

## CHAPTER 50 - CENTRAL BUSINESS DISTRICT (CBD) ZONES

### 50.05 User Guide.

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

### Section 50.10 – 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. Height measured at the midpoint of the frontage of the subject property on the abutting right-of-way, excluding First Avenue South. Buildings exceeding two stories must demonstrate compliance with the design regulations of Chapter 92 KZC and all provisions contained in the Downtown Plan. The City will determine compliance with these requirements through Design Review (D.R.).



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

Section 50.12

Zone  
CBD-1

USE ZONE CHART

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

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.12	 USE  REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.030	Hotel or Motel	D.R., Chapter 142 KZC	None	0'	0'	0'	100%	2 to 5 stories above each abutting right-of-way.	D	E	One for each room. See Spec. Reg. 2 and KZC 50.60.	1. The following uses are not permitted in this zone: a. Vehicle service stations. b. Vehicle and/or boat sale, repair, service or rental. c. Drive-in facilities and drive-through facilities. 2. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.
.040	Entertainment, Cultural and/or Recreational Facility							2 to 4 stories above each abutting right-of-way.			See KZC 50.60 and 105.25.	

Section 50.12

Zone  
CBD-1

USE ZONE CHART

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

Section 50.12	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Private Club or Lodge	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2 to 4 stories above each abutting right-of-way.	D	B	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> <li>This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</li> <li>Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and</li> <li>The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses.</li> </ol> </li> <li>The following regulations apply to veterinary offices only:                             <ol style="list-style-type: none"> <li>May only treat small animals on the subject property.</li> <li>Outside runs and other outside facilities for the animals are not permitted.</li> <li>Site must be designed so that noise from this use will not be audible off the subject property. A certification to this effect signed by an Acoustical Engineer, must be submitted with the D.R. and building permit applications.</li> <li>A veterinary office is not permitted if the subject property contains dwelling units.</li> </ol> </li> </ol>
.070	Office Use									D	One per each 350 sq. ft. of gross floor area. See KZC 50.60.	
.080	Stacked or Attached Dwelling Units							2 to 5 stories above each abutting right-of-way.		A	1.7 per unit. See KZC 50.60.	
.090	School, Day-Care Center or Mini School or Day-Care Center							2 to 4 stories above each abutting right-of-way.		B	See KZC 50.60 and 105.25.	

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

## **Comprehensive Plan/Downtown Plan Land Use Policies for CBD 1 (Core Area)**

### ***Pedestrian activity in the core area is to be enhanced.***

The core area should be enhanced as the pedestrian heart of Downtown Kirkland. Land uses should be oriented to the pedestrian, both in terms of design and activity type. Appropriate uses include retail, restaurant, office, residential, cultural, and recreational.

Restaurants, delicatessens, and specialty retail shops, including fine apparel, gift shops, art galleries, import shops, and the like constitute the use mix and image contemplated in the Vision for Downtown. These uses provide visual interest and stimulate foot traffic and thereby provide opportunities for leisure time strolling along Downtown walkways for Kirklanders and visitors alike.

### ***Drive-through facilities and ground-floor offices are prohibited.***

The desired pedestrian character and vitality of the core area requires the relatively intensive use of land and continuous compact retail frontage. Therefore, automobile drive-through facilities should be prohibited. Similarly, office uses should not be allowed to locate on the ground level. These uses generally lack visual interest, generate little foot traffic, and diminish prime ground floor opportunities for the retail uses that are crucial to the ambiance and economic success of the core area.

The attractiveness of the core area for pedestrian activity should be maintained and enhanced. Public and private efforts toward beautification of the area should be promoted. Mitigation measures should be undertaken where land uses may threaten the quality of the pedestrian environment. For example, in areas where take-out eating facilities are permitted, a litter surcharge on business licenses should be considered as a means to pay for additional trash receptacles or cleaning crews.

### ***The creation and enhancement of public open spaces is discussed.***

Public open spaces are an important component of the pedestrian environment. They provide focal points for outdoor activity, provide refuge from automobiles, and stimulate foot traffic which in turn helps the retail trade. The establishment and use of public spaces should be promoted. Surface parking lots should be eliminated in favor of structured parking. In the interim, their role as one form of open area in the Downtown should be improved with landscaped buffers adjacent to rights-of-way and between properties. Landscaping should also be installed where rear sides of buildings and service areas are exposed to pedestrians.

A high-priority policy objective should be for developers to include only enough parking stalls in their projects within the core area to meet the immediate need and to locate the majority of their parking in the core frame. This approach would reserve the majority of core land area for pedestrian movement and uses and yet recognize that the adjacent core frame is within a very short walk.

