

ORDINANCE NO. 4498

AN ORDINANCE of the City Council of the City of Kent, Washington, amending various sections of Chapter 15 of the Kent City Code, entitled "Zoning", to: (i) implement provisions for the siting and permitting of community-based Behavioral Health Facilities, including Enhanced Service Facilities and Intensive Behavioral Health Treatment Facilities; and (ii) expand the allowed zones for Opioid Treatment Programs.

RECITALS

A. On May 16, 2023, the state legislature commenced a special legislative session, and on that same day, it passed Second Engrossed Second Substitute Senate Bill 5536 (SB 5536), which, among other things, amended the Growth Management Act, Chapter 36.70A RCW, to designate opioid treatment programs, including both mobile and fixed-site medication units, recovery residences, and harm reduction programs, as "essential public facilities." The term "essential public facilities" refers to public facilities that are typically difficult to site. Cities may not use their comprehensive plan or development regulations to preclude the siting of essential public facilities, and a city's comprehensive plan must include a process for identifying and siting such facilities. A city may, however, impose reasonable permitting requirements, including the need to obtain a conditional use permit and require mitigation of the facility's adverse effects.

B. Given the limited time provided by the state legislature before SB 5536 took effect on August 15, 2023, City staff suggested Council enact a preliminary ordinance that revised the Kent City Code to bring it into compliance with the new state law, in the short-term, while a more comprehensive review was undertaken by staff to propose long-term changes. Based on staff recommendation, Council adopted Ordinance No. 4469 on June 20, 2023 (“Phase I Updates”).

C. In the time since the Phase I Updates were adopted, City staff has evaluated opioid treatment programs to address other community-based behavioral treatment facilities (“Phase II Updates”). The Phase II Updates include revising siting locations for opioid treatment programs, adding zoning and development standards for enhanced service facilities and intensive behavioral health treatment facilities, and clarifying the essential public facility process for uses that are not expressly listed in Chapter 15.04 KCC but meet the definition of an essential public facility.

D. Presentations concerning the Phase II Updates were made to the Land Use and Planning Board on March 11, 2024; June 10, 2024; August 12, 2024; and September 9, 2024; and to the City Council on March 19, 2024; June 4, 2024; and August 20, 2024; and City staff created a project website with a survey that ran from August 21, 2024, to September 9, 2024, with responses being received from over 140 members of the Kent community.

E. On August 30, 2024, the City’s SEPA Responsible Official issued a Determination of Nonsignificance for the Phase II Updates, and a request for expedited review was sent to the Washington State Department of Commerce on September 9, 2024, which acknowledged that the request was received on September 9, 2024.

F. On September 23, 2024, after appropriate public notice, the Land Use and Planning Board held a public hearing to consider the proposed code amendments. At the public hearing, City staff presented the Phase II

Updates and answered questions of the Land Use and Planning Board. Only one individual spoke at the public hearing in opposition to the Phase II Updates. After closing the public hearing, the Land Use and Planning Board unanimously recommended that the City Council adopt the Phase II Updates as presented by City staff. At its October 1, 2024, meeting, the Committee of the Whole similarly recommended Council adopt the Phase II Updates as presented by staff.

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

ORDINANCE

SECTION 1. – *Amendment – New KCC 15.02.085.1.* Chapter 15.02 of the Kent City Code, entitled “Definitions”, is amended to add a new Section 15.02.085.1, entitled “Community Based Behavioral Health Facility”, as follows:

Sec. 15.02.085.1. Community Based Behavioral Health Facility. *Community based behavioral health facility* means a residential facility licensed and regulated by the State of Washington, staffed to provide on-site care, and that is not a hospital or a group home. Community based behavioral health facilities are considered commercial uses for the purposes of land use and zoning regulations.

SECTION 2. – *Amendment – New KCC 15.02.131.2.* Chapter 15.02 of the Kent City Code, entitled “Definitions”, is amended to add a new Section 15.02.131.2, entitled “Enhanced Service Facility”, as follows:

Sec. 15.02.131.2. Enhanced Service Facility. *Enhanced service facility* means a residential long-term community based behavioral health

facility, licensed by the Washington State Department of Social and Health Services (DSHS), that provides support and services to persons for whom acute inpatient treatment is not medically necessary.

SECTION 3. – *Amendment – New KCC 15.02.132.* Chapter 15.02 of the Kent City Code, entitled “Definitions”, is amended to add a new Section 15.02.132, entitled “Essential Public Facility”, as follows:

Sec. 15.02.132. Essential Public Facility. The term *essential public facilities* includes public facilities that are typically difficult to site, such as airports, state education facilities, and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, opioid treatment programs including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites, and inpatient facilities including substance use disorder treatment facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020.

SECTION 4. – *Amendment – New KCC 15.02.199.* Chapter 15.02 of the Kent City Code, entitled “Definitions”, is amended to add a new Section 15.02.199, entitled “Hospital”, as follows:

Sec. 15.02.199. Hospital. *Hospital* means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more for observation, diagnosis, or care, of two or more individuals suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate.

SECTION 5. – *Amendment – New KCC 15.02.206.* Chapter 15.02 of the Kent City Code, entitled “Definitions”, is amended to add a new Section 15.02.206, entitled “Intensive Behavioral Health Treatment Facility”, as follows:

Sec. 15.02.206. Intensive Behavioral Health Treatment Facility. *Intensive behavioral health treatment facility* means a community based behavioral health facility, licensed by the Washington Department of Health, for individuals with behavioral health conditions, including individuals discharging from or being diverted from state and local hospitals, whose impairment or behaviors do not meet, or no longer meet, criteria for involuntary inpatient commitment under chapter 71.05 RCW, but whose care needs cannot be met in other community-based placement settings.

SECTION 6. – *Amendment – New KCC 15.02.335.001.* Chapter 15.02 of the Kent City Code, entitled “Definitions”, is amended to add a new Section 15.02.335.001, entitled “Professional services: medical, clinics, and other health care-related services”, as follows:

Sec. 15.02.335.001. Professional services: medical, clinics, and other health care-related services. *Professional services: medical, clinics, and other health care-related services* means an office setting that provides medical consultants, treatments, and/or services. This does not include hospitals, opioid treatment programs, or community based behavioral health facilities.

SECTION 7. – *Amendment – KCC 15.02.335.3.* Section 15.02.335.3 of the Kent City Code, entitled “Residential facility with health care”, is amended as follows:

Sec. 15.02.335.3. Residential facility with health care.

Residential facility with health care means a medically staffed facility intended for the long-term residential care of more than 10 handicapped individuals who, because of age or medical condition, are incapable of independent living. This definition also includes nursing homes, as defined in RCW 18.51.010, and continuing care retirement communities as defined in RCW 70.38.025, but does not include group homes or community based behavioral health facilities.

SECTION 8. – *Amendment – New KCC 15.02.340.2.* Chapter 15.02 of the Kent City Code, entitled “Definitions”, is amended to add a new Section 15.02.340.2, entitled “School Separation Buffer”, as follows:

Sec. 15.02.340.2. School Separation Buffer. *School separation buffer* means a buffer of 880 linear feet that shall be utilized to separate specific uses from public or common schools, as defined by RCW 28A.150. Distance shall be measured in a straight line between the closest property line of the proposed facility and the closest property line of the school.

(Ordinance Continues on Following Page)

	Zoning Districts																									
Key P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses M = Minor Conditional Uses	A-10	AG	SR-1	SR-3	SR-4.5	SR-6	SR-8	MR-D	MR-T12	MR-T16	MR-G	MR-M	MR-H	MHP	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	11	12	13
Multifamily dwellings									P (26)	P (26)	P	P	P			P (2)	P (4)	P	P	P	P	P (12)	P (2)	P (12)		
Mobile homes and manufactured homes														P												
Mobile home parks								P (13)	P (13)	P (13)	P (13)	P (13)	P (13)	P												
Group homes class I	P (32)		P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)	P (32)		
Group homes class II-A								C (32)	C (32)	C (32)	C (32)	C (32)	C (32)		C (32)	C (32)	C (32)	C (32)	C (32)	C (32)	C (32)	C (32)	C (32)	C (32)		
Group homes class II-B								C (32)	C (32)	C (32)	C (32)	C (32)	C (32)		C (32)	C (32)	C (32)	C (32)	C (32)	C (32)	C (32)	C (32)	C (32)	C (32)		
Group homes class II-C								C (32)	C (32)	C (32)	C (32)	C (32)	C (32)		C (32)	C (32)	C (32)	C (32)	C (32)	C (32)	C (32)	C (32)	C (32)	C (32)		

	Zoning Districts																										
	A-10	AG	SR-1	SR-3	SR-4.5	SR-6	SR-8	MR-D	MR-T12	MR-T16	MR-G	MR-M	MR-H	MHP	NGC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	I1	I2	I3	
Key P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses M = Minor Conditional Uses																											
Group homes class III																C (23) (32)	C (23) (32)	C (23) (32)	C (23) (32)	C (23) (32)	C (23) (32)	C (23) (32)	C (23) (32)	C (23) (32)			
Secure community transition facilities ^{23, 24}																										C (23) (24)	C (23) (24)
Communal residences	P (33)		P (33)	P (33)	P (33)	P (33)	P (33)	P (33)	P (33)	P (33)	P (33)	P (33)	P (33)											P (33)			
Rebuild/accessory uses for existing dwellings		P (6)													P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)
Transitional housing			C (29)	C (29)	C (29)	C (29)	C (29)	C (29)	C (29)	C (29)	P (29)	P (29)	P (29)			P (2)	P (4) C (5)	P	P	P	P	P	P (7) C (30)	P (7) C (30)	P (12)		
Short-term rentals			A (34)	A (34)	A (34)	A (34)	A (34)	A (34)	A (34)	A (34)	A (34)	A (34)	A (34)														

	Zoning Districts																										
Key P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses M = Minor Conditional Uses	A-10	AG	SR-1	SR-3	SR-4.5	SR-6	SR-8	MIR-D	MIR-T12	MIR-T16	MR-G	MR-M	MR-H	MHP	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	I1	I2	I3	
Farm worker accommodations	A (17)	A (9)	A (17)																								
Accessory uses and structures customarily appurtenant to a permitted use	A	A	A (8) (18)	A (8) (18)	A (8) (18)	A (8) (18)	A (8) (18)	A (8) (18)	A (8) (18)	A (8) (18)	A (8) (18)	A (8) (18)	A (8) (18)		A	A	A	A	A	A	A	A	A	A	A	A	
Accessory dwelling units and guest cottages	A (8) (10)		A (8) (10)	A (8) (10)	A (8) (10)	A (8) (10)	A (8) (10)	A (8) (10)	A (8) (10)	A (8) (10)	A (8) (10)	A (8) (10)	A (8) (10)										A (8) (10)				
Accessory living quarters															A (14)	A (14)	A (14)	A (14)	A (14)	A (14)	A (14)	A (14)	A (14)	A (14)	A (14)	A (14)	A (14)
Live-work units																							P (28)				
Home occupations	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	A (11)	

SECTION 10. – *Amendment – KCC 15.04.030.* Section 15.04.030 of the Kent City Code, entitled “Residential land use development conditions”, is 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 minor conditional use permit and are subject to the following conditions:

a. Must be located within one-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 prohibited 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 15.08.350. Accessory dwelling units that are attached to or contained within existing single-family residences are not subject to residential design review.

