



CITY OF KIRKLAND

Planning and Building Department
123 5th Avenue, Kirkland, WA 98033
425.587.3600- www.kirklandwa.gov

MEMORANDUM

To: Planning Commission

From: Scott Guter, AICP, Senior Planner
Jeremy McMahan, Deputy Director, Planning and Building Department

Date: August 9, 2021

Subject: Michaels Property Community-Initiated Amendment Request (Phase I)
File No. CAM20-00676

Staff Recommendation

Review the Phase I Community-Initiated Amendment Request application by Carl Peterson and recommend to the City Council to defer Phase II study to the upcoming neighborhood plan.

Background

Carl Peterson, the owner of the Michaels site in Juanita (9755 NE Juanita Drive), has applied for a Community-Initiated Amendment Request (CAR) for zoning text, comprehensive plan and Shoreline Master Program amendments. The amendment request (CAR) is to increase the allowed building height, eliminate the residential density restriction, and to revise the Shoreline Master Program (SMP) to accommodate the added height and density requested with the zoning amendments.

The City uses a systematic process to amend the Comprehensive Plan, and to make changes to the Zoning Map or Zoning Code that are necessary to implement such Plan amendments. There are two ways changes can be made. The City can initiate the change, or a (CAR) may be initiated by the public.

CARs may be made by an individual, property owner, neighborhood organization, or other groups. CARs are considered once every other year, during odd years. Each CAR that is submitted must go through a two-phase process as described below.

Phase I

The Planning Commission makes a threshold review of the CAR and recommends to the City Council if it should be considered further based on criteria specified in the Kirkland Zoning Code (see below). If the CAR is within the jurisdiction of the Houghton Community Council (HCC), Community Council will also make a recommendation to the Planning Commission (the subject CAR is not within HCC jurisdiction). The City Council reviews the recommendation of the Planning Commission at a public meeting and determines if the request should be studied further. The Council also determines if the request will go to Phase II in the current year or subsequent year, depending on the number of requests, available resources, and the Planning and Building Department's work program.

Phase II

Any CAR approved by City Council for additional study moves to Phase II. During the second phase, the merits of the proposal are evaluated, and potential options are considered. The City may expand the geographical study area beyond that which is proposed by the applicant. The Planning Commission holds a public hearing and makes a recommendation to the City Council. The City Council considers the recommendation and makes the final decision on the request.

Request

The property owner, Carl Peterson, has submitted a CAR application for the Michaels site located at 9755 NE Juanita Drive in the Juanita neighborhood (see Attachment 1). The property is zoned JBD 4 (see Attachment 2).

Mr. Peterson is requesting that the City:

- Amend the current JBD 4 zoning to increase the allowed building height to a height similar to the Juanita Bay Building (see table below).
- Amend the Comprehensive Plan and JBD 4 zoning to eliminate the residential density restriction of 24 dwelling units per acre.
- Revise the Shoreline Master Program (SMP) to accommodate the added height and density requested with the zoning amendments.

The proposal requires Zoning text, Comprehensive Plan and Shoreline Master Program amendments, pursuant to KZC Chapters 135, 140 and 160, and WAC 173.26 Part II.

Analysis

Criteria for Amending the Text of the Zoning Code (KZC 135.25)

As the Planning Commission considers whether to recommend further study of the CAR, the following Zoning Code criteria need to be considered:

The City may amend the text of this code only if it finds that:

1. The proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; and
2. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
3. The proposed amendment is in the best interest of the residents of Kirkland; and
4. When applicable, the proposed amendment is consistent with the Shoreline Management Act and the City's adopted shoreline master program.

Factors for Amending the Comprehensive Plan (KZC 140.25)

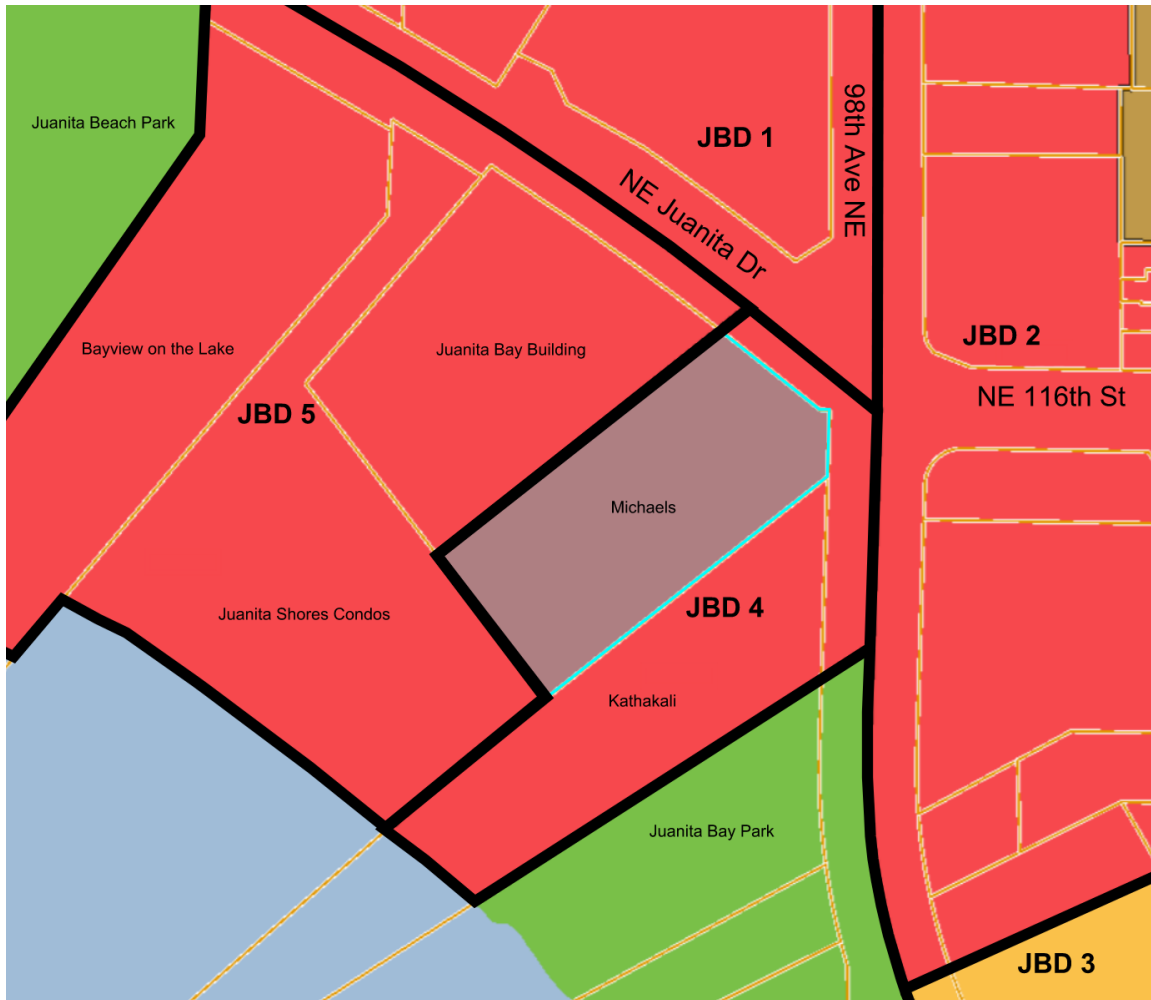
For both City and citizen-initiated amendments, the City shall take into consideration, but is not limited to, the following factors when considering approval of a proposed amendment to the Comprehensive Plan:

