li>a. Building height may exceed 30' above average building elevation, if the development meets General Regulation 5 for this zone, or where the requirements of General Regulation 5 do not apply to the subject property, if the proposed development provides strong pedestrian-oriented elements and/or public amenities. Examples include a significant building entrance at the street, plazas, sculptures, fountains, mini-parks, substantial public seating areas or other elements that exceed the standard pedestrian-oriented elements of Chapter 92.</li> <li>b. Building height may exceed 75' and be increased up to 160' above average building elevation, with the height increases to be based on the following considerations:                                     <ol style="list-style-type: none"> <li>i. Development of the subject property complies with 2(a) above.</li> <li>ii. Design of buildings meets guidelines for towers set forth in Design Guidelines (KZC Chapter 142, and</li> </ol> </li> </ol> </li> </ol>	

(.80 cont.)												<p>Chapter 3.30 KMC).</p> <ul style="list-style-type: none"> <li>iii. The mass of taller building elements is minimized through the use of compact floor plates, not to exceed 10,000 square feet per floor above 75' in height.</li> <li>iv. Massing impacts of taller elements of buildings would be minimized through step backs from property lines and neighboring structures.</li> <li>v. Openness between structures is preserved by providing for separation of at least 60' between the portions of structures that exceed 75', both on the subject property and from taller building elements on adjacent properties.</li> <li>vi. Use of design treatments in upper portions of buildings promotes visual interest and variety at the skyline.</li> </ul> <p>3. Increases in lot coverage may be considered if:</p> <ul style="list-style-type: none"> <li>a. Land dedication on the subject property provided pursuant to General Regulation 5 limits area available for development on the property, and/or</li> <li>b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space.</li> </ul>
.90	Public Utility	DESIGN REVIEW Chapter 142	None	10'	0'	0'	80%	40' above average building elevation (see special regulation 1).	A	B	See KZC 105.25.	<p>1. When included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.</p>

0-3933

.100	Government Facility or Community Facility	DESIGN REVIEW Chapter 142	None	10'	0'	0'	80%	40' above average building elevation (see special regulation 1).	C (see special regulation 2).	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>When included as an accessory use within the structure of a primary use with a taller height limit, the height limit for the primary use applies.</li> <li>Landscape category A or B may be required depending on the type of use on the subject property and the impacts associated with this use.</li> </ol>
.110	Public Park	DESIGN REVIEW Chapter 142	None	Will be determined on a case by case basis.						B	See KZC 105.25.	

*NOTE: FINAL PRODUCTION OF CHARTS WILL INCLUDE REFORMATING TO ALLOW FOR CONSOLIDATION OF USES AND REQUIREMENTS ON FEWER PAGES.*

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92.05

## Introduction

1. General – This chapter establishes the design regulations that apply to development in ~~both~~ the Central Business District (CBD), the Juanita Business District (JBD), ~~and the~~ North Rose Hill Business District (NRHBD) and in Totem Center. Special provisions that apply to only the CBD, ~~or the~~ JBD, ~~or the~~ NRHBD or Totem Center are noted in the margins and text of the chapter.
2. Applicability – The provisions of this chapter apply to all new development. The provisions of Chapters 142 and 162 KZC regarding Design Review (D.R.) and nonconformance establish which of the regulations of this chapter apply to developed sites. Where provisions of this chapter conflict with provisions in any other section of the code, this chapter prevails.
3. D.R. Procedures – The City will use Chapter 142 KZC to apply the regulations of this chapter to development activities that require D.R. approval.
4. Landscaping – Various places in this chapter 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 chapter unless otherwise specifically indicated:
  - a. 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.
  - b. Shrubs must be 18 inches high at the time of planting.
  - c. Drought-tolerant plants are encouraged.
  - d. The City will review plant choice and specific plant location as part of the D.R. approval. The City may also require or permit modification to the required plant size as part of D.R. approval. Where appropriate, the City will apply the provisions of KZC 95.20(2)(c) to require additional or more mature landscaping.
5. Dedication – The City may require the applicant to dedicate development rights, air space, or an easement to the City to ensure compliance with any of the requirements of this chapter.

