Ordinance No. 3830

(Amending or Repealing Ordinances)

CFN=131 – Zoning Codes
Residential Development Standards
Amends secs. 12.04.060 (new); 12.04.065 (new); 12.04.070 (new); 12.04.125; 12.04.235(D); 12.04.435; 12.04.545(D); repeals sec. 12.04.580; amends sec. 12.04.685; 12.04.745; repeals sec. 12.04.780; amends secs. 15.02.026; 15.02.096; 15.02.106; 15.02.134; 15.02.335.1; 15.02.340.1; 15.02.499.1; 15.04.020; 15.04.030(27); 15.04.170; 15.04.180; 15.07.040; 15.08.240; 15.09 045

Amends Ords. 1840; 2452; 2786; 2849; 2932; 2975; 3290; 3409; 3424; 3439; 3440; 3470; 3511; 3521; 3523; 3543; 3551; 3561; 3600; 3612; 3615; 3663; 3690; 3742; 3753; 3759; 3761; 3770; 3792

Amended by Ord. 3906 (Ch. 12.04)
Amended by Ord. 3978 (Sec. 15.02.096)
Amended by Ord. 4003 (Sec. 15.04.170)
Amended by Ord. 4011 (Sec. 15.04.020; 15.04.030; 15.09.045)
Amended by Ord. 4043 (Sec. 15.07.040)

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. 3830

AN ORDINANCE of the city council of the city of Kent, Washington, amending various sections within chapters 12.04, 15.04, 15.07, 15.08, and 15.09 of the Kent City Code. In general, these revisions address residential development standards such as the creation of on-site recreation space, diminished garage doors, perimeter landscape buffering, mixed housing types in single family zones, reduced minimum lot size, stronger tree protection, and residential design review.

RECITALS

A. In March of 2006, City staff met with the City Council to hear concerns regarding residential development, specifically those associated with some of the City of Kent's newer construction. With the Council's approval, staff began an effort to receive public input on these issues. A five month-long effort included public forums at various venues around the City on July 11, 2006; July 19, 2006; July 20, 2006; July 25, 2006; and September 14, 2006. Meetings were also held with real estate agents, developers, and builders on May 23, 2006, and June 1, 2006. Additionally, City staff designed and published an online visual preference survey that polled people's opinions regarding different types of housing and neighborhoods. This extensive public outreach effort yielded a list of concerns that both reinforced and supplemented those originally expressed to staff by the City Council. Based on the cumulative input received from the public, stakeholder groups, and the City Council, City staff formulated a list of desired outcomes to guide the process of amending Kent's residential development standards. Those desired outcomes consisted of creating on-site open space, requiring perimeter landscape buffering, strengthening connection of homes to

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interior streets, reducing visual monotony, allowing mixed housing types in single-family zones, creating additional space between buildings, reducing visual impacts of storm ponds, improving building aesthetics, reducing perceived over-crowding, and requiring stronger tree protection.

B. On October 18, 2006, the City provided the State of Washington the required sixty (60) day notification under RCW 36.70A.106 of the City's proposed code amendments. The sixty (60) day notice period has lapsed. On November 6, 2006, the City issued a Determination of Nonsignificance (ENV-2006-79) for the proposed code changes.

C. On October 9th, October 23rd, and November 27th, 2006, the Land Use and Planning Board held workshops to discuss proposed code revisions related to single family residential development standards. The Board held its first public hearing on these issues on November 13, 2006, and followed that with a public hearing on December 11, 2006, after which it made a recommendation to the City Council.

D. The Planning and Economic Development Committee consider the matter on January 8, 2007, and the City Council voted on February 6, 2007, to adopt code amendments promoting the City's goals regarding residential development standards. Council Members Ranniger, Harmon, Clark, and Albertson voted in favor of the motion, and Council Members O'Brien, Thomas, and Raplee voted in opposition to the motion.

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

ORDINANCE

SECTION 1. Recitals Incorporated as Findings. The foregoing recitals, which are incorporated by this reference, constitute the council's findings on this matter.
SECTION 2. Amendment. Chapter 12.04 of the Kent City Code is amended to add a new section 12.04.060, entitled “On-site recreation and open space requirements,” as follows:

Sec. 12.04.060. On-site recreation and open space requirements.
A. Approval of all subdivisions and short subdivisions located in single-family residential zones as defined in KCC Title 15, Zoning, shall be contingent upon the subdivider’s creation and development of on-site recreation space or paying approved fees in lieu of these provisions to the city, as necessary to mitigate the adverse effects of development upon the existing park and recreation service levels. This requirement shall not apply to (i) dwelling units on lots being created that include forty-three thousand five hundred (43,500) square feet or more, and (ii) planned unit developments.

B. When required, residential subdivisions and short subdivisions shall provide recreation space for leisure, play and sport activities as follows: 450 square feet per dwelling unit.

C. Recreation space shall be placed in a designated recreation space tract or tracts. The tract(s) shall be owned by a homeowners association or other workable organization acceptable to the planning manager to provide continued maintenance of the recreation space tract.

D. Recreation space located outdoors and not part of a storm water tract developed in accordance with subsection (E) of this section shall:
   1. Be of a grade and surface suitable for recreation improvements and have a maximum grade of five percent or as otherwise approved by the planning manager and parks and community services director;
   2. Be on the site of the proposed development unless otherwise approved by the planning manager and parks and community services director;
   3. Be located in an area where the topography, soils, hydrology and other physical characteristics are of such quality as to create a flat, dry, obstacle-free space in a configuration which allows for passive and active recreation;
   4. Be centrally located or accessible and convenient to the majority of residents within the development;
5. Have good visibility from roads and sidewalks;
6. Have no dimensions less than thirty feet, except trail segments or as otherwise approved by the planning manager and parks and community services director;
7. Be located in one designated area, unless the planning manager and parks and community services director determine that the residents of a large subdivision, townhouse development, or apartment development would be better served by multiple areas developed with recreation or play facilities; and
8. Be accessible, via trail or walkway, to any existing or planned municipal, county, or regional park; public open space; or trail system adjacent to the subdivision or short subdivision.

