Ordinance No. 4225

(Amending or Repealing Ordinances)

12/13/2016
Zoning – Supporting the update to the Multifamily Design Guidelines and streamline design review
Amend KCC Chapter 15.02.125; 15.02.134; 15.04.020
Repeal KCC Section 15.02.272; 15.08.215
Adopting new Section 15.02.111.1

Amends Ords. 3439; 3440; 3470; 3543; 3600; 3612; 3615; 3753; 3759; 3770; 3830; 4011; 4089; 4166; 4174; 4188; 4189
ORDINANCE NO. 4225

AN ORDINANCE of the city council of the city of Kent, Washington, amending Title 15, entitled "Zoning," to support the update to the Multifamily Design Guidelines and streamline design review.

RECITALS

A. The City of Kent adopted multifamily design review by Ordinance 3014 in 1991 in response to population growth and increasing multifamily development.

B. The Multifamily Design Review Handbook was created in 1994. Since that time, market forces and construction trends have changed the multifamily development landscape, and updated design guidelines are needed to respond to those changes. Staff proposed an update to the multifamily design guidelines in the 2015 Docket, which was approved by the City Council on October 20, 2015.

C. Development regulations must be consistent with and implement the comprehensive plan as provided by RCW 36.70A.040(3). The proposed multifamily design guidelines and associated code amendments implement the comprehensive plan's goals and policies supporting well designed places and buildings.
D. The proposed multifamily design guidelines aim to provide more guidance and options for achieving good design. The proposed update includes strong statements of intent, with flexibility for how developers can meet the intent.

E. On July 25, 2016, Planning staff presented the Land Use and Planning Board ("LUPB") with an overview of the need for updated guidelines and associated code changes at a workshop meeting, and received authorization to proceed with an amendment proposal.

F. On October 11, 2016, the City requested expedited review under RCW 36.70A.106 from the Washington State Department of Commerce regarding the City's proposed code amendments and updated design guidelines. The 60 day period for comments lapsed with no comments received by State agencies, and by operation of law is deemed approved.

G. On October 12, 2016, the City conducted and completed environmental review under the State Environmental Policy Act (SEPA). The City’s SEPA Responsible Official issued a Determination of Nonsignificance for the code amendments and updated design guidelines.

H. On October 10, 2016, Planning staff briefed the Economic and Community Development Committee on the proposed design guidelines and associated code amendments. That same day, staff presented the proposals to the LUPB at a regularly scheduled workshop meeting.

I. At its regularly scheduled public meeting on October 24, 2016, the LUPB held a public hearing regarding the proposed code amendments and updated design guidelines. After considering the matter, the LUPB voted to recommend approval of the proposed amendments to the City Council.
J. On November 14, 2016, the ECDC considered the recommendations of the LUPB at its regularly scheduled meeting, and recommended to the full City Council adoption of the proposed code amendments and updated guidelines.

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

ORDINANCE

**SECTION 1. - New Section.** Chapter 15.02 of the Kent City Code, entitled "Definitions," is hereby amended to add a new section 15.02.111.1, entitled "Downtown," to read as follows:

Sec. 15.02.111.1. Downtown. Downtown means the area designated in the City of Kent Downtown Subarea Action Plan as the "Downtown Study Area," as amended.

**SECTION 2. - Amendment.** Section 15.02.125 of the Kent City Code, entitled "Dwelling, multiple-family," is hereby amended as follows:

Sec. 15.02.125 Dwelling, multiple-family. Multiple-family dwelling means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided. This definition does not include independent senior living facilities, assisted living facilities, detached single-family structures designed as part of a multiple-structure development such as a planned unit development, residential facilities with health care, transitional housing or group homes. This definition does include senior housing that does not provide meals.

Amend KCC Sections - Re: Multifamily and Mixed Use Design
SECTION 3. - Amendment. Section 15.02.134 of the Kent City Code, entitled "Facade modulation," is hereby amended as follows:

Sec. 15.02.134 Facade modulation. Facade modulation means a horizontal stepping back or projecting forward of portions of a building facade. The minimum modulation depth shall be three (3) feet, and the minimum modulation width shall be eight (8) feet.

SECTION 4. - Repealer. Section 15.08.215 of the Kent City Code, entitled "Multifamily transition areas," is hereby repealed in its entirety.

SECTION 5. - Repealer. Section 15.02.272 of the Kent City Code, entitled "Multifamily transition area," is hereby repealed in its entirety.

SECTION 6. - Amendment. Section 15.04.020 of the Kent City Code, entitled "Residential land uses," is hereby amended as follows:

Sec. 15.04.020 Residential land uses.
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### Key
- **P** = Principally Permitted Uses
- **S** = Special Uses
- **C** = Conditional Uses
- **A** = Accessory Uses

### Notes
- Farm worker accommodations
- Accessory uses and structures customarily appurtenant to a permitted use
- Accessory dwelling units and guest cottages
- Accessory living quarters

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Amend KCC Sections - Re: Multifamily and Mixed Use Design
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 SECTION 7. - Amendment.  Section 15.04.030 of the Kent City Code, entitled "Residential land use development conditions," is hereby amended as follows:

Sec. 15.04.030 Residential land use development conditions.

1. Dwelling units, limited to not more than one per establishment, for security or maintenance personnel and their families, when located on the premises where they are employed in such capacity. No other residential use shall be permitted.

2. Multifamily residential uses, or other residential facilities where allowed, are only permissible in a mixed use overlay and must be included within a mixed use development.

3. Assisted living facilities, residential facilities with health care, and independent senior living facilities, when not combined with commercial or office uses, require a conditional use permit and are subject
to the requirements of KCC 15.09.045 for multifamily design review and mixed use design review, as well as area-specific design review, such as in Midway, Downtown and along the Meeker Street Corridor. These facilities are also subject to the following conditions:

a. Must be located within a half mile of publicly accessible amenities in at least three of the following categories, as determined by the economic and community development director. The distance shall be measured as the shortest straight-line distance from the property line of the proposed facility to the property line of the entities listed below:

i. Public park or trail, as identified in the city’s most recently adopted park and open space plan, or owned or maintained by any agency of the state, or any political subdivision thereof;

ii. Preschool, elementary, or secondary school (public or private);

iii. Indoor recreational center (community center, senior center, physical recreation facility, bingo or casino hall);

iv. Church, religious institution, or other place of worship;

v. Cultural arts center (theater, concert hall, artistic, cultural, or other similar event center);

vi. Retail services, including, but not limited to: medical services; food and beverage establishments; shopping centers; or other commercial services that are relevant (reasonably useful or
germane) to the residents of the proposed facility, as determined by the city's economic and community development director.

b. Alternatively, if the facility provides amenities in one or more of the categories listed in subsection (3)(a) of this section on the ground floor of the facility itself, oriented towards the public (meaning that they are visible, accessible and welcoming), the number of other amenities to which a half-mile proximity is required may be reduced, at the discretion of the city's economic and community development director.

4. Multifamily residential uses, or other residential facilities where allowed, when established in buildings with commercial or office uses, and not located on the ground floor.

5. Multifamily residential uses, or other residential facilities where allowed, when not combined with commercial or office uses.

6. Existing dwellings may be rebuilt, repaired, and otherwise changed for human occupancy. Accessory buildings for existing dwellings may be constructed subject to the provisions of KCC 15.08.160.

7. Transitional housing facilities, limited to a maximum of 20 residents at any one time, plus up to four resident staff.

8. Accessory structures composed of at least two walls and a roof, not including accessory uses or structures customarily appurtenant to agricultural uses, are subject to the provisions of KCC 15.08.160.

9. Farm dwellings appurtenant to a principal agricultural use for the housing of farm owners, operators, or employees, but not accommodations for transient labor.
10. Accessory dwelling units shall not be included in calculating the maximum density. Accessory dwelling units are allowed only on the same lot with a principally permitted detached single-family dwelling unit, and are subject to the provisions of KCC 15.08.160 and 15.08.350.

11. Customary incidental home occupations subject to the provisions of KCC 15.08.040.

12. [Reserved].

13. Subject to the combining district requirements of the mobile home park code, Chapter 12.05 KCC.

14. Accessory living quarters are allowed per the provisions of KCC 15.08.359.

15. [Reserved].

16. Recreational vehicle storage is permitted as an accessory use in accordance with KCC 15.08.080.

17. Accommodations for farm operators and employees, but not accommodations for transient labor.

18. Other accessory uses and buildings customarily appurtenant to a permitted use, except for onsite hazardous waste treatment and storage facilities, which are not permitted in residential zones.
19. The following zoning is required to be in existence on the entire property to be rezoned at the time of application for a rezone to an MR-T zone: SR-8, MR-D, MR-G, MR-M, MR-H, NCC, CC, GC, DC, or DCE.