92.10

## Pedestrian-Oriented Elements

This section contains regulations which require various pedestrian-oriented elements on or adjacent to the subject property.

1. 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 masterplan), along the entire frontage of the subject property adjacent to each *pedestrian-oriented street*. If the required improvements cannot be accommodated within existing right-of-way, 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 92.10.A, B, B.1, B.2 and C).
2. Required Major Pedestrian Pathways – If the subject property abuts a street designated to contain a major pedestrian pathway on Figure 92.10.A, 92.10.B, ~~or~~ 92.10.B.1 or Figure 92.10.B.2, the applicant shall install that pathway on and/or adjacent to the subject property consistent with the following standards:

EXHIBIT E

- a. The major pedestrian pathways must be installed in the approximate location shown on Figures 92.10.A, 92.10.B and 92.10.B.1, and make the connections shown on the figures.
  - b. 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 92.10.A. If the required improvements cannot be accommodated within the existing right-of-way, 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.
  - c. The major pedestrian pathways must have adequate lighting with increased illumination around building entrances and transit stops.
  - d. If parcels are developed in aggregate, then alternative solutions may be proposed.
3. Pedestrian-Oriented Elements Provisions Supersede – If the provisions of subsections (1) and (2) of this section both apply to improvements within and/or adjacent to a street, the provisions of subsection (1) of this section, and not subsection (2) of this section, must be followed.

**Pedestrian Circulation in the CBD**

**FIGURE 92.10.A**

**Pedestrian Circulation in the JBD**

**FIGURE 92.10.B**

**Pedestrian Circulation in the NRHBD**

**FIGURE 92.10.B.1**

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**Pedestrian Circulation in Totem Center**

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**Figure 92.10.B.2**



## Required Sidewalk on Pedestrian-Oriented Streets and Major Pedestrian Ways

### FIGURE 92.10.C

- JBD** 4. Through-Block Sidewalks in the JBD – The applicant shall install 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.

- a. 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.
- b. 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.
- c. The through-block sidewalks must have adequate lighting with increased illumination around building entrances and transit stops.
- d. If parcels are developed in aggregate, then alternative solutions may be proposed.
- e. Barriers which will limit pedestrian access between the subject property and adjacent properties are not permitted.

**CBD, JBD and TC** — 65. Pedestrian Weather Protection – The applicant shall provide overhead weather protection, consistent with the following standards:

- CBD** a. In the CBD, along at least 80 percent of the frontage of the subject property on each *pedestrian-oriented street*;
- JBD** b. In the JBD, along 100 percent of the front of the building;
- c. The overhead weather protection may be composed of awnings, marquees, canopies or building overhangs;
- d. 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, streetlights, etc.;
- e. The lowest element of the overhead weather protection must be at least eight feet above the ground immediately below it;

- f. 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 KZC 92.35(5), Awnings.

**JBD** 76. Building Frontage – In the JBD, all buildings must front on a right-of-way or through-block sidewalk.

87. Access to Buildings

**CBD** a. In the CBD, 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.

**JBD** b. In the JBD, all buildings must have convenient access from the street sidewalk or the through-block sidewalk to the main building entrance.

**NRHBD** c. In the NRHBD, all buildings on property abutting *major pedestrian pathways* must have direct access from the sidewalk of the *major pedestrian pathway* to the main building entrance.

**TC** d. In Totem Center, all buildings on property abutting a major pedestrian pathway or a pedestrian-oriented street must have convenient access from the sidewalk of the major pedestrian pathway or pedestrian-oriented street to the main building entrance.

**TC, CBD** 98. Pedestrian-Oriented Space and Plazas  
**NRHBD**

**CBD/TC** a. In the CBD or in Totem Center, 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) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
- 2) Contain paved walking surface of either concrete or approved unit pavers.
- 3) Contain on-site or building-mounted lighting which provides adequate illumination.
- 4) Contain two linear feet of seating area or one individual seat per 65 square feet of area between the sidewalk and the building.
- 5) Contain landscaping such as trees, shrubs, trellises, or potted plants.
- 6) It may not include asphalt or gravel pavement or be adjacent to an unscreened parking area, a chain link fence or a blank wall which does not comply with the requirements of subsection (10) of this section.

