Ordinance No. 3007

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Sec. 15.04.080 Repealed by Ord. 3409
ORDINANCE NO. 3007

AN ORDINANCE of the City of Kent, Washington, relating to land use and zoning, amending the Planned Unit Development regulations of the Kent Zoning Code, Kent City Code Sections 15.02.332 and 15.04.080.

WHEREAS, in June of 1990, the City Council received a petition from a group of interested citizens (Responsible Urban Growth Group (RUGG)), requesting that the City Council take action in order to stop high density housing from overburdening the City's infrastructure and ability to provide adequate services; and

WHEREAS, in consideration of RUGG's proposal, the City Council formally directed the Planning Commission on July 16, 1991 to evaluate the Planned Unit Development (PUD) regulations and investigate possible Code revisions, including amendment of those portions of the Kent Zoning Code applicable to townhouses in single family zoning districts; and

WHEREAS, in response to this direction, the Kent Planning staff investigated and prepared a report on the Planned Unit Development regulations, which included these Zoning Code amendment alternatives; and

WHEREAS, on August 26, 1991 the Kent Planning Commission held a public hearing to consider the alternatives for revising the PUD regulations and recommended that the Zoning Code be amended to eliminate Planned Unit Developments in the RA, Residential Agricultural and the R1, Single Family Residential zoning districts; NOW, THEREFORE,
THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES
HEREBY ORDAIN AS FOLLOWS:

Section 1. The Kent Zoning Code (Ordinance 1827, 2404)
Section 15.02.332 of the Kent City Code (K.C.C.) is amended as
follows:

15.02.332 PLANNED UNIT DEVELOPMENT. Planned Unit
Development is a (residential) development built under those
provisions of this code which permit departures from the
conventional siting, setback and density requirements of other
sections of this code in the interest of achieving superior site
development, creating open space and encouraging imaginative design
by permitting design flexibility.

Section 2. K.C.C. Section 15.04.080 is amended as
follows:

15.04.080 PLANNED UNIT DEVELOPMENT -- PUD
General Purpose. The intent of the PUD is to create a process to
promote diversity and creativity in site design, and protect and
enhance natural and community features. The process is provided to
encourage unique developments which may combine a mixture of
residential, commercial, and industrial uses. By using flexibility
in the application of development standards, this process will
promote developments that will benefit citizens that live and work
within the City of Kent.

A. ZONING DISTRICTS WHERE PERMITTED. PUD's are
permitted in all zoning districts with the exception of the A-1,
Agricultural RA, Residential Agricultural, and R1, Single Family
Residential zones.
B. PERMITTED USES.

1. Principally Permitted Uses. The principally permitted uses in PUD's shall be the same as those permitted in the underlying zoning classifications.

2. Conditional Uses. The conditional uses in PUD's shall be the same as those permitted in the underlying zoning classification. The conditional use permit review process may be consolidated with that of the PUD pursuant to procedures specified in section F below.

3. Accessory Uses. Accessory uses and buildings which are customarily incidental and subordinate to a principally permitted use are also permitted.

4. Exceptions.

   (a) In single family residential districts (RA and R1) attached side by side (not vertically stacked) residential units may be permitted in a PUD.

   (b) In residential PUD's of ten (10) acres or more, commercial uses may be permitted. Commercial uses shall be limited to those uses permitted in the Neighborhood Convenience District.

C. DEVELOPMENT STANDARDS. The following development standards are minimum requirements for a Planned Unit Development:

1. Minimum Lot Size. The minimum lot size requirements of the districts outlined in the zoning code shall not apply to PUD's.

2. Minimum Site Acreage. Minimum site acreage for a PUD is established according to the zoning in which the PUD is located, as follows:
Zones

Minimum Site Acreage

(RA - R1(7.2-20) 5 acres)

Multifamily
(MRD, MRG, MRM, MRH) None

Commercial, Office and Manufacturing Zones None

3. **Minimum Perimeter Building Setback.** The minimum perimeter building setback of the underlying zone shall apply. Multifamily Transition Area requirements shall apply to any multifamily developments (K.C.C. Section 15.08.215), except where specifically exempted by Administrative Design Review (K.C.C. Section 15.09.045). The Hearing Examiner may reduce building separation requirements to the minimum required by Building and Fire Departments according to criteria set forth in subsection F(1) of this section. If an adjacent property is undevelopable under the Kent City Zoning Code, the Hearing Examiner may also reduce the perimeter building setback requirement (may be waived by the Hearing Examiner) to the minimum standards in the Kent Building and Fire Codes.

4. **Maximum Height of Structures.** The maximum height of structures of the underlying zone shall apply. Multifamily Transition Area requirements shall apply to any multifamily developments (K.C.C. Section 15.08.215), except where specifically exempted by Administrative Design Review (K.C.C. Section 15.09.045). The Hearing Examiner may authorize additional height in CC, GC, DC, CM, M1, M2, and M3 zones where proposed development in the PUD is compatible with the scale and character of adjacent existing developments.

5. **Open Space.** The standard set forth herein shall apply to PUD residential developments only. Each PUD shall provide
a minimum of 35 percent of the total site area for common open space. In mixed-use PUD's containing residential uses, thirty-five (35) percent of the area used for residential use shall be reserved as open space.

For the purpose of this section, open space shall be defined as land which is not used for buildings, dedicated public right-of-ways, traffic circulation and roads, parking areas, or any kind of storage. Open space includes but is not limited to: privately owned woodlands, open fields, streams, wetlands, severe development areas, sidewalks, walkways, landscaped areas, gardens, court yards, or lawns. Common open space may provide for either active or passive recreation.

Open space within a PUD shall be available for common use by the residents, tenants and/or the general public, depending on the type of project.

6. Streets. If streets within the development are required to be dedicated to the City for public use, such streets shall be designed in accordance with the standards outlined in the Kent Subdivision Code and other appropriate City standards. If streets within the development are to remain in private ownership and remain as private streets, the following standards shall apply:

a. Minimum Private Street Pavement Widths for Parallel Parking in Residential Planned Unit Developments.

<table>
<thead>
<tr>
<th></th>
<th>No Parking (Feet)</th>
<th>Parking One Side (Feet)</th>
<th>Parking Both Sides (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-Way Streets</td>
<td>20</td>
<td>29</td>
<td>38</td>
</tr>
<tr>
<td>Two-Way Streets</td>
<td>22</td>
<td>31</td>
<td>40</td>
</tr>
</tbody>
</table>
The above minimum widths may be modified upon review and approval by the Kent Fire Chief and the Kent Traffic Engineer providing they are sufficient to maintain emergency access and traffic safety. A maintenance agreement for private streets within a PUD shall be required by the Hearing Examiner as a condition of PUD approval.

b. **Vehicle Parking Areas.** Adequate vehicular parking areas shall be provided. The required number of parking spaces may vary from the requirements of K.C.C. Chapter 15.05 and shall be approved by the Hearing Examiner based upon a parking need assessment study submitted by the applicant and approved by the Planning Director. Vehicular parking areas may be provided by on-street parking and/or off-street parking lots. The design of such parking areas shall be in accordance with the standards outlined in K.C.C. Chapter 15.05.

c. **One-way Streets.** One-Way loop streets shall be no more than 1,500 feet long.

d. **On-street Parking.** On-street parking shall be permitted. Privately owned and maintained "no parking" and/or "fire lane" signs may be required as determined by the Kent Traffic Engineer and Kent Fire Department Chief.

7. **Pedestrian Walkways.** Pedestrian walkways shall be constructed of material deemed to be an "all weather surface" by the Public Works Director and Planning Director.

8. **Landscaping.**

   a. Minimum perimeter landscaping of the underlying zone shall apply. Additional landscaping shall be required as provided in Chapter 15.07 and 15.08.215 of the Kent City Code.

   b. All PUD developments shall ensure that parking areas are integrated with the landscaping system and
Provide screening of vehicles from view from public streets. Parking areas shall be conveniently located to buildings and streets while providing for landscaping adjacent to buildings and pedestrian access.

c. Solid waste collection areas and waste reduction/recycling collection areas shall be conveniently and safely located for on-site use and collection, and attractively site screened.

9. **Signs.** The sign regulations of K.C.C. Chapter 15.06 shall apply.

10. **Platting.** If portions of the PUD are to be subdivided for sale or lease, the procedures of the Kent Subdivision Code as amended shall apply. Specific development standards (lot size, street design, etc.) shall be provided as outlined in K.C.C. Section 15.04.080(E).

11. **Green River Corridor.** Any development located within the Green River Corridor Special Interest District shall adhere to the Green River Corridor Special Interest District Regulations.

12. **View Regulation.** View regulations as specified in K.C.C. Section 15.08.060 shall apply to all PUD's.

13. **Shoreline Master Program.** Any development located within 200 feet of the Green River shall adhere to Kent Shoreline ((Management)) Master Program regulations.

D. **Density Bonus Standards.** The density of residential development for PUD's shall be based on the gross density of the underlying zoning district.

The Hearing Examiner may recommend a dwelling unit density not more than twenty (20) percent greater than permitted by the underlying zone upon findings and conclusions that the
amenities or design features which promote the purposes of this subsection, as listed below, are provided:

1. **Open space.** A four (4) percent density bonus may be authorized if at least ten (10) percent of the open space is in concentrated areas for passive use. Open space shall include significant natural features of the site, including but not limited to fields, woodlands, watercourses, permanent and seasonally wetlands. Excluded from the open space definition are the areas within the building footprints, land used for parking, vehicular circulation, right-of-ways and areas used for any kind of storage.

