

**ORDINANCE NO. 3895**

**AN ORDINANCE** of the City Council of the City of Kent, Washington, to allow development of a limited number of cottage housing projects that demonstrate a housing choice not currently available in Kent's neighborhoods.

**RECITALS**

A. The purpose of this demonstration ordinance is to assess the viability of cottage housing in Kent. In support of Comprehensive Plan Goals LU-10 and H-5 this demonstration ordinance allows development of a limited number of projects that demonstrate a housing choice not currently available in Kent. The City will use this demonstration ordinance to allow for construction of demonstration projects and will analyze adoption of a permanent cottage housing ordinance upon completion of the demonstration projects.

B. On August 8, 2008, the City requested and was granted expedited review on August 25, 2008, from the State of Washington under RCW 36.70A.106 of the City's intent to adopt the Cottage Housing Demonstration Ordinance.

C. The City's SEPA responsible official has determined that a threshold determination under SEPA is not required for the passage of the Cottage Housing Demonstration Ordinance.

D. The development and public involvement process for the Cottage Housing Demonstration Ordinance included the City's Land Use and Planning Board who held workshops during its meetings on June 9 and August 11, 2008, and public hearings on August 25 and September 22, 2008. The City's Planning and Economic Development Committee also reviewed and discussed the Cottage Housing Demonstration Ordinance at its meetings on April 14 and October 13, 2008. The Committee also held a public hearing on November 10, 2008. The City Council voted to adopt the Cottage Housing Demonstration Ordinance on November 18, 2008.

### **ORDINANCE**

#### **SECTION 1. – General Authority.**

A. *Purpose.* The purpose of this demonstration ordinance is to allow development of a limited number of projects that demonstrate a housing choice not currently available in Kent's neighborhoods, in support of Comprehensive Plan Goals LU-10 and H-5. The City will use this demonstration ordinance to allow for construction of demonstration projects to assess the viability of cottage housing in Kent. Adoption of a permanent cottage housing ordinance will be discussed upon completion of the construction of the demonstration projects.

B. *Goals.* The goals of this ordinance are to:

1. Provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single person households);
2. Provide opportunities for ownership of small, detached dwelling units within a single-family environment;

3. Encourage creation of more usable open space for residents of the development through flexibility in density and lot standards;
4. Promote high quality design;
5. Allow flexibility in site and design standards while promoting projects that ensure compatibility with surrounding land uses and existing single-family developments;
6. Implement goals and policies of the Kent Comprehensive Plan.

**SECTION 2. - Definitions.** Definitions in this section will prevail if they conflict with terms defined in Kent City Code. If a term is defined in Kent City Code, but not in this section, the definition in Kent City Code shall apply.

- A. *Carriage Unit.* A single-family unit, not to exceed eight hundred (800) square feet in gross floor area, located above a garage structure.
- B. *Cottage.* A detached, single-family dwelling unit containing one thousand five hundred (1,500) square feet or less of gross floor area.
- C. *Cottage Housing Development.* An alternative type of development made up of detached small single-family residences (cottages) clustered around a common open space with garages and parking located away from the houses.
- D. *Floor Area Ratio (FAR).* A measure of development intensity which is determined by dividing the square footage of the aggregate gross floor area of all units area by the square footage of the entire site. The square footage used for the entire site shall not include critical areas and their associated buffers.

**SECTION 3. - Applicable Use Zones.** The housing types described in this ordinance may be used only in the following single family and multifamily zones: SR-4.5, SR-6, SR-8, MR-D, MR-T12, MR-T16, MR-G, MR-M, MR-H.

**SECTION 4. - Selection and Permit Process for Cottage Housing Demonstration Projects.**

A. Following adoption of this demonstration ordinance, Planning Services shall publish a Notice of Call for Proposals. Notice will be sent to the Kent Reporter; posted on the City's website; sent to local engineering companies, media contacts, the Master Builders Association, and others. There will be a one hundred eighty (180) day timeframe "submittal period" during which proposals may be submitted.

