ORDINANCE NO. 4151

AN ORDINANCE of the City Council of the city of Kent, Washington, amending Title 15 of the Kent City Code (KCC), also referred to as the Zoning Code, to adopt a new chapter 15.15 KCC, pertaining to design standards for high capacity transit (HCT) facilities, and a new section 15.08.450 KCC, along with related amendments to KCC Sections 15.04.060, 15.04.065 and 12.04.825, to support the HCT design standards.

RECITALS

A. The Midway Subarea Plan (Midway Plan), adopted by the City Council on December 13, 2011, conveys a range of actions that prepares the area for future high capacity light rail transit and is intended to inform decisions of public and private entities.

B. The Midway Plan was the result of a collaborative visioning effort called Envision Midway, involving the city of Kent, the city of Des Moines, the community and multiple stakeholders. The Midway Plan supports continued coordination with adjacent jurisdictions, and regional and state transportation agencies, to ensure facilities and services are provided as planned.
C. The overall goal of the Midway Plan is to: “Create a dense, pedestrian-friendly, sustainable community that provides jobs, housing, services and public open space around nodes of high capacity mass transit while maintaining auto-oriented uses between the transit oriented nodes.”

D. The Midway Plan envisions a well-designed built environment, including pedestrian-friendly streetscapes, multimodal connections, a variety of housing types and jobs that support transit use, effective parks and open space, and a regional storm water management system.

E. Growth capacity in the Midway area is up to 11,821 households and 9,481 jobs accommodated within a phased approach.

F. Sound Transit is conducting environmental analysis for a light rail station in the Midway area. Nine different station locations are being analyzed. The Draft Environmental Impact Statement for this light rail extension is expected to be released on April 10, 2015, with the station operational in 2023.

G. The City continues to participate in discussions with interjurisdictional staff, significant stakeholders such as Highline Community College, Sound Transit’s Interagency Working Group and elected official meetings to help guide the efforts of Sound Transit as they analyze alignment and station locations through the cities of SeaTac, Des Moines, Kent and Federal Way.

H. The city of Kent also engaged the services of the Urban Land Institute to recommend which of the nine station locations being analyzed would best support transit-oriented development in Kent. Light rail alignment, parking facilities, station locations and design are key components of successful place-making in high capacity transit areas.
I. Sound Transit is making an investment estimated at $1.3 to $1.8 billion dollars in extending light rail from the Angle Lake Station (S. 200th Street) to a future station in the vicinity of the Federal Way Transit Center. It is critical that the city of Kent and Sound Transit collaborate in determining the best alignment and station locations for implementing the Midway Plan.

J. The City Council adopted Midway Design Guidelines on December 13, 2011. The proposed amendments to the Kent City Code further refine the design standards and permit processes for high capacity transit facilities, such as light rail, which is scheduled to be operational in 2023.

K. On February 13, 2010, the City’s State Environmental Policy Act (SEPA) responsible official issued a Determination of Significance (DS)/Scoping Notice for the City of Kent Comprehensive Plan Review and Midway Subarea Planned Action Environmental Impact Statement, solicited public comment through a February 22, 2010, open house meeting, and invited comments during the scoping period, which closed March 8, 2010. A Draft Environmental Impact Statement (DEIS) was issued on October 22, 2010. A public hearing regarding the DEIS was held on December 6, 2010. A Final Environmental Impact Statement was issued on September 1, 2011.

L. 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 Downtown Subarea Action Plan, which was held on July 8, 2013, and July 22, 2013. A Final SEIS was issued on October 4, 2013.

M. The DSAP SEIS supplements the City of Kent Comprehensive Plan Review and Midway Subarea Planned Action Environmental Impact Statement completed in 2011 (2011 EIS) and analyzed a lower level of growth in the Midway Subarea.

N. 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 development in the Kent Planning Area.

O. On April 3, 2015, the SEPA responsible official issued an Addendum to the 2011 EIS and 2013 SEIS, for the Zoning Code amendments related to high capacity transit facilities.


Q. On March 4, 2015, the City requested expedited review from the State of Washington under RCW 36.70A.106 for the proposed amendments to the Zoning Code, and was granted expedited review on March 23, 2015.

R. The Land Use and Planning Board ("LUPB") held a workshop on March 9, 2015, to review the proposed amendments to the Zoning Code. After holding a public hearing on April 13, 2015, the LUPB made its recommendation to the City Council.
S. The Economic and Community Development Committee was presented with a briefing on the proposed Zoning Code amendments at its March 9, 2015, meeting. The Committee reviewed the LUPB recommendation on the proposed amendments at its meeting on May 11, 2015, and voted to forward its recommendation to the full City Council.

T. At its regularly scheduled meeting on May 19, 2015, the City Council considered the LUPB’s recommendation and voted to adopt the proposed amendments to the Zoning Code, along with the related amendment to KCC 12.04.825.