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

12. Multifamily buildings and transitional housing are only allowed on parcels where hotels or motels exist as of August 17, 2021, and are subject to a maximum dwelling unit density that is equal to the number of hotel rooms. (For transitional housing, density shall be calculated based on beds rather than dwelling units.) Replacement and remodel of existing hotels and motels are both allowed, and new or reconstructed development is not limited to the same footprint or height as existing buildings. Multifamily buildings and transitional housing are governed by the density limit described herein as well as the development standards in the zoning district.

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]~~. Enhanced service facilities and intensive behavioral health treatment facilities are permitted only with a conditional use permit if they meet the following conditions:

a. No community based behavioral health facility may be located within 500 feet of an existing behavioral health facility. Distance shall be measured in a straight line between the closest property line of the proposed facility and the closest property line of the existing facility. Exceptions may be granted if the proposed facilities have the same provider and an exception to the distance limitation is deemed appropriate by the hearing examiner based on the particular circumstances of the proposed use and compatibility with surrounding uses.

b. Adult community based behavioral health facilities shall be subject to School Separation Buffer requirements outlined in KCC 15.02.340.2.

c. All state and local licensing is required, including but not limited to a City of Kent Business License. Licensing from the Washington State Department of Social and Health Services (DHS) or the Washington Department of Health (DOH) is required prior to the City of Kent Business License approval.

d. A detailed written description of the proposed and potential services shall be provided within a narrative.

e. An operational plan is required at time of submittal that outlines facility point of contact; hours of operation; processes for communicating with neighboring residents and businesses; processes to address concerns or complaints; facility rules and regulations; number of staffing, staff details and shift times; number of residents and expected

lengths of stay; safety plan; and a discharge plan providing transportation services upon discharge.

f. Off-street loading and offloading areas must be provided on site.

g. The possession or use of illegal drugs at a community based behavioral health facility or the property occupied by the facility is prohibited.

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 the 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 the line of sight. During the conditional use permit process for a secure community transition facility, the 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 statewide, regional, or countywide 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. [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. For transitional housing, one bed is considered one dwelling unit for the 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 and emergency shelter facilities are allowed in the MR-D, MR-G, MR-M, and MR-H zoning districts, in conjunction with an approved conditional use permit that satisfies the below conditions, and must satisfy the requirements of RCW 35A.21.360(10) prior to opening.

a. *General conditions.* Emergency housing and emergency shelter facilities are subject to the following general conditions:

i. The emergency housing or shelter facility must be located on the same lot as an actively operating church or similar religious institution.

ii. At the time of application for the conditional use permit, there shall be no other approved emergency housing or shelter facility located within 1,000 feet of the proposed emergency housing or shelter facility site. For the purposes of this subsection, distance shall be measured in a straight line between the closest property line of the existing facility and the closest property line of the proposed facility. For purposes of this section, if the city receives applications for proposed facilities that

are within 1,000 feet of each other, the first complete application received by the city shall be given priority.

iii. An emergency housing facility and an emergency shelter facility may not be permitted on the same lot simultaneously.

iv. Emergency housing and shelter facilities shall be permitted to operate for a maximum of 90 consecutive days, and there shall be a minimum period of 90 consecutive days between operational periods during which the emergency housing or shelter facility does not operate. The 90-day period of nonoperation shall apply to the operation of an emergency housing facility followed by an emergency shelter facility and vice versa.

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

vi. The church or similar religious institution on the same lot as the emergency housing or shelter facility shall be primarily responsible 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.

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

viii. The possession or use of illegal drugs at an emergency housing or shelter facility or the property occupied by the facility is prohibited.

ix. Emergency housing or shelter facilities shall be responsible for the safety of residents of the facility, and shall establish a

plan to remove individuals who present a threat to other residents or the property of other residents.

x. In the event of a public health emergency, the city may require an emergency response plan that is in substantial compliance with relevant guidance and requirements issued by Public Health – Seattle and King County in response to the public health emergency.

xi. Emergency housing and shelter facilities must comply with all applicable fire and building codes set forth in Chapters 13.01 and 14.01 KCC.

xii. The church or religious institution must provide the city written documentation of the following:

(a) A description of the proposed staffing and operational characteristics, including confirmation of sanitation and basic safety measures required for emergency shelters.

(b) A description of the proposed population to be served and code of conduct to be observed including conflict resolution steps.

(c) Criteria for rejection or removal of an individual seeking access to the facility.

(d) A plan for managing the exterior appearance of the proposed site including trash/litter.

(e) A phone number, email, and point of contact at the site of the facility for the community to report concerns.

(f) A plan for addressing reported concerns and documenting resolution, and making this information publicly available.

(g) A proposed site plan showing compliance with all requirements set forth in this subsection (31) and applicable fire and building codes set forth in Chapters 13.01 and 14.01 KCC.

xiii. Emergency housing and shelter facilities must have two naloxone (Narcan) kits onsite, and staff must be trained in how to administer the naloxone (Narcan).

xiv. The possession of any of the weapons described in RCW 9.41.280(1) at an emergency housing or shelter facility or the property occupied by the facility is prohibited.

b. *Emergency housing facilities – Additional conditions.* Emergency housing facilities must operate pursuant to an agreement with the city, approved by the director of economic and community development, and are subject to the following additional conditions:

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

ii. The emergency housing facility must be located on a lot that is a minimum of one acre in size.

c. *Emergency shelter facilities – Additional conditions.* Emergency shelter facilities must be located within a temporary structure as described below, and are subject to the following additional conditions:

i. Emergency shelter facilities are limited to a maximum sleeping occupancy of 35 people. The design of the temporary structure shall include an occupant load factor of a minimum of 50 square feet per occupant and a three-foot aisle around the entire inside perimeter of the tent.

ii. The emergency shelter facility must be located on a lot that is a minimum of two acres in size.

iii. Emergency shelter facilities must be within a single, large temporary enclosure, such as a tensile membrane structure, or within multiple identical temporary enclosures, such as matching vinyl canvas tents, that are a minimum of 400 square feet in size. If the floor of a temporary enclosure does not provide insulation from the ground, camping cots or other off-ground sleeping structures must be provided. The

use of small, individual tents or makeshift structures including, without limitation, those created with tarps or plastic is prohibited.

iv. Gasoline-powered generators are prohibited.

v. Smoking or open flames inside the temporary structure are prohibited, and the use of portable heaters within personal tents is prohibited. All heating equipment shall be in accordance with the adopted fire code.

vi. Emergency shelter facilities shall provide sanitation and basic safety measures including the following:

(a) One portable or permanent toilet per 20 persons at a minimum, with a handwashing station at each toilet.

(b) Rodent-proof litter receptacles and food storage containers.

(c) Two large first-aid kits that include emergency eye wash bottles.

(d) Secured area for dry supplies storage (blankets, clothing, food, first-aid).

(e) Covered kitchen area at least 20 feet from any sleeping areas, with handwashing and dishwashing stations stocked with soap.

(f) Cleaning supplies including work gloves, disposable gloves, trash grabber-tool, disinfectant, hand sanitizer, masks, buckets, paper towels, etc.

(g) Feminine hygiene products.

(h) Three- to four-foot-wide aisle between sleeping structures so as to be ADA compliant and accessible by emergency services personnel.

32. The following restrictions apply to all group homes:

a. A group home is considered a single-family residential use and shall not be combined with another residential use on the same parcel including, but not limited to, a communal residence or short-term rental;

b. A city of Kent business license is required in accordance with Chapter 5.01 KCC;

c. The applicant is responsible for obtaining any relevant required state licenses and providing an up-to-date copy of any relevant state license, or proof one is not required by the state, to the city of Kent prior to approval of a city business license;

d. Family members of the provider may live in the group home, but such members are limited only to a spouse and children of the provider or spouse, and are subject to the background check requirements of WAC 388-73-10166 and 388-76-10161; and

e. An accessory dwelling unit is permitted only if used as part of the operation of a group home and may not be leased or sub-leased to a separate family.

f. Group homes functioning as permanent supportive housing are subject to a spacing requirement as follows: At the time of application for business license, there shall be no other approved group home functioning as permanent supportive housing located within 1,000 feet of the proposed group home functioning as supportive housing. There shall also be no public schools within 1,000 feet of the proposed group home functioning as supportive housing. For the purposes of this subsection, distance shall be measured in a straight line between the closest property line of the existing facility and the closest property line of the proposed facility. For purposes of this section, if the city receives applications for proposed facilities that are within 1,000 feet of each other, the first complete application received by the city shall be given priority.

33. The following restrictions apply to all communal residences:

- a. A city of Kent business license is required in accordance with Chapter 5.01 KCC;
- b. No more than three rooms within the home or accessory structure may be separately leased or sub-leased; and
- c. Each room being leased or sub-leased shall have adequate space, light, electricity, heating, emergency egress, a smoke detector, and access to adequate sanitation and eating facilities pursuant to the International Residential Code and International Property Maintenance Code as adopted in Chapter 14.01 KCC. Adequate space means floor area of no less than 70 square feet in size, no less than seven feet of ceiling height, and shall not have any horizontal dimension less than seven feet. Egress means one emergency escape rescue opening at least 5.7 square feet, 24 inches high, and 20 inches wide.

34. The following restrictions apply to short-term rentals:

- a. A city of Kent business license is required in accordance with Chapter 5.01 KCC;
- b. The home shall be occupied by the owner or a nontransient tenant for at least six months of each year;
- c. No more than three rooms within the home or accessory structure may be offered as short-term rentals; and
- d. The applicant is responsible for complying with the short-term rental requirements of Chapter 64.37 RCW.

35. Subject to an approved conditional use permit meeting the conditions set forth below, emergency housing facilities are allowed in the DC, DCE, MTC-1, MTC-2, MCR, CM, GC, and I1 zoning districts, and emergency shelters are not allowed in these same districts. Prior to opening,

the requirements of RCW 35A.21.360(10) must be satisfied, whether or not the owner or operator is a religious organization.

a. *General conditions.* Emergency housing facilities are subject to the following additional conditions:

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

ii. The emergency housing facility must be located on a lot that is a minimum of one acre in size.

iii. Emergency housing facilities must operate pursuant to an agreement with the city, approved by the director of economic and community development.

iv. At the time of application for the conditional use permit, there shall be no other approved emergency housing or shelter facility located within 1,000 feet of the proposed emergency housing facility site. For the purposes of this subsection, distance shall be measured in a straight line between the closest property line of the existing facility and the closest property line of the proposed facility. For purposes of this section, if the city receives applications for proposed facilities that are within 1,000 feet of each other, the first complete application received by the city shall be given priority.

v. Emergency housing facilities shall be permitted to operate for a maximum of 90 consecutive days, and there shall be a minimum period of 90 consecutive days between operational periods during which the emergency housing facility does not operate. The 90-day period of nonoperation shall apply to the operation of any emergency housing facility followed by an emergency shelter facility and vice versa.

vi. The person or organization that owns or operates the facility shall be primarily responsible 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 person or organization contracts with a third party for the provision of any services related to the facility itself or its residents.

vii. The possession or use of illegal drugs at an emergency housing facility or the property occupied by the facility is prohibited.

viii. Emergency housing facilities shall be responsible for the safety of residents of the facility, and shall establish a plan to remove individuals who present a threat to other residents or the property of other residents.

ix. In the event of a public health emergency, the city may require an emergency response plan that is in substantial compliance with relevant guidance and requirements issued by Public Health – Seattle and King County in response to the public health emergency.

x. Emergency housing facilities must comply with all applicable fire and building codes set forth in Chapters 13.01 and 14.01 KCC.

xi. The owner or operator of the emergency housing facility must provide the city written documentation of the following:

(a) A description of the proposed staffing and operational characteristics.

