Ordinance No. 3792

(Amending or Repealing Ordinances)

CFN=131 – Zoning Code
Passed – 3/21/2006
Shipping Containers in Residential Zoning Districts
(Adding new Sec. 15.02.071; Amending 15.04.170;15.04.180 {adding #36})

Amends Ords. 3439;3470;3508;3521;3523;3551;3600;3612;3663;3742;3770;3439;3470;3523;3551;3600;3612;3663;3690;3742;3761

Amended by Ord. 3830 (Secs. 15.04.170;15.04.180)
Amended by Ord. 4003 (Sec. 15.04.170)
ORDINANCE NO. 3792

AN ORDINANCE of the City Council of the city of Kent, Washington, amending Chapter 15 of Kent City Code to conditionally allow the placement of cargo containers in residential zoning districts, (#ZCA-2005-7).

RE bâtALS

A. The City of Kent's Zoning Code recognizes the need of all legitimate uses of land to be protected from other uses which are unrelated or incompatible (KCC 15.01.020.C.2). The City has received complaints related to shipping containers located in residential neighborhoods. These containers present a potential for incompatibility with residential uses, particularly related to visual blight.

B. The Land Use and Planning Board held a public hearing on January 9, 2006, and recommended approval of a zoning code amendment to conditionally allow cargo containers in residential zoning districts. On February 27, 2006, the Planning & Economic Development Committee also recommended approval of a zoning code amendment to conditionally allow cargo containers in residential zoning districts.
C. On July 28, 2005, the city provided the required sixty (60) day notification under RCW 36.70A.106 to the state of Washington regarding shipping containers in residential zoning districts, and expedited review was granted on August 12, 2005.

D. The City's State Environmental Policy Act responsible official determined that SEPA review was not required because the amendments are procedural in nature and therefore categorically exempt.

E. This ordinance conditionally allows for the placement of cargo containers in residential zoning districts within the City of Kent.

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 add the definition of "cargo containers" as follows:

Chapter 15.02 Definitions.

Sec. 15.02.071. Cargo containers.

Cargo containers means a standardized, reusable vessel, designed without an axle or wheels, which was:

A. Originally, specifically, or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or

B. Designed for or capable of being mounted or moved on a rail car; and/or
C. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship. When used for any purpose other than those listed in subsection A of this section, a cargo container is a structure.

SECTION 2. – Amendment. 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.

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Maximum density dwelling units per acre
- 10 ac: 1
- 20 ac: 3.63
- 45 ac: 4.53
- 60 ac: 6.05
- 75 ac: 7.71
- 80 ac: 8.77
- 90 ac: 10.89
- 120 ac: 12.9
- 160 ac: 16.0
- 200 ac: 23.9
- 400 ac: 40.0

Minimum lot area square feet or acres, as noted
- 60 ft: 34,700 sq ft
- 80 ft: 7,600 sq ft
- 100 ft: 4,000 sq ft
- 125 ft: 800 sq ft
- 150 ft: 800 sq ft
- 200 ft: 8,500 sq ft
- 250 ft: 8,500 sq ft
- 300 ft: 8,500 sq ft
- 500 ft: 8,500 sq ft
- 750 ft: 8,500 sq ft

Minimum lot width feet (4)
- 60 ft: 60
- 80 ft: 50
- 100 ft: 50
- 125 ft: 40
- 150 ft: 25
- 300 ft: 25
- 500 ft: 25
- 750 ft: 25

Maximum site coverage percent of site
- 30%: 30%
- 45%: 45%
- 50%: 50%
- 55%: 55%
- 60%: 60%
- 70%: 70%
- 75%: 75%

Minimum yard requirements feet
- Front yard: 20 ft
- Side yard: 15 ft
- Side yard on flanking street of a corner lot: 20 ft
- Rear yard: 15 ft
- Additional setbacks/distances between buildings: 2.5

Height limitation in stories/not to exceed in feet
- 10 ft: 2.5
- 15 ft: 2.5
- 20 ft: 2.5
- 30 ft: 2.5
- 40 ft: 2.5

Maximum impervious surface percent of total parcel area
- 40%: 40%

Zero lot line and clustering (24)

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

Landscape
- The landscaping requirements of Chapter 15.07 KCC shall apply

Multi-family transition Area
- (25)

Multi-family design review
- (26)

Additional standards
- Additional standards for specific uses are contained in Chs 15.08 and 15.09 KCC

Addition standards
- (29)
- (34)
- (36)
SECTION 3. 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.

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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

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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) stones 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) stones 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.

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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.

36. Cargo containers proposed to be located in a residential zone must be located completely within a stick-built structure with a peaked roof and building materials similar to that of the principal residence on the site. No containers greater than ten (10) feet by twenty (20) feet may be placed in residential districts. This restriction does not apply to containers collecting debris or accepting household goods for moving that are located on residential property for less than 72 hours. Additionally, institutional uses are exempt from these requirements except when a shipping container is proposed to be located adjacent to or within sight of a residential use.
**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.

\[Signature\]

SUZETTE COOKE, MAYOR

ATTEST:

\[Signature\]

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

\[Signature\]

TOM BRUBAKER, CITY ATTORNEY

PASSED: 21 day of March, 2006.

APPROVED: 21 day of March, 2006.

PUBLISHED: 25 day of March, 2006.
I hereby certify that this is a true copy of Ordinance No. 2792 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