

ORDINANCE NO. 4030

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING CHAPTERS 1, 5, 10, 20, 25, 35, 48, 53, 60, 72, 92, 95, 105, 110, 115, 142, AND 162 OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND KIRKLAND ZONING MAP, FILE NO. IV-02-05.

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission 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 October 20, 2005, and bearing Kirkland Department of Planning and Community Development File No. IV-02-05; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 11, 2005, held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-600; 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, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

A. Chapter 1 User Guide:

Text amendments to Section 1.05 to add references to new RH 1A, RH 1B, RH 2A, RH 2B, RH 2C, RH 3, RH 4, RH 5A, RH 5B, RH 5C, RH 7, and RH 8 zones (herein after referred to as RH 1-RH 8 zones), and delete references to PLA 13, and FC II zones as shown in Exhibit A, attached to this ordinance and incorporated by reference.

B. Chapter 5 Definitions:

Text amendments to definitions Sections 5.10.145, 5.10.410, 5.10.475, 5.10.595, 5.10.960, add new Sections 5.10.325.5, 5.10.325.10, 5.10.327.5, 5.10.470.50, 5.945.5 and to delete Section 5.10.647, as shown in Exhibit B attached to this ordinance and incorporated by reference.

C. Chapter 10 Legal Effect/Applicability:

Text amendments to Section 10.25.12, to add reference to the RH (Rose Hill) zoning category, as shown in Exhibit C attached to this ordinance and incorporated by reference.

D. Chapter 20 Multifamily Residential (RM) zones:

Text amendments to add that the design review process is required for new detached, attached or stacked dwelling units in RM zones located in the NE 85<sup>th</sup> Street Subarea and other changes as shown in Exhibit D attached to this ordinance and incorporated by reference.

E. Chapter 25 Professional Office Residential (PR) zones:

Text amendments to add that the design review process is required for new commercial and multi family development in PR zones located in the NE 85<sup>th</sup> Street Subarea and other changes as shown in Exhibit E attached to this ordinance and incorporated by reference.

F. Chapter 35 Freeway Commercial (FC) zones:

Delete Section 35.15, FC II Use Zone Charts.

G. Chapter 48 Light Industrial Technology (LIT) zones:

Text amendments to add that the design review process is required for new development activities in LIT zones located in the NE 85<sup>th</sup> Street Subarea as shown in Exhibit F attached to this ordinance and incorporated by reference.

H. Chapter 53 Rose Hill Business District (RH) Zones:

Text amendments to add a new Chapter 53 of the Zoning Code and to add Use Zone Charts for the RH 1 to RH 8 zones as shown in Exhibits G to O attached to this ordinance and incorporated by reference.

I. Chapter 60 Planned Areas:

Delete the following Use Zone Charts: Sections 60.159 PLA 13A, 60.164 PLA 13B, 60.189 PLA 17B, and 60.194 PLA 17C Use Zone Charts. Add a new Section 60.189 PLA 17A Use Zone Charts as shown in Exhibit P attached to this ordinance and incorporated by reference.

J. Chapter 72 Adult Activities Overlay Zones:

Text amendments to delete reference to the BC and CBD zones and to add zones where adult entertainment overlay zones may be designated in commercial zones where retail or theater uses are permitted, as shown in Exhibit Q attached to this ordinance and incorporated by reference.

K. Chapter 92 Design Regulations:

Text amendments to add new design regulations for application of design review of new commercial and multi family development located in the NE 85<sup>th</sup> Street Subarea, as shown in Exhibit R attached to this ordinance and incorporated by reference.

L. Chapter 95 Tree Management and Required Landscaping:

Text amendments to Section 95.40.4 to add reference to the Rose Hill Business District in the landscaping buffer requirements, as shown in Exhibit S attached to this ordinance and incorporated by reference.

M. Chapter 105 Parking and Parking Area, Vehicles and Pedestrian Access, and Related Improvements:

Text amendments to add Section 105.96 standards for the design and function of drive through facilities as shown in Exhibit T attached to this ordinance and incorporated by reference.

N. Chapter 110 Required Public Improvements:

Text amendments to Section 110.15 to reference the Rose Hill Business District, as shown in Exhibit U attached to this ordinance and incorporated by reference.

O. Chapter 115 Miscellaneous Use Development and Performance Standards:

Text amendments to Section 115.85 to add new exterior lighting standards for all non-residential development in the Rose Hill Business District, as shown in Exhibit V attached to this ordinance and incorporated by reference.

P. Chapter 142 Design Review:

Text amendments to Sections 142.17 and 142.35 regarding applying administrative design review for new multi family development located in the RH 8, PR, RM and PLA 17A zones within the NE 85<sup>th</sup> Street Subarea, the documents that will be used to interpret the design regulations during design review, the development standards that may be varied, and which RH zones require a conceptual master plans, as shown in Exhibit W attached to this ordinance and incorporated by reference.

Q. Chapter 162 Non Conformance:

Text amendment to Section 162.35 to reference the Rose Hill Business District as shown in Exhibit X 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:

To add new RH 1-RH 8 zoning categories and delete the FC II, PLA 17B, PLA 17C, PLA 13A, PLA 13B, BCX, BC, and PO zoning designations located in the NE 85<sup>th</sup> Street Subarea on the zoning map, as set forth in Exhibit Y which by this reference is incorporated herein.

Section 3. 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. This ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017 of the Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Section 5. A complete copy of this ordinance, including Findings, Conclusions and Recommendations adopted by reference, 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 3rd day of January, 2006

SIGNED IN AUTHENTICATION thereof this 3rd day of January, 2006

\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form:

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

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4030

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING CHAPTERS 1, 5, 10, 20, 25, 35, 48, 53, 60, 72, 92, 95, 105, 110, 115, 142, AND 162 OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND KIRKLAND ZONING MAP, FILE NO. IV-02-05.

SECTION 1. Amends the following specific portions of the Kirkland Zoning Code related to permitted uses, development activities and design regulations in the NE 85<sup>th</sup> Street Subarea.

- A. Amends text in Chapter 1 User Guide
- B. Amends text in Chapter 5 Definitions
- C. Amends text in Chapter 10 Legal Effect/Applicability
- D. Amends text in Chapter 20 MF zones
- E. Amends text in Chapter 25 PR zones
- F. Repeals Chapter 35 FC II zones
- G. Amends text in Chapter 48 LIT zones
- H. Adds a new Chapter 53 Rose Hill Business District (RH) for the RH 1A, 1B, 2A, 2C, RH 3, RH 4, RH 5A, 5B, 5C, RH 7 and RH 8 zones
- I. Amends Chapter 60 to repeal Sections 60.159 PLA 13A, 60.164 PLA 13B, 60.189 PLA 17B, 60.194 PLA 17C use zone charts and adds a new Section 60.189 PLA 17A zone
- J. Amends text in Chapter 72 Adult Activities
- K. Amends text in Chapter 92 Design Regulations for the Rose Hill Business District
- L. Amends text in Chapter 95 Tree Management and Landscaping
- M. Amends text in Chapter 105 Parking, Vehicles and Pedestrian Access to add design and function requirements for drive through facilities
- N. Amends text in Chapter 110 Required Public Improvements
- O. Amends text in Chapter 115 Miscellaneous Use Development and Performance Standards to add exterior lighting standards for certain non-residential uses
- P. Amends text in Chapter 142 to apply design review for new commercial and multi family development located within the NE 85<sup>th</sup> Street Subarea
- Q. Amends text in Chapter 162 Nonconformances

SECTION 2. Amends the Kirkland Zoning Map

SECTION 3. Provides a severability clause for the ordinance.

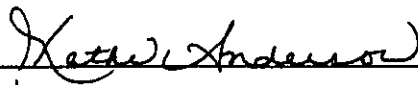
SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Kirkland Municipal

Code 1.08.017 and 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 3rd day of January, 2006

I certify that the foregoing is a summary of Ordinance 4030 approved by the Kirkland City Council for summary publication.

  
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City Clerk

## Chapter 1 – USER GUIDE- Revised 12-13-05

ctions:

5 How To Use This Code

0 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 1	NRH6	PLA 8
RSX	BCX	JBD 2	TL 1A	PLA 9
RM	LIT	JBD 3	TL 1B	PLA 10
PR	P	JBD 4	TL 2	
PO	CBD 1	JBD 5	TL 3	PLA 14
WD I	CBD 2	JBD 6	ILC	PLA 15
WD II	CBD 3	NRH1A	PLA 1	PLA 16
WD III	CBD 4	NRH1B	PLA 2	PLA 17
FC I	CBD 5	NRH2	PLA 3	PLA 17A
	CBD 6	NRH3	PLA 5	RH 1A
FC III	CBD 7	NRH4	PLA 6	RH 1B
BN	CBD 8	NRH5	PLA 7	RH 2A
RH 2B	RH 2C	RH 3	RH 4	RH 5A
RH 5B	RH 5C	RH 7	RH 8	

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.

**EXHIBIT A**

Chapter 5 – DEFINITIONS – Revised 12-19-05

Definitions:  
 5 User Guide  
 100 Definitions

.145 Commercial Zones – The following zones: BN; BC; BCX; CBD; FC I; FC-II; JBD 1; JBD 2; JBD 4; JBD 5; JBD 6; PLA 8; PLA 10A; PLA-13A; NRH 1A; NRH 1B; NRH 4; RH 1A, RH 1B, RH 2A, RH 2B, RH 2C, RH 3, RH 5A, RH 5B, RH 5C, RH 7, and TL 2.

.325.10 Foot-candle- (fc): a unit of luminance amounting to one lumen per square foot.

.327.5 Full Cut Off Type Fixture- A light fixture that by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree, horizontal plane from the base of the fixture.

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

.470.5 Light trespass- Unwanted light which, because of quantitative, directional or spectral attributes in a given contact, gives rise to annoyance, discomfort, distraction, or a reduction in the ability to see essential information.

.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.

.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, PLA 17A, C; FC III; NRH 2; NRH 3; NRH 5; NRH 6; RH 4, RH 8, and TL 1A.

~~Delete definition; covered in KZC Chapter 92- .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.~~

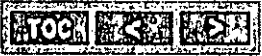
.945.5 Uniformity Ratio- Uniformity ratio describes the maximum level of illumination in relation to the lowest level of illumination for a given area. Example: uniformity ratio=4:1 for the given area, the lowest level of illumination (1) should be no less than ¼ or "4 times less" than the maximum (4) level of illumination.

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

RS 35	FC I	NRH 1A	PLA 6C
RSX 35	FC-II	NRH 1B	PLA 6D
RS 12.5	FC III	NRH 2	PLA 6E
RSX 12.5		NRH 3	PLA 6F
RS 8.5	BN	NRH 4	PLA 6G
RSX 8.5	BC	NRH 5	PLA 6H



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



Chapter 10 – LEGAL EFFECT/APPLICABILITY-Revised 12-19-05

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

**CHAPTER 20 -MULTI-FAMILY 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.

<p>Section 20.08</p> 	<p>Section 20.08 GENERAL REGULATIONS</p> <p>The following regulations apply to all uses in this zone unless otherwise noted:</p> <ol style="list-style-type: none"><li>1.Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.</li><li>2.If any portion of a structure is adjoining a low density zone or a low density use in PLA 17, then either:<ol style="list-style-type: none"><li>a.The height of that portion of the structure shall not exceed 15 feet above average building elevation, or</li><li>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.</li></ol>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).</li><li>3.If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:<p>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).</p></li><li>4.If the subject property is located within the North Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.</li><li>5.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).</li></ol>
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6. 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).
7. If the property is located in the NE 85<sup>th</sup> Street Subarea the following shall apply:
  - a. if the subject property is located south of NE 85<sup>th</sup> Street between 124<sup>th</sup> Avenue and 120<sup>th</sup> Avenue, the applicant shall to the extent possible, save existing viable significant trees within the required landscape buffer separating non-residential development from adjacent single family homes.
  - b. if the subject property is located directly north of the RH 4 zone, the applicant shall install a pedestrian pathway to connect to an east-west pedestrian pathway designated in the Comprehensive Plan between 124<sup>th</sup> Avenue NE to 120<sup>th</sup> Avenue NE.
8. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.
9. May also be regulated under the Shoreline Master Program, KMC Title 24.

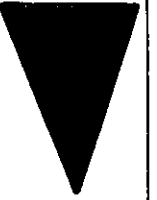
RM 3.6

USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	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						
.010	Detached Dwelling Units	None	None	5,000 sq. ft. in an RM 5.0	20'	5, but 2 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	Within the NE 85 <sup>th</sup> Street Subarea	3,600 sq. ft. with a density	Design established on the Zoning Map. See Spec. Reg. 1.					D See Spec. Reg. 5.		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 spaces 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. 4. The required common recreational open space may be reduced to	



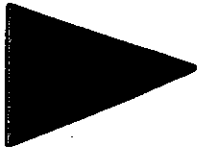
RM 3.6



# USE ZONE CHART

Section	USE	REGULATIONS	MINIMUMS				MAXIMUMS		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			
		Required Review Process	Front	Side	Rear						
.030	Church	Within the NE 85 <sup>th</sup> Street Subarea Design Review, Chapter 142, KZC. Otherwise Process IIA, Chapter 150 KZC.	7,200 sq. ft.	20'	20'	20'	70%	If adjoining a low density zone other than RSX, then 25 above average building elevation. Otherwise, 30 above average building elevation.	C See Spec. Reg. 3. B	1 for every 4 people based on maximum occupancy/load of worship. See Special 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 the use. 3. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies.

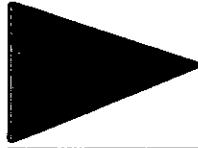
RM 3.6



USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Cover	MAXIMUMS	P e Category (See Ch. 105)	Category (See Ch. 105)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)				Height of Structure				
				Front	Side	Rear						
.040	School or Day-Care Center	Within the NE 85 <sup>th</sup> Street Subarea Design Review, Chapter 142, KZC. Otherwise Process IIA, Chapter 150 KZC.	7,200 sq. ft.	If this use can accommodate 50 or more students or children, then:  50   50 on   50 each side  If this use can accommodate 13 to 49 students or children, then: 20   20 on   20 each side			70%	If adjoining a low density zone other than RSX, then 25 above average building elevation. Otherwise, 30 above average building elevation. See Spec. Reg. 8.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. May locate on the subject property only if:</li> <li>It will not be materially detrimental to the character of the neighbor hood in which</li> <li>Site and building design must minimize adverse impacts on surrounding resident</li> <li>2. A six-foot-high fence is required only along the property line adjacent to the out</li> <li>3. Structured play areas must be setback from all property lines as follows:                             <ol style="list-style-type: none"> <li>20 feet if this use can accommodate 50 or more students or children.</li> <li>10 feet if this use can accommodate 13 to 49 students or children.</li> </ol> </li> <li>4. An on-site passenger loading area must be provided. The City shall determine i</li> <li>right-of-way improvements or other means may be required to reduce traffic ir</li> <li>5. May include accessory living facilities for staff persons.</li> <li>6. To reduce impacts on nearby residential uses, hours of operation of the use r</li> <li>7. These uses are subject to the requirements established by the Department of S</li> <li>8. For school use, structure height may be increased, up to 35 feet, if:                             <ol style="list-style-type: none"> <li>The school can accommodate 200 or more students; and</li> <li>The required side and rear yards for the portions of the structure exceeding the b.</li> <li>The increased height is not specifically inconsistent with the applicable neighborn</li> <li>The increased height will not result in a structure that is incompatible with surrou</li> </ol> </li> </ol> <p><i>this special regulation is not effective within the disapproval jurisdiction of the Hou</i></p>





RM 3.6

USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Use Category (See Ch. 105)	Height Category (See Ch. 105)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Cover					Height of Structure
					Front	Side	Rear						
.050	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	Process IIA, Chapter 150 KZC.	7,200 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.	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 Zoning Ordinance. 2. May only be permitted if placement, orientation, and scale indicate this use is appropriate. 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. 9. This use is not permitted in an RM zone located within the NE 85 <sup>th</sup> Street Subarea.	

RM 3.6

# USE ZONE CHART

Section	USE	REGULATIONS	MINIMUMS				MAXIMUMS	Special Regulations (See also General Regulations)				
			Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure			
Front	Side	Rear			Category (See Ch. 105)	Category (See Ch. 105)	Req'd Parking Spaces (See Ch. 105)					
.060	Mini-School or Care	Within the NE 85 <sup>th</sup> Street Subarea Design Review, Chapter 142, KZC, Otherwise	3,600 sq. ft.	20'	5' but 2 yards must equal 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.	<p>1. May locate on the subject property if it will not be materially detrimental to the character of the neighborhood in which it is located.</p> <p>Site design must minimize adverse impacts on surrounding residential neighborhoods.</p> <p>2. A six-foot-high fence is required along the property line adjacent to the outside play areas.</p> <p>3. Structured play areas must be setback from all property lines by five feet.</p> <p>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.</p> <p>5. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</p> <p>6. May include accessory living facilities for staff persons.</p> <p>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p>

RM 3.6



# USE ZONE CHART

Section	USE	REGULATIONS	Required Review Process	MINIMUMS					MAXIMUMS		Special Category (See Ch. 105)	Special Category (See Ch. 105)	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							
.070	Assisted Living Facility (Not permitted in RM 5.0)	Within the NE 85 <sup>th</sup> Street Subarea Design Review, Chapter 142, 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 See Spec. Reg. 6.	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> <li>1.A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>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.</li> <li>3.For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process 11B, Chapter 152 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: Project is of superior design, and Project will not create impacts that are substantially different than would be created by a permitted multifamily development.</li> <li>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.</li> <li>5.Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>6.If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies.</li> </ol>		

**RM 3.6**

**USE ZONE CHART**


Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				Lot Coverage	MAXIMUMS	Landscape Category (See Ch. 95)	Category (See Ch. 95)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)									Height of Structure
					Front	Side	Rear							
.080	Convalescent Center or Nursing Home	Within the NE 85 <sup>th</sup> Street Subarea	Design Review, Chapter 142, KZC, Otherwise Process IIA, Chapter 150	7,200 sq. ft.	20'	10 on each side	70%	If adjoining a low density zone other than RSX, then 25 above average building elevation. Otherwise, 30 above average building elevation.	C See Spec. Reg. 2.	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. 2. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies.		
.090	Public Utility	Within the NE 85 <sup>th</sup> Street Subarea	Design Review, Chapter 142, KZC, Otherwise Process IIA, Chapter 150	None	20	20 on each side	70%		A See Spec. Regs. 2 and 3.	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. 3. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then landscape category A applies.		



**CHAPTER 25 --PR ZONES**

**25.05 User Guide.**

The charts in KZC 25.10 contain the basic zoning regulations that apply in each PR 8.5, 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.

<p><b>Section 25.08</b></p> 	<p><b>Section 25.08 GENERAL REGULATIONS</b></p> <p>The following regulations apply to all uses in this zone unless otherwise noted:</p> <ol style="list-style-type: none"><li>1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.</li><li>2. If any portion of a structure is adjoining a low density zone, then either:<ol style="list-style-type: none"><li>a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or</li><li>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.</li></ol></li></ol> <p>See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.</p> <ol style="list-style-type: none"><li>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).</li><li>4. <u>If the property is located south of NE 85<sup>th</sup> Street between 124<sup>th</sup> Avenue and 120<sup>th</sup> Avenue, to the extent possible, the applicant shall save existing viable significant trees within the required landscape buffers separating non-residential development from adjacent single family homes.</u></li></ol>
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PR

USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	Lot Size	MINIMUMS			Lot Coverage	MAXIMUM MS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
					REQUIRED YARDS (See Ch. 115)	Front	Side						
010	Detached Dwelling Units	None	8,500 sq. ft. if PR 8.5 zone, 5,000 sq. ft. if PR 5.0 zone, otherwise 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	Within the NE 85 <sup>th</sup> Street Subarea Design Review, Chapter 142, KZC	8,500 sq. ft. if PR 8.5 zone, 5,000 sq. ft. if PR 5.0 zone, otherwise 3,600 sq. ft.						D		1.7 per unit.	1. Minimum amount of lot area per dwelling unit is as follows: a. In PR 8.5 zones, the minimum lot area per unit is 8,500 sq. ft. b. In PR 5.0 zones, the minimum lot area per unit is 5,000 sq. ft. c. In PR 3.6 zones, the minimum lot area per unit is 3,600 sq. ft. d. In PR 2.4 zones, the minimum lot area per unit is 2,400 sq. ft. e. 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.	

	<p>Otherwise, with a density as established on the Zoning Map. See Special Regulation 1.</p>														<p>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.</p>
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PR



# USE ZONE CHART

Section	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Cover	MAXIMUMS	Special Regulations (See also General Regulations)			
				REQUIRED YARDS (See Ch. 115)				Height of Structure				
				Lot Size	Front	Side				Rear		
.030	Office Uses	Within the NE 85 <sup>th</sup> Street Subarea Design Review, Chapter 142, KZC. Otherwise 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.	<p>1. The following regulations apply to veterinary offices only:</p> <ul style="list-style-type: none"> <li>a. May only treat small animals on the subject property.</li> <li>b. Outside runs and other outside facilities for the animals are not permitted.</li> <li>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.</li> </ul> <p>2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <ul style="list-style-type: none"> <li>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li> <li>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li> </ul>
.040	Development Containing Stacked or Attached Dwelling Units and Office Uses. See Special Regulation 1.	3,600 sq. ft. with a residential density as established on the Zoning Map. See Special Regulation 2.									See KZC 105.25.	<p>1. A veterinary office is not permitted in any development containing dwelling units.</p> <p>2. Minimum amount of lot area per dwelling unit is as follows:</p> <ul style="list-style-type: none"> <li>a. In PR 8.5 zones, the minimum lot area per unit is 8,500 square feet.</li> <li>b. In PR 5.0 zones, the minimum lot area per unit is 5,000 square feet.</li> <li>c. In PR 3.6 zones, the minimum lot area per unit is 3,600 square feet.</li> <li>d. In PR 2.4 zones, the minimum lot area per unit is 2,400 square feet.</li> <li>e. In PR 1.8 zones, the minimum lot area per unit is 1,800 square feet.</li> </ul> <p>3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>4. 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:</p>

											<p>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.</p> <p>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.</p> <p>5. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <ul style="list-style-type: none"><li>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</li><li>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</li></ul>
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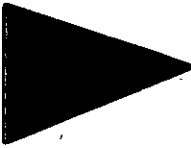


PR

USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)		Height of Structure					
					Front	Side		Rear				
.050	Restaurant or Tavern	Process I, Chapter 145 ft. if PR KZC, other wise	8,500 sq. ft.	20'	5' but 2 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.	1. This use is not permitted in a PR 3.6 zone located in the NE 85 <sup>th</sup> Street Subarea.	
.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. This use is not permitted in a PR 3.6 zone located in the NE 85 <sup>th</sup> Street Subarea. 2. May not be located above the ground floor of a structure. 3. Gross floor area may not exceed 3,000 square feet.	
.070	Funeral Home or Mortuary			20' on each side		20'		C	B		1. This use is not permitted in a PR 3.6 zone located in the NE 85 <sup>th</sup> Street Subarea.	
.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.	

PR



# USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Coverage	MAXIMUMS		Landscape Category (See Ch. 95)	Category (See Ch. 95)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
					Front	Side			Rear				
.090	School or Day-Care Center	<p>Within the NE 85<sup>th</sup> Street Subarea Design Review, Chapter 142, KZC.</p> <p>If this use is adjoining a low density zone, then Process I, Chapter 145 KZC.</p> <p>Otherwise, None</p>	<p>8,500 sq. ft. If PR 8.5 zone, otherwise 7,200 sq. ft.</p>	<p>If this use can accommodate 50 or more students or children, then:</p>	<p>70%</p>	<p>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.</p>	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</li> <li>2. Structured play areas must be setback from all property lines as follows:                             <ol style="list-style-type: none"> <li>a. 20 feet if this use can accommodate 50 or more students or children.</li> <li>b. 10 feet if this use can accommodate 13 to 49 students or children.</li> <li>c. 5 feet for a Mini-School or Mini-Day Care Center.</li> </ol> </li> <li>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.</li> <li>4. May include accessory living facilities for staff persons.</li> <li>5. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</li> <li>6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> <li>7. For a school use only, structure height may be increased, up to 35 feet, if:                             <ol style="list-style-type: none"> <li>a. The school can accommodate 200 or more students; and</li> <li>b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and</li> <li>c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.</li> <li>d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</li> </ol> <p><i>This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.</i></p> </li> <li>8. For a Mini-School or Mini-Day Care Center use electrical signs shall not be</li> </ol>			



PR



# USE ZONE CHART

Section	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Cover	MAXIMUMS		pe Category (See Ch. 105)	Category (See Ch. 105)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure					
					Front	Side			Rear				
.110	Assisted Living Facility	Within the NE 85 <sup>th</sup> Street Subarea Design Review Chapter 142, KZC, otherwise None	8,500 sq. ft. if PR 8.5 zone, 7,200 sq. ft. if PR 7.2 zone, 5,000 sq. ft. if PR 5.0 zone, otherwise 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	Independent Units: 1.7 per unit. Assisted Living Facility: 12 per unit.	<ol style="list-style-type: none"> <li>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</li> <li>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.</li> <li>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:                             <ol style="list-style-type: none"> <li>a. Project is of superior design, and</li> <li>b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.</li> </ol> </li> <li>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.</li> <li>5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> </ol>	

PR



# USE ZONE CHART

Section	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		pe Category (See Ch. 105)	Category (See Ch. 105)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Cover					Height of Structure
					Front	Side	Rear						
.120	Convalescent Center or Nursing Home	Within the NE 85 <sup>th</sup> Street Subarea Design Review, Chapter 142, KZC. Otherwise Process I, Chapter 145 KZC.	8,500 sq. ft. if PR 8.5 zone, otherwise 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		Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.										

**Chapter 48 – LIGHT INDUSTRIAL TECHNOLOGY (LIT) ZONES<sup>1</sup>**

**48.05 User Guide.**

The charts in KZC 48.15 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  
48.10**

**Zone  
LIT**

**Section 48.10 – 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).
4. If the property is located in the NE 85<sup>th</sup> Street Subarea, the applicant shall install a pedestrian pathway connecting to an east-west pathway designated in the Comprehensive Plan between 124<sup>th</sup> Avenue NE to 120<sup>th</sup> Avenue NE.

<sup>1</sup>Code reviser's note: The LIT zone was renumbered from Chapter 55 to Chapter 48 to accommodate the additions of the Totem Lake zones, presently in Chapter 55.



**USE ZONE CHART**  
Section 48.15

LIT



**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Coverage	MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
				Lot Size	REQUIRED YARDS (See Ch. 115)								Height of Structure	
					Front	Side								Rear
.010	Packaging of Prepared Materials Manufacturing See Spec. Regs. 1 and 2.	<p>Within the <u>NE 85<sup>th</sup> Street Subarea</u>.</p> <p><u>Design Review, Chapter 142, KZC.</u></p> <p>Otherwise None</p>	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.	<p>1. The following manufacturing uses are permitted:</p> <ul style="list-style-type: none"> <li>a. Food, drugs, stone, clay, glass, china, ceramics products, electrical equipment, scientific or photographic equipment, fabricated metal products;</li> <li>b. Fabricated metal products, but not fabrication of major structural steel forms, heavy metal processes, boiler making, or similar activities;</li> <li>c. Cold mix process only of soap, detergents, cleaning preparations, perfumes, cosmetics, or other toilet preparations;</li> <li>d. Packaging of prepared materials;</li> <li>e. Textile, leather, wood, paper and plastic products from pre-prepared material; and</li> <li>f. Other compatible uses which may involve manufacturing, processing, assembling, fabrication and handling of products, and research and technological processes.</li> </ul> <p>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.</p>		
.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.			


LIT

USE ZONE CHART

Section 60.22	USE	REGULATIONS	MINIMUMS				Lot Coverage	MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Required Review Process	Lot Size	Front	Side						
.040	Wholesale Trade	Within the NE 85 <sup>th</sup> Street Subarea.	None	20'	0'	0'	90%	If adjoining a low density zone other than RSX, then 25' above average building elevation.	A	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.
.050	Industrial Laundry Facility	Design Review, Chapter 142, KZC.						Otherwise, 35' above average building elevation with a maximum of two stories, exclusive of parking levels.				
.060	Wholesale Printing or Publishing	Otherwise None										
.070	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control			20'	0'	0'	80%		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.

(Revised 12/04)

**USE ZONE CHART**  
Section 48.15

LIT  USE ZONE CHART													
Section 60.22	USE	REGULATIONS	Required Review Process	Lot Size	MINIMUMS REQUIRED YARDS (See Ch. 115)			Lot Coverage	MAXIMUMS Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
					Front	Side	Rear						
.080	A Retail Establishment Providing Banking and Related Financial Services	<p>Within the <u>NE 85<sup>th</sup> Street Subarea</u>.</p> <p><u>Design Review, Chapter 142, KZC</u>.</p> <p>Otherwise None</p>	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.	<p>1. This use is permitted if accessory to a primary use, and:</p> <p>a. It will not exceed 20 percent of the gross floor area of the building;</p> <p>b. The use is integrated into the design of the building; and</p> <p>c. There is no vehicle drive-in or drive-through.</p>	
.090	High Technology								A	D	<p>If manufacturing then 1 per each 1,000 sq. ft. of gross floor area.</p> <p>If office then 1 per 300 sq. ft. of gross floor area.</p> <p>Otherwise, see KZC 105.25.</p>	<p>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.</p> <p>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.</p> <p>3. Refer to KZC 115.105 for provisions regarding Outside Use, Activity and Storage.</p>	

LIT

USE ZONE CHART

Section 60.22	USE	REGULATIONS	MINIMUMS REQUIRED YARDS (See Ch. 115)			Lot Coverage	MAXIMUMS Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Front	Side	Rear						
.100	Office Use	Within the NE 85 <sup>th</sup> Street Subarea, Design Review, Chapter 142, KZC, Otherwise 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 also Spec. Reg. 1a.	E	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.
.110	Auction House See Spec. Reg. 1.		20'	0'	0'	80%		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'	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.

(Revised 12/04)

**USE ZONE CHART**  
Section 48.15

LIT

**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage				
Front	Side	Rear										
.130	Day-Care Center See Special Regulation 1.	Within the NE 85 <sup>th</sup> Street Subarea, Design Review, Chapter 142, KZC. Otherwise None	None	200	00	00	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.	<ol style="list-style-type: none"> <li>This use is permitted if accessory to a primary use, and:               <ol style="list-style-type: none"> <li>It will not exceed 20 percent of the gross floor area of the building.</li> <li>The use is integrated into the design of the building.</li> </ol> </li> <li>A six-foot-high fence is required along the property lines adjacent to the outside play areas.</li> <li>Hours of operation may be limited to reduce impacts on nearby residential uses.</li> <li>Structured play areas must be setback from all property lines as follows:               <ol style="list-style-type: none"> <li>20 feet if this use can accommodate 50 or more students or children.</li> <li>10 feet if this use can accommodate 13 to 49 students or children.</li> </ol> </li> <li>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.</li> <li>May include accessory living facilities for staff persons.</li> <li>The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses.</li> <li>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>

LIT

## USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	Lot Size	MINIMUMS			Lot Coverage	MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
					REQUIRED YARDS (See Ch. 115)				Height of Structure					
					Front	Side	Rear							
.140	Mini-Day-Care See Spec. Reg. 1.	Within the NE 85 <sup>th</sup> Street Subarea.  Design Review, Chapter 142, KZC.  Otherwise 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.	<ol style="list-style-type: none"> <li>This use is permitted if accessory to a primary use, and:               <ol style="list-style-type: none"> <li>It will not exceed 20 percent of the gross floor area of the building;</li> <li>The use is integrated into the design of the building.</li> </ol> </li> <li>A six-foot-high fence is required along the property lines adjacent to the outside play areas.</li> <li>Hours of operation may be limited by the City to reduce impacts in nearby residential uses.</li> <li>Structured play areas must be setback from all property lines by 5 feet.</li> <li>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>The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</li> <li>May include accessory living facilities for staff persons.</li> <li>These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>		
.150	Recycling Center								A	C		<ol style="list-style-type: none"> <li>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.</li> </ol>		
.160	Public Utility								C	B		<ol style="list-style-type: none"> <li>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.</li> </ol>		
.170	Government Facility Community Facility								See Spec. Reg. 1.					

