

DD16 – For residential uses in HENC 2 zone, structure height may be increased up to 5 stories (maximum 55'), if:

- a) Careful attention is given to building modulation, the use of materials, and design treatments to reduce the appearance of bulk and mass.
- b) Upper story setbacks are provided to minimize height along 68<sup>th</sup>, 106<sup>th</sup> and the Cross Kirkland Corridor. Upper story setback requirements are listed below. For purposes of the following regulations, the term “setback” shall refer to the horizontal distance between the property line and any exterior wall of the building. The measurements shall be taken from the property line abutting the street prior to any potential right-of-way dedication.

No portion of a building within 30 feet of NE 68<sup>th</sup> Street, 106<sup>th</sup> Avenue NE or the CKC may exceed a height of 35 feet.

The required upper story setbacks for all floors above the third story shall be calculated as Total Upper Story Setback Area as follows:

Total Upper Story Setback Area = (Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas) x (Required average setback) x (Number of stories proposed above the third story). See Plate 35.

The Design Review Board is authorized to allow a reduction of the required upper story setback by no more than five feet subject to the following:

- 1) Each square foot of additional building area proposed within the setback is offset with an additional square foot of public open space (excluding area required for sidewalk dedication) at the street level.
- 2) The public open space is located along the sidewalk frontage and is not covered by buildings.
- 3) The design and location is consistent with applicable design guidelines.

The Design Review Board is authorized to allow rooftop garden structures within the setback area.

- c) Safe pedestrian connection provided to the Cross Kirkland Corridor, including community open space along the connection.
- d) The project must meet City approved green building standards.
- e) The project must include 10% affordable housing per Chapter 112 of the Kirkland Zoning Code.

25.40

**Development Standards Table – High Density Residential Zones (Continued)**  
 (RM 2.4; RMA 2.4; RM 1.8; RMA 1.8; PLA 5A, PLA 5D, PLA 5E; PLA 6A, PLA 6D, PLA 6I, PLA 6J; PLA 7A, PLA 7B)  
 (Refer to KZC 25.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 25.30, Density/Dimensions Table)

	Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
25.40.050	Detached, Attached, or Stacked Dwelling Units	D RM, RMA: D <sup>5, 6</sup> PLA 7A, 7B: D <sup>6</sup> <i>and HEBC 2</i>	A	1.2 per studio unit. 1.3 per 1 bedroom unit. 1.6 per 2 bedroom unit. 1.8 per 3 or more bedroom unit.  See KZC 105.20 for visitor parking requirements.
25.40.060	Detached Dwelling Unit	E	A	2.0 per unit.
25.40.070	Government Facility	C <sup>3</sup> RM, RMA: C <sup>1, 3</sup>	B RM, RMA: B <sup>4</sup>	See KZC 105.25.
25.40.080	Grocery Store, Drug Store, Laundromat, Dry Cleaners, Barber Shop, Beauty Shop or Shoe Repair Shop	B	E	1 per each 300 sq. ft. of gross floor area.
25.40.090	Mini-School or Mini-Day-Care Center	E RM, RMA: D	B	See KZC 105.25. <sup>7, 8</sup> RM, RMA: See KZC 105.25. <sup>7</sup>
25.40.100	Nursing Home	C RM, RMA: C <sup>1</sup>	B	1 for each bed.
25.40.110	Office Uses (Stand-Alone or Mixed with Detached, Attached, or Stacked Dwelling Units)	C	D	See KZC 105.25.
25.40.120	Piers, Docks, Boat Lifts and Canopies Serving Detached, Attached or Stacked Dwelling Units	B	B	None
25.40.130	Public Park	Development standards will be determined on a case-by-case basis.		
25.40.140	Public Utility	A <sup>3</sup> RM, RMA: A <sup>1, 3</sup> PLA 7A, PLA 7B: A	B RM, RMA: B <sup>4</sup>	See KZC 105.25.
25.40.150	School or Day-Care Center	D	B	See KZC 105.25. <sup>8, 9</sup> RM, RMA: See KZC 105.25. <sup>9</sup>

**Development Standards (DS) Special Regulations:**

- DS-1. If the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then Landscape Category A applies.
- DS-2. No parking is required for day-care or school ancillary to this use.
- DS-3. 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.
- DS-4. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
- It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
  - The electronic readerboard is no more than 50 percent of the sign area;
  - Moving graphics and text or video are not part of the sign;
  - The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
  - The electronic readerboard displays messages regarding public service announcements or City events only;
  - The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;
  - The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
  - It is located to have the least impact on surrounding residential properties.
- If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.
- DS-5. Except for low density uses, if the subject property is located within the NRH neighborhood, west of Slater Avenue NE and south of NE 100th Street, and if it adjoins a low density zone or a low density use in PLA 17, then Landscape Category A applies.
- DS-6. When a low density use adjoins a detached dwelling unit in a low density zone, Landscape Category E applies.
- DS-7. 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.
- DS-8. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
- DS-9. An on-site passenger loading area must be provided. The City shall determine the appropriate size of the loading area on a case-by-case basis, depending on the number of attendees and the extent of the abutting right-of-way improvements. Carpooling, staggered loading/unloading time, right-of-way improvements or other means may be required to reduce traffic impacts on nearby residential uses.

(Ord. 4487 § 1, 2015; Ord. 4476 § 2, 2015)

## CHAPTER 35 – COMMERCIAL ZONES (BN, BNA, BC, BC 1, BC 2, BCX)

## Sections:

- 35.05 User Guide
- 35.05.010 Applicable Zones
  - 35.05.020 Common Code References
- 35.10 General Regulations
- 35.10.010 All Commercial Zones
  - 35.10.020 BN, BNA Zones
  - 35.10.030 BC, BC 1, BC 2 Zones
  - 35.10.040 BCX Zones
- 35.20 Permitted Uses
- 35.30 Density/Dimensions
- 35.40 Development Standards

HENC 1 & 3

HENC 1 and 3

35.05 User Guide

- Step 1. Check that the zone of interest is included in KZC 35.05.010, Applicable Zones. If not, select the chapter where it is located.
- Step 2. Refer to KZC 35.05.020, Common Code References, for relevant information found elsewhere in the code.
- Step 3. Refer to the General Regulations in KZC 35.10 that apply to the zones as noted.
- Step 4. Find the Use of interest in the Permitted Uses Table in KZC 35.20 and read across to the column pertaining to the zone of interest. If a Use is not listed in the table, it is not allowed. A listed use is permitted unless "NP" (Not Permitted) is noted for the table. Note the Required Review Process and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (PU-1, PU-2, PU-3, etc.).
- Step 5. Find the Use of interest in the Density/Dimensions Table in KZC 35.30 and read across the columns. Note the standards (Minimum Lot Size, Required Yards, Maximum Lot Coverage, and Maximum Height of Structure) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DD-1, DD-2, DD-3, etc.).
- Step 6. Find the Use of interest in the Development Standards Table in KZC 35.40 and read across the columns. Note the standards (Landscape Category, Sign Category, and Required Parking Spaces) and Special Regulations that are applicable. There are links to the Special Regulations listed immediately following the table (DS-1, DS-2, DS-3, etc.).

**Note: Not all uses listed in the Density/Dimensions and Development Standards Tables are permitted in each zone addressed in this chapter. Permitted uses are determined only by the Permitted Uses Table.**

## 35.10

35.05.010 Applicable Zones

This chapter contains the regulations for uses in the commercial zones (BN, BNA, BC, BC 1, BC 2, BCX) of the City.

HENC 1#3

35.05.020 Common Code References

1. Refer to Chapter 1 KZC to determine what other provisions of this code may apply to the subject property.
2. Public park development standards will be determined on a case-by-case basis. See KZC 45.50.
3. Review processes, density/dimensions and development standards for shoreline uses can be found in Chapter 83 KZC, Shoreline Management.
4. Some development standards or design regulations may be modified as part of the design review process. See Chapters 92 and 142 KZC for requirements.
5. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with Assisted Living Facility, Attached or Stacked Dwelling Units, and Stacked Dwelling Unit uses.
6. Development adjoining the Cross Kirkland Corridor or Eastside Rail Corridor shall comply with the standards of KZC 115.24.
7. Structures located within 30 feet of a parcel in a low density zone or a low density use in PLA 17 shall comply with additional limitations on structure size established by KZC 115.136.

(Ord. 4476 § 2, 2015)

35.10 General Regulations35.10.010 All Commercial Zones

The following regulations apply to all uses in these zones unless otherwise noted:

1. Surface parking areas shall not be located between the street and building unless no feasible alternative exists. Parking areas located to the side of the building are allowed; provided, that the parking area and vehicular access occupies less than 30 percent of the property frontage and design techniques adequately minimize the visibility of the parking.

35.10.020 BN, BNA Zones

1. The following commercial frontage requirements shall apply to all development that includes dwelling units or assisted living uses:
  - a. The street level floor of all buildings shall be limited to one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office. These uses shall be oriented toward fronting arterial and collector streets and have a minimum depth of 20 feet and an average depth of at least 30 feet (as measured from the face of the building along the street).  
  
The Design Review Board (or Planning Director if not subject to DR) may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. The Design Review Board (or Planning Director if not subject to DR) may modify the frontage requirement where the property abuts residential zones in order to create a more effective transition between uses.
  - b. The commercial floor shall be a minimum of 13 feet in height. In the BN zone, the height of the structure may exceed the maximum height of structure by three feet for a three-story building with the required 13-foot commercial floor.
  - c. Other uses allowed in this zone and parking shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.
2. Where Landscape Category B is specified, the width of the required landscape strip shall be 10 feet for properties within the Moss Bay neighborhood and 20 feet for properties within the South Rose Hill neighborhood. All other provisions of Chapter 95 KZC shall apply.
3. In the BNA zone, developments may elect to provide affordable housing units as defined in Chapter 5 KZC subject to the voluntary use provisions of Chapter 112 KZC.

35.10.030 BC, BC 1, BC 2 Zones

1. In the BC zone, at least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.
2. In the BC 1 and BC 2 zones, the following requirements shall apply to all development that includes residential or assisted living uses:
  - a. The development must include commercial use(s) with gross floor area on the ground floor equal to or greater than 25 percent of the parcel size for the subject property. Commercial floor area shall be one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.

