Ordinance No. 3345

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Secs. 15.04.100, 15.04.140, 15.04.150 & 15.09.049 Repealed by Ord. 3409
Sec. 15.09.050 Amended by Ord. 3424;
Sec. 15.09.050 Amended by Ord. 3470;
AN ORDINANCE of the City Council of the City of Kent, Washington, amending the Zoning Code to allow mixed use development in certain commercial zoning districts; to establish a design review process and amendment procedure for the new mixed use districts; and to provide new definitions of "floor-area ratio" and "mixed use development."

WHEREAS, on April 18, 1995, the Kent City Council adopted Ordinance No. 3222, relating to the Kent Comprehensive Plan, which was prepared pursuant to the Washington State Growth Management Act; and

WHEREAS, the Land Use Plan Map in the Comprehensive Plan identified certain areas within the City as being appropriate for mixed use development, meaning areas where commercial and residential uses would be developed together, and that the Land Use Element of the plan contained several goals and policies which support mixed use development, and the establishment of mixed use activity centers; and

WHEREAS, the Growth Management Act requires that the City's development regulations be consistent with and implement the goals and policies in the Comprehensive Plan; and

WHEREAS, in order to implement the policies in the plan with regard to mixed use development, Planning Department staff prepared a proposed list of zoning amendments which would amend the zoning map and the permitted uses and development standards for the General Commercial (GC), Community Commercial (CC), and Office (O)
zoning districts, and that these proposals were discussed in several workshops with the Land Use and Planning Board; and

WHEREAS, the Kent Land Use & Planning Board reviewed the City of Kent's Comprehensive Plan Policies and conducted a public hearing on the adoption of mixed use overlay zones in certain commercial districts on October 28, 1996; and

WHEREAS, the recommendation of the Kent Land Use & Planning Board was presented to the City Council on November 25, 1996; and

WHEREAS, the City Council directed the Kent Planning Committee to consider the recommendations of the Land Use & Planning Board; and

WHEREAS, the Kent Planning Committee considered the recommendations of the Kent Land Use and Planning Board at their meetings of February 4, February 18, and March 18, 1997; and

WHEREAS, the Kent Planning Committee has recommended adopting Zoning Code amendments to the GC, CC, and O Zoning Districts, thereby establishing mixed use overlay zones in those districts, establishing a design review process and amendment procedure, and adopting new definitions of "floor-area ratio" and "mixed use development"; and

WHEREAS, the Kent City Council considered the recommendation of the Planning Committee, and voted to adopt the recommended amendments on April 1, 1997; and

WHEREAS, the Washington State Environmental Policy Act (SEPA) requires that amendments to development regulations be reviewed as to their potential
environmental impact, and that on October 22, 1996, the City of Kent issued an Addendum to the Environmental Impact Statement which was prepared for the Kent Comprehensive Plan, and that this Addendum analyzed the zoning amendments later adopted by the City Council on April 1, 1997; NOW THEREFORE,

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

SECTION 1. A new Section 15.02.147 is added to Chapter 15.02, amending the Kent Zoning Code as follows:

Sec. 15.02.147. Floor-Area Ratio. Floor-area ratio is a measure of development intensity which is determined by dividing gross floor area by lot area.

SECTION 2. Section 15.02.260 is amended as follows:

Sec. 15.02.260. Mixed use development.

Mixed use development shall mean two (2) or more permitted uses or conditional uses developed in conjunction with one another on the same site. Provided that the aforementioned requirements are met, a mixed use development may include two (2) or more separate buildings. Provided further that, at least twenty-five (25%) percent of the gross floor area, as defined in Kent City Code 15.02.170 be a permitted commercial use. The residential component of any mixed use development cannot be permitted or occupied prior to the (permitting and/or occupancy of) the commercial component.

SECTION 3. Section 15.04.100 of the Kent City Code is hereby amended as follows:

Sec. 15.04.100. Community commercial district, CC.

The purpose of the CC district is to provide areas for limited commercial activities that serve several residential neighborhoods. This district shall only apply to such commercial districts as designated in the city comprehensive plan. It is also the purpose
of this district to provide opportunities for mixed use development within the designated mixed use overlay boundary, as designated by the comprehensive plan.

