

ORDINANCE 4177

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE AND AMENDING ORDINANCE NO. 3719, AS AMENDED, THE KIRKLAND ZONING ORDINANCE, TO AMEND THE HEIGHT REGULATIONS, BUILDING STEPBACKS, SIDEWALK WIDTHS, BANKING AND RELATED FINANCIAL USE LIMITATIONS, ROOFTOP APPURTENANCE ALLOWANCES, AND DIMENSIONAL REQUIREMENTS FOR RETAIL IN CENTRAL BUSINESS DISTRICT (CBD) ZONE 1; TO AMEND GROUND FLOOR RETAIL HEIGHT REQUIREMENTS IN CBD ZONES 1, 2, 3, 4, 6, 7, AND 8; TO MEASURE HEIGHT IN FEET INSTEAD OF STORIES IN CBD ZONES 1, 2, 3, 4, 6, AND 7; AND TO REVISE ZONING CODE CHAPTER 142 - DESIGN REVIEW BY REMOVING REFERENCE TO THE COMPREHENSIVE PLAN AND BY RELOCATING THE DESIGN DEPARTMENT SECTION; REPEALING ORDINANCE NO. 4143; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON08-00019.

WHEREAS, on October 21, 2008, the City Council passed Ordinance No. 4149 adopting interim regulations limiting the height of buildings with Central Business District (CBD) Zones 1, 2, 3, 4, 6, 7, and 8; and

WHEREAS, on October 21, 2008, the Kirkland City Council also passed Ordinance No. 4143, adopting an interim zoning regulation for the process by which amendments to the text of the Kirkland Zoning Code (KZC) initiated by the City Council for Central Business District Zones 1, 2, 3, 4, 6, 7, and 8 including KZC Ch. 142, Design Review, would be considered; and

WHEREAS, Ordinance No. 4143 recited that owing to the workload of the Planning Commission and the time sensitivity of the issues, it would be beneficial for the City Council conduct the review without receiving a recommendation and report from the Planning Commission; and

WHEREAS, Ordinance No. 4143 adopted findings and conclusions supporting its action adopting the interim regulation; and

WHEREAS, the City Council held study sessions on October 16, November 10, November 24, and December 16, 2008, to consider the issues, review solutions, and provide staff with draft regulations and guidelines; and

WHEREAS, at the request of the City Council, the Design Review Board held study sessions on November 17 and December 12, 2008, and January 5, 2009, to advise the City Council on Zoning Code and design issues; and

WHEREAS, on December 23, 2008, draft regulations were forwarded to the Washington State Department of Community, Trade and Economic Development, as required by RCW 36.70A.106, for expedited review; and

WHEREAS, in accordance with the State Environmental Policy Act (SEPA), a SEPA Addendum to Existing Environmental Documents issued by the responsible official as provided in WAC 197-11-600, has accompanied the legislative proposal through the consideration process; and

WHEREAS, the City Council has determined that the interim regulation established for the review process on October 21, 2008, with the passage of Ordinance No. 4143 will no longer be necessary when the Zoning Code amendments adopted by this ordinance are effective; and

WHEREAS, on January 20, 2009, the City Council held a public hearing and considered the draft ordinance incorporating the Zoning Code amendments initiated by the City Council and the advice of the Design Review Board;

WHEREAS, the City Council identified a number of issues needing additional review and continued the public hearing to February 3 and again to February 17, 2009, for further Council consideration; and

WHEREAS, the City Council continued the public hearing to March 3, 2009, to receive additional public comment;

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

Section 1. Ordinance No. 4143, passed October 21, 2008, is hereby repealed.

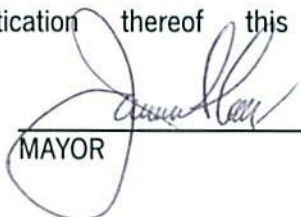
Section 2. Zoning text amended: The following specified sections of the text of Ordinance No. 3719, as amended, the Kirkland Zoning Ordinance, be and are hereby amended as set forth in Exhibit A attached to this ordinance and incorporated by reference.

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 Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 3rd day of March, 2009.

Signed in authentication thereof this 3rd day of March, 2009.

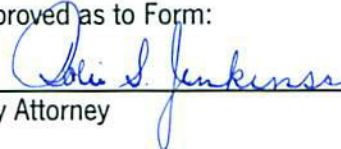


MAYOR

Attest:


City Clerk

Approved as to Form:



City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. 4177

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, AND LAND USE AND AMENDING ORDINANCE NO. 3719, AS AMENDED, THE KIRKLAND ZONING ORDINANCE, TO AMEND THE HEIGHT REGULATIONS, BUILDING STEPBACKS, SIDEWALK WIDTHS, BANKING AND RELATED FINANCIAL USE LIMITATIONS, ROOFTOP APPURTENANCE ALLOWANCES, AND DIMENSIONAL REQUIREMENTS FOR RETAIL IN CENTRAL BUSINESS DISTRICT (CBD) ZONE 1; TO AMEND GROUND FLOOR RETAIL HEIGHT REQUIREMENTS IN CBD ZONES 1, 2, 3, 4, 6, 7, AND 8; TO MEASURE HEIGHT IN FEET INSTEAD OF STORIES IN CBD ZONES 1, 2, 3, 4, 6, AND 7; AND TO REVISE ZONING CODE CHAPTER 142 - DESIGN REVIEW BY REMOVING REFERENCE TO THE COMPREHENSIVE PLAN AND BY RELOCATING THE DESIGN DEPARTMENT SECTION; REPEALING ORDINANCE NO. 4143; AND APPROVING A SUMMARY ORDINANCE FOR PUBLICATION, FILE NO. ZON08-00019.

SECTION 1. Repeals Ordinance No. 4131.

SECTION 2. Amends certain text of the Kirkland Zoning Code.

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 Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 3rd day of March, 2009.

I certify that the foregoing is a summary of Ordinance 4177 approved by the Kirkland City Council for summary publication.



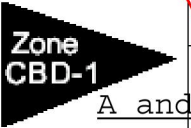
City Clerk

CHAPTER 50 - CENTRAL BUSINESS DISTRICT (CBD) ZONES

50.05 User Guide.

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

The maximum

 Zone CBD-1 A and 1B	Section 50.10 – GENERAL REGULATIONS The following regulations apply to all uses in this zone unless otherwise noted:
	<ol style="list-style-type: none">1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.2. Height measured at the midpoint of the frontage of the subject property on the abutting right-of-way, excluding First Avenue South. Buildings exceeding two stories must demonstrate compliance with the design regulations of Chapter 92 KZC and all provisions contained in the Downtown Plan. The City will determine compliance with these requirements through Design Review (D.R.).

of structure shall be

See KZC Section 50.62 for additional building height provisions.

Section 50.10, General Regulations continued on next page

Section 50.10, General Regulations continued

3. The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Banking and Related Financial Services; and Entertainment, Cultural and/or Recreational Facility use. The required uses shall have a minimum depth of 20' and an average depth of at least 30' (as measured from the face of the building on the abutting right-of-way). Buildings proposed and built after April 1, 2009 and buildings that existed prior to April 1, 2009 which are at least 10' below the maximum height of structure, shall have a minimum depth of 10' and an average depth of at least 20' containing the required uses listed above.

The Design Review Board (or Planning Director if not subject to D.R.) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the retail frontage will maximize visual interest. Lobbies for residential, hotel, and office uses may be allowed within this space subject to applicable design guidelines.

4. Where public improvements are required by KZC Chapter 110, sidewalks on Pedestrian-Oriented Streets within CBD 1A and 1B shall be as follows:

Sidewalks shall be a minimum width of 12'. The average width of the sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street shall be 13'. The sidewalk configuration shall be approved through D.R.

5. Upper story setback requirements are listed below. For purposes of the following regulations, the term "setback" shall refer to the horizontal distance between the property line and any exterior wall of the building. The measurements shall be taken from the property line abutting the street prior to any potential right-of-way dedication.