1. The effect upon the physical, natural, economic, and/or social environments.
2. The compatibility with and impact on adjacent land uses and surrounding neighborhoods.
3. The adequacy of and impact on public facilities and services, including utilities, roads, public transportation, parks, recreation, and schools.

4. The quantity and location of land planned for the proposed land use type and density.
5. The effect, if any, upon other aspects of the Comprehensive Plan.

Existing Zoning Conditions

The property is located within the southern portion of the Juanita Business District (JBD) across the street from Juanita Village on the southwest corner of NE Juanita Drive and NE 116th Street. It is located within a cluster of five commercial and residential properties next to Juanita Bay between Juanita Beach Park and Juanita Bay Park zoned JBD 4 and JBD 5.



The property is zoned JBD 4, which only encompasses two properties, the subject property and the one to the south at 11451 98th Ave NE, which contains the Kathakali Indian restaurant. Below is a list of surrounding properties south of NE Juanita Dr and we of 98th Ave.

Name	Address	Zone	Use	Height	Year Built
Michaels	9755 NE Juanita Dr.	JBD 4	Retail 18,387 sq. ft.	1-story	1960

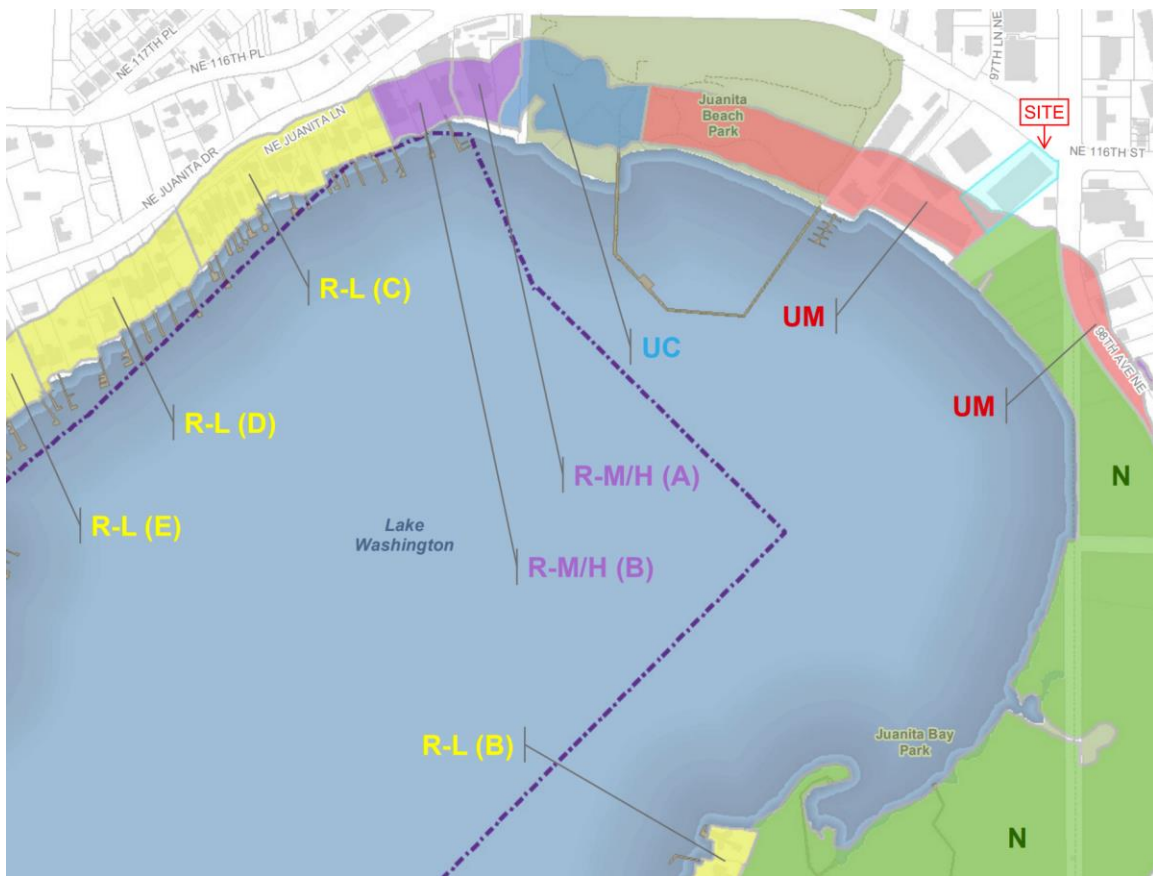
				(no height data)	
Kathakali Indian Restaurant	11451 98 th Ave NE	JBD 4	Restaurant 2,050 sq. ft.	1-story (about 20' in height)	1969
Bayview on the Lake	9715 NE Juanita Dr.	JBD 5	Condominium 40-units	4-story (about 42' in height - north building)	1976
Juanita Shores Condominium	9727 NE Juanita Dr.	JBD 5	Condominium 44-units	4-story (no height data)	1982
Juanita Bay Building	9757 NE Juanita Dr.	JBD 5	Office 32,585 sq. ft.	4-story (about 48' in height)	1982