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

1. Retail establishments selling primarily new merchandise, including convenience goods and shopping goods such as soft lines (clothing, shoes) and hard lines (hardware, furniture, paint, appliances).
2. Personal services such as barbershops and beauty shops, launderettes, dry cleaning establishments, television and radio repair and shoe repair.
3. Restaurants (excluding drive-in restaurants) and taverns.
4. 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.
5. Branches of financial institutions.
6. Carwashes.
7. Nurseries and greenhouses.
8. Commercial recreational facilities including theaters, bowling alleys, skating rinks and miniature golf.
10. Group homes class I-A, I-B and I-C.
11. 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 10. of this section and that is in accordance with the stated purpose of the district.
12. 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. **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. Drive-in restaurants.
3. Churches.
4. 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, loading and unloading areas.

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.

D. **Conditionally permitted uses.** Conditionally permitted uses are as follows:

1. General conditional uses as listed in section 15.08.030.
2. Multifamily residential use shall be permitted as conditional use only when included within a mixed use development.

3. Auto repair facilities.

4. Miniwarehouses, provided that the following development standards shall apply for miniwarehouses, superseding those set out in subsection 15.04.100 E.:
   a. **Frontage use.** The first one hundred fifty (150) feet of lot depth, measured from the property line or right-of-way
inward from the street frontage, shall be reserved for principally permitted uses for this district, defined by the provisions of subsection 15.04.100 A.1., or for the office or onsite manager's unit, signage, parking and access. A maximum of twenty-five (25) percent of the frontage may be used for access to the storage unit area, provided that in no case shall the access area exceed seventy-five (75) feet in width. No storage units or structures shall be permitted within this one hundred fifty (150) feet of commercial frontage depth.

b. Lot size. Minimum lot size is one (1) acre; maximum lot size is four (4) acres.

c. Site coverage. Site coverage shall be in accordance with the underlying zoning district requirements.

d. Setbacks. Setbacks shall be as follows:

1. Front yard: Twenty (20) feet.
2. Side yard: Ten (10) feet.
3. Rear yard: Ten (10) feet.

e. Height limitation. The height limitation is one (1) story.

f. Outdoor storage. No outdoor storage is permitted.

g. Signs. The sign requirements of chapter 15.06 shall apply.

h. Off-street parking.

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

i. Development plan review. Development plan approval is required as provided in section 15.09.010.
j. **Landscaping.** Landscaping requirements are as follows:

1. Front yard: Twenty (20) feet, type III (earth berms).
2. Side yard: Ten (10) feet, type II abutting commercial uses or districts; type I abutting residential uses or districts.
3. Rear yard: Ten (10) feet, type II abutting commercial uses or districts; type I abutting residential uses or districts.

For maintenance purposes, underground irrigation systems shall be provided for all landscaped areas.

k. **Onsite manager.** A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of the approval. The planning department shall establish requirements for parking and loading areas sufficient to accommodate the needs of the resident manager and the customers of the facility.

l. **Drive aisles.** Drive aisle width and parking requirements are as follows:

1. Fifteen-foot drive aisle and ten-foot parking aisle.
2. Parking for manager's quarters and visitor parking.

m. **Building lengths.** The horizontal dimension of any structure facing the perimeter of the site shall be offset at intervals not to exceed one hundred (100) feet. The offset shall be no less than twenty (20) feet in the horizontal dimension, with a minimum depth of five (5) feet.

n. **Building materials.** If abutting a residential use or zone, residential design elements such as brick veneer, wood siding, pitched roofs with shingles, landscaping and fencing
shall be used. No uncomplimentary building colors should be used when abutting a residential use or zone.

o. **Prohibited uses.** Use is restricted to dead storage only. The following are specifically prohibited:

1. Auctions (other than tenant lien sales), commercial, wholesale or retail sales, or garage sales.

2. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.

3. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment.

4. The establishment of a transfer and storage business.

5. Any use that is noxious or offensive because of odor, dust, noise, fumes or vibration.

6. Storage of hazardous or toxic materials and chemicals or explosive substances.

p. **Fencing.** No razor wire is allowed on top of fences.

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

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 fifteen (15) feet in depth.

4. **Side yard.** No side yard is required, except when abutting a more restrictive district, and then the side yard shall be not less than twenty (20) feet in width.
5. Rear yard. There shall be a rear yard of at least twenty (20) feet in depth.

6. Height limitation. The height limitation is three (3) stories or forty (40) 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 are prohibited.

F. Mixed use overlay. Along with the uses permitted in the previous sections, the following uses and development standards shall apply in the mixed use overlay within the Community Commercial district as depicted on the Kent Zoning Map.