B. The City shall use the following process to review and select cottage housing demonstration projects:

1. Pre-submittal meeting requirements.

a. Potential applicants must schedule a pre-submittal meeting with City staff prior to submitting a formal proposal. This meeting will give City staff the chance to review with the applicant the requirements for stormwater, roads, open space, parking, cottage design, and others.

2. Following the pre-submittal meeting, the applicant shall submit a full and complete proposal to planning services which includes the following:

a. A completed City of Kent application form. The form shall include owner and applicant information, as well as the name and contact information for the builder and any design professionals involved in the project.

b. A conceptual site plan of the proposed development.

c. Conceptual drawings of the proposed cottage houses, including building footprints, elevations, and floor plans.

d. A description of how the proposed development minimizes adverse impacts to the surrounding neighborhood. For example, describe what was considered during site layout and building selection to enhance the neighborhood and minimize adverse impacts to the surrounding community.

e. A description of how the proposed development complies with all selection criteria and development standards for a cottage housing demonstration project as described in this Cottage Housing Demonstration Ordinance (the "ordinance").

f. General information about the site including the number of allowed and proposed dwelling units, parking, open space, pervious and impervious surface, building heights, and sustainable development techniques.

g. Photographs of the site and adjacent properties.

h. Any additional information or material specified at the pre-submittal meeting.

### 3. Neighborhood Meeting.

a. Applicants for cottage housing proposals submitted under this ordinance shall schedule and host a neighborhood meeting. The neighborhood meeting shall be held within thirty (30) days following submittal of the proposal.

b. The purpose of the neighborhood meeting shall be to inform nearby property owners of the proposed development, and provide the selection committee with comments pertinent to the selection process.

c. The applicant shall mail written notice of the neighborhood meeting to all property owners within 300 feet of the proposed project and shall publish notice in at least one (1) local newspaper at least ten (10) days prior to the meeting. Any alleged failure

of any property owner to actually receive the notice of neighborhood meeting shall not invalidate the proceedings.

d. At the neighborhood meeting, the applicant shall present the proposed development to interested residents and solicit their comments. Within thirty (30) days of the neighborhood meeting, the applicant shall submit a narrative to the City, summarizing and addressing comments received at the meeting. The applicant may submit revisions to the proposal based on neighborhood comments.

4. Proposal Selection Process.

a. Evaluation of the proposals shall be based on the following selection criteria:

(1) Demonstration that the project has been designed to enhance and minimize adverse impacts to the surrounding neighborhoods and community.

(2) Demonstration that the project impacts are substantially equivalent to or less than the adverse impacts expected to be associated with development of conventional housing on the subject property, in regards to parking, building height, building bulk, setbacks, lot coverage, open spaces, screening, and aesthetics.

(3) Demonstration that the project will result in a unique cottage style community that is distinct from typical single family developments in Kent. This community shall incorporate a high level of quality and originality throughout the development, including but not limited to the following areas:

- i. Site design;
- ii. Architectural design;
- iii. Building materials;
- iv. Open space;
- v. Parking;
- vi. Landscaping; and

vii. Sustainable development.

(4) The proposal provides elements that contribute to a sense of community within the development by including elements such as front entry porches, common open space, and common buildings.

(5) The structures proposed for the cottage housing development are diverse in appearance, yet remain connected through use of architectural style, details, color, and materials.

(6) Examples of previous developments done by those involved in the project and explanation of related experience.

(7) Demonstration that the selected site for the cottage housing community supports Smart Growth techniques by providing accessibility to commercial services, alternative transportation modes, and recreational opportunities.

(8) Demonstration that neighborhood concerns have been considered.

