

ORDINANCE NO. 4037

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE, AMENDING CHAPTERS 1, 5, 10, 35, 55, 57, 60, 92, 95, 105, 110, 142, 162 and 180 OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND AMENDING ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP (FILE NO. ZON04-00020).

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated December 15, 2005, and bearing Kirkland Department of Planning and Community Development File No. ZON04-00020; and

WHEREAS, prior to making the recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on October 27, 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, the City Council of the City of Kirkland do ordain as follows:

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

- A. Chapter 1. User Guide:  
Text amendments to Section 1.05 to add references to new TL 4A, TL 4B, TL 4C, TL 5, TL 6A, TL 6B, TL 7, TL 8, TL 10A and TL 11 and to delete references to FC 1, ILC, PLA 8, PLA 10, as shown in Exhibit A attached to this ordinance and incorporated by reference.
- B. Chapter 5 Definitions:  
Text amendments to Sections 5.10.145, 5.10.400, 5.10.475, 5.10.595, 5.10.785 and 5.10.960 as shown in Exhibit B attached to this ordinance and incorporated by reference.
- C. Chapter 10 Legal Effect/Applicability:  
Text amendment to Section 10.25, as shown in Exhibit C attached to this ordinance and incorporated by reference.
- D. Chapter 35 Freeway Commercial Zones:

Text amendment to delete the Use Zone Chart for the FC1 zone, as shown in Exhibit D attached to this ordinance and incorporated by reference.

- E. Chapter 55 Totem Lake (TL) Zones:  
Text amendments to add new Use Zone Charts for the TL 4A, TL 4B, TL 4C, TL 5, TL 6A, TL 6B, TL 7, TL 8, TL 10A and TL 11, as shown in Exhibits E-L attached to this ordinance and incorporated by reference.
- F. Chapter 57 Industrial Limited Commercial (ILC) Zone:  
Text amendment to delete Chapter 57, as shown in Exhibit M, attached to this ordinance and incorporated by reference.
- G. Chapter 60 Planned Area 12: Delete the following Use Zone Charts: PLA 8, PLA 10A, PLA 10B, and PLA 10C, as shown in Exhibits N-Q.
- H. Chapter 92 Design Regulations:  
Text amendments to add new design regulations for application of design review of new development located in the Totem Lake Neighborhood, as shown in Exhibit R attached to this ordinance and incorporated by reference.
- I. Chapter 95 Tree Management and Required Landscaping:  
Text amendments to Section 95.40.4 to add reference to the TL 5 zone in the landscaping buffer requirements, as shown in Exhibit S attached to this ordinance and incorporated by reference.
- J. Chapter 105 Parking and Parking Area, Vehicle and Pedestrian Access, and Related Improvements:  
Text amendments to Sections 105.15 and 105.96 as shown in Exhibit T attached to this ordinance and incorporated by reference.
- K. Chapter 110 Required Public Improvements:  
Text amendments to Section 110.15 to clarify reference to Totem Lake (TL) zones, as shown in Exhibit U attached to this ordinance and incorporated by reference.
- L. Chapter 142 Design Review:  
Text amendments to apply administrative design review to development within the Totem Lake Neighborhood, as shown in Exhibit V.
- M. Chapter 162 Non Conformance:  
Text amendment to Section 162.35, as shown in Exhibit W attached to this ordinance and incorporated by reference.
- N. Chapter 180 Plates  
Text amendment to add Plate X, 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 TL 4A, TL 4B, TL 4C, TL 5, TL 6A, TL 6B, TL 7, TL 8, TL 10A and TL 11 zoning categories and delete the FC 1, ILC, PLA 8, PLA 10A, PLA 10B, and PLA 10C zoning designations on the zoning map, as set forth in Exhibit Y which by this reference is incorporated herein.

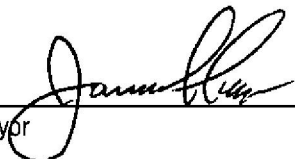
Section 3. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining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

Section 4. This ordinance shall be in force and effect five days from and after its passage by the City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

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

PASSED by majority vote of the Kirkland City Council in open meeting this 21st day of March, 2006.

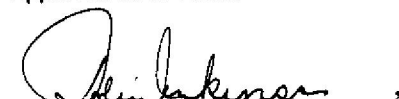
SIGNED IN AUTHENTICATION THEREOF this 21st day of March, 2006.

  
\_\_\_\_\_  
Mayor

Attest:

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

Approved as to Form:

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

PUBLICATION SUMMARY  
OF ORDINANCE NO. 4037

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE, AMENDING CHAPTERS 1, 5, 10, 35, 55, 57, 60, 92, 95, 105, 110, 142, 162 and 180 OF ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE), AND AMENDING ORDINANCE 3710 AS AMENDED, THE KIRKLAND ZONING MAP (FILE NO. ZON04-00020).

Section 1. Amends the following specific portions of the Kirkland Zoning Code related to permitted uses, development activities and design regulations in the Totem Lake Neighborhood.

- 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 35 Freeway Commercial Zones, deleting FC 1 zone.
- E. Amends Chapter 55 Totem Lake (TL) Zones, adding new TL 4A, TL 4B, TL 4C, TL 5, TL 6A, TL 6B, TL 7, TL 8, TL 10A and TL 11 zones
- F. Eliminates Chapter 57 Industrial Limited Commercial (ILC) Zone
- G. Amends Chapter 60 Planned Area 12, deleting Use Zone Charts for PLA 8, PLA 10A, PLA 10B, and PLA 10C.
- H. Amends text in Chapter 92 Design Regulations for the Totem Lake Neighborhood.
- I. Amends text in Chapter 95.
- J. Amends text in Chapter 105 Parking and Parking Area, Vehicle and Pedestrian Access, and Related Improvements
- K. Amends text in Chapter 110 Required Public Improvements
- L. Amends text in Chapter 142 Design Review to apply design review for new development within the Totem Lake Neighborhood.
- M. Amends text in Chapter 162 Non Conformances
- N. Amends text in Chapter 180 Plates, adding new Plate for TL 5.

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 21st day of March, 2006.

I certify that the foregoing is a summary of Ordinance 4037 approved by the Kirkland City Council for summary publication.

  
City Clerk

# Chapter 1 – USER GUIDE

Sections:

- 1.05 How To Use This Code
- 1.10 Additional Regulations

## 1.05 How To Use This Code

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

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

RS	BC	JBD 1	NRH6	ILG
RSX	BCX	JBD 2	TL 1A	PLA 9
RM	LIT	JBD 3	TL 1B	<u>TL 4B</u>
PR	P	JBD 4	TL 2	<u>TL 4C</u>
PO	CBD 1	JBD 5	TL 3	PLA 14
WD I	CBD 2	JBD 6	<u>TL4A</u>	PLA 15
WD II	CBD 3	NRH1A	PLA 1	PLA 16
WD III	CBD 4	NRH1B	PLA 2	PLA 17
	CBD 5	NRH2	PLA 3	PLA 17A
	CBD 6	NRH3	PLA 5	RH 1A
FC I		PLA 8	PLA 10	PLA 11
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	<u>TL 5</u>
<u>TL 6A</u>	<u>TL 6B</u>	<u>TL 7</u>	<u>TL 8</u>	<u>TL 10A</u>
			<u>TL 10E</u>	<u>TL 11</u>

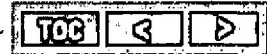
2. Refer to the text of this code and find the chapter that corresponds to the use zone in which the subject property is located.
3. Each of these use zone chapters contains a series of charts. Read down the first vertical column of each chart to find the use in which you are interested. In some zones, 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.

EXHIBIT <u>A</u>

**EXHIBIT A**

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.



## Chapter 5 – DEFINITIONS – Revised 02-06

### Sections:

5.05 User Guide

5.10 Definitions

.145 Commercial Zones – The following zones: BN; BC; BCX; CBD; FC-I; JBD 1; JBD 2; JBD 4; JBD 5; JBD 6; PLA-8; PLA 40A; 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, TL 2, TL 4A, TL 4B, TL 5, TL 6A, TL 6B and TL 8.

.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-4 TL 4A and TL 6B (east of 116<sup>th</sup> Avenue NE) 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.

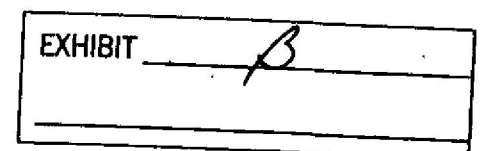
.400 Industrial Zones - The following zones: ILG, LIT; PLA 6G; and TL 7.

.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 15A; PLA 17A, FC III; NRH 2; NRH 3; NRH 5; NRH 6; RH 4, RH 8, TL 1A, TL 10A and TL 10E.

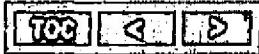
.785 Residential Zone – The following zones: RS 35; RSX 35; RS 12.5; RSX 12.5; RS 8.5; RSX 8.5; RS 7.2; RSX 7.2; RS 5.0; RSX 5.0; RM 5.0; RM 3.6; RM 2.4; RM 1.8; WD I; WD II; WD III; PLA 2; PLA 3B; PLA 5A, D, E; PLA 6A, C, D, E, F, H, I, J, K; PLA 7A, B, C; PLA 9; PLA 15B; PLA 16; and PLA 17 and TL 11.

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

RS 35		NRH 1A	PLA 6C
RSX 35	FC-4	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	ILG		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	<u>TL 4A</u>	PLA 9
RM 1.8	CBD 3	<u>TL 4B</u>	<u>TL 7</u>
	CBD 4	<u>TL 4C</u>	<u>TL 8</u>
WD I	CBD 5	PLA 1	<u>TL 10A</u>
WD II	CBD 6	PLA 2	
WD III	CBD 7	PLA 3A	
	CBD 8	PLA 3B	
PR 8.5		PLA 5A	<u>TL 10E</u>
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 17A
PO	JBD 6	PLA 6B	<u>TL 11</u>
RH 1A	RH 3	RH 7	PLA 8
RH 1B	RH 4	RH 8	PLA-10A
RH 2A	RH 5A	<u>TL 5</u>	PLA-10B
RH 2B	RH 5B	<u>TL 6A</u>	PLA-10G
RH 2C	RH 5C	<u>TL 6B</u>	PLA 11

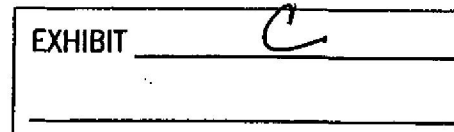


Chapter 10 – LEGAL EFFECT/APPLICABILITY

10.25 Zoning Categories Adopted

The City is divided into the following zoning categories:

Zoning Category	Symbol
1. Single-Family Residential Zones	RS and RSX (followed by a designation indicating minimum lot size per dwelling unit)
2. Multifamily Residential Zones	RM (followed by a designation indicating minimum lot size per dwelling unit)
3. Professional Office/Residential Zones	PR (followed by a designation indicating minimum lot size per dwelling unit)
4. Professional Office Zones	PO
5. Waterfront Districts	WD (followed by a designation indicating which Waterfront District)
6. Freeway Commercial Zones	FC (followed by a designation indicating which Freeway Commercial Zone)
7. Neighborhood Business	BN
8. Community Business	BC and BCX
9. Central Business District	CBD (followed by a designation indicating which sub-zone within the Central Business District)
10. Juanita Business District	JBD (followed by a designation indicating which sub-zone within the Juanita Business District)
11. North Rose Hill Business District	NRH (followed by a designation indicating which sub-zone within the North Rose Hill Business District)
12. Rose Hill Business District	RH (followed by a designation indicating which sub-zone within the Rose Hill Business District)
13. Totem Center and Totem Lake Neighborhood	TL (followed by a designation indicating which sub-zone within Totem Center or the Totem Lake Neighborhood)
14. Light Industrial Zones	LIT, ILG, TL7
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



**This section (all of FC 1) to be deleted.**

**CHAPTER 35 – FREEWAY COMMERCIAL (FC) ZONES**

**35.05 User Guide.**

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

**Section 35.08**

**Section 35.08 GENERAL REGULATIONS**

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.

See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.

Deleted



EXHIBIT   D



# TL 4A, TL 4B, TL 4C USE ZONE CHART

## CHAPTER 55 – TOTEM LAKE (TL) ZONES TL 4A, TL 4B, TL 4C

### 55.33.05 User Guide.

The charts in KZC 55 contain the basic zoning regulations that apply in the TL 4A, TL 4B and TL 4C zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 55.33

#### Section 55.33 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 with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15' in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
  - b. Parking garages or
  - c. Additions to existing non-conforming development where the Planning Official determines it is not feasible.
3. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
  - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
4. For the purpose of applying landscape buffering standards, development on Totem Lake Boulevard, where adjoining Totem Lake Park, shall only be required to provide landscaping in accordance with 95.25.3.
5. At least 50% of the total gross floor area located on the ground floor area of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also KZC Chapter 92).
6. Access for drive through facilities must be approved by the Public Works Official. See Chapter 105, KZC for requirements.
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.

EXHIBIT

E

# TL 4A, TL 4B, TL 4C USE ZONE CHART

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS												
Section 55.33	USE REGULATIONS	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Vehicle Service Station.	D.R. Chapter 142 KZC	22,500 sq. ft.	40	15 on each side	15	80%	30' above average building elevation.	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
				See Special Regulation 2.								1. May include accessory living facilities for resident security manager.
.020	A retail establishment providing storage services. See also Spec. Reg. 1.	D.R. Chapter 142 KZC	None	20	0	0						1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in Chapter 105 KZC. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use.
.030	A retail establishment providing new vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 2.	D.R. Chapter 142 KZC	None	20	0	0		35' above average building elevation.				
.040	Restaurant, Tavern or Fast Food Restaurant								B		1 per each 100 sq. ft. of gross floor area.	1. Must provide one outdoor waste receptacle for every 8 parking stalls.
												1.

04037

# TL 4A, TL 4B, TL 4C USE ZONE CHART

.050	Any retail establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services	D.R. Chapter 142 KZC	None	20	0	0	80%	35' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:               <ol 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. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:                   <ol 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> </ol> </li> </ol> </li> </ol>
.060	Office Use								C	D	<p>If a Medical, Dental or Veterinary office, then 1 per each 200 sq. ft. of gross floor area.</p> <p>Otherwise, 1 per each 300 sq. ft. of gross floor area.</p>	<ol style="list-style-type: none"> <li>1. The following regulations apply to veterinary offices only:               <ol 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> </ol> </li> <li>2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:               <ol 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> </ol> </li> </ol>
.070	Hotel or Motel	D.R. Chapter 142 KZC	None	20	0	0	80%	35' above average building elevation.	B	E	1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> <li>1. May include ancillary meeting and convention facilities.</li> <li>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.</li> </ol>

# TL 4A, TL 4B, TL 4C USE ZONE CHART

.080	A retail establishment providing entertainment, recreational or cultural activities										1 per every 4 fixed seats.	
.090	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	
.100	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone (see special regulations 3 and 4).	None.	None.	Same as these regulations for the ground floor use. See Spec. Reg. 1	45' above average building elevation (see special regulation 4).				D	E	See KZC 105.25	<ol style="list-style-type: none"> <li>1. A veterinary office is not permitted in any development containing dwelling units.</li> <li>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</li> <li>3. No more than 10% of the ground floor of a structure may contain residential use.</li> <li>4. At least one full story of the building must be dedicated to residential use.</li> <li>5. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:             <ol 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> </ol> </li> </ol>
.110	Church	D.R.	None	20	0	0	80%	35' above average building elevation.	C	B	1 for every four people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	<ol style="list-style-type: none"> <li>1. May include accessory living facilities for staff persons.</li> <li>2. No parking is required for day-care or school ancillary to this use.</li> </ol>
.120	School, Day- Care	D.R.	None	20	0	0	80%	35' above	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent

0-4037

TL 4A, TL 4B, TL 4C USE ZONE CHART

	Center, Mini-School or Mini-Day-Care Center	Chapter 142 KZC						average building elevation.				<p>to the outside play areas.</p> <p>2. Hours of operation may be limited to reduce impacts on nearby residential uses.</p> <p>3. Structured play areas must be setback from all property lines as follows:</p> <p>a. 20 feet if this use can accommodate 50 or more students or children.</p> <p>b. 10 feet if this use can accommodate 13 to 49 students or children.</p> <p>c. 5 feet for a Mini-School or Mini-Day Care Center.</p> <p>4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/ unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.</p> <p>5. May include accessory living facilities for staff persons.</p> <p>6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</p> <p>7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p>
.130	Assisted Living Facility  Convalescent Center  Nursing Home	D.R. Chapter 142 KZC	None	Same as those regulations for the ground floor use: See Spec. Reg. 4.					A	<p>Assisted Living: 1.7 per independent unit. 1 per assisted living unit.</p> <p>Convalescent Center or Nursing Home: 1 per bed.</p>	<p>12.</p> <p>4. This use may not occupy more than 10% of the ground floor of a structure.</p> <p>5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</p>	
.140	Public Utility		20'	0	0	80%	35' above average building		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	

0-4037

TL 4A, TL 4B, TL 4C USE ZONE CHART

							elevation			on the nearby uses.
.150	Government Facility Community Facility							C (See Special Reg. 1)		
.160	Public Park	Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.								

DRAFT

CHAPTER 55 – TOTEM LAKE 5 (TL 5) ZONE

55.05 User Guide.

The charts in KZC 55.10 contain the basic zoning regulations that apply in each of the TL 5 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55

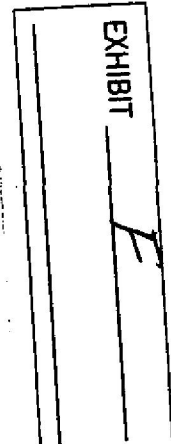


Section 55 GENERAL REGULATIONS

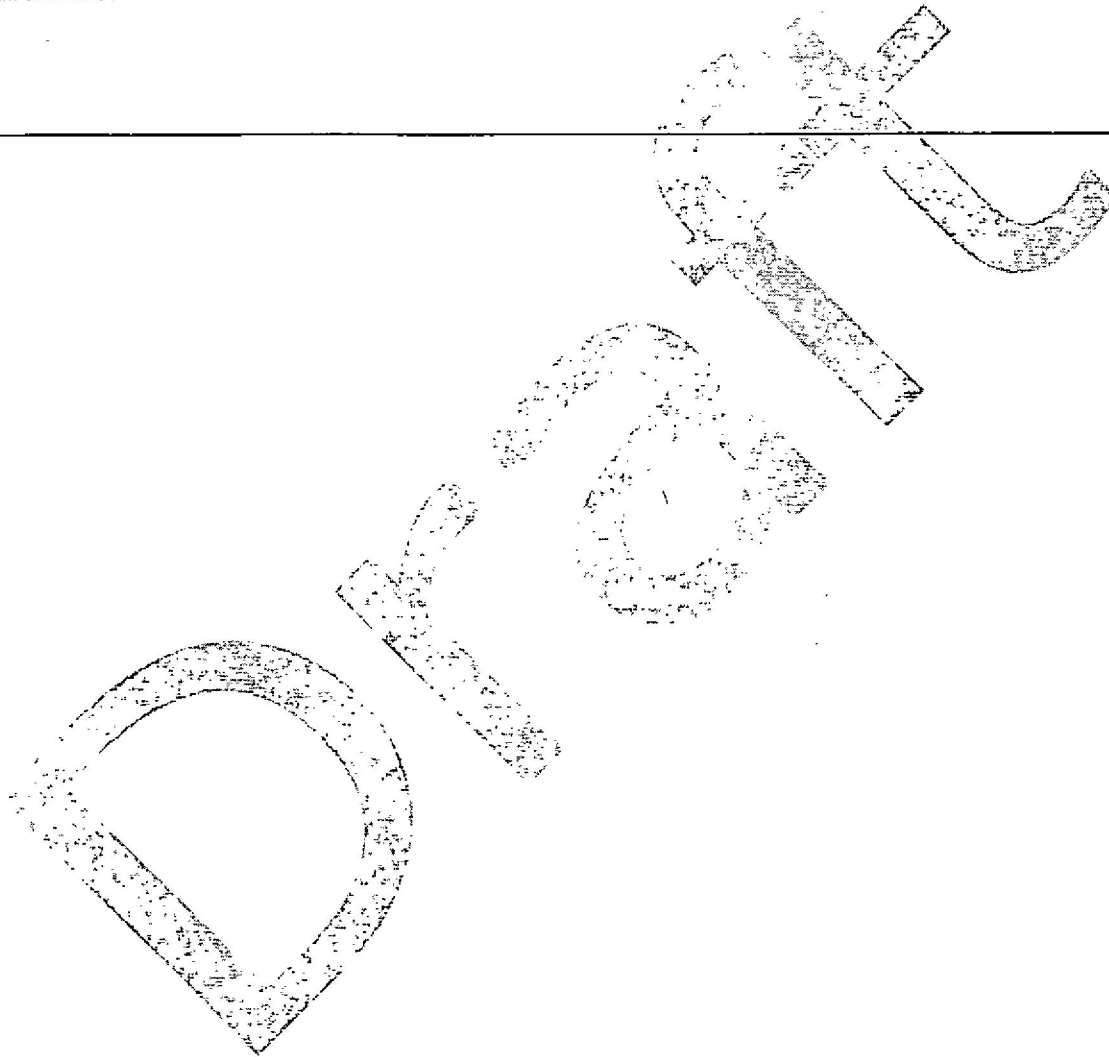
The following regulations apply to all uses in this zone unless otherwise noted:

2. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
3. The ability to accommodate new development in the TL 5 zone is dependent upon the construction of two new streets: 120<sup>th</sup> Place NE and NE 120<sup>th</sup> Street, as shown on Plate X. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which these streets in whole or in part extend, shall contribute to the creation of the streets as follows:
  - a) With all new development, the portions of these streets crossing the subject property shall be dedicated as public right of way consistent with Plate X; and
  - b) With all new development exceeding 35 feet in height, the streets shall be improved as determined by the Public Works Director. Minor deviations in the location and width of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.

The street network within TL5 should be primarily made up of dedicated public rights-of-way with street improvements that meet the current City standards. The Public Works Director may authorize that an access street can be within a private access easement if it is found that the private street allows for a superior site design that also maintains an effective street network. If a private access street is allowed, the standards for the street improvements should be similar to those of public streets, and the maintenance of such streets shall be the responsibility of the property owner. Additionally, if a private access street is allowed, design standards applicable to development abutting a Major Pedestrian Sidewalk continue to apply.
4. Maximum allowable building height may be increased to 45' above average building elevation on parcels where dedication for roads is provided. Additional building height may be allowed with participation in a Conceptual Master Plan. No portion of a structure may exceed the following heights above the elevation of NE 116<sup>th</sup> Street, as measured at the midpoint of the frontage of the subject property on NE 116<sup>th</sup> Street:
  - a. Within 20 feet of NE 116<sup>th</sup> Street, 35'
  - b. Within 30 feet of NE 116<sup>th</sup> Street, 45'
  - c. Within 40 feet of NE 116<sup>th</sup> Street, 55'
5. The ground floor of all structures on the subject property with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15' in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, 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 30% 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. Ground floor spaces in structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space must contain retail establishments, restaurants or taverns.
7. No surface parking may encroach into the required front yard.



8. Access for drive through facilities must be approved by the Public Works Official. See Chapter 105, KZC for requirements.
9. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142, KZC for requirements.





TL 5 Use Zone Chart - 050305

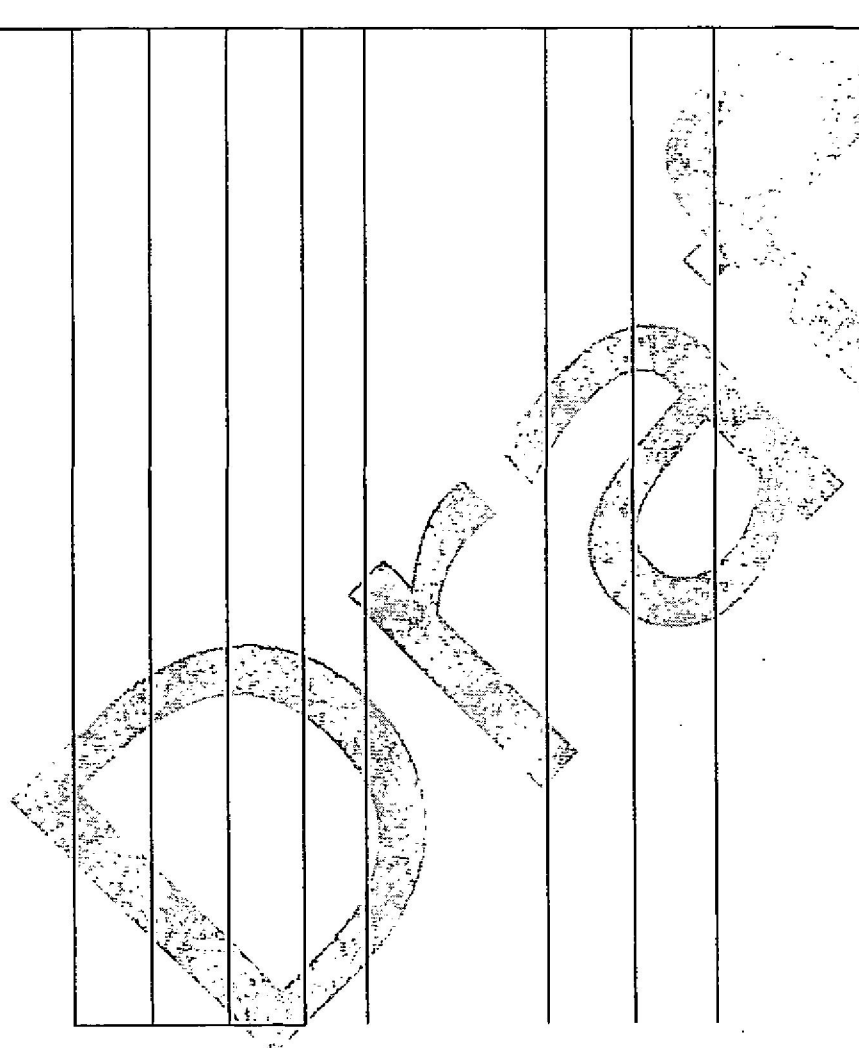
DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 45.10	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Any use or combination of uses allowed in this zone, when developed within a Conceptual Master Plan (see special regulation 1).	D.R., Chapter 142 KZC	4 acres (see special regulation 6).	10'	0'	0'	80%	See special regulation 7.	See Special Regulation 3.h.	See Special Regulation 5.	As established in the CMP.	<ol style="list-style-type: none"> <li>1. May include one or more of the uses allowed in this zone, unless listed as prohibited below. Development regulations of this section apply to all uses developed with a Conceptual Master Plan (CMP).</li> <li>2. Development must be part of a conceptual Master Plan (CMP) for the entire property, which integrates the development with the entire zone.</li> <li>3. The Conceptual Master Plan must establish a circulation system for vehicles and pedestrians. The site plan should be pedestrian oriented, and incorporate the following design principles:                             <ol style="list-style-type: none"> <li>a. Siting of buildings oriented to the pedestrian network; isolated building pads should be minimized.</li> <li>b. Storefront orientation to pedestrian and vehicular circulation routes.</li> <li>c. Ground floor spaces designed in a configuration which encourages pedestrian activity and visual interest. Uses other than retail, restaurants, taverns and fast food restaurants may be permitted on the ground floor of structures only if the use and location do not compromise the desired pedestrian orientation and character of the development.</li> <li>d. Pedestrian connections internal to the site that provide convenient pedestrian mobility and contribute to the pedestrian and retail character of the development.</li> <li>e. Shared vehicular connections to 124<sup>th</sup> Avenue NE.</li> <li>f. Clearly identifiable building and pedestrian access points and</li> </ol> </li> </ol>	

O-4037

**TL 5 Use Zone Chart - 1205**

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

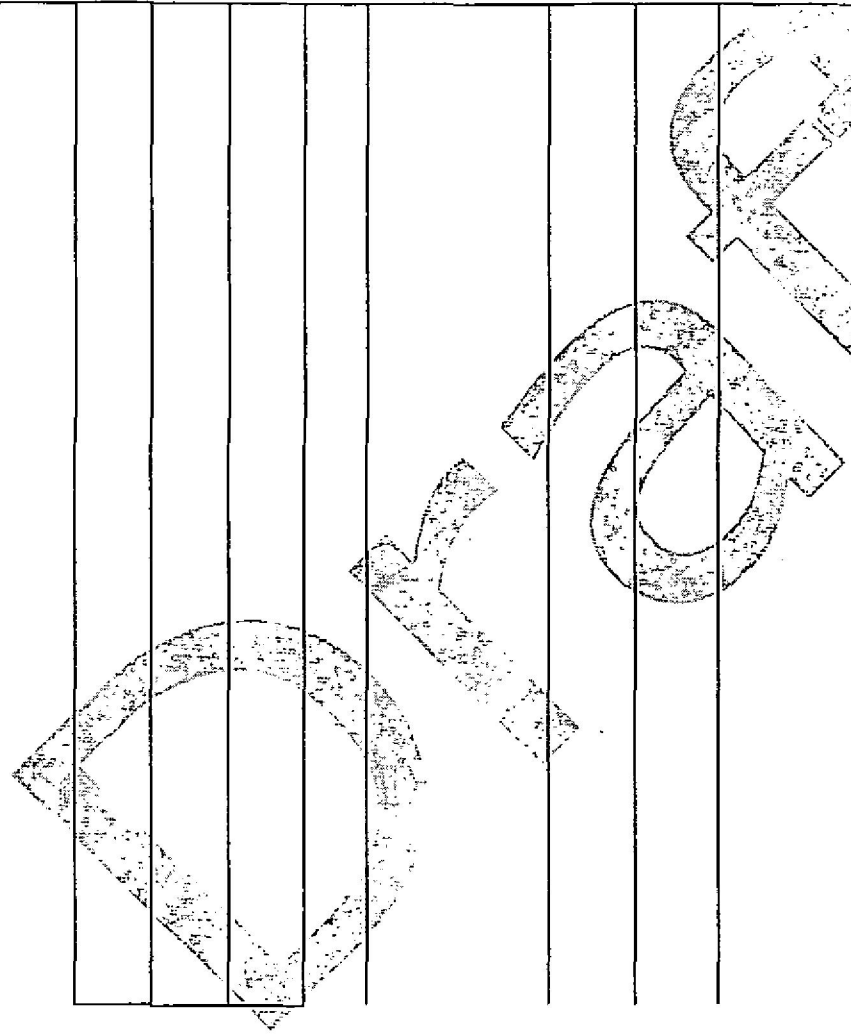
Section 45.10	USE ▼	REGULATIONS ▼	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95) Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage				Height of Structure
					Front	Side	Rear					
										entryways. g. Provision of useable public spaces, plazas or pocket parks, and public amenities, such as art, sculpture, fountains or benches. h. Use of landscaping to emphasize entries into buildings and pedestrian areas, to enhance public spaces, and to screen blank walls and service areas. Landscaping should also be provided in plazas along pedestrian circulation routes, and in parking areas. i. Design techniques to prevent the dominance of large single occupant structures, such as smaller building footprints and multiple tenant spaces on the ground floor at the street. j. Placement of parking areas behind buildings located on pedestrian-oriented streets and pathways. k. Placement of loading and service areas away from 124 <sup>th</sup> Avenue NE and pedestrian areas. l. Location of drive-through facilities to not compromise the pedestrian orientation of the development.  4. The following uses are not permitted within a Conceptual Master Plan: a. Retail establishments providing storage services unless accessory to another permitted use. b. Outdoor storage of bulk commodities, except in the following circumstances: i. If the outdoor storage involves vehicles for sale associated with a vehicle dealership. ii. If the square footage of the storage area is less than 20 percent of the total square footage of the use it is serving, or; c. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses.		