**NRHBD** b. In the NRHBD, if the subject property abuts a *major pedestrian pathway* on the southwest corner of NE 116th Street and 124th Avenue NE, the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:

- 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
- 2) Contain paved walking surface of either concrete or approved unit pavers.

- 3) Contain on-site or building-mounted lighting which provides adequate illumination.
- 4) Contain two linear feet of seating area or one individual seat per 65 square feet of area between the sidewalk and the building.
- 5) Contain landscaping, such as trees, shrubs, trellises, or potted plants.
- 6) In the alternative, the pedestrian-oriented space can be integrated with a pedestrian connection linking Slater Avenue NE and NE 116th Street, anywhere on the subject property, consistent with criteria (1) through (5) above.

#### 109. Blank Wall Treatment

- a. 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 (9)(c) of this section if it meets the criteria for a blank wall under subsection (9)(b) of this section.
- b. A blank wall is any wall or portion of a wall that meets either of the following criteria (see Figure 92.10.D):
  - 1) 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.
  - 2) 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.

#### **Designating Blank Walls**

#### **FIGURE 92.10.D**

- c. At least one of the following techniques must be used to treat or screen blank walls:
  - 1) By the installation of a vertical trellis with climbing vines or plant material in front of the blank wall.
  - 2) 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.
  - 3) By providing artwork, such as mosaics, murals, sculptures or bas-relief on the blank wall.
  - 4) By proposing alternative techniques as part of the D.R.
- d. The provisions of this subsection (9) may be modified or eliminated as part of the D.R. decision if they conflict with the Uniform Building Code.

CBD

**1140.** Treatment of Building Facades – In the CBD, 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:

- a. 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 92.10.E).
- b. 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 92.10.E).
- c. 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 (9)(c)(1) or (2) of this section, depending on the location, dimensions, and size of the area.

### Pedestrian-Friendly Building Facade Requirements

#### FIGURE 92.10.E

**1244.** 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.

92.15 Entry Features in the JBD

**JBD** In the JBD, 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.

92.20 Public Improvements and Site Features

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

- a. The Public Works Director, in consultation with the Planning Director, 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:

- 1) Street trees and street tree grates.

- 2) Landscape plant materials.
- 3) Paving materials.
- 4) Lighting fixtures for streets, pedestrian areas and special areas.
- 5) Public signs.
- 6) Benches and seating areas.
- 7) Trash receptacles.
- 8) Drinking fountains.
- 9) Sidewalk widths and details.
- 10) Bicycle racks.
- 11) Bollards.
- 12) 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.

- b. The City shall adopt a masterplan for public spaces. The masterplan shall discuss the placement of the features noted in subsection (1)(a) of this section, present a long-range and coordinated plan for public property, and further implement the downtown plan chapter and the JBD plan provisions of the Comprehensive Plan.
- c. 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.

## 2. On-Site Improvements

- a. 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.
- b. Water spigots shall be provided on all building facades along sidewalks for cleaning and plant watering.

## 92.25 Parking Area Location and Design

This section regulates the location and design of, access for and other features of parking areas.

### 1. Location of Parking Lots

#### CBD/TC

- a. In the CBD and in Totem Center:
  - 1) On *pedestrian-oriented streets*, parking lots shall not be located between the *pedestrian-oriented street* and a building unless specified in the public improvement and site feature masterplan.

- 1) Top: Sloped roofs, strong eave lines, cornice treatments, horizontal trellises, or sunshades, etc.
- 2) Middle: Windows, balconies, material changes, railings, and similar treatments that unify the building design.
- 3) 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.

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

FIGURE 92.30.C

#### 2. Achieving Human Scale

##### a. General

##### CBD

- 1) CBD: Except as provided in subsection (2)(a)(3) of this section, the applicant shall use at least two of the elements or techniques listed in subsection (2)(b) of this section in the design and construction of each facade of a building facing a street or public park.