- a. **Lake Street:** No portion of a building within 30' of Lake Street may exceed a height of 28' above Lake Street except as provided in Section 50.62.
- b. **Central Way:** No portion of a building within 30' of Central Way may exceed a height of 41' above Central Way except as provided in Section 50.62.
- c. **Third Street and Main Street:** Within 40' of Third Street and Main Street, all stories above the second story shall maintain an average setback of at least 10' from the front property line.
- d. **All other streets:** Within 40' of any front property line, other than Lake Street, Central Way, Third Street, or Main Street, all stories above the second story shall maintain an average setback of at least 20' from the front property line.
- e. The required upper story setbacks for all floors above the second story shall be calculated as Total Upper Story Setback Area as follows:

Total Upper Story Setback Area = (Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas) x (Required average setback) x (Number of stories proposed above the second story). See Plate XY.

- f. The Design Review Board is authorized to allow a reduction of the required upper story setback by no more than 5% subject to the following:
- 1) Each square foot of additional building area proposed within the setback is offset with an additional square foot of public open space (excluding area required for sidewalk dedication) at the street level.
 - 2) The public open space is located along the sidewalk frontage and is not covered by buildings.
 - 3) For purposes of calculating the offsetting square footage, along Central Way, the open space area at the second and third stories located directly above the proposed ground level public open space is included. Along all other streets, the open space area at the second story located directly above the proposed ground level public open space is included.
 - 4) The design and location is consistent with applicable design guidelines.
- g. The Design Review Board is authorized to allow rooftop garden structures within the setback area.

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.12	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Restaurant or Tavern	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	2 to 4 stories above each abutting right-of-way.	D	E	One per each 125 sq. ft. of gross floor area. See KZC 50.60.	1. Drive-in or drive-through facilities are prohibited.
.020	Any Retail Establishment, other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, excluding banking and related financial services							1A - 45' above each abutting right-of-way. 1B - 55' above each abutting right-of-way.			One per each 350 sq. ft. of gross floor area. See KZC 50.60.	1. The following uses are not permitted in this zone: a. Vehicle service stations. b. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. c. Drive-in facilities and drive-through facilities. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.

Section 50.12

Zone
CBD-1

U S E

a. The drive-through facility is not located on a property that abuts either Park Lane or Lake Street.

Section 50.12		REGULATIONS		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
				Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 700)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
						REQUIRED YARDS (See Ch. 115)	Lot Coverage	Height of Structure						
USE	REGULATIONS		Front	Side	Rear									
.025	Banking and Related Financial Services (see spec. req. 2)	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	2 to 4 stories above each abutting right-of-way. 1A - 45' above each abutting right-of-way 1B - 55' above each abutting right-of-way	D	E	One per each 350 sq. ft. of gross floor area. See KZC 50.60. in CBD 1A or 1B	<p>1. Drive-through facilities are permitted as an accessory use if:</p> <p>a. The drive-through facility existed prior to January 1, 2004, OR the drive-through facility will replace a drive-through facility which existed on January 1, 2004, and which drive-through facility:</p> <ol style="list-style-type: none"> 1) Was demolished to allow redevelopment of the site on which the primary use was located; and 2) Will serve the same business served by the replaced facility, even if that business moves to a new location; and 3) Does not result in a net increase in the number of drive-through lanes serving the primary use; and <p>b. The Public Works Department determines that vehicle stacking will not impede pedestrian or vehicular movement within the right-of-way, and that the facility will not impede vehicle or pedestrian visibility as vehicles enter the sidewalk zone; and</p> <p>d. Any replacement drive-through facility is reviewed and approved pursuant to Chapter 142 KZC for compliance with the following criteria:</p> <ol style="list-style-type: none"> 1) The design of the vehicular access for any new drive-through facility is compatible with pedestrian walkways and parking access. 2) Disruption of pedestrian travel and continuity of pedestrian-oriented retail is limited by minimizing the width of the facility and associated curb-cuts. 		

2. Unless this use existed on the subject property prior to January 1, 2004, this use Banking and Financial Services may not be located within the 30' depth (as established by General Regulation #3) on the street level floor of a building fronting on Park Lane and Lake Street.

Section 50.12		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
USE ↓ REGULATIONS ↑			Front	Side	Rear							
.030	Hotel or Motel	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	2 to 5 stories above each abutting right-of-way.	D	E	One for each room. See Spec. Reg. 2 and KZC 50.60.	1. The following uses are not permitted in this zone: a. Vehicle service stations. b. Vehicle and/or boat sale, repair, service or rental. c. Drive-in facilities and drive-through facilities. 2. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.
.040	Entertainment, Cultural and/or Recreational Facility							2 to 4 stories above each abutting right-of-way.				

CBD

CBD

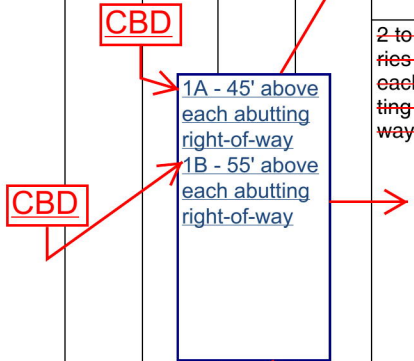
1A - 45'
above each
abutting
right-of-way
1B - 55'
above each
abutting
right-of-way



Section 50.12

Zone
CBD-1

USE ZONE CHART


Section 50.12	USE REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
			Front	Side	Rear							
.060	Private Club or Lodge	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2 to 4 stories above each abutting right-of-way.	D	B	See KZC 50.60 and 105.25.	1. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. 2. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and b. The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses. 3. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect signed by an Acoustical Engineer, must be submitted with the D.R. and building permit applications. d. A veterinary office is not permitted if the subject property contains dwelling units.
.070	Office Use							D			One per each 350 sq. ft. of gross floor area. See KZC 50.60.	
.080	Stacked or Attached Dwelling Units							A			1.7 per unit. See KZC 50.60.	
.090	School, Day-Care Center or Mini School or Day-Care Center	B	See KZC 50.60 and 105.25.									



Section 50.12	 USE  REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
			Front	Side	Rear							
.100	Assisted Living Facility See Special Regulation 3.	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2 to 5 stories above each abutting right-of-way.	D	A	1.7 per independent unit. 1 per assisted living unit. See KZC 50.60.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: a. One parking stall shall be provided for each bed. 3. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.
				1A - 45' above each abutting right-of-way 1B - 55' above each abutting right-of-way								
.110	Public Utility, Government Facility, or Community Facility							2 to 4 stories above each abutting right-of-way.	D See Special Reg. 1.	B	See KZC 50.60 and 105.25.	1. Landscape Category B or C may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.
.120	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

50.14 User Guide.

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

	<p>Section 50.15 – GENERAL REGULATIONS</p> <p>The following regulations apply to all uses in this zone unless otherwise noted:</p>
	1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
	2. See KZC 50.20 for regulations regarding bulkheads and land surface modification.
	3. Along Lake Street South, north of Kirkland Avenue, buildings exceeding one story above Lake Street South shall demonstrate compliance with the Design Regulations of Chapter 92 KZC and all provisions of the Downtown Plan. Through Design Review (D.R.) the City shall find that any allowance for additional height is clearly outweighed by identified public benefits such as through-block public pedestrian access or through-block view corridors (does not apply to Public Access Pier or Boardwalk and Moorage Facility for One or Two Boats uses).
	4. In no case shall the height exceptions identified in KZC 50.62 and 115.60(2)(d) result in a structure which exceeds 28 feet above the abutting right-of-way (does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats uses and General Moorage Facility Uses).
	5. South of Second Avenue South, maximum height of structure is three stories above Lake Street South as measured at the midpoint of the frontage of the subject property on Lake Street South. Buildings exceeding two stories shall demonstrate compliance with the design regulations of Chapter 92 KZC and all provisions of the Downtown Plan (does not apply to Public Access Pier or Boardwalk and Moorage Facility for One or Two Boats uses).
	6. For purposes of measuring building height, if the subject property abuts more than one right-of-way, the applicant may choose which right-of-way shall be used to measure the allowed height of structure (does not apply to Public Access Pier or Boardwalk, Moorage Facility for One or Two Boats, and General Moorage Facility uses).
	7. May not use land waterward of the high waterline to determine lot size or to calculate allowable density.
8. Development in this zone may also be regulated under the City's Shoreline Master Program; consult that document.	

