Ordinance No. 3742

(Amending or Repealing Ordinances)

CFN=462 – Downtown Strategic Action Plan
Passed 4/19/2005
DSAP Chapter 15 Text Amendment
(Amending Chapters 15.04, 15.05, & 15.09)
(Secs. 15.04.170;15.04.180;15.04.190;15.04.195;15.05.070;15.09.046)

Amends Ords. 3439;3470;3508;3521;3523;3551;3600;3612;3663;
3690;3543;3648;3050;3409;3424;3457;3525

Amended by Ords. 3761;3770;3792;3830
Amended by Ord. 3988 (Secs. 15.04.190;15.04.195;15.09.046)
Amended by Ord. 4003 (Secs. 15.04.170;15.04.190)
Amended by Ord. 4011 (Secs. 15.04.190;15.04.195)
Amended by Ord. 4043 (Sec. 15.05.070)

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012
ORDINANCE NO. 3742

AN ORDINANCE of the City Council of the City of Kent, Washington, amending chapter 15.04, 15.05, and 15.09 of the Kent City Code, to implement amendments to the Downtown Strategic Action Plan.

RECITALS

A. The Downtown Strategic Action Plan (DSAP) was originally adopted in April 1998, and was updated in April of 2005. The update to the DSAP included amendments to Chapter 15 of the Kent City Code (KCC) expanding the geographic scope of design review, increasing certain surface parking caps, and eliminating specific minimum lot size requirements. These amendments were considered at public hearings held on August 23, 2004; September 27, 2004; October 25, 2004; and November 8, 2004.

B. The SEPA Responsible official issued an Addendum and Adoption Notice on October 18, 2004 determining that the proposed DSAP update and implementing regulations are consistent with the range, types and magnitude of impacts and corresponding mitigation outlined in the April 1998 integrated SEPA-GMA document for the DSAP; a separate threshold determination is not required.

C. On February 9, 2005, the City provided the required sixty (60) day notification under RCW 36.70A.106 to the state of Washington of the City’s proposed update to the DSAP. The sixty (60) day notice period has lapsed.

DSAP
Chapter 15 Text Amendment
NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. - Amend. Section 15.04.170 of the Kent City Code, entitled "Agricultural and Residential Zone Development Standards," is amended as follows:
### Sec. 15.04.170. Agricultural and Residential Zone Development Standards.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SF Duplex</td>
<td>SF Duplex</td>
<td>MF Duplex</td>
<td>SF Duplex</td>
<td>MF Duplex</td>
<td>SF Duplex</td>
<td>MF Duplex</td>
<td>SF Duplex</td>
<td>MF Duplex</td>
<td>SF Duplex</td>
<td>MF Duplex</td>
<td>SF Duplex</td>
<td>MF Duplex</td>
<td>SF Duplex</td>
<td>MF Duplex</td>
</tr>
<tr>
<td>Maximum density:</td>
<td>dwelling units per acre</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
</tr>
<tr>
<td>Minimum lot area:</td>
<td>square feet or acres, as noted</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
<td>10 ac</td>
</tr>
<tr>
<td>Minimum lot width:</td>
<td>feet</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>Maximum site coverage:</td>
<td>percent of site</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
<td>30%</td>
</tr>
<tr>
<td>Minimum yard</td>
<td>requirements: feet</td>
<td>Front yard</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
</tr>
<tr>
<td>Side yard</td>
<td>15 ft</td>
<td>15 ft</td>
<td>15 ft</td>
<td>15 ft</td>
<td>15 ft</td>
<td>15 ft</td>
<td>15 ft</td>
<td>15 ft</td>
<td>15 ft</td>
<td>15 ft</td>
<td>15 ft</td>
<td>15 ft</td>
<td>15 ft</td>
<td>15 ft</td>
</tr>
<tr>
<td>Side yard on</td>
<td>fronting street of</td>
<td>corner lot</td>
<td>Rear yard</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
<td>20 ft</td>
</tr>
<tr>
<td>Additional setbacks/distance</td>
<td>between buildings</td>
<td>5 ft</td>
<td>5 ft</td>
<td>5 ft</td>
<td>5 ft</td>
<td>5 ft</td>
<td>5 ft</td>
<td>5 ft</td>
<td>5 ft</td>
<td>5 ft</td>
<td>5 ft</td>
<td>5 ft</td>
<td>5 ft</td>
<td>5 ft</td>
</tr>
<tr>
<td>Height limitation:</td>
<td>in stories/not to exceed in feet</td>
<td>2.5 str/35 ft</td>
<td>2.5 str/35 ft</td>
<td>2.5 str/35 ft</td>
<td>2.5 str/35 ft</td>
<td>2.5 str/35 ft</td>
<td>2.5 str/35 ft</td>
<td>2.5 str/30 ft</td>
<td>2.5 str/30 ft</td>
<td>2.5 str/30 ft</td>
<td>2.5 str/30 ft</td>
<td>2.5 str/30 ft</td>
<td>2.5 str/30 ft</td>
<td>2.5 str/30 ft</td>
</tr>
<tr>
<td>Maximum impervious</td>
<td>surface: percent of</td>
<td>total parcel area</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>Zero lot line and</td>
<td>clustering (24)</td>
<td>The provisions in KCC 15.08.300, 15.08.310, 15.08.320, and 15.08.330 shall apply.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 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.