The JBD zone carries a maximum height of 26' above ABE and a density of 24 units/acre.

If the request moves to Phase II, the study area should at minimum be expanded to include the Kathakali property as well.

Shoreline Regulations

The Michaels property is located within the shorelines jurisdiction and subject to the provisions of the City's Shoreline Master Program (SMP). The SMP regulates those lands extending landward 200 feet from its Ordinary High Water Mark (OHWM). According to City's Shoreline Environment Designations map the southwest corner of the property is located about 100' within the shorelines jurisdiction. The total area of the property within the shorelines jurisdiction is approximately 8,400 sq. ft (see image below). The property is within the Urban Mixed (UM) shoreline environment which contains specific development standards regulating uses, activities and development within its environment. The maximum height allowed in the UM shoreline environment is 41' above ABE. The Kathakali property is within the Natural shoreline environment. The maximum height of a structure in the Natural shoreline environment is 25' above ABE. Pursuant to KZC 83.190.4.a(1) when the shoreline regulations height is greater than that allowed by the zone then the lower height limit shall be used.



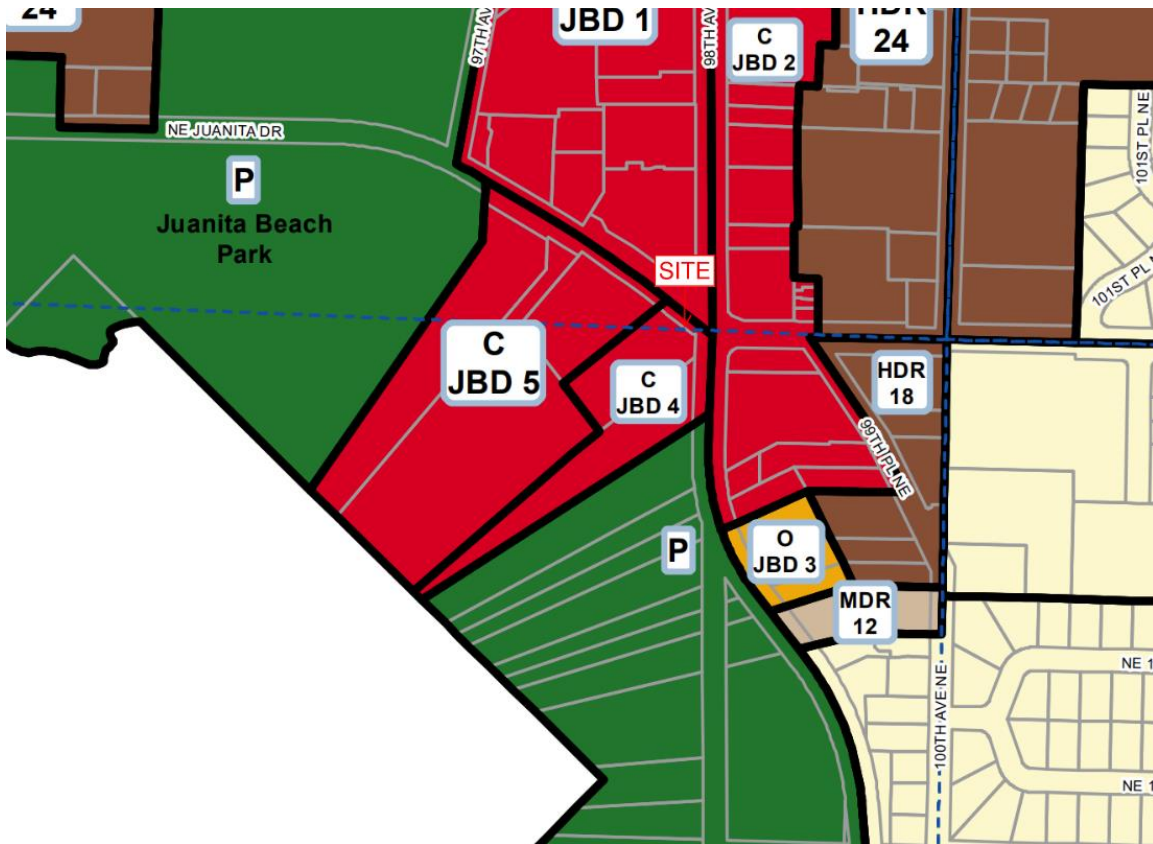
The UM shoreline environment sets a maximum residential density of 12 units/acre. The Natural shoreline environment only permits Detached Dwelling Units with conditional use permit approval. Per KZC 83.190.1.b properties partially located within the shoreline jurisdiction the allowed density within the shoreline jurisdiction shall be based upon the land area located within the shoreline jurisdiction only.

Existing Shoreline Master Program Conditions

The Department of Ecology (DOE) requires the City to conduct a periodic review and amend the SMP every 8 years pursuant to the Shoreline Management Act, 90.58 RCW and WAC 173-26-090. DOE recently approved the City's latest amendments on September 21, 2020.

Comprehensive Plan

The property contains a commercial (C JBD 4) designation. The following are some land use goals and policies related to the proposed CAR.