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

ORDINANCE

SECTION 1. - New Chapter. Title 15 of the Kent City Code is amended by adding a new chapter 15.15 to read as follows:

Sec. 15.15.010. Purpose. The design standards for high capacity transit (HCT) facilities are intended to encourage:

A. Facilities and stations that are well designed;

B. Development of distinctive community focal points;

C. Connections between the HCT network, adjacent development, and community vehicular, pedestrian and bicycle routes;
D. Incorporation of pedestrian-oriented furnishings and a variety of public spaces;

E. Adequate buffers between different types of land uses; and

F. Uses of alternative travel modes rather than single-occupant vehicles.

Sec. 15.15.015. Director. For purposes of this chapter, "director" means the Director of Economic & Community Development or the director's designee.

Sec. 15.15.020. Authority and application.

A. This chapter shall apply to:

1. Any form of HCT, such as light or heavy rail, train, express bus, Personal Rapid Transit, People Mover, or other similar technology that moves large numbers of people to set destinations, but excluding transit systems designed to exclusively serve transport to and from airport terminals or associated airport facilities;

2. All property owned, purchased or leased by public agencies for the purpose of constructing or operating HCT systems and associated facilities; and

3. All HCT facility construction requiring a city building permit, but excluding bus stops and minor expansions (less than twenty percent) of existing HCT facilities.
B. In order to provide flexibility and creativity of project design, minor variations from these standards may be permitted, subject to the approval of the director, if the strict interpretation or application of these standards would be inconsistent with related or more restrictive provisions of the Zoning Code, or would be contrary to the overall purpose or intent of city goals and policies established in the city's Comprehensive Plan.

Sec. 15.15.110. Station design - architectural expression.

A. In order to ensure that HCT station facilities, associated site furnishings, and public art are designed as an expression of community identity, each HCT station within the city shall be consistent with a locally-determined design theme. The process to determine a local design theme shall be established for each HCT facility by the director.

B. HCT station design themes shall be approved by the City Council.

Sec. 15.15.120. Site furnishings.

A. Weather protection; shelters.

1. Weather protection features or shelters shall be provided at station platforms and buildings by including vertical and horizontal features to minimize passenger exposure to wind and rain. Weather protection features may include, but are not limited to: awnings, marquees, canopies, building overhangs, walls or other features acceptable to the director.

2. In order to ensure that HCT weather protection features or shelters are designed as an expression of community identity, roof designs shall conform to one of the following options:
a. Roofline with architectural focal point. A roofline focal point refers to a prominent rooftop feature such as a peak, barrel vault, undulating curve, or roofline art installation.

b. Roofline variation. A roofline variation refers to a roofline articulated through variation or steps in roof height or detail.

B. Benches and seating areas.

1. HCT station areas and platforms shall include seating areas designed and arranged as part of a coherent HCT station theme. Station platforms shall include at least one linear foot of seating per each ten linear foot length of station loading platform.

2. Usable open space areas adjacent to HCT stations, such as publicly accessible plazas, courtyards and pocket parks, shall include at least one linear foot of seating per each fifty square feet of plaza, courtyard or pocket park space on site.

3. HCT station seating shall be in the form of:

   a. Leaning rails associated with platform waiting areas (no more than fifty percent of total linear feet of seating);

   b. Benches or chairs at least twenty inches wide; or

   c. Seating incorporated into low walls, raised planters or building foundations at least twelve inches wide and eighteen inches high.

C. Platform landscaping and associated open space.
1. All principal ground level exterior entry points to at-grade or elevated station platforms shall include a minimum of two hundred square feet of usable open space consisting of decorative paving.
   
   a. Usable open space shall include one or more publicly accessible plazas, courtyards, pocket parks or decorative paving areas constructed contiguous with new or existing sidewalks located either within the front yard setback or elsewhere on site.

   b. Developments proposed to include on-site plazas and pocket parks as publicly accessible project amenities shall link the open space elements with adjacent sidewalks, pedestrian paths, or bikeways.

2. Decorative paving areas shall be constructed of such materials as stamped, broom finish, or scored concrete, brick or modular pavers. One deciduous tree of at least three inches diameter (caliper) measured four feet above the ground at the time of planting, or one evergreen tree at least eight feet in height from treetop to ground level at the time of planting, shall be required for every two hundred square feet of decorative paving area.

3. At-grade HCT stations shall include trees in landscape beds or planting wells on or adjacent to the station platform.

D. Ornamental fencing.

1. The design, color and material of any fencing associated with an HCT station shall be consistent with the city’s established station design theme, in accordance with KCC 15.15.110.
2. Where station area fencing is proposed to be included, the fence type shall conform to one or more of the following options:

   a. Ornamental iron or steel;
   b. Cable and bollard fencing;
   c. Post and chain fencing; or
   d. Brick.

3. HCT station area fencing shall not include barbed wire, razor wire or chain-link fencing.

E. Restroom facilities. HCT stations associated with a park and ride lot, as described in RCW 47.12.270, as amended, and HCT stations with parking facilities, shall include public restrooms with sanitary sewer connections, as well as hot and cold running water.

