ORDINANCE NO. 4175

AN ORDINANCE of the City Council of the City of Kent, Washington, amending sections 15.04.195, 15.04.200 and 15.09.046 of the Kent City Code, related to design standards for the Meeker Street Corridor from 64th Avenue South to Kent-Des Moines Road. (ZCA-2015-5).

RECITALS

A. On June 17, 2014, the City Council passed Ordinance No. 4116, amending Section 15.09.046 of the Kent City code, pertaining to downtown design review, and adopting the Kent Downtown Design Guidelines, to serve as a way to shape development downtown to be more welcoming and pedestrian-friendly.

B. On August 19, 2014, through Resolution No. 1896, the City Council adopted the 2015-2020 Economic Development Strategic Plan for the City of Kent ("Plan"). The Plan includes key strategies for place-making and gateways, including beautifying streetscapes and strengthening sense of place to help encourage quality development.

C. Meeker Street is a key corridor and gateway to Kent with acres of redevelopable land including 40 acres owned by the City, making it a unique opportunity to implement the economic development goals of

Amend KCC 15.04 and 15.09 - Re: Meeker Street Design Guidelines
the Plan and shape perceptions of Kent as travelers enter the City from Kent-Des Moines Road.

D. In 2015, City staff began an interdepartmental effort to redevelop Meeker Street, calling the project “Meet Me on Meeker.” Staff conducted outreach to businesses, agencies and residents along Meeker Street and engaged consultants in a workshop designed to create a vision for Meeker Street. This vision will be used going forward to guide the project.

E. In order to protect the public’s interest in quality development along Meeker Street and as an interim measure before implementation of the vision for Meet Me on Meeker, staff proposed to expand the downtown design guidelines to include the area along Meeker Street from 64th Avenue South to Kent-Des Moines Road. After holding a public hearing on October 26, 2015, the Land Use and Planning Board (“LUPB”) recommended approval of the staff proposal.

F. On October 15, 2015, the City’s State Environmental Policy Act (SEPA) responsible official issued an Addendum to the City of Kent Comprehensive Plan Review and Midway Subarea Planned Action Environmental Impact Statement (EIS) (#ENV-2010-3) and to the City of Kent Downtown Subarea Action Plan Planned Action Supplemental Environmental Impact Statement (SEIS) (#ENV-2012-30) (the “SEPA Addendum”). The SEPA Addendum concluded there were no new significant adverse environmental impacts associated with adoption of proposed amendments to the Kent City Code that would extend multifamily, mixed use and downtown design guidelines to zoning districts along the Meeker Street Corridor between 64th Avenue South and Kent-Des Moines Road, and would designate that portion of Meeker Street a Class B Pedestrian Street for purposes of applying downtown design guidelines.
G. On November 2, 2015, the State Department of Commerce confirmed that the City had met the Growth Management Act notification requirements contained in RCW 36.70A.106 for the proposed amendments.

H. The Economic and Community Development Committee considered the proposed amendments and the LUPB’s recommendation on November 9, 2015, and recommended to the full City Council adoption of the proposed code amendments.

I. At its regularly scheduled meeting on November 17, 2015, the City Council voted to adopt the proposed amendments to the Kent City Code.

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

ORDINANCE

SECTION 1. - Amendment. Section 15.04.195 of the Kent City Code, entitled “Commercial and industrial land use zone development standard conditions,” is amended as follows:

Sec. 15.04.195. Commercial and industrial land use zone development standard conditions.
1. Minimum lot of record or 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 20-foot setback may be required for any yard abutting a residential district. See the downtown design review criteria outlined in KCC 15.09.046.

4. [Reserved].

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 20 feet.

   b. Properties fronting on local access streets shall have a minimum setback of 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 40 feet.

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

7. The front yard shall be 10 percent of the lot depth. Regardless of lot size, the yard depth need not be more than 35 feet.
8. No side or rear yard is required, except when abutting a district other than NCC, in which case the yard shall be not less than five feet in width; provided, however, that if the abutting district or use is residential, then the yard shall be 10 feet in width and fully landscaped.