The City should generally avoid vacating alleys and streets in the core area. The existing network of street and alleys provides a fine-grained texture to the blocks which allows service access and pedestrian shortcuts. The small blocks also preclude consolidation of properties which might allow larger developments with less pedestrian scale. Vacations may be considered when they will not result in increased building mass and there is a substantial public benefit. Examples of public benefit might include superior pedestrian or vehicular linkages, or superior public open space.

### **Comprehensive Plan/Downtown Plan Height and Design District Policies for CBD 1 (Design District 1)**

***Maximum building height in Design District 1 is between two and five stories, depending on location and use.***

This district is bordered by Lake Street, Central Way, 3rd Street, and generally 1st Avenue South. When combined with District 2, this area corresponds to the core area as shown in Figure C3.

The maximum building height in this area should be between two and five stories with no minimum setback from property lines. Stories above the second story should be set back from the street. To preserve the existing human scale of this area, development over two stories requires review and approval by the Design Review Board based on the priorities set forth in this plan.

Buildings should be limited to two stories along all of Lake Street South to reflect the scale of development in Design District 2. Along Park Lane west of Main Street, Third Street, and along Kirkland Avenue, a maximum height of two stories along street frontages will protect the existing human scale and pedestrian orientation. Buildings up to three stories in height may be appropriate along Central Way to reflect the scale of development in Design District 8 and as an intermediate height where adequately set back from the street. A continuous three-story street wall should be avoided by incorporating vertical and horizontal modulations into the design of buildings.

The portions of Design District 1 designated as 1A in Figure C-5 should be limited to a maximum height of three stories. As an incentive to encourage residential use of upper floors and to strengthen the retail fabric of the Core Area, a fourth story of height may be allowed. This additional story may be considered by the Design Review Board for projects where at least two of the upper stories are residential, the total height is not more than four feet taller than the height that would result from an office project with two stories of office over ground floor retail, stories above the second story are set back significantly from the street and the building form is stepped back at the third and fourth stories to mitigate the additional building mass, and the project provides superior retail space at the street level. Rooftop appurtenances and related screening should not exceed the total allowed height, and should be integrated into the height and design of any peaked roofs or parapets.

The portions of Design District 1 designated as 1B in Figure C-5 provide the best opportunities for new development that could contribute to the pedestrian fabric of the Downtown. Much of the existing development in these areas consists of older auto-oriented uses defined by surface parking

lots and poor pedestrian orientation. To provide incentive for redevelopment and because these larger sites have more flexibility to accommodate additional height, a mix of two to four stories in height is appropriate. East of Main Street, development should combine modulations in building heights with modulations of facade widths to break large buildings into the appearance of multiple smaller buildings. South of Kirkland Avenue, building forms should step up from the north and west with the tallest portions at the base of the hillside to help moderate the mass of large buildings on top of the bluff. Buildings over two stories in height should generally reduce the building mass above the second story.

As with Design District 1A, an additional story of height may be appropriate in 1B to encourage residential use of the upper floors and to strengthen the retail fabric in the Core Area. This additional story may be considered by the Design Review Board for projects where at least three of the upper stories are residential, the total height is not more than one foot taller than the height that would result from an office project with three stories of office over ground floor retail, stories above the second story are set back significantly from the street and the building form is stepped back at the at the third, fourth, and fifth stories to mitigate the additional building mass, and the project provides superior retail space at the street level. Rooftop appurtenances and related screening should not exceed the total allowed height, and should be integrated into the height and design of any peaked roofs or parapets.

Design considerations of particular importance in this area are those related to pedestrian scale and orientation. Building design at the street wall should contribute to a lively, attractive, and safe pedestrian streetscape. This should be achieved by the judicious placement of windows, multiple entrances, canopies, awnings, courtyards, arcades, and other pedestrian amenities. Service areas, surface parking, and blank facades should be located away from the street frontage.

## 50.14 User Guide.

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

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



[link to Section 50.17 table](#)

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	USE ↓ REGULATIONS ↑	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	A Retail Establishment, other than those specifically listed, limited, or prohibited in this zone, selling goods or providing services, including banking and related financial services	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	E	One per each 350 sq. ft. of gross floor area. See KZC 50.60.  See KZC 50.60 and 105.25.  One for each room. See Special Regulation 4 and KZC 50.60.  One per each 125 sq. ft. of gross floor area. See KZC 50.60.	1. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. b. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. c. No structure, other than moorage structures, may be waterward of the high waterline. For regulation regarding moorages, see the moorage listings in this zone. d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 2. The following uses are not permitted in this zone: a. Vehicle service stations. b. The sale, service and/or rental of motor vehicles, sailboats, motor boats, and recreational trailers; provided, that motorcycle sales, service, or rental is permitted if conducted indoors. c. Drive-in facilities and drive-through facilities. 3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The assembled or manufactured goods are directly related to and dependent upon this use, and are available for purchase and removal from the premises. b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses. 4. The parking requirement for hotel or motel use does not include parking requirements for ancillary meetings and convention facilities. Additional parking requirements for ancillary uses shall be determined on a case-by-case basis.
.020	Entertainment, Cultural and/or Recreational Facility											
.030	Hotel or Motel											
.040	Restaurant or Tavern											