Goal LU-3: Provide a land use pattern and transportation network that promotes mobility, transportation choices, and convenient access to goods and services.

Policy LU-3.1: Create and maintain neighborhoods that allow residents and employees to walk or bicycle to places that meet their daily needs.

Kirkland presently has a largely complete network of commercial and employment centers, and many of the City's residential neighborhoods can easily access a shopping area. This policy intends to further strengthen the relationship between urban neighborhoods and commercial development areas.

Policy LU-3.2: Encourage residential development within commercial areas.

Incorporating residential development into commercial areas provides benefits for businesses and residents alike. Housing within commercial areas provides the opportunity for people to live close to shops, services, and places of employment. Conversely, residents living within commercial areas create a localized market for nearby goods and services, provide increased security, and help to create a "sense of community" for those districts.

Residential development within commercial areas should be compatible with and complementary to business activity.

Policy LU-3.4: Locate higher density land uses in areas served by frequent transit service.

As decisions are made about locating future growth in Kirkland, the availability of viable transportation choices should be taken directly into account in relation to the location and intensity of that growth.

Goal LU-4: Protect and enhance the character and quality of residential neighborhoods while accommodating the City's growth targets.

Policy LU-4.2: Locate the highest density residential areas close to shops and services and transportation hubs.

Denser residential areas should continue to be sited close to or within commercial areas and transportation hubs to increase transportation choices.

The following is from the Juanita neighborhood plan:

JBD 4

Retail, office, and residential uses which are a maximum of two stories should be allowed in non-wetland areas. Driveways should be combined due to hazardous traffic conditions along 98th Avenue NE. Drive-through facilities should be prohibited. Buildings should be clustered to provide views of the lake when possible. The wetland area should be preserved and regulated in accordance with the shoreline management regulations in the Kirkland Zoning Code. Public access along or near the shoreline should be required as described in the Environment and Shoreline Area sections.

Continuous shoreline access between Juanita Bay Park and Juanita Beach Park is important; the missing link should be acquired provided that it does not negatively impact the sensitive areas.

Threshold Determination

The City uses the following criteria in selecting proposals for further consideration.

- The City has resources, including staff and budget to review the CAR; and either
- The CAR corrects inconsistency or clarifies provisions of the Comprehensive Plan; or all of the following:
 - The CAR serves the public interest by implementing specific Comprehensive Plan goals and policies; and

- The CAR serves the public interest by considering the proposal in the current year, rather than delaying to a neighborhood plan review or plan amendment process; and
 - The proposal is located in a neighborhood for which a neighborhood plan has not been recently adopted (generally not within two (2) years); and
 - The proposal is located in a neighborhood for which a neighborhood plan will not be reviewed in the near future (generally not in the next two (2) years).

Staff Recommendation

Staff recommends that the CAR not proceed to Phase II at this time. Based on the threshold criteria established above, further consideration of the proposal should be deferred to the upcoming neighborhood plan update. Based on the current [Planning Work Program](#) updates to the Kingsgate & Juanita Neighborhood Plan updates (task 30) are scheduled for the next round of updates following completion of the Moss Bay and Everest Neighborhood Plans this year. When considered, the study area should be expanded to consider both properties located in the JBD 4 zone.

Staff recommends that a Phase II CAR not include any updates to the City's Shoreline Master Program. Any change to the building height and density within the shoreline jurisdiction will require Department of Ecology (DOE) review and approval. As stated previously Kirkland recently amended its SMP and was approved by the DOE on September 21, 2020. Per State law, the next periodic review must be completed by June 30th, 2027. DOE generally does not favor amendments outside of the periodic update cycle because of the staff resources they require to review those amendments. Based on the level of City staff time and public process necessary to amend the SMP, staff anticipates starting this task in 2025. The applicant can decide at that time whether to consider participating in the periodic update to request a change.

The City may consider amending the Comprehensive Plan and Zoning Code without amending the SMP. Should the applicant proceed to Phase II with amendments to the JBD 4 zoning and associated Comprehensive Plan policies - without an SMP amendment – the result could increase JBD 4's maximum building height up to 41' above ABE, which is currently allowed within the UM shoreline environment, and remove density restrictions to that portion of land existing outside of the shorelines jurisdiction.

Staff agrees that the proposed CAR could help to spur redevelopment of underdeveloped properties. Redevelopment could yield such community benefits as providing shoreline access between Juanita Bay Park and Juanita Beach Park and the provision of additional housing opportunities (including affordable housing) close to shops, recreation, and transportation. The JBD zone already requires that developments creating four or more new dwelling units shall provide at least 10 percent affordable housing. Removing the residential density maximum and increasing the building height could add to the number of affordable housing units.

While staff is in support of moving forward with this CAR, we recommend pausing Phase II review until staff takes up amendments to the neighborhood plan. Because the City is also starting work on the State-required 2044 Comprehensive Plan update, and working

on numerous other Planning Work Program tasks, there is not staff capacity to take this request on as a separate task.

Planning Commission Discussion Topics

The Commission should provide feedback to staff and the applicant on the following questions:

1. Does the proposal have merit and should be considered by the Planning Commission and City Council during the CAR cycle (commence Phase II later this year of in 2022), or
2. Does the proposal have merit, but should be considered when Staff updates the Juanita Neighborhood Plan, or
3. Does the proposal not have merit and should not be given further consideration?
4. If the proposal should move forward with a Phase II review should the study area include the other properties located within the JDB 4 zone?
5. If the proposal should move forward with a Phase II review are there any additional site specific or neighborhood conditions to highlight for review when considering additional study?

Attachments:

1. CAR Application
2. JBD 4 Zoning

cc: File Number CAM20-00676

Applicant

APPLICATION FOR AMENDMENTS TO THE COMPREHENSIVE PLAN, ZONING CODE AND ZONING MAP

I. CONTACT INFORMATION:

A. Applicant Name:	Meredith Everist
B. Mailing Address:	10801 Main Street, #110
C. Telephone Number:	425-454-0566
D. Email Address:	everistm@baylisarchitects.com
E. Property Owner Name if different than applicant:	Carl Peterson
F. Mailing Address:	2335 Boylston Ave E., Apt E, Seattle, WA 98102
G. Telephone Number:	206-355-8892
H. Email Address:	carlopeterson@hotmail.com

Note: If the applicant is the property owner or is representing the property owner, then the property owner must sign the last page. If the applicant is neither the property owner nor representing the property owner, then the affected property owner must be notified. Send or hand-deliver a copy of this completed application to all affected property owners. Complete the attached Affidavit of Service that this has been done.

Copies of staff reports and meeting agendas will be sent by email unless you request to the project planner that you want copies mailed to you.

II. FOR SITE SPECIFIC PROPOSAL:

A. Address of proposal (if vacant provide nearest street names):	9755 NE Juanita Drive, Kirkland, WA 98034
B. King County Tax Parcel number(s):	1791500359
C. Describe improvements on property if any:	Michaels craft supply store and supporting surface parking lot.
D. Attach a map of site that includes adjacent street names:	See Attached
E. Current Zoning on subject property:	JBD-4
F. Current land use designation & permitted density shown on appropriate neighborhood plan land use map:	Commercial Height Limit: 26' Density: 1,800 SF Min per DU

III. FOR ALL PROPOSALS

A. Description of Proposal:

See Attached.

B. Description of the specific reasons for making the proposal:

See Attached.

C. Description of how the proposed amendment relates to the following criteria:

See Attached.

1. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan.

See Attached.

2. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process.

See Attached.

3. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan

See Attached.

IV. PROPERTY OWNER'S SIGNATURE OR SERVICE OF AFFIDAVIT:

- A. If the applicant is the property owner, or is a legal representative of the property owner, then the property owner must sign below.

ORIGINAL SIGNATURES ONLY - NO COPIES

Name - Signature:

Name - Print:

Carl Peterson

Property Owner or Legal Representative:

Carl Peterson

Date:

November 16, 2020

Address:

2335 Boylston Ave E, Apt E, Seattle, WA 98102

Telephone:

206-355-8892

- B. If the applicant is neither the property owner nor a legal representative of the property owner, then the affected property owner must be notified as follows: Send or hand-deliver a copy of this completed application to all affected property owners (Exhibit A or Exhibit B); and Complete the attached Affidavit of Service that confirms that a copy of the completed application form has been provided to all property owners. Submit the Affidavit of Service along with Exhibit A and/or Exhibit B with the application form and fee.

Attachments to include:

1. Affidavit of Service (available at the Development Services Counter)
2. Exhibit A (see requirements above)
3. Exhibit B (see requirements above)



principals Brian Brand, AIA
 Kevin J. Cleary, AIA
 Meredith Everist, AIA

July 09, 2021

Phase 1
Citizen Amendment Request for:
9755 Juanita Drive NE, Kirkland WA 98034

Site overview

The site is located on the west side of Juanita Drive NE at the intersection of NE 116th ST and 98th AVE NE in Kirkland, WA. The site is zoned JBD-4, totals approximately 1.26 acres (54,900 SF) and is currently developed with a Michael's Craft Shop and supporting surface parking. The existing building and paving cover the entire parcel. The site slopes upward from the southwest to the northeast for a grade change of approximately 10 feet. No significant trees or vegetation are on the site.

The parcel to the south is also zoned JBD-4 and is developed with a small commercial building and surface parking. South of this parcel is Juanita Bay Park. According to City of Kirkland GIS maps, these parcels include wetlands and a stream.

The parcel southwest of the subject property is zoned JBD-5 and is developed with Juanita Shores Condos, a four-level multi-family building with 44 units constructed in 1982. This parcel extends into Juanita Bay and the building is set near the shore of the bay. A supporting parking structure is on the site.

The parcel to the northwest is zoned JBD-5 and is developed with a four-level commercial building. There is a reciprocal parking easement between this parcel and the subject property to allow access and use of 22 parking stalls.

A. Description of Proposal:

The goal of this Citizen Amendment Request is to create more attainable multi-family housing in an optimal node of the Juanita area. This would be achieved by an increase the level of development density and height from what is currently allowed under the code for the subject site. The request seeks a revision to the zoning code for the following:

Citizen Amendment Request for:
 9755 Juanita Drive NE, Kirkland WA 98034
 July 09, 2021
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- Omit the density requirement for dwelling units and have the density be guided by the bulk, scale and massing that is most appropriate for the site.
- Revise the Shoreline Master Program to allow the height and density to match what is proposed for the zoning General Regulations.
- Consider an increase in allowable building height above average building elevation which will accommodate a building development similar to and compatible with the adjacent parcels and the neighborhood.

These amendments would help to fully utilize the “gateway” potential of the existing node to transit, recreation, and job opportunities for an underserved populace in the region.

Because of the unique positioning of the property at what is essentially a crossroads from all 4 polar directions, the proposed project could bring a sense of entry to the South Juanita Bay neighborhood center, Juanita Beach, and the entry to the Market trail, a heavily used recreation access point that leads to the wetlands and eventually to downtown Kirkland.

Public amenity space along the frontage of the parcel can enhance an existing node to the neighborhood as envisioned in the Comprehensive Plan. A future development would enhance the pedestrian experience by activating the street frontage and increasing safety for bikes and pedestrians with the implementation of the current street section goals established by the City of Kirkland. The proposed project would also embrace and enrich a connection between the neighborhood and the adjacent, robust park system and lake views. As the parcel is currently developed, it is acknowledged by the public to be underutilized and below the standards set by the surrounding properties. The current use might be considered an impediment to the vision of the comprehensive plan.

