ORDINANCE NO. 4132

AN ORDINANCE of the City Council of the City of Kent, Washington, amending sections 15.02.260 and 15.04.200 of the Kent City Code, relating to mixed use development. (ZCA-2014-5).

RECITALS

A. To guide Downtown's growth and redevelopment, the City engaged in extensive planning for the Downtown Subarea and adopted amendments to its Comprehensive Plan in 2013, including the Downtown Subarea Action Plan (DSAP) Update.

B. The goals, policies, and action items of the DSAP Update 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.

C. The DSAP supports the City Council's vision statement and strategies for the creation of richly diverse neighborhood urban centers.

D. On November 19, 2013, the City Council adopted amendments to Title 15 of the Kent City Code, also referred to as the "Zoning Code," one of which established that a minimum of five (5) percent of the gross floor area of new developments shall be designated for Mixed Use Development. Amend KCC 15.04 Ordinance
area be designated for commercial use within mixed use development in the General Commercial Mixed Use Overlay. A significant portion of that Overlay is located within the Downtown Subarea, and establishing a low percentage for commercial uses within the Overlay may not create the economically vital, livable community envisioned by the DSAP.

E. Recent changes in the housing market suggest that multi-family residential may outbid commercial use for larger parcels. The City desires to increase the minimum commercial requirement in a mixed use development within the General Commercial Mixed Use Overlay, to ensure that commercial development continues to play a major role in downtown Kent.

F. The State Environmental Policy Act (SEPA) and implementing rules provide for the integration of environmental review with land use planning and project review by jurisdictions planning under the Growth Management Act (GMA) through an exemption for infill development pursuant to RCW 43.21C.229, as amended by SB 6406, effective July 10, 2012. On December 10, 2013, the City Council passed Ordinance No. 4097 establishing an infill exemption allowance for the Downtown Subarea Action Plan Area pursuant to SEPA.

G. On October 9, 2012, the City’s 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, 2013 and July 22, 2013. A Final Supplemental Environmental Impact Statement was issued on October 4, 2013.


I. The City of Kent Downtown Subarea Action Plan Planned Action Supplemental EIS (referenced as the 2013 SEIS) and the 2011 EIS jointly identify impacts and mitigation measures associated with planned development in the Downtown Subarea. Together these are referenced as the Combined DSAP Planned Action EIS.

J. 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 the Zoning Code amendments outside of the Downtown Subarea.

K. The DSAP SEIS, 2011 EIS, DNS/Adoption and Addendum to the 2011 EIS and DNS/Adoption satisfy SEPA requirements for the Zoning Code amendments.

L. On November 13, 2014, the City was granted expedited review by the State of Washington under RCW 36.70A.106 for the proposed code amendments to the Zoning Code.

M. The Land Use and Planning Board (“LUPB”) held a workshop on November 10, 2014 to review the proposed amendments to the Zoning Code. After holding a hearing on November 24, 2014, the LUPB made its recommendation to the City Council.

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N. At its regularly scheduled meeting on December 9, the City Council considered the LUPB’s recommendation and voted to adopt amendments to the Zoning Code.

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

ORDINANCE

SECTION 1. - Amendment. Section 15.02.260 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 outside the downtown area, as defined in KCC 15.09.046, where at least five (5) percent of the gross floor area must 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 2. - Amendment. Section 15.04.200 of the Kent City Code is amended as follows:

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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>
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<tbody>
<tr>
<td><strong>Floor area ratio</strong></td>
<td>Not applicable</td>
<td>.40 for commercial uses.</td>
<td>.40 for commercial uses.</td>
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<td>.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>
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<td>1.0 for residential uses; provided, that residential FAR may be increased by .5 if parking is provided below grade, up to a maximum of 1.5.</td>
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<tr>
<td><strong>Site coverage</strong></td>
<td>Forty (40) percent for commercial uses. Sixty (60) percent for commercial uses with residential uses; provided, that five (5) percent of the gross floor area is commercial use, except within the downtown area (as defined in)</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 use.</td>
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*Mixed Use Development Amend KCC 15.04 Ordinance*
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<td><strong>KCC 15.09.046)</strong>, where twenty-five (25) percent of the gross floor area must be commercial use.</td>
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<td><strong>Height</strong></td>
<td>Sixty-five (65) feet</td>
<td>Twenty-five (25) feet; provided, that basic heights may be increased up to the maximum height of forty (40) feet. (1)</td>
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<tr>
<td><strong>Front yard</strong></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 (10) feet in width.</td>
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<tr>
<td><strong>Rear and side yard</strong></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>
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</tr>
<tr>
<td><strong>Off-street</strong></td>
<td>The off-street</td>
<td>Retail/office uses:</td>
<td>Retail/office uses: Four (4) spaces</td>
</tr>
</tbody>
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Overlay Districts

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<td>parking</td>
<td>parking requirements of Chapter 15.05 KCC shall apply.</td>
<td>Four (4) spaces per one thousand (1,000) square feet of floor area. (2) Residential uses (3)</td>
<td></td>
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<tr>
<td>Design review</td>
<td>Design review requirements of KCC 15.09.045(D) and (F) and 15.09.046 shall apply.</td>
<td>Not applicable</td>
<td>Not applicable</td>
</tr>
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**SECTION 3.** - *Severability.* If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, that decision shall not affect the validity of the remaining portion of this ordinance and that remaining portion shall maintain its 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; ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

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

Suzette Cooke, Mayor

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ATTEST:

RONALD F. MOORE, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 9th day of December, 2014.
APPROVED: 9th day of December, 2014.
PUBLISHED: 12th day of December, 2014.

I hereby certify that this is a true copy of Ordinance No. 4132 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

RONALD F. MOORE, CITY CLERK
(SEAL)

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