2. **Active Recreation Areas.** A four (4) percent density bonus may be authorized if at least ten (10) percent of the site is utilized for active recreational purposes, including but not limited to jogging/walking trails, pools, children's play areas, etc.

Only that percentage of space contained within accessory structures that is directly used for active recreation purposes can be included in the ten (10) percent active recreation requirement.

3. **Storm Water Drainage.** A two (2) percent density bonus may be authorized if storm water drainage control is accomplished using natural on-site drainage features. Natural drainage feature many include streams, creeks, ponds, etc.

4. **Native Vegetation.** A four (4) percent density bonus may be authorized if at least fifteen (15) percent of the native vegetation on the site is left undisturbed in large open areas.

5. **Parking Lot Size.** A two (2) percent density bonus may be authorized if off-street parking is grouped in areas of sixteen (16) stalls or less. Parking areas must be separated from other parking areas or buildings by significant landscaping in
excess of Type V standards as provided in K.C.C. Section 15.05.070. At least fifty (50) percent of these parking areas must be designed as outlined above to receive the density bonus.

6. **Mixed Housing Types.** A two (2) percent density bonus may be authorized if a development features a mix of residential housing types. Single family residences, attached single units, condominiums, apartments, and townhomes are examples of housing types. The mix need not include some of every type.

7. **Project Planning Management.** A two (2) percent density bonus may be granted if a design/development team is used. Such a team would include a mixture of architects, engineers, landscape architects, and designers. A design/development team is likely to produce a professional development concept that would be consistent with the purpose of the regulations.

These standards are thresholds, and partial credit is not given for partial attainment. The site plan must at least meet the threshold level of each bonus standard in order for density bonuses to be given for that standard.

E. **APPLICATION PROCESS.** The application process includes the following steps: informal review process, State Environmental Policy Act, community information meeting, development plan review, and public hearing before the Hearing Examiner.

1. **Informal Review Process.** An applicant shall meet informally with the Planning Department at the earliest possible date to discuss the proposed PUD. The purpose of this meeting is to develop a project that will meet the needs of the applicant and the objectives of the city as defined in this ordinance.
2. **SEPA.** The State Environmental Policy Act, regulations, and City SEPA requirements shall be completed prior to development plan review.

3. **Development Plan Review.** After informal review and completion of the SEPA process, a proposal shall next be reviewed by City staff through the development plan review process. Comments received by the project developer under the development review process shall be used to formalize the proposed development prior to being presented at a public hearing before the Hearing Examiner.

4. **Community Information Meeting.**
   a. A community information meeting shall be required for any proposed PUD located in a residential zone or within 200 feet of a residential zone. At this meeting, the applicant shall present the development proposed to interested residents. Issues raised at the meeting may be used to refine the PUD plan.

   Notice shall be given in at least one (1) publication in the local newspaper at least ten (10) days prior to the public hearing. Written notice shall be mailed first class to all property owners within a radius of not less than two hundred (200) feet of the exterior boundaries of the property being subject to the application. Any alleged failure of any property owner to actually receive said notice of hearing shall not invalidate the proceedings.

   b. Non-residential PUD's not located within 200 feet of a residential zone shall not require a community information meeting.

5. **Public Notice and Hearing Examiner Public Hearing.** The Hearing Examiner shall hold at least one (1) public hearing on the proposed PUD and shall give notice thereof in at
least one (1) publication in the local newspaper at least ten (10) days prior to the public hearing. Written notice shall be mailed first class to all property owners within a radius of not less than two hundred (200) feet of the exterior boundaries of the property being subject to the application. Any alleged failure of any property owner to actually receive said notice of hearing shall not invalidate the proceedings.

6. **Consolidation of Land Use Permit Processes.**
The PUD approval process may be used to consolidate other land use permit processes which are required by other sections of this code. The public hearing required for the PUD may serve as the public hearing for conditional use permit, subdivision, shoreline substantial development, and/or rezoning if such land use permits are a part of the overall PUD application. When another land use permit is involved which requires City Council approval, the PUD shall not be deemed to be approved until the City Council has approved the related land use permit. In the event that a public hearing is required for any of the above categories of actions, the Hearing Examiner shall employ the public hearing notice requirements for all actions considered which ensures the maximum notice to the public.

7. **Hearing Examiner Decision.** The Hearing Examiner shall issue a written decision within ((fourteen (14))) ten (10) working days from the date of the hearing. Parties of record will be notified in writing of the decision. The decision is final unless notice of appeal is filed with the City Clerk within fourteen (14) days of receipt by the developer of the decision.

