

Chapter 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING-

95.40 Required Landscaping

1. User Guide. Chapters 15 through 60 KZC containing the use zone charts assign a landscaping category to each use in each zone. This category is either "A," "B," "C," "D," or "E." If you do not know what landscaping category applies to the subject property, you should consult the appropriate use zone chart.

Requirements pertaining to each landscaping category are located throughout this chapter, except that Landscaping Category E is not subject to this section.

Landscape Categories A, B, C, D, and E may be subject to additional related requirements in the following other chapters:

- a. Various use zone charts, in Chapters 15 through 60 KZC, establish additional or special buffering requirements for some uses in some zones.
- b. Chapter 85 KZC, Geologically Hazardous Areas, addresses the retention of vegetation on steep slopes.
- c. Chapter 90 KZC, Drainage Basins, addresses vegetation within sensitive areas and sensitive area buffers.
- ~~d. Chapter 92 KZC describes landscaping standards related to site design.~~
- de. Chapter 110 KZC and Chapter 19.36 KMC address vegetation within rights-of-way, except for the I-405, SR-520, and Burlington Northern rights-of-way.
- ef. KZC 115.135, Sight Distance at Intersections, which may limit the placement of landscaping in some areas.
- fg. Chapter 22 KMC addresses trees in subdivisions.

No changes to subsections 2, 3, and 4

5. Supplemental Plantings.

- a. General. The applicant shall provide the supplemental landscaping specified in subsection (5)(b) of this section in any area of the subject property that:
 - 1) Is not covered with a building, vehicle circulation area or other improvement; and
 - 2) Is not a critical area, critical area buffer, or in an area to be planted with required landscaping; and
 - 3) Is not committed to and being used for some specific purpose.
- b. Standards. The applicant shall provide the following at a minimum:
 - 1) Living plant material which will cover 80 percent of the area to be landscaped within two years. If the material to be used does not spread over time, the applicant shall re-plant the entire area involved immediately. Any area that will not be covered with living plant material must be covered with nonliving groundcover.
 - 2) One tree for each 1,000 square feet of area to be landscaped. At the time of planting, deciduous trees must be at least two inches in caliper and coniferous trees must be at least five feet in height.
 - 3) If a development requires approval through Process I, IIA, IIB or III as described in Chapters 145, 150, 152 and 155 KZC, respectively, the City may require additional vegetation to be planted along a building facade if:
 - a) The building facade is more than 25 feet high or more than 50 feet long; or
 - b) Additional landscaping is necessary to provide a visual break in the facade.
 - 4) In RHBD varieties of rose shrubs or ground cover along with other plant materials shall be included in the on-site landscaping.
 - 5) If development is subject to Design Review as described in Chapter 142, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.

No change to subsection 6.

7. Landscaping and Buffering Standards for Driving and Parking Areas.

a. Landscaping General.

~~1) General. Except as specified in subsection (7)(a)(2) of this section, the applicant shall arrange all surface parking spaces so that there are no more than eight contiguous parking spaces in each row of spaces. An island or peninsula of the same dimensions of the adjacent parking stalls must separate adjacent groups of spaces from one another and each row of spaces from any adjacent driveway that runs perpendicular to the row. This island or peninsula must be surrounded by a six-inch-high vertical curb and must be landscaped with at least one deciduous tree, two inches in caliper as measured using the standards of the American Association of Nurserymen or a coniferous tree five feet in height.~~

~~2) Exception. The requirements of subsection (7)(a)(1) of this section do not apply to any area that:~~

~~a) Is within the CBD Zone; or~~

~~b) Is fully enclosed within or under a building; or~~

~~c) Contains less than 14 parking spaces; or~~

~~d) Is within any zone that requires design regulation compliance.~~

1) The following internal parking lot landscape standards apply to each parking lot or portion thereof containing more than 8 parking stalls.

a) The parking lot must contain 25 square feet of landscaped area per parking stall planted pursuant to b. and c. below:

b) The applicant shall arrange the landscaping required in a) above throughout the parking lot to provide landscape islands or peninsulas to separate groups of parking spaces (generally every 8 stalls) from one another and each row of spaces from any adjacent driveway that runs perpendicular to the row. This island or peninsula must be surrounded by a six-inch-high vertical curb, be of similar dimensions as the adjacent parking stalls and planted pursuant to the standards in c. below:

c) Landscaping shall be installed pursuant to the following standards:

1) At least one deciduous tree, two inches in caliper or a coniferous tree five feet in height.

2) Groundcover shall be selected and planted to achieve 60 percent coverage within two years.

d) Exception. The requirements of this subsection do not apply to any area that is fully enclosed within or under a building.

23) Rooftop Parking Landscaping. For a driving or parking area on the top level of a structure that is not within the CBD zone or within any zone that requires design regulation compliance, one planter that is 30 inches deep and five feet square must be provided for every eight stalls on the top level of the structure. Each

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planter must contain a small tree or large shrub suited to the size of the container and the specific site conditions, including desiccating winds, and be clustered with other planters near driving ramps or stairways to maximize visual effect.

- 3) If development is subject to Design Review as described in Chapter 142, the City will review the parking area design, plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required landscaping and design of the parking area as part of Design Review approval.

- b. Buffering For Driving And Parking Areas.
- 1) Perimeter Buffering. General. Except as specified in subsection (7)(b)(2.2) of this section, the applicant shall buffer all parking areas and driveways from abutting the rights-of-way and from adjacent property, with a five-foot-wide strip along the perimeter of the parking areas and driveways planted as follows see Figure 95.40.A):
 - a) One row of trees, two inches in caliper and planted 30 feet on center along the entire length of the strip.
 - b) Living groundcover planted to attain coverage of at least 60 percent of the strip area within two years.
 - 2) Exception. The requirements of subsection 7.b.1 of this section do not apply to any parking area that:
 - a) ~~Is within the CBD zone; or~~
 - ab) Is fully enclosed within or under a building; or
 - bc) Is on top of a building and is at least one story above finished grade; or
 - cd) Serves detached dwelling units exclusively; or
 - d) Is within any zone that requires design regulation compliance. See below for Design District requirements.
 - 3) Design Districts- If subject to design review, each side of a parking lot that abuts a street, through block pathway or public park must be screened from that street, through block pathway or public park by using one or a combination the following methods: (see Figures 95.40.A, B, C):
 - a) By providing a landscape strip at least five feet wide planted consistent with subsection b. 1). above, or in combination with the following. In the RHBD Regional Center a 10-foot perimeter landscape strip along NE 85th Street is required planted consistent with subsection b. 1).
 - b) The hedge or wall must extend at least two feet, six inches, and not more than three feet above the ground directly below it.
 - c) The wall may be constructed of masonry or concrete, if consistent with the provisions of Section 92.35.1.g, in building material, color and detail, or of wood if the design and materials match the building on the subject property.
 - d) In JBD zones:
 - 1) If the street is a pedestrian-oriented street, the wall may also include a continuous trellis or grillwork, at least five feet in height above the ground, placed on top of or in front of the wall and planted with climbing vines. The trellis or grillwork may be constructed of masonry, steel, cast iron and/or wood.

- 2) If the wall abuts a pedestrian-oriented street, the requirements of this subsection may be fulfilled by providing pedestrian weather protection along at least 80 percent of the frontage of the subject property.
- e) If development is subject to Design Review as described in Chapter 142, the City will review plant choice and specific plant location as part of the Design Review approval. The City may also require or permit modification to the required plant size as part of Design Review approval.
- 43) Overlapping Requirements. If buffering is required under subsection 6.(6) Land Use Buffering Standards of this section and by this subsection, the applicant shall utilize the more stringent buffering requirement.

Perimeter Parking Lot Landscaping

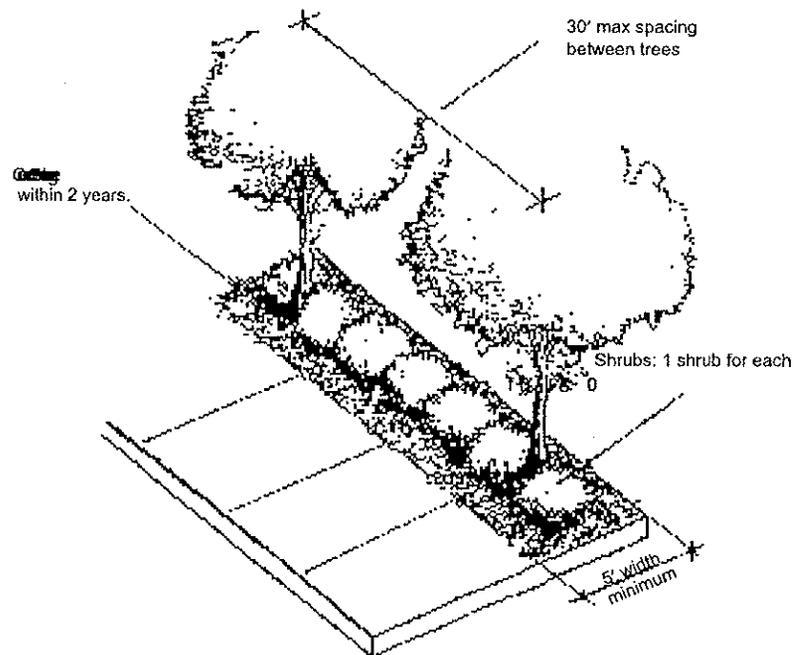


Figure 95.40.A

Perimeter Parking – Examples of Various Screen Wall Designs

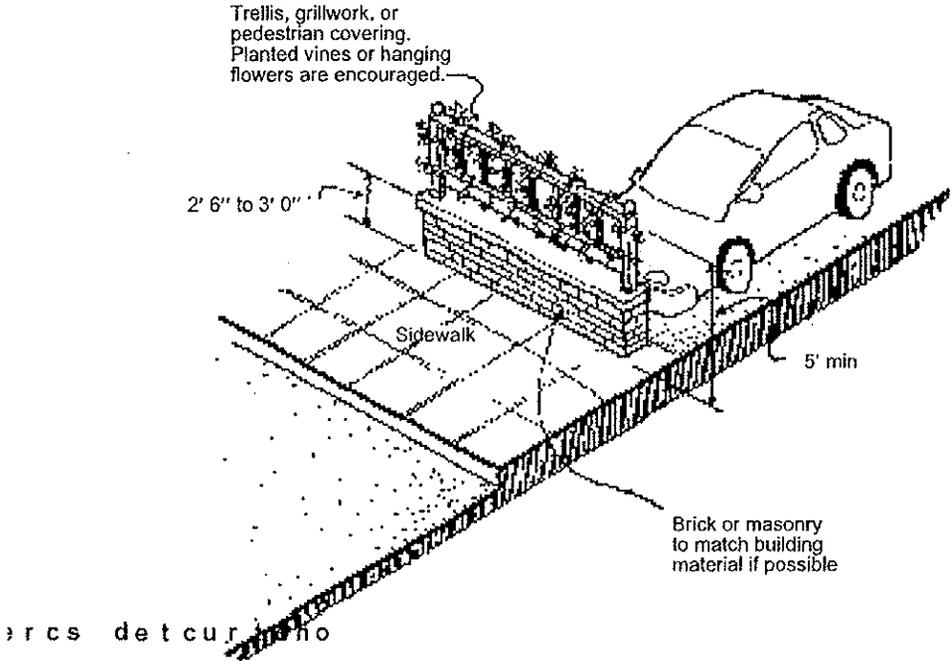
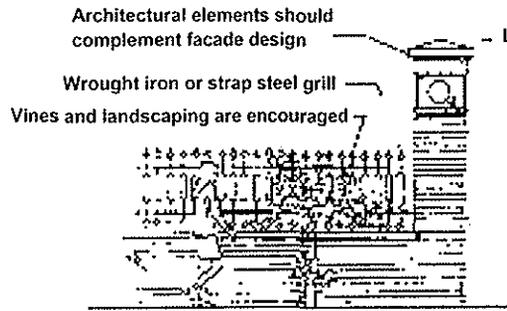
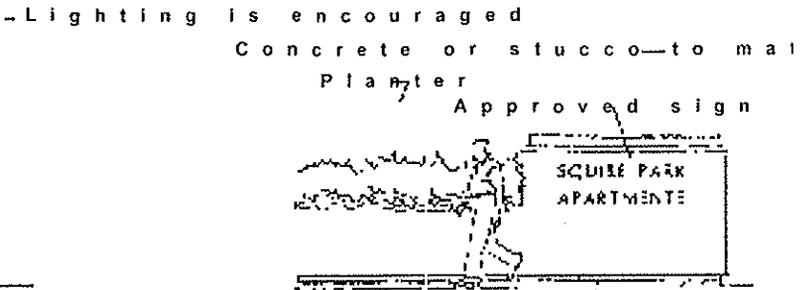


Figure 95.40.B

Perimeter Parking – Examples of Various Screen Wall Designs

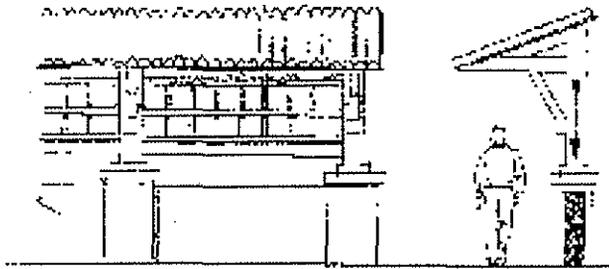


Traditional

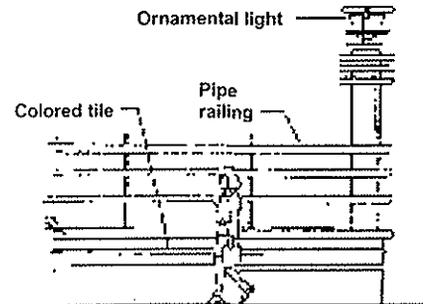


Contemporary

Pedestrian covering is encouraged



Mission Style with Canopy



Deco-Moderne Style

Figure 95.40.C

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

Sections:

- 105.05 User Guide
- 105.10 Vehicular Access Easement or Tract Standards
- 105.12 Maximum Allowable Grade
- 105.15 Exception in Design Districts the CBD, JBD, NRHBD, RHBD and Totem Lake Neighborhood (TLN)
- 105.17 Site Plan Review
- 105.18 Pedestrian Access and Walkways, Bicycle, and Transit Facilities
- 105.19 Public Pedestrian Walkways
- 105.20 Number of Spaces – Minimum
- 105.25 Number of Spaces – Not Specified in Use Zones
- 105.30 Number of Spaces – Fractions
- 105.32 Bicycle Parking
- 105.35 Driveway Entrances
- 105.40 Location of Parking Areas – General
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- 105.55 Location of Parking Areas – Required Setback Yards
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- 105.60 Parking Area Design – General
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- 105.70 Parking Area Design – Parking Designed for the Handicapped
- 105.75 Parking Area Design – Landscaping
- 105.77 Parking Area Design – Curbing
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- 105.85 Parking Area Design – Dedication
- 105.90 Parking Area Design – Plant Choice
- 105.95 Parking Area Design – Traffic Control Devices
- 105.96 Parking Area Design – Drive-Through Facilities and Circulation in the NE 85th Street Subarea and the Totem Lake Neighborhood (TLN)
- 105.97 Parking Area Design – Backing onto Street Prohibited
- 105.100 Parking Area Design – Surface Materials
- 105.102 Parking Area Design – Streets Use in Circulation Pattern
- 105.103 Modifications
- 105.104 Planning Director Authority To Adopt Standards
- 105.105 Appeals
- 105.106 Bonds

105.15 Exception in Design Districts the CBD, JBD, NRHBD, RHBD and Totem Lake Neighborhood (TLN)

If the subject property is within a Design District, the Central-Business-District-Zone, the Juanita-Business-District-Zone, the North-Rose-Hill-Business-District-Zone, the Rose-Hill-Business-District-Zone, or the Totem Lake-Neighborhood-(TLN), the requirements contained within those Chapters Chapters 50, 52, 53, 54, 55 and 92 KZC supersede any conflicting provisions of this chapter. The provisions of this chapter that do not conflict with Design District Chapters 50, 52, 53, 54, 55 and 92 KZC apply to properties in their respective zones. CBD, JBD, NRHBD, RHBD and TLN Zones.

105.18 Pedestrian Access, Bicycle, and Transit Facilities

1. General- Promoting an interconnected network of pedestrian routes within neighborhoods is an important goal within the city. Providing pedestrian access from buildings to abutting rights of ways, walkways and other uses on the subject property, and connections between properties help meet the objectives of non-motorized transportation policies. Installing pedestrian connections and other pedestrian improvements with new development reduces the reliance on vehicles, traffic congestion and promotes non-motorized travel options and provides health benefits.

