Ordinance No. 3750
(Amending or Repealing Ordinances)

CFN=131 – Zoning Codes
Passed – 5/17/2005
Green River Corridor District – Amend KCC

Revisions to KCC Secs. 15.08.260; 15.04.010; 15.08.400(C)(11)

Amending Ords. 3338;3439;3600;3612;3643; 15.08.260(D);3770
AN ORDINANCE of the City Council of the City of Kent, Washington, amending section 15.08.260(D) of the Kent City Code, regarding the height limitation on lots in the Green River Corridor special interest district, (ZCA 2005-1); and to change the name of Green River Corridor special interest district to Green River Corridor district, thereby amending 15.04.010 and 15.08.400(C)(11) of the Kent City Code.

RECITALS

A. The Green River Corridor special interest district (hereafter "Green River Corridor district") is that area of the City 1,000 feet from the ordinary high water line of the Green River. The purpose of the Green River Corridor district is to protect, conserve, and manage areas generally located on both sides of the Green River, and to ensure that urban development within the district is compatible with the open, natural configuration of the Green River and its adjacent lands. Existing regulations limit building height within the Green River Corridor district to 35 feet and provide no means other than a variance to adjust that height. There are, however, parcels of real properties located within the Green River Corridor district that are separated from the Green River by privately-owned parcels that may or may not be developed. When the intervening parcel is developed, the existing height restriction does not further the intent of the Green River Corridor district regulations.
B. On April 4, 2005, the City sent the required notification under RCW 36.70A.106 to the state of Washington of the proposed amendment to the zoning code and requested expedited review. Expedited review was received and granted on April 20, 2005.

C. On April 25, 2005, the Land Use & Planning Board held a public hearing on the issues of the height regulation and changing the name of the Green River Corridor special interest district to Green River Corridor district. At the conclusion of the public hearing the Land Use & Planning Board forwarded a recommendation to the Kent City Council.

D. On May 17, 2005, the City Council voted to amend section 15.08.260 of the Kent City Code to apply the 35-foot height limitation only to riverfront lots, and change the name of the Green River Corridor special interest district to Green River Corridor district.

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

ORDINANCE

SECTION 1. - Amendment. Section 15.08.260 of the Kent City Code is amended as follows:

Sec. 15.08.260. Green River Corridor special-interest-district regulations.
A. Purpose. The Green River Corridor special-interest district is hereby created to protect, conserve, and manage areas generally located on both sides of the Green River, and to ensure that urban development within the district is compatible with the open natural configuration of the Green River and its adjacent lands.
B. **Location.**

1. The Green River Corridor special-interest district is that area of the city one thousand (1,000) feet from the ordinary high-water line of the Green River; provided that the shoreline master program shall govern development within the first two hundred (200) feet of the ordinary high-water line of the river. The district is more particularly described as follows:

Two (2) strips of land each eight hundred (800) feet in width which begin at the north city limit line, on March 4, 1985, and end at the south city limit line, which south line ends in Section 30, Township 22 North, Range 5 East, W.M. Each strip shall be measured from each side of the Green River and the measurement shall be two hundred (200) feet from the ordinary high-water line of the river, all in King County, Washington; except any portions thereof lying outside of the city limits.

This district shall also include unique and fragile areas beyond the one thousand (1,000) foot corridor. The strips of land described in this subsection and the unique and fragile areas are illustrated on the hazard area development limitations map, attached to the ordinance from which this section is derived as Exhibit A and by this reference incorporated in this section.

2. **Property exemption.** Property platted in accordance with the city subdivision code, Ordinance No. 1840, before March 2, 1981 (adoption of the Valley Studies), shall be exempt from the provisions of this section.

C. **Unique and fragile overlay zone.**

1. **Created.** There is hereby created a unique and fragile overlay zone. The location and boundaries of the zone, to be known as unique and fragile areas, class I, and unique and fragile areas, class II, are more particularly described on the hazard area development limitations map, referred to in subsection (B) of this section as Exhibit A.

2. **Purpose.** The purpose of the overlay zone is to implement the adopted policies of the Valley Studies Program.
3. Development limitations.

   a. Unique and fragile areas, class I. Uses within the unique and fragile areas, class I, shall be limited to agricultural uses permitted in the A-10 (agricultural) zone, as set out in KCC 15.03.010.

   b. Unique and fragile areas, class II. Unique and fragile areas, class II, lie within a flood control district and are specifically designated floodways or floodway fringe areas. There shall be no disruption or destruction of areas identified as unique and fragile areas, class II, except new dikes and levees constructed for public safety reasons. Such improvements shall be designed so as not to intrude within unique and fragile areas, class II. Where class II areas are not surrounded by class I areas, a one hundred (100) foot buffer shall be provided between the class II area and the allowed use.

D. Development standards.

   1. Green River access. No building or lot within the district shall be constructed or created without providing access to the Green River via public sidewalks or a private trail system. Such sidewalks or private trail systems shall connect to riverside public trails or scenic drives at intervals of one thousand (1,000) feet or less in industrial developments, and intervals of five hundred (500) feet or less in residential developments.