8. **Effective Date.** In approving a PUD, the Hearing Examiner shall specify that the approved PUD shall not take effect unless or until the developer files a completed development
permit application within the time periods required by the Kent City Code as set forth in Section ((6)) G below. No official map or zoning text designations shall be amended to reflect the approved PUD designation until such time as the PUD becomes effective.

F. REVIEW CRITERIA FOR PLANNED UNIT DEVELOPMENT. Upon receipt of a complete application (as determined by the Planning Director,) for a residential PUD, the Planning Department shall review the application and make its recommendation to the Hearing Examiner. The Hearing Examiner shall determine whether to grant, deny or condition an application based upon the following review criteria:

1. Residential Planned Unit Development Criteria.
   a. The proposed PUD project shall have a beneficial effect upon the community and users of the development which would not normally be achieved by traditional lot-by-lot development and shall not be detrimental to existing or potential surrounding land uses as defined by the Comprehensive Plan.
   b. Unusual environmental features of the site shall be preserved, maintained and incorporated into the design to benefit the development and the community.
   c. The proposed PUD project shall provide areas of openness by using techniques such as clustering, separation of building groups, and use of well-designed open space and/or landscaping.
   d. The proposed PUD project shall promote variety and innovation in site and building design. Buildings in groups shall be related by common materials and roof styles, but contrast shall be provided throughout the site by the use of varied materials, architectural detailing, building scale and orientation.
e. Building design shall be based on a unified design concept, particularly when construction will be in phases.

2. Non-Residential Planned Unit Development Criteria.

a. The proposed project shall have a beneficial effect which would not normally be achieved by traditional lot-by-lot development and not be detrimental to present or potential surrounding land uses as defined by the Comprehensive plan.

b. Unusual environmental features of the site shall be preserved, maintained and incorporated into the design to benefit the development and the community.

c. The proposed project shall provide areas of openness by the clustering of buildings, and by the use of well-designed landscaping and open spaces. Landscaping shall promote a coordinated appearance and break up continuous expanses of building and pavement.

d. The proposed project shall promote variety and innovation in site and building design. It shall encourage the incorporation of special design features such as visitor entrances, plazas, outdoor employee lunch and/or recreation areas, architectural focal points and accent lighting.

e. Building design shall be based on a unified design concept, particularly when construction will be in phases.

G. TIME LIMITS.

1. Application for Development Permit. The applicant shall apply for a development permit no later than one (1) year following final approval of the PUD. The application for development permit shall contain all conditions of the PUD approval.
2. **Extensions.** An extension of time for development permit application may be requested in writing by the applicant. Such an extension may be granted by the Planning Director for a period not to exceed one (1) year. If a development permit is not issued within two years, the PUD approval shall become null and void and the PUD shall not take effect.

H. **Modifications of the Plan.** Requests for modifications of final approved plans shall be made in writing and shall be submitted to the Planning Department in the manner and form prescribed by the Planning Director. The criteria for approval of a request for a major modification shall be those criteria covering original approval of the permit which is the subject of the proposed modification.

1. **Minor Modifications.** Modifications are deemed minor if the following criteria are satisfied:
   
   (a) No new land use is proposed; and
   (b) No increase in density, number of dwelling units or lots is proposed; and
   (c) No changes in the general location or number of access points is proposed; and
   (d) No reduction in the amount of open space is proposed; and
   (e) No reduction in the amount of parking is proposed; and
   (f) No increase in the total square footage of structures to be developed is proposed; and
   (g) No increase in general height of structures is proposed.

Examples of minor modifications include but are not limited to lot line adjustments, minor relocations of buildings.
or landscaped areas, minor changes in phasing and timing, and minor changes in elevations of buildings.

2. **Major Modifications.** Major adjustments are those which, as determined by the Planning Director, substantially change the basic design, density, open space or other similar requirements or provisions. Major adjustments to the development plans shall be reviewed by the Hearing Examiner. The Hearing Examiner may review such adjustments at a regular public hearing. If a public hearing is held, the process outlined in K.C.C. Section 15.04.080(F) shall apply. The Hearing Examiner shall issue a written decision to approve, deny, or modify the request. Such a decision shall be final. The decision may be appealed to the City Council by the filing of written notice of appeal with the City Clerk within fourteen (14) days of the date of the Developer's receipt of the Hearing Examiners decision.

**Section 3. Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or subsection of this ordinance, or the validity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

**Section 4. Effective Date.** This ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

DAN KELLEHER, MAYOR
ATTEST:

Brenda Jacober
BRENDA JACOBER, DEPUTY CITY CLERK

APPROVED AS TO FORM:

Roger A. Lubovich, City Attorney

PASSED the 15 day of October, 1991.
APPROVED the 16 day of October, 1991.
PUBLISHED the 18 day of October, 1991.

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

Brenda Jacober (SEAL)
BRENDA JACOBER, DEPUTY CITY CLERK