CITY OF KIRKLAND
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
123 FIFTH AVENUE, KIRKLAND, WA 98033
425.587.3225 - www.kirklandwa.gov

MEMORANDUM

TO: Kurt Triplett, City Manager

FROM: Eric Shields AICP, Planning Director

DATE: February 11, 2014

SUBJECT: REGULATIONS FOR MARIJUANA RETAILING, PROCESSING AND PRODUCTION; FILE NO. CAM14-02374

Recommendation

Council approves the attached ordinance adopting regulations for marijuana retailing, production and processing. The regulations would effectively codify the existing interim regulations that are due to expire on March 29, 2015.

Background

In addition to state regulations, marijuana businesses must comply with City regulations such as zoning. Consequently a business selling marijuana, may only be located in zones where retail uses are allowed (mostly business district zones), while processing and production businesses may only locate in zones where those uses are allowed (mostly light industrial zones).

Interim Regulations

In 2014, the City Council adopted interim zoning regulations for marijuana sales, processing and production. After the initial adoption in February 2014, the interim regulations were refined a number of times to address citizen concerns, with the final versions of the regulations adopted and extended in September and October, 2014. Under state law, interim regulations are intended to be temporary while new permanent regulations are prepared. An ordinance adopting interim regulations may have a maximum duration of six months, but may be renewed if the final regulations haven't been completed. The current interim regulations will expire on March 27, 2015.

In October, 2014 the City Council considered several approaches to preparing permanent regulations. At that time, the Council directed staff to prepare permanent regulations that codify the interim regulations and present those regulations to the Council in time to be adopted prior to the expiration of the interim regulations.

State regulations

Initiative 502, approved by the voters in 2012, legalized the possession, sale, processing and production of marijuana in Washington State. The initiative assigned the responsibility for regulating and licensing marijuana businesses to the Washington State Liquor Control Board (LCB) and established that marijuana businesses may not be located within 1000 feet of "the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library or any game arcade."

The LCB also issued a number of other regulations, including:

- prohibition on locating a marijuana business in a personal residence;
- limitation of on-premises sign area to 1,600 square inches (about 11 square feet);
- prohibition on issuing permits to those with criminal backgrounds;
- prohibition on consuming marijuana on business premises;
- limitation of the number of retail licenses issued within each city, based upon the 2010 population census. Kirkland was assigned a maximum of two retail licenses;
- prohibition on issuing a license to a business within another business;
- limitation of hours of operation to between 8 a.m. and 12 a.m.;
- Requirements for alarms and surveillance cameras;
- Requirements for businesses to buy liability insurance.

New Zoning Code Amendments

New zoning regulations to codify the interim regulations were reviewed by the Planning Commission at a study session in December, 2014 and the Commission conducted a public hearing on the regulations on January 22, 2015. Several people spoke at the hearing, all of whom recommended approval. In addition, several letters expressing support were received. Following the hearing, the Commission recommended approval.

In summary, the following new regulations are recommended:

- A special regulation in the MSC 1 and 2 zones that prohibits marijuana sales;
- Use listings in the TL 7, 9A and LIT zones that allow marijuana sales in those zones;
- A special regulation in the LIT zone that specifies that sale of marijuana sales is only allowed where at least 50% of the zone is bounded by commercial zones;
- A special regulation in all zones within which or adjacent to which there are designated school walk routes (PR, BN, BNA, BC, BC2, RH 5A, RH 5B, RH 7, and RH 8) prohibiting marijuana sales on properties abutting a school walk route;
- A "plate" showing designated school walk routes; and
- An odor control regulation in Chapter 115 pertaining to marijuana processing and production businesses.

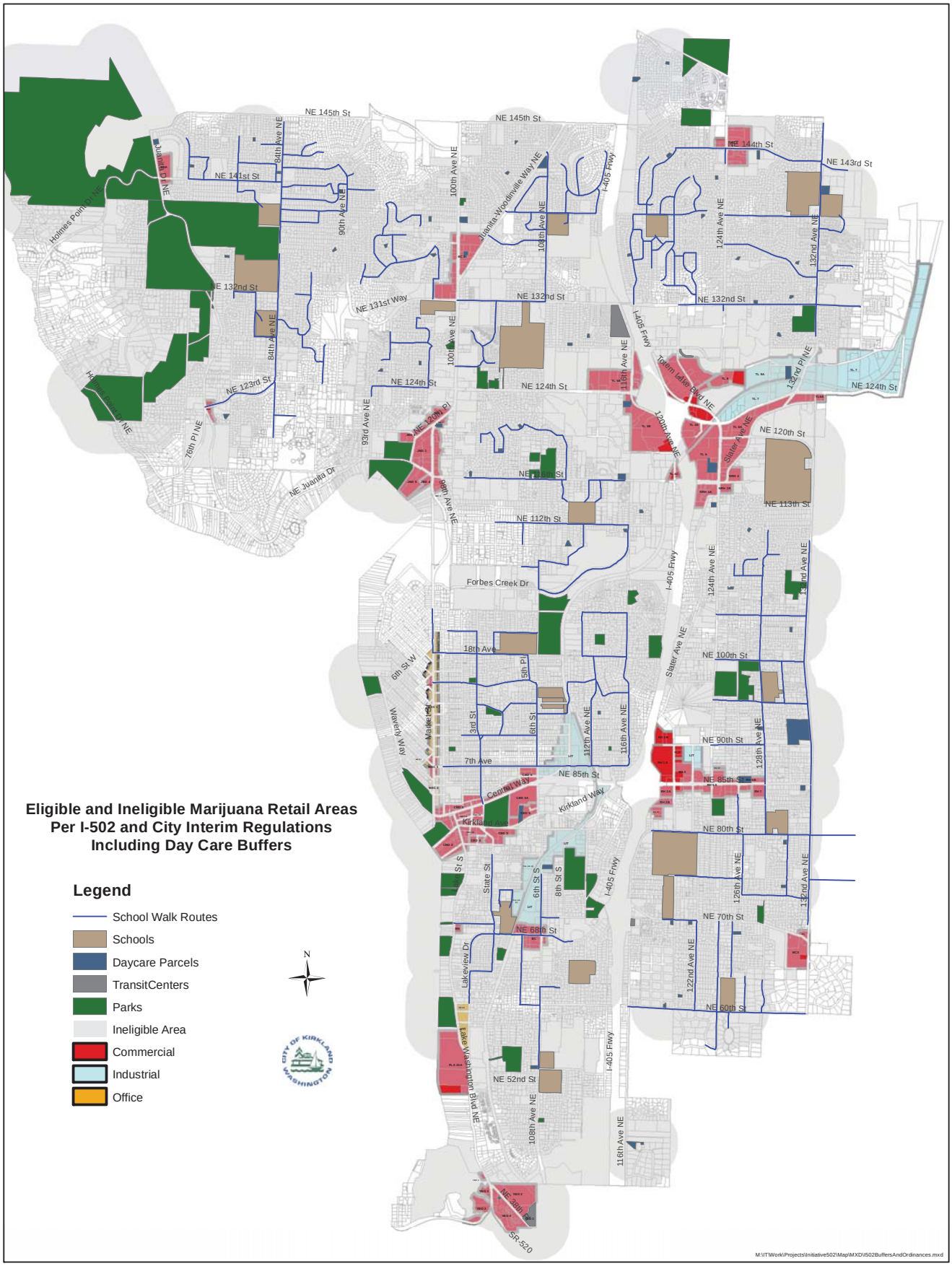
The proposed regulations were reviewed by the Houghton Community Council after conducting a public hearing on February 23, 2015. One person spoke at the hearing in favor of the regulations and the Community Council voted to recommend approval.

