

Chapter 142 – DESIGN REVIEW

Sections:

- 142.05 User Guide
- 142.15 Development Activities Requiring D.R. Approval
- 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. 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). All new buildings greater than one story in height or greater than 10,000 square feet of gross floor area, or in the Market Street Corridor Historic District (MSC 3 Zone).

2). Additions to existing buildings where:

a) The new gross floor area is greater than 10% of the existing building's gross floor area; and

b) The new floor area is greater than 2,000 square feet of gross floor area; and

c) Either:

1) The existing and new floor area to an existing building total more than 10,000 square feet of gross floor area; or

2) Existing building is greater than one story.

d) or in the Market Street Corridor Historic District (MSC 3 Zone).

3). Renovations to existing facades, where the building is identified by the City as an historic structure, or is in the Market Street Corridor Historic District (MSC 3 Zone).

ATTACHMENT <u>5</u>
<u>5/07 MSC ZON 07-00007</u>

b. Exceptions 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.

3) Any development in the MSC 1, MSC 2, and MSC 4 Zones located within the Market Street Corridor.

2. Administrative Design Review (A.D.R.)- All other development activities not requiring D.B.R. review under Section 1 above shall be reviewed through the A.D.R. process pursuant to KZC 142.25.

142.17 Section deleted and moved to DBR Section 142.15
 142.20 Section deleted and moved to DBR Section 142.35
 142.25

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

1. Authority - The Planning Official shall conduct A.D.R in conjunction with a related development permit pursuant to KZC 142.25.

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

- a. Design guidelines for pedestrian-oriented business districts, as adopted in KMC 3.30.040.
- b. Design guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in KMC 3.30.040.
- c. The neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required, such as the Downtown Plan, Juanita Business District Plan, the Totem Lake Neighborhood Plan, the North Rose Hill Neighborhood Plan for the North Rose Hill Business District, ~~and~~ the NE 85th Street Subarea Plan for the Rose Hill Business District (RHBD), and the Market Street Corridor Plan for the Market Street Corridor (MSC).
- d. For review of attached or stacked dwelling units within the NE 85th Street Subarea and the Market Street Corridor, Appendix C, Design Principles for Residential Development contained in the Comprehensive Plan.

2. Application – As part of any application for a development permit requiring A.D.R., the applicant shall show compliance with the design regulations in Chapter 92, KZC by submitting an A.D.R. application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application form, as well as application materials required as a result of a pre-design conference.

3. Pre-Design Conference – Before applying for A.D.R. approval, the applicant may schedule a pre-design meeting with the Planning Official. The meeting will be scheduled by the Planning

Official upon written request by the applicant. The purpose of this meeting is to provide an opportunity for an applicant to discuss the project concept with the Planning Official and the Planning Official to designate which design regulations apply to the proposed development based primarily on the location and nature of the proposed development.

4. A.D.R. Approval -

a. The Planning Official may grant, deny, or conditionally approve the A.D.R. application.. The A.D.R. approval or conditional approval will become conditions of approval for any related development permit and no development permit will be issued unless it is consistent with the A.D.R. approval or conditional approval.

b. Additions Or Modifications To Existing Buildings -

1) Applications involving additions or modifications to existing buildings shall comply with the design regulations of Chapter 92 to the extent feasible depending on the scope of the project. The Planning Official may waive compliance with a particular design regulation if the applicant demonstrates that it is not feasible given the existing development and scope of the project.

2) The Planning Official may waive the A.D.R. process for applications involving additions or modifications to existing buildings if the design regulations are not applicable to the proposed development activity.

5. Lapse of Approval- The lapse of approval for the A.D.R. decision shall be tied to the development permit and all conditions of the A.D.R. approval shall be included in the conditions of approval granted for that development permit.

6. Design Departure and Minor Variations

a. General – This section provides a mechanism for obtaining approval to depart from strict adherence to the design regulations or for requesting minor variations from requirements in the following zones:

1) In the CBD: minimum required yards; and

2) In the Totem Center: minimum required yards , floor plate maximums and building separation requirements; and

3) In the RHBD and the TLN: minimum required yards, landscape buffer and horizontal facade requirements.

4) In the MSC 1 and MSC 4 zones of the Market Street Corridor; minimum required front yards and horizontal façade requirements.