(Revised 12/04)

Kirkland Zoning Code  
150.7

USE ZONE CHART  
Section 48.15

LIT USE ZONE CHART

Section 60.22	USE	REGULATIONS	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Required Review Press	Lot Size	Front	Side	Rear	Lot Coverage				
180	Hazardous Waste Treatment and Storage Facilities	Within the NE 85 <sup>th</sup> Street Subarea, Design Review, Chapter 142, KZC, Otherwise 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.	<ol style="list-style-type: none"> <li>Must comply with the state siting criteria adopted in accordance with RCW 70.105.210.</li> <li>Structure height may be increased above 35 feet in height through a Process I/A, Chapter 150 KZC, if:                             <ol style="list-style-type: none"> <li>It will not block local or territorial views designated in the Comprehensive Plan; and</li> <li>The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and</li> <li>The need for an increase in height is directly related to the hazardous waste treatment and/or storage activity; and</li> <li>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.</li> </ol> </li> </ol>
190	Vehicle or boat sales, repair, services, washing or rental. See Spec. Reg. 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.	<ol style="list-style-type: none"> <li>Vehicle or boat sales or rental uses are only permitted if the property has direct vehicle access from NE 116th Street or 120th Avenue NE.</li> <li>Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in Chapter 95.40.6 and 7, Landscaping Regulations. See KZC 145.105. Outdoor Use, Activity and Storage, for further regulations.</li> <li>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.</li> </ol>

(Revised 12/04)

LIT

USE ZONE CHART

Section 60.22	USE	REGULATIONS	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Required Review Process	Lot Size	Front	Side	Rear	Lot Coverage	Height of Structure				
.200	Fast Food or Restaurant See Spec. Reg. 1.	Within the NE 85 <sup>th</sup> Street Subarea, Design Review Chapter 142, KZC, Otherwise 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 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.	
.210	Public Park	Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.											

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(Revised 12/04)



**USE ZONE CHART**  
Section 48.15

**LIT**

**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Required Review Process	Lot Size	Front	Side	Rear	Lot Coverage				
.220	Commercial Recreation Area and Use	Within the NE 85 <sup>th</sup> Street Subarea, Design Review, Chapter 142, KZC, Otherwise 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.	<ol style="list-style-type: none"> <li>The use is permitted only if the property is located between NE 107th Street (extended) and NE 116th Street; and between 1405 and 116th Avenue NE.</li> <li>The use shall be conducted within a wholly-enclosed building.</li> <li>The building housing the use shall have been in existence on June 1, 2004, and shall not be altered, changed, or otherwise modified to accommodate the use if the cost of such alteration, change, or modification exceeds 30 percent of the replacement cost of that building.</li> <li>The use must be discontinued when there is an alteration, change, or other work in a consecutive 12-month period to the space in which the use is located, and the cost of the alteration, change or other work exceeds 30 percent of the replacement cost of that space.</li> </ol>

## CHAPTER 53 – RH 1A

### 53.05 User Guide.

The charts in KZC 53.10 contain the basic zoning regulations that apply in the RH 1A zone. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

#### Section 53.08

#### Section 53.08 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. The ground floor of all structures on the subject property shall be a minimum of 15' in height. This requirement does not apply to:
  - a. the following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day care centers, assisted living facilities, convalescent center or nursing homes, public utilities, government facilities or community facilities.
  - b. parking garages.
  - c. additions to existing non-conforming development where the Planning Official determines it is not feasible.
3. At least 50% of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85<sup>th</sup> Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also KZC Chapter 92).
4. Within required front yards, canopies and similar entry features may encroach provided that the total horizontal dimension of such elements may not exceed 25 per percent of the length of the structure.
5. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142, KZC for requirements.
6. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85<sup>th</sup> Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a) require access from side streets; and/or
  - b) encourage properties to share driveways, circulation and parking areas; and/or
  - c) restrict access to right turn in and out, or
  - d) prohibit access altogether along NE 85<sup>th</sup> Street.
7. Access for drive through facilities must be approved by the Public Works Official. See Chapter 105.96 KZC for requirements.
8. For lighting requirements associated with development see KZC Chapter 115. 85.2

# RH 1A



# USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Coverage	MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 100)	Special Regulations (See also General Regulations)	
				REQUIRED YARDS (See Ch. 115)				Height of Structure					
				Lot Size	Front	Side							Rear
.010	Vehicle Service Station		Design Review, Chapter 142, KZC	22,500 sq. ft.	20'	15' on each side	15'	80%	67' above average building elevation	A	E	See KZC 105.25.	1. Gas pump islands must be setback at least 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. 2. See KZC 95.40.6 and 7, Required Landscaping for further regulations.
.020	Automotive Service Center See Spec. Reg. 1.			None	10'	0'	0'					1 per each 250 sq. ft. of gross floor area. See Special Regulation 1.	1. 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. 2. Parts and tires must be stored entirely within an enclosed structure. 3. See KZC 95.40.6 and 7, Required Landscaping for further regulations.
.030	Restaurant, Fast Food Restaurant or Tavern									B		1 per each 100 sq. ft. of gross floor area.	1. Must provide one outdoor waste receptacle for every 8 parking stalls.

# RH 1A



## USE ZONE CHART

Section No.	USE	REGULATIONS	MINIMUMS				MAXIMUMS	Special Regulations (See also General Regulations)		
			Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure	
					Front	Side				Rear
040	Any retail establishment, other than those specifically listed, limited or prohibited in this zone, selling goods, or providing services including banking and related financial services	Design Review, Chapter 142, KZC	None	10'	0'	0'	80% average building elevation.	B E	1 per each 300 sq ft. of gross floor area.	<p>1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ul> <p>2. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:</p> <ul style="list-style-type: none"> <li>a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and</li> <li>b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</li> </ul> <p>3. For a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreation vehicles, heavy equipment, and similar vehicles, the following shall apply:</p> <ul style="list-style-type: none"> <li>a. For the number of required parking stalls see KZC 105.25.</li> <li>b. Parts must be stored entirely within an enclosed structure.</li> <li>c. See KZC 95.40.6 and 7, Required Landscaping for further regulations.</li> </ul>

# RH 1A

# USE ZONE CHART

Section	USE REGULATIONS	Required Review Process	Lot Size	MINIMUMS			Lot Cover	MAXIMUMS	Landscape Category (See Ch. 105)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)	Front	Side						
.050	Office Use	Design Review, Chapter 142, KZC	None	10'	0'	0'	80%	67' 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. 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.
.060	Hotel or Motel								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.
.070	A retail establishment providing entertainment, recreational or cultural activities										See KZC Section 105.25.	

# RH 1A



# USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 100)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Cover	Height of Structure				
					Front	Side	Rear						
.080	Attached or Stacked Dwelling Unit	Design Review, Chapter 142, KZC	None	10'	0'	0'	80%	35'-67' above average building elevation. See Special Regulation 2	D	A	1.7 per unit.	<p>1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>2. Building height may be increased above 35' to a maximum of 67' above average building elevation if the following is provided. At least 10% of the units in new residential developments of 10 units or greater shall be affordable housing units as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. 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 affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</p>	

# RH 1A

# USE ZONE CHART

Section	USE REGULATIONS	Required Review Process	Lot Size	MINIMUMS REQUIRED YARDS (See Ch. 115)			Lot Cover	MAXIMUMS Height of Structure	Landscape Category (See Ch. 105)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Front	Side	Rear						
.090	Private Lodge or Club	Design Review, Chapter 142, KZC	None	10'	0'	0'	80%	67' above average building elevation	C	B	1 per each 300 sq. ft. of gross floor area.	
.100	Church										1 for every four people based on maximum occupancy load of any area of worship. See also Special Regulation 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.

# RH 1A



# USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	Lot Size	MINIMUMS REQUIRED YARDS (See Ch. 115)			Lot Cover	MAXIMUMS Height of Structure	Landscaping Category (See Ch. 103)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
					Front	Side	Rear						
					.110	School, Day-Care Center, Mini-School or Mini-Day-Care Center	Design Review, Chapter 142, KZC						



# RH 1A



# USE ZONE CHART

Section 60.222	USE	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Covera	Height of Structure				
					Front	Side	Re ar						
.120	Assisted Living Facility, Convalescent Center or Nursing Home	Design Review, Chapter 142, KZC	None	10'	0'	0'	80%	67' above average building eleva tion.	C	B	Assisted living unit: 1.7 per unit  Convalescent Center or Nursing Home: 1 per each bed.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.  1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.	
.130	Public Utility							A		See KZC 105.25.			
.140	Government Facility Community Facility							C See Spec. Reg. 1					
.150	Public Park	Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.											

**CHAPTER 53- RH 1B**

The charts in KZC 53.192 contain the basic zoning regulations that apply in RH 1B. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 53.10**

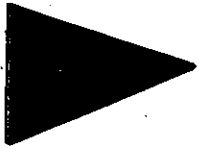


**GENERAL REGULATIONS**

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. All vehicular access must be from NE 90th Street or 120<sup>th</sup> Avenue NE south of NE 90<sup>th</sup> Street.
  3. Development with frontage on 120th Avenue NE north of NE 90<sup>th</sup> Street shall provide for the continuation of a pedestrian path that generally follows the alignment of 120th Avenue NE and connects to NE 90th Street.
  4. For lighting requirements associated with development see KZC Chapter 115. 85.2.
  5. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official.
    - Establishments expected to operate past 9 p.m.
    - Veterinary offices.
    - Any establishment where animals are kept on site.
    - An establishment providing a large truck loading dock for deliveries.
- The study shall verify that the noise that will emanate from the site adjoining to any residential zoned property complies with the standards specified in KZC Section 115.95.1 and 2. and WAC 173-60-040 (1) for a Class B source property and a Class A receiving property.
6. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142, KZC for requirements.

# RH 1B



# USE ZONE CHART

Section 53.22	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Cover	MAXIMUMS		Land- use Category (See Ch. 105)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)				Height of Structure					
				Front	Side	Rear							
.010	Accessory parking for retail uses located in the RH 1A zone	Design Review, Chapter 142, KZC	None	10' Otherwise 20' adjoining a residential zone'	10' on each side	10'	80%	35' above average building elevation	B	D	N/A	1. No retail floor area shall be permitted for this use.	
.020	Business Park See Special Regulation 1.				0'	0'			A	C	See KZC 105.25.	1. The following business park uses are permitted: 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, leather products, paper products or plastic products from pre-prepared materials. 2. Outdoor storage is prohibited. 3. The discharge of any substance which creates any impact detrimental to the environment or adjacent residents is not permitted.	
.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									E	1 per each 300 sq. ft. of gross floor area	1. <u>This use is only permitted south of NE 90<sup>th</sup> Street if the vehicle trip generation will not exceed the traffic generated by a general office use, provided that the following retail uses are not permitted:</u> <u>a. restaurants, fast food restaurants or taverns</u> <u>b. a retail establishment involving repair or service of automobiles, trucks, boats, motorcycles, recreation vehicles, heavy equipment, and similar vehicles</u> <u>c. vehicle service stations</u> <u>d. automotive service centers</u> <u>e. uses with drive through facilities</u> 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.	

# RH 1B



# USE ZONE CHART

Section 53	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Cover	MAXIMUMS		Special Regulations (See also General Regulations)		
				REQUIRED YARDS (See Ch. 115)				Height of Structure	Category (See Ch. 100)			
				Front	Side	Rear						
.040	Office Use	Design Review Chapter 142, KZC	None	10' Otherwis e 20' adjoining a residential zone	0'	0'	80%	35' 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.
.050	School, Day-Care Center, Mini-School or Mini-Day Care								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. 5 feet for Mini-School and Mini-Day-Care Centers. 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. Hours of operation of the use may be limited and parking and passenger loading areas shall be located to reduce impacts on nearby residential uses. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).



## CHAPTER 53 – RH 2A, RH 2B, RH 2C

53.05 User Guide. The charts in KZC 53.10 contain the basic zoning regulations that apply in the **RH 2A, RH 2B, RH 2C zones** of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 53.08

#### Section 53.08 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. Uses in RH 2A and RH 2B, vehicular access shall be from NE 85<sup>th</sup> Street or 120<sup>th</sup> Avenue NE. The subject property shall be configured to structurally prevent vehicular access other than for emergency vehicles, from 118<sup>th</sup> Avenue NE. Only office and residential uses in RH 2C may access from 118<sup>th</sup> Avenue NE if vehicle trips do not exceed the trips that would be generated from residential development at 12 units per acre based on the total site area in RH 2C. Any excess of this amount must access from NE 85<sup>th</sup> Street or 120<sup>th</sup> Avenue NE.
3. At least 50% of the total gross floor area located on the ground floor of all structures in RH 2A shall contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85<sup>th</sup> Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also KZC Chapter 92).
4. The ground floor of all structures in RH 2A shall be a minimum of 15' in height. This requirement does not apply to:
  - a. the following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day care centers, assisted living facilities; convalescent center or nursing homes, public utilities, government facilities or community facilities.
  - b. parking garages.
  - c. additions to existing non-conforming development where the Planning Official determines it is not feasible.
5. The maximum height of any portion of a building located within 100' of a low density zone is 25' above the existing grade at the adjacent curb line of 120<sup>th</sup> Avenue NE. The 25' building height shall be measured at the midpoint of the portion of the building wall adjoining the low density zone.
6. Loading and service areas shall be placed away from NE 85<sup>th</sup> Street, pedestrian areas and adjacent residential uses.
7. Internally lit signs are not permitted along 120<sup>th</sup> Avenue across the street from a residential zone or oriented toward 118<sup>th</sup> Avenue.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142, KZC for requirements.
9. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85<sup>th</sup> Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a) require access from side streets; and/or
  - b) encourage properties to share driveways, circulation and parking areas; and/or
  - c) restrict access to right turn in and out, or
  - d) prohibit access altogether along NE 85<sup>th</sup> Street.

10. Access for drive through facilities must be approved by the Public Works Official. See Chapter 105.96 KZC for requirements. Drive through facilities are not permitted in an RH 2B, or RH 2C zones.

11. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official.

- Establishments expected to operate past 9 p.m.
- Vehicle service station.
- Automotive service center.
- Retail establishment providing entertainment, recreational or cultural activities.
- Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreation vehicles, heavy equipment, or similar vehicles.
- Car washes.
- Veterinary offices.
- Any establishment where animals are kept on site.
- Drive-through facilities with loudspeaker systems.
- Establishments involving a large truck loading dock for deliveries.

The study shall verify that the noise that will emanate from the site adjoining to any residential zoned property complies with the standards specified in KZC Section 115.95.1 and 2. and WAC 173-60-040 (1) for a Class B source property and a Class A receiving property.

12. For lighting requirements associated with development see KZC Chapter 115. 85.2.

**RH 2A,  
2B, 2C**

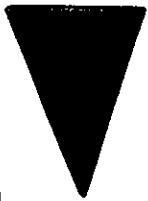


**USE ZONE CHART**

Section 53.22	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 105)	Sign Category (See Ch. 105)	Tree Req'd (See Ch. 105)	Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Lot Size	Front	Side							
.010	Vehicle Service Station See Spec. Regs. 1 and 2	Design Review Chapter 142, KZC	22,500 sq. ft.	20' See spec. reg. 2	0' See spec. reg. 2	0' See spec. reg. 2	80%	35' above average building elevation.	A	E	See KZC 105.25.	1. This use is permitted only in RH 2A. 2. Gas pump islands must be setback a minimum of 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. 3. See KZC 95.40.6 and 7 Required Landscaping for further regulations.	
.020	Automotive Service Center See Spec. Reg. 1.		None	10' Otherwis e 20' adjoining a residential zone	0'	0'	In RH 2A and RH 2B 80%  In RH 2C 70%	In RH 2B: 55' above average building elevation  In RH 2A: 67' above average building elevation			1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 3.	1. This use is permitted only in RH 2A. 2. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. 3. Parts and tires must be stored entirely within an enclosed structure. 4. See KZC 95.40.6 and 7 Required Landscaping for further regulations.	
.030	Restaurant, Tavern or Fast Food Restaurant										1 per each 100 sq. ft. of gross floor area.	1. This use is permitted in RH 2B only if developed in conjunction with the RH 2A zone. This use is not permitted in RH 2C. 2. Fast food restaurants must provide one outdoor waste receptacle for every 8 parking stalls.	
.040	A retail establishment providing entertainment, recreational or cultural activities										See KZC Section 105.25.	1. This use is permitted in RH 2B only if developed in conjunction with the RH 2A zone 2. This use is not permitted in RH 2C.	



**RH 2A,  
2B, 2C**



**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Parking Spaces (See Ch. 100)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Coverage %					
			Lot Size	Front	Side	Rear						
.050	Any retail establishment other than those specifically listed, limited or prohibited in this zone, selling goods, or providing services related financial services	Design Review, Chapter 142, KZC	None	20'	0'	0'	In RH 2A and RH 2B: 80% average elevation	In RH 2C: 35' above average building elevation	A	E	1 per each 300 sq ft. of gross floor area.	<p>1. This use is permitted in RH 2B only if developed in conjunction with the RH 2A zone. No retail uses are permitted in RH 2C unless the use is a retail establishment providing the sale, lease, service or repair of automobiles, trucks, boats, motorcycles, recreation vehicles, heavy equipment and similar vehicles also located in the RH 2A and RH 2B zones.</p> <p>2. For a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreation vehicles, heavy equipment, and similar vehicles, the following shall apply:</p> <p>a. For the number of required parking stalls see KZC 105.25.</p> <p>b. Parts must be stored entirely within an enclosed structure.</p> <p>c. See KZC 95.40.6 and 7. Required Landscaping for further regulations.</p> <p>d. The landscape buffer requirements of KZC Chapter 95 shall apply adjacent to 118<sup>th</sup> Avenue NE.</p> <p>3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <p>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.</p> <p>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</p> <p>4. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:</p> <p>a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and</p> <p>b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</p>

**RH 2A,  
2B, 2C**



**USE ZONE CHART**

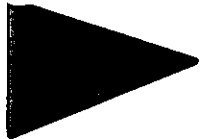
Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS			Landscape Category (See Ch. 104)	Sign Category (See Ch. 104)	Parking Spaces (See Ch. 104)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
					Front	Side	Rear						
.060	Office Use	Design Review, Chapter 142, KZC	None	10' Otherwise 20' adjoining a residential zone.	0'	0'	In RH 2A and RH 2B: 80% In RH 2C: 70%	In RH 2C: 35' above average building elevation In RH 2B: 55' above average building elevation In RH 2A: 67' above average building elevation	A	D	If a Medical, Dental or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.	
.070	College or University										See KZC Section 105.25		

**RH 2A,  
2B, 2C**

**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS (REQUIRED YARDS (See Ch. 115))			Lot Coverage	MAXIMUMS Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	Front	Side						
.080	Attached or Stacked Dwelling Unit	Design Review, Chapter 142, KZC	In RH 2C the minimum amount of lot area per dwelling unit is 3,600 sq. ft. Otherwise none	10'	0'	0'	In RH 2A and RH 2B 80% In RH 2C: 35' above average building elevation In RH 2B: 35-55' above average building elevation In RH 2A: 35'-67' above average building elevation	D	A	1.7 per unit.	1. This use may not be located on the ground floor of a structure in RH 2A. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use. 3. Building height may be increased above 35' to a maximum of 67' in RH 2A, and to a maximum of 55' above average building elevation in RH 2B if: a. At least 10% of the units in new residential developments of 10 units or greater is affordable housing units as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. 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 affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).	
.090	Assisted Living Facility, Convalescent Center or Nursing Home							C	A	Independent unit: 1.7 per unit. Convalescent unit. Assisted Living Facility: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. 2. In RH 2C 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.	

**RH 2A,  
2B, 2C**



**USE ZONE CHART**

Section 53.22	USE	REGULATIONS	Required Review Process	Lot Size	MINIMUMS			Lot Coverage	MAXIMUMS	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
					REQUIRED YARDS (See Ch. 115)									
					Front	Side	Rear							
.100	Hotel or Motel	Design Review, Chapter 142, KZC	None	10' Otherwise 20' adjoining a residential zone	0'	0'	In RH 2A and RH 2B 80%	In RH 2B: 55' above average building elevation  In RH 2C: 67' above average building elevation	A	E	1 per each room. See also Spec. Reg. 2.	1. This use is permitted in RH 2A and RH 2B only. 2. May include ancillary meeting and convention facilities. 3. 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.		
.110	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	1. This use is permitted in RH 2B only if developed in conjunction with RH 2A. This use is not permitted in RH 2C.		
.120	Church							In RH 2C: 35' above average building elevation  In RH 2B: 55' above average building elevation  In RH 2A: 67' above average building elevation	A	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.		

**RH 2A,  
2B, 2C**



**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Covera	Height of Structure				
					Front	Side	Rear						
.130	School, Day-Care Center, Mini-School or Mini-Day-Care Center	Design Review Chapter 142, KZC	None	10' Otherwise 20' adjoining a residential zone	0'	0'	In RH 2A and RH 2B 80%  In RH 2C 70%	In RH 2C: 35' above average building elevation  In RH 2B: 55' above average building elevation  In RH 2A: 67' above average building elevation	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</li> <li>2. Structured play areas must be setback from all property lines as follows:                             <ol style="list-style-type: none"> <li>a. 20 feet if this use can accommodate 50 or more students or children.</li> <li>b. 10 feet if this use can accommodate 13 to 49 students or children.</li> <li>c. 5 feet for a Mini-School or Mini-Day-Care Center.</li> </ol> </li> <li>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.</li> <li>4. May include accessory living facilities for staff persons.</li> <li>5. Hours of operation of the use may be limited and parking and passenger loading areas shall be located to reduce impacts on nearby residential uses.</li> <li>6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>	

**RH 2A,  
2B, 2C**

**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear							
.140	Public Utility	Design Review, Chapter 142, KZC	None	10' Otherwise 20' adjoining a residential zone	0'	0'	In RH 2A and RH 2B: 80% In RH 2C: 55' above average building elevation In RH 2A: 67' above average building elevation	In RH 2C: 35' 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.	
.150	Government Facility Community Facility								C				
.160	Public Park		Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.										

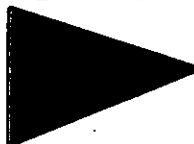
## CHAPTER 53 – RH 3

53.05 User Guide. The charts in KZC 53.10 contain the basic zoning regulations that apply in each of the RH 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.

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Within required front yards canopies and similar entry features may encroach provided that, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
3. Individual retail uses in this zone are limited to a maximum gross floor area of 65,000 SF.
4. At least 50% of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85<sup>th</sup> Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also KZC Chapter 92).
5. The ground floor of all structures on the subject property shall be a minimum of 15' in height. This requirement does not apply to:
  - a. the following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day care centers, assisted living facilities, convalescent center or nursing homes, public utilities, government facilities or community facilities.
  - b. parking garages.
  - c. additions to existing non-conforming development where the Planning Official determines it is not feasible.
6. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85<sup>th</sup> Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a) require access from side streets; and/or
  - b) encourage properties to share driveways, circulation and parking areas; and/or
  - c) restrict access to right turn in and out, or
  - d) prohibit access altogether along NE 85<sup>th</sup> Street.
7. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142, KZC for requirements.
8. Access for drive through facilities must be approved by the Public Works Official. See Chapter 105.96 KZC for requirements.
9. A pedestrian pathway shall be installed:
  - a. along the north portion of the zone to make an east to west pedestrian connection between 124<sup>th</sup> Avenue NE to 120<sup>th</sup> Avenue NE as designated in the Comprehensive Plan, and
  - b. connecting the north end of the zone to NE 85<sup>th</sup> Street.
10. For lighting requirements associated with development see KZC Chapter 115. 85.2

**RH 3**



**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Coverage	MAXIMUMS		Landscape Category (See Ch. 105)	Category (See Ch. 105)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)				Height of Structure					
				Front	Side	Rear							
.010	Development containing:  Retail establishments selling goods, or providing services including banking and other financial services, Restaurants, Taverns, Fast Food Restaurants	Design Review, Chapter 142 KZC.  See Special Regulation 1 and 2	More than 6 acres See Spec. Reg 7	As established with design review process			80%	45'-67' above average building elevation along the north end of the zone with a maximum of 45' measured above NE 85 <sup>th</sup> Street  See Special Regulation 5 and 6	See Spec Reg. 3	See Spec. Reg. 4	As established in the CMP	<ol style="list-style-type: none"> <li>May also include one or more of the other uses allowed in this zone. Development regulations of this section apply to all uses developed within a Conceptual Master Plan (CMP).</li> <li>Development must be part of a Conceptual Master Plan (CMP) for the entire subject property. The proposed CMP shall be reviewed using the Design Review Process provisions of KZC Section 142.35. Subsequent development proposals shall follow DR or ADR as determined by the Design Review Board set forth in the Notice of Approval for the Conceptual Master Plan. The Conceptual Master Plan shall incorporate the design guidelines contained in the Design Guidelines for the Rose Hill Business District pertaining to the RH 3 zone.</li> <li>Location of drive-through facilities that will not compromise the pedestrian orientation of the development. See KZC Section 105.96 for other requirements.</li> <li>Signs for a development approved under this provision must be proposed with a Master Sign Plan application pursuant to KZC 100.80 for all signs within the project.</li> <li>Building height shall be 45' measured above the midpoint of the frontage of the subject property along NE 85<sup>th</sup> Street, or if the subject property does not front on NE 85<sup>th</sup> Street, at the midpoint of the property frontage along any other public right of way. If the property abuts more than one public right of way, the applicant may select the right of way from which to measure.</li> <li>Building height may be increased above 45' average building elevation to a maximum 67' above average building elevation if affordable housing is a component of the development. At least 10% of the units in new residential developments of 10 units or greater shall be affordable housing units as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate</li> </ol>	



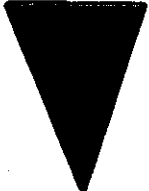
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conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).

- 7. Parcels smaller than 6 acres may be added to a previously approved Conceptual Master Plan (CMP) if the applicable criteria set forth in the Notice of Approval from the approved CMP are met.



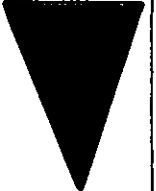
# RH 3



## USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	Lot Size	MINIMUMS				Lot Coverage	MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 95)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
					REQUIRED YARDS (See Ch. 115)			Height of Structure		Height of Structure					
					Front	Side	Rear								
.020	Vehicle Service Station	Design Review Chapter 142, KZC	Less than 6 acres	20'	0'	0'	0'	80%	35' above average building elevation	A	E	See KZC 105.25.	1. Gas pump islands must be setback at least 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. 2. See KZC 95.40.6 and 7, Required Landscaping for additional regulations.		
.030	Automotive Service Center See Spec. Reg. 1.			10'	0'	0'						1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 3.	1. 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. 2. Parts and tires must be stored entirely within an enclosed structure. 3. See KZC 95.40.5 and 7, Required Landscaping for additional regulations.		
.040	Restaurant, Tavern or Fast Food Restaurant											1 per each 100 sq. ft. of gross floor area.	1. Fast food restaurants shall provide one outdoor waste receptacle for every 8 parking stalls.		

**RH 3**



**USE ZONE CHART**

Section	USE	REGULATIONS	Required Review Process	MINIMUMS				Lot Cover	MAXIMUMS	Sign Category (See Ch. 105)	Sign Category (See Ch. 105)	Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	Front (See Ch. 115)	Side	Rear						
.060	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		Design Review, Chapter 142, KZC	Less than 6 acres	10'	0'	0'	80%	35' 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. 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 user; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 3. For a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreation vehicles, heavy equipment, and similar vehicles, the following shall apply: a. For the number of required parking stalls see KZC 105.25. b. Parts must be stored entirely within an enclosed structure. c. See KZC 95.40.6 and 7, Required Landscaping for further regulations.
.060	Hotel or Motel											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.

**RH 3**



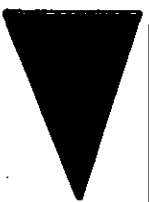
**USE ZONE CHART**

Section	USE	REGULATIONS	Required Review Process	MINIMUMS				Lot Coverage	MAXIMUMS	Landscape category	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)									Height of Structure
					Front	Side	Rear							
.070	A retail establishments providing entertainment, recreational or cultural activities		Design Review, Chapter 142, KZC	Less than 6 acres	0'	0'	0'	80%	35' above average building elevation	B	E	See KZC Section 105.25	Special Regulations (See also General Regulations)	
.080	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.  
 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.

**RH 3**

**USE ZONE CHART**



Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 55)	Parking Spaces (See Ch. 10)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
	Front	Side	Rear										
.090	Private Lodge or Club		Design Review, Chapter 142, KZC	Less than 1/10 <sup>th</sup> of 6 acres	10'	0'	0'	80%	35' above average building elevation	C	B	1 per each 300 sq. ft. of gross floor area.	
.100	Church											1 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.

**RH 3**

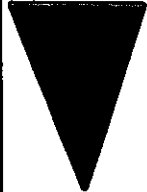


**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure				
					Front	Side	Rear					
.110	School, Day-Care Center, Mini-School or Mini-Day Care Center	Design Review, Chapter 142, KZC	Less than 6 acres	10'	0'	0'	80%	35' above average building elevation	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</li> <li>2. Structured play areas must be setback from all property lines as follows:                             <ol style="list-style-type: none"> <li>a. 20 feet if this use can accommodate 50 or more students or children.</li> <li>b. 10 feet if this use can accommodate 13 to 49 students or children.</li> <li>c. 5 feet for a Mini-School or Mini-Day Care Center.</li> </ol> </li> <li>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.</li> <li>4. May include accessory living facilities for staff persons.</li> <li>5. Hours of operation of the use may be limited and parking and passenger loading areas shall be located to reduce impacts on nearby residential uses.</li> <li>6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> </ol>

**RH 3**

**USE ZONE CHART**



Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 55)	Sign Category (See Ch. 55)	Parking Spaces (See Ch. 55)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure					
				Front	Side	Rear								
.120	Stacked Dwelling Units	Design Review Chapter 142, KZC	Less than 6 acres	10'	0'	0'	80%	35' above average building elevation	D	B	1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.		
.130	Assisted Living Facility, Convalescent Center or Nursing Home								A	A	Independent unit: 1.7 unit. Assisted Living Facility: 1 Nursing Home: Convalescent Center or Nursing Home: 1 per each bed			

**RH 3**

**USE ZONE CHART**

Section 60.22	USE REGULATIONS	Required Review Process	MINIMUMS				Lot Coverage	MAXIMUMS	Landscape Category (See Ch. 105.25)	Category (See Ch. 105.25)	Parking Spaces (See Ch. 105.25)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)								
			Front	Side	Rear							
.140	Public Utility	Design Review Chapter 142, KZC	Less than 6 acres	10'	0'	0'	80%	35' 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.
.150	Government Facility Community Facility								C See Spec. Reg. 1			
.160	Public Park											Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.



**CHAPTER 53 – RH 4**

**53.05** User Guide.


The charts in KZC 53.10 contain the basic zoning regulations that apply in RH 4 zone of the City. Use these charts by reading down the left hand column entitled Use.

Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 53.08**

**Section 53.08 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. For lighting requirements associated with development see KZC Chapter 115.85.2
  3. The Public Works Department shall approve the number, location and characteristics of driveways on 124<sup>th</sup> Avenue NE in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. In addition, due to the characteristics of the NE 85<sup>th</sup> Street corridor, the Public Works Official may encourage properties to share driveways, circulation and parking areas and restrict access to right turn in and out.
  4. The applicant shall install a pedestrian pathway to connect to an east-west pathway designated in the Comprehensive Plan between 124<sup>th</sup> Avenue NE to 120<sup>th</sup> Avenue NE.
  5. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142, KZC for requirements.

**RH 4**



**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Cover	MAXIMUMS		Land Use Category (See Ch. 100)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)				Height of Structure					
				Lot Size	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%	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	Design Review Chapter 142, KZC	3,600 sq. ft. See Special Regulation 1.						D		1.7 per unit	1. Minimum amount of lot area per dwelling unit is 3,600 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.	
.030	Assisted Living Facility										Independent unit: 1.7 per unit. Assisted Living unit: 1 per unit.	1. 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. 2. 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. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.	
.040	Convalescent Center or Nursing Home		7,200 sq. ft.		10' on each side				C	B	1 for each bed.		

**RH 4**

**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	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						
.050	Office Uses		Design Review, Chapter 142, KZC	None	20'	5' but 2 side yards must equal at least 15.	10'	70%	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. 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.
.060	Development Containing Stacked or Attached Dwelling Units and Office Uses. See Special Regulation 1.			3,600 sq. ft. See Special Regulation 2.								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 3,600 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 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 pieces each having at least 800 square feet and having a length and width of at least 25 feet. 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.