Exhibit A is a map showing properties where marijuana sales are allowed given both zoning regulations and the 1,000 foot buffers established by I-502.

Exhibit:

A. Map of sites where marijuana sales allowed

Exhibit A


Eligible and Ineligible Marijuana Retail Areas
Per I-502 and City Interim Regulations
Including Day Care Buffers
Legend
School Walk Routes
Schools
Daycare Parcels
TransitCenters
Parks
Ineligible Area
Commercial
Industrial
Office
N
NE 145th St
NE 144th St
NE 143rd St
NE 141st St
NE 132nd St
NE 131st Way
NE 123rd St
NE 124th St
NE 120th St
NE 113th St
NE 112th St
Forbes Creek Dr
18th Ave
NE 100th St
NE 90th St
NE 85th St
NE 80th St
NE 70th St
NE 68th St
NE 60th St
NE 52nd St
NE 38th St
SR-520
Juanita Dr NE
Holmes Point Dr NE
84th Ave NE
90th Ave NE
100th Ave NE
Juanita-Woodinville Way NE
108th Ave NE
I-405 Frwy
124th Ave NE
132nd Ave NE
116th Ave NE
120th Ave NE
Totem Lake Blvd NE
132nd Pl NE
Slater Ave NE
76th Pl NE
93rd Ave NE
98th Ave NE
NE Juanita Dr
6th St W
Waverly Way
Market St
3rd St
6th St
112th Ave NE
7th Ave
Central Way
Kirkland Way
State St
6th St S
8th St S
Lakeview Dr
Lake Washington Blvd NE
128th Ave NE
126th Ave NE
122nd Ave NE
108th Ave NE
116th Ave NE
M:\IT\Work\Projects\Initiative502\Map\MXD\I502BuffersAndOrdinances.mxd

ORDINANCE O-4479

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, REPEALING ORDINANCES O-4439, O-4446, O-4447, O-4453 AND O-4462; PERMITTING STATE-LICENSED MARIJUANA PRODUCTION AND PROCESSING FACILITIES IN THE TOTEM LAKE (TL) 7 AND 9A ZONES AND IN LIGHT INDUSTRIAL (LIT) ZONES; PERMITTING STATE-LICENSED RETAIL FACILITIES IN TL 7, TL 9A AND LIT ZONES WHERE AT LEAST 50 PERCENT OF THE ZONE IS BOUNDED BY COMMERCIAL ZONES; PROHIBITING STATE-LICENSED RETAIL FACILITIES IN MARKET STREET CORRIDOR (MSC) 1 AND 2 ZONES; PROHIBITING STATE-LICENSED RETAIL SALES IN ALL ZONES ON PROPERTIES ABUTTING DESIGNATED SCHOOL WALK ROUTES; AND AMENDING KIRKLAND ZONING CODE SECTION 115.100 TO ADD AN ODOR REGULATION FOR PROCESSING AND PRODUCTION FACILITIES; PROVIDING FOR SEVERABILITY, AND APPROVING A PUBLICATION SUMMARY, FILE NO. CAM14-0237.

WHEREAS, Initiative 502 approved by Washington voters in November 2012, provides a framework for licensing and regulating the production, processing, and retail sale of recreational marijuana; and

WHEREAS, the Washington State Liquor Control Board has adopted rules pertaining to the licensing of marijuana producers, processors, and retailers and has accepted applications, and is currently issuing licenses for these marijuana businesses; and

WHEREAS, the State Liquor Control Board has determined that two state licenses for the retail sale of recreational marijuana may be issued for the City of Kirkland, but there is not a limit on the number of production and processing licenses that could be issued within the City; and

WHEREAS, on January 16, 2014, the Washington State Attorney General issued a formal opinion which concluded that I-502 does not prevent local governments from regulating or banning marijuana businesses; and

WHEREAS, in 2014 the City Council passed a series of ordinances which adopted interim zoning regulations regarding the retail sale of recreational marijuana and odor control for marijuana processing and production facilities; and

WHEREAS, the City Council directed City staff to draft permanent regulations to govern state-licensed retail, processing and production facilities and refer to the Kirkland Planning Commission for review, public hearing and recommendation for inclusion in the Kirkland Zoning Code; and

WHEREAS, on December 8, 2014, draft development regulations were forwarded to the Washington State Department of Commerce as required by RCW 36.70A.106(1); and

WHEREAS, as required by the State Environmental Policy Act (SEPA), a SEPA addendum issued by the responsible official and dated December 26, 2014, has accompanied the legislative proposal and recommendation through the entire consideration process; and

WHEREAS, on January 22, 2015, following notice as required by RCW 35A.63.070, the Kirkland Planning Commission held a public hearing on the amendment proposals and considered the comments received at the hearing; and

WHEREAS, on February 23, 2015, the Houghton Community Council held a public hearing on the amendment proposals and considered the comments received at the hearing; and

WHEREAS, the City Council has received the recommendation of approval from both the Planning Commission and Houghton Community Council; and

WHEREAS, the City Council believes that health, safety, and welfare of the community is best served by establishing permanent regulations related to state-licensed marijuana facilities.

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

Section 1.

a. Kirkland Zoning Code (KZC) Chapter 30, Office Zones, Section 30.20.250, is amended to add a reference to and add a new Permitted Uses (PU) Special Regulation, PU-39, which prohibits retail establishments selling marijuana or products containing marijuana on properties abutting the school walk routes shown on Plate 46.
b. KZC Chapter 35, Commercial Zones, Section 35.20.170, is amended to add a reference to and add a new Permitted Uses Special Regulation, PU-30, which prohibits retail establishments selling marijuana or products containing marijuana on properties abutting the school walk routes shown on Plate 46.

The amendments in Section 1 are shown in Attachment A attached to this Ordinance and incorporated by reference.

Section 2.

a. KZC Chapter 40, Industrial Zones, is amended to add Section 40.20.245, a new use listing in the LIT Zone, to the Permitted Uses Table, to permit retail establishments selling marijuana or products containing marijuana and add references to new Special Regulation PU-30, permitting marijuana retail establishments only where 50 percent of the boundaries of the LIT Zone adjoin commercial zones and Special

Regulation PU-31, not permitting marijuana retail establishments on school walk routes shown on Plate 46.

b. KZC Chapter 40, Industrial Zones, is amended to add Section 40.30.245, a new use listing, to the Density/Dimensions Table.

The amendments in Section 2 are shown in Attachment B attached to this Ordinance and incorporated by reference.