The applicant shall comply with the following pedestrian access requirements with new development for all uses (multifamily, office, retail, restaurants and taverns, institutional uses and community facilities, industrial (except detached single family and duplex) pursuant to the each use specified in the following chart standards in Sections 105.18.2 and 105.19:

a. Pedestrian Access From Buildings to Sidewalks and Transit Facilities:

Provide pedestrian walkways designed to minimize walking distance from the primary entrances to all buildings to the abutting right-of-way, pedestrian walkway and adjacent transit facilities pursuant to the applicable standard in Section 105.18.2.a or b.

b. Pedestrian Access Between Uses On Subject Property:

Provide pedestrian walkways between the principle-primary entrances to all businesses, uses, and/ or buildings on the subject property pursuant to the applicable standard in Section 105.18.2.a or b.

c. Pedestrian Access Along Building Facades Not Adjacent To A Sidewalk In RHBD and TLN zones:

In RHBD and TLN zones, for buildings that do not front on a public sidewalk, a pedestrian walkway shall be provided along the entire façade of all building facades containing the primary entrance (See Figure 105.18.A). The walkway shall meet the through block pedestrian pathway standards in Section 105.19.3 (See Figure 105.19.A). Exceptions may be approved as part of Design Review in the following circumstances. Where new development is less than 2,000 square feet of gross floor area, features a landscaped front yard area and parking is located to the side or rear, only direct pedestrian access shall be provided from the abutting sidewalk to the primary entrance to the buildings.

d. Pedestrian Connections Between Properties:

Provide pedestrian walkways connecting to adjacent properties with multifamily developments of three or more units, office uses, retail uses, restaurants, taverns, institutional uses, industrial uses, or community facilities. Barriers which limit future pedestrian access are not permitted, pursuant to the applicable standards in Section 105.18.2.a or b. Exceptions: Pedestrian connections to industrial uses are not required. The location for the access points at property edges and to adjacent lots shall be coordinated with existing and planned development to provide convenient pedestrian links between developments. Where there are topographic changes in elevation between properties, stairs or ramps shall be provided to make the pedestrian connection.

e. Pedestrian Access Through Parking Areas:

All parking lots which contain more than 25 stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location. The walkways must meet the development standards pursuant to in KZC 105.18(2)(c). (See Figures 105.18.B and C).

f. Pedestrian Access Through Parking Garages:

Provide marked pedestrian routes through parking garages from the parking area to the abutting public right of way and to the pedestrian entrance of the building. Install walkways pursuant to standards in Section 105.18.2.c

g. Overhead Weather Protection:

The applicant shall provide pedestrian overhead weather protection pursuant to standards in Section 105.18.2.d:

- 1) Along any portion of the building which is adjacent to a pedestrian walkway or sidewalk;
- 2) Over the primary exterior entrance to all buildings including residential units.
- 3) Exceptions in Design Districts:

In CBD Zones: Along at least 80% of the frontage of the subject property on each pedestrian oriented street.

In RHBD and TLN Zones:

Along at least 75% of a pedestrian oriented building façade.

In JBD Zones: Along 100% of a building façade abutting a street or through block pathway.

For more information regarding designated pedestrian oriented streets see Plate 34 in Chapter 180, and pedestrian oriented facades in Chapter 92, KZC.

Use on Subject Property ¹	Multifamily (except single duplex structures)	Office	Retail	Restaurants and Taverns	Institutional Uses and Community Facilities	Industrial
Provide pedestrian walkways designed to minimize walking distance from the building entrance to the right-of-way, and adjacent transit facilities pursuant to Section 105.18.	X	X	X	X	X	X

Provide covered bicycle parking within 50 feet of an entrance to the building. XXXXXX Provide pedestrian walkways between the principle entrances to all businesses, uses, and/or buildings on the subject property

Provide pedestrian walkways connecting to adjacent properties with multifamily developments of three or more units, office uses, retail uses, restaurants, taverns, institutional uses, industrial uses, or community facilities. Barriers which limit future pedestrian access are not permitted.	X ²	X	X	X	X	X ³
Locate service bays away from pedestrian areas.		X	X	X	X	X
Provide overhead weather protection 2.d along any portion of the building which is adjacent to a pedestrian walkway.		X	X	X	X	

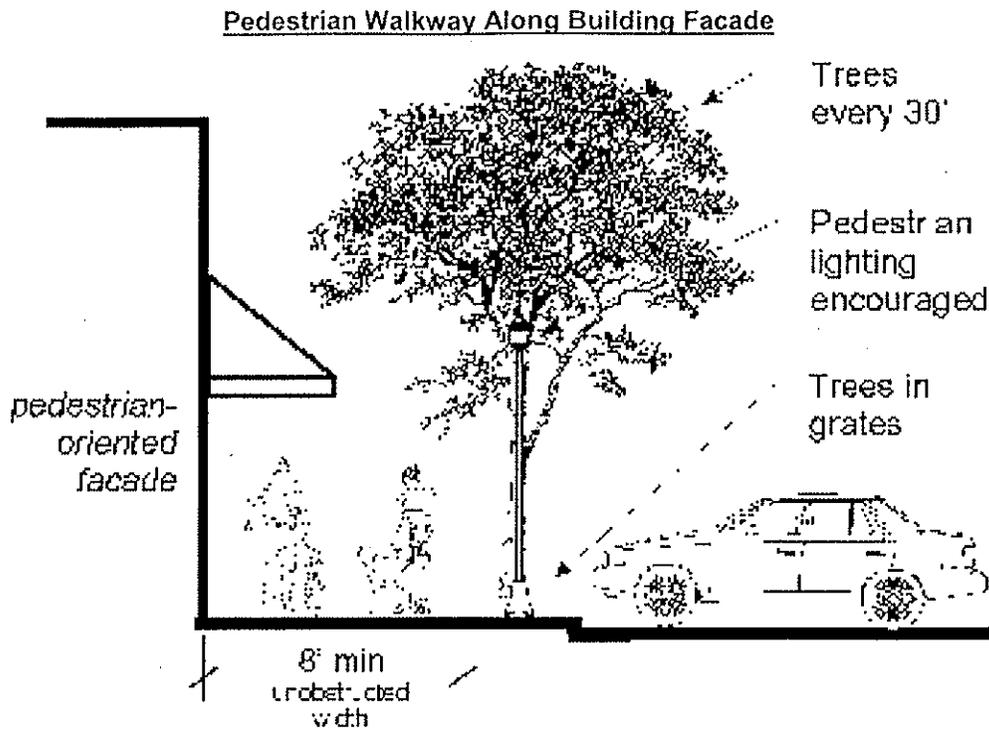
¹ See KZC 110.60 for additional walkway requirements.

² Not required to connect to adjacent properties with industrial uses.

³ Not required to connect to adjacent properties with industrial or residential uses.

2. Development standards required for pedestrian improvements-

- a. Pedestrian Walkway Standards- General-The applicant shall install pedestrian walkways pursuant to the following standards:
- 1) Must be at least five feet wide;
 - 2) Must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;
 - 3) Must have adequate lighting for security and safety. Lights must be nonglare and mounted no more than 20 feet above the ground; and
 - 4) Will not be included with other impervious surfaces for lot coverage calculations
 - 5) Must be centrally located on the subject property;
 - 6) Must be accessible;
 - 7) Barriers which limit future pedestrian access between the subject property and adjacent properties are not permitted.
- b. Pedestrian Walkway Standards Specific To Design Districts- In addition to the pedestrian access standards of 108.18.1 and 2.a above, the following standards may apply in certain Design Districts. See Chapter 110, KZC for additional sidewalk improvements that may apply.
- 1). In CBD, Major Pedestrian Sidewalks- If the subject property contains or abuts a major pedestrian sidewalk designated in Plate 34, Chapter 180, KZC the applicant shall install that sidewalk on and/or abutting the subject property consistent with the following standards:
 - a) The major pedestrian sidewalk must be installed in the approximate location and make the connections shown in Plate 34.
 - b) The major pedestrian sidewalk must be paved with decorative concrete and have a minimum width of at least eight feet, unless otherwise noted in Plate 34. If the required improvements cannot be accommodated within the existing right-of-way, the difference may be made up with a public easement over private property. Buildings may cantilever over such easement areas, flush with the property line.
 - c) The major pedestrian sidewalk must have adequate lighting with increased illumination around building entrances and transit stops.
 - d) Barriers which will limit pedestrian access between the subject property and adjacent properties are not permitted.

**FIGURE 105.18.A**

c. Pedestrian Walkways Through Parking Areas and Parking Garage Standards- The applicant shall install pedestrian walkways through parking areas and parking garages pursuant to the following standards (see Figure 105.18.B):

- 1) Must be installed pursuant to the standards described in 105.18.2.a above;
- 2) Walkway shall not use vehicle entrance or exit driveways from the parking area to a public right-of-way;
- 3) Must connect from the parking spaces to the pedestrian entrance of the building served by the parking.

Pedestrian Access From Street or Pedestrian Walkway to Building Entrance

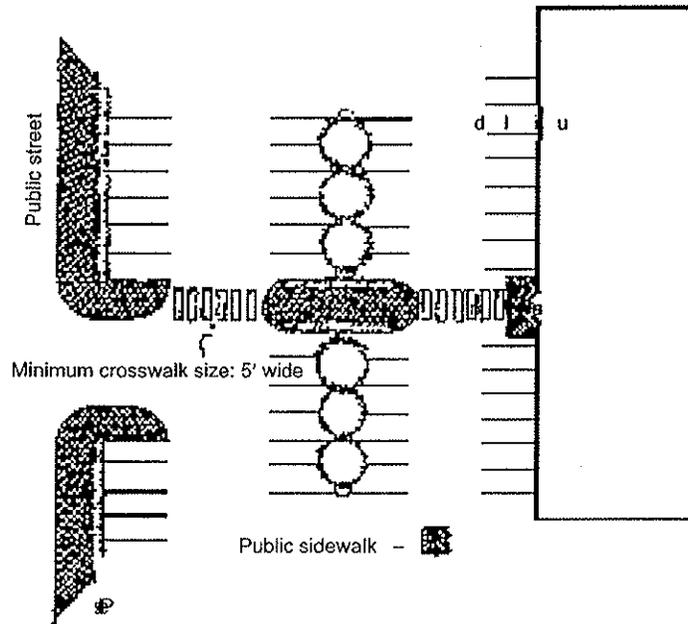


FIGURE 105.18.B

- 4) All parking lots that contain more than 25,000 square feet of paved area, including access lanes and driveways, must include clearly identified pedestrian routes from the parking stalls to the main building entrance or central location (see Figure 105.18.C). At a minimum, walkways must be provided for every three driving aisles or at a distance of not more than 150-foot intervals, whichever is less and meet the standards of Section 105.18.2.a.

Pathways must be provided through parking areas.

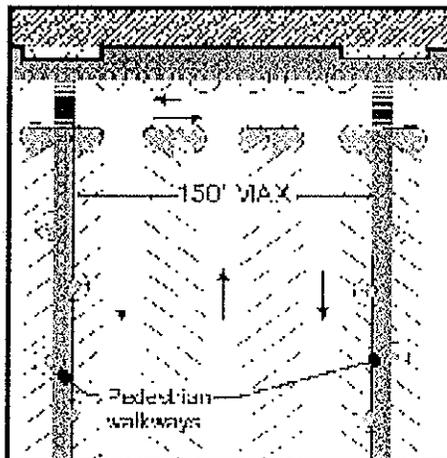


FIGURE 105.18.C

- d. Overhead weather protection standards- The applicant shall install overhead pedestrian weather protection pursuant to the following standards:
- 1) May be composed of awnings, marquees, canopies, building overhangs, covered porches, recessed entries or other similar features;
 - 2) Must cover at least five feet of the width of the adjacent walkway; and
 - 3) Must be at least eight feet above the ground immediately below it; and
- e. If development is subject to Design Review the City will specifically review and approve the color, material and configuration of all overhead weather protection and the material and configuration of all pedestrian walkways as part of the Design Review decision.

105.19 Public Pedestrian Walkways-

1. Public Pedestrian Walkways Location- In addition to the pedestrian walkways required in section 105.18, the City may require the applicant to install additional public pedestrian walkways on the subject property in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:
 - a) A pedestrian connection is indicated as appropriate in the Comprehensive Plan or Nonmotorized Transportation Plan; or designated elsewhere in this code; or
 - b) A walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City or transit; or
 - c) Through block pedestrian pathways may be required on properties if blocks are unusually long; or
 - d) Pedestrian access may be required to connect between existing or planned dead-end streets, through streets, or other pedestrian access; and
2. Standards- General- The applicant shall install public pedestrian walkways pursuant to the following standards, except for Design Districts listed in 3 and 4 below (see Figure 105.19.A):
 - a) Pedestrian access shall be provided by means of dedicated rights-of-way, tracts, or easements at the City's option;
 - b) The width of the access right-of-way, tract, or easement, and the walkway material and width, shall be determined per the Public Works Pre-Approved Plans;
 - c) The height of solid (blocking visibility) fences along pedestrian walkway that is not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors; and
 - d) All new building structures shall be set back a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent to a public or private street right-of-way.
 - e) The alignment of walkways shall consider the location of proposed and existing buildings (preferably along building fronts or property lines).

3. Through Block Pathway Standards-General- If a *Through block pathway* is designated to be installed on the subject property, the applicant shall install a *Through-block pathway* pursuant to the following standards, except for Design Districts listed in 4. below:
- a) A minimum unobstructed pavement width of eight feet, paved with decorative concrete. A minimum of five feet may be approved for residential uses.
 - b) Trees placed at an average of 30 feet on-center between the pathway and any parking or vehicular access area (see Figure 105.19A). Exceptions:
 - 1. To increase business visibility and accessibility, the City may allow modifications in the required tree coverage adjacent to primary building entries; however, no less than one tree per 60 lineal feet of the required pathway shall be provided.
 - 2. The required trees must be placed in planting strips at least 4.5 feet in width or within tree grates.
 - c) Adequate pedestrian lighting at a maximum of 12 feet in height shall be provided along the pathway.
 - d) Barriers that will limit pedestrian access between the subject property and adjacent properties are not permitted.
 - e) The *Through-block Pathway* may be retained within a dedicated rights of way, tracts, or easements at the City's option. The width of the pathway right of way, tract, or easement will be determined by the Planning Official.
 - f) If subject to Design Review the City will specifically review and approve the material, and configuration of all through block pathways as part of the Design Review decision.
4. *Through-block Pathway* Standards Unique to Design Districts:
- a) In JBD 1- See Use Zone Chart Section 52.10 for location of Through Block Pathways in JBD 1. Through-block pathways adjacent to the front of buildings must be 10 feet wide with a six-inch vertical curb, and paved with concrete or unit pavers. Pathways that are not adjacent to the front of buildings must have a minimum width of eight feet and differentiated with texture or material from adjacent driveway and parking area pavement unless otherwise determined through Design Review.
 - b) In TL 2- See Use Zone Chart Section 55.19 for location of Through Block Pathways in TL 2. The minimum width, curb specifications and paving materials for through block pathways shall be established through the Conceptual Master Plan review. Through block pathways must have adequate lighting, with increased illumination around building entrances and at street crossings.
 - c) In TL 5- See Use Zone Chart Section 55.37 for location of through block pathways in TL 5- Section 105.19.3 for development standards.
 - d) In TL 6B- See Use Zone Chart Section 55.43 for location of Through block pathways in TL 6B. See Section 105.19.3 for development standards.

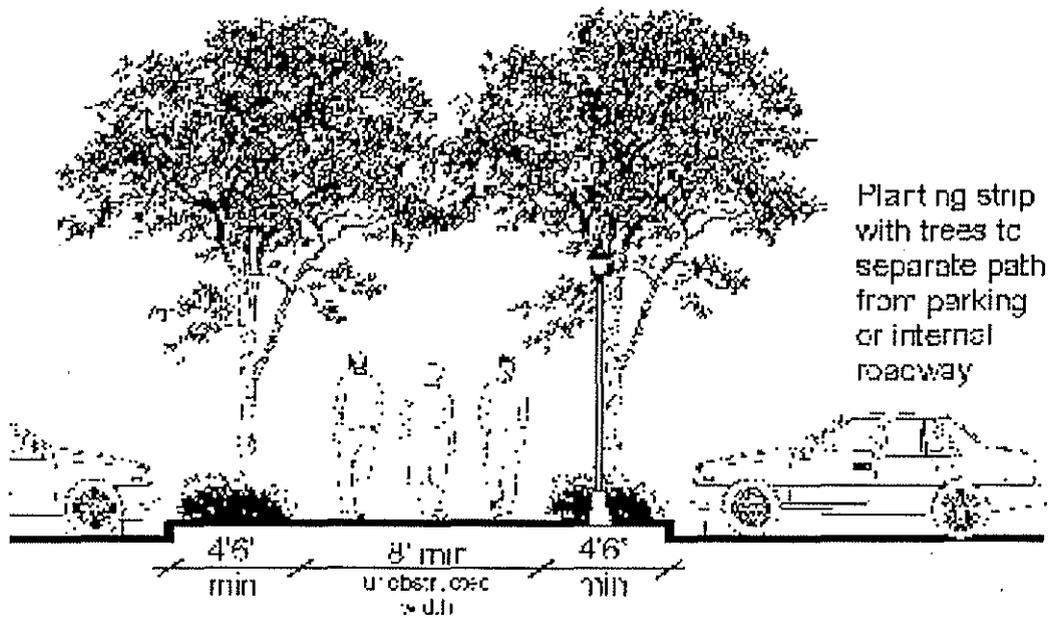
Through-Block Pathway

FIGURE 105.19.A

105.20 Number of Parking Spaces – Minimum

The number of parking spaces required for a use is the minimum required. The applicant shall provide at least that number of spaces, consistent with the provisions of this chapter.

The square footage of pedestrian, transit, and/or bicycle facilities, and/or garages or carports, on the subject property shall not be included in the gross floor area calculation used to determine required number of parking stalls. See also KZC 105.103(3)(c).

For residential uses, the City may require guest parking spaces in excess of the required parking spaces, up to a maximum additional 0.5 stall per dwelling unit, if there is inadequate guest parking on the subject property.

105.25 Number of Parking Spaces – Not Specified in Use Zones

If this code does not specify a parking space requirement for a particular use in a particular zone, the Planning Official shall establish a parking requirement on a case_by_case basis. The Planning Official shall base this determination on the actual parking demand on existing uses similar to the proposed use.

105.30 Number of Parking Spaces – Fractions

If the required formula for determining the number of parking spaces results in a fraction, the applicant shall provide the number of spaces equal to the next higher whole number.

105.32 Bicycle Parking-

Bicycle parking spaces shall be provided in all new development required to provide six or more motor vehicle parking spaces to encourage the use of bicycles as a form of transportation by providing safe and convenient places to park bicycles. Exception: single family and duplex development are exempt from this section.

Bicycle parking spaces shall be provided at a ratio of one bicycle space for each twelve required motor vehicle parking spaces. The Planning Official may modify the number of bicycle racks according to size of development and anticipated pedestrian and bicycle activity.