20. All multifamily townhouse developments in an MR-T zone shall be recorded as townhouses with ownership interest, as defined in KCC 15.02.525.1, prior to approval of a certificate of occupancy by the city.

21. [Reserved].

22. One duplex per lot is permitted.

23. Secure community transition facilities are only permitted within the boundaries depicted on the following map, and only with a conditional use permit:

24. A secure community transition facility shall also comply with applicable state siting and permitting requirements pursuant to Chapter 71.09 RCW. Secure community transition facilities are not subject to the siting criteria of KCC 15.08.280 for class III group homes, but they are subject to a 600-foot separation from any other class II or III group home. In no case shall a secure community transition facility be sited adjacent to, immediately across the street or parking lot from, or within the line of sight of risk potential activities or facilities in existence at the time a site is listed for consideration. Within line of sight means that it is possible to reasonably visually distinguish and recognize individuals. For the purposes of granting a conditional use permit for siting a secure community transition facility, the hearing examiner shall consider an unobstructed visual distance of 600 feet to be within line of sight. During the conditional use permit process for a secure community transition facility, line of sight may be considered to be less than 600 feet if the applicant can
demonstrate that visual barriers exist or can be created that would reduce the line of sight to less than 600 feet. This distance shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property or parcel upon which the proposed use is to be located, to the nearest point of the parcel or property or the land use district boundary line from which the proposed use is to be separated. For the purpose of granting a conditional use permit for a secure community transition facility, the hearing examiner shall give great weight to equitable distribution so that the city shall not be subject to a disproportionate share of similar facilities of a state-wide, regional, or county-wide nature.

25. A designated manufactured home is a permitted use with the following conditions:

   a. A designated manufactured home must be a new manufactured home;

   b. The designated manufactured home shall be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product that can be either load bearing or decorative;

   c. The designated manufactured home shall comply with all city design standards applicable to all other single-family homes;

   d. The designated manufactured home shall be thermally equivalent to the State Energy Code; and
e. The designated manufactured home shall meet all other requirements for a designated manufactured home as defined in RCW 35.63.160.

26. Multifamily dwellings shall be allowed only within the Kent downtown districts outlined in the Downtown Subarea Action Plan and shall be condominiums recorded pursuant to Chapter 64.32 or 64.34 RCW or similar dwelling units with ownership interest and recorded as such prior to approval of a certificate of occupancy by the city.

27. Within subdivisions, as defined by KCC 12.04.025, vested after March 22, 2007, or altered to comply with zoning and subdivision code amendments effective after March 22, 2007, 25 percent of the total number of permitted dwelling units may be duplex or triplex townhouse structures.

28. Live-work units; provided, that the following development standards shall apply for live-work units, in addition to those set forth in KCC 15.04.190:

a. The unit shall contain a cooking space and sanitary facility in conformance with applicable building standards;

b. Adequate and clearly defined working space must constitute no less than 50 percent of the gross floor area of the live-work unit. Said working space shall be reserved for and regularly used by one or more persons residing there;

c. At least one resident in each live-work unit shall maintain at all times a valid city business license for a business on the premises;
d. Persons who do not reside in the live-work unit may be employed in the live-work unit when the required parking is provided;

e. Customer and client visits are allowed when the required parking is provided;

f. No portion of a live-work unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises;

g. The multiple-family design guidelines and development standards do not apply to live-work units; [Reserved]

h. Construct all nonresidential space, to the maximum allowed, to commercial building standards; and

i. Provide an internal connection between the residential and nonresidential space within each unit.

29. Subject to the maximum permitted density of the zoning district. For assisted living facilities, residential facilities with health care, and independent senior living facilities, each residential care unit is considered one dwelling unit for purposes of density calculations.

30. Conditional use when the number of residents exceeds 20 at any one time or more than four resident staff.
31. Emergency housing is an allowed conditional use in the MR-D zone only in conjunction with an approved conditional use permit, and subject to the following additional conditions:

a. The emergency housing facility must be located on the same lot as an actively operating church or similar religious institution, and the lot must be a minimum of two acres in size;

b. The emergency housing facility must be located within a permanent, enclosed building;

c. The building footprint of the emergency housing facility cannot exceed the building footprint of the church or similar religious institution that exists on the same lot;

d. The church or similar religious institution on the same lot as the emergency housing facility shall be primarily liable for the operation and maintenance of the facility itself, as well as the conduct of the residents of the facility on and in the immediate vicinity of the lot, to the maximum extent permitted by law, regardless of whether the organization contracts with a third party for the provision of any services related to the facility itself or its residents; and

e. The emergency housing facility shall comply with the setbacks and landscaping requirements for churches, as identified in KCC 15.08.020(A).

**SECTION 8. - Amendment.** Section 15.04.170 of the Kent City Code, entitled "Agricultural and residential zone development standards," is hereby amended as follows:
Sec. 15.04.170 Agricultural and residential zone development standards.

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<tr>
<td>Maximum density: dwelling units per acre</td>
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<td>1 d u / 1 a c</td>
<td>3, 4, 5, 6, 7, 8</td>
<td>1 d u / 1 a c</td>
<td>3, 4, 5, 6, 7, 8</td>
<td>1 d u / 1 a c</td>
<td>3, 4, 5, 6, 7, 8</td>
<td>1 d u / 1 a c</td>
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<td>1 d u / 1 a c</td>
<td>3, 4, 5, 6, 7, 8</td>
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<td>Minimum lot area: square feet or acres, as noted</td>
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<td>1 a c</td>
<td>3, 4, 5, 6, 7</td>
<td>1 a c</td>
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<td>1 a c</td>
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<td>3, 4, 5, 6, 7</td>
<td>1 a c</td>
<td>3, 4, 5, 6, 7</td>
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<tr>
<td>Minimum lot width: feet (4)</td>
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<td>6 0 0 ft</td>
<td>6 0 0 ft</td>
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18  Amend KCC Sections - Re: Multifamily and Mixed Use Design
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<tr>
<td>Maximum site coverage: percent of site</td>
<td>30%</td>
<td>40%</td>
<td>55%</td>
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<td>45%</td>
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<td>Minimum yard requirements: feet</td>
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<tr>
<td>Front yard</td>
<td>20 ft (6)</td>
<td>10 ft (6)</td>
<td>10 ft (6)</td>
<td>10 ft (6)</td>
<td>10 ft (6)</td>
<td>10 ft (6)</td>
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<tr>
<td>Side yard</td>
<td>1 ft (8)</td>
<td>5 ft (3)</td>
<td>5 ft (3)</td>
<td>5 ft (3)</td>
<td>5 ft (3)</td>
<td>5 ft (3)</td>
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<tr>
<td>Side yard on flanking street of a corner lot</td>
<td>20 ft</td>
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<td>10 ft (9)</td>
<td>10 ft (9)</td>
<td>10 ft (9)</td>
<td>15 ft (9)</td>
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<td>10 ft (9)</td>
<td>15 ft (9)</td>
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<tr>
<td>Rear yard</td>
<td>20 ft</td>
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<td>8 ft</td>
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<td>8 ft</td>
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<td>8 ft</td>
<td>20 ft</td>
<td>5 ft</td>
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19

*Amend KCC Sections - Re: Multifamily and Mixed Use Design*
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<thead>
<tr>
<th>Zoning District</th>
<th>Code</th>
<th>Name</th>
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<tr>
<td>A-10 Agricultural</td>
<td>SR-1</td>
<td>Residential Agricultural</td>
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<td>SR-3</td>
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<td>SR-6</td>
<td>Single-Family Residential</td>
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<tr>
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<td>MR-G</td>
<td>Low</td>
<td>Low Density Multifamily Residential</td>
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<tr>
<td>MR-M</td>
<td>Medium</td>
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<td>MR-H</td>
<td>High</td>
<td>High Density Multifamily Residential</td>
</tr>
<tr>
<td>MHP Mobile Home Park</td>
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<td>Mobile Home Park</td>
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</tbody>
</table>

**Signs and Clustering**

- **The provisions in KCC 15.08.300, 15.08.310, 15.08.320, and 15.08.330 shall apply.**
- **Amend KCC Sections -**
- **Zero lot line and clustering**
- **The sign regulations of Chapter 15.06 KCC shall apply.**

<table>
<thead>
<tr>
<th>Zoning District</th>
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<td>MR-M</td>
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<td>MR-H</td>
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<td>High Density Multifamily Residential</td>
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<td>MHP Mobile Home Park</td>
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<td>Mobile Home Park</td>
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<tr>
<td>Off-street parking</td>
<td>The off-street parking requirements of Chapter 15.05 KCC shall apply.</td>
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<tr>
<td>Landscaping</td>
<td>The landscaping requirements of Chapter 15.07 KCC shall apply.</td>
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<tr>
<th>Multifamily transition area</th>
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<tr>
<td>Additional standards for specific uses are contained in Chapters 15.08 and 15.09 KCC.</td>
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| Additional standards | | | | | | | | | | | | | | |
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**SECTION 9. - Amendment.** Section 15.04.180 of the Kent City Code, entitled “Agricultural and residential land use development standard conditions,” is hereby amended as follows:

Amend KCC Sections - 
Re: Multifamily and Mixed Use Design
Sec. 15.04.180 Agricultural and residential land use development standard conditions.

