Ordinance No. 3381

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Sec. 15.04.080 Repealed by Ord. 3409
ORDINANCE NO. 3381

AN ORDINANCE of the City Council of Kent, Washington, relating to amendments to the Planned Unit Development regulations in Section 15.04.080 of the Kent Zoning Code.

WHEREAS, in April, 1997, an applicant proposed a change to the Kent Zoning Code regulation pertaining to Planned Unit Developments (PUD), set forth in Section 15.04.080 of the Kent Zoning Code; and

WHEREAS, on July 28, 1997, the Land Use and Planning Board conducted a public hearing on the proposed amendments to the PUD regulations, and recommended that the amendments be adopted with some revisions; and

WHEREAS, on August 19, the Kent City Council reviewed the recommendation of the Land Use and Planning Board, and voted to send the proposed PUD amendments to the City Council Planning Committee for further review; and

WHEREAS, on November 18, 1997, the City Council Planning Committee reviewed the recommendation of the Land Use and Planning Board, and voted to recommend approval to the City Council of the proposed amendments to the PUD regulations, as revised by the Land Use and Planning Board, and including a provision regarding allowing condominiums in a PUD located in a single-family zoning district;

NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:
SECTION 1. A new section 15.02.091 is added to Chapter 15.02, amending the Kent Zoning Code as follows:

Section 15.02.091. Condominium. Condominium means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interest in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded. Condominiums must meet all provisions of Ch. 64.34 RCW.

SECTION 2. Section 15.04.080 of the Kent Zoning Code is amended as follows:

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

A. Zoning districts where permitted. PUD's are permitted in all zoning districts with the exception of the A-1, agricultural; RA, residential agricultural, and R1, single family residential zones. However, that PUDs in SR zones are only allowed if the site is at least 100 acres in size.

B. Permitted uses.

1. Principally permitted uses. The principally permitted uses in PUD's shall be the same as those permitted in the underlying zoning classifications except as provided in subsection 15.04.080(B)(4).

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

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

4. *Exceptions.* In residential PUD's of ten (10) acres or more, commercial uses may be permitted. Commercial uses shall be limited to those uses permitted in the neighborhood convenience district. In PUDs located in SR zones, attached dwelling units are permitted only if they are condominiums created in accordance with the Washington Condominium Act, Ch. 64.34 RCW; provided that if a proposed PUD in a single-family zoning district includes condominiums, the density bonus provisions outlined in Section 15.04.080(D) shall not apply, and further provided that no condominium building may exceed two (2) stories.

C. *Development standards.* The following development standards are minimum requirements for a planned unit development:

1. *Minimum lot size exclusion.* The minimum lot size requirements of the districts outlined in this title shall not apply to PUD's.

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

<table>
<thead>
<tr>
<th>Zones</th>
<th>Minimum Site Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR zones (SR-1, SR-2, SR-3, SR-4.5, SR-6 SR-8)</td>
<td>100 acres</td>
</tr>
<tr>
<td>Commercial, office and manufacturing zones</td>
<td>None</td>
</tr>
</tbody>
</table>
3. **Minimum perimeter building setback.** The minimum perimeter building setback of the underlying zone shall apply. Multifamily transition area requirements shall apply to any multifamily developments (as provided in section 15.08.215), except where specifically exempted by administrative design review (as provided in section 15.09.045). The hearing examiner may reduce building separation requirements to the minimum required by the building and fire departments according with the criteria set forth in subsection F.1. of this section. If an adjacent property is undevelopable under this title, the hearing examiner may also reduce the perimeter building setback requirement to the minimum standards in the city building and fire codes.

4. **Maximum height of structures.** The maximum height of structures of the underlying zone shall apply. Multifamily transition area requirements shall apply to any multifamily developments (as provided in section 15.08.215) except where specifically exempted by administrative design review (as provided in section 15.09.045). The hearing examiner may authorize additional height in CC, GC, DC, CM, M1, M2 and M3 zones where proposed development in the PUD is compatible with the scale and character of adjacent existing developments.

