Ordinance No. 3333

(Amending or Repealing Ordinances)

CFN=131 – Zoning Codes
Passed 1/21/1997
Amending Ch 15; establishing administrative variance procedures; expand the application of joint use of parking facilities; implement new transit and rideshare provisions; and increase the maximum allowable size of detached accessory dwelling units that can be converted from existing accessory buildings (add new Secs. 15.09.042;15.05.040) (Amend Sec. 15.08.350)

Repealed by Ord. 3409 (Sec. 15.05.040)
Amended by Ord. 3424;3600 (Sec. 15.09.042)
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. 3333

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 15 of the Kent City Code to establish administrative variance procedures; expand the application of joint use of parking facilities; implement new transit and rideshare provisions; and increase the maximum allowable size of detached accessory dwelling units that can be converted from existing accessory buildings.

WHEREAS, during the past few years, the City has made a commitment to streamline the permit process while at the same time still provide for a thorough and efficient review of permit applications; and

WHEREAS, the strict applications of some development standards and regulations may not always recognize unique site conditions, innovative designs, or provide the intended result of those standards or regulations; and

WHEREAS, the City Council finds that the establishment of administrative variances and procedures as well as the modification of certain other zoning code provisions would assist the City in achieving a more efficient and effective application of development standards and regulations; NOW, THEREFORE.

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

SECTION 1. There is hereby added a new section, Section 15.09.042, to Chapter 15 of the Kent City Code to read as follows:
Sec. 15.09.042 Administrative Variances

A. **Scope.** The Planning Director shall have the authority to grant an Administrative Variance for up to twenty-five (25) percent of the numerical zoning code standard for setbacks, lot coverage, and building height as provided in this title.

B. **Application.** The owner or his/her agent may make application for an Administrative Variance, which shall be on a form prescribed by the Planning Director and filed with the Planning Department. The Planning Director shall review applications for completeness, and a notice of completeness will be issued within ten (10) days of submittal. Those applications deemed incomplete shall be returned to the applicant for further action.

C. **Public Notice.** Public notice of the application pending review shall be mailed to the applicant and to property owners within three hundred (300) feet of the subject property, and other agencies with jurisdiction, within ten (10) days of the date of completeness. Comments from concerned parties will be accepted for an additional ten (10) days. Following the end of the comment period, the Planning Director shall have ten (10) days to approve, approve with conditions, or deny the application.

D. **Conditions for Granting an Administrative Variance.** The Planning Director may grant an Administrative Variance if it is shown that:

1. The Administrative Variance does not detract from the desired character and nature of the vicinity in which it is proposed;
2. The Administrative Variance enhances or protects the character of the neighborhood or vicinity by protecting natural features, historic sites, open space, or other resources;
3. The Administrative Variance does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning district it occupies; and
4. Granting the Administrative Variance does not constitute a threat to the public health, safety, and welfare within the city.
E. **Appeals.** Appeals of the Planning Director's decision may be submitted within ten (10) days of the date of the Director's decision by the applicant or any party of record. The City of Kent Hearing Examiner shall hold a public hearing to consider the appeal. The Planning Director may, under his own authority or at the request of the applicant, refer any application for an Administrative Variance to the Hearing Examiner for a public hearing.

F. **Fee.** The Fee for an Administrative Variance shall be $100.

**SECTION 2.** Section 15.05.040 of the Kent City Code entitled "Parking Standards For Specific Activities" is hereby amended by amending subsection (J) and by adding a new subsection, subsection (N) as follows:

**Sec. 15.05.040. Parking Standards For Specific Activities.**

Standards for the number of parking spaces for specific activities are as follows:

A. **Living activities.**

1. Dwellings:

   a. Single-family
      
      Two (2) parking spaces per single-family dwelling.

   b. Two-family
      
      Two (2) parking spaces per dwelling unit.

   c. Multifamily and apartment houses
      
      One (1) parking space per unit for efficiency apartments in all sized developments; two (2) parking spaces for each dwelling unit for developments with forty-nine (49) or less dwelling units; one and eight-tenths (1.8) parking spaces per dwelling unit for developments of fifty (50) or more dwelling units. For developments of fifty (50) or more dwelling units, one (1) parking space for each fifteen (15) dwelling units for recreation vehicles. Recreational vehicle parking spaces shall be in defined, fenced and screened areas with a minimum of a six-foot-high sight-obscuring fences or landscaping.
as determined by the planning department, or the developer may provide areas of usable open space equal to that area that would be required for recreational vehicle parking. A vehicle less than twenty (20) feet long that is used as primary transportation is not subject to recreational vehicle parking regulations. If open space in lieu of recreational vehicle parking is provided, its appropriateness will be determined at the time of development plan review by the planning department. Where enclosed garages are utilized to provide parking required by this title, an eighteen-foot stacking space shall be provided in front of such garage units. Provided, however, the planning director shall have the authority to approve alternative plans where the developer can assure that such garage units will continue to be available for parking purposes and will not cause on-site parking or circulation problems. These assurances including but are not limited to: (1) covenants that run with the land or homeowners association that require garages to be utilized for the storage of vehicles, (2) maintenance of drive aisle widths of twenty-six (26) feet in front of each garage unit, and (3) maintenance of minimum clearances for fire lanes on the site.