E. Recreation space shall be improved with both active and passive areas designed for leisure play and sport activities. Play equipment or other age appropriate facilities, as approved by the city parks and community services director, shall be provided within the recreation space areas. Active recreation improvements shall be included as follows:

1. For developments of twenty-five or less dwelling units, at least one of the following recreation facilities shall be provided in addition to a tot lot or children’s play area.
   a. playground equipment;
   b. sport court;
   c. sport field;
   d. tennis court; or
   e. any other recreation facility proposed by the applicant and approved by the parks and community services director;

2. For developments of twenty-six to fifty dwelling units, at least two or more of the recreation facilities listed in subsection (E)(1) of this section shall be provided; and

3. For developments of more than fifty dwelling units, at least one additional recreation facility listed in subsection (E)(1) of this section shall be provided for every twenty-five dwelling units.
F. Recreation areas that are contained within the on-site storm water tracts, but are located outside of the one hundred year design water surface, may be credited for up to fifty percent of the required square footage of the on-site recreation space requirement on a foot-per-foot basis, subject to the following criteria:

1. The storm water tract and any on-site recreation tract shall be contiguously located. At final plat recording, contiguous storm water and recreation tracts shall be recorded as one tract and owned by the homeowners association or other organization as approved by the planning manager; and

2. Unless otherwise approved by the public works department, the drainage facility shall be constructed to meet the following conditions:
   a. The side slope of the drainage facility shall not exceed thirty-three percent unless slopes are existing, natural, and covered with vegetation;
   b. A bypass system or an emergency overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard;
   c. The drainage facility shall be landscaped and developed for passive recreation opportunities such as trails, picnic areas and aesthetic viewing; and
   d. The drainage facility shall be designed not to require fencing under the city's adopted surface water design manual.

G. When a tract is a joint use tract for a drainage facility and recreation space, as referenced in subsection (F)(1), the city shall not be responsible for maintenance of the recreation space.

H. A recreation space plan shall be submitted to the public works department and reviewed and approved with engineering plans.

1. The recreation space plan shall address all portions of the site that will be used to meet recreation space requirements of this section, including the drainage facility. The plans shall show dimensions, finished grade, equipment, landscaping, and improvements, as required by the planning manager and parks and community services director, to demonstrate that the requirements of the on-site recreation space or this chapter have been met.
2. If engineering plans indicate that the on-site drainage facility or storm water tract must be increased in size from that shown in preliminary approvals, the recreation plans shall show how the required minimum recreation space under this section will be met.

SECTION 3. - Amendment. Chapter 12.04 of the Kent City Code is amended to add a new section 12.04.065, entitled "Fee in lieu of - Recreation space," as follows:

Sec. 12.04.065. Fee in lieu of - Recreation space.
A. Except in the case of short subdivisions, the creation of on-site recreation space, per 12.04.060, is the preferred method of providing new development with opportunities for leisure, play and sports activities. For short subdivisions, payment of a fee-in-lieu of providing on-site recreation space is preferred. In subdivisions, applicants shall to the best of their ability endeavor to provide recreation space on the project site. However, if on-site recreation space is not provided in accordance with this chapter, the applicant shall pay a fee-in-lieu of providing on-site recreation space if approved by the planning manager. A fee-in-lieu of on-site recreation space may be approved if the recreation space is provided within a city park in the vicinity and will be of greater benefit to the prospective residents of the development.

B. The dollar amount of the fee in lieu shall be determined by multiplying the following two (2) factors:
   1. One hundred fifty (150) percent of the average assessed value per unit area of land within the boundaries of the subdivision; and
   2. The gross land area within the subdivision multiplied by five percent (5%).

The average assessed value shall be that for the year in which the subdivision is granted preliminary plat approval. Computations shall be based upon King County assessor information.

C. The fee in lieu shall be held in a reserve account at the city, and may only be expended to fund a capital improvement that has been agreed upon by the
parties to mitigate the identified, direct impact of the development. The payment shall be expended in all cases within five (5) years of collection. Any payment of fees made pursuant to this section that have not been expended within five (5) years of collection shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund. If the payment is not expended within five (5) years due to delay attributable to the developer, the payment shall be refunded without interest.

D. Appeals of fees in lieu imposed pursuant to this section shall be governed by the provisions of Ch. 12.01 KCC.

SECTION 4. - Amendment: Chapter 12.04 of the Kent City Code is amended to add a new section 12.04.070, entitled "On-site recreation - Maintenance of recreation space or dedication," as follows:

Sec. 12.04.070. On-site recreation - Maintenance of recreation space or dedication.

A. Recreation space that meets the requirements of this chapter may, at the discretion of the parks and community services director, be dedicated as a public park in lieu of providing the on-site recreation required under KCC 12.04.060 if the following criteria are met:

1. The dedicated area is at least ten acres in size, unless it is adjacent to an existing or planned county or city park;
2. The dedicated land provides one or more of the following:
   a. shoreline access;
   b. regional trail linkages;
   c. habitat linkages;
   d. recreation facilities; or
   e. heritage sites; and
3. The dedicated area is located within one mile of the project site.

B. Unless the recreation space is dedicated to the city in accordance with subsection (A) of this section, maintenance and irrigation of any recreation space
shall be, per 12.04.060(C), by the homeowners association or other approved organization.

**SECTION 5.** - *Amendment.* Section 12.04.125 of the Kent City Code, entitled "Principles of acceptability," is amended to read as follows:

**Sec. 12.04.125. Principles of acceptability.** No short subdivision shall be approved unless the following principles of acceptability are met, the short subdivision shall:

1. Create legal building sites which comply with all provisions of KCC Title 15, Zoning, and health regulations;
2. Establish access to a public road for each segregated parcel;
3. Have suitable physical characteristics; a proposed short subdivision may be denied because of flood, inundation or wetland conditions; slope, soil stability and/or capabilities; or the construction of protective improvements may be required as a condition of approval;
4. If adjacent to another municipality or King County, take into consideration the subdivision standards of that jurisdiction as well as the requirements of this chapter;
5. Make adequate provision for stormwater detention, drainageways, water supplies, sanitary wastes, and other public utilities and services, as required by applicable laws, codes, rules and regulations; and
6. Make adequate provision for the connectivity of streets, alleys, pedestrian accessways and other public ways;
7. Provide building lots and roadway access configured to support the construction of homes with diminished garage doors such that no less than fifty percent (50%) of the new lots will support construction of and access to a garage in the rear portion of the lot accessed via a common driveway between lots, or a side access garage, or a garage accessed via a rear alley, or a garage set back no less than 10 feet from the front façade of the home, or other design strategies which similarly diminish the prominence of the garage and are approved by the planning manager. Lots and roadways shall be configured such that at least two of these options are supported in each new development;
8. Provide landscape buffering along all frontage streets of the short subdivision that do not provide the new lots with direct vehicular access; and

9. Provide adequate provision for recreation space.

SECTION 6. - Amendment. Section 12.04.235 of the Kent City Code, entitled "Standards for the subdivision of land and any dedications," is amended to read as follows:

Sec. 12.04.235. Standards for the subdivision of land and any dedications.