**TL 5 Use Zone Chart - 1205**

Section 45.10	USE ▼	REGULATIONS ▼	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS									
			Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage				
		Front	Side	Rear								

													<p>5. Signs for a development approved under this provision must be proposed within a Master Sign Plan application (KZC 100.80) for all signs within the project.</p> <p>6. Land dedicated for roads pursuant to General Regulation 3 may be included in the lot size used to meet the minimum size requirement for a Conceptual Master Plan.</p> <p>7. Building height may exceed the limits set forth in General Regulation 3 provided that:</p> <p>a. Development on the property within the Conceptual Master Plan does not exceed the maximum Floor Area Ratio (FAR) of 2.0, or 200 percent of lot size. Land dedicated for roads pursuant to General Regulation 3 may be included in the land used to calculate FAR, and</p> <p>b. In buildings over 35' in height, at least 10 percent of the units provided in new residential developments of 10 units or greater are affordable housing units, as defined in Chapter 5 of the 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.</p> <p><i>Additional affordable housing incentives may be applicable to residential development (see Chapter 112 of the KZC).</i></p>
--	--	--	--	--	--	--	--	--	--	--	--	--	--



04037

TL 5 Use Zone Chart - 1205

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 45.10	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
											8. Parcels smaller than 4 acres may be added to a previously approved Conceptual Master Plan (CMP), if the applicable criteria set forth in the Notice of Approval for the approved CMP are met.		
.020	Vehicle Service Station	D.R., Chapter 142 KZC	22,500 sq. ft.	40'	15 on each side	15'	80%	35 above average building elevation (See General Regulation 4).	A	E	See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.	
				See Special Regulation 2.									
.030	A retail establishment providing new vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 2.	D.R., Chapter 142 KZC	None	10'	0'	0'						1. 2. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use.	
.040	Restaurant, Tavern or Fast Food Restaurant								B		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.	
.050												1	
.060	A retail establishment providing storage services. See also Spec.										See KZC 105.25.	1. May include accessory living facilities for resident security manager.	

0-4037

TL 5 Use Zone Chart - 1205

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 45.10	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
	Reg. 1.												
.070	Any retail establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services	D.R., Chapter 142 KZC.	None	10'0	0	0	80%	35 above average building elevation (See General Regulation 4).	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: <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> 2. 3.A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: <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>	
.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: <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> 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <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</li> </ul>	

TL 5 Use Zone Chart - 1205

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

Section 45.10	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
											other office uses..		
.090	Hotel or Motel	D.R., Chapter 142 KZC	None	10'0	0	0	80%	35' above average building elevation (see General Regulation 4)..	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.	
.100	A retail establishment providing entertainment, recreational or cultural activities										1. per every 4 fixed seats.		
.110	Private Lodge or Club								C	B	1. per each 300 sq. ft. of gross floor area.		
.120	Attached or Stacked Dwelling Unit. See Special Regulation 1.							Same as these regulations for the primary ground floor use. See Spec. Regs 1 and 2.		A	1.7 per unit.	1. No more than 10 percent of the ground floor of a structure may contain residential use. 2. The maximum height for buildings may be increased to 45' above average building elevation if: a. At least two stories of the building are dedicated to residential use, and b. At least 10 percent of the units provided in new residential developments of 10 units or greater are affordable housing units, as defined in Chapter 5 of the 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	

**TL 5 Use Zone Chart - 1205**

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS													
Section 45.10	USE ▼	REGULATIONS ▼	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
											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 of the KZC).  3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.		
.130	Church			10'0	0	0	80%	35' above average building elevation (See General Regulation 4).	C	B	1 for every four people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.	
.140	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC	None	10'30	0	0	80%	35' above average building elevation (See General Regulation 4).	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. c. 5 feet for a Mini-School or Mini Day Care Center. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of	

0-4037

**TL 5 Use Zone Chart - 1205**

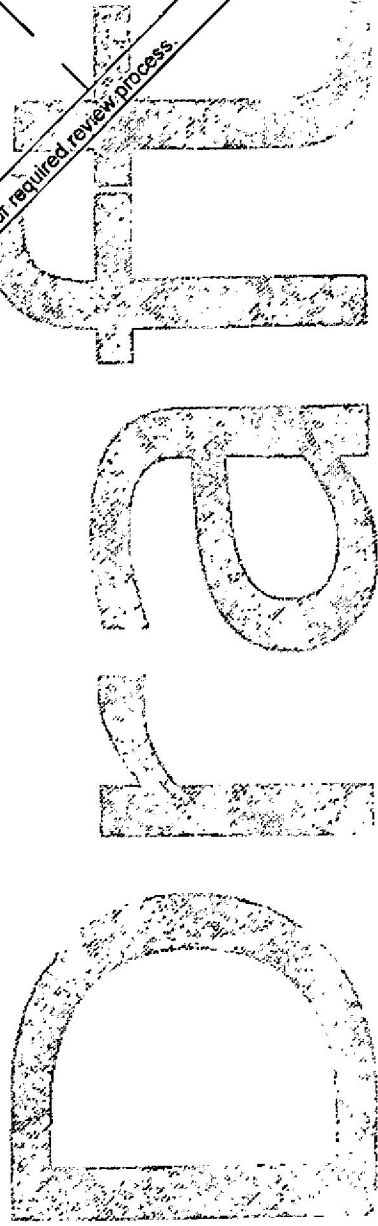
DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS													
Section 45.10	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
											the abutting right-of-way improvements. Carpooling, staggered loading/ unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).		
.150	Assisted Living Facility  Convalescent Center  Nursing Home	D.R., Chapter 142 KZC	None	Same as those regulations for the ground floor use. See Spec. Reg. 1					A	Assisted Living: 1.7 per independent unit. 1 per assisted living unit.  Convalescent Center or Nursing Home: 1 per bed	1. 2. 1. This use may not occupy more than 10% of 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.		
.170	Public Utility			10'0"	0	0	80%		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.		
.180	Government Facility Community Facility								C See Spec.				

0-4037



**TL 5 Use Zone Chart - 1205**  
**DIRECTIONS: FIRST read down to find Use... THEN across for REGULATIONS**

Section 45.10 190 Public Park	REGULATIONS FSU	Required Review Process	MINIMUMS (See Ch. 115)			MAXIMUMS			Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	Front	Side	Rear	Lot Coverage	Height of Structure				
Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.												



# TL 6A and TL 6B USE ZONE CHART

## CHAPTER 55 – TOTEM LAKE (TL) ZONES TL 6A, TL 6B

55.4545.05 User Guide.

The charts in KZC 55.45.10 contain the basic zoning regulations that apply in the TL 6 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 55.45

#### Section 55.45 GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Where feasible, primary access for non-residential uses within TL 6 shall be from 124<sup>th</sup> Avenue NE, NE 124<sup>th</sup> Street, or NE 120<sup>th</sup> Street.
3. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15' in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, 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 or
  - c. Additions to existing non-conforming development where the Planning Official determines it is not feasible.
4. Within TL 6B, at least 50% of the gross floor area located on the ground floor of all structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also KZC Chapter 92). This regulation does not apply to parcels located more than 500 feet north of NE 124<sup>th</sup> Street, east of 116<sup>th</sup> Avenue NE.
5. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
  - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
6. The review process for development in this zone is as follows:
  - a. In TL 6A, any development activities requiring Design Review approval pursuant to KZC Section 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no design review is required.
  - b. In TL 6B, as set forth in Chapter 142.
7. Access for drive through facilities must be approved by the Public Works Official. See Chapter 105, KZC for requirements.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 or 142, KZC for requirements.

EXHIBIT

9

**TL 6A  
and TL  
6B  
USE  
ZONE  
CHART**

Section 45.10	USE REGULATIONS	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS REQUIRED YARDS (See Ch. 115)			Lot Coverage	MAXIMUMS Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				Front	Side	Rear						
.010	Vehicle Service Station	D.R., Chapter 142, KZC. See General Regulation 6.	22,500 sq. ft.	40	15 on each side	15	80%	35' above average building elevation.	A	E	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. May not be more than two vehicle service stations at any intersection.</li> <li>2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.</li> </ol>
				See Special Regulation 2.								<ol style="list-style-type: none"> <li>1. This use is not permitted in the TL 6B zone.</li> <li>2. 1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in Chapter 105 KZC. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.</li> <li>3. 2. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use.</li> </ol>
.030	Restaurant, Tavern or Fast Food Restaurant			10	0	0			B		1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>1. Fast food restaurants must provide one outdoor waste receptacle for every 8 parking stalls.</li> <li>2.</li> </ol>
.040	A retail establishment providing								B		See KZC 105.25.	<ol style="list-style-type: none"> <li>1. May include accessory living facilities for resident security manager.</li> </ol>

# TL 6A and TL 6B USE ZONE CHART

	storage services. See also Spec. Reg. 1.											
.050	Any retail establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services.	D.R., Chapter 142, KZC. See General Regulation 6	None	10	0	0	80%	35' above 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> <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>2.</p> <p>2.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>
.060	Office Use								C	D	<p>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.</p>	<p>1. The following regulations apply to veterinary offices only:</p> <p>a. May only treat small animals on the subject property.</p> <p>b. Outside runs and other outside facilities for the animals are not permitted.</p> <p>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.</p> <p>2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <p>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</p> <p>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</p>
.070	Hotel or Motel	D.R., Chapter 142,	None	10	0	0	80%	35' above average building	B	E	1 per each room. See also Spec.	<p>1. May include ancillary meeting and convention facilities.</p> <p>2. Excludes parking requirements for ancillary meeting and convention</p>

O-4037

# TL 6A and TL 6B USE ZONE CHART

		KZC. See General Regulation 6					elevation.			Reg. 2.	facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.080	A retail establishment providing entertainment, recreational or cultural activities									1 per every 4 fixed seats.	
.90	Private Lodge or Club							C	B	1 per each 300 sq. ft. of gross floor area.	
.100	Attached or Stacked Dwelling Units. See Special Regulation 1.		10'	0'	0'	80%	35' to 65' above average building elevation. (See special regulation 2).	D	A	See KZC 105.25.	<ol style="list-style-type: none"> <li>1. On parcels abutting NE 124<sup>th</sup> Street or 124<sup>th</sup> Avenue NE, no more than 10% of the ground floor of a structure may be in residential use within 250 feet of these streets.</li> <li>2. Maximum building height may exceed 35' above average building elevation if:                             <ol style="list-style-type: none"> <li>a. No portion of a structure on the subject property within 40 feet of Slater Avenue exceeds 30 feet above the elevation of Slater Avenue as measured at the midpoint of the frontage of the subject property on Slater Avenue, and</li> <li>b. At least 10 percent of the units provided in new residential developments of 10 units or greater are affordable housing units, as defined in Chapter 5 of the 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.</li> </ol> </li> </ol> <p>Additional affordable housing incentives may be applicable to</p>

O-4037

TL 6A and TL 6B USE ZONE CHART

DRAFT

residential development (see Chapter 112 of the KZC).  
Chapter 115 KZC contains regulations regarding home occupations  
and other accessory uses, facilities and activities associated with this  
use.

# TL 6A and TL 6B USE ZONE CHART

.110	Development containing attached or stacked dwelling units and offices, restaurants or taverns, or retail uses allowed in this zone.	D.R., Chapter 142, KZC. See General Regulation 6	None	10'	0'	0'	80%	35' to 65' above average building elevation. (See special regulation 4).	D	E	See KZC 105.25	<p>1. A veterinary office is not permitted in any development containing dwelling units.</p> <p>2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p> <p>3. No more than 10% of the ground floor of a structure may be in residential use within 250 feet of 124<sup>th</sup> Avenue NE or NE 124<sup>th</sup> Street.</p> <p>4. Maximum building height may exceed 35' above average building elevation if:</p> <ul style="list-style-type: none"> <li>a. No portion of a structure on the subject property within 40 feet of Slater Avenue exceeds 30 feet above the elevation of Slater Avenue as measured at the midpoint of the frontage of the subject property on Slater Avenue, and</li> <li>b. At least three stories of the building are dedicated to residential use, and</li> <li>c. At least 10 percent of the units provided in new residential developments of 10 units or greater are affordable housing units, as defined in Chapter 5 of the 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.</li> </ul> <p>Additional affordable housing incentives may be applicable to residential development (see Chapter 112 of the KZC).</p> <p>5. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p>
------	---	--	------	-----	----	----	-----	--	---	---	----------------	---

04037

# TL 6A and TL 6B USE ZONE CHART

											<p>a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</p> <p>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.</p>
.120	<p>Wholesale Trade (see special regulation 1).</p> <p>Packaging of prepared materials.</p> <p>Wholesale Printing or Publishing</p> <p>Industrial Laundry Facility</p>		None	20'	0'	0'	80%	35' above average building elevation.	A	C	<p>1. per each 1,000 sq. ft. of gross floor area.</p> <p>1. This use is only allowed on property in TL 6A.</p> <p>2. May include as part of this use, accessory retail sales, or service.</p> <p>3. The building housing the use shall have been in existence on December 31, 2005, 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.</p> <p>4. 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.</p>
.130	Church	D.R., Chapter 142, KZC. See General Regulation 6	None	10'	5' on each side	10'	80%	35' above average building elevation.	C	B	<p>1 for every four people based on maximum occupancy load of any area of worship. See also Special Reg.2.</p> <p>1. May include accessory living facilities for staff persons.</p> <p>2. No parking is required for day-care or school ancillary to this use.</p>
.140	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142, KZC. See General Regulation 6	None	10'0	0	0	80%	35' above average building elevation.	D	B	<p>See KZC 105.25.</p> <p>1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</p> <p>2. Hours of operation may be limited to reduce impacts on nearby residential uses.</p> <p>3. Structured play areas must be setback from all property lines as follows:</p> <p>a. 20 feet if this use can accommodate 50 or more students or children.</p>

0-4037





# TL 7 USE ZONE CHART

## CHAPTER 55 – TOTEM LAKE 7 (TL 7) ZONE

55 User Guide.

The charts in KZC 55.15 contain the basic zoning regulations that apply in the TL 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.

### Section 55.10

#### Section 55.10 GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property
2. Any development activities requiring Design Review approval pursuant to KZC Section 142.15 in this zone shall be reviewed administratively (ADR), pursuant to KZC 142.25.
3. Access for drive through facilities must be approved by the Public Works Official. See Chapter 105, KZC for requirements.
4. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142, KZC for requirements.



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 57.15	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
				Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
					Front	Side	Rear						
.010	Packaging of prepared materials Manufacturing See Special Regulations 1 and 2.	D.R., Chapter 142, KZC. See General Regulation 2.	None	20'	0'	0'	90%	35' above average building elevation.	A	C	1 per each 1,000 sq. ft. of gross floor area.	1. The following manufacturing uses are permitted: <ol 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> </ol> 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	

EXHIBIT H

# TL 7 USE ZONE CHART

												requirements for these accessory uses will be the same as for the primary use.
.020	Warehouse Storage Service											1. May include as part of this use, accessory retail sales, office or service utilizing no more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use.
.030	Wholesale Trade											
.040	Industrial Laundry Facility											
.050	Wholesale Printing or Publishing											
.060	A retail establishment providing storage services. See Special Regulation 1.								E	See KZC 105.25.		1. May include accessory living facilities for resident security manager.
.070	A Retail Establishment Providing Building Construction, Plumbing, Electrical, Landscaping, or Pest Control Services	D.R., Chapter 142, KZC. See General Regulation 2.	None	20'	0'	0'	80%	35' above average building elevation.	B	E	1 per each 300 sq. ft. of gross floor area.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.080	A Retail Establishment Selling Building Materials or Hardware											
.090	A Retail Establishment Providing Rental Services											
.100	A retail establishment providing banking and related financial services											
.110	High Technology								A	D	if manufacturing	1. This use may include research and development, testing, assembly, repair or

TL 7 USE ZONE CHART

											then 1 per each 1,000 sq. ft. of gross floor area If office then 1 per 300 sq. ft. of gross floor area Otherwise, See KZC 105.25.	manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors. 2. May include as part of this use, accessory retail sales, or service utilizing not more than 20 percent of the gross floor area. The landscaping and parking requirements for these accessory uses will be the same as for the primary use. 3. Refer to KZC 115.105 for provisions regarding Outside Use, Activity and Storage.
.120	Office Use	D.R., Chapter 142, KZC. See General Regulation 2.	None	20'	0'	0'	70%	35' above average building elevation.	C See also Spec. Reg. 1a.	D	If a Medical, Dental, or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply only to veterinary offices: a. If there are outdoor runs or other outdoor facilities for the animals, then use must comply with Landscape Category A. b. Outside runs and other outside facilities for the animals must be setback at least 10 feet from each property line and must be surrounded by a fence or wall sufficient to enclose the animals. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
.130	A Retail, Variety or Department Store						80%		B	E	1 per each 300 sq. ft. of gross floor area.	1. This use must contain at least 75,000 square feet of gross floor area. 2. Outdoor storage for this use must be buffered as established in Chapter 95 for Landscaping Category A. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. No drive-through or drive-in facilities are permitted.
.140	A multi-use complex or mixed use building containing 7 or more restaurants, taverns, fast food restaurants, retail estab-										See KZC 105.25.	1. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A. 2. No drive-through or drive-in facilities are permitted. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and

# TL 7 USE ZONE CHART

	ishments, or churches												<p>b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.</p> <p>4. Ancillary assembly and manufactured goods on the premise 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>5. Churches are limited to no more than 15 percent of the gross floor area of the complex.</p>
.150	Athletic Instructional Facility	D.R., Chapter 142, KZC. See General Regulation 2.	None	20'	0'	0'	80%	35' above average building elevation.	B	E	See KZC 105.25.		
.160	Hotel or Motel										1 per each room. See Special Reg. 2.	1. May include meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for those ancillary uses shall be determined on a case-by-case basis.	
.170	A Retail Establishment Providing Printing, Publishing, or Duplicating Services										1 per each 300 sq. ft. of gross floor area.	1. Gross floor area for this use may not exceed 3,000 sq. ft. For a larger printing or publishing facility, see wholesale printing or publishing listing in this use zone.	
.180	A retail establishment providing vehicle or boat sales, repair, services, washing, or rental								A		See KZC 105.25.	1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in Chapter 105 KZC. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations. 2.	
.190	Fast Food or Restaurant								B		1 per each 100 sq. ft. of gross	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;	

# TL 7 USE ZONE CHART

	See Special Regulation 1.													floor area.	b. The use is integrated into the design of the building; and c. There is no vehicle drive-in or drive-through.
.200	Auction House See Special Regulation 1.													1 per each 300 sq. ft. of gross floor area.	1. Livestock auctions are not permitted. 2. Outdoor storage for this use must be buffered as established in Chapter 95 KZC for Landscaping Category A.
.210	Kennel			20'	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.
	See Special Regulation 1.														
.220	Vehicle Service Station	D.R., Chapter 142, KZC. See General Regulation 2.	22,500 sq. ft.	40	15 on each side	10	80%	35' above average building elevation.	A	E			See KZC 105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may not be closer than 15 feet to any property line. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.	
.230	School or Day-Care Center	D.R., Chapter 142, KZC. See General Regulation 2	None	20	0	0	80%	35' above average building elevation.	D	B			See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.	



# TL 8 USE ZONE CHART

## CHAPTER 55 – TOTEM LAKE (TL) ZONES

### 55.57 User Guide.

The charts in KZC 55.57 contain the basic zoning regulations that apply in TL 8. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 55.57

#### Section 55.57 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. Ground floor uses on the three westernmost parcels in this zone must contain retail, restaurants, taverns and/or fast food restaurants.
3. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15' in height. This requirement does not apply to:
  - a. The following uses: vehicle service stations, 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 or
  - c. Additions to existing non-conforming development where the Planning Official determines it is not feasible.
4. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
  - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
  - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
5. Shared access points must be used to the maximum extent possible. Curb cuts must be limited to minimize traffic congestion (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
6. Development must emphasize Totem Lake as the focal point of this zone (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
7. Refer to Chapter 90 KZC regarding restrictions on development around Totem Lake and wetland areas
8. Parcels located east of the strip of land zoned "P" are exempt from Design Review.
9. Must install a landscape berm on the subject property adjacent to 120th Avenue N.E. and Totem Lake Way consistent with existing landscaped berms along these rights-of-way (does not apply to Public Park uses)
10. Access for drive through facilities must be approved by the Public Works Official. See Chapter 105, KZC for requirements..
11. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142, KZC for requirements.

EXHIBIT

T



**TL 8  
USE  
ZONE  
CHART**

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

Section 60.12755	USE	REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Lot Size	Front	Side						
.010	Hotel or Motel		D.R. Chapter 142, KZC (see General Regulation 8).	None	10'	5' on each side	10	70%	35' above average building elevation.	B	E	See KZC 105.25 . 1.The following uses are not allowed: vehicle or boat sales or repair, vehicle service station, storage services. 2.Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a.The assembled or manufactured goods are directly related to and are dependent on this use, and are available for purchase and removal from the premises. b.The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 3. 4.Outdoor storage and drive-through facilities are not permitted. 5.
.020	A retail establishment providing entertainment or recreational activity											
.030	Athletic, exercise, or health club/facility											

# TL 8 USE ZONE CHART

.040	Any retail establishment, other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services. See Special Regulation 1.											
.050	Restaurant or Tavern											
.060	Office Use	D.R. Chapter 142 KZC (see General Regulation 8).	None.	10'	5' on each side.	10	70%	35' above average building elevation.	C	D	See KZC 105.25.	<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>
.070	Attached or Stacked Dwelling Units		None					45' above average building elevation	D	A	See KZC 105.25.	1.Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.080	Development containing Attached or Stacked Dwelling	D.R. Chapter 142 KZC	None	10'	5' on each side	10	70%	45' above average building	B	E	See KZC 105.25.	<p>1.A veterinary office is not permitted in any development containing dwelling units.</p> <p>2.Chapter 115 KZC contains regulations regarding home occupations</p>

0-4037

# TL 8 USE ZONE CHART

	Units and Offices, Restaurants or Taverns, or Retail Uses allowed in this zone. See Spec. Reg. 1.	(see General Regulation 8).					elevation.					and other accessory uses, facilities and activities associated with this use.3.Ancillary assembly and manufactured goods on the premises of this use are permitted only if: a.The assembled or manufactured goods are directly related to and are dependent on this use, and are available for purchase and removal from the premises. b.The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a.The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b.The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses. 5.
	Private Lodge or Club	D.R. Chapter 142 KZC (see General Regulation 8).	None	10'	5' on each side	10'	70%	35' above average building elevation.	C	B	See KZC-105.25	
.090	School Day- Care Center, Mini-School or Mini-Day-Care Center	D.R. Chapter 142 KZC (see General Regulation 8).	None	10'	5 on each side.	10'	70%	35' 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 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

04037

# TL 8 USE ZONE CHART

												<p>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. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses.</p> <p>6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p>
			None									
.110	Assisted Living Facility  Convalescent Center  Nursing Home	D.R. Chapter 142 KZC (see General Regulation 8).	None.	10'	5 on each side	10	70%	45' above average building elevation.	D	B	See KZC 105.25.	<p>23.</p> <p>4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p>
.120	Public Utility		None		20 on each side	20			A	B	See KZC 105.25.	<p>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.</p>
.130	Government Facility or Community Facility				10 on each side				C		See Spec. Reg. 1.	
.140	Public Park	Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.										

55.xxx User Guide.

The charts in KZC 55.xxx contain the basic zoning regulations that apply in TL 10A, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section  
55.xxxTL  
10A



Section 60.140 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 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.
3. Vehicular access to NE 124<sup>th</sup> Street should be limited and consolidated where possible. Properties with frontage on 113<sup>th</sup> Avenue NE must be accessed via 113<sup>th</sup> Avenue NE rather than NE 124<sup>th</sup> Street.
4. Development must retain and maintain the existing hill form and vegetation along the eastern boundary of the zone, north of 115<sup>th</sup> Avenue NE.
5. Any development activities requiring Design Review approval pursuant to KZC Section 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no design review is required.
6. A 50-foot wide sight-obscuring landscaped buffer must be provided adjacent to any residential zone, except the TL 11 zone to the west.
7. Access for drive through facilities must be approved by the Public Works Official. See Chapter 105, KZC for requirements.
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.