### Additional standards
- Additional standards for specific uses are contained in Chs. 15.08 and 15.09 KCC.
SECTION 2. Amend. Section 15.04.180 of the Kent City Code, entitled “Agricultural and residential land use development standard conditions,” is amended to read 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 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.

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, Binding Site Plans, and Lot Line Adjustments.” 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 stands 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 International Building Code (IBC) or International Residential Code (IRC), as may be applicable.

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.

34. The downtown design review requirements of KCC 15.09.046 shall apply.
35. Minimum lot area requirements do not apply to multifamily development in the Kent Downtown Planning Area identified in KCC 15.09.046.

SECTION 3. - Amend. Section 15.04.190 of the Kent City Code, entitled “Commercial and industrial zone development standards,” is amended to read as follows:
Sec. 15.04.190. Commercial and industrial zone development standards.

| ZONING DISTRICTS | NCC Neighborhood Convenience Commercial District | CC Community Commercial District | DC Downtown Commercial District | DCE Downtown Commercial Enterprise District | CM-1 Commercial Manufacturing-1 District | CM-2 Commercial Manufacturing-2 District | GC General Commercial District | O Office District | MA Industrial, Agricultural District | M1 Industrial Park District | M1-C Industrial Park-Commercial District | M2 Limited Industrial District | M3 General Industrial District | MWC Gateway Commercial District | AG Agricultural General District |
|------------------|-----------------------------------------------|---------------------------------|---------------------------------|-------------------------------------------|----------------------------------------|----------------------------------------|-------------------------------|-------------------------|----------------------------------------|-----------------------------|--------------------------------------|-----------------------------|----------------------------------|-----------------------------|
| Minimum lot area: square feet or acres, as noted | 10,000 sq ft | 10,000 sq ft | 5,000 sq ft | 5,000 sq ft (1) | 10,000 sq ft | 10,000 sq ft | 10,000 sq ft (46) | 1 acre | 1 acre | 10,000 sq ft | 10,000 sq ft | 20,000 sq ft | 15,000 sq ft | 10,000 sq ft | 1 acre |
| Maximum site coverage: percent of site | 40% | 40% | 100% | 100% | 50% | 50% | 40% | 30% | 50% | 60% | 60% | 65% | 75% | 40% | 60% |
| Minimum yard requirements: feet | | | | | | | | | | | | | | | |
| Front yard | 15 ft | 15 ft | (2) | (3) | 15 ft | 15 ft | 28 ft | 25 ft | 30 ft | (5) | (5) | (6) | (7) | (7) | 15 ft | (5) |
| Side yard | (8) | (9) | (2) | (3) | (10) | (10) | (10) | (10) | (11) | (12) | (12) | (13) | (14) | (15) | (12) |
| Side yard on flanking street of a corner lot | | | | | | | | | | | | | | | |
| Rear yard | (8) | 20 ft | (2) | (3) | (19) | (19) | (19) | (19) | (2) | (20) | (20) | (21) | (21) | (22) | (20) |
| Yards, transitional conditions | | | | | | | | | | | | | | | |
| Additional setbacks | (26) | (27) | (28) | (29) | (29) | | | | | | | | | | |
| Height limitation: in stories/not to exceed in feet | 2 stry/35 ft | 3 stry/40 ft | 4 stry/60 ft | (32) | 2 stry/35 ft | 2 stry/35 ft | 2 stry/35 ft | 2 stry/35 ft | 2 stry/35 ft | 2 stry/35 ft | 2 stry/35 ft | 2 stry/35 ft | 2 stry/35 ft | 2 stry/35 ft | 2 stry/35 ft |
| Landscaping | | | | | | | | | | | | | | | |
| The landscaping requirements of Ch. 15.07 KCC shall apply | (52) | (53) | (52) | | | | | | | | | | | | | |
| Outdoor storage | (39) | (39) | (40) | (40) | (40) | (42) | (43) | (43) | (44) | (45) | (49) | (51) | | | |
| Signs | | | | | | | | | | | | | | | |
| The sign regulations of Ch. 15.06 KCC shall apply | (60) | | | | | | | | | | | | | | |
| Loading areas | (47) | (47) | (47) | | (46) | (48) | | | | | | | | | | |
| Off-street parking | (48) | | | | | | | | | | | | | | |
| The off-street parking requirements of Ch. 15.05 KCC shall apply | (57) | (57) | (57) | (57) | (57) | (58) | (58) | (58) | (58) | (58) | (58) | (58) | (58) | (58) | (58) |
| Additional standards | (50) | (50) | (50) | (50) | (50) | (50) | (50) | (50) | (50) | (50) | (50) | (50) | (50) | (50) | (50) | (50) |