F. Garbage receptacles. Garbage receptacles shall be provided at all HCT station areas.

G. Bicycle parking areas.

   1. Rack space and storage lockers for a minimum of ten bicycles shall be provided at each HCT station.

   2. Bicycle parking areas shall be located out of pedestrian walkways, and within fifty feet of station entrances.

H. Materials. Exterior materials and site furnishings associated with HCT station structures shall be consistent with the city’s established station design theme, in accordance with KCC 15.15.110, and selected to handle long-term exposure to weather and heavy use.
Sec. 15.15.130. Lighting.

A. Lighting associated with all HCT facilities shall be screened, hooded or otherwise limited in illumination area so as to minimize excessive “light throw” to off-site areas. Light fixtures shall be sited and directed to minimize glare.

B. Light post standards at the pedestrian level shall be no greater than sixteen feet in height. Light post standards used to illuminate vehicular access ways and parking lots shall be no greater than twenty five feet in height.

C. Exterior lighting shall be used to identify and distinguish the pedestrian walkway network from car or transit circulation. Along pedestrian circulation corridors, light post standards shall be placed between pedestrian ways and public or private streets, driveways or parking areas.

D. Light post standard designs shall be approved by the director, consistent with the city’s established station design theme, in accordance with KCC 15.15.110.

Sec. 15.15.210. Track design.

A. At-grade HCT track within or immediately adjacent to a public street right-of-way shall be embedded in non-asphalt, ornamental paving material, consisting of patterned or colored concrete, brick, cobble stone-patterned pavers, grass-crete, or other similar ornamental paving system subject to approval by the director.
B. Any structural supports for the HCT overhead catenary system within or immediately adjacent to a public street right-of-way shall be low profile and carefully selected as part of a unified street design. Where possible, the HCT overhead catenary system shall be supported through arm extensions attached to light standards or other traditional streetscape elements.

Sec. 15.15.220. Buffering of track corridor.

A. Landscaping.

1. At-grade HCT track corridors shall be screened from adjacent streets or nearby development with landscape strips at least five feet wide, consisting of trees, low shrubs, and ground cover paralleling the track corridor, subject to approval by the director. The required five foot landscape strip width dimension shall be a measurement of the usable soil area between pavement curb edges.

2. The area beneath elevated guideways not utilized for other public purposes, including, but not limited to streets, sidewalks, bike tracks, parking stalls or parks, shall be landscaped in accordance with Chapter 15.07 KCC for Type V landscaping, unless modified due to existing site conditions. Any modification must be approved by the director.

B. Noise barriers. Where noise barrier sound walls are to be included in addition to the required landscape strip along HCT corridors, wall design and type shall conform to one or more of the following options:

1. Pre-cast or cast-in-place concrete with architectural texturing;

or

2. Patterned masonry.
C. Light rail vehicle noise suppression. Light rail vehicles and associated track shall utilize the best available noise suppression technology in order to minimize adverse impacts to adjacent properties.

D. Track corridor access control.

1. At-grade HCT track within or immediately adjacent to a public street right-of-way, with the exception of dedicated crossing points, shall be separated from automobile and pedestrian areas through the inclusion of one of the following:

   a. Cable and bollard fencing;
   b. Post and chain fencing;
   c. Contrasting surface material and texture;
   d. Landscape medians between the HCT track right-of-way and the automobile or pedestrian areas; or
   e. Rolled curb.

2. Where fencing along HCT track corridors is to be included in areas not within or adjacent to a public street right-of-way, the fence type shall conform to one or more of the following options:

   a. Ornamental iron or steel;
   b. Chain link with top rail, colored vinyl coating, or decorative slatting;
   c. Cable and bollard fencing; or
   d. Post and chain fencing.

3. HCT track corridor fencing shall not include barbed wire, razor wire, or chain link fencing without a colored vinyl coating or decorative slatting.
Sec. 15.15.230. Elevated structures. The design of support columns for elevated sections of HCT track visible from the public right-of-way shall conform to at least one of the following options, as approved by the director:

A. A decorative form pattern, or other architectural feature covering at least fifty percent of the surface of support columns; or

B. Projections, indentations, or intervals of material change to visually break up the surface of support columns.

Sec. 15.15.240. Pedestrian crossings of track and access to stations. In order to minimize risk of collision with light rail transit vehicles or other vehicular traffic, pedestrian crossings of HCT track or public streets serving HCT stations shall conform to the following standard:

A. Crossings of streets with less than thirty thousand daily vehicle trips shall include a signalized pedestrian crossing.

B. Crossings of streets with more than thirty thousand daily vehicle trips shall include a covered pedestrian overpass.

Sec. 15.15.310. Minimum parking space requirements.

A. In order to provide adequate off-street parking, the lead agency for an HCT facility shall be required to provide a parking study, prepared as part of an EIS or separately, for each station, demonstrating that the parking demand will be satisfied. The director shall review the proposed minimum number of required parking spaces per HCT station and, after
consultation with the public works director, shall make a determination as to adequacy, based on a comparable parking demand.

B. The minimum number of required parking spaces per HCT station, as established pursuant to this section, shall form the basis for determining the threshold standard for the inclusion of structured parking, as specified in KCC 15.15.410.

Sec. 15.15.320. Surface parking lot landscaping and treatment of perimeter.