EXHIBIT
✓

TL 10A Use Zone Chart  
Section 60.142

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

Section 60.142	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Wholesale trade, Wholesale printing or publishing, Manufacturing of electrical equipment, Manufacturing of scientific or photographic equipment, Packaging of prepared materials, Manufacturing of textile or leather products from pre-prepared material, Manufacturing of paper	D.R., Chapter 142, KZC (See General Regulation 5).	None	20'	5', but 2 side yards must equal at least 15'	10'	80%	See special regulation 3.	C	C	1 per each 1,000 sq. ft. of gross floor area	<ol style="list-style-type: none"> <li>Outdoor storage is prohibited.</li> <li>The discharge of any substance that creates any impact detrimental to the environment or adjacent residents is not permitted.</li> <li>Maximum building height for this use is as follows:               <ol style="list-style-type: none"> <li>If adjoining a residential zone other than TL 11, then 25 feet above average building elevation.</li> <li>South of either NE 120<sup>th</sup> Street or NE 118<sup>th</sup> Street, 35' above average building elevation</li> <li>Elsewhere in this zone, 52' above average building elevation.</li> </ol> </li> <li>Ancillary warehouse space associated with a listed permitted use is allowed.</li> </ol>

(Revised 02/06)

TL 10A Use Zone Chart  
Section 60.142

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.142	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
	products from pre-prepared material, manufacturing of plastic products from pre-prepared material											
.020	Office Use High Technology	D.R., Chapter 142, KZC (See General Regulation 5).	None.	20'	5', but 2 side yards must equal at least 15'	10'	80%	See special regulation 2.	C (see: Special Regulation 3)	D	<p>If manufacturing, then 1 per each 1,000 sq. ft. of gross floor area. If office, then 1 per 300 sq. ft. of gross floor area. Otherwise, see KZC 105.25.</p> <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 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> <p>2. Maximum building height for this use is as follows:</p> <ul style="list-style-type: none"> <li>a. If adjoining a residential zone other than TL 11, then 25 feet above average building elevation.</li> <li>b. South of either NE 120<sup>th</sup> Street or NE 118<sup>th</sup> Street., 35' above average building elevation</li> <li>c. Elsewhere in this zone, 52' above average building elevation.</li> </ul> <p>3. Outdoor storage is prohibited.</p>	

(Revised 2/06)

TL 10A Use Zone Chart  
Section 60.142

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.142	USE ↓ REGULATIONS ↘	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.030	Restaurant, Tavern or Fast Food Restaurant (See Special Regulation 1).	None	10'	0'	0'	80%	35' above average building elevation.	B	E	1 per each 100 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>This use is only allowed on parcels with frontage on NE 124<sup>th</sup> Street, unless the restaurant existed prior to December 31, 2005 as an accessory use to a permitted primary use.</li> <li>Fast food restaurants must provide one outdoor waste receptacle for every 8 parking stalls.</li> </ol>	
.040	Any retail establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services (see Special Regulation 1)									1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <li>This use is only allowed on parcels with frontage on NE 124<sup>th</sup> Street.</li> <li>The following uses and activities are prohibited:                             <ol style="list-style-type: none"> <li>Motorized vehicle and/or boat sales, repair, service or rental facilities</li> <li>Retail establishments providing storage services unless accessory to another permitted use.</li> <li>Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses.</li> <li>Outdoor storage of bulk commodities unless the square footage of the storage area is less than 10 percent of the retail structure,</li> </ol> </li> <li>Ancillary assembly and manufacture of goods on the premises of this</li> </ol>	

(Revised 2/06)



TL 10A Use Zone Chart  
Section 60.142

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 60.142	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
and 2).										<p>use are permitted only if:</p> <ol 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> <li>3. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:               <ol 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> </ol> </li> </ol>		
.050	Hotel or Motel		• None	• 10'		52' above average building elevation.	B	E	1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> <li>1 This use is only allowed on parcels with frontage on NE 124<sup>th</sup> Street.</li> <li>2. May include ancillary meeting and convention facilities.</li> <li>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.</li> </ol>		

(Revised 2/06)

**TL 10A Use Zone Chart**  
**Section 60.142**

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

Section 60.142	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Convalescent Center	None	20'				B	A	1 per bed	<ol style="list-style-type: none"> <li>Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</li> <li>Maximum building height for this use is as follows:               <ol style="list-style-type: none"> <li>If adjoining a residential zone other than TL 11, then 25 feet above average building elevation.</li> <li>South of either NE 120<sup>th</sup> Street or NE 118<sup>th</sup> Street, 35' above average building elevation</li> <li>Elsewhere in this zone, 52' above average building elevation.</li> </ol> </li> </ol>		
.070	School, Day-Care Center, Mini-School or Mini-Day Care Center	None	20'				D	B'	See KZC 105.25.	<ol style="list-style-type: none"> <li>A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</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> <li>5 feet for a Mini-School or Mini-Day-Care Center</li> </ol> </li> <li>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>May include accessory living facilities for staff persons.</li> </ol>		

(Revised 2/06)

**TL 10A Use Zone Chart**  
**Section 60.142**

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 60.142	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category / See Ch. 95	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)		
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure	
				Front	Side	Rear							
.080	Church	D.R., Chapter 142, KZC (See General Regulation 5).	None	20'	5', but 2 side yards must equal at least 15'	10'	80%	If adjoining a residential zone other than TL 11, then 25' above average building elevation. Otherwise, 35' above average building elevation.	C	B	1. for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1. See KZC 105.25.	1. No parking is required for day-care or school ancillary to the use. 2. Outdoor uses are not permitted. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.	
.090	Public Utility				5', but 2 side yards must equal at least 15'								10'
.100	Government Facility or Community Facility												
.110	Public Park	Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.											

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

**55.75 User Guide.**

The charts in KZC 55.75 contain the basic zoning regulations that apply in TL 11, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

**Section 55.75**

**Section 55.75 GENERAL REGULATIONS**  
 The following regulations apply to all uses in this zone unless otherwise noted:  
 1. Refer to Chapter 1 KZC to determine what other 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.

<p>.010 Attached or Stacked Dwelling Units</p>	<p>None</p>	<p>3,600 sq. ft. per unit</p>	<p>20'</p>	<p>5', but 2 side yards must equal at least 15'</p>	<p>10'</p>	<p>70%</p>	<p>If adjoining a low density zone, 25' above average building elevation. Otherwise, 40' above average building elevation.</p>	<p>D</p>	<p>A</p>	<p>1.7 per unit.</p>	<p>1. If the subject property contains four or more units, then it must contain at least 200 sq. ft. per unit of common recreational open space usable for many activities. This required common recreational open space must have the following minimum dimensions:                  a. For four to 20 units, the open space must be in one or more pieces each having at least 800 sq. ft. and having a length and width of at least 25 feet.                  b. For 21 units or more, the open space must be in one or more pieces having a length and width of at least 40 feet.                  The required common recreational open space may be reduced to 150 square feet per unit if permanent outdoor furniture, pool, cooking facilities, playground equipment, a recreation building and/or a trail around the wet land are provided in the common open space. The City shall determine if these outdoor provisions provide comparable recreational opportunities as would the open space that is reduced based on the number of residents that they would serve at one time. Also, the required minimum dimension for the open space containing these outdoor provisions may also be reduced in proportion to the reduced open space area.                  2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.</p>
<p>.020 School or Day-</p>	<p>None.</p>	<p>7,200</p>	<p>If this use can accommodate</p>	<p></p>	<p></p>	<p>70%</p>	<p>If adjoining</p>	<p>D</p>	<p>B</p>	<p>See KZC 105.25.</p>	<p>1. No structure, roadway or land surface modification is allowed on any reg</p>

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

Section 55.75	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95) Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage				Height of Structure
				Front	Side	Rear					
	Care Center		sq. ft.	50 or more students or children, then:					<p>ulated slope.</p> <p>2. Only one access point to NE 124th Street is permitted. This access must be aligned with an access point adjacent to the north.</p> <p>3. 4. Vehicular circulation on the subject property must be designed to mitigate traffic impacts. The City may require on and off-site traffic control devices, roadway improvements, or limit development, if necessary, to further reduce traffic impacts.</p> <p>5. A six-foot-high fence is required only along the property lines adjacent to the outside play areas.</p> <p>6. Structured play areas must be setback from all property lines as follows:</p> <p>a. 20 feet if this use can accommodate 50 or more students or children.</p> <p>b. 10 feet if this use can accommodate 13 to 49 students or children.</p> <p>7. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on any nearby residential uses.</p> <p>8. May include accessory living facilities for staff persons.</p> <p>9. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses.</p> <p>10. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).</p> <p style="text-align: center;">REGULATIONS CONTINUED ON NEXT PAGE</p>		
				50	50 on each side	50					
				If this use can accommodate 13 to 49 students or children, then:							
				20	20 on each side	20					

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

Section 55.75	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
				side								
	School or Day-Care Center (continued)									REGULATIONS CONTINUED FROM PREVIOUS PAGE 11. For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.		
.030	Mini-School or Mini-Day-Care	None	3,600 sq. ft.	20	5, but 2 side yards must equal at least 15.	10	70%	If adjoining a low density zone other than RSX, then 25 above average building elevation. Otherwise, 30 above average building elevation.	D	B	See KZC 105.25.	1. No structure, roadway or land surface modification is allowed on any regulated slope. 2. Only one access point to NE 124th is permitted. This access must be aligned with an access point adjacent to the north. 3. Vehicular circulation on the subject property must be designed to mitigate traffic impacts. The City may require on an off-site traffic control devices, roadway improvements, or limit development, if necessary, to further reduce traffic impacts. 4. A six-foot-high fence is required along the property lines adjacent to the outside play area. 5. Structured play areas must be setback from all property lines by five feet. 6. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 7. The location of parking and passenger loading areas shall be designed to reduce impacts on any nearby residential uses. 8. May include accessory living facilities for staff persons.

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

Section 55.75	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
										9. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).		
.040	Convalescent Center or Nursing Home	None..	7,200 sq. ft.	20	10 on each side	10	70%	If adjoining a low density zone other than RSX, then 25 above average building elevation. Otherwise, 30 above average building elevation.	C	D	1 for each bed.	<ol style="list-style-type: none"> <li>1.No structure, roadway, or land surface modification is allowed on any regulated slope.</li> <li>2.Only one access point to NE 124th Street is permitted. This access must be aligned with an access point adjacent to the north.</li> <li>3.</li> <li>4.Vehicular circulation on the subject property must be designed to mitigate traffic impacts. The City may require on and off-site traffic control devices, roadway improvements, or limit development, if necessary, to further reduce traffic impacts.</li> </ol>
.050	Public Utility	None.. S	None		20 on each side	20	25 above average building elevation.	A	B	See KZC 105.25.	<ol style="list-style-type: none"> <li>1.No structure, roadway, or land surface modification is allowed on any regulated slope.</li> <li>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.</li> </ol>	
.060	Government Facility or Community Facility				10 on each side	10		C	See Spec. Reg. 2.			
.070	Public Park	Development standards will be determined on a case by case basis. See KZC Chapter 49 for required review process.										

# This Chapter (all of ILC) to be deleted.

## CHAPTER 57 - INDUSTRIAL LIMITED COMMERCIAL (ILC) ZONES

### 57.05 User Guide.

The charts in KZC 57.15 contain the basic zoning regulations that apply in the ILC zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 57.10

Zone  
ILC

#### Section 57.10 GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. Structure height may be increased above 35 feet in height through a Process IIA, Chapter 150.KZC, if:
  - a. It will not block local or territorial views designated in the Comprehensive Plan;
  - b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
  - c. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.

(Does not apply to Public Park uses).

DELETED

EXHIBIT <u>  M  </u>



## This section (All of PLA 8) to be deleted

### 60.124 User Guide.

The charts in KZC 60.127 contain the basic zoning regulations that apply in Planned Area 8, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 60.125

#### Section 60.125 GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. Shared access points must be used to the maximum extent possible. Curb cuts must be limited to minimize traffic congestion (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
3. No grading, filling or other development activity may occur below the 120-foot contour line, based on the King County datum point (does not apply to Public Park uses).
4. Development must emphasize Totem Lake as the focal point of this zone (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
5. Refer to Chapter 90 KZC regarding restrictions on development around Totem Lake and wetland areas (does not apply to Public Park uses).
6. Must install a landscape berm on the subject property adjacent to 120th Avenue N.E. and Totem Lake Way consistent with existing landscaped berms along these rights-of-way (does not apply to Public Park uses).

DELETED

EXHIBIT	N

## This Section (All of PLA 10A) to be deleted

### 60.134 User Guide.

The charts in KZC 60.137 contain the basic zoning regulations that apply in Planned Area 10A, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 60.135



#### Section 60.135 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Development must retain and maintain the existing hill form. Seventy-five percent of the significant trees on the hill form must be retained. Supplemental plantings may be required.
3. Access must be directly from 120th NE, or must be coordinated with commercial development to the west and must be from NE 124th (does not apply to Public Park uses).

DELETED

EXHIBIT	0

## This Section (All of PLA 10B) to be deleted

### 60.139 User Guide.

The charts in KZC 60.142 contain the basic zoning regulations that apply in Planned Area 10B, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 60.140



#### Section 60.140 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
3. Vehicular circulation on the subject property must be designed to mitigate traffic impacts. The City may require on or off-site traffic control devices, roadway improvements, or limit development, if necessary, to further reduce traffic impacts (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
4. Primary access shall be to NE 124th Street, at only one access point for the entire planned area. Secondary access to NE 124th Street is prohibited (does not apply to Business Park uses).
5. Development must retain and maintain the existing hill form. Seventy-five percent of the significant trees on the hill form must be retained. Supplemental plantings may be required.
6. Development is prohibited within the regulated slope in the southern portion of the planned area.
7. Development in part of this zone may be limited by Chapter 90 KZC, regarding development near wetlands. In addition, the site must be designed to concentrate development away from, and to minimize impact on the wetlands.

EXHIBIT	<u>    P    </u>

## This Section (All of PLA 10C) to be deleted

### 60.144 User Guide.

The charts in KZC 60.147 contain the basic zoning regulations that apply in Planned Area 10C, including sub-zones. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

### Section 60.145



#### Section 60.145 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
  - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation, or
  - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet in width.See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
3. Development in part of this zone may be limited by Chapter 90 KZC, regarding development near wetlands. In addition, the site must be designed to concentrate development away from, and to minimize impact on the wetlands.

EXHIBIT \_\_\_\_\_

Kirkland Zoning Code

**Amendments to KZC**  
**CHAPTER 92 DESIGN**  
**REGULATIONS-**

**92.05 Introduction**

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

**92.10 Pedestrian-Oriented Elements**

1. Installation of Sidewalks
2. Through Block Pathways
3. Other Internal On-site Pathways
4. Pedestrian Weather Protection
5. Building Frontage
6. Access to Buildings
7. Building Location and Orientation
8. Pedestrian-Oriented Space and Plazas
9. Blank Wall Treatment
10. Treatment of Building Facades
11. Screening of Certain Areas

**92.15 Entry Features in the JBD, and RHBD, and TLN 630.15**

**92.20 Public Improvements and Site Features**

1. Public Improvement and Site Feature Standards and Masterplan for Public Property
2. On-Site Improvements

**92.25 Vehicular Access and Parking Areas**

1. Internal Access Roads
2. Location of Parking Lots
3. 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 and TLN
3. Achieving Human Scale
4. Techniques To Achieve Architectural Scale in the RHBD and the TLN

**92.35 Building Material, Color and Detail**

1. Required Elements
2. Prohibited Materials
3. Metal Siding
4. Concrete Block
5. ~~Stucco~~
5. Awnings
6. Covering of Existing Facades
7. Building Cornerstone or Plaque
8. Building Corners in the CBD
- 9.40. Street Corners in the RHBD and TLN

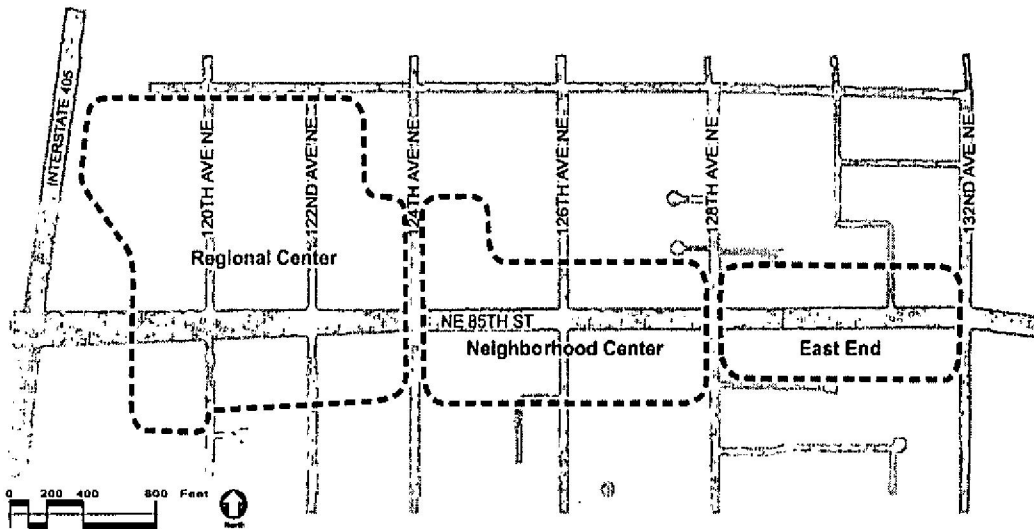
**92.40 Office Buildings** 1. Design standards for the RHBD's \_\_\_\_\_ Regional \_\_\_\_\_ Center

EXHIBIT     R

## 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), Totem Lake Neighborhood (TLN), North Rose Hill Business District (NRHBD) and in Totem Center. Special provisions that apply to only the CBD, the JBD, the TLN, 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 (to require additional or more mature landscaping).
- RHBD 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 6. Design Districts in Rose Hill Business District-Variou 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 master plan), along the entire frontage of the subject property adjacent to each *pedestrian-oriented street*. If the required improvements cannot be accommodated within existing right-of-way, the difference may be made up with a public easement over private property. Buildings may cantilever over such easement areas, flush with the property line. (See Figures 92.10.A, B, B.1, B.2, 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. **Major Pedestrian Sidewalks**– If the subject property abuts a street designated to contain a major pedestrian sidewalk on Figures 92.10.A, 92.10.B, 92.10.B.1, 92.10.B.2, 92.10.C or 92.10.D, the applicant shall install that pathway on and/or adjacent to the subject property consistent with the following standards:

1. The major pedestrian sidewalk must be installed in the approximate location shown on Figures 92.10.A, 92.10.B, 92.10.B.X, 92.10.C. and 92.10.D, and make the connections shown on the figures.
2. The major pedestrian sidewalk 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.
3. The major pedestrian sidewalk must have adequate lighting with increased illumination around building entrances and transit stops.

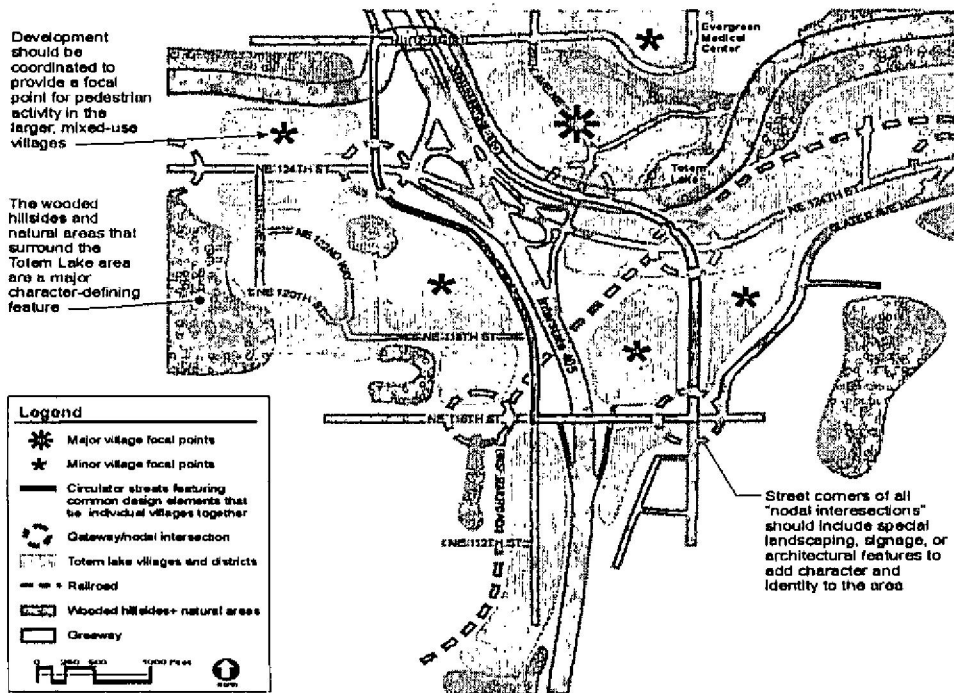
4. If parcels are developed in aggregate, then alternative solutions may be proposed.

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

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

f. Streets designated as Major Pedestrian Sidewalks on Figure 92.10.B.X in the Totem Lake Neighborhood that are also shown to be within the landscaped boulevard alignment or “Circulator” may have varied or additional requirements, such as wider sidewalks, widened and meandering planting areas, continuous and clustered tree plantings, special lighting, directional signs, benches, varying pavement textures and public art, as determined by the Director of Public Works.

**The designated “Circulator” in the Totem Lake Neighborhood**



**Figure 92.10.B.X**



**Pedestrian Circulation in the  
CBD**

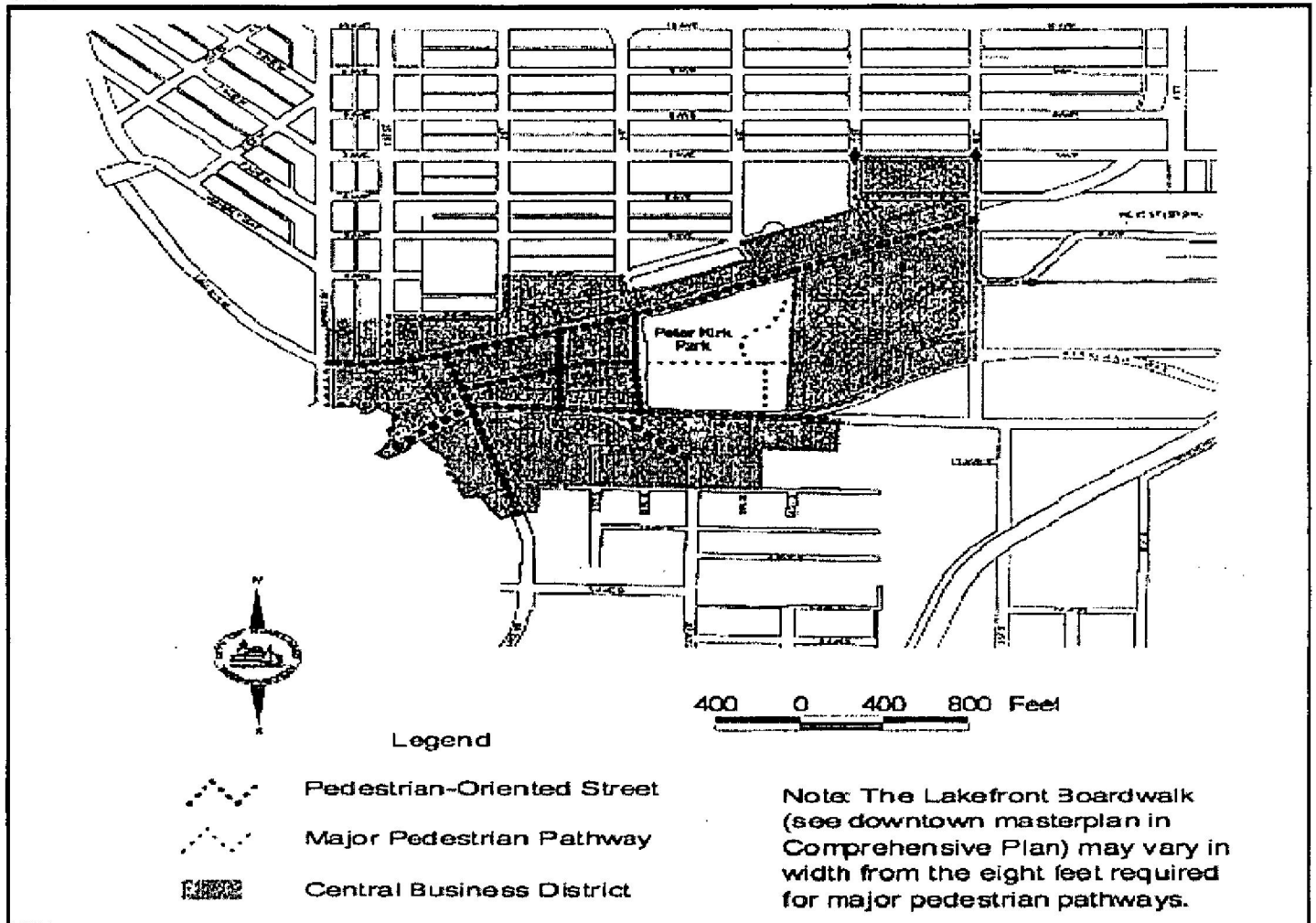


FIGURE 92.10.A

Pedestrian Circulation in the JBD

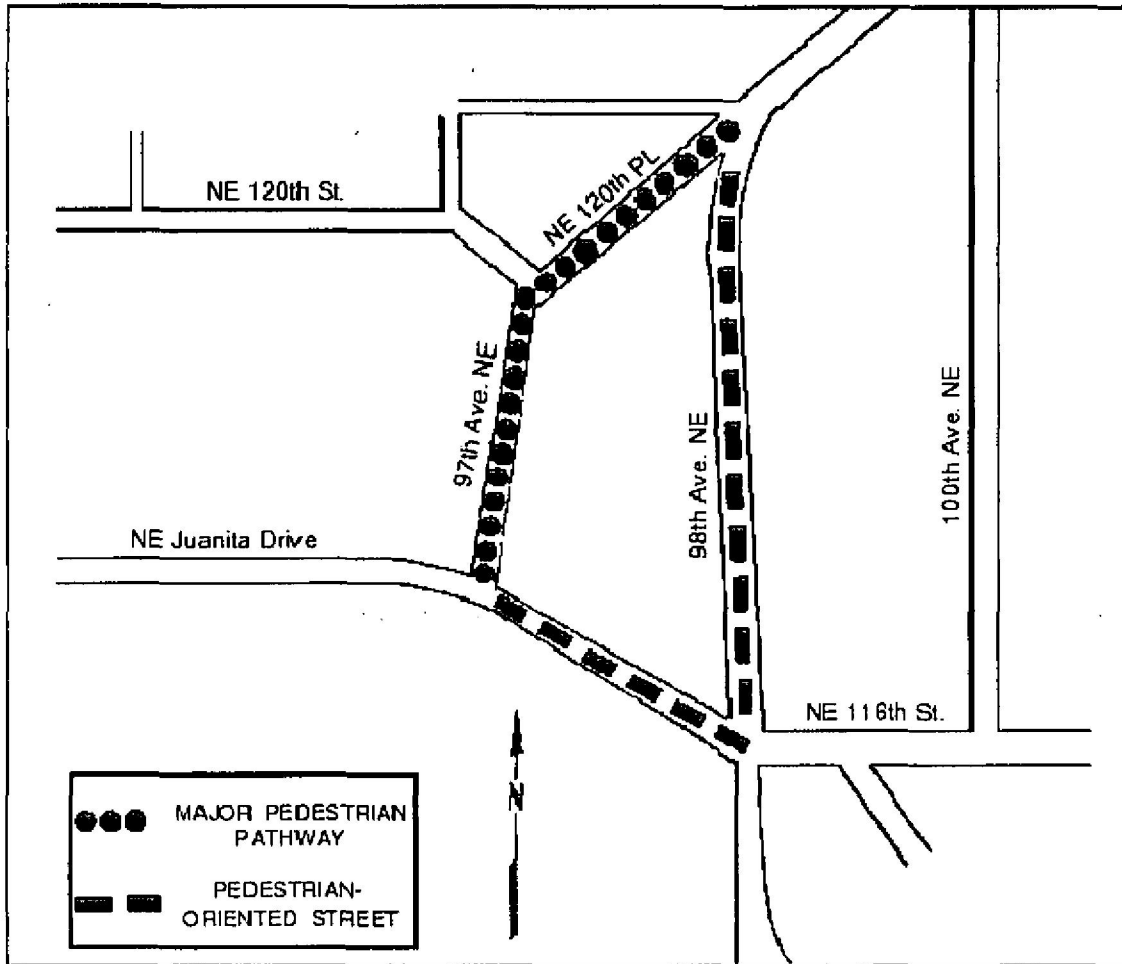


FIGURE 92.10.B

Pedestrian Circulation in the NRHBD

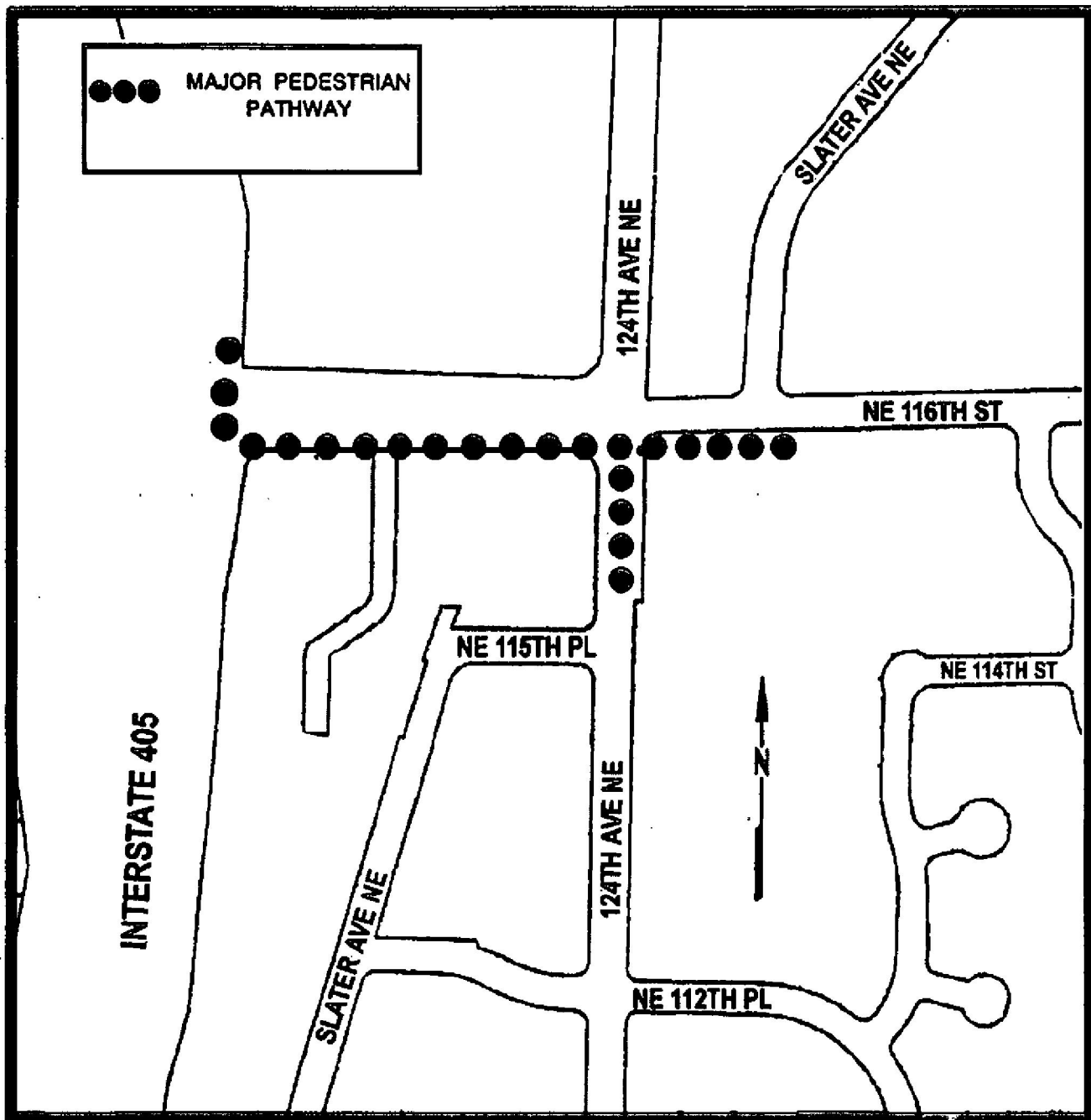


FIGURE 92.10.C

Figure 92.10.D (This figure deleted)

Kirkland Zoning Code

Pedestrian Circulation in Totem Lake

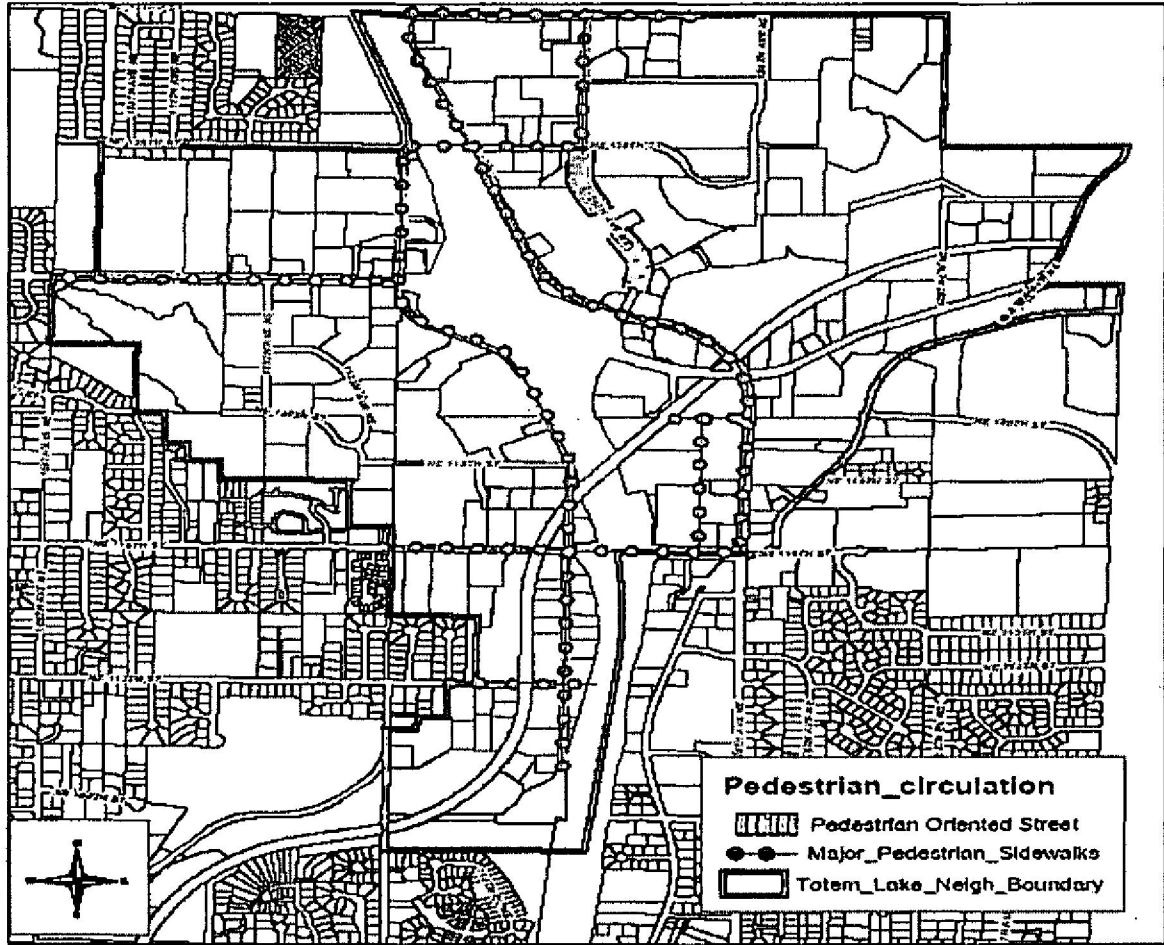


Figure 92.10.B.2

### Designating Blank Walls

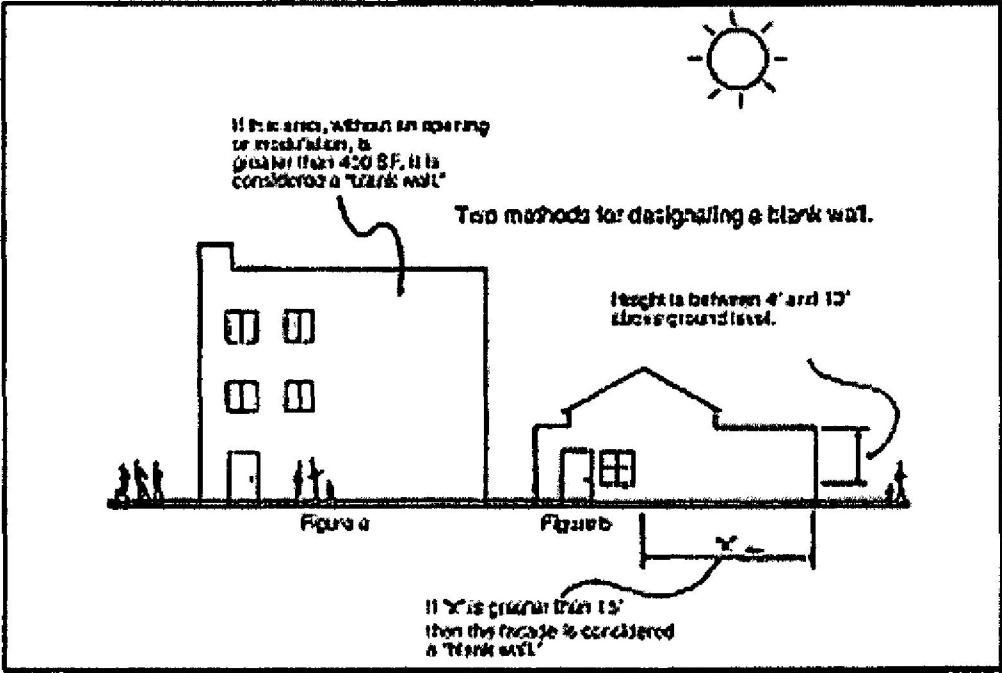


FIGURE 92.10.D

Required Sidewalk on Pedestrian-Oriented Streets and Major Pedestrian Sidewalks

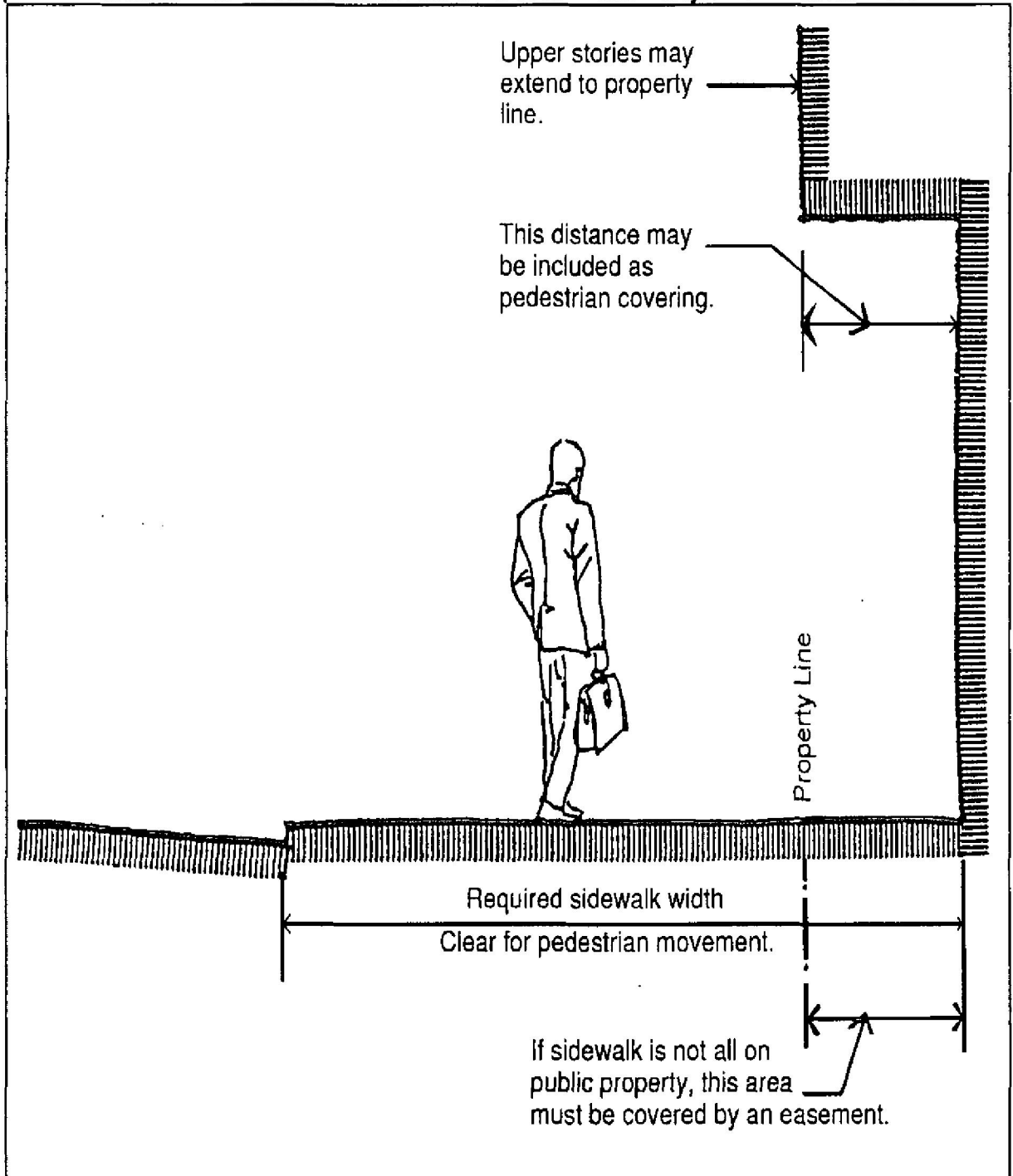


FIGURE 92.10.E

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:
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 applicable parcels are developed in aggregate, then alternative solutions may be proposed.

#### Through-Block Pathway

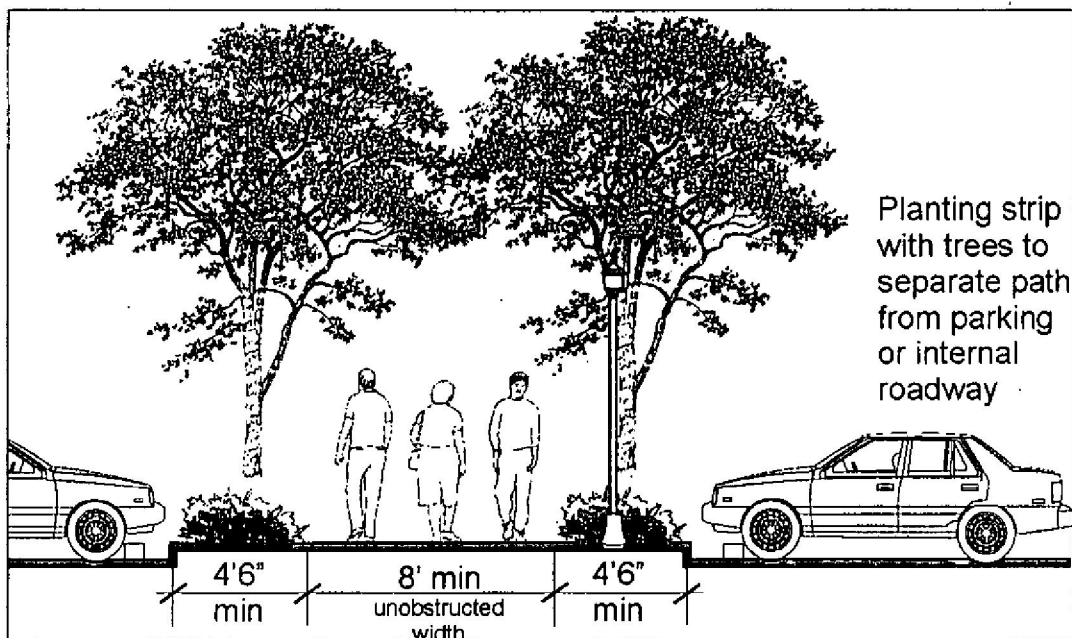


FIGURE 92.10.F

JBD

- b. Through-Block Pathways in the JBD – The applicant shall install a *through-block pathway* extending from the north end to the south end of JBD 1 of the Juanita Business District. Two *through-block pathways*, 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 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 pathways that run generally north/south (or diagonally northeast/southwest) and east/west on the subject property. The pathways shall be located to provide a direct continuation of the existing or future *through-block pathway* on adjacent properties. When possible, the pathways 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 pathway* is not required if a suitable pathway exists on adjacent properties.
2. *Through-block 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. The *through-block pathways* must have adequate lighting with increased illumination around building entrances and transit stops.
4. If parcels are developed in aggregate, then alternative solutions may be proposed.
5. Barriers which will limit pedestrian access between the subject property and adjacent properties are not permitted.

TC

- c. Through-Block Pathways in TL 2 – The applicant shall install at least one *through-block pathway* 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. *Through-block pathways in TL 2* shall 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.

TLN

- d. Through-Block Pathways in the TLN - - The applicant shall install a *through-block pathway* or *pathways* to link streets and/or activities in the following zones and locations described in the Transportation and Totem Lake Neighborhood Plan Chapters of the Comprehensive Plan:

- a. On parcels located in TL5: In addition to the new roads to be developed through the district (120<sup>th</sup> Place NE and NE 120<sup>th</sup> Street, designated as Major Pedestrian Sidewalks in Figure 92.10, B.X), a network of east-west pathways at intervals no greater than 350 feet that link uses to 124<sup>th</sup> Avenue NE shall be installed. Through-block pathways may be integrated with internal access roads and/or provided within separate pedestrian-only corridors.

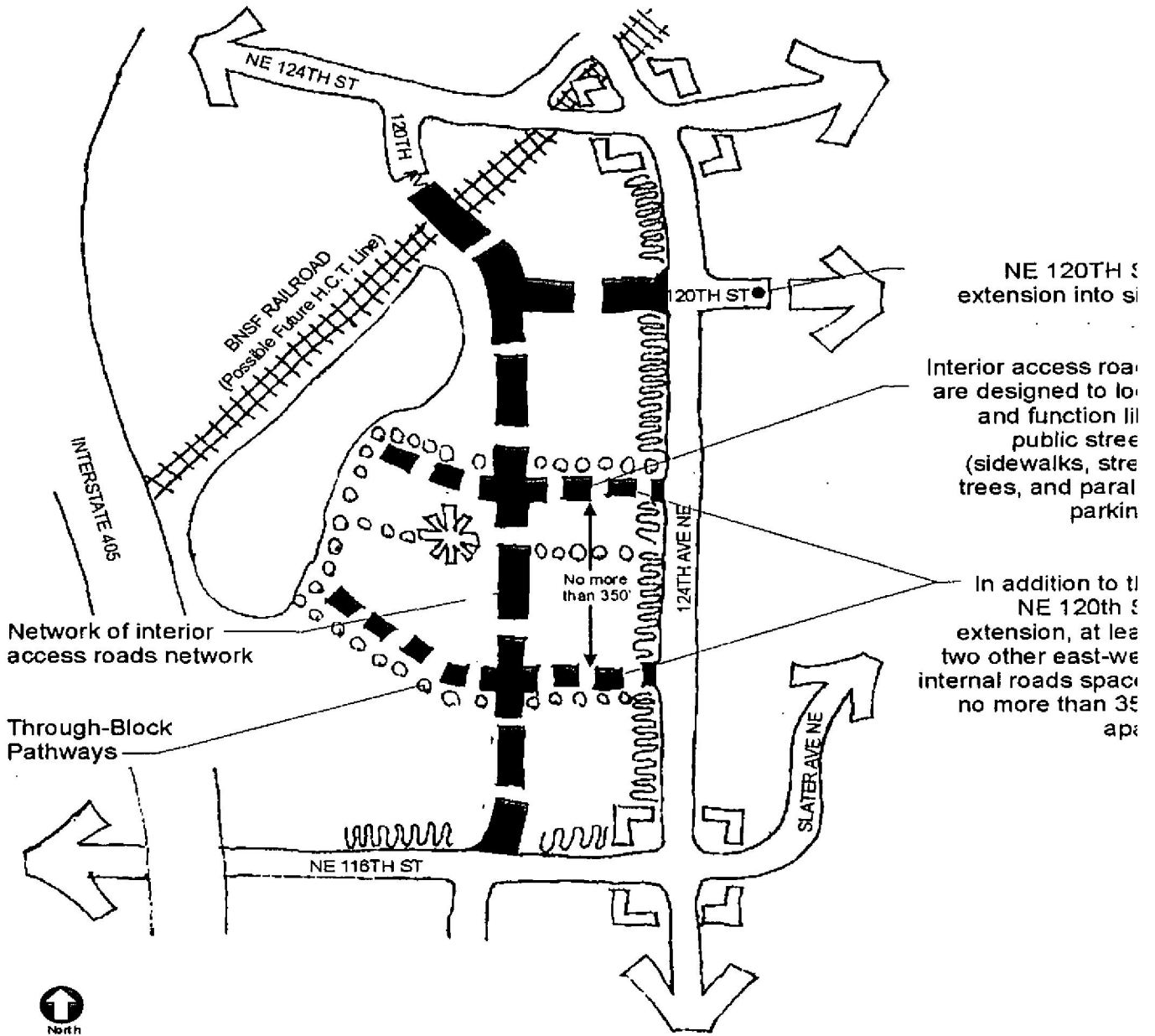


b. On parcels located in TL6B: Include at least one mid-block east-west pathway connecting uses to 116<sup>th</sup> Avenue NE and a network of north-south pathways at intervals no greater than 350 feet that link uses to NE 124<sup>th</sup> Street. Through-block pathways may be integrated with internal access roads and/or provided within separate pedestrian-only corridors.

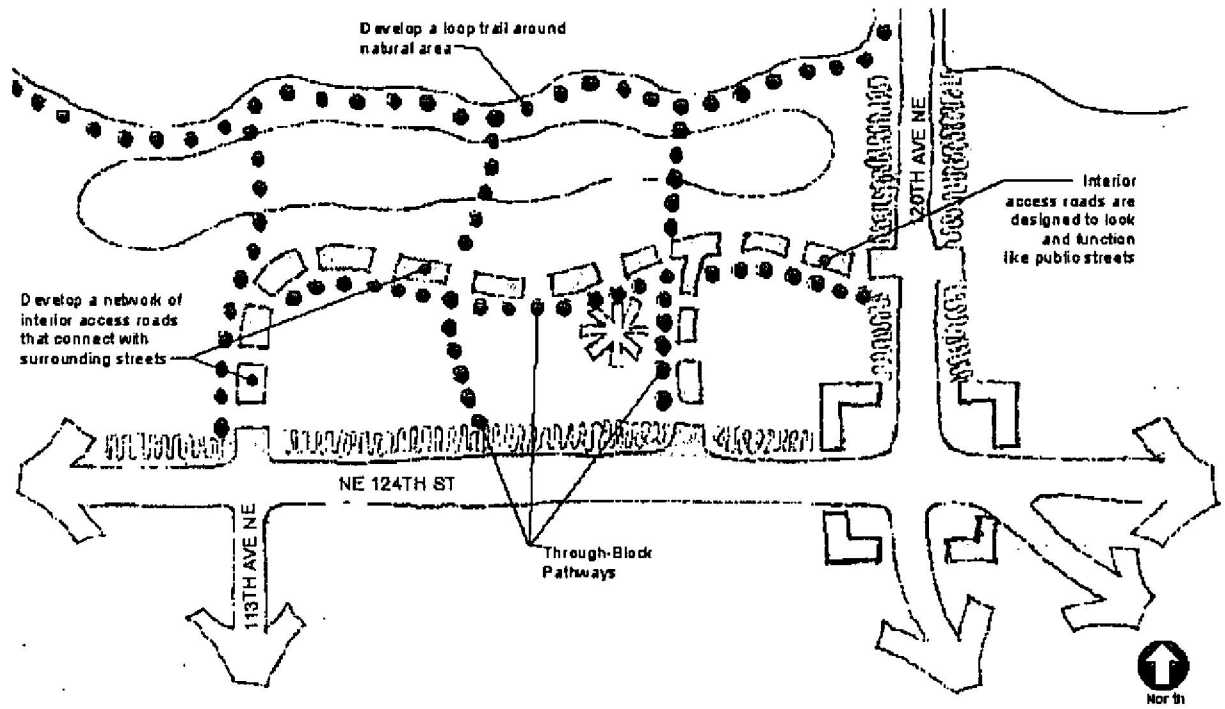
c. Additional through-block pathways not shown in the Comprehensive Plan may be required by the City on parcels larger than 2 acres in order to enhance pedestrian access on large sites.

**An example Through-Block Pathway Concept for TL5**

**FIGURE 92.10.?**



**An example Through-Block Pathway Concept in TL6B**



**FIGURE 92.10.?**

## 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**

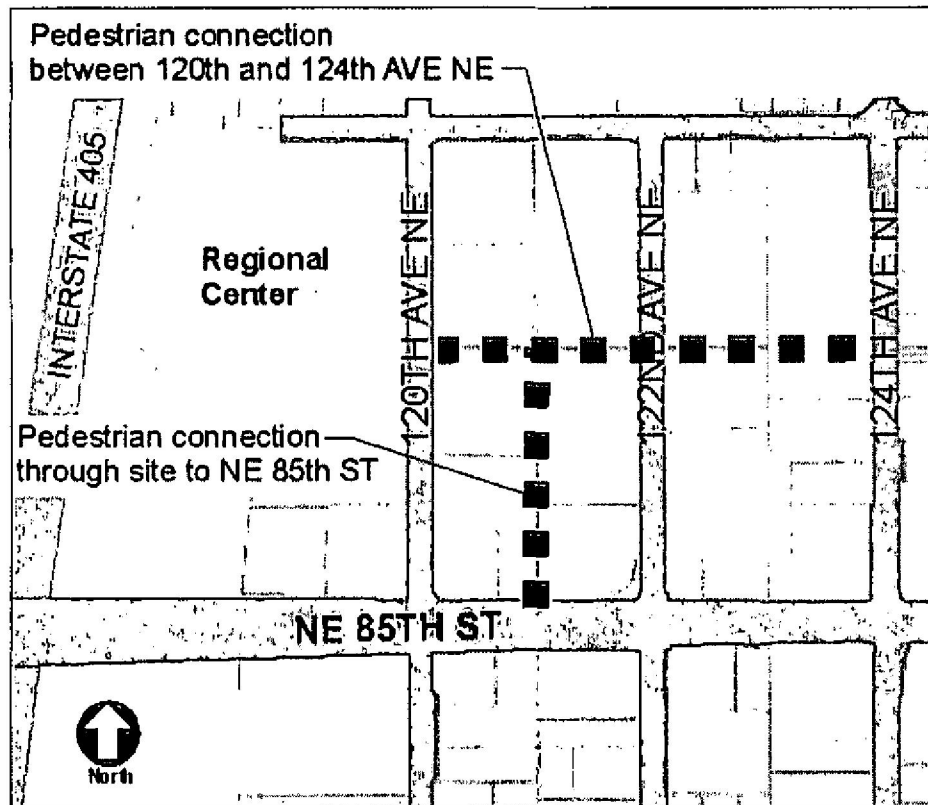


FIGURE 92.10.G

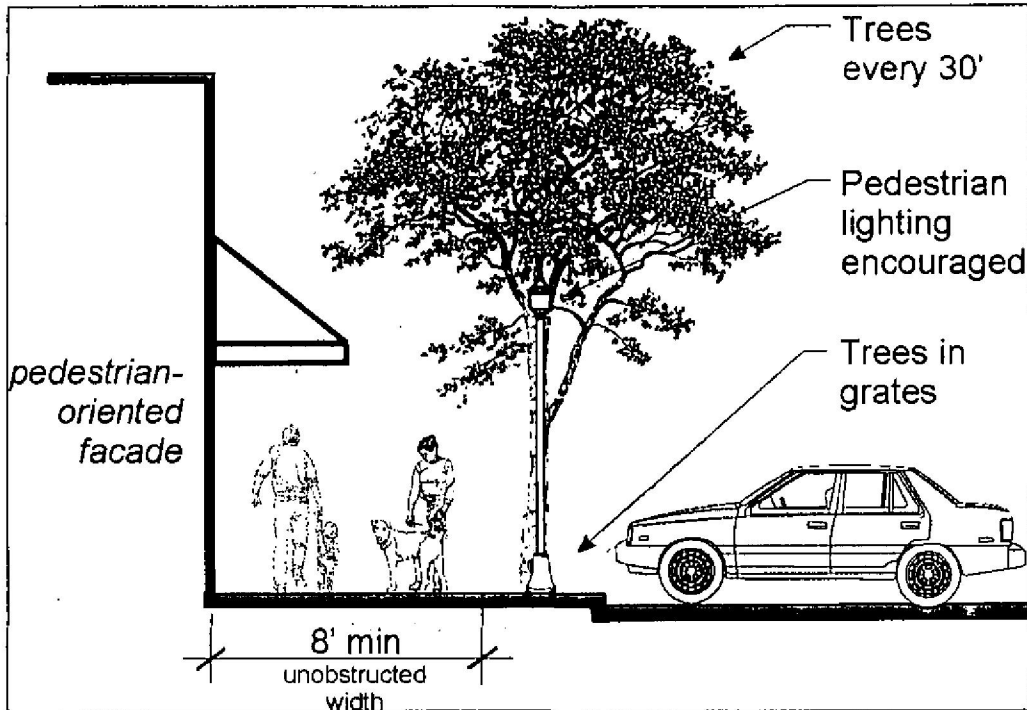
**3. Other internal on-site pathways**

RHBD, TLN 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 Pathway* standards noted above in Section 92.10.2a. (See Figure 92.10.G). 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**

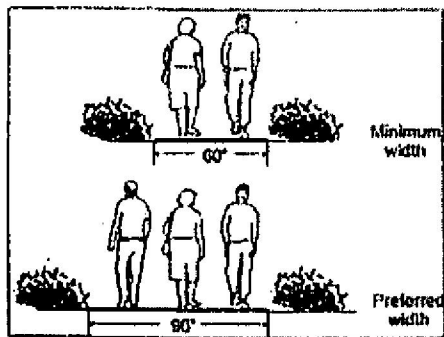


**FIGURE 92.10.H**

**RHBD, TLN** 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 Also, Delete figure below:**

*internal pedestrian pathways*



**FIGURE 92.10.I**

**CBD, JBD, TC, RHBD, TLN:** **4. 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, TLN** b. In the RHBD and the TLN, buildings must feature weather protection at least 5 feet wide along at least 75 percent of the pedestrian oriented façade.

