Ordinance No. 3251
(Amending or Repealing Ordinances)

CFN=131 - Zoning Codes
Passed 11/21/1995
Amending Ch. 15.02 of the Zoning Code to include definition of "Accessory Dwelling Units" amending Ch 15.04 & adding a new Sec. 15.08.350
(new Secs. 15.02.004, 15.04.005)(amending 15.04.010; 15.04.020; 15.04.030; 15.04.040; 15.04.060; 15.04.115; 15.04.140; 15.04.150; 15.04.040; 15.08.350)

Amended by Ord. 3409 (Sec. 15.02.004)

Repealed by Ord. 3409 (Secs. 15.04.005, 15.04.010, 15.04.020, 15.04.030, 15.04.040, 15.04.060, 15.04.115, 15.04.140, 15.04.150; 15.05.040)

Amended by Ord. 3690 (Sec. 15.08.350)
Amended by Ord. 4011 (Sec. 15.05.040)
Amended by Ord. 4043 (Sec. 15.05.040)

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012
ORDINANCE NO. 3251

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 15.02 of the zoning code to include a definition of "Accessory Dwelling Units", amending Chapter 15.04 to allow accessory dwelling units in single family dwellings and amending Chapter 15.05 to establish parking requirements for accessory dwelling units and adding a new Section 15.08.350 to establish regulations for accessory dwelling units.

WHEREAS, the Washington Housing Policy Act (Senate Bill 5584) requires all cities of more than 20,000 people to allow accessory housing in single family zones; and

WHEREAS, the 1989 Report of the Mayor's Advisory Committee on Single Family Neighborhoods and the Growth Management Countywide Planning Policies adopted in June of 1992 mandated the City to remove regulatory barriers to accessory units; and

WHEREAS, pursuant to the Growth Management Act, the City of Kent included a Housing Element in its Comprehensive Plan which was adopted on April 18, 1995; and

WHEREAS, the Comprehensive Housing Element also requires that the City implement an accessory housing ordinance; and

WHEREAS, Policy H-2.1 of the Housing Element states that Kent will promote a wide range of housing to meet the needs of our diverse population and ensure that such housing is available throughout the community for people of all income levels and special needs; and
WHEREAS, pursuant to RCW 36.70A.120, the GMA requires that jurisdictions enact development regulations which are consistent with and implement the Comprehensive Plan); and

WHEREAS, accessory housing will increase the supply of affordable rental units through better use of the existing housing stock; and

WHEREAS, accessory housing will make home ownership more affordable because it will be easier to buy both new and existing homes with the help of an accessory apartment; and

WHEREAS, accessory housing will make it more comfortable for older people to retain their homes because an accessory apartment can provide them with added income, security, companionship, and the opportunity to trade rent reductions for needed services; and

WHEREAS, accessory housing will make it easier for single parents to meet mortgage payments and hold onto their homes in the wake of a divorce and, as a result, keep their children in the same neighborhood; and

WHEREAS, accessory housing will increase the opportunity for disabled persons to live independently because accessory units can provide them with both privacy and the proximity to needed support; NOW, THEREFORE,

Section 1. Chapter 15.02. is hereby amended by adding a new Section 15.02.004 as follows:
Sec. 15.02.004. Accessory Dwelling Unit.

An accessory dwelling unit (ADU) is a habitable dwelling unit added to, created within, or detached from and on the same lot with a single family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

Section 2. Section 15.04.005 is hereby amended by adding a new subsection 15.04.005(C)(f) as follows:

Sec. 15.04.005. Agricultural district, A-1.

The stated goal of the city is to preserve prime agricultural land in the Green River Valley as a nonrenewable resource. The agriculture zone shall actively encourage the concentration of agricultural uses in areas where incompatibility with urban uses will be minimal to aid in the implementation of those goals. Further, such classification of prime agricultural land thus recognizes and encourages farming activity as a viable sector of the local economy.

A. Principally permitted uses. Principally permitted uses are as follows:

1. Agricultural uses, including any customary agricultural building or structure, such as planting, cultivation and harvesting of crops, animal husbandry, nurseries and greenhouses and other agricultural occupations.

2. One (1) single-family dwelling per lot.

3. Group homes class I-A.

B. Special permit uses. The following uses are permitted provided that they conform to the development standards listed in section 15.08.020:

1. Churches.

2. Nursery schools and day care centers.
C. Accessory uses. Permitted accessory uses are as follows:

1. Guest cottages not rented or otherwise conducted as a business.
2. Accommodations for farm operators and employees, but not accommodations for transient labor.
3. Roadside stands not exceeding four hundred (400) square feet in floor area, and not over twenty (20) lineal feet on any side, primarily for the sale of agricultural products on the premises.
4. Customary incidental home occupations subject to the provisions of section 15.08.040.
5. Other accessory uses and buildings customarily appurtenant to a permitted use.
6. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of chapter 11.02 and do not accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.
7. Accessory dwelling units.

D. Conditional uses. Conditional uses are as follows:

1. General conditional uses as listed in section 15.08.030.
2. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup permit requirements of chapter 11.02 and which accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.
E. Development standards.

1. Minimum lot. Minimum lot area is one (1) acre.

2. Minimum lot width. Minimum lot width is one hundred (100) feet.

3. Maximum site coverage. Maximum site coverage is thirty (30) percent.

4. Minimum yard requirements.
   a. Front yard. Minimum front yard is twenty (20) feet.
   b. Side yard. Minimum side yard is fifteen (15) feet.
   c. Rear yard. Minimum rear yard is twenty (20) feet.
   d. Side yard on flanking street of corner lot. Minimum side yard on the flanking street of a corner lot is twenty (20) feet.