1. Minimum lot area is 8,500 square feet for the first two dwelling units, and 2,500 square feet for each additional dwelling unit.

2. Minimum lot area is 8,500 square feet for the first two dwelling units, and 1,600 square feet for each additional dwelling unit.

3. Minimum lot area is 8,500 square feet for the first two dwelling units, and 900 square feet for each additional dwelling unit.

4. To determine minimum lot width for irregular lots, a circle of applicable diameter (the minimum lot width permitted) shall be scaled within the proposed boundaries of the lot; provided, that an access easement to another lot is not included within the circle.

5. Interior yards shall not be computed as part of the site coverage.

6. Porches and private shared courtyard features may be built within the front building setback line.

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

8. Proposed front yards less than 20 feet in depth are subject to approval by the planning manager, based on review and recommendation from the public works department relative to the existing and future traffic volumes and right-of-way requirements as specified in the city comprehensive transportation plan and city construction standards.
9. At least 20 linear feet of driveway shall be provided between any garage, carport, or other primary parking area and the street property line with the exception of an alley property line.

10. An aggregate side yard of 30 feet shall be provided. A minimum of 10 feet shall be provided for each side yard. On a corner lot the side yard setback shall be a minimum of 20 feet from the property line.

11. Each side yard shall be a minimum of 10 percent of the lot width; however, regardless of lot width, the yard width need not be more than 30 feet. For multifamily townhouse developments that attach three units or less, in the MRT-12 or MRT-16 zoning districts the aggregate yard width need not be more than 30 feet, but in no case shall a yard be less than 10 feet.

12. Structures for feeding, housing, and care of animals, except household pets, shall be set back 50 feet from any property line.

13. Additional setbacks for the agriculture general AG zoning district.

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

b. Transitional conditions shall exist when an AG 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.

c. Setbacks, Green River. Industrial development in the 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 city comprehensive plan and in accordance with the high quality of site development typically required for the industrial park areas of the city and in accordance with the State Shoreline Management Act of 1971, and shall be no more or less restrictive than the Shoreline Management Act.

14. An inner court providing access to a double-row building shall be a minimum of 20 feet.

15. The distance between principal buildings shall be at least one-half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 12 feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.

16. The height limitations shall not apply to barns and silos; provided, that they are not located within 50 feet of any lot line.

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

19. Except for lots used for agricultural practices, the maximum impervious surface area allowed shall be 10,000 square feet when the lot is greater than one acre.

20. The following uses are prohibited:

a. The removal of topsoil for any purpose.

b. Grade and fill operations; provided, that limited grade and fill may be approved as needed to construct permitted buildings or structures.

c. All subsurface activities, including excavation for underground utilities, pipelines, or other underground installations, that cause permanent disruption of the surface of the land. Temporarily disrupted soil surfaces shall be restored in a manner consistent with agricultural uses.

d. Dumping or storage of nonagricultural solid or liquid waste, or of trash, rubbish, or noxious materials.

e. Activities that violate sound agricultural soil and water conservation management practices.
21. Outdoor storage for industrial uses shall be located at the rear of a principally permitted structure and shall be completely fenced.

22. Mobile home park combining district, MHP. The standards and procedures of the city mobile home park code shall apply. General requirements and standards for mobile home park design, KCC 12.04.055; mobile home parks, Chapter 12.05 KCC.

23. Except for lots used for agricultural practices, the maximum impervious surface area allowed shall be 10,000 square feet.

24. Minimum lot width, building setbacks, and minimum lot size regulations may be modified consistent with provisions for zero lot line and clustering housing development.

25. The requirements of KCC 15.08.215 shall apply in any multifamily transition area, which includes any portion of a multifamily district within 100 feet of a single-family district or within 100 feet of a public street right-of-way. Assisted living facilities, independent senior living facilities, and residential facilities with healthcare are subject to multifamily design review as provided for in KCC 15.09.045(D), except when located within Downtown or along Meeker Street from 64th Avenue South to Kent-Des Moines Road, where development is subject to downtown design review pursuant to KCC 15.09.046.

26. The requirements of KCC 15.09.045(D) for multifamily design review shall apply to any multifamily dwelling or transitional housing of three or more units, including triplex townhouse structures, except when located within Downtown or along Meeker Street from 64th Avenue South to Kent-Des Moines Road (where development is subject to downtown design review pursuant to KCC 15.09.046), or when located in a single-
family plat or short plat, where residential design review applies pursuant to KCC 15.09.046(C).

27. Minimum lot area is 8,500 square feet for the first two dwelling units, and 3,500 square feet for each additional dwelling unit.

28. The following zoning is required to be in existence on the entire property to be rezoned at the time of application of a rezone to an MR-T zone: SR-8, MR-D, MR-G, MR-M, MR-H, NCC, CC, GC, DC, or DCE.

29. All multifamily townhouse developments in the MR-T zone shall be townhouses with ownership interest only.

30. As an option to the five-foot side yard requirement for single-family development in all multifamily zoning districts as set forth in KCC 15.04.170, a side yard width of no less than three feet may be utilized under the following conditions:

   a. Fire hydrants for the development, as required by the fire code set forth in KCC Title 13, will be placed a maximum of 300 feet in separation;

   b. The required fire hydrants shall have a minimum fire flow of 1,500 gallons per minute; and

   c. Emergency vehicle access roads shall be provided to the development, which includes an improved road accessible within 150 feet of all portions of the exterior first floor of the structure.
This option is subject to the approval of the Washington State Building Council. Application of this option shall be effective upon receipt by the city of Kent of such approval.

31. Where lands are located wholly or partially within the urban separator, as designated on the City of Kent Comprehensive Land Use Plan Map, dwelling units shall be required to be clustered, subject to the provisions of Chapter 12.04 KCC, entitled “Subdivisions, Binding Site Plans, and Lot Line Adjustments.” The density in a cluster subdivision shall be no greater than the density that would be allowed on the parcel as a whole, including all critical areas (creeks, wetlands, geological hazard areas), and buffers, using the maximum density provisions of the zoning district in which it is located.

The common open space in a cluster subdivision shall be a minimum of 50 percent of the nonconstrained area of the parcel. The nonconstrained area of the parcel includes all areas of the parcel, minus critical areas, as defined in RCW 36.70A.030(5) as currently and hereinafter amended, and buffers. The remainder of the nonconstrained area of the parcel shall be the buildable area of the parcel. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering and other adjacent open spaces as well as existing or planned public parks and trails, and maintains scenic vistas. Critical areas and buffers shall not be used in determining lot size and common open space requirements in a cluster subdivision. All natural features (such as streams and their buffers, significant stands of trees, and rock outcroppings), as well as sensitive areas (such as steep slopes and wetlands and their buffers), shall be preserved as open space in a cluster subdivision.
Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development. Such common open spaces may be retained under ownership by the owner or subdivider, conveyed to residents of the development, conveyed to a homeowners’ association for the benefit of the residents of the development, conveyed to the city with the city’s consent and approval or to another party upon approval of the city of Kent.

The minimum lot size of individual lots within a clustered subdivision is 2,500 square feet, and the minimum lot width is 30 feet. In the event that common open space prohibits development of one single-family residence on the parcel, the common open space will be reduced by the amount necessary to meet the minimum 2,500-square-foot lot size. New lots created by any subdivision action shall be clustered in groups not exceeding eight units. There may be more than one cluster per project. Separation between cluster groups shall be a minimum of 120 feet. Sight-obscuring fences are not permitted along cluster lot lines adjacent to the open space area.

32. For multifamily townhouse developments that attach three units, the minimum building to building separation shall be 10 feet. For duplex and single-family condominium townhouse developments, the minimum building to building separation shall be established through the
International Building Code (IBC) or International Residential Code (IRC), as may be applicable.