**TLN** c. Weather protection is required over the primary exterior entrance to all buildings, including residential units. Weather protection features must cover the width of the entry at a depth of at least 3 feet from the building entry. This may include covered porches, overhangs, awnings, marquees, recessed entries or other similar features

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

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

f. 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.

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

h. 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(6), Awnings.

**JBD** 5. **Building Frontage** – In the JBD, all buildings must front on a right-of-way or *through-block pathway*.

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

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

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

## RHBD, TLN 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 5 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 Facade

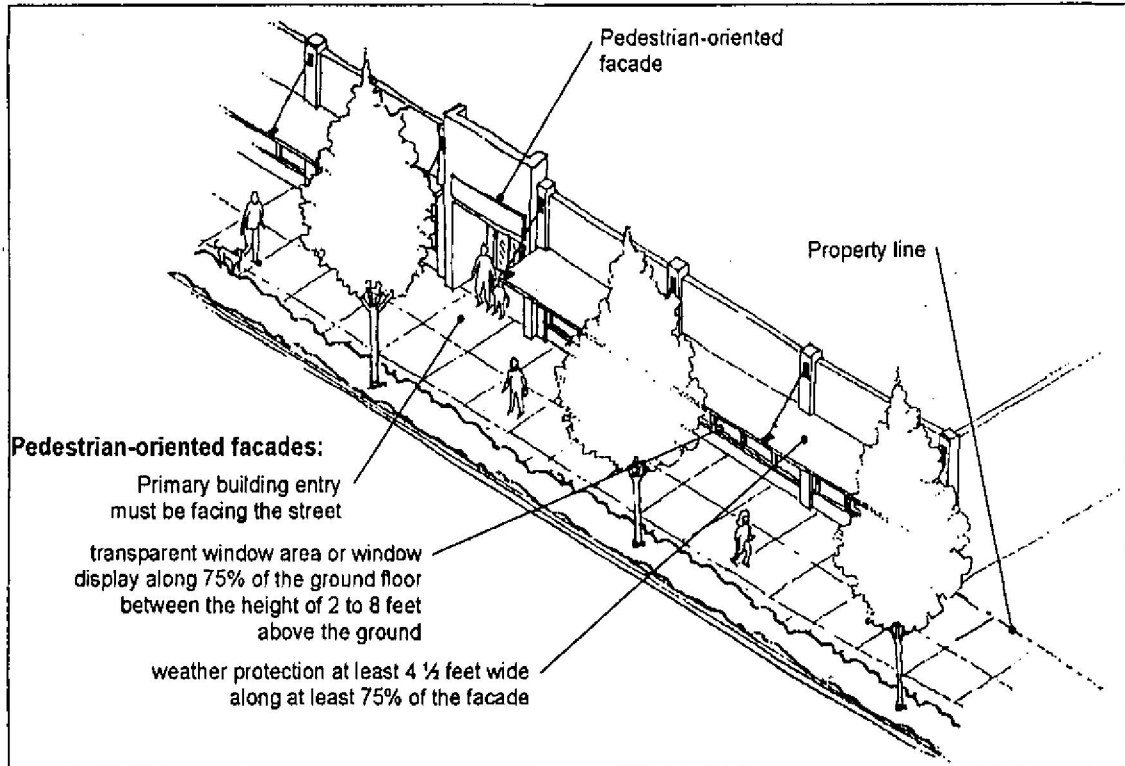


FIGURE 92.10.J

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 facades* 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.



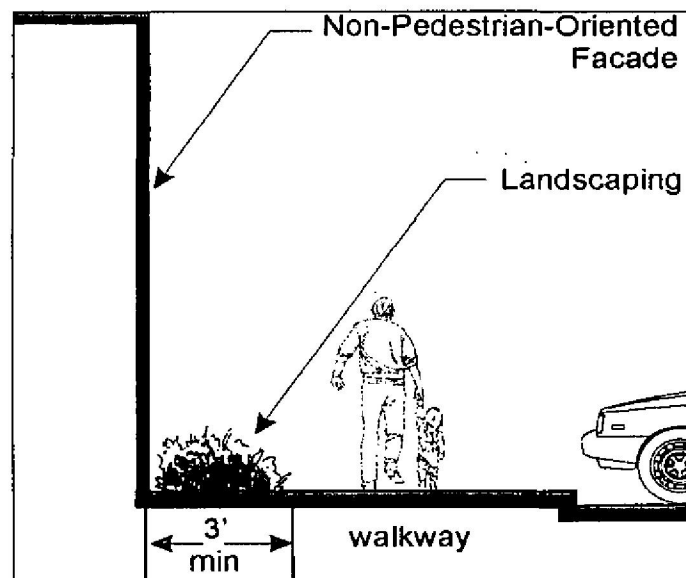
d. Multi-story buildings on sites adjacent to a low density zone shall be configured and designed to minimize privacy impacts on adjacent low density uses. For example, a development may meet this requirement by orienting upper floors towards the street and/or towards interior courtyards.

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. **TLN, and RHBD Regional Center and Neighborhood Center:** Vehicle sales uses are encouraged to locate their showrooms toward the street (and toward NE 85<sup>th</sup> Street in RHBD) with parking to the side or rear.

g. **RHBD 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. **TLN:** Multifamily buildings located adjacent to NE 120<sup>th</sup> Street must be oriented toward this street. To meet this requirement, common and/or individual unit entries must face the street. The building must include windows that face the street. Parking areas between the building and the street are prohibited. Alternative configurations may be considered in the Design Review process.

**i. RHBD 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.

**j. RHBD 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

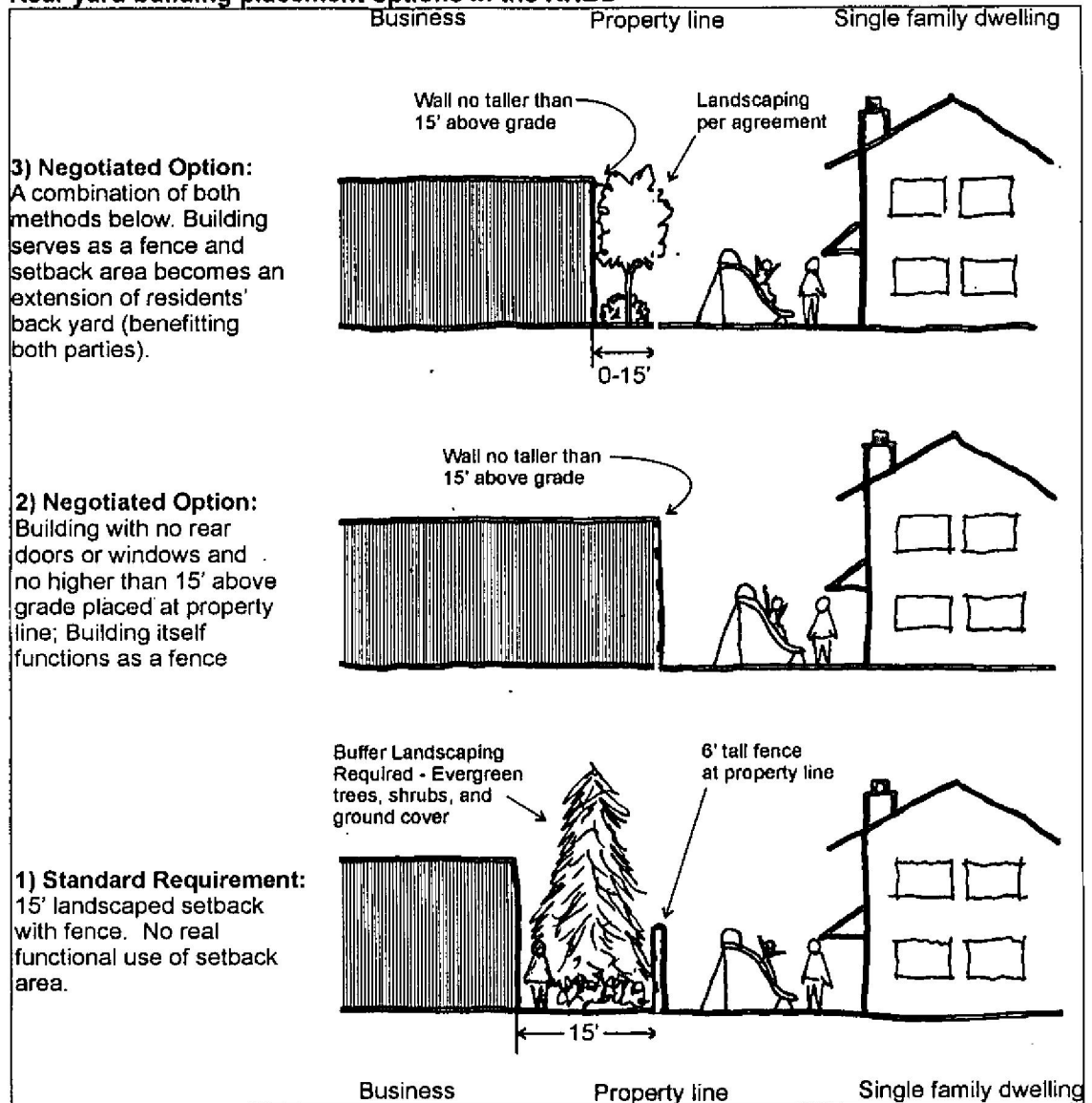


FIGURE 92.10.L.

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

## 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* 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:

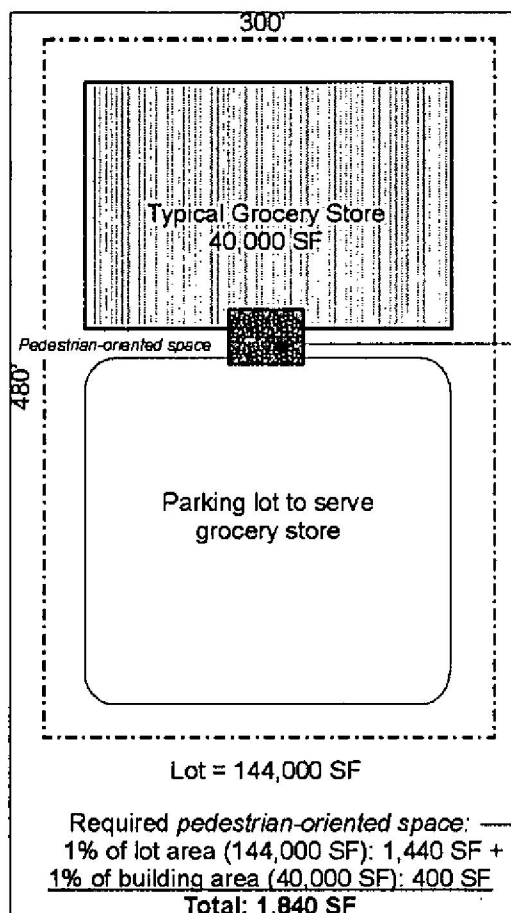
- 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
- 2) Contain paved walking surface of either concrete or approved unit pavers.
- 3) Contain on-site or building-mounted lighting which provides adequate illumination.
- 4) Contain two 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, TLN**

c. Pedestrian-Oriented Space. All non-residential uses in the RHBD and TLN 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 Design Review, 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~~ These may include warehouse, storage, industrial, and other similar uses.

**Pedestrian-oriented space requirement for large non-residential buildings 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 non-vehicular *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.

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

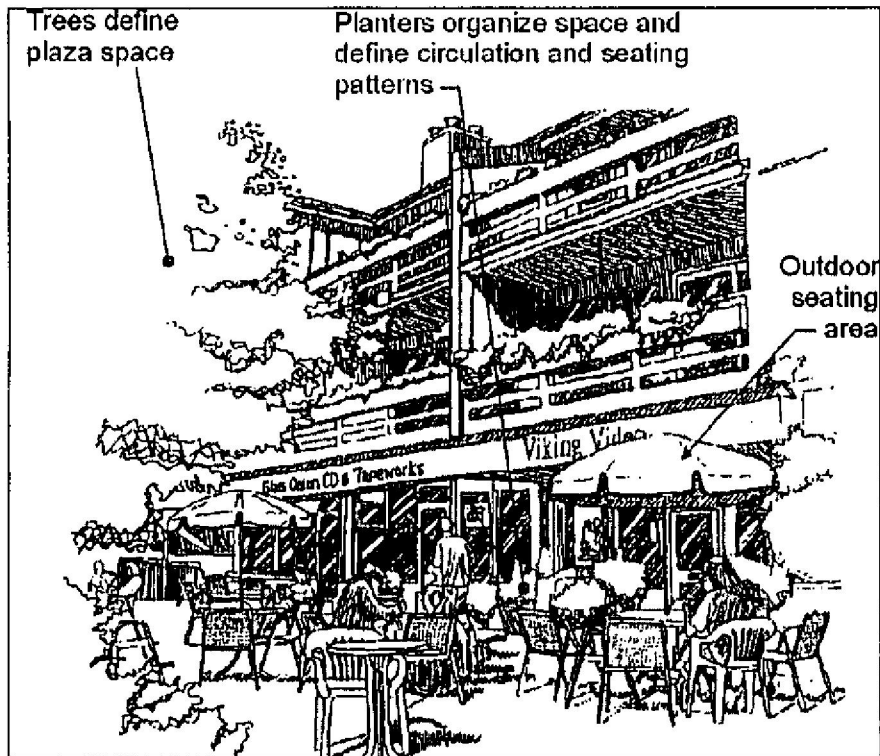


FIGURE 92.10.N

## 9. 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 pathway*, must be screened or treated in at least one of the ways listed in subsection (9.d) (→) of this section if it meets the criteria for a blank wall under subsection (9.c) of this section.
- RHBD, TLN 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.) of this section if it meets the criteria for a blank wall under subsection (9.c) 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.
- c. A blank wall is any wall or portion of a wall that meets either of the following criteria (see Figure 92.10.O.):
- 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

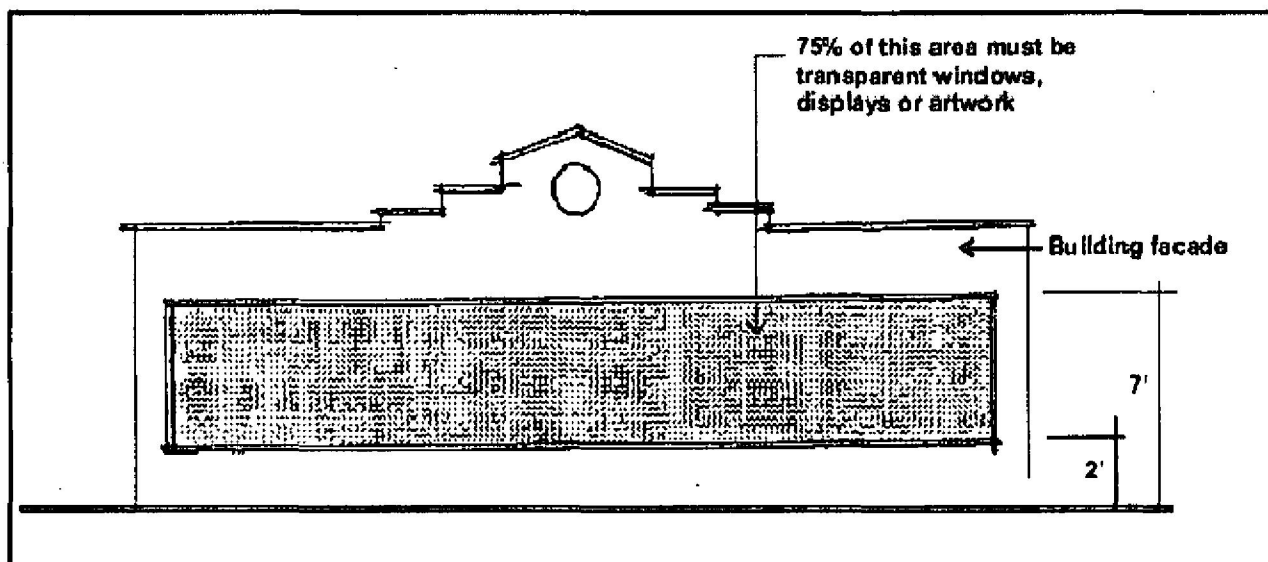


FIGURE 92.10.O

- d. 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. process.

- e. The provisions of this subsection (9.) may be modified or eliminated as part of the D.R. decision if they conflict with the Uniform Building Code.

**CBD 10. 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 92.12.M.).
- 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 92.12.M.).
- 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 (12)(c)(1) or (2) of this section, depending on the location, dimensions, and size of the area.

**11. 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 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 and TLN**

**JBD, RHBD, NRHBD and TLN** In the JBD, RHBD, NRHBD and TLN, 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, 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

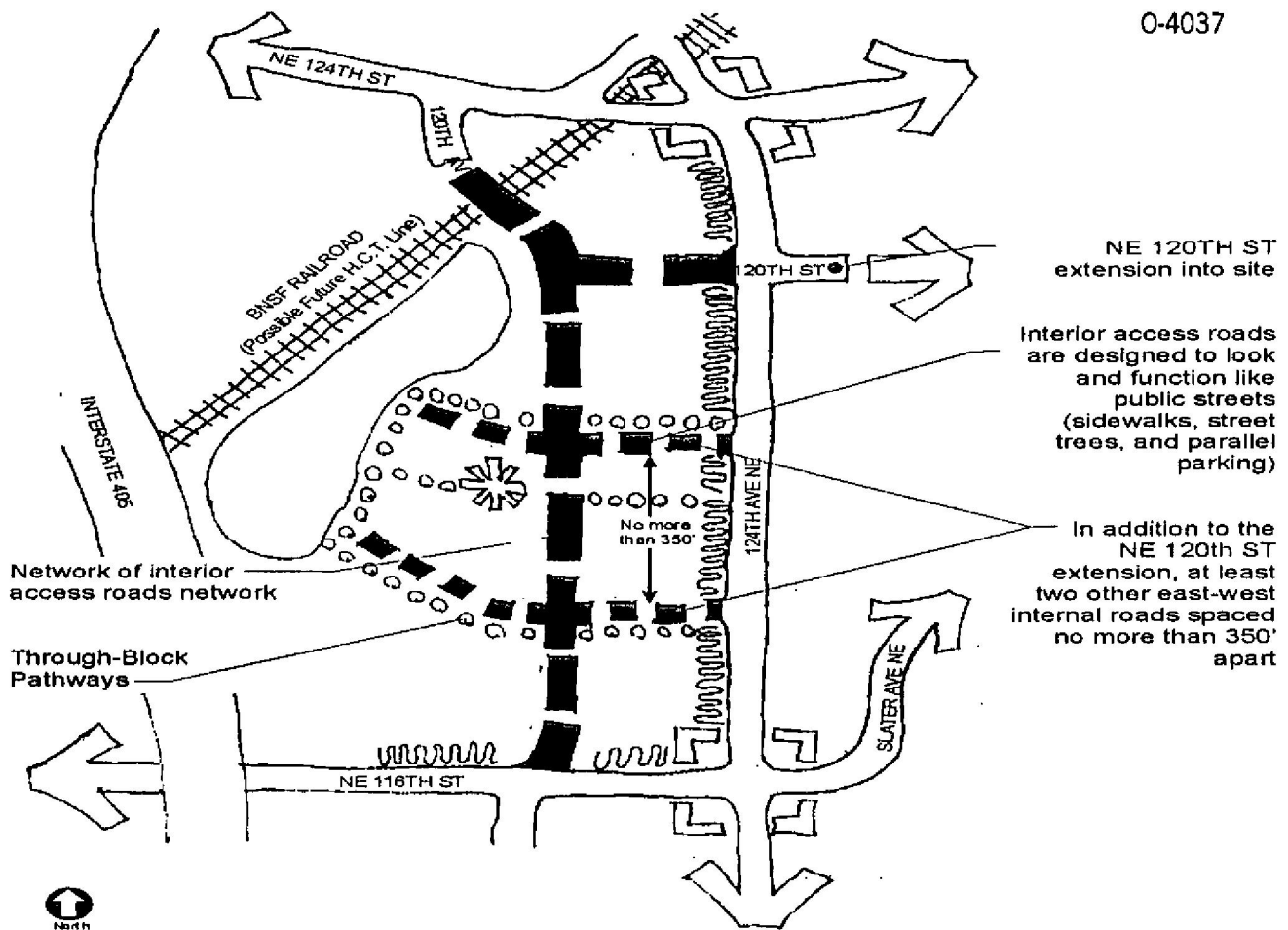
- a. Mixed use centers, residential projects and office buildings shall provide bicycle racks which are conveniently located for bicyclist use and provide secure storage for bicycles.
- b. Water spigots shall be provided on all building facades along sidewalks for cleaning and plant watering.

## 92.25 Vehicular Access and Parking Areas

### 1. Internal access roads

**TLN: TL5** a. Development must provide a grid of internal access roads (see Figure 92.25.X):

- 1) A north-south street (123<sup>rd</sup> Avenue NE) from NE 116<sup>th</sup> Street on the south leading to the extension of NE 120<sup>th</sup> Street and a potential future bridge connecting over the BNSF railroad to 120<sup>th</sup> Place NE. This is intended to be a dedicated public street that can be implemented in phases as redevelopment occurs on applicable sites.
- 2) An east/west connection with the planned NE 120<sup>th</sup> Street extension. This is intended to link the proposed 123<sup>rd</sup> Avenue NE extension above with 124<sup>th</sup> Avenue NE. This is intended to be a dedicated public street that can be implemented in conjunction with redevelopment on applicable sites.
- 3) Two or three other east-west access roads from 124<sup>th</sup> Avenue NE towards interior lots and areas closer to I-405. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350'. These may be public or private streets implemented in conjunction with redevelopment on applicable sites. Wider separation (up to 500') may be considered where properties dedicate a minimum 30' wide public pedestrian corridor.



4) Suggested cross-sections for each of these roads would include:

- Two travel lanes (one lane each way);
- On-street parallel parking;
- Wide sidewalks (8'-12') on each side of the street with street trees placed toward the curb, 30' on-center. Sidewalk width may be reduced where planting strips (minimum 4' wide) are maintained between the street and sidewalk.

**FIGURE 92.25.X**

**TL6B** b. Development must provide a grid of internal access roads (see Figure 92.25.X) per the following:

- 1) A centralized east-west connection that forms the spine for the site. Such a connection would reduce the need for vehicular circulation on NE 124<sup>th</sup> Street.
- 2) Two to three north-south connections from NE 124<sup>th</sup> Street to the east-west connection noted above. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350'. These may be public or private streets. Wider separation (up to 500') may be considered where properties dedicate a minimum 30' wide public pedestrian corridor.
- 3) Suggested cross-sections for each of these roads:
  - Two travel lanes (one lane each way);
  - On-street parallel parking;
  - Wide sidewalks on each side of the street with street trees placed toward the curb, 30' on-center. Sidewalk width may be reduced where planting strips (minimum 4' wide) are maintained between the street and sidewalk.

The above access roads may be private or public.

**An example grid of internal access roads in TL6B**

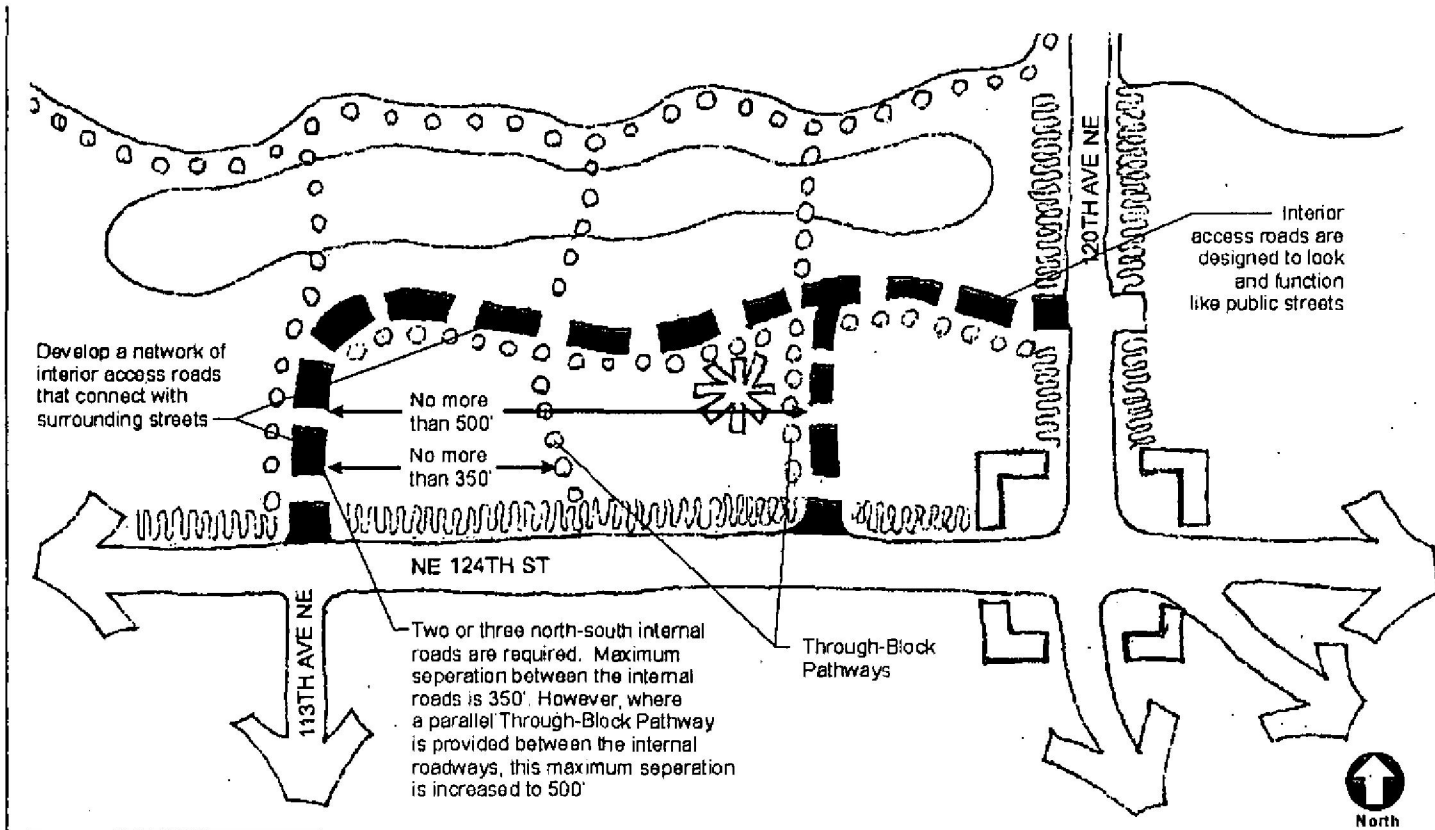


FIGURE 92.25.X

## 2. 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.

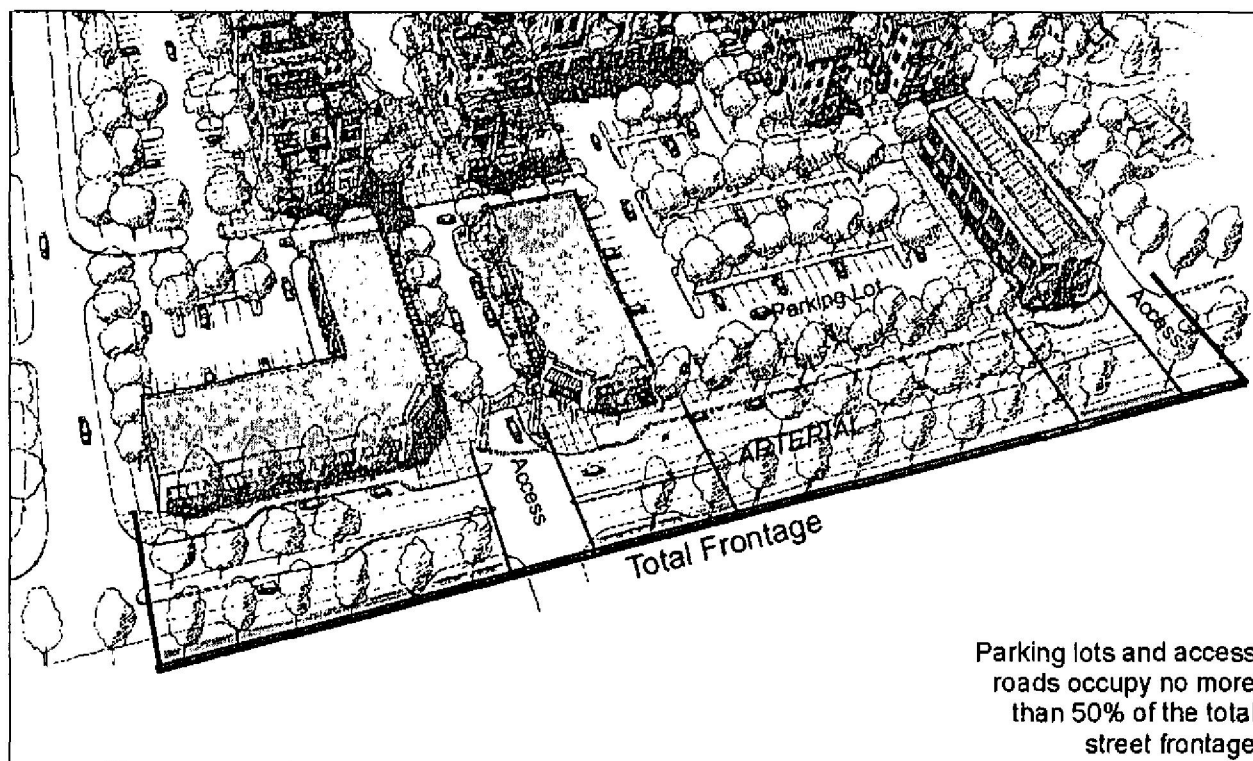
**TLN** c. For properties in the following areas, parking lots and other vehicular access areas may not occupy more than 50 percent of the applicable street frontage (see Figure 92.25.A). Conversely, this means that buildings and/or open space must occupy at least 50 percent of the street frontage. Landscaping buffers between the sidewalk and the parking lot will not qualify as "open space".