- b. The commercial floor shall be a minimum of 13 feet in height.
  - c. Commercial uses shall be oriented to adjoining arterials.
  - d. Residential uses, assisted living uses, and parking for those uses shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. The intervening commercial frontage shall be a minimum of 20 feet in depth. The Planning Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.
- ~ **HENC 1 & 3**
3. In BC 1 and BC 2 zones, developments creating four or more new dwelling units shall provide at least 10 percent of the units as affordable housing units as defined in Chapter 5 KZC. Two additional units may be constructed for each affordable housing unit provided. See Chapter 112 KZC for additional affordable housing incentives and requirements.
  4. In the BC 1 and BC 2 zones, side and rear yards abutting a residential zone shall be 20 feet.
  5. In the BC 1 and BC 2 zones, all required yards for any portion of a structure must be increased one foot for each foot that any portion of the structure exceeds 35 feet above average building elevation (does not apply to Public Park uses).
  6. Maximum height of structure is as follows:
    - a. In the BC zone, if adjoining a low density zone other than RSX, then 25 feet above average building elevation. Otherwise, 30 feet above average building elevation.
    - b. In the BC 1 zone, 35 feet above average building elevation.
    - c. In the BC 2 zone, 35 feet above average building elevation. Structure height may be increased to 60 feet in height if:
      - 1) At least 50 percent of the floor area is residential;
      - 2) Parking is located away from the street by placing it behind buildings, to the side of buildings, or in a parking structure;
      - 3) The ground floor is a minimum 15 feet in height for all retail, restaurant, or office uses (except parking garages); and
      - 4) The required yards of any portion of the structure are 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).

d. In the HENC 1 & 3 Zone, 35 feet above average building elevation.

e. In the HENC 1 Zone, (see next page)

## 35.10.030.6

## Maximum height of structure is as follows:

- d. In the HENC 1 and HENC 3 zone, 35 feet above average building elevation.
- e. In the HENC 1 zone, structure height may be increased up to 5 stories (maximum 55 feet) as measured at the midpoint of the frontage of the subject property on the abutting right-of-way, if:

- a) Careful attention is given to building modulation, the use of materials, and design treatments to reduce the appearance of bulk and mass.
- b) Upper story setbacks are provided to minimize height along NE 68<sup>th</sup> Street, 6<sup>th</sup> Street and the Cross Kirkland Corridor (CKC). Upper story setback requirements are listed below. For purposes of the following regulations, the term "setback" shall refer to the horizontal distance between the property line and any exterior wall of the building. The measurements shall be taken from the property line abutting the street prior to any potential right-of-way dedication.

No portion of a building within 30 feet of NE 68<sup>th</sup> Street, 6<sup>th</sup> Street or the CKC may exceed a height of 35 feet.

The required upper story setbacks for all floors above the third story shall be calculated as Total Upper Story Setback Area as follows:

Total Upper Story Setback Area = (Linear feet of front property line(s), not including portions of the site without buildings that are set aside for vehicular areas) x (Required average setback) x (Number of stories proposed above the third story). See Plate 35.

The Design Review Board is authorized to allow a reduction of the required upper story setback by no more than five feet subject to the following:

- 1) Each square foot of additional building area proposed within the setback is offset with an additional square foot of public open space (excluding area required for sidewalk dedication) at the street level.
- 2) The public open space is located along the sidewalk frontage and is not covered by buildings.
- 3) The design and location is consistent with applicable design guidelines.

The Design Review Board is authorized to allow rooftop garden structures within the setback area.

- c) Safe pedestrian connections are provided through the site and to the Cross Kirkland Corridor.

- d) 20,000 square feet of ground floor retail must include a grocery store, hardware store, drug store, retail variety or department store.
- e) A Master Plan for development is approved by the Design Review Board.
- f) Public gathering places, community plazas and public art are included in the Master Plan with at least one of these areas measuring a minimum of 1500 square feet with a minimum width of 30'.
- g) Minimum 14' sidewalks are required along NE 68<sup>th</sup> Street.
- h) City approved green building standards must be met.
- i) The project must include 10% affordable housing per Chapter 112 of the Kirkland Zoning Code.

35.10.040 BCX Zones

1. The required 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).
2. The following requirements shall apply to all development that includes residential or assisted living uses:
  - a. The development must include commercial use(s) with gross floor area on the ground floor equal to or greater than 25 percent of the parcel size for the subject property. Commercial floor area shall be one or more of the following uses: Retail; Restaurant or Tavern; Entertainment, Cultural and/or Recreational Facility; or Office.
  - b. The commercial floor shall be a minimum of 13 feet in height. The height of the structure may exceed the maximum height of structure by three feet.
  - c. Commercial uses shall be oriented to adjoining arterials.
  - d. Residential uses, assisted living uses, and parking for those uses shall not be located on the street level floor unless an intervening commercial frontage is provided between the street and those other uses or parking subject to the standards above. The intervening commercial frontage shall be a minimum of 20 feet in depth. The Planning Director may approve a minor reduction in the depth requirements if the applicant demonstrates that the requirement is not feasible given the configuration of existing or proposed improvements and that the design of the commercial frontage will maximize visual interest. Lobbies for residential or assisted living uses may be allowed within the commercial frontage provided they do not exceed 20 percent of the building's linear commercial frontage along the street.

(Ord. 4476 § 2, 2015)

35.20

Permitted Uses

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

HENC 1#3

Use		Required Review Process:		
		BN, BNA	BC, BC 1, BC 2	BCX
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC		DR = Design Review, Chapter 142 KZC None = No Required Review Process
		NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)		
35.20.010	Assisted Living Facility	DR 1, 2, 3	None 1, 2, 4	None 1, 2, 5
35.20.020	Attached or Stacked Dwelling Units*	DR 3	None 4	None 5
35.20.030*	Reserved			
35.20.040	Church	DR 10	None 10	None 10
35.20.050	Community Facility	DR	None	None
35.20.060	Convalescent Center	DR	None 2	None
35.20.070	Entertainment, Cultural and/or Recreational Facility	DR 11, 12, 13, 14	None	None
35.20.080	Government Facility	DR	None	None
35.20.090	Hotel or Motel	NP	None 15	None 15
35.20.100	Mini-School or Mini-Day-Care Center	DR 10, 16, 17	None 10, 16, 17	None 10, 16, 17
35.20.110	Nursing Home	DR	None 2	None

HENC 1#3!  
 DR required for all allowed uses except public parks

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

Use		Required Review Process:		
		BN, BNA	BC, BC 1, BC 2	BCX
		I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC		DR = Design Review, Chapter 142 KZC None = No Required Review Process
		NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)		
35.20.120	Office Use	DR 18, 19, 20, 21	None 18, 19	None 18, 19
35.20.130	Private Lodge or Club	DR	None	None
35.20.140	Public Park	See KZC 45.50 for required review process.		
35.20.150	Public Utility	IIA	None	None
35.20.160	Restaurant or Tavern	DR 11, 12, 13	None 11, 13	None 11, 13
35.20.170*	Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	NP	None 11, 12, 23, 30	None 11, 12, 23
35.20.180*	Retail Establishment providing banking and related financial services	DR 11	None 11	None 11
35.20.190*	Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	DR 11, 12, 13	None 11, 12	None 11, 12
35.20.200	Retail Establishment providing storage services	NP	None 25, 26	None 25
35.20.210*	Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	NP	None 27	None 6, 7, 8, 9
35.20.220*	Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	DR 11, 23, 30	None 11, 12, 23, 30	None 11, 12, 23

HENC 143

HENC 143

DR required for all allowed uses except public parks

Not allowed in HENC 143

35.20

HENC 1#3

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

Use	Required Review Process:		
	I = Process I, Chapter 145 KZC IIA = Process IIA, Chapter 150 KZC IIB = Process IIB, Chapter 152 KZC		DR = Design Review, Chapter 142 KZC None = No Required Review Process
	NP = Use Not Permitted # = Applicable Special Regulations (listed after the table)		
	BN, BNA	BC, BC 1, BC 2	BCX
35.20.230* Retail Establishment selling groceries and related items	DR 11, 23	None 11, 12, 23, 30	None 11, 12, 23
35.20.240* Retail Variety or Department Store	DR 11, 23	None 11, 12, 23, 30	None 11, 12, 23
35.20.250 School or Day-Care Center	DR 10, 16, 17	None 10, 16, 17	None 10, 16, 17
35.20.260* Reserved			
35.20.270 Vehicle Service Station	DR 17, 28, 29	I 28	I 28

HENC 1#3  
 DR required for all allowed uses except public parks

**Permitted Uses (PU) Special Regulations:**

- PU-1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility.
- PU-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.
- PU-3. This use is only allowed on the street level floor subject to the provisions of KZC 35.10.020(1).
- PU-4\*. Attached Dwelling Units are not allowed in the BC, BC 1 and BC 2 zones. In the BC zone, this use, with the exception of a lobby, may not be located on the ground floor of a structure. In the BC 1 and BC 2 zones, this use is only allowed subject to the provisions of KZC 35.10.030(2). *and HENC 1#3*
- PU-5\*. Attached Dwelling Units are not allowed in the BCX zone. This use is only allowed subject to the provisions of KZC 35.10.040(2).
- PU-6\*. This use specifically excludes new or used vehicle or boat sales or rentals, except motorcycle sales, service, or rental is permitted if conducted indoors.

- PU-7. No openings (i.e., doors, windows which open, etc.) shall be permitted in any facade of the building adjoining to any residentially zoned property. Windows are permitted if they are triple-paned and unable to be opened.
- PU-8. Storage of used parts and tires must be conducted entirely within an enclosed structure. Outdoor vehicle parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for additional regulations.
- PU-9. Prior to occupancy of the structure, documentation must be provided and stamped by a licensed professional verifying that the expected noise to be emanating from the site adjoining to any residential 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.
- PU-10. May include accessory living facilities for staff persons.
- PU-11. Uses with drive-in and drive-through facilities are prohibited in the BN zone. Access from drive-through facilities must be approved by the Public Works Department. Drive-through facilities must be designed so that vehicles will not block traffic in the right-of-way while waiting in line to be served.
- PU-12. Ancillary assembly and manufactured goods on the premises of this use are permitted only if:
- 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.
  - The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.
- PU-13. For restaurants with drive-in or drive-through facilities, one outdoor waste receptacle shall be provided for every eight parking stalls.
- PU-14. Entertainment, cultural and/or recreational facilities are only allowed in BNA zone.
- PU-15. May include ancillary meeting and convention facilities.
- PU-16. A six-foot-high fence is required along the property lines adjacent to the outside play areas.
- PU-17. Hours of operation may be limited by the City to reduce impacts on nearby residential uses.
- PU-18. The following regulations apply to veterinary offices only:
- May only treat small animals on the subject property.
  - Outside runs and other outside facilities for the animals are not permitted.
  - 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.
- PU-19. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:
- The ancillary assembled or manufactured goods are subordinate to and dependent on this use.
  - The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.

- PU-20. At least 75 percent of the total gross floor area located on the ground floor of all structures on the subject property must contain retail establishments, restaurants, taverns, hotels or motels, or offices. These uses shall be oriented to an adjacent arterial, a major pedestrian sidewalk, a through-block pedestrian pathway or an internal pathway.
- PU-21. For properties located within the Moss Bay neighborhood, this use not allowed above the street level floor of any structure.
- PU-22\*. Reserved.
- PU-23. A delicatessen, bakery, or other similar use may include, as part of the use, accessory seating if:
- The seating and associated circulation area does not exceed more than 10 percent of the gross floor area of the use; and
  - It can be demonstrated to the City that the floor plan is designed to preclude the seating area from being expanded.
- PU-24\*. Reserved.
- PU-25. May include accessory living facilities for resident security manager.
- PU-26. This use not permitted in BC 1 and BC 2 zones or if any portion of the property is located within 150 feet of the Cross Kirkland Corridor.
- PU-27. Vehicle and boat rental are allowed as part of this use.
- PU-28. May not be more than two vehicle service stations at any intersection.
- PU-29. This use is not allowed in the BN zone.
- PU-30. Retail establishments selling marijuana or products containing marijuana are not permitted on properties abutting the school walk routes shown on Plate 46.

