ORDINANCE NO. 2272

AN ORDINANCE of the City of Kent, Washington, relating to land use planning and zoning, amending development standards of the MR-G, MR-M and MR-H Multifamily Residential Districts; amending Kent City Code 15.04.040, 15.04.050, 15.04.060 Multifamily Residential Districts, and adding Section 15.02.272, 15.02.344, 15.02.477 definitions, Section 15.08.215 Multifamily Transition Area requirements, and 15.09.045 Administrative Design Review.

WHEREAS, the Planning Commission of the City of Kent has recommended that multifamily development standards of the Kent Zoning Code be examined and reconsidered; and

WHEREAS, the Council adopted Resolution No. 1148 expressing its concern about the impacts of multifamily development upon adjacent single family uses and impacts upon the City's Transportation Management System; and

WHEREAS, recommendations of the Planning Commission have been referred to and reviewed by the Planning Committee pursuant to Council direction following public hearings by the Planning Commission on the development of multifamily development standards; and

WHEREAS, the Planning Commission, Council Planning Committee have considered issues and input from interested parties and members of the public, and thereafter unanimously recommended action to the Council based upon such recommendations; and

WHEREAS, on March 1, 1988, the City Council adopted the Planning Commission and Council Planning Committee recommendations and directing the City Attorney to prepare the following ordinance; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:
Section 1. The following new sections are added to Chapter 15.02 definitions.

15.02.272. MULTIFAMILY TRANSITION AREA. A Multifamily Transition Area is any portion of an MR-G, MR-M or MR-H Garden Density, Medium Density or High Density Multifamily Residential District situated within 100 feet of a Single-Family District, and/or within 100 feet of a public street right-of-way. Specifically excluded from this definition is property abutting a right-of-way that will never be developed into a public street as determined by the Kent Transportation Engineer, and which does not otherwise qualify as a Multifamily Transition Area.

15.02.344. SETBACK, AVERAGE. The average setback is the mean or average depth of yard (setback) measured from the property line to the building. The average setback is computed along the full length of the property line, utilizing a designated property depth.

15.02.487. SINGLE-FAMILY DISTRICT. A Single Family Zoning District is a zoning district with any of the following designations: R1-20, R1-12, R1-9.6, R1-7.2, Single Family Residential, and RA, Residential Agricultural.

Section 2. The following sections cross reference Garden Density Multifamily Residential District.

15.04.040 (E)(2)(j). MULTIFAMILY TRANSITION AREAS. The requirements of Section 15.08.215 shall apply in any Multifamily Transition Area, which includes any portion of a multifamily district within 100 feet of a Single-Family District or within 100 feet of a public street right-of-way.

15.04.050(E)(2)(j). MULTIFAMILY TRANSITION AREAS. The requirements of Section 15.08.215 shall apply in any Multifamily Transition Area, which includes any portion of a multifamily district within 100 feet of a Single-Family District or within 100 feet of a public street right-of-way.
15.04.060(E)(2)(j). MULTIFAMILY TRANSITION AREAS. The requirements of Section 15.08.215 shall apply in any Multifamily Transition Area, which includes any portion of a multifamily district within 100 feet of a Single-Family District or within 100 feet of a public street right-of-way.

Section 3. A new section in Chapter 15.08 is created for Multifamily Transition Areas.

15.08.215. MULTIFAMILY TRANSITION AREAS.
A. Purpose. The purpose of the Multifamily Transition Area requirements is to mitigate potential adverse impacts of multifamily development on adjacent uses, and to minimize impacts of abutting streets on multifamily occupants. Multifamily Transition Area requirements are designed to provide a buffer between multifamily residential districts and adjacent Single-Family Districts, and between multifamily districts and abutting streets. Multifamily Transition Area requirements are superimposed over development standards of the underlying zones. Multifamily buildings and other development within 100 feet of a Single-Family District or 100 feet of an abutting street are affected by the requirements of this Section.

B. Development Standards. Within a Multifamily Transition Area, the following development standards shall apply, except where specifically exempted under Section 15.09.045, Administrative Design Review. These are in addition to other development standards applicable under Chapter 15 of the Code.

1. Minimum Yard Requirements (Setbacks).
   a. The minimum yard requirement on any street frontage within a Multifamily Transition Area shall be related to the classification of the adjacent street. This classification shall be determined by the Kent Transportation Engineer. The setbacks are as follows:
(1) A property frontage on an arterial or collector street shall have a minimum setback of 20 feet and an average setback of 40 feet. The average setback shall be calculated along the full length of the property line, utilizing the first 60 feet of the property depth.

(2) A property frontage on a local access street shall have a minimum setback of 20 feet and an average setback of 30 feet. The average setback shall be calculated along the full length of the property line, utilizing the first 40 feet of the property depth.

b. The portion of a property abutting a Single-Family District shall have a minimum setback of 20 feet and an average setback of 40 feet. The average setback shall be calculated along the full length of the property line, utilizing the first 60 feet of the property depth.