**RH 4**

**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS					Lot Coverage	MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure						
					Front	Side	Rear							
.070	Accessory parking for commercial use located in the RH 5 A		None	None	20'	0'	0'	70%	See Special Regulation 1.	A See Special Regulation A.	See Special Regulation on 6.	Section 105.25	<ol style="list-style-type: none"> <li>1. No retail floor area shall be permitted in this zone.</li> <li>2. No new vehicular access on 124<sup>th</sup> Avenue is permitted. Vehicular access shall be combined with property in RH 5 A. Existing driveway may be widened or relocated if consistent with City adopted engineering standards.</li> <li>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.</li> <li>4. Landscape islands shall be provided in the parking lot and lighting designed and oriented to shield surrounding properties from light and glare.</li> <li>5. Changes to the existing site topography shall be minimized.</li> <li>6. Only internal private traffic directional signs shall be permitted on the property subject to Section 100.115, KZC.</li> </ol>	

RH 4

USE ZONE CHART



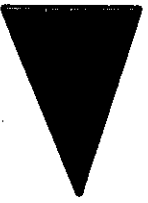
Section 60.22		Required Review Process	MINIMUMS REQUIRED YARDS (See Ch. 115)				Lot Coverage	MAXIMUMS Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
USE	REGULATIONS		Lot Size	Front	Side	Rear						
.080	Funeral Home or Mortuary	Design Review, Chapter 142, KZC	7,200 sq. ft.	20'	20' on each side	20'	70%	30' above average building elevation.	C	B	1 per each 300 sq. ft. floor area.	1. No parking is required for day-care or school ancillary to this use.
.090	Church										1 for every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	

RH 4

USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				Lot Coverage	MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)								
				Front	Side	Rear							
.100	School or Day-Care Center	Design Review, Chapter 142, KZC	7,200 sq. ft.	50'	50'	50'	70%	30' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</li> <li>2. Structured play areas must be setback from all property lines as follows:                             <ol style="list-style-type: none"> <li>a. 20 feet if this use can accommodate 50 or more students or children.</li> <li>b. 10 feet if this use can accommodate 13 to 49 students or children.</li> </ol> </li> <li>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.</li> <li>5. May include accessory living facilities for staff persons.</li> <li>6. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</li> <li>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 368).</li> <li>8. Electrical signs shall not be permitted for mini-school or mini-daycare uses. Size of signs may be limited to be compatible with nearby residential uses.</li> </ol>	
.110	Mini-School or Mini-Day-Care		3,600 sq. ft.	20'	5 but 2 side yards must equal at least 15'	10'			E				

**RH 4**



**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS REQUIRED YARDS (See Ch. 115)				Lot Coverage	MAXIMUMS Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	Front	Side	Rear						
.120	Public Utility		Design Review, Chapter 142, KZC	None	20'	20' on each side	20'	70%	30' above average building elevation	A	B	See KZC 105.25.	
.130	Government Facility Community Facility					10' on each side	10'			C See Spec. Reg. 2.		See KZC Section 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.
.140	Public Park		Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process										

## CHAPTER 53 RH 5A and RH 5B

### 53.05 User Guide.

The charts in KZC 53.10 contain the basic zoning regulations that apply in each of the RH zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

#### Section 53.08

#### Section 53.08 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, and Mini-School or Mini-Day Care Center uses).
3. To the extent possible, viable significant trees and vegetation shall be retained within required landscape buffers separating non-residential uses from residential uses. The applicant shall record a greenbelt easement over the required landscape buffer.
4. Individual retail uses in this zone are limited to a maximum of 65,000 SF of gross floor area.
5. The ground floor of all structures on the subject property shall be a minimum of 15' in height. This requirement does not apply to:
  - a. the following uses: vehicle service stations, automotive service centers, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day care centers, assisted living facilities, convalescent center or nursing homes, public utilities, government facilities or community facilities.
  - b. parking garages.
  - c. additions to existing non-conforming development where the Planning Official determines it is not feasible.
6. At least 50% of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels (unless use is not permitted in RH 5B). These uses shall be oriented to NE 85<sup>th</sup> Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also KZC Chapter 92).
7. Within required front yards canopies and similar entry features may encroach, provided that the total horizontal dimension of such elements may not exceed 25 per percent of the length of the structure.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142, KZC for requirements.



9. For lighting requirements associated with development, see KZC Chapter 115.85. 2
10. Prior to any of the following uses (unless use is not permitted in RH 5B) occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official.
- Establishments expected to operate past 9 p.m.
  - Vehicle service station.
  - Automotive service center.
  - Retail establishment providing entertainment, recreational or cultural activities.
  - Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreation vehicles, heavy equipment, or similar vehicles.
  - Car washes.
  - Veterinary offices.
  - Any establishment where animals are kept on site.
  - Drive-through facilities with loudspeaker systems.
  - Establishments involving a large truck loading dock for deliveries.
- The study shall verify that the noise that will emanate from the site adjoining to any residential zoned property complies with the standards specified in KZC Section 115.95.1 and 2. and WAC 173-60-040 (1) for a Class B source property and a Class A receiving property.
11. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85<sup>th</sup> Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
- a) require access from side streets; and/or
  - b) encourage properties to share driveways, circulation and parking areas; and/or
  - c) restrict access to right turn in and out, or
  - d) prohibit access altogether along NE 85<sup>th</sup> Street.
12. Access for drive through facilities must be approved by the Public Works Official. See Chapter 105.96 KZC for requirements. Drive through facilities are not permitted in the RH 5B zone.
13. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC Chapter 162.35 describes when nonconforming signs must be brought into conformance or removed.

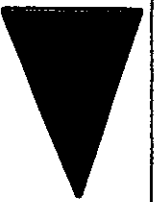
**RH 5A  
RH 5B**



**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				Lot Coverage	MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)									Height of Structure
					Front	Side	Rear							
.010	Vehicle Service Station See Spec. Regs. 1 and 2	Design Review Chapter 142, KZC	22,500 sq. ft.	20' See spec. reg. 4	15' spec. reg. 4	15' spec. reg. 4	80%	If adjoining: An RS or RSX zone then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> <li>This use is permitted only if the subject property abuts NE 85<sup>th</sup> Street.</li> <li>This use is not permitted in the RH 5B zone.</li> <li>May not be more than two vehicle service stations at any intersection.</li> <li>Gas pump islands must be setback a minimum of 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line.</li> <li>See KZC 95.40.6 and 7, Required Landscaping for further regulations.</li> </ol>		
.020	Automotive Service Center See Spec. Reg. 1.	Design Review Chapter 142, KZC	None	10' Otherwise 20' adjoining a residential zone	0'	15'					<ol style="list-style-type: none"> <li>1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 3.</li> <li>This use is not permitted in the RH 5B zone.</li> <li>This use may only be permitted in RH 5B if the use existed on <u>          </u> date (adoption date of Ordinance # <u>          </u>) and discontinued within <u>          </u> days.</li> <li>There is an increase in gross floor area of more than 25 percent to any structure on the subject property, or</li> <li>There is an alteration or change in a consecutive 12-month period to an alteration, change or other work exceeds 50 percent of the replacement cost of that improvement or structure, or</li> <li>The use has ceased for a consecutive 12-month period.</li> </ol> <ol style="list-style-type: none"> <li>This use specifically excludes a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreation vehicles, heavy equipment, and similar vehicles.</li> <li>No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of a building adjoining any residential zone. Windows are permitted if they are triple-paned and unable to be opened.</li> <li>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.</li> <li>Parts and tires must be stored entirely within an enclosed structure.</li> <li>See KZC 95.40.6 and 7, Required Landscaping for further regulations.</li> </ol>			

**RH 5A  
RH 5B**



**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				Lot Coverage	MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)				Height of Structure					
					Front	Side	Rear							
.030	A retail establishment providing entertainment, recreational or cultural activities	Design Review Chapter 142, KZC	None	10'	0'	15'	80%	If adjoining an RS or RSX zone then 30' above average building elevation	A	E	See KZC Section 105.25			
.040	Restaurant, Tavern or Fast Food Restaurant See Spec. Reg 1							Otherwise, 35' above average building elevation.					1 per each 100 sq. ft. of gross floor area. 1. Taverns and fast food restaurants are not permitted uses in a RH 5B zone. 2. Fast food restaurants must provide one outdoor waste receptacle for every 8 parking stalls.	

**RH 5A  
RH 5B**



# USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Coverage	MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			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	Design Review Chapter 142, KZC	None	10' Otherwise 20' adjoining a residential zone	0'	15'	80%	If adjoining an RS or RSX zone then 30' above average building elevation  Otherwise, 35' above average building elevation.	A	E	1 per each 300 sq ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> <li>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.</li> <li>The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ol> 2. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <ol style="list-style-type: none"> <li>The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and</li> <li>It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</li> </ol> 3. For a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreation vehicles, heavy equipment, and similar vehicles, the following shall apply: <ol style="list-style-type: none"> <li>This use is not permitted in the RH 5B zone.</li> <li>For the number of required parking stalls see KZC Section 105.25.</li> <li>Parts must be stored entirely within an enclosed structure.</li> <li>See KZC 95.40.6 and 7, <u>Required Landscaping for further regulations.</u></li> </ol>	

**RH 5A  
RH 5B**

**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				Lot Coverage	MAXIMUMS	Landscape Category (See Ch. 95)	Category (See Ch. 105)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)									Height of Structure
					Front	Side	Rear							
.060	Office Use		Design Review Chapter 142, KZC	None	10' Otherwise 20' adjoining a residential zone	0'	15'	80%	If adjoining an RS or RSX zone then 30' above average building elevation	B	D	If a Medical, Dental or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.	
.070	Hotel or Motel									A	E	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.		
.080	Private Lodge or Club									B	B	1 per each 300 sq. ft. of gross floor area.		
.090	Stacked Dwelling Units See Special Regulation 1.									A	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.	

**RH 5A  
RH 5B**



# USE ZONE CHART

Section	USE	REGULATIONS	Required Review Process	Lot Size	MINIMUMS			Lot Cove	MAXIMUMS	pe Category (See Ch. 105)	Category (See Ch. 105)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
					REQUIRED YARDS (See Ch. 115)									Height of Structure
					Front	Side	Rear							
.110	Church		Design Review Chapter 142, KZC	None	10' Otherwise 20' adjoining a residential zone	0'	15'	80%	If adjoining an RS or RSX zone then 30' above average building elevation  Otherwise, 35' above average building elevation	A	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.	
.120	School, Day-Care Center, Mini-School or Mini-Day-Care Center  See Special Regs 2											See KZC 105.25 See Spec. Regs 3 and 5	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. 5 feet for a Mini-School or Mini-Day-Care Center. 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. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).	

**RH 5A  
RH 5B**




**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	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						
.130	Assisted Living Facility, Convalescent Center or Nursing Home	Design Review Chapter 142, KZC	None	10'	0'	15'	80%	If adjoining an RS or RSX zone then 30' above average building elevation	A	A	Independent Unit: 1.7	1. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	
.140	Public Utility							Otherwise, 35' above average building elevation	B	Home: 1 per unit			
.150	Government Facility or Community							Convalescent Center or Nursing Home: 1 per each bed.		See KZC 105.25.			
.160	Public Park											Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.	

**CHAPTER 53 – RH 5C (Rezone BC (2) to RH 5C ZONE) Draft 12/5/05**

**53.05 User Guide.**

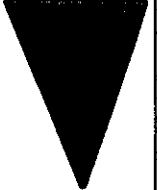
The charts in KZC 53.10 contain the basic zoning regulations that apply in the RH 5C zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

<p><b>Section 53.08</b></p> 	<p><b>Section 53.08 GENERAL REGULATIONS</b></p> <p>The following regulations apply to all uses in this zone unless otherwise noted:</p> <ol style="list-style-type: none"><li>1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.</li><li>2. If any portion of a structure is adjoining a low density zone, then either:<ol style="list-style-type: none"><li>a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or</li><li>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.</li></ol>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).</li><li>3. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142, KZC for requirements.</li><li>4. To the extent possible, viable significant trees and vegetation shall be retained within required landscape buffers separating non-residential uses. The applicant shall record a greenbelt easement over the landscape buffer.</li><li>5. For lighting requirements associated with development, see KZC Chapter 115.85.2</li></ol>
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RH 5C

USE ZONE CHART



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

Section 53.	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Covera	MAXIMUMS S	Landscape Category (See Ch. 95)	Category (See Ch. 95)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)								
					Front	Side							Rear
.010	Accessory parking for commercial use located in RH 5A fronting on NE 85 <sup>th</sup> Street	None	None	20'	15'	10'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 35' above average building elevation.	See Special Regulation 1	See Special Regulation 2	See Reg. 5	See Section 105.25	<ol style="list-style-type: none"> <li>No new above grade structures are permitted.</li> <li>If landscape buffer 95.25.1.b is chosen the required fence shall be allowed to meander through the buffer or otherwise be placed so as to minimize impacts on adjoining property. The landscape buffer shall be contained in an easement pursuant to Section 95.45, and the easement language should prohibit relocation, alteration, or relinquishment of the easement without a majority affirming vote of the City Council. Prior to issuance of construction permits, the applicant shall submit to the Planning Official for approval, a plan indicating compliance with the following standards:               <ol style="list-style-type: none"> <li>Trees within the north and east buffers shall be 10-12 feet in height at the time of planting; and</li> <li>The planting strip between the parking area and 124<sup>th</sup> Avenue NE shall be at least 10' wide; and</li> <li>The east property line landscape buffer shall include raised topography, either in the form of fill or a berm at least 3' in height, but taller if feasible, if the raised topography:                   <ol style="list-style-type: none"> <li>Is approved in writing by Seattle City Light; and</li> <li>Does not worsen existing drainage conditions; and</li> <li>Does not, in and of itself, result in the loss of on-site significant trees; and</li> </ol> </li> <li>Landscape islands shall be provided in the parking lot interior and designed and oriented to help shield surrounding properties from light and glare; and</li> <li>The large conifer tree adjacent to the north property line shall be retained; and</li> </ol> </li> </ol>



RH 5C

USE ZONE CHART



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

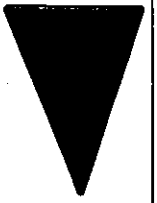
Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Cover	Height of Structure			Category (See Ch. 100)	Category (See Ch. 100)
Front	Side	Rear											
.020	Detached Dwelling Unit		None	7,200 sq. ft.	20'	5' each side	10'	50%	30' above average building elevation.	E	A	2.0 per dwelling unit.	<ol style="list-style-type: none"> <li>1. Minimum lot size per dwelling unit 7,200 square feet.</li> <li>2. Floor Area Ratio (F.A.R.) allowed for the subject property is 50 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.</li> <li>3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> </ol>
.030	Church		See Spec. Reg. 3	7,200 SF	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 Spec. Reg. 4.	<ol style="list-style-type: none"> <li>1. Minimum lot size per dwelling unit is 7,200 square feet.</li> <li>2. The property must be served by a collector or arterial street.</li> <li>3. The required review process is as follows:               <ol style="list-style-type: none"> <li>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 11A, Chapter 150 KZC</li> <li>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 11B, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and landscaping.</li> <li>4. No parking is required for day-care or school ancillary to the use.</li> </ol> </li> </ol>

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

Section 53.	USE	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Special Regulations (See also General Regulations)		
				Lot Size	REQUIRED YARDS (See Ch. 115)			Height of Structure	Category (See Ch. 100)		Req'd Parking Spaces (See Ch. 105)	
				Front	Side	Rear	Cover	Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)			
.040	School, Day-Care Center,	See Spec. Reg. 8.	7,200 sq. ft.	this use can accommodate date 50 students or children, then: 50' 50' 50' on each side  If this use can accommodate 13 to 49 students or children then: 20' 20' 20' on each side			70%	30' above average building elevation	D	See Spec. Reg. 6.	See KZC 105.25.	1. May locate on the subject property only if: <ul style="list-style-type: none"> <li>a. It will not be materially detrimental to the character of the neighborhood in which it is located.</li> <li>b. Site and building design minimizes adverse impacts on surrounding residential neighborhoods.</li> <li>c. The property is served by a collector or arterial street.</li> </ul> 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: <ul style="list-style-type: none"> <li>a. 20 feet if this use can accommodate 50 or more students or children.</li> <li>b. 10 feet if this use can accommodate 13 to 49 students or children.</li> </ul> 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. Car pooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.                     5. Hours of operation of the use may be limited and parking and passenger loading areas shall be located to reduce impacts on nearby residential uses.                     6. Electrical signs shall not be permitted.                     7. May include accessory/living facilities for staff persons.                     8. The required review process for a School or Day Care Center is as follows: <ul style="list-style-type: none"> <li>a. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is</li> </ul>



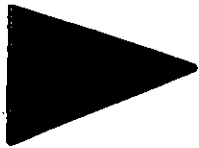
USE ZONE CHART



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

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Size	REQUIRED YARDS (See Ch. 115)			50% Cover	MAXIMUMS		Category (See Ch. 100)	Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Front	Side	Rear		Height of Structure	to Structure								
.050	Mini-School or Mini-Day-Care Center	Process I, Chapter 145		7,200 SF	20'	5' but 2 side yards must equal at least 15.	10'			30' above average building elevation.	E	B	See KZC 105.25.	See Spec. Reg. 6.		1. May locate on the subject property if: It will not be materially detrimental to the character of the neighborhood in which it is located. Site design must minimize adverse impacts on surrounding residential neighbor hoods. 2. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 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. Hours of operation of the use may be limited and parking and passenger loading areas shall be located to reduce impacts on nearby residential uses. 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).	

RH 5C



**USE ZONE CHART**


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

Section 53.	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Per Category (See Ch. 100)	Sign Category (See Ch. 105)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Cover					Height of Structure
					Front	Side	Rear						
.060	Public Utility	See Special Regulation 2.	None	20'	20' on each side	20'	70%	30' above average building elevation	A	B	See KZC Section 105.25	1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. The required review process is as follows: If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is less than five acres, the required review process is Process IIA, Chapter 150 KZC; b. If the subject property, including all contiguous property owned by the applicant and held by others for future use by the applicant, is five or more acres, a Master Plan, approved through Process IIB, Chapter 152 KZC, is required. The Master Plan must show building placement, building dimensions, roadways, utility locations, land uses within the Master Plan area, parking location, buffering, and land scaping.	
.070	Government Facility Community Facility				10' on each side				10'	C			See Spec. Reg. 3.
.080	Public Park			Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.									

# CHAPTER 53 - RH 7

## 53.05 User Guide.

The charts in KZC 53.10 contain the basic zoning regulations that apply in the RH 7 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

<b>Section 53.08</b> 	<b>Section 53.08 GENERAL REGULATIONS</b> The following regulations apply to all uses in this zone unless otherwise noted: 1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
	2. Individual retail uses in this zone are limited to a maximum of 65,000 SF of gross floor area. 3. The ground floor of all structures on the subject property shall be a minimum of 15' in height. This requirement does not apply to: a. the following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day care centers, assisted living facilities, convalescent center or nursing homes, public utilities, government facilities or community facilities. b. parking garages. c. additions to existing non-conforming development where the Planning Official determines it is not feasible. 4. At least 50% of the total gross floor area located on the ground floor of all structures on the subject property shall contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to NE 85 <sup>th</sup> Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also KZC Chapter 92). 5. Within required front yards canopies and similar entry features may encroach, provided that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. 6. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142, KZC for requirements. 7. Drive through facilities are not permitted in this zone. 8. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85 <sup>th</sup> Street in accordance with the driveway and sight distance standards contained in the Public Works Pre-approved Plans Manual. Taking into consideration the characteristics of the corridor, the Public Works Official may: a. require access from side streets; and/or b. encourage properties to share driveways, circulation and parking areas; and/or c. restrict access to right turn in and out, or d. prohibit access altogether along NE 85 <sup>th</sup> Street.



9. For lighting requirements associated with development see KZC Chapter 115. 85.2

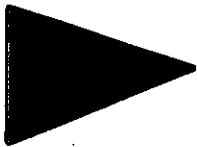
10. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official.

- Establishments expected to operate past 9 p.m.
- Vehicle service station.
- Automotive service center.
- Car washes.
- Retail establishment providing entertainment, recreational or cultural activities.
- Retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreation vehicles, heavy equipment, or similar vehicles.
- Veterinary offices.
- Drive-through facilities with loudspeaker systems.
- Establishments involving a large truck loading dock for deliveries.

The study shall verify that the expected noise to be emanating from the site adjoining to any residential zoned property complies with the standards specified in KZC Section 115.95.1 and 2. and WAC 173-60-040 (1) for a Class B source property and a Class A receiving property.

11. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed.

RH 7



# USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			Lot Cover	MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				REQUIRED YARDS (See Ch. 115)									Height of Structure
				Lot Size	Front	Side							

.010	Restaurants, Taverns or Fast Food Restaurants	Design Review, Chapter 142, KZC	None	10'	0'	0'	80%	30' above average building elevation	A	E	1 per each 100 sq. ft. of gross floor area.	1. Fast food restaurants must provide one outdoor waste receptacle for every 8 parking stalls.
.020	Any retail establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services including banking and related financial services. See Spec. Reg. 1 and 2.										1 per each 300 sq. ft. of gross floor area.	<p>1. The following uses are not permitted in this zone:</p> <ul style="list-style-type: none"> <li>a. vehicle service stations</li> <li>b. automotive service centers</li> <li>c. uses with drive in facilities or drive through facilities</li> <li>d. retail establishments providing storage services unless accessory to another permitted use.</li> <li>e. a retail establishment involving the sale, lease, service or repair of automobiles, trucks, boats, motorcycles, recreation vehicles, heavy equipment, and similar vehicles.</li> </ul> <p>2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</li> </ul> <p>3. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:</p> <ul style="list-style-type: none"> <li>a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and</li> <li>b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</li> </ul>

RH 7



# USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Category (See Ch. 100)	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						
.030	Office Use	Design Review, Chapter 142, KZC	None	10' Otherwise 20' adjoining a residential zone	0'	0'	80%	30' above average building elevation	A	D	If a Medical, Dental or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.	
.040	Hotel or Motel								E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.		
.050	A retail establishment providing entertainment, recreational or cultural activities									See Section 105.25			
.060	Private Lodge or Club								B	1 per each 300 sq. ft. of gross floor area.			
.070	Attached or Stacked Dwelling Units								A	1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.		

RH 7



# USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Covera					Height of Structure
					Front	Side	Rear						

.080	Development containing Stacked Dwelling Units and One or more of the following uses:  Retail uses including Banking And Other Financial Services,  Restaurants, Taverns, or Fast Food Restaurants  See Special Regulations 1 and 2	Design Review, Chapter 142, KZC	More than 3 acres	10' Otherwise 20' adjoining a residential zone	0'	0'	80%	45' above average building elevation	A	E	See KZC Section 105.25	<ol style="list-style-type: none"> <li>Development may also include other uses allowed in this zone.</li> <li>The following uses are not permitted in this zone:                             <ol style="list-style-type: none"> <li>vehicle service stations</li> <li>automotive service centers</li> <li>uses with drive in facilities or drive through facilities</li> <li>retail establishments providing storage services unless accessory to another permitted use.</li> <li>retail establishment involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreation vehicles, heavy equipment and similar vehicles.</li> </ol> </li> <li>The entire zone must be physically integrated both in site, building design, pedestrian access internally and to the street and provide other pedestrian amenities.</li> <li>At least 10% of the units in new residential developments of 10 units or greater shall be affordable housing units as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. 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 affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC).</li> </ol>
.090	Church	Design Review, Chapter 142, KZC	None	10' Otherwise 20' adjoining a residential zone	0'	0'	80%	30' above average building elevation	A	B	1 for every four people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	<ol style="list-style-type: none"> <li>May include accessory living facilities for staff persons.</li> <li>No parking is required for day-care or school ancillary to this use.</li> </ol>

RH 7

# USE ZONE CHART

Section 60.22		USE		REGULATIONS		Required Review Process		Lot Size		MINIMUMS REQUIRED YARDS (See Ch. 115)			MAXIMUMS Height of Structure		Landscape Category (See Ch. 95) Sign Category (See Ch. 100) Req'd Parking Spaces (See Ch. 105)		Special Regulations (See also General Regulations)	
										Front			Side		Rear			

Section	Use	Design Review	None	10' on NE 85 <sup>th</sup> Street, otherwise 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. 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. 5 feet for Mini-School or Mini-Day-Care Centers. 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. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
										A	B		
.110	Assisted Living Facility, Convalescent Center or Nursing Home See Spec. Reg. 1.									A	Independent unit: 1.7 per unit Convalescent Assisted Living Facility: 1 per Nursing unit Home: Convalescent Center or Nursing Home: 1 per each bed		

RH 7

# USE ZONE CHART

Section 60.22										
USE	REGULATIONS							MINIMUMS		Special Regulations (See also General Regulations)
	Required Review Process	Lot Size	REQUIRED YARDS (See Ch. 115)				Lot Coverage	MAXIMUMS	Landscape Category (See Ch. 95) Sign	
Front			Side	Rear	Height of Structure					

.120	Public Utility	Design Review, Chapter 142	None	10' Otherwise 20'	0'	0'	80%	30' above average building elevation	A	B	See KZC 105.25.	
.130	Government Facility			g a residential zone								
.140	Public Park	Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.										

## CHAPTER 53 – RH 8

### 53.05 User Guide.

The charts in KZC 53.10 contain the basic zoning regulations that apply in each of the RH zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

#### Section 53.08



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 façade 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 Façade Regulation, for further details.
2. If the lot area of the subject property is equal to or greater than 18,000 square feet, maximum building height is 35' above average building elevation.
3. The ground floor of all structures on the subject property shall be a minimum of 15' in height. This requirement does not apply to:
  - a. the following uses: vehicle service stations, automotive service centers, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day care centers, assisted living facilities, convalescent center or nursing homes, public utilities, government facilities or community facilities.
  - b. parking garages.
  - c. additions to existing non-conforming development where the Planning Official determines it is not feasible.
4. Within required front yards canopies and similar entry features may encroach, provided that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
5. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142, KZC for requirements.
6. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85<sup>th</sup> Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
  - a) require access from side streets; and/or
  - b) encourage properties to share driveways, circulation and parking areas; and/or
  - c) restrict access to right turn in and out, or
  - d) prohibit access altogether along NE 85<sup>th</sup> Street.
7. Drive through facilities are not permitted in this zone.
8. 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.

9. For lighting requirements associated with development see KZC Chapter 115.85. 2

10. Prior to any of the following uses occupying a structure on a property adjoining a residential zone, the applicant shall submit a noise study prepared by a qualified acoustical consultant for approval by the Planning Official.

- Establishments expected to operate past 9 p.m.
- Retail establishment providing entertainment, recreational or cultural activities.
- Veterinary offices.
- Any establishment where animals are kept on site.
- Establishments involving a large truck loading dock for deliveries.

The study shall verify that noise expected to emanate from the site adjoining to any residential zoned property complies with the standards specified in KZC Section 115.95.1 and 2. and WAC 173-60-040 (1) for a Class B source property and a Class A receiving property.

11. A City entryway feature shall be provided on the parcel located at the northwest corner of the intersection of NE 85<sup>th</sup> St and 132<sup>nd</sup> Avenue, or adjacent parcel under common ownership with such parcel. Entryway feature shall include such elements as: a sign, art, landscaping and lighting. See KZC Chapter 92, Design Regulations.



**RH 8**



**USE ZONE CHART**

Section 60.22		Required Review Process	MINIMUMS REQUIRED YARDS (See Ch. 115)				MAXIMUMS		Landscape Category (See Ch. 95)	Category (See Ch. 105)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
USE	REGULATIONS		Lot Size	Front	Side	Rear	Lot Coverage	Height of Structure				
.010	Office Uses	Design Review, Chapter 142, KZC	None	10'	0'	15'	70%	30' above average building elevation	A	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. 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									E	1. May not be located above the ground floor of a structure. 2. Gross floor area for each individual use may not exceed 4,000 sq. ft. gross floor area.	
.030 A	retail establishment providing entertainment, recreational or cultural activities										See KZC Section 105.25 1. Gross floor area for each individual use may not exceed 4,000 sq. ft.	

RH 8



USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				Lot Coverage	MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Height of Structure						
				Lot Size	Front	Side			Rear				
.040	Any retail Establishment other than those specifically listed, limited, or prohibited in the zone, selling goods, or providing services including banking or related financial service	Design Review Chapter 142, KZC	None	10' Otherwise 20' adjoining a residential zone	0'	15'	70%	30' above average building elevation See General Regulations 1 and 2	A	D	1 per each 300 sq. ft. of gross floor area.	1. The following uses are not permitted in this zone: <ol style="list-style-type: none"> <li>vehicle service stations</li> <li>automotive service centers. <del>Exception for existing uses. This use may only be permitted if the use existed on _____ date (adoption date of Ordinance # _____) and must be discontinued when:</del> <ol style="list-style-type: none"> <li><del>There is an increase in gross floor area of more than 25 percent to any structure on the subject property, or</del></li> <li><del>There is an alteration or change in a consecutive 12 month period to an improvement or structure on the subject property, and the cost of the alteration, change or other work exceeds 50 percent of the replacement cost of that improvement or structure, or</del></li> <li><del>The use has ceased for a consecutive 12 month period.</del></li> </ol> </li> <li>uses with drive in facilities or drive through facilities</li> <li>retail establishments providing storage services unless accessory to another permitted use.</li> <li>retail establishments involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreation vehicles, heavy equipment and similar vehicles.</li> <li>storage and operation of heavy equipment, except delivery vehicles associated with retail uses.</li> <li>storage of parts unless conducted entirely within an enclosed structure.</li> </ol> 2. This use may not be located above the ground floor of a structure. 3. Gross floor area for each individual use may not exceed 4,000 sq. ft.	

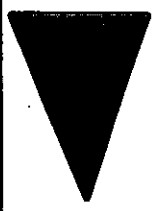
**RH 8**

**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	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						
.050	Stacked Dwelling Units. See Special Regulation 1.	Design Review Chapter 142 KZC	None	10'	0'	15'	70%	30' above average building elevation	A	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.	
.060	Assisted Living Facility, Convalescent Center or Nursing Home See Spec. Reg. 1.							See General Regulations 1 and 2			Independent Unit: 1.7 per unit Assisted Living Facility: 1 per unit Convalescent Center or Nursing Home: 1 per each bed	1. This use may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.	
.070	Church										1 for every 4 people based on maximum occupant load of any area of worship. See Spec. Reg. 1.	No parking is required for day-care or school ancillary to the use.	

**RH 8**

**USE ZONE CHART**



Section 60.22	USE	REGULATIONS	Required Review Process	Lot Size	MINIMUMS REQUIRED YARDS (See Ch. 115)			Lot Coverage	MAXIMUMS Height of Structure	Landscape Category (See Ch. 95)	Category (See Ch. 95)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
					Front	Side	Rear						
1080	School, Day-Care Center, Mini-School or Mini-Day-Care Center	Design Review Chapter 142, KZC	None	None	10'	0'	15'	70%	30' above average building elevation See General Regulations 1 and 2	A	B	See KZC 105.25.	<p>1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</p> <p>2. Structured play areas must be setback from all property lines as follows:</p> <ul style="list-style-type: none"> <li>a. 20 feet if this use can accommodate 50 or more students or children.</li> <li>b. 10 feet if this use can accommodate 13 to 49 students or children</li> <li>c. 5 feet for a Mini-School or Mini-Day Care Center.</li> </ul> <p>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.</p> <p>4. May include accessory living facilities for staff persons.</p> <p>5. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.</p> <p>6. These uses are subject to the requirements established by the Department of Social Health Services (WAC Title 368).</p> <p>7. For school use, structure height may be increased, up to 35 feet, if:</p> <ul style="list-style-type: none"> <li>a. The school can accommodate 200 or more students; and</li> <li>b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and</li> <li>c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.</li> <li>d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</li> </ul>

RH 8

USE ZONE CHART

Section 60.22	USE	REGULATIONS	Require d Review Process	MINIMUMS REQUIRED YARDS (See Ch. 115)				Lot Coverage	MAXIMUMS		Landscape Category (See Ch. 95)	Category (See Ch. 95)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	Front	Side	Rear		Height of Structure					
.090	Public Utility	Design Review Chapter 142, KZC	None	10'	0'	15'	70%	30' above average building elevation	A	B	See KZC 105.25			
.100	Government Facility Community Facility			Otherwise 20' adjoining a residential zone				See General Regulations 1 and 2						
.110	Public Park		Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.											