1. Use: Multi-family residential uses are allowed only when included within a mixed use development.

2. Developmental standards:
   a. Floor-area ratio (FAR):
      (1) .40 for commercial uses.
      (2) .50 for commercial uses combined with residential uses; provided that, commercial floor area may be increased by one square foot for each square foot of residential floor area provided up to a maximum commercial FAR of .5.
      (3) 1.0 for residential uses, provided that, residential FAR may be increased by .5 if parking is provided below grade, up to a maximum of 1.5.

9
b. Site coverage:
   (1) forty (40) percent for commercial uses.
   (2) sixty (60) percent for commercial uses with residential uses, provided that twenty-five (25) percent of the gross floor area is residential use.

c. Height: building heights restricted as follows:
   (1) twenty-five (25) feet, provided that basic heights may be increased up to the maximum height of forty (40) feet, according to the following formula:
      i. five (5) foot increases for developments containing residential uses, provided that twenty-five (25) percent of gross floor area is in residential use.
      ii. five (5) foot increases for parking under the building.
      iii. five (5) foot increases for using a pitched roof form.
      iv. five (5) foot increase for stepping back from the top floor (minimum of five feet).

d. Setbacks: setback requirements are as follows:
   (1) front: zero (0) feet; provided that some setback may be required in the front yard to accommodate a sidewalk which shall be at least ten (10) feet in width.
   (2) rear and side: zero (0) feet; provided that setbacks of at least twenty (20) feet will be required in any rear or side yards that are adjacent to a residential zoning district.
e. Off-street parking: Off-street parking requirements are as follows:

(1) Retail/office uses: four (4) spaces per thousand (1,000) square feet of floor area; provided that, the first three hundred (300) square feet of retail or office space that is a part of an individual residential unit is exempt.

(2) Residential uses as follows:

i. Studio: .75 per dwelling unit (du) without commercial uses; .50/du with commercial uses, provided that twenty-five (25) percent of overall gross floor area is in commercial uses.

ii. One bedroom: 1.5/du without commercial uses; 1.0/du with commercial uses, provided that twenty-five (25) percent of overall gross floor area is in commercial uses.

iii. Two bedroom: 2.0/du without commercial uses; 1.25/du with commercial uses, provided that twenty-five (25) percent of overall gross floor area is in commercial uses.

f-g. Signs. The sign requirements of chapter 15.06 shall apply.

g-h. Off-street parking.

1. The off-street parking requirements of chapter 15.05 shall apply.

2. Off-street parking may be located in required yards, except in areas required to be landscaped.

h-i. Development plan review. Development plan approval is required as provided in section 15.09.010.
I. Mixed use overlay design review. Design review for mixed uses is required as provided in Section 15.09.049.

SECTION 4. Section 15.04.140 of the Kent City Code is hereby amended to read 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. It is also the purpose of this district to provide opportunities for mixed use development within the designated mixed use overlay boundary, as designated by the comprehensive plan.

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.

e. *Retail--Apparel and accessories.* New or used apparel and accessories.

f. *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.
(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.

c. 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.
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.
(8) Medical clinic, outpatient services.
(9) Sanitarium, convalescent and rest home services.
(10) Urban planning 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.


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.

4. *Cultural, entertainment and recreational.*

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.
   (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.


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. Mixed use overlay. Along with the uses permitted in the previous sections, the following uses and development standards shall apply in the mixed use overlay within the general commercial district as depicted on the Kent Zoning Map.
1. Use: Multi-family residential uses are permitted.

2. Development standards:
   a. **Floor-area ratio (FAR):**
      (1) .40 for commercial uses.
      (2) .50 for commercial uses combined with residential uses; provided that commercial floor area may be increased by one square foot for each square foot of residential floor area provided up to a maximum commercial FAR of .5.
      (3) 1.0 for residential uses, provided that, residential FAR may be increased by .5 if parking is provided below grade, up to a maximum of 1.5.
   b. **Site coverage**
      (1) forty (40) percent for commercial uses.
      (2) seventy-five (75) percent for commercial uses with residential uses, provided that twenty-five (25) percent of gross floor area is residential use.
   c. **Height.** Building heights restricted as follows:
      (1) twenty-five (25) feet, provided that basic heights may be increased up to the maximum height of fifty (50) feet, according to the following formula:
         i. five foot increases for developments containing residential uses, provided that twenty-five (25) percent of gross floor area is in residential use.
         ii. five foot increases for parking under the building.
         iii. five foot increases for using a pitched roof form.
iv. five foot increase for stepping back from the top floor (minimum of five feet).

d. Setbacks. Setback requirements are as follows:

(1) Front: zero (0) feet; provided that some setback may be required in the front yard to accommodate a sidewalk which shall be at least ten (10) feet in width.