11
SECTION 4. - Amend. Section 15.04.195 of the Kent City Code, entitled “Commercial and industrial land use development standard conditions,” is amended to read as follows:

Sec. 15.04.195. Commercial and industrial land use development standard conditions.

1. Minimum lot of record or five thousand (5,000) square feet, whichever is less.
2. None, except as required by landscaping, or if off-street parking is provided onsite. See the downtown design review criteria outlined in KCC 15.09.046.
3. No minimum setback is required. If a rear and/or side yard abuts a residential district, a twenty (20) foot rear and/or side yard setback may be required. See the downtown design review criteria outlined in KCC 15.09.046.
4. For properties abutting on West Valley Highway, the frontage on West Valley Highway shall be considered the front yard.
5. The minimum front yard setback shall be related to the classification of the adjacent street. This classification shall be determined by the city transportation engineer. The setbacks are as follows:
   a. Properties fronting on arterial and collector streets shall have a minimum setback of twenty (20) feet.
   b. Properties fronting on local access streets shall have a minimum setback of twenty (20) feet.
6. The minimum front yard setback shall be related to the classification of the adjacent street. This classification shall be determined by the city transportation engineer. The setbacks are as follows:
   a. Properties fronting on arterials and collector streets shall have a minimum setback of forty (40) feet.
   b. Properties fronting on local access streets shall have a minimum setback of thirty (30) feet.
7. The front yard shall be ten (10) percent of the lot depth. Regardless of lot size, the yard depth need not be more than thirty-five (35) feet.
8. No side or rear yard is required, except when abutting a district other than NCC, and then the yard shall be not less than five (5) feet in width, unless the
abutting district or use is residential and then the yard shall be ten (10) feet in width and fully landscaped.

9. 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.

10. No side yard is required, except abutting a residential district, and then the side yard shall be twenty (20) feet minimum.

11. 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.

12. The side yards shall have an aggregate width of ten (10) percent of the lot width, but the aggregate width need not be more than forty (40) feet. There shall be a minimum of fifteen (15) feet on each side.

13. The side yards shall have an aggregate width of ten (10) percent of the lot width, but the aggregate width need not be more than thirty (30) feet. There shall be a minimum of ten (10) feet on each side.

14. The side yards shall have an aggregate width of ten (10) percent of the lot width, but the aggregate width need not be more than twenty-five (25) feet. There shall be a minimum of ten (10) feet on each side.

15. A side yard of at least five (5) feet in depth shall be provided along the side property lines, except no side yard shall be required between adjacent properties where a common, shared driveway with a perpetual cross-access easement is provided to serve the adjoining properties.

16. Where a side yard abuts a residential district, a side yard of at least twenty (20) feet shall be provided.

17. The minimum side yard on the flanking street of a corner lot shall be related to the classification of the adjacent street. This classification shall be determined by the city transportation engineer. The setbacks are as follows:

   a. Properties fronting on arterial and collector streets shall have a minimum setback of forty (40) feet.

   b. Properties fronting on local access streets shall have a minimum setback of thirty (30) feet.
18. The side yard on the flanking street of a corner lot shall be at least ten (10) percent of the lot width, unless the ten (10) percent figure would result in a side yard of greater than twenty (20) feet, in which case the side yard need not be more than twenty (20) feet.

19. No rear yard is required, except abutting a residential district, and then the rear yard shall be twenty (20) feet minimum.