2. Building Offset. The horizontal dimension of any structure facing a public street or facing a Single-Family District shall be offset at intervals not to exceed 70 feet. The offset shall be no less than 20 feet in the horizontal dimension, with a minimum depth of six feet.

3. Height Limitation. The maximum height of any structure within a Multifamily Transition Area shall not exceed two stories or 25 feet at the minimum setback line. Building height may be increased one foot in height for each additional foot of horizontal setback from the minimum setback line, up to the maximum height limit for the zoning district. Exception to Height Limitation for Small Lots with Multiple Street
Frontages: On lots of one acre or less and having more than one street frontage, the height limitation of this Section shall apply along the longest street frontage. On any other street frontage, the height limitation of this Section shall not apply.

4. Landscaping.
   a. A minimum 20 feet of perimeter landscaping shall be provided on arterial or collector streets. A minimum 15 feet of perimeter landscaping shall be provided on local access streets.

   b. Where a parking area abuts a public street, the intervening landscaped area shall be bermed, unless the Planning Director finds berming to be ineffective due to topographic conditions, or where he/she determines that berming will obscure necessary sight distance lines. Such berm shall be a minimum three feet high on an arterial or collector street, and a minimum two and one-half feet high on the frontage of a local access street. Where the Planning Director finds berming to be ineffective, an alternative screening method approved by the Planning Director shall be employed.

   c. A minimum six-foot high, sight-obscuring fence shall be provided where a development abuts a Single-Family District.

Section 4. Section 15.07.060 is amended by adding new subsections providing for landscaping standards.

D. 3. The side and rear perimeters of properties shall be landscaped to a minimum depth of ten (10) feet.
4. A minimum five (5) feet of foundation landscaping shall be placed along the perimeter of any multifamily structure. Foundation landscaping consists of shrubbery or other combination of landscape materials that help to reduce the visual bulk of structures and/or buffer dwelling units from light, glare, and other environmental intrusions.

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Section 5. Chapter 15.09 is amended by adding a new section providing for Administrative Design Review.
15.09.045. ADMINISTRATIVE DESIGN REVIEW.

A. Purpose and Scope. The Administrative Design Review is an administrative review, the purpose of which is to provide additional site planning flexibility in fulfilling the intent of Multifamily Transition Area requirements. Through the Administrative Design Review process, specific Multifamily Transition Area requirements may be waived or modified, where the applicant demonstrates an alternative site plan which fulfills an equivalent function to the Multifamily Transition Area requirements. The Administrative Design Review process shall consider the compatibility of structures, other impervious areas and landscape features within the site and their compatibility with surrounding uses. Elements which may be evaluated under this process include general site layout, building placement and orientation, parking and maneuvering arrangements, landscaping, and other screening and buffering provisions. The Administrative Design Review shall not include design elements that are not directly related to site planning and layout. Examples of excluded items are building colors and textures, siding materials and the like.

B. Application and Review Process. The applicant for a multifamily development may propose to modify any of the Multifamily Transition Area requirements set forth in Section 15.08.215 of this Code. Such proposal shall be made by application to the Planning Department for Administrative Design Review on forms provided by the Planning Department. The Administrative Design Review may run concurrently with the SEPA environmental review process. To the maximum extent practicable, the Planning Department shall complete its review of an Administrative Design Review application within seven working days of receiving the complete application.

C. Required Findings. In order to modify or waive any Multifamily Transition Area requirement, the Planning Director must find that all of the following criteria have been met:

1. The proposal will accomplish the same or better protection of an abutting Single-Family District from impacts of noise, traffic, light and other environmental intrusions caused by the multifamily development.
2. The proposal will accomplish the same or better transition between the multifamily development and abutting streets, including adequate buffering of the multifamily development from the street, and vice versa.

3. The proposal is compatible with surrounding uses. Compatibility includes but is not limited to site layout, size, scale, mass, and provisions for screening and buffering. The Planning Director shall issue a report of his/her findings, conclusions, and determination for each proposal under this section.

D. Appeals. The decision of the Planning Director is final unless an appeal is filed pursuant to Section 15.09.070 of this Code.

Section 6. The Multifamily Transition Area requirements and Administrative Design Review process shall be reviewed by the City Council within one year of the Council's adoption of such. The Planning Department shall maintain records on multifamily development activity, applications for Administrative Design Review, and related matters which will enable Council to assess the performance of the Administrative Design Review process.

Section 7. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 8. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK
APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the 15 day of March, 1988.
APPROVED the 16 day of March, 1988.
PUBLISHED the 18 day of March, 1988.

I hereby certify that this is a true copy of Ordinance No. 2772, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK

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