(2) Rear and side: zero (0) feet; provided that setbacks of at least twenty (20) feet will be required in any rear or side yards that are adjacent to a residential zoning district.

e. Off-street parking. Off-street parking requirements are as follows:

(1) Retail/Office uses: 3.5 space per thousand (1,000) square feet of floor area; provided that the first three hundred (300) square feet of retail or office space that is a part of an individual residential unit is exempt.

(2) Residential uses as follows:

i. studio: .75 per dwelling unit (du) without commercial uses; .50/du with commercial uses, provided that twenty-five (25) percent of overall gross floor area is in commercial uses.

ii. one bedroom: 1.5/du without commercial uses; 1.0/du with commercial uses, provided that twenty-five (25) percent of overall gross floor area is in commercial uses.

iii. two bedroom: 2.0/du without commercial
uses: 1.25/du with commercial uses, provided that twenty-five (25) percent of overall gross floor area is in commercial uses.

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

G-H. Off-street parking.

1. The off-street 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-L. Development plan review. Development plan approval is required as provided in section 15.09.010.

I. Mixed use overlay design review. Design review for mixed uses is required as provided in Section 15.09.049.

SECTION 5. Section 15.04.150 of the Kent City Code is hereby amended to read 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. It is also the purpose of this district to provide opportunities for mixed use development within the designated mixed use overlay, as designated by the comprehensive plan.

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. **Mixed use overlay.** Along with the uses permitted in the previous sections, the following uses and development standards shall apply in the mixed use overlay within the Office district as depicted on the Kent Zoning Map.

1. **Use:** Multi-family residential uses are allowed only when included within a mixed use development.
2. **Developmental standards:**
   a. **Floor-area ratio (FAR):**
      (1) .40 for commercial uses.
      (2) .50 for commercial uses combined with residential uses; provided that, commercial floor area may be increased by one square foot for each square foot of
residential floor area provided up to a maximum commercial FAR of .5.

(3) 1.0 for residential uses, provided that, residential FAR may be increased by .5 if parking is provided below grade, up to a maximum of 1.5.

b. Site coverage:

(1) forty (40) percent for commercial uses.

(2) sixty (60) percent for commercial uses with residential uses, provided that twenty-five (25) percent of the gross floor area is residential use.

c. Height: building heights restricted as follows:

(1) twenty-five (25) feet, provided that basic heights may be increased up to the maximum height of forty (40) feet, according to the following formula:

i. five (5) foot increases for developments containing residential uses, provided that twenty-five (25) percent of gross floor area is in residential use.

ii. five (5) foot increases for parking under the building.

iii. five (5) foot increases for using a pitched roof form.

iv. five (5) foot increase for stepping back from the top floor (minimum of five feet).

d. Setbacks: setback requirements are as follows:

(1) front; zero (0) feet; provided that some setback may be required in the front yard to accommodate a sidewalk which shall be at least ten (10) feet in width.
(2) rear and side: zero (0) feet; provided that setbacks of at least twenty (20) feet will be required in any rear or side yards that are adjacent to a residential zoning district.

c. Off-street parking: off-street parking requirements are as follows:

(1) Retail/office uses: four (4) spaces per thousand (1,000) square feet of floor area; provided that, the first three hundred (300) square feet of retail or office space that is a part of an individual residential unit is exempt.

(2) Residential uses as follows:

i. studio: .75 per dwelling unit (du) without commercial uses; .50/du with commercial uses, provided that twenty-five (25) percent of overall gross floor area is in commercial uses.

ii. one bedroom: 1.5/du without commercial uses; 1.0/du with commercial uses, provided that twenty-five (25) percent of overall gross floor area is in commercial uses.

iii. two bedroom: 2.0/du without commercial uses; 1.25/du with commercial uses, provided that twenty-five (25) percent of overall gross floor area is in commercial uses.

f-G. Signs. The sign requirements of chapter 15.06 shall apply.

G-H. Off-street parking.

1. The off-street parking requirements of chapter 15.05 shall apply.
2. Off-street parking may be located in required yards, except in areas required to be landscaped.