**PLA 17C PLA 17A 60.194**

The charts in KZC 60.189 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 60.194**



**Section 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 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 17, 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. 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).
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).
5. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142, KZC for requirements.
6. 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.

**PLA 17A**

**USE ZONE CHART**

Section 60.22	USE	REGULATIONS	MINIMUMS					MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 100)	Special Regulations (See also General Regulations)
			Required Review Process	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 1.	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.	
.020	Attached or Stacked Dwelling Units	Design Review Chapter 142, 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	





PLA 17A

USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscaping Category (See Ch. 100)	Sign Category (See Ch. 100)	Parking Spaces (See Ch. 100)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
					Front	Side	Rear						
.030	Office Use		Design Review, Chapter 142	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 Veterin any office, then one per each 200 sq. ft. gross floor area. Otherwise, one 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 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.

PLA 17A

USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)									MAXIMUMS
					Front	Side	Rear							
.040	Church		Design Review, Chapter 142, KZC	7,200 sq. ft.	20'	20' on each side	20'	80%	30' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Special Regulations on 1.	1 No parking is required for day-care or school ancillary to the use.	
.050	Convalescent Center or Nursing Home				10' on each side	10'						1 for each bed		

PLA 17A

USE ZONE CHART

Section 60.22	USE	REGULATIONS	Required Review Process	MINIMUMS				Lot Coverage	MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)								
				Front	Side	Rear							
.060	School, Day-Care Center, Mini-school or Daycare	Design Review, Chapter 142, KZC	7,200 sq. ft.	20'	5', but 2 side yard s	10'	80%	30' above average building elevation. See Spec. Reg. 7	D	B	See KZC 105.25	<ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Structured play areas must be setback from all property lines as follows:                             <ol style="list-style-type: none"> <li>a. 20 feet if this use can accommodate 50 or more students or children.</li> <li>b. 10 feet if this use can accommodate 13 to 49 students or children.</li> <li>c. 5 feet for Mini-School or Mini-Day Care Centers.</li> </ol> </li> <li>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.</li> <li>4. May include accessory living facilities for staff persons.</li> <li>5. Hours of operation of the use may be limited and parking and passenger loading areas shall be located to reduced impacts on nearby residential uses.</li> <li>6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</li> <li>7. For school use, structure height may be increased, up to 35 feet, if:                             <ol style="list-style-type: none"> <li>a. The school can accommodate 200 or more students; and</li> <li>b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and</li> <li>c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.</li> <li>d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.</li> </ol> </li> </ol>	

**PLA 17A**

**USE ZONE CHART**

Section 60.22	USE	REGULATIONS		Required Review Process	MINIMUMS				Lot Coverage	MAXIMUMS S Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Reg'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		Lot Size	REQUIRED YARDS (See Ch. 115)			30' above average building elevation								
		Front	Side	Rear										
.070	Public Utility	20'	20'	20'	None	20' on each side	20'	80%	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.		
.080	Government Facility or Community Facility	10' on each side	10' on each side	10'					C See Spec. Reg. 2.					
.090	Public Park	Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.												

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**Chapter 72 – ADULT ACTIVITIES OVERLAY ZONE-Revised Draft 8-23-05**

**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 in a BC, CBD, or within a planned area~~ In commercial zones where either retail commercial or theatre uses are specifically permitted uses with no review process required, except for Design Review (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.

## AMENDMENTS TO KZC CHAPTER 92 DESIGN REGULATIONS-

### Rose Hill Business District

#### 92.05 Introduction

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2. Applicability
3. D.R. ~~D-R~~ Procedures
4. Landscaping
5. Dedication
6. Design Districts in RHBD

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2. Through Block Pathways ~~Required Major Pedestrian Pathways~~
3. On site Pathways  
~~Pedestrian-Oriented Elements Provisions~~  
~~Supersede~~
4. ~~Through Site Connections in TL-2~~
4. 6. Pedestrian Weather Protection
7. ~~Access to Buildings~~
5. 8. Building Frontage
6. 9. Access to Buildings
7. ~~Building Location and Orientation~~
8. 10. Pedestrian-Oriented Space and Plazas
9. 11. Blank Wall Treatment
10. 12. Treatment of Building Facades
11. 13. Screening of Certain Areas

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630.15

#### 92.20 Public Improvements and Site Features

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2. On-Site Improvements

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2. Parking Lot Entrances and Driveways
4. Parking Lots – Pedestrian and Vehicular Access
5. Internal Parking Lot Landscaping
6. Perimeter Parking Lot Landscaping
7. Perimeter Parking Lot Landscaping – Adjacent Properties
8. Parking Garages
9. Miscellaneous Parking Area Design Details

#### 92.30 Architectural and Human Scale

1. Techniques To Moderate Bulk and Mass in the CBD
2. Techniques To Moderate Bulk and Mass in the RHBD
3. Achieving Human Scale
4. 3. Techniques To Achieve Architectural Scale in RHBD

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2. Prohibited Materials
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4. Concrete Block
5. Stucco
6. Awnings
7. Covering of Existing Facades
8. Building Cornerstone or Plaque
9. Building Corners in the CBD
10. Street Corners in the RHBD

#### 92.40 Office Buildings

1. Design standards for the RHBD's Regional Center

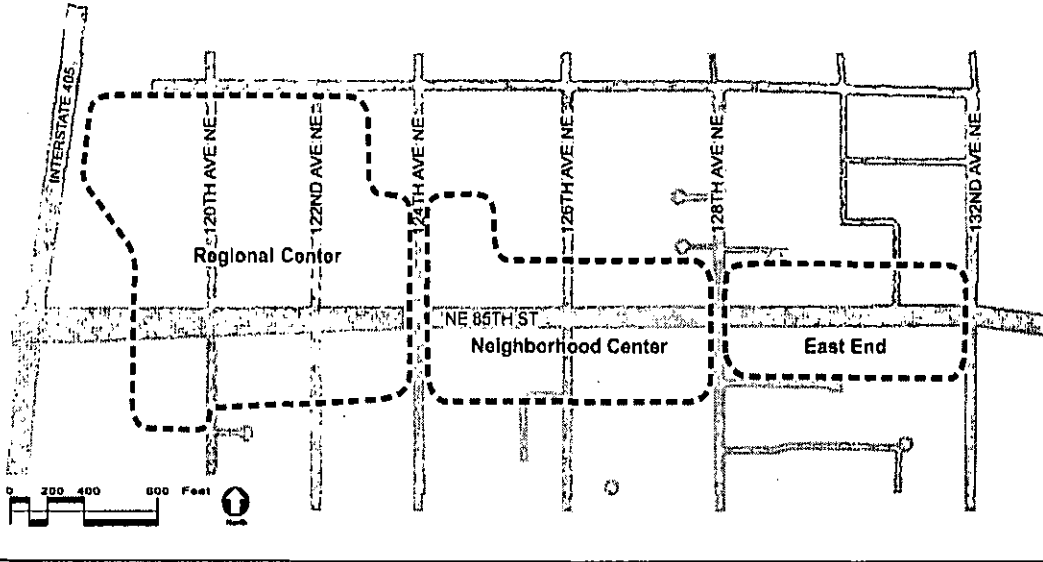
## 92.05 Introduction

1. General – This chapter establishes the design regulations that apply to development in the Central Business District (CBD), the Juanita Business District (JBD), Rose Hill Business District (RHBD), and North Rose Hill Business District (NRHBD) and in Totem Center. Special provisions that apply to only the CBD, the JBD, RHBD, 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 D.R. (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 95.40.5.b.3 (12)(e) to require additional or more mature landscaping.
  - e. Rose bushes shall be included along with other plant materials into the on-site 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.

RHBD

RHBD 6. Design Districts in Rose Hill Business District-Various places in this chapter refer to the three design districts in the Rose Hill Business District: Regional Center, Neighborhood Center and East End. Figure 1 below describes where these are located. For a more detailed description of each area see the Design Guidelines for the Rose Hill Business District adopted by reference in the KMC Chapter 3.30.

**Design Districts within the Rose Hill Business District, Figure 92.05.A**





## 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 –

a. Pedestrian Oriented Street- 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, C and D).

RHBD b. Property fronting NE 85<sup>th</sup> Street- The applicant shall install a 6.5 foot wide landscape strip planted with street trees located adjacent to the curb and a 7 foot wide sidewalk along the property frontage. Where the public right of way lacks adequate width to meet the previous standard, a 10' wide sidewalk with tree grates may be permitted or an easement established over private property. 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.

c. Required Major Pedestrian Pathways Sidewalks– If the subject property abuts a street designated to contain a major pedestrian pathway–sidewalk on Figures 92.10.A, 92.10.B, 92.10.C B-1, or 92.10.DB-2, the applicant shall install that pathway on and/or adjacent to the subject property consistent with the following standards:

1.a.–The major pedestrian pathways–sidewalk must be installed in the approximate location shown on Figures 92.10.A, 92.10.B and 92.10.C. and 92.10.D, and make the connections shown on the figures.

2b.–The major pedestrian sidewalk 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.D. 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.

3c.–The major pedestrian sidewalk pathways must have adequate lighting with increased illumination around building entrances and transit stops.

4d.–If parcels are developed in aggregate, then alternative solutions may be proposed.

.d. Pedestrian-Oriented Elements Provisions Supersede – If the provisions of subsections (1.a4) and (1.c 2) of this section both apply to improvements within and/or adjacent to a street, the provisions of subsection (1.a4) of this section, and not subsection (1.c2) of this section, must be followed.

e. All other streets shall meet the standards specified in KZC, Chapter 110.

**Pedestrian Circulation in the  
CBD**

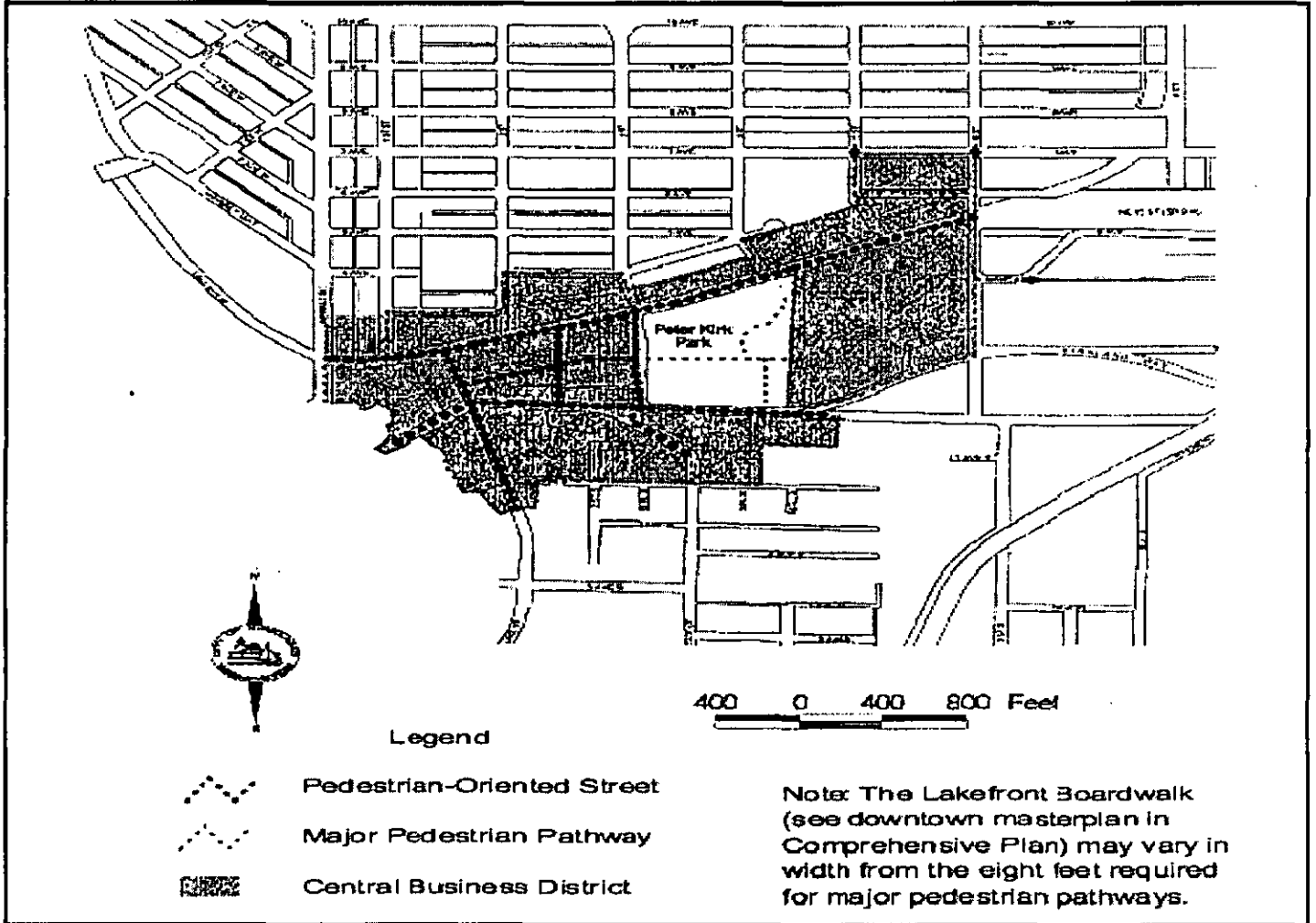


FIGURE 92.10.A

Pedestrian Circulation in the JBD

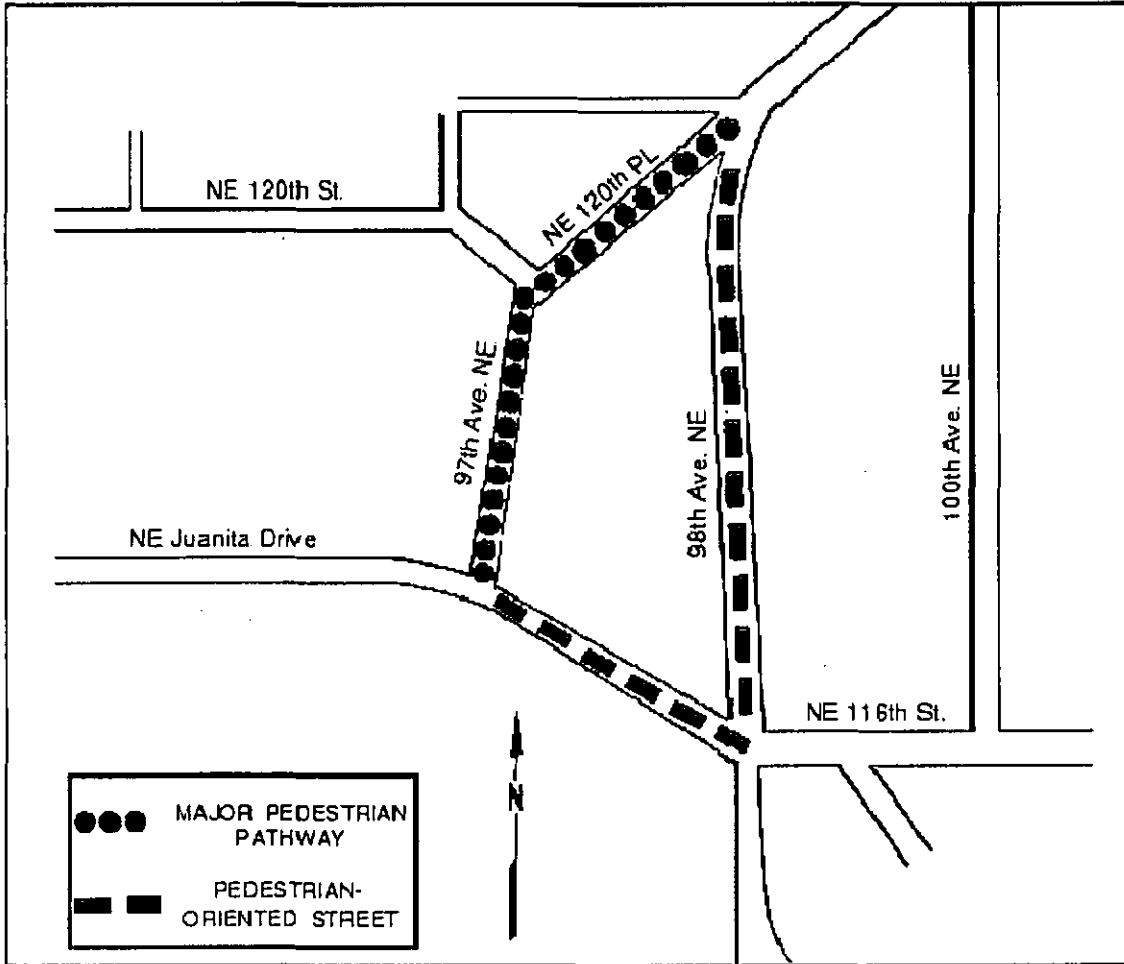


FIGURE 92.10.B

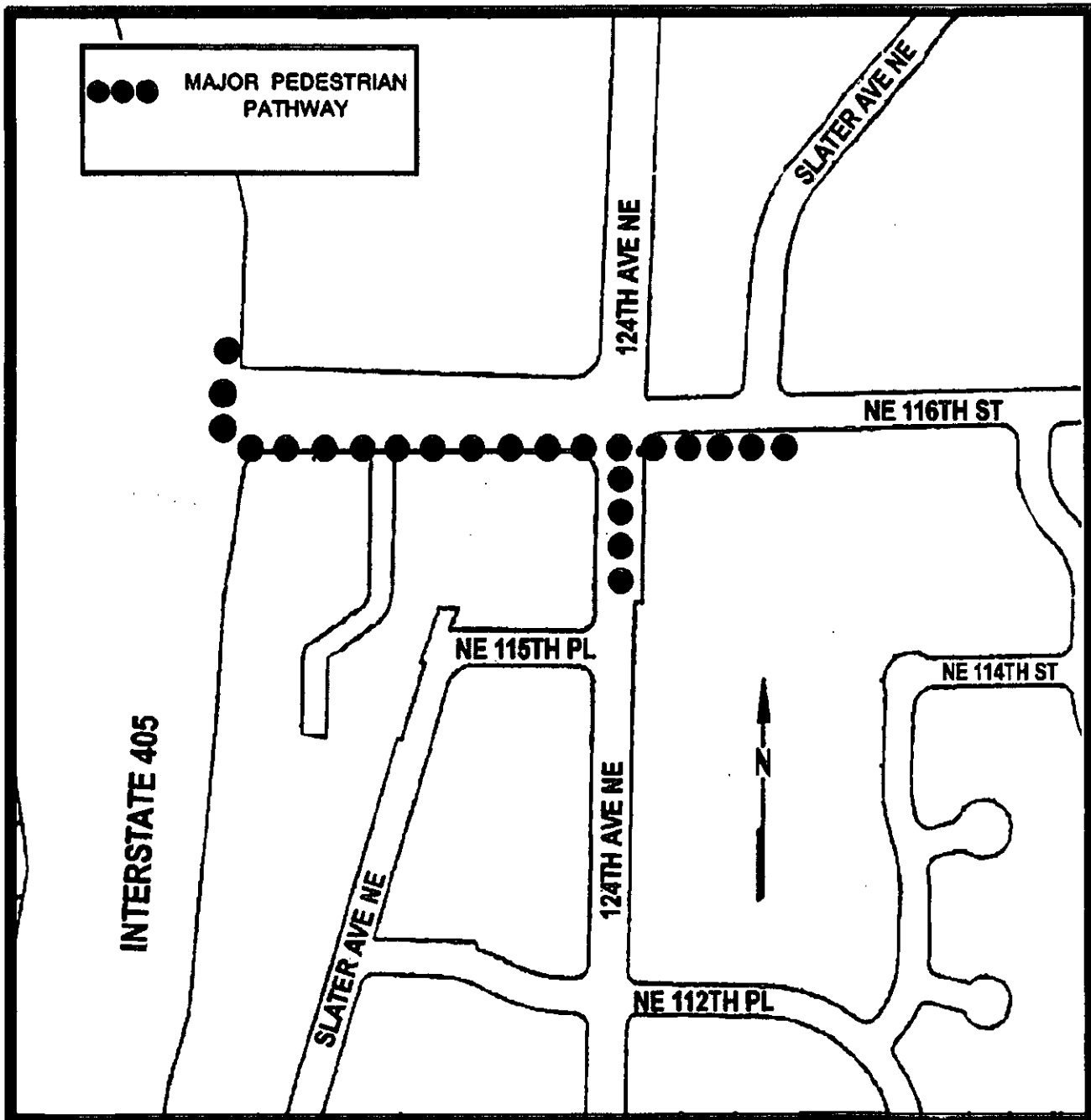


FIGURE 92.10.C

Pedestrian Circulation in Totem Center

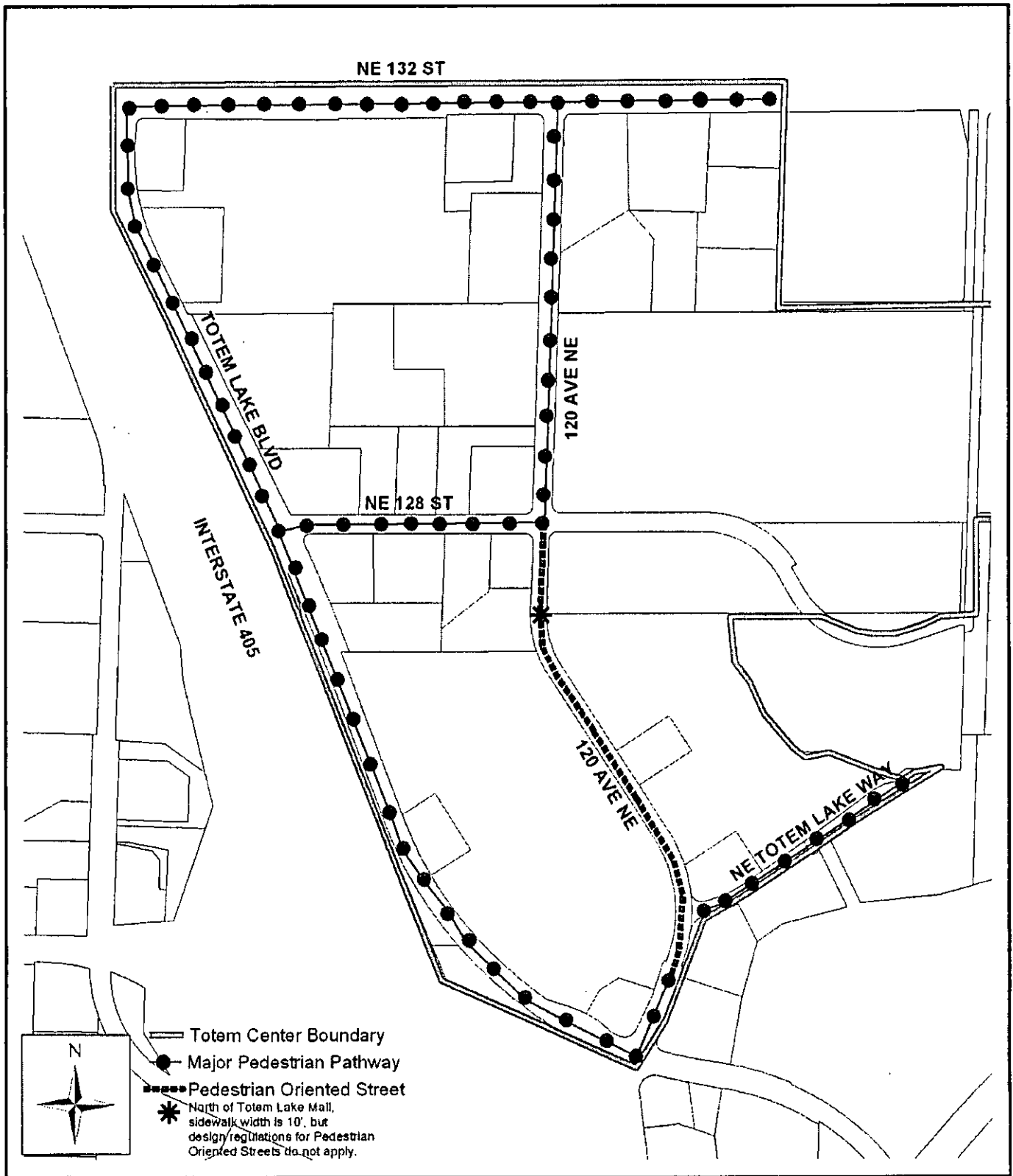


FIGURE 92.10.D

Required Sidewalk on Pedestrian-Oriented Streets and Major Pedestrian Sidewalks

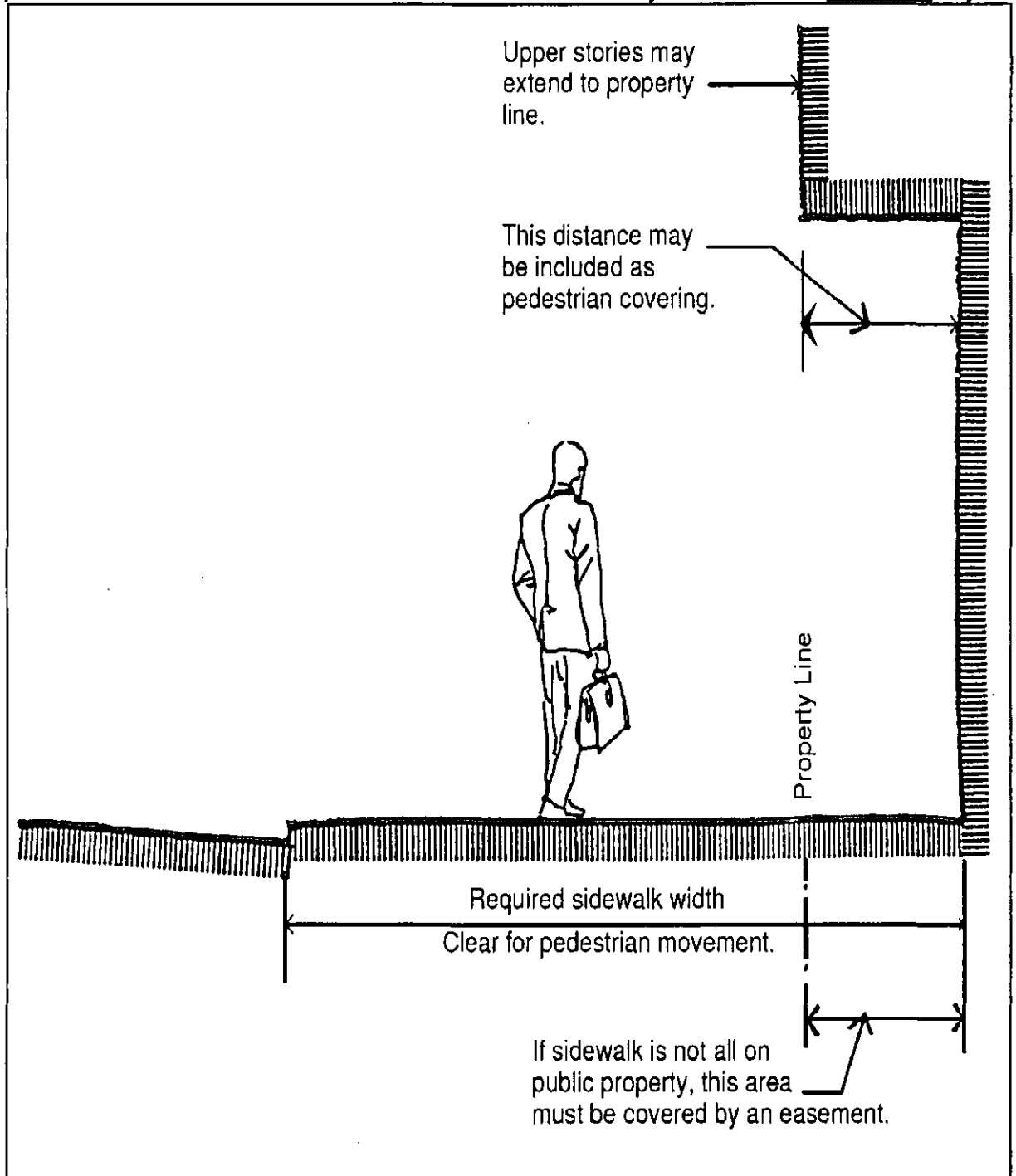


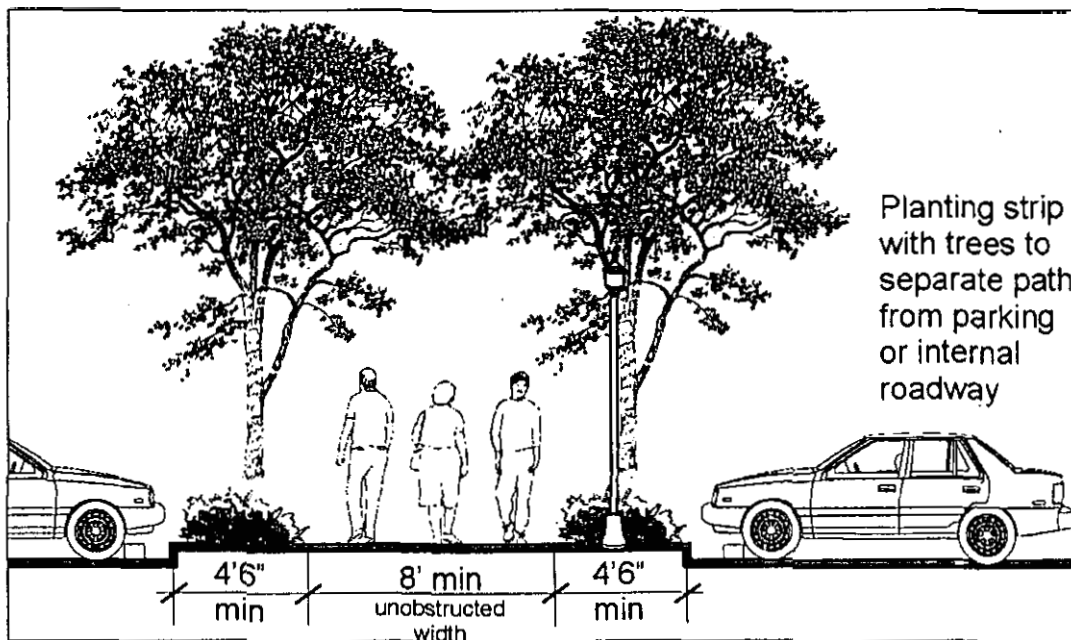
FIGURE 92.10.E

2. Through-Block Pathways – Through-block pathways refer to interior on-site pedestrian walkways that are not located within a public right-of-way (but may be located on public property (i.e. in CBD)). The alignment of these pathways, where required, shall take into account pedestrian connections shown in the Comprehensive Plan, proposed and existing buildings and, to the extent possible, extend along building fronts or property lines to enhance the pedestrian environment and connections to adjacent property.

a. Through-block pathways must be constructed to the following standards unless otherwise noted herein (see Figure 92.10.F):

1. Through-block pathways must feature a minimum unobstructed pavement width of 8 feet and be paved with concrete or unit pavers.
2. Trees shall be placed at an average of 30 feet on-center between the pathway and any parking or vehicular access area. Exceptions:
  - a.) Pedestrian-scaled light fixtures, at 12 feet in height and placed no more than 30 feet on-center, may be used in place of some of the required trees.
  - b.) To increase business visibility and accessibility, the City may allow modifications in the required tree coverage adjacent to major building entries; however, no less than 1 tree per 60 lineal feet of the required walkway shall be provided.
  - c.) The required trees must be placed in planting strips at least 4.5 feet in width or within tree grates.
3. The through-block pathways must have adequate lighting with increased illumination around building entrances and transit stops. Pedestrian-scaled lighting fixtures, at 12 feet in height, are encouraged along the pathway.
4. Barriers which will limit pedestrian access between the subject property and adjacent properties are not permitted.
5. If parcels are developed in aggregate, then alternative solutions may be proposed.