##### JBD, NRHBD, TC

- 2) ~~JBD and NRHBD~~ JBD and Totem Center: Except as provided in subsection (2)(a)(3) of this section, the applicant shall use at least one of the elements or techniques listed in subsection (2)(b) 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.

- 3) The applicant shall use at least three of the elements or techniques listed in subsection (2)(b) of this section in the design and construction of any facade of a building facing a street, through-block sidewalk or public park, if:
  - a) The facade has a height of three or more stories; or
  - b) The facade is more than 100 feet long.

- b. Techniques To Achieve Human Scale – The techniques to be used in the design and construction of building facades under subsection (2)(a) 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 Comprehensive Plan.

- 1) On each story above the ground floor, provide balconies or decks, at least six feet wide and six feet deep.
- 2) 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.

- 3) Provide at least 150 square feet of pedestrian-oriented space that meets the criteria of KZC 92.10(8) and is in front of each facade.
- 4) Provide at least one-half of the window area above the ground floor of each facade consistent with all of the following criteria (see Figure 92.30.D):
  - a) The windows must have glazed areas with dimensions less than five feet by seven feet.
  - b) The windows must be surrounded by trim, molding and/or sill at least two inches wide.
  - c) 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.
- 5) 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 92.30.E).

### **Individual Windows Option**

**FIGURE 92.30.D**

### **Multiple-Paned Fenestration Option**

**FIGURE 92.30.E**

- 6) 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.
  - 7) 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 KZC 92.10(5) 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.
  - 8) Provide one or more stories above the ground floor setback at least six feet from the ground floor facade facing the street, through-block sidewalk, or a public park.
3. 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 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 Comprehensive Plan.

### 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, ~~or~~ NRHBD, or Totem Center Zones and requires JBD, ~~or~~ NRHBD, or Totem Center 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

EXHIBIT	<u>F</u>



- d. Is a shared parking area serving two or more adjacent uses; or
  - e. Is within the JBD, or NRHBD, or Totem Center Zones and requires JBD, or NRHBD, or Totem Center 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.

variations from setback requirements in the CBD and in Totem Center. 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.

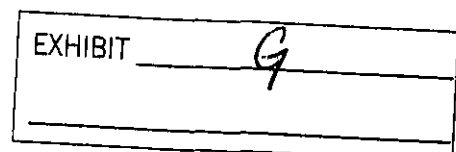
- b. Process – If a design departure or minor variation is requested, the D.R. decision, including the design departure or minor variation, will be reviewed and decided upon using the D.B.R. process.
- c. Application Information – The applicant shall submit a complete application on the form provided 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 Chapter 92 KZC. 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, Juanita Business District Plan, the Totem Lake Neighborhood Plan and goals and policies contained in the North Rose Hill Neighborhood Plan for the North Rose Hill Business District 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



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, Juanita Business District Plan, the Totem Lake Neighborhood Plan or goals and policies in the North Rose Hill Plan for the North Rose Hill Business District 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:

162.35 Certain Nonconformances Specifically Regulated

8. CBD, JBD, NRHBD and Totem Center Design Regulations

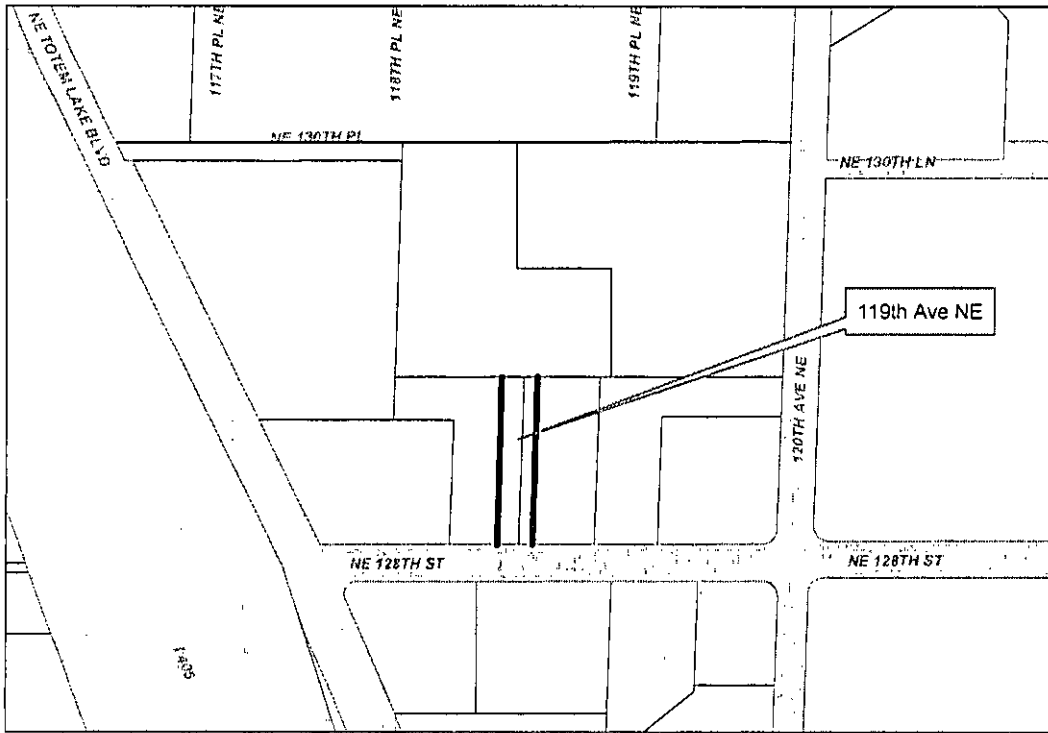
- a. The provisions of this subsection (8) regulate under what circumstances nonconformance with the CBD, JBD, NRHBD and Totem Center design regulations of Chapter 92 KZC must be corrected. Compliance with CBD, JBD, NRHBD and Totem Center design regulations is only required when D.R. is required pursuant 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.

EXHIBIT <u>    #    </u>
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**Chapter 180  
Plate X**

**119th Avenue NE Improvements**



**Required street improvements for 119th Avenue NE:**

- 51 feet of public right-of-way
- Specific improvements to be determined by the Public Works Director.