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

I. Mixed use overlay design review. Design review for mixed uses is required as provided in Section 15.09.049.

SECTION 6. A new Section 15.09.049 is added to Chapter 15.09, amending the Kent Zoning Code as follows:

Sec. 15.09.049. Mixed use design review.

A. Purpose and scope.

1. Mixed use design review is an administrative process, the purpose of which is to implement and give effect to the goals and policies of the comprehensive plan, through the adoption of design criteria for mixed use development relative to site layout, landscape architecture and exterior structure design. Design review shall apply to mixed use or multi-family residential developments located within the mixed use overlay as shown on the zoning map. It is the intent of the city that this process will serve to aid applicants in understanding the principal expectations of the city concerning mixed use 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 mixed use 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, this title, and community development goals of the city.

2. The adoption of design criteria is an element to the city's regulation of land use, which is statutorily authorized. Application of the mixed use design process to the design criteria adopted in this section is established as an administrative function delegated to the planning department pursuant to RCW Title 35A. Therefore, in implementing the mixed use 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 mixed use or multi-family development of three (3) or more units will be subject to the provisions of this section unless the mixed use units are in a mixed use building where the housing units are not located on the ground floor. The mixed use design review process is distinct from the administrative design review process set forth in section 15.09.045, and applications for mixed use 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 mixed use overlay design review process is distinct from the multi-family design review process set forth in Section 15.09.047. However, applications for mixed use development or multi-family development within the mixed use overlay shall be subject to the provisions of Section 15.09.047. In addition, the provisions of this section shall prevail where a conflict may arise between the two (2) sections.

B. Application and review process. The mixed use 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. of this section, 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 mixed use design review process:

1. The following criteria should apply to all mixed use development:
   a. Some common recreation space - roofs, terraces, indoor rooms, courtyards.
   b. Lighting features that are shielded, directing light downwards.
   c. The residential portion of the building should incorporate residential details, such as window trim, trellises, balconies, and bay windows.
   d. The residential component should have an obvious, generous entrance, within features suggesting a "front door", for example a lobby, trellis, gate, archway, or courtyard.

2. The following criteria shall apply to mixed use development:
   a. If the residential component is located away from the main street, a landscaped pedestrian path should be provided between the entrance and the public sidewalk.

32
b. Although the commercial and residential components may have different architectural expressions, they should exhibit a number of elements that produce the effect of an integrated development.

c. Surface parking should be generously landscaped to serve as an amenity. Lighting fixtures should not exceed the height of the first floor.

3. The following criteria shall apply to mixed use buildings.

a. Parking lots, if used, should be divided into small increments, separated by landscaping and structures, so that parking does not dominate the site.

b. Ground-level commercial space should be articulated by use of different materials, generous windows with low sill heights, "store" doors, canopies, and planters.

c. Residential floors should be expressed in an obvious manner, with stepbacks, change in materials or color, and overhangs.

d. Commercial signs should be contained within the first floor commercial base and not extend up into the residential floor facades.

D. Appeals. The decision of the planning director to condition or reject any application under the mixed use 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 chapter 2.32. The decision of the hearing examiner shall be final unless an appeal is made to the city council within ten (10) days after the hearing examiner's
decision. The appeal shall be in writing to the city council and filed with the clerk.

SECTION 7. A new Section 15.09.050(E) is added to Chapter 15.09, amending the Kent Zoning Code as follows:

Sec. 15.09.050. Amendments.

This title may be amended by the city council by changing the boundaries of zoning districts (rezones which change the official zoning map) or by changing any other provisions thereof (text amendments which add, delete or otherwise modify the text of this title) whenever the public necessity and convenience and the general welfare require such amendment, by following the procedures of this section.

A. Initiation. An amendment may be initiated as follows:

1. Amendments to the text of this title and official zoning map amendments may be initiated by resolution of intention by the city council. Text amendments are heard by the planning commission and city council; zoning map amendments are heard by the hearing examiner. In the case of area-wide zoning or rezoning, both text amendments and zoning map amendments may be heard by the planning commission and city council.

2. Amendments to the text of this title may be initiated by resolution of intention by the planning commission.

3. Official zoning map amendments (rezones), including the application of the "C" suffix, may be initiated by application of one or more owners, or their agents of the property affected by the proposed amendment, which shall be made on a form prescribed by the planning department and filed with the planning department. The application shall be submitted at least forty-five (45) days prior to the next regularly scheduled public hearing date, and shall be heard by the hearing examiner within one hundred (100) days of the
date of the application; provided, however, that this period may be extended in any case for which an environmental impact statement is required.

