Ordinance No. 3014

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Secs. 15.04.040, 15.04.050, 15.04.060, & 15.09.047 Repealed by Ord. 3409
ORDINANCE NO. 3014

AN ORDINANCE of the City of Kent, Washington, relating to land use and zoning, amending the Kent Zoning Code, (Ordinances 1827 and 2404), Chapter 15 of the Kent City Code, to provide for multi-family design review in certain zoning districts, adding new Sections 15.02.259, 15.02.271 and 15.09.047; amending Sections 15.04.040, 15.04.050 and 15.04.060.

WHEREAS, the Planning Commission, at the request of the City Council, reviewed the contents of a petition submitted by a community group (Responsible Urban Growth Group (RUGG)) in workshop sessions between the months of October 1990 and July 1991 in relation to recent City actions to mitigate the impacts of multifamily development; and

WHEREAS, the Planning Commission found that current development regulations do not ensure that new multi-family buildings will be visually compatible with and become a viable part of the surrounding neighborhood; and

WHEREAS, the Planning Commission found that other Puget Sound communities that have opted to implement design review in permitting multi-family development have recognized success with their programs and feel that the design review approach has resulted in improved design of multi-family developments; and

WHEREAS, the Planning Commission determined that the best alternative for further mitigating the visual impacts of multi-family development on the community as well as improving the
overall quality of residential development in the City was to implement a design review program; and

WHEREAS, the Planning Commission directed the Planning Department to develop a proposed multi-family design review program and design review criteria for their consideration; and

WHEREAS, on July 22, 1991, the Planning Commission held a public hearing on the proposed design review program and design review criteria and at said hearing voted to recommend to the City Council that the proposed design review program and design review criteria be implemented; and

WHEREAS, on September 17, 1991, the City Council held a public hearing on the proposed design review program and design review criteria and voted to implement the design review program and design review criteria for multi-family development in the City; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 15 of the Kent City Code (K.C.C.) (Ordinances 1827 and 2404) is amended to add a new section 15.02.259, to read as follows:

15.02.259 MIXED USE BUILDING/STRUCTURE

A building that contains two or more separate and distinct uses permitted in the zoning district where such building is located.

Section 2. Title 15 of the Kent City Code is amended to
add a new section, 15.02.271, to read as follows:

15.02.271 MULTI-FAMILY DESIGN REVIEW

An administrative process for the purpose of reviewing multifamily development applications for compliance with specific site design, landscape design and building design criteria.

Section 3. Subsection E of K.C.C. 15.04.040 is amended to read as follows:

15.04.040 GARDEN DENSITY MULTI-FAMILY RESIDENTIAL - MR-G

Purpose: It is the purpose of this district to provide locations for garden apartment densities suitable for suburban living.

* * *

E. Development Standards

1. Single-family dwelling and duplexes. The development standards of Section 15.04.020 and 15.04.030 shall apply.

2. Multi-family dwelling units:
   a. Minimum lot. 8,500 square feet for the first two (2) dwelling units; 2,500 square feet for each additional dwelling unit.
   b. Minimum lot width. 80 feet.
   c. Density. 16 dwelling units per acre.
   d. Maximum site coverage. 45 percent.
   e. Minimum yard requirements.
      i. Front yard. 20 feet
      ii. Side yard. Each side yard shall be a minimum of ten (10) percent of the lot width; however, regardless of lot width, the yard width need not be more than thirty (30) feet.
      iii. Rear yard. 20 feet
      iv. Side yard on flanking street of corner lot. 15 feet.
   f. Distances between buildings.
      i. An inner court providing access to double-row building shall be a minimum of twenty (20) feet.
ii. The distance between principal buildings shall be at least one-half (1/2) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than twelve (12) feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.

  g. Landscaping. The landscaping requirements of Chapter 15.07 shall apply.

  h. Height limitations. Three (3) stories, not exceeding 40 feet.

  i. Additional standards. See Chapter 15.08, General and Supplementary Provisions, for requirements concerning accessory buildings and additional standards.

  j. Multi-family Transition Areas. The requirements of Section 15.08.215 shall apply in any Multi-family Transition Area, which includes any portion of a multi-family district within 100 feet of a Single-family District or within 100 feet of a public street right-of-way.

  k. Multi-family Design Review. The requirements of Section 15.09.047 shall apply to any multi-family dwelling of three (3) or more units.