D. Exterior street buffering. A minimum ten (10) feet wide perimeter strip of Type II landscaping and associated fencing shall be provided along the short subdivision perimeter where it is adjacent to a public or private roadway that does not provide direct vehicular access to individual lots. The landscaping strip shall include an automatic irrigation system sufficient to ensure survival of the planted materials. Fencing constructed of wood, iron, masonry, or other suitable materials approved by the planning manager shall be located between the landscaping strip and the short subdivision lots and shall be constructed of consistent materials and configuration along the length of the street frontage. The fence and landscape strip shall be located in a separate tract and shall be depicted on the final short subdivision map. Maintenance of the landscape strip shall be the responsibility of a homeowners association or other entity approved by the city.

SECTION 7. - Amendment. Section 12.04.435 of the Kent City Code, entitled "Principles of acceptability," is amended to read as follows:

Sec. 12.04.435. Principles of acceptability. No short subdivision shall be approved unless the following principles of acceptability are met. The short subdivision shall:

1. Create legal building sites which comply with all provisions of KCC Title 15, Zoning, and health regulations;
2. Establish access to a public road for each segregated parcel;
3. Have suitable physical characteristics; a proposed short plat may be denied because of flood, inundation or wetland conditions; slope, soil stability and/or capabilities; or the construction of protective improvements may be required as a condition of approval;
4. If adjacent to another municipality or King County, take into consideration the subdivision standards of that jurisdiction as well as the requirements of this chapter;
5. Make adequate provision for stormwater detention, drainageways, water supplies, sanitary wastes, and other public utilities and services, as required by applicable laws, codes, rules and regulations;
6. Make adequate provision for the connectivity of streets, alleys, pedestrian accessways and other public ways;
7. Provide building lots and roadway access configured to support the construction of homes with diminished garage doors such that no less than fifty percent (50%) of the new lots will support construction of and access to a garage in the rear portion of the lot accessed via a common driveway between lots, or a side access garage, or a garage accessed via a rear alley, or a garage set back no less than 10 feet from the front façade of the home, or other design strategies which similarly diminish the prominence of the garage and are approved by the planning manager. Lots and roadways shall be configured such that at least two of these options are supported in each new development.
8. Provide landscape buffering along all frontage streets of the short subdivision that do not provide the new lots with direct vehicular access; and
9. Provide adequate provision for recreation space.

SECTION 8. - Amendment. Section 12.04.545 of the Kent City Code, entitled “Standards for the subdivision of land and any dedications,” is amended to read as follows:

Sec. 12.04.545. Standards for the subdivision of land and any dedications.

...
D. Exterior street buffering. A minimum ten (10) feet wide perimeter strip of Type II landscaping and associated fencing shall be provided along the short subdivision perimeter where it is adjacent to a public or private roadway that does not provide direct vehicular access to individual lots. The landscaping strip shall include an automatic irrigation system sufficient to ensure survival of the planted materials. Fencing constructed of wood, iron, masonry, or other suitable materials approved by the planning manager shall be located between the landscaping strip and the short subdivision lots and shall be constructed of consistent materials and configuration along the length of the street frontage. The fence and landscape strip shall be located in a separate tract and shall be depicted on the final short subdivision map. Maintenance of the landscape strip shall be the responsibility of a homeowners association or other entity approved by the city.

SECTION 9. - Repealer. Section 12.04.580 of the Kent City Code entitled “Parks and open space requirements,” is hereby repealed in its entirety:

Sec. 12.04.580. Parks and open space requirements.
A. Approval of all subdivisions located in either single-family residential or multifamily residential zones as defined in KCC Title 15, Zoning, shall be contingent upon the subdivider’s dedication of land or providing fees in lieu of dedication to the city, as necessary to mitigate the adverse effects of development upon the existing park and recreation service levels. This requirement shall not apply to lots of forty-three thousand five hundred (43,500) square feet or larger in size, planned unit developments or subdivisions of four (4) or less lots.

B. The following criteria shall serve as a basis for the department of parks and recreation determination whether land proposed for dedication is of sufficient size, character and quality:

1. The proposed area for dedication may be located either within or without the subdivision for which it is required, but must either be adjacent to an existing or proposed city park site or within the same park service area in which the subdivision is located or within one (1) mile of the subdivision for which it is required.
2. The proposed area for dedication shall have characteristics and location which make it suitable for future inclusion into the city parks system, as determined by the director of parks and recreation.

3. With the approval of the planning department, the proposed area for dedication or portion thereof may contain valuable or sensitive environmental features, preservation of which is consistent with the city's comprehensive plan and/or parks and recreation plan.

4. The proposed area for dedication shall, in the determination of the parks director, further one (1) or more comprehensive plan policies dealing with the open space element, steep slopes as open space, wetlands as open space, agricultural lands as open space, wildlife habitat as open space and heritage sites as open space.

5. All lots within the subdivision for which dedication is required shall have legal and convenient access to the proposed area, at the time of final plat approval.

6. The area proposed by the subdivider for dedication must consist of an area that is equal or greater in size than the size computed as necessary by the department of parks and recreation using the formula described in subsection (C) of this section.

7. The area of proposed dedication shall have a street frontage equal to at least twenty (20) percent of its perimeter to allow for regular observation of play areas by residents of the subdivision. Alternative design measures that accomplish the same purpose of security may be approved by the city.

8. The topography, soils, hydrography and other physical characteristics of the area proposed for dedication shall be of such quality as to allow the development of community or neighborhood parks, or to create a flat, dry, obstacle-free space on at least fifty (50) percent of the total required area in a configuration which allows for active recreation; shall have no known safety hazards; and shall have no known physical problems such as the presence of hazardous waste, drainage, erosion, or flooding that the director determines would cause inordinate demands upon public resources for maintenance and operation of the property to be dedicated to the city.
9. If it is determined that the public interest would be served, the land may be conveyed to a homeowners' nonprofit maintenance corporation. In this instance, the subdivider shall, at or prior to the time of filing a final plat for approval, supply the planning department with copies of the articles of incorporation and bylaws of the grantee organization, together with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The city attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The city council may impose other conditions as it deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

C. Subdividers who dedicate open space or park land pursuant to this section shall dedicate five (5) percent of the total property being subdivided. Unless a subdivider dedicates land in accordance with this section in order to mitigate the direct impacts identified as a consequence of the proposed development, the city's final approval of the subdivision shall be contingent upon payment of a park development fee from the subdivider to the city. The fee in lieu of land dedication for parks and open space shall be determined by multiplying the following two (2) factors:

1. One hundred fifty (150) percent of the average assessed value per unit area of land within the boundaries of the subdivision, and

2. The gross land area within the subdivision multiplied by five (5) percent as set-forth in subsection (C) of this section. The average assessed value shall be that for the year in which the subdivision is granted preliminary plat approval. Computations shall be based upon King County assessor information.

