ORDINANCE NO. 4093

AN ORDINANCE of the City Council of the city of Kent, Washington, amending Title 15 of the Kent City Code related to the GC-MU Zoning District and correcting a code reference in the Downtown Design Review regulations. (ZCA-2013-2).

RECITALS

A. On May 14, 2012, the Economic & Community Development Committee recommended to the City Council passage of a resolution declaring an emergency under the Growth Management Act, RCW 36.70A.130(2)(b), and 12.02.010.A.1 Kent City Code, to pursue an amendment to the Kent Comprehensive Plan to revise the 2005 Downtown Strategic Action Plan. The City Council passed Resolution 1857 on June 5, 2012 declaring an emergency.

B. The Downtown Subarea Action Plan (DSAP) replaces the 2005 Downtown Strategic Action Plan, reflects the character and structure of Kent’s Comprehensive Plan, and conforms to the State’s Growth Management Act (RCW 36.70A), King County’s Countywide Planning Policies, and Puget Sound Regional Council’s VISION 2040 and Transportation 2040.

1 Downtown Subarea

Mixed Use Overlay Regulations Code Amendment – Title 15

ZCA-2013-2
C. The DSAP is a policy document that contains goals and policies, and associated actions. The action items facilitate implementation of the goals and policies over time.

D. The goals, policies, and action items are intended to implement the vision for Downtown as a memorable, compact, livable community that is economically vital, environmentally sustainable, and supported by a variety of transportation options.

E. The DSAP supports the city council’s vision statement and strategies for the creation of richly diverse neighborhood urban centers.

F. The amendments to Title 15 are based on action LU-2.1b within the updated DSAP which states: "Amend the development regulations to increase allowable building height for General Commercial Mixed Use (GC-MU) within Downtown to ensure a more dense mix of office, retail, and housing options.", and based on action LU-2.2a which states: "Revise the Mixed Use Overlay Development Standards to ensure that the form of infill development is in keeping with the community’s vision, including minimizing the environmental impacts on adjacent residential uses."

G. Development regulations must be consistent with and implement the Comprehensive Plan as provided by RCW 36.70A.040(3). The DSAP is incorporated into the Comprehensive Plan. The amendments to Title 15 implement the DSAP goals and policies.

H. A Downtown Steering Committee consisting of community business and property owners, local developers, citizens, and city
leadership, convened seven (7) times between July 2012 and April 2013 for the purpose of advising the DSAP update.

I. Extensive community visioning was conducted through individual interviews, three neighborhood meetings, and two online surveys.

J. On July 19, 2013, the City provided via e-mail to the State of Washington Department of Commerce the required sixty (60) day notification under RCW 36.70A.106 regarding the City’s proposed amendments to Title 15.

K. On October 9, 2012 the City’s State Environmental Policy Act (SEPA) responsible official issued a Determination of Significance (DS)/Scoping Notice for the City of Kent Downtown Subarea Action Plan Planned Action Supplemental Environmental Impact Statement, solicited public comment through a November 1, 2012 open house meeting, and invited comments during the scoping period which closed November 2, 2012. A Draft Supplemental Environmental Impact Statement (SEIS) was issued on June 21, 2013. The draft SEIS was considered during a public hearing on the DSAP which was held on July 8, and July 22, 2013. A Final Environmental Impact Statement was issued on October 4, 2013.


M. On September 27, 2013, the SEPA responsible official issued a Determination of Nonsignificance/Adoption of Existing Environmental Document (DNS/Adoption), as well as an Addendum to the 2011 EIS, for Downtown Subarea Mixed Use Overlay Regulations Code Amendment – Title 15 ZCA-2013-2
the Title 15 amendments outside of the Downtown Subarea and correcting a code reference in the Downtown Design Review regulations.

N. The DSAP SEIS, 2011 EIS, DNS/Adoption and Addendum to the 2011 EIS satisfy SEPA requirements for the Title 15 code amendments.

O. The Land Use and Planning Board held workshops on June 25, 2012, October 22, 2012, March 11, 2013, May 13, 2013, May 28, 2013, and June 24, 2013, to review the DSAP update, and a series of land use plan map amendments and rezones associated with the proposed goals, policies, and action items within the DSAP.