[link to Section 50.17 table](#)

41'



DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	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						
Section 50.17	USE REGULATIONS	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	E	One per each 350 sq. ft. of gross floor area. See KZC 50.60.	1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: <ol style="list-style-type: none"> a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. b. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. c. No structure, other than moorage structures, may be waterward of the high waterline. For regulation regarding moorages, see the moorage listings in this zone. d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 2. The following uses are not permitted in this zone: <ol style="list-style-type: none"> a. Vehicle service stations. b. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. c. Drive-in facilities and drive-through facilities. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> a. The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 4. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.
		.020 Entertainment, Cultural and/or Recreational Facility									See KZC 50.60 and 105.25.	
		.030 Hotel or Motel									One for each room. See Special Regulation 4 and KZC 50.60.	
		.040 Restaurant or Tavern									One per each 125 sq. ft. of gross floor area. See KZC 50.60.	

28'

Section 50.17



Zone
CBD-2

USE ZONE CHART

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

Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	School, Day-Care Center, or Mini School or Day-Care Center	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: <ol style="list-style-type: none"> A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. No structure, other than moorage structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this zone. A six-foot-high fence is required along all property lines adjacent to outside play areas. Structured play areas must be setback from all property lines by at least five feet. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 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. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

28'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	 	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Assisted Living Facility See Special Regulation 4.	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	A	1.7 per independent unit. 1 per assisted living unit. See KZC 50.60.	<ol style="list-style-type: none"> A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> One parking stall shall be provided for each bed. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: <ol style="list-style-type: none"> A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. No structure, other than moorage structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this zone. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.

28'

Section 50.17

Zone
CBD-2

USE ZONE CHART

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

Section 50.17	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.070	Private Club or Lodge	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	
.080	Office Use											D

28'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	Stacked or Attached Dwelling Units	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	A	1.7 per unit. See KZC 50.60.	<ol style="list-style-type: none"> The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: <ol style="list-style-type: none"> A high waterline yard equal in depth to the greater of 15 ft. or 15 percent of the average parcel depth is hereby established on the subject property. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. No structure, other than moorage structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this Zone. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.
.100	Public Access Pier or Boardwalk		Landward of the high waterline 0' 0' 0'	Waterward of the high waterline 0' 10' 0'	See Special Regulation 8.	--	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	--	See Spec. Reg. 7.	--	<ol style="list-style-type: none"> No accessory uses, buildings, or activities may be permitted as part of this use. If a structure will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. May not treat structures with creosote, oil base, or toxic substances. Must provide at least one covered and secured waste receptacle. All utility lines must be below the pier deck and, where feasible, underground. Piers must be adequately lit; the source of the light must not be visible from off the subject property. The pier or boardwalk must display the street address of the subject property. The address must be oriented to and visible from the lake with letters and numbers at least four inches high. The side property line yards may be reduced for over water public access piers or boardwalks which connect with waterfront public access on adjacent property. 	

28'

Section 50.17

Zone
CBD-2

USE ZONE CHART

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

Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.110	Moorage Facility for One or Two Boats	D.R., Chapter 142 KZC.	None	Landward of the high waterline 0' 0' 0'	Waterward of the high waterline 0' 10' 0'	See Special Regulation 5.	100%	Pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	--	See Spec. Reg. 9.	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> 1. No accessory use, buildings, or activities are permitted as part of this use. Various accessory components are permitted as part of a General Moorage Facility. See that listing in this zone. 2. Moorage structures may not extend waterward beyond a point 150 feet from the high waterline. In addition, piers and docks may not be wider than is reasonably necessary to provide safe access to the boats, but not more than eight feet in width. 3. If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. 4. May not treat structures with creosote, oil-based, or toxic substances. 5. Moorage structures may not be closer than 25 feet to another moorage structure not on the subject property. 6. Must provide at least one covered and secured waste receptacle. 7. All utility lines must be below the pier deck and, where feasible, underground. 8. Piers must be adequately lit; the source of the light must not be visible from off the subject property. 9. Moorage structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least four inches high. 10. Covered moorage is not permitted. 11. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard.

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

Section 50.17	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.120	General Moorage Facility	Process IIA, Chapter 150 KZC, and D.R., Chapter 142 KZC.	None, but must have at least 100 ft. of frontage on Lake Washington.	0'	0'	0'	100%	Landward of the high waterline, 2 stories above average building elevation. Waterward of the high waterline, pier decks may not be more than 24 feet above mean sea level. Diving boards and similar features may not be more than 3 feet above the deck.	See Spec. Reg. 5.	B See Spec. Reg. 14.	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> The City will determine the maximum allowable number of moorages based on the following factors: <ol style="list-style-type: none"> The topography of the area. The ability of the land waterward of the high waterline to support the moorages. The nature of nearby uses. The potential for traffic congestion. The effect on existing habitats. Moorage structures may not be larger than is reasonably necessary to provide safe and reasonable moorage for the boats to be moored. The City will specifically review the size and configuration of moorage structures to insure that: <ol style="list-style-type: none"> The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the Outer Harbor Line. The moorage structures are not larger than is necessary to moor the specified number of boats. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC: <ol style="list-style-type: none"> Gas and oil sale for boats, if: <ol style="list-style-type: none"> Storage tanks are underground and on dry land; and The use has facilities to contain and clean up oil and gas spills. An over-water shed, which is no more than 50 square feet and not more than 10 feet high as measured from the deck, accessory to oil and gas sale for boats. Boat and motor sales and leasing. Boat or motor repair and service if: <ol style="list-style-type: none"> This activity is conducted on dry land and either totally within a building or totally sight screened from the adjoining property and the right-of-way; and All dry land motor testing is conducted within a building. Meeting and special events rooms. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer.

28'

REGULATIONS CONTINUED ON NEXT PAGE

Section 50.17

Zone
CBD-2

USE ZONE CHART


DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.120	General Moorage Facility (continued)									6. At least one pump-out facility shall be provided for use by the general public. This facility must be easily accessible to the general public and clearly marked for public use. 7. Must provide public restrooms unless moorage is available only for the residents of dwelling units on the subject property. 8. If moorage structures will extend waterward of the Inner Harbor Line, the applicant must obtain a lease from the Washington State Department of Natural Resources prior to proposing this use. 9. May not treat moorage structures with creosote, oil-based, or toxic substances. 10. No moorage structure may be within: a. 100 feet of a public park; b. 50 feet of any abutting lot that contains a detached dwelling unit; and c. 25 feet of another moorage structure not on the subject property. 11. Must provide at least two covered and secured waste receptacles. 12. All utility lines must be below the pier decks and, where feasible, underground. 13. Piers must be adequately lit; the source of the light must not be visible from off the subject property. 14. Moorage structures must display the street address of the subject property. The address must be oriented to and visible from the lake, with letters and numbers at least four inches high. 15. Covered moorage is not permitted. Aircraft moorage is not permitted. 16. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. No structure other than moorage structures may be within the high waterline yard. 17. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. 18. No structures, other than moorage structures, may be waterward of the high waterline.		

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	Public Utility	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2-stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	1. May be permitted only if locating this use in the immediate area of subject property is necessary to permit efficient service to the area or the City as a whole. 2. No structures, other than moorage structures, may be waterward at the high water-line. For regulations regarding moorages, see the moorage listings in this zone.
.140	Government Facility											
.150	Community Facility											
.160	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

28'

50.24 User Guide.

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

	Section 50.25 – GENERAL REGULATIONS
	The following regulations apply to all uses in this zone unless otherwise noted:
	1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
	2. No portion of a structure within 100 feet of the southerly boundary of 2nd Avenue South abutting Planned Area 6C may exceed 25 feet above average building elevation (does not apply to Detached Dwelling Unit uses).
	3. Site and building design must include installation of pedestrian linkages consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan (does not apply to Detached Dwelling Unit uses).

[link to Section 50.27 table](#)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.27	USE ⇓ REGULATIONS ⇓	Required Review Process	Lot Size	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
				REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Entertainment, Cultural, and/or Recreational Facility	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 4.	0'	0'	80% See Spec. Reg. 4.	3 stories above average building elevation.	D See Spec. Reg. 3.	E	See KZC 105.25.	<ol style="list-style-type: none"> 1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. 3. Landscape Category B is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 4. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.
.020	Hotel or Motel										One for each room. See Spec. Reg. 2.	
.030	Restaurant or Tavern										One per each 125 sq. ft. of gross floor area.	