5. Height limitation. The height limitation is two and one-half (2 1/2) stories, not exceeding thirty-five (35) feet. The height limitations shall not apply to barns and silos provided that they are not located within fifty (50) feet of any lot line.

6. Additional standards.
   a. Structures for feeding, housing and care of animals, except household pets, shall be set back fifty (50) feet from any property line.
   b. See chapter 15.08, pertaining to general and supplementary provisions, for requirements concerning accessory buildings and additional standards.
   c. The following uses are prohibited:
      (1) The removal of topsoil for any purpose.
      (2) Grade and fill operations, provided that limited grade and fill may be approved as needed to construct buildings or structures as outlined in subsections 15.04.005 A., B., C. and D.
(3) All subsurface activities, including excavation for underground utilities, pipelines or other underground installations, that cause permanent disruption of the surface of the land. Temporarily disrupted soil surfaces shall be restored in a manner consistent with agricultural uses.

(4) Dumping or storage of nonagricultural solid or liquid waste, or of trash, rubbish or noxious materials.

(5) Activities that violate sound agricultural soil and water conservation management practices.

F. Signs. The sign regulations of chapter 15.06 shall apply.

G. Offstreet parking. The offstreet parking requirements of chapter 15.05 shall apply.

Section 3. Section 15.04.010 is hereby amended by adding a new subsection 15.04.010(C)(6) as follows:

Sec. 15.04.010. Residential agricultural district, RA.

The city has, through its RA and MA zones, the key to assuring efficient and attractive growth. It is essential that the city avoid excessive zoning far in advance of demand. Rezoning of RA and MA lands to more intensive use shall be predicated upon the documentation of the need for additional residential, commercial or industrial land in the city. This documentation shall consist of a fiscal impact analysis showing that the other lands already zoned and accessible to municipal services are not sufficient or suitable to accommodate demand for the proposed uses and that the market demand for the proposed development is sufficient to generate the revenues necessary to provide municipal services, including but not limited to police, fire, streets, water, drainage and sewer, required by the project.
A.  *Principally permitted uses.* Principally permitted uses are as follows:

1. Agricultural uses, including any customary agricultural building or structure, such as planting, cultivation and harvesting of crops, animal husbandry, nurseries and greenhouses and other agricultural occupations.
2. One (1) single-family dwelling per lot.
3. Group homes class I-A.

B.  *Special permit uses.* The following uses are permitted provided that they conform to the development standards listed in section 15.08.020:

1. Churches.
2. Nursery schools and day care centers.

C.  *Accessory uses.* Permitted accessory uses are as follows:

1. Guest cottages not rented or otherwise conducted as a business.
2. Accommodations for farm operators and employees, but not accommodations for transient labor.
3. Roadside stand not exceeding four hundred (400) square feet in floor area, and not over twenty (20) lineal feet on any side, primarily for the sale of agricultural products grown on the premises.
4. Customary incidental home occupations subject to the provisions of section 15.08.040.
5. Other accessory uses and buildings customarily appurtenant to a permitted use, except for onsite hazardous waste treatment and storage facilities, which are not permitted in residential zones.

6.  *Accessory dwelling units.*

D.  *Conditional uses.* Conditional uses are as follows: general conditional uses as listed in section 15.08.030.
E. Development standards.

1. Minimum lot. Minimum lot area is one (1) acre.

2. Minimum lot width. Minimum lot width is one hundred (100) feet.

3. Maximum site coverage. Maximum site coverage is thirty (30) percent.

4. Minimum yard requirements.
   a. Front yard. Minimum front yard is twenty (20) feet.
   b. Side yard. Minimum side yard is fifteen (15) feet.
   c. Rear yard. Minimum rear yard is twenty (20) feet.
   d. Side yard on flanking street of corner lot. Minimum side yard on the flanking street of a corner lot is twenty (20) feet.

5. Height limitation. The height limitation is two and one-half (2 1/2) stories, not exceeding thirty-five (35) feet.

6. Additional standards.
   a. Structures for feeding, housing and care of animals, except household pets, shall be set back fifty (50) feet from any property line.
   b. See chapter 15.08, pertaining to general and supplementary provisions, for requirements concerning accessory buildings and additional standards.

F. Signs. The sign regulations of chapter 15.06 shall apply.

G. Offstreet parking. The offstreet parking requirements of chapter 15.05 shall apply.

H. Development plan review. Development plan review is required when the property to be developed is classified as view property.
Section 4. Section 15.04.020 is hereby amended by adding a new subsection 15.04.020(F)(4) as follows:

Sec. 15.04.020. Single-family residential districts.

It is the purpose of the single-family residential districts to stabilize and preserve low density, single-family residential neighborhoods. It is further the purpose to provide a range of minimum lot sizes in order to promote diversity and recognize a variety of residential environments.

A. Districts established by lot area. The following single-family residential districts are established:

1. R1-20: Twenty thousand (20,000) square feet minimum lot area.
2. R1-12: Twelve thousand (12,000) square feet minimum lot area.
3. R1-9.6: Nine thousand six hundred (9,600) square feet minimum lot area.
4. R1-7.2: Seven thousand two hundred (7,200) square feet minimum lot area.
5. R1-5.0: Five thousand (5,000) square feet minimum lot area.

B. Minimum zoning area. Minimum zoning area for the R1-5.0 district is fifteen thousand (15,000) square feet (three (3) lots).

C. Maximum zoning area. Maximum zoning area for the R1-5.0 district is eight (8) acres.

D. Principally permitted uses. Principally permitted uses are as follows:

1. One (1) single-family dwelling per lot.
2. Crop and tree farming.
3. Group homes class I-A.
E. *Special permit uses.* The following uses are permitted provided they conform to the development standards listed in section 15.08.020:

1. Churches.
2. Nursery schools and day care centers.

F. *Accessory uses.* Permitted accessory uses are as follows:

1. Accessory uses and buildings customarily appurtenant to a permitted use, such as garages, carports and minor structures for storage of personal property.
2. Rooming and boarding of not more than three (3) persons.
3. Customary incidental home occupations subject to the provisions of section 15.08.040.

4. *Accessory dwelling units.*

G. *Conditional uses.* Conditional uses are as follows: General conditional uses as listed in section 15.08.030.

H. *Development standards.*

1. *Minimum lot.* Minimum lot area is as follows:
   a. R1-20: Twenty thousand (20,000) square feet.
   b. R1-12: Twelve thousand (12,000) square feet.
   c. R1-9.6: Nine thousand six hundred (9,600) square feet.
   d. R1-7.2: Seven thousand two hundred (7,200) square feet.
   e. R1-5.0: Five thousand (5,000) square feet.

2. *Minimum lot width.* Minimum lot width is as follows:
   a. R1-20: Seventy (70) feet.
   b. R1-12: Seventy (70) feet.
   c. R1-9.6: Seventy (70) feet.
   d. R1-7.2: Seventy (70) feet.
   e. R1-5.0: Fifty (50) feet.
3. **Maximum site coverage.** Maximum site coverage is as follows:
   a. R1-20: Thirty (30) percent.
   b. R1-12: Thirty (30) percent.
   c. R1-9.6: Thirty (30) percent.
   d. R1-7.2: Thirty (30) percent.
   e. R1-5.0: Forty (40) percent.

4. **Minimum yard requirements.**
   a. *Front yard.* Minimum front yard is twenty (20) feet.
   b. *Side yard.* Minimum side yard is five (5) feet.
   c. *Rear yard.* Minimum rear yard is eight (8) feet.
   d. *Side yard on flanking street of corner lot.* Minimum side yard on the flanking street of a corner lot is fifteen (15) feet.

5. **Height limitation.** Height limitations are as follows:
   a. R1-20: Two and one-half (2 1/2) stories, not exceeding thirty-five (35) feet.
   b. R1-12: Two and one-half (2 1/2) stories, not exceeding thirty-five (35) feet.
   c. R1-9.6: Two and one-half (2 1/2) stories, not exceeding thirty-five (35) feet.
   d. R1-7.2: Two and one-half (2 1/2) stories, not exceeding thirty-five (35) feet.
   e. R1-5.0: Two and one-half (2 1/2) stories, not exceeding thirty (30) feet.

6. **Interior yards.** Interior yards shall not be computed as part of the site coverage.
7. **Additional standards.** See chapter 15.08, pertaining to general and supplementary provisions, for requirements concerning accessory buildings and additional standards; provided that solar access setback requirements of sections 15.08.230 through 15.08.234 shall not apply to the R1-5.0 zone.

   I. **Signs.** The sign regulations of chapter 15.06 shall apply.

   J. **Offstreet parking.** The offstreet parking regulations of chapter 15.05 shall apply.

   K. **Development plan review.** Development plan review is required when the property to be developed is classified as view property.

Section 5. Section 15.04.030 is hereby amended by adding a new subsection 15.04.030(C)(4) as follows:

Sec. 15.04.030. **Duplex multifamily residential district, MR-D.**

It is the purpose of the MR-D district to provide for a limited increase in population density and allow for a greater variety of housing types by allowing duplex dwelling units.

A. **Principally permitted uses.** Principally permitted uses are as follows:

   1. One (1) single-family dwelling per lot.
   2. One (1) duplex per lot.
   3. Group homes class I-A and I-B.

B. **Special permit uses.** The following uses are permitted provided that they conform to the development standards listed in section 15.08.020:

   1. Churches.
   2. Nursery schools and day care centers.
C. **Accessory uses.** Permitted accessory uses are as follows:

1. Accessory uses and buildings customarily appurtenant to a permitted use, such as garages, carports and minor structures for storage of personal property.
2. Rooming and boarding of not more than three (3) persons.
3. Customary incidental home occupations subject to the provisions of section 15.08.040.

4. **Accessory dwelling units.**

D. **Conditional uses.** Conditional uses are as follows:

1. General conditional uses listed in section 15.08.030.
2. Group homes class I-C, II-A, II-B and II-C.

E. **Development standards.**

1. **Minimum lot.** Minimum lot area is as follows:
   a. Single-family dwellings: Seven thousand two hundred (7,200) square feet.
   b. Duplex (two-family dwelling unit): Eight thousand five hundred (8,500) square feet.

2. **Minimum lot width.** Minimum lot width is as follows:
   a. Single-family dwelling: Seventy (70) feet.
   b. Duplex: Eighty (80) feet.

3. **Maximum site coverage.** Maximum site coverage is as follows:
   b. Duplex: Forty (40) percent.

4. **Minimum yard requirements.**
   a. **Front yard.** Minimum front yard is twenty (20) feet.
   b. **Side yard.** Minimum side yard is five (5) feet.
   c. **Rear yard.** Minimum rear yard is eight (8) feet.
d. **Side yard on flanking street of corner lot.** Minimum side yard on the flanking street of a corner lot is fifteen (15) feet.

5. **Height limitation.** The height limitation is two and one-half (2 1/2) stories, not exceeding thirty-five (35) feet.

6. **Interior yards.** Interior yards shall not be computed as part of the site coverage.

7. **Additional standards.** See chapter 15.08, pertaining to general and supplementary provisions, for requirements concerning accessory buildings and additional standards.