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

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

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

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

a. Minimum private street pavement widths. Minimum private street pavement widths for parallel parking in residential planned unit developments. Minimum private street pavement widths for parallel parking in residential planned unit developments are as follows:

<table>
<thead>
<tr>
<th></th>
<th>No Parking (feet)</th>
<th>Parking One Side (feet)</th>
<th>Parking Both Sides (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-way streets</td>
<td>20</td>
<td>29</td>
<td>38</td>
</tr>
<tr>
<td>Two-way streets</td>
<td>22</td>
<td>31</td>
<td>40</td>
</tr>
</tbody>
</table>
The minimum widths set out in this subsection may be modified upon review and approval by the city fire chief and the city traffic engineer providing they are sufficient to maintain emergency access and traffic safety. A maintenance agreement for private streets within a PUD shall be required by the hearing examiner as a condition of PUD approval.

b. **Vehicle parking areas.** Adequate vehicular parking areas shall be provided. The required number of parking spaces may vary from the requirements of chapter 15.05 and shall be approved by the hearing examiner based upon a parking need assessment study submitted by the applicant and approved by the planning director. Vehicular parking areas may be provided by on-street parking or off-street parking lots. The design of such parking areas shall be in accordance with the standards outlined in chapter 15.05.

c. **One-way streets.** One-way loop streets shall be no more than one thousand five hundred (1,500) feet long.

d. **On-street parking.** On-street parking shall be permitted. Privately owned and maintained "no parking" and "fire lane" signs may be required as determined by the city traffic engineer and city fire department chief.

7. **Pedestrian walkways.** Pedestrian walkways shall be constructed of material deemed to be an all-weather surface by the public works director and planning director.

8. **Landscaping.**

a. Minimum perimeter landscaping of the underlying zone shall apply. Additional landscaping shall be required as
b. All PUD developments shall ensure that parking areas are integrated with the landscaping system and provide screening of vehicles from view from public streets. Parking areas shall be conveniently located to buildings and streets while providing for landscaping adjacent to buildings and pedestrian access.

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

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

10. **Platting.** If portions of the PUD are to be subdivided for sale or lease, the procedures of the city subdivision code, as amended, shall apply. Specific development standards such as lot size, street design, etc., shall be provided as outlined in subsection 15.04.080 E.

11. **Green River Corridor.** Any development located within the Green River Corridor special interest district shall adhere to the Green River Corridor special interest district regulations.

12. **View regulations.** View regulations as specified in section 15.08.060 shall apply to all PUD's.

13. **Shoreline master program.** Any development located within two hundred (200) feet of the Green River shall adhere to the city shoreline master program regulations.

D. **Density bonus standards.** The density of residential development for PUD's shall be based on the gross density of the underlying zoning district. The hearing examiner may recommend a dwelling unit density not more than twenty (20) percent greater than that permitted by the
underlying zone upon findings and conclusions that the amenities or design features which promote the purposes of this subsection, as follows, are provided:

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

2. *Active recreation areas.* A four-percent density bonus may be authorized if at least ten (10) percent of the site is utilized for active recreational purposes, including but not limited to jogging or walking trails, pools, children's play areas, etc. Only that percentage of space contained within accessory structures that is directly used for active recreation purposes can be included in the ten-percent active recreation requirement.

3. *Stormwater drainage.* A two-percent density bonus may be authorized if stormwater drainage control is accomplished using natural onsite drainage features. Natural drainage feature may include streams, creeks, ponds, etc.

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

5. *Parking lot size.* A two-percent density bonus may be authorized if off-street parking is grouped in areas of sixteen (16) stalls or less. Parking areas must be separated from other parking areas or buildings by significant landscaping in excess of type V standards.
as provided in section 15.07.050. At least fifty (50) percent of these parking areas must be designed as outlined in this subsection to receive the density bonus.

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

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

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

E. **Master plan approvals.** The master plan process is intended to allow approval of a generalized, conceptual development plan on a site which would then be constructed in phases over a longer period of time than a typical planned unit development. The master plan approval process is typically appropriate for development which might occur on a site over a period of several years, and in phases which are not entirely predictable.