33. Where lands are located wholly outside the urban separator, as designated on the City of Kent Comprehensive Land Use Plan Map, dwelling units may be clustered, subject to the applicable provisions of Chapter 12.04 KCC.

34. The downtown design review requirements of KCC 15.09.046 shall apply for all development within Downtown or along Meeker Street from 64th Avenue South to Kent-Des Moines Road.

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

36. Cargo containers proposed to be located in a residential zone must be located completely within a stick-built structure with a peaked roof and building materials similar to that of the principal residence on the site. No containers greater than 10 feet by 20 feet may be placed in residential districts. This restriction does not apply to containers collecting debris or accepting household goods for moving that are located on residential property for less than 72 hours. Additionally, institutional uses are exempt from these requirements except when a shipping container is proposed to be located adjacent to or within sight of a residential use.

37. For subdivisions and short subdivisions created after March 22, 2007, or altered to comply with zoning and subdivision code amendments effective after March 22, 2007, the minimum lot size shall be 3,000 square feet. Minimum lot width shall be measured by scaling a 30-foot-diameter circle within the boundaries of the lot; provided, that
easement areas may not be included in the required 30-foot-diameter circle. The lot frontage along private or public streets shall be a minimum 20 feet in width. Minimum driveway separation shall be 10 feet. Shared driveways are permitted.

38. Subdivisions and short subdivisions created on or before March 22, 2007, may have minimum five-foot side yards. Fifty percent of the lots within subdivisions and short subdivisions created after March 22, 2007, or altered to comply with zoning and subdivision code amendments effective after March 22, 2007, may have minimum five-foot side yards when special life safety measures are provided. The sum total of both side yards for the remaining 50 percent of the lots shall be a minimum 16 feet; any individual side yard less than eight feet may require special life safety measures.

39. The residential design review standards of KCC 15.09.045(C) shall apply to subdivisions and short subdivisions created after March 22, 2007, or altered to comply with zoning and subdivision code amendments effective after March 22, 2007.

40. Duplexes are subject to the residential design review standards of KCC 15.09.045(C), except when located within Downtown or along Meeker Street from 64th Avenue South to Kent-Des Moines Road where they are subject to downtown design review pursuant to KCC 15.09.046.

SECTION 10. - Amendment. Section 15.04.190 of the Kent City Code, entitled “Commercial and industrial zone development standards,” is hereby amended as follows:
Sec. 15.04.190 Commercial and industrial zone development standards.

<table>
<thead>
<tr>
<th>Minimun lot area: square feet or acres, as noted</th>
<th>NCC</th>
<th>CC</th>
<th>DC</th>
<th>DCE</th>
<th>MTC-1</th>
<th>MTC-2</th>
<th>MCR</th>
<th>CM-1</th>
<th>CM-2</th>
<th>GC</th>
<th>M1</th>
<th>M1-C</th>
<th>M2</th>
<th>M3</th>
<th>AG</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,000 sq ft</td>
<td>10,000 sq ft</td>
<td>5,000 sq ft (1)</td>
<td>5,000 sq ft (66)</td>
<td>7,500 sq ft</td>
<td>7,500 sq ft</td>
<td>10,000 sq ft (66)</td>
<td>1 ac re</td>
<td>10,000 sq ft</td>
<td>20,000 sq ft</td>
<td>15,000 sq ft</td>
<td>1 ac re</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum site coverage: percent of site</td>
<td>40%</td>
<td>40%</td>
<td>100%</td>
<td>100%</td>
<td>80%</td>
<td>100%</td>
<td>80%</td>
<td>50%</td>
<td>50%</td>
<td>40%</td>
<td>60%</td>
<td>60%</td>
<td>65%</td>
<td>75%</td>
<td>60%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum yard requirements: feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard</td>
</tr>
<tr>
<td>Side yard</td>
</tr>
<tr>
<td>Rear yard</td>
</tr>
<tr>
<td>Yards, transitional conditions</td>
</tr>
<tr>
<td>Additional setbacks</td>
</tr>
</tbody>
</table>

Amend KCC Sections - Re: Multifamily and Mixed Use Design
<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>NCC</th>
<th>CC</th>
<th>DC</th>
<th>DCE</th>
<th>MTC-1</th>
<th>MTC-2</th>
<th>MCR</th>
<th>CH-1</th>
<th>CH-2</th>
<th>GC</th>
<th>M1</th>
<th>M1-C</th>
<th>M2</th>
<th>M3</th>
<th>AG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height limitation: in stories/not to exceed in feet</td>
<td>2 stry / 35 ft</td>
<td>3 stry / 40 ft (30)</td>
<td>4 stry / 60 ft (43)</td>
<td>5 stry / 5 ft (69) (70)</td>
<td>16 stry / 200 ft (70)</td>
<td>16 stry / 200 ft (70)</td>
<td>2 stry / 35 ft (30)</td>
<td>2 stry / 35 ft (30)</td>
<td>2 stry / 35 ft (30)</td>
<td>2 stry / 35 ft (30)</td>
<td>2 stry / 35 ft (30)</td>
<td>2 stry / 35 ft (30)</td>
<td>2 stry / 35 ft (30)</td>
<td>2 stry / 35 ft (30)</td>
<td>2 stry / 35 ft (30)</td>
</tr>
<tr>
<td>Landscaping</td>
<td>The landscaping requirements of Chapter 15.07 KCC shall apply.</td>
<td></td>
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</tr>
<tr>
<td>Outdoor storage</td>
<td>(39)</td>
<td>(39)</td>
<td></td>
<td></td>
<td>(40)</td>
<td>(41)</td>
<td>(40)</td>
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<td>(43)</td>
<td>(44)</td>
<td>(45)</td>
<td>(46)</td>
<td>(43)</td>
<td>(44)</td>
<td>(45)</td>
</tr>
<tr>
<td>Signs</td>
<td>The sign regulations of Chapter 15.06 KCC shall apply.</td>
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<tr>
<td>Loading areas</td>
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</tr>
<tr>
<td>Off-street parking</td>
<td>The off-street parking requirements of Chapter 15.05 KCC shall apply.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Design Review</td>
<td>(41)</td>
<td>(11)</td>
<td>(15)</td>
<td>(31)</td>
<td>(31)</td>
<td>(71)</td>
<td>(71)</td>
<td>(71)</td>
<td>(47)</td>
<td>(48)</td>
<td>(47)</td>
<td>(49)</td>
<td>(47)</td>
<td>(51)</td>
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<tr>
<td>Additional standards</td>
<td>(50)</td>
<td>(56)</td>
<td>(50)</td>
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</tbody>
</table>

*Amend KCC Sections - Re: Multifamily and Mixed Use Design*
SECTION 11. - Amendment. Section 15.04.195 of the Kent City Code, entitled “Commercial and industrial land use development standard conditions,” is hereby amended as follows:

Sec. 15.04.195 Commercial and industrial land use 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. Independent senior living facilities, assisted living facilities and residential facilities with healthcare are subject to the requirements of KCC 15.09.045(D) for multifamily design review, unless they are located within Downtown or along Meeker Street from 64th Avenue South to Kent-Des Moines Road, where they are subject to downtown design review pursuant to KCC 15.09.046.[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. All projects along Meeker Street from 64th Avenue South to Kent-Des Moines Road are subject to KCC 15.09.046 for downtown design review.[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. Design review for mixed use development is required as provided for in KCC 15.09.045(F); see KCC 15.04.200 for mixed use development standards.[Reserved].

16. [Reserved].

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 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 economic 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. [Reserved].

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 economic 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

Amend KCC Sections - Re: Multifamily and Mixed Use Design
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 economic 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 economic 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(G) shall apply.

72. **Transitional housing with three or more families outside of Downtown** is subject to multifamily design review for multifamily development is required as provided in KCC 15.09.045(D).