A. At least ten percent of the interior surface parking area shall have landscaping when the total number of parking spaces exceeds twenty, including a minimum of one tree for every seven parking spaces, to be distributed between rows or spaces throughout the parking lot.

B. Surface parking shall be visually screened from public or private streets by means of building placement or landscaping. The perimeter of a parking lot shall be planted with Type III landscaping at least five feet wide. Any abutting landscaped areas can be credited toward meeting this standard.

C. The required width dimension for interior parking area planting beds shall be a measurement of the usable soil area between pavement curb edges. Trees and required landscaping shall be placed in planting beds at least five feet in width between parking rows or spaces within the interior of the parking lot.

Sec. 15.15.330. Pedestrian circulation through parking lots.
A. Pedestrian walkways shall be provided through surface parking lots containing one hundred or more parking spaces. Pedestrian walkways shall be raised a minimum of three inches above the parking surface grade, and shall be a minimum of six feet wide, separated from vehicular travel lanes to the maximum extent possible and designed to provide safe access to HCT station platforms or existing pedestrian ways.

1. For parking rows perpendicular to HCT station loading platforms, pedestrian ways shall be located between two rows of parking spaces at a minimum of one pedestrian way every two hundred feet.

2. For parking rows parallel to HCT station loading platforms, pedestrian ways shall be incorporated adjacent to a series of aligned landscape islands at a minimum of one walkway every twenty-one parking spaces.

B. The pedestrian way network shall be clearly distinguished from vehicular or transit circulation. This is particularly important in areas where these various travel modes intersect, such as at driveway entrances. Where sidewalks or walkways cross vehicular driveways, the pedestrian crossing shall be distinguished from the driveway surface by use of a continuous raised crossing or by marking with a contrasting paving material.

Sec. 15.15.340. Placement of surface parking facilities. Except for short-term loading and off-loading areas, HCT station surface parking lots shall be allowed only as an interim use subject to the following requirements:

A. A site plan as established in KCC 15.15.800(A); and
B. A binding commitment that any surface parking facility will be made available for transit-oriented development within a set time period, as determined by the director.

The term “transit-oriented development” refers to public/private development that supports transit use. Transit-oriented development projects emphasize pedestrian access, and include a mix of residential, commercial, recreational and service activities centered at or around transit facilities.

**Sec. 15.15.410. Threshold standard for the inclusion of structured parking.** In order to meet city goals for high density development near transit stations, each HCT station with more than two hundred associated parking spaces shall include a parking structure either on-site or on adjacent property with capacity to house all of the total minimum number of required parking spaces, as established in KCC 15.15.310.

**Sec. 15.15.420. Parking structure design.**

A. Parking decks should be flat where feasible. At a minimum, a majority of both the ground floor and top parking decks shall be required to be flat, as opposed to continuously ramping.

B. External elevator towers and stairwells shall be open to public view, or enclosed with transparent glazing.

C. Lighting on or within multi-level parking structures shall be screened, hooded or otherwise limited in illumination area so as to minimize excessive “light throw” to off-site areas, but must still provide sufficient internal lighting, as determined by the director.
D. Parking structure top floor wall design must conform to one or more of the following options:

1. Architectural focal point. A prominent edge feature such as a glazed elevator or stair tower, or top floor line trellis structure.

2. Projecting cornice. Top floor wall line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.

3. Articulated parapet. Top floor wall line parapets shall incorporate angled, curved or stepped detail elements.

4. Alternative options that provide similar or better features, subject to approval by the director:

**Sec. 15.15.430. Parking structure character and massing.** Parking structure elevations over one hundred fifty feet in length shall incorporate vertical or horizontal variation in setback, material or fenestration design along the length of the applicable facade, in at least one of the following ways:

A. Vertical facades shall be designed to incorporate intervals of architectural variation at least every sixty feet over the length of the applicable facade, including one or more of the following:

1. Varying the arrangement, proportion or design of garage floor openings;
2. Incorporating changes in architectural materials, including texture and color; or

3. Projecting forward or recessing back portions or elements of the parking structure facade.

B. Horizontal facades shall be designed to differentiate the ground floor from upper floors by including one or more of the following:

1. Stepping back the upper floors from the ground floor parking structure facade;

2. Changing materials between the parking structure base and upper floors; or

3. Including a continuous cornice line or pedestrian weather protection element between the ground floor and upper floors.

Sec. 15.15.440. Ground floor uses in parking structures.

A. Each parking structure shall be designed so that a minimum of fifty percent of the length of the exterior ground floor facade with existing or projected adjacent foot traffic, excluding vehicle entrances and exits, includes ground floor area either built out as, or convertible to, retail/commercial or service uses.

B. The applicable ground floor area shall extend in depth a minimum of twenty feet from the exterior parking structure facade; provided, that the minimum required may be averaged, with no depth less than fifteen feet.
C. The clear interior ceiling height standard for the retail/commercial or service use portion of a parking structure shall be a minimum of fourteen feet.