1. **Submittal requirements.** The distinguishing characteristic between a Master Plan Development application and a Planned Unit Development application is that a Master Plan Development proposal is conceptual in nature. However, the Master Plan application shall provide sufficient detail of the scope of the development, the uses, the amount of land to be developed and
preserved, and how services will be provided. The specific submittal requirements are noted below:

a. a written description of the scope of the project, including total anticipated build-out (number of units of residential, gross floor area for commercial), and the types of uses proposed;

b. a clear vicinity map, showing adjacent roads;

c. a fully dimensional site plan, which would show the areas upon which development would occur, the proposed number of units or buildings in each phase of the development, the areas would be preserved for open space or protection of environmentally sensitive features, and a generalized circulation plan which would include proposed pedestrian and bicycle circulation;

d. a generalized drainage and stormwater runoff plan;

e. a site map showing contours at not greater than five (5) foot intervals and showing any wetlands, streams, or other natural features

f. a description of the proposed phasing plan

g. documentation of coordination with the Kent school district

h. certificates of water and sewer availability

i. generalized building elevations showing the types of uses being proposed

2. **Density.** The gross density of a residential master plan project shall be the same as the density allowable in the underlying zoning district.

3. **Open Space.** The criteria in 15.04.080 (C5) shall apply.
4. **Application process.** The application process for a master plan application shall be as outlined in 15.04.080(F).

5. **Review criteria.** The review criteria for a master plan application shall be the same as those outlined in 15.04.080(G).

6. **Administrative approval of individual phases.** Once a master site plan PUD has been approved pursuant to Section 15.04.080(F), any individual phase of the development shall be reviewed and approved administratively, as outlined in Chapter 15.09 of this Title; provided that for each phase of development that includes a residential condominium, the applicant shall submit a copy of the condominium declaration recorded against the property, and as outlined in RCW 64.34.200.

7. **Time limits.** The master plan approved by the Hearing Examiner or City Council, as provided in Section 15.04.080(F) shall be valid for a period of up to seven (7) years. At the end of this seven (7) year period, development permits must be issued for all phases of the master plan development. An extension of time may be requested by the applicant. A single extension may be granted by the planning director for a period of not more than two (2) more additional years.

8. **Modifications.** Once approved, requests for modifications to the master plan project shall be made in writing to the planning director. The planning director shall make a determination as to whether the requested modification is major or minor as outlined in Section 15.04.080(I).

**E.F.** **Application process.** The application process includes the following steps: informal review process, compliance with the State Environmental Policy Act, community information meeting, development plan review, and public hearing before the Hearing Examiner.
1. **Informal review process.** An applicant shall meet informally with the planning department at the earliest possible date to discuss the proposed PUD. The purpose of this meeting is to develop a project that will meet the needs of the applicant and the objectives of the city as defined in this title.

2. **SEPA compliance.** Compliance with the State Environmental Policy Act and regulations and city SEPA requirements shall be completed prior to development plan review.

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

4. **Community information meeting.**
   a. A community information meeting shall be required for any proposed PUD located in a residential zone or within two hundred (200) feet of a residential zone. At this meeting the applicant shall present the development proposed to interested residents. Issues raised at the meeting may be used to refine the PUD plan. Notice shall be given in at least one (1) publication in the local newspaper at least ten (10) days prior to the public hearing. Written notice shall be mailed first class to all property owners within a radius of not less than two hundred (200) feet of the exterior boundaries of the property subject to the application. Any alleged failure of any property owner to actually receive the notice of
hearing shall not invalidate the proceedings.

b. Nonresidential PUD's not located within two hundred (200) feet of a residential zone shall not require a community information meeting.

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

6. *Consolidation of land use permit processes.* The PUD approval process may be used to consolidate other land use permit processes which are required by other sections of this title. The public hearing required for the PUD may serve as the public hearing for the conditional use permit, subdivision, shoreline substantial development and rezoning if such land use permits are a part of the overall PUD application. When another land use permit is involved which requires city council approval, the PUD shall not be deemed to be approved until the city council has approved the related land use permit. If a public hearing is required for any of the categories of actions listed in this subsection, the hearing examiner shall employ the public hearing notice requirements for all actions considered which ensure the maximum notice to the public.