(b) A description of the proposed population to be served and code of conduct to be observed including conflict resolution steps.

(c) Criteria for rejection or removal of an individual seeking access to the facility.

(d) A plan for managing the exterior appearance of the proposed site including trash/litter.

(e) A phone number, email, and point of contact at the site of the facility for the community to report concerns.

(f) A plan for addressing reported concerns and documenting resolution, and making this information publicly available.

(g) A proposed site plan showing compliance with all requirements set forth in subsection (35) of this section and applicable fire and building codes set forth in Chapters 13.01 and 14.01 KCC.

xii. Emergency housing facilities must have two naloxone (Narcan) kits onsite, and staff must be trained in how to administer the naloxone (Narcan).

xiii. The possession of any of the weapons described in RCW 9.41.280(1) at an emergency housing or shelter facility or the property occupied by the facility is prohibited.

36. Isolation and quarantine facilities are subject to the following general conditions:

a. An isolation and quarantine facility may operate under a temporary use permit for 180 days as authorized by KCC 15.08.205. Any use beyond 180 days requires a conditional use permit in accordance with KCC 15.09.030.

b. A minimum six-foot-tall perimeter fence with controlled access shall be installed prior to operation of the facility.

c. Onsite security personnel shall be present 24 hours a day, seven days a week to discourage quarantined or isolated individuals from leaving the facility and to control access.

d. The operator shall provide meals, medical services, supplies, counseling, and other services as needed to individuals housed at the facility.

e. The operator shall provide any necessary medical transportation service.

f. The operator shall provide transportation for residents to and from the facility to ensure they are not reliant on public transportation.

g. The possession or use of illegal drugs at an isolation and quarantine facility or the property occupied by the facility is prohibited.

h. The facility will comply with applicable state and local building, plumbing, electrical, mechanical, utilities, and fire code requirements during operation of the temporary quarantine and isolation facility.

i. Prior to the issuance of a temporary use permit or a conditional use permit, the operator of the isolation and quarantine facility shall provide the city a written operational plan that includes:

i. A plan for meeting the general conditions listed in this subsection (36).

ii. A description of the proposed staffing and operational characteristics.

iii. A description of the proposed population to be served.

iv. A phone number, email, and point of contact at the site of the facility for the community to report concerns.

v. A plan for addressing reported concerns and documenting resolution, and making this information publicly available.

vi. A plan for transporting individuals back to their location of residence following the completion of the isolation or quarantine period.

(Ordinance Continues on Following Page)

Key P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses M = Minor Conditional Uses	Zoning Districts																										
	A-10	AG	SR-1	SR-3	SR-4.5	SR-6	SR-8	MR-D	MR-T12	MR-T16	MR-G	MR-M	MR-H	MHP	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	I1	I2	I3	
Repair services: watch, TV, electrical, electronic, upholstery																P	P (12)	P	P			P	P	P (2)	P (2)	P (2)	
Professional services: medical, clinics, and other health care-related services															P (20)	P		P	P	P	P	P	P	P	P (2)	P (2)	P (2)
Opioid treatment programs																						C (3)		C (3)	C (3)		
Harm reduction programs																								C (3)	C (3)		
Contract construction service offices: building construction, plumbing, paving, and landscaping																			P (16)			P	P (16)	P (2)	P (2)	P (2)	
Educational services: vocational, trade, art, music, dancing, barber, and beauty																		P	P	P	P	P	P	P (2)	P (2)	P (2)	
Churches	S (4)		S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)			S (4)	S (4)		S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)

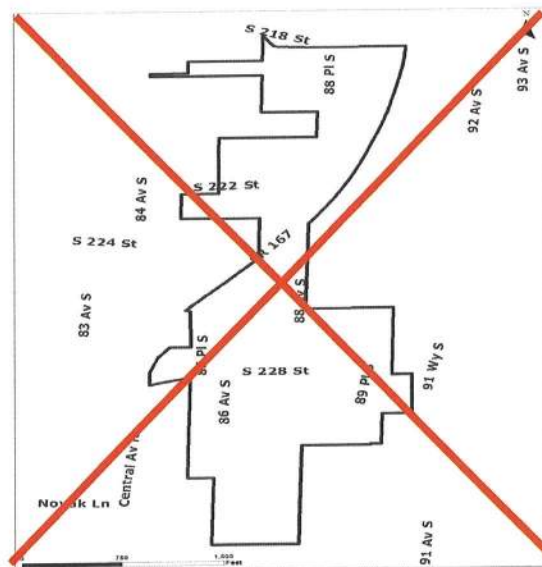
Key P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses M = Minor Conditional Uses	Zoning Districts																											
	A-10	AG	SR-1	SR-3	SR-4.5	SR-6	SR-8	MR-D	MR-T12	MR-T16	MR-G	MR-M	MR-H	MHP	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	I1	I2	I3		
Administrative and professional offices – general																P	P (12)	P	P	P	P	P	P	P	P	P	P	
Municipal uses and buildings															P (13)	P (13)		P	P (13)	P (13)	P (13)	P (13)	P (13)	P (13)	P (13)	P (2)	P (2)	P (2)
Research, development, and testing																			P	M	P	P	P	P	P	P	P	
Accessory uses and structures customarily appurtenant to a permitted use	A	A	A (7) (24)	A (24)	A (24)	A (24)	A (24)	A	A	A	A	A	A		A (18)	A (18)	A (19)	A (19)	A (19)	A (19)	A (19)	A (19)	A (18)	A (18)	A	A	A	
Boarding kennels, pet day care, and breeding establishments		C																	M				M	P (2)	P (2)	P (2)		
Veterinary clinics and veterinary hospitals		C														P (8)			P (8)		P (8)	P (8)	P (8)	P (8)	P (2)	P (2)	P (2)	
Administrative or executive offices associated with an industrial operation																								P (2)	P (2)	P (2)		

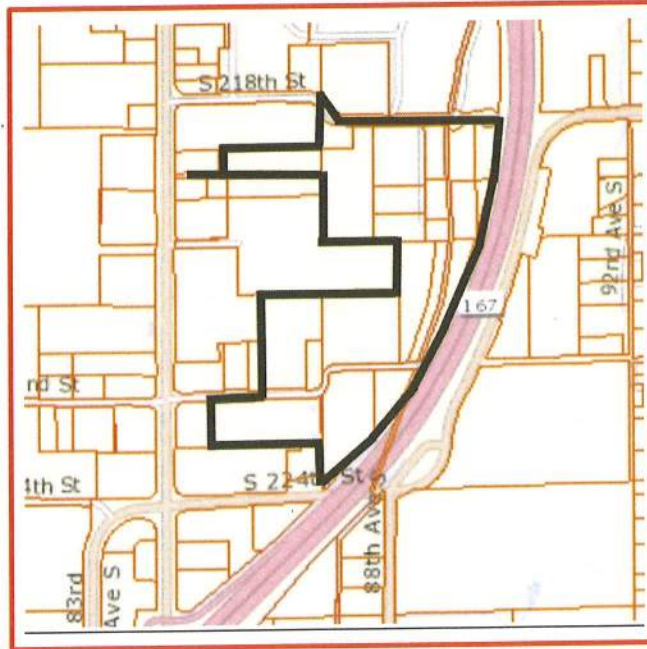
	Zoning Districts																										
Key P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses M = Minor Conditional Uses	A-10	AG	SR-1	SR-3	SR-4.5	SR-6	SR-8	MR-D	MR-T12	MR-T16	MR-G	MR-M	MR-H	MHP	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	H	I2	I3	
Offices incidental and necessary to the conduct of a principally permitted use									A	A	A	A	A												P (2)	P (2)	P (2)
Hospital																							IC				

SECTION 12. – Amendment – KCC 15.04.100. Section 15.04.100 of the Kent City Code, entitled “Service land use development conditions”, is amended as follows, which amendment includes striking and replacing the graphic included within KCC 15.04.100.3:

Sec. 15.04.100. Service land use development conditions.

1. Banks and financial institutions (excluding drive-through).
2. Service uses in the I1, I2, and I3 zoning districts are allowed, but shall be limited to 30,000 square feet per occupancy.
3. Opioid treatment programs and harm reduction programs are permitted only with a conditional use permit within the CM zone on parcels fronting Pacific Highway S or Central Avenue S and within I1 and I2 in the area depicted in the map below, and ~~must provide indoor waiting areas of at least 15 percent of the total floor area.~~ In addition to the general requirements of KCC 15.08.030, all applications shall contain and be approved by the city based on the following information:





- a. A detailed written description of the proposed and potential services to be provided, and identification of any applicable public regulatory agencies;
- b. A written statement of need, in statistical or narrative form, for the proposed project currently and over the following 10-year period;
- c. An inventory of known, existing or proposed facilities, by name and address, within King County, or within the region, serving the same or similar needs as the proposed facility;
- d. An explanation of the need and suitability for the proposed facility at the proposed location;
- e. An analysis of the proposed facility's consistency with the city of Kent comprehensive plan and development regulations, and plans and policies of other affected jurisdictions, including but not limited to the King County Countywide Planning Policies;

f. No opioid treatment program or harm reduction program may be located within 500 feet of an existing opioid treatment program or harm reduction program.

g. A mobile or fixed-site medication unit may be established as part of a licensed opioid treatment program and must comply with city of Kent business license requirements and is subject to the standards outlined in this section.

h. All opioid treatment programs must provide indoor waiting areas of at least 15 percent of the total floor area.

4. Special uses must conform to the development standards listed in KCC 15.08.020.

5. Specialized training facilities or satellite campuses offering industrial workforce training programs are not subject to the 30,000 square foot limitation.

6. [Reserved].

7. 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.

8. Veterinary clinics and animal hospitals when located no closer than 150 feet to any residential use, provided the animals are housed indoors, with no outside runs, and the building is soundproofed. Soundproofing must be designed by competent acoustical engineers.

9. Outside storage or operations yards in the I1, I2, and I3 districts shall be permitted only as accessory uses. Such uses are incidental

and subordinate to the principal use of the property or structure. Outdoor storage is limited to 15 percent of the total site area in the I1 district, 30 percent of the total site area in the I2 district, and 50 percent of the total site area in the I3 district.

10. [Reserved].