- 1) TL4, only properties fronting on 120<sup>th</sup> Avenue NE
- 2) TL5
- 3) TL 6A, only properties fronting on 124<sup>th</sup> Avenue NE. Auto dealers in this zone are exempt from this requirement.
- 4) TL 6B, only properties fronting on NE 124<sup>th</sup> Street.
- 5) TL 10E

Alternative configurations may be considered through the Design Review process provided the project meets the objectives of the KMC Design Guidelines for the Totem Lake Neighborhood.

**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**

**3. 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.

**4. 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.B).
- 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.

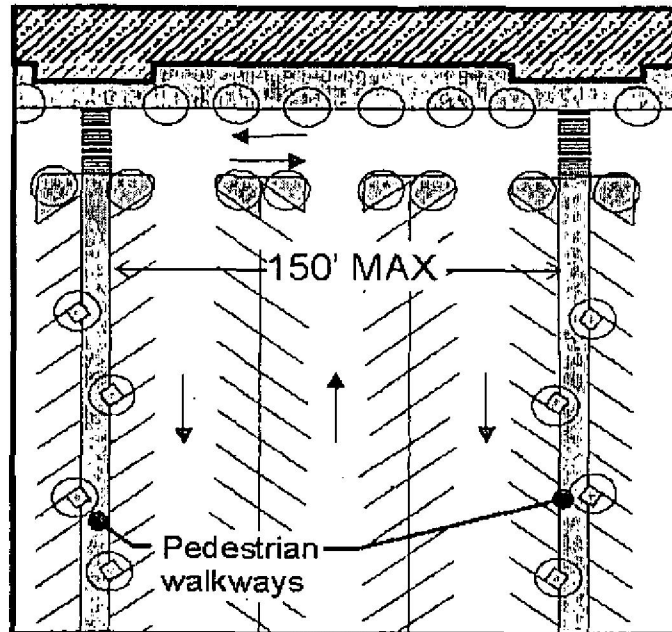


FIGURE 92.25.B

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 at least 175 square feet of *pedestrian-oriented space* at the main building entrance, 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

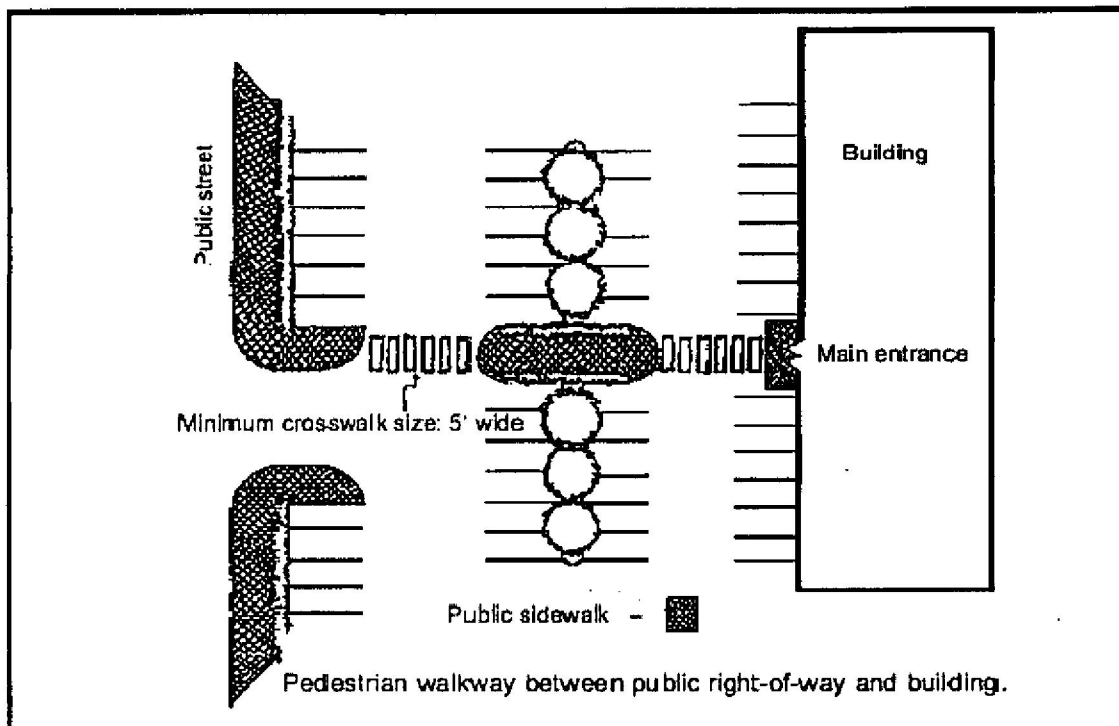
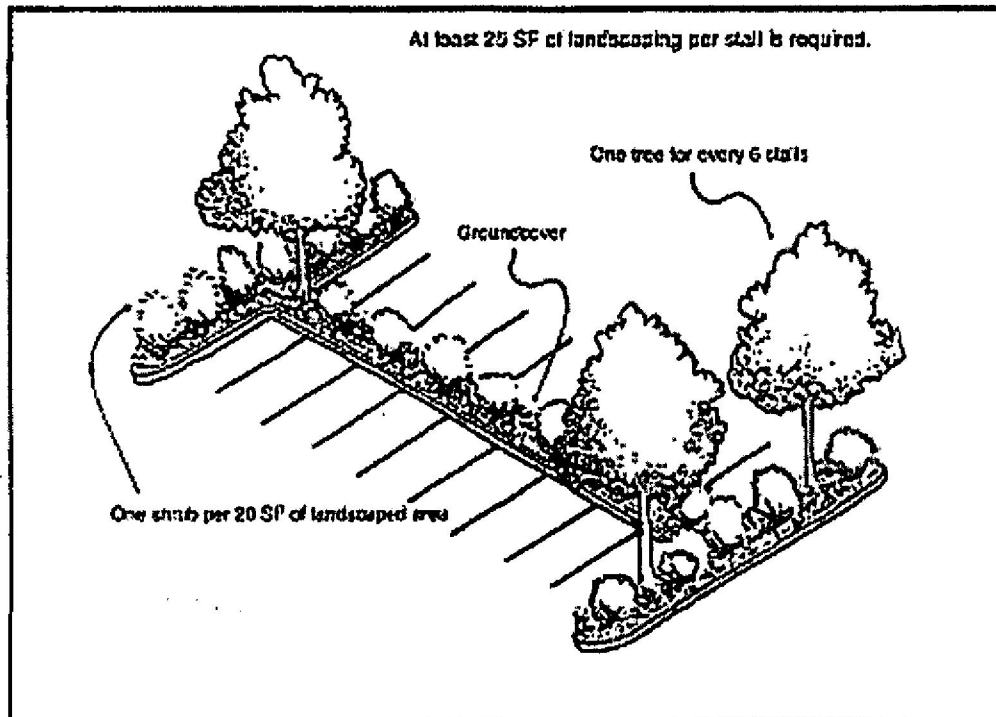


FIGURE 92.25.C

5. 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 pathway* or public park. The provisions do not apply to parking lots that are not visible from a street, *through-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.C):
    - 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.

### Internal Parking Lot Landscaping



**FIGURE 92.25.B**

6. Perimeter Parking Lot Landscaping – Each side of a parking lot that abuts a street, *through-block pathway* or public park must be screened from that street, *through-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.E):

- 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.

**TLN** 4) ) The hedge or wall per KZC 92.25(5)(a)(1) and (2) above is not an option for uses that include vehicular sales, inventory, service, or repair or in the TLN.

**JBD** 5) 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** 6) 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 landscape 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

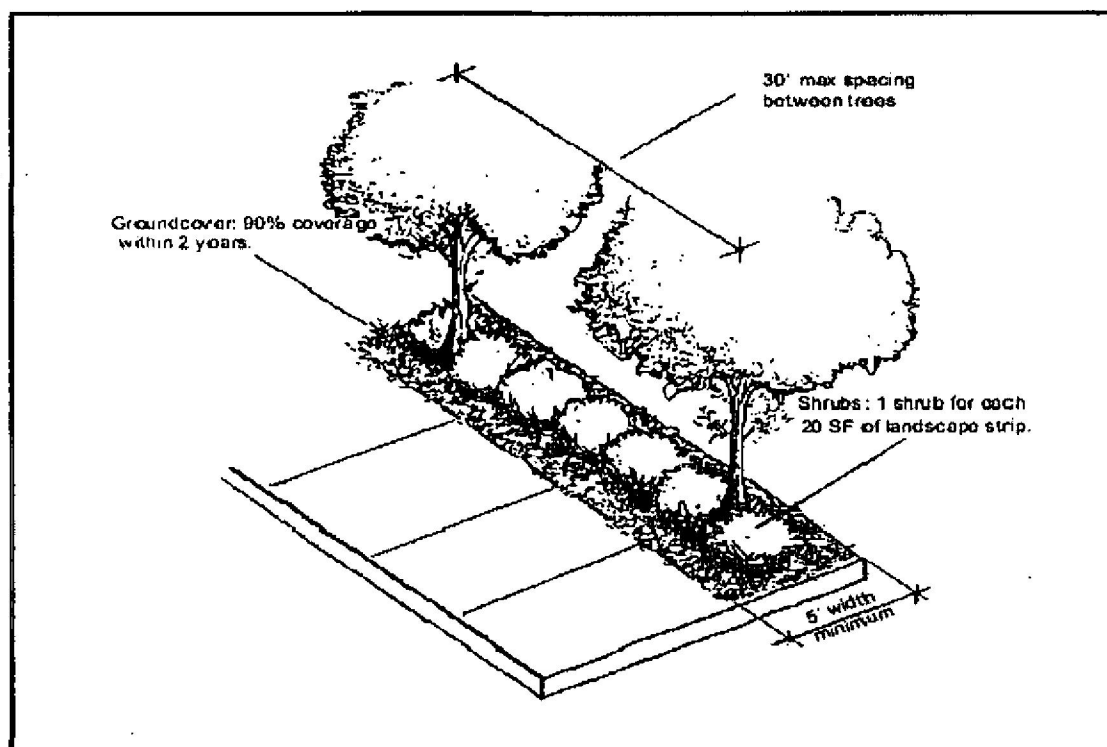
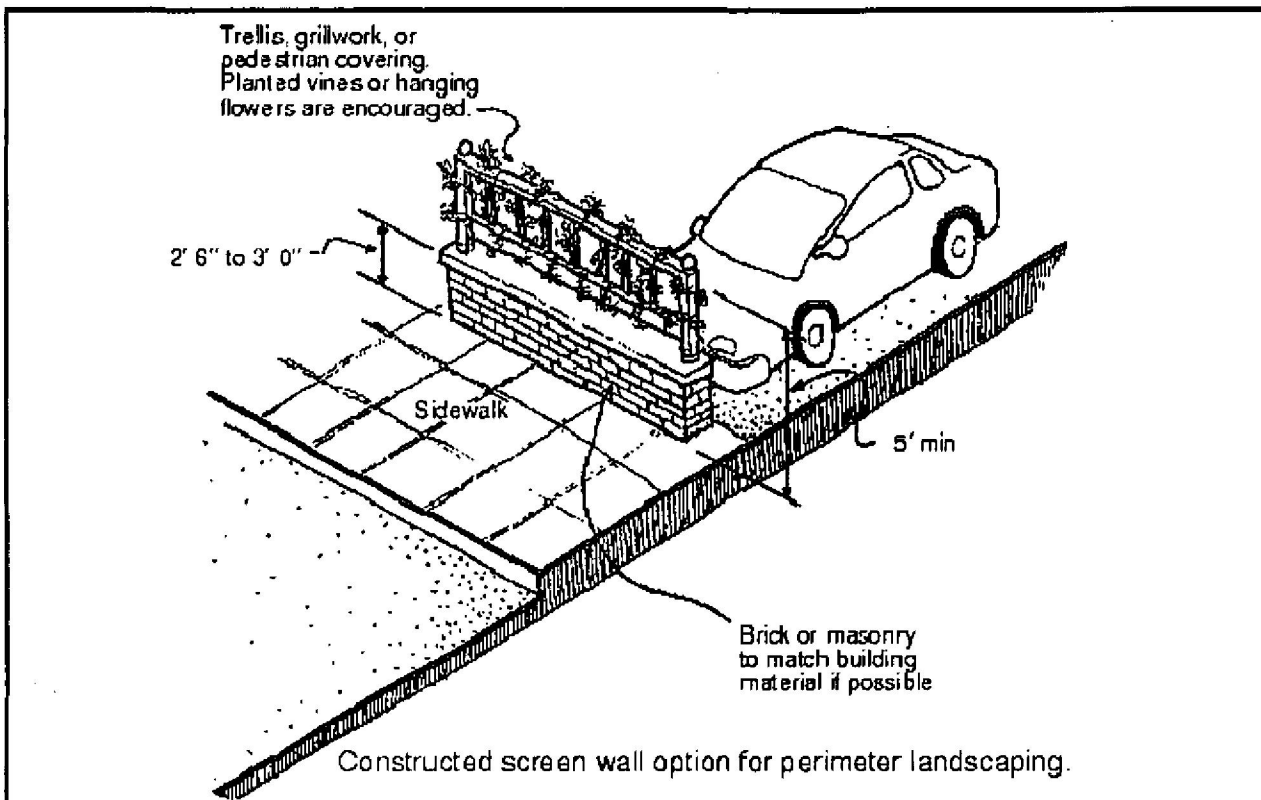


FIGURE 92.25.D

### Examples of various screen wall designs





**Examples of Various Screen Wall Designs**

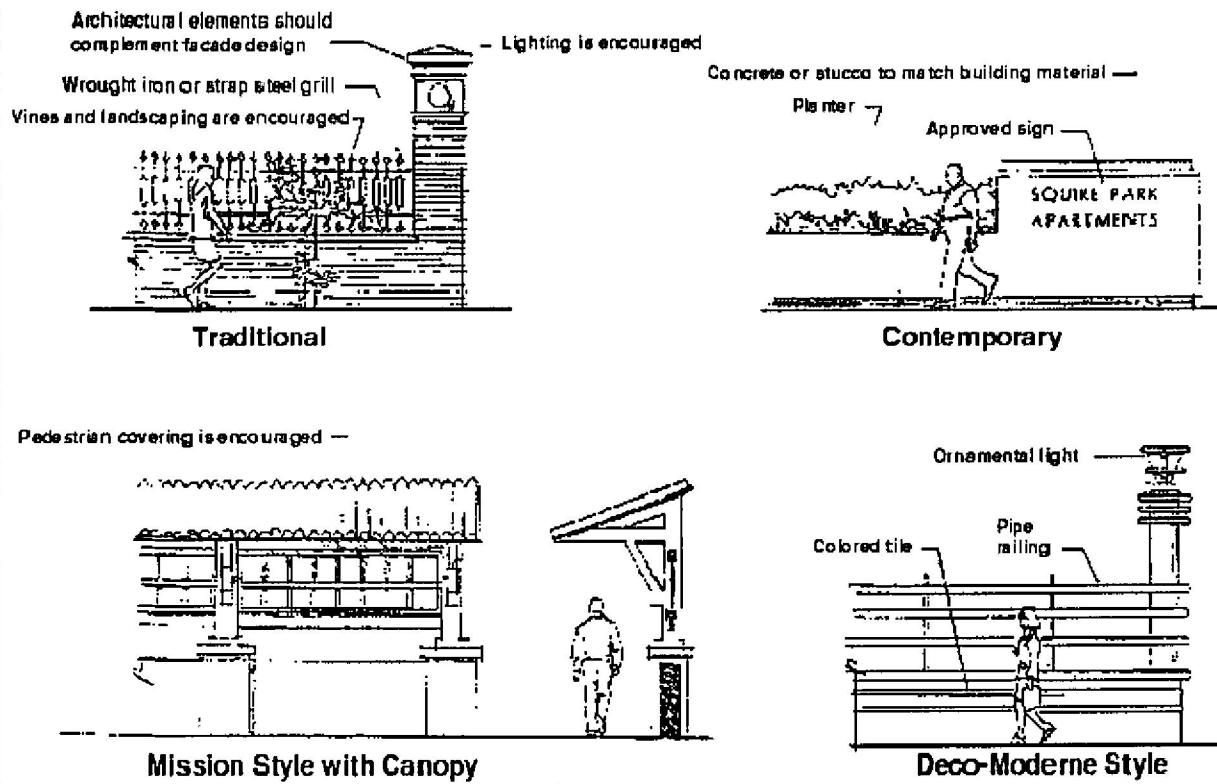


FIGURE 92.25.E

**7. Perimeter Parking Lot Landscaping – Adjacent Properties –**

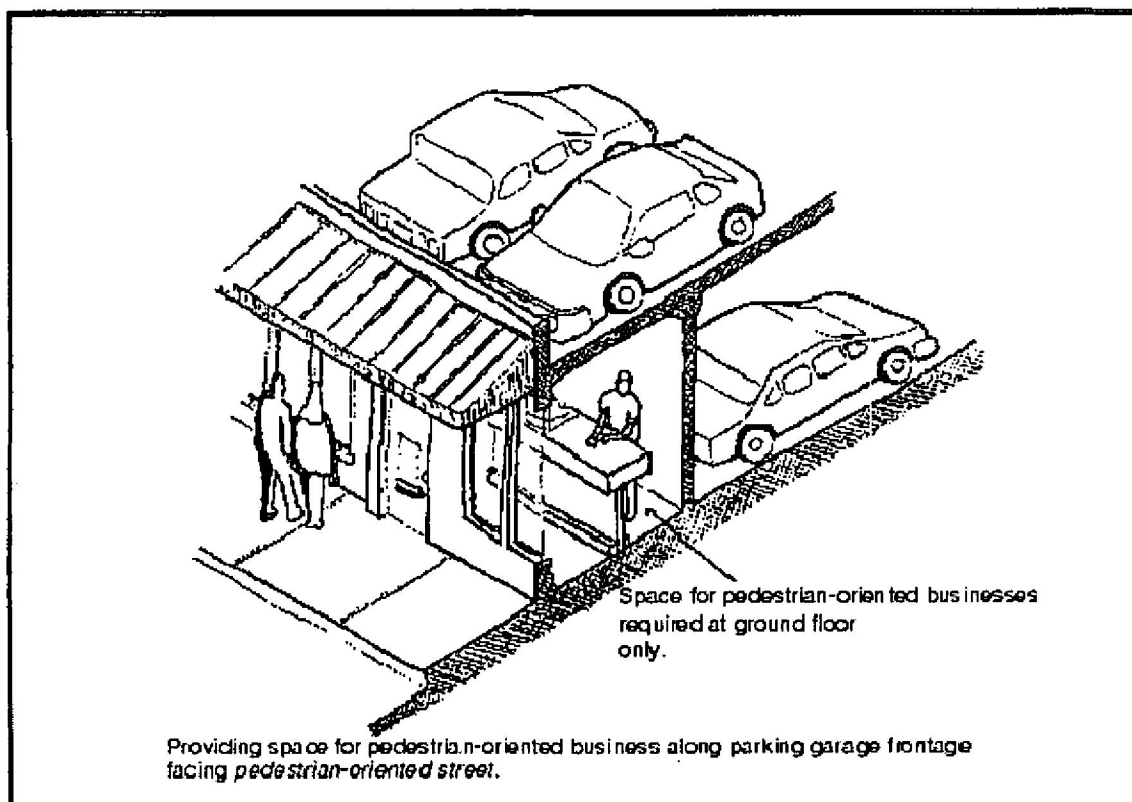
a. Each side of the perimeter of a parking lot containing more than 14 parking stalls, that is within 10 feet of any adjacent property and that is not regulated under the provisions of this subsection (6), shall be screened using a combination of the following methods:

- 1) By installing a solid, continuous fence or wall at least five feet in height constructed of wood and/or masonry.
- 2) By installing a compact evergreen hedge designed to reach at least five feet in height.
- 3) 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.

**8. 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.F); or

**Providing Space for Pedestrian-Oriented Business**



**FIGURE 92.25.F**

- 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(10)(a), (b), or (c), Treatment of Building Facades.

4) A combination of methods described above.

**RHBD, TLN**

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

**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*.

**RHBD**

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.~~

**TLN, RHBD**

3) Parking structures adjacent to non-*pedestrian-oriented streets* and not featuring a *pedestrian-oriented façade* 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.

**TLN, RHBD**

4) 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.

**TLN, RHBD**

5) The design of structured parking at finished grade under a building shall minimize the apparent width of garage entries.

**TLN, RHBD**

6) Parking within the building shall be enclosed or screened through any combination of walls, decorative grilles, or trellis work with landscaping.

**TLN, RHBD**

7) Parking garages shall be designed to be complementary with adjacent buildings. Use similar forms, materials, and/or details to enhance garages.

**TLN, RHBD**

8) 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 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.

**9. Miscellaneous Parking Area Design Details**

- a. All parking areas must have adequate lighting. Lights in parking lots must be non-glare 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.H).
- 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

