ORDINANCE NO. 3948

AN ORDINANCE of the City Council of the City of Kent, Washington, to allow flexibility in the maximum allowable number of cottage housing units under the City's Demonstration Cottage Housing Ordinance.

RECITALS

A. The Cottage Housing Demonstration Ordinance No. 3895 was passed by the City Council on November 18, 2008, and allows for up to two cottage housing projects. The Ordinance established goals, a process for selection and permitting, development and design standards. One of the development standards limits the size of the cottage housing development to a maximum of 24 units. This number of units was established based on a staff review of similar ordinances in other cities.

B. Applicants for the proposed Blueberry Cottages development submitted to the Cottage Housing Committee information summarizing research regarding the size of cottage housing developments and supporting a maximum number of units larger than 24. Having considered the issue, the Cottage Housing Committee supports flexibility in the allowable number of cottage housing units if that flexibility allows a better cottage housing development.

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C. The SEPA Responsible Official determined that the proposed revisions are procedural in nature and no further environmental review is required.

D. The City’s Economic and Community Development Committee discussed the Cottage Housing Demonstration Ordinance amendment at its meetings on January 11, 2010 and February 8, 2010. The Land Use and Planning Board held a public hearing and made a recommendation on February 22, 2010. The Committee considered the issue again on March 8, 2010, and recommended approval. The City Council voted to adopt the amendment to the Cottage Housing Demonstration Ordinance on March 16, 2010.

**ORDINANCE**

**SECTION 1.** - **Amendment.** Section 5 of the City of Kent Demonstration Cottage Housing Ordinance (Ordinance No. 3895) is amended as follows:

Section 5. - **Development and Design Standards for Cottage Housing Demonstration Projects.** Parameters identified in this section will apply to cottage housing demonstration projects only and will prevail if they conflict with the regulations specified in Chapters 12 and 15 KCC.

A. **Development Standards.**

<table>
<thead>
<tr>
<th>Max Unit Size</th>
<th>Cottage 1,500 square feet</th>
<th>Carriage 968 square feet</th>
</tr>
</thead>
</table>

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### Cottage Housing Demonstration - Amendment

<table>
<thead>
<tr>
<th></th>
<th>Cottage</th>
<th>Carriage¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density², ³</td>
<td>For single family zones: allowable density is the same as the underlying zone, unless the Low Impact Development (LID) techniques listed in subsection B.10 of this section are incorporated, then 1.5 times the maximum number of dwelling units allowed in the underlying zone shall be permitted, up to 12 units per acre. For multifamily zones: allowable density is the same as the underlying zone and LID techniques listed in subsection B.10 of this section are required for cottage housing developments.</td>
<td></td>
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<tr>
<td>Minimum Lot Size per unit</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Max Floor Area Ratio (FAR)</td>
<td>.35</td>
<td></td>
</tr>
<tr>
<td>Development Size⁵</td>
<td>Min. 6 units Max. 24 units Minimum cluster: 6 units Maximum cluster: 12 units Allowed when included in a cottage project.</td>
<td></td>
</tr>
<tr>
<td>Parking Requirements⁷ (See subsection B.8 of this section)</td>
<td>1.8 spaces per unit if on-street parking is provided, 2 if there is no on-street parking</td>
<td></td>
</tr>
<tr>
<td>Minimum Development Perimeter Setbacks⁸</td>
<td>Front: 20' Other: 10'</td>
<td></td>
</tr>
<tr>
<td>Maximum Impervious Surfaces⁹</td>
<td>50%</td>
<td></td>
</tr>
<tr>
<td>Maximum Height</td>
<td>25', where minimum roof slope of 6:12 for all parts of the roof above 18' are provided. Otherwise, 18'.</td>
<td></td>
</tr>
<tr>
<td>Tree Retention</td>
<td>Standards contained in KCC 15.08.240 for Tree Retention shall apply. Cottages shall be designed around significant trees.</td>
<td></td>
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<tr>
<td>Accessory Dwelling Units (ADUs)</td>
<td>Not permitted as part of a cottage development.</td>
<td></td>
</tr>
</tbody>
</table>

¹ This housing type is only allowed where it is included in a cottage project and is counted towards the development density.

² Any additions or increases in unit sizes after initial construction shall be subject to the cottage housing development standards. Cottages may not be more than one thousand (1,000) square feet on the main floor.
Existing detached dwelling units may remain on the subject property and will be counted towards the density. Existing dwelling units shall be remodeled to be consistent with the exterior architectural design elements of the development. The dwelling unit may not exceed the existing square footage or the maximum square footage allowed for a new cottage, whichever is greater.

When determining the maximum allowed number of units for a cottage housing development, the entire 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 one-half (1/2) shall be rounded up, fractions of one-half (1/2) and below shall be rounded down.

Carriage units may be included within a cottage housing proposal, provided that the number of carriage units do not exceed twenty-five percent (25%) of the total number of units in the project. The Cottage Housing Committee may select and staff may approve a demonstration project with a greater percentage of carriage units or a greater maximum number of cottage housing units if the project demonstrates a superior level of unique site design, architectural design, building materials, open space, landscaping, or sustainable development.