**SECTION 12. - Amendment.** Section 15.04.200 of the Kent City Code, entitled “Mixed use overlay development standards,” is hereby amended as follows:

**Sec. 15.04.200 Mixed use overlay development standards.**

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

<p>| Floor area ratio | Not applicable | 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. |</p>
<table>
<thead>
<tr>
<th>Overlay Districts</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GC-MU</strong></td>
<td><strong>CC-MU</strong></td>
</tr>
<tr>
<td>Site coverage</td>
<td>40 percent for commercial uses. 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>
</tr>
<tr>
<td>Height</td>
<td>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>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>
</tr>
<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>
</tr>
<tr>
<td>Off-street parking</td>
<td>The off-street parking requirements of Chapter 15.05 KCC shall apply.</td>
</tr>
<tr>
<td>Design review</td>
<td>Design review requirements of KCC 15.09.045(F) shall apply for all mixed use development in GC-MU zones, except for the following:</td>
</tr>
<tr>
<td></td>
<td>a. Developments along Meeker Street from 64th Avenue South to Kent-Des Moines Road and in Downtown are subject to downtown design review requirements of KCC 15.09.046, a. Independent senior living facilities, assisted living facilities, residential facilities with healthcare or transitional housing of three or more families located outside of Downtown and Meeker Street from 64th Avenue South to Kent-Des Moines Road are subject to multifamily design review as provided for in 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) and (F) and 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>
</tr>
<tr>
<td></td>
<td>b. Independent senior living facilities, assisted living facilities, residential facilities with healthcare or transitional housing of three or more families located outside of Downtown and Meeker Street from 64th Avenue South to Kent-Des Moines Road are subject to multifamily design review as provided for in KCC 15.09.045(D), shall apply for all projects, including application of the multifamily mixed-use and downtown design guidelines of KCC 15.09.045(D) and (F) and 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>
</tr>
</tbody>
</table>
**SECTION 13. - Amendment.** Section 15.08.400 of the Kent City Code, entitled “Planned unit development, PUD,” is hereby amended as follows:

**Sec. 15.08.400 Planned unit development, PUD.** The intent of the PUD is to create a process to promote diversity and creativity in site design, and protect and enhance natural and community features. The process is provided to encourage unique developments which may combine a mixture of residential, commercial, and industrial uses. The PUD process permits departures from the conventional siting, setback, and density requirements of a particular zoning district in the interest of achieving superior site development, creating open space, and encouraging imaginative design by permitting design flexibility. By using flexibility in the application of development standards, this process will promote developments that will benefit citizens that live and work within the city.

A. **Zoning districts where permitted.** PUDs are permitted in all zoning districts with the exception of the A-10, agricultural zone; provided, however, that PUDs in SR zones are only allowed if the site is at least one hundred (100) acres in size, except as provided in subsection (C) of this section.

B. **Permitted uses.**

1. **Principally permitted uses.** The principally permitted uses in PUDs shall be the same as those permitted in the underlying zoning classifications, except as provided in subsection (B)(4) of this section.

2. **Conditional uses.** The conditional uses in PUDs shall be the same as those permitted in the underlying zoning classification. The
conditional use permit review process may be consolidated with that of the PUD pursuant to procedures specified in subsection (F) of this section.

3. **Accessory uses.** Accessory uses and buildings which are customarily incidental and subordinate to a principally permitted use are also permitted.

4. **Exceptions.** In residential PUDs of one hundred (100) acres or more located in SR zones, and in residential PUDs of ten (10) acres or more located in other zoning districts, commercial uses may be permitted. Commercial uses shall be limited to those uses permitted in the neighborhood convenience commercial district. In PUDs of one hundred (100) acres or more in size located in SR zones, attached dwelling units are permitted only if they are condominiums created in accordance with the Washington Condominium Act, Chapter 64.34 RCW; provided, that if a proposed PUD in a single-family zoning district includes such attached condominiums, the density bonus provisions outlined in subsection (D) of this section shall not apply; and further provided, that no condominium building may exceed two (2) stories.

C. **Development standards.** The following development standards are minimum requirements for a planned unit development:

1. **Minimum lot size exclusion.** The minimum lot size requirements of the districts outlined in this title shall not apply to PUDs.

2. **Minimum site acreage.** Minimum site acreage for a PUD is established according to the zoning district in which the PUD is located, as follows:
<table>
<thead>
<tr>
<th>Zones</th>
<th>Minimum Site Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial, office and manufacturing zones</td>
<td>None</td>
</tr>
<tr>
<td>SR zones (SR-1, SR-3, SR-4.5, SR-6, SR-8) 5 acres consisting entirely of detached single-family dwellings as defined in KCC 15.02.115</td>
<td></td>
</tr>
<tr>
<td>SR zones (SR-1, SR-3, SR-4.5, SR-6, SR-8) 0 acres consisting entirely of detached single-family dwellings as defined in KCC 15.02.115 and if providing increased wetland buffers pursuant to KCC 11.06.600(D)</td>
<td></td>
</tr>
<tr>
<td>SR zones (SR-1, SR-3, SR-4.5, SR-6, SR-8) not 100 acres comprised entirely of detached single-family dwellings as defined in KCC 15.02.115</td>
<td></td>
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</tbody>
</table>

3. Minimum perimeter building setback. The minimum perimeter building setback of the underlying zone shall apply. Multifamily transition area requirements shall apply to any multifamily developments (as provided in KCC 15.08.215), except where specifically exempted by administrative design review (as provided in KCC 15.09.045). The hearing examiner may reduce building separation requirements to the minimum required by the building and fire departments according to the criteria set forth in subsection (GF)(1) of this section. If an adjacent property is undevelopable under this title, the hearing examiner may also reduce the perimeter building setback requirement to the minimum standards in the city building and fire codes.

4. Maximum height of structures. The maximum height of structures of the underlying zone shall apply. Multifamily transition area requirements shall apply to any multifamily developments (as provided in Amendments KCC Sections - Re: Multifamily and Mixed Use Design)
KCC 15.08.215), except where specifically exempted by administrative design review (as provided in KCC 15.09.045). The hearing examiner may authorize additional height in CC, GC, DC, CM, M1, M2, and M3 zones where proposed development in the PUD is compatible with the scale and character of adjacent existing developments.

5. Open space.

a. The standard set forth in this subsection shall apply to PUD residential developments only. Each PUD shall provide a minimum of thirty-five (35) percent of the total site area for common open space. In mixed use PUDs containing residential uses, thirty-five (35) percent of the area used for residential use shall be reserved as open space.

b. For the purpose of this section, open space shall be defined as land which is not used for buildings, dedicated public rights-of-way, traffic circulation and roads, parking areas, or any kind of storage. Open space includes, but is not limited to, privately owned woodlands, open fields, streams, wetlands, severe hazard areas, landscaped areas, trails through parks and sensitive areas (not including required sidewalks), gardens, courtyards, or lawns. Common open space may provide for either active or passive recreation.

c. Open space within a PUD shall be available for common use by the residents, tenants, or the general public, depending on the type of project.

6. Streets. If streets within the development are required to be dedicated to the city for public use, such streets shall be designed in accordance with the standards outlined in the city subdivision code and
other appropriate city standards. If streets within the development are to remain in private ownership and remain as private streets, the following standards shall apply:

a. Minimum private street pavement widths for parallel parking in residential planned unit developments. Minimum private street pavement widths with and without parallel parking in residential planned unit developments are as follows:

<table>
<thead>
<tr>
<th></th>
<th>No Parking (feet)</th>
<th>Parking One Side (feet)</th>
<th>Parking Both Sides (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One-way streets</td>
<td>20</td>
<td>29</td>
<td>38</td>
</tr>
<tr>
<td>Two-way streets</td>
<td>22</td>
<td>31</td>
<td>40</td>
</tr>
</tbody>
</table>

The minimum widths set out in this subsection may be modified upon review and approval by the city fire chief and the city traffic engineer, providing they are sufficient to maintain emergency access and traffic safety. A maintenance agreement for private streets within a PUD shall be required by the hearing examiner as a condition of PUD approval.

b. Vehicle parking areas. Adequate vehicular parking areas shall be provided. Vehicular parking areas may be provided by on-street parking or off-street parking lots. The design of such parking areas shall be in accordance with the standards outlined in Ch. 15.05 KCC. In single-family PUDs, parking shall be provided at a ratio of 1.8 parking stalls per dwelling unit; garages are excluded from the parking circulation. The planning manager may recommend for hearing examiner approval additional parking based upon site design and project land uses; the recommendation may include a requirement for on-street parking.

c. One-way streets. One-way loop streets shall be no more than two thousand (2,000) feet long.
d. On-street parking. On-street parking shall be permitted. Privately owned and maintained "no parking" and "fire lane" signs may be required as determined by the city traffic engineer and city fire department chief.

7. Pedestrian walkways. Pedestrian walkways shall be provided to connect residences to public walkways and streets and shall be constructed of material deemed to be an all-weather surface by the public works director and planning manager.

8. Landscaping.

a. Minimum perimeter landscaping of the underlying zone shall apply. Additional landscaping shall be required as provided in Ch. 15.07 KCC and KCC 15.08.215.

b. All PUD developments shall ensure that parking areas are integrated with the landscaping system and provide screening of vehicles from view from public streets. Parking areas shall be conveniently located to buildings and streets while providing for landscaping adjacent to buildings and pedestrian access.

c. Solid waste collection areas and waste reduction or recycling collection areas shall be conveniently and safely located for onsite use and collection, and attractively site screened.