Bicycle parking in the form of a bike rack or enclosed storage container shall be conveniently located for the users, generally within 50 feet of an exterior entrance of all uses, and within 50 feet of a retail use entrance. Bicycle racks shall be located in a visible, well lit, sheltered area such as under an eave, awning, or other similar enclosure and located to not impede vehicle parking or pedestrian movement. A bike rack(s) shall be installed with the capacity to accommodate the required number of bicycle spaces. For buildings with multiple uses such as a commercial or mixed use residential-commercial centers, bicycle spaces may be clustered between businesses to serve up to six businesses.

105.35 Driveway Entrances

The City may restrict the width, number and location of driveways along the frontage of the subject property to improve vehicle circulation, public safety, or to enhance pedestrian movement.

105.58 Location of Parking Areas Specific To Design Districts

If the subject property is located in a Design District, the applicant shall locate parking areas on the subject property according to the following requirements:

1. Location of Parking Areas In the CBD, TC (TL1, TL2, TL3) zones-

- a) Parking areas shall not be located between a pedestrian-oriented street and a building unless specified in a Conceptual Master Plan in TL 2. (See Plate 34 in Chapter 180 and Chapter 92 and 110 for additional requirements regarding pedestrian oriented streets),
- b) On all other streets, parking lots shall not be located between the street and the building on the subject property unless no other feasible alternative exists.

2. Location of Parking Areas in the JBD 2 and the NRHBD zones shall not be located between the street and the building unless no other feasible alternative exists on the subject property.

3. Location of Parking Areas In Certain TLN and RHBD zones- Parking areas and vehicular access may not occupy more than 50 percent of the street frontage in the following zones (see Figure 105.58.A) .

- a) TL 4, only properties fronting on 120th Avenue NE;
- b) TL 5;
- c) TL 6A, only properties fronting on 124th Avenue NE. Auto dealers in this zone are exempt from this requirement;
- d) TL 6B, only properties fronting on NE 124th Street;
- e) TL 10E.

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

- f) In the Regional Center (RH 1A, RH2A, RH3 and RH5A zones west of 124th Avenue). For parcels over two acres in size, parking lots and vehicular access areas may not occupy more than 50 percent of the NE 85th Street property frontage (see Figure 105.58.A). Alternative

configurations will be considered through the Design Review process, if provided the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.

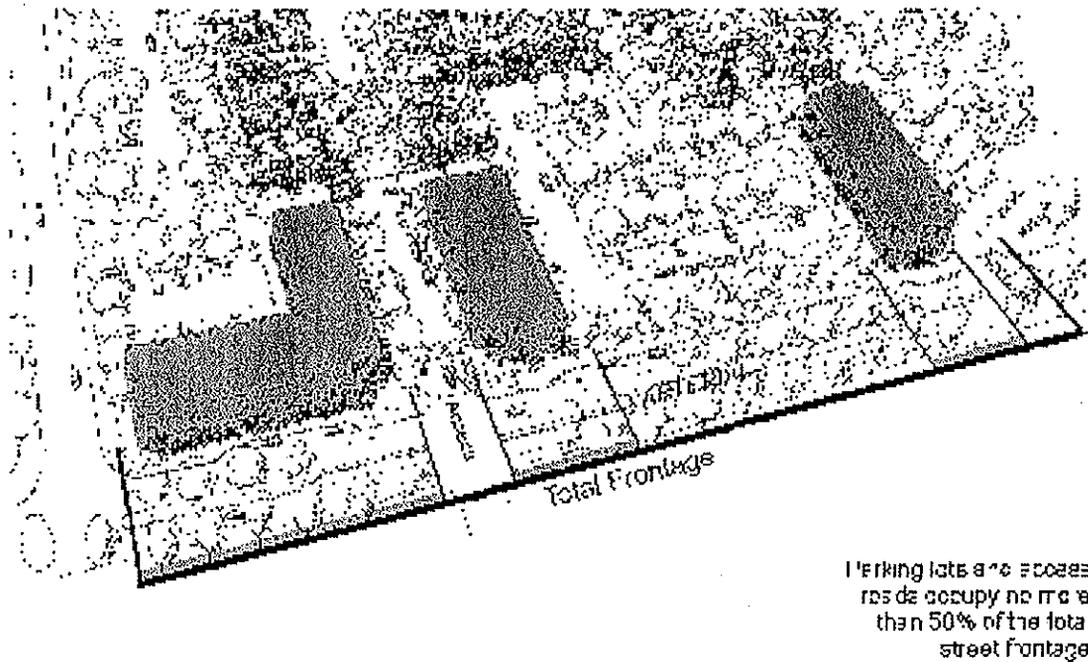
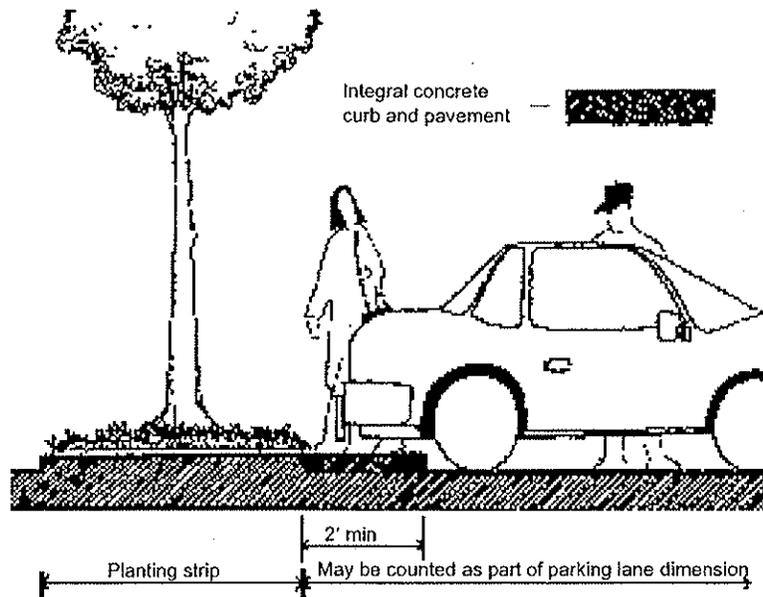


FIGURE 105.58.A

105.60

Parking Area Design – General

1. The minimum dimensions for parking spaces and parking areas are displayed in plates in Chapter 180 KZC. These plates apply to parking for all uses except detached dwelling units.
2. Driveways which are not driving aisles within a parking area shall be a minimum width of 20 feet.
3. Parking areas must be constructed so that car wheels are kept at least two feet from pedestrian and landscape areas; provided, that parking areas may be constructed in a manner which allows vehicles to overhang a pedestrian or landscape area by up to two feet if the pedestrian or landscape area within the area of vehicle overhang is not required by this or any other code (see Figure 105.60.A).
4. ~~All parking lots which contain more than 25 stalls must include pedestrian walkways through the parking lot to the main building entrance or a central location. The walkways must meet the development standards outlined in KZC 105.18(2)(a).~~
4. 5-Shared parking lot entrances and driveways between properties shall be installed whenever feasible as determined by the Planning Official.
5. Parking areas must have adequate lighting. Lights in parking lots must be nonflare and must be mounted no more than 20 feet above the ground.

Extended Curb Used To Protect Landscape Strip

Note: This method is preferable to freestanding wheel-stop bumpers because it will not catch debris and is more durable.

FIGURE 105.60.A

105.96

Parking Area Design – Drive-Through Facilities and Circulation in the NE 85th Street Subarea and the Totem Lake Neighborhood (TLN)

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

1. The applicant shall submit a site plan to the Public Works Department including the requirements of KZC 105.17, and showing compliance with the standards of subsections (1)(a) through (c) of this section:
 - a. The Public Works Official determines that the vehicle queue will not:
 - 1) Impede pedestrian or vehicular movement within the right-of-way;
 - 2) Impede vehicle or pedestrian visibility as vehicles enter the sidewalk area;
 - 3) Block parking aisles nor impede on-site vehicular and pedestrian circulation;
 - 4) Access will not be located within the left turn lane at a signalized intersection;
 - b. Driveway access to the drive-through facility is not located directly from off NE 85th Street an arterial unless the Public Works Official determines that sufficient driveway throat length is provided to accommodate the queues. If driveway access is allowed from an arterial, left turn movements may be restricted;

- c. The Public Works Official determines that parking circulation patterns avoid crossings of queuing areas.

105.103 Modifications

1. General – The provisions of this section establish under what circumstances the requirements of this chapter may be modified.
2. Authority To Grant and Duration
 - a. If the proposed development of the subject property requires approval through Design Review, Process I, IIA, IIB, or III, described in Chapters 142, 145, 150, 152 and 155 KZC, respectively, a request for a modification will be considered as part of that process under the provisions of this section. The City must find that the applicant meets the criteria listed below in KZC 105.103(3). If granted under Design Review, Process I, IIA, IIB or III, the modification is binding on the City for all development permits issued for that development under the Building Code within five years of the granting of the modification.
 - b. If subsection (2)(a) of this section does not apply, the Planning Official may grant a modification in writing under the provisions of this section.
3. Modifications – The Planning Official may require or grant a modification to improvement requirements of this chapter if the applicant demonstrates on submitted plans and/or in writing that the following criteria have been met for modifications to the applicable sections:
 - a. For a modification to KZC 105.10 for vehicular access easements or tracts and for KZC 105.60 and 105.97 for parking area design, the requirements may be modified if:
 - 1) The modifications will not affect the ability to provide any property with police, fire, emergency medical, or other essential services; and
 - 2) One of the following requirements is met:
 - a) The modification is necessary because of a preexisting physical condition; or
 - b) The modification will produce a site design superior to that which would result from adherence to the adopted standard.
 - 3) Exception: KZC 105.10(2)(g) relating to screening for access easements or tracts will use the modification criteria for buffering in subsection (3)(g) of this section.

- b. For a modification to KZC 105.18, the requirements for pedestrian access, ~~bicycle, and transit facilities~~ may be modified if:
 - 1) The modification is necessary because of the size, configuration, topography or location of the subject property;
 - 2) The modification will provide for equal or improved pedestrian and bicycle safety and convenience; and
 - 3) The modification will not have any substantial detrimental effect on nearby properties and the City as a whole.
- c. For a modification to KZC 105.20 and 105.45, a decrease in the required number of spaces may be granted if the number of spaces proposed is documented by an adequate and thorough parking demand and utilization study to be sufficient to fully serve the use. The study shall be prepared by a licensed transportation engineer or other qualified professional, and shall analyze the operational characteristics of the proposed use which justify a parking reduction. The scope of the study shall be proposed by the transportation engineer and approved by the City traffic engineer. The study shall provide at least two days of data for morning, afternoon and evening hours, or as otherwise approved or required by the City traffic engineer. Approval of a parking reduction shall be solely at the discretion of the City.

Note: Section 105.103(c) continues on page 657.

A decrease in the minimum required number of spaces may be based in whole or part on the provision of nationally accepted TDM (transportation demand management) measures. Data supporting the effectiveness of the TDM measures shall be provided as part of the parking demand and utilization study and approved by the City traffic engineer.

- d. For a modification to KZC 105.40, the requirements for parking area location may be modified if:
 - 1) The proposed parking area will have no adverse impacts on adjacent properties;
 - 2) It is reasonable to expect that the proposed parking area will be used by the subject use; and
 - 3) A safe pedestrian and/or shuttle connection exists, or will be created, between the subject use and the proposed parking area.
- e. For a modification to the landscape requirements for parking and driving areas, see Chapter 95 KZC.
- f. For a modification to KZC 105.77, the curbing requirement for parking areas and driveways may be modified if:
 - 1) The modification would result in superior landscaping and/or increased retention of significant natural vegetation;
 - 2) The modification will not result in increased hazards for pedestrians or vehicles; and
 - 3) The modification will not result in increased erosion of unpaved areas onto the parking area, driveway, or rights-of-way.

- g. See Chapter 95 KZC for a modification of the buffering requirements for parking and driving areas. For a modification to KZC 105.10(2)(g), the screening requirements for access easements or tracts may be modified if:
 - 1) The existing topography of or adjacent to the subject property decreases or eliminates the need for visual screening; or
 - 2) The modification will be of more benefit to the adjoining property by causing less impairment of view or sunlight; or
 - 3) The modification will provide a visual screen that is comparable or superior to the buffer required by KZC 105.10(2)(g).

- h. For a modification to KZC 105.100, the surface material requirement for parking areas and driveways may be modified if:
 - 1) The surfacing material will not enter into the drainage system, or onto public or other private property; and
 - 2) The material will provide a parking surface which is usable on a year-round basis.

Chapter 110 – REQUIRED PUBLIC IMPROVEMENTS

Sections:

- 110.05 User Guide
- 110.10 General
- ~~110.15 Special Regulations Applicable in Certain Areas~~
- 110.20 Right-of-Way Designation Map Adopted
- 110.22 Neighborhood Access Street Designations
- 110.25 Required Public Improvements
- 110.27 Alleys
- 110.30 R-20 Neighborhood Access Streets
- 110.35 R-24 Neighborhood Access Streets
- 110.38 R-28 Neighborhood Access Streets
- 110.40 Collector Streets
- 110.45 Minor Arterial Streets
- 110.50 Principal Arterial Streets
- 110.52 Sidewalks And Other Public Improvements in Design Districts
- 110.60 Additional Requirements
- 110.65 Engineering Standards
- 110.70 Modifications, Deferments and Waivers, and Construction-in-Lieu
- 110.75 Bonds

110.15

Special Regulations Applicable in Certain Areas

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

- ~~1. If the City Council has approved a public improvements plan that includes a particular right-of-way, that plan will govern the improvements to be provided by developments that abut that right-of-way.~~
- ~~2. If subsection (1) of this section does not apply and if the subject property is zoned Central Business District, Totem Lake (TL), Juanita Business District, or Rose Hill Business District, the Public Works Director will establish the extent and nature of required improvements in the right-of-way on a case-by-case basis.~~
- ~~3. If subsection (1) or (2) of this section does not apply, the applicant must provide the improvements as established in the remainder of this chapter.~~

110.25

Required Public Improvements

1. General – KZC 110.27 through 110.50 establish different improvements for the different classifications of rights-of-way listed in KZC 110.20 and 110.22. Section 110.52 establishes specific sidewalk and other public improvement standards in Design Districts. Except as specified in subsection (2) paragraphs 2, 3, and 4 of this section, the applicant shall install the specified improvements from the center line of the right-of-way to the applicant’s property line. The applicant may increase the dimensions of any required improvement or install additional improvements in the right-of-way with the written consent of the Public Works Director.

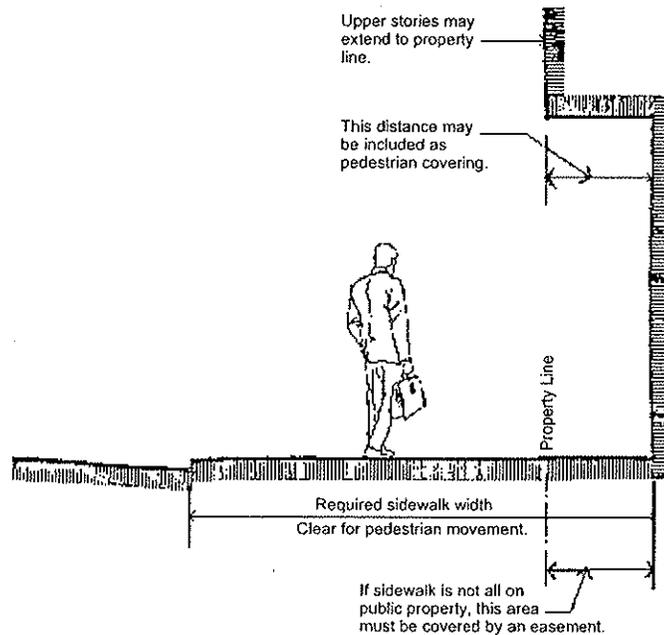
2. Half-Street Improvements – If the one-half of the right-of-way opposite the subject property has not been improved based on the provisions of this chapter, the applicant shall install improvements in the right-of-way as follows:
 - a. Alleys. The applicant shall install the required improvements for the entire width of the alley.
 - b. All Other Rights-of-Way.
 - 1) The applicant shall install the required improvements from his/her property line to and including the curb.
 - 2) The applicant shall grade to finished grade all the required driving and parking lanes in the entire right-of-way and a five-foot-wide shoulder on the side of the right-of-way opposite the subject property.
 - 3) The applicant shall pave outward 20 feet from the curb adjacent to his/her property or as required by the Public Works Director.
3. Required Paved Connection – In all cases except for alleys, if the access point for the subject site is not connected to an existing improved street by an improved hard surface, the applicant shall provide a hard surface improvement, of at least 20 feet in width, to the existing improved street. The applicant may request a modification, deferment or waiver of this requirement through KZC 110.70.
4. Capital Improvement Projects - If the City Council has approved a capital improvements plan for a particular public right of way, that plan will govern the improvements required for right-of-way. To the extent feasible, public projects shall be designed pursuant to the standards established for each Design District contained in the Public Works Pre-approved Plans manual.

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 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 – 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 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 7 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.

110.60

Additional Requirements

This section contains a series of requirements that apply to improvements required or proposed to be installed.