F. **Signs.** The sign regulations of chapter 15.06 shall apply.

G. **Offstreet parking.** The offstreet parking requirements of chapter 15.05 shall apply.

H. **Development plan review.** Development plan review is required when the property to be developed is classified as view property.

**Section 6.** Section 15.04.040 is hereby amended by adding a new subsection 15.04.040(C)(5) as follows:

**Sec. 15.04.040. Garden density multifamily residential district, MR-G.**

It is the purpose of the MR-G district to provide locations for garden apartment densities suitable for suburban living.

A. **Principally permitted uses.** Principally permitted uses are as follows:

1. Single-family dwellings and two-family dwellings or duplexes.
2. Multiple-family dwellings, including apartments and townhouses.
3. Group homes class I-A and I-B.
4. Crop or tree farming.
B. **Special permit uses.** The following uses are permitted provided that they conform to the development standards listed in section 15.08.020:

1. Churches.
2. Nursery school and day care centers.

C. **Accessory uses.** Permitted accessory uses are as follows:

1. Accessory uses and buildings customarily appurtenant to a permitted use, such as garages, carports and minor structures for storage of personal property.
2. Rooming and boarding of not more than three (3) persons.
3. Customary incidental home occupations subject to the provisions of section 15.08.040.
4. Offices incidental and necessary to the conduct of a principally permitted use.

D. **Conditional uses.** Conditional uses are as follows:

1. General conditional uses as listed in section 15.08.030.
2. Group homes class I-C, II-A, II-B and II-C.

E. **Development standards.**

1. **Single-family dwellings and duplexes.** For single-family dwellings and duplexes, the development standards of section 15.04.020 and section 15.04.030 shall apply.

2. **Multifamily dwelling units.** The following shall apply to multifamily dwelling units:
   a. **Minimum lot.** Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and two thousand five hundred (2,500) square feet for each additional dwelling unit.
   b. **Minimum lot width.** Minimum lot width is eighty (80)
feet.

c. **Density.** Maximum density is sixteen (16) dwelling units per acre.

d. **Maximum site coverage.** Maximum site coverage is forty-five (45) percent.

e. **Minimum yard requirements.**

(1) **Front yard.** Minimum front yard is twenty (20) feet.

(2) **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.

(3) **Rear yard.** Minimum rear yard is twenty (20) feet.

(4) **Side yard on flanking street of corner lot.** Minimum side yard on the flanking street of a corner lot is fifteen (15) feet.

f. **Distances between buildings.**

(1) An inner court providing access to a double-row building shall be a minimum of twenty (20) feet.

(2) The distance between principal buildings shall be at least one-half 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.** The height limitation is three (3) stories, not exceeding forty (40) feet.

i. **Additional standards.** See chapter 15.08, pertaining to
general and supplementary provisions, for requirements concerning accessory buildings and additional standards.

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 one hundred (100) feet of a single-family district or within one hundred (100) feet of a public street right-of-way.

k. **Multifamily design review.** The requirements of section 15.09.047 shall apply to any multifamily dwelling of three (3) or more units.

F. **Signs.** The sign regulations of chapter 15.06 shall apply.

G. **Offstreet parking.**
   1. The offstreet parking requirements of chapter 15.05 shall apply.
   2. Offstreet parking may be located in required yards except for the front ten (10) feet abutting any public right-of-way, which must be landscaped. No offstreet parking is permitted in the required open green area.

H. **Development plan review.** Development plan review is required as provided in section 15.09.010.

Section 7. Section 15.04.060 is hereby amended by adding a new subsection 15.04.060(C)(5) as follows:

Sec. 15.04.060. High density multifamily residential district, MR-H.

It is the purpose of the MR-H district to provide for locations for high density residential districts suitable for urban living.

A. **Principally permitted uses.** Principally permitted uses are as follows:
   1. Single-family dwellings and two-family dwellings or duplexes.
   2. Multiple-family dwellings.
3. Group homes class I-A, I-B and I-C.

B. Special permit uses. The following uses are permitted provided that they conform to the development standards listed in section 15.08.020. (No uses presently listed.)

C. Accessory uses. Permitted accessory uses are as follows:
   1. Accessory uses and buildings customarily appurtenant to a permitted use, such as garages, carports or minor structures for storage of personal property.
   2. Rooming and boarding of not more than three (3) persons.
   3. Customary incidental home occupations subject to the provisions of section 15.08.040.
   4. Offices incidental and necessary to the conduct of a permitted use.

   5. Accessory dwelling units.

D. Conditional uses. Conditional uses are as follows:
   1. General conditional uses as listed in section 15.08.030.
   2. Group homes class II-A, II-B and II-C.

E. Development standards.
   1. Single-family dwellings and duplexes. For single-family dwellings and duplexes, the development standards of section 15.04.020 and section 15.04.030 shall apply.
   2. Multifamily dwelling units. The following shall apply to multifamily dwelling units:
      a. Minimum lot. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and nine hundred (900) square feet for each additional dwelling unit.
      b. Minimum lot width. Minimum lot width is eighty (80)
feet.

c. Density. Maximum density is forty (40) dwelling units per acre.

d. Maximum site coverage. Maximum site coverage is fifty (50) percent.

e. Minimum yard requirements.

(1) Front yard. Minimum front yard is twenty (20) feet.

(2) 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.

(3) Rear yard. Minimum rear yard is twenty (20) feet.

(4) Side yard on flanking street of corner lot. Minimum side yard on the flanking street of a corner lot is fifteen (15) feet.

f. Distances between buildings.

(1) An inner court providing access to a double-row building shall be a minimum of twenty (20) feet.

(2) The distance between principal buildings shall be at least one-half 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. The height limitation is four (4) stories, not exceeding fifty (50) feet.
i. *Additional standards.* See chapter 15.08, pertaining to general and supplementary provisions, for requirements concerning accessory buildings and additional standards.