D. Parking structure ground floors shall include fire suppressing sprinkler systems at the time of construction.

E. The director may consider a ground floor bus or drop-off facility rather than a retail or service use if the director determines that such a facility would better promote transit-oriented development around the HCT station.

Sec. 15.15.510. Off-site improvements.

A. To promote public transit use, the city and the lead agency for the development of HCT facilities shall coordinate an assessment of the need for vehicular, bicycle and pedestrian access improvements within a comfortable biking and walking distance of each city HCT station. Fifteen hundred feet is considered a “comfortable walking distance;” six thousand feet is considered a “comfortable biking distance;” however, the actual distance could be greater or lesser depending on surrounding features.

B. HCT station area access improvements shall include the following:

1. HCT station platforms shall be connected to nearby core commercial, residential and employment areas through paved sidewalks, pedestrian-only walkways or pedestrian overpasses. Stations and park and ride lots shall be linked when feasible with existing and proposed bike routes and pedestrian trails as shown in the city’s Comprehensive Plan.
2. Station area street improvements shall include sidewalks, bike lanes or paths, street trees, street front landscaping, improved lighting, and if applicable, bus stop and HOV lane improvements, as approved by the director, after consultation with the director of public works.

**Sec. 15.15.610. Directional and informational signage.**

A. Directional or informational signs associated with HCT stations shall be consistent with the city’s established station design theme, in accordance with KCC 15.15.110.

B. The lead agency for the construction of an HCT station shall coordinate with the city in determining appropriate installation locations and design of station exterior or off-site signage.

**Sec. 15.15.620. Community guides, maps, directories, bulletin boards.**

A. Local information signs associated with HCT stations, in the form of community guides, maps, directories or bulletin boards, are intended to convey information to the general public regarding local services, amenities, or general city information.

B. The lead agency shall coordinate with the city in determining appropriate installation locations for one or more forms of local information signage at each HCT station.

**Sec. 15.15.630. Station-related advertising signs.** No commercial advertising signs shall be visible from outside the HCT station. This section shall not apply to signs on rail cars.
Sec. 15.15.710. Fire safety standards. The design of HCT stations and associated facilities, including elevated structures, shall conform to the most current versions of all applicable sections of the Building Code, Fire Code, and National Fire Protection Standards No. 130. Conflicts among these codes shall be resolved in favor of the city's currently-adopted building and fire codes or as otherwise approved by the fire marshal and building official.

Sec. 15.15.800. Development plan – filing requirements. Development applications must be submitted in sufficient detail to allow review of the project in accordance with the special standards of this chapter, SEPA requirements, and other applicable provisions of this code. In addition to existing application requirements, the following information, at a minimum, must be included as elements in every HCT development application:

A. Site plan. A site plan, at a scale no smaller than one inch to twenty feet, which must show the following:

1. The location, size and finished grade of all proposed and existing on-site structures, as well as the existing topography and the grade of all public or private streets adjacent to the site;

2. A circulation plan which depicts access to the site and the vehicular, pedestrian and bicycle traffic flow on-site, as well as links with developments on adjoining parcels. Site access and circulation shall be approved by both the director and the director of public works;
3. The location, arrangement, and total square footage of on-site useable open space areas, as specified in KCC 15.15.900 and KCC 15.15.910;

4. Links to open spaces and landscaped areas on adjacent parcels;

5. The lot lines and footprints of all structures on all parcels within two hundred feet of the boundaries of the project parcel; and

6. Details on how all mechanical and utility rooftop equipment will be screened.

Sec. 15.15.900. Minimum open space area required.

A. A minimum of ten percent of the net site area shall be set aside as usable outdoor open space accessible to the public. Net site area is the total site area for the station, including, but not limited to: parking and maneuvering areas; platforms; buildings and other structures; minus areas classified as critical areas under KCC Chapter 11.06.

1. Required landscaping and sensitive area buffers without common access links, such as pedestrian trails, shall not be included toward meeting the minimum open space area requirement.

2. Driveways, parking, or other auto uses shall not be included in any usable outdoor open space area.

3. Areas of a parcel with slopes greater than eight percent shall not qualify as usable outdoor open space, unless the area has been developed with an enhanced accessibility system of stairs, ramps,
terraces, trails, seating areas, or other site improvements approved by the director.

4. Wetlands, streams, and their associated buffers shall be excluded for the purpose of calculating the open space requirement.

5. Provided that such facilities are at grade and not covered, storm water facilities shall be excluded for the purpose of calculating the open space requirement.

B. Usable open space shall include one or more of the following:

1. Active outdoor recreation areas;

2. Multi-purpose green spaces;

3. Pedestrian-only corridors separate from the public or private roadway system and dedicated to passive recreation, including access links in sensitive area buffers (also see Chapter 11.06 KCC). The square footage of pedestrian-only corridors shall be counted as usable open space. A pedestrian overpass on a street shall not be counted as usable open space; or

4. Publicly accessible plazas, courtyards, pocket parks and decorative paving areas constructed contiguous with new or existing sidewalks located either within the front yard setback or elsewhere on-site. Developments proposing on-site plazas and pocket parks as publicly accessible project amenities shall link the open space elements with adjacent sidewalks, pedestrian paths, or bikeways. Publicly accessible courtyard designs shall conform to the following standards:
a. The courtyard dimension is a measurement of the usable open space between two buildings or to a property line, and shall have a width equal to the height of the building, up to a maximum of seventy-five feet, but in no case less than twenty feet.

b. If the enclosing walls of a courtyard terrace upward and back with succeeding stories, the courtyard dimension shall be measured from the lowest enclosing floor or projection.