P. On July 8, 2013, and July 22, 2013, the Land Use and Planning Board held a public hearing to consider the draft DSAP update, land use plan map amendments, rezones, comprehensive plan text amendments, code amendments to Title 15 and the draft SEIS.

Q. On August 12, 2013, the Land Use and Planning Board made recommendations to the City Council.

R. The Economic & Community Development Committee was provided information regarding the DSAP update during its meetings on June 11, 2012 and March 11, 2013.

S. The Committee considered the Land Use and Planning Board’s recommendation at a meeting on October 14, 2013 and forwarded its recommendation to the full City Council.
T. Prior to a final vote on the DSAP update and associated map and text amendments, the full City Council held a workshop on September 17, 2013.

U. At its regularly scheduled meeting on November 19, 2013, the City Council voted to adopt amendments to Title 15 and correct a code reference in the Downtown Design Review regulations.

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

**ORDINANCE**

**SECTION 1.** – Incorporation of Recitals. The preceding recitals are incorporated herein by this reference and constitute the council's findings on this matter.

**SECTION 2.** – Amendment. Section 15.02.260, entitled "Mixed use development," of the Kent City Code is amended as follows:

**Sec. 15.02.260. Mixed use development**

*Mixed use development* shall mean two (2) or more permitted uses or conditional uses developed in conjunction with one another on the same site. Provided that the aforementioned requirements are met, a mixed use development may include two (2) or more separate buildings. Provided further, that at least twenty-five (25) percent of the gross floor area, as defined in KCC 15.02.170, except for mixed use in General Commercial where at least five (5) percent of the gross floor area, as defined in KCC 15.02.170, be a permitted commercial use. The residential component of
any mixed use development cannot be permitted or occupied prior to the 
(permitting and/or occupancy of) the commercial component.

**SECTION 3. - Amendment.** Section 15.04.190, entitled  
"Commercial and industrial zone development standards," of the Kent City Code is amended as follows:

### Zoning Districts

<table>
<thead>
<tr>
<th>Minimum lot area: square feet or acres, as noted</th>
<th>NCC</th>
<th>CC</th>
<th>DC</th>
<th>DCE</th>
<th>MTC-1</th>
<th>MTC-2</th>
<th>MCR</th>
<th>CM-1</th>
<th>CM-2</th>
<th>GC</th>
<th>O</th>
<th>M</th>
<th>M1</th>
<th>M2</th>
<th>M3</th>
<th>GW</th>
<th>A</th>
<th>G</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000</td>
<td>10,000</td>
<td>5,000</td>
<td>5,000</td>
<td>7,500</td>
<td>7,500</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>10,000</td>
<td>000</td>
<td>000</td>
<td>000</td>
<td>000</td>
<td>sq ft</td>
<td>sq ft</td>
<td>sq ft</td>
</tr>
</tbody>
</table>

| Maximum site coverage: percent of site | 40 | 40 | 100 | 100 | 80% | 100% | 80% | 50 | 50 | 40 | 30 | 50 | 60 | 60 | 65 | 75 | 40 | 60 |

<table>
<thead>
<tr>
<th>Minimum yard requirements: feet</th>
<th>Front yard</th>
<th>20</th>
<th>20</th>
<th>(68)</th>
<th>(68)</th>
<th>(68)</th>
<th>(68)</th>
<th>(10)</th>
<th>(10)</th>
<th>(10)</th>
<th>(10)</th>
<th>(10)</th>
<th>(1)</th>
<th>(1)</th>
<th>(1)</th>
<th>(15)</th>
<th>(15)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side yard</td>
<td>(8)</td>
<td>(9)</td>
<td>(2)</td>
<td>(3)</td>
<td>(68)</td>
<td>(10)</td>
<td>(68)</td>
<td>(10)</td>
<td>(10)</td>
<td>(10)</td>
<td>(10)</td>
<td>(10)</td>
<td>(1)</td>
<td>(1)</td>
<td>(1)</td>
<td>(15)</td>
<td>(15)</td>
</tr>
</tbody>
</table>