11. Reference KCC 15.07.040(B), outdoor storage landscaping.

12. The ground-level or street-level portion of all buildings in the pedestrian overlay of the DC district, set forth in the map below, must be pedestrian oriented. Pedestrian-oriented development shall have the main ground-floor entry located adjacent to a public street and be physically and visually accessible by pedestrians from the sidewalk, and may include the following uses:

a. Retail establishments, including but not limited to convenience goods, department and variety stores, specialty shops such as apparel and accessories, gift shops, toy shops, cards and paper goods, home and home accessory shops, florists, antique shops, and book shops;

b. Personal services, including but not limited to barber shops, beauty salons, and dry cleaning;

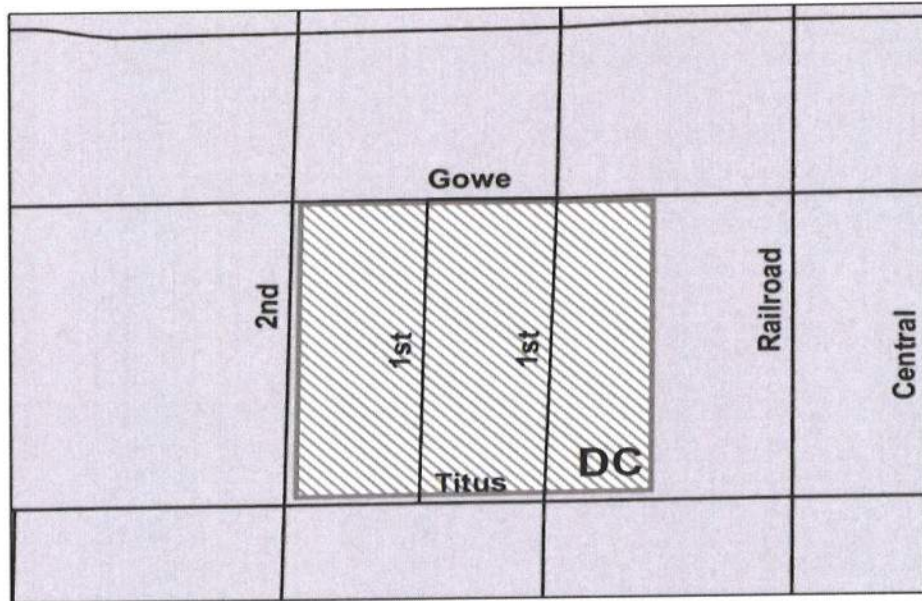
c. Repair services, including but not limited to television, radio, computer, jewelry, and shoe repair;

d. Food-related shops, including but not limited to restaurants (including outdoor seating areas and excluding drive-in restaurants) and taverns;

e. Copy establishments;

f. Professional services, including but not limited to law offices and consulting services; and

g. Any other use that is determined by the economic and community development director to be of the same general character as the above permitted uses and in accordance with the stated purpose of the district, pursuant to KCC 15.09.065, Interpretation of uses.



13. Except for such uses and buildings subject to KCC 15.04.150.

14. [Reserved].

15. [Reserved].

16. Contract construction services office use does not include contractor storage yards, which is a separate use listed in KCC 15.04.040.

17. Outside storage or operations yards are permitted only as accessory uses. Such uses are incidental and subordinate to the principal use of the property or structure.

18. Includes incidental storage facilities and loading/unloading areas.

19. Includes incidental storage facilities, which must be enclosed, and loading/unloading areas.

20. Shall only apply to medical and dental offices and/or neighborhood clinics.

21. [Reserved].

22. Any associated drive-up/drive-through facility shall be accessory and shall require a conditional use permit.

23. [Reserved].

24. 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.

SECTION 13. – *Amendment – KCC 15.04.150.* Section 15.04.150 of the Kent City Code, entitled “Special use combining district, SU”, is amended as follows:

Sec. 15.04.150. Special use combining district, SU. It is the purpose of the SU district to provide for special controls for certain uses which do not clearly fit into other districts, which may be due to technological and social changes, or which are of such unique character as to warrant special attention in the interest of the city’s optimum development and the preservation and enhancement of its environmental quality. A special use combining district is imposed on an existing zoning district, permitting the special use as well as uses permitted by the underlying zone. The combining

district becomes void if substantial construction has not begun within a one-year period, and the district reverts to its original zoning designation. It is the intent of the special use combining regulations to provide the city with adequate procedures for controlling and reviewing such uses and to discourage application for speculative rezoning.

A. *Uses subject to special use combining district regulations.* The following list is illustrative of the types of uses subject to special use combining district regulations and is not intended to be exclusive:

1. Uses which occupy or would occupy large areas of land.
2. Uses which would involve the construction of buildings or other structures of unusual height or mass.
3. Uses which house, employ, or serve large numbers of people.
4. Uses which generate heavy traffic.
5. Uses which have unusual impact on environmental quality of the area.
6. Any use which does not lend itself to an interpretation of substantial similarity to other uses identified or described in this title.
7. Uses which, in the judgment of the planning manager, warrant review by the land use and planning board and the city council.
8. Examples of uses subject to review as described in this subsection would include but are not limited to the following:
 - a. Commercial uses: sports stadiums, rodeos, fairgrounds, exhibition or convention halls, merchandise marts, and drive-in theaters.
 - b. Special environmental problems posed by: refineries, nuclear power generating plants, airports, heliports, sanitary landfills, extractive industries, solid waste incinerators, or energy/resource recovery facilities.

B. *Application procedures.* The application procedure for a special use combining district shall be the same as for an amendment to this title as provided in KCC 15.09.050, except that development plan approval is concurrent with the combining district.

C. *Documentation required.* Required documentation is as follows:

1. A vicinity map drawn to a scale not smaller than 1,000 feet to the inch showing the site in relation to its surrounding area, including streets, roads, streams, or other bodies of water, the development characteristics and zoning pattern of the area, and a scale and north arrow. The vicinity map may be in sketch form but shall be drawn with sufficient accuracy to reasonably orient the reader to the vicinity, and to adequately convey the required information.

2. A map or drawing of the site drawn to a scale acceptable to the planning services, generally 100 feet to the inch. The map or drawing shall show the following information:

a. Dimensions and names of streets bounding or touching the site.

b. Such existing or proposed features as streams or other bodies of water, rights-of-way, easements, and other physical or legal features which may affect or be affected by the proposed development.

c. Existing and proposed topography at contour intervals of not more than five feet in areas having slopes exceeding three percent, and not more than two feet in areas having slopes of less than three percent.

d. Accurate legal description of the property.

e. Existing and proposed structures or buildings, including the identification of types and proposed use of the structures. All uses must be compatible with the major use.

f. Off-street parking and loading facilities.

g. Dimensions of the site, distances from property lines, and space between structures.

h. Tentative routing of domestic water lines, storm drains, sanitary sewers, and other utilities, including an identification of planned disposal or runoff.

i. Elevations, perspective renderings, or such other graphic material or evidence to illustrate effect on the view enjoyed by and from other properties in the vicinity, if required by the planning department.

j. Architectural renderings of buildings.

k. A written statement providing the following information:

i. Program for development, including staging or timing.

ii. Proposed ownership pattern upon completion of development.

iii. Basic content of restrictive covenants, if any.

iv. Provisions to ensure permanence and maintenance of open space through means acceptable to the city.

v. Statement or tabulation of number of persons to be employed, served, or housed in the proposed development.

vi. Statement describing the relationship of the proposed development to the city comprehensive plan.

vii. Statement indicating availability of existing or proposed sanitary sewers.

3. Such other data or information as the planning department may require.

D. *Development standards.* In reviewing and approving proposed developments falling under the purview of this section, the hearing examiner and city council shall make the following findings:

1. That the location for the proposed use is reasonable.

2. That existing or proposed trafficways are adequate to serve new development.

3. That setback, height, and bulk of buildings are acceptable for the proposed use and for the vicinity in which it is located.

4. That landscaping and other site improvements are comparable to the highest standards set forth for other developments as set out in this title.

5. That the performance standards pertaining to air and water pollution, noise levels, etc., are comparable to the highest standards specified for other uses as set out in this title.

6. That the proposed development is in the public interest and serves a need of community-wide or regional importance. In reviewing and approving special uses, the hearing examiner and the city council may impose such conditions as they deem necessary in the interest of the welfare of the city and the protection of the environment.

E. *Period of validity.* Any special use combining district shall remain effective only for one year unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within one year of the granting of the special use combining district, the combining district shall become invalid, and the original zoning designation of the land shall apply.

F. *Minor and major adjustments.*

1. If minor adjustments are made following the adoption of the final development plan and approval of the combining district, such adjustments shall be approved by the planning manager prior to the issuance of a building permit. Minor adjustments are those which may affect the precise dimensions or siting of buildings approved in the final plan, or the density of the development or open space provided.

2. Major adjustments are those which, as determined by the planning director, substantially change the basic design, density, open space uses, or other similar requirements or provisions. Authorization for major adjustments shall be made by the city council.

3. The provisions of this subsection pertaining to minor and major adjustments shall apply to various parts of a staged development.

G. *Essential Public Facilities.* If the proposed used is an essential public facility as defined by RCW 36.70A.200, and not specifically listed in this chapter, it shall be subject to the provisions of this section. In addition, a notice of application shall be required pursuant to KCC 12.01.140. The city's final decision may be appealed pursuant to KCC 12.01.200. The application shall require the following materials:

1. A plan for removal of individuals who present a threat to other individuals, the site, or other nearby properties, to the maximum extent permitted by the law;

2. A plan for addressing reported concerns and documenting resolution, and making this information publicly available; and

3. Documentation of public involvement efforts to date, including public and agency comments received, and plans for future public participation.

SECTION 14. – *Amendment – KCC 15.04.170.* Section 15.04.170 of the Kent City Code, entitled “Agricultural and residential zone development standards”, is amended as follows:

Sec. 15.04.170. Agricultural and residential zone development standards.