C. The front yard open space requirement per KCC 15.15.910 may be counted toward the minimum open space area requirement.

D. Usable open space areas on-site shall be organized and designed in a manner that allows for maximum integration with open space on adjacent parcels, as specified in KCC 15.15.930.

**Sec. 15.15.910. Front yard open space.** The following front yard open space regulations shall supersede the street frontage landscape requirement as specified in Chapter 15.07 KCC. The building facade landscaping and other landscaping requirements shall continue to apply.

A. Front yard open space area equal to the square footage of a five foot strip along the length of street-facing front facades shall be developed and arranged in a manner that is accessible to the public at all times, directly connected to a sidewalk or pedestrian pathway, and bordered on at least one side by, or readily accessible from, approved structures on-site. Front yard open space shall be placed in one or more of the following ways, as approved by the director:

1. Plaza, courtyard, or pocket park. Publicly accessible open space a minimum of two hundred square feet that is adjacent to a
pedestrian building entrance and consisting of at least fifty percent decorative paving. The remaining percentage of required open space area may be installed as plantings within or immediately adjacent to the plaza, courtyard, or pocket park. One tree shall be required for every two hundred square feet of decorative paving area. Decorative paving areas shall be constructed of such materials as stamped, broom finish, or scored concrete, brick or modular pavers;

2. Multi-purpose green space. A combination of grass, pedestrian ways, and seating areas of a minimum two hundred square feet. One tree shall be required for every two hundred square feet of green space area; or

3. Decorative paving contiguous with sidewalk. A minimum five foot wide decorative paving area constructed contiguous with a new or existing sidewalk along the length of the front yard building facade, coupled with a direct connection between the building entrance and sidewalk.

B. Outdoor seating. Publicly accessible plazas, courtyards, and pocket parks shall include at least one linear foot of seating per each forty square feet of plaza, courtyard, or pocket park space on-site. Outdoor seating shall be in the form of:

1. Freestanding outdoor benches at least sixteen inches wide; or

2. Seating incorporated into low walls, raised planters or building foundations at least twelve inches wide and eighteen inches high.

C. Focal point for plazas, courtyards and pocket parks. In addition to seating, publicly accessible plazas, courtyards, and pocket parks should
incorporate one or more of the following open space amenities in order to encourage pedestrian use and activity:

1. Public art, such as a water feature or sculpture;

2. Performance or stage areas; or

3. Other public amenities, as approved by the director.

D. Accessory site furnishings. Accessory site furnishings shall be located so as not to obstruct pedestrian access along sidewalks and to businesses.

1. Waste receptacles, movable planters and other accessory site furnishings shall be designed to be compatible with the design of the plaza, courtyard, or pocket park, through the use of similar detailing or materials.

Sec. 15.15.920. Relation to adjacent development. Proposed developments shall coordinate with current site planning and development efforts on adjoining parcels to take advantage of opportunities to mutually improve development design.

A. Adjacent developments shall link open spaces and landscaping whenever possible.

B. Proposed developments shall provide publicly accessible pedestrian connections to adjacent residential neighborhoods wherever possible, via a through-block walkway or links to sidewalks; or provide stairs or ramps where necessary when topographic barriers, such as steep slopes, inhibit
direct access to surrounding development or destination points, such as transit stops.

C. Where multi-family residential development is located adjacent to retail, commercial, employment, or institutional uses, side or rear yard landscape buffers shall be intersected by approved pedestrian circulation routes in order to facilitate convenient walking connections to adjacent uses or services.

D. Buildings or structures that terminate view corridors shall include architectural features that increase the visibility and landmark status of the subject building facade, such as a clearly defined building modulation, pedestrian entry feature or roof line that accentuates the building as a focal point.

**SECTION 2. - Amendment.** Section 15.04.060 of the Kent City Code is amended as follows:

Sec. 15.04.060. Transportation, public, and utilities land uses.
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| Commercial parking lots or structures | C C C C C |
| Transport and transit facilities, including high capacity transit facilities | (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) (1) |
| Railway and bus depots, taxi stands | C C C C C |
| Utility and transportation facilities: Electrical substations, pumping or regulating | C C C C C C C |
### Zoning Districts

| Key                      | A-1 D | A-6 G | S-R-1 | S-R-3 | S-R-4,5 | S-R-6 | S-R-8 | M-R-1 | M-R-2 | M-R-3 | M-R-4 | M-R-5 | M-R-6 | M-R-7 | M-R-8 | N-C | D-C | D-E | M-TC-1 | M-TC-2 | M-CC-1 | M-CC-2 | G-C | O | M-1 | M-2 | M-3 | G-W C |
|--------------------------|-------|-------|-------|-------|---------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|     |     |     |        |        |        |        |     |   |     |     |     |     |

