

CHAPTER 45XX – COMMUNITY BUSINESS (BC) ZONES MARKET STREET CORRIDOR (MSC3) ZONE

45.05 User Guide.

The charts in KZC ~~45.10~~ contain the basic zoning regulations that apply in ~~each of~~ the **BC MSC3** 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
45.08**



~~Section 45.08~~ – GENERAL REGULATIONS

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

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

See KZC 115.30, Distance Between Structures Regarding Maximum Horizontal Facade Regulation, for further details.
- ~~3. Except if adjoining a low density zone, structure height may be increased above 30 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; and
 - b. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan. (Does not apply to Public Park uses).~~
- ~~3. The required front yard of any portion of the structure must be increased one foot for each foot that any portion of the structure exceeds 30 feet above average building elevation (does not apply to Public Park uses).~~
- ~~3. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.~~

ATTACHMENT 4 (4/17)
MSC: ZON 07 - 0007

USE ZONE CHART
Section **45.10**

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS													
Section 45.10	USE ↓ REGULATIONS →	Required Review Process	MINIMUMS			MAXIMUMS		Lot Coverage	Height of Structure	Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)
			Lot Size	REQUIRED YARDS (See Ch. 115)									
				Front	Side	Rear							
.010	Vehicle Service Station	Process 1, Chapter 145-KZC.	22,500-sq.-ft.	40'	15'-on-each-side	15'	80%	If adjoining a low-density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	A	E	See KZC-105.25.	1. May not be more than two vehicle service stations at any intersection. 2. Gas pump islands may extend 20 feet into the front yard. Canopies or covers over gas pump islands may not be closer than 10 feet to any property line. Outdoor parking and service areas may not be closer than 10 feet to any property line. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.	
.020	A retail establishment providing new vehicle or boat sales or vehicle or boat service or repair. See Spec. Reg. 2.	None D.R., Chapter 142-KZC.	None	20'	0'	0'						1. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in Chapter 105-KZC. See KZC-115.105, Outdoor Use, Activity and Storage, for further regulations. 2. Vehicle and boat rental and used vehicles or boat sales are allowed as part of this use.	
.030	Restaurant or Tavern Restaurant, Tavern or Fast Food Restaurant. (see Special Reg. #2)								B		1 per each 100 sq. ft. of gross floor area.	1. This use is limited to 4000 sq ft maximum. 2. Fast Food restaurants are not permitted, except those which: • Do not include drive-in or drive-through facilities; and • Primarily prepare and serve specialty nonalcoholic beverages, such as coffee, tea, juices, or sodas, or specialty snacks, such as ice cream, frozen yogurt, cookies.	

(Revised 4/07)

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											<p><u>sandwiches, or popcorn, for consumption on or near the premises. Fast food restaurants allowed under this provision may also engage in the sale of related products such as coffee beans, mugs, and coffee makers in support of or ancillary to the beverages or snacks listed above; and</u></p> <ul style="list-style-type: none"> <u>Provide one outdoor waste receptacle for every eight parking stalls.</u> <p><u>3. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.</u></p>
.040	Fast Food Restaurant									A	<p>1-per each 80-sq. ft. of gross floor area.</p> <p>1. Must provide one outdoor waste receptacle for every 8 parking stalls.</p> <p>2. Access for drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic while waiting in line to be served.</p>
.050	A retail establishment providing storage services. See also Spec. Reg. 1.										<p>See KZC 105.25.</p> <p>1. May include accessory living facilities for resident security manager.</p>

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<p>-060</p>	<p>Any retail establishment other than those specifically listed in this zone, selling goods, or providing services including banking and related financial services</p>	<p><u>D.R., Chapter 142</u> <u>KZC, None</u></p>	<p>None</p>	<p>20'</p>	<p>0'</p>	<p>0'</p>	<p>80%</p>	<p>If adjoining a low-density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.</p>	<p>B</p>	<p>E</p>	<p>1 per each 300 sq ft. of gross floor area.</p>	<p><u>1. Gross floor area for this use may not exceed 2,000 square feet maximum.</u> <u>2. The following uses are not permitted in this zone:</u></p> <ul style="list-style-type: none"> <u>• Vehicle service stations.</u> <u>• Automotive service centers.</u> <u>• Uses with drive-in facilities or drive-through facilities.</u> <u>• Retail establishments providing storage services unless accessory to another permitted use.</u> <u>• Retail establishments involving the sale, service or repair of boats, recreational vehicles, heavy equipment and similar vehicles except those existing as of June 15, 2007.</u> <u>• Storage and operation of heavy equipment, except delivery vehicles associated with retail uses.</u> <u>• Storage of parts unless conducted entirely within an enclosed structure.</u> <p>3.1. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:</p> <ol style="list-style-type: none"> a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. <p>2. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.</p> <p>4.3. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:</p> <ol style="list-style-type: none"> a. The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and b. It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded. <p><u>5. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.</u></p>
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.070	Office Use								C	D	<p>If a Medical, Dental or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area.</p> <p>1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. <u>c. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.</u> e. Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect, signed by an Acoustical Engineer, must be submitted with the development permit application.</p> <p>2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use.</p>

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												b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.
.080	Hotel or Motel	<u>D.R., Chapter 142</u> <u>KZC, None</u>	None	20'	0'	0'	80%	If adjoining a low-density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	B	E	1 per each room. See also Spec. Reg. 2.	<ol style="list-style-type: none"> 1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis. <u>3. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.</u>
.090	A retail establishment providing entertainment, recreational or cultural activities										1 per every 4 fixed seats.	<ol style="list-style-type: none"> <u>1. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.</u>
.100	Private Lodge or Club								C	B	1 per each 300 sq. ft. of gross floor area.	<ol style="list-style-type: none"> <u>1. Prior to issuance of a development permit, documentation must be provided by a qualified acoustical consultant, for approval by the Planning Official, verifying that the expected noise to be emanating from the site adjoining any residentially zoned property complies with</u>