41'

Section 50.27

Zone
CBD-3

USE ZONE CHART

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

Section 50.27	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.040	Any Retail Establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services including banking and related financial services	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 5.	0'	0'	80% See Spec. Reg. 5.	3 stories above average building elevation.	D See Spec. Reg. 4.	E	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. Drive-in facilities and drive-through facilities. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Landscape Category B is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.

41'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.27	USE ⇓ REGULATIONS ⇓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	Private Lodge or Club See Spec. Reg. 3.	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 4.	0'	0'	80%	3-stories above average building elevation.	D See Spec. Reg. 2.	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 3. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply along portions of State Street and Second Avenue South not designated as pedestrian-oriented streets. 4. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.

41'

Section 50.27

Zone
CBD-3

USE ZONE CHART

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

Section 50.27	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Office Use See Spec. Reg. 5.	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 6.	0'	0'	80%	3 stories above average building elevation.	D See Spec. Reg. 4.	D	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the D.R. and building permit applications. A veterinary office is not permitted if the subject property contains dwelling units. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply along portions of State Street and Second Avenue South not designated as pedestrian-oriented streets. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.

41'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.27	USE ⇓ REGULATIONS ⇓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.070	Stacked or Attached Dwelling Units See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 2.	0'	0'	80%	3-stories above average building elevation.	D	A	1.7 per unit.	<ol style="list-style-type: none"> This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply along portions of State Street and Second Avenue South not designated as pedestrian-oriented streets. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.
.080	Detached Dwelling Units	None	3,000 sq. ft.	20'	5'	10'	70%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D	A	2.0 per unit.	<ol style="list-style-type: none"> For this use, only one dwelling unit may be on each lot regardless of size. This use may only be located west of State Street. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.

Section 50.27

Zone
CBD-3

USE ZONE CHART


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

Section 50.27	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	Church	D.R., Chapter 142 KZC.	None	20' See Spec. Reg. 4.	0'	0'	80%	3 stories above average building elevation.	D See Spec. Reg. 3.	B	One per every four people based on maximum occupancy of any area of worship. See Spec. Reg. 2.	<ol style="list-style-type: none"> 1. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 2. No parking is required for day-care or school ancillary to the use. 3. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 4. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.
.100	School, Day-Care Center, or Mini-School or Day-Care Center			20' See Spec. Reg. 7.					D	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required along all property lines adjacent to outside play areas. 2. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 3. Structured play areas must be setback from all property lines by at least five feet. 4. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 5. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). 7. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure. 	

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.27	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.110	Assisted Living Facility See Special Regulation 3.	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3-stories above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> a. One parking stall shall be provided for each bed. 3. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. This special regulation shall not apply along portions of State Street and Second Avenue South not designated as pedestrian-oriented streets. 4. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.
.120	Public Utility			20' See Spec. Reg. 3.					C See Special Reg. 1.			<ol style="list-style-type: none"> 1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses. 2. Landscape Category C is required if the subject property is adjacent to Planned Areas 6C, 6D, or 6J. 3. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.
.130	Government Facility or Community Facility								D See Special Regs. 1 and 2.			
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

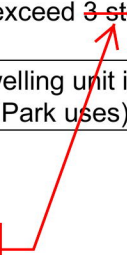
50.29 User Guide.

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

	<p>Section 50.30 – GENERAL REGULATIONS</p> <p>The following regulations apply to all uses in this zone unless otherwise noted:</p>
	<p>1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.</p>
	<p>2. Structures east of Second Street South shall be set back 10 feet from Second Avenue South (does not apply to Detached Dwelling Unit and Public Park uses).</p>
	<p>3. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure (does not apply to Public Park uses).</p>
	<p>4. Maximum height of structure is 55.4 feet above average building elevation west of Second Street South, including any adjacent structure in CBD-1 west of 2nd Street South developed with a structure in this zone.</p>
	<p>5. No portion of a structure within 100 feet of the southerly boundary of Second Avenue South abutting Planned Area 6C shall exceed 35 feet. No portion of a structure within 40 feet of First Avenue South shall exceed 3 stories (does not apply to Detached Dwelling Unit uses).</p>
<p>6. Development shall not isolate any existing detached dwelling unit in this zone (does not apply to Detached Dwelling Unit and Public Park uses).</p>	

[link to Section 50.32 table](#)

41'



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

Section 50.32	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Restaurant or Tavern	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	4 stories above average building elevation or existing grade.	D See Spec. Reg. 3.	E	One per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> No aspect or component of this use, including open dining areas, may be oriented towards Second Avenue South. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. Landscape Category B is required if subject property is adjacent to Planned Area 6C. Drive-in or drive-through facilities are prohibited.
.020	Entertainment, Cultural or Recreational Facility								D See Spec. Reg. 4.		See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> No aspect or component of this use, including hotel/motel rooms and open dining areas, may be oriented toward Second Avenue South. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists.
.030	Hotel or Motel										One for each room. See Spec. Reg. 3.	<ol style="list-style-type: none"> The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. Landscape Category B is required if subject property is adjacent to Planned Area 6C.
.040	Any Retail Establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services including banking and related financial services.										One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> The following uses are not permitted in this zone: <ol style="list-style-type: none"> Vehicle service stations. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. Drive-in facilities and drive-through facilities. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and dependent upon this use and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Landscape Category B is required if subject property is adjacent to Planned Area 6C.

54'

Section 50.32

Zone
CBD-4

USE ZONE CHART

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

Section 50.32	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	Private Lodge or Club	D.R., Chapter 142 KZC.	None	10'	0'	0'	100%	4 stories above average building elevation or existing grade.	D See Spec. Reg. 2.	B	See KZC 105.25.	<ol style="list-style-type: none"> Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. Landscape Category C is required if subject property is adjacent to Planned Area 6C.
.060	Office Use								D See Spec. Reg. 4.	D	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the D.R. and building permit applications. A veterinary office is not permitted if the subject property contains dwelling units. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses. Primary vehicle access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. Landscape Category C is required if subject property is adjacent to Planned Area 6C.
.070	Church								D See Spec. Reg. 3.	B	One per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	<ol style="list-style-type: none"> Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. No parking is required for daycare or school ancillary to the use. Landscape Category C is required if subject property is adjacent to Planned Area 6C.
.080	Stacked or Attached Dwelling Units								D See Spec. Reg. 1.	A	1.7 per unit.	<ol style="list-style-type: none"> Landscape Category C is required if subject property is adjacent to Planned Areas 6C.


54'

Section 50.32		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
USE ↓ REGULATIONS ↑			Front	Side	Rear							
.090	School, Day-Care or Mini-School or Day-Care Center	D.R., Chapter 142 KZC.	None	10'	0'	0'	100%	4 stories above average building elevation of existing grade.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required along all property lines adjacent to outside play areas. 2. Primary vehicular access to the subject property may not be directly from Second Avenue South between Second Street South and State Street unless no other alternative exists. 3. Structured play areas must be setback from all property lines by at least five feet. 4. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 5. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 6. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
	Assisted Living Facility											
.110	Detached Dwelling Units	None	3,600 sq. ft.	20'	5'	10'	60%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above building elevation.	E	A	2.0 per unit.	<ol style="list-style-type: none"> 1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.120	Public Utility, Government Facility, or Community Facility	D.R., Chapter 142 KZC.	None	10'	0'	0'	100%	4 stories above average building elevation of existing grade.	D See Spec. Reg. 1	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. Landscape Category C is required if subject property is adjacent to Planned Area 6C. Landscape Category A or B may be required depending on the type of use on the subject property and impacts associated with the use on nearby uses.
.130	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

54'

50.39 User Guide.

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

	50.40 – GENERAL REGULATIONS
	The following regulations apply to all uses in this zone unless otherwise noted:
	1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
	2. The entire zone must be physically integrated both in site and building design. In addition, the design and development of the subject property must provide pedestrian linkage through this zone and between Central Way and areas to the north of this zone, consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan.
	3. The City may require that areas of the northeastern and southeastern portions of the subject property be developed with pedestrian scale amenities and landscaping to enhance the entryway into the Central Business District.