**P = Principally Permitted Uses**

**S = Special Uses**

**C = Conditional Uses**

**A = Accessory Uses**

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**devices for the transmission of water, gas, steam, petroleum, etc.**

**Public facilities:**
- Firehouses
- Police stations
- Libraries
- Administrative offices of governmental agencies
- Primary and secondary schools
- Vocational schools
- Colleges

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*High Capacity Transit Facility Ordinance Amending Title 15, KCC*
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| Accessory uses and buildings customarily appurtenant to a permitted use | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |
| Wireless telecommun. fac. (WTF) by admin. approval | P | P | (2) | | | | | | | | | | | | | | | | | | | | | | | | | |
| Wireless telecommun. fac. (WTF) by conditional use permit | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| EV charging station | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A |

High Capacity Transit Facility Ordinance Amending Title 15, KCC
### Zoning Districts

**Key**
- **P** = Principally Permitted Uses
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**Rapid charging station**

**SECTION 3.** *Amendment.* Section 15.04.065 of the Kent City Code is amended as follows:

**Sec. 15.04.065.** Transportation, public, and utilities land use development conditions.

1. For WTF towers ninety (90)-feet or less for a single user and up to one hundred twenty (120)-feet for two (2) or more users.
2. For WTF towers that are within the allowable building height for the district in which they are located.

3. All WTFs are subject to applicable portions of KCC 15.08.035.

4. A conditional use permit for a WTF is required if it is greater than ninety-(90)-feet for a single user or one hundred twenty (120)-feet for two (2)-or more users.

5. A conditional use permit is required if the WTF exceeds the allowable building height of the district.

6. Transportation and transit terminal, including repair and storage facilities and rail-truck stations, except classification yards in the category of "hump yards."

7. Accessory uses shall not include vehicular drive through, drive-in, or service bay facilities.

8. If on property owned, leased or otherwise controlled by the city or other government entity subject to KCC 15.08.035(1).

9. Level 1 and 2 charging only.

10. Only as part of a general conditional use identified in KCC 15.08.030.

11. **High capacity transit facilities shall be consistent with Chapter 15.15 KCC.**

12. **A Conditional Use Permit is required for high capacity transit facilities that cross multiple zoning districts. No other transportation and transit facilities are allowed in the MHP zoning district.**
SECTION 4. New Section. Chapter 15.08 of the Kent City Code is amended by adding a new section 15.08.450 to read as follows:

Sec. 15.08.450. Development agreements.

A. Pursuant to RCW 36.70B.170 through 36.70B.210, as amended, a person or entity having ownership or control of real property within the city may file an application for a development agreement with the planning director, or on a form approved by the director and acceptable to the city attorney, together with a filing fee as established by council resolution.

B. Terms of the proposed development agreement shall be subject to the pre-application conference established in KCC 12.01.080, along with such other provisions of Chapter 12.01 KCC as may be deemed appropriate by the director.

C. The director, and such designee as may be appointed for this purpose, is authorized, but not required, to negotiate acceptable terms and conditions of the proposed development agreement with due regard for the following criteria:

1. The development agreement conforms to the existing Comprehensive Plan policies.

2. The terms of the development agreement are generally consistent with the development regulations of the city then in effect.

3. Appropriate project or proposal elements such as permitted uses, residential densities, and nonresidential densities and intensities or structure sizes are adequately provided, to include evidence that the site is adequate in size and shape for the proposed project or use; that it conforms to the general character of the neighborhood; and that it would be compatible with adjacent land uses.
4. Appropriate provisions are made for the amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications.

5. Adequate mitigation measures, development conditions, and mitigation requirements under Chapter 43.21C RCW are provided, including monitoring and adjustment of measures and conditions to ensure mitigation is effective.

6. Adequate and appropriate design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features are provided.

7. If applicable, targets and requirements regarding affordable housing are addressed.

8. Provisions are sufficient to assure requirements of parks and preservation of open space.

9. Interim uses and phasing of development and construction are appropriately provided. In the case of an interim use of a parcel of property, deferments or departures from development regulations may be allowed without providing a demonstrated benefit to the city; provided, that any departures or deferments to the code requested for a final use of the property shall comply with subsection (C)(11) of this section. The agreement shall clearly state the conditions under which the interim use shall be converted to a permanent use within a stated time period and the penalties for noncompliance if the interim use is not converted to the permanent use in the stated period of time.
10. Where a phased development agreement is proposed, a site plan shall be provided and shall clearly show the proposed interim and final uses subject to the agreement.

11. In the case of a development agreement where the proposed use is intended to be the final use of the property, it shall be clearly documented that any departures from the standards of the code that are requested by the applicant are, in the judgment of the city, offset by providing a benefit to the city of equal or greater value relative to the departure requested. In no case shall a departure from the code be granted if no benefit to the city is proposed in turn by the applicant.

