Ordinance No. 3761

(Amending or Repealing Ordinances)

CFN=131 – Zoning Codes
Passed – 9/6/2005
Townhouse ownership MR-T Zoning – Amend KCC 15
(amends Secs. 15.02.525.1;15.04.030;15.04.180)

Amends Ords. 3439;3440;3470;3600;3612;3615 (Sec. 15.04.030)
Amends Ords. 3439;3470;3523;3551;3600;3612;3663;3690;3742;3792 (Sec. 15.04.180)

Amended by Ord. 3830 (Secs. 15.04.030;15.04.180)
Amended by Ord. 4011 (Sec. 15.04.030)
AN ORDINANCE of the City Council of the city of Kent, Washington, amending Chapter 15 of the Kent City Code, regarding ownership options in the MR-T Multifamily Residential Townhouse Districts (#ZCA-2005-6).

RECITALS

A. The intent of the Multifamily Residential Townhouse (MR-T) zoning district is to encourage home ownership. This may include condominiums, but need not be limited to this one form of ownership.

B. On July 28, 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. The State granted expedited review and on August 12, 2005 notified the City it had met state notification requirements.

C. The SEPA Responsible Official determined the proposed amendments are procedural in nature and categorically exempt from environmental review.

D. On August 8, 2005, the Land Use & Planning Board held a public hearing on the issue of allowing more than the condominium form of ownership in the MR-T zoning district. At the conclusion of the public hearing the Land Use &

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Planning Board recommended approval of a proposal to provide alternative means of ownership interest for townhouses within the MR-T zoning district. On August 15, 2005, the Planning & Economic Development Committee approved the proposed amendment and forwarded a recommendation to the full City Council. The City Council, on September 6, 2005, voted to amend Chapter 15 of the Kent City Code to provide for ownership options in the MR-T zoning districts.

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

ORDINANCE

SECTION 1. – Amendment. Chapter 15.02 of the Kent City Code is amended to include the definitions of “townhouse with ownership interest” as follows:

Sec. 15.02.525.1. Townhouse with ownership interest. Townhouse with ownership interest means real property formed as a townhouse, where portions are designated for separate ownership and the remainder is designated for common ownership solely by the owners of those portions, with an undivided interest in the common elements vested in the unit owners. Real property is not considered a townhouse with ownership interest until after a declaration encompassing and outlining the above requirements is recorded.

SECTION 2. – Amendment. Section 15.04.030 of the Kent City Code entitled, “Residential land use development conditions” is amended as follows:

Sec. 15.04.030. Residential land use development conditions.

2. All multifamily townhouse developments in the MR-T zone shall be condominiums and recorded pursuant to Chapter 64.32 RCW as townhouses with Townhouse Ownership MR-T Zoning - Amend KCC 15
ownership interest, as defined in KCC 15.02.525.1, prior to approval of a certificate of occupancy by the city.


SECTION 3. – Amendment. Section 15.04.180 of the Kent City Code, entitled “Agricultural and residential land use development standard conditions” is amended as follows:

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

29. All multifamily townhouse developments in the MR-T zone shall be condominiums—townhouses with ownership interest 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.

SECTION 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.

SECTION 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.
SECTION 6. – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after passage as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 6 day of September, 2005.
APPROVED: 6 day of September, 2005.
PUBLISHED: 10 day of September, 2005.

I hereby certify that this is a true copy of Ordinance No. 3761 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

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