	Zoning Districts																													
	A-10 Agricultural		SR-1 Residential Agricultural		SR-3 Single-Family Residential		SR-4.5 Single-Family Residential		SR-6 Single-Family Residential		SR-8 Single-Family Residential		MR-D Duplex Multifamily Residential		MR-T12 Multifamily Residential Townhouse			MR-T16 Multifamily Residential Townhouse			MR-G Low Density Multifamily Residential			MR-M Medium Density Multifamily Residential			MR-H High Density Multifamily Residential			MHP Mobile Home Park Combining
	SF	Duplex	SF	Duplex	SF	Duplex	SF	Duplex	SF	Duplex	SF	Duplex	SF	Duplex	MF	SF	Duplex	MF	SF	Duplex	MF	SF	Duplex	MF	SF	Duplex	MF			
Maximum density: dwelling units per acre	1 du/10 ac	1 du/ac	3.63 dus/ac	4.53 dus/ac	6.05 dus/ac	8.71 dus/ac	8.71 dus/ac	10.89 dus/ac	12.0 dus/ac		12.0 dus/ac	16.0 dus/ac		16.0 dus/ac	16.0 dus/ac		16.0 dus/ac	23.0 dus/ac		23.0 dus/ac (2)	40.0 dus/ac					40.0 dus/ac (2)				
Minimum lot area: square feet or acres, as noted	10 ac	34,700 sq ft	9,600 sq ft	7,600 sq ft (37)	5,700 sq ft (37)	4,000 sq ft (37)	4,000 sq ft	8,000 sq ft	none	8,000 sq ft	none (1)	none	8,000 sq ft (35)	none (1)	none	8,000 sq ft	none (1)	none	8,000 sq ft	none (1)	none	8,000 sq ft	none (1)	none	8,000 sq ft	none (1)				
Minimum lot width: feet (4)	60 ft	60 ft	50 ft	50 ft (37)	50 ft (37)	40 ft (37)	25 ft	80 ft	25 ft	80 ft	80 ft	25 ft	80 ft	80 ft	25 ft	80 ft	80 ft	25 ft	80 ft	80 ft	25 ft	80 ft	80 ft	25 ft	80 ft	80 ft				

	Zoning Districts																		MHP Mobile Home Park Combining					
	A-10 Agricultural	SR-1 Residential Agricultural	SR-3 Single-Family Residential	SR-4.5 Single-Family Residential	SR-6 Single-Family Residential	SR-8 Single-Family Residential	MR-D Duplex Multifamily Residential	MR-T12 Multifamily Residential Townhouse	MR-T16 Multifamily Residential Townhouse	MR-G Low Density Multifamily Residential	MR-M Medium Density Multifamily Residential	MR-H High Density Multifamily Residential												
Maximum site coverage: percent of site	30%	30%	45% (5)	45% (5)	50% (5)	55% (5)	55% (5)	40% (5)	55% (5)	40% (5)	45% (5)	55% (5)	40% (5)	45% (5)	55% (5)	40% (5)	45% (5)	55% (5)	40% (5)	45% (5)	55% (5)	40% (5)	50%	
Minimum yard requirements: feet	(22)																							
Front yard	20 ft (6)	20 ft (6)	10 ft (8) (9)	10 ft (8) (9)	10 ft (8) (9)	10 ft (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	
Side yard	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft (30)	5 ft	5 ft (30)	(11)	5 ft (30)	5 ft	(11)	5 ft (30)	5 ft	(11)	5 ft (30)	5 ft	(11)	5 ft (30)	5 ft	(11)	5 ft	(11)
Side yard on flanking street of a corner lot	20 ft	20 ft	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	15 ft (9)	10 ft (9)	10 ft (9)	15 ft (9)	10 ft (9)	15 ft (9)	10 ft (9)	10 ft (9)	15 ft (3)	10 ft (9)	10 ft (9)	15 ft (3)	10 ft (9)	15 ft (3)
Rear yard	20 ft	15 ft	5 ft	10 ft	10 ft	10 ft	5 ft	8 ft	5 ft	8 ft	20 ft	5 ft	8 ft	20 ft	5 ft	8 ft	20 ft	5 ft	8 ft	20 ft (3)	5 ft	8 ft	20 ft (3)	20 ft (3)

	Zoning Districts																							
	A-10 Agricultural	SR-1 Residential Agricultural	SR-3 Single-Family Residential	SR-4.5 Single-Family Residential	SR-6 Single-Family Residential	SR-8 Single-Family Residential	MR-D Duplex Multifamily Residential	MR-T12 Multifamily Residential Townhouse	MR-T16 Multifamily Residential Townhouse	MR-G Low Density Multifamily Residential	MR-M Medium Density Multifamily Residential	MR-H High Density Multifamily Residential	MHP Mobile Home Park Combining											
Additional setbacks/distances between buildings	(12)	(12)						(32)	(32)	(14)	(31)	(31)	(14)	(31)	(31)	(14)	(15)	(31)		(14)	(15)		(14)	(15)
							SF	Duplex	SF	Duplex	MF	SF	Duplex	MF	SF	Duplex	MF	SF	Duplex	MF	SF	Duplex	MF	
Height limitation: in stories/not to exceed in feet	2.5 stry/ 35 ft (16)	2.5 stry/ 35 ft	2.5 stry/ 35 ft	2.5 stry/ 35 ft	2.5 stry/ 35 ft	2.5 stry/ 35 ft	2.5 stry/ 35 ft	2.5 stry/ 35 ft	2.5 stry/ 35 ft	3 stry/ 40 ft	2.5 stry/ 35 ft	2.5 stry/ 35 ft	3 stry/ 40 ft	2.5 stry/ 35 ft	2.5 stry/ 35 ft	3 stry/ 40 ft	2.5 stry/ 35 ft	2.5 stry/ 35 ft	3 stry/ 40 ft	2.5 stry/ 35 ft	2.5 stry/ 35 ft	2.5 stry/ 35 ft	4 stry/ 50 ft	
Maximum impervious surface: percent of total parcel area	40% (19)	40% (19)	50% (23)	60% (23)	70% (23)	75% (23)	75% (19)	70% (19)	75% (19)	70% (19)	75% (19)	70% (19)	75% (19)	70% (19)	75% (19)	70% (19)	75% (19)	70% (19)	75% (19)	70% (19)	75% (19)	70% (19)		
Zero lot line and clustering (24)	The provisions in KCC 15.08.300, 15.08.310, 15.08.320, and 15.08.330 shall apply.																							
Signs	The sign regulations of Chapter 15.06 KCC shall apply.																							

	Zoning Districts																
	A-10 Agricultural	SR-1 Residential Agricultural	SR-3 Single-Family Residential	SR-4.5 Single-Family Residential	SR-6 Single-Family Residential	SR-8 Single-Family Residential	MR-D Duplex Multifamily Residential	MR-T12 Multifamily Residential Townhouse	MR-T16 Multifamily Residential Townhouse	MR-G Low Density Multifamily Residential	MR-M Medium Density Multifamily Residential	MR-H High Density Multifamily Residential	MHP Mobile Home Park Combining				
Off-street parking	The off-street parking requirements of Chapter 15.05 KCC shall apply.																
Landscaping	The landscaping requirements of Chapter 15.07 KCC shall apply.																
Design review	(26) (39) (40)	(25) (26) (39) (40)	(25) (26) (39) (40)	(25) (26) (39) (40)	(25) (26) (39) (40)	(25) (26) (39) (40)	(25)(40)	(26)(40)	(26)(34)(40)	(25)(26)(40)	(25)(26)(34)(40)	(25)(26)(40)					
Additional standards	Additional standards for specific uses are contained in Chapters 15.08 and 15.09 KCC.																
	(20) (41)	(31) (33) (36) (41)	(33) (36)	(33) (36) (41)	(33) (36) (41)	(33) (36) (41)	(36)	(36)	(28) (29) (36)	(28) (29) (38)	(36) (41)	(36) (41)	(36) (41)	(36) (41)	(36) (41)	(36) (41) (3)	(36) (36) (36) (3)

SECTION 15. – *Amendment – KCC 15.04.180.* Section 15.04.180 of the Kent City Code, entitled “Agricultural and residential land use development standard conditions”, is amended as follows:

Sec. 15.04.180. Agricultural and residential land use development standard conditions.

1. There shall be no minimum lot size in the zone. However, when creating a zero lot line subdivision under KCC 12.04.260, the minimum lot size identified in KCC 15.08.320 and 15.08.330 shall apply.

2. ~~{Reserved}~~. Enhanced service facilities are not subject to a maximum density per acre.

3. ~~{Reserved}~~. For enhanced service facilities, the following shall apply:

a. Front, side, side yard and rear setbacks shall be 10 feet.

b. Designated smoking areas shall be provided on site and be located the furthest away from any adjacent residential use. Smoking areas shall be consistent with building code requirements.

c. Thirty (30) square feet per bed shall be provided towards outdoor recreational space. Outdoor recreational space should have a minimum dimension of 15 feet to provide functional leisure or recreational activity. This space may be partially located within the setback.

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. For enhanced service facilities, the minimum side setback shall be 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 agricultural 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. Assisted living facilities, independent senior living facilities, enhanced service facilities, and residential facilities with health care 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. Only the building and materials standards of multifamily design review requirements of KCC 15.09.045(d) shall apply for enhanced service facilities.

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 15.09.045(C). Only the building and materials standards of multifamily design review requirements of KCC 15.09.045(d) shall apply for enhanced service facilities.

27. [Reserved].

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 include 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, 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. [Reserved].

39. The residential design review standards of KCC 15.09.045(C) shall apply.

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.

41. Development adjacent to a regional trail is subject to the following regional trail corridor development standards:

a. Regional trails for the purposes of this section shall include scenic and recreational roads and the Green River Trail, Interurban Trail, and Puget Power Trail.

b. *Regional trail access.* No building or lot shall be constructed or created within 500 feet of a regional trail without providing public access to the regional trail via public sidewalks or a trail system dedicated for public use by a public access easement. Such sidewalks or private trail systems shall connect to regional trails at intervals of 500 feet or less, and shall be accomplished with minimal street crossings.

c. All public access points shall have standard city of Kent signage indicating trail access.

d. No street connections to scenic and recreational roads shall be permitted unless no other vehicle access is practical.

SECTION 16. – *Amendment – KCC 15.04.190.* Section 15.04.190 of the Kent City Code, entitled “Commercial and industrial zone development standards”, is amended as follows:

Sec. 15.04.190. Commercial and industrial zone development standards.

	Zoning Districts												
	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	I1	I2	I3	AG
Minimum lot area: square feet or acres, as noted	10,000 sq ft	10,000 sq ft	5,000 sq ft (1) (66)	5,000 sq ft (66)	7,500 sq ft	7,500 sq ft	7,500 sq ft	10,000 sq ft	10,000 sq ft (66)	10,000 sq ft	15,000 sq ft	15,000 sq ft	1 acre
Maximum site coverage: percent of site	40%	40%	100%	100%	80%	100%	80%	50%	40%	60%	65%	75%	60%
Minimum yard requirements: feet													
Front yard	10 ft	15 ft (5)	(2)	(3)	20 ft (5)	(68) (5)	20 ft (5)	15 ft	20 ft (5)	15 ft	15 ft	25 ft	(5)

	Zoning Districts												
	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	I1	I2	I3	AG
Side yard	(8)	(9) (5)	(2)	(3)	(68) (10) (5)	(68) (10) (5)	(68) (10) (5)	(10)	(10) (5)	10 ft	10 ft	15 ft	(12)
Side yard on flanking street of corner lot		(5)			(5)	(5)	(5)		(5)	15 ft	15 ft	20 ft	
Rear yard	(8)	20 ft (5)	(2)	(3)	(68) (19) (5)	(68) (19) (5)	(68) (19) (5)	(19)	(19) (2) (5)	(20)	(20) (21)	(20) (21)	(20) (21)
Yards, transitional conditions										(24)	(24)	(24)	(24)
Additional setbacks										(29)	(29)	(29)	(29)
Height limitation: in stories/not to exceed in feet	2 stry/ 35 ft	3 stry/ 40 ft (30)	4 stry/ 60 ft	(32)	7 stry/65 ft (69) (70)	16 stry/200 ft (70)	16 stry/200 ft (70)	2 stry/ 35 ft (30)	2 stry/ 35 ft (30)	8 stry/ 85 ft	8 stry/ 85 ft	8 stry/ 85 ft	2 stry/ 35 ft (35)

	Zoning Districts												
	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	I1	I2	I3	AG
Landscaping	The landscaping requirements of Chapter 15.07 KCC shall apply.												
											(52)		(52)
Outdoor storage	(39)	(39)						(40) (41)	(40)	15% of site area (43) (44)	30% of site area (43) (44)	50% of site area (43) (45)	(43)
Signs	The sign regulations of Chapter 15.06 KCC shall apply.												
Vehicle drive-through, drive-in, and service bays	(46)	(46)		(46)	(46)		(46)	(46)	(46)	(46)	(46)	(46)	
Loading areas										(47) (48)	(47) (48)	(47) (48)	(47)
Off-street parking	The off-street parking requirements of Chapter 15.05 KCC shall apply.												