9. Signs. The sign regulations of Ch. 15.06 KCC shall apply.
10. *Platting.* If portions of the PUD are to be subdivided for sale or lease, the procedures of the city subdivision code, as amended, shall apply. Specific development standards such as lot size, street design, etc., shall be provided as outlined in subsection (E) of this section.

11. *Green River Corridor.* Any development located within the Green River Corridor district shall adhere to the Green River Corridor district regulations.

12. *View regulations.* View regulations as specified in KCC 15.08.060 shall apply to all PUDs.

13. *Shoreline master program.* Any development located within two hundred (200) feet of the Green River shall adhere to the city shoreline master program regulations.

14. *Design review.* PUDs shall be subject to administrative design review in KCC 15.09.045. PUDs of only single-family detached residences shall be evaluated using the review criteria of KCC 15.09.045(C), multifamily-residential design review. **Multifamily dwellings, multifamily townhouse units, independent senior living facilities, assisted living facilities, residential facilities with healthcare or transitional housing for three or more families located outside of Downtown and Meeker Street from 64th Avenue South to Kent-Des Moines Road are subject to multifamily design review as provided for in KCC 15.09.045(D), or as provided for in KCC 15.09.046 if located within Downtown or along Meeker Street from 64th Avenue South to Kent-Des Moines Road.**

D. *Density bonus standards.* The density of residential development for PUDs will be based on the gross density of the underlying
zoning district with density bonuses allowed as described below. PUDs under twenty (20) acres in size located in SR zones shall not be allowed density bonuses except as provided by subsection (D)(8) of this section. For all other PUDs, the hearing examiner may recommend a dwelling unit density not more than twenty (20) percent greater than that permitted by the underlying zone upon findings and conclusions that the amenities or design features which promote the purposes of this subsection, as follows, are provided:

1. *Open space.* A four (4) percent density bonus may be authorized if at least ten (10) percent of the open space is in concentrated areas for passive use. Open space shall include significant natural features of the site, including but not limited to fields, woodlands, watercourses, and permanent and seasonal wetlands. Excluded from the open space definition are the areas within the building footprints, land used for parking, vehicular circulation or rights-of-way, and areas used for any kind of storage.

2. *Active recreation areas.* A four (4) percent density bonus may be authorized if at least ten (10) percent of the site is utilized for active recreational purposes, including but not limited to jogging or walking trails, pools, children’s play areas, etc. Only that percentage of space contained within accessory structures that is directly used for active recreation purposes can be included in the ten (10) percent active recreation requirement.

3. *Stormwater drainage.* A two (2) percent density bonus may be authorized if stormwater drainage control is accomplished using natural onsite drainage features. Natural drainage features may include streams, creeks, ponds, etc.
4. **Native vegetation.** A four (4) percent density bonus may be authorized if at least fifteen (15) percent of the native vegetation on the site is left undisturbed in large open areas.

5. **Parking lot size.** A two (2) percent density bonus may be authorized if off-street parking is grouped in areas of sixteen (16) stalls or less. Parking areas must be separated from other parking areas or buildings by significant landscaping in excess of type V standards as provided in KCC 15.07.050. At least fifty (50) percent of these parking areas must be designed as outlined in this subsection to receive the density bonus.

6. **Mixed housing types.** A two (2) percent density bonus may be authorized if a development features a mix of residential housing types. Single-family residences, attached single units, condominiums, apartments, and townhomes are examples of housing types. The mix need not include some of every type.

7. **Project planning and management.** A two (2) percent density bonus may be granted if a design/development team is used. Such a team would include a mixture of architects, engineers, landscape architects, and designers. A design/development team is likely to produce a professional development concept that would be consistent with the purpose of the zoning regulations.

8. **Increased wetland buffer widths.** A ten (10) percent density bonus may be granted for a wetland buffer that is increased by twenty-five (25) feet. A twenty (20) percent density bonus may be granted for a wetland buffer that is increased by fifty (50) feet. All other requirements of the PUD standards shall apply.
These standards are thresholds, and partial credit is not given for partial attainment. The site plan must at least meet the threshold level of each bonus standard in order for density bonuses to be given for that standard. In no case shall any of the density bonus provisions be combined to create a total bonus greater than twenty (20) percent.

E. Master plan approvals. The master plan process is intended to allow approval of a generalized, conceptual development plan on a site which would then be constructed in phases over a longer period of time than a typical planned unit development. The master plan approval process is typically appropriate for development which might occur on a site over a period of several years, and in phases which are not entirely predictable.

1. Submittal requirements. The distinguishing characteristic between a master plan development application and a planned unit development application is that a master plan development proposal is conceptual in nature. However, the master plan application shall provide sufficient detail of the scope of the development, the uses, the amount of land to be developed and preserved, and how services will be provided. The specific submittal requirements are noted below:

a. A written description of the scope of the project, including total anticipated build-out (number of units of residential, gross floor area for commercial), and the types of uses proposed;

b. A clear vicinity map, showing adjacent roads;

c. A fully dimensional site plan, which would show the areas upon which development would occur, the proposed number of units or buildings in each phase of the development, the areas would be preserved for open space or protection of environmentally sensitive
features, and a generalized circulation plan, which would include proposed pedestrian and bicycle circulation;

d. A generalized drainage and stormwater runoff plan;

e. A site map showing contours at not greater than five (5) foot intervals and showing any wetlands, streams, or other natural features;

f. A description of the proposed phasing plan;

g. Documentation of coordination with the Kent school district;

h. Certificates of water and sewer availability;

i. Generalized building elevations showing the types of uses being proposed.

2. *Density*. The gross density of a residential master plan project shall be the same as the density allowable in the underlying zoning district.

3. *Open space*. The criteria in subsection (C)(5) of this section shall apply.

4. *Application process*. The application process for a master plan application shall be as outlined in subsection (F) of this section.
5. **Review criteria.** The review criteria for a master plan application shall be the same as those outlined in subsection (G) of this section.

6. **Administrative approval of individual phases.** Once a master site plan PUD has been approved pursuant to subsection (F) of this section, any individual phase of the development shall be reviewed and approved administratively, as outlined in Ch. 15.09 KCC; provided, that for each phase of development that includes a residential condominium, the applicant shall submit a copy of the condominium declaration recorded against the property, and as outlined in RCW 64.34.200.

7. **Time limits.** The master plan approved by the hearing examiner or city council, as provided in subsection (F) of this section, shall be valid for a period of up to seven (7) years. At the end of this seven (7) year period, development permits must be issued for all phases of the master plan development. An extension of time may be requested by the applicant. A single extension may be granted by the planning manager for a period of not more than two (2) more additional years.

8. **Modifications.** Once approved, requests for modifications to the master plan project shall be made in writing to the planning manager. The planning manager shall make a determination as to whether the requested modification is major or minor as outlined in subsection (I) of this section.

F. **Application process.** The application process includes the following steps: informal review process, compliance with the State Environmental Policy Act, community information meeting, development plan review, and public hearing before the hearing examiner.
1. **Informal review process.** An applicant shall meet informally with the planning department at the earliest possible date to discuss the proposed PUD. The purpose of this meeting is to develop a project that will meet the needs of the applicant and the objectives of the city as defined in this title.

2. **SEPA compliance.** Compliance with the State Environmental Policy Act and regulations and city SEPA requirements shall be completed prior to development plan review.

3. **Development plan review.** After informal review and completion of the SEPA process, a proposal shall next be reviewed by city staff through the development plan review process. Comments received by the project developer under the development review process shall be used to formalize the proposed development prior to the development being presented at a public hearing before the hearing examiner.

4. **Community information meeting.**
   
a. A community information meeting shall be required for any proposed PUD located in a residential zone or within two hundred (200) feet of a residential zone. At this meeting, the applicant shall present the development proposed to interested residents. Issues raised at the meeting may be used to refine the PUD plan. Notice shall be given in at least one (1) publication in the local newspaper at least ten (10) days prior to the public hearing. Written notice shall be mailed first class to all property owners within a radius of not less than two hundred (200) feet of the exterior boundaries of the property subject to the application. Any alleged failure of any property owner to actually receive the notice of hearing shall not invalidate the proceedings.
b. Nonresidential PUDs not located within two hundred (200) feet of a residential zone shall not require a community information meeting.

