Ordinance No. 3663
(Amending or Repealing Ordinances)

CFN=131 Zoning Codes
Passed - 10/7/2003
Amendment to KCC 12.04 Cluster Developments and 15.04
12.04.779;15.04.170;15.04.180)

Amends Ords. 3439,3470,3508,3521,3523,3551,3600;3612

Amended by Ords. 3690;3742;3761;3770;3792;3830
Amended by Ord. 3906 (Ch. 12.04)
Amended by Ord. 4003 (Sec. 15.04.170)
Amended by Ord. 4035 (Sec. 12.04.263)
AN ORDINANCE of the City Council of the City of Kent, Washington, amending chapter 12.04 and chapter 15.04 of the Kent City Code to provide for cluster developments in the SR-1, SR-2, SR-3, SR-4.5, SR-6, and SR-8 zoning districts.

WHEREAS, the City of Kent continues to endeavor to provide flexibility in housing design, to discourage development sprawl, to facilitate the economical and efficient provision of public services, and to preserve usable open space and recreation areas; and

WHEREAS, the City has development regulations for traditional housing formats, and it has recently adopted a planned unit development process for residential developments to provide additional flexibility and to preserve open space; and

WHEREAS, cluster subdivision means a development or division of land in which residential building lots are reduced in size and concentrated in specified portion(s) of the original lot, tract, or parcel; and

WHEREAS, the City desires to add the option to cluster single family developments in order to further the City's density, open space, and other housing development goals; and

Amendment to KCC 12.04
Cluster Developments
WHEREAS, after providing appropriate public notice, the City held a public hearing on a proposal for cluster developments at the regular land use and planning board meeting on July 28, 2003; and

WHEREAS, the planning committee considered this matter at its regularly scheduled meeting on August 19, 2003; and

WHEREAS, on July 25, 2003, the City provided the required sixty (60) day notification of the City's proposed amendment for cluster developments under RCW 36.70A.106 to the State of Washington; and

WHEREAS, the sixty (60) day notice period has lapsed and the amendment is deemed appropriate, NOW THEREFORE,

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

SECTION 1. - Amendment. The heading of Section 12.04.263 of the Kent City Code is amended as follows:

Sec. 12.04.263. Clustering in urban separators.

SECTION 2. - Amendment. The following Section 12.04.264 shall be added to the Kent City Code:

Sec. 12.04.264. Clustering in residential zones outside urban separators.

A. When located wholly outside an urban separator, cluster subdivisions are allowed in SR-1, SR-2, SR-3, SR-4.5, SR-6 and SR-8 zoning districts subject to the regulations below.
B. The purpose of this cluster development option is as follows: to permit greater flexibility in design and discourage development sprawl; to facilitate the economical and efficient provision of public services; to provide a more efficient use of land in harmony with its natural characteristics; to preserve more usable open space, agricultural land, tree cover, recreation areas, and scenic vistas; and to expand the opportunity for the development of affordable housing without increasing the development’s overall density. Development standards and review criteria are intended to ensure that lots are consistent with the desired character of the zone, allowing lots to vary in size and shape, while still adhering to the planned density of the zone.

C. Cluster subdivisions shall be subject to the development standards outlined in KCC Title 15, unless otherwise modified by this chapter. These standards include, but are not limited to, minimum lot size, width, yards, setbacks, parking, landscaping, and signage.

D. The provisions of KCC 12.04.235 through 12.04.255, as well as other applicable portions of this chapter, shall apply unless specifically excepted. In addition, the following standards shall apply to clustered Type I short subdivisions:

1. **Location.** The cluster residential development may be allowed in SR-1, SR-2, SR-3, SR-4.5, SR-6 and SR-8 zoning districts outside of urban separators.

2. **Permitted uses.** The cluster residential development option shall include only single-family residential uses, as defined in KCC 15.02.115.

3. **Minimum area.** No minimum area is established for a cluster residential development.

4. **Permitted density.** The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of dwelling units allowed for the parcel as a whole for the zoning district in which it is located.