5. Upon receiving all narratives required by Section 4(B)(3)(d), the Cottage Housing Committee ("committee") shall convene to review all submitted proposals. The committee will be made up of the following members, or as otherwise appointed by the Planning Manager or designee:

- (a) Planning and Economic Development Committee Chair;
- (b) Land Use and Planning Board Chair;
- (c) Planning Manager;
- (d) Development Engineering Manager; and
- (e) Economic Development Manager;
- (f) Two citizens, who reside within the city limits, to be appointed by the Planning and Economic Development Committee Chair.

6. All five members of the committee shall be present for a decision to be made on selection of a proposal. From the proposals

submitted, the committee may select up to two (2) demonstration projects that demonstrate exceptional design quality and consistency with the selection criteria. If no proposals are submitted, or the proposals do not meet the selection criteria, the timeline for proposal submittals may be extended another 180 days, as determined by the committee. Extensions beyond this period require City Council approval. The committee's decision in selecting cottage housing developments to advance to the formal application phase shall be in writing and shall be the final decision of the City.

7. Permit Process.

a. Once a proposal has been selected by the committee, the applicant shall have ninety (90) days to submit a formal application to Planning Services. The applicant may request in writing a maximum extension of three (3) months, subject to the approval of the Planning Manager.

b. A formal application shall include the following items:

- (1) A completed City of Kent application form;
- (2) An environmental checklist (if applicable);
- (3) A site plan of the proposed development which includes all applicable items noted in the City of Kent DEVELOPMENT ASSISTANCE BROCHURE #2;
- (4) Drawings of the proposed cottage houses, including building footprints, elevations, and floor plans. Design review for the buildings will be evaluated at this stage for consistency with the cottage housing criteria;
- (5) Tree Preservation Plan;
- (6) Stormwater Technical Information Report;
- (7) Critical areas studies, as required by the City of Kent Public Works Department; and



(8) Narrative on how the project meets Low Impact Development Standards, if applicable.

c. Applications for projects with nine (9) or less residential lots shall be subject to the Process II Standards, as outlined in Chapter 12.01 Kent City Code (KCC) for short plats. Applications for projects with ten (10) or more lots shall be subject to the Process III Standards, as outlined in Chapter 12.01 KCC for subdivisions. Applications for condominium projects shall be processed in the same manner as a short plat, as outlined in Process II in Chapter 12.01 KCC, in regards to public notice, administrative approval, and validity.

**SECTION 5. - Development and Design Standards for Cottage Housing Demonstration Projects.** Parameters identified in this section will apply to cottage housing demonstration projects only and will prevail if they conflict with the regulations specified in Chapters 12 and 15 KCC.

**A. Development Standards.**

	<b>Cottage</b>	<b>Carriage<sup>1</sup></b>
Max Unit Size <sup>2</sup>	1,500 square feet	968 square feet
Density <sup>3, 4</sup>	For single family zones: allowable density is the same as the underlying zone, unless the Low Impact Development (LID) techniques listed in subsection B 10 of this section are incorporated, then 1.5 times the maximum number of dwelling units allowed in the underlying zone shall be permitted, up to 12 units per acre.  For multifamily zones: allowable density is the same as the underlying zone and LID techniques listed in subsection B.10 of this section are required for cottage housing developments	
Minimum Lot Size per unit	None	
Max Floor Area Ratio (FAR)	35	
Development Size <sup>5</sup>	Min 6 units Max. 24 units	Allowed when included in a cottage project

	<b>Cottage</b>	<b>Carriage<sup>1</sup></b>
	Minimum cluster <sup>6</sup> 6 units Maximum cluster 12 units	
Parking Requirements <sup>7</sup> (See subsection B.8 of this section)	1.8 spaces per unit if on-street parking is provided, 2 if there is no on-street parking	
Minimum Development Perimeter Setbacks <sup>8</sup>	Front. 20' Other. 10'	
Maximum Impervious Surfaces <sup>9</sup>	50%	
Maximum Height	25', where minimum roof slope of 6:12 for all parts of the roof above 18' are provided. Otherwise, 18'.	
Tree Retention	Standards contained in KCC 15.08.240 for Tree Retention shall apply. Cottages shall be designed around significant trees.	
Accessory Dwelling Units (ADUs)	Not permitted as part of a cottage development.	

