Ordinance No. 3469

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Amends Ord. 1827
ORDINANCE NO. 3469

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Section 15.08.060 of the Kent City Code relating to view protection regulations, clarifying that the purpose of the regulations is to promote and protect public vistas of the Green River Valley by encouraging development in ways compatible with the protection of these view corridors, and further making other related changes.

WHEREAS, the visual environment of the City of Kent is strongly characterized by scenic vistas from the East and West Hills of the City to the Green River Valley; and

WHEREAS, Section 15.08.060 of the Kent City Code regulates development in hillsides to protect views in the City; and

WHEREAS, with the growth and development in the City of Kent, the city council believes that it is in the City’s interest to continue to promote and protect the city's view corridors to minimize obstruction of the scenic vistas to the Green River Valley, and

WHEREAS, it is appropriate to clarify that the purpose of the view corridor protection regulations is to promote and protect these public vistas; and

WHEREAS, view regulations allow for development of one-story structures in the view protection area and that “story” should be further defined; and

1 View Regulations
WHEREAS, the City Council also finds that there are certain situations in which the regulations would not achieve their intended purpose and, therefore, finds it appropriate to grant the planning director the authority to waive or modify view regulations in such situations; and

WHEREAS, the Land Use and Planning Board conducted a public hearing on June 28, 1999, and recommended amendments to the view regulations in section 15.08.060 of the zoning code; NOW THEREFORE,

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

SECTION 1. Section 15.08.060 of the Kent City Code is hereby amended as follows:

Sec. 15.08.060. View corridor protection regulations on hillside development.
A. Purpose.
   1. The visual environment of the City of Kent is strongly characterized by scenic vistas to the Green River valley from the slopes of the East and West Hills which frame the valley. The purpose of the view regulations set out in this section is to regulate the height and location of buildings on hillsides in order to protect the external appearance of view corridors to and from these hillsides which are on the visual forefront of the city and encourage placement of residences in ways which are compatible with the preservation of such public vistas, with a significant impact on the quality of the visual environment, and to protect views themselves, which are a visual amenity which ought to be protected and enhanced.

   2. The criteria of this section establish procedures for determining heights and locations of buildings on hillsides so that views will not be destroyed by site development plans that fail to consider the topography of the lot and the orientation of adjacent properties and the right of those properties to a view. The regulations of this
The regulations of this section shall not, however, prohibit construction of any building one (1) story in height with a building height of 25 feet or less, as measured from natural or finished grade, whichever is lower, on any legal lot of record.

B. View regulations defined. Any projected development located within two hundred (200) feet downslope from an RA, R1 or MR-D zoned area or within five hundred (500) feet downslope from an MR-G, MR-M or MR-H zoned area when such area qualifies as view property must allow for the protection of the view from such property as follows:

1. Protection of view of large tracts of land.
   a. If the property which has a view to be protected exceeds either twenty thousand (20,000) square feet in area or two hundred (200) feet in length or width, the restriction on height of the building to be erected on the adjacent downslope property shall be determined as follows:
   b. Two (2) lines shall be drawn parallel to the slope line, one (1) such line on either side of the building. The term "side," as used in this subsection, shall be defined as the furthest point of the building measured outward perpendicular from a line through the center of the building parallel to the slope line. These two (2) lines shall extend upslope continuing parallel to the slope line until they meet the property line. No part of the proposed building shall exceed in height by more than ten (10) feet the mean elevation along the property line between these two (2) parallel lines.
2. Protection of view of smaller tracts of land. Those tracts of land measuring less than twenty thousand (20,000) square feet in area and less than two hundred (200) feet in both length and width, as well as the erection of more than one (1) residential building on the same piece of property, will be covered by the following regulations:

a. View property in RA, R1 and MR-D zones.

(1) View is an unobstructed field of vision comprising a horizontal angle of not more than ninety (90) degrees and a vertical angle of not more than five (5) degrees below the horizontal.

(2) The horizontal view angle shall have as its origin a vertical axis passing through the geographic center of the lot whose view is to be protected. The ninety-degree angle shall be oriented with forty (45) degrees on either side of the slope line, which shall be laid out perpendicular to the mean contour of the area as contrasted to the slope of the particular lot in question.

(3) The vertical view angle shall have as its origin a point six (6) feet above the ground surface on a lot prior to any excavation for a foundation or basement.

![Horizontal View Angle Diagram](image-url)
(4) No building constructed within five hundred (500) feet of the point of origin of the view angle and located beneath the airspace located within that angle shall rise above the lower extent of the vertical angle.


(1) View is an unobstructed field of vision comprised of a horizontal view angle of sixty (60) degrees and a vertical view angle extending from the horizontal upward to the vertical line.

(2) The horizontal view angle shall have as its origin a vertical axis passing through the geographic center of the lot whose view is to be protected or, in the case of an existing apartment building, the vertical axis should pass through the geographical center of those units whose view is to be protected. The sixty-degree angle may be shifted to the extent that no less than twenty (20) degrees of the sixty (60) degrees lies on either side of the slope line, which shall be laid out perpendicular to the mean contour of the area as contrasted to the slope of the particular lot in question.
(3) The vertical angle shall originate on a horizontal line extending from the intersection of the vertical line forming the axis for the horizontal view angle and the original slope, or, in the case of an existing apartment building, the floor level of the lowest residential floor.

(4) No building constructed within five hundred (500) feet of the point of origin of the view angle and located beneath the airspace located within the angle shall rise above the lower extent of the vertical angle.

C. **Exemptions.** The planning director may waive or modify the view regulations on hillside development if it is determined that the intent to preserve views cannot be met by a strict application of the requirements, or if one (1) or more of the following conditions applies:
   1. There is no available clear view of the valley from development located upslope of the proposed building; or
   2. The orientation of development located upslope is toward a different view angle than proscribed in the view development regulations; or
   3. The shape or topography of the lot and lots located upslope make a strict application of the view requirements unnecessary or impractical.

D. **Application for variance.** If an applicant requests relief from the provisions of this section through a variance as provided in section 15.09.040, prior to public hearing, the applicant shall erect a pole structure outlining the proposed height of the building where it is to be constructed on the proposed site to allow adjacent property owners to assess the view impact of the proposed variance. The pole structure shall be in place at least ten (10) days prior to the date of the public hearing on the proposed variance.
SECTION 2. 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 3. Effective Date. This Ordinance shall take effect and be in force five (5) days from and after the date of publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED: 3 day of August, 1999.
APPROVED: 3 day of August, 1999.

I hereby certify that this is a true copy of Ordinance No. 3469, 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