5. **Lot size.** In the interest of encouraging flexibility in site design and the preservation of open space, the minimum lot size of individual building lots within a cluster subdivision in single family residential zoning districts may be reduced by twenty-five percent of the minimum lot size for the underlying zoning district.
6. **Lot width.** The minimum lot width for individual building lots in a cluster subdivision shall be thirty (30) feet. The hearing examiner may allow a shared driveway easement to be included in the minimum lot width of irregular lots, provided the total driveway width is no greater than twelve (12) feet.

7. **Other development standards.** Development standards other than lot size and lot width shall be the same as are required within the zoning district in which the cluster residential development is located. Design review is required for cluster development projects using the review criteria in KCC 15.09.045(C), Multifamily design review.

8. **Additional approval Criteria for cluster development projects.**
   a. The proposed cluster development project shall have a beneficial effect upon the community and users of the development that would not normally be achieved by traditional lot-by-lot development, and it shall not be detrimental to existing or potential surrounding land uses as defined by the comprehensive plan.
   b. The proposed cluster development project shall be compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes, but is not limited to, apparent size, scale, mass, and architectural design.
   c. Unusual and sensitive environmental features of the site shall be preserved, maintained and incorporated into the design to benefit the development and the community.
   d. The proposed cluster development project shall provide open areas by using techniques such as separation of building groups, use of well-designed open space, common or shared space, and landscaping. Open space shall be integrated within the cluster development project rather than be an isolated element of the project.
   e. The proposed cluster development project shall promote variety and innovation in site and building design and shall include architectural and site features that promote community interaction and accessibility, such as porches, de-emphasized garages, shared driveways, sidewalks/walkways, and adjacent
common areas. Buildings 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.

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

9. Common open space.
   a. The common open space in cluster subdivisions shall be a minimum of twenty-five (25) percent of the entire parcel, whether or not the parcel is constrained by critical areas or buffers.
   b. Parking areas, public right of way, maneuvering areas, roads, storage areas, driveways, and yards within individual lots shall not be included in common open space.
   c. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces as well as existing or planned public parks and trails, and maintains scenic vistas.
   d. All natural features (such as streams and their buffers, significant strands of trees and rock outcropping), as well as sensitive areas (such as steep slopes and wetlands and their buffers) shall be preserved.
   e. Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development.
   f. Ownership of such common open spaces may be retained by the owner or subdivider, conveyed to residents of the development, conveyed to a
homeowners' association for the benefit of the residents of the development, conveyed to the city with the city's consent and approval, or conveyed to another party upon approval of the city of Kent.

**SECTION 3. Amendment.** The heading of Section 12.04.578 of the Kent City Code is amended as follows:

Sec. 12.04.578. Clustering in urban separators.

**SECTION 4. Amendment.** The following Section 12.04.579 shall be added to the Kent City Code:

Sec. 12.04.579. Clustering in residential zones outside urban separators.

A. When located wholly outside an urban separator, cluster subdivisions are allowed in SR-1, SR-2, SR-3, SR-4.5, SR-6 and SR-8 zoning districts subject to the regulations below.

B. The purpose of this cluster development option is as follows: to permit greater flexibility in design and discourage development sprawl; to facilitate the economical and efficient provision of public services; to provide a more efficient use of land in harmony with its natural characteristics; to preserve more usable open space, agricultural land, tree cover, recreation areas, and scenic vistas; and to expand the opportunity for the development of affordable housing without increasing the development's overall density. Development standards and review criteria are intended to ensure that lots are consistent with the desired character of the zone, allowing lots to vary in size and shape, while still adhering to the planned density of the zone.

C. Cluster subdivisions shall be subject to the development standards outlined in KCC Title 15, unless otherwise modified by this chapter. These standards include, but are not limited to, minimum lot size, width, yards, setbacks, parking, landscaping, and signage.
D. The provisions of KCC 12.04.545 through 12.04.570, as well as other applicable portions of this chapter, shall apply unless specifically excepted. In addition, the following standards shall apply to clustered Type II short subdivisions:

1. **Location.** The cluster residential development may be allowed in SR-1, SR-2, SR-3, SR-4.5, SR-6 and SR-8 zoning districts outside of urban separators.

2. **Permitted uses.** The cluster residential development option shall include only single-family residential uses, as defined in KCC 15.02.115.