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

6) In the MSC 3 zone of the Market Street Corridor: horizontal façade requirements.

This section does not apply when a design regulation permits the applicant to propose an alternate method for complying with it or the use zone chart allows the applicant to request a reduced setback administratively.

- b. Process – If a design departure or minor variation is requested, the D.R. decision, including the design departure or minor variation, will be reviewed and decided upon using the D.B.R. process.
- c. Application Information – The applicant shall submit a complete application on the form provided by the Planning Department, along with all information listed on that form, including a written response to the criteria in subsection (5)(d) of this section.
- d. Criteria – The Design Review Board may grant a design departure or minor variation only if it finds that all of the following requirements are met:
 - 1) The request results in superior design and fulfills the policy basis for the applicable design regulations and design guidelines;
 - 2) *The departure will not have any substantial detrimental effect on nearby properties and the City or the neighborhood.*

142.35

Design Board Review (D.B.R.) Process

1. Timing of D.B.R. - For any development activity that requires D.B.R. approval, the applicant must comply with the provisions of this chapter before a building permit can be approved; provided, that an applicant may submit a building permit application at any time during the design review process. An applicant may request early design review, but such review shall not be considered a development permit or to in any way authorize a use or development activity. An application for D.R. approval may be considered withdrawn for all purposes if the applicant has not submitted information requested by the City within 60 calendar days after the request and the applicant does not demonstrate reasonable progress toward submitting the requested information.
2. Public Meetings – All meetings of the Design Review Board shall be public meetings and open to the public.
3. Authority – The Design Review Board shall review projects for consistency with the following:
 - a. Design guidelines for pedestrian-oriented business districts, as adopted in Chapter 3.30 KMC.
 - b. Design Guidelines for the Rose Hill Business District (RHBD) and the Totem Lake Neighborhood (TLN) as adopted in Chapter 3.30 KMC.
 - c. The applicable neighborhood plans contained in the Comprehensive Plan for areas where Design Review is required.
 - d. The Design Principles for Residential Development contained in Appendix C of the Comprehensive Plan for review of attached and stacked dwelling units located within the NE 85th Street Subarea and the Market Street Corridor.

4. The Design Review Board is authorized to approve minor variations in development standards within certain Design Districts described in Section 142.25.(6)(a) provided the variation complies with the criteria of KZC 142.25(6)(b-d):
5. Pre-Design Conference – Before applying for D.B.R. approval, the applicant shall attend a pre-design conference with the Planning Official. The conference will be scheduled by the Planning Official upon written request by the applicant. The purpose of this conference is for the Planning Official to discuss how the design regulations, design guidelines, and other applicable provisions of this code and the Comprehensive Plan relate to the proposed development and to assist the applicant in preparing for the conceptual design conference. A pre-design conference may be combined with a pre-submittal meeting.
6. Conceptual Design Conference – Before applying for design review approval, the applicant shall attend a conceptual design conference 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.
7. Application – Following the conceptual design conference, the applicant shall submit the design review application on a form provided by the Planning Department. The application shall include all documents and exhibits listed on the application, as well as all application materials required as a result of the conceptual design conference.
8. Public Notice
 - a. Contents – On receipt of a complete design review application, the Planning Official shall schedule a design response conference with the Design Review Board to occur within 60 calendar days of receiving the complete application. The Planning Official shall provide public notice of the design response conference. Public notice shall contain the name of the applicant and project, the location of the subject property, a description of the proposed project, time and place of the first design response conference, and a statement of the availability of the application file.
 - b. Distribution – The Planning Official shall distribute this notice at least 14 calendar days before the first design response conference as follows:
 - 1) By mailing the notice or a summary thereof to owners of all property within 300 feet of any boundary of the subject property.

- 2) Publish once in the official newspaper of the City.
 - 3) Post conspicuously on the subject property on a public notice sign. The Department of Planning and Community Development is authorized to develop standards and procedures for public notice signs.
9. Design Response Conference – The design response stage allows the Design Review Board to review the design plans and provide direction to the applicant on issues to be resolved for final approval. The applicant shall present a summary of the project to the Design Review Board. The Planning Official shall present a review of the project for consistency with the requirements specified in subsection (2) of this section. Public comment relevant to the application may be taken. Persons commenting must provide their full name and mailing address. The Design Review Board may reasonably limit the extent of comments to facilitate the orderly and timely conduct of the conference.