9. No side yard is required, except when abutting a more restrictive district, in which case the side yard shall be not less than 20 feet in width.

10. No side yard is required, except when abutting a residential district, in which case the side yard shall be not less than 20 feet in width.

11. [Reserved].

12. The side yards shall have an aggregate width of 10 percent of the lot width, but the aggregate width need not be more than 40 feet. There shall be a minimum of 15 feet on each side.

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

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

15. [Reserved].

16. [Reserved].

Amend KCC 15.04 and 15.09 - Re: Meeker Street Design Guidelines
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 40 feet.

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

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

19. No rear yard is required, except when abutting a residential district, in which case the rear yard shall be not less than 20 feet in width.

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. [Reserved].

23. Transitional conditions shall exist when an industrial park M1 or M1-C district and AG district adjoin a residential district containing a density of two 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 50 feet shall be provided.

24. Transitional conditions shall exist when an M2 district adjoins a residential district containing a density of two 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 50 feet shall be provided.

25. Transitional conditions shall exist when an M3 district adjoins a residential district containing a density of two 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 50 feet shall be provided.

26. [Reserved].
27. [Reserved].

28. [Reserved].

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 200 feet. Such setbacks are in accordance with the state Shoreline Management Act of 1971, and shall be no more or less restrictive than the Shoreline Management Act.

30. The planning economic and community development director shall be authorized to grant one 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 additional story may be granted by the land use and planning board.

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 35 feet. See also the downtown design review criteria outlined in KCC 15.09.046.

33. [Reserved].

34. [Reserved].
35. Beyond this height, to a height not greater than either four stories or 60 feet, there shall be added one additional foot of yard for each one foot of additional building height. The planningeconomic and community development director shall be authorized to approve one 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(F). In addition to KCC 15.09.045(F), the multifamily and downtown design guidelines of KCC 15.09.045(D) and KCC 15.09.046 shall apply for all uses in the GC, GC-MU and CC-MU districts along the Meeker Street Corridor from 64th Avenue South to Kent-Des Moines Road.

37. The height limitation is two stories or 35 feet. Beyond this height, to a height not greater than either four stories or 60 feet, there shall be added one additional foot of yard for each two feet of additional building height. The planningeconomic and community development director shall be authorized to approve one 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. [Reserved].

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. [Reserved].

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 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 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 36 inches and a maximum of 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 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 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 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 10 feet in height and deciduous trees shall be a minimum of two-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 are imposed pursuant to the approval of a conditional use permit. The planningeconomic and community development 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 planningeconomic and community development 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. [Reserved].

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(H).

61. [Reserved].

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 MTC-1 zoning district abutting a residential district shall be 35 feet in height within 20 feet from the residential district and 45 feet in height within 40 feet from the residential district.

70. New construction shall conform to applicable Federal Aviation Administration regulations, including 14 C.F.R. Part 77, 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 2. - Amendment.** Section 15.04.200 of the Kent City Code, entitled “Mixed use overlay development standards,” is amended as follows:
Sec. 15.04.200. Mixed use overlay development standards.

<table>
<thead>
<tr>
<th>Overlay Districts</th>
<th></th>
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<tbody>
<tr>
<td>GC-MU</td>
<td>CC-MU</td>
</tr>
<tr>
<td>Site coverage</td>
<td></td>
</tr>
<tr>
<td>Forty 40 percent for commercial uses.</td>
<td>Forty 40 percent for commercial uses.</td>
</tr>
<tr>
<td>Sixty 60 percent for commercial uses with residential uses; provided, that five percent of the gross floor area is commercial use, except within the downtown area (as defined in KCC 15.09.046), where 25 percent of the gross floor area must be commercial use.</td>
<td>Sixty 60 percent for commercial uses with residential uses; provided, that 25 percent of the gross floor area is residential use.</td>
</tr>
<tr>
<td>Height</td>
<td></td>
</tr>
<tr>
<td>Sixty-five 65 feet</td>
<td>Twenty-five 25 feet; provided, that basic heights may be increased up to the maximum height of 40 feet. (1)</td>
</tr>
<tr>
<td>Front yard</td>
<td></td>
</tr>
<tr>
<td>Zero feet; provided, that some setback may be required in the front yard to accommodate a sidewalk which shall be at least 10 feet in width.</td>
<td>Zero feet; provided, that some setback may be required in the front yard to accommodate a sidewalk which shall be at least 10 feet in width.</td>
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0.40 for commercial uses. 0.50 for commercial uses combined with residential uses; provided, that commercial floor area may be increased by one square foot for each square foot of residential floor area provided up to a maximum commercial FAR of 0.5. 1.0 for residential uses; provided, that residential FAR may be increased by 0.5 if parking is provided below grade, up to a maximum of 1.5.
<table>
<thead>
<tr>
<th>Overlay Districts</th>
<th>GC-MU</th>
<th>CC-MU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear and side yard</td>
<td>Zero feet; provided, that setbacks of at least 20 feet will be required in any rear or side yards that are adjacent to a residential zoning district.</td>
<td>Zero feet; provided, that setbacks of at least 20 feet will be required in any rear or side yards that are adjacent to a residential zoning district.</td>
</tr>
<tr>
<td>Off-street parking</td>
<td>The off-street parking requirements of Chapter 15.05 KCC shall apply.</td>
<td>Retail/office uses: four spaces per 1,000 square feet of floor area. (2) Residential uses (3)</td>
</tr>
<tr>
<td>Design review</td>
<td>Design review requirements of KCC 15.09.045(D) and (F) and 15.09.046 shall apply, including application of the multifamily, mixed use and downtown design guidelines of KCC 15.09.045(D), KCC 15.09.045(F) and KCC 15.09.046 for all uses in the GC-MU overlay district along the Meeker Street Corridor from 64th Avenue South to Kent-Des Moines Road.</td>
<td>Design review requirements of KCC 15.09.045(F) shall apply, including application of the multifamily, mixed use and downtown design guidelines of KCC 15.09.045(D), KCC 15.09.045(F) and KCC 15.09.046 for all uses in the CC-MU overlay district along the Meeker Street Corridor from 64th Avenue South to Kent-Des Moines Road.</td>
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SECTION 3. Amendment. Section 15.09.046 of the Kent City Code, entitled “Downtown design review,” is amended 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 subarea action plan and its policies or parts thereof. The downtown design guidelines, as set forth in subsection (D) of this section, apply to all
development located within the downtown area, as 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 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 economic and community development department pursuant to RCW Title 35A. Therefore, in implementing the downtown design review process, the planning economic and community development director manager may adopt such rules and procedures as are necessary to provide for review of proposed projects.

3. All development within the downtown area, or within the GC, GC-MU, CC-MU, or MR-M zoning districts along the Meeker Street Corridor between 64th Avenue South and Kent-Des Moines Road, which roadway section is hereby classified a Class B Pedestrian Street, 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, DCE-T, GC-MU, CC-MU, MR-M and MRT-16 zoning districts that are also within the downtown area or along the Meeker Street Corridor between 64th Avenue South and Kent-Des Moines Road shall be subject to this section in addition to the provisions of KCC 15.09.045, except as provided in KCC 15.09.045(E). In cases where a conflict arises between the requirements of the two (2) sections, the provisions of this section shall prevail.

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—the economic and community development department. 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—the department 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 as described in the Kent downtown design guidelines. The committee shall be comprised of three (3)—members, who shall be appointed by the planning manager under the authority delegated
pursuant to RCW Title 35A. The members shall serve at the pleasure of the planning manager director. The planning manager director 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," 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 the economic and community development department.

E. Appeals. The decision of the downtown administrative design review committee to approve, approve with conditions, 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 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 issuance of the decision, pursuant to Chapter 36.70C RCW.
SECTION 4. - 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 5. - 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 6. - Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage, as provided by law.
I hereby certify that this is a true copy of Ordinance No. 4175 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)