Section 3.

a. The Use Zone Chart for the Market Street Corridor (MSC) 1, 4, KZC Section 51.10.050, is amended to prohibit retail establishments selling marijuana or products containing marijuana within the MSC 1 Zone.

b. The Use Zone Chart for MSC 2, KZC Section 51.20.010, is amended to prohibit the sale of marijuana or products containing marijuana.

The amendments in Section 3 are shown in Attachment C attached to this Ordinance and incorporated by reference.

Section 4. The Use Zone Chart for Rose Hill (RH) 5A, 5B, KZC Section 53.54.050, the Use Zone Chart for RH 7, KZC Section 53.74.020, and the Use Zone Chart for RH 8, Section 53.84.040, are amended to prohibit retail establishments selling marijuana or products containing marijuana on properties abutting school walk routes shown on Plate 46 as shown in Attachment D attached to this Ordinance and incorporated by reference.

Section 5. The Use Zone Chart for Totem Lake (TL) 7, KZC Section 55.51.085, and the Use Zone Chart for TL 9A, Section 55.61.075, are amended to allow retail establishments selling marijuana or products containing marijuana as shown in Attachment E attached to this Ordinance and incorporated by reference.

Section 6. KZC 115.100, Odor, is amended to read as shown in Attachment F attached to this Ordinance and incorporated by reference.

Section 7. KZC Chapter 180, Plates, is amended to add Plate 46, "School Walk Routes," as shown in Attachment G attached to this Ordinance and incorporated by reference.

Section 8. Severability. Should any provision of this Ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 9. Effective Date. This Ordinance shall be in force and effect March 26, 2015, after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to this Ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this __ day of _____, 2015.

Signed in authentication thereof this ___ day of _____, 2015.

_____
MAYOR

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

30.20 Permitted Uses

Permitted Uses Table – Office Zones
(PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PR 1.8; PRA 1.8; PLA 5B, C; PLA 6B; PLA 15A; PLA 17A)
(See also KZC 30.30, Density/Dimensions Table, and KZC 30.40, Development Standards Table)

		Required Review Process: I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)						
Use		**PO**	**PR, PRA**	**PLA 5B**	**PLA 5C**	**PLA 6B**	**PLA 15A**	**PLA 17A**
30.20.010	Assisted Living Facility	NP	None 1, 2, 3, 4	None 2, 3, 4	DR 2, 4, 5	None 2, 3, 4	NP	NP
30.20.020	Boat Launch for Nonmotorized and/or Motorized Boats	NP	NP	NP	NP	NP	I 16	NP
30.20.030	Church	None	I 12	I	DR 5	None	NP	DR
30.20.040	Community Facility	I	I 1, 13	I	DR 5	IIA	IIA 6	DR 14
30.20.050	Convalescent Center	I	I 1, 3	I 3	DR 5	I 3	NP	DR
30.20.060	Detached, Attached or Stacked Dwelling Units	NP	None 12	None 31	DR 5	None	IIB 6, 7, 8, 9, 10, 31	DR 11, 31
30.20.070	Detached Dwelling Unit	NP	None 15	NP	None 15	None 15	I 10	None 15
30.20.080	Development containing: Attached or Stacked Dwelling Units; and Restaurant or Tavern; and Marina	NP	NP	NP	NP	NP	17, 18	NP

O-4479
Attachment A

Permitted Uses Table – Office Zones (Continued)
(PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PR 1.8; PRA 1.8; PLA 5B, C; PLA 6B; PLA 15A; PLA 17A)
(See also KZC 30.30, Density/Dimensions Table, and KZC 30.40, Development Standards Table)

Required Review Process:

I = Process I, Chapter 145 KZC
IIA = Process IIA, Chapter 150 KZC
IIB = Process IIB, Chapter 152 KZC
DR = Design Review, Chapter 142 KZC
None = No Required Review Process

NP = Use Not Permitted
# = Applicable Special Regulations (listed after the table)

	Use	PO	PR, PRA	PLA 5B	PLA 5C	PLA 6B	PLA 15A	PLA 17A
30.20.090	Development Containing Stacked or Attached Dwelling Units and Office Uses	NP	None 12, 19, 20	None 19, 20, 21	DR 5, 19, 20	None 19, 20	NP	NP
30.20.100	Funeral Home or Mortuary	None	I 12, 22	NP	NP	I	NP	NP
30.20.110	Government Facility	I	I 1, 13	I	DR 5	IIA	IIA 6	DR 14
30.20.120	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, or Shoe Repair Shop	None 23	I 12, 22, 23, 24	NP	NP	NP	NP	NP
30.20.130	Hospital Facility	IIA	NP	NP	NP	NP	NP	NP
30.20.140	Marina	NP	NP	NP	NP	NP	IIB 25	NP
30.20.150	Mini-School or Mini-Day-Care Center	None 26, 27, 28	None 1, 26, 28, 29	None 26, 27, 28, 30	DR 5, 26, 27, 28	None 26, 27, 28, 30	NP	DR 26, 28, 29
30.20.160	Nursing Home	I	I 1, 3	I 3	DR 5	I 3	NP	DR
30.20.170	Office Uses	None 20, 33	None 12, 20, 33	None 20, 33	DR 5, 20, 33	None 20, 33	IIB 6, 7, 8, 9, 10	DR 20

O-4479
Attachment A

Permitted Uses Table – Office Zones (Continued)
(PO; PR 8.5; PR 5.0; PR 3.6; PR 2.4; PR 1.8; PRA 1.8; PLA 5B, C; PLA 6B; PLA 15A; PLA 17A)
(See also KZC 30.30, Density/Dimensions Table, and KZC 30.40, Development Standards Table)

Use		Required Review Process: I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)						
		PO	PR, PRA	PLA 5B	PLA 5C	PLA 6B	PLA 15A	PLA 17A
30.20.180	Passenger Only Ferry Terminal	NP	NP	NP	NP	NP	I 16	NP
30.20.190	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	NP	NP	NP	NP	NP	I 16	NP
30.20.200	Piers, Docks, Boat Lifts and Canopies Serving Detached Dwelling Unit	NP	NP	NP	NP	NP	I 16	NP
30.20.210	Public Access Pier, Public Access Facility, or Boardwalk	NP	NP	NP	NP	NP	IIB	NP
30.20.220	Public Park	See KZC 45.50 for required review process.						
30.20.230	Public Utility	I	I1	I	DR 5	IIA	IIA 6	DR 14
30.20.240	Restaurant or Tavern	None 34	I 12, 22, 24, 34	NP	NP	NP	NP	NP
30.20.250	Retail Establishment other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services including banking and financial services	NP	I 12, 24, 35, 36, 39	NP	NP	NP	NP	NP

O-4479
Attachment A

b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

PU-37. If this use is adjoining a low density zone, then Process I, Chapter 145 KZC.

PU-38. Structured play areas must be setback from all property lines as follows:
a. 20 feet if this use can accommodate 50 or more students or children.
b. 10 feet if this use can accommodate 13 to 49 students or children.

PU-39. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.