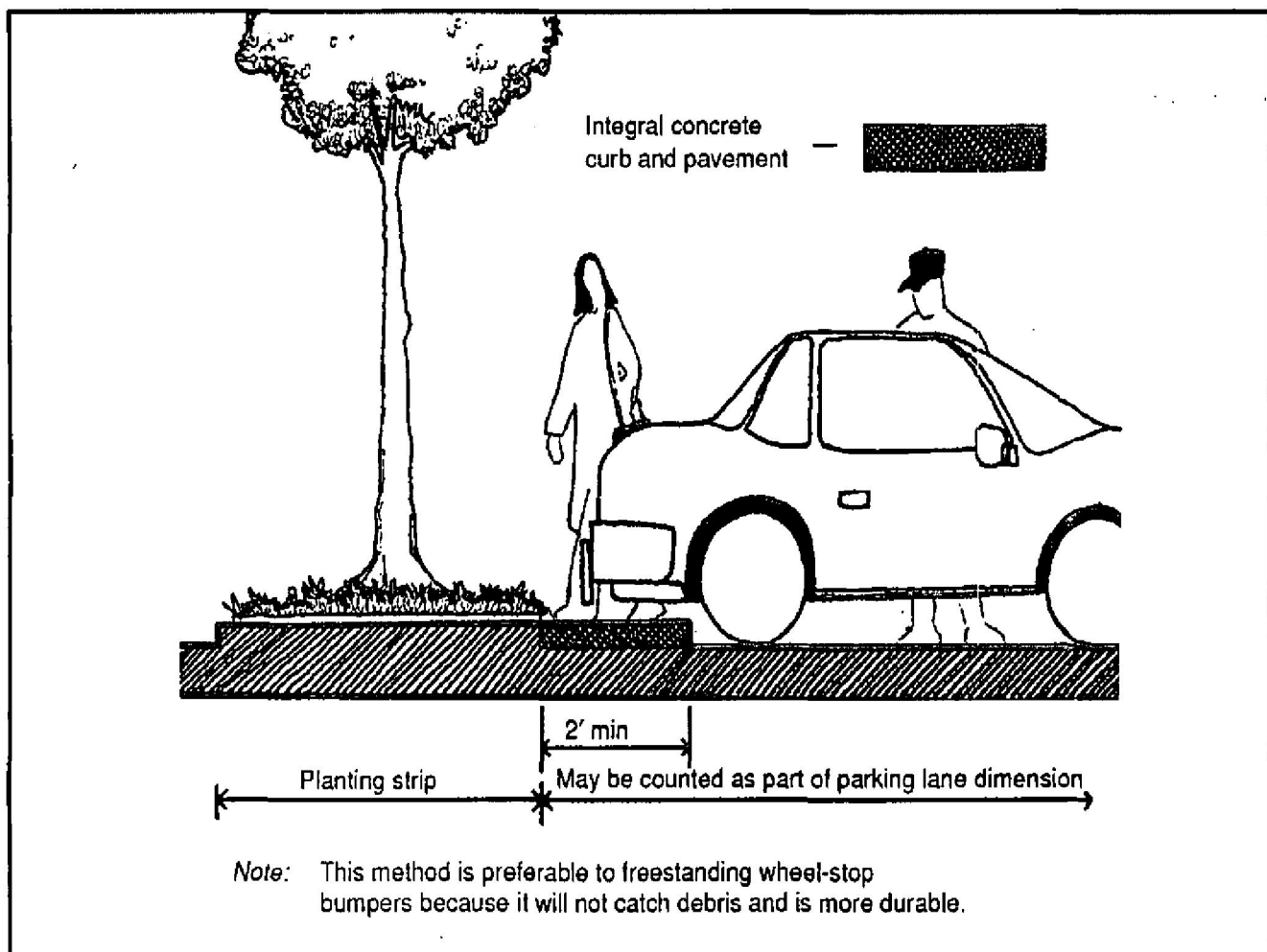


FIGURE 92.25.H

#### 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**

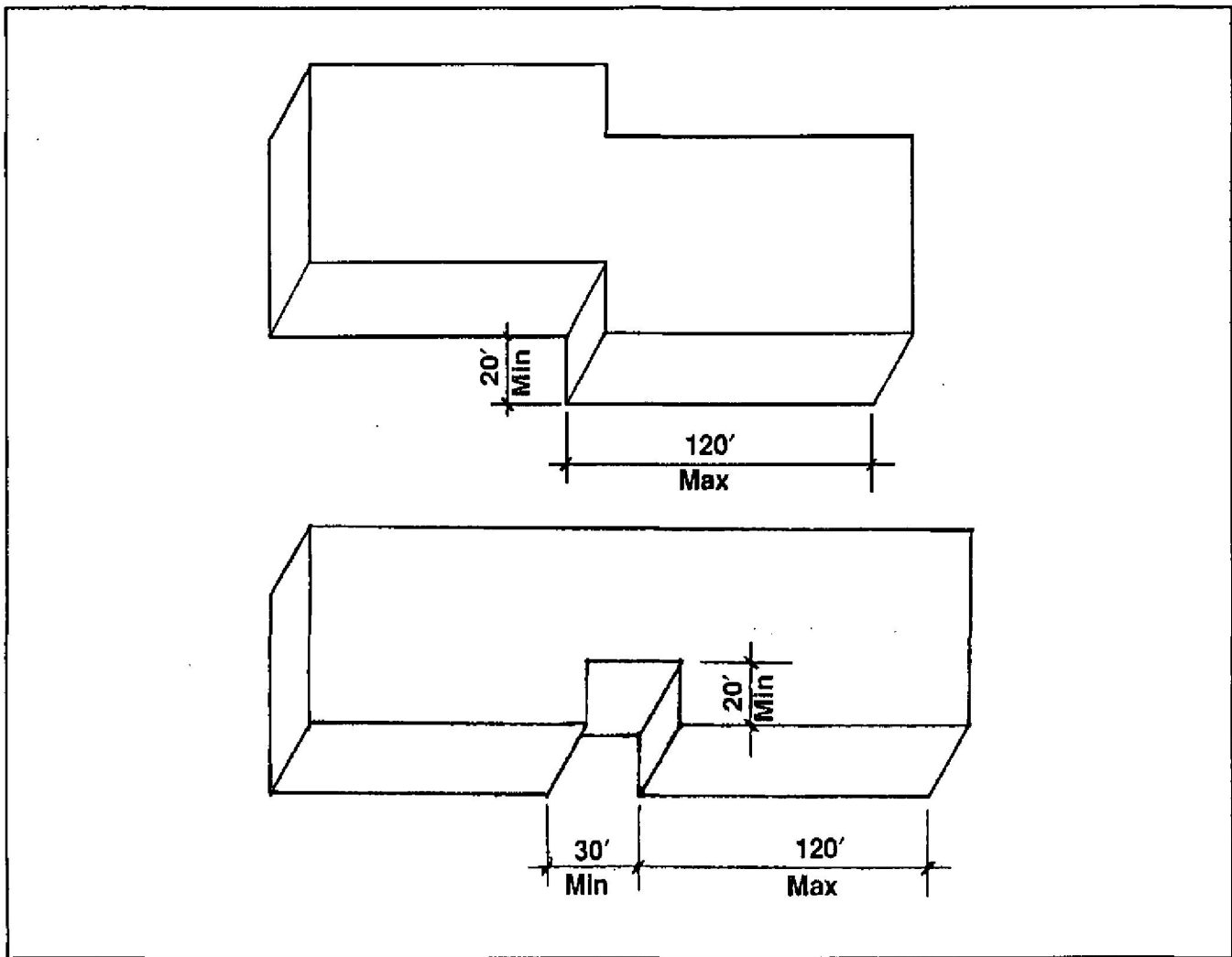


FIGURE 92.30.A

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**

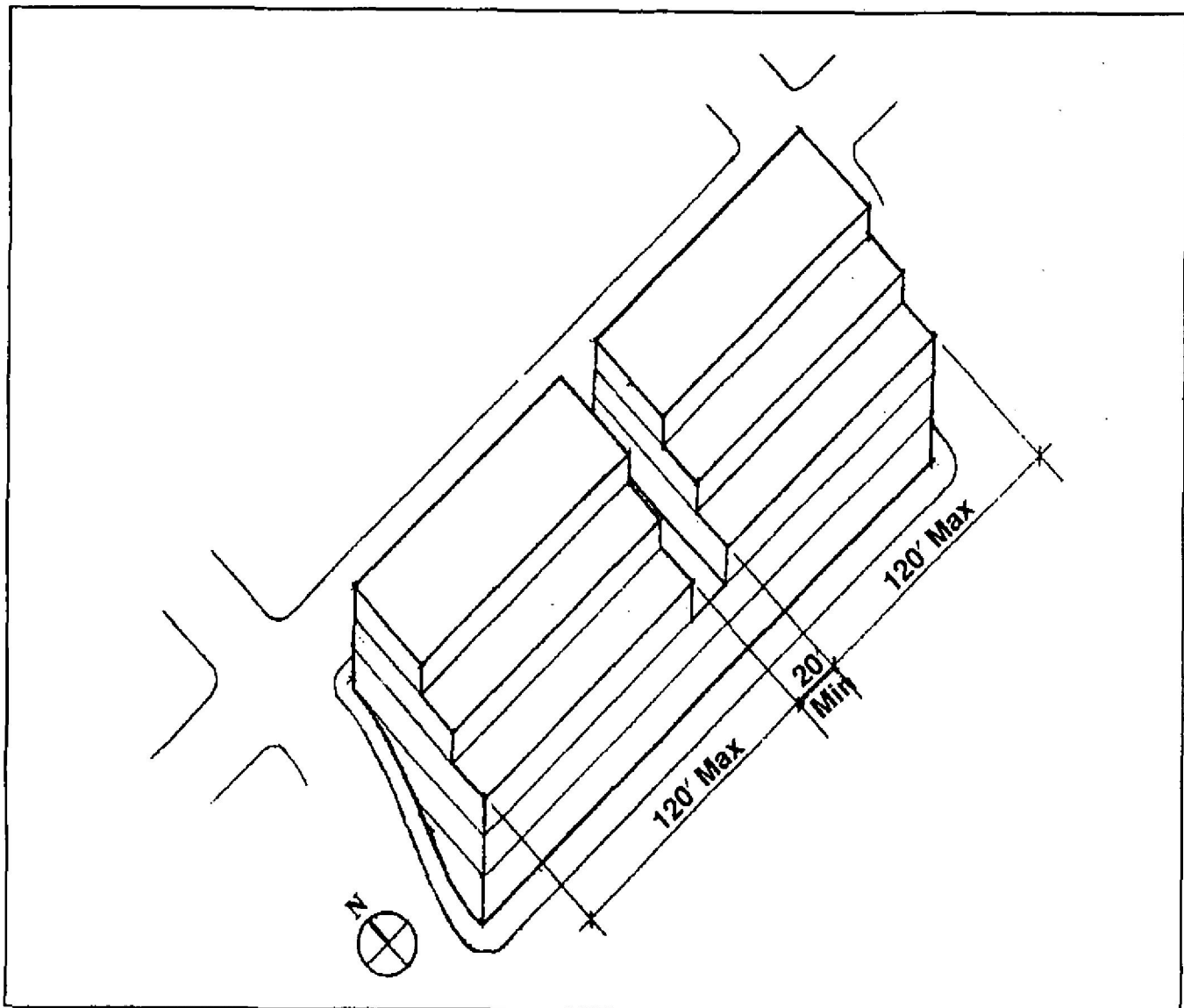


FIGURE 92.30.B

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

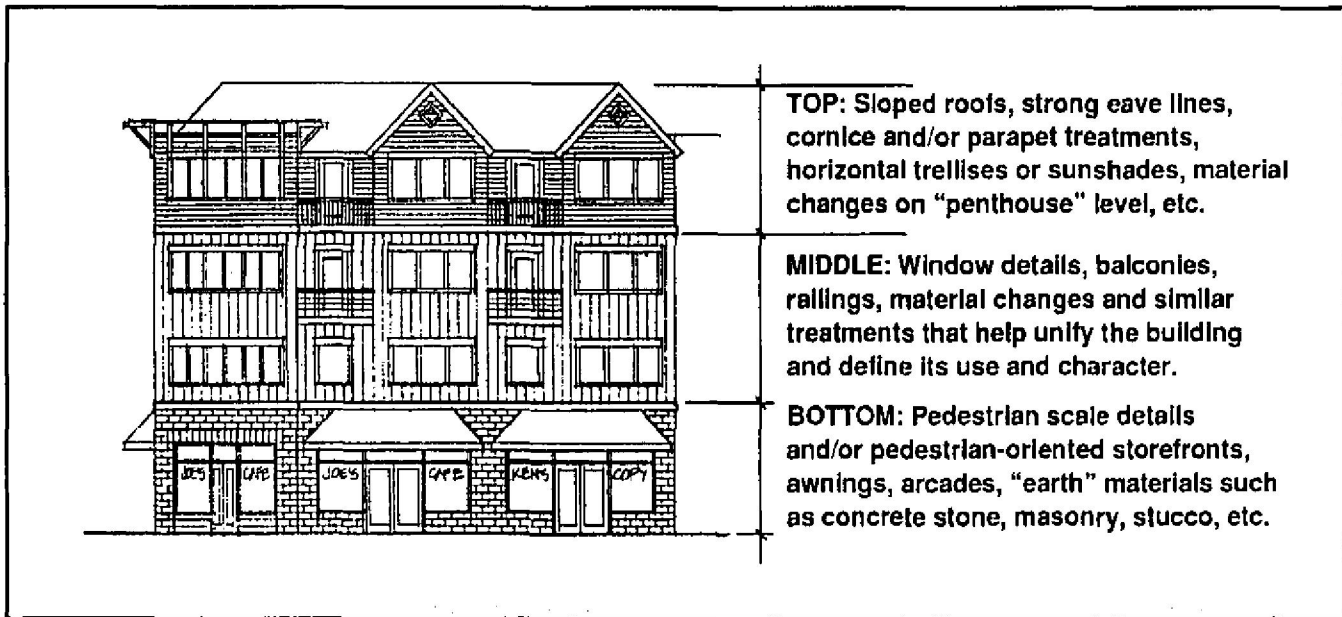


FIGURE 92.30.C

### RHBD, TLN 2. Techniques To Moderate Bulk and Mass in the RHBD and TLN

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

- 3) The applicant shall use at least three of the elements or techniques listed in subsection (3)(b) of this section in the design and construction of any facade of a building facing a street, *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 (3)(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* 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

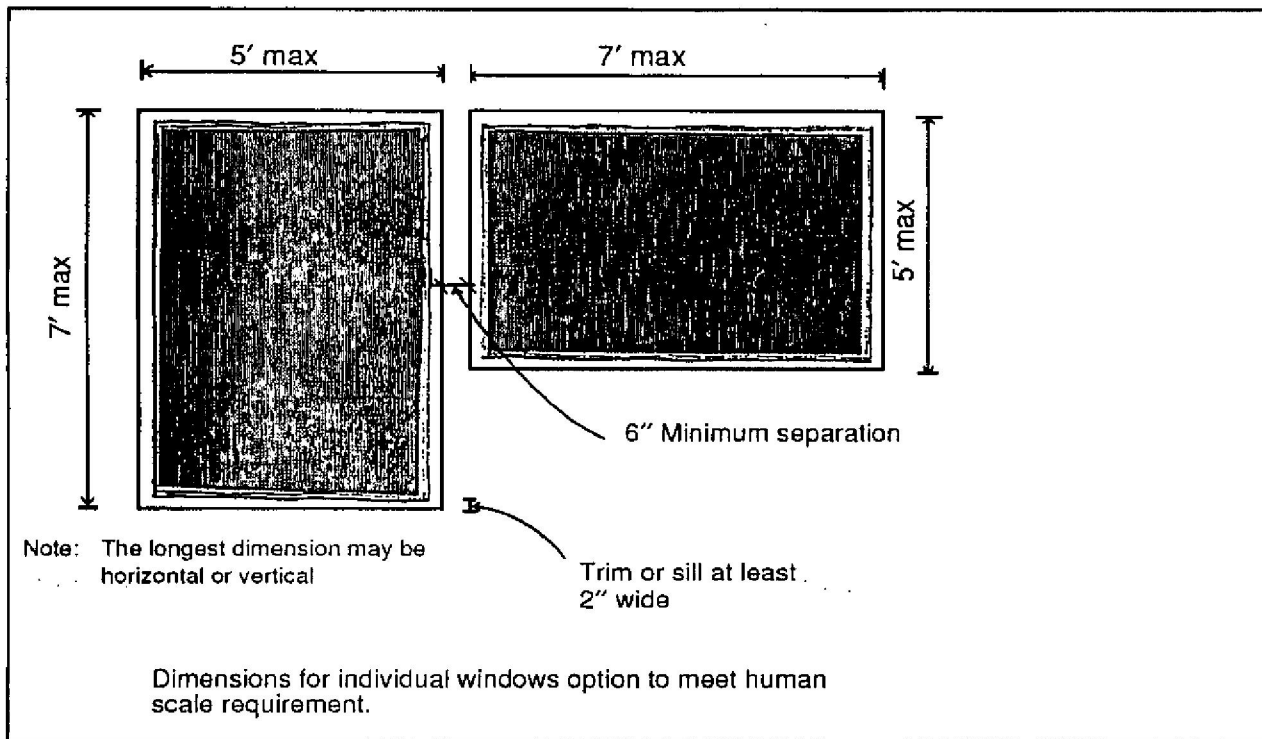


FIGURE 92.30.D

### Multiple-Paned Fenestration Option

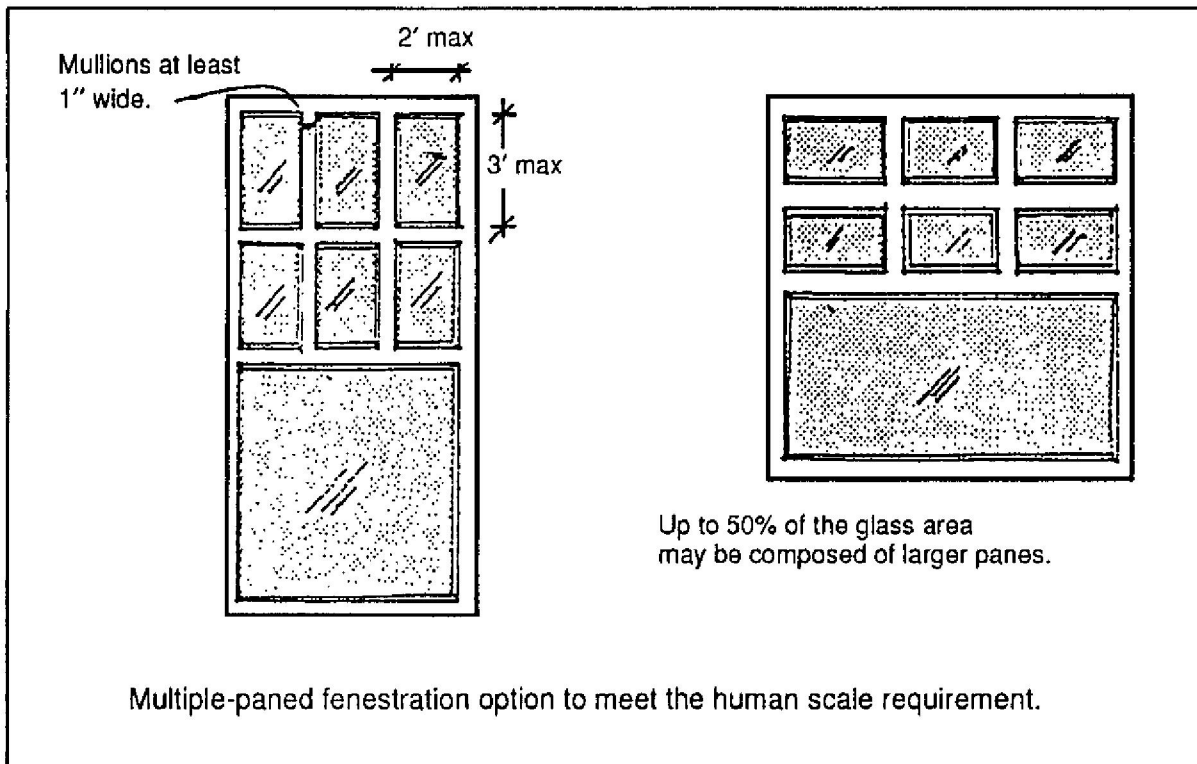


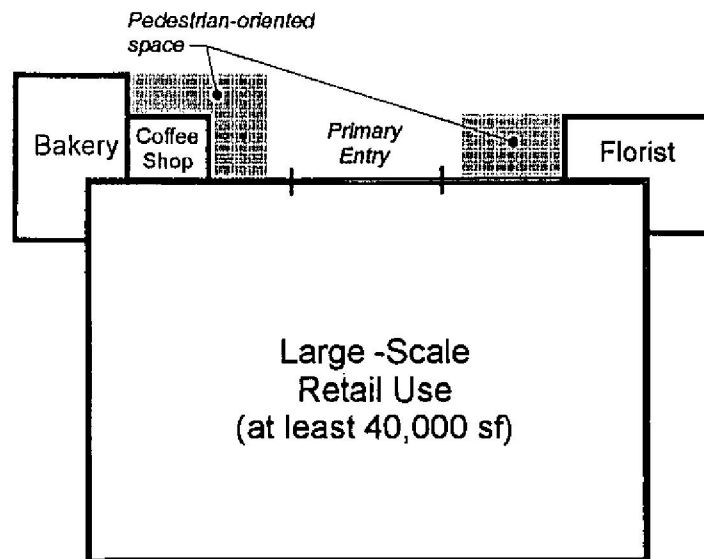
FIGURE 92.30.E

- 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 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(7) 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 pathway*, or a public park.
- 9) Compose smaller building elements near the entry of a large building (see Figure 92.30.F).

**RHBD, TLN**

- c. Non-residential uses in the RHBD and TLN 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**

4. 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.G):
    - 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

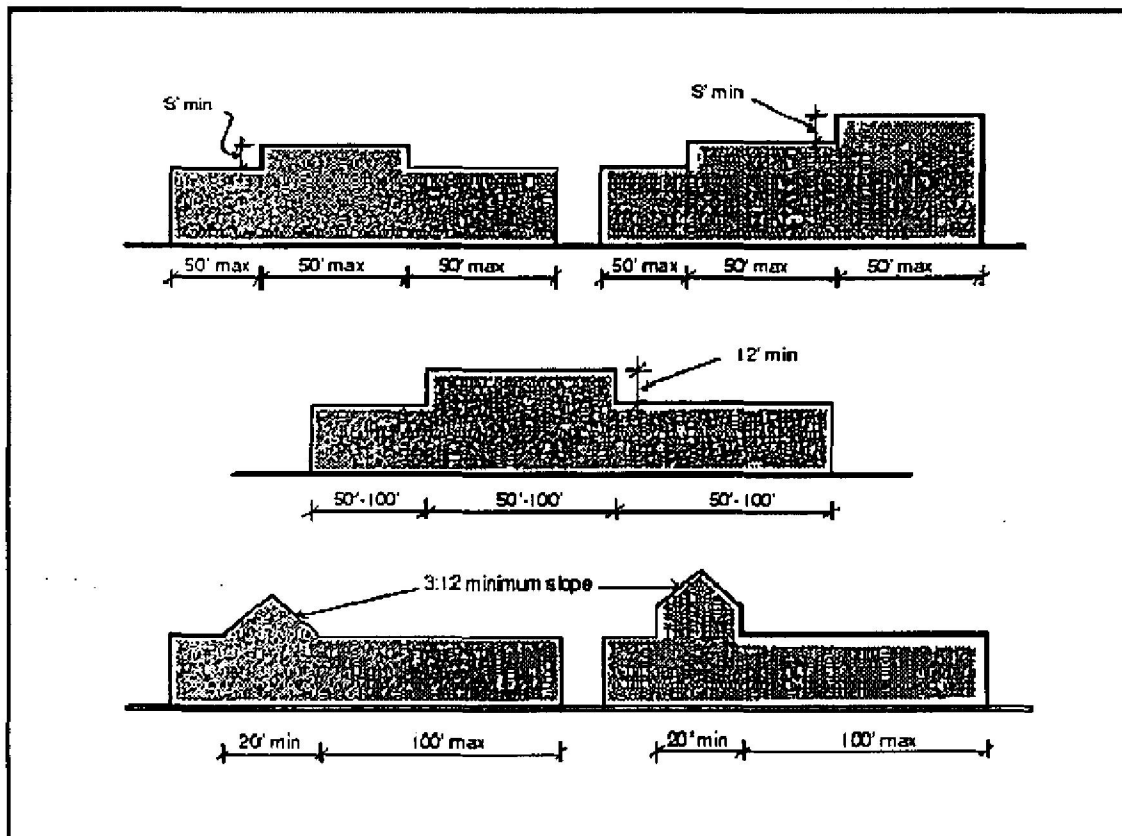


FIGURE 92.30.G

- 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, TLN****5. Techniques To Achieve Architectural Scale in the RHBD and the TLN.**

- 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 (within RHBD, this applies to the Regional Center);
  - RHBD 3) No more than 50 feet for non-residential buildings in the Neighborhood Center;
  - RHBD 4) No more than 30 feet for non-residential buildings in the East End;

### Building articulation and modulation techniques

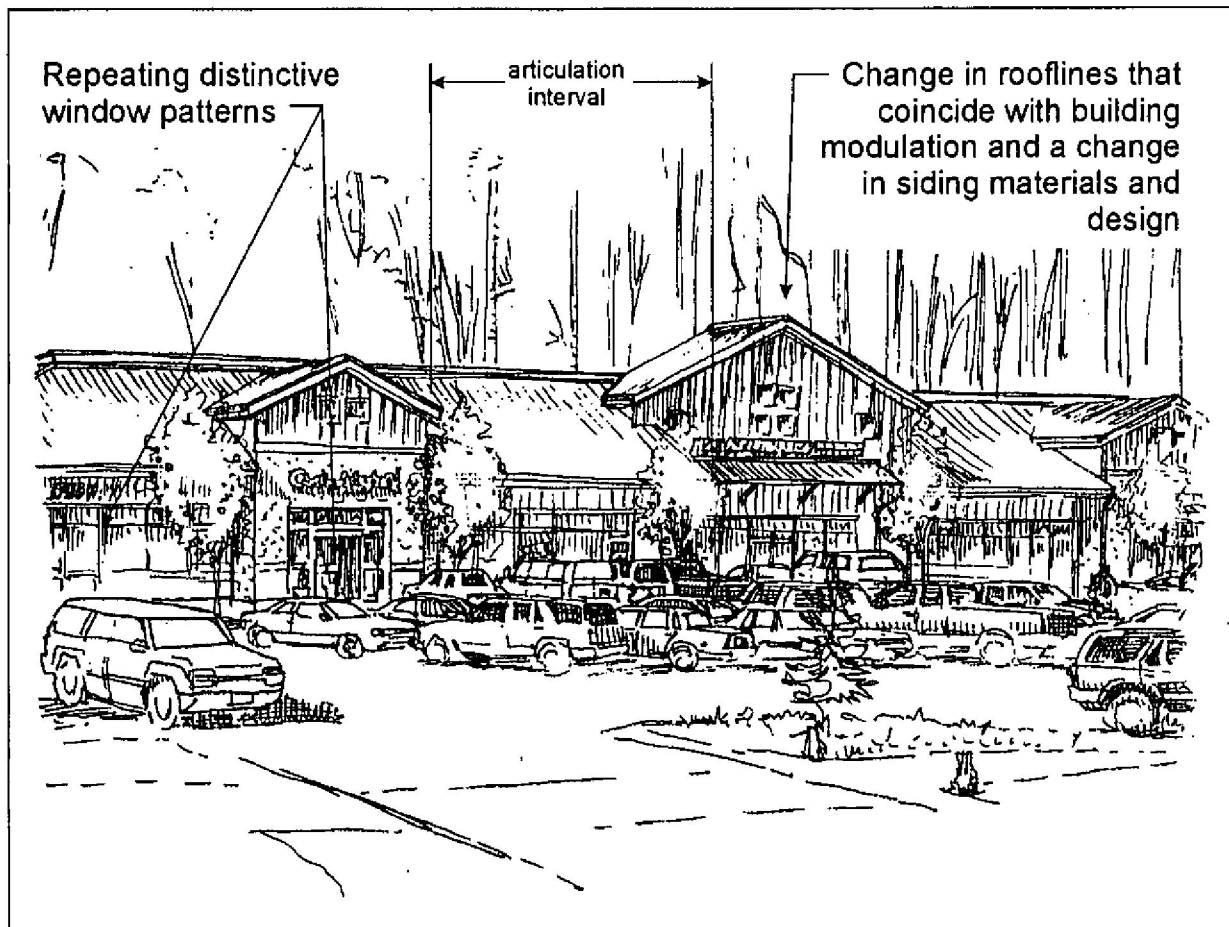
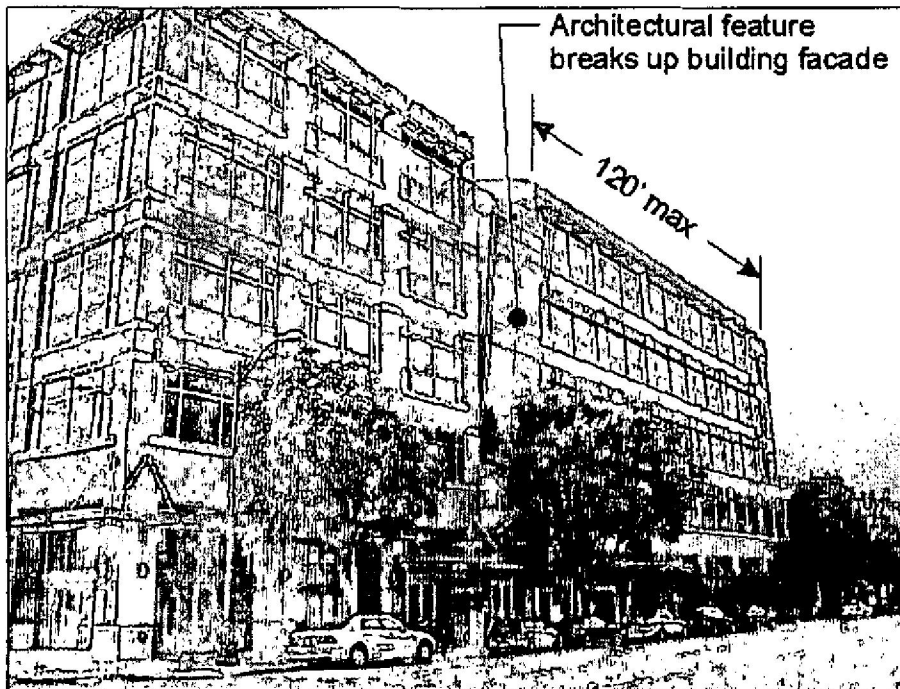


FIGURE 92.30.H

c. Techniques to Achieve Architectural Scale For Office Buildings in the RHBD and in the TLN, outside of Totem Center:

1. Office building design standards for the TLN and the RHBD's Regional Center- These standards are intended to supplement other building design standards that apply to the Totem Lake Neighborhood and to 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.

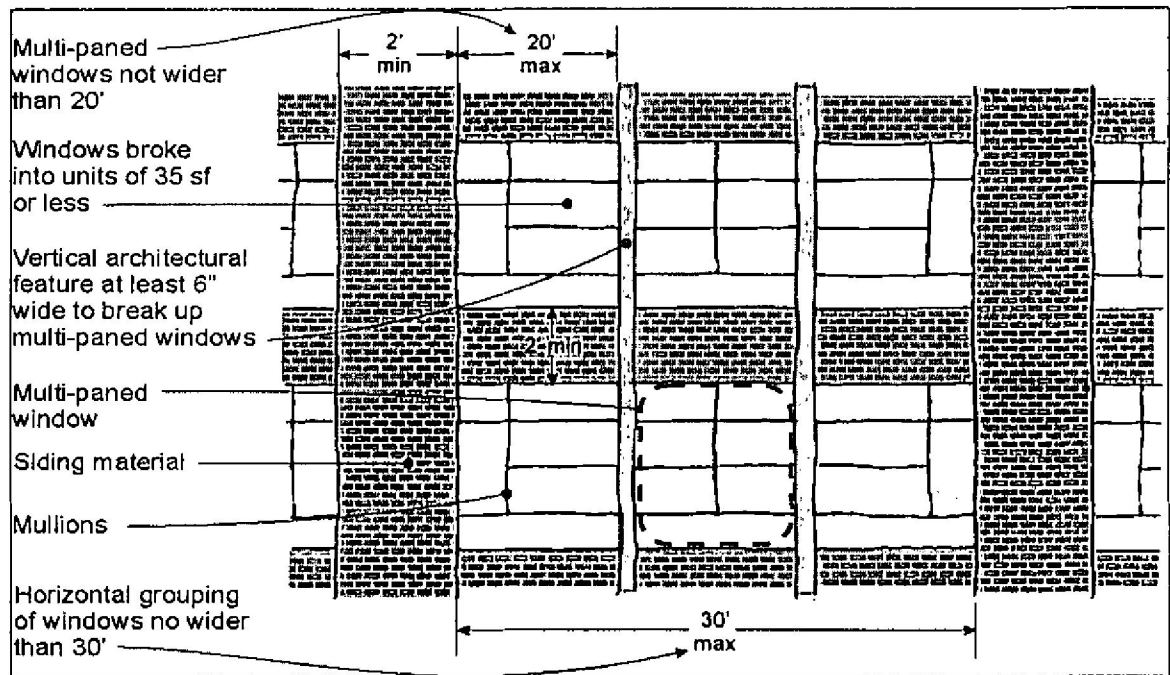


FIGURE 92.30.J.