---

Downtown Subarea

Mixed Use Overlay Regulations Code Amendment – Title 15

ZCA-2013-2
### Zoning Districts

<table>
<thead>
<tr>
<th>NCC CC</th>
<th>DC</th>
<th>MTC-1</th>
<th>MTC-2</th>
<th>MCR</th>
<th>CM-1</th>
<th>CM-2</th>
<th>GC</th>
<th>M A</th>
<th>M 1</th>
<th>M1-</th>
<th>M2</th>
<th>M3</th>
<th>GW</th>
<th>A G</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side yard on flanking street of corner lot</td>
<td>The Midway Guidelines shall apply</td>
<td>The Midway Guidelines shall apply</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear yard</td>
<td>(8)</td>
<td>20 ft</td>
<td>(2)</td>
<td>(3)</td>
<td>(68)</td>
<td>(19)</td>
<td>(68)</td>
<td>(19)</td>
<td>(19)</td>
<td>(19)</td>
<td>(2)</td>
<td>(2)</td>
<td>(20)</td>
<td>(21)</td>
</tr>
<tr>
<td>Yards, transitional conditions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Additional setbacks</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height limitation: in stories/n, not to exceed in feet</td>
<td>2 stry / 35 ft (30)</td>
<td>3 stry / 40 ft (31)</td>
<td>4 stry / 60 ft (32)</td>
<td>5 stry / 5 ft (69)</td>
<td>16 stry / 2 ft (70)</td>
<td>16 stry / 0 ft (70)</td>
<td>2 stry / 35 ft (30)</td>
<td>2 stry / 35 ft (30)</td>
<td>2 stry / 35 ft (30)</td>
<td>3 stry / 35 ft (30)</td>
<td>2 stry / 35 ft (30)</td>
<td>2 stry / 35 ft (30)</td>
<td>2 stry / 35 ft (30)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landscaping</td>
<td>The landscaping requirements of Chapter 15.07 KCC shall apply.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

**Downtown Subarea**

**Mixed Use Overlay Regulations Code Amendment – Title 15**

**ZCA-2013-2**
<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>NCC</th>
<th>CC</th>
<th>DC</th>
<th>MTC-1</th>
<th>MTC-2</th>
<th>MCR</th>
<th>CM-1</th>
<th>CM-2</th>
<th>GC</th>
<th>O</th>
<th>M</th>
<th>M1</th>
<th>M2</th>
<th>M3</th>
<th>GW</th>
<th>A</th>
<th>G</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outdoor storage</td>
<td>(39)</td>
<td>(39)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signs</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loading areas</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-street parking</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td>(57)</td>
<td></td>
</tr>
<tr>
<td>Additional standards</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td>(36)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td>(50)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td>(56)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td>(72)</td>
<td></td>
</tr>
</tbody>
</table>

**Downtown Subarea**

*Mixed Use Overlay Regulations Code Amendment – Title 15*

*ZCA-2013-2*
SECTION 4 - Amendment. Section 15.04.195, entitled “Commercial and industrial land use development standard conditions, of the Kent City code is amended to read as follows:

Sec. 15.04.195. Commercial and industrial land use development standard conditions.
1. Minimum lot of record or five thousand (5,000) square feet, whichever is less.

2. None, except as required by landscaping, or if off-street parking is provided onsite. See the downtown design review criteria outlined in KCC 15.09.046.

3. No minimum setback is required. If a rear and/or side yard abuts a residential district, a twenty (20) foot rear and/or side yard setback may be required. See the downtown design review criteria outlined in KCC 15.09.046.

4. For properties abutting on West Valley Highway, the frontage on West Valley Highway shall be considered the front yard.

5. The minimum front yard setback shall be related to the classification of the adjacent street. This classification shall be determined by the city transportation engineer. The setbacks are as follows:

   a. Properties fronting on arterial and collector streets shall have a minimum setback of twenty (20) feet.

   b. Properties fronting on local access streets shall have a minimum setback of twenty (20) feet.
6. The minimum front yard setback shall be related to the classification of the adjacent street. This classification shall be determined by the city transportation engineer. The setbacks are as follows:

   a. Properties fronting on arterials and collector streets shall have a minimum setback of forty (40) feet.

   b. Properties fronting on local access streets shall have a minimum setback of thirty (30) feet.

7. The front yard shall be ten (10) percent of the lot depth. Regardless of lot size, the yard depth need not be more than thirty-five (35) feet.