O-4479
Attachment A

Permitted Uses Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued)
(See also KZC 35.30, Density/Dimensions Table, and KZC 35.40, Development Standards Table)

Use		Required Review Process:		
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC DR = Design Review, Chapter 142 KZC None = No Required Review Process NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)		
		BN, BNA	**BC, BC 1, BC 2**	**BCX**
35.20.120	Office Use	DR 18, 19, 20, 21	None 18, 19	None 18, 19
35.20.130	Private Lodge or Club	DR	None	None
35.20.140	Public Park	See KZC 45.50 for required review process.		
35.20.150	Public Utility	IIA	None	None
35.20.160	Restaurant or Tavern	DR 11, 12, 13	None 11, 13	None 11, 13
35.20.170	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services	NP	None 12, 22, 23, 30	None 12, 22, 23, 24
35.20.180	Retail Establishment providing banking and related financial services	DR 11, 12, 13	NP	NP
35.20.190	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	DR 11, 12, 13	NP	NP
35.20.200	Retail Establishment providing storage services	NP	None 25, 26	None 25
35.20.210	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	NP	None 27	NP
35.20.220	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	DR 11, 23, 30	NP	NP

O-4479
Attachment A

PU-19. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:
a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

PU-20. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.

PU-21. For properties located within the Moss Bay neighborhood, this use not allowed above the street level floor of any structure.

PU-22. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

PU-23. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:
a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and
b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

PU-24. 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.

PU-25. May include accessory living facilities for resident security manager.

PU-26. This use not permitted in BC 1 and BC 2 zones or if any portion of the property is located within 150 feet of the Cross Kirkland Corridor.

PU-27. Vehicle and boat rental are allowed as part of this use.

PU-28. May not be more than two vehicle service stations at any intersection.

PU-29. This use not allowed in the BN zone.

PU-30. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.

O-4479
Attachment A

Permitted Uses Table – Industrial Zones (LIT, PLA 6G) (Continued)
(See also KZC 40.30, Density/Dimensions Table, and KZC 40.40, Development Standards Table)

Use		Required Review Process: I = Process I, Chapter 145 KZC; IIA = Process IIA, Chapter 150 KZC; IIB = Process IIB, Chapter 152 KZC; DR = Design Review, Chapter 142 KZC; None = No Required Review Process; NP = Use Not Permitted; # = Applicable Special Regulations (listed after the table)	
		LIT	**PLA 6G**
40.20.190	Public Utility	None 7	IIA 12
40.20.200	Recycling Center	None 7, 26	NP
40.20.210	Restaurant	None 7, 19, 27	NP
40.20.220	Retail Establishment Providing Banking and Related Financial Services	None 7, 19, 27	NP
40.20.230	Retail Establishment Providing Rental Services	None 7	NP
40.20.240	Retail Establishment Providing Storage Services	None 7, 28, 29	None 28, 29
40.20.245	Retail Establishment Selling Marijuana or Products Containing Marijuana	None 7, 30, 31	NP
40.20.250	School or Day-Care Center	None 7, 16, 17, 18	Schools are NP, see KZC 40.20.060 for Day-Care Centers
40.20.260	Vehicle or Boat Repair, Services, Storage, or Washing	None 7, 25	NP
40.20.270	Warehouse Storage Service	None 7, 14	None 11, 12, 13, 14, 15

O-4479
Attachment B

b. The use is integrated into the design of the building.

PU-20. Must comply with the state siting criteria adopted in accordance with RCW 70.105.210.

PU-21. This use may include research and development, testing, assembly, repair or manufacturing or offices that support businesses involved in the pharmaceutical and biotechnology, communications and information technology, electronics and instrumentation, computers and software sectors.

PU-22. Reserved.

PU-23. Must provide suitable shelter for the animals.

PU-24. Must maintain a clean, healthful environment for the animals.

PU-25. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.

PU-26. May deal in metal cans, glass, and paper. Other materials may be recycled if the Planning Director determines that the impacts are no greater than those associated with recycling metal cans, glass, or paper. The individual will have the burden of proof in demonstrating similar impacts.

PU-27. This use is permitted if accessory to a primary use, and there is no vehicle drive-in or drive-through.

PU-28. May include accessory living facilities for resident security manager.

PU-29. This use not permitted if any portion of the subject property is located within 150 feet of the Cross Kirkland Corridor.

PU-30. Permitted only where 50 percent of the boundaries of the LIT zone adjoin commercial zones.

PU-31. Not permitted on school walk routes shown on Plate 46.

O-4479
Attachment B

Density/Dimensions Table – Industrial Zones (LIT, PLA 6G) (Continued)
(Refer to KZC 40.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 40.40, Development Standards Table)

USE		Minimum Lot Size	REQUIRED YARDS (See Ch. 115)			Maximum Lot Coverage	Maximum Height of Structure ABE = Average Building Elevation
			Front	Side	Rear		
40.30.170	Packaging of Prepared Materials Manufacturing	None	20'	0'	0'	90%	35' above ABE.[3]
40.30.180	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50.					
40.30.190	Public Utility	None	20'	0'	0'	80%	35' above ABE.[3]
40.30.200	Recycling Center	None	20'	0'	0'	80%	35' above ABE.[3]
40.30.210	Restaurant	None	20'	0'	0'	80%	35' above ABE.[3]
40.30.220	Retail Establishment Providing Banking and Related Financial Services	None	20'	0'	0'	80%	35' above ABE.[3]
40.30.230	Retail Establishment Providing Rental Services	None	20'	0'	0'	80%	35' above ABE.[3]
40.30.240	Retail Establishment Providing Storage Services	None	20'	0'	0'	**LIT:** 90% **PLA 6G:** 80%	35' above ABE.[3]
40.30.245	Retail Establishment Selling Marijuana or Products Containing Marijuana	None	20'	0'	0'	80%	35' above ABE.[10]
40.30.250	School or Day-Care Center	None	20'	0'	0'	80%	35' above ABE.[3]
40.30.260	Vehicle or Boat Repair, Services, Storage, or Washing	None	20'	0'	0'	80%	35' above ABE.[3]
40.30.270	Warehouse Storage Service	None	20'	0'	0'	90%	35' above ABE.[3]
40.30.280	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control	None	20'	0'	0'	**LIT:** 80% **PLA 6G:** 90%	35' above ABE.[3]
40.30.290	Wholesale Printing or Publishing	None	20'	0'	0'	90%	35' above ABE.[3]

O-4479
Attachment B

Development Standards Table – Industrial Zones (LIT, PLA 6G) (Continued)
(Refer to KZC 40.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 40.30, Density/Dimensions Table)