The Design Review Board shall decide whether the application complies with the requirements specified in subsection (2) of this section. The Design Review Board shall make its decision by motion that adopts approved project drawings in addition to changes or conditions required by the Design Review Board. If the Design Review Board finds that the application does not meet those requirements, it shall specify what requirements have not been met and options for meeting those requirements. The Design Review Board may continue the conference if necessary to gather additional information necessary for its decision on the design review application. If the conference is continued to a specific date, no further public notice is required; otherwise notice shall be mailed to all parties participating in the design response conference.

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

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

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

10. Approval – After reviewing the D.B.R. application and other application materials, the Design Review Board may grant, deny or conditionally approve subject to modifications the D.B.R. application for the proposed development. No development permit for the subject property requiring D.B.R. approval will be issued until the proposed development is granted D.B.R. approval or conditional approval. The terms of D.B.R. approval or conditional approval will become a condition of approval on each subsequent development permit and no subsequent development permit will be issued unless it is consistent with the D.B.R. approval or conditional approval. The Planning Official shall send written notice of the D.B.R. decision to the applicant and all other parties who participated in the conference(s) within 14 calendar days of the approval. If the D.B.R. is denied, the decision shall specify the reasons for denial.

The final D.B.R. decision of the City on the D.B.R. application shall be the postmarked date of the written D.B.R. decision or, if the D.B.R. decision is appealed, the date of the City's final decision on the appeal. Notwithstanding any other provision of this code, if an applicant submits a complete application for a building permit for the approved D.B.R. development within 180 days of the final D.B.R. decision, the date of vesting for the building permit application shall be the date of the final D.B.R. decision.

Additional Approval Provision for TL 2 and TL 5 – The Notice of Approval for a Conceptual Master Plan (CMP) shall set thresholds for subsequent D.B.R. or A.D.R. review of projects following approval of a CMP in TL 2 or TL 5. The Notice of Approval shall also include a phasing plan for all improvements shown or described in the CMP.

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

142.40

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(23) and (4) are subject to appeal.
2. Who May Appeal – The decision of the Design Review Board may be appealed by the applicant or any other individual or entity who submitted written or oral comments to the Design Review Board.
3. Time To Appeal/How To Appeal – The appeal, in the form of a letter of appeal, must be delivered to the Planning Department within 14 calendar days following the postmarked date of the distribution of the Design Review Board decision. It must contain a clear reference to the matter being appealed and a statement of the specific elements of the Design Review Board decision disputed by the person filing the appeal.
4. Fees – The person filing the appeal shall include with the letter of appeal the fee as established by ordinance.

5. Notice

- a. Content – The Planning Official shall prepare a notice of the appeal containing the following:

- 1) The file number and a brief written description of the matter being appealed.
 - 2) A statement of the scope of the appeal including a summary of the specific matters disputed in the letter of appeal.
 - 3) The time and place of the public hearing on the appeal.
 - 4) A statement of who may participate in the appeal.
 - 5) A statement of how to participate in the appeal.
- b. Distribution – At least 14 calendar days before the hearing on the appeal, the Planning Official shall send a copy or a summary of this notice to the applicant, appellant(s), and Design Review Board. The notice of appeal may be combined with the hearing notice for the related development permit, if applicable.
6. Participation in the Appeal – Only the person(s) who filed the appeal, the applicant, and the chair (or designee) of the Design Review Board may participate in the appeal. These persons may participate in the appeal in either or both of the following ways:
- a. By submitting written comments or testimony to the hearing body or officer prior to commencement of the hearing.
 - b. By appearing in person, or through a representative, at the hearing and submitting oral testimony directly to the hearing body or officer. The hearing body or officer may reasonably limit the extent of oral testimony to facilitate the orderly and timely conduct of the hearing.
7. Scope of the Appeal – The scope of the appeal is limited to the specific elements of the Design Review Board decision disputed in the letter of appeal and the hearing body or officer may only consider comments, testimony, and arguments on these specific elements.
8. Staff Report on the Appeal
- a. Content – The Planning Official shall prepare a staff report containing the following:
 - 1) The written decision of the Design Review Board.
 - 2) All written comments received by the Design Review Board.
 - 3) The letter of appeal.
 - 4) All written comments on the appeal received by the Planning Department from the appellant or applicant and within the scope of the appeal.
 - 5) An analysis of the specific element(s) of the Design Review Board's decision disputed in the letter of appeal.