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.

- 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 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.
  - c. 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.
  - d. 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.
  - e. 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.
  - f. 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.
- f. 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.

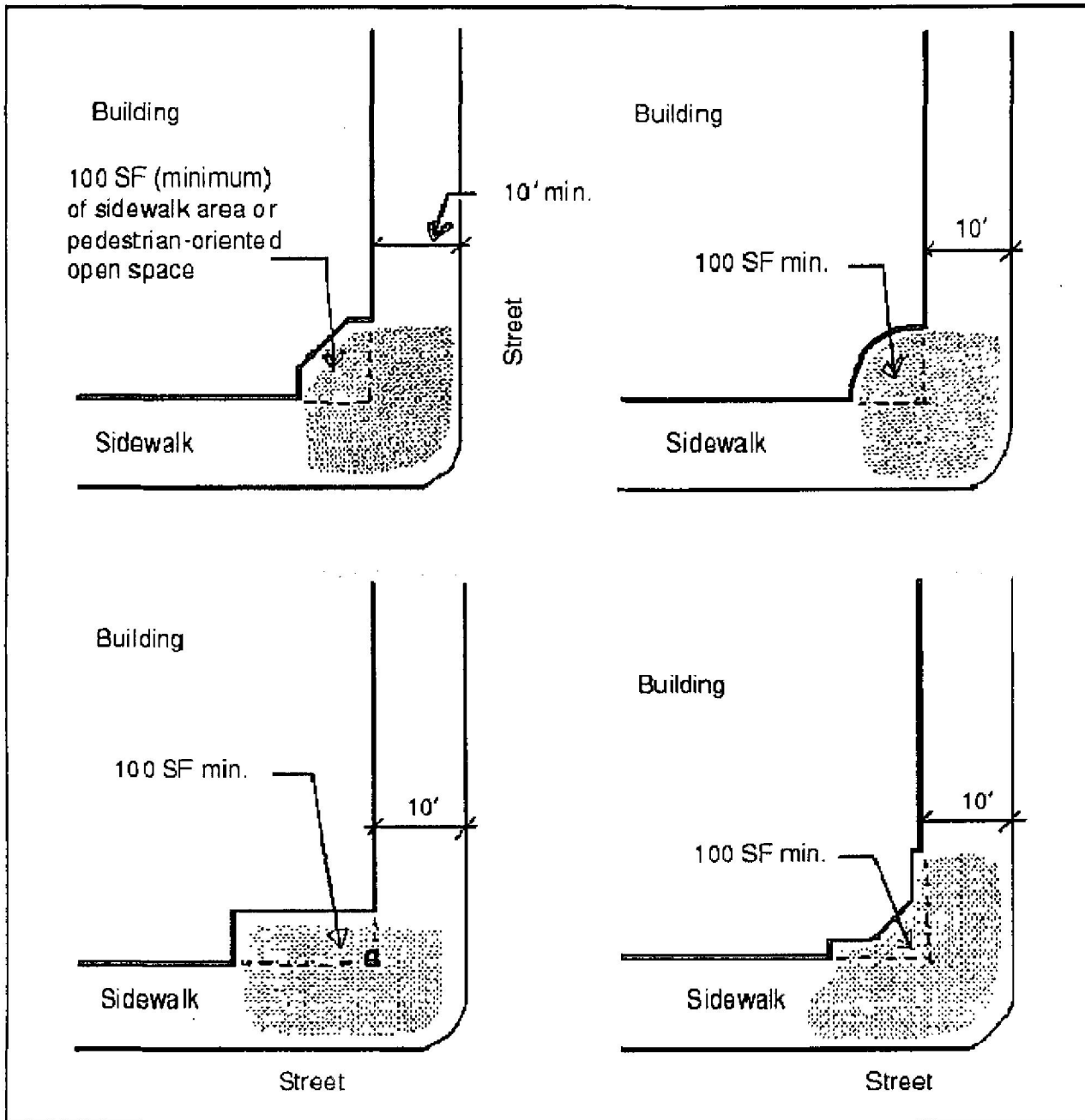
- 4) Other materials with decorative or textural qualities, as demonstrated by architectural drawings and material samples, approved by the City as part of D.R.
  - g. Decorative unit paving, including at least 50 square feet of multicolored tile, paver blocks, brick or other paving material in a decorative pattern, installed in a pedestrian-circulation area adjacent to the facade.
  - h. 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:
    - a. Mirrored glass and other highly reflective materials.
    - b. Corrugated fiberglass.
    - c. 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:
    - a. The siding must have a matted finish.
    - b. 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.
    - c. 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:
    - a. Use of textured blocks with surfaces such as split-faced or grooved.
    - b. Use of colored mortar complementary to the color of the blocks.
    - c. Use of other surface material such as bricks, glass blocks or tile as a significant feature of the wall.
  5. Awnings
    - a. 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.
    - b. 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, terra cotta 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

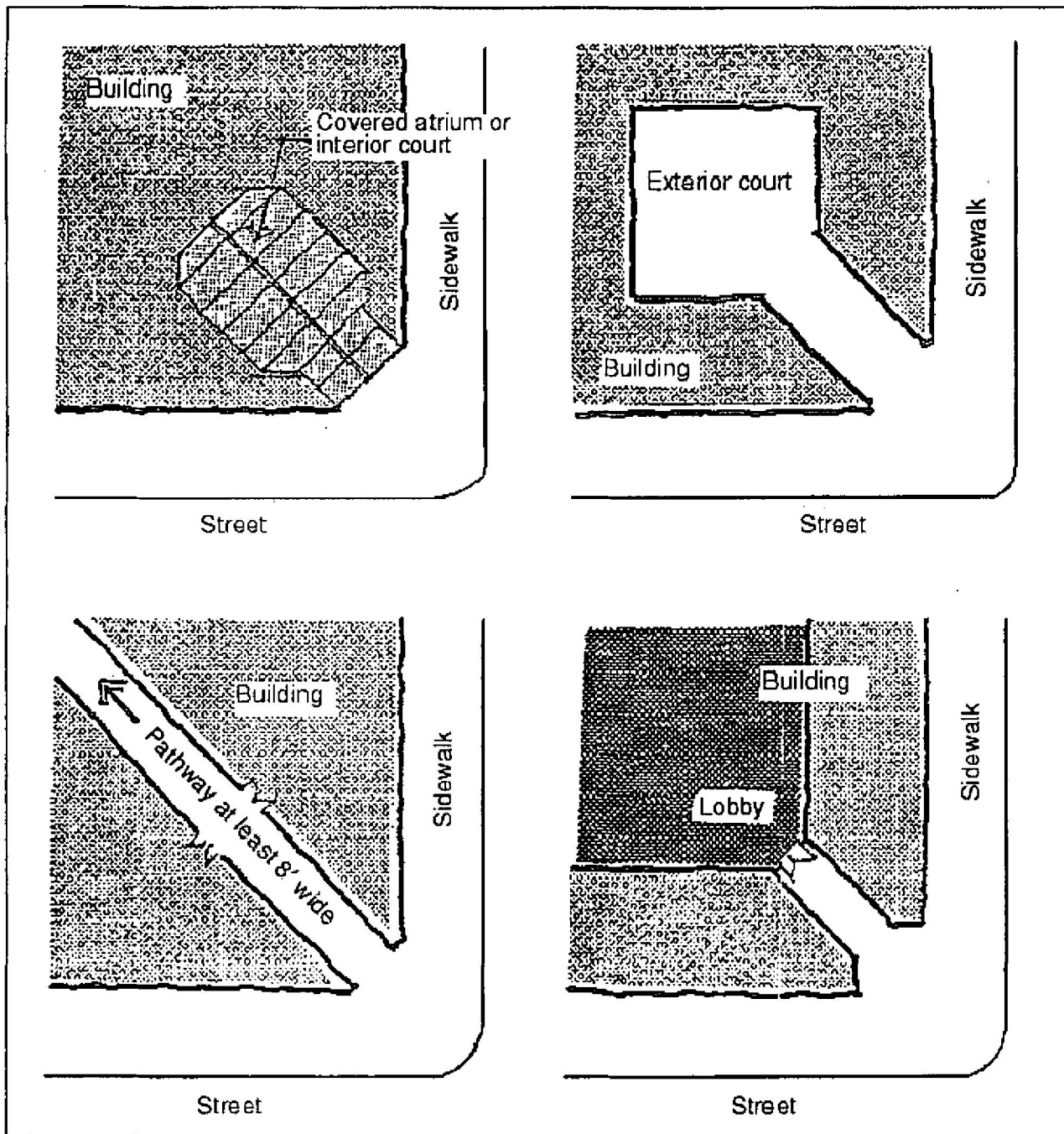


FIGURE 92.35.B

Architectural Elements for Corners

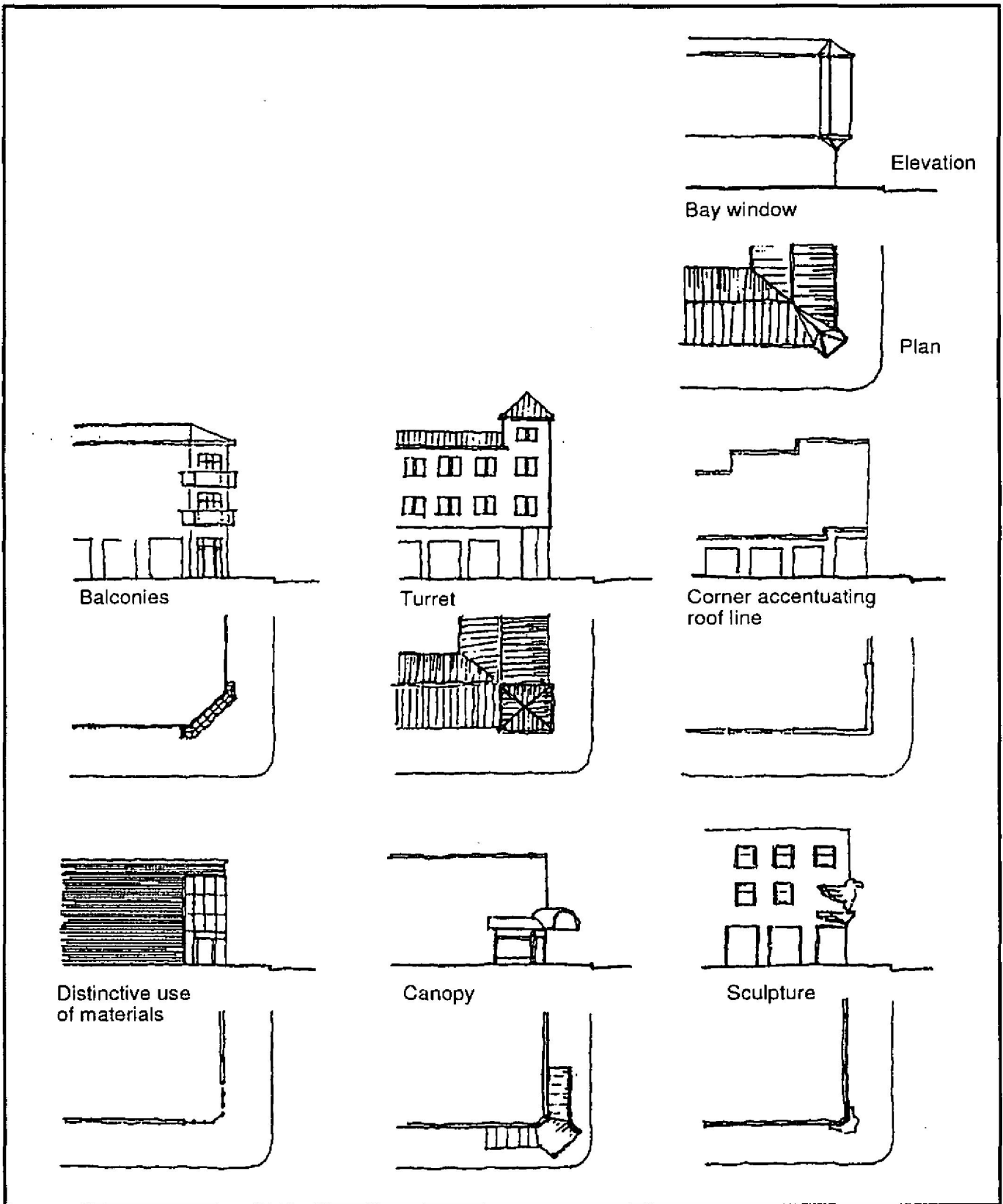


FIGURE 92.35.C

## 9. Street Corners in the RHBD and TLN

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

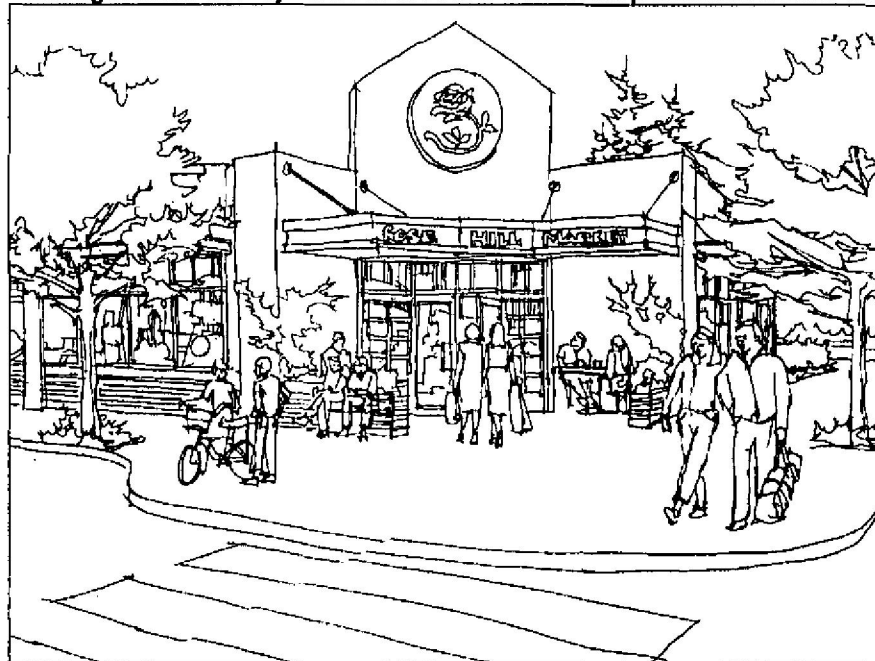
1. Locate and orient the building towards the street corner (within 10 feet of corner property line). To qualify for this option, the building must have direct pedestrian access from the street corner. Exception: Properties in the RHBD Regional Center must provide a 10' minimum setback between NE 85<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).

### RHBD

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 KZC <u>95.15, 95.20</u> and <u>95.25(1)</u> (Buffering Standard 1)	Must comply with KZC <u>95.15, 95.20</u> and <u>95.25(1)</u> (Buffering Standard 1)	Must comply with KZC <u>95.15, 95.20</u> and <u>95.25(3)</u> (Buffering Standard 3)	Must comply with KZC <u>95.15</u> and <u>95.20</u>
<b>B</b>		Must comply with KZC <u>95.15, 95.20</u> and <u>95.25(2)</u> (Buffering Standard 2)	Must comply with KZC <u>95.15, 95.20</u> and <u>95.25(2)</u> (Buffering Standard 2)	Must comply with KZC <u>95.15</u> and <u>95.20</u>	Must comply with KZC <u>95.15</u> and <u>95.20</u>
<b>C</b>		Must comply with KZC <u>95.15, 95.20</u> and <u>95.25(2)</u> (Buffering Standard 2)	Must comply with KZC <u>95.15, 95.20</u> and <u>95.25(3)</u> (Buffering Standard 3)	Must comply with KZC <u>95.15</u> and <u>95.20</u>	Must comply with KZC <u>95.15</u> and <u>95.20</u>
<b>D</b>		Must comply with KZC <u>95.15, 95.20</u> and <u>95.25(3)</u> (Buffering Standard 3)	Must comply with KZC <u>95.15</u> and <u>95.20</u>	Must comply with KZC <u>95.15</u> and <u>95.20</u>	Must comply with KZC <u>95.15</u> and <u>95.20</u>
<b>E</b>		Must comply with KZC <u>95.15</u>			EXHIBIT <u>3</u>
<b>Footnotes:</b>	*If the adjoining property is zoned Central Business District, Juanita Business District, North Rose Hill Business District, Rose Hill Business District, or is located in Totem Center or is located in TL 5, KZC <u>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, RHBD, and Totem Lake Neighborhood (TLN)

If the subject property is within the Central Business District Zone, the Juanita Business District Zone, the North Rose Hill Business District Zone, the Rose Hill Business District zone, or the Totem Lake Neighborhood (TLN), the requirements contained within Chapters 50, 52, 53, 54, 55 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, RHBD, and TLN Zones.

## 105.96 Parking Area Design – Drive Through Facilities and Circulation in the NE 85<sup>th</sup> Street Subarea and the Totem Lake Neighborhood (TLN)

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.

EXHIBIT	<u>    T    </u>

## Chapter 110 – REQUIRED PUBLIC IMPROVEMENTS

### 110.15 Special Regulations Applicable in Certain Areas

The following is a series of special situations with applicable regulations:

1. If the City Council has approved a public improvements master-plan that includes a particular right-of-way, that master plan will govern the improvements to be provided by developments that abut that right-of-way.
2. If subsection (1) of this section does not apply and if the subject property is zoned Central Business District, Totem Lake (TL), 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

EXHIBIT U

## AMENDMENTS TO KZC Chapter 142 – DESIGN REVIEW

### Sections:

- 142.05 User Guide
- 142.15 Development Activities Requiring D.R. Approval
- 142.17 Design Review Process
- 142.20 Timing
- 142.25 Administrative Design Review (A.D.R.)
- 142.35 Design Board Review (D.B.R.)
- 142.40 Appeals of Design Review Board Decisions
- 142.50 Modifications
- 142.55 Lapse of Approval
- 142.60 Bonds

### 142.05 User Guide

Various places in this code indicate that certain developments, activities, or uses are required to be reviewed through design review or D.R. Design review may either be administrative design review (A.D.R.) or design board review (D.B.R.). This chapter describes these design review processes.

### 142.15 Development Activities Requiring D.R. Approval

1. All development activities subject to KZC 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.
  - e. Any development listed as exempt in the applicable Use Zone Chart.
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

EXHIBIT	V

1. Unless otherwise specified in the Use Zone Chart, 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. Unless otherwise specified in the Use Zone Chart, 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 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) and the Totem Lake Neighborhood (TLN) 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 Totem Center: setback, floor plate maximums and building separation requirements.
- 3. In the RHBD and the TLN: 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) and the Totem Lake Neighborhood (TLN) as adopted in Chapter 3.30 KMC.
  - c. The design regulations contained in Chapter 92 KZC, except as provided for in subsection (2)(d) 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 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 Totem Center: minimum required yards, from setback, floor plate maximums and building separation requirements
  - c. In the RHBD and TLN: minimum required yards, from setback, landscape buffer and horizontal façade requirements.
- 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.

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 TL 5 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over 4 acres in size in TL 5. The CMP shall incorporate the design standards set forth in the special regulations for the uses in the TL 5 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 and TL 5 – 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 or TL 5. 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



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 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.

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.

---

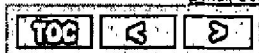
### Code Publishing Company

[Code Publishing's website](#)

Voice: (206) 527-6831

Fax: (206) 527-8411

E-mail [Code Publishing](#)





Revised Draft 2-21-06

## Chapter 162 – NONCONFORMANCE

### 162.35 Certain Nonconformances Specifically Regulated

#### 8. CBD, JBD, NRHBD, RHBD, Totem Lake Neighborhood (TLN) and Totem Center Design Regulations

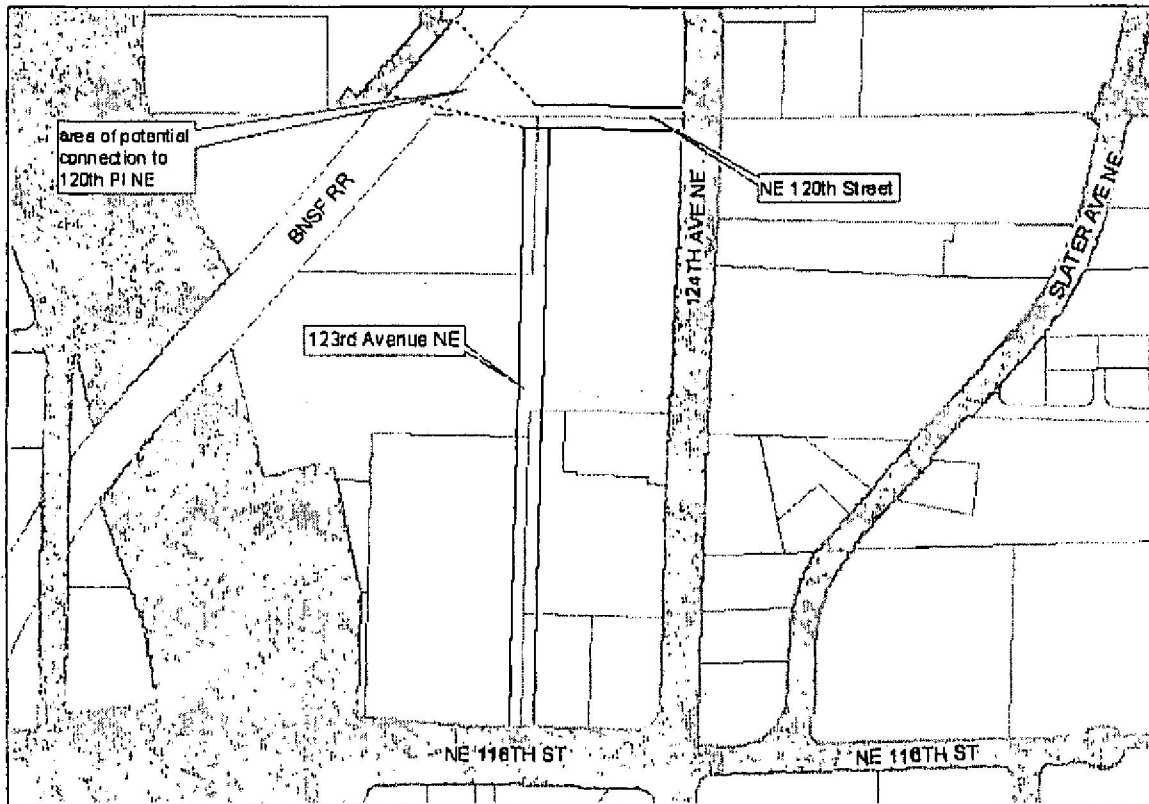
- a. The provisions of this subsection (8) regulate under what circumstances nonconformance with the CBD, JBD, NRHBD, RHBD, TLN and Totem Center design regulations of Chapter 92 KZC must be corrected. Compliance with CBD, JBD, NRHBD, RHBD, TLN and Totem Center design regulations is only required when D.R. is required pursuant to Chapter 142 KZC. However, the City encourages voluntary compliance with the design regulations even for projects which do not require D.R. approval.
- b. If the applicant proposes to modify a building or site (or portions thereof) that does not conform to the design regulations, then the nonconforming elements on or within the building or site (or portions thereof) must be brought into conformance to the greatest extent feasible, as determined by the City, depending on the scope of the project.

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

EXHIBIT	<u>  w  </u>

**Chapter 180  
Plate X**

**120<sup>th</sup> Place NE and NE 120<sup>th</sup> Street**



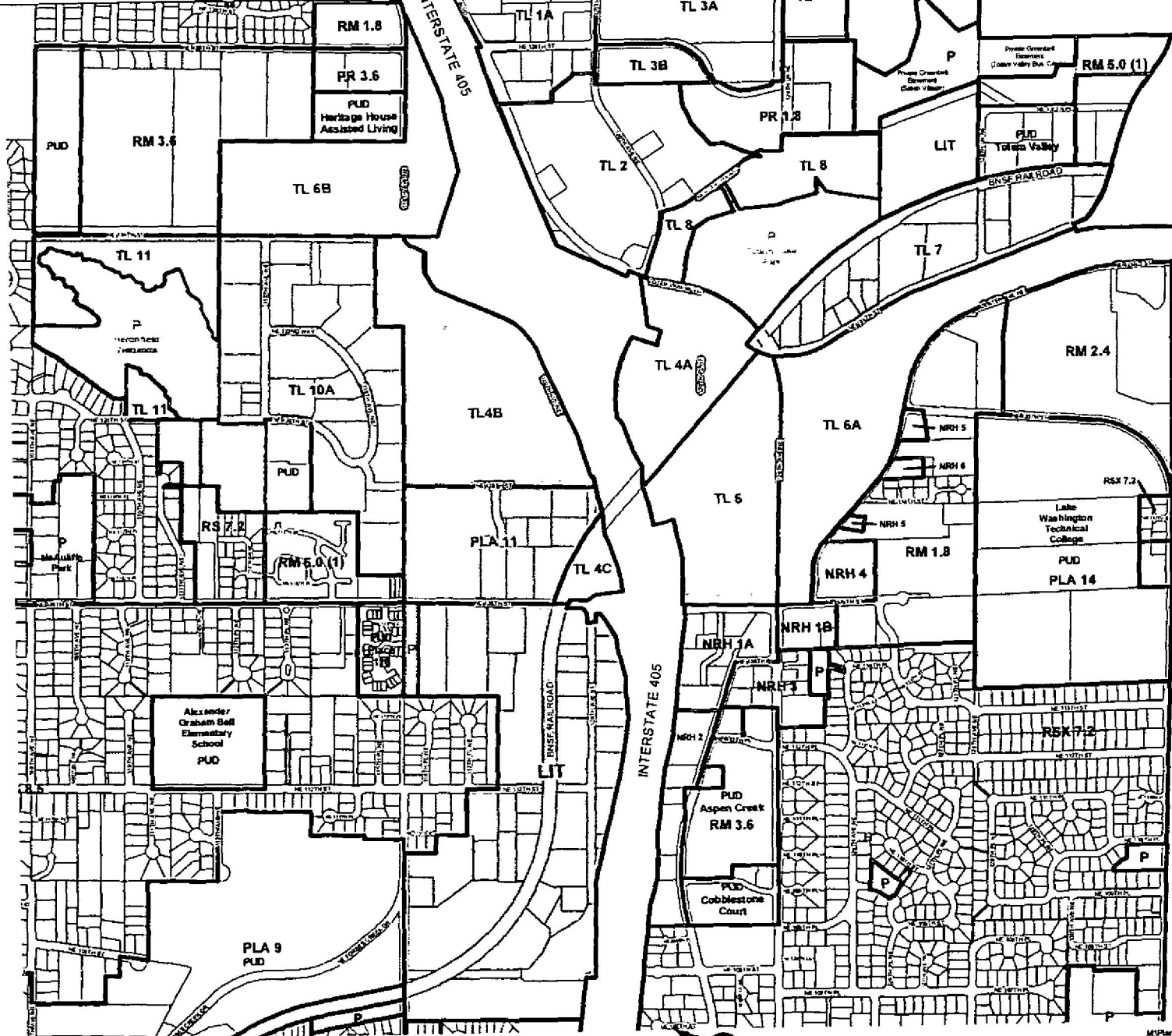
Required street improvements for 123<sup>rd</sup> Avenue NE and NE 120<sup>th</sup> Street:

- ♦ 60' of public right-of-way. Right-of-way width may be modified by the Public Works Director.
- ♦ Specific improvements to be determined by the Public Works Director

EXHIBIT

X

# TOTEM LAKE NEIGHBORHOOD - ADOPTED ZONING 3/21/06



- Commercial
- Industrial
- Light Manufacturing Park
- Office
- High Density Residential
- Medium Density Residential
- Low Density Residential
- Institutions
- Park/Open Space

0 300 600 1200 1800 2400 Feet



Produced by the City of Kirkland.  
 (c) 2006, the City of Kirkland, all rights reserved.  
 No warranties of any sort, including but not limited to accuracy, fitness or merchantability, accompany this product.