Use		Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
40.40.160	Office Use[3]	C[11]	**LIT:** E **PLA 6G:** D	**LIT:** 1 per each 300 sq. ft. of gross floor area.[12] **PLA 6G:** 1 per each 300 sq. ft. of gross floor area.[4, 12]
40.40.170	Packaging of Prepared Materials Manufacturing	**LIT:** A[15] **PLA 6G:** A	C	**LIT:** 1 per each 1,000 sq. ft. of gross floor area.[15] **PLA 6G:** 1 per each 1,000 sq. ft. of gross floor area.
40.40.180	Public Park	Development standards will be determined on a case-by-case basis. See KZC 45.50.		
40.40.190	Public Utility[3]	**LIT:** C[5] **PLA 6G:** A[5]	B	See KZC 105.25.
40.40.200	Recycling Center	A	C	See KZC 105.25.
40.40.210	Restaurant	B	E	1 per each 100 sq. ft. of gross floor area.
40.40.220	Retail Establishment Providing Banking and Related Financial Services	B	E	1 per each 300 sq. ft. of gross floor area.
40.40.230	Retail Establishment Providing Rental Services	B[1]	E	1 per each 1,000 sq. ft. of gross floor area.
40.40.240	Retail Establishment Providing Storage Services[3]	A	E	**LIT:** See KZC 105.25. **PLA 6G:** See KZC 105.25.[4]
40.40.245	Retail Establishment Selling Marijuana or Products Containing Marijuana	B	E	1 per each 300 sq. ft. of gross floor area.
40.40.250	School or Day-Care Center	D	B	See KZC 105.25.[10, 13]
40.40.260	Vehicle or Boat Repair, Services, Storage, or Washing	A	E	See KZC 105.25.[14]
40.40.270	Warehouse Storage Service[3]	**LIT:** A[15] **PLA 6G:** A	C	**LIT:** 1 per each 1,000 sq. ft. of gross floor area. **PLA 6G:** 1 per each 1,000 sq. ft. of gross floor area.[4]
40.40.280	Wholesale Establishment or Contracting Services in Building Construction, Plumbing, Electrical, Landscaping, or Pest Control[3]	**LIT:** B[1] **PLA 6G:** A	**LIT:** E **PLA 6G:** C	**LIT:** 1 per each 1,000 sq. ft. of gross floor area. **PLA 6G:** 1 per each 1,000 sq. ft. of gross floor area.[4]

O-4479
Attachment B

Section 55.51 Zone TL 7

USE ZONE CHART

Section 55.51	USE ▪ REGULATIONS ▪	DIRECTIONS: FIRST, read down to find use… THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS					MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.085	A Retail Establishment selling marijuana or products containing marijuana	D.R. Chapter 142. See Gen. Reg. 3.	None	10′	0′	0′	80 %	45′ above average building elevation	B	E	1 per each 300 sq. ft. of gross floor area	

Section 55.61 Zone TL 9A

USE ZONE CHART

Section 55.61	USE ▪ REGULATIONS ▪	DIRECTIONS: FIRST, read down to find use… THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS					MAXIMUMS	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Req'd Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.075	A Retail Establishment selling marijuana or products containing marijuana	None	None	10′	0′	0′	80%	45′ above average building elevation	B	E	1 per each 300 sq. ft. of gross floor area	

O-4479
Attachment C

Section 51.10 Zone MSC 1, 4 **USE ZONE CHART**

Section 51.10	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.010	Detached Dwelling Units	None	3,600 sq. ft.	10' in MSC 4, other-wise 20'	5'	10'	70%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	E	A	2.0 per dwelling unit.	1. For this use, only one dwelling unit may be on each lot regardless of lot size. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.020	Detached, Attached or Stacked Dwelling Units	D.R., Chapter 142 KZC.			5' for detached units. For attached or stacked units, 5', but 2 side yards must equal at least 15'.				D		1.7 per unit.	1. Minimum amount of lot area per dwelling unit is as follows: a. In MSC 1 zone, the minimum lot area per unit is 3,600 sq. ft. b. In MSC 4 zone west of Market Street, the minimum lot area per unit is 3,600 sq. ft., and east of Market Street, the minimum lot area per unit is 1,800 sq. ft. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.030	Office Uses		None		5' but 2 side yards must equal at least 15'.				C	D	If medical, dental or veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property. d. Not permitted in any development containing dwelling units. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 51.10 Zone MSC 1, 4 **U S E Z O N E C H A R T**

Section 51.10	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.040	Restaurant or Tavern	D.R., Chapter 142 KZC.	None	10' in MSC 4, other-wise 20'	5' but 2 side yards must equal at least 15'.	10'	70%	If adjoining a low density zone, then 25' above average build-ing elevation. Otherwise, 30' above average building elevation.	C See Spec. Reg. 4.	E	1 per each 100 sq. ft. floor area.	1. This use is limited to 2,000 sq. ft. maximum. 2. Drive-in or drive-through facilities are not permitted. 3. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property. 4. Any outdoor seating areas are subject to Landscape Category B.

O-4479
Attachment D

Section 51.10 Zone MSC 1, 4 **USE ZONE CHART**

Section 51.10	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.050	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	10' in MSC 4, otherwise 20'	5' but 2 side yards must equal at least 15'.	10'	70%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	E	1 per each 300 sq. ft. floor area.	1. The following uses are not permitted in this zone: a. Vehicle service stations. b. Automotive service centers. c. Uses with drive-in facilities or drive-through facilities. d. Retail establishments providing storage services unless accessory to another permitted use. e. Retail establishments involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles. f. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. g. Storage of parts unless conducted entirely within an enclosed structure. h. Within the MSC 1 zone, retail establishments selling marijuana or products containing marijuana. 2. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property. 3. Gross floor area cannot exceed 2,000 square feet. 4. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.
.060	Church				20' on each side.	20'			C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to this use.

Section 51.10 Zone MSC 1, 4 **U S E Z O N E C H A R T**

Section 51.10	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.070	School or Day-Care Center	D.R., Chapter 142 KZC.	7,200 sq. ft.	10' in MSC 4, otherwise 20'	5' but 2 side yards must equal at least 15'.	10'	70%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg. 5.	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 3. May include accessory living facilities for staff persons. 4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 5. For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

O-4479
Attachment D

Section 51.10 Zone MSC 1, 4 **USE ZONE CHART**

Section 51.10	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.080	Mini-School or Mini-Day-Care	D.R., Chapter 142 KZC.	3,600 sq. ft.	10' in MSC 4, other-wise 20'	5' but 2 side yards must equal at least 15'.	10'	70%	If adjoining a low density zone, then 25' above average build-ing elevation. Otherwise, 30' above average building eleva-tion.	E	B	See KZC 105.25.	1. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 2. 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. 3. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 4. Electrical signs shall not be permitted. Size of signs may be limited to be compatible with nearby residential uses. 5. May include accessory living facilities for staff persons.
.090	Assisted Living Facility								D	A	1.7 per independent unit. 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met: a. Project is of superior design; and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.100	Convalescent Center or Nursing Home		7,200 sq. ft.		10' on each side				C	B	1 for each bed.	
.110	Public Utility		None		20' on each side	20'			A		See KZC 105.25.	
.120	Government Facility Community Facility				10' on each side	10'			C See Spec. Reg. 2.			1. Site design must minimize adverse impacts on surrounding residential neighborhoods. 2. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.130	Public Park	Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.										

(Revised 9/13)

O-4479
Attachment D

Section 51.20 Zone MSC 2 **USE ZONE CHART**

Section 51.20	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	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	0' along Market Street, otherwise 20'	10 on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation. See Gen. Reg. 4.b.	B See Gen. Reg. 6.	D	1 per each 300 sq. ft. of gross floor area.	1. Gross floor area for this use may not exceed 4,000 square feet. 2. The following uses are not permitted in this zone: a. Vehicle service stations. b. Automotive service centers. c. Uses with drive-in facilities or drive-through facilities, except those existing as of June 15, 2007. d. Retail establishments providing storage services unless accessory to another permitted use. e. Retail establishments involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles. f. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. g. Storage of parts unless conducted entirely within an enclosed structure. h. Retail establishments selling marijuana or products containing marijuana. 3. A delicatessen, bakery, or other similar use may include, as part of this use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of this use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 4. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 5. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.

Section 51.20 — Zone MSC 2 — USE ZONE CHART

Section 51.20	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.020	Restaurant or Tavern	D.R., Chapter 142 KZC.	None	0' along Market Street, otherwise 20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	B See Gen. Reg. 6.	D	1 per each 100 sq. ft. of gross floor area.	1. Restaurants and taverns are limited to 4,000 sq. ft. maximum. 2. Drive-in and drive-through facilities are not permitted. 3. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
.030	Private Lodge or Club									B	1 per each 300 sq. ft. of gross floor area.	1. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
.040	Office Use									D	If a medical, dental or veterinary office, then one per each 200 sq. ft. of gross floor area. Otherwise one per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.050	Attached or Stacked Dwelling Unit. See Gen. Reg. 4.			Same as the regulations for the ground floor use.						A	1.7 per unit.	1. Minimum lot area per dwelling unit is 900 square feet. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

(Revised 9/13)

O-4479
Attachment D

Section 51.20 Zone MSC 2 **U S E Z O N E C H A R T**

Section 51.20	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.060	Church	D.R., Chapter 142 KZC.	None	20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for every 4 people based on maximum occupancy load of any area of worship. See also Spec. Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to this use.
.070	School or Day-Care Center			0' along Market Street, otherwise 20'				If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation. See Spec. Reg. 6.	B See Gen. Reg. 6.		See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 4. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.

Section 51.20 — Zone MSC 2 — USE ZONE CHART

Section 51.20	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.080	Mini-School or Mini-Day-Care	D.R., Chapter 142 KZC.	None	0' along Market Street, otherwise 20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	B See Gen. Reg. 6.	B	See KZC 105.25.	1. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 4. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 5. May include accessory living facilities for staff persons.
.090	Assisted Living Facility See Gen. Reg. 4.			Same as the regulations for the ground floor use.						A	1.7 per independent unit. 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of attached or stacked dwelling units allowed on the subject property. 3. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.100	Convalescent Center or Nursing Home			20'	10' on each side	10'	80%	If adjoining a low density zone, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for each bed.	
.110	Public Utility				20' on each side	20'			A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.120	Government Facility Community Facility				10' on each side	10'			C See Spec. Reg. 1			
.130	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

Section 53.54 Zone RH 5A, 5B **USE ZONE CHART**

Section 53.54	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.010	Vehicle Service Station See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	22,500 sq. ft.	20' See Spec. Reg. 4.	15' See Spec. Reg. 4.	15' See Spec. Reg. 4.	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	See KZC 105.25.	1. This use is permitted only if the subject property abuts NE 85th Street. 2. This use is not permitted in the RH 5B zone. 3. May not be more than two vehicle service stations at any intersection. 4. Gas pump islands must be set back at least 20 feet from all property lines. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. 5. See KZC 95.40 through 95.45, required landscaping, for further regulations.
.020	Automotive Service Center See Spec. Reg. 1.		None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'					1 per each 250 sq. ft. of gross floor area. See Spec. Reg. 4.	1. This use is not permitted in the RH 5B zone. 2. This use specifically excludes a retail establishment involving the sale, lease, repair or service of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment, and similar vehicles. 3. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of a building adjoining any residential zone. Windows are permitted if they are triple-paned and unable to be opened. 4. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use. 5. Parts and tires must be stored entirely within an enclosed structure. 6. Outdoor vehicle parking or storage must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
.030	Entertainment, Cultural and/or Recreational Facility										See KZC 105.25.	
.040	Restaurant or Tavern See Spec. Regs. 1 and 2.										1 per each 100 sq. ft. of gross floor area.	1. Taverns and restaurants with drive-in or drive-through facilities are not permitted uses in an RH 5B zone. 2. For restaurants with drive-in or drive-through facilities: a. One outdoor waste receptacle shall be provided for every eight parking stalls. b. 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.

Section 53.54 Zone RH 5A, 5B

USE ZONE CHART

Section 53.54	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115): Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.050	Any Retail Establishment other than those specifically listed in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	1 per each 300 sq. ft. of gross floor area.	1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 2. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. 3. For a retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, or recreation trailers, the following shall apply: a. This use is not permitted in the RH 5B zone; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. b. For the number of required parking stalls see KZC 105.25. c. Parts must be stored entirely within an enclosed structure. d. See KZC 95.40 through 95.45, required landscaping, for further regulations. 4. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.
.060	Office Use								B	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

Section 53.54 Zone RH 5A, 5B

USE ZONE CHART

Section 53.54	USE / REGULATIONS	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (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	Hotel or Motel	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.080	Private Lodge or Club									B	1 per each 300 sq. ft. of gross floor area.	
.090	Stacked Dwelling Units See Spec. Reg. 1.									A	1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.100	Church									B	1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.

O-4479
Attachment E

Section 53.54 Zone RH 5A, 5B

USE ZONE CHART

Section 53.54	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.110	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	80%	If adjoining an RS or RSX zone, then 30' above average building elevation. Otherwise, 35' above average building elevation.	A	B	See KZC 105.25. See Spec. Regs. 2 and 4.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 3. May include accessory living facilities for staff persons.4 4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.
.120	Assisted Living Facility, Convalescent Center or Nursing Home									A Convalescent Center or Nursing Home: B	Independent unit: 1.7 per unit. Assisted living unit: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed.	1. The development must be designed to limit potential impacts from surrounding commercial uses on residents of the subject property. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.130	Public Utility									B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.140	Government Facility Community Facility								C See Spec. Reg. 1.			
.150	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

O-4479
Attachment E

Section 53.74 Zone RH 7 **USE ZONE CHART**

Section 53.74	USE ⇩ / REGULATIONS ⇨	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.010	Restaurants or Taverns	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	30' above average building elevation.	A	E	1 per each 100 sq. ft. of gross floor area.	1. Fast food restaurants must provide one outdoor waste receptacle for every eight parking stalls.
.020	Any Retail Establishment other than those specifically listed, limited or prohibited in this zone, selling goods or providing services, including banking and related financial services. See Spec. Regs. 1 and 2.										1 per each 300 sq. ft. of gross floor area.	1. The following uses are not permitted in this zone: a. Vehicle service stations; b. Automotive service centers; c. Uses with drive-in facilities or drive-through facilities; d. Retail establishments providing storage services unless accessory to another permitted use. e. A retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, recreation trailers, heavy equipment, and similar vehicles; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 3. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.

4. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.