5. *Public notice and hearing examiner public hearing.* The hearing examiner shall hold at least one (1) public hearing on the proposed PUD and shall give notice thereof in at least one (1) publication in the local newspaper at least ten (10) days prior to the public hearing. Written notice shall be mailed first class to all property owners within a radius of not less than two hundred (200) feet of the exterior boundaries of the property subject to the application. Any alleged failure of any property owner to actually receive the notice of hearing shall not invalidate the proceedings.

6. *Consolidation of land use permit processes.* The PUD approval process may be used to consolidate other land use permit processes, which are required by other sections of this title. The public hearing required for the PUD may serve as the public hearing for the conditional use permit, subdivision, shoreline substantial development, and rezoning if such land use permits are a part of the overall PUD application. When another land use permit is involved which requires city council approval, the PUD shall not be deemed to be approved until the city council has approved the related land use permit. If a public hearing is required for any of the categories of actions listed in this subsection, the hearing examiner shall employ the public hearing notice requirements for all actions considered which ensure the maximum notice to the public.

7. *Hearing examiner decision.* The hearing examiner shall issue a written decision within ten (10) working days from the date of the hearing. Parties of record will be notified in writing of the decision. For PUDs which propose a use permitted in the underlying zoning district, the
hearing examiner's decision is final. For PUDs which propose a use which is not typically permitted in the underlying zoning district as provided in subsection (B)(4) of this section, the hearing examiner shall forward a recommendation to the city council, which shall have the final authority to approve or deny the proposed PUD. For a proposed residential PUD that includes condominiums as outlined in subsection (B)(4) of this section, a condition of approval by the city council shall be that for each development phase the applicant shall submit a recorded copy of the covenants, conditions, and restrictions recorded against the property. Within thirty (30) days of receipt of the hearing examiner's recommendation, the city council shall, at a regular meeting, consider the application. Any appeal from the final decision of the hearing examiner and city council shall be pursuant to the appeal provisions of Ch. 12.01 KCC.

8. Effective date. In approving a PUD, the hearing examiner shall specify that the approved PUD shall not take effect unless or until the developer files a completed development permit application within the time periods required by this title as set forth in subsection (G) of this section. No official map or zoning text designations shall be amended to reflect the approved PUD designation until such time as the PUD becomes effective.

G. Review criteria for planned unit developments. Upon receipt of a complete application for a residential PUD, the planning department shall review the application and make its recommendation to the hearing examiner. The hearing examiner shall determine whether to grant, deny, or condition an application based upon the following review criteria:

1. Residential planned unit development criteria.
a. The proposed PUD project shall have a beneficial effect upon the community and users of the development which would not normally be achieved by traditional lot-by-lot development and shall not be detrimental to existing or potential surrounding land uses as defined by the comprehensive plan.

b. The proposed PUD project shall be compatible with the existing land use or property that abuts or is directly across the street from the subject property. The term compatibility includes but is not limited to apparent size, scale, mass, and architectural design.

c. Unusual and sensitive environmental features of the site shall be preserved, maintained, and incorporated into the design to benefit the development and the community.

d. The proposed PUD project shall provide areas of openness by using techniques such as clustering, separation of building groups, and use of well-designed open space and landscaping. Open space shall be integrated within the PUD rather than be an isolated element of the project.

e. The proposed PUD project shall promote variety and innovation in site and building design, and shall include architectural and site features that promote community interaction, such as porches, de-emphasized garages, sidewalks/walkways and adjacent common areas. Buildings in groups shall be related by common materials and roof styles, but contrast shall be provided throughout the site by the use of varied materials, architectural detailing, building scale, and orientation.

f. Building design shall be based on a unified design concept, particularly when construction will be in phases.
2. **Nonresidential planned unit development criteria.**

   a. The proposed project shall have a beneficial effect which would not normally be achieved by traditional lot-by-lot development and not be detrimental to present or potential surrounding land uses as defined by the comprehensive plan.

   b. Unusual and sensitive environmental features of the site shall be preserved, maintained, and incorporated into the design to benefit the development and the community.

   c. The proposed project shall provide areas of openness by the clustering of buildings, and by the use of well-designed landscaping and open spaces. Landscaping shall promote a coordinated appearance and break up continuous expanses of building and pavement.

   d. The proposed project shall promote variety and innovation in site and building design. It shall encourage the incorporation of special design features such as visitor entrances, plazas, outdoor employee lunch and recreation areas, architectural focal points, and accent lighting.

   e. Building design shall be based on a unified design concept, particularly when construction will be in phases.

H. **Time limits.**

   1. **Application for development permit.** The applicant shall apply for a development permit no later than one (1) year following final
approval of the PUD. The application for development permit shall contain all conditions of the PUD approval.

2. Extensions. An extension of time for development permit application may be requested in writing by the applicant. Such an extension may be granted by the planning manager for a period not to exceed one (1) year. If a development permit is not issued within two (2) years, the PUD approval shall become null and void and the PUD shall not take effect.

I. Modifications of plan. Requests for modifications of final approved plans shall be made in writing and shall be submitted to the planning services office in the manner and form prescribed by the planning manager. In commercial, office, industrial, and manufacturing zoning districts, where a master plan is consistent with a planned action ordinance and a development agreement, the determination of whether a proposed modification is minor or major shall be made at the sole discretion of the planning manager; provided, however, that the planning manager’s determination must be consistent with criteria established in either the planned action ordinance or the development agreement. If the planned action ordinance or the development agreement does not establish such criteria, the planning manager’s determination shall be consistent with the criteria stated in subsections (I)(1) and (I)(2) of this section. The criteria for determining minor and major modifications in all other cases shall be as stated in subsections (I)(1) and (I)(2) of this section. The criteria for approval of a request for a major modification shall be those criteria covering original approval of the permit which is the subject of the proposed modification.

1. Minor modifications. Modifications are deemed minor if all the following criteria are satisfied:
a. No new land use is proposed;

b. No increase in density, number of dwelling units, or lots is proposed;

c. No change in the general location or number of access points is proposed;

d. No reduction in the amount of open space is proposed;

e. No reduction in the amount of parking is proposed;

f. No increase in the total square footage of structures to be developed is proposed; and

g. No increase in general height of structures is proposed.

Examples of minor modifications include but are not limited to lot line adjustments, minor relocations of buildings or landscaped areas, minor changes in phasing and timing, and minor changes in elevations of buildings.

2. Major modifications. Major adjustments are those which, as determined by the planning manager, substantially change the basic design, density, open space, or other similar requirements or provisions. Major adjustments to the development plans shall be reviewed by the hearing examiner. The hearing examiner may review such
adjustments at a regular public hearing. If a public hearing is held, the process outlined in subsection (F) of this section shall apply. The hearing examiner shall issue a written decision to approve, deny, or modify the request. Such a decision shall be final. Any appeals of this decision shall be in accordance with KCC 12.01.040.

**SECTION 14. - Amendment:** Section 15.09.045 of the Kent City Code, entitled “Administrative design review,” is hereby amended as follows:

**Sec. 15.09.045 Administrative design review.**

A. *Purpose and scope.* Administrative design review is an administrative process, the purpose of which is to implement and give effect to the comprehensive plan, its policies or parts thereof through the adoption of design criteria for development relative to site layout, landscape architecture, and exterior structure design. It is the intent of the city that this process will serve to aid applicants in understanding the principal expectations of the city concerning design, and encourage a diversity of imaginative solutions to development through the planning services division review and application of certain criteria. These criteria have been formulated to improve the design, siting, and construction of development projects so as to be compatible, both visually and otherwise, with the topographic, open space, urban, or suburban characteristics of the land or adjacent properties, while still maintaining allowable densities to be applied in a manner consistent with established land use policies, the comprehensive plan, this title, and community development goals of the city.

The adoption of design criteria is an element of the city’s regulation of land use, which is statutorily authorized. Application of the multifamily design
process to the design criteria adopted in this section is established as an administrative function delegated to the planning services division pursuant to RCW Title 35A; therefore, in implementing the administrative design review process, the planning director may adopt such rules and procedures as are necessary to provide for expeditious review of proposed projects. Further rules may be promulgated for additional administrative review.

B. Application and review process. Administrative design review process is classified as a Process II application and shall be subject to the applicable requirements of Chapter 12.01 KCC. The applicant must make application for the design review process on forms provided by the planning services division. Upon receipt of an application for design review, the planning director shall circulate the application to the public works director, building official, and the city administrator for review. Prior to making a final decision, the planning director shall review any comments submitted for consideration. In the administration of this process, the planning director may develop supplementary handbooks for the public, which shall pictorially illustrate and provide additional guidance on the interpretation of the criteria set forth in subsections (C) and (D) of this section, as well as a detailed explanation of the design review process.