* * *

Section 4. Subsection E of K. C. C. 15.04.050 is amended to read as follows:

15.04.050 MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL - MR-M

Purpose: It is the purpose of this district to provide for locations for medium density residential districts suitable for urban-suburban living.

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E. Development Standards

1. Single-family dwellings and duplexes. The development standards of Section 15.04.020 and 15.04.030 shall apply.

  2. Multi-family dwelling units.
      a. Minimum lot. 8,500 square feet for the first two dwelling units; 1,600 square feet for each additional dwelling unit.
      b. Minimum lot width. 80 feet.
      c. Density. 23 dwelling units per acre.
d. **Maximum site coverage.** 45 percent.

e. **Minimum yard requirements.**
   
i. **Front yard.** 20 feet.
   
   ii. **Side yard.** Each side yard shall be a minimum of ten (10) percent of the lot width; however, regardless of lot width, the yard width need not be more than thirty (30) feet.
   
   iii. **Rear yard.** 20 feet.
   
   iv. **Side yard on flanking street of corner lot.** 15 feet.

f. **Distances between buildings.**
   
i. An inner court providing access to double-row buildings shall be a minimum of twenty (20) feet.
   
   ii. The distance between principal buildings shall be at least one-half (1/2) of the sum of the height of both buildings; provided, however, that in no case shall the distance be less than twelve (12) feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.

 g. **Landscaping.** The landscaping requirements of Chapter 15.07 shall apply.

h. **Height limitation.** Three (3) stories, not exceeding forty (40) feet.
   
i. **Additional standards.** See Chapter 15.08, General and Supplementary Provisions, for requirements concerning accessory buildings and additional standards.

j. **Multi-family Transition Areas.** The requirements of Section 15.08.215 shall apply in any Multi-family Transition Area, which includes any portion of a multi-family district within 100 feet of a Single Family District or within 100 feet of a public street right-of-way.

k. **Multi-family Design Review.** The requirements of Section 15.09.047 shall apply to any multi-family dwelling of three (3) or more units.

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Section 5. Subsection E of K.C.C. 15.04.060 is amended to read as follows:

15.04.060 **HIGH DENSITY MULTI-FAMILY RESIDENTIAL - MR-H**

**Purpose.** It is the purpose of this district to provide for locations for high density residential districts suitable for urban living.

* * *
E. Development Standards

1. Single-family dwellings and duplexes. The development standards of Section 15.04.020 and Section 15.04.030 shall apply.

2. Multi-family dwelling units.
   a. Minimum lot. 8,500 square feet for the first two dwelling units; 900 square feet for each additional dwelling unit.
   b. Minimum lot width. 80 feet.
   c. Density. 40 dwelling units per acre.
   d. Maximum site coverage. 50 percent.
   e. Minimum yard requirements.
      i. Front yard. 20 feet.
      ii. Side yard. Each side yard shall be a minimum of ten (10) percent of the lot width; however, regardless of lot width, the yard width need not be more than thirty (30) feet.
      iii. Rear yard. 20 feet.
      iv. Side yard on flanking street of corner lot. 15 feet.
   f. Distances between buildings.
      i. An inner court providing access to double-row buildings shall be a minimum of twenty (20) feet.
      ii. The distance between principal buildings shall be at least one-half (1/2) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than twelve (12) feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.
   g. Landscaping. The landscaping requirements of Chapter 15.07 shall apply.
   h. Height limitation. Four (4) stories, not exceeding 50 feet.
   i. Additional standards. See Chapter 15.08, General and Supplementary Provisions, for requirements concerning accessory buildings and additional standards.
   j. Multi-family transition areas. The requirements of Section 15.08.215 shall apply in any Multi-family Transition Area, which includes any portion of a multi-family district within 100 feet of a Single-Family District or within 100 feet of a public street right-of-way.
   k. Multi-family Design Review. The requirements of Section 15.09.047 shall apply to any multi-family dwelling of three (3) or more units.