	Zoning Districts												
	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM	GC	I1	I2	I3	AG
	(57)	(57)						(57)	(57)	(57)	(57)	(57)	(57)
Design review		(4)(11) (15)	(31)	(31)	(71)	(71)	(71)	(4)(72)	(4)(11) (15) (72)	(73)	(73)	(73)	
Additional standards	(50)	(50)	(50)	(50)	(50)	(50)	(50)	(50)	(50)	(50)	(50)	(50)	(50)
	(56)	(56)	(56)	(56)	(56)	(56)	(56)	(56)	(56)	(56)	(56)	(56)	(56)
	(62)	(5)		(67)	(5)	(5)	(5)		(5)	(55)	(55)	(55)	(54)
	(63)									(56)	(56)	(56)	(55)
	(64)									(59)	(59)	(59)	(56)
	(65)									(63) (16)	(63)	(63)	(59)

SECTION 17. – Amendment – KCC 15.04.195. Section 15.04.195 of the Kent City Code, entitled “Commercial and industrial land use development standard conditions”, is 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, enhanced service facilities, intensive behavioral health treatment facilities, and residential facilities with health care 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. Only the building and materials standards of multifamily design review requirements of KCC 15.09.045(d) shall apply for enhanced service facilities and intensive behavioral health treatment facilities.
5. ~~[Reserved]~~. For enhanced service facilities and intensive behavioral health treatment facilities, the following shall apply:

a. Front, side, side yard and rear setbacks shall be 10 feet.
b. Designated smoking areas shall be provided on site and be located the furthest away from any adjacent residential use. Smoking areas shall be consistent with building code requirements.

c. Thirty (30) square feet per bed shall be provided towards outdoor recreational space. Outdoor recreational space should have a minimum dimension of 15 feet to provide functional leisure or recreational activity. This space may be partially located within the setback.

6. [Reserved].

7. [Reserved].

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.

12. [Reserved].

13. [Reserved].

14. [Reserved].

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.

16. In the I1 zoning district only, the following dock-high door to building footprint square footage ratios shall apply, and shall be cumulative such that first tier applies to the first 30,000 square feet of larger buildings, the second tier applies to the square footage above 30,000 square feet and below 100,000 square feet, and so on. Square footage refers to the building footprint; each building shall be allotted a number of doors available based on size of building and presence of enhanced options within the project. Enhanced options are described in the industrial design guidelines adopted in KCC 15.09.047. Allotted doors may be reapportioned amongst any building within the project after the total project allotment has been determined. Decimals shall be rounded up.

	Building Footprint Square Footage Tier	Possible Building Footprint Square Footage Available	Number of Enhanced Options in Project	Applicable Ratio	Total Doors Available per Tier
1	0 – 30,000 sf	Up to 30,000 sf	Any	1:3,000 sf	Up to 10
2	30,000 sf to 100,000 sf	Up to 70,000 sf	0	1:15,000 sf	Up to 5
			1	1:10,000 sf	Up to 7
			2 or more	1:7,500 sf	Up to 9
3	100,000 sf to 200,000 sf	Up to 100,000 sf	0 or 1	1:20,000 sf	Up to 5
			2	1:15,000 sf	Up to 7
			3 or more	1:10,000 sf	Up to 10
4	200,000 sf or more	No cap	0 or 1	1:30,000 sf	No cap
			2	1:20,000 sf	
			3	1:15,000 sf	

Building Footprint Square Footage Tier	Possible Building Footprint Square Footage Available	Number of Enhanced Options in Project	Applicable Ratio	Total Doors Available per Tier
		4 or more	1:10,000 sf	

17. [Reserved].

18. [Reserved].

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. [Reserved].

24. Transitional conditions shall exist when an AG, I1 or I3 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 between the uses.

25. [Reserved].

26. [Reserved].

27. [Reserved].

28. [Reserved].

29. Development 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 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. [Reserved].

37. [Reserved].

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 I1, I2 and I3 districts shall be permitted only as accessory uses. Such uses are incidental and subordinate to the principal use of the property or structure. Outdoor storage is limited to 15 percent of the total site area in the I1 district, 30 percent of the total site area in the I2 district, and 50 percent of the total site area in the I3 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. Truck courts and loading areas must be located in such a manner that no loading, unloading, or maneuvering of trucks associated therewith takes place on public rights-of-way.

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

49. [Reserved].

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

51. [Reserved].

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. [Reserved].

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. [Reserved].

59. Development within 500 feet of a regional trail is subject to the following regional trail corridor development standards:

a. Regional trails for the purposes of this section shall include scenic and recreational roads and the Green River Trail, Interurban Trail, and Puget Power Trail.

b. *Regional trail access.* No building or lot shall be constructed or created within 500 feet of a regional trail without providing public access to the regional trail via public sidewalks or a trail system dedicated for public use by a public access easement. Such sidewalks or

private trail systems shall connect to regional trails at intervals of 500 feet or less, and shall be accomplished with minimal street crossings.

c. All public access easements shall be no less than 20 feet wide.

d. All public access points shall have standard city of Kent signage indicating trail access.

e. No street connections to scenic and recreational roads shall be permitted unless no other vehicle access is practical.

f. Additional requirements for buildings in Regional Trail Corridors with footprint areas greater than 75,000 square feet are included in KCC 15.09.047, Industrial design review.

60. [Reserved].

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 at intervals of no more than 500 feet. If the property abuts a public park or trail a direct pedestrian connection shall be provided from the park or trail 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 as provided in KCC 15.09.045(D).

73. Development in the I1, I2, and I3 districts shall be subject to KCC 15.09.047, Industrial design review.

(Ordinance Continues on Following Page)

SECTION 18. – *Amendment – KCC 15.04.200.* Section 15.04.200 of the Kent City Code, entitled “Mixed use overlay development standards”, is amended as follows:

Sec. 15.04.200. Mixed use overlay development standards.

	Overlay Districts	
	GC-MU	CC-MU
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.
Minimum commercial	At least five percent of the gross floor area must be a permitted commercial use. The residential component of any mixed use development cannot be permitted or occupied prior to the permitting or lawful occupancy of the commercial component.	At least 25 percent of the gross floor area must be a permitted commercial use, except for mixed use on parcels two acres or less where at least five percent of the gross floor area must be a permitted commercial use. The residential component of any mixed use development cannot be permitted or occupied prior to the permitting or lawful occupancy of the commercial component.

	Overlay Districts	
	GC-MU	CC-MU
Site coverage	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.	40 percent for commercial uses. 60 percent for commercial uses with residential uses; provided, that 25 percent of the gross floor area is residential use.
Height	65 feet.	25 feet; provided, that basic heights may be increased up to the maximum height of 40 feet. (1)
Front yard	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. (4)	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. (4)
Rear and side yard	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. (4)	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. (4)
Off-street parking	The off-street parking requirements of Chapter 15.05 KCC shall apply.	Retail/office uses: four spaces per 1,000 square feet of floor area. (2) Residential uses: <u>Enhanced service facilities and intensive behavioral health treatment facilities shall follow the parking requirements of Chapter 15.05 KCC.</u> (3)

	Overlay Districts	
	GC-MU	CC-MU
Design review	<p>Design review requirements of KCC 15.09.045(F) shall apply for all mixed use development in GC-MU zones, except for the following:</p> <p>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.</p> <p>b. Independent senior living facilities, assisted living facilities, <u>enhanced service facilities</u>, <u>intensive behavioral health treatment facilities</u>, residential facilities with health care 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). <u>Only the building and materials standards of multifamily design review requirements of KCC 15.09.045(d) shall apply for</u></p>	<p>Design review requirements of KCC 15.09.045(F) shall apply for all mixed use development in CC-MU zones, except for the following:</p> <p>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.</p> <p>b. Independent senior living facilities, assisted living facilities, <u>enhanced service facilities</u>, <u>intensive behavioral health treatment facilities</u>, residential facilities with health care 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). <u>Only the building and materials standards of multifamily design review requirements of KCC 15.09.045(d) shall apply for enhanced service facilities and intensive behavioral health treatment facilities.</u></p>

	Overlay Districts	
	GC-MU	CC-MU
	enhanced service facilities and intensive behavioral health treatment facilities.	

(Ordinance Continues on Following Page)

SECTION 19. – *Amendment – KCC 15.04.205.* Section 15.04.205 of the Kent City Code, entitled “Mixed use land use development standard conditions”, is amended as follows:

Sec. 15.04.205. Mixed use land use development standard conditions.

1. The following height modifications shall apply:
 - a. Five-foot increases for developments containing residential uses; provided, that 25 percent of gross floor area is in residential use.
 - b. Five-foot increases for parking under the building.
 - c. Five-foot increases for using a pitched roof form.
 - d. Five-foot increase for stepping back from the top floor (minimum of five feet).
2. The first 300 square feet of retail or office space that is a part of an individual residential unit is exempt.
3. The following parking requirements shall apply:
 - a. *Studio*: 0.75 per dwelling unit (du) without commercial uses; 0.50/du with commercial uses; provided, that 25 percent of overall gross floor area is in commercial uses.
 - b. *One-bedroom*: 1.5/du without commercial uses; 1.0/du with commercial uses; provided, that 25 percent of overall gross floor area is in commercial uses.
 - c. *Two-bedroom*: 2.0/du without commercial uses; 1.25/du with commercial uses; provided, that 25 percent of overall gross floor area is in commercial uses.

4. Setbacks for enhanced service facilities and intensive behavioral health treatment facilities shall be 10 feet for front, side and rear.

SECTION 20. – *Amendment – KCC 15.05.040.* Section 15.05.040 of the Kent City Code, entitled “Parking standards for specific activities”, is amended as follows:

Sec. 15.05.040. Parking standards for specific activities.