[link to Section 50.42 table](#)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.42	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Restaurant or Tavern See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4 stories above average building elevation.	D See Spec. Reg. 4.	E	One per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> These uses are only permitted south of Sixth Avenue. Subterranean parking for these uses may be located north of 6th Avenue; provided, that the parking structures are not visible from 7th Avenue or 5th Street north of 6th Avenue. Vehicular access for these uses and components of these uses, including subterranean parking must be on Central Way or Fifth or Sixth Streets south of Sixth Avenue. The applicant may be required to install traffic diverters or employ other mechanisms to direct nonresidential traffic associated with subject property away from areas north of Sixth Avenue. Access for drive-through facilities must be approved by the Public Works Department. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones. The required front yard for this use shall be zero feet from Central Way for one or two stories. No parking may encroach into the required 20-foot front yard.

54'

Section 50.42

Zone
CBD-6

USE ZONE CHART

Section 50.42		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS															
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)						
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure					
USE ↓	REGULATIONS →		Front	Side	Rear												
.030	Any Retail Establishment, other than those specifically listed, limited or prohibited in this Zone, selling goods or providing services, including banking and related financial services. See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4 stories above average building elevation.	D See Spec. Reg. 6.	E	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> These uses are only permitted south of Sixth Avenue. Subterranean parking for these uses may be located north of 6th Avenue provided that the parking structures are not visible from 7th Avenue or 5th Street north of 6th Avenue. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers is not permitted. Motorcycle sales, service, or rental is permitted if conducted indoors. Vehicular access for these uses and components of these uses, including subterranean parking, must be on Central Way or Fifth or Sixth Streets south of Sixth Avenue. The applicant may be required to install traffic diverters or employ other mechanisms to direct nonresidential traffic associated with subject property away from areas north of Sixth Avenue. Ancillary assembly and manufacture of goods on premises may be permitted as part of a retail establishment if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. Access for drive-through facilities must be approved by the Public Works Department. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. The required front yard for this use shall be zero feet from Central Way for one or two stories. No parking may encroach into the required 20-foot front yard. 					
	.040			Hotel or Motel. See Spec. Reg. 1.													One for each room. See Spec. Reg. 7.
	.050			Entertainment, Cultural and/or Recreational Facility. See Spec. Reg. 1.													



54'

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Section 50.42

Zone
CBD-6

USE ZONE CHART

Section 50.42		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
Front	Side	Rear		Lot Coverage	Height of Structure							
Section 50.42	 	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4 stories above average building elevation.	D See Spec. Reg. 5.	D	One per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> These uses are only permitted south of Sixth Avenue. Subterranean parking for these uses may be located north of 6th Avenue provided that the parking structures are not visible from 7th Avenue or 5th Street north of 6th Avenue. Veterinary offices are not permitted in this zone. Vehicular access for this uses and components of this use, including subterranean parking, must be on Central Way or Fifth or Sixth Streets south of Sixth Avenue. The applicant may be required to install traffic diverters or employ other mechanisms to direct nonresidential traffic associated with subject property away from areas north of Sixth Avenue. Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent upon this office use; and The outward appearance and impacts of this office use with ancillary assembly or manufacturing activities must be no different from other office uses. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.
				.060	Office Use See Special Regulation 1.	See Special Regulation 6.						
.070	Private Club or Lodge See Special Regulation 1.								B	See KZC 105.25.		

54'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.42	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.080	Stacked, or Attached Dwelling Units See Special Regulation 1.	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4-stories above average building elevation. See also Special Regulation 3.	D See Spec. Reg. 4.	A	1.7 per unit.	<ol style="list-style-type: none"> Along Central Way, this use is only permitted above the ground floor. For any portion of a structure on the subject property within 40 feet of Seventh Avenue or Fifth Street north of Sixth Avenue that does not exceed 30 feet in height above average building elevation, the minimum required side yards are five feet but two side yards must equal at least 15 feet. No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured from at the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street, as measured at the midpoint of the frontage of the subject property on Fifth Street. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure. Along Seventh Avenue, buildings shall be designed with predominantly sloped roof forms. Within 40 feet of Seventh Avenue, the maximum length of any facade is 50 feet and a minimum 50 percent of this area shall be open space.

54'

Section 50.42

Zone
CBD-6

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.42	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	School, Day-care, or Mini-School or Day-care Center	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4-stories above average building elevation. See also Special Regulation 2.	D See Spec. Reg. 3.	B	See KZC 105.25.	<ol style="list-style-type: none"> For any portion of a structure on the subject property within 40 feet of Seventh Avenue of Fifth Street north of Sixth Avenue that does not exceed 30 feet above average building elevation, the minimum required side yards are five feet but two side yards must equal at least 15 feet. No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured at the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street as measured at the midpoint of the frontage of the subject property on Fifth Street. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones. A six-foot high fence is required along all property lines adjacent to outside play areas. Structured play areas must be setback from all property lines by at least five feet. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 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. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.

54'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.42	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.100	Assisted Living Facility See Spec. Reg. 3.	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4-stories above average building elevation. See Special Regulation 6.	D See Spec. Reg. 7.	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> a. One parking stall shall be provided for each bed. 3. Along Central Way, this use is only permitted above the ground floor. 4. For any portion of a structure on the subject property within 40 feet of Seventh Avenue or fifth Street north of Sixth Avenue that does not exceed 30 feet in height above average building elevation, the minimum required side yards are five feet but two side yards must equal at least 15 feet. 5. The development shall provide significant openness adjacent to Sixth Street. 6. No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured at the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street as measured at the midpoint of the frontage of the subject property on Fifth Street. 7. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Area 7B or 7C zones. 8. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure. 9. Along Seventh Avenue, buildings shall be designed with predominantly sloped roof forms. 10. Within 40 feet of Seventh Avenue, the maximum length of any facade is 50 feet and a minimum 50 percent of this area shall be open space.

54'

Section 50.42

Zone
CBD-6

USE ZONE CHART


Section 50.42		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
USE	REGULATIONS		Front	Side	Rear							
.110	Church	D.R., Chapter 142 KZC.	None	20'	10'	10'	80%	4 stories above average building elevation. See also Special Regulation 2.	D See Spec. Reg. 3.	B	See KZC 105.25. See Special Regulation 5.	<ol style="list-style-type: none"> For any portion of a structure on the subject property within 40 feet of Seventh Avenue or Fifth Street north of Sixth Avenue that does not exceed 30 feet above average building elevation, the minimum required side yards are five feet, but two side yards must equal at least 15 feet. No portion of a structure on the subject property within 40 feet of Seventh Avenue may exceed 25 feet above the elevation of Seventh Avenue as measured at the midpoint of the frontage of the subject property on Seventh Avenue. No portion of a structure on the subject property within 40 feet of Fifth Street north of Sixth Avenue may exceed 30 feet above the elevation of Fifth Street as measured at the midpoint of the frontage of the subject property on Fifth Street. Landscape Category C is required if the subject property is located adjacent to the RS 5.0, or Planned Areas 7B or 7C zones. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses. No parking is required for daycare or school ancillary to the church use. Ground floor porches and similar entry features may encroach into the required front yard, provided the total horizontal dimensions of such elements may not exceed 25 percent of the length of the facade of the structure.
.120	Public Utility, Government Facility, or Community Facility											
.130	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

54'

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50.44 User Guide.

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

	Section 50.45 – GENERAL REGULATIONS
	The following regulations apply to all uses in this zone unless otherwise noted:
	1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
	2. Site design must include installation of pedestrian linkages between public sidewalks and building entrances and between walkways on the subject property and existing or planned walkways on abutting properties consistent with the major pedestrian routes in the Downtown Plan chapter of the Comprehensive Plan (does not apply to Public Utility, Government Facility or Community Facility and Public Park uses).
	3. No setback is required adjacent to Third Street (does not apply to Vehicle Service Station and Public Park uses).

