ORDINANCE NO. 3978

AN ORDINANCE of the City Council of the City of Kent, Washington, amending section 15.02.096 of the Kent City Code relating to the calculation of maximum permitted density.

RECITALS

A. With the advent of the Growth Management Act (the "Act"), the City is expected to encourage urban growth and accommodate projected population and employment growth. The Act requires review, evaluation, and adjustment to ensure the City has sufficient suitable land to accommodate the growth projections based on the actual densities being achieved every five (5) years. Rounding in density calculations is one way to affect densities actually achieved and also is available as an offset to the additional requirements imposed on subdivisions as a result of the amendments to residential development standards.

B. Currently under the Kent City Code, when determining the allowed number of lots for a subdivision or short subdivision or the number of dwelling units in multifamily zoning districts, all site area may be included in the calculation. If calculations result in a fraction, the fraction is rounded up to the nearest whole number as follows: fractions above one-half (1/2) shall be rounded up, fractions of one-half and below shall be rounded down. This amendment removes rounding as a mechanism for
determining the number of lots or units when there are less than four (4),
and raises the fraction needed to gain density for lots or units when there
are four (4) to nine (9).

C. Residents have expressed concern that utilizing the provision
in KCC 15.02.096 for rounding in some circumstances can create building
lots whose size conflicts with the character of the surrounding
neighborhood.

D. The City’s State Environmental Policy Act (SEPA) official has
determined that this amendment to the Kent City Code is procedural in
nature, and therefore exempt from SEPA review.

E. On July 19, 2010, notice was sent to the Washington State
Department of Commerce requesting expedited review. On August 9,
2010, the City was granted expedited review and was informed that it had
met the Growth Management Act notice requirements under RCW
36.70A.106.

F. On June 14, 2010, the Economic & Community Development
Committee authorized staff to review and recommend options for
calculating maximum permitted density. The Land Use and Planning Board
considered this matter during workshops on July 12, 2010 and August 23,
2010, and held public hearings on July 26, 2010 and September 27, 2010
regarding this issue. The Economic and Community Development
Committee addressed the matter at its meeting on October 11, 2010.

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

SECTION 1. - Amendment. Section 15.02.096 of the Kent City Code is amended as follows:

15.02.096 Density, maximum permitted.
Maximum permitted density refers to the maximum number of dwelling units permitted per acre, subject to lot size and other development standards of Ch. 15.04 KCC. When determining the allowed number of lots or dwelling units for a subdivision, or short subdivision, or multifamily project, all site area may be included in the calculation. If calculations result in less than one full lot or unit, the fraction shall be rounded to the nearest whole number as provided below. Fractions above one-half (1/2) shall be rounded up, fractions of one-half (1/2) and below shall be rounded down:

A. For less than four (4) lots or dwelling units, rounding shall not be used in calculating the maximum density.
B. For four (4) to six (6) lots or dwelling units, fractions of .85 and above shall be rounded up, and fractions below .85 shall be rounded down.
C. For seven (7) to nine (9) lots or dwelling units, fractions of .75 and above shall be rounded up, and fractions below .75 shall be rounded down.
D. For ten (10) or more lots or dwelling units, fractions above .50 shall be rounded up, and fractions .50 and below shall be rounded down.

SECTION 2. - Savings. The existing section 15.02.096 of the Kent City Code, which is amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.
SECTION 3. - 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 4. - 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.

SECTION 5. - Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

ATTEST:

SUZETTE COOKE, MAYOR

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 17 day of October, 2010.
APPROVED: 19 day of October, 2010.
PUBLISHED: 22 day of October, 2010.
I hereby certify that this is a true copy of Ordinance No. 3978 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK
(SEAL)