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 one hundred (100) feet of a single-family district of within one hundred (100) feet of a public street right-of-way.

k. *Multifamily design review.* The requirements of section 15.09.047 shall apply to any multifamily dwelling of three (3) or more units.

F. *Signs.* The sign regulations of chapter 15.06 shall apply.

G. *Offstreet parking.*

1. The offstreet parking requirements of chapter 15.05 shall apply.

2. Offstreet parking may be located in required yards, except for the front ten (10) feet abutting any public right-of-way, which must be landscaped. No offstreet parking is permitted in the required open green area.

H. *Development plan review.* Development plan review is required as provided in section 15.09.010.

**Section 8.** Section 15.04.115 is hereby amended by adding a new section 15.04.115(C)(3) as follows:

**Sec. 15.04.115. Downtown commercial enterprise, DCE.**

The purpose of this district is to encourage and promote higher density development and a variety and mixture of compatible retail, commercial, residential, civic, recreational, and service activities in the downtown area, to enhance the pedestrian-oriented character of the downtown, and to implement the goals and policies of the downtown plan.
A. **Principally permitted uses.** Principally permitted uses are as follows:

1. Retail establishments, including convenience goods, department and variety stores, and specialty shops such as apparel and accessories, gift shops, toy shops, cards and paper goods, home and home accessory shops, antique shops, and book shops.

2. Personal services, such as barber and beauty shops, launderettes, and household repair shops.

3. Food-related shops, restaurants (including outdoor eating areas and excluding drive-through restaurants), taverns.

4. Professional and administrative offices, including medical/dental, legal, real estate, and financial services.

5. Business and technical schools, and schools and studios for photography, art, music, and dance.

6. Business service establishments, such as blueprinting, photocopying, and consulting services.

7. Multifamily residential uses, including housing for senior citizens.

8. Banks and financial institutions.


10. Drive-through businesses, excluding drive-through restaurants.

11. Performing and cultural arts facilities, including movie theaters.

12. Public facilities and uses, including regional and community facilities, such as libraries, government office buildings, and parks.

13. Existing dwellings may be rebuilt, repaired and otherwise changed for human occupancy. Accessory uses for existing dwellings may be constructed, such as garages, carports, storage sheds, and fences.

14. Preschools and daycare centers.
15. Group homes class 1-A, 1-B and 1-C.

16. Other uses designated by the planning director as consistent with the purpose of the DCE zoning district.

B. Special permit uses. Special permit use is as follows:
   1. Churches.

C. Accessory uses. Permitted accessory uses are as follows:
   1. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities, which must be enclosed, loading and unloading areas.
   2. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment and/or storage facilities, which are not subject to cleanup permit requirements of chapter 11.02 and which do not accumulate more than five thousand (5,000) pounds of hazardous substances or wastes or any combination thereof at any one time on site, subject to the provisions of section 15.08.050, except offsite hazardous waste treatment and/or storage facilities which are not permitted in this district.
   3. Day care facilities operated in conjunction with a permitted use.
   4. Accessory dwelling units.

D. Conditional uses. Conditional uses are as follows:
   1. Commercial parking lots and structures.
   2. Railway and bus depots, taxi stands.
   3. Drive-through restaurants, only if located in a building having at least two (2) stories.
   5. General conditional uses as listed in section 15.08.030.

E. Development standards. The development standards are as follows:
   1. Minimum lot. Five thousand (5,000) square feet.
2. **Maximum site coverage.** One hundred (100) percent.

3. **Setbacks.** No minimum setback is required. When a rear and/or side yard abuts a residential district, then a twenty-foot rear and/or side yard setback may be required. See the downtown design review criteria outlined in section 15.09.048.

4. **Height limitation.** No maximum height limit. See the downtown design review criteria outlined in section 15.09.048.

5. **Landscaping.** The landscaping requirements of chapter 15.07 shall apply.

   F. **Signs.** The sign requirements of chapter 15.06 shall apply.

   G. **Off-street parking.** The off-street parking requirements of chapter 15.05 shall apply.

   H. **Development plan review.** Development plan approval is required, as provided in section 15.09.010.

   I. **Downtown design review.** The downtown design review requirements of section 15.09.048 shall apply.

Section 9. Section 15.04.140 is hereby amended by adding a new subsection 15.04.140(C)(3) as follows:

Sec. 15.04.140. General commercial district, GC.

The purpose and intent of the general commercial district is to recognize the existence of commercial areas developed in strips along certain major thoroughfares; to provide use incentives and development standards which will encourage the redevelopment and upgrading of such areas; to provide for a range of trade, service, entertainment and recreation land uses which occur adjacent to major traffic arterials and residential uses; and to provide areas for development which are automobile oriented and designed for convenience, safety and
the reduction of the visual blight of uncontrolled advertising signs, traffic control devices and utility equipment.

A. *Principally permitted uses.* Principally permitted uses are as follows:

1. *Trade.*
   b. *Retail--General merchandise.*
      (1) Department stores.
      (2) Dry goods and general merchandise.
      (3) Electrical supplies.
      (4) Farm equipment.
      (5) Hardware.
      (6) Heating and plumbing equipment.
      (7) Lumberyards.
      (8) Mail order houses.
      (9) Merchandise vending machine operators.
      (10) Paint, glass and wallpaper.
      (11) Variety stores.
   c. *Retail--Food.*
      (1) Bakeries, with accessory manufacturing.
      (2) Candy, nut and confectionery, with accessory manufacturing.
      (3) Dairy products.
      (4) Fruits and vegetables.
      (5) Groceries.
      (6) Meat, fish and poultry.
   d. *Retail--Automotive, marine craft, aircraft and accessories.*
(1) Aircraft and accessories.