<sup>1</sup> This housing type is only allowed where it is included in a cottage project and is counted towards the development density.

<sup>2</sup> Any additions or increases in unit sizes after initial construction shall be subject to the cottage housing development standards. Cottages may not be more than one thousand (1,000) square feet on the main floor.

<sup>3</sup> Existing detached dwelling units may remain on the subject property and will be counted towards the density. Existing dwelling units shall be remodeled to be consistent with the exterior architectural design elements of the development. The dwelling unit may not exceed the existing square footage or the maximum square footage allowed for a new cottage, whichever is greater.

<sup>4</sup> When determining the maximum allowed number of units for a cottage housing development, the entire site area may be included in the calculation. If calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows: fractions above one-half

(1/2) shall be rounded up, fractions of one-half (1/2) and below shall be rounded down.

<sup>5</sup> Carriage units may be included within a cottage housing proposal, provided that the number of carriage units do not exceed twenty-five percent (25%) of the total number of units in the project.

<sup>6</sup> Cluster size is intended to encourage a sense of community among residents and the homes within a cluster generally orient toward each other, community open space, or pathways and are not separated by roads or critical areas. A development site may contain more than one cluster, with a clear separation between clusters. Furthermore, clusters shall be connected via pedestrian pathway(s).

<sup>7</sup> Garages may count towards the parking count if, through a covenant, they are reserved only for the parking of vehicles.

<sup>8</sup> Perimeter setback areas are to be designated for landscaping, in accordance with subsection B.9 of this section.

<sup>9</sup> Maximum impervious surface is calculated using the entire development site. Lot coverage for individual lots may vary.

**B. *Design Standards.***

1. Orientation of Dwelling Units. Dwellings within a cottage housing development shall be clustered and homes within the clusters shall be oriented to promote a sense of community within the development. The planning manager shall have the authority to waive or modify specific requirements for dwelling unit orientation to insure this intent is met and to allow for flexibility and innovation in design.

a. Each dwelling unit shall have a primary entry and/or covered porch oriented to the common open space or pathway connecting to the common open space.

b. Each dwelling unit abutting a public right-of-way (not including alleys) shall incorporate façade modulation, windows, and roofline variations to avoid blank walls that orient to the public right-of-way.

2. Variation in Unit Sizes, Building, and Site Design. Cottage projects shall establish building and site design that promote variety and visual interest.

a. Projects shall include a variety of unit sizes within a single development.

b. Proposals shall provide a variety of building styles, features, colors, and site design elements within cottage housing communities. Dwellings with the same combination of features and treatments shall not be located adjacent to each other. Identical elements shall not be repeated in more than twenty-five percent (25%) of the cottages in the development.

c. Design of carriage units shall be of similar character with that of the cottages included in the project.

d. Cottages may not be more than one thousand (1,000) square feet on the main floor.

3. Community Buildings. Community buildings are required in cottage developments.

a. Community buildings shall be at least five hundred (500) square feet on the main floor and shall be of similar architectural character to the dwelling units.

b. Building height for community buildings shall be the same standard as for cottages.

c. Community buildings must be located on the same site as the cottage housing development, and be commonly owned by the residents.

4. Storage Space. If garages are reserved only for the parking of vehicles through a covenant, alternative storage space onsite shall be provided. The development shall include thirty (30) square feet of storage space per dwelling unit. The storage space shall be in one or more of the following forms:

a. Detached sheds, designed in similar character of that of the dwelling units. May be individual or shared sheds.

b. Storage space within the detached parking structures (additional rooms, area for shelving, etc.) that does not conflict with the parking of vehicles in the garages.

c. Storage space within the dwelling unit, accessible only through an external door.

d. Designated storage space attached to the community building that is not counted towards the five hundred (500) square foot minimum.

e. Other storage space options approved in writing by Planning Services.