20. No rear yard is required, except as may be required by other setback provisions of this section.

21. No rear yard is required, except as may be required by transitional conditions.

22. A rear yard of at least five (5) feet in depth shall be provided, except when a rear yard abuts a residential district, and then a rear yard of at least twenty (20) feet in depth shall be provided.

23. Transitional conditions shall exist when an industrial park M1 or M1-C district and 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 intervening use such as a river, freeway, 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.

24. Transitional conditions shall exist when an M2 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, freeway, railway 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.

25. Transitional conditions shall exist when an M3 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.

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

27. Transitional conditions shall exist when an MA 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.

28. Industrial development in the MA 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 are in accordance with the high quality of site development required for the industrial parks area of the city, which MA areas are designated to become in the city plan, and are 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.

29. Development in the M1 or M1-C district and 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 state Shoreline Management Act of 1971, and shall be no more restrictive than, but as restrictive as, the Shoreline Management Act.

DSAP
Chapter 15 Text Amendment
30. The planning manager 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.

31. The downtown design review requirements of KCC 15.09.046 shall apply.

32. No maximum height limit is required. See the downtown design review criteria outlined in KCC 15.09.046.

33. 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.

34. 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.

35. 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 one (1) foot of additional building height. The planning manager shall be authorized to approve one (1) additional story, provided such height does not detract from the continuity of the industrial area, and may impose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increase may be granted by the land use and planning board.

36. Design review for mixed use development is required as provided in KCC 15.09.045(E).

37. The height limitation is two (2) stories or thirty-five (35) feet. 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 two (2) feet of additional building height. The planning manager shall be authorized to approve one (1) additional story, provided such height does not detract from the continuity of the industrial area, and may impose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increase may be granted by the land use and planning board.
surrounding uses. Any additional height increases may be granted by the planning commission.

38. The height limitation is three (3) stories or forty (40) feet. An additional story or building height may be added, up to a maximum of five (5) stories or sixty (60) feet, with one (1) additional foot of building setback for every additional foot of building height over forty (40) feet.

39. Outdoor storage areas are prohibited.

40. 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.

41. Any unfenced outdoor storage areas shall be paved with asphaltic concrete, cement, or equivalent material to be approved by the city engineer.

42. Outdoor storage (for industrial uses) shall be at the rear of a principally permitted structure and shall be completely fenced.

43. Outside storage or operations yards in the M1 or M1-C district and AG district shall be permitted only as accessory uses. Such uses are incidental and subordinate to the principal use of the property or structure. Outside storage or operations yards shall be confined to the area to the rear of the principal building or the rear two-thirds (2/3) of the property and reasonably screened from view from any property line by appropriate walls, fencing, earth mounds, or landscaping. Outside storage exceeding a height of fifteen (15) feet shall be so placed on the property as to not detract from the reasonably accepted appearance of the district.

44. Outside storage or operations yards shall be confined to the area to the rear of a line which is an extension of the front wall of the principal building, and shall be reasonably screened from view from any street by appropriate walls, fencing, earth mounds, or landscaping.

45. Outside storage or operations areas shall be fenced for security and public safety at the property line.

46. Wherever feasible, drive-up/drive-through facilities shall be accessed from the rear of a site and run along an interior lot line or building elevation. Landscaping, sufficient to soften the visual impact of vehicle stacking areas, may be required.
47. Loading areas must be located in such a manner that no loading, unloading, or maneuvering of trucks associated therewith takes place on public rights-of-way.

48. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of thirty-six (36) inches and a maximum of forty-two (42) inches in height. Landscaping located on the berm shall conform to type III landscaping as described in KCC 15.07.050.

49. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of thirty (30) inches in height. Landscaping located on the berm shall conform to type III landscaping described in KCC 15.07.050 pertaining to visual buffers.

50. Development plan approval is required as provided in KCC 15.09.010.

51. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of twenty (20) inches in height. Landscaping located on the berm shall conform to type III landscaping described in KCC 15.07.050 pertaining to visual buffers.

52. Where building walls face adjacent streets and are unfenestrated for more than forty (40) feet at any point along the facade, additional landscaping shall be required to reduce visual impacts. In such circumstances, type II landscaping, as defined in KCC 15.07.050, shall be required; provided, that evergreen trees shall be at least ten (10) feet in height and deciduous trees shall be a minimum of two (2) inch caliper at the time of planting.