8. No side or rear yard is required, except when abutting a district other than NCC, and then the yard shall be not less than five (5) feet in width, unless the abutting district or use is residential and then the yard shall be ten (10) feet in width and fully landscaped.

9. No side yard is required, except when abutting a more restrictive district, and then the side yard shall be not less than twenty (20) feet in width.

10. No side yard is required, except abutting a residential district, and then the side yard shall be twenty (20) feet minimum.

11. An aggregate side yard of thirty (30) feet shall be provided. A minimum of ten (10) feet shall be provided for each side yard. On a corner lot the side yard setback shall be a minimum of twenty (20) feet from the property line.
12. The side yards shall have an aggregate width of ten (10) percent of the lot width, but the aggregate width need not be more than forty (40) feet. There shall be a minimum of fifteen (15) feet on each side.

13. The side yards shall have an aggregate width of ten (10) percent of the lot width, but the aggregate width need not be more than thirty (30) feet. There shall be a minimum of ten (10) feet on each side.

14. The side yards shall have an aggregate width of ten (10) percent of the lot width, but the aggregate width need not be more than twenty-five (25) feet. There shall be a minimum of ten (10) feet on each side.

15. A side yard of at least five (5) feet in depth shall be provided along the side property lines, except no side yard shall be required between adjacent properties where a common, shared driveway with a perpetual cross-access easement is provided to serve the adjoining properties.

16. Where a side yard abuts a residential district, a side yard of at least twenty (20) feet shall be provided.

17. The minimum side yard on the flanking street of a corner lot shall be related to the classification of the adjacent street. This classification shall be determined by the city transportation engineer. The setbacks are as follows:

   a. Properties fronting on arterial and collector streets shall have a minimum setback of forty (40) feet.
b. Properties fronting on local access streets shall have a minimum setback of thirty (30) feet.

18. The side yard on the flanking street of a corner lot shall be at least ten (10) percent of the lot width, unless the ten (10) percent figure would result in a side yard of greater than twenty (20) feet, in which case the side yard need not be more than twenty (20) feet.

19. No rear yard is required, except abutting a residential district, and then the rear yard shall be twenty (20) feet minimum.

20. No rear yard is required, except as may be required by other setback provisions of this section.

21. No rear yard is required, except as may be required by transitional conditions.

22. A rear yard of at least five (5) feet in depth shall be provided, except when a rear yard abuts a residential district, and then a rear yard of at least twenty (20) feet in depth shall be provided.

23. Transitional conditions shall exist when an industrial park M1 or M1-C district and AG district adjoins a residential district containing a density of two (2) dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes intervening use such as a river, freeway, railroad main line, major topographic differential, or other similar conditions, or where the industrial properties face on a limited access surface street on which the housing does not face. When transitional
conditions exist as defined in this subsection, a yard of not less than fifty (50) feet shall be provided.

24. Transitional conditions shall exist when an M2 district adjoins a residential district containing a density of two (2) dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, freeway, railway main line, major topographic differential, or other similar conditions, or where the industrial properties face on a limited access surface street on which the housing does not face. When transitional conditions exist as defined in this subsection, a yard of not less than fifty (50) feet shall be provided.

25. Transitional conditions shall exist when an M3 district adjoins a residential district containing a density of two (2) dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, railroad main line, major topographic differential, or other similar conditions, or where the industrial properties face on a limited access surface street on which the housing does not face. When transitional conditions exist as defined in this subsection, a yard of not less than fifty (50) feet shall be provided.

26. Structures for feeding, housing, and care of animals shall be set back fifty (50) feet from any property line.

27. Transitional conditions shall exist when an MA district adjoins a residential district containing a density of two (2) dwelling units or more per acre or a proposed residential area indicated on the city.
comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, railroad main line, major topographic differential, or other similar conditions, or where the industrial properties face on a limited access surface street on which the housing does not face. When transitional conditions exist as defined in this subsection, a yard of not less than fifty (50) feet shall be provided.

28. Industrial development in the MA district abutting the Green River, or Russell Road or Frager Road where such roads follow the river bank, shall be set back from the ordinary high-water mark of the river a minimum of two hundred (200) feet. Such setbacks are in accordance with the city comprehensive plan and are in accordance with the high quality of site development required for the industrial parks area of the city, which MA areas are designated to become in the city plan, and are in accordance with the state Shoreline Management Act of 1971, and shall be no more restrictive than, but as restrictive as, the Shoreline Management Act.