5. Required Common Open Space. Common open space shall provide visual relief and a sense of community for cottage developments. It must be located outside of critical areas and their buffers. The common open space shall be of a general character similar to single family residential yard areas and provide similar opportunities for use. Elements of the single family residential yard areas that may be included in the common open space are lawns, community garden space, patio/seating, and cooking areas, etc.

a. A minimum of 400 square feet of common open space per dwelling unit shall be provided.

b. Each area of common open space in each cluster shall be in one contiguous and usable piece with a minimum dimension of twenty (20) feet on all sides.

c. Required common open space may be divided into no more than one (1) separate area per cluster of dwelling units.

d. Common open space shall be located in a centrally located area and be easily accessible physically and visually to all dwellings within the development.

e. Fences may not be located within or around required common open space areas.

f. Landscaping located in common open space areas shall be designed to allow for easy access and use of the space by all residents, to accommodate principles of Crime Prevention through Environmental Design (CPTED), and to facilitate maintenance needs. Existing mature trees shall be retained in this area, as appropriate for site design.

g. Unless the shape or topography of the site precludes the ability to locate units adjacent to the common open space, the following standards must be met:

(1) The open space shall be located so that it will be surrounded by cottages or common buildings on at least three (3) sides;

(2) At least fifty percent (50%) of the units in the development shall abut a common open space. A cottage is considered to "abut" an area of open space if there is no structure, road, or critical area between the unit and the open space.

6. Private Open Space.

(1) Each cottage unit must have a covered porch with a minimum area of sixty-four (64) square feet per unit and a minimum dimension of seven (7) feet on all sides. Porches shall be associated with primary point of entry.

(2) Each carriage unit shall have a deck or balcony, oriented toward the common open space.

(3) In addition to porches, at least three hundred (300) square feet of private, contiguous, usable open space adjacent to each individual dwelling unit shall be provided to contribute positively to the visual appearance of the development, promote diversity in planting materials, and utilize generally accepted good landscape design. The private open space shall be oriented toward the common open space as much as possible and shall have no dimension less than ten (10) feet. The private open space shall define private residences from common areas, trails, and parking areas. Fences surrounding these spaces shall be a maximum height of three feet and shall be wrought iron, cedar split rail, picket, or similar fencing material.

7. Pedestrian Flow through Development. Pedestrian connections shall link all buildings to the:

- a. Public right-of-way;
- b. Common open space;
- c. Parking areas; and
- d. Other cottage clusters in the development.

The pedestrian walkways shall meet International Building Code requirements for accessibility.

8. Shared Detached Garages and Surface Parking Design. Parking areas shall be located so their visual presence and associated noise are minimized, both within and outside the development. These areas shall also maintain the single-family character along public streets.

a. Shared detached garage structures may not exceed four (4) single-car garage doors per building. Carriage units are preferred above these garage structures.

b. For shared detached garages, the design of the structure must be of similar character to that of the dwelling units within the development.

c. Shared detached garage structures and surface parking areas must be screened from streets outside the development and adjacent residential uses by landscaping or architectural screening.

d. If garage structures are counted toward the required number of parking stalls, these structures shall be reserved through a covenant for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.

e. Surface parking areas may not be located in rows of more than six (6) spaces. Parking rows must be separated by a distance of at least twenty (20) feet.

9. Landscaping. The intent of these landscaping requirements is to enhance to overall appearance of the cottage housing development and to give the development an appearance of establishment.

a. Cottage housing developments shall incorporate a landscape master plan, designed and stamped by a professional landscape architect, and include the following elements:

(1) All landscaped areas (except that which is in private open spaces) shall be densely planted with a variety of decorative trees, shrubs, groundcovers, and other plants.