(2) Marine craft and accessories.

(3) Motor vehicles (new or used cars and recreation vehicles).

(4) Tires, batteries and accessories.

c. Retail--Apparel and accessories. New or used apparel and accessories.

def. Retail--Furniture, home furnishings and equipment. New or used and finished or unfinished furniture, home furnishings and equipment.

g. Retail--Eating and drinking establishments.

(1) Drinking establishments (taverns and cocktail lounges).

(2) Eating establishments (restaurants) without drive-in or drive-through facilities.

h. Retail--Other.

(1) Antiques.

(2) Bicycles.

(3) Books.

(4) Bottled gas.

(5) Cameras and photographic supplies.

(6) Cigars and cigarettes.

(7) Computers and software.

(8) Drug and proprietary items.

(9) Florists.

(10) Fuel and ice dealers.
(11) Fuel oil.
(12) Gifts, novelties and souvenirs.
(13) Hay, grains and feeds.
(14) Jewelry.
(15) Liquor.
(16) Newspapers and magazines.
(17) Optical goods.
(18) Pets and pet supplies.
(19) Secondhand merchandise.
(20) Sporting goods.
(21) Stationery.
(22) Videocassette sales and rentals.

2. **Services.**

a. **Finance, insurance and real estate services.**

(1) Banking and related services.
(2) Commodity brokers, dealers and related services.
(3) Housing and investment services.
(4) Insurance brokers, agents and related services.
(5) Insurance carriers.
(6) Real estate agents, brokers and related services.
(7) Real estate operators, lessors and management services.
(8) Real estate subdividing and developing services.
(9) Security brokers and dealers and related services.
(10) Title abstracting and insurance services.

b. **Personal services.**

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I. Services.

II. Adjustment and collection services.

I. (1) Beauty and barber services.
     (2) Diaper services.
     (3) Funeral and crematory services.
     (4) Laundering and dry cleaning (self-service).
     (5) Laundering, dry cleaning and dyeing services.
     (6) Linen supply and industrial laundry services.
     (7) Photographic services.
     (8) Pressing, alteration and garment repair.
     (9) Rug cleaning and repair services.
     (10) Shoe repair, shoe shining and hat cleaning services.

II. Business services.

   (1) Advertising services.
   (2) Automobile and truck rental.
   (3) Blueprinting and photocopying services.
   (4) Business and management consulting services.
   (5) Consumer and mercantile credit reporting services;
       adjustment and collection services.
   (6) Detective and protective services.
   (7) Disinfecting and exterminating services.
   (8) Employment services.
   (9) Equipment rental and leasing services.
   (10) Food lockers without food preparation facilities.
   (11) Motion picture distribution and services.
   (12) News syndicate services.
   (13) Other dwelling and business services.
mailing services.

(14) Outdoor advertising services.
(15) Photofinishing services.
(16) Research, development and testing services.
(17) Stenographic services and other duplicating and

(18) Trading stamp services.
(19) Window cleaning services.

d. 

Repair services.

(1) Armature rewinding services.
(2) Automobile repair services.
(3) Automobile wash services.
(4) Electrical repair services.
(5) Fleet vehicle maintenance.
(6) Radio and television repair services.
(7) Reupholstery and furniture repair services.
(8) Small engine repair.
(9) Truck repair.
(10) Watch, clock and jewelry repair services.

e. Professional services.

(1) Accounting, auditing and bookkeeping services.
(2) Educational and scientific research services.
(3) Engineering and architectural services.
(4) Hospital services.
(5) Legal services.
(6) Medical and dental laboratory services.
(7) Medical and dental services.
f. Contract construction services.
(1) Building construction, general contractor services.
(2) Carpentering and wood flooring.
(3) Concrete services.
(4) Electrical services.
(5) Masonry, stonework, tile setting and plastering services.
(6) Painting, paperhanging and decorating services.
(7) Plumbing, heating and air conditioning services.
(8) Roofing and sheetmetal services.
(9) Water well drilling services.

g. Educational services.
(1) Art and music schools.
(2) Barber and beauty schools.
(3) Business and stenographic schools.
(4) Correspondence schools.
(5) Dancing schools.
(6) Driving schools, auto.
(7) Driving schools, truck.
(8) Vocational or trade schools.

h. Miscellaneous services.
(1) Animal grooming parlors.
(2) Business associations and organizations.
(3) Civic, social and fraternal associations.
(4) Labor unions and similar labor organizations.
(5) Veterinary clinics and animal hospital services when located no closer than one hundred fifty (150) feet to any residential use, providing the animals are housed indoors, with no outside runs, and the building is soundproofed. Soundproofing must be designed by competent acoustical engineers.

(6) Welfare and charitable services.

3. Residential.

a. Lodgings:
   (1) Hotels.
   (2) Motels.

b. Existing dwellings may be rebuilt, repaired and otherwise changed for human occupancy. Accessory uses for existing dwellings may be constructed. Such uses are garages, carports, storage sheds and fences.

c. Transitional housing facilities, limited to a maximum of twenty (20) residents at any one (1) time and four (4) resident staff.


a. Cultural activities and nature exhibitions.
   (1) Art galleries.
   (2) Historic and monument sites.

b. Public assembly.
   (1) Amphitheaters.
   (2) Arenas and field houses.
   (3) Auditoriums.
   (4) Drive-in movies.
   (5) Exhibition halls.