* * *
Section 6. Title 15 of the Kent City Code is amended to add a new Section, 15.09.047, to read as follows:

15.09.047 MULTI-FAMILY DESIGN REVIEW.

A. Purpose and Scope.

1. Multi-family Design Review is an administrative process, the purpose of which is to implement and give effect to the Comprehensive Plan, its policies or parts thereof, through the adoption of design criteria for multi-family development relative to site layout, landscape architecture and exterior structure design. It is the intent of the City that this process will serve to aid applicants in understanding the principal expectations of the City concerning multi-family design, and encourage a diversity of imaginative solutions to development through the Planning Department review and application of certain criteria. These criteria have been formulated to improve the design, siting and construction of multifamily development so as to be compatible, both visually and otherwise, with the topographic, open space, urban or suburban characteristics of the land or adjacent properties, while still maintaining allowable densities to be applied in a manner consistent with established land use policies, the comprehensive plan, zoning code and community development goals of the City.

2. The adoption of design criteria is an element of the City's regulation of land use, which is statutorily authorized. Application of the multi-family design process to the design criteria adopted herein is established as an administrative function delegated to the Planning Department pursuant to RCW 35A, therefore, in implementing the Multi-Family Design Review process, the Planning Director may adopt such rules and procedures as are necessary to provide for expeditious review of proposed projects. Further rules may be promulgated for additional administrative review.

3. All multi-family development of three (3) or more units will be subject to the provisions of this section unless the multi-family units are in a mixed use building where the housing units are not located on the ground floor. The multi-family design review process is distinct from the Administrative Design Review process set forth in Section 15.09.045, and applications for multifamily development may or may not be subject to the provisions of both sections. An applicant may request at time of application that review under both be completed.
simultaneously.

4. The development and landscape plan should be consistent with the applicable policies of the Comprehensive Plan. In the downtown area, the visual and urban design relationships between existing buildings, open spaces and proposed development should be maximized.

B. Application and Review Process. The Multi-family Design Review process is administrative and is conducted as part of the permit review process. The applicant must make application for the design review process on forms provided by the Planning Department. Upon receipt of an application for design review, the Planning Director shall circulate the application to the Public Works Director, Building Official, and the City Administrator for review. Prior to making a final decision, the Planning Director shall review any comments submitted for consideration. In the administration of this process, the Planning Director may develop supplementary handbooks for the public, which shall pictorially illustrate and provide additional guidance on the interpretation of the criteria set forth in subsection C below, as well as a detailed explanation of the design review process.

C. Design Review Criteria. The Planning Department shall use the following criteria in the evaluation and/or conditioning of applications under the multi-family design review process:

1. Site Design

a. The site plan for the development should be integrated with the surrounding neighborhood.

b. The site plan should take into consideration significant environmental considerations and the lay of the land.

c. The site plan should provide an open space network which will accommodate a wide variety of activities, both semi-public and private.

d. The site plan should accommodate vehicular access and parking in a manner which is convenient, yet does not allow the automobile to dominate the site.
e. The site plan should provide safe and convenient pedestrian circulation.

2. Landscape Design

a. The landscape plan should integrate with and enhance the surrounding neighborhood landscape.

b. The landscape plan should incorporate existing natural features of significance.

c. The landscape plan should enhance the planned open space network.

d. The landscape plan should enhance the parking and utility areas on the site.

e. The landscape plan should enhance building forms and orientation.

f. The landscape plan should indicate the use of plant species suited to the microclimate of the site and should provide for maintenance of these plants.

3. Building Design

a. The buildings in the development should, where appropriate, maintain neighborhood scale and density.

b. The buildings in the development should be oriented to provide for privacy of residents.

c. The exterior design of all buildings in the development should provide for individual unit identity.

D. Appeals. The decision of the Planning Director to condition or reject any application under the multi-family design review process is final unless an appeal is made to the Hearing Examiner within ten (10) days of either the issuance of the Director's conditional approval under this section of any application, or the Director's written decision rejecting any application under this section. Appeals to the Hearing Examiner
shall be as set forth in K.C.C. Chapter 2.54. The decision of the Hearing Examiner shall be final, unless an appeal is made to the City Council within ten days after the Hearing Examiner's decision. Said appeal shall be in writing to the City Council and filed with the City Clerk.

Section 7. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity 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 8. Effective Date. This ordinance shall take effect and be in force thirty days from and after its passage and approval by the Mayor.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, DEPUTY CITY CLERK
APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 3 day of December, 1991.

APPROVED the 1 day of December, 1991.

PUBLISHED the 6 day of December, 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.

(SEAL)
BRENDA JACOBER, DEPUTY CITY CLERK