(2) Landscaping shall be located adjacent to all pathways and common open spaces and shall screen parking areas.

(3) Perimeter setback areas shall be landscaped in a manner that results in a dense landscape screen.

(4) Perimeter trees shall be maintained and incorporated in the master landscape plan.



(5) Landscaping shall be included within private open space, which shall be consistent with the overall landscape concept.

(6) The landscape design shall exhibit sensitivity to principles of Crime Prevention through Environmental Design (CPTED).

(7) Maintenance of landscaping (except that which is in private open spaces) shall be the responsibility of the Homeowners' Association.

b. Standards contained in KCC 15.08.240 for Tree Retention shall apply. Cottages shall be designed around significant trees. Within perimeter setbacks, all significant trees which do not constitute a safety hazard shall be retained.

10. Low Impact Development.

a. For single family zones, density bonuses will only be granted if all of the following low impact development (LID) techniques are met. LID techniques are not required if the proposal does not include a density bonus. LID techniques are required for cottage housing developments in multifamily zones. LID design standards shall be according to the 2005 Puget Sound Action Team LID Manual.

b. When the density bonus is applied or the project is located in a multifamily zone, the proposed site design shall incorporate the use of LID strategies to meet stormwater management standards.

c. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design shall implement the following objectives:

(1) Grading disturbance limited to roadway and building pad preparation. Removal and compaction of topsoils shall be minimized and soils may be amended to facilitate LID techniques. The replacement of topsoils on all pervious areas disturbed by construction shall be replaced.

(2) Use of pervious materials for a fifty percent (50%) of non-public driving and walking surfaces if soil type allows for infiltration.

(3) Treatment of stormwater in numerous small, decentralized structures, which include the use of multifunctional open drainage systems such as vegetated swales or filter strips which also help to fulfill landscaping and open space requirements.

(4) Other options meeting the intent of this section and approved in writing by Planning Services and Public Works.

11. Stormwater Regulations.

a. The proposed site design shall meet all applicable criteria from the 2002 City of Kent Surface Water Design Manual or current manual adopted by the City of Kent.

b. Some sites, due to size or steeply sloping topography, may have special difficulty including a stormwater detention pond in the proposed site design. Vaults will be considered on a site by site basis for stormwater detention and water quality with the following conditions.

(1) The vault access point(s) must be located in an area that will already be planned for impervious surface.

(2) Water quality improvement and infiltration are desired characteristics of stormwater detention facilities. Because vaults eliminate infiltration and potentially degrade water quality, the vault design must be shown to not have a detrimental impact on water quality, and that an infiltration facility would not be feasible.

(3) The proposal must include an analysis of low impact design techniques that will facilitate infiltration outside the vault, as included in the 2005 Puget Sound Action Team LID Manual.

(4) The stormwater system will be required to be maintained by a homeowner's association.


c. The special allowances for vaults in lieu of open water facilities for cottage housing demonstration projects do not nullify the requirements of the 2002 City of Kent Surface Water Design Manual or current manual adopted by the City of Kent for other developments.

**SECTION 6. - Severability.** If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.


**SECTION 7. - Effective Date.** This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

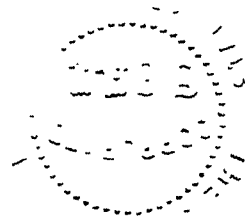
  
SUZETTE COOKE, MAYOR

ATTEST:

  
BRENDA JACOB, CITY CLERK

APPROVED AS TO FORM:

  
TOM BRUBAKER, CITY ATTORNEY



PASSED: 18 day of November, 2008.

APPROVED: 18 day of November, 2008.

PUBLISHED: 22 day of November, 2008.

I hereby certify that this is a true copy of Ordinance No. 3895  
passed by the City Council of the City of Kent, Washington, and approved  
by the Mayor of the City of Kent as hereon indicated.

Brenda Jacober (SEAL)  
BRENDA JACOBER, CITY CLERK

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