29. Development in the M1 or M1-C district and AG district abutting the Green River, or Russell Road or Frager Road where such roads follow the river bank, shall be set back from the ordinary high-water mark of the river a minimum of two hundred (200) feet. Such setbacks are in accordance with the state Shoreline Management Act of 1971, and shall be no more restrictive than, but as restrictive as, the Shoreline Management Act.

30. The planning director shall be authorized to grant one (1) additional story in height, if during development plan review it is found that this additional story would not detract from the continuity of the area. More than one (1) additional story may be granted by the land use and planning board.

Downtown Subarea
Mixed Use Overlay Regulations Code Amendment – Title 15
ZCA-2013-2
31. The downtown design review requirements of KCC 15.09.046 shall apply.

32. No maximum height limit is required, except for parcels located within a downtown commercial enterprise – transitional overlay (DCE-T), where the height limit is thirty-five (35) feet. See also the downtown design review criteria outlined in KCC 15.09.046.

33. Beyond this height, to a height not greater than either four (4) stories or sixty (60) feet, there shall be added one (1) additional foot of yard for each additional foot of building height.

34. The planning director shall be authorized to approve a height greater than four (4) stories or sixty (60) feet, provided such height does not detract from the continuity of the area. When a request is made to exceed the building height limit, the planning director may impose such conditions, within a reasonable amount of time, as may be necessary to reduce any incompatibilities with surrounding uses.

35. Beyond this height, to a height not greater than either four (4) stories or sixty (60) feet, there shall be added one (1) additional foot of yard for each one (1) foot of additional building height. The planning director shall be authorized to approve one (1) additional story, provided such height does not detract from the continuity of the industrial area, and may impose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increase may be granted by the land use and planning board.
36. Design review for mixed use development is required as provided in KCC 15.09.045(E)(f).

37. The height limitation is two (2) stories or thirty-five (35) feet. Beyond this height, to a height not greater than either four (4) stories or sixty (60) feet, there shall be added one (1) additional foot of yard for each two (2) feet of additional building height. The planning director shall be authorized to approve one (1) additional story, provided such height does not detract from the continuity of the industrial area, and may impose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increases may be granted by the land use and planning board.

38. The height limitation is three (3) stories or forty (40) feet. An additional story or building height may be added, up to a maximum of five (5) stories or sixty (60) feet, with one (1) additional foot of building setback for every additional foot of building height over forty (40) feet.

39. Outdoor storage areas are prohibited.

40. Outdoor storage areas shall be fenced for security and public safety by a sight-obscuring fence unless it is determined through the development plan review that a sight-obscuring fence is not necessary.

41. Any unfenced outdoor storage areas shall be paved with asphaltic concrete, cement, or equivalent material to be approved by the city engineer.

42. Outdoor storage (for industrial uses) shall be at the rear of a principally permitted structure and shall be completely fenced.
43. Outside storage or operations yards in the M1 or M1-C district and AG district shall be permitted only as accessory uses. Such uses are incidental and subordinate to the principal use of the property or structure. Outside storage or operations yards shall be confined to the area to the rear of the principal building or the rear two-thirds (2/3) of the property and reasonably screened from view from any property line by appropriate walls, fencing, earth mounds, or landscaping. Outside storage exceeding a height of fifteen (15) feet shall be so placed on the property as to not detract from the reasonably accepted appearance of the district.

44. Outside storage or operations yards shall be confined to the area to the rear of a line which is an extension of the front wall of the principal building, and shall be reasonably screened from view from any street by appropriate walls, fencing, earth mounds, or landscaping.

45. Outside storage or operations areas shall be fenced for security and public safety at the property line.

46. Wherever feasible, drive-up/drive-through facilities shall be accessed from the rear of a site and run along an interior lot line or building elevation. Landscaping, sufficient to soften the visual impact of vehicle stacking areas, may be required.

47. Loading areas must be located in such a manner that no loading, unloading, or maneuvering of trucks associated therewith takes place on public rights-of-way.

48. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public
rights-of-way. Berms shall be a minimum of thirty-six (36) inches and a maximum of forty-two (42) inches in height. Landscaping located on the berm shall conform to type III landscaping as described in KCC 15.07.050.

49. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of thirty (30) inches in height. Landscaping located on the berm shall conform to type III landscaping described in KCC 15.07.050 pertaining to visual buffers.

50. Development plan approval is required as provided in KCC 15.09.010.

51. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of twenty (20) inches in height. Landscaping located on the berm shall conform to type III landscaping described in KCC 15.07.050 pertaining to visual buffers.

52. Where building walls face adjacent streets and are unfenestrated for more than forty (40) feet at any point along the facade, additional landscaping shall be required to reduce visual impacts. In such circumstances, type II landscaping, as defined in KCC 15.07.050, shall be required; provided, that evergreen trees shall be at least ten (10) feet in height and deciduous trees shall be a minimum of two (2) inch caliper at the time of planting.

53. Predominant activities and operations shall be completely enclosed within buildings or structures, except for customary appurtenances such as loading and unloading areas, or where special conditions exist as a result
of a conditional use public hearing. The planning director shall be authorized to determine the reasonable application of this provision in cases of operational hardship or other showing of uncommon circumstances.

54. Multitenant buildings shall be permitted.

55. All required yards, parking areas, storage areas, operations yards, and other open uses on the site shall be maintained in a neat and orderly manner appropriate for the district at all times. The planning director shall be authorized to reasonably pursue the enforcement of this subsection where a use is in violation, and to notify the owner or operator of the use in writing of such noncompliance. The property owner or operator of the use shall be given a reasonable length of time to correct the condition.

56. The performance standards as provided in KCC 15.08.050 shall apply.

57. Off-street parking may be located in required yards except in areas required to be landscaped.

58. Those areas not required to be landscaped may be used for off-street parking.

59. Outdoor storage is allowed only as an accessory use to small scale, light industrial, or manufacturing operations where the building, structure, or total operation, including all indoor and outdoor storage areas, does not encompass more than ten thousand (10,000) square feet of total area.
60. Signage on commercial uses in the M1-C zone shall be as specified in KCC 15.06.050(B). Signage on industrial uses in the M1-C zone shall be as specified in KCC 15.06.050(E).

61. Any eating establishment with a drive-through/drive-in facility shall be located a minimum of one thousand (1,000) feet from any other restaurant with a drive-through/drive-in facility.

62. Parking should be located either next to or behind the building. Parking should not be placed between the street and the building.

63. A direct pedestrian connection shall be provided from the street to the building.

64. Screening by either an enclosure and/or evergreen landscaping shall be provided for mechanical equipment, service doors, and garbage areas. Rooftop equipment shall be enclosed with a parapet or similar design feature.

65. Structures shall be designed to maintain the residential character of the surrounding neighborhood. Modulating the building mass, adding dormer windows, covered entryways, or porches are ways to enhance the human scale and provide a residential dimension to structures.

66. Minimum lot area requirements do not apply to multifamily development in the Kent downtown planning area identified in KCC 15.09.046.

67. Within the downtown commercial enterprise - transitional overlay (DCE-T), downtown design review guidelines regarding balconies and/or
upper floor setbacks (sections III.B and III.C) are required elements, not optional elements.

68. No yard, except as required by landscaping, or if surface parking is provided onsite. See the Midway Design Guidelines and KCC 15.09.045.

69. The height limitation of new construction in MRT-1 zoning district abutting a residential district shall be thirty-five (35) feet in height within twenty (20) feet from the residential district and forty-five (45) feet in height within forty (40) feet from the residential district.

70. New construction shall conform to applicable Federal Aviation Administration regulations, including Part 77, Federal Aviation Regulations, Objects Affecting Navigable Airspace, as presently constituted or as may be subsequently amended.

71. The transit-oriented community design review requirements of KCC 15.09.045 shall apply.

72. Design review for multifamily development is required as provided in KCC 15.09.045(D).

SECTION 5 - Amendment. Section 15.04.200, entitled "Mixed use overlay development standards," of the Kent City code is amended to read as follows:

Sec. 15.04.200. Mixed use overlay development standards.