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(6) Legitimate theaters (live).
(7) Motion picture theaters.
(8) Stadiums.

c. *Amusements and recreation.*
(1) Amusement parks.
(2) Athletic clubs.
(3) Bowling.
(4) Fairgrounds.
(5) Go-cart tracks.
(6) Golf driving ranges.
(7) Miniature golf.
(8) Skating (roller or ice).
(9) Tennis.
(10) Video arcades.

5. *Other uses.*

a. Other retail trade, service, or entertainment or recreational uses that are of the same general character as those listed in this subsection, which are deemed compatible with other permitted uses in this district and which operate in accordance with the stated purpose of this district.

b. Municipal uses and buildings, except for such uses and buildings subject to section 15.04.200.

B. *Special permit uses.* The following uses are permitted provided that they conform to the development standards listed in section 15.08.020:

1. Gasoline service stations.
2. Eating establishments (restaurants) with drive-in or drive-through facilities.
3. Nursery schools and day care centers.


C. **Accessory uses.** Permitted accessory uses are as follows:

1. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities.

2. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup requirements of chapter 11.02 and which do not accumulate more than ten thousand (10,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.

3. **Accessory dwelling units.**

D. **Conditional uses.** Conditional uses are as follows:

1. Printing and publishing establishments, and accessory uses and buildings customarily appurtenant to such use.


3. General conditional uses as listed in section 15.08.030, except for transitional housing with a maximum of twenty (20) residents and four (4) staff.


5. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup requirements of chapter 11.02 and which accumulate more than ten thousand (10,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site or which handle more than twenty thousand (20,000) pounds of hazardous substances and wastes on the site in any thirty-day period of time, subject to the provisions of section 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.

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7. Recreational vehicle parks.

E. **Development standards.**

   1. **Minimum lot.** Minimum lot area is ten thousand (10,000) square feet.

   2. **Maximum site coverage.** Maximum site coverage is forty (40) percent.

   3. **Front yard.** There shall be a front yard of at least twenty (20) feet in depth.

   4. **Side yard.** No side yard is required, except when a side yard abuts a residential district, and then a twenty-foot side yard shall be required.

   5. **Rear yard.** No rear yard is required, except when a rear yard abuts a residential district, and then a twenty-foot rear yard shall be required.

   6. **Height limitation.** The height limitation is two (2) stories or thirty-five (35) feet. However, the planning director shall be authorized to grant one (1) additional story in height if during development plan review it is found that this additional story would not detract from the continuity of the area. More than one (1) additional story may be granted by the planning commission.

   7. **Landscaping.** The landscaping requirements of chapter 15.07 shall apply.

   8. **Outdoor storage.** Outdoor storage areas shall be fenced for security and public safety by a sight-obscuring fence unless it is determined through the development plan review that a sight-obscuring fence is not necessary.

F. **Signs.** The sign regulations of chapter 15.06 shall apply.

G. **Offstreet parking.**

   1. The offstreet parking requirements of chapter 15.05 shall apply.
2. Offstreet parking may be located in required yards, except in areas required to be landscaped.

H. Development plan review. Development plan approval is required as provided in section 15.09.010.

Section 10. Section 15.04.150 is hereby amended by adding a new subsection 15.04.150(C)(9) as follows:

Sec. 15.04.150. Professional and office district, O.

It is the purpose of the O district to provide for areas appropriate for professional and administrative offices. It is intended that such districts shall buffer residential districts and the development standards are such that office uses should be compatible with residential districts.

A. Principally permitted uses. Principally permitted uses are as follows:

1. Medical and dental offices and medical and dental laboratory services.

2. Administrative and professional offices such as lawyers, engineers, real estate and accountants, financial offices such as banks and savings and loan institutions, insurance offices, auditing, bookkeeping, architectural and urban planning services, business and management consulting services and advertising services.

3. Veterinary clinics when located no closer than one hundred fifty (150) feet to any residential use, providing the animals are housed indoors, with no outside runs, and the building is soundproofed. Soundproofing must be designed by competent acoustical engineers.

4. Schools and studios for art, crafts, photography, music or dance; educational and scientific research; and research and development services.
5. Blueprinting and photocopying services.
6. Consumer and mercantile credit reporting services, and
adjustment and collecting services.
7. Detective and protective services.
8. Stenographic services and other duplicating and mailing services.
10. Employment services.
11. Group homes class I-A, I-B and I-C.
12. Any other use that is determined by the planning director to be of
the same general character as the uses permitted in subsections A.1. through 11. of this
section.
13. Municipal uses and buildings, except for such uses and buildings
subject to section 15.04.200.

Existing dwellings may be rebuilt, repaired and otherwise changed for
human occupancy. Accessory uses for existing dwellings may be constructed. Such uses are
garages, carports, storage sheds and fences.

B. Accessory uses. Permitted accessory uses are as follows:
1. Incidental sales and services, such as restaurants, pharmacies and
retail sales, to serve occupants and patrons of permitted uses, when conducted within the same
building, provided there is no exterior display or advertising.
2. For permitted uses, hazardous substance land uses, including
onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit
requirements of chapter 11.02 and which do not accumulate more than five thousand (5,000)
pounds of hazardous substances or wastes or any combination thereof at any one (1) time on
the site, subject to the provisions of section 15.08.050, except offsite hazardous waste
treatment or storage facilities, which are not permitted in this district.
3. **Accessory Dwelling Units**

C. **Conditional uses.** Conditional uses are as follows:

1. Multifamily residential use shall be permitted as a conditional use only when included within a mixed use development.

2. Mortuaries.

3. Beauty and barber services.

4. Tanning salons.

5. Nail manicuring services.

6. General conditional uses as listed in section 15.08.030.

7. Retail sales as follows:
   a. Retail sales are permitted as part of a planned development where at least fifty (50) percent of the total development is for office use.
   b. Drive-in restaurants, service stations, drive-in cleaning establishments and other similar retail establishments are not permitted.