(Ord. 4479 § 1, 2015; Ord. 4476 § 2, 2015)

*\*Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.*

Kirkland Zoning Code

35.30 Density/Dimensions

Density/Dimensions Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) ← HENC 1#3  
(Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE	Minimum Lot Size	* REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	** Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.010 Assisted Living Facility HENC 1#3 →	BN: None <sup>3</sup> BNA: None <sup>2, 3</sup> BC, BC 1, BC 2: None <sup>1</sup> BCX: None	BN, BNA: 4 BC, BC 1, BC 2: 4, 5 BCX: 4, 6				
35.30.020* Attached or Stacked Dwelling Units HENC 1#3 →	BN: None <sup>2, 7</sup> BC, BCX: None BC, BC 1, BC 2: None <sup>16</sup>	4				
35.30.030* Reserved						
35.30.040 Church	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11' BCX: 30' above ABE.
35.30.050 Community Facility	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11' BCX: 30' above ABE.
35.30.060 Convalescent Center	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11' BCX: 30' above ABE.
35.30.070 Entertainment, Cultural and/or Recreational Facility	None BNA: None <sup>13</sup>	BNA: 10' BC: 20' BC 1, BC 2: 10' BCX: 20'	BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11' BCX: 30' above ABE.

\* See attached for required yards<sub>127</sub> for HENC 1#3

\*\* Maximum height in HENC 1#3 is 35' above ABE, except see 35.10.030.6.

Density/Dimensions Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) ← HENC 1#3  
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE	Minimum Lot Size	* REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	** Maximum Height of Structure ABE = Average Building Elevation	
		Front	Side	Rear			
35.30.080	Government Facility	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11' BCX: 30' above ABE.
35.30.090	Hotel or Motel	None	BC, BCX: 20' BC 1, BC 2: 10'	BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BC, BC 1, BC 2: 11' BCX: 30' above ABE.
35.30.100	Mini-School or Mini-Day-Care Center	None	BN: 0' BNA, BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11' BCX: 30' above ABE.
35.30.110	Nursing Home	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11' BCX: 30' above ABE.
35.30.120	Office Use	None	BN: 0' BNA, BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11' BCX: 30' above ABE.
35.30.130	Private Lodge or Club	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11' BCX: 30' above ABE.
35.30.140	Public Park	Development standards will be determined on a case-by-case basis.					
35.30.150	Public Utility	None	BN, BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 20' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 20' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: 11' BCX: 30' above ABE.

\* See attached for required yards for HENC 1#3 (except public parks)  
 \*\* Maximum height in HENC 1#3 is 35' above ABE, except see 35.10.030.6

Density/Dimensions Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) ← HENC 1#3  
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE	Minimum Lot Size	* REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	** Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.160 Restaurant or Tavern	None <sup>12</sup>	BN: 0' BNA, BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.170* Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	None	BC, BCX: 20' BC 1, BC 2: 10'	BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.180* Retail Establishment providing banking and related financial services	None <sup>12</sup>	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.190* Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	None <sup>12</sup>	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.200 Retail Establishment providing storage services	None	BC, BCX: 20'	BC: 0' <sup>8</sup> BCX: 0'	BC: 0' <sup>8</sup> BCX: 0'	80%	BC: <sup>11</sup> BCX: 30' above ABE.
35.30.210* Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	None	BC, BCX: 20' BC 1, BC 2: 10'	BC, BCX, BC 1, BC 2: 0' <sup>8</sup>	BC, BCX, BC 1, BC 2: 0' <sup>8</sup>	80%	BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.220* Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	None <sup>14</sup> HENC 1#3 none	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.230* Retail Establishment selling groceries and related items	None <sup>14</sup> HENC 1#3 none	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.

\* See attached for required yards for HENC 1#3

\*\* Maximum height in HENC 1#3 is 35' above ABE, except see 35.10.030.6 191

Density/Dimensions Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) ← HENC 1#3  
(Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.40, Development Standards Table)

USE	Minimum Lot Size	* REQUIRED YARDS (See Ch. 115 KZC)			Maximum Lot Coverage	** Maximum Height of Structure ABE = Average Building Elevation
		Front	Side	Rear		
35.30.240* Retail Variety or Department Store	None <sup>14</sup> HENC 1#3 none	BN: 0' BC, BCX: 20' BNA, BC 1, BC 2: 10'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10</sup> BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.250 School or Day-Care Center	None	BN: 0' BNA, BC 1, BC 2: 10' BC, BCX: 20'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	BN, BNA: 10' BC, BC 1, BC 2: 0' <sup>8</sup> BCX: 0'	80%	BN: 30' above ABE. <sup>9, 10, 15</sup> BNA: 35' above ABE. <sup>9, 10, 15</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.
35.30.260* Reserved						
35.30.270 Vehicle Service Station	22,500 sq. ft.	40'	15'	15'	80%	BNA: 35' above ABE. <sup>9, 10</sup> BC, BC 1, BC 2: <sup>11</sup> BCX: 30' above ABE.

**Density/Dimensions (DD) Special Regulations:**

- DD-1. In BC 1 and BC 2, subject to density limits listed for attached and stacked dwelling units. For density purposes, two assisted living units constitute one dwelling unit.
- DD-2. In the BNA zone, the gross floor area of this use shall not exceed 50 percent of the total gross floor area on the subject property.
- DD-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.
- DD-4. Same as the regulations for the ground floor use.
- DD-5. See KZC 35.10.030(2).
- DD-6. See KZC 35.10.040(2).

\* See attached for required yards for HENC 1#3 except Vehicle Service Station  
 \*\* Maximum height in HENC 1#3 is 35' above ABE, except see 35.10.030.6

### 35.30 Density/Dimensions Charts for HENC 1 and 2 Zones

Required Yards:

**All retail uses** (except storage services) and **restaurants or taverns.**

Front 0, Side 0, Rear 0

**Remaining ground floor uses:**

Front 10', Side 0 and Rear 0

- DD-7. The minimum amount of lot area per dwelling unit is as follows:
- a. In the BN zone, 900 square feet.
  - b. In the BNA zone:
    - i. North of NE 140th Street, 1,800 square feet.
    - ii. South of NE 124th Street, 2,400 square feet.
- DD-8. See KZC 35.10.030(4) and (5).
- DD-9. If adjoining a low density zone other than RSX or RSA, then 25 feet above ABE.
- DD-10. See KZC 35.10.020(1)(b).
- DD-11. See KZC 35.10.030(5) and (6).
- DD-12. Gross floor area for this use may not exceed 10,000 square feet, except in the BN zone the limit shall be 4,000 square feet.
- DD-13. Gross floor area for this use may not exceed 10,000 square feet.
- DD-14. The gross floor area for this use may not exceed 10,000 square feet. Exceptions:
- a. Retail establishments selling groceries and related items in the BNA zone are not subject to this limit.
  - b. In the BN zone, the limit shall be 4,000 square feet.
- DD-15. For school use, structure height may be increased, up to 35 feet, if:
- a. The school can accommodate 200 or more students; and
  - b. The required side and rear yards for the portions of the structure exceeding the basic maximum structure height are increased by one foot for each additional one foot of structure height; and
  - c. The increased height is not specifically inconsistent with the applicable neighborhood plan provisions of the Comprehensive Plan.
  - d. The increased height will not result in a structure that is incompatible with surrounding uses or improvements.  
*This special regulation is not effective within the disapproval jurisdiction of the Houghton Community Council.*
- DD-16. Nine hundred square feet per unit in BC 1 and BC 2.
- DD-17. 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.

(Ord. 4476 § 2, 2015)

*\*Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.*

## 35.40

## Development Standards

Development Standards Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) ← HENC 1 + 3  
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.30, Density/Dimensions Table)

	Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.010	Assisted Living Facility	1	A	1.7 per independent unit. 1 per assisted living unit.
35.40.020	Attached or Stacked Dwelling Units	1	A	1.2 per studio unit. 1.3 per 1 bedroom unit. 1.6 per 2 bedroom unit. 1.8 per 3 or more bedroom unit.  See KZC 105.20 for visitor parking requirements.
35.40.030*	Reserved			
35.40.040	Church	C	B	1 for every four people based on maximum occupancy load of any area of worship. <sup>3</sup>
35.40.050	Community Facility	C <sup>4</sup>	B BN, BNA: B <sup>5</sup>	See KZC 105.25.
35.40.060	Convalescent Center	C BN, BNA: B <sup>6</sup>	B	1 for each bed.
35.40.070	Entertainment, Cultural and/or Recreational Facility	B BNA: B <sup>6</sup>	E BNA: D	See KZC 105.25.
35.40.080	Government Facility	C <sup>4</sup>	B BN, BNA: B <sup>5</sup>	See KZC 105.25.
35.40.090	Hotel or Motel	B	E	1 per each room. <sup>7</sup>
35.40.100	Mini-School or Mini-Day-Care Center	D BN, BNA: B <sup>6</sup>	B	See KZC 105.25. <sup>8,9</sup>
35.40.110	Nursing Home	C BN, BNA: B <sup>6</sup>	B	1 for each bed.

Development Standards Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) ← HENC 1#3  
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.30, Density/Dimensions Table)

Use	Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.120 Office Use	BN, BNA: B <sup>6</sup> HENC 1#3 → BC, BC 1, BC 2: C BCX: B	D	1 per each 300 sq. ft. of gross floor area. <sup>13</sup>
35.40.130 Private Lodge or Club	C BN, BNA: B <sup>6</sup>	B	1 per each 300 sq. ft. of gross floor area.
35.40.140 Public Park	Development standards will be determined on a case-by-case basis.		
35.40.150 Public Utility	A <sup>4</sup>	B BN, BNA: B <sup>5</sup>	See KZC 105.25.
35.40.160 Restaurant or Tavern	BN, BNA: B <sup>6</sup> BC, BC 1, BC 2, BCX: B <sup>10</sup>	E BN, BNA: D	1 per each 100 sq. ft. of gross floor area.
35.40.170* Retail Establishment other than those specifically listed in this zone, selling goods, or providing services	B	E	1 per each 300 sq. ft. of gross floor area.
35.40.180* Retail Establishment providing banking and related financial services	B <sup>6</sup>	BN, BNA: D HENC 1#3 → BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.
35.40.190* Retail Establishment providing laundry, dry cleaning, barber, beauty or shoe repair services	B <sup>6</sup>	BN, BNA: D BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.
35.40.200 Retail Establishment providing storage services	A	E	See KZC 105.25.
35.40.210* Retail Establishment providing vehicle or boat sales or vehicle or boat service or repair	A	E	BC, BC 1, BC 2: See KZC 105.25. <sup>11</sup> BCX: 1 per each 250 sq. ft. of gross floor area. <sup>2</sup>
35.40.220* Retail Establishment selling drugs, books, flowers, liquor, hardware supplies, garden supplies or works of art	B <sup>6</sup>	BN, BNA: D HENC 1#3 → BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.