<table>
<thead>
<tr>
<th>Overlay Districts</th>
<th>GC-MU</th>
<th>O-MU</th>
<th>CC-MU</th>
</tr>
</thead>
</table>

Downtown Subarea Mixed Use Overlay Regulations Code Amendment – Title 15 ZCA-2013-2
<table>
<thead>
<tr>
<th>Overlay Districts</th>
<th>Floor area ratio</th>
<th>Site coverage</th>
<th>Height</th>
<th>Front yard</th>
</tr>
</thead>
<tbody>
<tr>
<td>GC-MU</td>
<td>.40 for commercial uses. .50 for commercial uses combined with residential uses; provided, that commercial floor area may be increased by one (1) square foot for each square foot of residential floor area provided up to a maximum commercial FAR of .5.</td>
<td>Forty (40) percent for commercial uses. Sixty (60) percent for commercial uses with residential uses; provided, that twenty-five (25) percent of the gross floor area is residential/commercial use.</td>
<td>Twenty-five (25) feet; provided, that basic heights may be increased up to the maximum height of forty (40) feet. (1)</td>
<td>Zero (0) feet; provided, that some setback may be required in the front yard to accommodate a sidewalk which shall be at least ten feet wide.</td>
</tr>
<tr>
<td>O-MU</td>
<td>.40 for commercial uses. .50 for commercial uses combined with residential uses; provided, that commercial floor area may be increased by one (1) square foot for each square foot of residential floor area provided up to a maximum commercial FAR of .5.</td>
<td>Forty (40) percent for commercial uses. Sixty (60) percent for commercial uses with residential uses; provided, that twenty-five (25) percent of the gross floor area is residential/commercial use.</td>
<td>Twenty-five (25) feet; provided, that basic heights may be increased up to the maximum height of forty (40) feet. (1)</td>
<td>Zero (0) feet; provided, that some setback may be required in the front yard to accommodate a sidewalk which shall be at least ten feet wide.</td>
</tr>
<tr>
<td>CC-MU</td>
<td>.40 for commercial uses. .50 for commercial uses combined with residential uses; provided, that commercial floor area may be increased by one (1) square foot for each square foot of residential floor area provided up to a maximum commercial FAR of .5.</td>
<td>Forty (40) percent for commercial uses. Sixty (60) percent for commercial uses with residential uses; provided, that twenty-five (25) percent of the gross floor area is residential/commercial use.</td>
<td>Twenty-five (25) feet; provided, that basic heights may be increased up to the maximum height of forty (40) feet. (1)</td>
<td>Zero (0) feet; provided, that some setback may be required in the front yard to accommodate a sidewalk which shall be at least ten feet wide.</td>
</tr>
<tr>
<td>Overlay Districts</td>
<td>GC-MU</td>
<td>O-MU</td>
<td>CC-MU</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>-------</td>
<td>------</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td>(10) feet in width.</td>
<td>least ten (10) feet in width.</td>
<td>least ten (10) feet in width.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear and side yard</td>
<td>Zero (0) feet; provided, that setbacks of at least twenty (20) feet will be required in any rear or side yards that are adjacent to a residential zoning district.</td>
<td>Zero (0) feet; provided, that setbacks of at least twenty (20) feet will be required in any rear or side yards that are adjacent to a residential zoning district.</td>
<td>Zero (0) feet; provided, that setbacks of at least twenty (20) feet will be required in any rear or side yards that are adjacent to a residential zoning district.</td>
<td></td>
</tr>
<tr>
<td>Off-street parking</td>
<td>Retail/office uses: Four (4) spaces per one thousand (1,000) square feet of floor area. (2) Residential uses (3) The off-street parking requirements of Ch. 15.05 KCC shall apply.</td>
<td>Retail/office uses: Four (4) spaces per one thousand (1,000) square feet of floor area. (2) Residential uses (3)</td>
<td>Retail/office uses: Four (4) spaces per one thousand (1,000) square feet of floor area. (2) Residential uses (3)</td>
<td></td>
</tr>
<tr>
<td>Design review</td>
<td>Design review requirements of KCC 15.09.046, KCC 15.09.045(D), and 15.09.045(F) KCC shall apply.</td>
<td>Not applicable</td>
<td>Not applicable</td>
<td></td>
</tr>
</tbody>
</table>

**SECTION 5. – Amendment.** – Section 15.09.046, entitled “Downtown design review,” is amended to read as follows:

**Sec. 15.09.046. Downtown design review.**

A. **Purpose and scope.**

1. Downtown design review is an administrative process, the purpose of which is to implement and give effect to the downtown plan, its policies or parts thereof, through the adoption of downtown design guidelines, as set forth in subsection (D) of this section, for development.
within the downtown planning area, which is bounded by State Route 167 to the west, Cloudy Street to the north, Kennebeck/Clark/Jason/Titus/Central Avenue to the east, and Willis Street to the south. The area, co-terminous with the downtown districts identified in the downtown strategic action plan, is shown on the map following this section.