8. Group homes class II-A, II-B, II-C and III.

D. **Special permit uses.** The following uses are permitted provided that they conform to the development standards listed in section 15.08.020:

1. Churches.

2. Nursery schools and day care centers.

E. **Development standards.**

1. *Minimum lot.* Minimum lot area is ten thousand (10,000) square feet.

2. *Maximum site coverage.* Maximum site coverage is thirty (30) percent.

3. *Front yard.* Minimum front yard setback is twenty-five (25) feet.
4. **Side yard.** No side yard is required, except abutting a residential district, and then the side yard shall be twenty (20) feet minimum.

5. **Rear yard.** No rear yard is required, except abutting a residential district, and then the rear yard shall be twenty (20) feet.

6. **Height limitation.** The height limitation is three (3) stories or forty (40) feet.

7. **Landscaping.** The landscaping requirements of chapter 15.07 shall apply.

F. **Signs.** The sign regulations of chapter 15.06 shall apply.

G. **Offstreet parking.** The offstreet parking requirements of chapter 15.05 shall apply.

H. **Development plan review.** Development plan approval is required as provided in section 15.09.010.

**Section 11.** Section 15.05.040 of the Kent City Code is hereby amended by adding a new subsection 15.05.040(A)(1)(f) as follows:

**Sec. 15.05.040. Parking standards for specific activities.**

f. **Accessory dwelling unit.**

One off-street parking space per accessory unit is required in addition to the required parking for the single family home. The Planning Director may waive this requirement where there are special circumstances related to the property and its location. The surface of a required ADU off-street parking space shall comply with Kent City Code §15.05.090(C).
Section 12. Chapter 15.08 of the Kent City Code is hereby amended to add a new subsection 15.08.350 as follows:

Sec. 15.08.350. Accessory dwelling unit regulations.

A. Intent. The City provides these accessory dwelling unit regulations for the following purposes:

1. To increase the supply of affordable rental units through better use of the existing housing stock, much of which is underutilized because the baby boom has been followed by an empty nester boom, because there are fewer children per family, because there are more single parent households, and because there are more one and two person elderly households.

2. To make homeownership more affordable because it will be easier to buy both new and existing homes with the help of an accessory apartment.

3. To make it more comfortable for older people to retain their homes because an accessory apartment can provide them with added income, security, companionship, and the opportunity to trade rent reductions for needed services.

4. To make it easier for single parents to meet mortgage payments and hold onto their homes in the wake of a divorce and, as a result, keep their children in the same neighborhood.

5. To increase the opportunity for disabled persons to live independently because accessory units can provide them with both privacy and the proximity to needed support.

6. To reduce the isolation of households that is a result of increased affluence in housing, and/or longer lifespans and periods of frailty, and/or suburban land use patterns that isolate people who cannot drive.

7. To make better use of existing public investment in streets,
transit, water, sewer, and other utilities.

B. **Standards and Criteria.**

1. One ADU per dwelling unit is allowed out-right within all R1, single family residential zones, and single family dwellings within the city.

2. An ADU may be established in a new or existing single family dwelling by creating the unit within or in addition to the dwelling, or as a detached unit from the principal dwelling.

3. The ADU, as well as the main dwelling unit, must meet all applicable setbacks, lot coverage, and building height requirements.

4. The design and size of an ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties involved in carrying out the provisions of this Ordinance, the building official may grant modifications for individual cases pursuant to Section 106 of the Uniform Building Code and as subsequently amended or recodified.

5. One of the dwelling units shall be owner occupied as the owner(s) principal residence for at least 6 months a year. No permit for an ADU will be issued until the owner files a covenant evidencing this use limitation against the property; this covenant must also be recorded in the records of the King County Auditor. This covenant shall be in a form acceptable to the City Attorney.

6. If both the ADU or the principal unit ceases to be owner occupied for more than 6 months, the ADU permit shall be deemed revoked and use of the unit as an ADU must cease immediately.

7. The size of an ADU contained within or attached to an existing single family structure shall be limited by the existing structure's applicable zoning requirements. An ADU incorporated in the construction of a new single family house shall be limited to 40% of the principal unit. The size of a detached ADU, for either new construction
or an existing home, shall be up to 800 square feet or 33% of the size of the principal unit, whichever is smaller. A legal guest cottage, as defined by Kent Zoning Code Section 15.02.174, existing prior to the adoption of this ordinance shall not be denied an accessory housing permit solely because it is larger than the maximum size stated in this criteria.

8. The owner or developer shall take every effort to avoid additional entrances or other visible changes on the street facade of the house which indicates the presence of an ADU.

9. A permit application must be completed and approved for all ADUs. The Planning Department shall determine the application requirements for an ADU permit.

10. ADUs existing prior to the adoption of the accessory housing ordinance may be found to be legal on the condition that the property owner applies for an ADU permit and complies with all required standards and provisions. Such property owners have a one year period from the date the accessory housing ordinance is adopted in which to apply for an ADU permit, after which time such property owners can be subject to fines and penalties established in this title.

11. Adjacent neighbors of an ADU applicant shall be notified of the ADU zoning permit application. This notification is informational only. The decision by the Planning Department to grant an ADU zoning permit is non-appealable by the neighbors of the permit holder.

Section 13. Severability. If any one or more sections, subsections or sentences of this Chapter are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.
Section 14. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER LUBOVICH, CITY ATTORNEY

PASSED 21 day of November, 1995.

APPROVED 22 day of November, 1995

PUBLISHED 26 day of November, 1995.

I hereby certify that this is a true and correct copy of Ordinance No. 3251, 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, CITY CLERK

adu.ord