[link to Section 50.47 table](#)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	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. None	20'	15'	15'	80%	3-stories above average building elevation.	B See Spec. Reg. 3.	E	See KZC 105.25.	<ol style="list-style-type: none"> May not be more than two vehicle service stations at any intersection. Gas pump islands must be setback at least 20 feet from all property lines. Canopies and covers over gas pump islands may not be more than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity, and Storage, for further regulations. Landscape Category A is required if the subject property is adjacent to Planned Area 7B.
.020	Restaurant or Tavern			20'	0'	0'	80% See Spec. Reg. 2.		D See Spec. Reg. 1.		1 per each 125 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Landscape Category B is required if the subject property is adjacent to Planned Area 7B, unless drive-in or drive-through facilities are present in which case Landscape Category A shall apply. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent. For restaurants with drive-in or drive-through facilities: <ol style="list-style-type: none"> One outdoor waste receptacle shall be provided for every eight parking stalls. Access for drive-through facilities shall be approved by the Public Works Department. Drive-through facilities shall be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
.040	Entertainment, Cultural and/or Recreational Facility			20'	0'	0'	80% See Spec. Reg. 3.		D See Spec. Reg. 2.		See KZC 105.25.	<ol style="list-style-type: none"> The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis. Landscape Category B is required if the subject property is adjacent to Planned Area 7B. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.
.050	Hotel or Motel										One for each room. See Spec. Reg. 1.	

Section 50.47

Zone
CBD-7

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.47	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Any Retail Establishment, other than those listed, limited, or prohibited in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	20'	0'	0'	80% See Spec. Reg. 5.	3 stories above average building elevation.	D See Spec. Reg. 4.	E	1 per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Access for drive-through facilities must be approved by the Public Works Department. Ancillary assembly and manufacture of goods on premises may be permitted only if: <ol style="list-style-type: none"> The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers is not permitted. Motorcycle sales, service, or rental is permitted if conducted indoors. Landscape Category B is required if the subject property is adjacent to Planned Area 7B. The required front yard for this use shall be zero feet for one story at street level. No parking may encroach into the required 20-foot front yard. If this use provides a zero-foot front yard, the lot coverage for the entire property shall be 100 percent.
.070	Private Lodge or Club See Spec. Reg. 3.			20'	0'	0'	80%		D See Spec. Reg. 2.	B	See KZC 105.25.	<ol style="list-style-type: none"> No parking is required for daycare or school ancillary to the use. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.
.080	Church See Spec. Reg. 3.										One per every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	

41'

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 50.47	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.090	Office Use See Spec. Reg. 4.	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3-stories above average building elevation.	D See Spec. Reg. 3.	D	1 per each 350 sq. ft. of gross floor area.	<ol style="list-style-type: none"> Ancillary assembly and manufacture of goods on premises may be permitted as part of office use if: <ol style="list-style-type: none"> The ancillary assembled or manufactured goods are subordinate to and dependent upon this office use; and The outward appearance and impacts of this office use with ancillary assembly or manufacturing activities must be no different from other office uses. The following regulations apply to veterinary offices only: <ol style="list-style-type: none"> May only treat small animals on the subject property. Outside runs and other outside facilities for the animals are not permitted. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect signed by an acoustical engineer must be submitted with the D.R. and building permit applications. A veterinary office is not permitted if the subject property contains dwelling units. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension. 	
.100	School, Day-Care Center, or Mini-School or Day-Care Center See Spec. Reg. 6.								D	B	See KZC 105.25.	<ol style="list-style-type: none"> A six-foot-high fence is required along all property lines adjacent to outside play areas. Structured play areas must be setback from all property lines by at least five feet. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 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. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388). This use may be located on the Central Way level of a building only if there is an intervening retail storefront between this use and the right-of-way. 	

Section 50.47

Zone
CBD-7

USE ZONE CHART

Section 50.47		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
USE ↓	REGULATIONS ↑		Front	Side	Rear							
.110	Assisted Living Facility See Spec. Reg. 3.	D.R., Chapter 142 KZC.	None	20'	0'	0'	80%	3 stories above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit.	<ol style="list-style-type: none"> 1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: <ol style="list-style-type: none"> a. One parking stall shall be provided for each bed. 3. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.
	.120	Stacked or Attached Dwelling Units See Special Regulation 1.									1.7 per unit.	<ol style="list-style-type: none"> 1. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.
	.130	Public Utility, Government Facility, or Community Facility							D See Spec. Reg. 1.	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. Landscape Category C is required if the subject property is adjacent to Planned Area 7B. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on nearby uses.
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

50.62 Building Height Provisions in the CBD

~~1. In cases where the height of structures is specified in number of stories, the following heights per story are allowed:~~

- ~~a. Ground floor retail; ground floor restaurant and tavern; ground floor entertainment/cultural and/or recreational and a maximum of 15 feet in height.~~
- ~~b. Office; private club or lodge; church facility, or community facility; public ground floor shall be a maximum of 15 feet in height.~~
- ~~c. Residential; hotel or motel above the ground floor shall be a maximum of 10 feet in height.~~

~~2. To determine the allowed height of structure, zone charts and apply the allowed height per story. For example, if three stories are allowed and the ground floor is residential above, the allowed height would be 35 feet.~~

~~Buildings which are not constructed with the maximum allowable number of stories may increase the height of the stories actually constructed by an amount that does not result in a height greater than that which would have resulted from a building constructed with the maximum allowable number of stories. For the purpose of this height calculation, it shall be assumed that each unconstructed story would have been used for residential purposes if constructed, and therefore allows an additional 10 feet of height that can be added to the building.~~

~~For example, if three stories are allowed, but only two stories are constructed, an additional 10 feet may be added to the building height.~~

~~3. Height shall be measured above the point of measurement (e.g. above average building elevation, or above right-of-way) as specified in the particular use zone charts. For purposes of measuring building height above the abutting right(s)-of-way, alleys shall be excluded.~~

~~2. Where retail frontage is required along an abutting street, the minimum story height of ground floor retail; ground floor restaurant and tavern; ground floor entertainment, cultural and/or recreational facility shall be 15 feet.~~

~~4. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in CBD 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 five feet above the height limit if the slope of the roof is greater than three feet vertical to 12 feet horizontal and eight feet above the height limit if the slope of the roof is equal or greater than four feet vertical to 12 feet horizontal.~~
- ~~c. Within CBD 1A and 1B, the height of rooftop appurtenances and related screening shall not exceed the maximum applicable height limitation beyond the height exceptions established in 3.a and 3.b above. In addition, the appurtenances and screening shall be integrated into the design of the parapet or peaked roof form. The height of rooftop~~

2. Where retail frontage is required along an abutting street, the minimum ground floor story height for retail; restaurant and tavern; entertainment, cultural, and/or recreational facility uses shall be 15 feet; provided however that in CBD 1A and CBD 1B, any buildings proposed and built after April 1, 2009 or buildings that existed prior to April 1, 2009 which are 10' or more below the permitted maximum height of structure shall be required to provide a minimum 13' ground floor story height.

| appurtenances and the height of related screening may not be modified through Section 115.120.

110.52 Sidewalks and Other Public Improvements in Design Districts

1. This section contains regulations that require various sidewalks, pedestrian circulation and pedestrian-oriented improvements on or adjacent to properties located in Design Districts subject to Design Review pursuant to Chapter [142](#) KZC such as, CBD, JBD, TLN, TC, RHBD, and NRHBD zones.

The applicant must comply with the following development standards in accordance with the location and designation of the abutting right-of-way as a pedestrian-oriented street or major pedestrian sidewalk shown in Plate 34 of Chapter [180](#) KZC. See also Public Works Pre-Approved Plans manual for public improvements for each Design District. If the required sidewalk improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property; provided, that a minimum of five feet from the curb shall be retained as public right-of-way and may not be in an easement. Buildings may cantilever over such easement areas, flush with the property line in accordance with the International Building Code as adopted in KMC Title 21. (See Figure [110.52.A](#) and Plate 34).

2. Pedestrian-Oriented Street Standards – Unless a different standard is specified in the applicable use zone chart, the applicant shall install a 10-foot-wide sidewalk along the entire frontage of the subject property abutting each pedestrian-oriented street. (See Figure 110.52.A).