The fee in lieu of dedication shall be held in a reserve account at the city, and may only be expended to fund a capital improvement that has been agreed upon by the parties to mitigate the identified, direct impact of the development. The payment shall be expended in all cases within five (5) years of collection.
D. — When approval of a subdivision is conditioned upon the dedication of land or the payment of any fees in lieu of dedication, a final plat or short plat shall not be recorded until:

1. The director of parks and recreation has determined in writing that any land to be dedicated is shown on the face of the short subdivision final plat, or a deed conveying the land to the city has been recorded with the King County department of records and elections;

2. Conveyance of land to a homeowners' association shall be done within the time frames specified in subsection (B)(9) of this section;

3. The instrument conveying the land to the city has been transmitted to the city council for acceptance of the dedication by ordinance;

4. Payment of any fees in lieu of dedication have been made to the city finance department;

E. Any payment of fees made pursuant to this section that have not been expended within five (5) years of collection shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund. If the payment is not expended within five (5) years due to delay attributable to the developer, the payment shall be refunded without interest.

F. Appeals of dedication requirements or fees in lieu of dedication imposed pursuant to this section shall be governed by the provisions of Ch. 2.32 KCC.

SECTION 10. - Amendment. Section 12.04.685 of the Kent City Code, entitled “Approval criteria,” is amended to read as follows:

Sec. 12.04.685. Approval criteria.

A. A proposed subdivision and dedication shall not be approved unless the city finds that:

1. Appropriate provisions have been made for:
   a. The public health, safety and general welfare of the community;
   b. Protection of environmentally sensitive lands and habitat;
   c. Open spaces;

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d. Community parks and recreation;
e. Neighborhood tot lots and play-recreation areas;
f. Schools and school grounds,
g. Drainageways;
h. Stormwater detention;
i. Connectivity of sidewalks, pedestrian pathways, traffic calming features and devices, and other planning features that assure safe walking conditions within and between subdivisions and neighborhoods for residents and students who walk to and from schools, parks, transit stops and other neighborhood services;
j. Connectivity of streets or roads, alleys, pedestrian accessways, and other public ways within and between subdivisions and neighborhoods;
k. Transit stops;
l. Potable water supplies;
m. Sanitary wastes;
n. Building lots and roadway access configured to support the construction of homes with diminished garage doors such that no less than fifty percent (50%) of the new lots will support construction of and access to a garage in the rear portion of the lot accessed via a common driveway between lots; or a side access garage, or a garage accessed via a rear alley; or a garage set back no less than 10 feet from the front façade of the home; or other design strategies which similarly diminish the prominence of the garage and are approved by the planning manager. Lots and roadways shall be configured such that at least two of these options are supported in each new development;
o. Landscape buffering along all frontage streets of the subdivision that do not provide the new lots with direct vehicular access;
p. Other public utilities and services, as deemed necessary; and

2. The city has considered all other relevant facts; and
3. The public use and interest will be served by the platting of such subdivision and dedication; and
4. The city has considered the physical characteristics of a proposed subdivision site and may deny a proposed plat because of flood, inundation, or...
wetland conditions, slope, or soil stability and/or capabilities. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.

B. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or the imposition of impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat. No dedication, provision of public improvements, or impact fees shall be allowed that constitutes an unconstitutional taking of private property. The city shall not require a release from damages to be procured from other property owners as a condition of approval for any subdivision.

SECTION 11. - Amendment. Section 12.04.745 of the Kent City Code, entitled "Standards for the subdivision of land and any dedications," is amended to read as follows:

Sec. 12.04.745. Standards for the subdivision of land an any dedications.

D. A minimum ten (10) feet wide perimeter strip of Type II landscaping and associated fencing shall be provided along the subdivision perimeter where it is adjacent to a public or private roadway that does not provide direct vehicular access to individual lots. The landscaping strip shall include an automatic irrigation system sufficient to ensure survival of the planted materials. Fencing constructed of wood, iron, masonry, or other suitable materials approved by the planning manager shall be located between the landscaping strip and the subdivision lots and shall be constructed of consistent materials and configuration along the length of the street frontage. The fence and landscape strip shall be located in a separate tract and shall be depicted on the final plat. Maintenance of the landscape strip shall be the responsibility of a homeowners association or other entity approved by the city.
SECTION 12. - Repealer. Section 12.04.780 of the Kent City Code, entitled "Parks and opens space," is hereby repealed in its entirety:

Sec. 12.04.780. Parks and open space requirements:
A. Approval of all subdivisions located in either single-family residential or multifamily residential zones as defined in KCC Title 15, Zoning, shall be contingent upon the subdivider's dedication of land or providing fees-in-lieu-of dedication to the city, as necessary to mitigate the adverse effects of development upon the existing park and recreation service levels. This requirement shall not apply to lots of forty-three thousand five hundred (43,500) square feet or larger in size, planned unit developments or subdivisions of four (4) or less lots.

B. The following criteria shall serve as a basis for the department of parks and recreation determination whether land proposed for dedication is of sufficient size, character and quality:

1. The proposed area for dedication may be located either within or without the subdivision for which it is required, but must either be adjacent to an existing or proposed city park site or within the same park service area in which the subdivision is located or within one (1) mile of the subdivision for which it is required.

2. The proposed area for dedication shall have characteristics and location which make it suitable for future inclusion into the city parks system, as determined by the director of parks and recreation.

3. With the approval of the planning department, the proposed area for dedication or portion thereof may contain valuable or sensitive environmental features, preservation of which is consistent with the city's comprehensive plan and/or parks and recreation plan.

4. The proposed area for dedication shall, in the determination of the parks director, further one (1) or more comprehensive plan policies dealing with the open space element, steep slopes as open space, wetlands as open space, agricultural lands as open space, wildlife habitat as open space and heritage sites as open space.
5. All lots within the subdivision for which dedication is required shall have legal and convenient access to the proposed area, at the time of final plat approval.

6. The area proposed by the subdivider for dedication must consist of an area that is equal or greater in size than the size computed as necessary by the department of parks and recreation using the formula described in subsection (C) of this section.

7. The area of proposed dedication shall have a street frontage equal to at least twenty (20) percent of its perimeter to allow for regular observation of play areas by residents of the subdivision. Alternative design measures that accomplish the same purpose of security may be approved by the city.

8. The topography, soils, hydrography and other physical characteristics of the area proposed for dedication shall be of such quality as to allow the development of community or neighborhood parks, or to create a flat, dry, obstacle-free space on at least fifty (50) percent of the total required area in a configuration which allows for active recreation; shall have no known safety hazards; and shall have no known physical problems such as the presence of hazardous waste, drainage, erosion, or flooding that the director determines would cause inordinate demands upon public resources for maintenance and operation of the property to be dedicated to the city.