7. *Hearing Examiner decision.* The Hearing Examiner shall issue a written decision within ten (10) working days from the date of the
hearing. Parties of record will be notified in writing of the decision. The decision is final unless notice of appeal is filed with the city clerk within fourteen (14) days of receipt by the developer of the decision. For PUDs which propose a use which is not typically permitted in the underlying zoning district as provided in Section 15.04.080(B)(4), the Hearing Examiner shall forward a recommendation to the City Council, which shall have the final authority to approve or deny the proposed PUD. For a proposed residential PUD that includes condominiums as outlined in Sec. 15.04.080(B)(4), a condition of approval by the City Council shall be that for each development phase, the applicant shall submit a recorded copy of the covenants, conditions and restrictions recorded against the property. Within thirty (30) days of receipt of the Hearing Examiner's recommendation, the City Council shall, at a regular meeting, consider the application.

8. Effective date. In approving a PUD, the hearing examiner shall specify that the approved PUD shall not take effect unless or until the developer files a completed development permit application within the time periods required by this title as set forth in subsection G. of this section. No official map or zoning text designations shall be amended to reflect the approved PUD designation until such time as the PUD becomes effective.

F-G. Review criteria for planned unit developments. Upon receipt of a complete application for a residential PUD, the planning department shall review the application and make its recommendation to the hearing examiner. The hearing examiner shall determine whether to grant, deny or condition an application based upon the following review criteria:
1. *Residential planned unit development criteria.*
   a. The proposed PUD project shall have a beneficial effect upon the community and users of the development which would not normally be achieved by traditional lot-by-lot development and shall not be detrimental to existing or potential surrounding land uses as defined by the comprehensive plan.
   b. Unusual environmental features of the site shall be preserved, maintained and incorporated into the design to benefit the development and the community.
   c. The proposed PUD project shall provide areas of openness by using techniques such as clustering, separation of building groups, and use of well-designed open space and landscaping.
   d. The proposed PUD project shall promote variety and innovation in site and building design. Buildings in groups shall be related by common materials and roof styles, but contrast shall be provided throughout the site by the use of varied materials, architectural detailing, building scale and orientation.
   e. Building design shall be based on a unified design concept, particularly when construction will be in phases.

2. *Nonresidential planned unit development criteria.*
   a. The proposed project shall have a beneficial effect which would not normally be achieved by traditional lot-by-lot development and not be detrimental to present or potential surrounding land uses as defined by the comprehensive plan.
b. Unusual environmental features of the site shall be preserved, maintained and incorporated into the design to benefit the development and the community.

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

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

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


1. Application for development permit. The applicant shall apply for a development permit no later than one (1) year following final approval of the PUD. The application for development permit shall contain all conditions of the PUD approval.

2. Extensions. An extension of time for development permit application may be requested in writing by the applicant. Such an extension may be granted by the planning director for a period not to exceed one (1) year. If a development permit is not issued within two (2) years, the PUD approval shall become null and void and the PUD shall not take effect.

H-I. Modifications of plan. Requests for modifications of final approved plans shall be made in writing and shall be submitted to the planning department in the manner and form prescribed by the planning director. The criteria
for approval of a request for a major modification shall be those criteria covering original approval of the permit which is the subject of the proposed modification.

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

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

2. **Major modifications.** Major adjustments are those which, as determined by the planning director, substantially change the basic design, density, open space or other similar requirements or provisions. Major adjustments to the development plans shall be reviewed by the hearing examiner. The hearing examiner may review such adjustments at a regular public hearing. If a public hearing is held, the process outlined in subsection 15.04.080 F. shall apply. The hearing examiner shall issue a written decision to approve, deny or modify the request. Such a decision shall be final. The decision may be appealed to the city council by the
filing of written notice of appeal with the city clerk within fourteen (14) days of the date of the developer's receipt of the hearing examiner's decision.

SECTION 3. 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 4. 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
I hereby certify that this is a true and correct copy of Ordinance No. 3391, 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