A. Standards for the number of parking spaces for specific activities are indicated in the following chart:

<i>SPECIFIC LAND USE</i>	<i>PARKING SPACE REQUIREMENT</i>
<i>Living activities</i>	
Single-family	Two parking spaces per single-family dwelling.
Duplex	Two parking spaces per dwelling unit.
Multifamily ^{1, 2, 3, 4}	One parking space per unit for efficiency apartments in all sized developments; two parking spaces for each dwelling unit for developments with 49 or less dwelling units; one and eight-tenths parking spaces per dwelling unit for developments of 50 or more dwelling units.
Accessory dwelling unit	One off-street parking space per accessory unit is required in addition to the required parking for the single-family home. No off-street parking is required if principal single-family dwelling is within one-quarter-mile distance of a major transit stop as defined by RCW 36.70A.696. The planning director may waive this requirement where there are special circumstances related to the property, its location, and the right-of-way. The surface of a required ADU off-street parking space shall comply with KCC 15.05.090(E).
Boardinghouses and lodging houses	One parking space for the proprietor, plus one space per sleeping room for boarders or lodging use, plus one additional space for each four persons employed on the premises.
Mobile and manufactured home parks	Two parking spaces for each mobile home site.
Recreational vehicle park	One parking space for each site.

<i>SPECIFIC LAND USE</i>	<i>PARKING SPACE REQUIREMENT</i>
Hotels ⁵	One parking space for each guest room, plus two parking spaces for each three employees.
<i>Commercial activities</i>	
Banks ⁶	One parking space for each 200 square feet of gross floor area, except when part of a shopping center.
Professional and business offices ⁶	One parking space for each 250 square feet of gross floor area, except when part of a shopping center.
Shopping centers ⁷	Four and one-half spaces per 1,000 square feet of gross leaseable area (GLA) for centers having GLA of less than 400,000 square feet, and five spaces per 1,000 square feet of GLA for centers having a GLA of over 400,000 square feet.
Restaurants, nightclubs, taverns and lounges ⁸	One parking space for each 100 square feet of gross floor area, except when part of a shopping center.
Retail stores, supermarkets, department stores and personal service shops ⁹	One parking space for each 200 square feet of gross floor area, except when located in a shopping center.
Other retail establishments; furniture, appliance, hardware stores, household equipment service shops, clothing or shoe repair shops ¹⁰	One parking space for each 500 square feet of gross floor area, except when located in a shopping center.
Drive-in business ¹¹	One parking space for each 100 square feet of gross floor area, except when located in a shopping center.
Uncovered commercial area, new and used car lots, plant nursery	One parking space for each 5,000 square feet of retail sales area in addition to any parking requirements for buildings, except when located in a shopping center.
Motor vehicle repair and services	One parking space for each 400 square feet of gross floor area, except when part of a shopping center.
Industrial showroom and display	One parking space for each 500 square feet of display area.
Bulk retail stores	One parking space for each 350 square feet of gross floor area.
<i>Industrial activities</i>	
Manufacturing and industrial uses, including warehouses, storage buildings, and speculative warehouse and industrial buildings with	One parking space for each 1,000 square feet for 90% of the gross floor area, and one parking space per 250 square feet for 10% of the gross floor area. When total of uses other than manufacturing and industrial exceeds 10% of the gross floor area, the parking requirements for those uses shall apply.

SPECIFIC LAND USE	PARKING SPACE REQUIREMENT
multiple use or tenant potential	
<i>Recreation-amusement activities</i>	
Auditoriums, theaters, places of public assembly, stadiums, and outdoor sports areas ¹²	One parking space for each four fixed seats, or one parking space for each 100 square feet of floor area of main auditorium or of principal place of assembly not containing fixed seats, whichever is greater.
Bowling alleys ¹³	Five spaces for each alley, except when located in a shopping center.
Dance halls and skating rinks ¹⁴	One parking space for each 200 square feet of gross floor area, except when located in a shopping center.
Golf driving ranges	One parking space for each driving station.
Miniature golf courses	One parking space for each hole.
Recreational buildings, whether independent or associated with a multifamily complex	One parking space for each 200 square feet of gross floor area. Such spaces shall be located adjacent to the building and shall be designated for visitors by signing or other special markings.
<i>Educational activities</i>	
Senior high schools, public, parochial, and private	One space for each employee plus one space for each 10 students enrolled. In addition, if buses for the transportation of children are kept at the school, one off-street parking space shall be provided for each bus, of a size sufficient to park each bus. One additional parking space for each 100 students shall be provided for visitors in the vicinity of or adjacent to the administration portion of the building or complex. Such parking spaces shall be so designated by signing or other special marking as approved by the traffic engineer.
Colleges and universities and business and vocational schools ¹⁵	Two and one-half parking spaces for each employee, plus one space for each three students residing on campus, plus one space for each five day students not residing on campus. In addition, if buses for transportation of students are kept at the school, one off-street parking space shall be provided for each bus, of a size sufficient to park each bus. One additional parking space for each 100 students shall be provided for visitors in the vicinity of or adjacent to the administration portion of the building or complex. Such parking spaces shall be so designated by signing or other special marking as approved by the traffic engineer.

<i>SPECIFIC LAND USE</i>	<i>PARKING SPACE REQUIREMENT</i>
Elementary and junior high	One parking space for each employee, plus one parking space for every 50 student capacity (<i>Capacity</i> means the designed capacity of the school, even if actual enrollment varies by year). In addition, if buses for transportation of students are kept at the school, one off-street parking space shall be provided for each bus, of a size sufficient to park each bus. Consideration for student loading/unloading and pick-up/drop-off areas shall be integrated in the site plan.
Libraries and museums	One parking space for each 250 square feet in office and public use.
Day-care centers	One parking space for each employee, plus loading and unloading areas.
<i>Medical activities</i>	
<u>Community Behavioral Health Facilities (including enhanced service facilities and intensive behavioral health treatment facilities.)</u>	<u>One parking space per staff member on the largest shift, plus one parking space per three beds.</u>
Medical and dental offices ¹⁶	One parking space for each 200 square feet of gross floor area, except when located in a shopping center.
Convalescent, nursing, and health institutions	One parking space for each two employees, plus one parking space for each three beds.
Hospitals	One parking space for each three beds, plus one parking space for each staff doctor, plus one parking space for each three employees.
<i>Religious activities</i>	
Churches, religious institutions, or other places of worship ¹⁷	One space for each five seats in the main auditorium/gathering place; provided, that the spaces for any institution shall not be less than 10. One seat is equivalent to seven square feet, for institutions that do not have seats in the main gathering place. For all existing institutions enlarging the seating capacity of their auditoriums, one additional parking space shall be provided for each five additional seats provided by the new construction. For all existing institutions making structural alterations or additions which do not increase the seating capacity of the auditorium, no additional parking need be provided.
Mortuaries or funeral homes	One parking space for each 100 square feet of floor area of assembly rooms.

<i>SPECIFIC LAND USE</i>	<i>PARKING SPACE REQUIREMENT</i>
Other uses	For uses not specifically identified in this section, the amount of parking required shall be determined by the planning department, based on staff experience, parking required for similar uses, and, if appropriate, documentation provided by the applicant.

1. Where enclosed garages are utilized to provide parking required by this title, an 18-foot stacking space shall be provided in front of such garage units; provided, however, the planning director shall have the authority to approve alternative plans where the developer can assure that such garage units will continue to be available for parking purposes and will not cause onsite parking or circulation problems. These assurances include but are not limited to: (a) covenants that run with the land or homeowners' association that require garages to be utilized for the storage of vehicles, (b) maintenance of drive aisle widths of 26 feet in front of each garage unit, and (c) maintenance of minimum clearances for fire lanes on the site. Special parking for recreational vehicles will not be required as long as the facility does not permit recreational vehicles other than campers or vehicles that will fit into a normal-sized parking stall. If recreational vehicles are to be permitted on the development, they must be screened and fenced.

2. Exceptions for senior citizen apartments in multifamily buildings:

a. The multifamily parking requirement may be reduced as determined by the planning director. The planning director shall base his/her decision on a parking study that supports one or more of the following:

i. Availability of private, convenient, regular transportation services to meet the needs of the tenants;

ii. Accessibility to and frequency of public transportation;

- iii. Pedestrian access to health, medical, and shopping facilities;
- iv. Minimum age requirement to reside in subject apartments;
- v. Special support services offered by the facility;
- vi. Other documentation or standards that support a permanent reduction of parking stalls.

3. In MTC-1, MTC-2, and MCR zoning districts, a minimum of three-fourths parking space per dwelling unit, or conduct a parking feasibility study to determine need. No spaces provided for recreation vehicles.

4. For senior developments in MTC-1, MTC-2, and MCR zoning districts, one parking space for every four dwelling units, or conduct a parking feasibility study to determine need.

5. In MTC-1, MTC-2, and MCR zoning districts, one parking space for each guest room, plus two parking spaces for every five employees, or conduct a parking feasibility study to determine need.

6. In MTC-1 and MCR zoning districts, one parking space for every 400 square feet of gross floor area, except when part of a shopping center, or conduct a parking feasibility study to determine need; in MTC-2 zoning district, one parking space for every 500 square feet of gross floor area, or conduct a parking feasibility study to determine need.

7. In MTC-1 and MCR zoning districts, one parking space for every 400 square feet of gross floor area, or conduct a parking feasibility study to determine need.

8. In MTC-1 and MCR zoning districts, one parking space for every 200 square feet of gross floor area, or conduct a parking feasibility study to determine need; in MTC-2 zoning district, a minimum of one parking space for every 300 square feet of gross floor area, or conduct a parking feasibility study to determine need. No parking is required if use is 3,000 square feet

or less and with a parking supply of at least 20 spaces within 500 feet or 1,000 feet of a public garage.

9. In MTC-1 and MCR zoning districts, one parking space for every 400 square feet of gross floor area, or conduct a parking feasibility study to determine need; in MTC-2 zoning district, one parking space for every 500 square feet of gross floor area, or conduct a parking feasibility study to determine need. No parking is required if use is 800 square feet or less and with a parking supply of at least 20 spaces within 500 feet or 1,000 feet of a public garage.

10. In MTC-1, MTC-2, and MCR zoning districts, one parking space for every 1,000 square feet of gross floor area, or conduct a parking feasibility study to determine need. No parking is required if use is 800 square feet or less and with a parking supply of at least 20 spaces within 500 feet or 1,000 feet of a public garage.

11. In MTC-1 and MCR zoning districts, one parking space for every 400 square feet of gross floor area, except when located in a shopping center.

12. In MTC-1 and MCR zoning districts, conduct a parking feasibility study to determine need.

13. In MTC-1 and MCR zoning districts, three parking spaces for each alley, except when located in a shopping center.

14. In MTC-1 and MCR zoning districts, one parking space for every 500 square feet of gross floor area, or conduct a parking feasibility study to determine need.

15. In MTC-1, MTC-2, and MCR zoning districts, conduct a parking feasibility study to determine need.

16. In MTC-1, MTC-2, and MCR zoning districts, a minimum of one parking space for every 400 square feet of gross floor area, or conduct a parking feasibility study to determine need.

17. In MTC-1, MTC-2, and MCR zoning districts, one parking space for every 10 seats in the main auditorium; provided, that the spaces for any church shall not be less than 10. For all existing churches enlarging the seating capacity, one additional parking space shall be provided for every 10 seats provided by the new construction.

B. *Mixed occupancies or mixed use if one occupancy.* In the case of two or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately; except in shopping centers, and except as provided in the mixed use overlay, KCC 15.04.200. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as permitted in subsection (C) of this section pertaining to joint use.