O-4479
Attachment E

Section 53.74 Zone RH 7 **USE ZONE CHART**

Section 53.74	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.030	Office Use	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	30' above average building elevation.	A	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.040	Hotel or Motel									E	1 per each room. See also Spec. Reg. 2.	1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.
.050	Entertainment, Cultural and/or Recreational Facility										See KZC 105.25.	
.060	Private Lodge or Club									B	1 per each 300 sq. ft. of gross floor area.	
.070	Attached or Stacked Dwelling Units									A	1.7 per unit.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

O-4479
Attachment E

Section 53.74 Zone RH 7 **USE ZONE CHART**

Section 53.74	USE / REGULATIONS	Required Review Process	MINIMUMS: Lot Size	MINIMUMS: REQUIRED YARDS (See Ch. 115) Front	Side	Rear	MAXIMUMS: Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
		DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
.080	Development Containing Stacked Dwelling Units and one or more of the following uses: Retail uses including Banking and Other Financial Services, Restaurants or Taverns See Spec. Regs. 1 and 2.	D.R., Chapter 142 KZC.	More than 3 acres.	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	45' above average building elevation.	A	E	See KZC 105.25.	1. Development may also include other uses allowed in this zone. 2. The following uses are not permitted in this zone: a. Vehicle service stations. b. Automotive service centers. c. Uses with drive-in facilities or drive-through facilities. d. Retail establishments providing storage services unless accessory to another permitted use. e. Retail establishment involving the sale, service or repair of automobiles, trucks, boats, motorcycles, recreational vehicles, heavy equipment and similar vehicles. 3. The entire zone must be physically integrated both in site, building design, pedestrian access internally and to the street and provide other pedestrian amenities. 4. At least 10 percent of the units in new residential developments of four units or greater shall be affordable housing units as defined in Chapter 5 KZC. See Chapter 112 KZC for additional affordable housing requirements and incentives.
.090	Church		None					30' above average building elevation.		B	1 per every 4 people based on maximum occupancy load of any area of worship. See Special Regulation 2.	1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.

O-4479
Attachment E

Section 53.74 Zone RH 7 **USE ZONE CHART**

Section 53.74	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.100	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	0'	80%	30' above average building elevation.	D	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 3. May include accessory living facilities for staff persons. 4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated.
.110	Assisted Living Facility, Convalescent Center or Nursing Home See Spec. Reg. 1.									A Convalescent or Nursing Home: B	Independent unit: 1.7 per unit. Assisted living unit: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed.	1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.120	Public Utility								A	B	See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.130	Government Facility Community Facility								C See Spec. Reg. 1.			
.140	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

O-4479
Attachment E

Section 53.84 Zone RH 8 **USE ZONE CHART**

Section 53.84	USE ⇩ REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage	Height of Structure				
				Front	Side	Rear						
.010	Office Use	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation. See Gen. Regs. 2 and 3.	A	D	If a medical, dental or veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.	1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.020	Restaurant									E	1 per each 100 sq. ft. of gross floor area.	1. May not be located above the ground floor of a structure. 2. Gross floor area for each individual use may not exceed 4,000 sq. ft.
.030	Entertainment, Cultural and/or Recreational Facility										See KZC 105.25.	1. Gross floor area for each individual use may not exceed 4,000 sq. ft.
.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	1 per each 300 sq. ft. of gross floor area.	1. The following uses are not permitted in this zone: a. Vehicle service stations. b. Automotive service centers. c. Uses with drive-in facilities or drive-through facilities. d. Retail establishments providing storage services unless accessory to another permitted use. e. A retail establishment involving the sale, service or rental of motor vehicles, sailboats, motor boats, recreation trailers, heavy equipment and similar vehicles; provided, that motorcycle sales, service or rental is permitted if conducted indoors. f. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. g. Storage of parts unless conducted entirely within an enclosed structure. REGULATIONS CONTINUED ON NEXT PAGE

Section 53.84 Zone RH 8 **USE ZONE CHART**

Section 53.84	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (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. (continued)											REGULATIONS CONTINUED FROM PREVIOUS PAGE 2. This use may not be located above the ground floor of a structure except for personal service establishments that provide services involving the care of a person, or of a person's apparel, such as laundry and dry cleaning services, beauty shops, barber shops, shoe repair shops and tailors may be located above the ground floor; provided, that the use of exterior areas adjoining residential uses is prohibited. 3. Gross floor area for each individual use may not exceed 4,000 sq. ft. 4. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if: a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.
.050	Stacked Dwelling Units See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation. See Gen. Regs. 2 and 3.	A	A	1.7 per unit.	1. This use may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.060	Assisted Living Facility, Convalescent Center or Nursing Home See Spec. Reg. 1.										Independent unit: 1.7 per unit. Assisted living facility: 1 per unit. Convalescent Center or Nursing Home: 1 per each bed.	1. This use may not be located on the ground floor of a structure. 2. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.070	Church										1 per every 4 people based on maximum occupancy load of any area of worship. See Spec. Reg. 1.	1. No parking is required for day-care or school ancillary to the use.

5. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.

Section 53.84 Zone RH 8 **USE ZONE CHART**

Section 53.84	USE ⇩ / REGULATIONS ⇨	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS				MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (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	School, Day-Care Center, Mini-School or Mini-Day-Care Center	D.R., Chapter 142 KZC.	None	10' adjacent to NE 85th St., otherwise 20'.	0'	15'	70%	30' above average building elevation. See Gen. Regs. 2 and 3.	A	B	See KZC 105.25.	1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 3. May include accessory living facilities for staff persons. 4. To reduce impacts on nearby residential uses, hours of operation of the use may be limited and parking and passenger loading areas relocated. 5. For school use, structure height may be increased, up to 35 feet, if: a. The school can accommodate 200 or more students; and b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.
.090	Public Utility											1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.100	Government Facility Community Facility								C See Spec. Reg. 1.			
.110	Public Park	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										

O-4479
Attachment E

This page left intentionally blank.