Section 50.17

Zone  
CBD-2

USE ZONE CHART

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

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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Assisted Living Facility See Special Regulation 4.	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	A	1.7 per independent unit. 1 per assisted living unit. See KZC 50.60.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 2. A nursing home use may be permitted as part of an assisted living facility use in order to provide a continuum of care for residents. If a nursing home use is included, the following parking standard shall apply to the nursing home portion of the facility: a. One parking stall shall be provided for each bed. 3. The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington: a. A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property. b. Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard. c. No structure, other than moorage structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this zone. d. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 4. This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.

Section 50.17

Zone  
CBD-2

USE ZONE CHART

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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
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.070	Private Club or Lodge	D.R., Chapter 142 KZC.	None	0'	0'	0'	100%	2 stories above the abutting right-of-way measured at the midpoint of the frontage of the subject property on each right-of-way.	D	B	See KZC 50.60 and 105.25.	<ol style="list-style-type: none"> <li>The following provisions, which supersede any conflicting provisions of this Chapter, apply only if the subject property abuts or includes a portion of Lake Washington:                             <ol style="list-style-type: none"> <li>A high waterline yard equal in depth to the greater of 15 feet or 15 percent of the average parcel depth is hereby established on the subject property.</li> <li>Balconies that are at least 15 feet above finished grade may extend up to four feet into the high waterline yard.</li> <li>No structure, other than moorage structures, may be waterward of the high waterline. For regulations regarding moorages, see the moorage listings in this Zone.</li> <li>Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas.</li> </ol> </li> <li>Ancillary assembly and manufacture of goods on premises may be permitted as part of an office use if:                             <ol style="list-style-type: none"> <li>The ancillary assembled or manufactured goods are subordinate to and dependent on this office use; and</li> <li>The outward appearance and impacts of this office use with ancillary assembly and manufacturing activities must be no different from other office uses.</li> </ol> </li> <li>This use may be located on the street level floor of a building only if there is a retail space extending a minimum of 30 feet of the building depth between this use and the abutting right-of-way. The Planning Director may approve a reduction to the depth requirement for the retail space if the applicant demonstrates that the proposed configuration of the retail use provides an adequate dimension for a viable retail tenant and provides equivalent or superior visual interest and potential foot traffic as would compliance with the required dimension.</li> <li>Veterinary offices are not permitted in this zone.</li> </ol>
.080	Office Use									D	One per 350 sq. ft. of gross floor area. See KZC 50.60.	

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

Section 50.17

Zone  
CBD-2

USE ZONE CHART

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

DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS												
Section 50.17	USE REGULATIONS	Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.120	General Moorage Facility	Process IIA, Chapter 150 KZC, and D.R., Chapter 142 KZC.	None, but must have at least 100 ft. of frontage on Lake Washington.	0'	0'	0'	See Spec. Reg. 5.	B See Spec. Reg. 14.	See KZC 50.60 and 105.25.	1. The City will determine the maximum allowable number of moorages based on the following factors: a. The topography of the area. b. The ability of the land waterward of the high waterline to support the moorages. c. The nature of nearby uses. d. The potential for traffic congestion. e. The effect on existing habitats. 2. Moorage structures may not be larger than is reasonably necessary to provide safe and reasonable moorage for the boats to be moored. The City will specifically review the size and configuration of moorage structures to insure that: a. The moorage structures do not extend waterward of the point necessary to provide reasonable draft for the boats to be moored, but not beyond the Outer Harbor Line. b. The moorage structures are not larger than is necessary to moor the specified number of boats. c. The moorage structures will not interfere with the public use and enjoyment of the water or create a hazard to navigation. 3. The following accessory components are allowed if approved through Process IIB, Chapter 152 KZC: a. Gas and oil sale for boats, if: 1) Storage tanks are underground and on dry land; and 2) The use has facilities to contain and clean up oil and gas spills. b. An over-water shed, which is no more than 50 square feet and not more than 10 feet high as measured from the deck, accessory to oil and gas sale for boats. c. Boat and motor sales and leasing. d. Boat or motor repair and service if: 1) This activity is conducted on dry land and either totally within a building or totally sight screened from the adjoining property and the right-of-way; and 2) All dry land motor testing is conducted within a building. e. Meeting and special events rooms. 4. Must provide public pedestrian access from an adjoining right-of-way to and along the entire waterfront of the subject property within the high waterline yard. In addition, the City may require that part or all of the high waterline yard be developed as a public use area. The City shall require signs designating public pedestrian access and public use areas. 5. The City may require the applicant to install a buffer between the subject property and adjoining property. The City will use the requirements of Chapter 95 as a guide for requiring a buffer.		