35.40

Development Standards Table – Commercial Zones (BN, BNA, BC, BC 1, BC 2, BCX) (Continued) ← HENC 173  
 (Refer to KZC 35.20, Permitted Uses Table, to determine if a use is allowed in the zone; see also KZC 35.30, Density/Dimensions Table)

Use		Landscape Category (Chapter 95 KZC)	Sign Category (Chapter 100 KZC)	Required Parking Spaces (Chapter 105 KZC)
35.40.230*	Retail Establishment selling groceries and related items	B <sup>6</sup>	BN, BNA: D BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.
35.40.240*	Retail Variety or Department Store	B <sup>6</sup>	BN, BNA: D BC, BC 1, BC 2, BCX: E	1 per each 300 sq. ft. of gross floor area.
35.40.250	School or Day-Care Center	D BN, BNA: B <sup>6</sup>	B	See KZC 105.25. <sup>9, 12</sup>
35.40.260*	Reserved			
35.40.270	Vehicle Service Station	A	E BNA: D	See KZC 105.25.

#### Development Standards (DS) Special Regulations:

- DS-1. Same as the regulations for the ground floor use.
- DS-2. Ten percent of the required parking spaces on site must have a minimum dimension of 10 feet wide by 30 feet long for motor home/travel trailer use.
- DS-3. No parking is required for day-care or school ancillary to this use.
- DS-4. 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.
- DS-5. One pedestal sign with a readerboard having electronic programming is allowed at a fire station only if:
- It is a pedestal sign (see Plate 12) having a maximum of 40 square feet of sign area per sign face;
  - The electronic readerboard is no more than 50 percent of the sign area;
  - Moving graphics and text or video are not part of the sign;
  - The electronic readerboard does not change text and/or images at a rate less than one every seven seconds and shall be readily legible given the text size and the speed limit of the adjacent right-of-way;
  - The electronic readerboard displays messages regarding public service announcements or City events only;
  - The intensity of the display shall not produce glare that extends to adjacent properties and the signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness;

- g. The electronic readerboard is turned off between 10:00 p.m. and 6:00 a.m. except during emergencies;
- h. It is located to have the least impact on surrounding residential properties.  
If it is determined that the electronic readerboard constitutes a traffic hazard for any reason, the Planning Director may impose additional conditions.

- DS-6. See KZC 35.10.020(2).
- DS-7. 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.
- DS-8. 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.
- DS-9. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.
- DS-10. For restaurants with drive-in or drive-through facilities Landscape Category A shall apply.
- DS-11. Outdoor vehicle or boat parking or storage areas must be buffered as required for a parking area in KZC 95.45. See KZC 115.105, Outdoor Use, Activity and Storage, for further regulations.
- DS-12. 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.
- DS-13. If a medical, dental or veterinary office, then one per each 200 square feet of gross floor area.

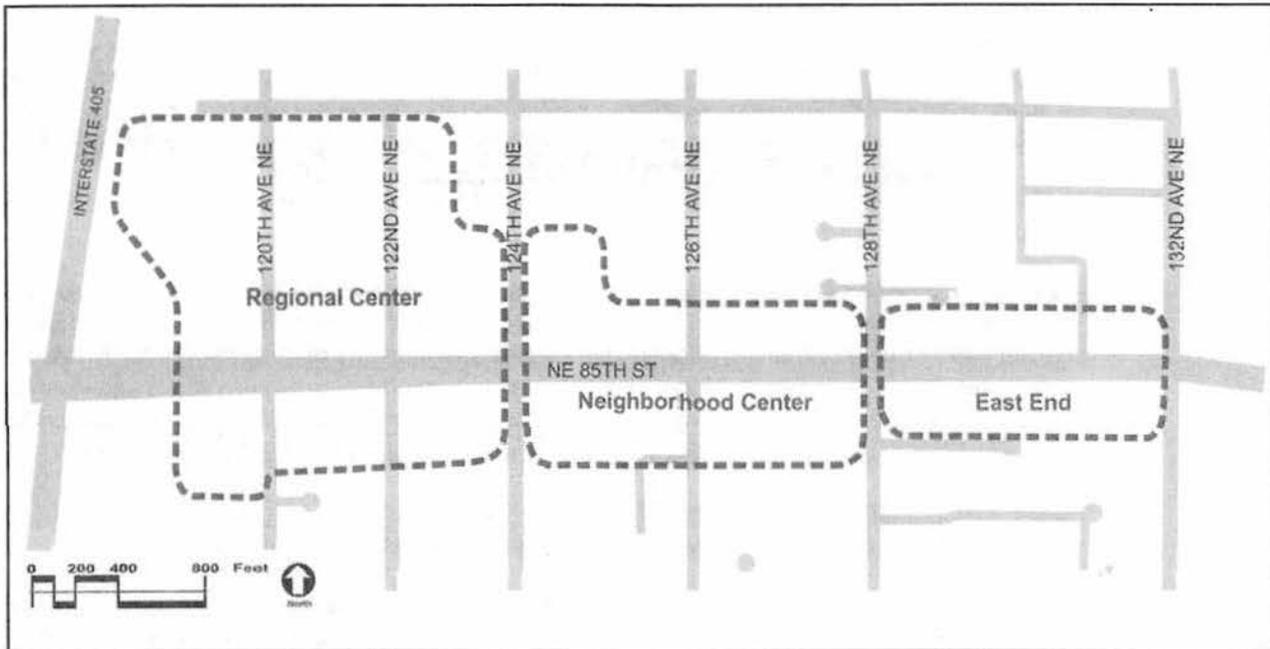
(Ord. 4487 § 1, 2015; Ord. 4476 § 2, 2015)

*\*Code reviser's note: This section of the code has been modified from what was shown in Ord. 4476 to simplify the code and reflect the intent of the City.*

92.05 INTRODUCTION

1. General – This chapter establishes the design regulations that apply to development in Design Districts including the Central Business District (CBD), Market Street Corridor (MSC), Neighborhood Business Districts (BN, BNA), Juanita Business District (JBD), Rose Hill Business District (RHBD), Totem Lake Business District (TLBD), North Rose Hill Business District (NRHBD), Business District Core (BDC), Yarrow Bay Business District (YBD), and in PLA 5C. Houghton/ Everest Neighborhood Center (HENC)  
Special provisions that apply to a particular Design District are noted in the section headings of the chapter.
2. Applicability – The provisions of this chapter apply to all new development, with the exception of development in the TL 7 zone. The provisions of Chapters 142 and 162 KZC regarding Design Review and nonconformance establish which of the regulations of this chapter apply to developed sites. Where provisions of this chapter conflict with provisions in any other section of the code, this chapter prevails. For more information on each Design District refer to the Design Guidelines applicable to that Design District adopted by reference in Chapter 3.30 KMC.
3. Design Review Procedures – The City will use Chapter 142 KZC to apply the regulations of this chapter to development activities that require Design Review approval.
4. Relationship to Other Regulations – Refer to the following chapters of the Zoning Code for additional requirements related to new development on or adjacent to the subject property.
  - a. Landscaping – Chapter 95 KZC describes the installation and maintenance of landscaping requirements on the subject property.
  - b. Installation of Sidewalks, Public Pedestrian Pathways and Public Improvements – Chapter 110 KZC describes the regulations for the installation of public sidewalks, major pedestrian sidewalks, pedestrian-oriented sidewalks, or other public improvements on or adjacent to the subject property in zones subject to Design Review. Plate 34 in Chapter 180 KZC provides the location and designation of the sidewalk, pedestrian walkways, pathways or other required public improvements within each Design District.
  - c. Pedestrian Access to Buildings, Installation of Pedestrian Pathways, Pedestrian Weather Protection – Chapter 105 KZC describes the requirements for pedestrian access to buildings and between properties, through parking areas and requirements for pedestrian weather protection. See also Plate 34 in Chapter 180 KZC.
  - d. Parking Area Location and Design, Pedestrian and Vehicular Access – Chapter 105 KZC describes the requirements for parking lot design, number of driveways, or pedestrian and vehicular access through parking areas.
  - e. Screening of Loading Areas, Outdoor Storage Areas and Garbage Receptacles – Chapter 95 KZC describes the location and screening requirements of outdoor storage. Chapter 115 KZC describes the screening of loading areas, waste storage and garbage disposal facilities.
5. Dedication – The City may require the applicant to dedicate development rights, air space, or an easement to the City to ensure compliance with any of the requirements of this chapter.
6. Design Districts in Rose Hill Business District – Various places in this chapter refer to the three (3) Design Districts in the Rose Hill Business District: Regional Center, Neighborhood Center and East End. Figure 92.05.A below describes where these are located. For a more detailed description of each area, see the Design Guidelines for the Rose Hill Business District adopted by reference in Chapter 3.30 KMC.

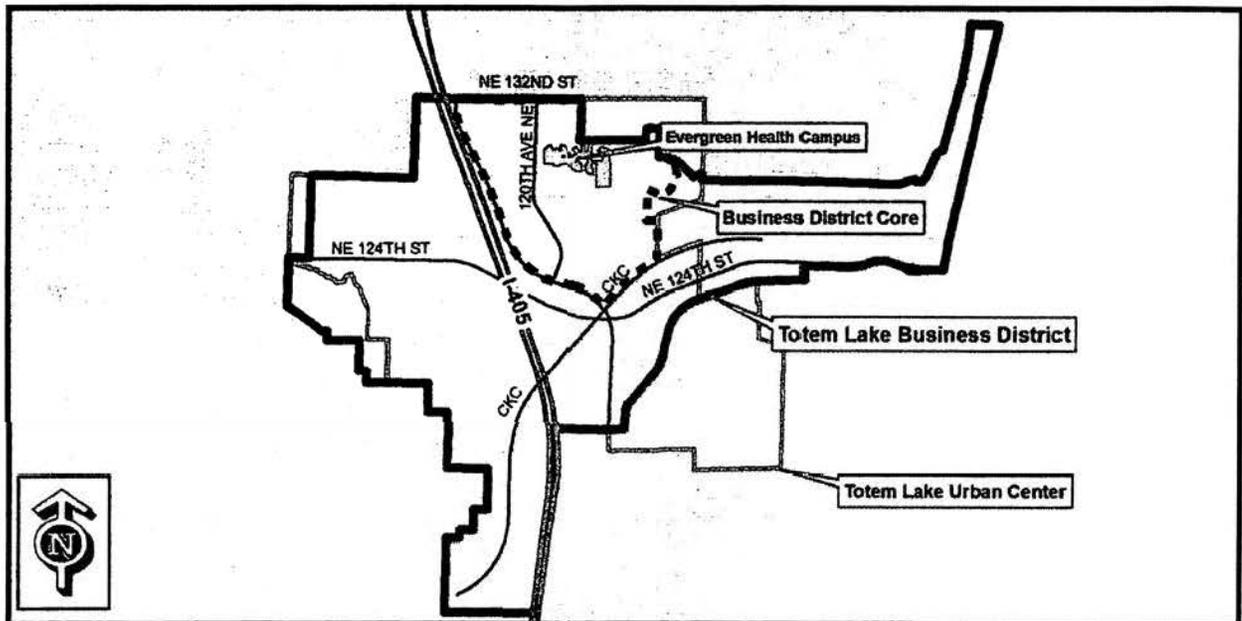
### Design Districts within the Rose Hill Business District



**FIGURE 92.05.A**

7. Design Districts in the Totem Lake Business District – Various places in this chapter refer to either the Business District Core (BDC) Design District or the larger Totem Lake Business District (TLBD). Figure 92.05.B below describes where the Business District Core Design District is located within the larger Totem Lake Business District. For more information on the design guidelines for each area see the Totem Lake Business District Design Guidelines and the Guidelines for Pedestrian-Oriented Business Districts that apply in the Business District Core adopted by reference in Chapter 3.30 KMC.