9. If it is determined that the public interest would be served, the land may be conveyed to a homeowners' nonprofit maintenance corporation. In this instance, the subdivider shall, at or prior to the time of filing a final plat for approval, supply the planning department with copies of the articles of incorporation and bylaws of the grantee organization, together with evidence of the conveyance or of a binding commitment to convey. The articles of incorporation shall provide that membership in the corporation shall be conditioned upon ownership of land in the subdivision that the corporation is empowered to assess the land for costs of construction and maintenance of the improvements and property owned by the corporation, and that the assessment shall be a lien upon the land. The city attorney shall review and approve the articles of incorporation and bylaws as to compliance with this provision. The city council may impose other conditions as it deems appropriate to assure that
property and improvements owned by the corporation will be adequately
constructed and maintained.

C. Subdividers who dedicate open-space or park land pursuant to this section
shall dedicate five (5) percent of the total property being subdivided. Unless a
subdivider dedicates land in accordance with this section in order to mitigate the
direct impacts identified as a consequence of the proposed development, the city's
final approval of the subdivision shall be contingent upon payment of a park
development fee from the subdivider to the city. The fee in lieu of land dedication
for parks and open space shall be determined by multiplying the following two (2)
factors:

1. One hundred fifty (150) percent of the average assessed value per
unit area of land within the boundaries of the subdivision; and

2. The gross land area within the subdivision multiplied by five (5)
percent as set forth in subsection (C) of this section. The average assessed value
shall be that for the year in which the subdivision is granted preliminary plat
approval. Computations shall be based upon King County assessor information.

The fee in lieu of dedication shall be held in a reserve account at the city,
and may only be expended to fund a capital improvement that has been agreed
upon by the parties to mitigate the identified, direct impact of the development.
The payment shall be expended in all cases within five (5) years of collection.

D. When approval of a subdivision is conditioned upon the dedication of land
or the payment of any fees in lieu of dedication, a final plat or short plat shall not
be recorded until:

1. The director of parks and recreation has determined in writing that
any land to be dedicated is shown on the face of the short subdivision final plat, or
a deed conveying the land to the city has been recorded with the King County
department of records and elections.

2. Conveyance of land to a homeowners' association shall be done
within the time frames specified in subsection (B)(9) of this section.

3. The instrument conveying the land to the city has been transmitted
to the city council for acceptance of the dedication by ordinance.
4. Payment of any fees in lieu of dedication have been made to the city finance department.

E. Any payment of fees made pursuant to this section that have not been expended within five (5) years of collection shall be refunded with interest at the rate applied to judgments to the property owners of record at the time of the refund. If the payment is not expended within five (5) years due to delay attributable to the developer, the payment shall be refunded without interest.

F. Appeals of dedication requirements or fees in lieu of dedication imposed pursuant to this section shall be governed by the provisions of Ch. 2.32 KCC.

SECTION 13 - Amendment. Chapter 15.02 of the Kent City Code, entitled “Definitions,” is amended to read as follows:

...  

Sec. 15.02.026. Architectural detail element. Architectural detail element means contrasting trim at least five and one-half (5-1/2) inches wide around the doors and windows of a façade; window shutters; minimum fifty (50) square feet and 5 feet deep covered area around a point of entry; minimum three (3) feet deep eaves; minimum of two (2) distinct finish materials used on a façade, not including trim material; balconies; or other methods approved by the planning manager which diminish the perception of bulk and provide visual interest along home facades facing public areas.

...  

Sec. 15.02.096. Density, maximum permitted. Maximum permitted density refers to the maximum number of single-family dwelling units permitted per acre. For fractions of an acre, a maximum permitted density shall be proportional to the size of the lot. For example, where the maximum permitted density is six (6) single-family dwelling units per acre, the maximum permitted density on one-half (1/2) acre is three (3) single-family dwelling units, subject to lot size and other development standards of Ch. 15.04 KCC. When determining the allowed number of units for a subdivision or short subdivision, all site area
may be included in the calculation. If calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows: fractions above 0.50 shall be rounded up, fractions of 0.50 and below shall be rounded down.

... Sec. 15.02.106. Diminished garage door. Diminished garage door means a garage in the rear portion of the lot accessed via a common driveway between lots, or a side access garage where the front façade facing a public area is finished with a window or other architectural feature; or a garage accessed via a rear alley; or a garage set back no less than 10 feet from the front façade of the home; or other design strategies which similarly diminish the prominence of the garage and are approved by the planning manager.

... Sec. 15.02.134. Façade modulation. Façade modulation means a horizontal stepping back or projecting forward of portions of a building façade. The minimum modulation depth shall be 3 feet, and the minimum modulation width shall be 8 feet.

... Sec. 15.02.335.1. Public area. Public area means public or private roadways, pedestrian paths, parks, open spaces or other common spaces.

... Sec. 15.02.340.1. Roofline variation. Roofline variation means a vertical offset in ridge line, horizontal offset in ridge line, variations of roof pitch, gables, or any other similar technique approved by the planning manager. The minimum horizontal or vertical offset shall be 3 feet, and the minimum variation length shall be 8 feet.

...
Sec. 15.02.499.1. Special life safety measures. Special life safety measures means upper story rescue windows accessible from the front and rear of a home, or a Fire Department-approved automatic fire suppression system.

SECTION 14. – Amendment. Section 15.04.020 of the Kent City Code, entitled "Residential land uses," is amended to read as follows:
### Sec. 15.04.020. Residential Land Uses.

**Key**
- **P** = Principally Permitted Uses
- **S** = Special Uses
- **C** = Conditional Uses
- **A** = Accessory Uses

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Note: The table continues with more entries, but the provided snippet is an excerpt to maintain readability. The full table includes additional land uses and their permitted uses across various zoning districts.
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Legend: **Required Use:**
- "A" = Agricultural
- "C" = Commercial
- "S" = Special
- "P" = Pivotal
- "L" = Largely
- "R" = Residential
- "T" = Transportation

Legend: **Permitted Uses:**
- "C" = Commercial
- "S" = Special
- "P" = Pivotal
- "R" = Residential
- "T" = Transportation
- "D" = Downtown
- "C" = Community
- "M" = Multi-family
- "H" = High Density
- "M" = Medium Density
- "L" = Low Density
- "S" = Special
- "P" = Pivotal
- "R" = Residential
- "T" = Transportation

Legend: **Accessory Uses:**
- "A" = Accessory
- "C" = Commercial
- "S" = Special
- "P" = Pivotal
- "L" = Largely

Legend: **Special Requirements:**
- "R" = Required
- "P" = Permitted
- "O" = Optional

Legend: **Height Limits:**
- "H" = Height
- "L" = Lot Size
- "S" = Setback
- "D" = Density
- "P" = Pivotal
- "R" = Residential
- "T" = Transportation
- "C" = Commercial
- "S" = Special
- "P" = Pivotal
- "L" = Largely