O-4479
Attachment E

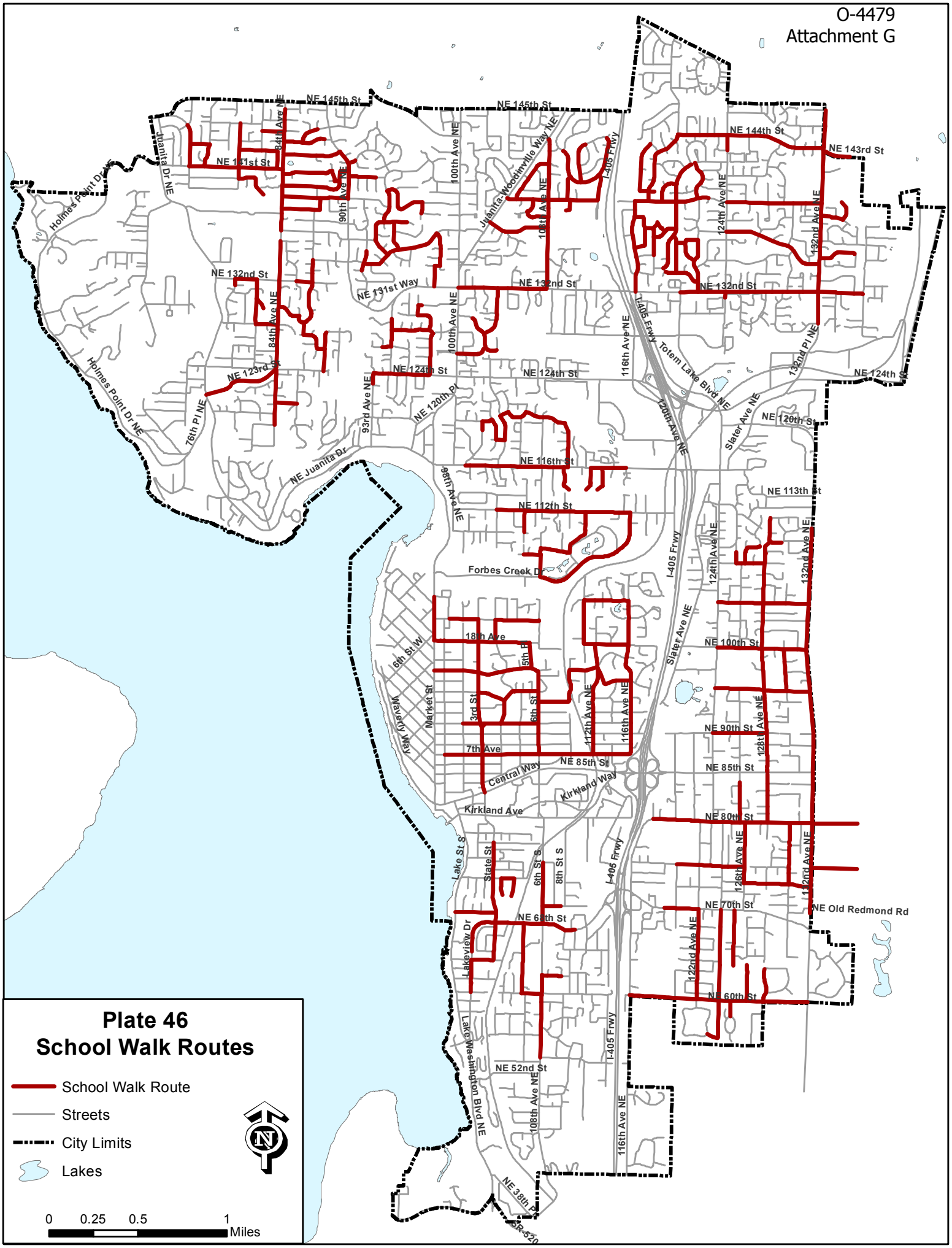
115.100 Odor

1. General

   Any odor which injures; endangers the comfort, repose, health or safety of persons on abutting properties or streets; or in any way renders persons insecure in life, or in the use of abutting properties or streets, is a violation of this code.

2. Marijuana Processing and Production - Marijuana processing and production businesses must be equipped with a ventilation system that prevents marijuana odors from being detected beyond the premises of the business. Applicants for such businesses must submit, as part of building and mechanical permit applications, a ventilation plan prepared by a licensed mechanical engineer. The ventilation plan shall be reviewed and approved by the City. Once operation of the business begins, if odors are detected beyond the premises of the building, even with an approved ventilation plan, the facility shall be subject to Code Enforcement actions as outlined in KMC Chapter 1.12.

O-4479
Attachment G



PUBLICATION SUMMARY OF ORDINANCE O-4479

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND ZONING, REPEALING ORDINANCES O-4439, O-4446, O-4447, O-4453 AND O-4462; PERMITTING STATE-LICENSED MARIJUANA PRODUCTION AND PROCESSING FACILITIES IN THE TOTEM LAKE (TL) 7 AND 9A ZONES AND IN LIGHT INDUSTRIAL (LIT) ZONES; PERMITTING STATE-LICENSED RETAIL FACILITIES IN TL 7, TL 9A AND LIT ZONES WHERE AT LEAST 50 PERCENT OF THE ZONE IS BOUNDED BY COMMERCIAL ZONES; PROHIBITING STATE-LICENSED RETAIL FACILITIES IN MARKET STREET CORRIDOR (MSC) 1 AND 2 ZONES; PROHIBITING STATE-LICENSED RETAIL SALES IN ALL ZONES ON PROPERTIES ABUTTING DESIGNATED SCHOOL WALK ROUTES; AND AMENDING KIRKLAND ZONING CODE SECTION 115.100 TO ADD AN ODOR REGULATION FOR PROCESSING AND PRODUCTION FACILITIES; PROVIDING FOR SEVERABILITY, AND APPROVING A PUBLICATION SUMMARY, FILE NO. CAM14-0237.

SECTION 1. Amends Kirkland Zoning Code (KZC) Chapter 30, Office Zones, Section 30.20.250, to add a reference to and add a new Permitted Uses (PU) Special Regulation, PU-39, which prohibits retail establishments selling marijuana or products containing marijuana on properties abutting the school walk routes shown on Plate 46 and amends KZC Chapter 35, Commercial Zones, Section 35.20.170, to add a reference to and add a new Permitted Uses Special Regulation, PU-30, which prohibits retail establishments selling marijuana or products containing marijuana on properties abutting the school walk routes shown on Plate 46.

SECTION 2. Amends KZC Chapter 40, Industrial Zones, to add Section 40.20.245, a new use listing in the LIT Zone, to the Permitted Uses Table, to permit retail establishments selling marijuana or products containing marijuana and add references to new Special Regulation PU-30, permitting marijuana retail establishments only where 50 percent of the boundaries of the LIT Zone adjoin commercial zones and Special Regulation PU-31, not permitting marijuana retail establishments on school walk routes shown on Plate 46 and amending KZC Chapter 40, Industrial Zones, to add Section 40.30.245, a new use listing, to the Density/Dimensions Table.

SECTION 3. Amends the Use Zone Chart for the Market Street Corridor (MSC) 1, 4, KZC Section 51.10.050, to prohibit retail establishments selling marijuana or products containing marijuana within the MSC 1 Zone and amends the Use Zone Chart for MSC 2, KZC Section 51.20.010, to prohibit the sale of marijuana or products containing marijuana.

SECTION 4. Amends the Use Zone Chart for Rose Hill (RH) 5A, 5B, KZC Section 53.54.050, the Use Zone Chart for RH 7, KZC Section 53.74.020, and the Use Zone Chart for RH 8, Section 53.84.040, to

prohibit retail establishments selling marijuana or products containing marijuana on properties abutting school walk routes.

SECTION 5. Amends the Use Zone Chart for Totem Lake (TL) 7, KZC Section 55.51.085, and the Use Zone Chart for TL 9A, Section 55.61.075, to allow retail establishments selling marijuana or products containing marijuana.

SECTION 6. Amends KZC 115.100, related to "Odor."

SECTION 7. Amends KZC Chapter 180, Plates, to add Plate 46, "School Walk Routes."

SECTION 8. Provides a severability clause for the ordinance.

SECTION 9. 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 March 26, 2015, 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 _____ day of _____, 2015.

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

_____
City Clerk