d. Multiple dwellings for low-income elderly
One (1) parking space for each four (4) dwelling units.

e. Exceptions for senior citizen apartments in multifamily and apartment houses in the central business district
Approved building plans must show one and eight-tenths (1.8) spaces per dwelling unit and also shall show which spaces are not to be initially installed. The additional spaces, plus any required landscaping, shall be installed if at any time the structure is not used for senior citizen apartments or if the facility shows a continued shortage of parking.
The requirement of one (1) space per dwelling unit may be reduced to no less than one (1) space for every two (2) dwelling units plus employee parking as determined by the planning director. The planning director shall base his decision on the following:

- Availability of private, convenient, regular transportation services to meet the needs of the tenants;
- Accessibility to and frequency of public transportation;
- Pedestrian access to health, medical and shopping facilities;
- Minimum age requirement to reside in subject apartments;
- Special support services offered by the facility.

Special parking for recreational vehicles will not be required as long as the facility does not permit recreational vehicles other than campers or vehicles that will fit into a normal-sized parking stall. If recreational vehicles are to be permitted on the development, they must be screened and fenced.

Compact stalls will not be permitted except for one-third of the required employee parking.

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 section 15.05.090 C.

2. **Boardinghouses and lodging houses**

One (1) parking space for the proprietor, plus one (1) space per sleeping room for boarders or lodging use, plus one (1) additional space for each four (4) persons employed on the premises.
3. Mobile homes
Two (2) parking spaces for each mobile home site, plus one (1) screened
space for each ten (10) lots for recreation vehicles.

4. Travel trailers
One (1) parking space for each trailer site.

5. Hotels
One (1) parking space for each guest room, plus two (2) parking spaces for
each three (3) employees.

B. Commercial activities.

1. Banks
One (1) parking space for each two hundred (200) square feet of gross floor
area, except when part of a shopping center.

2. Professional and business offices
One (1) parking space for each two hundred and fifty (250) square feet of
gross floor area, except when part of a shopping center.

3. Shopping centers
Four and one-half (4.5) spaces per one thousand (1,000) square feet of gross
leasable area (GLA) for centers having GLA of less than four hundred
thousand (400,000) square feet, and five (5.0) spaces per one thousand
(1,000) square feet of GLA for centers having a GLA of over four hundred
thousand (400,000) square feet.

4. Restaurants, nightclubs, taverns and lounges
One (1) parking space for each one hundred (100) square feet of gross floor
area, except when part of a shopping center.

5. Retail stores, supermarkets, department stores and personal service shops
One (1) parking space for each two hundred (200) square feet of gross floor
area, except when located in a shopping center.

6. Other retail establishments: furniture, appliance, hardware stores, household
equipment service shops, clothing or shoe repair shops
One (1) parking space for each five hundred (500) square feet of gross floor area, except when located in a shopping center.

7. Drive-in business
One (1) parking space for each one hundred (100) square feet of gross floor area, except when located in a shopping center.

8. Uncovered commercial area, new and used car lots, plant nursery
One (1) parking space for each five thousand (5,000) square feet of retail sales area in addition to any parking requirements for buildings, except when located in a shopping center.

9. Motor vehicle repair and services
One (1) parking space for each four hundred (400) square feet of gross floor area, except when part of a shopping center.

10. Industrial showroom and display
One (1) parking space for each five hundred (500) square feet of display area.

11. Bulk retail stores
One (1) parking space for each three hundred fifty (350) square feet of gross floor area.

C. Industrial activities.

1. Manufacturing, research and testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops
One (1) parking space for each one thousand (1,000) square feet of gross floor area. For parking requirements for associated office areas, see Professional and business offices.

2. Warehouses and storage buildings
One (1) parking space for each two thousand (2,000) square feet of gross
floor area. Maximum office area of two (2) percent of gross floor area may be included without additional parking requirements.

3. Speculative warehouse and industrial buildings with multiple use or tenant potential

One (1) parking space for each one thousand (1,000) square feet of gross floor area if building size is less than one hundred thousand (100,000) square feet, or one (1) parking space for each two thousand (2,000) square feet of gross floor area for buildings which exceed one hundred thousand (100,000) square feet gross of floor area. This is a minimum requirement and valid for construction permit purposes only. Final parking requirements will be based upon actual occupancy.