### Business District Core within the Totem Lake Business District



**FIGURE 92.05.B**

(Ord. 4495 § 2, 2015; Ord. 4392 § 1, 2012; Ord. 4390 § 1, 2012; Ord. 4357 § 1, 2012; Ord. 4333 § 1, 2011; Ord. 4174 § 1, 2009; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3972 § 1, 2004; Ord. 3889 § 2, 2003; Ord. 3833 § 1, 2002)

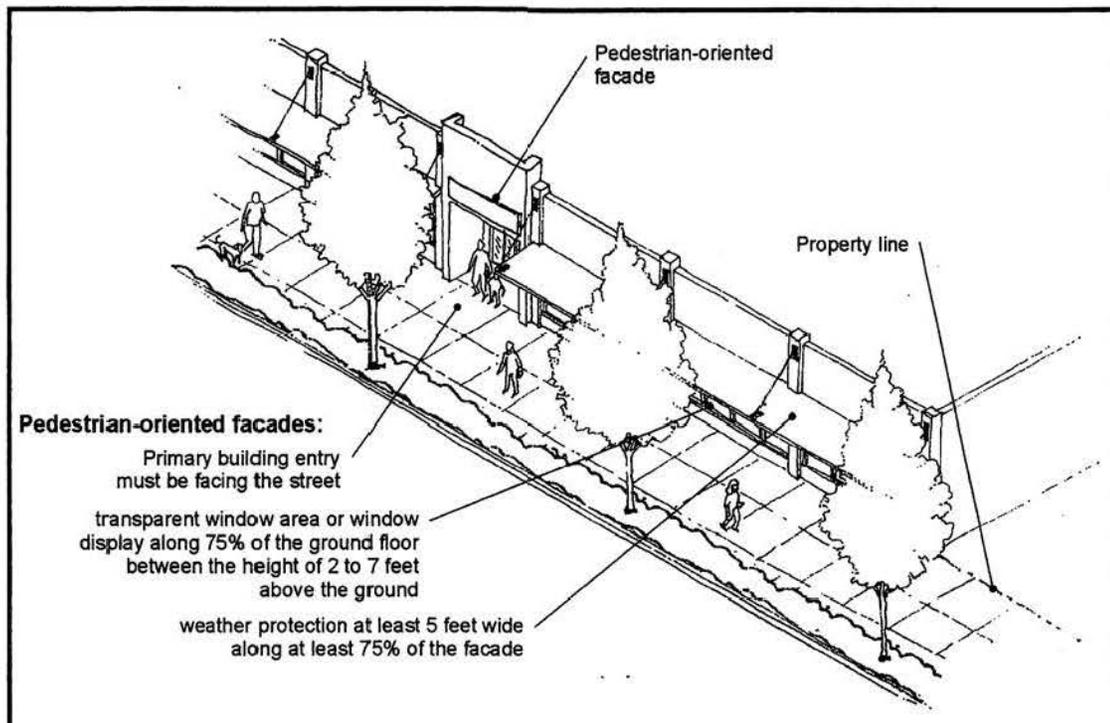
#### **92.10 SITE DESIGN, BUILDING PLACEMENT AND PEDESTRIAN-ORIENTED FACADES**

This section contains regulations which establish the location of a building on the site in relationship to the adjacent sidewalk, pedestrian pathway or pedestrian-oriented elements on or adjacent to the subject property.

1. Building Placement in JBD – All buildings must front on a right-of-way or through-block pathway (see Plate 34).
2. Pedestrian-Oriented Facades Defined for RHBD and TLBD – To meet the definition of a pedestrian-oriented facade (see Figure 92.10.A):
  - a. The building's primary entrance must be located on this facade and facing the street. For purposes of this chapter, "primary entrance" shall be defined as the primary or principal pedestrian entrance of all buildings along that street. The primary entrance is the entrance designed for access by pedestrians from the sidewalk. This is the principal architectural entrance even though customers or residents may use a secondary entrance associated with a garage, parking area, driveway or other vehicular use area more frequently.
  - b. Transparent windows and/or doors must occupy at least 75 percent of the facade area between two (2) and seven (7) feet above the sidewalk.
  - c. Weather protection feature(s) at least five (5) feet wide must be provided over at least 75 percent of the facade. This could include awnings, canopies, marquees, or other permitted treatments that provide functional weather protection.

3. Building Placement in RHBD, TLBD and YBD

- a. Building Location Featuring Pedestrian-Oriented Facades in RHBD, TLBD and YBD Zones – Buildings may be located adjacent to the sidewalk of any street (except west of 124th Avenue NE in the TLBD) and in YBD (except for Lake Washington Boulevard and Northup Way), if they contain a pedestrian-oriented facade along that street frontage pursuant to the standards in subsection (2) of this section. As part of the Design Review process, required yards, setbacks or other development standards may be modified along the street frontage. Buildings not featuring a pedestrian-oriented facade along a street must provide a building setback of at least 10 feet from any public street (except areas used for pedestrian or vehicular access) landscaped with a combination of trees, shrubs, and groundcover per the requirements of supplemental landscape standards of KZC 95.41(2).

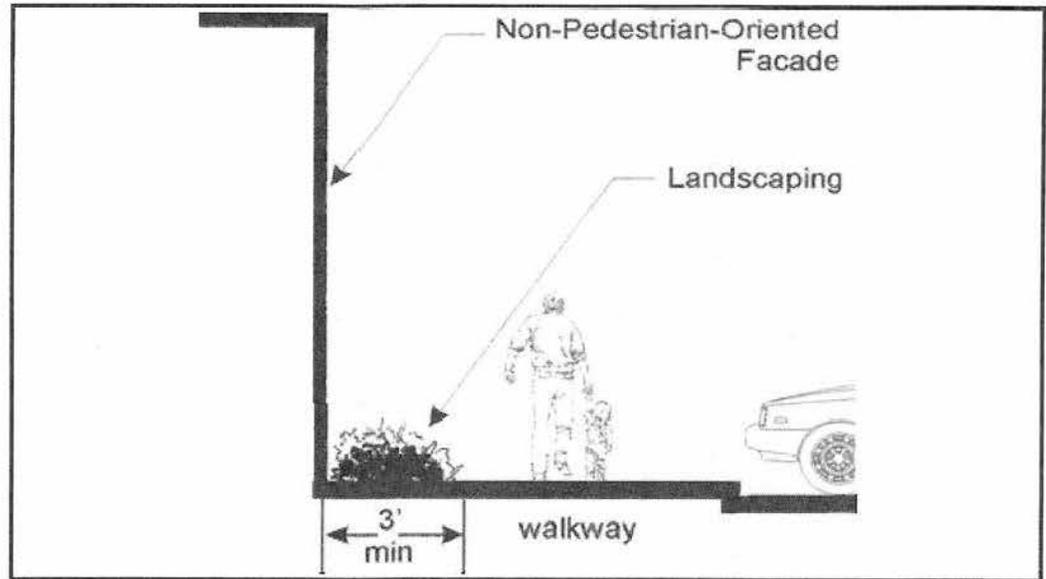
**Pedestrian-Oriented Facade****FIGURE 92.10.A**

- b. For All Other Building Facades in RHBD and TLBD Zones (Non-Pedestrian-Oriented Facade) – Building facades not featuring a pedestrian-oriented facade described in subsection (2) of this section must provide at least three (3) feet of landscaping between any vehicular access area or walkway and the building. (See Figure 92.10.B.)

Exceptions:

- 1) Alleys and other areas generally not visible to the public, as determined by the City;
- 2) Other design options may be considered through the Design Review process, provided they meet the intent of the guidelines.

### Interior Pedestrian Pathway Shall Be Separated from Non-Pedestrian-Oriented Facades by Landscaping



**FIGURE 92.10.B**

- c. Neighborhood Center Frontage – At least 50 percent of the NE 85th Street property frontage must contain pedestrian-oriented facades located directly on the sidewalk. Vehicle sales uses are exempt as long as their showroom faces the street and is sited within 10 feet of the sidewalk.
- d. Vehicle Sales Showrooms in RHBD and TLBD Zones – Vehicle sales uses are encouraged to locate their showrooms toward the street (and toward NE 85th Street in RHBD) with parking to the side or rear.
- e. RHBD East End – NE 85th Street Building Frontage Options and Preferences
  - 1) Preferred Option: Buildings may be located adjacent to the sidewalk on NE 85th Street if they contain a pedestrian-oriented facade (see Figure 92.10.A);
  - 2) Second Option: Locate and orient building towards the sidewalk on NE 85th Street. In this option, the development features a 10-foot minimum landscaped front yard, a clear pathway between the sidewalk and the building, and a building entry and windows facing the street.
  - 3) Least Preferred Option: Locate the building at the rear of the property with parking between NE 85th Street and the building as long as the following standards are applied:
    - a) Provide a perimeter parking landscape buffer between the sidewalk and parking area per Chapter 95 KZC.
    - b) Provide clear pedestrian access from the sidewalk to the building entry.
    - c) Provide a walkway along the building facade meeting through-block pathway standards as described in KZC 105.19.

- f. RHBD East End – Rear Yard Building Placement – Pursuant to KZC 95.40 through 95.45, in most cases, commercial uses shall install a required landscaped buffer adjacent to single-family properties. By requesting a modification to these provisions, the property owners may negotiate an agreement to reduce the landscape buffer/setback in a way that can benefit both parties.

Where buildings are sited towards the rear of the property, the applicant must utilize one (1) of the following standards to minimize impacts to adjacent residential areas (see Figure 92.10.C and options below):

- 1) Meet the required landscape buffer pursuant to KZC 95.42.
- 2) Provide a blank wall no taller than 15 feet in height with no openings placed at the rear property line (building itself serves as a wall, uses are inside the building, shielded from adjacent residential uses). To qualify for this method, the treatment must be agreed to by the adjoining property owners per the modifications section of Chapter 95 KZC.
- 3) Provide a combination of both methods above. For example, provide a blank wall no taller than 15 feet in height between zero and 15 feet from the property line and landscape the applicable area between the building and the property line. In addition, an unfenced design option would effectively enlarge the adjacent homeowners' rear yard (a mutually beneficial arrangement). To qualify for these methods, the treatment must be agreed to by the adjoining property owners per the landscape buffer modifications section of Chapter 95 KZC.