REGULATIONS CONTINUED ON NEXT PAGE

Section 50.17

Zone  
CBD-2

USE ZONE CHART

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

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

## **Comprehensive Plan/Downtown Plan Land Use Policies for CBD 2 (Core Area)**

### ***Pedestrian activity in the core area is to be enhanced.***

The core area should be enhanced as the pedestrian heart of Downtown Kirkland. Land uses should be oriented to the pedestrian, both in terms of design and activity type. Appropriate uses include retail, restaurant, office, residential, cultural, and recreational.

Restaurants, delicatessens, and specialty retail shops, including fine apparel, gift shops, art galleries, import shops, and the like constitute the use mix and image contemplated in the Vision for Downtown. These uses provide visual interest and stimulate foot traffic and thereby provide opportunities for leisure time strolling along Downtown walkways for Kirklanders and visitors alike.

### ***Drive-through facilities and ground-floor offices are prohibited.***

The desired pedestrian character and vitality of the core area requires the relatively intensive use of land and continuous compact retail frontage. Therefore, automobile drive-through facilities should be prohibited. Similarly, office uses should not be allowed to locate on the ground level. These uses generally lack visual interest, generate little foot traffic, and diminish prime ground floor opportunities for the retail uses that are crucial to the ambiance and economic success of the core area.

The attractiveness of the core area for pedestrian activity should be maintained and enhanced. Public and private efforts toward beautification of the area should be promoted. Mitigation measures should be undertaken where land uses may threaten the quality of the pedestrian environment. For example, in areas where take-out eating facilities are permitted, a litter surcharge on business licenses should be considered as a means to pay for additional trash receptacles or cleaning crews.

### ***The creation and enhancement of public open spaces is discussed.***

Public open spaces are an important component of the pedestrian environment. They provide focal points for outdoor activity, provide refuge from automobiles, and stimulate foot traffic which in turn helps the retail trade. The establishment and use of public spaces should be promoted. Surface parking lots should be eliminated in favor of structured parking. In the interim, their role as one form of open area in the Downtown should be improved with landscaped buffers adjacent to rights-of-way and between properties. Landscaping should also be installed where rear sides of buildings and service areas are exposed to pedestrians.

A high-priority policy objective should be for developers to include only enough parking stalls in their projects within the core area to meet the immediate need and to locate the majority of their parking in the core frame. This approach would reserve the majority of core land area for pedestrian movement and uses and yet recognize that the adjacent core frame is within a very short walk.

The City should generally avoid vacating alleys and streets in the core area. The existing network of street and alleys provides a fine-grained texture to the blocks which allows service access and pedestrian shortcuts. The small blocks also preclude consolidation of properties which might allow larger developments with less pedestrian scale. Vacations may be considered when they will not result in increased building mass and there is a substantial public benefit. Examples of public benefit might include superior pedestrian or vehicular linkages, or superior public open space.

### **Comprehensive Plan/Downtown Plan Height and Design District Policies for CBD 2 (Design District 2)**

***One to three stories in building height above Central Way or Lake Street are appropriate in Design District 2, depending on location.***

This area is bordered by the shoreline, Central Way, Lake Street, and 3rd Avenue South. This area serves as the link between Downtown and the Lake and helps define the traditional pedestrian-oriented retail environment. In addition, the existing low development allows public views of the Lake from many vantages around the Downtown and allows evening sun into the Downtown core. To emphasize this link and the traditional role, building heights in this area should remain low. Two stories above the street are appropriate along Central Way and south of Kirkland Avenue. Along Lake Street South between Kirkland Avenue and Central Way, buildings should be limited to one story above the street. Two stories in height may be allowed in this area where the impacts of the additional height are offset by substantial public benefits, such as through-block public pedestrian access or view corridors. Buildings over one story in this area should be reviewed by the Design Review Board for both design and public benefit considerations. These benefits could also be provided with the development of the Lakeshore Plaza project identified in the Downtown Master Plan (see Figure C-4). Building occurring in conjunction with that project or thereafter should be reviewed in relation to the new context to determine whether two stories are appropriate. South of Second Avenue South, buildings up to three stories above Lake Street South are appropriate. Buildings over two stories should be reviewed by the Design Review Board to ensure an effective transition along the street and properties to the south.

As in District 1, pedestrian orientation is an equally important design consideration in District 2. In addition, improvements related to the visual or physical linkage between building in this area and the lake to the west should be incorporated in building design.

The public parking lot located near Marina Park at the base of Market Street is well suited for a parking structure of several levels, due to its topography. Incentives should be developed to encourage the use of this site for additional public parking.