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												the standards set forth in WAC 173-60-040(1) for a Class B source property and a Class A receiving property.
.110	Stacked Dwelling Unit. See Special Regulation 1.									A	1.7 per Per unit.	<ol style="list-style-type: none"> This use may not be located on the ground floor of a structure. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.
.120	Church	20'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.			C	B	1 for every four people based on maximum occupancy load of any area of worship. See also Special Reg. 2.	<ol style="list-style-type: none"> May include accessory living facilities for staff persons. No parking is required for day-care or school ancillary to this use.

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.130	School or Day-Care Center	D.R., Chapter 142 KZC, None	None	30'	0'	0'	80%	If adjoining a low-density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	D	B	See KZC 105.25.	<ol style="list-style-type: none"> 1. A six-foot-high fence is required only along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines as follows: <ol style="list-style-type: none"> a. 20 feet if this use can accommodate 50 or more students or children. b. 10 feet if this use can accommodate 13 to 49 students or children. 4. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading areas on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses. 5. May include accessory living facilities for staff persons. 6. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).
.140	Mini-School or Mini-Day-Care											<ol style="list-style-type: none"> 1. A six-foot-high fence is required along the property lines adjacent to the outside play areas. 2. Hours of operation may be limited by the City to reduce impacts on nearby residential uses. 3. Structured play areas must be setback from all property lines by five feet. 4. An on-site passenger loading area may be required depending on the number of attendees and the extent of the abutting right-of-way improvements. 5. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses. 7. May include accessory living facilities for staff persons. 8. These uses are subject to the requirements established by the Department of Social and Health Services (WAC Title 388).

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.150	Assisted Living Facility	D.R., Chapter 142 KZC, None	None	Same as the regulations for the ground floor use. See Spec. Reg. 4.				A	1.7 per Per independent unit. 1 per assisted living unit.	<p>1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.</p> <p>2. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.</p> <p>2.3: For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the property may be approved if the following criteria are met:</p> <p>a. Project is of superior design, and</p> <p>b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development.</p> <p>3.4: This use may not be located on the ground floor of a structure.</p> <p>4.5: Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.</p>		
.160	Convalescent Center or Nursing Home			30'	0'	0'	80%	If adjoining a low density zone other than RSX, then 25' above average building elevation. Otherwise, 30' above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.170	Public Utility			20'					A		See KZC 105.25.	1. Landscape Category A or B may be required depending on the type of use on the subject property and the impacts associated with the use on the nearby uses.
.180	Government Facility Community Facility								C See Spec. Reg. 1			

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.190	Public Park	See Special Regulations 1 and 2.	None	<p>Will be determined on case-by-case basis.</p> <p><u>Development standards will be determined on case-by-case basis. See Chapter 49 KZC for required review process.</u></p>	--	B	See KZC 105.25.	<p>1. Except as provided for in Special Regulation 2 below, any development or use of a park must occur consistent with a Master Plan. A Master Plan shall be reviewed through a community review process, established by the Parks and Community Services Director, which shall include at a minimum:</p> <p>a. One formal public hearing, conducted by the Parks Board, preceded by appropriate public notice. The required public hearing on a Master Plan proposed within the Houghton Community Municipal Corporation shall be conducted by the Houghton Community Council, which may be a joint hearing with the Parks Board;</p> <p>b. The submittal of a written report on the proposed Master Plan from the Parks Board to the City Council, containing at least the following:</p> <ol style="list-style-type: none"> 1) A description of the proposal; 2) An analysis of the consistency of the proposal with adopted Comprehensive Plan policies, including the pertinent Park and Recreation Comprehensive Plan policies; 3) An analysis of the consistency of the proposal with applicable developmental regulations, if any; 4) A copy of the environmental record, if the proposal is subject to the State Environmental Policy Act; 5) A summary and evaluation of issues raised and comments received on the proposed Master Plan; and 6) A recommended action by the City Council. <p>c. City Council review and approval. The City Council shall approve the Master Plan by resolution only if it finds:</p> <ol style="list-style-type: none"> 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and 2) It is consistent with the public health, safety, and welfare; 3) If the Master Plan is proposed within the Houghton Community Municipal Corporation, it shall become effective according to the procedure in KMC 2.12.040.
REGULATIONS CONTINUED ON NEXT PAGE								

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.190	Public Park (continued)										<p style="text-align: center;">REGULATIONS CONTINUED FROM PREVIOUS PAGE</p> <p>— In addition to the features identified in KZC 5.10.505, the Master Plan shall identify the following:</p> <ul style="list-style-type: none"> a. Location, dimensions, and uses of all active and passive recreation areas; b. Potential users and hours of use; c. Lighting, including location, hours of illumination, lighting intensity, and height of light standards; d. Landscaping; e. Other features as appropriate due to the character of the neighborhood or characteristics of the subject property. <p>2. Development and use of a park does not require a Master Plan under this code if it will not involve any of the following:</p> <ul style="list-style-type: none"> a. Lighting for outdoor nighttime activities; b. The construction of any building of more than 4,000 square feet; c. The construction of more than 20 parking stalls; d. The development of any structured sports or activity areas, other than minor recreational equipment including swing sets, climber toys, slides, single basketball hoops, and similar equipment.