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

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

11. Decision on the Appeal

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

142.50

Modifications

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

142.55

Lapse of Approval 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 .-

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

Chapter 105 – 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
- 105.17 Site Plan Review
- 105.18 Pedestrian Access and Walkways,
- 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
- 105.45 Location of Parking Areas – Shared Facilities 105.46 Location of Parking Areas- Driveway Entrances
- 105.50 Location of Parking Areas – Adjoining Low Density Zones
- 105.55 Location of Parking Areas – Required Setback Yards
- 105.58 Location of Parking Areas- Specific to Design Districts
- 105.60 Parking Area Design – General 105.62 Parking Area Design – Turnaround Space
- 105.65 Parking Area Design – Compact Car Spaces
- 105.70 Parking Area Design – Parking Designed for the Handicapped
- 105.75 Parking Area Design – Landscaping
- 105.77 Parking Area Design – Curbing
- 105.80 Parking Area Design – Buffering
- 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 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

If the subject property is within a Design District, the requirements contained within those Chapters and 92 KZC supersede any conflicting provisions of this chapter. The provisions of this chapter that do not conflict with Design District Chapters, and 92 KZC apply to properties in their respective zones.

105.18

Pedestrian Access

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 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 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 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. 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 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 on a abutting 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.

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.

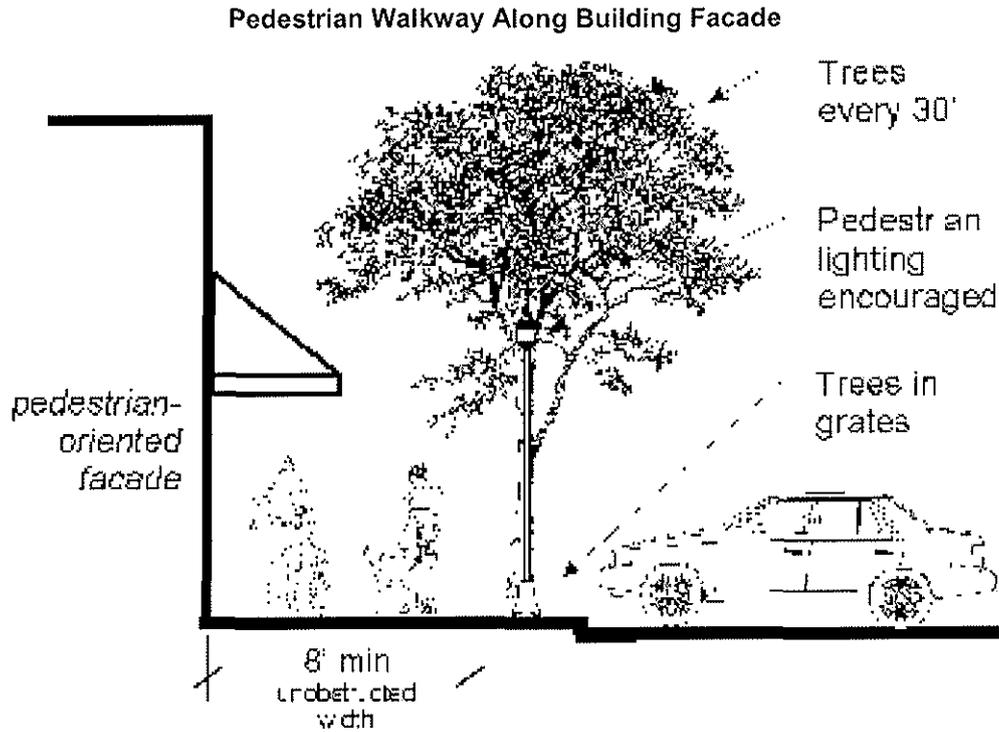


FIGURE 105.18.A

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

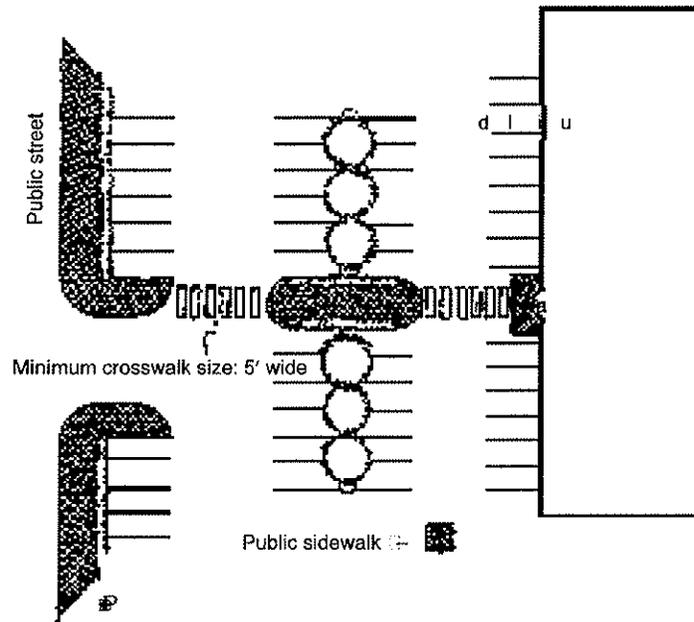


FIGURE 105.18.B

- 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 rows of parking stalls 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.

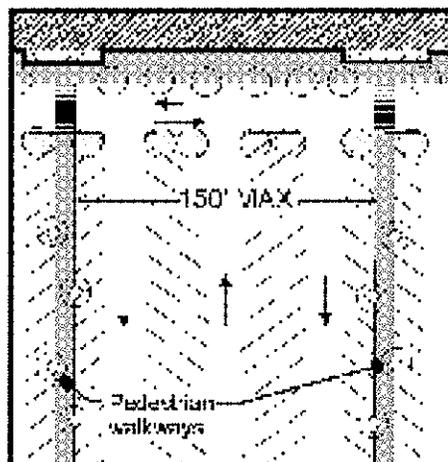


FIGURE 105.18.C

- 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;
 - 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.

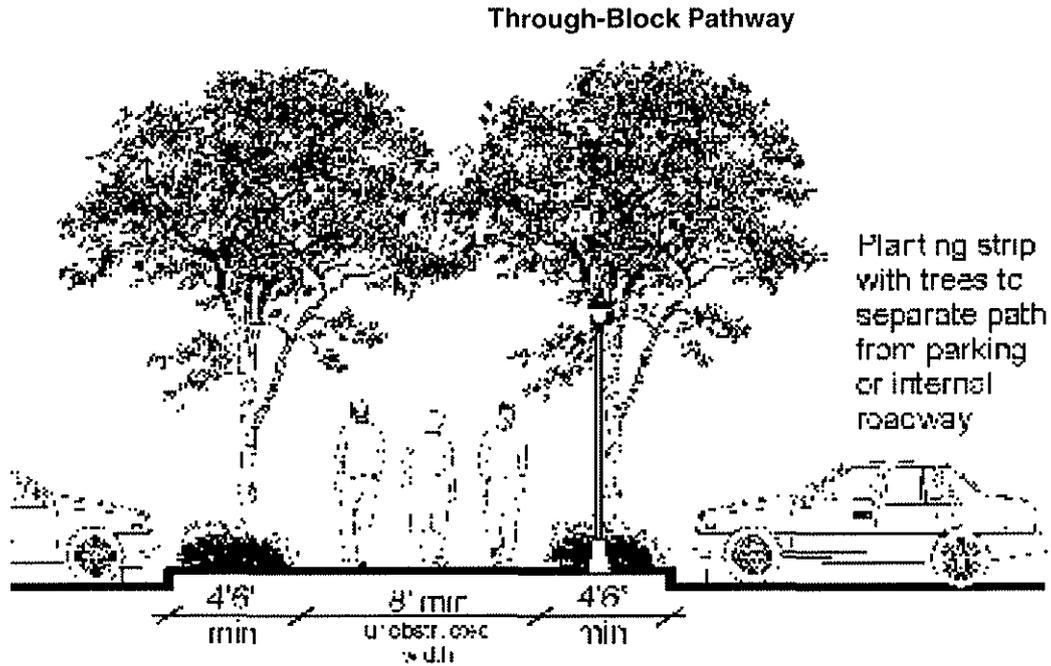


FIGURE 105.19.A

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, TL1, TL2, and 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 ^{the MSC zones} and the NRH 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 TL 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 the project meets the objectives of the KMC Design Guidelines for the Totem Lake Neighborhood.