Required Sidewalk on Pedestrian-Oriented Streets and Major Pedestrian Sidewalks

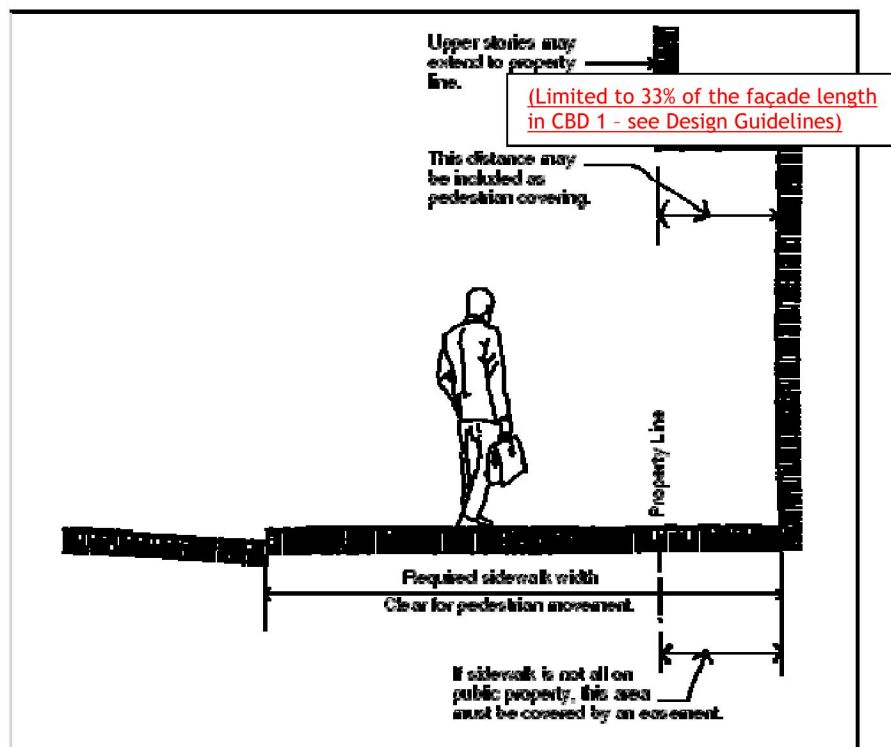


FIGURE 110.52.A

3. Major Pedestrian Sidewalk Standards – If the subject property abuts a street designated to contain a major pedestrian sidewalk in Plate 34, Chapter [180](#) KZC, the applicant shall install that sidewalk on and/or adjacent to the subject property consistent with the following standards:
 - a. Install in the approximate location and make the connections shown in Plate 34;
 - b. A sidewalk width of at least eight feet, unless otherwise noted in Plate 34;
 - c. Have adequate lighting with increased illumination around building entrances and transit stops; and
 - d. If parcels are developed in aggregate, then alternative solutions may be proposed.
4. Streets in the Totem Lake Neighborhood – Streets in the Totem Lake Neighborhood designated as major pedestrian sidewalks in Plate 34.E that are also shown to be within the landscaped boulevard alignment or “Circulator” in Plate 34.D in Chapter [180](#) KZC 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.
5. NE 85th Street Sidewalk Standards – If the subject property abuts NE 85th Street, the applicant shall install a minimum 6.5-foot-wide landscape strip planted with street trees located adjacent to the curb and a minimum seven-foot-wide sidewalk along the property frontage. Where the public right-of-way lacks adequate width to meet the previous standard, a 10-foot-wide sidewalk with street trees in tree grates may be permitted or in an easement established over private property.

Chapter 142 – DESIGN REVIEW

Sections:

- [142.05](#) User Guide
- [142.15](#) Development Activities Requiring D.R. Approval
- [142.25](#) Administrative Design Review (A.D.R.) Process
- [142.35](#) Design Board Review (D.B.R.) Process
- [142.40](#) Appeals of Design Review Board Decisions
- [142.50](#) Modifications
- [142.55](#) Lapse of Approval for Design Review Board Decisions
- [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. Design Board Review (D.B.R.)
 - a. The following development activities shall be reviewed by the Design Review Board pursuant to KZC [142.35](#):
 - 1) New buildings greater than one story in height or greater than 10,000 square feet of gross floor area, or in the Market Street Corridor Historic District (MSC 3 Zone).
 - 2) Additions to existing buildings where:
 - a) The new gross floor area is greater than 10 percent of the existing building's gross floor area; and
 - b) The addition is greater than 2,000 square feet of gross floor area; and
 - c) Either:
 - 1) The existing building and addition total more than 10,000 square feet of gross floor area; or
 - 2) The addition adds another story; or
 - 3) Is in the Market Street Corridor Historic District (MSC 3 zone).
 - 3) Renovations to existing facades, where the building is identified by the City as an historic structure or is in the Market Street Corridor Historic District (MSC 3 zone).
 - b. Exemptions from D.B.R. – The following development activities shall be reviewed through the administrative design process in KZC [142.25](#):

- 1) Any development where administrative design review is indicated in the applicable Use Zone Chart.
 - 2) Any development in the following zones within the NE 85th Street Subarea: RH 8, PR 3.6, RM, PLA 17A.
 - 3) Any development in the MSC 1, MSC 2, and MSC 4 zones located within the Market Street Corridor.
2. Administrative Design Review (A.D.R.) – All other development activities not requiring D.B.R. review under subsection (1) of this section shall be reviewed through the A.D.R. process pursuant to KZC [142.25](#).
 3. Exemptions from Design Review – The following development activities shall be exempt from either A.D.R. or D.B.R. and compliance with the design regulations of Chapter [92](#) KZC:
 - a. Any activity which does not require a building permit; or
 - b. Interior work that does not alter the exterior of the structure; or
 - c. Normal building maintenance including the repair or maintenance of structural members; or
 - d. Any development listed as exempt in the applicable Use Zone Chart.

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

1. Authority – The Planning Official shall conduct A.D.R in conjunction with a related development permit pursuant to KZC [142.25](#).

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 KMC 3.30.040.
- b. Design guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in KMC 3.30.040.
- ~~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 (NRHBD), the NE 85th Street Subarea Plan for the Rose Hill Business District (RHBD), and the Market Street Corridor Plan for the Market Street Corridor (MSC).~~
- dc. For review of attached or stacked dwelling units within the NE 85th Street Subarea and the Market Street Corridor, Appendix C, Design Principles for Residential Development contained in the Comprehensive Plan.

2. Application – As part of any application for a development permit requiring A.D.R., the applicant shall show compliance with the design regulations in Chapter 92 KZC by submitting 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 application materials required as a result of a pre-design conference.
3. Pre-Design Conference – Before applying for A.D.R. approval, the applicant may schedule a 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 the Planning Official to designate which design regulations apply to the proposed development based primarily on the location and nature of the proposed development.
4. A.D.R. Approval
 - a. The Planning Official may grant, deny, or conditionally approve the A.D.R. application. The A.D.R. approval or conditional approval will become conditions of approval for any related development permit, and no development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval.
 - b. Additions or Modifications to Existing Buildings
 - 1) Applications involving additions or modifications to existing buildings shall comply with the design regulations of Chapter 92 KZC to the extent feasible depending on the scope of the project. The Planning Official may waive compliance with a particular design regulation if the applicant demonstrates that it is not feasible given the existing development and scope of the project.
 - 2) The Planning Official may waive the A.D.R. process for applications involving additions or modifications to existing buildings if the design regulations are not applicable to the proposed development activity.
5. Lapse of Approval – The lapse of approval for the A.D.R. decision shall be tied to the development permit and all conditions of the A.D.R. approval shall be included in the conditions of approval granted for that development permit.
6. Design Departure and Minor Variations ~~may be requested pursuant to KZC 142.37~~
 - 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: minimum required yards; and~~
 - 2) ~~In the Totem Center: minimum required yards, floor plate maximums and building separation requirements; and~~
 - 3) ~~In the RHBD and the TLN: minimum required yards, landscape buffer and horizontal facade requirements; and~~

~~4) In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards and horizontal facade requirements.~~

~~5) In the MSC 2 zone of the Market Street Corridor: height (up to an additional five feet), minimum required front yards and horizontal facade requirements.~~