1. Dedication of Right-of-Way – If a right-of-way abutting the subject property is not wide enough to contain the required improvements, the applicant shall dedicate as right-of-way a strip of land adjacent to the existing right-of-way wide enough to encompass the required half-street improvements. The Public Works Director may require the applicant to make land available, by dedication, for new rights-of-way and utility infrastructure if this is reasonably necessary as a result of the development activity.
2. Walkways – ~~The City may require the applicant to install public pedestrian walkways, other than sidewalks as otherwise required by this chapter, in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:~~
 - a. ~~A walkway is indicated as appropriate in the Comprehensive Plan or Nonmotorized Transportation Plan; or~~
 - b. ~~A walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City or transit; or~~
 - c. ~~Midblock pedestrian access may be required if blocks are unusually long; or~~
 - d. ~~Pedestrian access may be required to connect between existing or planned dead-end streets, through streets, or other pedestrian access; or~~
 - e. ~~Pedestrian access shall be provided by means of dedicated rights-of-way, tracts, or easements at the City's option; or~~
 - f. ~~The width of the access right-of-way, tract, or easement, and the pathway material and width, shall be determined per the Public Works Pre-Approved Plans;~~
 - g. ~~The height of solid (blocking visibility) fences along pedestrian pathways that is not directly adjacent a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors;~~
 - h. ~~All new building structures shall be set back a minimum of five feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent to a public or private street right-of-way.~~
23. Fire Hydrants – The applicant shall install fire hydrants where and in the manner specified by the Department of Fire Services.
34. Incompatible Improvements – If improvements required by this chapter will connect with existing improvements in the same right-of-way that do not conform to this chapter, the following regulations apply:
 - a. If the improvements will connect with existing improvements of a greater dimension, the new improvement must be built at the greater dimension unless the Public Works Director determines that the dimensions of the existing improvement will be decreased in the future.

- b. If the improvements will connect with existing improvements of a lesser dimension, the following regulations apply:
 - 1) If the Public Works Director determines that the dimensions of the existing improvements will not be increased in the future, the new improvement must be permanently flared or tapered to match the existing improvements.
 - 2) If the Public Works Director determines that the dimensions of the existing improvements will be increased in the future, the applicant shall install the required improvements in the full length of the right-of-way abutting the subject property with temporary flaring or tapering on the existing improvements.
45. Landscape Strip and Street Trees – Landscape strips are typically found between the curb and the sidewalk and are planted with grass and street trees spaced 30 feet on-center. When improving landscape strips, the following regulations apply:
- a. The applicant shall plant all landscape strips with vegetation approved by the City.
 - b. Trees shall be planted per the details outlined in Public Works Pre-Approved Plans and Policies Notebook.
 - c. The abutting property owner shall be responsible for keeping the sidewalk and landscaping abutting the subject property clean and litter-free, and any vegetation there shall be maintained. The City may require the owner of the subject property to sign a maintenance agreement in a form acceptable to the City Attorney, to run with the subject property. If an agreement is required, the applicant shall record this agreement in the King County Bureau of Elections and Records.
 - d. It is a violation of this code to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.
 - e. If a landscape strip or street trees in tree grates is not required, street trees planted 30 feet on-center 2.5 feet behind the sidewalk will be required, where feasible.
 - f. All trees planted in the right-of-way must be approved as to species by the Public Works Director. In the vicinity of overhead lines, tree species shall be selected based on City guidelines that will not interfere with those lines in the future. All trees must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.
56. Mailboxes – The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development. The mailbox location and type shall be approved by the Kirkland U.S. Post Master.
67. Street Signs and Traffic Control Devices – The applicant shall install all street signs and traffic control devices in the location and manner established by the Department of Public Works.
78. Utility Lines and Appurtenances
- a. The location of sanitary sewer, storm drainage, and water main lines shall be as approved or required by the Public Works Director. All other utility lines, water meters and other utility appurtenances must be undergrounded within the utility strip, unless an alternate location is approved or required by the Public Works Director. Utility

appurtenances must be no higher than finished grade unless this is determined by the Public Works Director to be infeasible.

- b. All overhead service utility lines on the subject property must be undergrounded to the nearest primary source; undergrounding to a secondary service pole will not be allowed unless approved by the Public Works Director. All existing overhead utility lines in the public right-of-way adjacent to the subject site must be undergrounded unless the Public Works Director determines that this is infeasible. If undergrounding is determined to be infeasible, the property owner shall sign an agreement, in a form acceptable to the City Attorney, that waives the property owner's right to protest formation of a Local Improvement District (LID) for conversion of overhead utility lines to underground, in the public right-of-way adjacent to the subject property, consistent with RCW 35.43.182.

89. Engineering Design – The applicant shall do preliminary engineering and provide construction design for the improvements required by this chapter.

940. Other Necessary Improvements – The applicant shall install any other improvements that are necessary for the installation or proper operations or maintenance of the improvements required by this code.

104. Replacement of Damaged or Substandard Existing Street Improvements – For properties that have existing street improvements, the owner shall remove and replace any damaged or substandard improvements in conjunction with the development of the property. Replacement shall include, but not be limited to, cracked curb, gutter, landscape strip, sidewalk, storm drainage infrastructure, barrier free ramps at street intersections, and installation of street trees.

11. Entry Features in Design Districts- In Design Districts, if the Comprehensive Plan or Design Guidelines designate the subject property for an entry feature, then the applicant shall design and install an entry feature area on the subject property. The size of the entry feature area shall be at least 100 square feet, and may include landscaping, art, signage or lighting. The design shall be reviewed by the City and decided upon as part of the Design Review for the proposed development. The applicant shall provide an easement or dedication of property surrounding the entry feature.

Chapter 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS

115.45

Garbage and Recycling Receptacles and Dumpsters – Placement and Screening

1. Placement – ~~All-g~~Garbage and recycling receptacles and dumpsters, including underground facilities, must comply with either of the following:
 - a. Be sSetback a minimum of five feet from side property lines, 10 feet from rear property lines and 10 feet from front property lines, or
 - b. Comply with the setbacks established for the use with which they are associated.
 - c. Be located outside landscape buffers required by Chapter 95 KZC;
 - d. Be located to minimize visibility from any street, pedestrian walkway, or public park; and
~~In either case, garbage and recycling receptacles and dumpsters may not be located in landscape buffers required by Chapters 95 and 105 KZC.~~
2. Screening – ~~All-g~~Garbage and recycling receptacles and dumpsters must be screened from view from the street and from adjacent properties by a solid screening enclosure.
3. Exemptions – Garbage receptacles for detached dwelling units, duplexes, moorage facilities, parks, and construction sites are exempt from the placement and screening requirements of this section.

115.47 Loading and Service Areas Placement and Screening

Loading and service areas must be located so they are not visible from any street or pedestrian walkway. If that location is not physically possible, loading and service areas must be screened from public view using a compact evergreen hedge, a solid wall or fence, or in a manner approved by the Planning Official.

115.90

Calculating Lot Coverage

1. General – The area of all structures and pavement and any other impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one use, the maximum lot coverage requirements for the predominant use will apply to the entire development.
2. Exceptions
 - a. Wood decks may be excluded if constructed with gaps between the boards and if there is pervious surface below the decks.
 - b. An access easement or tract that serves more than one lot that does not abut a right-of-way will not be used in calculating lot coverage for any lot it serves or crosses.

- c. For detached dwelling units in low density zones and having a front yard, 10 feet of the width of a driveway, outside of the required front yard, serving a garage or carport; provided that:
 - 1) The portion of the driveway excepted from lot coverage calculations shall not exceed 10 percent of the lot area; and
 - 2) The portion of the driveway excepted is not located in an access easement.
- d. Grass grid or brick pavers and compact gravel, when installed over a pervious surface, will be calculated as impervious surface at a ratio of 50 percent of the total area covered.
- e. Outdoor swimming pools.
- f. Pedestrian walkways required by KZC 105.18 and ~~105.60(4)~~.
- g. Pervious areas below eaves, balconies, and other cantilevered portions of buildings.
- h. Landscaped areas at least two feet wide and 40 square feet in area located over subterranean structures if the Planning Official determines, based on site-specific information submitted by the proponent and prepared by a qualified expert, soil and depth conditions in the landscaped area will provide cleansing and percolation similar to that provided by existing site conditions.
- i. Retaining walls not immediately adjacent to other impervious areas.

Chapter 142 – DESIGN REVIEW

Sections:

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

142.05

User Guide

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

142.15

Development Activities Requiring D.R. Approval

- ~~1. All development activities subject to KZC 92.35(2) and (5) need not be reviewed through D.R., but shall comply with this chapter.~~
- ~~2. The following development activities are subject to D.R. unless subsection (3) of this section applies:

 - ~~a. The development of an undeveloped site.~~
 - ~~b. The addition of new floor area to an existing building.~~
 - ~~c. A change to the exterior appearance of over 25 percent of a facade visible from a street or park.~~~~
- ~~3. The following activities are not subject to D.R.:

 - ~~a. Any activity which does not require a building permit; or~~
 - ~~b. Any activity on the exterior of a building of which the total cost or fair market value, whichever is higher, does not exceed \$10,000; or~~
 - ~~c. Interior work which does not alter the exterior of the structure; or~~
 - ~~d. Normal building maintenance including the repair or maintenance of structural members; or~~
 - ~~e. Any development listed as exempt in the applicable Use Zone Chart.~~~~
- ~~4. See also KZC 162.35, Certain Nonconformances Specifically Regulated, for additional information regarding the application of design regulations to existing development and~~

~~remodels. The City encourages voluntary compliance with the design regulations, the Comprehensive Plan, and design guidelines even for projects which do not require D.R. approval according to the terms of this subsection.~~

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.

2). Additions to existing buildings where:

a) The new gross floor area is greater than 10% 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.

3). Renovations to existing facades, where the building is identified by the City as an historic structure.

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: RH8, PR 3.6, RM, PLA 17A.

2. Administrative Design Review (A.D.R.) All other development activities not requiring D.B.R. review under Section 1 above 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.

Sections 142.17 and 142.20 deleted.

~~See also KZC 162.35, Certain Nonconformance's Specifically Regulated, for additional information regarding the application of design regulations to existing development and remodels. Design-Review-Process~~

~~1. Unless otherwise specified in the Use Zone Chart, the following development activities shall be reviewed administratively pursuant to KZC 142.25:~~

~~a. All new one-story buildings containing less than 10,000 square feet of gross floor area.~~

~~b. The following additions to existing buildings:~~

~~1) To one-story buildings where the existing and new floor area total less than 10,000 square feet of gross floor area; or~~

~~2) To buildings greater than one story or 10,000 square feet of gross floor area where the gross floor area is expanded by less than 10 percent.~~

~~c. Renovations to existing facades, unless the building is identified by the City as a historic structure.~~

~~d. Development activities in RH-8, PR, RM, and PLA-17A Zones located within the NE 85th Street Subarea.~~

~~2. Unless otherwise specified in the Use Zone Chart, all other development activities shall be reviewed by the Design Review Board pursuant to KZC 142.35.~~

142.20

Timing

For any development activity that requires D.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity.

An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.

142.25

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

1. Authority - The Planning Official shall conduct review the 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, and the NE 85th Street Subarea Plan for the Rose Hill Business District (RHBD).
- d. For review of attached or stacked dwelling units within the NE 85th Street Subarea, 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.

- ~~3.1-Pre-Design Conference - Before applying for A.D.R. approval, the applicant may shall schedule and attend an A.D.R. 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;~~

- ~~a. For the Planning Official to designate which design regulations apply to the proposed development based primarily on the location and nature of the proposed development;~~
- ~~b. To discuss how the design guidelines and other applicable provisions of this code and Comprehensive Plan affect or pertain to the proposed development;~~
- ~~c. For the Planning Official to determine what models, drawings, perspectives, 3D CAD model, or other application materials the applicant will need to submit with the A.D.R. application.~~

4. A.D.R. Approval - After reviewing the A.D.R. application for compliance with the design regulations contained in Chapter 92, KZC, and prior to issuance of any development permit requiring A.D.R.;

~~a. The Planning Official may grant, deny, or conditionally approve, subject to modifications the A.D.R. application approval for the proposed development. No development permit for the subject property requiring A.D.R. approval will be issued until the proposed development is granted A.D.R. approval or conditional approval. The terms of A.D.R. approval or conditional approval will become a conditions of approval for on each subsequent any related development permit and no subsequent 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 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.~~

~~Application - Following the pre-design meeting, the applicant shall submit an A.D.R. application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application form, as well as all application materials required as a result of the pre-design meeting.~~

~~3. Decision - The Planning Official shall review the A.D.R. application for compliance with the design regulations contained in Chapter 92-KZC. In addition, the following guidelines and policies shall be used to interpret how the regulations apply to the subject property:~~

~~a. Design guidelines for pedestrian-oriented business districts, as adopted in 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, and the NE 85th Street Subarea Plan for the Rose Hill Business District (RHBD).~~

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

~~After reviewing the A.D.R. application and other application materials, the Planning Official may grant, deny or conditionally approve subject to modifications the A.D.R. approval for the proposed development. No development permit for the subject property requiring A.D.R. approval will be issued until the proposed development is granted A.D.R. approval or conditional approval. The terms of A.D.R. approval or conditional approval will become a~~

~~condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval. The Planning Official shall send written notice of the A.D.R. decision to the applicant. If the A.D.R. is denied, the decision shall specify the reasons for denial.~~

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.~~

4. Requests for Reconsideration

- a. ~~Only the applicant may request reconsideration of the A.D.R. decision.~~
- b. ~~Only the City and the applicant may participate in the request for reconsideration.~~
- c. ~~The applicant may request the Planning Director to reconsider any aspect of the Planning Official's A.D.R. decision by delivering a written request for reconsideration to the Planning Department within seven calendar days following the postmarked date of distribution of the Planning Official's written decision. The applicant shall specify in the request what aspect of the decision he/she wishes to have reconsidered and the reason for the request.~~
- d. ~~Within seven calendar days after receiving a request for reconsideration, the Planning Director shall notify the applicant whether or not the Planning Director will reconsider the decision. The Planning Director may reconsider the decision only if he/she concludes that there is substantial merit in the request.~~
- e. ~~If the Planning Director reconsiders the decision, the Planning Director shall send written notice of the final A.D.R. decision to the applicant. The decision shall specify the reasons for modifications, if applicable.~~

65. 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 yardssetback requirements; and
 - 2) In the Totem Center: minimum required yards setback, floor plate maximums and building separation requirements; and
 - 3) In the RHBD and the TLN: minimum required yardssetback, landscape buffer and 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 (65)(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.
32. Authority – The Design Review Board shall review projects for consistency with the following:

- a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30 KMC.
- b. Design Guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in Chapter 3.30 KMC.
- ~~c. The design regulations contained in Chapter 92-KZC, except as provided for in subsection (2)(d) of this section. To the extent that the standards of the design guidelines or design regulations address the same issue but are not entirely consistent or contain different levels of specificity, the Design Review Board shall determine which standard results in superior design.~~
- ~~d. The design regulations contained in Chapter 92-KZC do not apply to development in TL 2, where development is proposed within a Conceptual Master Plan.~~
- ce. The applicable neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required.

- df. 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.
43. The Design Review Board is authorized to approve minor variations in development standards within the following areas certain Design Districts described in Section 142.25(6)(a) provided the variation complies with the criteria of KZC 142.25(65)(bd):
- a. ~~In the CBD: minimum required yards.~~
 - b. ~~In Totem Center: minimum required yards, from setback, floor plate maximums and building separation requirements.~~
 - c. ~~In the RHBD and TLN: minimum required yards, from setback, landscape buffer and horizontal facade requirements.~~
54. 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.
65. Conceptual Design Conference – Before applying for design review approval, the applicant shall attend a conceptual design conference with the Design Review Board. The conference will be scheduled by the Planning Official to occur within 30 days of written request by the applicant. The purpose of this conference is to provide an opportunity for the applicant to discuss the project concept with the Design Review Board and:
- a. To discuss how the design regulations, design guidelines and other applicable provisions of the Comprehensive Plan affect or pertain to the proposed development;
 - b. For the Design Review Board to designate which design regulations, design guidelines and other applicable provisions of the Comprehensive Plan apply to the proposed development based primarily on the location and nature of the proposed development; and
 - c. For the Design Review Board to determine what models, drawings, perspectives, 3-D CAD model, or other application materials the applicant will need to submit with the design review application.
76. 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.
87. 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.

98. 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 (32) 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 (32) 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.

109. 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.

142.40

Appeals of Design Review Board Decisions

1. Jurisdiction – Appeals of the decision of the Design Review Board will be heard as follows:
 - a. If a related development permit requires an open record public hearing, then the appeal shall be heard at that hearing and decided upon by the hearing body or officer or officer hearing the related development permit.
 - b. If there are no other open record hearings required for related development permits, then the decision of the Design Review Board shall be heard at an open record hearing by the City Council.

Only those issues under the authority of the Design Review Board as established by KZC 142.35(2) are subject to appeal.
2. Who May Appeal – The decision of the Design Review Board may be appealed by the applicant or any other individual or entity who submitted written or oral comments to the Design Review Board.
3. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 calendar days following the postmarked date of the distribution of the Design Review Board decision. It must contain a clear reference to the matter being appealed and a statement of the specific elements of the Design Review Board decision disputed by the person filing the appeal.

4. Fees – The person filing the appeal shall include with the letter of appeal the fee as established by ordinance.

5. Notice
 - a. Content – The Planning Official shall prepare a notice of the appeal containing the following:
 - 1) The file number and a brief written description of the matter being appealed.
 - 2) A statement of the scope of the appeal including a summary of the specific matters disputed in the letter of appeal.
 - 3) The time and place of the public hearing on the appeal.
 - 4) A statement of who may participate in the appeal.
 - 5) A statement of how to participate in the appeal.
 - b. Distribution – At least 14 calendar days before the hearing on the appeal, the Planning Official shall send a copy or a summary of this notice to the applicant, appellant(s), and Design Review Board. The notice of appeal may be combined with the hearing notice for the related development permit, if applicable.

6. Participation in the Appeal – Only the person(s) who filed the appeal, the applicant, and the chair (or designee) of the Design Review Board may participate in the appeal. These persons may participate in the appeal in either or both of the following ways:
 - a. By submitting written comments or testimony to the hearing body or officer prior to commencement of the hearing.
 - b. By appearing in person, or through a representative, at the hearing and submitting oral testimony directly to the hearing body or officer. The hearing body or officer may reasonably limit the extent of oral testimony to facilitate the orderly and timely conduct of the hearing.

7. Scope of the Appeal – The scope of the appeal is limited to the specific elements of the Design Review Board decision disputed in the letter of appeal and the hearing body or officer may only consider comments, testimony, and arguments on these specific elements.