Cluster size is intended to encourage a sense of community among residents and the homes within a cluster generally orient toward each other, community open space, or pathways and are not separated by roads or critical areas. A development site may contain more than one cluster, with a clear separation between clusters. Furthermore, clusters shall be connected via pedestrian pathway(s).
Garages may count towards the parking count if, through a covenant, they are reserved only for the parking of vehicles.

Perimeter setback areas are to be designated for landscaping, in accordance with subsection B.9 of this section.

Maximum impervious surface is calculated using the entire development site. Lot coverage for individual lots may vary.

B. **Design Standards.**

1. **Orientation of Dwelling Units.** Dwellings within a cottage housing development shall be clustered and homes within the clusters shall be oriented to promote a sense of community within the development. The planning manager shall have the authority to waive or modify specific requirements for dwelling unit orientation to insure this intent is met and to allow for flexibility and innovation in design.
   a. Each dwelling unit shall have a primary entry and/or covered porch oriented to the common open space or pathway connecting to the common open space.
   b. Each dwelling unit abutting a public right-of-way (not including alleys) shall incorporate façade modulation, windows, and roofline variations to avoid blank walls that orient to the public right-of-way.

2. **Variation in Unit Sizes, Building, and Site Design.** Cottage projects shall establish building and site design that promote variety and visual interest.
   a. Projects shall include a variety of unit sizes within a single development.
   b. Proposals shall provide a variety of building styles, features, colors, and site design elements within cottage housing communities. Dwellings with the same combination of features and

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treatments shall not be located adjacent to each other. Identical elements shall not be repeated in more than twenty-five percent (25%) of the cottages in the development.

c. Design of carriage units shall be of similar character with that of the cottages included in the project.

d. Cottages may not be more than one thousand (1,000) square feet on the main floor.

3. Community Buildings. Community buildings are required in cottage developments.

a. Community buildings shall be at least five hundred (500) square feet on the main floor and shall be of similar architectural character to the dwelling units.

b. Building height for community buildings shall be the same standard as for cottages.

c. Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.

4. Storage Space. If garages are reserved only for the parking of vehicles through a covenant, alternative storage space onsite shall be provided. The development shall include thirty (30) square feet of storage space per dwelling unit. The storage space shall be in one or more of the following forms:

a. Detached sheds, designed in similar character of that of the dwelling units. May be individual or shared sheds.

b. Storage space within the detached parking structures (additional rooms, area for shelving, etc.) that does not conflict with the parking of vehicles in the garages.

c. Storage space within the dwelling unit, accessible only through an external door.

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d. Designated storage space attached to the community building that is not counted towards the five hundred (500) square foot minimum.
e. Other storage space options approved in writing by Planning Services.

5. Required Common Open Space. Common open space shall provide visual relief and a sense of community for cottage developments. It must be located outside of critical areas and their buffers. The common open space shall be of a general character similar to single family residential yard areas and provide similar opportunities for use. Elements of the single family residential yard areas that may be included in the common open space are lawns, community garden space, patio/seating, and cooking areas, etc.

a. A minimum of 400 square feet of common open space per dwelling unit shall be provided.
b. Each area of common open space in each cluster shall be in one contiguous and usable piece with a minimum dimension of twenty (20) feet on all sides.
c. Required common open space may be divided into no more than one (1) separate area per cluster of dwelling units.
d. Common open space shall be located in a centrally located area and be easily accessible physically and visually to all dwellings within the development.
e. Fences may not be located within or around required common open space areas.
f. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, to accommodate principles of Crime Prevention through Environmental Design (CPTED), and to facilitate maintenance needs. Existing mature trees shall be retained in this area, as appropriate for site design.
g. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:

1. The open space shall be located so that it will be surrounded by cottages or common buildings on at least three (3) sides;

2. At least fifty percent (50%) of the units in the development shall abut a common open space. A cottage is considered to “abut” an area of open space if there is no structure, road, or critical area between the unit and the open space.

6. Private Open Space.

1. Each cottage unit must have a covered porch with a minimum area of sixty-four (64) square feet per unit and a minimum dimension of seven (7) feet on all sides. Porches shall be associated with primary point of entry.

2. Each carriage unit shall have a deck or balcony, oriented toward the common open space.

3. In addition to porches, at least three hundred (300) square feet of private, contiguous, usable open space adjacent to each individual dwelling unit shall be provided to contribute positively to the visual appearance of the development, promote diversity in planting materials, and utilize generally accepted good landscape design. The private open space shall be oriented toward the common open space as much as possible and shall have no dimension less than ten (10) feet. The private open space shall define private residences from common areas, trails, and parking areas. Fences surrounding these spaces shall be a maximum height of three feet and shall be wrought iron, cedar split rail, picket, or similar fencing material.

7. Pedestrian Flow through Development. Pedestrian connections shall link all buildings to the:

a. Public right-of-way;

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b. Common open space;
c. Parking areas; and
d. Other cottage clusters in the development.

The pedestrian walkways shall meet International Building Code requirements for accessibility.