There is a well-known local crisis in the growing void of housing that is attainable yet close is to mass transit, employers, and recreation opportunities that are unique to the northwest. This project is in an ideal location to support those opportunities. A development with increased residential density could provide accessible, attainable housing from which its residents can easily travel to employment and shopping, while also thriving by enjoying quick access to recreation, lake views and other outdoor amenity spaces. The project would strive to employ sustainable strategies and enhance public safety while containing more accessible housing and a marketable mix of uses including street level retail.

B. Description of the specific reasons for making the proposal:

The comprehensive plan designates the corner of NE Juanita Dr. / 98th Ave NE and NE 116th St. as a gateway to the neighborhood. Development would enhance a connection to the Juanita Bay Park and the Old Market Street Trail. Mixed use residential development at this location would help address the need to increase residential density in the city while helping create a sense of place for Juanita Residents.

Citizen Amendment Request for:
 9755 Juanita Drive NE, Kirkland WA 98034
 July 09, 2021
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C. Description of how the proposed amendment relates to the following criteria:

1. The proposal demonstrates a strong potential to serve the public interest by implementing specifically identified goals and policies of the Comprehensive Plan.

The Comprehensive Plan calls for a gateway node at NE Juanita Dr. and 98th Ave NE, a prominent location that identifies the south boundary of the neighborhood. Development of this parcel would include the gateway announcing the entrance to the Village area and enhancing the connection to the Old Market Street trail. The development would fill in a currently under served area contributing to a safer, more cohesive pedestrian-oriented mixed-use neighborhood.

2. The public interest would best be served by considering the proposal in the current year, rather than delaying consideration to a later neighborhood plan review or plan amendment process.

The low development potential per the zoning code has inhibited the redevelopment of this site. As the need for housing continues to rise, this would be a beneficial time to raise the development lid to encourage the sites improvement. Approving amendments that allow a height limit commensurate with the adjacent residential buildings, a density that attracts a wider range of tenants, and a parking ratio that recognizes the wide variety of transportation opportunities now available would encourage redevelopment.

3. The proposal would correct an inconsistency within or make a clarification to a provision of the Comprehensive Plan.

The five parcels of land between Juanita Beach Park and Juanita Bay Park zoned JBD-4 and JBD-5 have a 26' height limit. Three of the five parcels were developed in the late 1970s to early 1980s with four story condo buildings and one office building. Currently the two remaining parcels have less successful commercial buildings on them. If redeveloped to residential or mixed usage of a similar height limit (four stories) and density, the resulting development would provide a substantial public benefit through excellence in design, provision of pedestrian amenities, and reduction on environmental impacts. Raising the density would promote unit variety in the neighborhood and reducing the parking ratio would acknowledge access to alternative transportation systems.

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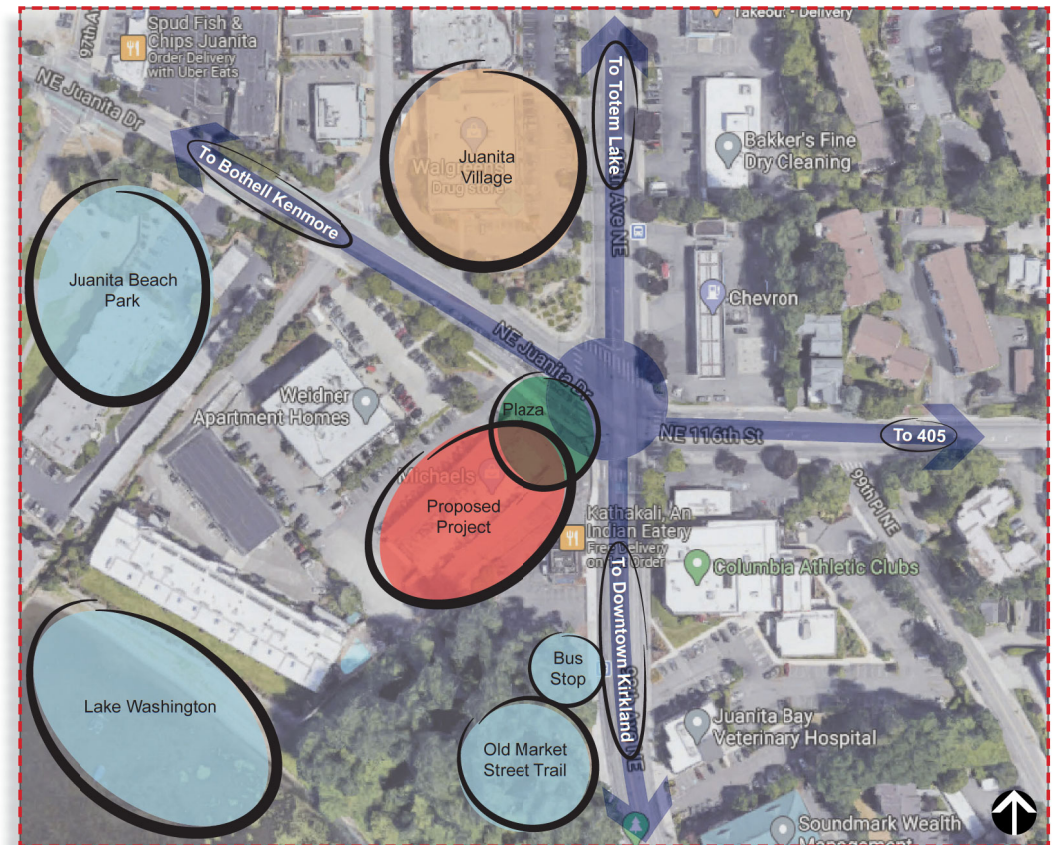
9755 NE JUANITA DR - CITIZEN AMENDMENT REQUEST - PHASE 1**PROJECT TEAM****OWNER**

Contact: Carl Peterson
 2335 Boylston Ave E, Apt E
 Seattle, WA 98102
 Phone: 206.355.8892

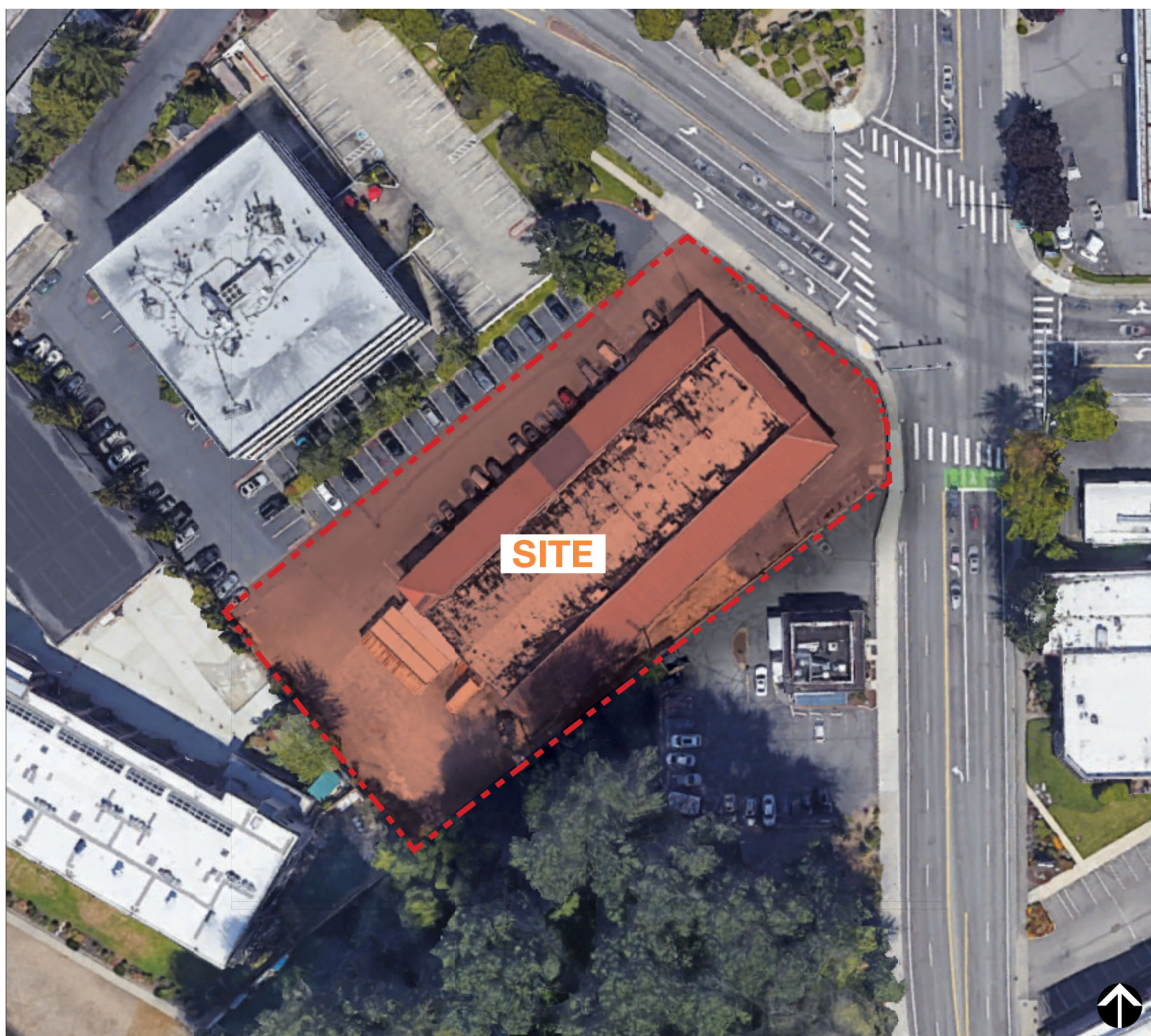
ARCHITECT

Baylis Architects
 Contact: Meredith Everist
 10801 Main Street #110
 Bellevue, WA 98004
 Phone: 425.454.0566

All Site Photographs Courtesy of Google Earth



EXISTING BUILDING



baylis architects

SITE CONTEXT AND STREET VIEWS



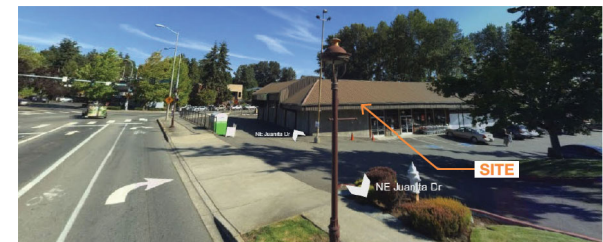
98TH AVE NE – LOOKING SOUTH



98TH AVE NE – LOOKING NORTH



NE 116TH ST – LOOKING WEST



NE JUANITA DR – LOOKING EAST

SITE CONTEXT



52.24 User Guide – JBD 4 zones.

ATTACHMENT 2

The charts in KZC [52.27](#) contain the basic zoning regulations that apply in the JBD 4 zones of the City. Use these charts by reading down the left hand column entitled Use. Once you locate the use in which you are interested, read across to find the regulations that apply to that use.

Section 52.25


Zone
JBD-4

Section 52.25 – 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. 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. In such cases, the minimum lot size listed in the Use Regulations shall be used to establish the base number of units allowed on the site, but shall not limit the size of individual lots. See Chapter [112](#) KZC for additional affordable housing incentives and requirements.
3. Must provide public pedestrian access as required under Chapter [83](#) KZC.
4. May not use lands waterward of the ordinary high water mark to determine lot size or to calculate allowable density.
5. May also be regulated under the Shoreline Master Program; refer to Chapter [83](#) KZC.

[link to Section 52.27 table](#)

The Kirkland Zoning Code is current through Ordinance 4751, passed February 2, 2021.