~~6) In the MSC 3 zone of the Market Street Corridor: horizontal facade 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 (6)(d) of this section.~~

~~d. Criteria — The Design Review Board 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.) Process

1. Timing of D.B.R. – For any development activity that requires D.B.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.
2. Public Meetings – All meetings of the Design Review Board shall be public meetings and open to the public.
3. 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 applicable neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required.~~
- ~~dc.~~ 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 85th Street Subarea and the Market Street Corridor.
4. The Design Review Board is authorized to approve minor variations in development standards within certain Design Districts described in KZC 142.25(6)(a)37 provided the variation complies with the criteria of KZC 142.25(6)(b)37.
5. 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. A pre-design conference may be combined with a pre-submittal meeting.
6. Conceptual Design Conference – Before applying for design review approval, the applicant shall attend a conceptual design conference (CDC) 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 applicant shall submit a complete application for Design Review within six months following the CDC, or the results of the CDC will be null and void and a new CDC will be required prior to application for design review approval. 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.
7. 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.
8. 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.
9. 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 (3) 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 (3) of this section. The Design Review Board shall make its decision by motion that adopts approved project drawings in addition to changes or conditions required by the Design Review Board. If the Design Review Board finds that the application does not meet those requirements, it shall specify what requirements have not been met and options for meeting those requirements. The Design Review Board may continue the conference if necessary to gather additional information necessary for its decision on the design review application. If the conference is continued to a specific date, no further public notice is required; otherwise notice shall be mailed to all parties participating in the design response conference.

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

Conceptual Master Plan Conference for TL 5 – The Design Review Board shall consider a Conceptual Master Plan (CMP) for properties over four acres in size in TL 5. The CMP shall incorporate the design principles set forth in the special regulations for the use 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 85th 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.

10. 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 D.B.R. or A.D.R. 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 D.B.R. or A.D.R. 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.

142.37. 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: minimum required yards; and
- 2) In the Totem Center: minimum required yards, floor plate maximums and building separation requirements; and
- 3) In the RHBD and the TLN: minimum required yards, landscape buffer and horizontal facade requirements; and
- 4) In the MSC 1 and MSC 4 zones of the Market Street Corridor: minimum required front yards and horizontal facade requirements.

5) In the MSC 2 zone of the Market Street Corridor: height (up to an additional five feet), minimum required front yards and horizontal facade requirements.

6) In the MSC 3 zone of the Market Street Corridor: horizontal facade 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 (6)(d) of this section.

d. Criteria – The Design Review Board 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.

142.40 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](#)(3) and (4) are subject to appeal.

2. Who May Appeal – The decision of the Design Review Board may be appealed by the applicant or any other individual or entity who submitted written or oral comments to the Design Review Board.
3. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 calendar days following the postmarked date of the distribution of the Design Review Board decision. It must contain a clear reference to the matter being appealed and a statement of

NEW **PLATE XY**

TOTAL UPPER STORY SETBACK AREA

Total Upper Story Setback Area

The required upper story setback for all floors above the second story shall be calculated as Total Upper Story Setback Area as follows:

~~(Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas) x (Required average setback) x (Number of stories proposed above 2nd story)~~

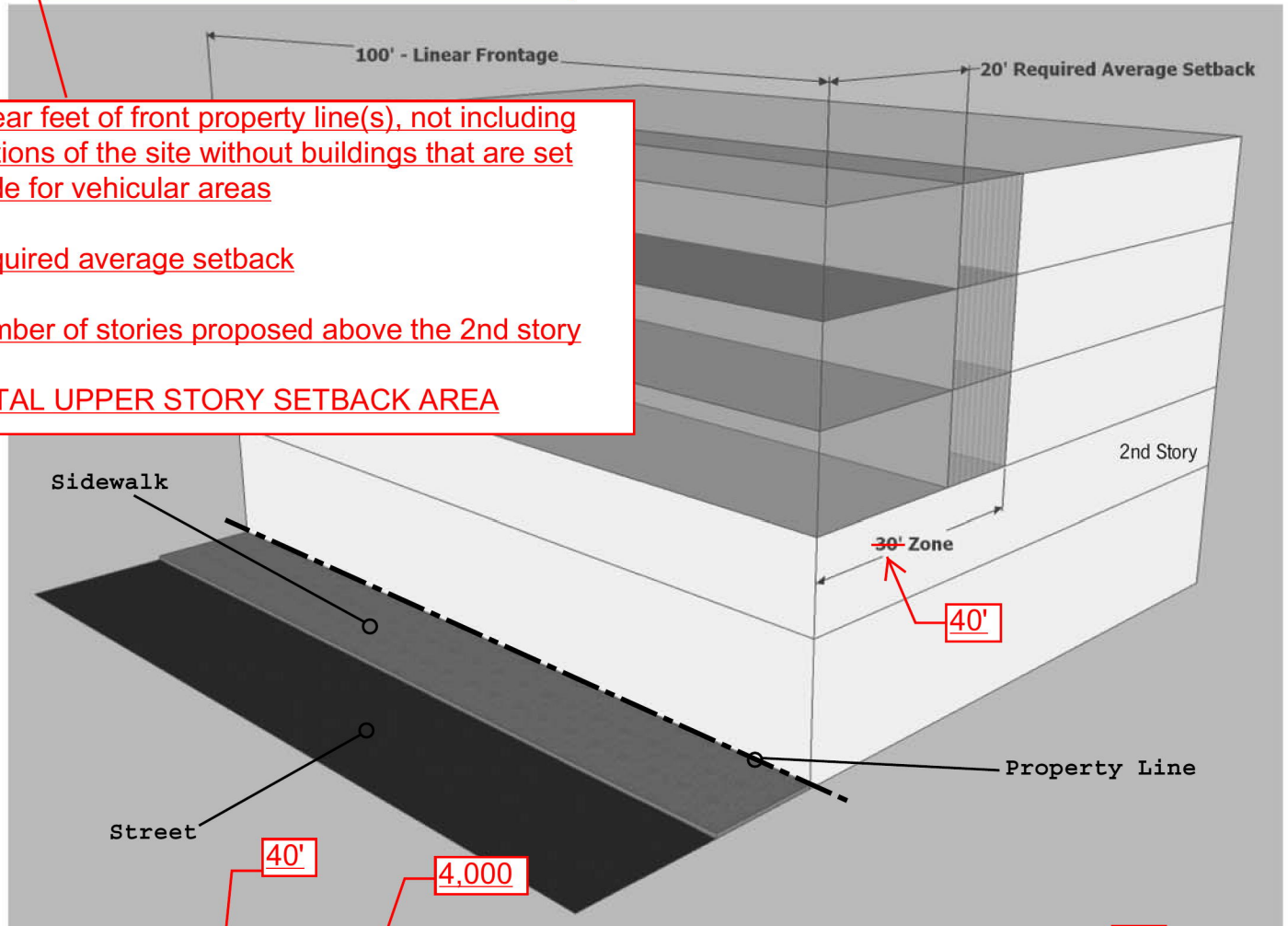
Reformat formula as shown below

Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas

x
Required average setback

x
Number of stories proposed above the 2nd story

= **TOTAL UPPER STORY SETBACK AREA**



Example (for a 5-story building with 100 linear feet along the front property line):

- 1) The project would have ~~3,000~~ **4,000** square feet of potential building space per story within the ~~30'~~ **40'** zone (100 l.f. x ~~30'~~ **40'** depth). **12,000**
- 2) The upper 3 stories would have ~~9,000~~ **12,000** square feet of potential building area within the ~~30'~~ **40'** zone (100 l.f. x ~~30'~~ **40'** depth x 3 stories) **40'**
- 3) The required average setback of 20' would equate to a setback area of 2,000 square feet per story (100 l.f. x 20' depth).
- 4) The upper 3 stories would have 6,000 square feet of Total Upper Story Setback Area [Total Upper Story Setback Area = 100' (lineal frontage) x 20' (required average setback) x 3 (stories proposed above the 2nd story)] and ~~3,000~~ **6,000** square feet of allowed building area (~~9,000~~ square feet - 6,000 square feet). **40'**

12,000

6,000