Legend: **Floor Area Ratios:**
- "F" = Floor Area Ratio
- "P" = Pivotal
- "R" = Residential
- "T" = Transportation
- "C" = Commercial
- "S" = Special
- "P" = Pivotal
- "L" = Largely

Legend: **Building Uses:**
- "B" = Building Uses
- "C" = Commercial
- "S" = Special
- "P" = Pivotal
- "R" = Residential
- "T" = Transportation
- "D" = Downtown
- "C" = Community
- "M" = Multi-family
- "H" = High Density
- "M" = Medium Density
- "L" = Low Density
- "S" = Special
- "P" = Pivotal
- "R" = Residential
- "T" = Transportation
- "C" = Commercial
- "S" = Special
- "P" = Pivotal
- "L" = Largely

Legend: **Parking Requirements:**
- "P" = Parking
- "S" = Special
- "P" = Pivotal
- "R" = Residential
- "T" = Transportation
- "C" = Commercial
- "S" = Special
- "P" = Pivotal
- "L" = Largely

Legend: **Zoning Districts:**
- "A" = Agricultural
- "C" = Commercial
- "S" = Special
- "P" = Pivotal
- "R" = Residential
- "T" = Transportation

Legend: **Land Use Designations:**
- "A" = Agricultural
- "C" = Commercial
- "S" = Special
- "P" = Pivotal
- "R" = Residential
- "T" = Transportation

Legend: ** rezoning options:**
- "R" = Required
- "P" = Permitted
- "O" = Optional

Legend: **rezoning Permits:**
- "R" = Required
- "P" = Permitted
- "O" = Optional
SECTION 15. - Amendment. Section 15.04.030 of the Kent City Code, entitled "Residential land use development conditions," is amended to read as follows:

Sec. 15.04.030. Residential land use development conditions.

27 Within subdivisions, as defined by KCC 12.04.025, vested after March 22, 2007, or altered to comply with zoning and subdivision code amendments effective after March 22, 2007, 25% of the total number of permitted dwelling units may be duplex or triplex townhouse structures.

SECTION 16. - Amendment. Section 15.04.170 of the Kent City Code, entitled "Agricultural and residential zone development standards," is amended to read as follows:

Residential Development Standards
### Sec. 15.04.170. Agricultural and Residential Zone Development Standards.

| Zoning Districts | SF Duplex | SF Duplex | MF | SF Duplex | MF | SF Duplex | MF | SF Duplex | MF | SF Duplex | MF | SF Duplex | MF | SF Duplex | MF |
|------------------|-----------|-----------|----|-----------|----|-----------|----|-----------|----|-----------|----|-----------|----|-----------|----|-----------|----|
| A-1 Agricultural | 10 ac     | 10 ac     |    | 5 ac      |    | 10 ac     |    | 10 ac     |    | 5 ac      |    | 10 ac     |    | 10 ac     |    | 10 ac     |    |
| SB-1 Residential | 100 ac    | 100 ac    |    | 100 ac    |    | 100 ac    |    | 100 ac    |    | 100 ac    |    | 100 ac    |    | 100 ac    |    | 100 ac    |    |
| SB-2 Single Family | 100 ac | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    |
| SR-4 Single-Family Residential | 100 ac | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    |
| SR-5 Single-Family Residential | 100 ac | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    |
| MR-3A Duplex Multi-family Residential | 100 ac | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    |
| MR-3C Multifamily Residential | 100 ac | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    |
| MR-12 Low Density Multifamily Residential | 100 ac | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    |
| MR-13 Medium Density Multifamily Residential | 100 ac | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    |
| MR-14 High Density Multi-family Residential | 100 ac | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    |
| MH-1 Mobile Home Park Building | 100 ac | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    | 100 ac |    |

### Table

- **Maximum density dwelling units per acre**: 1 ac/10 ac
- **Minimum lot area square feet or acres, as noted**: 10 ac, 34,700 sq ft, 5,700 sq ft, 8,000 sq ft
- **Maximum site coverage percent of site**: 30% to 50%
- **Minimum yard requirements feet**
  - **Front yard**
    - 20 ft
  - **Side yard**
    - 15 ft
- **Side yard on flanking street of a corner lot**
- **Rear yard**
- **Additional setbacks/distances between buildings**
- **Height limitation in stories/not to exceed in feet**
- **Maximum impervious surface percent of total parcel area**: 40% to 75%
- **Zero lot line and clustering (24)**

### Signs

- The signs 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 transonation Area

- (25)

### Multi-family design review

- (26)

### Additional standards

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

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**The provisions in KCC 15.08 300, 15.08 310, 15.08 320, and 15.08 330 shall apply**

---

**Notes**

- (22)
- (23)
- (24)
- (25)
- (26)

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**Table continued**

| Height limitation in stories/not to exceed in feet | 2.5 story/35 ft (16) | 2.5 story/35 ft (16) | 2.5 story/35 ft (16) | 2.5 story/35 ft (16) | 2.5 story/35 ft (16) | 2.5 story/35 ft (16) | 2.5 story/30 ft (16) | 2.5 story/30 ft (16) | 2.5 story/30 ft (16) | 2.5 story/30 ft (16) | 2.5 story/30 ft (16) | 2.5 story/30 ft (16) | 2.5 story/30 ft (16) | 2.5 story/30 ft (16) | 2.5 story/30 ft (16) | 2.5 story/30 ft (16) | 2.5 story/30 ft (16) | 2.5 story/30 ft (16) |
|-------------------------------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Maximum impervious surface percent of total parcel area | 40% (19) | 40% (19) | 50% (23) | 60% (23) | 70% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) | 75% (23) |

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**Signs**

- The signs 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 transonation Area**

- (25)

---

**Multi-family design review**

- (26)

---

**Additional standards**

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

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**Table continued**

SECTION 17. - Amendment. 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.

37. For subdivisions and short subdivisions created after March 22, 2007, or altered to comply with zoning and subdivision code amendments effective after March 22, 2007, the minimum lot size shall be 3,000 square feet. Minimum lot width shall be measured by scaling a 30-foot diameter circle within the boundaries of the lot, provided that easement areas may not be included in the required 30-foot diameter circle. The lot frontage along private or public streets shall be a minimum 20 feet in width. Minimum driveway separation shall be 10 feet. Shared driveways are permitted.

38. Fifty (50) percent of the lots within subdivisions and short subdivisions created after March 22, 2007, or altered to comply with zoning and subdivision code amendments effective after March 22, 2007, may have minimum 5 feet side yards when special life safety measures are provided. The sum total of both side yards for the remaining fifty (50) percent of the lots shall be a minimum 16 feet.