12. Conditions are set forth providing for review procedures and standards for implementing decisions.

13. Provisions for maintenance and operations, including landscape maintenance.

14. A build-out or vesting period for applicable standards is provided.

15. Provisions for resolving disputes.

16. Any other appropriate development requirements or procedures necessary to the specific project or proposal are adequately addressed.

17. If appropriate, and if the applicant is to fund or provide public facilities, the development agreement shall contain appropriate provisions for reimbursement over time to the applicant.

8. Appropriate statutory authority exists for any involuntary obligation of the applicant to fund or provide services, infrastructure,
impact fees, inspection fees, dedications, or other service or financial contributions.

D. If the director deems that an acceptable development agreement has been negotiated and recommends the same for consideration, the City Council shall hold a public hearing and then may take final action, by resolution, to authorize entry into the development agreement. In addition, the Council may continue the hearing for the purpose of clarifying issues, or obtaining additional information, facts, or documentary evidence.

E. The decision of the Council shall be final immediately upon adoption of a resolution authorizing or rejecting the development agreement.

F. Following approval of a development agreement by the Council, and execution of the same, the development agreement shall be recorded with the King County Recorder, at the applicant's expense.

G. Because a development agreement is not necessary to any given project or use of real property under the existing Comprehensive Plan and development regulations in effect at the time of making application, approval of a development agreement is wholly discretionary and any action taken by the City Council is legislative only, and not quasi-judicial.

H. During the term of an approved development agreement, the agreement is binding on the parties and their successors, and any permit or approval issued by the city after execution of the development agreement must be consistent with the development agreement.

I. The city will process and decide upon an application for an amendment to an existing development agreement as if it were an application for a new development agreement in the manner set forth
above, unless it is deemed a minor modification as set forth in subsection J of this section.

J. Modifications of development agreements.

1. The director may approve minor modifications to an existing development agreement. Criteria for approving minor modifications include but are not limited to the following:

   a. Shall conform to the terms of the development agreement;

   b. Shall not reduce landscaping, buffering, or open space areas;

   c. Shall not reduce setback requirements;

   d. Shall not result in an increase in height of any structure;

   e. Shall not result in a change in ingress or egress;

   f. Shall not increase any adverse impacts or undesirable effects;

   g. Shall not significantly alter the project.

**SECTION 5. Amendment.** Section 12.04.825 of the Kent City Code is amended as follows:

Sec. 12.04.825. Approval criteria for commercial and industrial sites.

A. Criteria. An application for a binding site plan on commercial or industrial lands may be approved if the following criteria are satisfied:

1. Adequate provisions have been made for domestic water supply, sanitary sewer, stormwater facilities and conveyance systems,
private and/or public streets, pedestrian access, vehicle access and maneuvering, public and private utilities, and other public needs;

2. Each lot shall provide access to a public street and make provisions for connectivity of alleys, pedestrian access ways, and other public ways;

3. The binding site plan complies with, or makes adequate provisions to comply with, applicable provisions of the building code, fire code, public works design and construction standards, and zoning standards;

4. Potential environmental impacts, together with any practical means of mitigating adverse impacts, have been considered such that the proposal will not have an adverse effect upon the environment;

5. Approving the binding site plan will serve the public use and interest and adequate provisions have been made for the public health, safety, and general welfare.

B. Shared improvements. As a condition of approval, the city may authorize or require the sharing of open space, parking, access, setbacks, landscaping, and other improvements among contiguous properties. Conditions of use, maintenance, and restrictions on redevelopment of shared open space, parking, access, and other improvements shall be identified on the binding site plan and enforced by covenants, easements, or other similar mechanisms. Such agreements or restrictions shall be recorded with King County and run with the land. Such agreements shall be approved as to form by the city attorney prior to filing the final binding site plan. The binding site plan shall contain any applicable irrevocable dedications of property. The binding site plan shall contain a provision requiring that any development of the site shall be in
conformity with the approved site plan and any applicable development regulations subject to the vesting requirements of this chapter.

C. Phasing of development. Unless otherwise provided for in a development agreement, development permit applications shall be submitted for all structures and improvements shown on the binding site plan within three (3) years of approval. The planning manager may administratively extend this period by one (1) additional year if requested by the applicant. Permit applications submitted within that period shall be subject to the vesting requirements of this chapter. If the applicant chooses to develop the property in a phased development, the applicant must execute a development agreement with the city pursuant to KCC 15.08.450 to RCW 36.70B.170. This agreement shall govern, at a minimum, the use and development of the property subject to the binding site plan, including: (1) vesting applicable to subsequent permits; (2) the manner in which each phase of the development will proceed to ensure that the streets and utilities necessary to serve each phase of the development are constructed prior to the development of each phase; and (3) expiration of the agreement and all provisions therein.

SECTION 6. - Severability. If any one or more section, subsection, or sentence of this ordinance is 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 Revisor. 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 become effective thirty days after its publication. The city clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

SUZETTE COOKE, MAYOR

ATTEST:
RONALD F. MOORE, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

PASSED: 19th day of May, 2015.
APPROVED: 19th day of May, 2015.
PUBLISHED: 22nd day of May, 2015.

I hereby certify that this is a true copy of Ordinance No. 4151 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)