**Through-Block Pathway**



**FIGURE 92.10.F**

**JBD** b. ~~Through-Block Sidewalks-Pathways in the JBD~~ - The applicant shall install a through-block sidewalk~~through-block pathway~~ extending from the north end to the south end of JBD 1 of the Juanita Business District. Two ~~through-block pathways~~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 ~~pathways~~ 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-pathways that run generally north/south (or diagonally northeast/southwest) and east/west on the subject property. The pathways sidewalks shall be located to provide a direct continuation of the existing or future through-block sidewalkthrough-block pathway on adjacent properties. When possible, the pathways 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 sidewalkthrough-block pathway is not required if a suitable pathway sidewalk exists on adjacent properties.~~

2. ~~Through-block sidewalks-pathways 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. ~~c.~~ The ~~through-block sidewalks-pathways~~ must have adequate lighting with increased illumination around building entrances and transit stops.

4. ~~d.~~ If parcels are developed in aggregate, then alternative solutions may be proposed

5. ~~e.~~ Barriers which will limit pedestrian access between the subject property and adjacent properties are not permitted.

**TC** c.4. ~~Through-Site Connections Block Pathways in TL 2~~ - The applicant shall install at least one ~~through-block pathway~~through-site connection from Totem Lake Boulevard to 120th Avenue NE, between the upper and lower portions of TL 2 and within TL 2 where necessary, to strengthen the pedestrian connections to streets between buildings, parking areas and public spaces. Pedestrian connections to surrounding uses, including the Transit Center, the Evergreen Hospital Medical Center campus and to the TL 1 zone should also be provided.

1.a. ~~Through-block pathways in TL 2~~ Pedestrian connections ~~shall~~should be developed according to the following standards:

a. ~~The minimum width, curb specifications and paving materials for through-site connections shall be established through the Conceptual Master Plan review.~~

b. Through-site connections must have adequate lighting, with increased illumination around building entrances and at street crossings.

c. Barriers which will limit pedestrian access between the subject property and adjacent properties are not permitted.

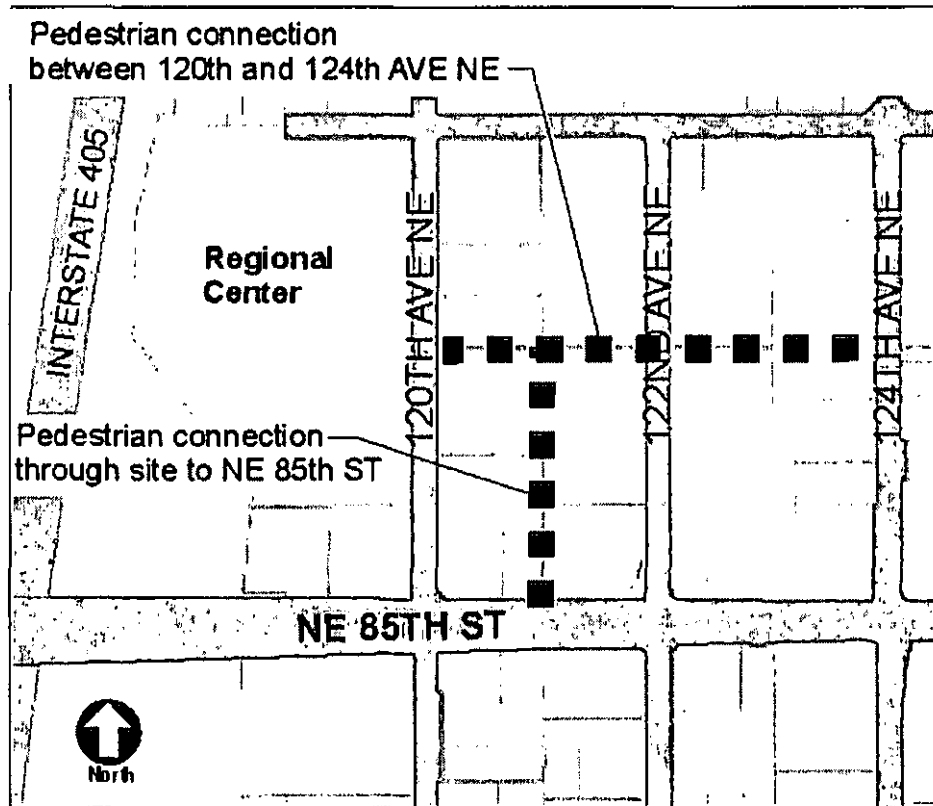
**RHBD** d. ~~Through Block Pathways in RHBD~~ - The applicant shall install a through block pathway per the standards in 92.10.2.a to link streets and/or activities in the following zones and locations described in the Transportation and NE 85<sup>th</sup> Street Subarea Chapters of the Comprehensive Plan:

1. On parcels located north of NE 85<sup>th</sup> Street in the RM 3.6, LIT and RH 3 zones the applicant shall install a through block pathway in an east/west direction between 120<sup>th</sup> Avenue and 124<sup>th</sup> Avenues.



2. On parcels located in the RH 3 zone- The applicant shall install a pedestrian pathway connecting the north portion of RH 3 zone to NE 85<sup>th</sup> Street on the south.
3. Additional through block pathways not shown in the Comprehensive Plan may be required by the City on parcels larger than 2 acres.

**Approximate location for through-block pathways in the RHBD**



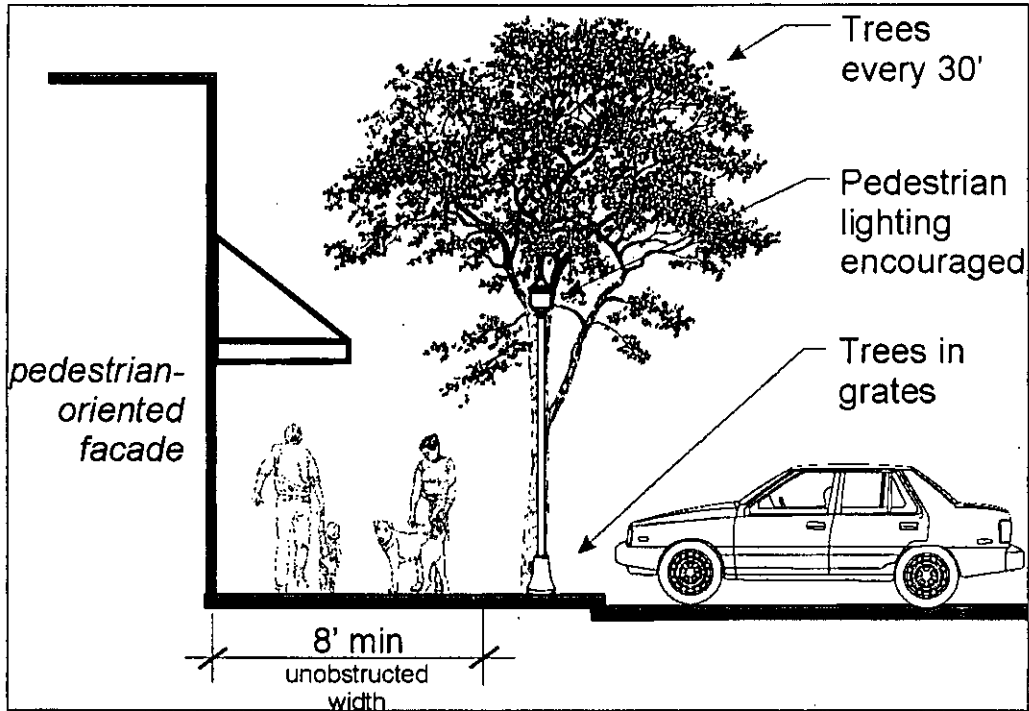
**FIGURE 92.10.G**

3. Other internal on- site pathways:

**RHBD a. Internal pathways along building facades** - Non-residential uses that do not front directly onto a public sidewalk must provide a pathway along their *primary building façade* (a *primary building façade* means the *façade containing the building's primary entry*) in accordance with the *Through-Block Sidewalk Pathway* standards noted above in Section 92.10.2a. (See Figure 92.10.GH). As part of D.R. the City may provide exceptions in the following circumstances:

1. New non-residential developments with less than 2,000 square feet of gross floor area that feature a landscaped front yard area and parking off to the side or rear are only required to have direct pedestrian access from the sidewalk.
2. For uses that require vehicle service bays or where the requirement conflicts with other City goals, policies or regulations.

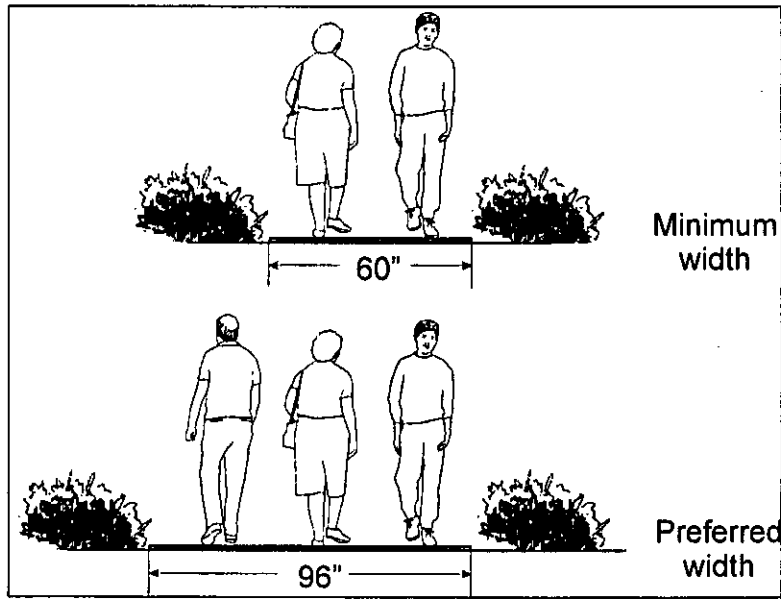
**Pathway along building façade and parking area**



**FIGURE 92.10.H**

**RHBD b.** For all other internal on-site pedestrian pathways, the applicant must successfully demonstrate to the City that the proposed walkway is of sufficient width, materials, and design to accommodate the anticipated number of users. At a minimum, pathways shall feature 5 feet of unobstructed width.

**Internal pedestrian pathways**



**FIGURE 92.10.I**

CBD, JBD,

TC, RHBD:

**47. 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*;

**RHBD** b. In the RHBD, buildings must feature weather protection at least 4 ½ feet wide along at least 75 percent of the pedestrian oriented façade.

**JBD** c. In the JBD, along 100 percent of the front of the building;

d. The overhead weather protection may be composed of awnings, marquees, canopies or building overhangs;

e. 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.

f. The lowest element of the overhead weather protection must be at least eight feet above the ground immediately below it;

g. 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(65), Awnings.

**JBD** **5.8. Building Frontage** – In the JBD, all buildings must front on a right-of-way or through-block sidewalk ~~through-block pathway~~.

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

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

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

**RHBD 7. Building Location and Orientation**

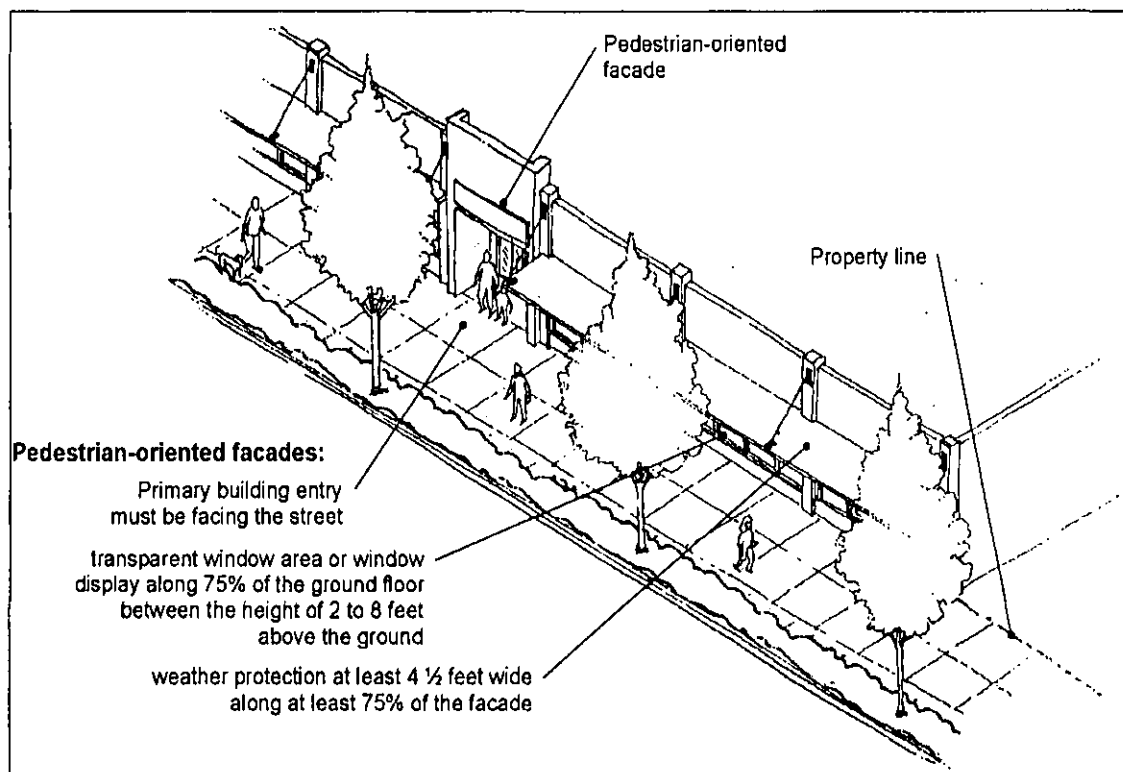
a. To meet the definition of pedestrian-oriented façade, the façade must include:

1. The building's primary entrance must be located on this façade. For purposes of this chapter, primary entrance shall be defined as the primary or principle pedestrian entrance of all buildings. The primary entrance is the entrance designed for access by pedestrians from the sidewalk. This is the principle architectural entrance even though customers or residents may use a secondary entrance associated with a garage, parking area, driveway or other vehicular use area more frequently.

2. Transparent windows and/or doors must occupy at least 75 percent% of the façade area between 2 and 7 feet above the sidewalk

3. Weather protection feature(s) at least 4-1/2 feet wide over at least 75 percent of the façade. This could include awnings, canopies, marquees, or other permitted treatments that provide functional weather protection

**Pedestrian-Oriented Façade**



**FIGURE 92.10.J**

b. Buildings may be located adjacent to the sidewalk of any street (except west of 124<sup>th</sup> Avenue NE) if they contain a pedestrian-oriented façade. As part of the D.R. process required yard setbacks or other development standards may be modified (see KZC Chapter 142).

c. Buildings not featuring pedestrian-oriented façades must provide a building setback of at least 10' from any public street. Except areas used for pedestrian or vehicular access the building setback area shall be landscaped with a combination of trees, shrubs, and groundcover per the requirements of section 92.25.C.

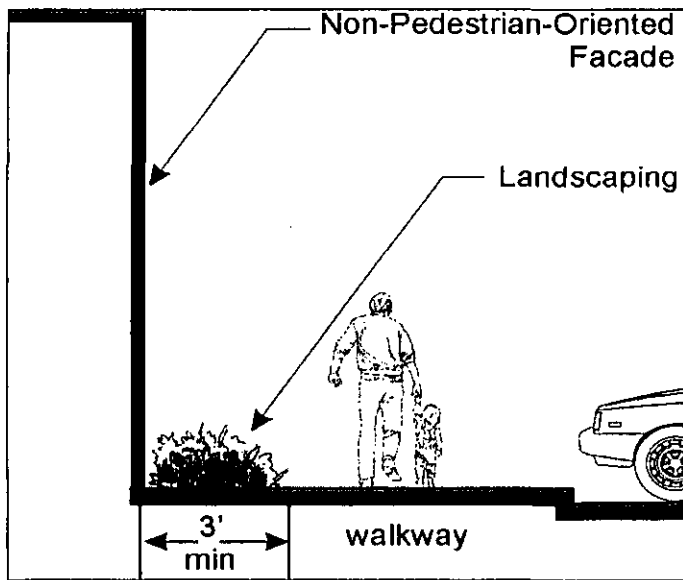
d. Multi-story buildings on sites adjacent to a low density zone shall be configured and designed to minimize privacy impacts on adjacent low density uses. For example, a development may meet this requirement by orienting upper floors towards the street and/or towards interior courtyards.

e. Buildings may be located adjacent to an interior pedestrian pathway as long as they contain a pedestrian-oriented façade. For all other building facades (non-pedestrian-oriented façade), at least 3 feet of landscaping shall be required between any vehicular access area or walkway and any building facade not meeting pedestrian-oriented façade requirements as noted above.

Exceptions:

- 1) Alleys and other areas generally not visible to the public, as determined by the City.;
- 2) Other design options may be considered provided through the D.R. process provided they meet the intent of the guidelines.

Interior pedestrian pathway shall be separated from non-pedestrian-oriented facades by landscaping



**FIGURE 92.10.K**

f. Regional Center and Neighborhood Center: Vehicle sales uses are encouraged to locate their showrooms towards NE 85<sup>th</sup> Street with parking to the side or rear.

g. Neighborhood Center: At least 50 percent of the NE 85<sup>th</sup> Street property frontage must contain pedestrian-oriented facades located directly on the sidewalk. Vehicle sales uses are exempt as long as their showroom faces the street and is sited within 10 feet of the sidewalk.

h. East End – NE 85<sup>th</sup> Street frontage options and preferences:

- 1) Preferred Option: Buildings may be located adjacent to the sidewalk on NE 85<sup>th</sup> Street if they contain a pedestrian-oriented façade;
- 2) Second Option: Locate and orient building towards the sidewalk on NE 85<sup>th</sup> Street. In this option, the development features a 10-foot minimum landscaped front yard, a clear pathway between the sidewalk and the building, and a building entry and windows facing the street.

(3) Least Preferred Option: Locate the building at the rear of the property with parking between NE 85<sup>th</sup> Street and the building as long as the following standards are applied:

a) Provide a perimeter parking landscape strip between the sidewalk and parking area per KZC Chapter 95.

b) Provide clear pedestrian access from the sidewalk to the building entry.

c) Provide a walkway along the building façade meeting through block pathway standards as described in Section 92.10.2.a.

i. East End – Rear yard building placement: Pursuant to KZC Chapter 95, in most cases, commercial uses shall install a required landscaped buffer adjacent to single family properties. By requesting a modification to these provisions the property owners may negotiate an agreement to reduce the landscape buffer/setback in a way that can benefit both parties.

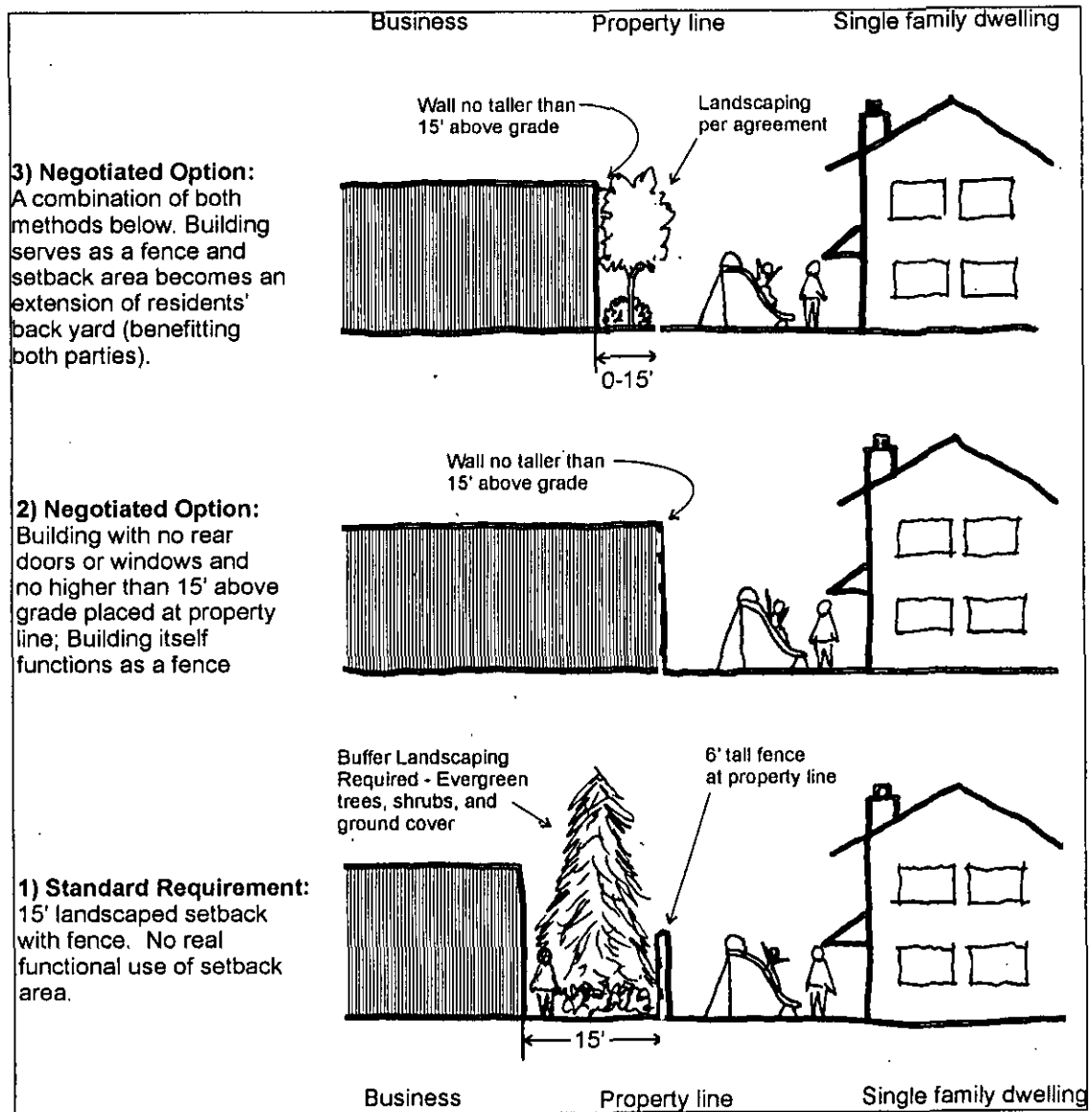
Where buildings are sited towards the rear of the property, the applicant must utilize one of the following standards to minimize impacts to adjacent residential areas (see illustrations of options below):

1) Meet the required landscape buffer pursuant to KZC Chapter 95.

2) Provide a blank wall no taller than 15' in height with no openings placed at the rear property line (building itself serves as a wall, uses are inside the building, shielded from adjacent residential uses). To qualify for this method, the treatment must be agreed to by the adjoining property owners per the modifications section of KZC Chapter 95.

(3) Provide a combination of both methods above. For example, provide a blank wall no taller than 15' in height between 0 and 15 feet from the property line and landscape the applicable area between the building and the property line. In addition, an unfenced design option would effectively enlarge the adjacent homeowners' rear yard (a mutually beneficial arrangement). To qualify for these methods, the treatment must be agreed to by the adjoining property owners per the modifications section of KZC Chapter 95.

**Rear yard building placement options in the RHBD**



**FIGURE 92.10.L.**

**TC, CBD 8. Pedestrian-Oriented Space and Plazas  
NRHBD, RHBD**

**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.
- 7) An alternative solution for the pedestrian-oriented space may be established through a Conceptual Master Plan in TL 2.

**NRHBD**

b. In the NRHBD, if the subject property abuts a *major pedestrian sidewalk 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 (6) above.

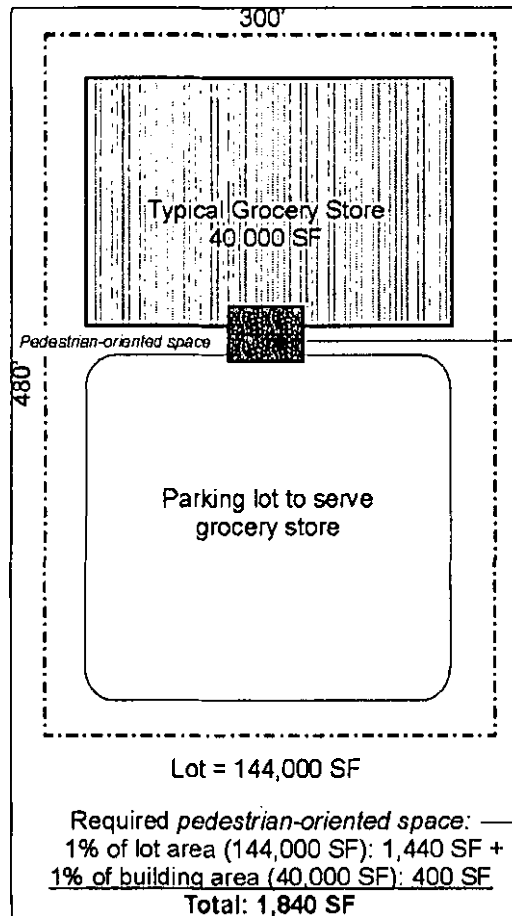
**RHBD**

c. Pedestrian-Oriented Space. All non-residential uses in the RHBD must provide *pedestrian-oriented space* in conjunction with new development according to the formula below. For the purposes of this section, required pathways shall not count as *pedestrian-oriented space*. However, as part of D.R. the City may allow those portions of pathways widened beyond minimum requirements to count towards the required pedestrian-oriented space as long as such space meets the definition of pedestrian-oriented space.

1. 1 percent of the applicable lot area + 1 percent of the non-residential building gross floor area.
  - a. The City may exempt uses that are likely to generate very little customer/pedestrian activity and have few or no employees. This may include warehouse, storage, industrial, and other similar uses.



**Pedestrian-oriented space requirement for a large retail use served by surface parking**



**FIGURE 92.10.M**

**2. To qualify as a pedestrian-oriented space, an area must have:**

- a) Pedestrian access to the abutting structures from the street, private drive, or a nonvehicular courtyard.
- b) Paved walking surfaces of either concrete or approved unit paving.
- c) Pedestrian-scaled lighting (no more than 15' in height) at a level averaging at least 2-foot candles throughout the space. Lighting may be ground or building-mounted lighting.
- 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) Spaces must be positioned in areas with significant pedestrian traffic to provide interest and security – such as adjacent to a building entry.
- f) Landscaping covering at least 20 percent of the space (some of this may include potted plants). Such landscaping components must add seasonal interest to the space.

**3. The following features are encouraged in a pedestrian-oriented space and may be required by the City:**

- a) Pedestrian amenities such as a water feature, drinking fountain, tables, and/or distinctive paving or artwork.

- b) Provide "pedestrian-oriented building facades" on some or all buildings facing the space.
- c) Consideration of the sun angle and the wind pattern in the design of the open space.
- d) Transitional zones along building edges to allow for outdoor eating areas and a planted buffer.
- e) Movable seating.

4. The following features are prohibited within pedestrian-oriented space:

- a) Asphalt or gravel pavement.
- b) Adjacent unscreened parking lots.
- c) Adjacent chain link fences.
- d) Adjacent "blank walls."
- e) Adjacent dumpsters or service areas.
- f) Outdoor storage or retail sales that do not contribute to the pedestrian environment.

An example of a pedestrian-oriented space

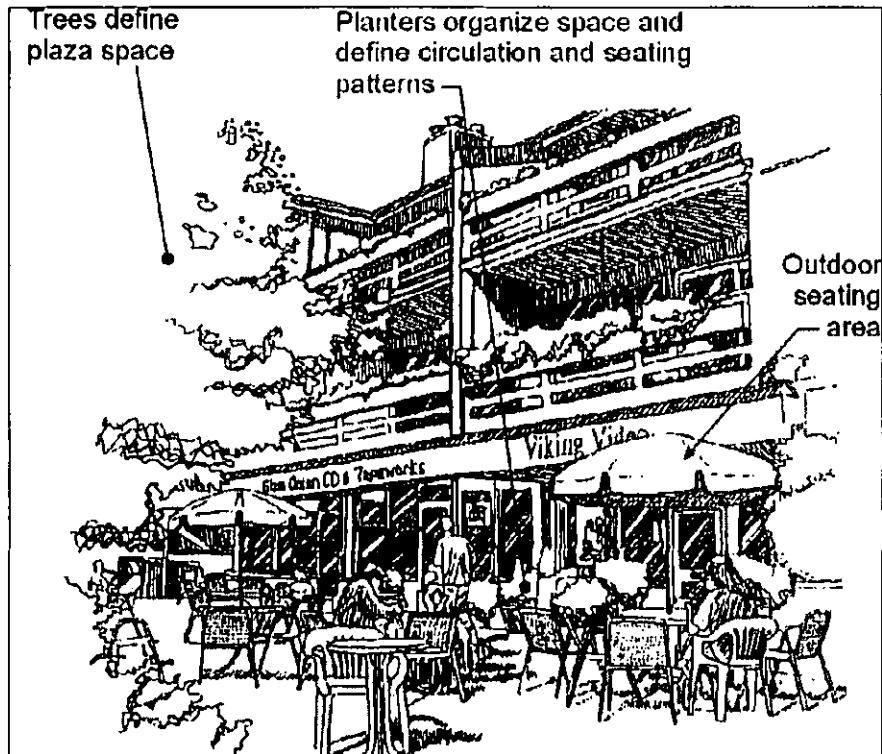


FIGURE 92.10.N

## 912. 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 through-block pathway, must be screened or treated in at least one of the ways listed in subsection (912.de) (c) of this section if it meets the criteria for a blank wall under subsection (9.c10c)(cb) of this section.

RHBD b. Each wall or portion of a wall that is visible from any right-of-way, internal access road, pedestrian-oriented space, or through-block pathway must be screened or treated in at least one of the ways listed in subsection (9.d.10)(d) of this section if it meets the criteria for a blank wall under subsection (9.c10)(e) of this section. Internal roadways used primarily for service access and not visible from a street, pedestrian-oriented space or through-block pathway are exempt from this requirement.

cb. A blank wall is any wall or portion of a wall that meets either of the following criteria (see Figure 92.10.O.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

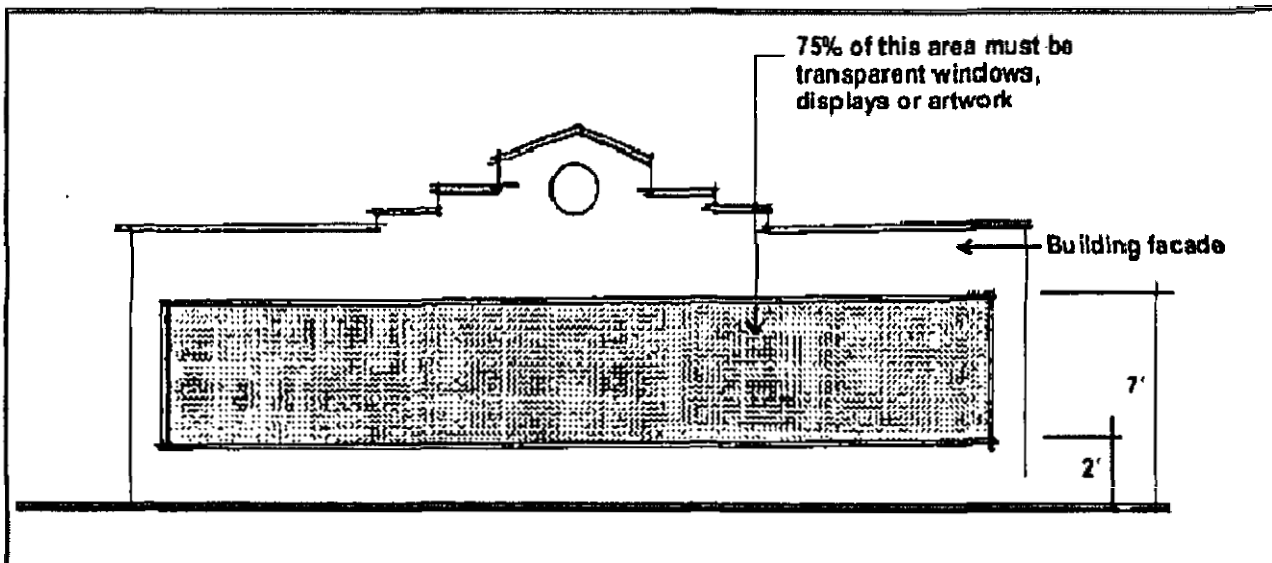


FIGURE 92.10.O.D

dg. 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.

e. ~~d.~~ The provisions of this subsection (9.10) may be modified or eliminated as part of the D.R. decision if they conflict with the Uniform Building Code.

**CBD 103. 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 92.120.M.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 92.120.M.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 (120)(c)(1) or (2) of this section, depending on the location, dimensions, and size of the area.

**114. Screening of Certain Areas** – All loading areas, service areas, and 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~~*through-block pathway*, 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, RHBD, NRHBD**

**JBD, RHBD, NRHBD** In the JBD, -RHBD, and NRHBD, if the subject property includes an area designated for an entry feature in the Comprehensive Plan or KMC 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 D.R. 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 for each area of the city subject to D.R., 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,~~ and NE 85<sup>th</sup> Street Subarea 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 Vehicular Access and Parking Areas Location and Design**

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

### **1. Location of Parking Lots**

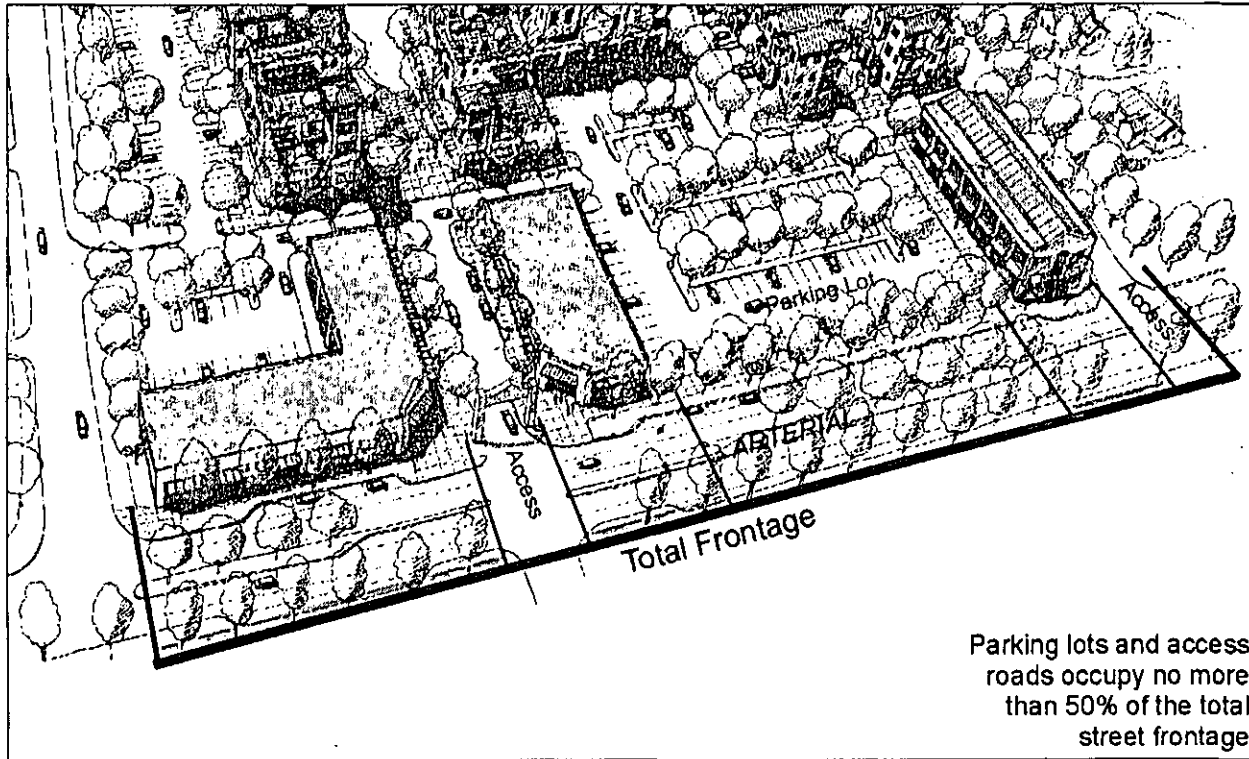
**CBD, TC \_a.** In the CBD and in Totem Center:

- 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 or in a Conceptual Master Plan in TL 2.
- 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.

JBD, NRHBD b. In JBD 2, and NRHBD parking lots shall not be located between the street and the building unless no other feasible alternative exists on the subject property.

**RHBD  
Regional Center**

c. For parcels over 2 acres in size within the RHBD Regional Center, parking lots and other vehicular access areas may not occupy more than 50 percent of the NE 85<sup>th</sup> Street property frontage. Alternative configurations will be considered through the D.R. process provided the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.



**FIGURE 92.25.A**

2. 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. Parking lot entrances and driveways must be shared between properties whenever possible especially along NE 85<sup>th</sup> Street.

3. Parking Lots – Pedestrian and Vehicular Access

a. 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 (see Figure 92.25.BA).

b. As determined through D.R., the walkway shall be:

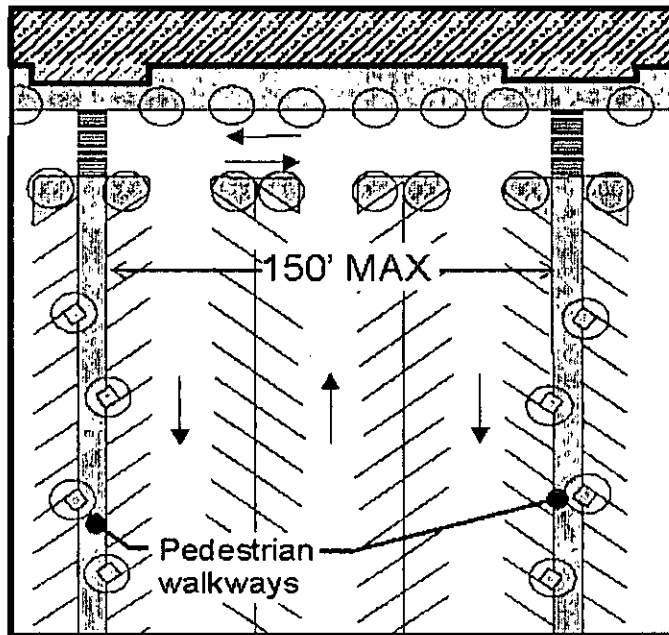
1) Centrally located within the parking lot.

2) Delineated by painted markings, distinctive pavement, or by being raised six inches above the parking lot pavement.

3) At least five feet wide.

4) Handicapped accessible.

- c. 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. At minimum, pathways must be provided for every three parking aisles or at a distance of not more than 150 foot intervals, whichever is less.



**FIGURE 92.25.B**

Pathways must be provided through parking lots.

- d. In addition to the walkways required under subsections (3)(a), (b), and (3)(c) of this section, the applicant must provide a sidewalk, plaza or platform with an area of at least 175 square feet of pedestrian-oriented space at the main building entrance, or central location, or adjacent to a parking area. This area must be raised at least six inches above the parking lot surface and must be paved with concrete or unit pavers.
- e. Convenient pedestrian access must be provided on the subject property to adjacent properties. Barriers which will limit future pedestrian and vehicular access are not permitted.

Pedestrian Walkway

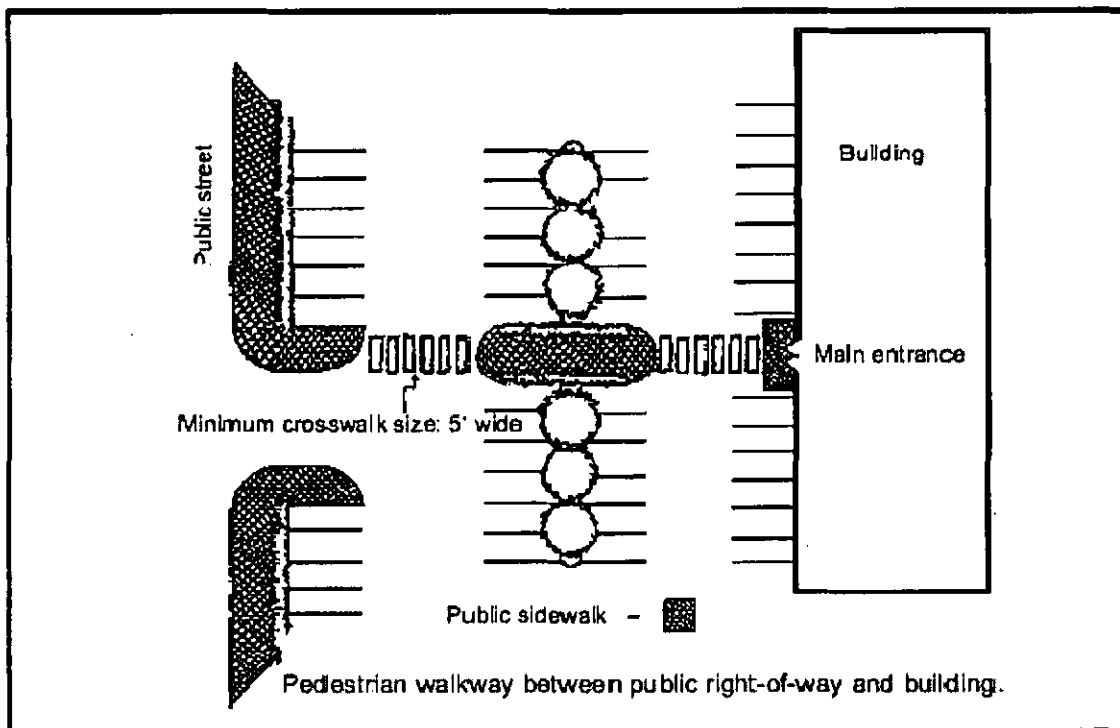


FIGURE 92.25.C

4. 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 sidewalkthrough-block pathway or public park. The provisions do not apply to parking lots that are not visible from a street, through-block sidewalkthrough-block pathway or public park.

- a. The parking lot must contain 25 square feet of landscape area per parking stall planted as follows (see Figure 92.25.CB):
  - 1) At least one tree for every six parking stalls.
  - 2) At least one shrub for every 20 square feet of landscaped area. Up to 50 percent of the shrubs may be deciduous.
  - 3) Groundcover shall be selected and planted to achieve 90 percent coverage within two years.
  - 4) The location of the landscaping will be reviewed through D.R.
- b) As part of the D.R., the City may require or permit a modification to the provisions of subsection (4)(a) of this section to use existing vegetation for internal parking lot landscaping.

5. Perimeter Parking Lot Landscaping – Each side of a parking lot that abuts a street, through-block sidewalkthrough-block pathway or public park must be screened from that street, through-block sidewalkthrough-block pathway or public park using one or a combination of the following methods:

- a. By installation of a compact evergreen hedge or wall consistent with the following standards as applicable (see Figure 92.25.EG):
  - 1) The hedge or wall must extend at least two feet, six inches, and not more than three feet above the ground directly below it.



- 2) The wall may be constructed of masonry or concrete, if consistent with the provisions of KZC 92.35(1)(g)(1), in building material, color and detail, or of wood if the design and materials match the building on the subject property.

**RHBD 3)** The hedge or wall per KZC 92.25(5)(a)(1) and (2) above is not an option for uses that display vehicles for sale, or uses in the Regional Center fronting on NE 85<sup>th</sup> Street.

**JBD 43)** In the JBD, 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 KZC 92.05(4), Landscaping. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.

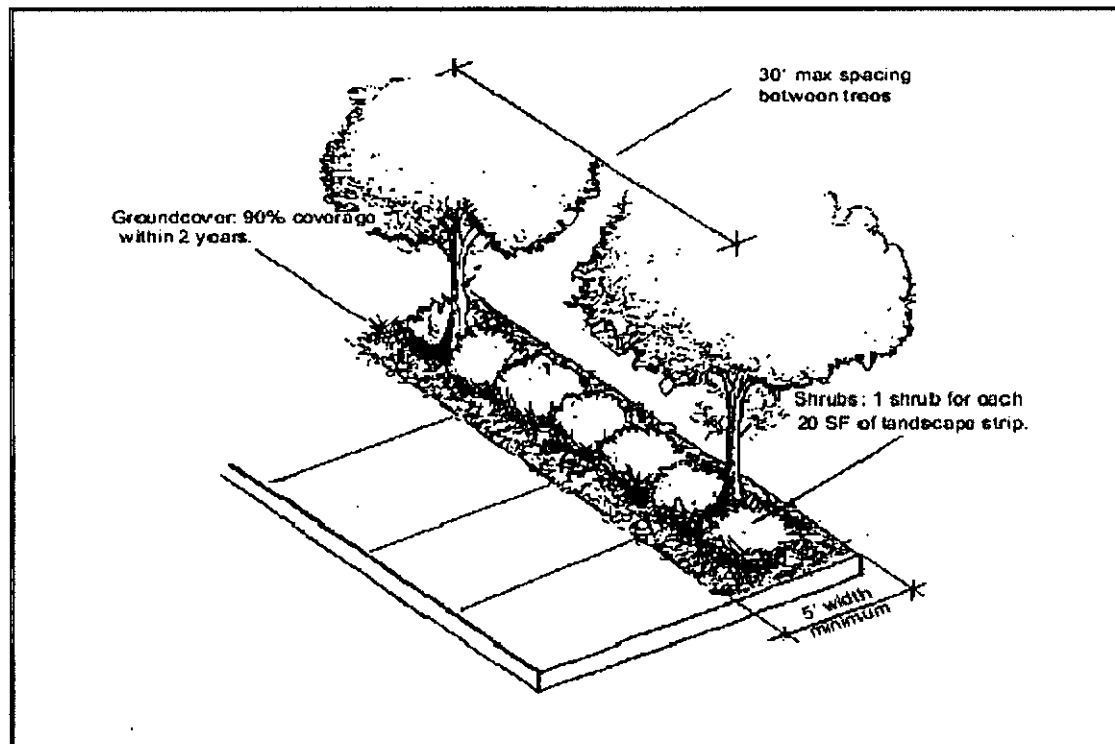
**JBD 54)** In the JBD, if the wall abuts a *pedestrian-oriented street*, the requirements of this subsection may be fulfilled by providing pedestrian weather protection along at least 80 percent of the frontage of the subject property.

b. By providing a landscaped strip, consistent with KZC 92.05(4), Landscaping, at least five feet wide and planted as specified below. In the RHBD Regional Center, a 10' perimeter landscape strip along NE 85<sup>th</sup> Street is required and planted as follows (see Figure 92.25.D):

- 1) Trees planted 30 feet or closer on center.
- 2) At least one shrub for every 20 square feet of landscaped strip.
- 3) Groundcover selected and planted to achieve 90 percent coverage of the remaining landscaped strip within two years.

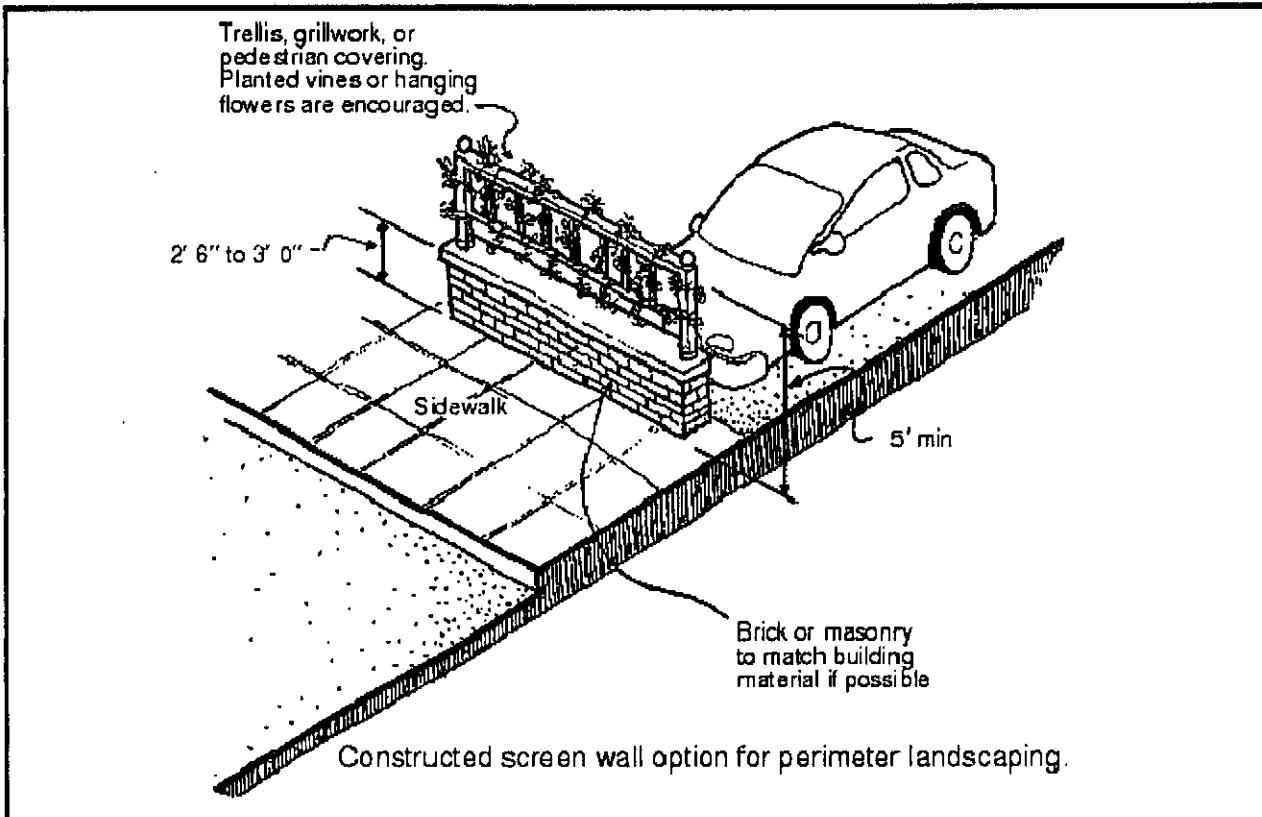
c. As part of D.R., the City may require or permit a modification to the provisions of subsection (5)(b) of this section to use existing vegetation for perimeter parking lot landscaping.

### Internal Parking Lot Landscaping



**FIGURE 92.25.DB**  
**EXHIBIT R**

**Examples of various screen wall designs**



**Examples of Various Screen Wall Designs**

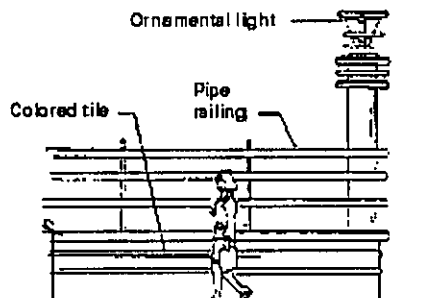
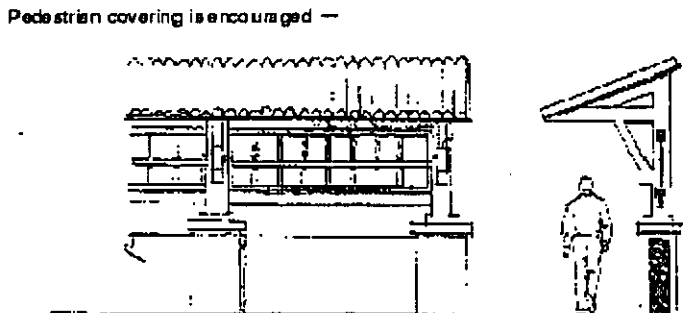
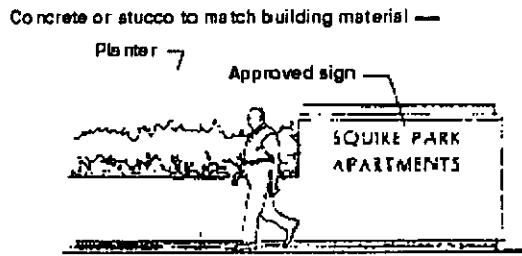
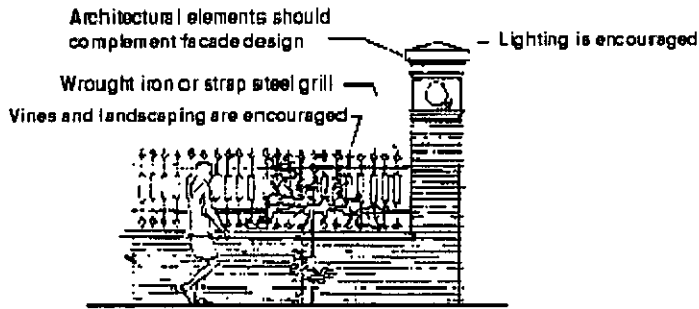


FIGURE 92.25.EG

6. Perimeter Parking Lot Landscaping – Adjacent Properties –

a. Each side of the perimeter of a parking lot containing more than 14 parking stalls, that is within 10 feet of any adjacent property and that is not regulated under the provisions of this subsection (6), shall be screened using a combination of the following methods:

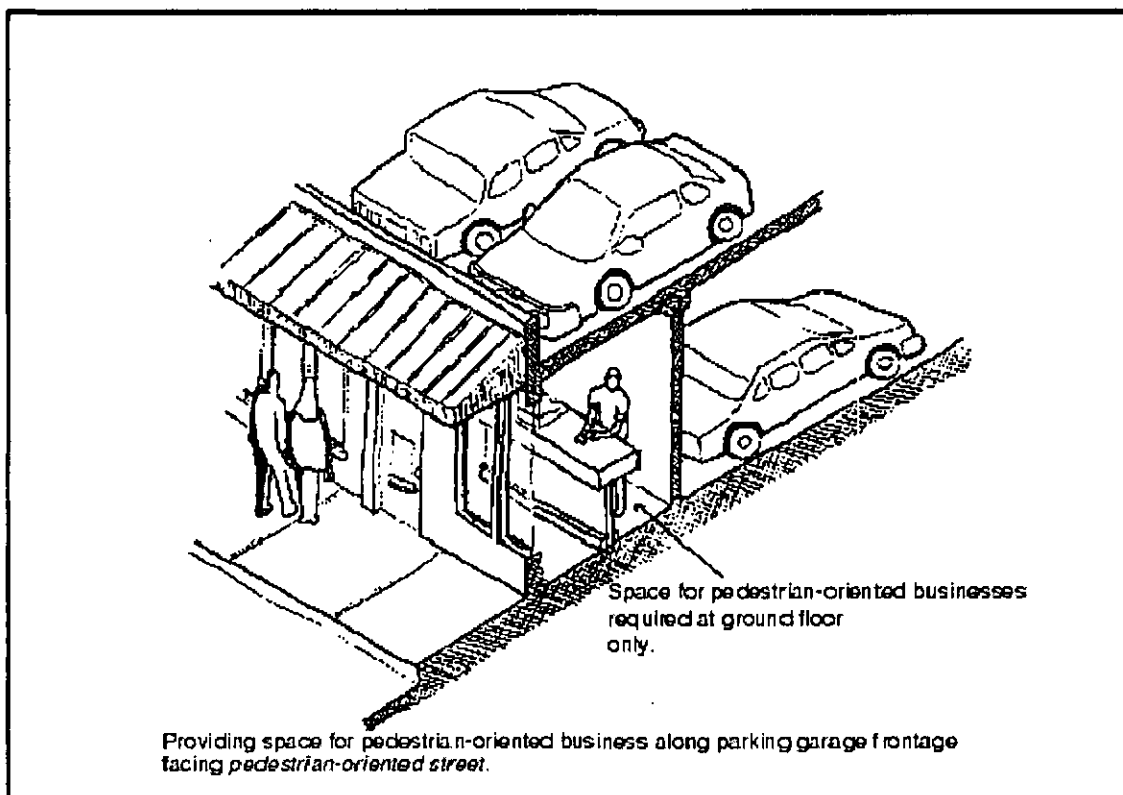
- 1)a. By installing a solid, continuous fence or wall at least five feet in height constructed of wood and/or masonry.
- 2)b. By installing a compact evergreen hedge designed to reach at least five feet in height.
- 3)c. As part of D.R., the City may require or permit a modification to the provisions 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 or pedestrian connections.

7. Parking Garages

a. Each facade of a garage or a building containing ground floor parking must either:

- 1) Provide and maintain 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 92.25.FE); or

**Providing Space for Pedestrian-Oriented Business**



**FIGURE 92.25.FE**

- 2) Provide and maintain a *pedestrian-oriented space* at least 10 feet in depth and extending along the entire facade of the garage or building (excluding vehicle access points); or
- 3) Treat the facade consistent with KZC 92.10(104)(a), (b), or (c), Treatment of Building Facades.

4) A combination of methods described above.

**RHBD b. Structures containing parking on the ground floor in the RHBD:**

- 1) Parking structures on designated *pedestrian-oriented streets* shall provide space for ground-floor commercial uses along street frontages at a minimum of 75 percent% of the frontage width. The entire façade facing a *pedestrian-oriented street* must feature a *pedestrian-oriented façade*.
  - 2) Parking structures adjacent to non-*pedestrian-oriented streets* may be located adjacent to a sidewalk where they provide space for ground-floor commercial uses along street frontages at a minimum of 75 percent% of the frontage width and include a *pedestrian-oriented façade* along the applicable frontage. Otherwise, parking garages shall be setback at least 10 feet from the sidewalk and feature substantial landscaping between the sidewalk and the structure. This includes a combination of evergreen and deciduous trees (1 per 20 lineal feet), shrubs (1 per 20 square feet), and ground cover (sufficient to cover 90 percent of the area within 3 years). Other treatments will be considered in the D.R. process.
  - 3) Parking garage entries shall be designed and sited to complement, not subordinate, the pedestrian entry. If possible, locate the parking entry away from the primary street, to either the side or rear of the building.
  - 4) The design of structured parking at finished grade under a building shall minimize the apparent width of garage entries.
  - 5) Parking within the building shall be enclosed or screened through any combination of walls, decorative grilles, or trellis work with landscaping.
  - 6) Parking garages shall be designed to be complementary with adjacent buildings. Use similar forms, materials, and/or details to enhance garages.
  - 7) Parking structure service and storage functions shall be located away from the street edge and generally not be visible from the street or sidewalks.
- c. There must be architectural screening or other treatment of openings above the ground level for the facades of parking garages along *pedestrian-oriented streets*, *through-block pathways sidewalks and major pedestrian sidewalks*.
- d. All parking garages and parking within a structure must contain designated pedestrian walkways that:
- 1) Do not use vehicle entrance or exit driveways, from the parking area to a public right-of-way; and
  - 2) Go from the parking spaces to the pedestrian entrance of the building served by the parking.

**8. Miscellaneous Parking Area Design Details**

- a. 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 (unless otherwise stated in each district subject to D.R. ).
- b. 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 92.25.HF).
- c. 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.
- d. 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.

## Extended Curb Used To Protect Landscape Strip

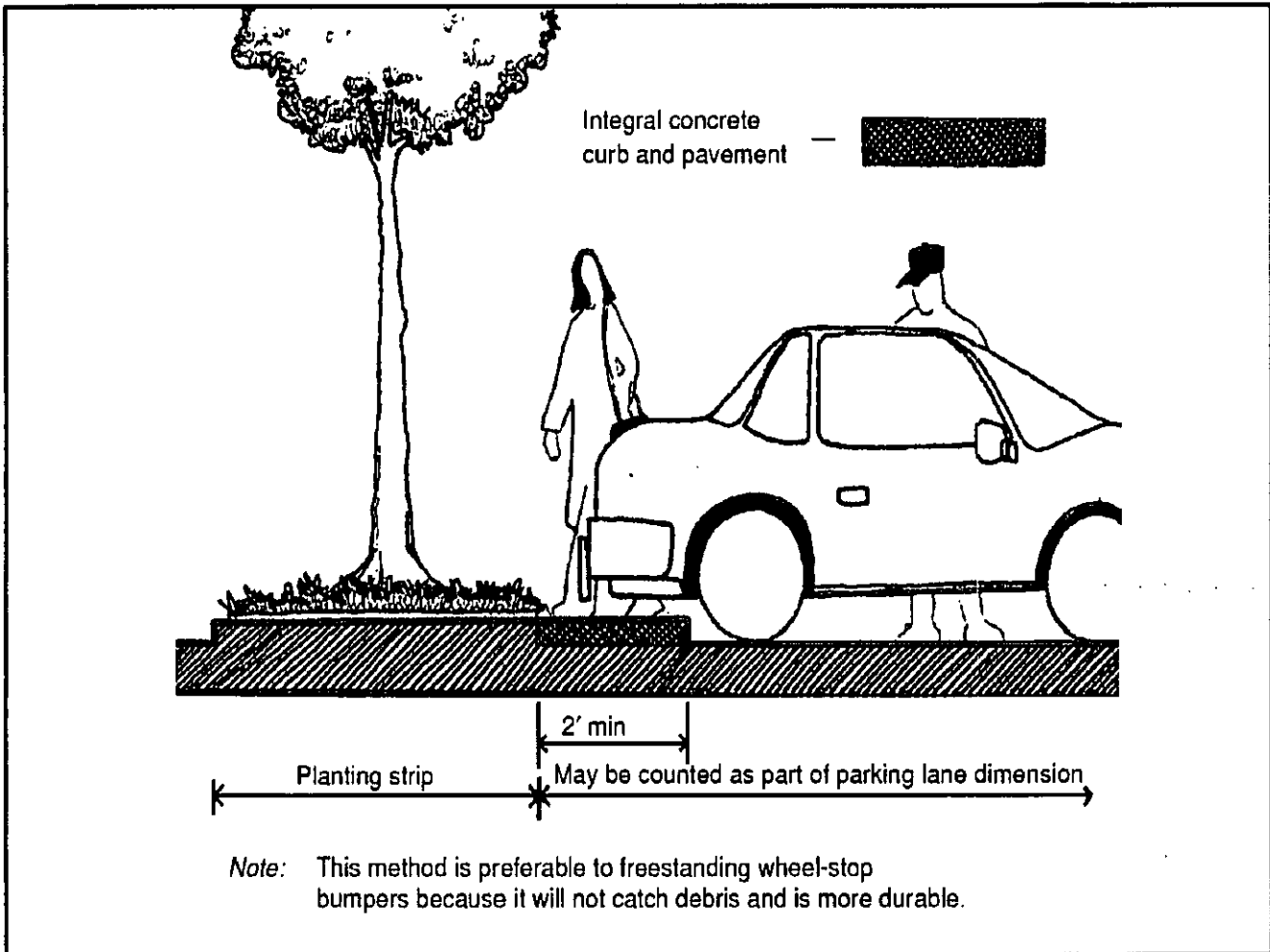


FIGURE 92.25.HF

### 92.30 Architectural and Human Scale

#### CBD 1. Techniques To Moderate Bulk and Mass in the CBD

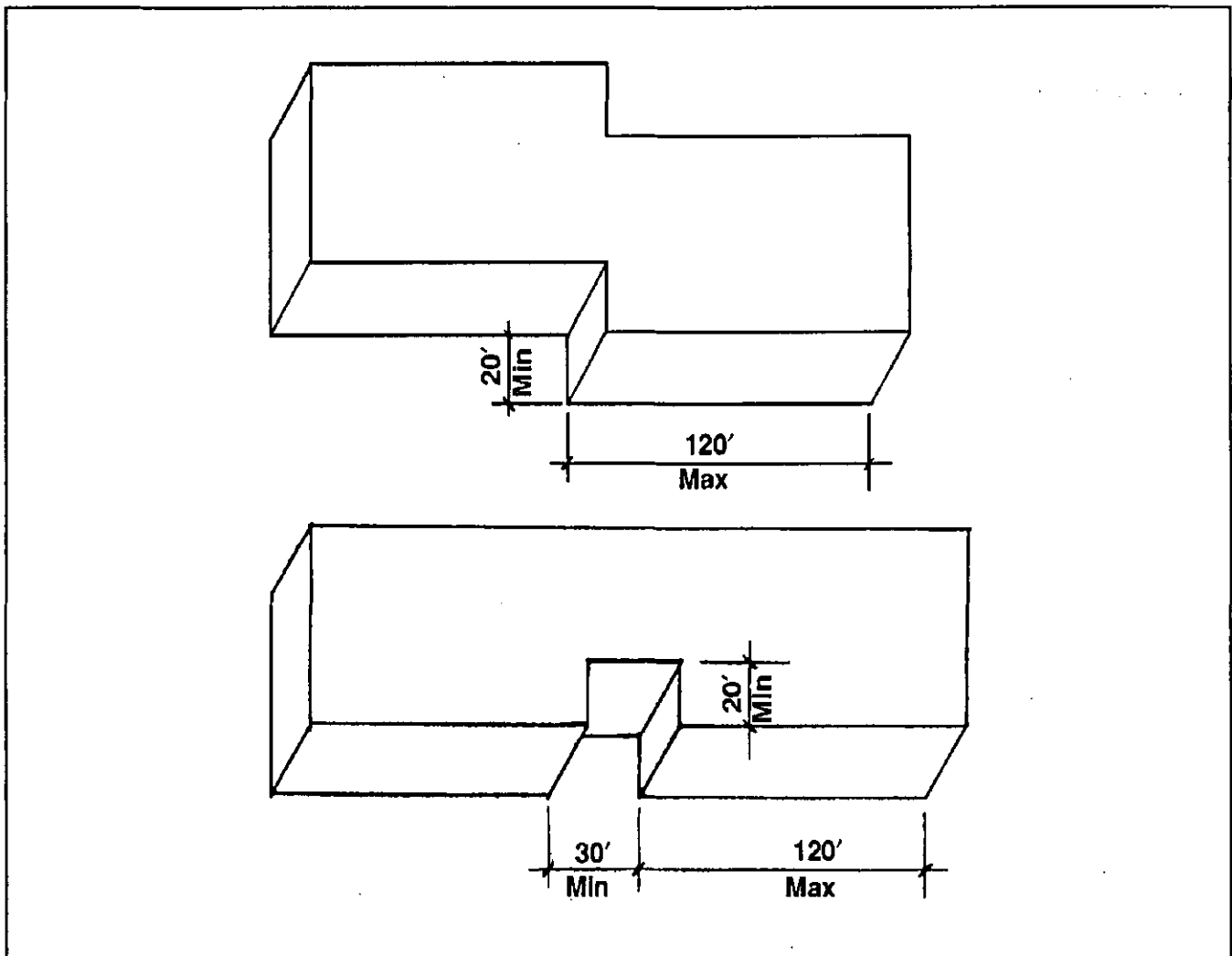
- a. General – This section establishes required techniques to be used in the design and construction of building facades in specific areas of the CBD. The applicant shall comply with the techniques listed below in order to reduce the perceived bulk and mass of large structures by dividing the building mass into smaller-scale components. As an alternative, the City may approve other techniques, elements, or methods if consistent with the following criteria:
  - 1) The alternative is generally consistent with the downtown plan provisions of the Comprehensive Plan and the design guidelines.
  - 2) The alternative clearly provides superior moderation of the architectural bulk and mass than would result from strict application of the required techniques.
- b. Vertical Definition – The applicant shall comply with the following requirements to moderate the horizontal scale of buildings:
  - 1) 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.

2) 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 (see Figure 92.30.A):

- a) 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.
- b) The modulation shall be 20 feet in depth and shall start at finished grade and extend through all floors.
- c) Decks and roof overhangs may encroach up to three feet (per side) into the modulation.

**Vertical Definition: CBD 4, 6, and 8**

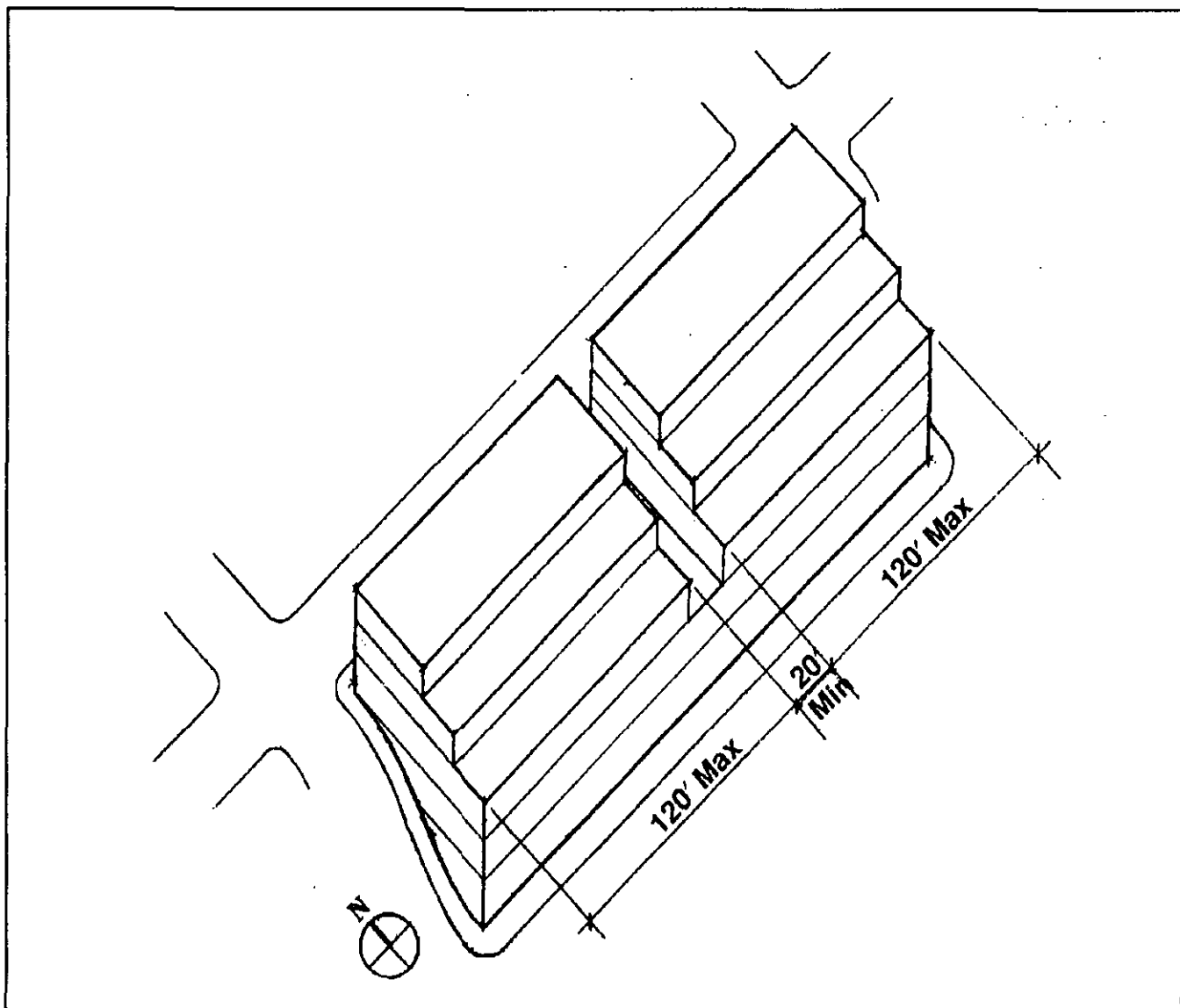


**FIGURE 92.30.A**

3) **CBD 6, CBD 8:** Along the axes of all buildings which are 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 (see Figure 92.30.B):

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

**Vertical Definition: CBD 6 and 8**



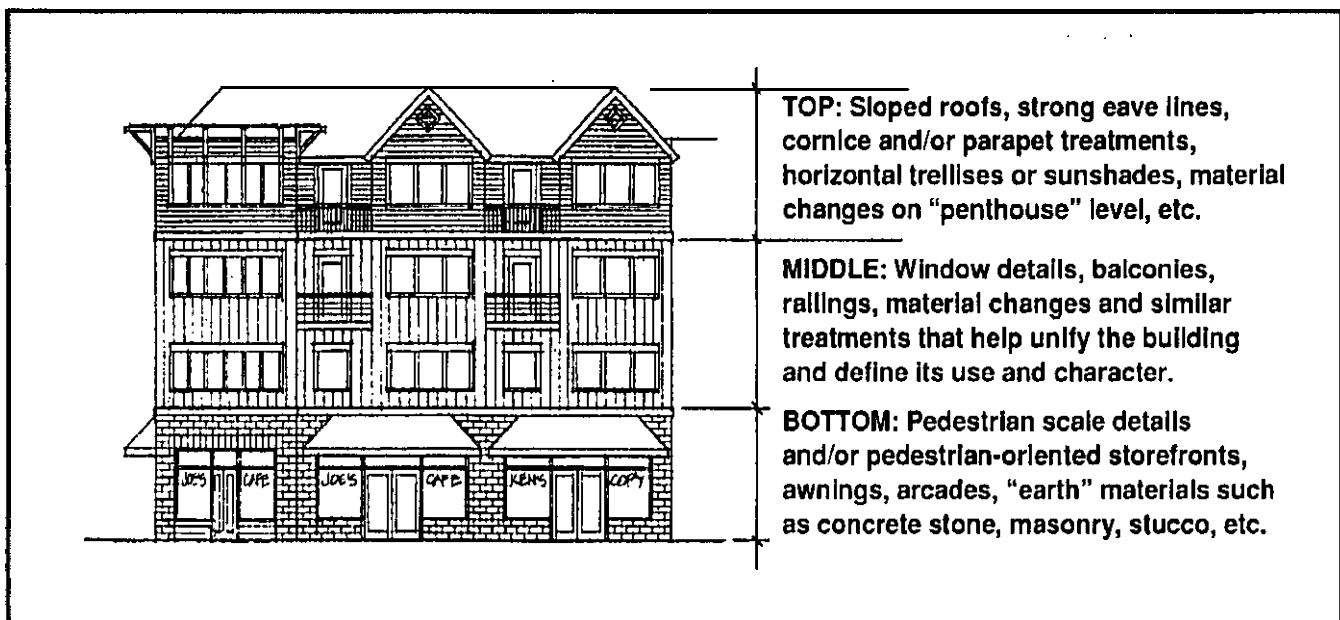
**FIGURE 92.30.B**

c. **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 92.30.C). The following techniques are suggested methods of achieving vertical articulation:

- 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**

**RHBD 2. Techniques To Moderate Bulk and Mass in the RHBD**

a. Along all streets, through-block pathways, and public open spaces, 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 (see Figure 92.30.A):

- 1) 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.
- 2) The modulation shall be 20 feet in depth and shall start at finished grade and extend through all floors.
- 3) Decks and roof overhangs may encroach up to three feet (per side) into the modulation.



### 3. Achieving Human Scale

#### a. General

**CBD**

1) CBD: Except as provided in subsection (32)(a)(3) of this section, the applicant shall use at least two of the elements or techniques listed in subsection (32)(b) of this section in the design and construction of each facade of a building facing a street or public park.

**JBD, NRHBD,**

**TC, RHBD**

2) JBD and NRHBD and Totem Center, and RHBD: Except as provided in subsection (32)(a)(3) of this section, the applicant shall use at least one of the elements or techniques listed in subsection (32)(b) of this section in the design and construction of each facade of a one-story building facing a street or ~~through-block sidewalk~~through-block pathway, and at least two of the elements or techniques for a two-story building facing a street or ~~through-block sidewalk~~through-block pathway.

3) The applicant shall use at least three of the elements or techniques listed in subsection (32)(b) of this section in the design and construction of any facade of a building facing a street, ~~through-block sidewalk~~through-block pathway 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 (32)(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(9) 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):

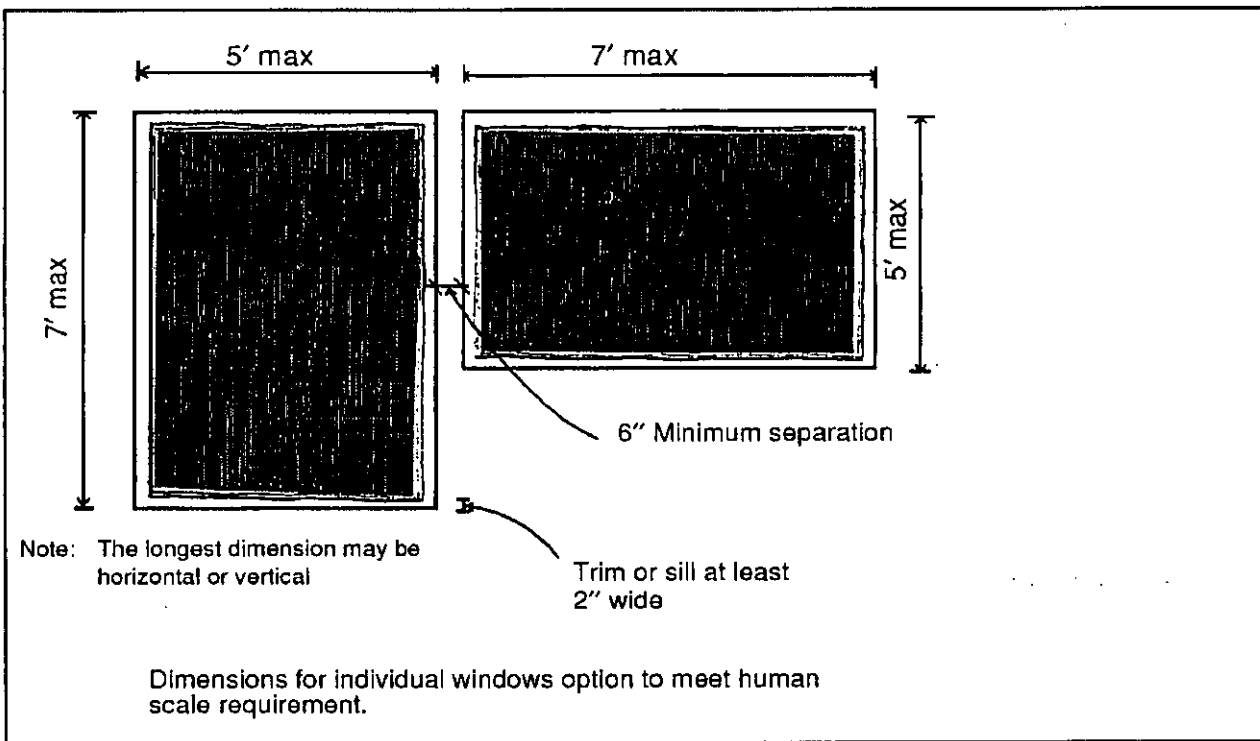
a) The windows must have glazed areas with dimensions less than five feet by seven feet.

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.

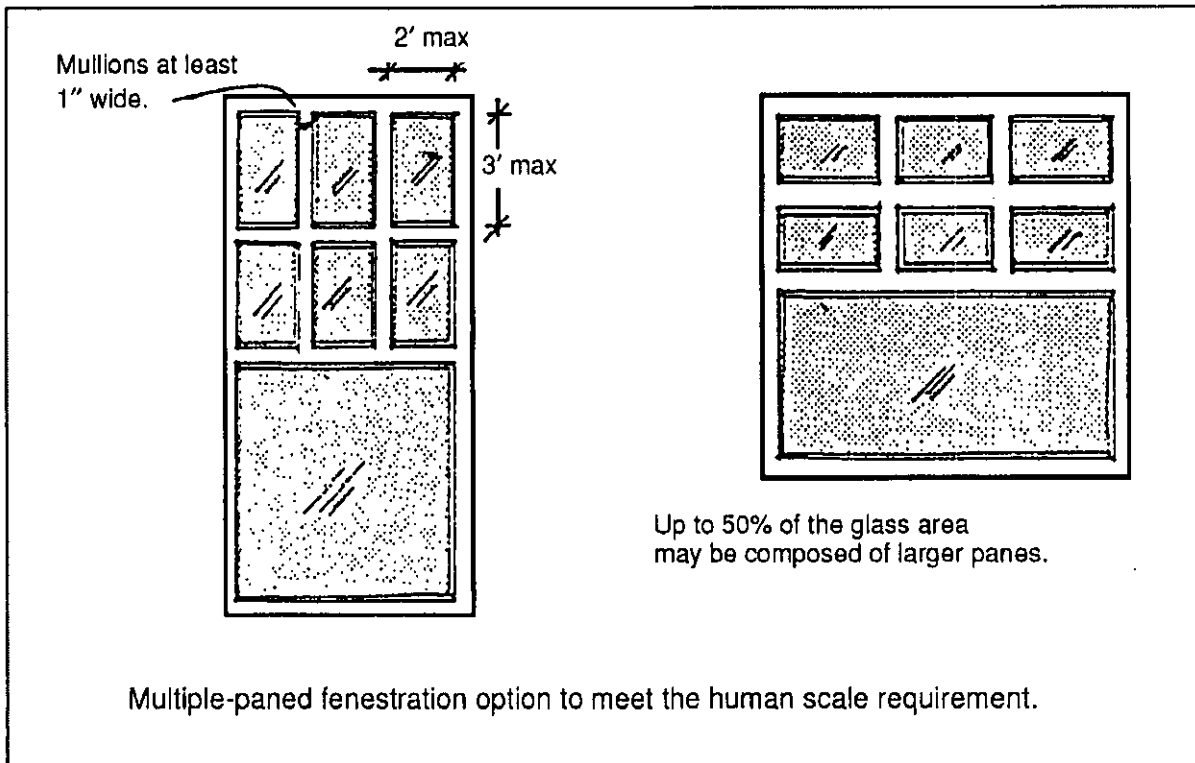
5) Provide at least one-half of the window area above the ground floor of each facade facing a street or public park in panes with dimensions less than two feet by three feet and with individual panes separated by window mullions (see Figure 92.30.E).

**Individual Windows Option**



**FIGURE 92.30.D**

**Multiple-Paned Fenestration Option**



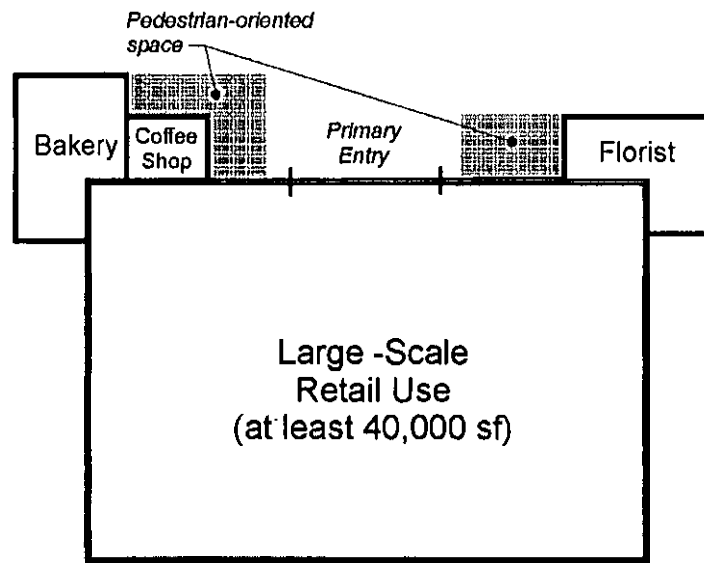
**FIGURE 92.30.E**

- 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. To meet this requirement, the ridge width of a continuous roofline shall not extend more than 100 feet without modulation. This includes a gabled or other sloped roofline segment at least 20 feet in width.
- 7) If the main entrance of the building is on the facade of the building facing a street, through-block-sidewalk through-block pathway, 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(67) 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 through-block pathway, or a public park.
- 9) Composing smaller building elements near the entry of a large building (see Figure 92.30.F).

RHBD c. Non-residential uses in the RHBD with over 40,000 square feet of floor area shall incorporate the following human scale features on the façade featuring the primary building entry:

- 1) Provide pedestrian-oriented space near the building entry. The minimum size of the area shall be no less than 1% of the floor area of the use. This must include a covered area at least 15 feet long by 15 feet wide and is available for outdoor display or outdoor vendors; and
- 2) Compose smaller building elements near the entry (see Figure X).
- 3) As an alternative, the applicant may propose other mechanisms for providing human scale to such buildings, consistent with the design guidelines.

**Composing smaller building elements near the entry**



**FIGURE 92.30.F**

43. 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.

- a. 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.
- b. On all building facades visible from a street or public park, provide horizontal modulation consistent with all of the following standards:
  - 1) The maximum allowable horizontal dimension of the facade between modulations is 70 feet;
  - 2) The minimum depth of each modulation, except balconies, is 10 feet; and
  - 3) The minimum width of each modulation, except balconies, is 15 feet.
- c. On all building facades visible from a street or public park, provide balconies which are consistent with the following standards:
  - 1) Balconies must be placed on at least every other floor above the ground floor;
  - 2) The maximum distance between balconies, measured horizontally, is 100 feet; and
  - 3) The minimum amount of floor area for each balcony is 100 square feet.
- d. 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 (see Figure 92.30.GF):
  - 1) 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.
  - 2) 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.

## Flat Roof Modulation Options

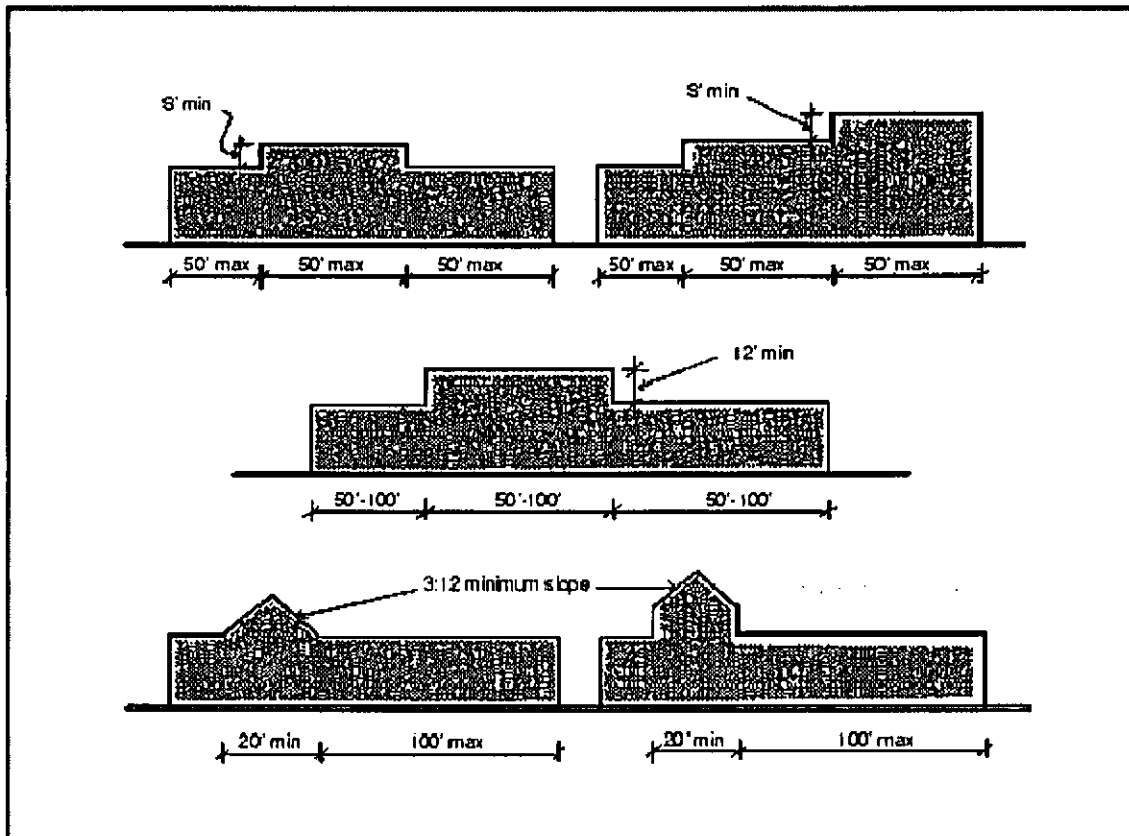


FIGURE 92.30.G

3) 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.

e. 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.

### RHBD

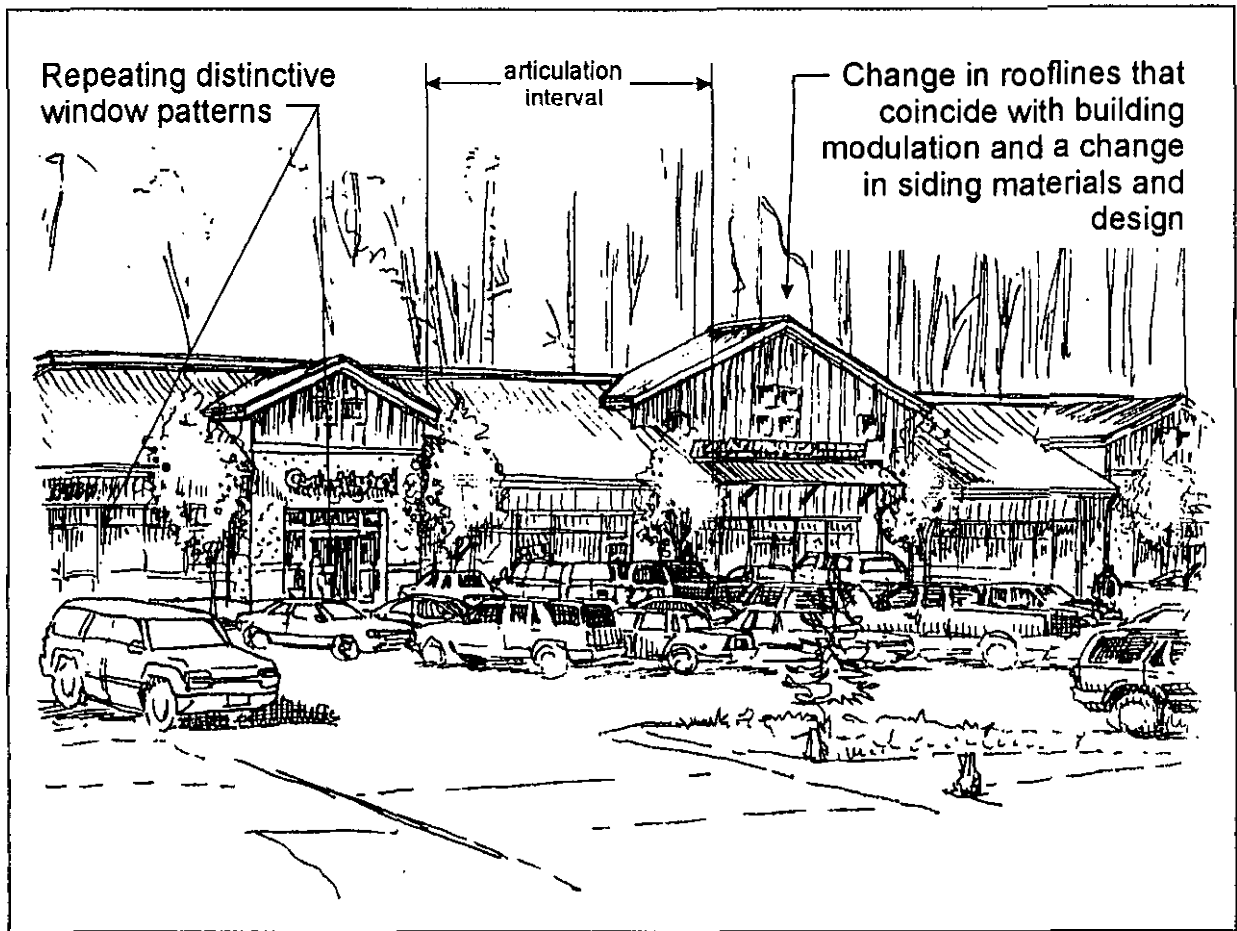
#### 5. Techniques To Achieve Architectural Scale in the RHBD.

a. All buildings shall include at least three of the following modulation techniques at the articulation intervals described in 92.30.5.b. along all facades containing the primary building entries (alley facades are exempt):

- 1) Repeating distinctive window patterns at intervals less than the *articulation* interval;
- 2) Horizontal building modulation- Minimum depth of modulation is 2 feet and minimum width for each modulation is 4 feet if tied to a change in color or building material and roofline modulation as defined below. Otherwise, minimum depth of modulation is 10 feet (except balconies) and minimum width for each modulation is 15 feet;
- 3) Providing a separate covered entry or separate weather protection feature for each *articulation* interval.

- 4) Change of roofline- To qualify for this measure, the maximum length of any continuous roofline shall not be less than the articulation interval and comply with the treatments below (see Figure 92.30.H):
  - a) For segments less than 50 feet in horizontal width, the height of visible roofline must change at least 4 feet if tied to horizontal building modulation and at least 8 feet in other cases.
  - b) For segments more than 50 feet in horizontal width, the height of visible roofline must change at least 6 feet if tied to horizontal building modulation and at least 12 feet in other cases.
  - c) The length of sloped or gabled roof line segments must be at least 20 feet. The minimum slope of the roof segment is 3 feet vertical to 12 feet horizontal.
- 5) Change in building material or siding style coordinated with horizontal building modulation and or change in building color where appropriate;
- 6) Providing lighting fixtures, trellis, tree, or other landscape feature within each interval;
- 7) Alternative methods that achieve the desired architectural scale as approved by the City.
- b. Modulation and/or articulation shall be provided at the following intervals:
  - 1) No more than 30 feet for buildings containing residential uses on all floors above the ground floor;
  - 2) No more than 70 feet for non-residential buildings in the Regional Center;
  - 3) No more than 50 feet for non-residential buildings in the Neighborhood Center;
  - 4) No more than 30 feet for non-residential buildings in the East End;

**Building articulation and modulation techniques**



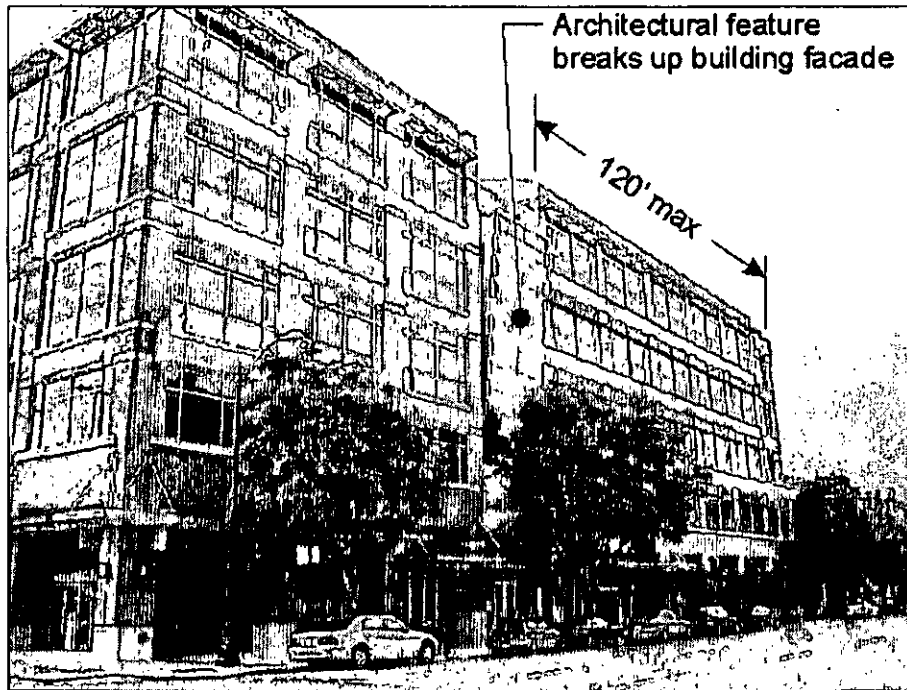
**FIGURE 92.30.H**

**c. Techniques to Achieve Architectural Scale For Office Buildings in the RHBD:**

**1. Office building design standards for the RHBD's Regional Center- These standards are intended to supplement other building design standards in the Regional Center. Where there is a conflict between standards, these standards shall apply as they are specific to office buildings.**

**a. Buildings must use design techniques to break up long continuous building walls, reduce the architectural scale of the building, and add visual interest. Specifically, any building facade longer than 120' in width must employ design techniques to limit the length of individual facades. To meet this requirement, buildings must utilize a combination of horizontal building modulation with a change in building materials or finishes, a clear change in building articulation and/or a change in fenestration technique.**

This building uses an angled window wall over the primary building entry to break up the width of the façade

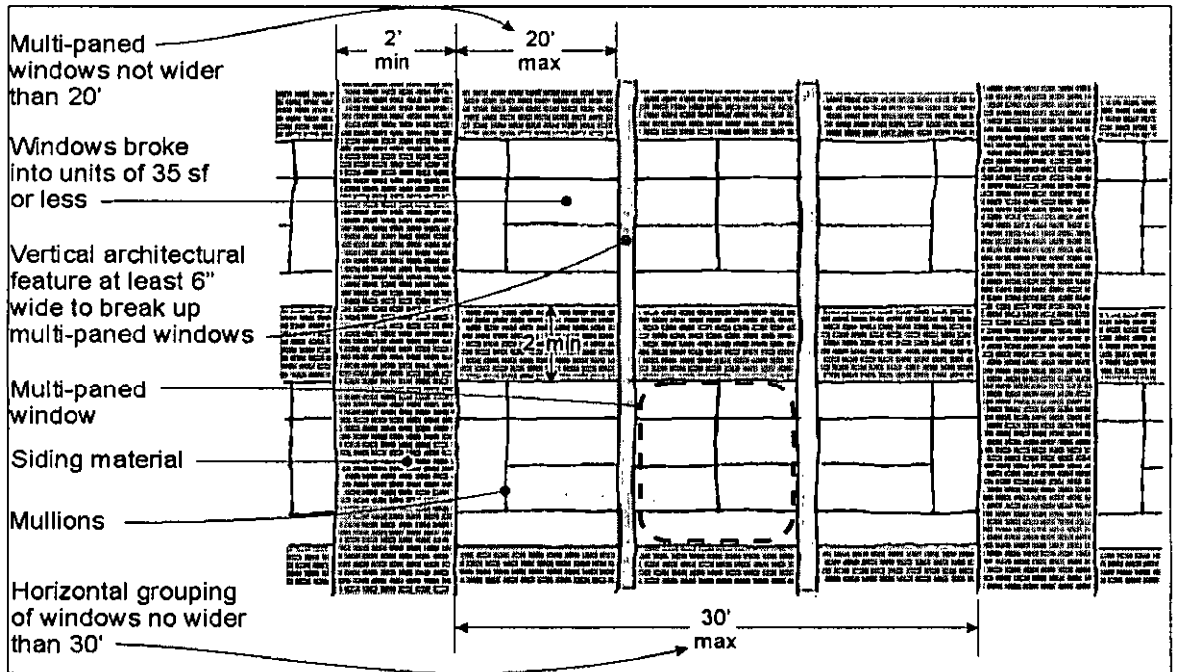


**FIGURE 92.30.I**

- b. Buildings must employ design techniques to divide windows into units that give the building an identifiable scale. Specifically:
- 1) Windows must be broken into units of 35 square feet or less with each window unit separated by a visible mullion or other element.
  - 2) Multi-paned windows separated by mullions shall not exceed 20 feet in width and shall not exceed the height of individual floors.
  - 3) Horizontal groupings of windows shall not exceed 30 feet in width. At least one vertical architectural feature at least 6 inches wide shall be used within the grouping to break up individual multi-paned windows. Architectural features at least 2 feet in width shall separate such horizontal groupings of windows. (See Figure 92.30.J).
  - 4) Siding material at least 2 feet in height shall separate windows on each floor.
  - 5) Building facades shall employ techniques to recess or project windows at least 2 inches from the façade.