3. **Minimum area.** No minimum area is established for a cluster residential development.

4. **Permitted density.** The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of dwelling units allowed for the parcel as a whole for the zoning district in which it is located.

5. **Lot size.** In the interest of encouraging flexibility in site design and the preservation of open space, the minimum lot size of individual building lots within a cluster subdivision in single family residential zoning districts may be reduced by twenty-five percent of the minimum lot size for the underlying zoning district.

6. **Lot width.** The minimum lot width for individual building lots in a cluster subdivision shall be thirty (30) feet. The hearing examiner may allow a shared driveway easement to be included in the minimum lot width of irregular lots, provided the total driveway width is no greater than twelve (12) feet.

7. **Other development standards.** Development standards other than lot size and lot width shall be the same as are required within the zoning district in which the cluster residential development is located. Design review is required for cluster development projects using the review criteria in KCC 15.09.045(C), Multifamily design review.

8. **Additional approval Criteria for cluster development projects.**

   a. The proposed cluster development project shall have a beneficial effect upon the community and users of the development that would not normally be achieved by traditional lot-by-lot development, and it shall not be
detrimental to existing or potential surrounding land uses as defined by the comprehensive plan.

b. The proposed cluster development project shall be compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes, but is not limited to, apparent size, scale, mass, and architectural design.

c. Unusual and sensitive environmental features of the site shall be preserved, maintained and incorporated into the design to benefit the development and the community.

d. The proposed cluster development project shall provide open areas by using techniques such as separation of building groups, use of well-designed open space, common or shared space, and landscaping. Open space shall be integrated within the cluster development project rather than be an isolated element of the project.

e. The proposed cluster development project shall promote variety and innovation in site and building design and shall include architectural and site features that promote community interaction and accessibility, such as porches, de-emphasized garages, shared driveways, sidewalks/walkways, and adjacent common areas. Buildings 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.

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

9. Common open space.

a. The common open space in cluster subdivisions shall be a minimum of twenty-five (25) percent of the entire parcel, whether or not the parcel is constrained by critical areas or buffers.

b. Parking areas, public right of way, maneuvering areas, roads, storage areas, driveways, and yards within individual lots shall not be included in common open space.
c. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces as well as existing or planned public parks and trails, and maintains scenic vistas.

d. All natural features (such as streams and their buffers, significant strands of trees and rock outcropping), as well as sensitive areas (such as steep slopes and wetlands and their buffers) shall be preserved.

e. Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development.

f. Ownership of such common open spaces may be retained under ownership by the owner or subdivider, conveyed to residents of the development, conveyed to a homeowners’ association for the benefit of the residents of the development, conveyed to the city with the city’s consent and approval, or conveyed to another party upon approval of the city of Kent.

SECTION 5. - Amendment. The heading of Section 12.04.778 of the Kent City Code is amended as follows:

Sec. 12.04.778. Clustering in urban separators.
SECTION 6. Amendment  The following Section 12.04.779 shall be added to the Kent City Code:

Sec. 12.04.779. Clustering in residential zones outside urban separators.
A. When located wholly outside an urban separator cluster subdivisions are allowed in SR-1, SR-2, SR-3, SR-4.5, SR-6 and SR-8 zoning districts subject to the regulations below.
B. The purpose of this cluster development option is as follows: to permit greater flexibility in design and discourage development sprawl; to facilitate the economical and efficient provision of public services; to provide a more efficient use of land in harmony with its natural characteristics; to preserve more usable open space, agricultural land, tree cover, recreation areas, and scenic vistas; and to expand the opportunity for the development of affordable housing without increasing the development's overall density. Development standards and review criteria are intended to ensure that lots are consistent with the desired character of the zone, allowing lots to vary in size and shape, while still adhering to the planned density of the zone.
C. Cluster subdivisions shall be subject to the development standards outlined in KCC Title 15, unless otherwise modified by this chapter. These standards include, but are not limited to, minimum lot size, width, yards, setbacks, parking, landscaping, and signage.
D. The provisions of KCC 12.04.745 through 12.04.770, as well as other applicable portions of this chapter, shall apply unless specifically excepted. In addition, the following standards shall apply to clustered subdivisions:
   1. Location. The cluster residential development may be allowed in SR-1, SR-2, SR-3, SR-4.5, SR-6 and SR-8 zoning districts outside of urban separators.
   2. Permitted uses. The cluster residential development option shall include only single-family residential uses, as defined in KCC 15.02.115.
   3. Minimum area. No minimum area is established for a cluster residential development.
4. **Permitted density.** The maximum number of dwelling units permitted in a cluster development shall be no greater than the number of dwelling units allowed for the parcel as a whole for the zoning district in which it is located.

5. **Lot size.** In the interest of encouraging flexibility in site design and the preservation of open space, the minimum lot size of individual building lots within a cluster subdivision in single family residential zoning districts may be reduced by twenty-five percent of the minimum lot size for the underlying zoning district.

6. **Lot width.** The minimum lot width for individual building lots in a cluster subdivision shall be thirty (30) feet. The hearing examiner may allow a shared driveway easement to be included in the minimum lot width of irregular lots, provided the total driveway width is no greater than twelve (12) feet.

7. **Other development standards.** Development standards other than lot size and lot width shall be the same as are required within the zoning district in which the cluster residential development is located. Design review is required for cluster development projects using the review criteria in KCC 15.09.045(C), Multifamily design review.

8. **Additional approval Criteria for cluster development projects.**
   
a. The proposed cluster development project shall have a beneficial effect upon the community and users of the development that would not normally be achieved by traditional lot-by-lot development, and it shall not be detrimental to existing or potential surrounding land uses as defined by the comprehensive plan.

   b. The proposed cluster development project shall be compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes, but is not limited to, apparent size, scale, mass, and architectural design.

   c. Unusual and sensitive environmental features of the site shall be preserved, maintained and incorporated into the design to benefit the development and the community.
d. The proposed cluster development project shall provide open areas by using techniques such as separation of building groups, use of well-designed open space, common or shared space, and landscaping. Open space shall be integrated within the cluster development project rather than be an isolated element of the project.

e. The proposed cluster development project shall promote variety and innovation in site and building design and shall include architectural and site features that promote community interaction and accessibility, such as porches, de-emphasized garages, shared driveways, sidewalks/walkways, and adjacent common areas. Buildings 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.

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

9. Common open space.

a. The common open space in cluster subdivisions shall be a minimum of twenty-five (25) percent of the entire parcel, whether or not the parcel is constrained by critical areas or buffers.

b. Parking areas, public right of way, maneuvering areas, roads, storage areas, driveways, and yards within individual lots shall not be included in common open space.

c. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces as well as existing or planned public parks and trails, and maintains scenic vistas.

d. All natural features (such as streams and their buffers, significant strands of trees and rock outcropping), as well as sensitive areas (such as steep slopes and wetlands and their buffers) shall be preserved.
e. Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development.

f. Ownership of such common open spaces may be retained under ownership by the owner or subdivider, conveyed to residents of the development, conveyed to a homeowners’ association for the benefit of the residents of the development, conveyed to the city with the city’s consent and approval, or conveyed to another party upon approval of the city of Kent.

SECTION 7. Amendment. Section 15.04.170 the Kent City Code is amended as follows:
### Sec. 15.04.170. Agricultural and Residential Zone Development Standards.

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<tr>
<td><strong>Maximum density: dwelling units per acre</strong></td>
<td>10/20 ac/acre</td>
<td>40/80 ac/acre</td>
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<td><strong>Minimum lot area: square feet or acres, as noted</strong></td>
<td>3,000 sq ft</td>
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<td><strong>Maximum site coverage: percent of site</strong></td>
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<td><strong>Minimum yard requirements: feet</strong></td>
<td>15 ft</td>
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<td><strong>Height limitation: in stories/not to exceed in feet</strong></td>
<td>2.5 sfr/35 ft (16)</td>
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<td><strong>Maximum impervious surface: percent of total parcel area</strong></td>
<td>40%</td>
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**Signs**
The sign regulations of Chapter 15.06 KCC shall apply.