Rear Yard Building Placement Options in the RHBD

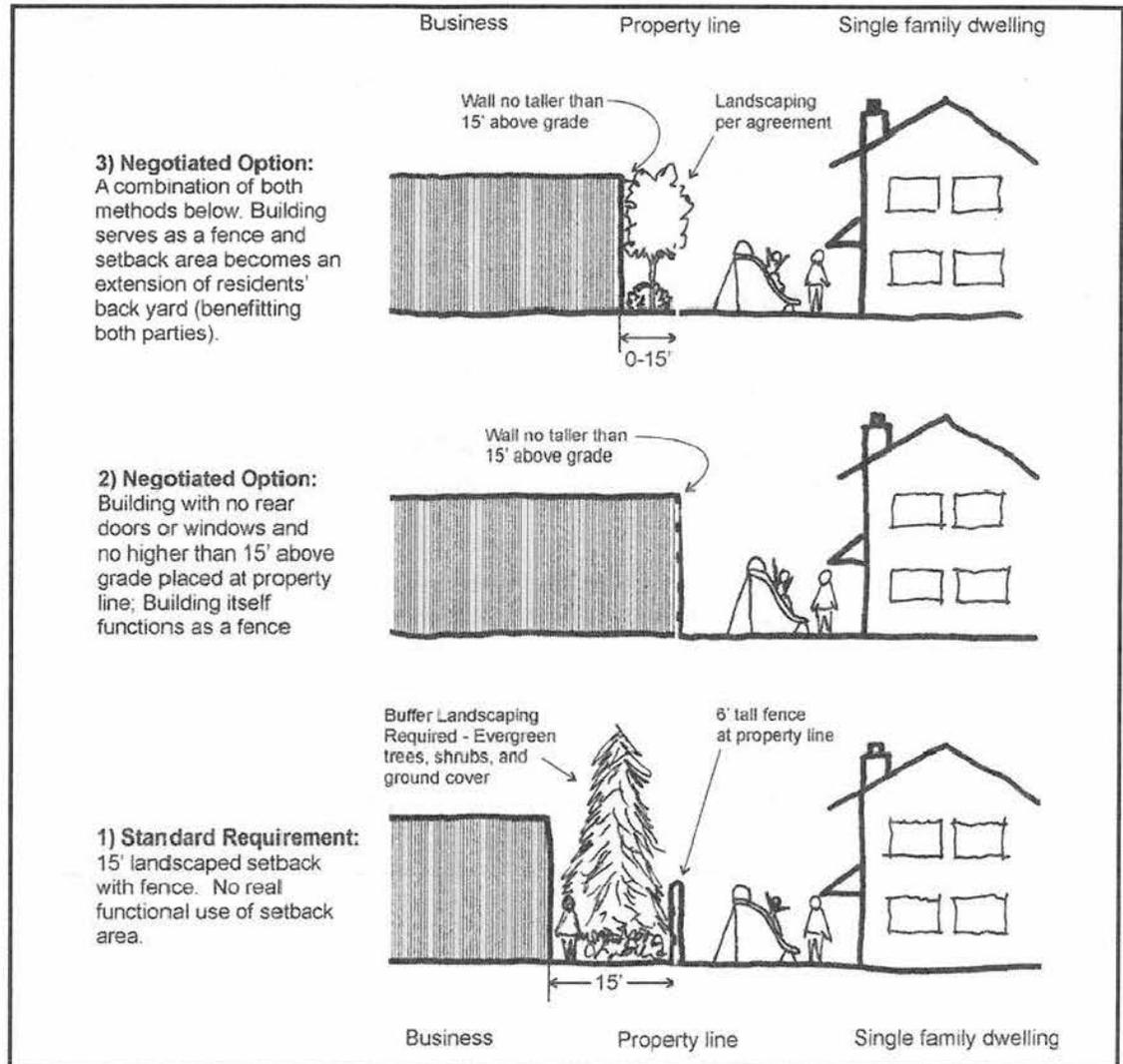
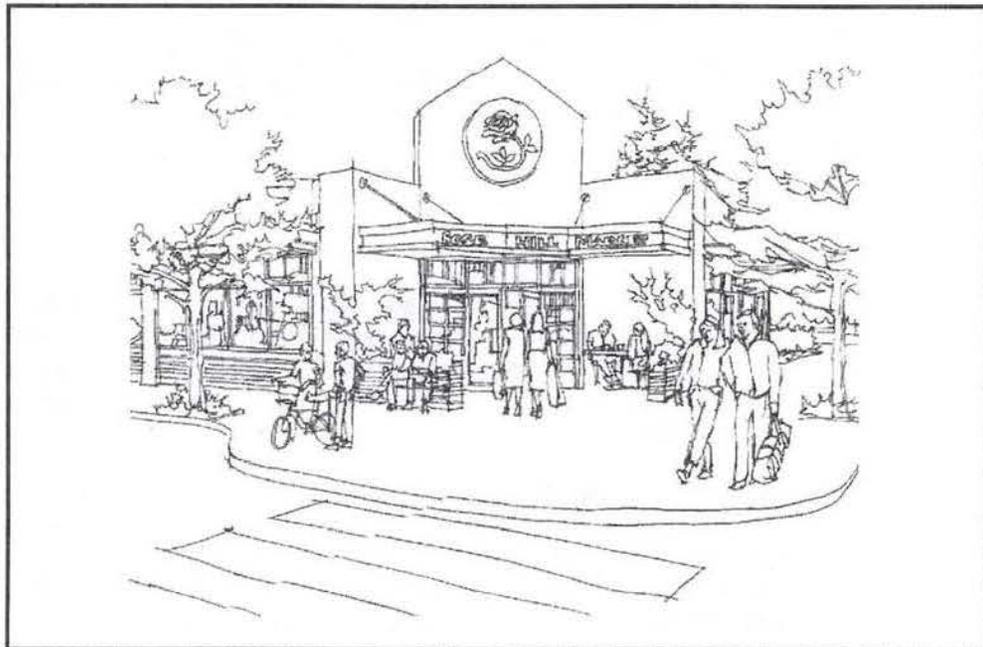


FIGURE 92.10.C

4. Multi-Story Buildings on Sites Adjacent to a Low Density Zone in RHBD and TLBD – Multi-story buildings on sites adjacent to a low density zone in RHBD and TLBD shall be configured and designed to minimize privacy impacts on adjacent low density uses. For example, a development may meet this requirement by orienting upper floors towards the street and/or towards interior courtyards.
5. Multifamily Buildings Located in TLBD – Multifamily buildings located in TLBD adjacent to NE 120th Street must be oriented toward this street. To meet this requirement, common and/or individual unit entries must face the street. The building must include windows that face the street. Parking areas between the building and the street are prohibited. Alternative configurations may be considered in the Design Review process.
6. Building Location at Street Corners in the RHBD and TLBD Zones
  - a. General Standards – For development at street corner sites, the applicant must incorporate one (1) or more of the following site treatments:

- 1) Locate and orient the building towards the street corner (within 10 feet of corner property line). To qualify for this option, the building must have direct pedestrian access from the street corner. Exception: Properties in the RHBD Regional Center must provide a 10-foot minimum setback between NE 85th Street and any building.
  - 2) Provide an architectural feature that adds identity or demarcation of the area. Such an architectural element may have a sign incorporated into it (as long as such sign does not identify an individual business or businesses) (see Figure 92.10.D).
  - 3) Provide a "pedestrian-oriented space" at the corner leading directly to a building entry or entries (see KZC 92.15 and Figure 92.10.D).
  - 4) Install substantial landscaping (at least 30-foot by 30-foot or 900 square feet of ground surface area with trees, shrubs, and/or ground cover).
- b. RHBD Properties Located at the 124th, 126th, and 128th Avenue NE Intersections – Buildings must be located at the street corner and provide pedestrian-oriented facades along both streets. Exceptions:
- 1) Setbacks will be allowed only where the space between the sidewalk and the building meets the definition of a pedestrian-oriented space. An example is shown in Figure 92.10.D.
  - 2) Vehicle sales and properties on the west side of the 124th Avenue NE are exempt from this standard because of transmission line easement limitations.

**Building located directly on a street corner with direct pedestrian access and pedestrian-oriented facades.**



**FIGURE 92.10.D**

7. Building Location at Street Corners in CBD **and HENC 1#3**
- a. Building Corners in the CBD – If the subject property is adjacent to the intersection of two (2) streets, at least one (1) of which is a pedestrian-oriented street, the applicant shall use

more of the following elements or treatments in the design and construction of the corner of the building facing the intersection of the streets which includes the pedestrian-oriented street. As an alternative, the applicant may propose other techniques, elements or treatments in the design of the corner which are consistent with the design guidelines and the provisions of the Comprehensive Plan.

- 1) Provide at least 100 square feet of sidewalk area or pedestrian-oriented open space in addition to the area required to produce a 10-foot-wide sidewalk as required under KZC 110.52, pedestrian-oriented street (see Figure 92.10.E).
- 2) Provide an entranceway to a store, building atrium or lobby, exterior courtyard or pedestrian-oriented open space (see Figure 92.10.F).
- 3) Provide a pedestrian pathway, at least eight feet in width, that connects to another street, public feature or building (see Figure 92.10.F).
- 4) Provide one or more of the elements listed below on both sides of an axis running diagonally through the corner of the building and bisecting the angle formed by the two building facades (see Figure 92.10.G):
  - a) A bay window or turret.
  - b) A roof deck.
  - c) Balconies above the ground floor.
  - d) A building corner setback notch or curved facade surface.
  - e) Sculpture or artwork, either bas-relief or figurative.
  - f) Distinctive use of facade materials.
- 5) Provide special or unique treatment, other than the use of fabric or vinyl awnings, for pedestrian weather protection at the corner of the building.