8. Staff Report on the Appeal
 - a. Content – The Planning Official shall prepare a staff report containing the following:
 - 1) The written decision of the Design Review Board.
 - 2) All written comments received by the Design Review Board.
 - 3) The letter of appeal.

- 4) All written comments on the appeal received by the Planning Department from the appellant or applicant and within the scope of the appeal.
- 5) An analysis of the specific element(s) of the Design Review Board's decision disputed in the letter of appeal.

The Planning Official may present the staff report orally to the hearing body or officer.

- b. Distribution – At least seven calendar days before the hearing, the Planning Official shall distribute copies of the staff report to the hearing body or officer, the appellant, and the applicant.
9. Electronic Sound Recordings – The hearing body or officer shall make a complete electronic sound recording of each hearing.
10. Continuation of the Hearing – The hearing body or officer may continue the hearing if, for any reason, it is unable to hear all of the testimony on the appeal or if it determines that it needs more information within the scope of the appeal. If, during the hearing, the hearing body or officer announces the time and place of the continued hearing on the matter, no further notice of that hearing need be given.

142.55

Lapse of Approval For Design Review Board Decisions

1. General – Unless otherwise specified in the decision granting D.B.R. approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the D.B.R. approval within one year after the final decision granting the D.B.R. approval or that decision becomes void. The applicant must substantially complete construction consistent with the D.R. approval and complete all conditions listed in the D.B.R. approval decision within three years after the final decision on the D.B.R. approval or the decision becomes void. “Final decision” means the final decision of the Planning Official or Design Review Board.
2. Extensions
 - a. Application – The applicant may apply for a one-time extension, of up to one year, of the time limits under subsection (1) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (1) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the D.B.R. approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (1) of this section.
 - b. Fee – The applicant shall include with the letter of request the fee as established by ordinance.
 - c. Review Process – An application for a time extension will be reviewed by the Planning Official.
3. Appeals
 - a. Who Can Appeal – Any person who is aggrieved by a time extension or denial of a time extension under this section may appeal that determination.
 - b. How To Appeal – The applicant must file a letter of appeal within 14 days of the approval or denial of the time extension indicating how the determination affects his/her property and presenting any relevant arguments or information on the correctness of the determination. The applicant shall include the appeal fee as established by ordinance.
 - c. Applicable Procedures – All appeals of decisions under this section will be reviewed and decided upon using Process IIA, described in Chapter 150 KZC.

142.60

Bonds

The Planning Official may require a bond under Chapter 175 KZC to ensure compliance with any aspect of a D.R. approval.

11. Decision on the Appeal

- a. Criteria – Unless substantial relevant information is presented which was not considered by the Design Review Board, the decision of the Design Review Board shall be accorded substantial weight. The decision may be reversed or modified if, after considering all of the evidence in light of the design regulations, design guidelines, and Comprehensive Plan, the hearing body or officer determines that a mistake has been made. Specific allowances established by the applicable use zone charts may not be appealed unless the Design Review Board has approved exceptions to those allowances.
- b. General – The hearing body or officer shall consider all information and material within the scope of the appeal submitted by the appellant. The hearing body or officer shall adopt findings and conclusions and either:
 - 1) Affirm the decision being appealed; or
 - 2) Reverse the decision being appealed; or
 - 3) Modify the decision being appealed.
- c. Issuance of Written Decision – Within eight calendar days after the public hearing, the hearing body or officer shall issue a written decision on the appeal. Within four business days after it is issued, the hearing body or officer shall distribute the decision by mail to the appellant and the applicant.
- d. Effect – If the appeal hearing is combined with an open record hearing for a related development permit, the decision on the appeal shall become part of the decision on the related development permit. The final decision of the City on the appeal of the Design Review Board decision shall occur at the same stage as the final decision of the City on the related development permit. Any appeal or challenge of the action of the hearing body or officer on the appeal of the Design Review Board decision shall be limited to the scope of the initial appeal.

142.50

Modifications

1. The Planning Official may approve a modification to the D.R. approval for the proposed development if:
 - a. The need for the modification was not known and could not reasonably have been known before the D.R. approval was granted;
 - b. The modification is minor and will not, in any substantial way, change the proposed development or violate any requirement imposed by the Design Review Board. The Planning Official may consult with the Design Review Board in his/her decision; and
 - c. The development that will result from the modification will be consistent with the design regulations, design guidelines, and Comprehensive Plan.
2. Any modification, other than as specified in subsection (1) of this section, must be reviewed and decided upon as a new D.R. approval under this chapter.

Kirkland Zoning Code Amendments

Chapter 142-Revised 5/25/07

142.55

Lapse of Approval For Design Review Board Decisions

1. General – Unless otherwise specified in the decision granting D.B.R. approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the D.B.R. approval within one year after the final decision granting the D.B.R. approval or that decision becomes void. The applicant must substantially complete construction consistent with the D.R. approval and complete all conditions listed in the D.B.R. approval decision within three years after the final decision on the D.B.R. approval or the decision becomes void. "Final decision" means the final decision of the Planning Official or Design Review Board.

2. Extensions

a. Application – The applicant may apply for a one-time extension, of up to one year, of the time limits under subsection (1) of this section. The application for the extension must be submitted by letter prior to the expiration of the applicable time limit under subsection (1) of this section. The letter of application must be submitted to the Planning Department and, along with any other supplemental documentation, must demonstrate that the applicant is making substantial progress toward developing the subject property consistent with the D.B.R. approval and that circumstances beyond his/her control prevent compliance with the applicable time limit under subsection (1) of this section.

b. Fee – The applicant shall include with the letter of request the fee as established by ordinance.

c. Review Process – An application for a time extension will be reviewed by the Planning Official.

3. Appeals

a. Who Can Appeal – Any person who is aggrieved by a time extension or denial of a time extension under this section may appeal that determination.

b. How To Appeal – The applicant must file a letter of appeal within 14 days of the approval or denial of the time extension indicating how the determination affects his/her property and presenting any relevant arguments or information on the correctness of the determination. The applicant shall include the appeal fee as established by ordinance.

c. Applicable Procedures – All appeals of decisions under this section will be reviewed and decided upon using Process IIA, described in Chapter 150 KZC.

142.60

Bonds

The Planning Official may require a bond under Chapter 175 KZC to ensure compliance with any aspect of a D.R. approval.

Chapter 162 – NONCONFORMANCE

162.35 Certain Nonconformances Specifically Regulated

8. Nonconformances To Design Regulations In Design Districts CBD, JBD, NRHBD, RHBD, Totem Lake Neighborhood (TLN) and Totem Center Design Regulations

a. Nonconformances to the design regulations of Chapter 92 are governed by KZC Chapter 142.

~~The provisions of this subsection (8) regulate under what circumstances nonconformance with the CBD, JBD, NRHBD, RHBD, TLN and Totem Center design regulations of Chapter 92 KZC must be corrected. Compliance with CBD, JBD, NRHBD, RHBD, TLN and Totem Center design regulations is only required when D.R. is required pursuant to Chapter 142 KZC. However, the City encourages voluntary compliance with the design regulations even for projects which do not require D.R. approval.~~

~~b. If the applicant proposes to modify a building or site (or portions thereof) that does not conform to the design regulations, then the nonconforming elements on or within the building or site (or portions thereof) must be brought into conformance to the greatest extent feasible, as determined by the City, depending on the scope of the project.~~

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

Chapter 180 – PLATES

180.05 User Guide

Plate 1 One-Way Traffic – Standard Size Stall (8.5' x 18.5')

Plate 2 Two-Way Traffic – Standard Size Stall (8.5' x 18.5')

Plate 3 One-Way Traffic – Compact Stall (8' x 16')

Plate 4 Two-Way Traffic – Compact Stall (8' x 16')

Plate 5 *Repealed*

Plate 6 *Repealed*

Plate 7 *Repealed*

Plate 8 *Repealed*

Plate 8A Parking Area Design Using Street for Circulation

Plate 9 Allowable Signage

Plate 10 Intrusions into Required Setback Yards

Plate 11 Outdoor Use Activity and Storage Areas

Plate 12 Pedestal Signs

Plate 13 Monument Signs

Plate 13A Pole Signs

Plate 14 Driveway Configuration for Detached Dwelling Units

Plate 14A Driveway Setbacks on "Panhandle" Lots

Plate 14B Driveway Widths in Required Front and Rear Yards

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Plate 16 Determining Stream Buffers

Plate 16A Stream Buffers

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Plate 18 Adjoining Properties

Plate 19 Calculating Average Parcel Depth

Plate 20 Turnaround Space

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Plate 23 Calculating Floor Area for Basements (Detached Dwelling Units in Low Density Zones)

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Plate 27A Shoreline View Corridor

Plate 27B Shoreline View Corridor

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Plate 29 Driveway Easement

Plate 30 Rooftop Appurtenances – Screening with Roof Forms – Examples

Plate 31 Rooftop Appurtenances – Allowable Height and Coverage

Plate 32 Affordable Housing Incentives – Multifamily

Plate 33 View Corridor Height Restriction TL 3A

Plate 34 119th Avenue NE and NE 130th Place Improvements

Plate 34 A. TL 1A and TL 1B, 119th Avenue NE and NE 130th Place Street Improvements

 B. TL 5 123rd Avenue NE and NE 120th Street Improvements

 C. TL 10B 118th Avenue NE Street Improvements

 D. Totem Lake Neighborhood Designated Circulator

 E. Totem Lake Neighborhood Pedestrian Circulation

 F. TL 5 Vehicular and Pedestrian Through Block Pathways Concept

 G. TL 6B Internal Access Roads and Through Block Pathways Concept

 H. CBD Pedestrian Circulation

 I. JBD Pedestrian Circulation

 J. NRHBD Pedestrian Circulation

 K. RHBD Through Block Pathways Concept

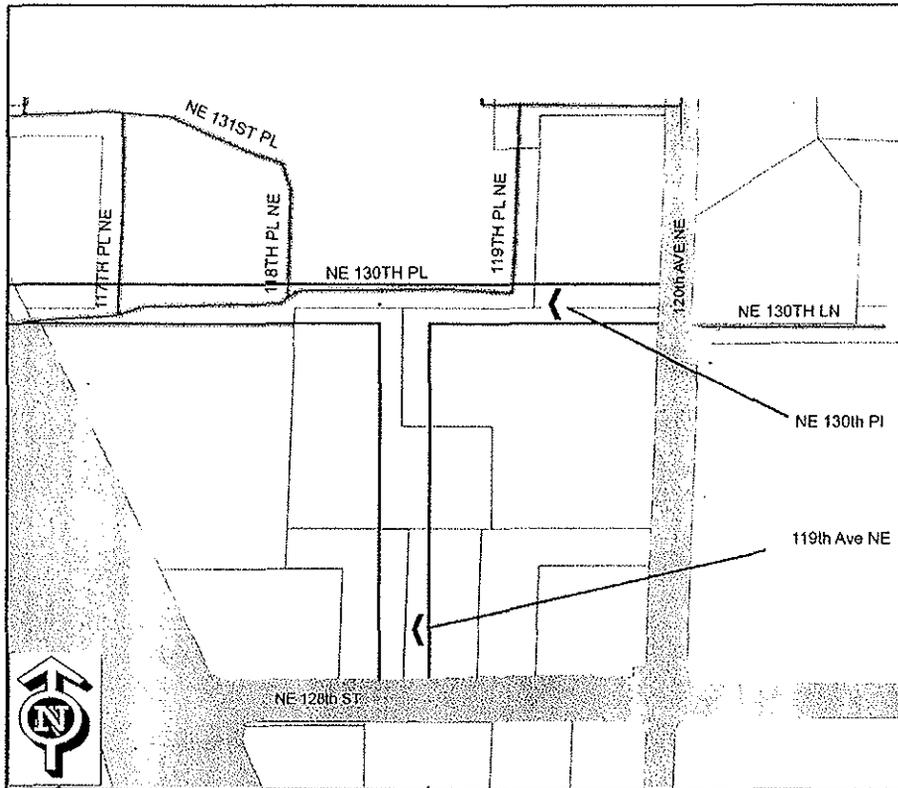
Plate 35 123rd Avenue NE and NE 120th Street Improvements

Plate 36 118th Avenue NE Improvements

Plate 37 Stand-Alone Housing Areas

Plate 34A

119th Avenue NE and NE 130th Place Street Improvements in TL1A and TL1B Zones



Required street improvements for 119th Avenue NE and NE 130th Place:

119th Avenue NE:

40 - 51 feet of public right-of-way

Specific improvements to be determined by the Public Works Director

NE 130th Place:

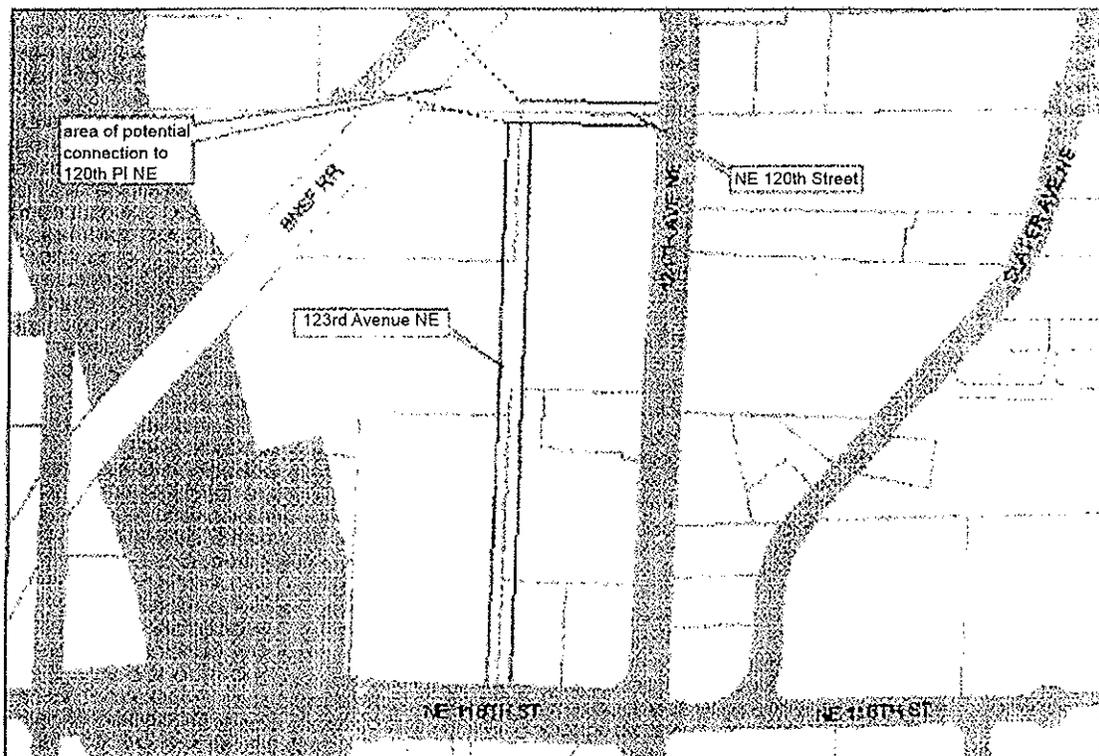
51 feet of public right-of-way

Specific improvements to be determined by the Public Works Director

Note: The precise right-of-way alignment may vary, and shall be determined by the Public Works Director

Plate 34B

123rd Avenue NE Improvements and NE 120th Street Improvements in TL 5 Zone



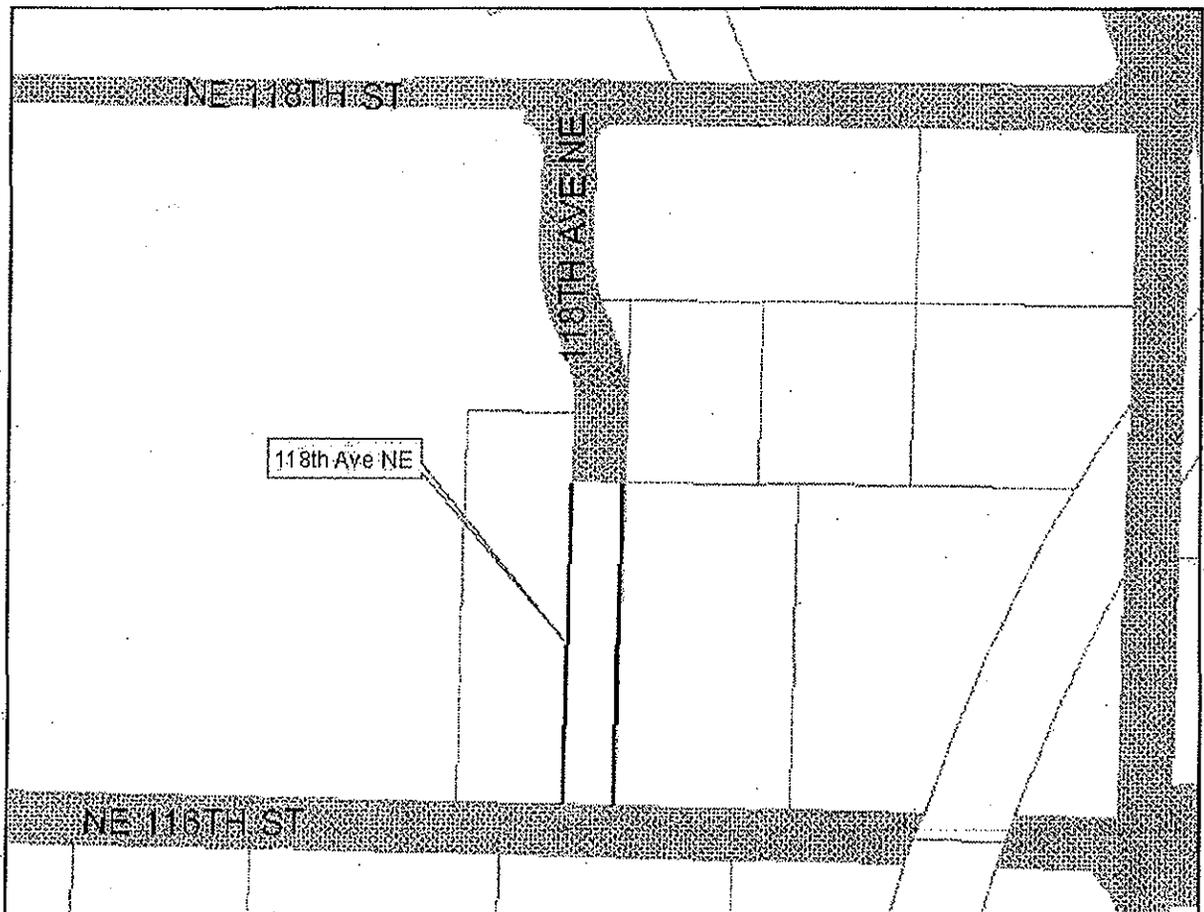
Required street improvements for 123rd Avenue NE and NE 120th Street

60 feet of public right-of-way. Right-of-way width may be modified by the Public Works Director.