   2. Pedestrian access in residential development. In residential developments, pedestrian access to the Green River shall be accomplished without crossing streets or roads, except scenic and recreational roads, unless clearly shown to be infeasible.

   3. Parking facilities. Parking facilities for access to the Green River shall be located as near as practicable to riverfront parks or historic sites and shall be clustered in lots not exceeding thirty (30) cars. Every public parking area shall be visible from a street accessible to the public and be situated so that the public can clearly see riverfront open space and gain access to the public portion of that open space.
4. **Payment in lieu of parking facilities.** The city may accept or require payment in lieu of providing parking facilities which are required as a condition of the issuance of development permits.

5. **Loading dock location.** Loading docks shall not be constructed on river-facing sides of buildings unless a minimum fifty (50) foot buffer of native vegetation is provided to screen the loading docks from the shoreline, unless otherwise required by the Kent shoreline master program. Other design and landscaping requirements may be imposed by the planning manager to meet the purpose of the Green River Corridor special-interest-district.

6. **Building height.** **On riverfront lots,** buildings located outside the two hundred (200) foot shoreline management zone but within the district shall not exceed thirty-five (35) feet in height.

7. **Exterior walls of buildings.** No building on any riverfront lot shall have an exterior wall parallel to, or within forty-five (45) degrees of parallel to, the river which exceeds two hundred (200) feet in length, except as follows: buildings on riverfront lots in the MA, M1, M1-C, M2, and M3 zoning districts may have exterior walls parallel to, or within forty-five (45) degrees of parallel to, the river which exceed two hundred (200) feet in length, provided they are screened by a vegetative buffer per KCC 15.08.260(D)(9)(c).

8. **Lots.**

   a. Each riverfront lot within a subdivision shall contain area sufficient to comply with minimum lot size requirements of Ch. 15.04 KCC and provide a public access easement and building setback line as required by this section.

   b. No subdivision of professional and office (O), general commercial (GC), industrial agricultural (MA), industrial park (M1), and limited industrial (M2) zoned land shall be approved unless each lot within the subdivision has an upland boundary at least five hundred (500) feet from the ordinary high-water line of the river.

a. A permanent vegetation buffer, in accordance with KCC 15.07.050(C) pertaining to landscaping type III, shall be maintained or established for each building or use within the district. Any materials storage yard, truck maneuvering area, equipment parking area, junkyard, refuse storage, or similar use within the district shall install such a permanent vegetative buffer between the use and the Green River within two (2) years of the effective date of the ordinance from which this section is derived.

b. Landscape screening and buffer strips shall be planted in order to be harmonious with those already planted on adjacent properties and consistent with the city landscaping requirements as set out in Ch. 15.07 KCC.

c. Buildings on riverfront lots in industrial zoning districts which have exterior walls exceeding two hundred (200) feet in length parallel to, or within forty-five (45) degrees of parallel to, the river, must be screened by a vegetation buffer. This vegetative buffer shall be located along the length of the property line located parallel to, or within forty-five (45) degrees of parallel to, the river, for a minimum depth of twenty (20) feet in accordance with type III, visual buffer landscape standards pursuant to KCC 15.07.050(C). In addition, an earth berm of a minimum of forty-eight (48) inches in height must be provided for.

10. Rail lines. No rail lines shall be permitted within five hundred (500) feet of the Green River; provided, however, rail lines shall be permitted to within three hundred (300) feet of the Green River in those locations specified on Exhibit B attached to the ordinance from which this section is derived and by this reference incorporated in this section, such locations having been found to be best suited to rail.

11. Road access. All new lots and buildings shall be designed with primary street access to streets other than scenic and recreational roads, unless no other access is available.
12. **Street connections.** Development shall include no street connections to scenic and recreational roads, unless no other access is available.

13. **Utilities.** Utilities shall be installed in accordance with Ch. 7.10 KCC.

14. **Surface drainage facilities.** Surface drainage facilities such as drainage channels and retention areas shall be designed to applicable city standards and shall be integral parts, if possible, of any common trail and open space system connections to the riverfront.

E. **Performance standards.**

1. **Fish and game requirements.** The applicant shall comply with applicable requirements of the State Department of Fisheries and State Department of Game for preventing and mitigating adverse impacts on fish and wildlife resources and enhancing wildlife habitat.

2. **Flood control works.** If city funds are used in the construction of flood control works such as dikes, levees, or floodwalls, public rights of access to such works shall be dedicated prior to construction, where practicable.

**SECTION 2. - Amendment.** Section 15.04.010(H) of the Kent City Code is amended as follows:

Sec. 15.04.010. Interpretation of land use tables.

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H. **Overlay zones.** Overlay districts provide policies and regulations in addition to those in the underlying zoning district. Overlay zones include the mixed use overlay and the Green River Corridor special interest district.

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SEC 3. Amendment. Section 15.08.400(C)(11) of the Kent City Code is amended as follows:

Sec. 15.08.400. Planned unit development, PUD.

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

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

SEC 4. Savings. The existing sections of the Kent City Code, which are amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SEC 5. 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 portions of this ordinance and the same shall remain in full force and effect.

SEC 6. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after passage as provided by law.
I hereby certify that this is a true copy of Ordinance No. 3750 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.