Disclaimer: The City Clerk's Office has the official version of the Kirkland Zoning Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.kirklandwa.gov/> (<http://www.kirklandwa.gov/>)

City Telephone: (425) 587-3000

Code Publishing Company (<https://www.codepublishing.com/>)

eLibrary (<https://www.codebook.com/listing/>)

Section 52.27	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.010	Retail Establishment providing boat sales, service, or repair. See Spec. Reg. 1.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	A	E	See KZC 105.25.	1. Boat rental and used boat sales are allowed as part of this use. 2. Storage of parts must be conducted entirely within an enclosed structure. 3. Outdoor boat parking and 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.
.020	Restaurant or Tavern								C		1 per each 100 sq. ft. of gross floor area.	1. Drive-in or drive-through facilities are prohibited.
.040	Entertainment, Cultural and/or Recreational Facility										See KZC 105.25.	

Section 52.27

Zone
JBD-4

USE ZONE CHART

Section 52.27	<div>USE</div> <div>↓</div> <div>REGULATIONS</div> <div>↑</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.050	A Retail Establishment other than those specifically listed in this zone, selling goods or providing services including banking and related financial services. See Special Regulation 1.	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	C	E	1 per each 300 sq. ft. of gross floor area.	<div>1. The following uses are not permitted in this zone:<div><div>a. Retail establishments providing storage services unless accessory to another permitted use.</div><div>b. Automobile sales and/or rental facilities.</div><div>c. Automobile service station or center.</div><div>d. Outdoor storage of bulk commodities, except in the following circumstances:<div><div>1) If the square footage of the storage area is less than 20 percent of the total square footage of the retail structure, or;</div><div>2) If the commodities represent growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots, or containers.</div></div></div><div>e. Storage and operation of heavy equipment except normal delivery vehicles associated with retail uses.</div></div></div> <div>2. Drive-through facilities are prohibited.</div> <div>3. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if:<div><div>a. The assembled or manufactured goods are directly related to and are dependent upon this use, and are available for purchase and removal from the premises.</div><div>b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other retail uses.</div></div></div>

Section 52.27	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
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			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.060	Office Use	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	C	D	If a Medical, Dental or Veterinary office, then 1 per each 200 sq. ft. of gross floor area. Otherwise, 1 per each 300 sq. ft. of gross floor area. 1. The following regulations apply to veterinary offices only: a. May only treat small animals on the subject property. b. Outside runs and other outside facilities for the animals are not permitted. c. 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. d. A veterinary office is not permitted if the subject property contains dwelling units. 2. Ancillary assembly and manufacture of goods on the premises of this use are permitted only if: a. The ancillary assembled or manufactured goods are subordinate to and dependent on this use; and b. The outward appearance and impacts of this use with ancillary assembly or manufacturing activities must be no different from other office uses.	
.070	Detached, Attached or Stacked Dwelling Unit		3,600 sq. ft. with a minimum of 1,800 sq. ft. per unit.						D	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. 1. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.	
.080	Church		None						C	B	1 per every four people based on maximum occupancy load of any area of worship. See Spec. Reg. 2. 1. May include accessory living facilities for staff persons. 2. No parking is required for day-care or school ancillary to the use.	
.090	Hotel or Motel								B	E	1 per each room. See Spec. Reg. 2. 1. May include ancillary meeting and convention facilities. 2. Excludes parking requirements for ancillary meeting and convention facilities. Additional parking requirement for these ancillary uses shall be determined on a case-by-case basis.	
.100	Private Lodge or Club									C	B	1 per each 300 sq. ft. of gross floor area.

Section 52.27



USE ZONE CHART

Section 52.27	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.110	School or Day-Care Center	D.R., Chapter 142 KZC.	None	0'	0'	0'	80%	26' above average building elevation.	D	B	See KZC 105.25.	<div>1. A six-foot-high fence is required along all property lines adjacent to the outside play areas.</div> <div>2. 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.</div> <div>3. May include accessory living facilities for staff persons.</div> <div>4. The location of parking and passenger loading areas shall be designed to reduce impacts on nearby residential uses.</div>
.120	Mini-School or Mini-Day-Care											<div>1. A six-foot-high fence is required along all property lines adjacent to the outside play areas.</div> <div>2. 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.</div> <div>3. May include accessory living facilities for staff persons.</div>

Section 52.27	<div>USE</div> <div>REGULATIONS</div>	DIRECTIONS: FIRST, read down to find use...THEN, across for REGULATIONS										
		Required Review Process	MINIMUMS			MAXIMUMS		Landscape Category (See Ch. 95)	Sign Category (See Ch. 100)	Required Parking Spaces (See Ch. 105)	Special Regulations (See also General Regulations)	
			Lot Size	REQUIRED YARDS (See Ch. 115)			Lot Coverage					Height of Structure
				Front	Side	Rear						
.130	Assisted Living Facility	D.R., Chapter 142 KZC.	3,600 sq. ft.	0'	0'	0'	80%	26' above average building elevation.	D	A	1.7 per independent unit. 1 per assisted living unit.	1. A facility that provides both independent dwelling units and assisted living units shall be processed as an assisted living facility. 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. 3. For density purposes, two assisted living units shall constitute one dwelling unit. Total dwelling units may not exceed the number of stacked dwelling units allowed on the subject property. Through Process IIB, Chapter 152 KZC, up to 1 1/2 times the number of stacked dwelling units allowed on the subject property may be approved if the following criteria are met: a. Project is of superior design, and b. Project will not create impacts that are substantially different than would be created by a permitted multifamily development. 4. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities, and activities associated with this use.
.140	Convalescent Center or Nursing Home		None					26' above average building elevation.	C	B	1 for each bed.	1. If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.
.150	Public Utility, Government Facility, and Community Facility							D See Spec. Reg. 1.	See KZC 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.	
.160	Public Parks	Development standards will be determined on a case-by-case basis. See Chapter 49 KZC for required review process.										