Options for Corner Setback Configurations

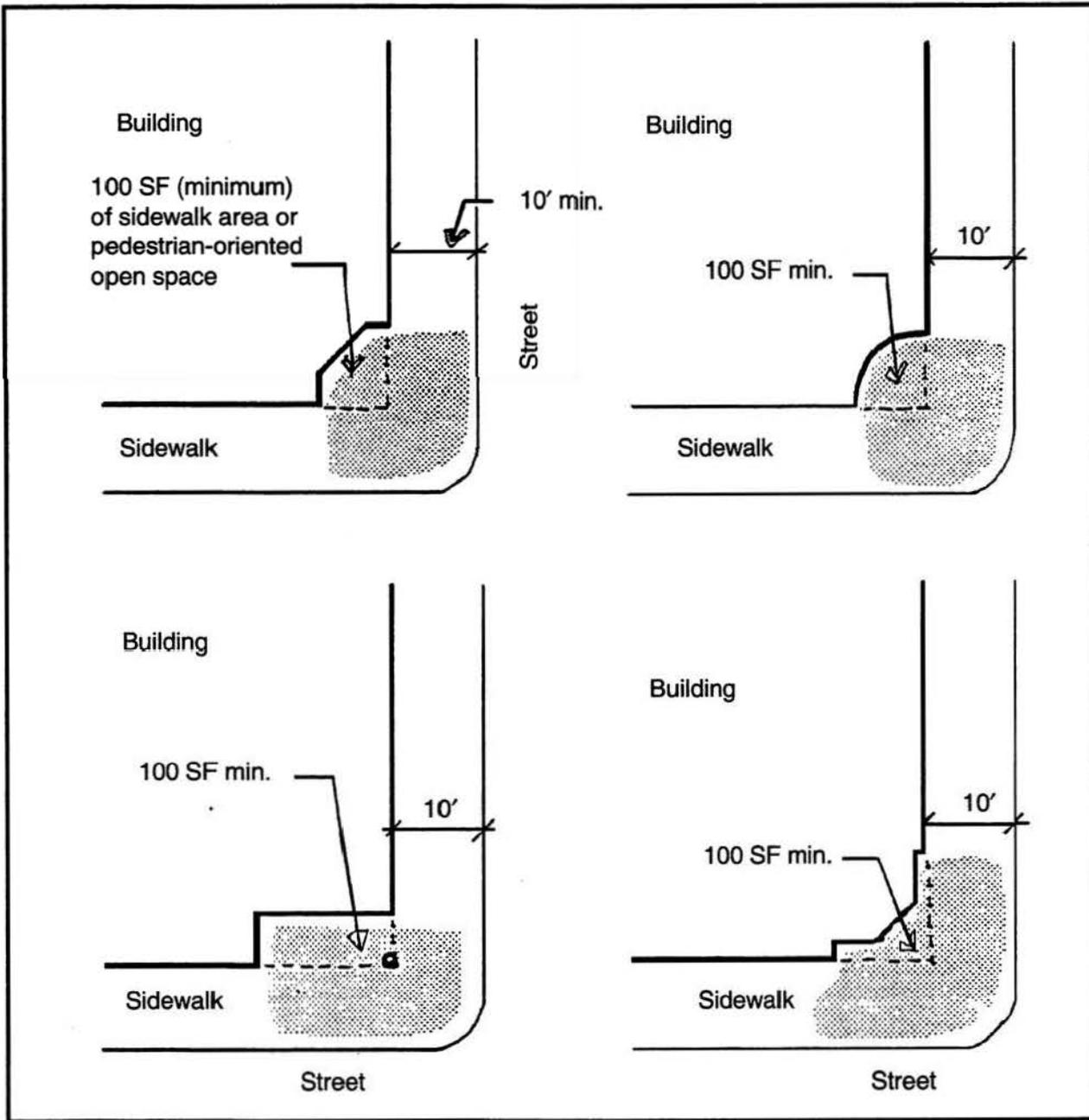


FIGURE 92.10.E

Options for Corner Entry Elements

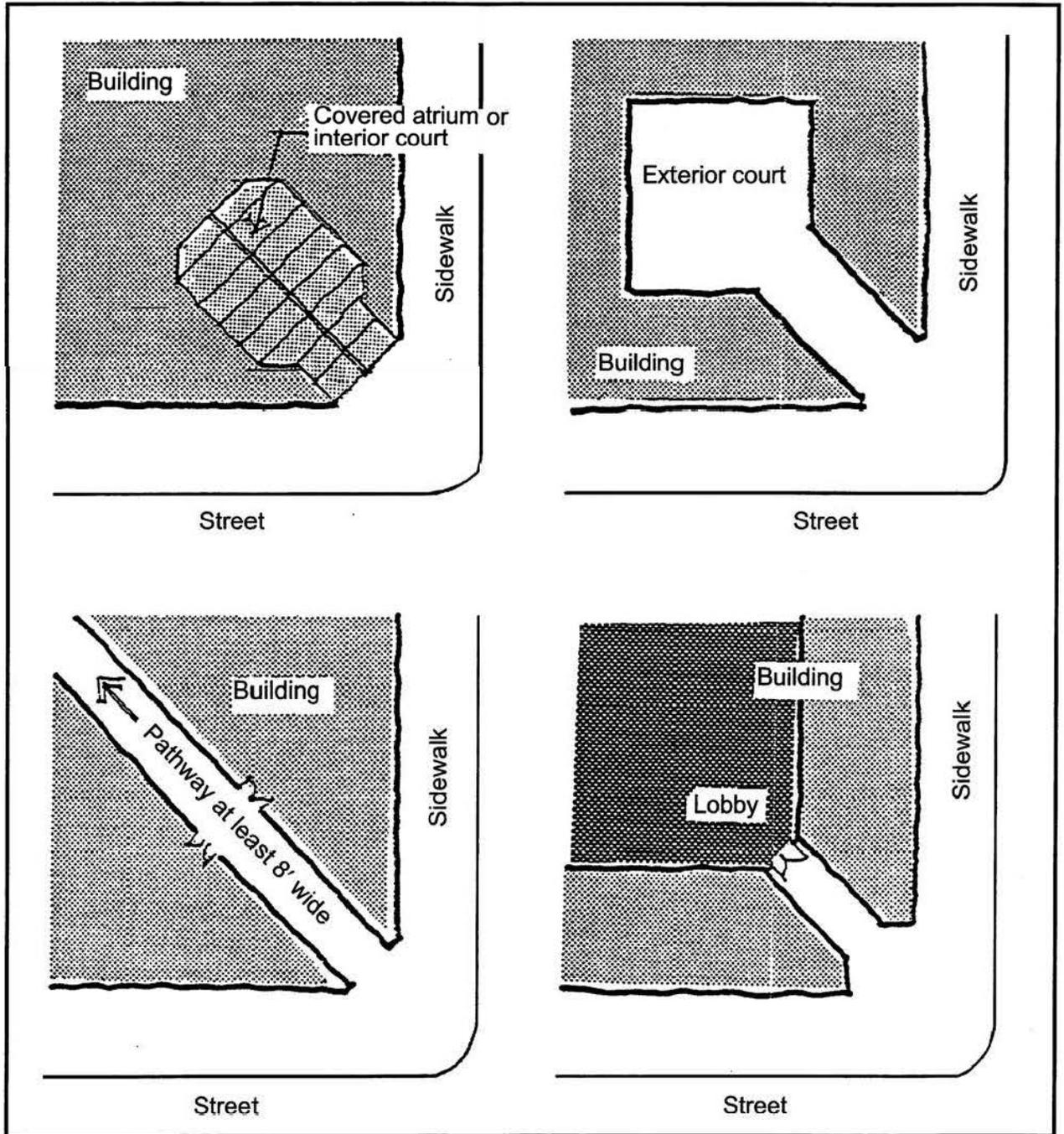


FIGURE 92.10.F

Architectural Elements for Corners

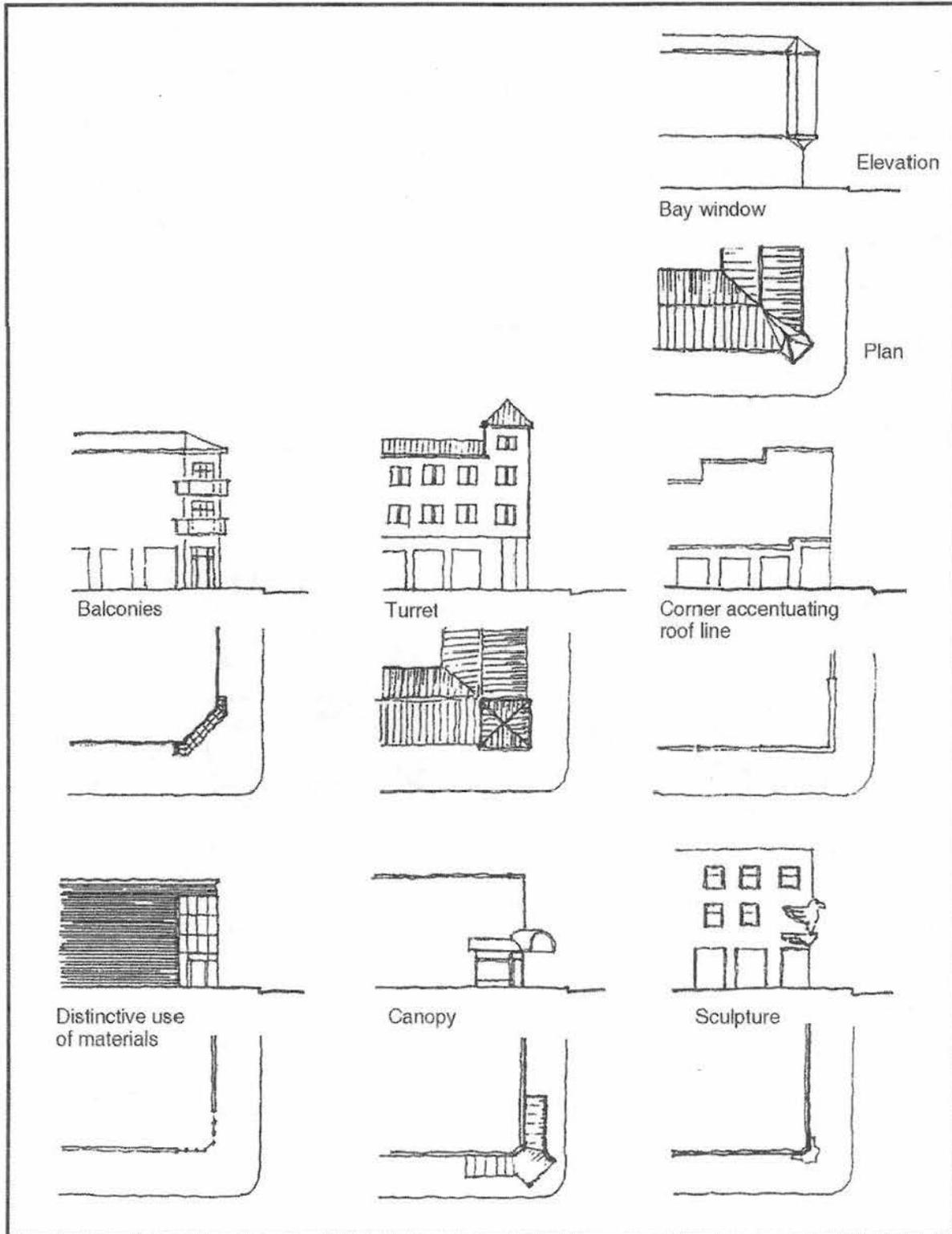


FIGURE 92.10.G

(Ord. 4495 § 2, 2015; Ord. 4333 § 1, 2011; Ord. 4238 § 2, 2010; Ord. 4097 § 1, 2007; Ord. 4037 § 1, 2006; Ord. 4030 § 1, 2006; Ord. 3972 § 1, 2004; Ord. 3889 § 2, 2003; Ord. 3833 § 1, 2002)