C. Residential design review. In order to diminish the perception of bulk, and provide visual interest along residential home facades that face public areas, architectural design considerations shall be applied. Homes located within subdivisions and short subdivisions vested after March 22, 2007, or altered to comply with code amendments effective after March 22, 2007, shall be subject to residential design review. This design review shall be applied administratively as part of the building permit review process for each new home.
1. *Orientation of homes.* The entry facade of each dwelling unit shall be generally oriented toward the highest classification street from which access to the lot is allowed.

2. *Attached units.* A building that contains a grouping of attached units shall not exceed a two hundred (200) foot maximum length and shall be separated from other groups of attached units by a minimum fifteen (15) feet.

3. *Architecture.* Each dwelling unit facade that faces a public area shall, at a minimum, incorporate architectural elements as follows:

   a. Two (2) elements of facade modulation and/or roofline variation. Façade modulation elements shall have a minimum width of eight feet and a minimum depth of three feet. Roofline variation elements shall have a minimum horizontal or vertical offset of three feet and a minimum variation length of eight feet;

   b. The maximum horizontal facade length without one (1) element of either facade modulation or roofline variation shall be twenty (20) feet; and

   c. Three (3) architectural detail elements.

4. *Garages.* Dwelling units within subdivisions and short subdivisions shall provide diminished garage doors according to the percentage and locations approved with the subdivision and short subdivision.
D. Multifamily design review. The planning services division shall use the Multifamily Design Guidelines as an adopted element of the city's regulation of land use, which is statutorily authorized, following criteria in the evaluation and/or conditioning of applications under the multifamily design review process:

1. Site design:
   a. The site plan for the development should be integrated with the surrounding neighborhood.
   b. The site plan should take into consideration significant environmental considerations and the lay of the land.
   c. The site plan should provide an open space network which will accommodate a wide variety of activities, both semipublic and private.
   d. The site plan should accommodate vehicular access and parking in a manner which is convenient, yet does not allow the automobile to dominate the site.
   e. The site plan should provide safe and convenient pedestrian circulation.

2. Landscape design:
   a. The landscape plan should integrate with and enhance the surrounding neighborhood landscape.
b. The landscape plan should incorporate existing natural features of significance.

c. The landscape plan should enhance the planned open space network.

d. The landscape plan should enhance the parking and utility areas on the site.

e. The landscape plan should enhance building forms and orientation.

f. The landscape plan should indicate the use of plant species suited to the microclimate of the site and should provide for maintenance of these plants.

3. Building design:

a. The buildings in the development should, where appropriate, maintain neighborhood scale and density.

b. The buildings in the development should be oriented to provide for privacy of residents.

c. The exterior design of all buildings in the development should provide for individual unit identity.

E. [Reserved]. Multifamily transition areas. Through the administrative design review process, specific multifamily transition area requirements may be waived or modified where the applicant demonstrates an alternative site plan which fulfills an equivalent function.
to the multifamily transition area requirements. Elements which may be evaluated under this process include: general site layout, building placement and orientation, parking and maneuvering arrangements, landscaping, and other screening and buffering provisions.

1. Required findings. In order to modify or waive any multifamily transition area requirement, the planning director must find that all of the following criteria have been met:

a. The proposal will accomplish the same or better protection of an abutting single-family district from impacts of noise, traffic, light, and other environmental intrusions caused by the multifamily development.

b. The proposal will accomplish the same or better transition between the multifamily development and abutting streets, including adequate buffering of the multifamily development from the street, and vice versa.

c. The proposal is compatible with surrounding uses. Compatibility includes but is not limited to site layout, size, scale, mass, and provisions for screening and buffering. The planning director shall issue a report of his findings, conclusions, and determination for each proposal under this section.

F. Mixed use design review. The planning services division shall use the following criteria in the evaluation and/or conditioning of applications under the mixed use design review process when a project includes residential use:

1. The following criteria should apply to all mixed use with a residential component development:
a. Some common recreation space roofs, terraces, indoor rooms, courtyards.

b. Lighting features that are shielded, directing light downwards.

c. The residential portion of the building should incorporate residential details, such as window trim, trellises, balconies, and bay windows.

d. The residential component should have an obvious, generous entrance, within features suggesting a “front door” for example, a lobby, trellis, gate, archway, or courtyard.

2. The following criteria shall apply to mixed use development:

   a. If the residential component is located away from the main street, a landscaped pedestrian path should be provided between the entrance and public sidewalk.

   b. Although the commercial and residential components may have different architectural expressions, they should exhibit a number of elements that produce the effect of an integrated development.

   c. Surface parking should be generously landscaped to serve as an amenity. Lighting fixtures should not exceed the height of the first floor.
3. The following criteria shall apply to mixed use buildings with a residential component:

   a. Parking lots, if used, should be divided into small increments, separated by landscaping and structures, so that parking does not dominate the site.

   b. Articulated by use of different materials, generous windows with low sill heights, "store" doors, canopies, and planters.

   c. Residential floors should be expressed in an obvious manner, with stepbacks, change in materials or color, and overhangs.

   d. Commercial signs should be contained within the first floor commercial base and not extend up into the residential floor facades.

G. Transit-oriented community design review. The planning services division shall use the following criteria in the evaluation or conditioning of applications under the transit-oriented community design review process:

   1. The Midway Design Guidelines as an adopted element of the city's regulation of land use, which is statutorily authorized, shall apply to all development with a land use plan map designation of transit-oriented community.
2. *Residential use design review.* In addition to the Midway Design Guidelines, the following design requirements apply to residential uses and development:

   a. Openings from the build-to line. When a residential unit has direct access to the public domain, a ten (10) foot front yard shall be provided. When residential units have access through a main location, such as an atrium, courtyard, or other main entryway, said access shall be at the build-to line.

   b. *Open space.* Residential development shall provide not less than twenty (20) percent of the gross land area for common open space, which shall be:

      i. Designed to provide either passive or active recreation;

      ii. If under one (1) ownership, owner shall be responsible for maintenance;

      iii. If held in common ownership by all owners of the development by means of a homeowners’ association, said association shall be responsible for maintenance. If such open space is not maintained in a reasonable manner, the city shall have the right to provide for the maintenance thereof and bill the homeowners’ association accordingly. If unpaid, such bills shall be a lien against the homeowners’ association; or

      iv. Dedicated for public use if accepted by the city legislative authority or other appropriate public agency.
c. Storage of recreational vehicles. The storage or parking of recreational vehicles shall be prohibited.

H. Appeals. The decision of the planning director to condition or reject any application under the administrative design review process is final unless an appeal is made by the applicant or any party of record to the hearing examiner within fourteen (14) calendar days of either the issuance of the director’s conditional approval under this section of any application, or the director’s written decision rejecting any application under this section. The appeal shall be conducted by the hearing examiner as an open record appeal hearing in accordance with the requirements of Chapters 2.32 and 12.01 KCC. The decision of the hearing examiner shall be final unless an appeal is made to the superior court within twenty-one (21) calendar days after the hearing examiner’s notice of decision.

SECTION 15. - Amendment. Section 15.09.046 of the Kent City Code, entitled “Downtown design review,” is hereby 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 economic and community development department pursuant to RCW Title 35A. Therefore, in implementing the downtown design review process, the economic and community development director 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(D). 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 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 the economic and community development department. Upon receipt of an application for design review, the economic and community development director shall circulate the application to the appropriate city departments and offices for review. Prior to issuing a final decision, the director shall review any comments submitted for consideration. In the administration of this process, 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 members, who shall be appointed by the economic and community development director under the authority delegated pursuant to RCW Title 35A. The members shall serve at the pleasure of the director. The 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 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 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 21 calendar days of the date of the issuance of the decision, pursuant to Chapter 36.70C RCW.
SECTION 16. - Amendment. Section 15.15.920 of the Kent City Code, entitled “Relation to adjacent development,” is hereby amended as follows:

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 multifamily 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 (with a minimum width of eight feet and a minimum depth of three feet), pedestrian entry feature or roofline that accentuates the building as a focal point.
SECTION 17. - 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 18. - 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 19. - Effective Date. This ordinance shall take effect and be in force 30 days after its passage, as provided by law.

Suzette Cooke
SUZETTE COOKE, MAYOR

ATTEST:

Kimberley A. Komoto
KIMBERLEY A. KOMOTO, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY
PASSED: 13 day of December, 2016.

APPROVED: 13 day of December, 2016.

PUBLISHED: 23 day of December, 2016.

I hereby certify that this is a true copy of Ordinance No. 4225 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Kimberley A. Komoto (SEAL)
KIMBERLEY A. KOMOTO, CITY CLERK