It is the intent of the city that this process will serve to aid applicants in understanding the principal expectations of the city concerning development in the downtown planning area and encourage a diversity of imaginative solutions to development through the review and application of the downtown design guidelines. These guidelines have been formulated to ensure that the design, siting, and construction of development will provide a quality pedestrian-oriented urban environment in a manner consistent with established land use policies, the comprehensive plan, and the zoning code of the city.

2. The adoption of the downtown design guidelines is an element of the city’s regulation of land use, which is statutorily authorized. The downtown design review process adopted herein is established as an administrative function delegated to the city’s planning services office pursuant to RCW Title 35A. Therefore, in implementing the downtown design review process, the planning manager may adopt such rules and procedures as are necessary to provide for review of proposed projects.

3. All development within the downtown planning area shall be subject to the provisions of this section.

4. The downtown design review process is distinct from the multifamily design review process set forth in KCC 15.09.045. Applications...
for multifamily development within the DC, DCE, and DLM zoning districts shall be subject to the provisions of KCC 15.09.045 in addition to the provisions of this section, except as provided in KCC 15.09.045(D)(E). However, the provisions of this section shall prevail in cases where a conflict may arise between the requirements of the two (2) sections.

B. Application and review process. The downtown design review process is administrative and is conducted as part of the permit review process. The applicant must make application for the design review process on forms provided by planning services. Upon receipt of an application for design review, the planning manager shall circulate the application to the appropriate city departments and offices for review. Prior to issuing a final decision, the planning manager shall review any comments submitted for consideration. In the administration of this process, planning services may develop supplementary handbooks for the public, which shall pictorially illustrate and provide additional guidance on the interpretation of the criteria set forth in the downtown design guidelines.

C. Design review committee. There is hereby established the downtown design review committee, which shall make all final decisions on applications for downtown design review. The committee shall be comprised of three (3) members, who shall be appointed by the planning manager under the authority delegated to him under RCW Title 35A. The members shall serve at the pleasure of the planning manager. The planning manager shall, by administrative rule, establish the rules of procedure for the committee, which shall be made available to the public upon publication.
D. Downtown design guidelines - Adoption. The downtown design review committee shall use the downtown design guidelines in the evaluation and/or conditioning of applications under the downtown design review process. The downtown design guidelines, entitled “Kent Downtown Design Guidelines,” initially prepared by the city of Kent planning services in collaboration with MAKERS, Architecture and Urban Design and Mark Hinshaw of LMN Architecture, dated September 19, 2000, and subsequent amendments thereto are hereby adopted by this reference as authorized pursuant to RCW 35A.12.140 and shall be placed on file in the offices of the city clerk and planning services.

E. Appeals. The decision of the downtown administrative design review committee to approve, condition, or reject any application under the downtown design review process is final unless an appeal is made to the hearing examiner within fourteen (14) calendar days of either the issuance of the committee’s conditional approval or rejection of any application under this section. Appeals to the hearing examiner shall be conducted as set forth in Chapter 2.32 KCC. The decision of the hearing examiner shall be final, unless an appeal is made to the King County superior court, within twenty-one (21) calendar days of the date of the decision.

SECTION 6. - Severability. If any one or more sections, 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 7. - 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 8. - 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, Mayor

ATTEST:

Ronald F. Moore, MMC

RONALD F. MOORE, CITY CLERK

APPROVED AS TO FORM:

Arthur "Pat" Fitzpatrick, Acting City Attorney

PASSED: 19th day of November, 2013.

APPROVED: 19th day of November, 2013.

PUBLISHED: 22nd day of November, 2013.

I hereby certify that this is a true copy of Ordinance No. 4093 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

(Seal)

Ronald F. Moore, MMC

RONALD F. MOORE, CITY CLERK