53. Predominant activities and operations shall be completely enclosed within buildings or structures, except for customary appurtenances such as loading and unloading areas, or where special conditions exist as a result of a conditional use public hearing. The planning manager shall be authorized to determine the reasonable application of this provision in cases of operational hardship or other showing of uncommon circumstances.

54. Multitenant buildings shall be permitted.
55. All required yards, parking areas, storage areas, operations yards, and other open uses on the site shall be maintained in a neat and orderly manner appropriate for the district at all times. The planning manager shall be authorized to reasonably pursue the enforcement of this subsection where a use is in violation, and to notify the owner or operator of the use in writing of such noncompliance. The property owner or operator of the use shall be given a reasonable length of time to correct the condition.

56. The performance standards as provided in KCC 15.08.050 shall apply.

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

58. Those areas not required to be landscaped may be used for off-street parking.

59. Outdoor storage is allowed only as an accessory use to small scale, light industrial, or manufacturing operations where the building, structure, or total operation, including all indoor and outdoor storage areas, does not encompass more than ten thousand (10,000) square feet of total area.

60. Signage on commercial uses in the M1-C zone shall be as specified in KCC 15.06.050(B). Signage on industrial uses in the M1-C zone shall be as specified in KCC 15.06.050(E).

61. Any eating establishment with a drive-through/drive-in facility shall be located a minimum of one thousand (1,000) feet from any other restaurant with a drive-through/drive-in facility.

62. Parking should be located either next to or behind the building. Parking should not be placed between the street and the building.

63. A direct pedestrian connection shall be provided from the street to the building.

64. Screening by either an enclosure and/or evergreen landscaping shall be provided for mechanical equipment, service doors, and garbage areas. Rooftop equipment shall be enclosed with a parapet or similar design feature.

65. Structures shall be designed to maintain the residential character of the surrounding neighborhood. Modulating the building mass, adding dormer windows,
covered entryways, or porches are ways to enhance the human scale and provide a residential dimension to structures.

66. Minimum lot area requirements do not apply to multifamily development in the Kent Downtown Planning Area identified in KCC 15.09.046.

SECTION 5. - Amend. Section 15.05.070 of the Kent City Code, entitled “Off-street parking regulations for downtown commercial and downtown commercial enterprise districts,” is amended to read as follows:

Sec. 15.05.070. Off-street parking regulations for downtown commercial and downtown commercial enterprise districts.

It is the purpose of this section to recognize the pedestrian-oriented nature of downtown activities while also recognizing the need for off-street parking facilities to eliminate traffic congestion. For the purpose of regulating off-street parking, there shall be two (2) divisions of the downtown commercial enterprise district, one (1) for the area west of the Burlington Northern Railroad tracks, and one (1) for the area east of the tracks.

A. Downtown commercial district. No off-street parking shall be required in this district, excepting that one (1) parking space per unit is required for multifamily residential development. No more than three (3) off-street surface parking spaces per one thousand (1,000) square feet of gross floor area are permitted for nonresidential development. This parking maximum does not apply to structured parking. The downtown commercial district is the core area of downtown which should be pedestrian oriented. In addition, the property owners in the downtown commercial district have provided off-street parking through local improvement district assessments.

B. Downtown commercial enterprise district – West of the Burlington Northern Railroad tracks. Off-street parking shall be provided and shall be in accordance with the provisions of this chapter, except there may be a fifty (50) percent reduction from the parking standard requirements contained in KCC 15.05.040 and except that those properties in the downtown commercial enterprise zone who paid into parking local improvement district 260 shall be exempt from off-street, parking requirements. One
(1) parking space per unit is required for all multifamily residential development. No more than three (3) off-street surface parking spaces per one thousand (1,000) square feet of gross floor area are permitted for nonresidential development except that this surface parking maximum does not apply to either structured parking, or, properties located in the 'West Frame District' of the Kent Downtown Planning Area described in KCC 15.09.046, which shall have a maximum of 4.5 off-street surface parking spaces per one thousand (1,000) square feet of gross floor area for nonresidential development. The exception for the 'West Frame District' will be reevaluated two years from its adoption and a report made to the City Council regarding its effectiveness.