39. The residential design review standards of KCC 15.09.045(C) shall apply to subdivisions and short subdivisions created after March 22, 2007, or altered to comply with zoning and subdivision code amendments effective after March 22, 2007.

SECTION 18. - Amendment. Section 15.07.040 of the Kent City Code, entitled "General landscaping requirements for all zones," is amended to read as follows:
Sec. 15.07.040. General landscaping requirements for all zones.

W. The perimeter of all storm water detention ponds shall be landscaped to a minimum depth of 10 feet of Type II landscaping. If perimeter fencing is required based on public works department standards, it shall be constructed of vinyl coated chain link or solid screen fencing. The fencing shall be located between the pond and the landscape area.

SECTION 19. - Amendment. Section 15.08.240 of the Kent City Code, entitled "Preservation of trees," is amended to read as follows:

Sec. 15.08.240. Preservation of trees.

A. Purpose. Retention of significant trees as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the city, to preserve the natural wooded character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system, and to provide a transition between various land uses in the city.

B. Regulations. Application of regulations for the preservation of significant trees is as follows:

1. On all undeveloped property in the city, all trees of a six (6) inch caliper or greater shall be retained on the property where they are growing.

2. Where it is not feasible to retain all trees on the site due to the proposed development, a site specific tree plan, drawn to scale, shall be prepared. The tree plan shall indicate the species of tree and precise location of all trees of a six (6) inch caliper or greater on the site in relation to proposed buildings, streets, parking areas, storm drainage facilities, and utilities. Trees to be retained pursuant to this section shall be marked by encircling the tree with a stripe of nontoxic paint of a color and type sufficient to remain visible during onsite construction activity. Trees to be retained shall be protected during construction, and the dripline shall be delineated with boundary markers. No grade changes or
storage of materials shall be allowed within the tree dripline. Drainage patterns shall not be significantly altered that may be detrimental to the subject trees.

3. The tree plan and photograph of the trees on the property shall be submitted to the city planning department services division for its review prior to the issuance of a zoning or building permit.

4. The planning department services division shall review the tree plan in relation to the proposed development and make a determination of which trees will be permitted to be removed.

5. The planning department services division may cause a modification of the development plan to ensure the retention of the maximum number of trees. Should the applicant elect to alter the development plan in order to preserve special trees or wooded areas in a natural state, the planning director-manager may waive specific requirements to allow for flexibility and innovation of design.

6. There shall be no clear cutting of trees of a six (6) inch diameter or greater on undeveloped land for the purpose of preparing that site for future development.

C. Applicability. The requirements of this section shall be imposed in conjunction with approval of subdivisions, short subdivisions, planned unit developments, development of undeveloped land, and/or when a change in the area devoted to parking and circulation is required by the Kent City Code. However, this section does not apply to a permit for a single-family dwelling, unless restrictions on the removal of significant trees on individual single-family lots have been imposed through prior city approval.

D. Required Review. The city planning services division shall review the proposed removal of significant trees with each application within the applicability of this section.

E. Retention of Significant Trees.

1. Perimeter Landscaping Area. In the required perimeter landscaping areas, as set forth in Chapter 15.07 KCC, the applicant shall retain all significant trees which will not constitute a safety hazard. Areas devoted to access and sight
distance, and areas to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements are exempt from this requirement.

2. **Site Interior.**
   a. In areas of the site other than the required perimeter landscape area, the applicant shall retain a minimum 15 percent of the diameter inches of the significant trees existing in this area, provided that alder and cottonwood trees diameter inches shall be discounted by a factor of 0.5. In applying the requirement for retention of significant trees, the planning manager shall consider as a priority the preservation of the following types of significant trees:
   
   (1) Healthy significant trees over 60 feet in height;
   (2) Significant trees which form a continuous canopy;
   (3) Significant trees which contribute to the character of the environment, and do not constitute a safety hazard;
   (4) Significant trees which provide winter wind protection or summer shade;
   (5) Groups of significant trees which create a distinctive skyline feature; and
   (6) Significant trees in areas of steep slopes or adjacent to watercourses or wetlands.
   
   b. The planning manager may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subsection (E)(2)(a) of this section if a group of trees and its associated undergrowth can be preserved.

3 **Exemption.** The provisions of this subsection which require retention of significant trees are not applicable in any Downtown Land Use District.

4. **Reduced Parking Bonus.** If the proposed landscape plan incorporates the retention of significant trees above that required by this section, the planning manager may approve a reduction of up to 10 percent of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development on the subject property.
F. **Alternative Tree Retention Option.**

1. An applicant may request a modification of the tree retention requirements set forth in subsection (E).

2. The planning manager may approve a modification of the perimeter or interior tree retention requirements if:
   
a. The modification is consistent with the stated purpose of this section; and

b. The modification proposal either:
   
   (1) Incorporates the retention of significant trees equal in equivalent diameter inches or incorporates the increased retention of significant trees and naturally occurring undergrowth beyond what would otherwise be required, or

   (2) Incorporates the retention of other natural vegetation in consolidated locations which promotes the natural vegetated character of the site and neighborhood including use as pasture land or for agricultural uses.

3. Where a modification proposal includes supplemental or replacement trees in lieu of retention, the applicant shall utilize plant materials from the city's List of Plants for the Pacific Northwest.

EG. **Replacement of removed or damaged trees.** Trees removed illegally from undeveloped land or trees designated for retention which are damaged or destroyed shall be replaced as follows:

1. One (1) existing tree at a six (6) inch diameter shall be replaced by two (2) new trees.

2. For each additional three (3) inches of diameter, one (1) new replacement tree shall be added, up to a maximum of six (6) trees.

3. Replacement deciduous trees shall be at least three (3) to two (2) inches in diameter at the time of planting. An evergreen shall be at least twelve (12) to six (6) to eight (8) feet in height.

**SECTION 20. - Amendment.** Section 15.09.045 of the Kent City Code, entitled "Administrative design review," is amended to read as follows:
Sec. 15.09.045. Administrative design review.

A. Purpose and scope. Administrative design review is an administrative process, the purpose of which is to implement and give effect to the comprehensive plan, its policies or parts thereof through the adoption of design criteria for development relative to site layout, landscape architecture and exterior structure design. It is the intent of the city that this process will serve to aid applicants in understanding the principal expectations of the city concerning design, and encourage a diversity of imaginative solutions to development through the planning department—services division review and application of certain criteria. These criteria have been formulated to improve the design, siting and construction of development projects so as to be compatible, both visually and otherwise, with the topographic, open space, urban or suburban characteristics of the land or adjacent properties, while still maintaining allowable densities to be applied in a manner consistent with established land use policies, the comprehensive plan, this title, and community development goals of the city.