Specific improvements to be determined by the Public Works Director

Plate 34C

118th Avenue NE Street Improvements in TL 10B Zone

**Required street improvements for 118th Avenue NE**

60 feet of public right-of-way.

A slope easement may be required, west of the 118th Avenue NE right-of-way, as determined by the Public Works Director

Specific improvements to be determined by the Public Works Director

Plate 34F

Vehicular Access and Pedestrian Pathway Concept for TL5

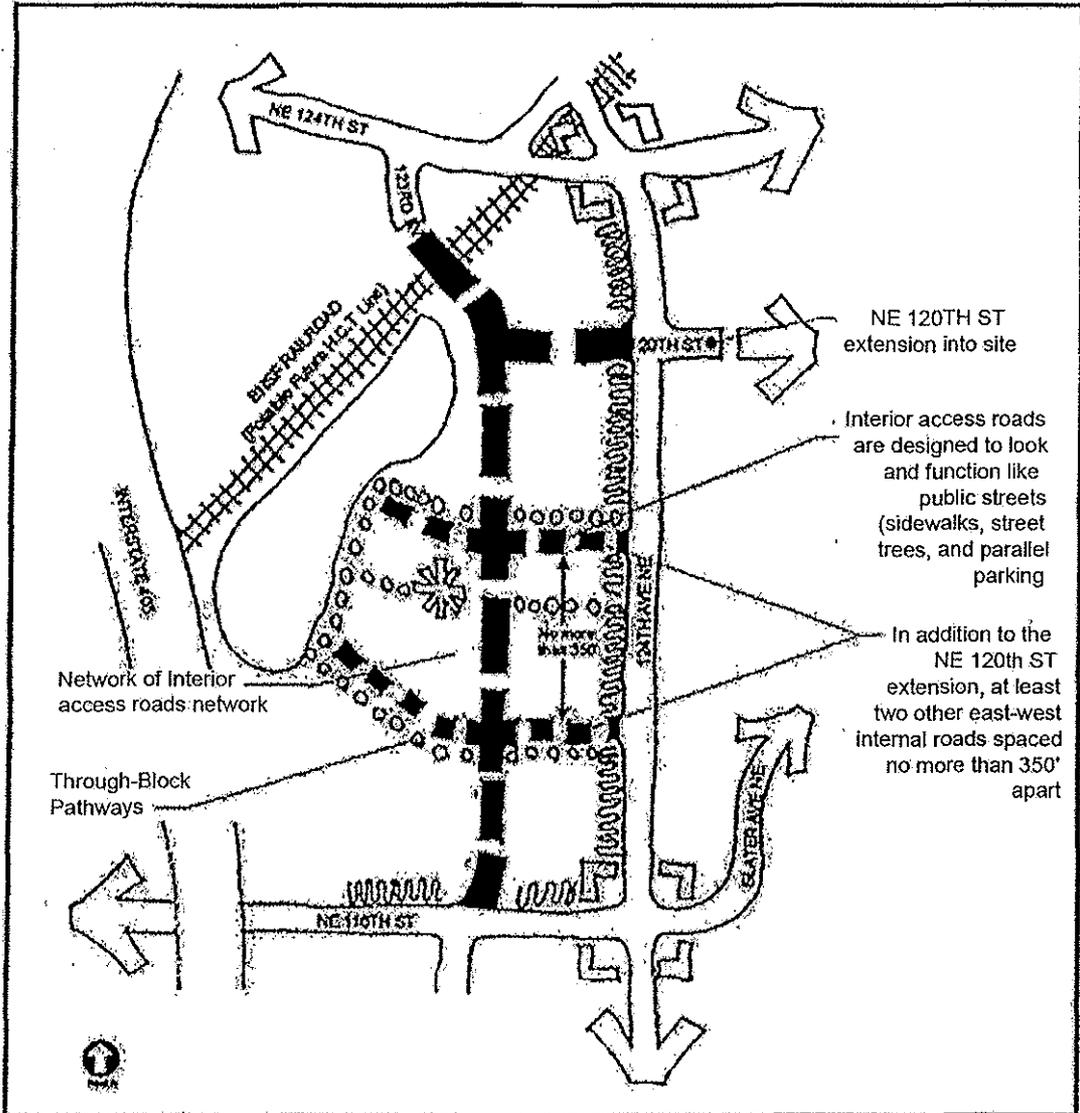


Plate 34G

Internal Access Roads and Through Block Pathway Concept for TL 6B

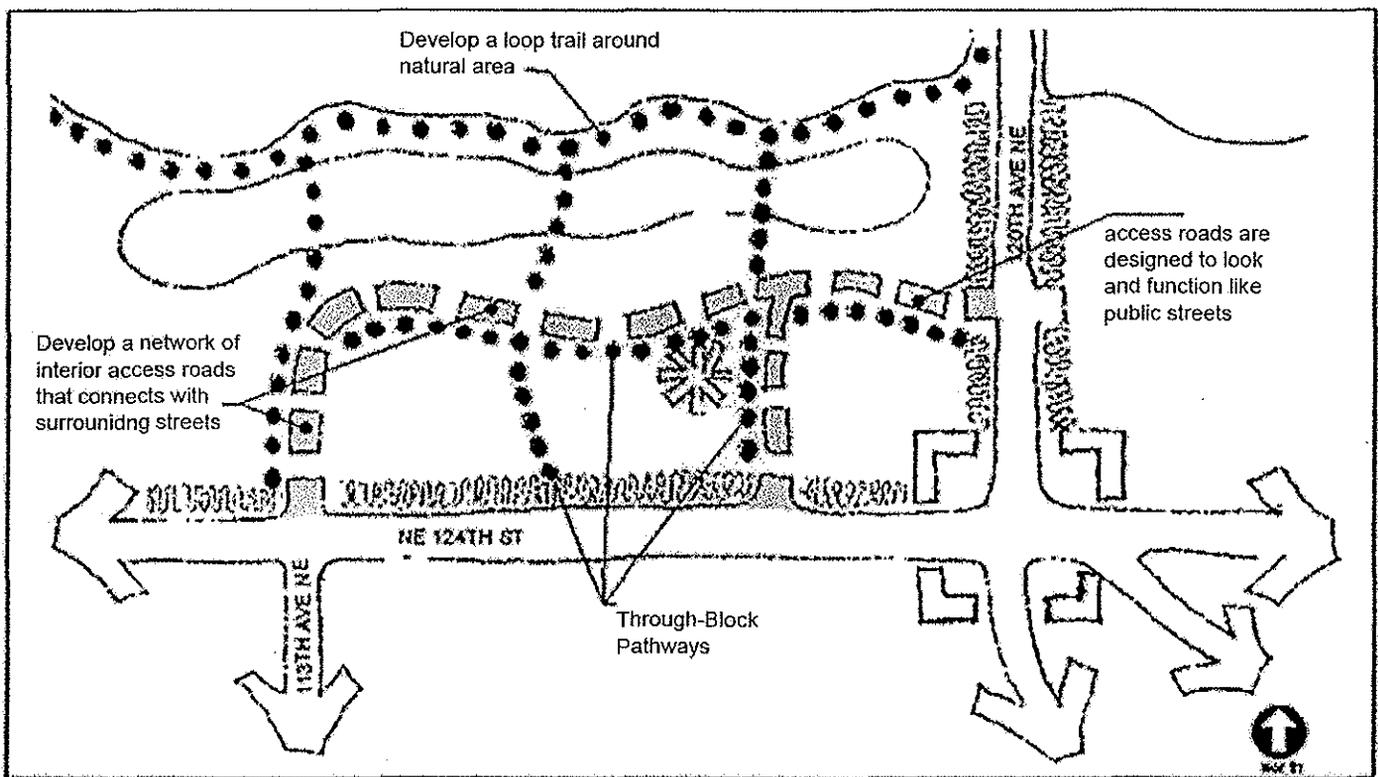


Plate 34H

Pedestrian Circulation in the CBD

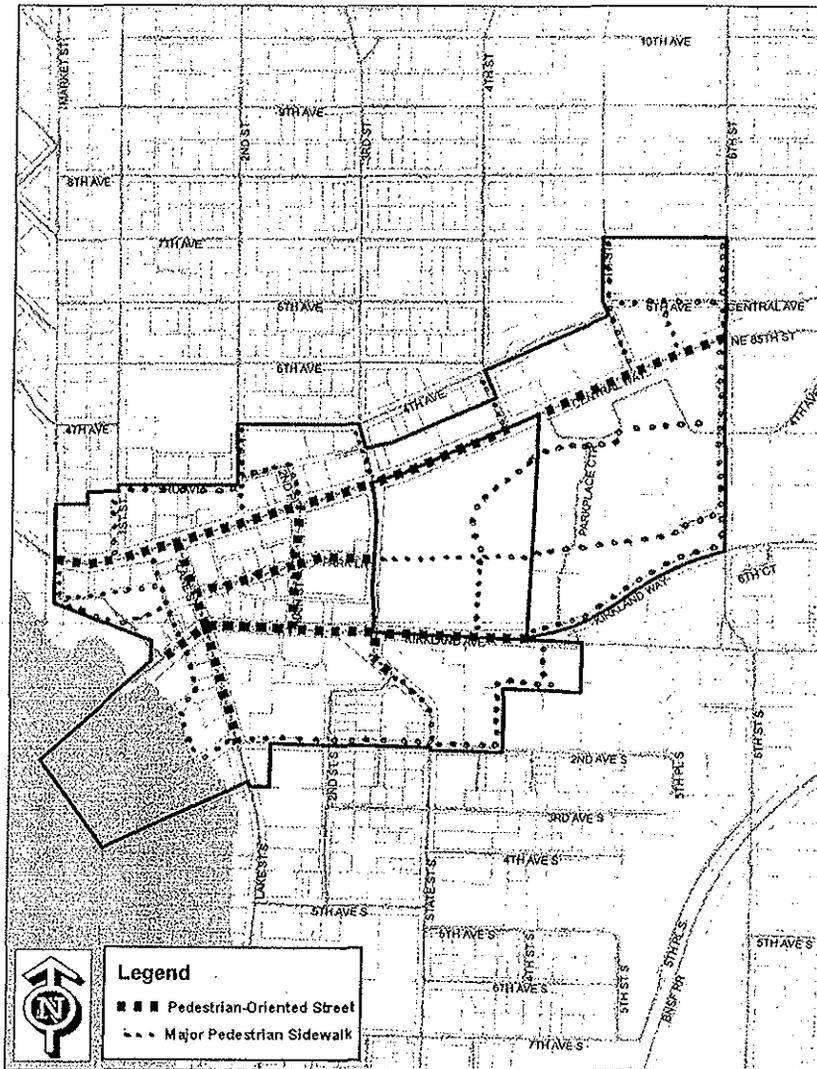


Plate 34I

Pedestrian Circulation in the JBD

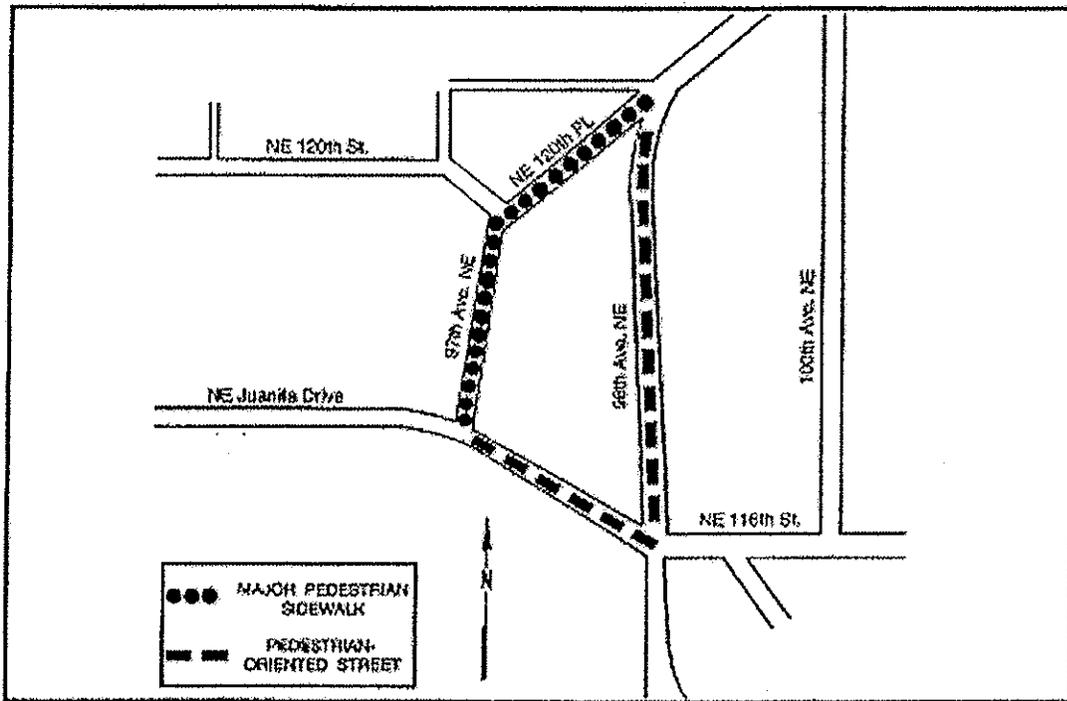


Plate 34J

Pedestrian Circulation in the NRHBD

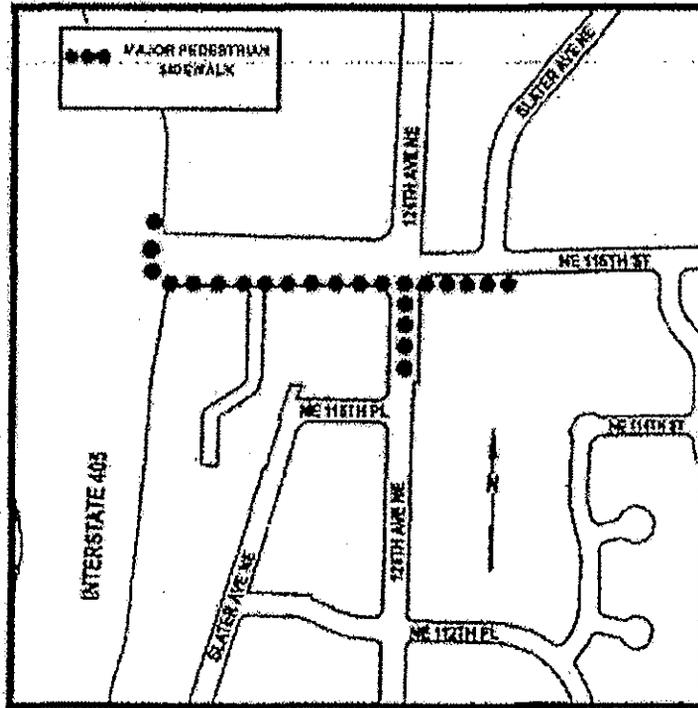
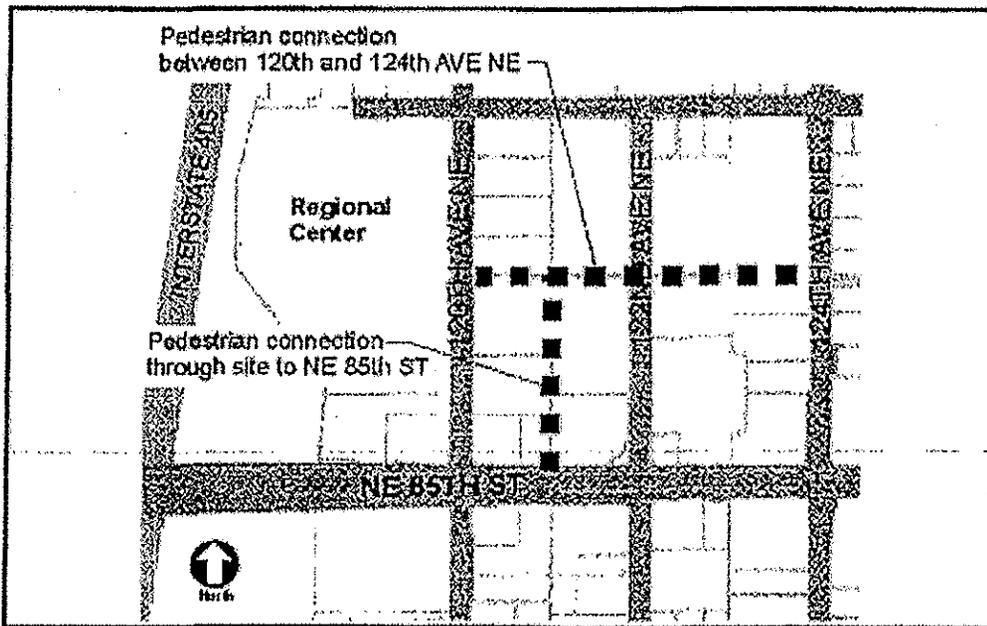


Plate 34K

Through-Block Pathways Concept for RHBD



Chapter 55 – TOTEM LAKE (TL) ZONES

55.05 User Guide. The charts in KZC 55.09 contain the basic zoning regulations that apply in the TL 1A zone of the city. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.07

Zone
TL 1A

Section 55.07 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.
2. All ground floor uses shall be a minimum of 15 feet in height. This regulation does not apply to parking garages or property with no frontage on NE 128th Street.
3. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
4. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking, other than underground parking, may encroach into the required 10-foot front yard.
5. The ability to accommodate new development in the TL 1A zone is dependent upon the construction of two new streets: 119th Avenue NE, between NE 128th Street and NE 130th Place, and NE 130th Place, between 120th Avenue NE and Totem Lake Boulevard NE, as shown on ~~Plate 34~~. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which these streets in whole or in part extend, shall contribute to the creation of the streets as follows:
 - a. With all new development, the portions of these streets crossing the subject property shall be dedicated as public right-of-way consistent with ~~Plate 34~~; and
 - b. With all new development exceeding 30 feet in height, the streets shall be improved ~~as determined by the Public Works Director~~. *Consistent with Plate 34A.* Minor deviations in the location and width of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.
6. Properties located between TL 2 and NE 128th Street may be required to provide a pedestrian connection between TL 2 and NE 128th Street.