**Off-street parking**
The off-street parking requirements of Chapter 15.05 KCC shall apply.

**Landscaping**
The landscaping requirements of Chapter 15.07 KCC shall apply.

**Multi-family transition area**

**Multi-family design review**

**Additional standards**

**Addition standards**

The provisions in KCC 15.08.300, 15.08.310, 15.08.320, and 15.08.330 shall apply.

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SECTION 8. – Amendment. Section 15.04.180 the Kent City Code is amended 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 manager, 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. For multifamily townhouse developments that attach three (3) units or less, in the MRT-12 or MRT-16 zoning districts the aggregate yard width need not be more than thirty (30) feet, but in no case shall a yard be less than ten (10) 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 provided.

Amendment to KCC 12.04
Cluster Developments
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.

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 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 manager 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 manager 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 12.04.055; 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 multifamily zoning districts as set forth in KCC 15.04.170, a side yard width of no less than three (3) feet may be utilized under the following conditions:

   a. Fire hydrants for the development, as required by the fire code set forth in KCC Title 13, will be placed a maximum of three hundred (300) feet in separation;

   b. The required fire hydrants shall have a minimum fire flow of one thousand five hundred (1,500) gallons per minute; and

   c. Emergency vehicle access roads shall be provided to the development, which includes an improved road accessible within one hundred fifty (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.
31. Where lands are located wholly or partially within the urban separator, as designated on the City of Kent Comprehensive Land Use Plan Map, dwelling units shall be required to be clustered, subject to the provisions of Ch. 12.04 KCC, entitled "Subdivisions." The density in a cluster subdivision shall be no greater than the density that would be allowed on the parcel as a whole, including all critical areas (creeks, wetlands, geological hazard areas), and buffers, using the maximum density provisions of the zoning district in which it is located.

The common open space in a cluster subdivision shall be a minimum of fifty (50) percent of the nonconstrained area of the parcel. The nonconstrained area of the parcel includes all areas of the parcel, minus critical areas, as defined in RCW 36.70A.030(5) as currently and hereinafter amended, and buffers. The remainder of the nonconstrained area of the parcel shall be the buildable area of the parcel. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces as well as existing or planned public parks and trails, and maintains scenic vistas. Critical areas and buffers shall not be used in determining lot size and common open space requirements in a cluster subdivision. All natural features (such as streams and their buffers, significant strands of trees, and rock outcropping), as well as sensitive areas (such as steep slopes and wetlands and their buffers) shall be preserved, as open space in a cluster subdivision.

Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development. Such common open spaces may be retained under ownership by the
owner or subdivider, conveyed to residents of the development, conveyed to a homeowners association for the benefit of the residents of the development, conveyed to the city with the city's consent and approval or to another party upon approval of the city of Kent.

The minimum lot size of individual lots within a clustered subdivision is two thousand five hundred (2,500) square feet, and the minimum lot width is thirty (30) feet. In the event that common open space prohibits development of one single-family residence on the parcel, the common open space will be reduced by the amount necessary to meet the minimum two thousand five hundred (2,500) square foot lot size. New lots created by any subdivision action shall be clustered in groups not exceeding eight (8) units. There may be more than one (1) cluster per project. Separation between cluster groups shall be a minimum of one hundred twenty (120) feet. Sight-obscuring fences are not permitted along cluster lot lines adjacent to the open space area.

32. For multifamily townhouse developments that attach three (3) units, the minimum building to building separation shall be ten (10) feet. For duplex and single-family condominium townhouse developments, the minimum building to building separation shall be established through the Uniform Building Code (UBC).

33. Where lands are located wholly outside the urban separator, as designated on the City of Kent Comprehensive Land Use Plan Map, dwelling units may be clustered, subject to the applicable provisions of Ch. 12.04 KCC.

SECTION 9. — Effect. The existing sections of the Kent City Code, which are repealed and replaced by this ordinance, shall remain in full force and effect until the effective date of this ordinance.
SECTION 10. – Severability. If any one or more section, 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 11. – Effective Date. This Ordinance shall take effect and be in force thirty days (30) days from and after its passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

APPROVED: 7 day of October, 2003.

I hereby certify that this is a true copy of Ordinance No. 3663 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

Amendment to KCC 12.04
Cluster Developments