B. Public hearing. The hearing examiner shall hold at least one (1) public hearing on any proposed amendment, and shall give notice thereof in at least one (1) publication in the local newspaper at least ten (10) days prior to the public hearing.

1. Notice shall be given to all property owners within at least two hundred (200) feet and, when determined by the planning director a greater distance from the exterior boundaries of the property which is the subject of the application. Such notice is to be sent ten (10) days prior to the public hearing. The failure of any property owner to receive the notice of hearing will not invalidate the proceedings.

2. Public notices shall be posted in one (1) conspicuous place on or adjacent to the property which is the subject of the application at least ten (10) days prior to the date of the public hearing. Public notice shall be accomplished through use of a four (4) foot by four (4) foot plywood face generic notice board, to be issued by the city planning department, and a follows: The applicant shall apply to the city for issuance of the notice board, and shall deposit with the city planning department the amount of sixty dollars ($60.00). The applicant shall be responsible for placement of the notice boards in one (1) conspicuous place on or adjacent to the property which is the subject of the application at least fourteen (14) days prior to the date of the public hearing. Planning department staff shall post laminated notice sheets and vinyl information packets on the board no later than ten (10) days prior to the hearing. Upon return of the notice board in good condition to the planning department by the
applicant, forty-five dollars ($45.00) of the initial notice board deposit shall be refunded to the applicant.

C. *Standards and criteria for granting a request for rezone.* The following standards and criteria shall be used by the hearing examiner and city council to evaluate a request for rezone. Such an amendment shall only be granted if the city council determines that the request is consistent with these standards and criteria.

1. The proposed rezone is consistent with the comprehensive plan.
2. The proposed rezone and subsequent development of the site would be compatible with development in the vicinity.
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.
4. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone.
5. The proposed rezone will not adversely affect the health, safety and general welfare of the citizens of the city.

D. *Rezoning to M1-C.* The hearing examiner and the city council shall use the standards and criteria provided in subsection C. of this section to evaluate a request for rezone to M1-C. In addition, the hearing examiner and city council shall evaluate a request for M1-C on the basis of the following standards and criteria. Such an amendment shall only be granted if the city council determines the request is consistent with these standards and criteria.

1. The proposed rezone is in close proximity or contiguous to major arterial intersections identified on the comprehensive plan map as being appropriate locations for commercial type land uses.
2. Rezoning to M1-C shall not be speculative in nature, but shall be based on generalized development plans and uses.
E. **Rezone to mixed use overlay.** The hearing examiner and the city council shall use the standards and criteria provided in subsection C. of this section to evaluate a request for expanding the boundaries of the mixed use overlay boundary which is located in the GC, CC, and O zoning districts. In addition, the hearing examiner and city council shall evaluate a request for expanding the mixed use overlay on the basis of the following standards and criteria. Such an amendment shall only be granted if the city council determines the request is consistent with these standards and criteria.

1. The proposed rezone is contiguous to an existing mixed use overlay area, or is at least one (1) acre in size.

2. The proposed area is located within close proximity to existing residential uses and existing commercial uses which would support residential use.

3. The proposed area is located in close proximity to transit stops, parks, and community facilities.

E-F. **Recommendation of hearing examiner.** Following the public hearing provided for in this section, the hearing examiner shall make a report of findings and recommendations with respect to the proposed amendment and shall forward such to the city council, which shall have the final authority to act on the amendment.

F-G. **City council action.**

1. Within thirty (30) days of receipt of the hearing examiner's recommendation, the city council shall, at a regular public meeting, consider the recommendation.

2. If the application for an amendment is denied by the city council, the application shall not be eligible for resubmittal for one (1) year from date of the denial, unless specifically stated to be without prejudice. A new application affecting the same property may be
submitted if, in the opinion of the hearing examiner, circumstances affecting the application have changed substantially.

**SECTION 8. - 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 9. - Effective Date.** This Ordinance shall take effect and be in force thirty (30) days after publication from the time of its final approval and passage as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY


APPROVED: 7 day of _May_, 1997.

PUBLISHED: 9 day of _May_, 1997.
I hereby certify that this is a true copy of Ordinance No. 3345, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Brenda Jacober (Seal)
BRENDA JACOBER, CITY CLERK