C. *Joint use.* The minimum amount of off-street parking required by subsection (A) of this section may be reduced by the planning director when shared parking facilities for two or more uses are proposed if:

1. The total parking area exceeds 5,000 square feet;
2. The parking facilities are designed and developed as a single onsite common parking facility, or as a system of onsite and offsite facilities if all facilities are connected with improved pedestrian facilities and located within 500 feet of the buildings or use areas they are intended to serve;
3. The amount of reduction in off-street parking does not exceed 10 percent per use unless it is documented that the peak parking demand hours of two or more uses are separated by at least one hour;
4. The subject properties are legally encumbered by an easement or other appropriate means which provide for continuous joint use of the parking facilities. Documentation shall require review and approval by the city attorney; and

5. The total number of parking spaces in the shared parking facility is not less than the minimum required by any single use.

D. *Employee parking.* Where employee parking will be maintained separately and in addition to parking for the general public, the regulations of this subsection shall apply:

1. Minimum parking stall sizes, aisle widths, and percentage of compact car stalls shall be as per other requirements in this chapter.

2. Employee parking must be clearly identified as such and not become parking for the general public.

3. If the employee parking is changed to parking for the general public, the normal regulations for off-street parking shall be in force.

4. Employee parking shall not be in lieu of parking requirements per activity as stated in this section.

E. *Temporary parking facilities.* Temporary parking facilities may be permitted by the planning director when it has been shown that:

1. The existing use of the subject property has adequate legal nonconforming parking or that existing parking conforms to the applicable standards of this title.

2. The temporary parking facility is primarily intended to serve the public at large and not the existing use on the property.

3. The temporary parking facility serves a public need.

4. The temporary facility meets the following minimum standards:

a. There shall be a minimum of 285 square feet gross area per stall.

b. The pavement section shall be a minimum of four inches of five-eighths-inch minus C.R. crushed rock with bituminous surface treatment, subject to engineering department review.

c. Onsite drainage control and detention shall be provided per the drainage ordinance.

d. Ingress and egress and interior circulation and perimeter control shall be subject to traffic engineer approval.

F. *Compact car parking.*

1. Parking stall size shall be a minimum of eight feet by 16 feet. Aisle width shall be per the requirements of KCC 15.05.080 and Diagram No. 1 following KCC 15.05.100.

2. Compact car parking spaces shall be clearly identified by signing or other marking as approved by the city engineer.

3. Compact car parking spaces shall not exceed 30 percent of the total required parking, and shall be distributed throughout the entire parking area. For parking lots of more than 20 stalls, up to 50 percent of the total required parking may be compact car parking spaces. Compact stalls cannot be located along a fire lane in lots where the percentage of compact stalls exceeds 30 percent, unless approved by the fire marshal.

4. See KCC 15.05.080 and diagram No. 1 following KCC 15.05.100 for typical compact car stall arrangements.

G. *Transit and rideshare provisions.*

1. The planning director may reduce the minimum number of off-street parking stalls for businesses which have a commute trip reduction program filed with the city. Based upon a review of this program and input from other staff members, a reduction of up to 20 percent of the minimum standard may be approved. Any reduction in the amount of required parking is only valid for as long as the approved CTR program is in effect. An invalidated program or a change in use or operations would result in the application of the underlying standards per subsection (A) of this section.

2. The planning director may reduce the number of required off-street parking stalls for businesses which do not have a commute trip reduction program by one stall for every two car pool stalls, and/or one stall for every one van pool stall if:

- a. Reserved rideshare parking is located convenient to the primary employee entrance;
- b. Reserved areas are clearly marked by signs for use by approved and qualified rideshare vehicles;
- c. The use of reserved areas for rideshare parking is actively enforced by the employer; and
- d. The total reduction in the number of parking stalls does not exceed 10 percent of the required stalls.

SECTION 21. – Amendment – KCC 15.07.060. Section 15.07.060 of the Kent City Code, entitled “Regulations for specific districts”, is amended as follows:

Sec. 15.07.060. Regulations for specific districts.

Zones	Minimum Perimeter Landscape Planter Width and Type				Additional Requirements
	Abutting Street	Side Yard	Rear Yard	Abutting Residential District or Use	
SR-1 through SR-8	N/A (see also KCC 12.04.245)	N/A			
MR-D	N/A				

Zones	Minimum Perimeter Landscape Planter Width and Type				Additional Requirements
	Abutting Street	Side Yard	Rear Yard	Abutting Residential District or Use	
MR-G MR-T MR-M ² MR-H ²	10' Type III	10' Type II or III	10' Type II or III	N/A, except for parking lots per KCC 15.07.040(B)(2)	Open green area shall occupy no less than 25 percent of the total lot area. A minimum of five feet of foundation landscaping shall be placed along the perimeter of any multifamily structure. Foundation landscaping consists of shrubbery or some other combination of landscape materials that helps to reduce the visual bulk of structures and buffer dwelling units from light, glare, and other environmental intrusions. Additional requirements may apply through multifamily design review, KCC 15.09.045(D).
MHP	Requirements per Chapter 12.05 KCC				
CC ² CM GC ²	5' Type III	N/A	N/A	10' Type II, and for parking lots per KCC 15.07.040(B)(2)	N/A
DC	N/A				A minimum of three feet of landscaping to screen off-street parking areas, placement of which shall be determined through the downtown design review process outlined in KCC 15.09.046. Additional landscaping or alternative methods of screening may be approved through downtown design review.
DCE	N/A			10' Type II, and for parking lots per KCC 15.07.040(B)(2)	A minimum of three feet of landscaping to screen off-street parking areas, placement of which shall be determined through the downtown design review process outlined in KCC 15.09.046. Additional landscaping or alternative methods of screening may be

Zones	Minimum Perimeter Landscape Planter Width and Type				Additional Requirements
	Abutting Street	Side Yard	Rear Yard	Abutting Residential District or Use	
					approved through downtown design review.
MTC-1 ^{1,8}					
MTC-2 ^{2,8}					
MCR ^{3,8}					
AG I1	15' Type III in front yard	10' Type II or III	N/A	N/A, except for parking lots per KCC 15.07.040(B)(2)	KCC 15.09.047, Industrial design review
I2	15' Type III in front yard	10' Type II or III	N/A	N/A, except for parking lots per KCC 15.07.040(B)(2)	KCC 15.09.047, Industrial design review
I3	15' Type III in front yard	10' Type II or III	N/A	N/A, except for parking lots per KCC 15.07.040(B)(2)	KCC 15.09.047, Industrial design review
NCC	10' Type III	5' or 10' Type II or III ^{5,7}	5' Type II or III	10' Type II	
<p>¹MTC-1 additional landscaping requirements. Landscaping requirements shall be determined through the midway design review process outlined in KCC 12.01.040 and shall include the following to soften the appearance of parking areas and building elevation, and to provide separation between uses:</p> <p>(A) The perimeter of properties abutting a single-family residential or mobile home park land use shall be landscaped with a minimum of 10 feet of Type I landscaping.</p> <p>(B) The perimeter of properties abutting a multifamily residential land use shall be landscaped with a minimum of 10 feet of Type I landscaping.</p> <p>(C) The perimeter of properties abutting a public right-of-way shall be landscaped with a minimum of 10 feet of Type III landscaping. The following exceptions apply:</p> <ul style="list-style-type: none"> (1) When a vehicular parking area abuts such setback, a Type III landscape strip with an average of 20 feet in depth shall be provided. (2) When such setback is utilized as a public open space plaza and not accompanying parking, no perimeter landscaping strip shall be required. (3) When such setback is utilized as a public open space plaza and exceeds 30 linear feet, street trees shall be provided as set forth in the 2009 Design and Construction Standards, or as the same may be subsequently amended. <p>(D) The perimeter of side property lines shall be landscaped with a minimum of five feet of Type III landscaping, unless the building is constructed at the build-to line or property line.</p>					

Zones	Minimum Perimeter Landscape Planter Width and Type				Additional Requirements
	Abutting Street	Side Yard	Rear Yard	Abutting Residential District or Use	
<p>²<i>MTC-2 additional landscaping requirements.</i> Landscaping requirements shall be determined through the midway design review process outlined in KCC 12.01.040 and shall include the following to soften the appearance of parking areas and building elevations, and to provide separation between uses:</p> <p>(A) The perimeter of properties abutting public parks, plazas, open space, or multi-purpose trails shall be landscaped with a minimum of 10 feet of Type III landscaping.</p> <p>(B) When a vehicular parking area abuts a public right-of-way, a Type III landscaping strip a minimum of five feet in depth shall be provided.</p> <p>(C) When a vehicular parking area abuts the side property lines, a Type III landscaping strip a minimum of 10 feet in depth shall be provided.</p> <p>³<i>MCR additional landscape requirements.</i> Landscaping requirements shall be determined through the midway design review process outlined in KCC 12.01.040 and shall include the following to soften the appearance of parking areas and building elevations, and to provide separation between uses:</p> <p>(A) When buildings abut the required front yard, a Type III landscaping strip minimally 10 feet in depth shall be provided.</p> <p>(B) When vehicular parking area abuts a public right-of-way, a Type III landscaping strip minimally 15 feet in depth shall be provided.</p> <p>(C) When vehicular parking area abuts the side property lines, a Type III landscaping strip minimally 10 feet in depth shall be provided.</p> <p>⁴[Reserved].</p> <p>⁵No landscaping along the side property lines shall be required between adjacent properties where a common, shared driveway with a perpetual cross-access easement is provided to serve the adjoining properties.</p> <p>⁶[Reserved].</p> <p>⁷A Type III landscape strip of at least 10 feet in depth shall be provided alongside all property lines of a corner lot that abut public rights-of-way.</p> <p>⁸ <u>For enhanced service facilities and intensive behavioral health treatment facilities, a minimum 5 foot Type II landscaping and sight-obscuring fencing shall be provided around the perimeter of the property. Fencing shall be a minimum of 5 feet in height and constructed of solid wood, iron, masonry, or other suitable material approved by the planning manager. Additional perimeter landscape planter strips are not required. If within MTC-1, MTC-2, or MCR, the greater of the two landscaping requirements apply.</u></p>					

SECTION 22. – *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 23. – *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 24. – Effective Date. This ordinance shall take effect and be in force thirty days from the time of final passage, as provided by law.



DANA RALPH, MAYOR

October 15, 2024
Date Approved

ATTEST:

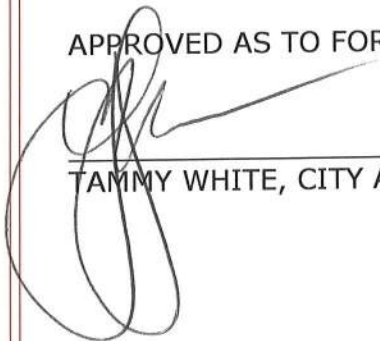


KIMBERLEY A. KOMOTO, CITY CLERK

October 15, 2024
Date Adopted

October 18, 2024
Date Published

APPROVED AS TO FORM:



TAMMY WHITE, CITY ATTORNEY