The adoption of design criteria is an element of the city's regulation of land use, which is statutorily authorized. Application of the multifamily design process to the design criteria adopted in this section is established as an administrative function delegated to the planning department—services division pursuant to RCW Title 35A; therefore, in implementing the administrative design review process, the planning director—manager may adopt such rules and procedures as are necessary to provide for expeditious review of proposed projects. Further rules may be promulgated for additional administrative review.

B. Application and review process. Administrative design review process is classified as a Process II application and shall be subject to the applicable requirements of Ch. 12.01 KCC. The applicant must make application for the design review process on forms provided by the planning—department—services division. Upon receipt of an application for design review, the planning director—manager shall circulate the application to the public works director, building official and the city administrator for review. Prior to making a final decision, the planning director—manager shall review any comments submitted for consideration. In the administration of this process, the planning director—manager may develop supplementary handbooks for the public, which shall
pictorially illustrate and provide additional guidance on the interpretation of the criteria set forth in subsections (C) and (D) of this section, as well as a detailed explanation of the design review process.

C. **Residential Design Review.** In order to diminish the perception of bulk, and provide visual interest along residential home facades that face public areas, architectural design considerations shall be applied. Homes located within subdivisions and short subdivisions vested after March 22, 2007, or altered to comply with code amendments effective after March 22, 2007 shall be subject to residential design review. This design review shall be applied administratively as part of the building permit review process for each new home.

1. **Orientation of Homes.** The entry façade of each dwelling unit shall be generally oriented toward the highest classification street from which access to the lot is allowed.

2. **Attached units.** A building that contains a grouping of attached units shall not exceed a 200 foot maximum length and shall be separated from other groups of attached units by a minimum 15 feet.

3. **Architecture.** Each dwelling unit façade that faces a public area shall, at a minimum, incorporate architectural elements as follows:

   a. Two (2) elements of façade modulation and/or roofline variation;

   b. The maximum horizontal façade length without one element of either façade modulation or roofline variation shall be twenty (20) feet; and

   c. Three (3) architectural detail elements.

4. **Garages.** Dwelling units within subdivisions and short subdivisions shall provide diminished garage doors according to the percentage and locations approved with the subdivision and short subdivision.

**CD. Multifamily design review.** The planning department services division shall use the following criteria in the evaluation and/or conditioning of applications under the multifamily design review process:

1. **Site design.**

   a. The site plan for the development should be integrated with the surrounding neighborhood.
b. The site plan should take into consideration significant environmental considerations and the lay of the land.

c. The site plan should provide an open space network which will accommodate a wide variety of activities, both semipublic and private.

d. The site plan should accommodate vehicular access and parking in a manner which is convenient, yet does not allow the automobile to dominate the site.

e. The site plan should provide safe and convenient pedestrian circulation.

2. Landscape design.

a. The landscape plan should integrate with and enhance the surrounding neighborhood landscape.

b. The landscape plan should incorporate existing natural features of significance.

c. The landscape plan should enhance the planned open space network.

d. The landscape plan should enhance the parking and utility areas on the site.

e. The landscape plan should enhance building forms and orientation.

f. The landscape plan should indicate the use of plant species suited to the microclimate of the site and should provide for maintenance of these plants.

3. Building design.

a. The buildings in the development should, where appropriate, maintain neighborhood scale and density.

b. The buildings in the development should be oriented to provide for privacy of residents.

c. The exterior design of all buildings in the development should provide for individual unit identity.

DE. Multifamily transition areas. Through the administrative design review process, specific multifamily transition area requirements may be waived or modified where the applicant demonstrates an alternative site plan which fulfills
an equivalent function to the multifamily transition area requirements. Elements which may be evaluated under this process include general site layout, building placement and orientation, parking and maneuvering arrangements, landscaping and other screening and buffering provisions.

1. **Required findings.** In order to modify or waive any multifamily transition area requirement, the planning director-manager must find that all of the following criteria have been met:

   a. The proposal will accomplish the same or better protection of an abutting single-family district from impacts of noise, traffic, light and other environmental intrusions caused by the multifamily development.

   b. The proposal will accomplish the same or better transition between the multifamily development and abutting streets, including adequate buffering of the multifamily development from the street, and vice versa.

   c. The proposal is compatible with surrounding uses. Compatibility includes but is not limited to site layout, size, scale, mass and provisions for screening and buffering. The planning director-manager shall issue a report of his findings, conclusions and determination for each proposal under this section.

EE. **Mixed use design review.** The planning department services division shall use the following criteria in the evaluation and/or conditioning of applications under the mixed use design review process when a project includes residential use:

1. The following criteria should apply to all mixed use with a residential component development:

   a. Some common recreation space roofs, terraces, indoor rooms, courtyards.

   b. Lighting features that are shielded, directing light downwards.

   c. The residential portion of the building should incorporate residential details, such as widow trim, trellises, balconies, and bay windows.

   d. The residential component should have an obvious generous entrance, within features suggesting a “front door” for example, a lobby, trellis, gate, archway or courtyard.
2. The following criteria shall apply to mixed use development:
   a. If the residential component is located away from the main street, a landscaped pedestrian path should be provided between the entrance and public sidewalk.
   b. Although the commercial and residential components may have different architectural expressions, they should exhibit a number of elements that produce the effect of an integrated development.
   c. Surface parking should be generously landscaped to serve as an amenity. Lighting fixtures should not exceed the height of the first floor.

3. The following criteria shall apply to mixed use buildings with a residential component:
   a. Parking lots, if used, should be divided into small increments, separated by landscaping and structures, so that parking does not dominate the site.
   b. Articulated by use of different materials, generous windows with low sill heights, "store" doors, canopies, and planters.
   c. Residential floors should be expressed in an obvious manner, with stepbacks, change in materials or color, and overhangs.
   d. Commercial signs should be contained within the first floor commercial base and not extend up into the residential floor facades.

FG. Appeals. The decision of the planning director-manager to condition or reject any application under the administrative design review process is final unless an appeal is made by the applicant or any party of record to the hearing examiner within fourteen (14) calendar days of either the issuance of the director's conditional approval under this section of any application, or the director's written decision rejecting any application under this section. The appeal shall be conducted by the hearing examiner as an open record appeal hearing in accordance with the requirements of Ch. 2.32 KCC and Ch. 12.01 KCC. The decision of the hearing examiner shall be final unless an appeal is made to the superior court within twenty-one (21) calendar days after the hearing examiner's notice of decision.
SECTION 21. - Savings. The various sections within chapter 12.04 of the Kent City Code, which have been repealed and replaced by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 22. - 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 23. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

ATTEST:

BRENDI JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY
PASSED: __6__ day of March, 2007.
APPROVED: __6__ day of March, 2007.

I hereby certify that this is a true copy of Ordinance No. 3830 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
BRENDA JACOBER, CITY CLERK

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