- f) In the RH 1A, RH2A, RH3 zones 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 the project meets the intent of the KMC Design Guidelines for the Rose Hill Business District.

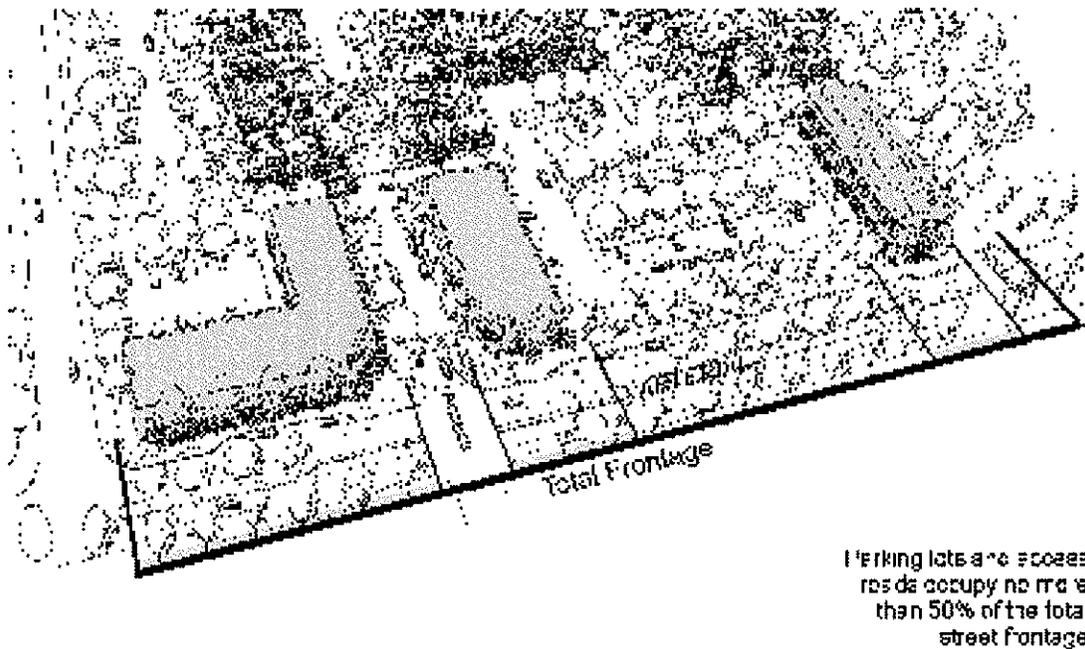
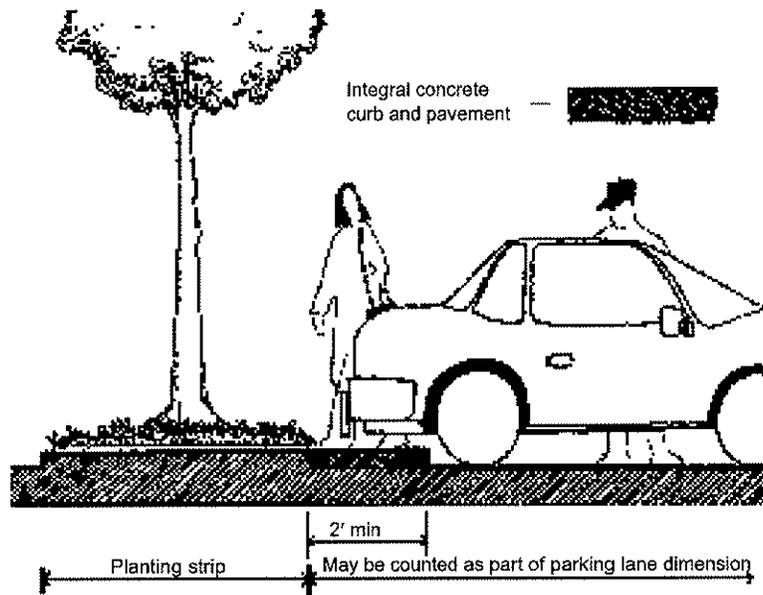


FIGURE 105.58.A

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. 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 nonglare 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

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 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, 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.