D. Recreation-amusement activities.

1. Auditoriums, theaters, places of public assembly, stadiums and outdoor sports areas

One (1) parking space for each four (4) fixed seats, or one (1) parking space for each one hundred (100) square feet of floor area of main auditorium or of principal place of assembly not containing fixed seats, whichever is greater.

2. Bowling alleys

Five (5) spaces for each alley, except when located in a shopping center.

3. Dance halls and skating rinks

One (1) parking space for each two hundred (200) square feet of gross floor area, except when located in a shopping center.

4. Golf driving ranges

One (1) parking space for each driving station.

5. Miniature golf courses

One (1) parking space for each hole.

6. Recreational buildings, whether independent or associated with a multifamily complex
One (1) parking space for each two hundred (200) square feet of gross floor area. Such spaces shall be located adjacent to the building and shall be designated for visitors by signing or other special markings.

E. Educational activities.

1. Senior high schools, public, parochial and private

   One (1) space for each employee plus one space for each ten (10) students enrolled. In addition, if buses for the transportation of children are kept at the school, one (1) off-street parking space shall be provided for each bus, of a size sufficient to park each bus.

   One (1) additional parking space for each one hundred (100) students shall be provided for visitors in the vicinity of or adjacent to the administration portion of the building or complex. Such parking spaces shall be so designated by signing or other special marking as approved by the traffic engineer.

2. Colleges and universities and business and vocational schools

   Two and one-half (2 1/2) parking spaces for each employee, plus one (1) space for each three (3) students residing on campus, plus one (1) space for each five-day student not residing on campus. In addition, if buses for transportation of students are kept at the school, one (1) off-street parking space shall be provided for each bus, of a size sufficient to park each bus.

   One (1) additional parking space for each one hundred (100) students shall be provided for visitors in the vicinity of or adjacent to the administration portion of the building or complex. Such parking spaces shall be so designated by signing or other special marking as approved by the traffic engineer.

3. Elementary and junior high

   Two and one-half (2 1/2) parking spaces for each employee. In addition, if buses for transportation of students are kept at the school, one (1) off-street
parking space shall be provided for each bus, of a size sufficient to park each bus.

One (1) additional parking space for each one hundred (100) students shall be provided for visitors in the vicinity of or adjacent to the administration portion of the building or complex. Such parking spaces shall be so designated by signing or other special marking as approved by the traffic engineer.

4. Libraries and museums
   One (1) parking space for each two hundred fifty (250) square feet in office and public use.

5. Nursery schools and day care centers
   One (1) parking space for each employee, plus loading and unloading areas.

F. Medical activities.
   1. Medical and dental offices
      One (1) parking space for each two hundred (200) square feet of gross floor area, except when located in a shopping center.

   2. Convalescent, nursing and health institutions
      One (1) parking space for each two (2) employees, plus one (1) parking space for each three (3) beds.

   3. Hospitals
      One (1) parking space for each three (3) beds, plus one (1) parking space for each staff doctor, plus one (1) parking space for each three (3) employees.

G. Religious activities.
   1. Churches
      One (1) space for each five (5) seats in the main auditorium, provided that the spaces for any church shall not be less than ten (10). For all existing churches enlarging the seating capacity of their auditoriums, one (1) additional parking space shall be provided for each five (5) additional seats provided by the new construction. For all existing churches making
structural alterations or additions which do not increase the seating capacity
of the auditorium, no additional parking need be provided.

2. Mortuaries or funeral homes

One (1) parking space for each one hundred (100) square feet of floor area
of assembly rooms.

H. Other uses. For uses not specifically identified in this section, the amount of
parking required shall be determined by the planning department, based on staff
experience, parking required for similar uses, and, if appropriate, documentation
provided by the applicant.

I. Mixed occupancies or mixed use if one occupancy. In the case of two (2) or more
uses in the same building, the total requirements for off-street parking facilities
shall be the sum of the requirements for the several uses computed separately,
except in shopping centers. Off-street parking facilities for one (1) use shall not be
considered as providing required parking facilities for any other use, except as
permitted in subsection J. of this section pertaining to joint use.

