Ordinance No. 3523

(Amending or Repealing Ordinances)

CFN = 131 – Zoning Codes
Passed 9/19/2000
Single-family development in multifamily zones (min. lot width & side yards)
(Amending Secs. 15.04.170 & 15.04.180)

Amends Ords 3439;3470;3508;3521

Amended by Ords. 3551;3600;3612;3663;3690;3742;3761;3770;3792;3830;4003;
ORDINANCE NO. 3523

AN ORDINANCE of the City Council of the City of Kent, Washington, amending sections 15.04.170 and 15.04.180 of the Kent City Code to allow reduced minimum lot width and side yard set backs for single-family residential development in all multifamily zoning districts.

WHEREAS, on May 2, 2000, the Kent City Council requested that the Land Use and Planning Board review the development standards for single-family development in multifamily districts; and

WHEREAS, the Land Use and Planning Board held a public hearing on this issue on July 24, 2000, and voted to recommend that the zoning code be amended to allow reduced minimum lot width and side yard set backs for single-family residential development in multifamily zoning districts; and

WHEREAS, on September 5, 2000, the City Council approved the Land Use and Planning Board’s recommendation and noted that the reduction in side yard width requires the approval of the Washington State Building Council; and

WHEREAS, the City Council directed that an ordinance be drafted with the Land Use and Planning Board’s recommendation, subject to the required approval of the Washington State Building Council; NOW THEREFORE

1 Single-Family Development in Multifamily Zones (min. lot width and side yards)
THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 15.04.170 of the Kent City Code is hereby amended as follows:

2 Single-Family Development in Multifamily Zones
(min. lot width and side yards)
<table>
<thead>
<tr>
<th>Section</th>
<th>Districts</th>
<th>Density Category</th>
<th>Zoning District</th>
<th>Units per Acre</th>
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SECTION 2. Section 15.08.180 of the Kent City Code, entitled “Agricultural and residential land use development standard conditions,” is hereby amended by adding a new subsection (30) as follows:

Sec. 15.04.180. Agricultural and residential land use development standard conditions.

1. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and two thousand five hundred (2,500) square feet for each additional dwelling unit.

2. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and one thousand six hundred (1,600) square feet for each additional dwelling unit.

3. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and nine hundred (900) square feet for each additional dwelling unit.

4. To determine minimum lot width for irregular lots, a circle of applicable diameter (the minimum lot width permitted) shall be scaled within the proposed boundaries of the lot; provided, that an access easement to another lot is not included within the circle.

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

6. Porches and private shared courtyard features may be built within the front building setback line.

7. For properties abutting on West Valley Highway, the frontage on West Valley Highway shall be considered the front yard.

8. Proposed front yards less than twenty (20) feet in depth are subject to approval by the planning director, based on review and recommendation from the public works department relative to the existing and future traffic volumes and right-of-way requirements as specified in the city comprehensive transportation plan and city construction standards.
9. At least twenty (20) linear feet of driveway shall be provided between any garage, carport or other primary parking area and the street property line with the exception of an alley property line.

10. An aggregate side yard of thirty (30) feet shall be provided. A minimum of ten (10) feet shall be provided for each side yard. On a corner lot the side yard setback shall be a minimum of twenty (20) feet from the property line.

11. Each side yard shall be a minimum of ten (10) percent of the lot width; however, regardless of lot width, the yard width need not be more than thirty (30) feet.

12. Structures for feeding, housing and care of animals, except household pets, shall be set back fifty (50) feet from any property line.

13. Additional setbacks for the agriculture general (AG) zoning district.
   a. Structures for feeding, housing and care of animals shall be set back fifty (50) feet from any property line.
   b. Transitional conditions shall exist when an AG district adjoins a residential district containing a density of two (2) dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, railroad main line, major topographic differential or other similar conditions, or where the industrial properties face on a limited access surface street on which the housing does not face. When transitional conditions exist, as defined in this subsection, a yard of not less than fifty (50) feet shall be provided.
   c. Setbacks, Green River. Industrial development in the AG district abutting the Green River, or Russell Road or Frager Road where such roads follow the river bank, shall be set back from the ordinary high-water mark of the river a minimum of two hundred (200) feet. Such setbacks are in accordance with the city comprehensive plan and in accordance with the high quality of site development typically required for the industrial park areas of the city and in accordance with the state Shoreline Management Act of 1971, and shall be no more restrictive than, but as restrictive as, the Shoreline Management Act.

5 Single-Family Development in Multifamily Zones
(min. lot width and side yards)
14. An inner court providing access to a double-row building shall be a minimum of twenty (20) feet.

15. The distance between principal buildings shall be at least one-half (1/2) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than twelve (12) feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.

16. The height limitations shall not apply to barns and silos; provided, that they are not located within fifty (50) feet of any lot line.

17. Beyond this height, to a height not greater than either four (4) stories or sixty (60) feet, there shall be added one (1) additional foot of yard for each additional foot of building height.

18. The planning director shall be authorized to approve a height greater than four (4) stories or sixty (60) feet; provided, such height does not detract from the continuity of the area. When a request is made to exceed the building height limit, the planning director may impose such conditions, within a reasonable amount of time, as may be necessary to reduce any incompatibilities with surrounding uses.

19. Except for lots used for agricultural practices, the maximum impervious surface area allowed shall be ten thousand (10,000) square feet when the lot is greater than one (1) acre.

20. The following uses are prohibited:
   a. The removal of topsoil for any purpose.
   b. Grade and fill operations; provided, that limited grade and fill may be approved as needed to construct permitted buildings or structures.
   c. All subsurface activities, including excavation for underground utilities, pipelines or other underground installations, that cause permanent disruption of the surface of the land. Temporarily disrupted soil surfaces shall be restored in a manner consistent with agricultural uses.
   d. Dumping or storage of nonagricultural solid or liquid waste, or of trash, rubbish or noxious materials.
e. Activities that violate sound agricultural soil and water conservation management practices.

21. Outdoor storage for industrial uses shall be located at the rear of a principally permitted structure and shall be completely fenced.

22. Mobile home park combining district, MHP. The standards and procedures of the city mobile home park code shall apply. General requirements and standards for mobile home park design, KCC 12.04.520; mobile home parks, Ch. 12.05 KCC.

23. Except for lots used for agricultural practices, the maximum impervious surface area allowed shall be ten thousand (10,000) square feet.

24. Minimum lot width, building setbacks, and minimum lot size regulations may be modified consistent with provisions for zero lot line and clustering housing development.

25. The requirements of KCC 15.08.215 shall apply in any multifamily transition area, which includes any portion of a multifamily district within one hundred (100) feet of a single-family district or within one hundred (100) feet of a public street right-of-way.

26. The requirements of KCC 15.09.045 for multifamily design review shall apply to any multifamily dwelling of three (3) or more units.

27. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and three thousand five hundred (3,500) square feet for each additional dwelling unit.

28. The following zoning is required to be in existence on the entire property to be rezoned at the time of application of a rezone to an MR-T zone: SR-8, MR-D, MR-G, MR-M, MR-H, O, O-MU, NCC, CC, GC, DC or DCE.

29. All multifamily townhouse developments in the MR-T zone shall be condominiums only. A condominium plat shall be filed and recorded pursuant to Chapter 64.32 RCW prior to approval of a development permit by the city.

30. As an option to the five (5) foot side yard requirement for single-family development in all multi-family zoning districts as set forth in 15.04.170, a side yard
width of no less than three (3) feet may be utilized under the following conditions:

1. Fire hydrants for the development, as required by the fire code set forth in Title 13 of the Kent City Code, will be placed a maximum of 300 feet in separation;

2. The required fire hydrants shall have a minimum fire flow of 1,500 gallons per minute; and

3. Emergency vehicle access roads shall be provided to the development, which includes an improved road accessible within 150 feet of all portions of the exterior first floor of the structure.

This option is subject to the approval of the Washington State Building Council. Application of this option shall be effective upon receipt by the City of Kent of such approval.

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.

Signed:
Jim White, Mayor
I hereby certify that this is a true copy of Ordinance No. 3543, 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