C. Downtown commercial enterprise district – East of the Burlington Northern Railroad tracks. Off-street parking shall be provided and shall be in accordance with the provisions of this chapter except there may be a twenty-five (25) percent reduction from the parking standard requirements contained in KCC 15.05.040. One and one-half (1.5) parking spaces per unit are required for multifamily residential development. No more than three (3) off-street parking spaces per one thousand (1,000) square feet of gross floor area are permitted for nonresidential development except that this surface parking maximum does not apply to either structured parking, or, properties located in the 'East Frame District' of the Kent Downtown Planning Area described in KCC 15.09.046, which may have a maximum of 4.5 off-street surface parking spaces per one thousand (1,000) square feet of gross floor area for nonresidential development if at least twenty-five percent (25%) of the overall project gross floor area is comprised of residential development. The exception for the 'East Frame District' will be reevaluated two years from its adoption and a report made to the City Council regarding its effectiveness.

SECTION 6. Amend. Section 15.09.046 of the Kent City Code, entitled “Downtown design review,” is amended to read as follows:
Sec. 15.09.046. Downtown design review.

A. Purpose and scope.

1. Downtown design review is an administrative process, the purpose of which is to implement and give effect to the downtown plan, its policies or parts thereof, through the adoption of downtown design guidelines, as set forth in subsection (D) of this section, for development within the downtown planning area, which is bounded by State Route 167 to the west, James-Cloudy Street to the north, Kennebeck/Clark/Jason/Titus/Central Avenue to the east, and Willis Street to the south. The area, coterminous with the downtown districts identified in the Downtown Strategic Action Plan, is shown on the map following this section.

It is the intent of the city that this process will serve to aid applicants in understanding the principal expectations of the city concerning development in the downtown planning area and encourage a diversity of imaginative solutions to development through the review and application of the downtown design guidelines. These guidelines have been formulated to ensure that the design, siting and construction of development will provide a quality pedestrian-oriented urban environment in a manner consistent with established land use policies, the comprehensive plan, and zoning code of the city.

2. The adoption of the downtown design guidelines is an element of the city's regulation of land use, which is statutorily authorized. The downtown design review process adopted herein is established as an administrative function delegated to the city's planning services office pursuant to RCW Title 35A. Therefore, in implementing the downtown design review process, the planning manager may adopt such rules and procedures as are necessary to provide for review of proposed projects.

3. All development within the downtown planning area shall be subject to the provisions of this section.

4. The downtown design review process is distinct from the multifamily design review process set forth in KCC 15.09.045. Applications for multifamily development within the DC, DCE and DLM zoning districts shall be subject to the provisions of KCC 15.09.045 in addition to the provisions of this section, except as provided in KCC 15.09.045(D). However, the provisions of this section shall prevail in cases where a conflict may arise between the requirements of the two (2) sections.
B. Application and review process. The downtown 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 planning services. Upon receipt of an application for design review, the planning manager shall circulate the application to the appropriate city departments and offices for review. Prior to issuing a final decision, the planning manager shall review any comments submitted for consideration. In the administration of this process, planning services may develop supplementary handbooks for the public, which shall pictorially illustrate and provide additional guidance on the interpretation of the criteria set forth in the downtown design guidelines.

C. Design review committee. There is hereby established the downtown design review committee, which shall make all final decisions on applications for downtown design review. The committee shall be comprised of three (3) members, who shall be appointed by the planning manager under the authority delegated to him under RCW Title 35A. The members shall serve at the pleasure of the planning manager. The planning manager shall, by administrative rule, establish the rules of procedure for the committee, which shall be made available to the public upon publication.

D. Downtown design guidelines – Adoption. The downtown design review committee shall use the downtown design guidelines in the evaluation and/or conditioning of applications under the downtown design review process. The downtown design guidelines, entitled “Kent Downtown Design Guidelines,” prepared by the City of Kent Planning Services in collaboration with MAKERS, Architecture and Urban Design and Mark Hinshaw of LMN Architecture, dated September 19, 2000, are hereby adopted by this reference as authorized pursuant to RCW 35A.12.140 and shall be placed on file in the offices of the city clerk and planning services.

E. Appeals. The decision of the downtown administrative design review committee to approve, condition or reject any application under the downtown design review process is final unless an appeal is made to the hearing examiner within fourteen calendar (14) days of either the issuance of the committee’s conditional approval or rejection of any application under this section. Appeals to the hearing examiner shall be conducted as set forth in Ch. 2.32 KCC. The decision of the
hearing examiner shall be final, unless an appeal is made to the King County superior court, within twenty-one (21) calendar days of the date of the decision.
KENT DOWNTOWN PLANNING AREA
SECTION 7. - Savings. The existing chapters and sections of the Kent City Code, which are repealed and amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 8. - 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 9. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY
PASSED: 19 day of April, 2005.
APPROVED: 19 day of April, 2005.
PUBLISHED: 23 day of April, 2005.

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