J. Joint use. The joint use of parking facilities may be authorized only for those uses
which have dissimilar peak hour parking demands or parking facilities in excess of
the requirements set out in this title. The following conditions must be fulfilled
before a joint use facility is allowed:

1. The facility must be located within a radius of five hundred (500) feet of the
buildings or use areas it is intended to serve;

2. Documentation of dissimilar peak hour parking demands must be provided
by the applicant; and

3. The subject property shall be legally encumbered by an easement or other
appropriate means which provides for continuous joint use of the parking
facilities. Documentation shall require review and approval of the city
attorney.
I. **Joint Use.** The minimum amount of off-street parking required by Section 15.05.040(A) may be reduced by the Planning Director when shared parking facilities for two or more uses are proposed if:

1. The total parking area exceeds 5,000 square feet;

2. The parking facilities are designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities if all facilities are connected with improved pedestrian facilities and located within five hundred (500) feet of the buildings or use areas they are intended to serve;

3. The amount of reduction in off-street parking does not exceed ten (10) percent per use unless it is documented that the peak parking demand hours of two or more uses are separated by at least one hour;

4. The subject properties are legally encumbered by an easement or other appropriate means which provides for continuous joint use of the parking facilities. Documentation shall require review and approval by the City Attorney; and

5. The total number of parking spaces in the shared parking facility is not less than the minimum required by any single use.

K. **Employee parking.** Where employee parking will be maintained separately and in addition to parking for the general public, the regulations of this subsection shall apply:

1. Minimum parking stall sizes, aisle widths and percentage of compact car stalls shall be as per other requirements in this chapter.

2. Employee parking must be clearly identified as such and not become parking for the general public.

3. If the employee parking is changed to parking for the general public, the normal regulations for off-street parking shall be in force.

4. Employee parking shall not be in lieu of parking requirements per activity as stated in this section.
L. **Temporary parking facilities.** Temporary parking facilities may be permitted by the planning director when it has been shown that:

1. The existing use of the subject property has adequate legal nonconforming parking or that existing parking conforms to the applicable standards of this title.

2. The temporary parking facility is primarily intended to serve the public at large and not the existing use on the property.

3. The temporary parking facility serves a public need.

4. The temporary facility meets the following minimum standards:
   
a. There shall be a minimum of two hundred eighty-five (285) square feet gross area per stall.

b. The pavement section shall be a minimum of four (4) inches of five-eighths-inch minus C.R. crushed rock with bituminous surface treatment, subject to engineering department review.

c. Onsite drainage control and detention shall be provided per the drainage ordinance.

d. Ingress and egress and interior circulation and perimeter control shall be subject to traffic engineer approval.

M. **Compact car parking.**

1. Parking stall size shall be a minimum of eight (8) feet by seventeen (17) feet. Aisle width shall be per the requirements of section 15.05.080 and diagram no. 1 following this chapter.

2. Compact car parking spaces shall be clearly identified by signing or other marking as approved by the city engineer.

3. Compact car parking spaces shall not exceed thirty (30) percent of the total required parking, and shall be interspersed equally throughout the entire parking area.

4. See section 15.05.080 and diagram no. 2 following this chapter for typical compact car stall arrangements.
5. No more than four (4) compact car parking stalls shall be placed side-by-side, or eight (8) head-to-head.

N. Transit and Rideshare Provisions.

1. The Planning Director may reduce the minimum number of off-street parking stalls for businesses which have a Commute Trip Reduction program filed with the City. Based upon a review of this program and input from other staff members, a reduction of up to twenty (20) percent of the minimum standard may be approved. Any reduction in the amount of required parking is only valid for as long as the approved CTR program is in effect. An invalidated program or a change in use or operations would result in the application of the underlying standards per Section 15.05.040(A) of the zoning code.

2. The Planning Director may reduce the number of required off-street parking stalls for businesses which do not have a Commute Trip Reduction program by one (1) stall for every two (2) car pool stalls, and/or one (1) stall for every one (1) van pool stall if:

   (a) Reserved rideshare parking is located convenient to the primary employee entrance;

   (b) Reserved areas are clearly marked by signs for use by approved and qualified rideshare vehicles;

   (c) The use of reserved areas for rideshare parking is actively enforced by the employer; and

   (d) The total reduction in the number of parking stalls does not exceed ten (10) percent of the required stalls.

SECTION 3. Section 15.08.350 of the Kent City Code entitled "Accessory Dwelling Unit Regulations" is hereby amended by amending subsection (B)7 to read 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 under-utilized 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 home ownership 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 life spans 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 (1) 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 section, 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 (1) of the dwelling units shall be owner occupied as the owner(s) principal residence for at least six (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 six (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 forty (40) percent of the principal unit. The size of a detached ADU, for either new construction or an existing home, shall be up to eight hundred (800) square feet or thirty-three (33) percent 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 November 21, 1995, the adoption of this section shall not be denied an
accessory housing permit solely because it is larger than the maximum size stated in this criteria. Any legally constructed accessory building, existing prior to November 21, 1995, may be converted to an accessory dwelling unit provided the structure does not exceed fifty (50) percent of the size of the principal unit.

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 nonappealable by the neighbors of the permit holder.

SECTION 4. - Severability. If any one or more sections, subsections, or sentences of this Ordinance 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 5. - 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.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY


I hereby certify that this is a true copy of Ordinance No. 3333, 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