EXHIBIT	<u>    I    </u>
_____	
_____	

NE 132nd ST

0-3933

PR 1.8

TL 3D

120th AVENUE NE

124th AVENUE NE

TL 3A

TL 3

NE 128th ST

TL 1A

TL 3B

INTERSTATE 405

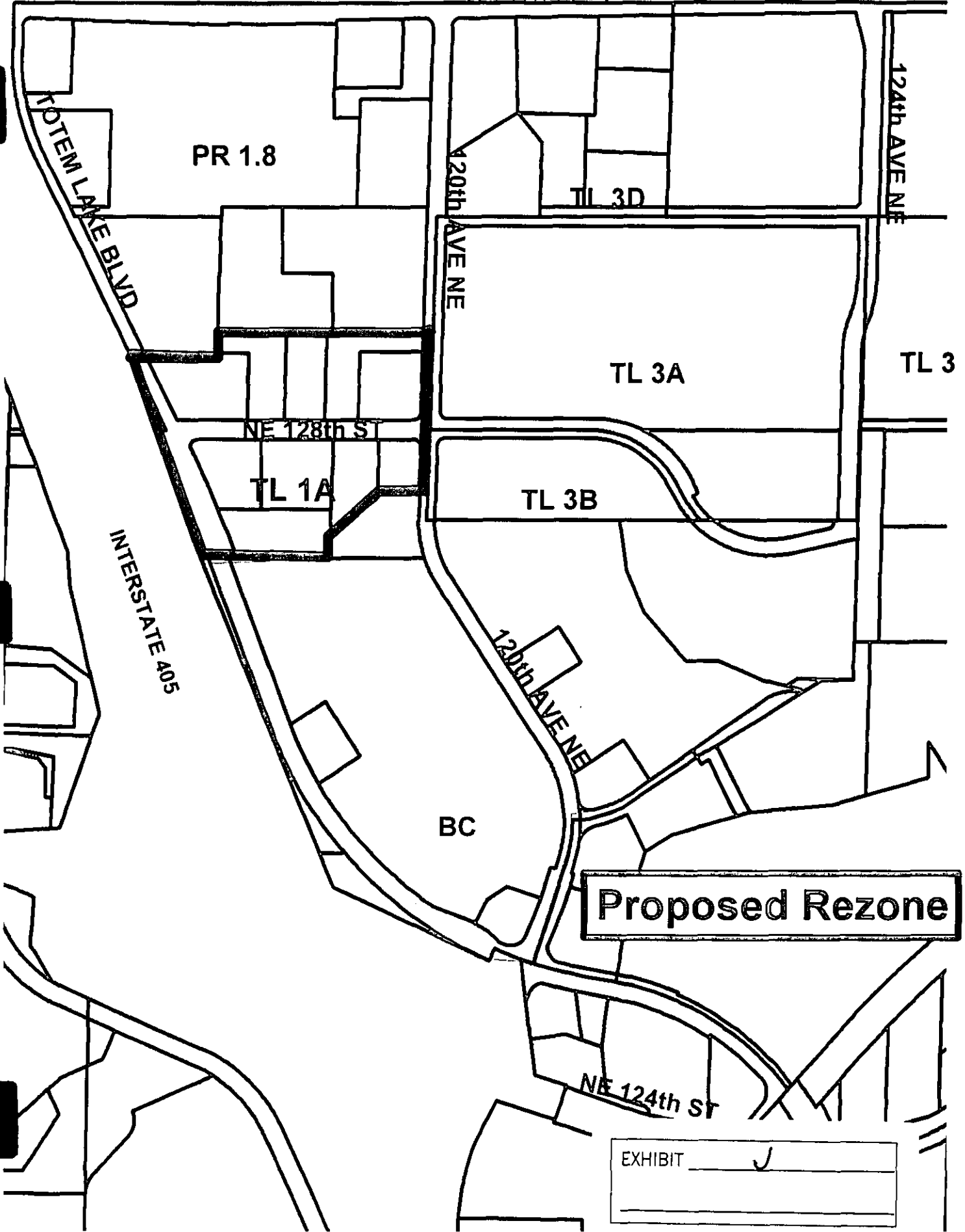
120th AVENUE NE

BC

**Proposed Rezone**

NE 124th ST

EXHIBIT     J    



ORDINANCE NO. 3933  
PUBLICATION SUMMARY

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE, AMENDING CHAPTERS 1, 5, 10, 55, 57, 60, 92, 105, 142, 162, 180, OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP (FILE NO. IV-02-70).

Section 1. Provides amendments related to development regulations for the TL 1A zone in Totem Center to the following specific portions of the Kirkland Zoning Code:

- A. Chapter 1 User Guide
- B. Chapter 5 Definitions
- C. Chapter 10 Legal Effect/Applicability
- D. Chapter 55 Light Industrial Technology
- E. Chapter 55 Totem Lake (TL) Zones
- F. Chapter 57 Light Industrial Commercial
- G. Chapter 60 Planned Area 12
- H. Chapter 60 TL 3
- I. Chapter 92 Design Regulations
- J. Chapter 105 Parking and Parking Area, Vehicle and Pedestrian Access, and Related Improvements
- K. Chapter 142 Design Review
- L. Chapter 162 Non Conformance
- M. Chapter 180 Plates

Section 2. Amends the Kirkland Zoning Map. as set forth in Exhibit J.


Section 3. Provides a severability clause for the ordinance.

Section 4. Establishes the effective date as five days after publication of summary.

Section 5 Establishes certification by City Clerk and notification of King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk, for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 16th day of March, 2004.

I certify that the foregoing is a summary of Ordinance 3933 approved by the Kirkland City Council for summary publication.

  
City Clerk