Plate
34A

34A

ATTACHMENT
A-
21

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USE ZONE CHART

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

Section 55.09	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Office Use	D.R., Chapter 142 KZC	None	10'	0'	0'	85% See Spec. Reg. 5.	30' to 160' above average building elevation. See Spec. Reg. 4.	B	D	See Chapter 105 KZC	<ol style="list-style-type: none"> The minimum floor area ratio (FAR) for development on the subject property is 1.0, or 100 percent of lot size. The maximum floor area ratio (FAR) for development on the subject property is 2.0, or 200 percent of lot size, except as provided in Special Regulation 3 below. When combined with residential use, the maximum FAR for this use is determined as follows: (% office use x 2) + (% residential use x 3) = FAR of each use allowed on the subject property. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone. On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) may be increased by an additional 0.2 FAR for each 10 percent or portion thereof of the subject property required to be dedicated. Where this use is combined with residential use, the maximum FAR for the residential use may be increased by an additional 0.3 of residential use for each 10 percent or portion thereof of the subject property required to be dedicated. Building height may be increased as follows: <ol style="list-style-type: none"> Building height may exceed 30 feet above average building elevation if one of the following public improvements is provided: <ol style="list-style-type: none"> Dedication and improvement of new streets pursuant to General Regulation 5; or Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZO 92.15. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations: <ol style="list-style-type: none"> Development on the subject property complies with 4(a) above. Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC).

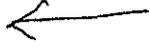
92.15 and 105.

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.09	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.040	Attached or Stacked Dwelling Units (continued)									<p>4. On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) may be increased by an additional 0.30 FAR for each 10 percent or portion thereof of the subject property required to be dedicated. Where this use is combined with office use, the maximum FAR for the office use may be increased by an additional 0.2 of office use for each 10 percent or portion thereof of the subject property required to be dedicated.</p> <p>5. Building height may be increased as follows:</p> <p>a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided:</p> <ol style="list-style-type: none"> 1) Dedication and improvement of new streets pursuant to General Regulation 5; or 2) Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92-10. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and 3) Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). <p>b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations:</p> <ol style="list-style-type: none"> 1) Development on the subject property complies with 5(a) above. 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 		

92.15 and 105



REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

USE ZONE CHART

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

Section 55.09	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 YARD (See Ch. 115)									
				Front	Side	Rear							
.070	Assisted Living Facility	D.R., Chapter 142 KZC	None	10'	0'	0'	85% See Spec. Reg. 5.	30' to 160' above average building elevation. See Spec. Reg. 4.	B	A	See KZC 105.25.	<ol style="list-style-type: none"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size, except as provided in Special Regulation 3 below. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 5 for this zone. On parcels where road dedication is required pursuant to General Regulation 5, the maximum floor area ratio (FAR) may be increased by an additional 0.30 FAR for each 10 percent or portion thereof, of the subject property required to be dedicated. Building height may be increased as follows: <ol style="list-style-type: none"> Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: <ol style="list-style-type: none"> Dedication and Improvement of new streets pursuant to General Regulation 5; or Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.15 and 105. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). 	

92.15 and 105
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REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.09	USE ↓ REGULATIONS ↓	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.080	Convalescent Center or Nursing Home (continued)									<p>3. Building height may be increased as follows:</p> <p>a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided:</p> <ol style="list-style-type: none"> 1) Dedication and improvement of new streets pursuant to General Regulation 5; or 2) Where General Regulation 5 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.10. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains. <p>b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations:</p> <ol style="list-style-type: none"> 1) Development of the subject property complies with 3(a) above. 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height, except on those parcels where road dedication is required pursuant to General Regulation 5. On these parcels, floor plates may not exceed 20,000 square feet on floors between 80 feet and 120 feet in height. Beyond 120 feet in height, floor plates may not exceed 10,000 square feet per floor. 4) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties. <p>4. Increases in lot coverage may be considered if:</p> <ol style="list-style-type: none"> a. Land dedication on the subject property provided pursuant to General Regulation 5 limits area available for development on the property, and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space. 		

92.15 and 105

55.11 User Guide. The charts in KZC 55.15 contain the basic zoning regulations that apply in the TL 1B zone of the city. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.13

Zone
TL 1B

Section 55.13 – GENERAL REGULATIONS

1. Refer to Chapter 1 KZC to determine what other provision of this Code may apply to the subject property.
2. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
3. The minimum required front yard is 10 feet, unless otherwise prescribed in the use zone chart. Ground floor canopies and similar entry features may encroach into the front yard, provided the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
4. The ability to accommodate new development in the TL ~~1A and~~ 1B zones is dependent upon the construction of two new streets: NE 130th Place, between 120th Avenue NE and Totem Lake Boulevard NE, ~~and 110th Avenue NE, between NE 128th Street and NE 130th Place, as shown on Plate 34.~~ Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which ~~these streets~~ ^{this} in whole or in part extends shall contribute to the creation of the streets as follows:
 - a. With all new development, the portions of the streets crossing the subject property shall be dedicated as public right-of-way consistent with Plate ~~34~~ ^{34A}; and
 - b. With all new development exceeding 30 feet in height, the streets shall be improved consistent with Plate ~~34~~ ^{34A}. Minor deviations in the location, width and improvement of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.

O-4072
eff 3-12-07

34A

34A

ATTACHMENT A-
22

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USE ZONE CHART

Section 55.15 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 YARD (See Ch. 115)			Lot Coverage				
			Front	Side	Rear						
020	Development Containing Both Office Use and Attached or Stacked Dwelling Units (continued)										<p>b. Where land dedication is required for the improvement of 119th Avenue NE, pursuant to General Regulation 4, office use may be increased according to the formula set forth in Special Regulation 1. Office use may not exceed 90 percent of the total FAR for the mixed use development. If the office use is proposed to be built prior to the residential use, the applicant may propose a phasing plan for the residential component to the Planning Department. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone.</p> <p>b. On parcels where land dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.2 FAR of office use, or 0.3 of residential use for each 10 percent or portion thereof of the subject property required to be dedicated.</p> <p>2. Twenty-foot yard required where properties abut NE 132nd Street.</p> <p>3. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street along the subject property.</p> <p>4. Building height may be increased as follows:</p> <p>a. Building height may exceed 30 feet above average building elevation, if:</p> <p>1) One of the following public improvements is provided:</p> <p>a) Dedication and improvement of new streets pursuant to General Regulation 4; or</p> <p>b) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92-10. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and</p> <p>2) Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66.</p> <p>REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE</p>

0-4072 eff 3-12-07

a. Where land dedication for 119th Avenue NE is not required pursuant to General Regulation 4, office use is limited to 0.5 FAR.

b. Where land dedication is required for the improvement of 119th Avenue NE, pursuant to General Regulation 4, office use may be increased according to the formula set forth in Special Regulation 1. Office use may not exceed 90 percent of the total FAR for the mixed use development. If the office use is proposed to be built prior to the residential use, the applicant may propose a phasing plan for the residential component to the Planning Department. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone.

a. The maximum Floor Area Ratio (FAR) for this use is 3.0, except as provided in paragraph b of this section. Office use shall not exceed 10% of the total gross floor area of all structures on the subject property.

b. On parcels where land dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.2 FAR of office use, or 0.3 of residential use for each 10 percent or portion thereof of the subject property required to be dedicated.

92.15 and 105

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 55.15	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 YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	Attached or Stacked Dwelling Units	D.R., Chapter 142 KZC	None	10' See Spec. Reg. 5.	0'	0'	85% See Spec. Reg. 8.	30' to 160' above average building elevation. See Spec. Regs. 6 and 7.	C	A	See KZC 105.25.	<ol style="list-style-type: none"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. Residential development must provide a minimum density of 50 dwelling units per gross acre. The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone. On parcels where road dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.30 for each 10 percent or portion thereof of the subject property required to be dedicated. Twenty-foot yard required where properties abut NE 132nd Street. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street along the subject property. Building height may be increased as follows: <ol style="list-style-type: none"> Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: <ol style="list-style-type: none"> Dedication and improvement of new streets pursuant to General Regulation 4; or Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 02.10. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. <p>An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units.</p>

92.15 and 105
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REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

Section 55.15



USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 55.15	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 YARD (See Ch. 115)									
				Front	Side	Rear							
.080	Assisted Living Facility	D.R., Chapter 142 KZC	None	10' See Spec. Reg. 4.	0'	0'	85% See Spec. Reg. 7.	30' to 160' above average building elevation. See Spec. Regs. 5 and 6.	C	A	1 per assisted living unit.	<ol style="list-style-type: none"> Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use. The maximum floor area ratio (FAR) for development on the subject property is 3.0, or 300 percent of lot size. Maximum FAR is determined based on parcel size, prior to any road dedication required pursuant to General Regulation 4 for this zone. On parcels where road dedication is required pursuant to General Regulation 4, the maximum floor area ratio (FAR) may be increased by an additional 0.30 for each 10 percent or portion thereof, of the subject property required to be dedicated. Twenty-foot yard required where properties abut NE 132nd Street. Within 100 feet of the centerline of NE 132nd Street, building height may not exceed 30 feet above the elevation of the centerline of NE 132nd Street. Building height may be increased as follows: <ol style="list-style-type: none"> Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided: <ol style="list-style-type: none"> Dedication and improvement of new streets pursuant to General Regulation 4; or Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.10. Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and Provides for at least 10 percent of the units in new residential developments of 10 units or greater as affordable housing units, as defined in Chapter 5 KZC. The number of affordable housing units is determined by rounding up to the next whole number (unit) if the fraction of the whole number is at least 0.66. An agreement in a form approved by the City must be recorded with King County Department of Records and Elections to stipulate conditions under which required affordable housing units will remain as affordable housing units for the life of the project for rental units, and at least 30 years from the date of initial owner occupancy for ownership units. Additional affordable housing incentives may be applicable to residential development (see Chapter 112 KZC). 	

92.15 and 105 ←

REGULATIONS FOR THIS USE CONTINUED ON THE NEXT PAGE

0-4097

(Revised 12/04)

Section 55.15

Zone
TL 1B

USE ZONE CHART

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

Section 55.15	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 YARD (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.090	Convalescent Center or Nursing Home (continued)									<p>5. Building height may be increased as follows:</p> <p>a. Building height may exceed 30 feet above average building elevation, if one of the following public improvements is provided:</p> <ol style="list-style-type: none"> 1) Dedication and improvement of new streets pursuant to General Regulation 4; or 2) Where General Regulation 4 does not apply, the development of pedestrian-oriented elements that exceed the requirements of KZC 92.49-Examples include pedestrian walkways through the subject property, public plazas, public art and fountains; and <p>b. Building height may exceed 80 feet and be increased up to 160 feet above average building elevation, with the height increases to be based on the following considerations:</p> <ol style="list-style-type: none"> 1) Development on the subject property complies with 5(a) above, 2) Design of buildings meets guidelines for towers set forth in Design Guidelines (Chapter 142 KZC, and Chapter 3.30 KMC). 3) Floor plates may not exceed 10,000 square feet per floor, for the portion of the building above 80 feet in height. 4) Methods for mitigating any significant shadowing and lighting impacts of the increased building height on the residential areas to the north are proposed. 5) Taller elements of buildings would be stepped back from the perimeter of TL 1B boundaries, away from adjacent residential zones. 6) Portions of structures exceeding 80 feet in height must be separated by at least 60 feet, both on the subject property and from taller building elements on adjacent properties. <p>6. Increases in lot coverage may be considered if:</p> <ol style="list-style-type: none"> a. Land dedication on the subject property provided pursuant to General Regulation 4 limits area available for development on the property; and/or b. Other techniques used to provide open space result in superior landscaping, such as the use of gardens on lower portions of structures or on rooftops, the provision of visual and pedestrian access to public garden areas, or other approaches that provide for useable green space. 		

92.15 and 105

55.17 User Guide. The charts in KZC 55.21 contain the basic zoning regulations that apply in the TL 2 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.19



Section 55.19 – GENERAL REGULATIONS
The following regulations apply to all uses in this zone unless otherwise noted:

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. In addition to the height exceptions established in KZC 115.60, the following exceptions to height regulations in TL 2 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 sloped roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.

New General Regulation in TL 2 Use Zone Chart:

#3. The applicant shall install at least one *through-block pathway* pursuant to the standards in 105.19⁴ from Totem Lake Boulevard to 120th Avenue NE, between the upper and lower portions of TL 2 and within TL 2 where necessary to strengthen the pedestrian connections to streets between buildings, parking areas and public spaces. Pedestrian connections to surrounding uses, including the Transit Center, the Evergreen Hospital Medical Center campus and to the TL 1 zone shall also be provided.

ATTACHMENT
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55.29 User Guide. The charts in KZC 55.33 contain the basic zoning regulations that apply in the TL 4A, TL 4B and TL 4C zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.31

Zone
TL 4A, 4B,
4C

Section 55.31 - GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space, shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities;
 - b. Parking garages; or
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
3. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
- ~~4.~~ For the purpose of applying landscape buffering standards, development on Totem Lake Boulevard, where adjoining Totem Lake Park, shall only be required to provide landscaping in accordance with KZC 95.25(3).
- ~~5.~~ ⁴ At least 50 percent of the total gross floor area located on the ground floor area of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter ~~92~~ ¹⁰⁵ KZC).
- ~~6.~~ ⁵ Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
- ~~7.~~ ⁶ Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

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55.35 User Guide. The charts in KZC 55.39 contain the basic zoning regulations that apply in the TL 5 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.37

Zone
TL 5

Section 55.37 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. The ability to accommodate new development in the TL 5 zone is dependent upon the construction of two new streets: 123rd Avenue NE and NE 120th Street, as shown on Plate ~~34~~ ^{34.B.}. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which these streets in whole or in part extend shall contribute to the creation of the streets as follows:
 - a. With all new development, the portions of these streets crossing the subject property shall be dedicated as public right-of-way consistent with Plate ~~35~~ ^{34.B.}; and
 - b. With all new development exceeding 35 feet in height, the streets shall be improved as determined by the Public Works Director. Minor deviations in the location and width of the streets may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the streets.
 - c. The street network within the TL 5 zone should be primarily made up of dedicated public rights-of-way with street improvements that meet the current City standards. The Public Works Director may authorize that an access street can be within a private access easement if it is found that the private street allows for a superior site design that also maintains an effective street network. If a private access street is allowed, the standards for the street improvements should be similar to those of public streets, and the maintenance of such streets shall be the responsibility of the property owner. Additionally, if a private access street is allowed, design standards applicable to development abutting a major pedestrian sidewalk contigue to apply.
 2. d. ~~Insert attached text.~~
3. Maximum allowable building height may be increased to 45 feet above average building elevation on parcels where dedication for roads is provided. Additional building height may be allowed with participation in a Conceptual Master Plan. No portion of a structure may exceed the following heights above the elevation of NE 116th Street, as measured at the midpoint of the frontage of the subject property on NE 116th Street:
 - a. Within 20 feet of NE 116th Street, 35 feet.
 - b. Within 30 feet of NE 116th Street, 45 feet.
 - c. Within 40 feet of NE 116th Street, 55 feet.
4. The ground floor of all structures on the subject property with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)

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(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

5. At least 30 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. Ground floor spaces in structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space must contain retail establishments, restaurants or taverns.
6. No surface parking may encroach into the required front yard.
7. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

*Insert
#9. from attached sheet*

New General Regulations for TL 5 Use Zone Chart:

#2.d. Development in the TL5 zone must provide a grid of internal access roads shown on Plate 34.B and 34.F pursuant to the following standards:

1. A north-south street (123rd Avenue NE) from NE 116th Street on the south leading to the extension of NE 120th Street and a potential future bridge connecting over the BNSF railroad to 120th Place NE. This is intended to be a dedicated public street that can be implemented in phases as redevelopment occurs on applicable sites.
2. An east/west connection with the planned NE 120th Street extension. This is intended to link the proposed 123rd Avenue NE extension above with 124th Avenue NE. This is intended to be a dedicated public street that can be implemented in conjunction with redevelopment on applicable sites.
3. Two or three other east-west access roads from 124th Avenue NE towards interior lots and areas closer to I-405. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets implemented in conjunction with redevelopment on applicable sites. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.
4. Suggested cross-sections for each of these roads would include:
 - a) Two travel lanes (one lane each way);
 - b) On-street parallel parking;
 - c) Eight to 12 feet wide sidewalks on each side of the street with street trees placed toward the curb 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.