**Standards to divide windows into units that will give buildings an identifiable sense of scale.**



**FIGURE 92.30.J.**

Some or all of these standards may be relaxed through the D.R. process where other methods can be effectively used to divide windows into units and give the building an identifiable scale.

a.c. Continuous window walls are prohibited, except where used as an accent façade element to break up long continuous building walls and/or emphasize a building entry. Such window walls should be modulated horizontally, by at least 2 feet, and should not exceed 20 feet in width.

b. Mirrored glass and other highly reflective materials are prohibited.

**Recessed windows, mullions and trim**



**FIGURE 92.30.K**

**Continuous window walls are prohibited unless used as an accent, such as in this building**



**FIGURE 92.30.I**

## 92.35 Building Material, Color and Detail

1. Required Elements – The applicant shall incorporate at least three of the following elements on each facade of a building that faces a street, ~~through-block sidewalk~~ through-block pathway, pedestrian-oriented space or a public park. As an alternative, the applicant may propose other mechanisms for providing interesting visual detail to buildings, consistent with the design guidelines.
  - a. 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. b. 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.
  - be. 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.
  - cd. Railings, grill work, landscape guards or other similar elements including materials, design, configuration, embellishment or workmanship that exceeds the normal functional requirements for the element.
  - de. Trellises or arbors having an area of at least 100 square feet and planted, consistent with the requirements of KZC 92.05(4), to achieve at least 30 percent coverage of the trellis or arbor with plant material within three years.
  - ef. 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:
    - 1) Includes a diffuse, visible light source, such as a globe.
    - 2) 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.
  - fg. Use of any of the following decorative materials:
    - 1) Any of the following decorative masonry elements:
      - a) Decorative masonry patterns, other than running bond pattern.
      - b) Bricks, tile, stone, cast stone or other masonry units of at least two colors installed in layers or tiers to form a geometric pattern.
      - c) Decorative bands of masonry, such as a soldier course of brick or multicolored ceramic tile band, in conjunction with another exterior surface material.
    - 2) Individualized wood patterns or continuous wood details, such as fancy butt shingles in a geometric pattern, decorative moldings, brackets, eave trim or lattice work.
    - 3) 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.

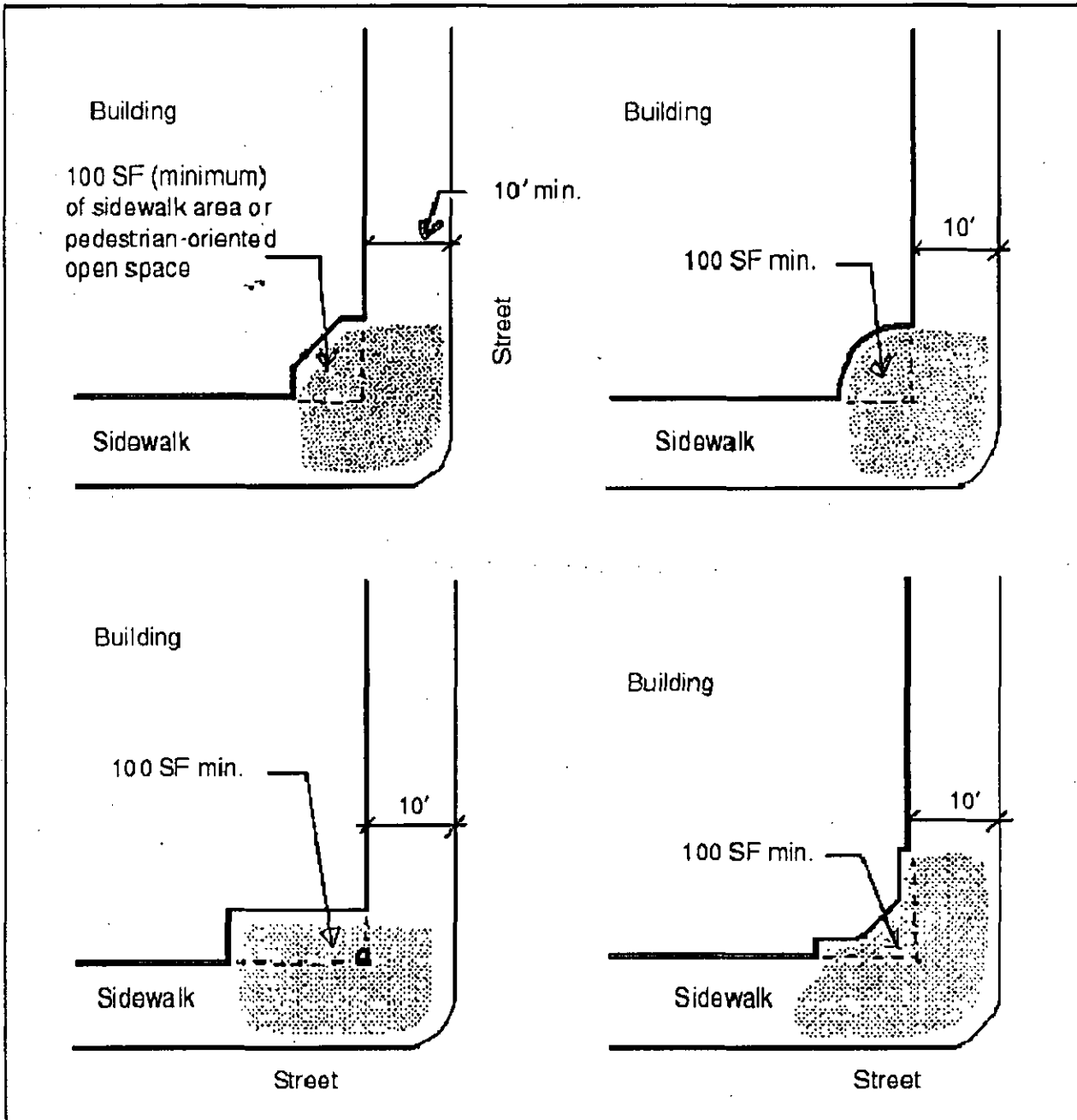
- 4) Other materials with decorative or textural qualities, as demonstrated by architectural drawings and material samples, approved by the City as part of D.R.
- gh. Decorative unit paving, including at least 50 square feet of multicolored tile, paver blocks, brick or other paving material in a decorative pattern, installed in a pedestrian-circulation area adjacent to the facade.
- hi. 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.
2. Prohibited Materials – The following materials may not be used on any exterior surface which is visible from any area beyond the subject property:
- Mirrored glass and other highly reflective materials.
  - Corrugated fiberglass.
  - Chain link fencing, except for temporary purposes, such as during construction.
3. 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:
- The siding must have a matted finish.
  - 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.
  - The facade must have visible window and door trim painted or finished in a color which is complementary to the siding color.
4. 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:
- Use of textured blocks with surfaces such as split-faced or grooved.
  - Use of colored mortar complementary to the color of the blocks.
  - Use of other surface material such as bricks, glass blocks or tile as a significant feature of the wall.
5. Awnings
- The design of awnings should complement the architecture of the building. Steel and glass, fabric, and other materials of a more permanent nature are encouraged. Vinyl or plastic awnings and awnings used predominantly for advertising are discouraged.
  - 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.
6. 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.
7. 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:

- a. Building cornerstones must be constructed in carved stone, cast stone, carved masonry, terracotta or other vandal-resistant material.
- b. 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.
- c. Building cornerstones and plaques must indicate the name of the building and, if known, the date of construction and architect.
- d. Building cornerstones and plaques may include the owner's name and other historical information.

**CBD 8. Building Corners in the CBD** – 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 provisions of the Comprehensive Plan.

- a. 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 KZC 92.10(1) (see Figure 92.35.A).
- b. Provide an entranceway to a store, building atrium or lobby, exterior courtyard or pedestrian-oriented open space (see Figure 92.35.B).
- c. Provide a pedestrian pathway, at least eight feet in width that connects to another street, public feature or building (see Figure 92.35.B).
- d. 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 (see Figure 92.35.C):
  - 1) A bay window or turret.
  - 2) A roof deck.
  - 3) Balconies above the ground floor.
  - 4) A building corner setback notch or curved facade surface.
  - 5) Sculpture or artwork, either bas-relief or figurative.
  - 6) Distinctive use of facade materials.
- e. Provide special or unique treatment, other than the use of fabric or vinyl awnings, for pedestrian weather protection at the corner of the building.

**Options for Corner Setback Configurations**



**FIGURE 92.30.A**

Options for Corner Entry Elements

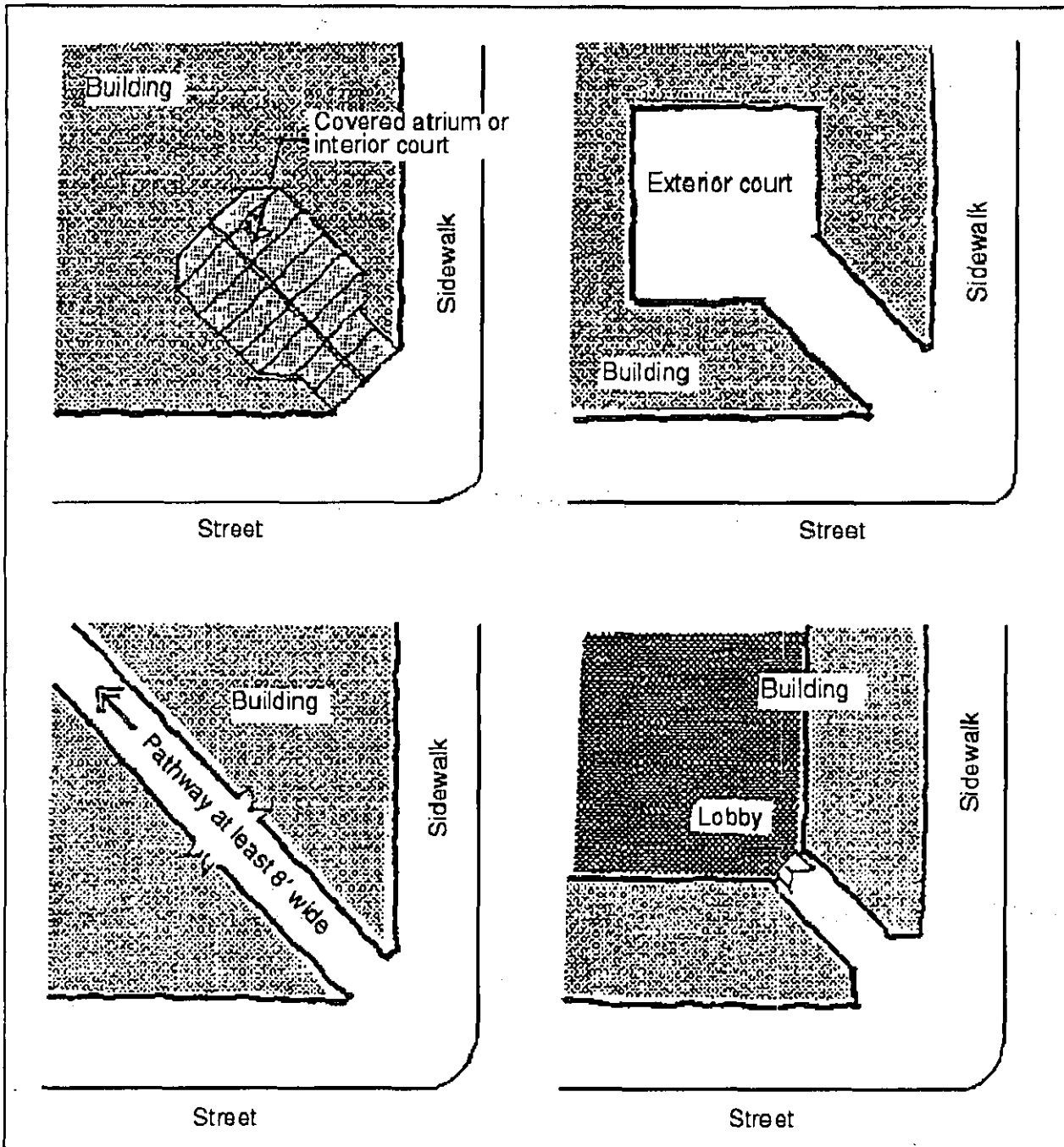


FIGURE 92.35.B

Architectural Elements for Corners

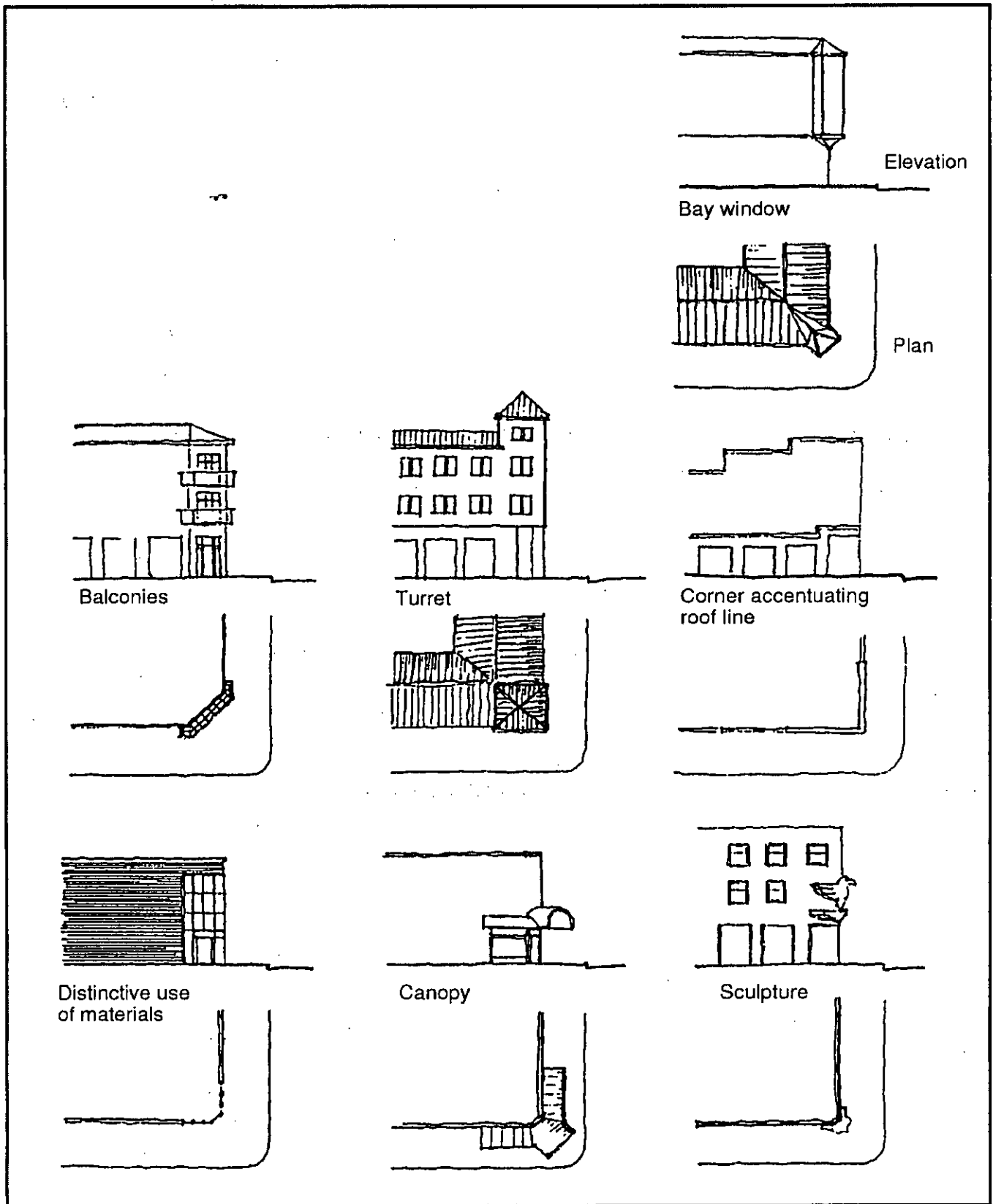


FIGURE 92.35.C

9. Street Corners In RHBD-

a. For development at street corner sites, the applicant must incorporate one or more of the following site treatments:

1. Locate and orient the building towards the street corner (within 10 feet of corner property line). To qualify for this option, the building must have direct pedestrian access from the street corner. Exception: Properties in the Regional Center must provide a 10' minimum setback between NE 85<sup>th</sup> Street and any building.
2. Provide an architectural feature that adds identity or demarcation of the area. Such an architectural element may have a sign incorporated into it (as long as such sign does not identify an individual business or businesses) (see Figure 92.35.D).
3. Provide a "pedestrian-oriented space" at the corner leading directly to a building entry or entries.
4. Install substantial landscaping (at least 30x30 or 900 square feet of ground surface area with trees, shrubs, and or ground cover).

b. On properties located at the 124<sup>th</sup>, 126<sup>th</sup>, and 128<sup>th</sup> Avenue NE intersections, buildings must be located at the street corner and provide *pedestrian-oriented facades* along both streets. Exceptions:

1. Setbacks will be allowed only where the space between the sidewalk and the building meets the definition of a *pedestrian-oriented space*. An example is shown in Figure 92.35.D.
2. Vehicle sales and properties on the west side of the 124<sup>th</sup> Avenue NE are exempt from this standard because of transmission line easement limitations.

Building located directly on a street corner with direct pedestrian access and pedestrian-oriented facades in the RHBD.

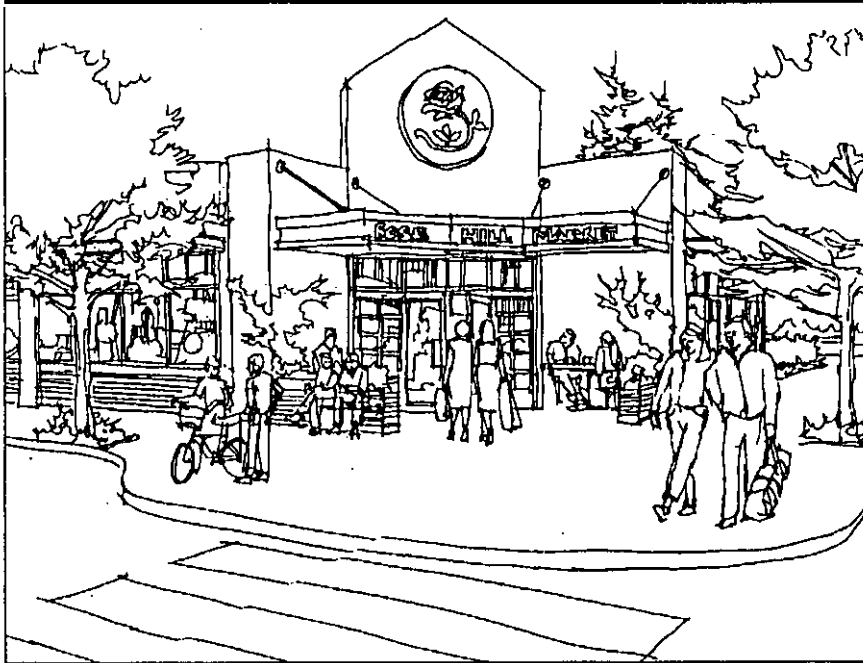


FIGURE 92.35.D



## 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.
	▶				
<b>A</b>		Must comply with <u>KZC 95.15, 95.20</u> and <u>95.25(1)</u> (Buffering Standard 1)	Must comply with <u>KZC 95.15, 95.20</u> and <u>95.25(1)</u> (Buffering Standard 1)	Must comply with <u>KZC 95.15, 95.20</u> and <u>95.25(3)</u> (Buffering Standard 3)	Must comply with <u>KZC 95.15</u> and <u>95.20</u>
<b>B</b>		Must comply with <u>KZC 95.15, 95.20</u> and <u>95.25(2)</u> (Buffering Standard 2)	Must comply with <u>KZC 95.15, 95.20</u> and <u>95.25(2)</u> (Buffering Standard 2)	Must comply with <u>KZC 95.15</u> and <u>95.20</u>	Must comply with <u>KZC 95.15</u> and <u>95.20</u>
<b>C</b>		Must comply with <u>KZC 95.15, 95.20</u> and <u>95.25(2)</u> (Buffering Standard 2)	Must comply with <u>KZC 95.15, 95.20</u> and <u>95.25(3)</u> (Buffering Standard 3)	Must comply with <u>KZC 95.15</u> and <u>95.20</u>	Must comply with <u>KZC 95.15</u> and <u>95.20</u>
<b>D</b>		Must comply with <u>KZC 95.15, 95.20</u> and <u>95.25(3)</u> (Buffering Standard 3)	Must comply with <u>KZC 95.15</u> and <u>95.20</u>	Must comply with <u>KZC 95.15</u> and <u>95.20</u>	Must comply with <u>KZC 95.15</u> and <u>95.20</u>
<b>E</b>		Must comply with <u>KZC 95.15</u>			
<b>Footnotes:</b>		*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, <del>Rose Hill Business District</del> or is located in Totem Center, <u>KZC 95.25</u> does not apply.			

**AMENDMENTS TO KZC Chapter 105 – PARKING AND PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS**

**105.15 Exceptions in the CBD, JBD, NRHBD, and RHBD**

If the subject property is within the Central Business District Zone, the Juanita Business District Zone, the North Rose Hill Business District Zone, or the Rose Hill Business District zone, the requirements contained within Chapters 50, 52, 53, 54 and 92 KZC supersede any conflicting provisions of this chapter. The provisions of this chapter that do not conflict with Chapters 50, 52, 53, 54 and 92 KZC apply to properties in their respective CBD, JBD, NRHBD and RHBD Zones.

**105.96 Parking Area Design – Drive Through Facilities and Circulation in the NE 85<sup>th</sup> Street Subarea-**

General- The applicant may propose drive- through facilities incorporated into parking areas associated with such uses as fast food, banks, pharmacies or other similar uses (unless prohibited in a zone), provided the access, location, and specific design of the facilities meet the following standards and approval by both the Public Works and Planning Officials.

1. The applicant shall submit a site plan to the Public Works Department including the requirements of Section 105.17, and showing compliance with the standards of Section 105.96.1. a. through c below:
  - a) The Public Works Official determines that vehicle queue will not:
    - 1) impede pedestrian or vehicular movement within the right of way;
    - 2) impede vehicle or pedestrian visibility as vehicles enter the sidewalk area;
    - 3) block parking aisles nor impede on-site vehicular and pedestrian circulation;
    - 4) access will not be located within the left turn land at a signalized intersection;
  - b) Driveway access to the drive- through facility is not directly off NE 85<sup>th</sup> Street unless the Public Works Official determines that sufficient driveway throat length is provided to accommodate the queues;
  - c) The Public Works Official determines that parking circulation patterns avoid crossings of queuing areas.

## Chapter 110 – REQUIRED PUBLIC IMPROVEMENTS Revised Draft 12-13-05

### 10.15 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 special 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, Totem Lake Business District, ~~or Juanita Business District~~, or Rose Hill 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.

**KZC Section 115.85 Lighting Regulations: Revised 12-19-05**

1. General requirements - All interior and exterior lighting in any zone must comply with this section.

- a. Efficient Light Sources- Energy efficient light sources shall be used in any development and use of land.
- b. State Code - The requirements of the Washington State Energy Code with respect to the selection and regulation of light sources shall be complied with.
- c. Glare from Subject Property Prohibited - The applicant shall select, place and direct light sources so that glare reduced by any light source, to the maximum extent possible, does not extend to adjacent properties or to the right of way.

2. Exterior Lighting Requirements for the Rose Hill Business District

- a. General - In addition to the requirements of Section 115.85.1 above, the following regulations contained in this section apply to all exterior lighting to be installed or modified in RH zones within the Rose Hill Business District. The intent of this section is to discourage excessive lighting and to protect low density residential zones from adverse impacts that can be associated with light trespass from non-residential and medium to high density residential development.
- b. Standards - The following standards shall apply to all exterior lighting on buildings, all open air parking areas and equipment storage yards:
  - 1) All exterior building mounted and ground mounted light fixtures for open air parking areas, including rooftop parking area light fixtures shall be directed downward and use "fully shielded cut off" fixtures as defined by the Illuminating Engineering Society of North America (IESNA), or other appropriate measure to conceal the light source from adjoining uses. Manufacturer specification sheets for the lighting fixtures including photometric data shall be included with lighting plans, and .
  - 2) All exterior lighting shall be turned off after business hours or 10:00 pm, whichever is earlier, leaving necessary lighting for site security. Outdoor lighting used for security purposes or to illuminate walkways, roadways, equipment yards, parking lots and building entrances may remain on after 10:00 p.m. provided the following are met:
  - 3) Light fixtures are mounted to a maximum of 12' high, and
  - 4) Site illumination does not exceed a uniformity ratio maximum of 15: 1, vertical illumination of .25 fc and horizontal luminance of .5 fc.
  - 5) The maximum mounting height of ground mounted light fixtures in open air parking areas and equipment storage yards shall be 20'. Rooftop parking structures may have light fixtures up to 15' in height. Height of light fixtures shall be measured from the finished floor or the finished grade of the parking surface, to the bottom of the light bulb fixture.
  - 6) The maximum uniformity ratio of the illumination on the site shall average 20:1.
  - 7) All development proposed within 100' of a low density residential zone shall submit a lighting plan and photometric site plan for approval by the Planning Official. The plan shall meet the requirements of this section and indicate at 20 foot intervals that all site and building mounted lighting fixtures will produce a maximum initial luminance value of 0.6 horizontal and vertical foot-candles (as measured at 3 feet above grade) at the site boundary, and drop to 0.1 foot candles onto the abutting residential zoned property as measured within 15 feet from the residential zoned property line.

c. Compliance. Exterior lighting in the Rose Hill Business District must be brought into compliance with the requirements of KZC Section 115.85 in any of the following situations:

- 1) Immediate abatement- All exterior lighting shall comply immediately with the business hour provisions of KZC Section 115.85.2.b.ii.
- 2) 1) Replacement- The shielding requirements of KZC Section 115.85.2.b.1, shall be complied with when any nonconforming light fixture is replaced or moved.
- 2) Full Compliance- All other requirements of KZC Section 115.85.2 shall be complied with when there is an increase in gross floor area of more than 25 percent to any structure on the subject property.

## AMENDMENTS TO KZC Chapter 142 – DESIGN REVIEW-Draft Revised 12-13-05

### 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 92.35(2) and (5) 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.

d. Development activities in RH 8, PR, RM, and PLA 17A zones located within the NE 85<sup>th</sup> Street Subarea.

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 documents 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.~~

The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter 92 KZC. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:

- a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30.040 KMC.
- b. Design Guidelines for the Rose Hill Business District (RHBD) as adopted in Chapter 3.30.040 KMC.

c. The neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required such as, the Downtown Plan, Juanita Business District Plan, the Totem Lake Neighborhood Plan, the North Rose Hill Neighborhood Plan for the North Rose Hill Business District, and the NE 85<sup>th</sup> Street Subarea Plan for the Rose Hill Business District (RHBD).

d. For review of attached or stacked dwelling units within the NE 85<sup>th</sup> Street Subarea, Appendix C, Design Principles for Residential Development contained in the Comprehensive Plan.

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 requirements in the following zones:

1. In the CBD: setback requirements; and

2. In the Totem Center: ~~from~~ setback, floor plate maximums and building separation requirements.  
~~Totem Center.~~

3. In the RHBD: setback, landscape buffer and horizontal façade requirements.

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. Design Guidelines for the Rose Hill Business District (RHBD) as adopted in Chapter 3.30 KMC.

c. The design regulations contained in Chapter 92 KZC, except as provided for in subsection (2)(de) of this section. 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.

d. The design regulations contained in Chapter 92 KZC do not apply to development in TL 2 where development is proposed within a Conceptual Master Plan.

e. The applicable neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required.

f. The Design Principles for Residential Development contained in Appendix C of the Comprehensive Plan for review of attached and stacked dwelling units located within the NE 85<sup>th</sup> Street Subarea.

~~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 development standards within the following areas provided the variation complies with the criteria of KZC 142.25(5)(d).

a. In the CBD: minimum required yards

b. In the Totem Center: minimum required yards, from setback, floor plate maximums and building separation requirements

c. In the RHBD: minimum required yards, from setback, landscape buffer and horizontal facade requirements

d. minimum required yards, and from setback, floor plate maximums and building separation requirements in Totem Center, 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 regulations, design guidelines and other applicable provisions of the Comprehensive Plan apply to the proposed development based primarily on the location and nature of the proposed development; and
  - c. For the Design Review Board to determine what models, drawings, perspectives, 3-D CAD model, or other application materials the applicant will need to submit with the design review application.
5. Application – Following the conceptual design conference, the applicant shall submit the design review application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application, as well as all application materials required as a result of the conceptual design conference.
6. Public Notice
  - a. Contents – On receipt of a complete design review application, the Planning Official shall schedule a 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 mailing the notice or a summary thereof to owners of all property within 300 feet of any boundary of the subject property.
    - 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, 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 may 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.

Conceptual Master Plan Conference for TL 2 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over one and one-half acres in size in TL 2. The CMP shall incorporate the design principles set forth in the special regulations for the use in the TL 2 zoning chart.

Conceptual Master Plan Conference for RHBD – The Design Review Board shall consider a Conceptual Master Plan (CMP) in the RH 3 zone within the NE 85<sup>th</sup> Street Subarea. The CMP shall incorporate the design considerations for the RH 3 zone set forth in the Design Guidelines for the Rose Hill Business District.

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.

Additional Approval Provision for TL 2 – The Notice of Approval for a Conceptual Master Plan (CMP) shall set thresholds for subsequent DBR or ADR review of projects following approval of a CMP in TL 2. The Notice of Approval shall also include a phasing plan for all improvements shown or described in the CMP.

Additional Approval Provision for RHBD – The Design Review Board shall determine the thresholds for subsequent DBR or ADR review of projects following approval of a Conceptual Master Plan (CMP) in the RHBD. The Notice of Approval for the CMP will state the thresholds for future review of projects and also include a phasing plan for all improvements shown or described in the CMP.

#### 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 or a summary 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 business 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.

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## Chapter 162 – NONCONFORMANCE

### 162.35 Certain Nonconformances Specifically Regulated

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

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