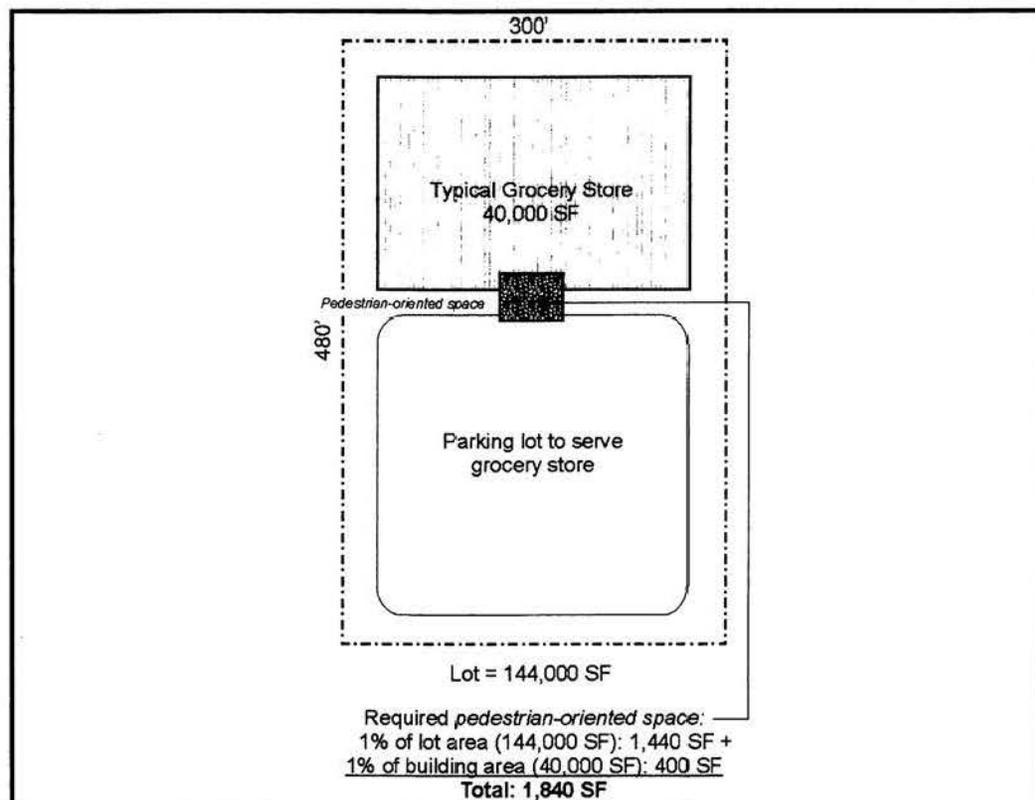
**92.15 PEDESTRIAN-ORIENTED IMPROVEMENTS ON OR ADJACENT TO THE SUBJECT PROPERTY**

1. All Zones – Pedestrian-Oriented Space and Plazas in Parking Areas – The applicant must provide at least 175 square feet of pedestrian-oriented space at the main building entrance in a central location, or adjacent to a parking area. This area must be raised at least six (6) inches above the parking lot surface and must be paved with concrete or unit pavers.
2. Pedestrian-Oriented Space and Plazas in BDC, CBD, BN, BNA, MSC 2, NRHBD, RHBD and TLBD Zones
  - a. In the CBD, BN, BNA, MSC 2 or in BDC – If the subject property abuts a pedestrian-oriented street (see Plate 34 in Chapter 180 KZC) or public park, the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:
    - 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
    - 2) Contain paved walking surface of either concrete or approved unit pavers.
    - 3) Contain on-site or building-mounted lighting which provides adequate illumination.
    - 4) Contain two (2) linear feet of seating area or one (1) individual seat per 65 square feet of area between the sidewalk and the building.
    - 5) Contain landscaping such as trees, shrubs, trellises, or potted plants.
    - 6) It may not include asphalt or gravel pavement or be adjacent to an unscreened parking area, a chain link fence or a blank wall which does not comply with the requirements of subsection (3) of this section, Blank Wall Treatment.
    - 7) An alternative solution for the pedestrian-oriented space may be established through a Conceptual Master Plan in TL 2.
  - b. In the NRHBD Zones – If the subject property abuts a major pedestrian sidewalk on the southwest corner of NE 116th Street and 124th Avenue NE (see Plate 34 in Chapter 180 KZC), the space, if any, between the sidewalk and the building must be developed consistent with the following criteria:
    - 1) Enhance visual and pedestrian access, including handicapped access, onto the subject property from the sidewalk.
    - 2) Contain paved walking surface of either concrete or approved unit pavers.
    - 3) Contain on-site or building-mounted lighting which provides adequate illumination.
    - 4) Contain two (2) linear feet of seating area or one (1) individual seat per 65 square feet of area between the sidewalk and the building.
    - 5) Contain landscaping, such as trees, shrubs, trellises, or potted plants.
    - 6) In the alternative, the pedestrian-oriented space can be integrated with a pedestrian connection linking Slater Avenue NE and NE 116th Street, anywhere on the subject property, consistent with the criteria in subsections (2)(b)(1) through (5) of this section.
  - c. In the RHBD and TLBD Zones – All nonresidential uses must provide pedestrian-oriented space in conjunction with new development according to the formula below. For the pur-

poses of this section, required pathways shall not count as pedestrian-oriented space. However, as part of the Design Review, the City may allow those portions of pathways widened beyond minimum requirements to count towards the required pedestrian-oriented space as long as such space meets the definition of pedestrian-oriented space.

- 1) **Size:** One (1) percent of the applicable lot area plus one (1) percent of the nonresidential building gross floor area. (See Figure 92.15.A).
  - a) The City may exempt uses that are likely to generate very little customer/pedestrian activity and have few or no employees. These may include warehouse, storage, industrial, and other similar uses.

### Pedestrian-Oriented Space Requirement for Large Nonresidential Buildings Served by Surface Parking



**FIGURE 92.15.A**

- 2) **Design:** To qualify as a pedestrian-oriented space, an area must have all of the following (see Figure 92.15.B):
  - a) Pedestrian access to the abutting structures from the street, private drive, or a nonvehicular courtyard.
  - b) Paved walking surfaces of either concrete or approved unit paving.
  - c) Pedestrian-scaled lighting (no more than 15 feet in height) at a level averaging at least two (2) foot-candles throughout the space. Lighting may be ground- or building-mounted lighting.

- d) Contain two linear feet of seating area or one individual seat per 65 square feet of area between the sidewalk and the building.
  - e) Spaces must be positioned in areas with significant pedestrian traffic to provide interest and security – such as adjacent to a building entry.
  - f) Landscaping covering at least 20 percent of the space (some of this may include potted plants). Such landscaping components must add seasonal interest to the space.
- 3) The following features are encouraged in a pedestrian-oriented space and may be required by the City:
- a) Pedestrian amenities such as a water feature, a drinking fountain, tables, and/or distinctive paving or artwork.
  - b) Provide pedestrian-oriented facades on some or all buildings facing the space.
  - c) Consideration of the sun angle and the wind pattern in the design of the open space.
  - d) Transitional zones along building edges to allow for outdoor eating areas and a planted buffer.
  - e) Movable seating.
- 4) The following features are prohibited within pedestrian-oriented space:
- a) Asphalt or gravel pavement.
  - b) Adjacent unscreened parking lots.
  - c) Adjacent chain link fences.
  - d) Adjacent “blank walls.”
  - e) Adjacent dumpsters or service areas.
  - f) Outdoor storage or retail sales that do not contribute to the pedestrian environment.

### An Example of a Pedestrian-Oriented Space

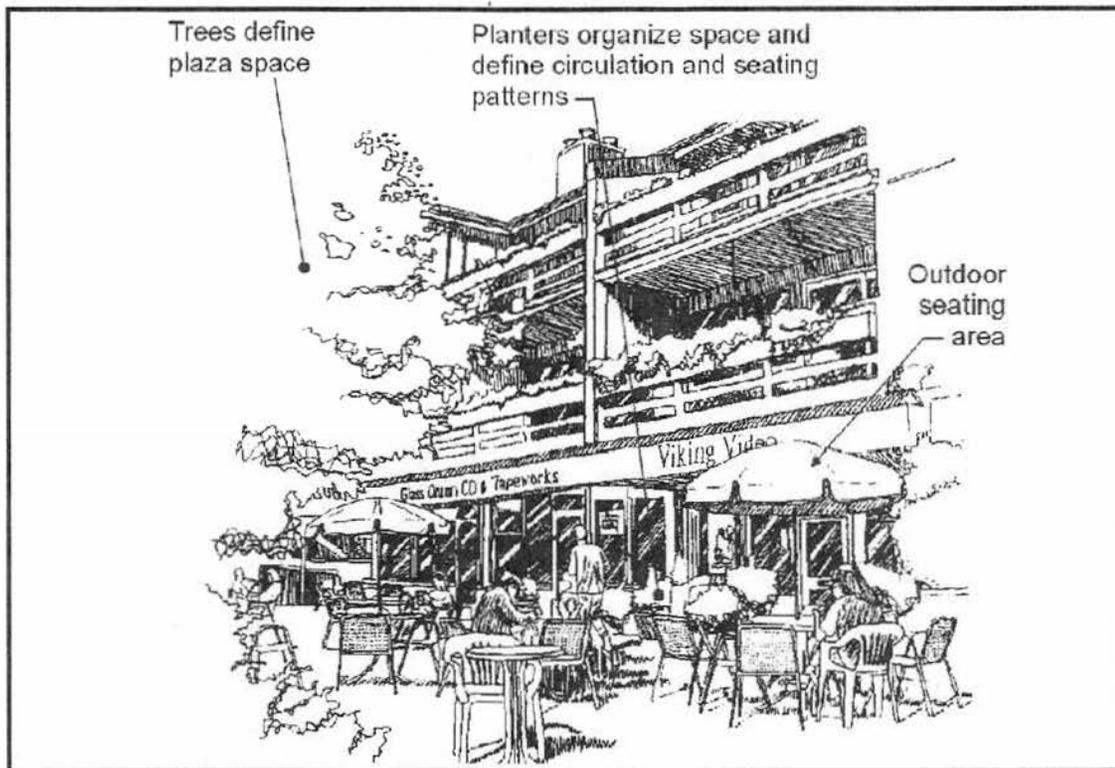


FIGURE 92.15.B

### 3. Blank Wall Treatment

- a. Blank Wall Defined – All Zones – A blank wall is any wall or portion of a wall that meets either of the following criteria (see Figure 92.15.C):
  - 1) A wall or portion of a wall with a surface area of at least 400 square feet having both a length and a width of at least 10 feet without a window, door, building modulation at least one foot in depth or other architectural feature.
  - 2) Any wall or portion of a wall between four feet and 13 feet above ground level with a horizontal dimension longer than 15 feet without a window, door, building modulation at least one foot in depth or other architectural feature.
- b. Blank Wall Treatments – All Zones – Each blank wall that is visible from any right-of-way, internal access road, pedestrian-oriented space, or through-block pathway must be screened or treated in at least one of the ways listed in subsection (3)(c) of this section if it meets the criteria for a blank wall under subsection (3)(a) of this section. Internal roadways used primarily for service access and not visible from a street, pedestrian-oriented space or through-block pathways are exempt from this requirement.