#9. The applicant shall install a *through-block pathway* or other pathways to link streets and/or activities. In addition to the new roads to be developed through the district (123rd Avenue NE and NE 120th Street, designated as *major pedestrian sidewalks* in Plate 34.F, a network of east-west pathways at intervals no greater than 350 feet that link uses to 124th Avenue NE shall be installed. *Through-block pathways* may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See Section 105.19.3 for *through block pathway* standards. Additional *through-block pathways* not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

55.41 User Guide. The charts in KZC 55.45 contain the basic zoning regulations that apply in the TL 6A and TL 6B zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.43

Zone
TL 6A,
6B

Section 55.43 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Where feasible, primary access for nonresidential uses within TL 6 shall be from 124th Avenue NE, NE 124th Street, or NE 120th Street.
3. The ground floor of all structures with frontage on a pedestrian or vehicular circulation route, or adjacent to a pedestrian-oriented space shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, private lodges or clubs, stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities;
 - b. Parking garages;
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible; or
 - d. Parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE.
4. Within TL 6B, at least 50 percent of the gross floor area located on the ground floor of all structures with frontage on a pedestrian or vehicular route, or adjacent to a pedestrian-oriented space, must contain retail establishments, restaurants, taverns, hotels or motels. These uses shall be oriented to a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter ~~92~~ KZC). This regulation does not apply to parcels located more than 500 feet north of NE 124th Street, east of 116th Avenue NE. *(see Plate 34 G) 105A*
5. In addition to the height exceptions established by KZC 115.60, the following exceptions to height regulations in TL zones are established:
 - a. Decorative parapets may exceed the height limit by a maximum of four feet; provided, that the average height of the parapet around the perimeter of the structure shall not exceed two feet.
 - b. For structures with a peaked roof, the peak may extend eight feet above the height limit if the slope of the roof is equal to or greater than four feet vertical to 12 feet horizontal.
6. The review process for development in this zone is as follows:
 - a. In TL 6A, any development activities requiring Design Review approval pursuant to KZC 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no design review is required.
 - b. In TL 6B, as set forth in Chapter 142 KZC.
7. Access for drive-through facilities must be approved by the Public Works Official. See Chapter 105 KZC for requirements.
8. Some development standards or design regulations may be modified as part of the design review process. See Chapter 92 or 142 KZC for requirements.

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Insert #9, #10 from attached sheet.

New General Regulation for TL 6A, 6B Use Zone Chart:

#9. In TL6B, development must provide a grid of internal access roads (see Plate 34.G) pursuant to the following standards:

a) A centralized east-west connection that forms the spine for the site. Such a connection would reduce the need for vehicular circulation on NE 124th Street.

b) Two to three north-south connections from NE 124th Street to the east-west connection noted above. A desirable distance between access roads is between 250 and 300 feet. The maximum allowable distance between access roads shall be 350 feet. These may be public or private streets. Wider separation (up to 500 feet) may be considered where properties dedicate a minimum 30-foot-wide public pedestrian corridor.

c) Suggested cross-sections for each of these roads:

1) Two travel lanes (one lane each way);

2) On-street parallel parking;

3) Eight to 12 feet wide sidewalks on each side of the street with street trees placed 30 feet on-center. Sidewalk width may be reduced where planting strips (minimum four feet wide) are maintained between the street and sidewalk.

The above access roads may be private or public.

#10 The applicant shall install a *through-block pathway* or other pathways to link streets and/or activities. (See Plate 34.G). Include at least one mid-block east-west pathway connecting uses to 116th Avenue NE and a network of north-south pathways at intervals no greater than 350 feet that link uses to NE 124th Street. *Through-block pathways* may be integrated with internal access roads and/or provided within separate pedestrian-only corridors. See Section 105.19.3 for *through block pathway standards*. Additional *through-block pathways* not shown in the Comprehensive Plan may be required by the City on parcels larger than two acres in order to enhance pedestrian access on large sites.

55.71 User Guide. The charts in KZC 55.75 contain the basic zoning regulations that apply in the TL 10B zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 55.73

Zone
TL 10B

Section 55.73 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 20 feet above average building elevation; or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
3. The ability to accommodate new development in the TL 10B zone is dependent upon the extension of 118th Avenue NE to NE 116th Street as shown on Plate 36, Chapter 180 KZC. Consistent with and to the extent authorized by applicable statutes and court decisions, new development on properties across which this street in whole or in part extends, shall contribute to the creation of the street as follows:
 - a. With all new development, the portions of this street crossing the subject property shall be dedicated as public right-of-way consistent with Plate 26; and
 - b. With all new development exceeding 35 feet in height, the street shall be improved as determined by the Public Works Director. Minor deviations in the location and width of the street may be approved by the Public Works Director if the deviations will not negatively affect the functioning of the street.
4. Maximum allowable building height may be increased to 45 feet above average building elevation on parcels where dedication for the road is provided. Additional height increases beyond 45 feet above A.B.E. may be allowed for certain uses, as authorized in the Use Zone Chart.
5. Vehicular access to NE 116th is permitted only via 118th Avenue NE, or if the subject property does not have access to 118th Avenue NE. (Does not apply to Public Park use).
6. Any development activities requiring Design Review approval pursuant to KZC Section 142.15 shall be reviewed administratively (ADR), pursuant to KZC 142.25. Where gross floor area of an existing building is expanded by less than 10 percent, no Design Review is required.
7. Development must be designed to retain the existing hill along NE 116th Street and retain, at a minimum, 25 percent of the viable significant trees. The City may require greater than 25 percent depending on the location and clustering of trees. (Does not apply to Public Park use).
8. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.

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CHAPTER 52 – JUANITA BUSINESS DISTRICT (JBD) ZONES

52.05 User Guide. The charts in KZC 52.12 contain the basic zoning regulations that apply in the JBD 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.

Section 52.10

**Zone
JBD-1**

Section 52.10 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this Code may apply to the subject property.
2. Building height and placement and other site design features should seek to provide for a view corridor from 98th Avenue NE through the subject property towards Lake Washington.
3. See Chapters 100 and 162 KZC for information about nonconforming signs. KZC 162.35 describes when nonconforming signs must be brought into conformance or removed (does not apply to Public Parks uses).

Insert #24

The applicant shall install a *through-block pathway* extending from the north end to the south end of JBD 1 of the Juanita Business District. Two *through-block pathways*, spaced far enough apart to provide maximum accessibility for the whole block, will also extend from the east side to the west side of JBD 1 (see Plate 34 in Chapter 180). See Section 105.19 ~~X4~~ for *through block pathway* standards. *SI.*

The alignment of these pathways shall take into account proposed and existing buildings and, to the extent possible, shall extend along building fronts or property lines. The applicant must install pathways that run generally north/south (or diagonally northeast/southwest) and east/west on the subject property. The pathways shall be located to provide a direct continuation of the existing or future *through-block pathway* on adjacent properties. When possible, the pathways shall be located to create view corridors and reinforce connections to Lake Washington. During the Design Review process, the City may determine that a *through-block pathway* is not required if a suitable *through-block pathway* exists on adjacent properties.

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USE ZONE CHART

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

Section 52.12	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Landscaping 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	Development containing two or more of the following uses: - Retail Establishments, including Restaurants, Taverns, and Fast Food Restaurants - Office Uses - Stacked or Attached Dwelling Units See Special Regulations 1 and 2.	If the development exceeds 30' above average building elevation, then Process IIA, Chapter 150 KZC, otherwise D.R., Chapter 142 KZC.	See Spec. Reg. 3	0'	0'	0'	80%	See Special Regulations 4 and 12.	See Spec. Reg. 5.	See Spec. Regs. 6 and 7.	See KZC 105.25.	<ol style="list-style-type: none"> A development which includes two or more of the uses specifically listed in this "use" column may also include one or more of the other uses allowed in this zone. The following uses are not permitted in this zone: <ol style="list-style-type: none"> Retail establishments providing storage services unless accessory to another permitted use. Automobile sales and/or rental facilities. Outdoor storage of bulk commodities, except in the following circumstances: <ol style="list-style-type: none"> If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure; or If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers. Storage and operation of heavy equipment, except delivery vehicles associated with retail uses. The minimum lot size for this use is eight acres. Lot size requirements for this use do not require that the entire subject property be under one ownership, as long as the entire development is approved at one time as a master plan. The maximum height of structures on the subject property is as follows: <ol style="list-style-type: none"> If the subject property contains at least 11 acres: <ol style="list-style-type: none"> On the northern portion of the site, structures may not exceed 78 feet above average building elevation; and On the southern portion of the site, structures may not exceed 30 feet above average building elevation. If the subject property contains more than eight acres, but less than 11 acres: <ol style="list-style-type: none"> On the northern portion of the site, structures may not exceed 52 feet above average building elevation; and On the southern portion of the site, structures may not exceed 30 feet above average building elevation. Chapter 95 KZC applies to the development of the subject property. The City will determine required buffers for the proposed development as part of the approval process based on the following: <ol style="list-style-type: none"> The buffering should integrate development of the subject property with compatible development on adjoining property to provide a unified appearance to the business district. The buffering should provide some separation and visual relief for present or reasonably anticipated residential use on adjoining property. The buffering should provide a linkage to Juanita Beach Park, rather than a separation from the park.

REGULATIONS CONTINUED ON NEXT PAGE

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USE ZONE CHART

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 52.12	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						
.120	Development containing two or more of the following uses: - Retail Establishments, including Restaurants, Taverns, and Fast Food Restaurants - Office Uses - Stacked or Attached Dwelling Units (continued)										6. Any development approved under this provision must include a master sign plan for all signs on the subject property. 7. If the development contains restaurant, tavern, fast food restaurant, or retail use, then sign category E applies. Otherwise, sign category D applies. 8. Drive-in and drive-through facilities are permitted only if these facilities do not compromise the pedestrian orientation of the development. The location and specific design of the facilities requires Planning Official approval. 9. Restaurants, taverns, fast food restaurants, and retail establishments selling goods and services should be the predominate use on the ground floor of structures. Other permitted uses, including dwelling units, may be allowed on the ground floor of structure if this does not compromise the desired mixed use character of the development. 10. The subject property must contain landscaped public open space in conjunction with a pedestrian path or series of pedestrian paths that link the East Ridge to the subject property and the subject property to Juanita Beach Park. 11. The subject property must have access points from at least two public rights-of-way. 12. Buildings exceeding 35 feet above average building elevation shall be permitted only if design techniques are used to minimize perceived building mass and achieve superior architectural and human scale from abutting rights-of-way and public open spaces. In meeting this requirement, buildings shall exceed the design requirements of KZC 92.00(2) and (3), and will normally include terracing of upper floors and modulation of front facades. 13. The applicant shall comply with the Special and General Regulations established in this Chapter for the uses that are proposed to be included on the subject property unless the City determines that they conflict with regulations applicable to this use listing. 14. The City may approve the proposed development only if it contains public amenities such as plazas, sculptures, fountains, water fountains, and pocket parks. 15. Buildings exceeding 30 feet above average building elevation shall demonstrate compliance with the design regulations of Chapter 92 KZC and the provisions of the Juanita Business District Chapter of the Comprehensive Plan. The City will use Process IIA, Chapter 152 KZC, to determine compliance.	

92.30.3 and 5.

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53.30 User Guide. The charts in KZC 53.34 contain the basic zoning regulations that apply in the RH 3 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 53.32

Zone
RH 3

Section 53.32 – 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. Within required front yards, canopies and similar entry features may encroach; provided, that the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure.
3. Individual retail uses in this zone are limited to a maximum gross floor area of 65,000 square feet.
4. At least 50 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. These uses shall be oriented to NE 85th Street, a major pedestrian sidewalk, a through block pedestrian pathway or an internal pathway (see also Chapter 92 KZC: 105, 110 and Plate 34.K)
5. The ground floor of all structures on the subject property shall be a minimum of 15 feet in height. This requirement does not apply to:
 - a. The following uses: vehicle service stations, automotive service centers, private lodges or clubs, attached or stacked dwelling units, churches, schools, day-care centers, mini-schools or mini-day-care centers, assisted living facilities, convalescent centers or nursing homes, public utilities, government facilities or community facilities.
 - b. Parking garages.
 - c. Additions to existing nonconforming development where the Planning Official determines it is not feasible.
6. The Public Works Official shall approve the number, location and characteristics of driveways on NE 85th Street in accordance with the driveway and sight distance policies contained in the Public Works Pre-approved Plans manual. Taking into consideration the characteristics of this corridor, the Public Works Official may:
 - a. Require access from side streets; and/or
 - b. Encourage properties to share driveways, circulation and parking areas; and/or
 - c. Restrict access to right turn in and out; or
 - d. Prohibit access altogether along NE 85th Street.
7. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
8. Access for drive-through facilities must be approved by the Public Works Official. See KZC 105.96 for requirements.
9. ^{through block} pedestrian pathway shall be installed: ^{pursuant to the through block pathway standards in 105.19. See Plate 34K}
 - a. Along the north portion of the zone to make an east-to-west pedestrian connection between 124th Avenue NE and 120th Avenue NE as designated in the Comprehensive Plan; and
 - b. Connecting the north end of the zone to NE 85th Street.
10. For lighting requirements associated with development, see KZC 115.85(2).

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CHAPTER 20 – MULTIFAMILY RESIDENTIAL (RM) ZONES

20.05 User Guide. The charts in KZC 20.10 contain the basic zoning regulations that apply in each RM 5, RM 3.6, RM 2.4, and RM 1.8 zone of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 20.08

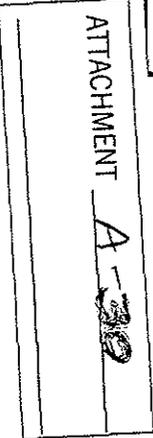


Section 20.08 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone or a low density use in PLA 17, then either:
 - a. The height of that portion of the structure shall not exceed 15 feet above average building elevation; or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.
 See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
 (Does not apply to General Moorage Facility and Detached Dwelling Units uses).
3. If the subject property is located east of JBD 2 and west of 100th Avenue NE, the following regulation applies:
 Must provide a public pedestrian access easement if the Planning Official determines that it will furnish a pedestrian connection or part of a connection between 98th Avenue NE and 100th Avenue NE. Pathway improvements will also be required if the easement will be used immediately. No more than two complete connections shall be required.
 (Does not apply to General Moorage Facility uses).
4. If the subject property is located within the North Rose Hill neighborhood, east of Slater Avenue NE and north of NE 116th Street, the minimum required front yard is 10 feet. Ground floor canopies and similar entry features may encroach into the front yard; provided, the total horizontal dimension of such elements may not exceed 25 percent of the length of the structure. No parking may encroach into the required 10-foot front yard.
5. Any required yard abutting Lake Washington Boulevard or Lake Street South must be increased two feet for each one foot the structure exceeds 25 feet above average building elevation.
 (Does not apply to General Moorage Facility and Public Park uses).

(GENERAL REGULATIONS CONTINUED ON NEXT PAGE)



(GENERAL REGULATIONS CONTINUED FROM PREVIOUS PAGE)

- 6. If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Washington, the following regulations apply:
 - a. Must provide a required yard of 15 feet or 15 percent of average parcel depth, measured from the high waterline. To the extent that this provision is inconsistent with other required yard dimensions identified in this chapter, this provision shall govern.
 - b. Must provide public pedestrian access from the right-of-way to and along the entire waterfront of the subject property within the high waterline yard. Access to the waterfront may be waived by the City if public access along the waterfront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating the public pedestrian access and public use areas.
 - c. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous piece. Within the view corridor, structures, parking areas, and landscaping will be allowed, provided they do not obscure the view from Juanita Drive or 98th Avenue NE to and beyond Lake Washington. This corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor given development on adjacent properties.
(Does not apply to General Moorage Facility, Detached Dwelling Units and Public Park uses).
- 7. If the property is located in the NE 85th Street Subarea, the following shall apply:
 - a. If the subject property is located south of NE 85th Street between 124th Avenue and 120th Avenue, the applicant shall to the extent possible save existing viable significant trees within the required landscape buffer separating nonresidential development from adjacent single-family homes.
 - b. If the subject property is located directly north of the RH 4 zone, the applicant shall install a ^{through block} pedestrian pathway to connect an east-west pedestrian pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. *(see Pat 344)* *pursuant to the standards in 105.19.3*
- 8. May not use lands waterward of the high waterline to determine lot size or to calculate allowable density.
- 9. May also be regulated under the Shoreline Master Program, KMC Title 24.

Chapter 48 – LIGHT INDUSTRIAL TECHNOLOGY (LIT) ZONES

48.05 User Guide. The charts in KZC 48.15 contain the basic zoning regulations that apply in the LIT zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 48.10

**Zone
LIT**

Section 48.10 – GENERAL REGULATIONS

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

1. Refer to Chapter 1 KZC to determine what other provision of this code may apply to the subject property.
2. If any portion of a structure is adjoining a low density zone, then either:
 - a. The height of that portion of the structure shall not exceed 20 feet above average building elevation, or
 - b. The horizontal length of any facade of that portion of the structure which is parallel to the boundary of the low density zone shall not exceed 50 feet.See KZC 115.30, Distance Between Structures/Adjacency to Institutional Use, for further details.
(Does not apply to Hazardous Waste Treatment and Storage Facilities uses).
3. Except if adjoining a low density zone, structure height may be increased above 35 feet in height through a Process IIA, Chapter 150 KZC, if:
 - a. It will not block local or territorial views designated in the Comprehensive Plan;
 - b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan; and
 - c. The required yard of any portion of the structure may be increased up to a maximum of one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation. The need for additional setback yards will be determined as part of the review of any request to increase structure height.(Does not apply to Hazardous Waste Treatment and Storage Facilities and Public Parks uses).
4. If the property is located in the NE 85th Street Subarea, the applicant shall install a pedestrian pathway to connect an east-west pathway designated in the Comprehensive Plan between 124th Avenue NE and 120th Avenue NE. *through block pursuant to the through block pathway standards in section 105.19 (see Plate 34K.)*
5. Retail uses are prohibited unless otherwise allowed in the use zone charts.

ATTACHMENT

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