8. Shared Detached Garages and Surface Parking Design.

Parking areas shall be located so their visual presence and associated noise are minimized, both within and outside the development. These areas shall also maintain the single-family character along public streets.

a. Shared detached garage structures may not exceed four (4) single-car garage doors per building. Carriage units are preferred above these garage structures.

b. For shared detached garages, the design of the structure must be of similar character to that of the dwelling units within the development.

c. Shared detached garage structures and surface parking areas must be screened from streets outside the development and adjacent residential uses by landscaping or architectural screening.

d. If garage structures are counted toward the required number of parking stalls, these structures shall be reserved through a covenant for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.

e. Surface parking areas may not be located in rows of more than six (6) spaces. Parking rows must be separated by a distance of at least twenty (20) feet.

9. Landscaping. The intent of these landscaping requirements is to enhance to overall appearance of the cottage housing development and to give the development an appearance of establishment.
a. Cottage housing developments shall incorporate a landscape master plan, designed and stamped by a professional landscape architect, and include the following elements:

1. All landscaped areas (except that which is in private open spaces) shall be densely planted with a variety of decorative trees, shrubs, groundcovers, and other plants.

2. Landscaping shall be located adjacent to all pathways and common open spaces and shall screen parking areas.

3. Perimeter setback areas shall be landscaped in a manner that results in a dense landscape screen.

4. Perimeter trees shall be maintained and incorporated in the master landscape plan.

5. Landscaping shall be included within private open space, which shall be consistent with the overall landscape concept.

6. The landscape design shall exhibit sensitivity to principles of Crime Prevention through Environmental Design (CPTED).

7. Maintenance of landscaping (except that which is in private open spaces) shall be the responsibility of the Homeowners’ Association.

b. Standards contained in KCC 15.08.240 for Tree Retention shall apply. Cottages shall be designed around significant trees. Within perimeter setbacks, all significant trees which do not constitute a safety hazard shall be retained.

10. **Low Impact Development.**

a. For single family zones, density bonuses will only be granted if all of the following low impact development (LID) techniques are met. LID techniques are not required if the proposal does not include a density bonus. LID techniques are required for cottage housing developments in multifamily zones. LID design standards shall be according to the 2005 Puget Sound Action Team LID Manual.

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b. When the density bonus is applied or the project is located in a multifamily zone, the proposed site design shall incorporate the use of LID strategies to meet stormwater management standards.

c. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design shall implement the following objectives:

1. Grading disturbance limited to roadway and building pad preparation. Removal and compaction of topsoils shall be minimized and soils may be amended to facilitate LID techniques. The replacement of topsoils on all pervious areas disturbed by construction shall be replaced.

2. Use of pervious materials for a fifty percent (50%) of non-public driving and walking surfaces if soil type allows for infiltration.

3. Treatment of stormwater in numerous small, decentralized structures, which include the use of multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.

4. Other options meeting the intent of this section and approved in writing by Planning Services and Public Works.

11. Stormwater Regulations.

a. The proposed site design shall meet all applicable criteria from the 2002 City of Kent Surface Water Design Manual or current manual adopted by the City of Kent.

b. Some sites, due to size or steeply sloping topography, may have special difficulty including a stormwater detention pond in the proposed site design. Vaults will be considered on a site by site basis for stormwater detention and water quality with the following conditions.

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(1) The vault access point(s) must be located in an area that will already be planned for impervious surface.

(2) Water quality improvement and infiltration are desired characteristics of stormwater detention facilities. Because vaults eliminate infiltration and potentially degrade water quality, the vault design must be shown to not have a detrimental impact on water quality, and that an infiltration facility would not be feasible.

(3) The proposal must include an analysis of low impact design techniques that will facilitate infiltration outside the vault, as included in the 2005 Puget Sound Action Team LID Manual.

(4) The stormwater system will be required to be maintained by a homeowner’s association.

c. The special allowances for vaults in lieu of open water facilities for cottage housing demonstration projects do not nullify the requirements of the 2002 City of Kent Surface Water Design Manual or current manual adopted by the City of Kent for other developments.

SECTION 2. - 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 3. - Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

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SECTION 4. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

Suzette Cooke
SUZETTE COOKE, MAYOR

ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

Tom Brubaker
TOM BRUBAKER, CITY ATTORNEY

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I hereby certify that this is a true copy of Ordinance No. 3748 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

Cottage Housing Demonstration Amendment
STATE OF WASHINGTON, COUNTY OF KING }
AFFIDAVIT OF PUBLICATION

PUBLIC NOTICE
Linda M Mills, being first duly sworn on oath that she is the Legal Advertising Representative of the

Kent Reporter

a weekly newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in King County, Washington. The Kent Reporter has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for King County.
The notice in the exact form annexed was published in regular issues of the Kent Reporter (and not in supplement form) which was regularly distributed to its subscribers during the below stated period. The annexed notice, a:

Public Notice

was published on March 19, 2010.

The full amount of the fee charged for said foregoing publication is the sum of $73.96.

Linda M. Mills
Legal Advertising Representative, Kent Reporter
Subscribed and sworn to me this 19th day of March, 2010.

Kathy Dalseg, Notary Public for the State of Washington, Residing in Covington, Washington
P. O. Number: