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ZONING ORDINANCE
For the City of
KENT, WASHINGTON

Repealing Ord. 784

Sec. 10.6.04 AMENDED
BY ORD. 1079

Repealed by 1827
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Sec. 10.6.12 - 10.6.14
10.7.02 - 10.14.03
Amended by Ord. 1100

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10.5.45, 10.6.02
Chapter 10.10
Amended by Ord. 1173

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Oswego, Oregon

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TITLE 10

ZONING ORDINANCE

City of Kent, Washington

AN ORDINANCE RELATED TO PLANNING AND ZONING FOR LAND USE AND DEVELOPMENT IN THE CITY OF KENT, TO BE KNOWN AS "ZONING ORDINANCE OF THE CITY OF KENT"; CREATING UNIFORM DISTRICTS IN WHICH COMPATIBLE USES ARE ALLOWED; PRESCRIBING STANDARDS FOR EACH DISTRICT; PRESCRIBING DENSITY CONTROLS; PRESCRIBING PROCEDURES AND STANDARDS FOR GRANTING CONDITIONAL USE EXCEPTIONS; PRESCRIBING PROCEDURES AND CONDITIONS FOR GRANTING VARIANCES IN HARDSHIP CASES; PROVIDING OFF-STREET PARKING; PROVIDING PROCEDURES FOR ADMINISTRATION, APPEAL, AMENDMENTS AND ENFORCEMENT; PROVIDING FOR PENALTIES; AND REPEALING ORDINANCE NO. 784

WHEREAS, the laws of Washington, Chapter 35.63 RCW authorize the implementation of comprehensive plans as prepared by the City Planning Commission and adopted by the City Council through such instrumentalities as a zoning ordinance, and

WHEREAS, the City Council deems it necessary, for the purpose of securing and promoting the health, safety and general welfare of the people and the City to enact a zoning ordinance, and

WHEREAS, the Planning Commission and the City Council have given due public notice of hearings relating to this Ordinance, and have held such hearings,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KENT:

CHAPTER 10.1

LEGISLATIVE INTENTS

Section 10.1.01 TITLE AND ADOPTION. This Ordinance shall be known and cited as the "ZONING ORDINANCE, City of Kent".

Section 10.1.02 GENERAL INTENT. It is the intent of the City Council to provide uniform, equitable and reasonable standards to govern the usage of land and structures in the interest of health, safety and the general welfare.

Section 10.1.03 PLAN AND POLICY. The zoning plan adopted for the City of Kent is an official map and land use policy to control and direct the use and development of property in the municipality by dividing it comprehensively into districts according to the present and potential use of the properties.

Section 10.1.04 PUBLIC WELFARE. Since the general welfare of the public is superior in importance to the pecuniary profits of the individual, this Ordinance may (1) limit the use of property, (2) cause depreciation of property values, or (3) prevent the most profitable use of land. Zoning does not, therefore, constitute a vested right. Also, if some reasonable use of the property is allowed by this Ordinance the effect is not confiscatory and is a proper exercise of police power.
Section 10.1.05 STANDARDS. Standards provided by this ordinance for particular districts and circumstances are determined to be the minimum requirements in the public interest of health, safety, and general welfare to achieve the objectives of the Comprehensive Plan.

Section 10.1.06 TEXT AND OFFICIAL MAP. This ordinance shall consist of the text hereof and that certain map or book of maps identified by the approving signature of the Mayor, City Clerk and City Attorney; and marked and designated as which map or book is placed on file in the offices of the City Clerk and other city departments. Said map has heretofore been examined and duly considered in detail by the City Council and is hereby adopted as a part of this ordinance. Said ordinance, and each and all of its terms and mapped details, is to read and be interpreted in the light of the contents of said book of maps and their relationship to the Comprehensive Plan. If any conflict between the map and the text of this ordinance is deemed to arise, the text of the ordinance shall prevail.
CHAPTER 10.2

USE DISTRICT CLASSIFICATIONS

Section 10.2.01 USE CLASSIFICATIONS. To effectuate the Comprehensive Land Use Plan as adopted by the City Council under Ordinance No. , and as amended from time to time, lands within the incorporated area of the City of Kent are hereby classified into the following categories which are further described in subsequent sections and so indicated on the Zoning Map.

**Transitional Agricultural Districts**
- Residential-Agricultural District
- Industrial-Agricultural District

**Residential Districts**
- Suburban Residential District
- Single Family Residential District
- Two Family Residential District
- Multiple Family Residential District
- Mobile Home Residential District

**Business and Commercial Districts**
- Neighborhood Business District
- Central Business District
- General Commercial District

**Industrial Districts**
- Light Industrial District
- Heavy Industrial District

Section 10.2.02 BOUNDARIES OF ZONING DISTRICTS.

(1) **Streets and Alleys, Lot Lines.** The boundaries of the various zoning districts shown on the Zoning Map are, unless otherwise indicated, centerlines of street, alley, or other public right-of-way; or lot lines as shown on the said map. Where the location of zoning district boundaries, as indicated on the map, are other than street, alley or other public rights-of-way, or lot lines, then such boundaries shall be as shown on the Zoning Map by figures for distances measured from the public rights-of-way or lot lines. Where the street layout actually on the ground varies from that shown on the Zoning Map, the designation shown on the map shall be applied by the Planning Commission or the Board of Adjustment so as to carry out the intent and purpose of the Zoning Plan for that district.

(2) **Divided Ownership.** Where a zoning district boundary line, as shown on the Zoning Map, divides a lot in a single ownership at the time of passage of this ordinance, the use permitted on the least restrictive portion of such lot may extend to the portion lying in the more restrictive district a distance of not more than 50 feet beyond the district boundary line.
CHAPTER 10.3

DEFINITIONS

Section 10.3.01 GENERAL DEFINITIONS. For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; the word "person" may be taken for persons, association, firm, co-partnership or corporation; the word "structure" includes building; the word "occupied" includes designed or intended to be used; and the word "shall" is always mandatory and not merely directive.

Section 10.3.02 SPECIFIC DEFINITIONS.

ACCESSORY USE OR STRUCTURE. One which is subordinate to the principal use of a building on the lot serving a purpose customarily incidental to the principal use of the building.

ALLEY. A public right-of-way not over thirty (30) feet wide which affords, generally, a secondary means of access to abutting lots, not intended for general use.

AUTOMOBILE REPAIR. Includes fixing, incidental body or fender work, painting and upholstering, engine tune-up, adjusting lights, brakes, supplying and installing replacement parts to passenger vehicles and trucks.

APARTMENT HOUSE. A building or portion thereof used or intended to be used as a home with three or more families or householders living independently of each other.

ACCESSORY BUILDINGS. A building, structure or facility such as a garage, woodshed, utility building, heating plant, or storage bin, customarily incidental to and located upon the same lot, tract, or in the same area occupied by the main building.

BASEMENT. The portion of a building included between a floor with its level two feet or more below the level from which the height of the building is measured and the ceiling next above said floor.

BASIC REQUIREMENTS. Those requirements for each land use district to encourage, protect and preserve the general welfare of the area by promoting coordinated development and securing appropriate allotments of space for all uses in harmonious relationships.

BOARDING HOUSE. A building other than a hotel, where for compensation, meals, or lodging and meals, are provided for four or more persons.

BILLBOARD. An outdoor advertising sign, being any structure or portion thereof, situated on private premises, upon which lettered or pictured material is displayed for advertising purposes, other than the name and occupation of the user, or the nature of the business conducted on such premises or the products primarily sold or manufactured thereon.
BREEZEWAY. A structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

BUILDING. Any structure built or used for the support, shelter, or enclosure of any persons, animals, goods, equipment, or chattels and property of any kind.

BUILDING LINE. A line established by this Ordinance to govern the placement of building with respect to streets and alleys. The front property line shall be the front line as shown upon official plats of the property in all subdivisions platted. In all other cases the front line shall be according to the comprehensive plan or the determination of the City Engineer.

BULK PLANT. An establishment where flammable liquids are received by tank vessel, pipe lines, tank car, or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipe line, tank car, tank vehicle or container.

CLINIC. A building or portion of a building containing offices and facilities for providing medical, dental or psychiatric services for outpatients only.

COMPREHENSIVE PLAN. The plans, maps, reports which have been adopted by the City Council in accordance with RCW 35.63.

CONDITIONAL EXCEPTION. An activity specified by this Ordinance as a principal or an accessory use, permitted when authorized by the Board of Adjustment and subject to certain conditions.

COURT. An open, uncovered and unoccupied space within an allotted property line.

CONVALESCENT HOME. A building and premises in which two but not more than five (5) sick, injured or infirm ambulatory persons are housed or intended to be housed for special attention and compensation.

COUNCIL. When used in this Ordinance refers to the City Council, City of Kent.

DENSITY PROVISIONS. Those requirements for each land use district to encourage, protect and preserve the health, safety and general welfare of the area, through standards which include yards, height, bulk, lot area, lot coverage and occupancy limitations.

DISTRICT OR ZONE. A section or sections of the City within which the standards governing the use of buildings and premises are uniform.

DWELLING GROUP. Two or more detached dwelling structures located on the same lot.

DWELLING UNIT. A family combination with housekeeping and cooking facilities. Hotel, motel, room and boarding units shall not be considered as dwelling units.

EXCEPTION. A use permitted only after review of an application therefor by the Board of Adjustment, rather than administrative officials.
FAMILY. A person living alone, or two or more persons customarily living together as a single housekeeping unit and using common cooking facilities, as distinguished from a group occupying a hotel, club, board or lodging house.

FLOOR-AREA-RATIO. The ratio of usable floor area of a structure to the total area of the lot or land area occupied by such structure.

GARAGE, PRIVATE. An accessory building or part of a main building intended primarily for the storage of motor vehicles as an accessory use, and when the storage space does not exceed that for the following number of vehicles:

(a) For one-family dwelling: three vehicles, not more than one of which may be a non-passenger vehicle. See Sec. 10.11.4, page 59

(b) For any other dwelling: passenger vehicles equal to 150% of the number of dwelling units in the dwelling. See section 10.11.4, page 59

(c) For any other use: no limitations.

GARAGE, PUBLIC. A structure or portion thereof other than a private or community garage used for the storage, sale, hire, or repair of self-propelled vehicles or trailers.

GROSS AREA. The total usable area including accessory space dedicated to such things as streets, casements and uses out of character with the principal uses, but within a unit of area being measured.

GUEST COTTAGE. An accessory, detached dwelling without any kitchen facilities designed for and used to house transient visitors or non-paying guests of the occupants of the main building.

HEIGHT OF BUILDING: The vertical distance at the center of a building's principal front, measured from the level of the first floor above grade to the highest point of the roof beams in the case of flat roofs, to the deck line of mansard roofs, or to the center height between eaves and ridges for gable, hip or gambrel roofs. For buildings set back from the street line, the height may be measured from the average elevation of the finished grade along the front of the building.

HOME OCCUPATION. Any use customarily carried on within a dwelling by the inhabitants thereof which use is incidental to the residential use, and not primarily considered as a business.

HOTEL. A building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

JUNK YARD. A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used-lumber yards, and yards for use of salvaged house wrecking and structural steel materials and equipment.
KENNEL. Any premises on which 4 or more dogs, which are five months old or older, are kept.

LOT. A parcel of land under one ownership used or capable of being used under the regulations of this Ordinance, including both the building site and all required yards and other open spaces, and having frontage upon a street or alley.

LOT COVERAGE. That portion of a lot that is occupied by the principal building and its accessory buildings, expressed as a percentage of the total lot area. It shall include all projections except caves.

LOT DEPTH. The horizontal distance between the front and rear lot lines.

LOT WIDTH. The distance between side lot lines measured at the front yard building line.

MAJOR THOROUGHFARES. The primary and secondary arterials and state highways as shown on the Comprehensive Plan.

MANUFACTURE. The converting of raw unfinished materials or products, or any or either of them into an article or articles or substance of a different character or for use for a different character or for use as a different purpose.

MOBILE HOME. All vehicles, self propelled or propelled by another vehicle, for use or capable of being used for living and/or sleeping quarters and not conforming to any schedule operating between fixed termini.

MOBILE HOME PARK. Any property used for the accommodation of inhabited trailer or mobile home coaches.

MULTIPLE FAMILY RESIDENCE. A building arranged to be occupied by more than two families.

NET AREA. The total usable area exclusive of space dedicated to such things as streets, basements, and use out of character with the principal uses.

NON-CONFORMING USE. A use or an activity involving a building or land occupying or in existence at the effective date of this Ordinance or at the time of any amendments thereto which does not conform to the standards of the zoning district in which located.

NURSING OR REST HOME. Any building where persons are housed or lodged and furnished with meals and nursing care for hire.

OFF-STREET PARKING SPACE. A permanently surfaced area for the parking of a motor vehicle.

PRINCIPAL USES PERMITTED OUTRIGHT. Those uses allowed as a matter of right within certain land use districts without public hearing, zoning permit, conditional exception or variance; provided that such use is in accordance
with requirements of the particular district and general conditions stated elsewhere in the Ordinance.

PROFESSIONAL-TYPE SERVICE. Activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist and teacher, excluding services such as real estate and insurance sales. The distinction between the practice of a "profession" and the conduct of a mercantile "business" is that the former is purely personal, depending upon skill or art of the individual, while the latter may consist in the ability to organize and manage a shop or exchange where commodities are bought or sold.

PROHIBITED USES. Any use which is not specifically enumerated or interpreted as allowable in that district.

PROJECTION. A combination of materials constructed or added to a building or structure that extends into the yards, but is not part of the bearing members, roof or enclosure, and not essential to the creation of usable space.

ROOMING HOUSE. A building wherein furnished rooms, without cooking facilities, are rented for compensation to three (3) or more non-transient persons not included in the family unit of the owner or tenant of the premises.

SERVICE STATION. A retail establishment for the sale on the premises of motor vehicle fuel and other petroleum products and automobile accessories, and for the washing, lubrication, and minor repair of automotive vehicles.

SIGN ADVERTISING. Any structure or portion thereof that is intended for advertising purposes or on which letters, figures, or pictorial matter are, or are intended to be displayed; other than a business sign.

SIGN, BUSINESS. Any sign, structure, or device which directs attention to the premises on which located, or the occupant of the premises, or the goods or services manufactured, produced, or available on the premises.

STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. First story means any floor not over 4½ feet above the established grade, or if set back, above average ground level at front line of building.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.

STREETS. A public way 40 feet or more in right of way width which affords a primary means of access to property.

USE. An activity or purpose for which land or premises or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.
UTILITY. A public service or quasi-public service operated to provide the necessary functions for the whole community.

VARIANCE. A modification of the regulations of this Ordinance when authorized by the Board of Adjustment after finding that the literal application of the provisions of this Ordinance would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.

VICINITY. The area surrounding a use in which such use produces a discernable influence by esthetic appearance, traffic, noise, glare, smoke or similar influences.

YARDS. The land unoccupied or unobstructed, from the ground upward, except for such encroachments as may be permitted by this Ordinance, surrounding a building site.

YARD, FRONT. An open space, other than the court, on the same lot with the building, between the front line of the building (exclusive of steps) and the front property line and including the full width of the lot to its side line.

YARD, REAR. An open space on the same line with the building, between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot including the full width of the lot to its side lines.

YARD, SIDE. An open space on the same lot with the building between the side wall line of the building and the side line of the lot and extending from front yard to rear yard. No portion of a structure shall project into any side yard except eaves which may project 2 feet, 0 inches.

ZONING. The regulation of the use of private lands or the manner of construction related thereto in the interest of achieving a comprehensive plan of development. Such regulations shall also govern those public and quasi-public land use and buildings which provide for proprietary type service for the community's benefit as contrasted with governmental activities. Governmental activities are encouraged to cooperate under these regulations to secure harmonious city development.

ZONING LOT. A tract of land occupied or to be occupied by a principal building and its accessory facilities, together with such open spaces and yards as are required under the provisions of this Ordinance, having not less than the minimum area required by this Ordinance for a zoning purpose in the district in which such land is situated, and having its principal frontage on a public street of standard width and improvement. A "zoning lot" need not necessarily coincide with the "record lot" which refers to land designated as a separate and distinct parcel on a legally recorded subdivision plat or in a legally recorded deed filed in the records of the County.

ZONE TRANSITION LOT. A parcel of land abutting a district boundary where the district boundary is not a street upon which more restrictive or less restrictive standards are affixed by this Ordinance. The width of such parcel shall be the width of the lot as platted, but not to exceed 100 feet in any instance.
CHAPTER 10.4

TRANSITIONAL AGRICULTURAL ZONING DISTRICTS

Section 10.4.01 PURPOSE AND FUNCTION. The purpose and function of the Transitional Agricultural Zoning Districts is to provide minimum standards and requirements governing land use for certain areas generally undeveloped or under cultivation, or in use for agricultural and related purposes, which areas are determined to be in transitional stages of development for uses of a more intensive character.

Section 10.4.02 RESIDENTIAL-AGRICULTURAL DISTRICT - RA - PURPOSE AND FUNCTION. The Residential-Agricultural District is intended to provide minimum standards for areas in transitional development for uses predominantly residential in character in general conformance to the Comprehensive Plan.

Section 10.4.03 RESIDENTIAL-AGRICULTURAL ZONING DISTRICT - RA - PRINCIPAL USES PERMITTED OUTRIGHT.

(1) One-family detached dwellings, including servants' quarters, private garages, guest cottages, accessory buildings and uses, and home occupations.

(2) All land uses, activities, operations, buildings, structures and other facilities necessary for agriculture, dairying, grazing, horticulture, and the growing and harvesting of agricultural crops, providing however that the aforementioned shall not include commercial or industrial processing, manufacturing or packaging of food, dairy and other agricultural or horticultural products, except those sold at retail on the premises.

(3) Accessory uses of all kinds.

(4) The sale on the premises of all products grown and harvested, but not including any business, trade or industry.

(5) Home occupations are permitted which are customarily carried on within a dwelling by a member or members of a family. Such activity shall be secondary to the use of the dwelling for living purposes. No more than 25% of the floor space of the main floor, which may be in the basement, or on the first floor only, of such dwelling may be used and under no circumstances more than 300 square feet.

After the effective date of this Ordinance, a Certification of Occupancy from the City Engineer shall be required of the property owner for all home occupations established in buildings and premises not now containing such use and located in any residential district.

For additional requirements see Section 10.10.23.

Section 10.4.04 RA ZONING DISTRICT - CONDITIONAL EXCEPTIONS. The following uses may be authorized by the Board of Adjustment as conditional exceptions in RA Zoning Districts as indicated.

(1) Parks and playgrounds.
(2) Public, private and parochial schools and supporting dormitory facilities, provided that playfields, exclusive of the building site, shall be provided at the minimum ratio of 1 acre per hundred students for elementary schools and 1 1/2 acre per hundred students for junior and senior high schools, maximum design capacity.

(3) Churches and other religious or charitable organizations.

(4) Public and governmental buildings serving as administrative offices.

(5) Fire and police stations.

(6) Libraries.

(7) Hospitals, rest and convalescent facilities for human beings, but not for treatment of contagious diseases, insanity, feeble minded, epileptics, or liquor or drug addicts.

(8) Nursery schools, day nurseries, orphanages, private kindergartens and similar child-care centers, provided there is established and maintained in connection therewith a fenced and screened play lot on or adjoining the premises with a minimum area of 400 square feet plus an additional 40 square feet for each child in excess of ten.

(9) Private clubs, lodges, convents, social or recreational buildings and community assembly halls except those having a chief activity carried on for monetary gain; provided, that any building used for such purposes shall be at least 50 feet distant from any adjoining residentially used lot; and provided that there be no external evidence of gainful activities, however incidental; nor any access to any space used for gainful activities other than from within the building.

(10) Office buildings for professional-type services such as physicians, surgeons, dentists, architects, accountants, artists, authors, engineers, lawyers, and similar occupations; provided the property is planned, built and operated as a unit and adjoins or abuts a business or industrial district within the same block and/or borders or fronts on a street which is a continuation of a street in the business or industrial zone, bordering the same block; provided that a determination is made that the character of the residential district shall not be materially affected.

(11) Railroad rights-of-way, but not yards or other similar facilities.

(12) Franchised and public utility and communication facilities, such as branch telephone exchanges, static transformers, booster stations, pumping stations, provided there are no service or storage buildings or yards in connection therewith.

(13) Similar uses not harmful to or inconsistent with a residential neighborhood environment.
Section 10.4.05 RA ZONING DISTRICT - EXISTING RESIDENTIAL USES OF GREATER DENSITY NOT NON-CONFORMING. Residential uses of any kind located in an RA Zoning District and in existence at the time of adoption of this Ordinance shall not be deemed non-conforming in terms of the density provisions relating to this District.

Section 10.4.06 RA ZONING DISTRICT - PROHIBITED USES. In the RA Zoning District no mobile home, camping trailer or similar conveyance while being used for living and/or sleeping quarters or human habitation of any kind shall be allowed to stand or to be parked on or to occupy any portion of a lot in said district. No more than one each of such mobile home, camping trailer, boat or other similar conveyance may be stored on a single lot used for residential purposes, providing that such conveyances shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the principal building; (3) not be less than 10 feet from any flanking or side street line; and (4) not be less than 5 feet from any side or rear lot line.

Section 10.4.07 RA ZONING DISTRICT - DENSITY PROVISIONS. Density provisions for the RA Zoning District are as follows:

1. Maximum height of building: Two story but not to exceed 35 ft.
2. Minimum area of lot: 1 acre.
3. Minimum width of lot: 100 ft.
4. Maximum percent of building coverage on lot: 30%.
5. Minimum front yard depth: 30 ft.
7. Minimum side yard width along flanking street of corner lot: 20 ft.
8. Minimum rear yard: 50 ft.

Section 10.4.1 INDUSTRIAL-AGRICULTURAL DISTRICT - MA - PURPOSE AND FUNCTION. The Industrial-Agricultural District is intended to provide minimum standards for areas in transitional development for uses predominantly industrial in character in general conformance to the Comprehensive Plan.

Section 10.4.2 INDUSTRIAL-AGRICULTURAL ZONING DISTRICT - MA - PRINCIPAL USES PERMITTED OUTRIGHT.

1. Principal uses permitted outright in the Residential-Agricultural Zoning District RA.

2. Processing, manufacturing, storage and warehousing of agricultural, dairy and horticultural products.

3. Animal hospitals or clinics, boarding kennels, breeding establishments and other uses and facilities of the same general character.

4. Airports, drive-in theaters, golf courses, public stables, riding academies, rodeo grounds, golf driving ranges, and other uses of a similar character requiring large land areas.
(5) Railroad rights-of-way, yards, and operating facilities.

(6) Franchised and public utility structures, facilities and operations of all kinds serving and supporting residential, commercial or industrial uses.

(7) Storage and equipment yards of all kinds, provided, however, that no wrecking, salvaging, junking or similar operations are carried on, and no storage or sales of junk, scrap or salvage materials are conducted; and provided, further, that such yards, when located within 300 feet from the boundaries of any residential zoning district or of any residential-use area shown on the Comprehensive Plan, shall be completely fenced or screened by sight-obscuring material so that the interior of such yards shall not be visible from any point on the ground or in any building within the vicinity area. The set-back and yard provisions in effect for the respective residential zoning districts shall apply to such yards when located on adjoining or abutting property.

(8) Accessory uses of all kinds.

Section 10.4.3 M. ZONING DISTRICT - CONDITIONAL EXCEPTIONS. The conditional exceptions that may be authorized by the Board of Adjustment in the M. Zoning district are as follows:

1. Any uses deemed to be of the same general character as the principal uses permitted outright exclusive of livestock auction barns and yards and commercial livestock feeding yards or lots.

Section 10.4.4 M. ZONING DISTRICT - EXISTING RESIDENTIAL USES OF GREATER DENSITY NOT NON-CONFORMING. Residential uses of any kind located in an M. Zoning District and in existence at the time of adoption of this Ordinance shall not be deemed non-conforming in terms of the density provisions relating to this District.

Section 10.4.5 M. ZONING DISTRICT - PROHIBITED USES. In the M. Zoning District no mobile home, camping trailer or similar conveyance while being used for living and/or sleeping quarters or human habitation of any kind shall be allowed to stand or to be parked on or to occupy any portion of a lot in said district. No more than one each of such mobile home, camping trailer, boat or other similar conveyance may be stored on a single lot used for residential purposes, providing that such conveyances shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the principal building; (3) not be less than 10 feet from any flanking or side street line; and (4) not be less than 5 feet from any side or rear lot line.

Section 10.4.6 M. ZONING DISTRICT - DENSITY PROVISIONS. Density provisions for M. Zoning District are as follows:

1. Maximum height of building: 90 feet.
2. Minimum area of lot: 3 acres.
4. Maximum lot coverage: 20%
5. Minimum front, rear and side yards width: None except where property in such district flanks or is opposite a residential zone, in which case the set-backs of the residential zoning district shall be observed.
CHAPTER 10.5

RESIDENTIAL ZONING DISTRICTS

Section 10.5.01 SUBURBAN RESIDENTIAL ZONING DISTRICT - SR - PRINCIPAL USES PERMITTED OUTRIGHT. The principal uses permitted outright in this district are as follows:

(1) One-family detached dwellings, including servant's quarters, private garages, guest cottages, accessory buildings and uses, and home occupations.

(2) Agricultural uses including horticultural and nurseries, but not including the raising of animals or fowl for commercial purposes, or the sale of any produce or products at retail on the premises.

(3) A private stable, if located not less than 60 feet from a front street line or a side or rear lot line, providing accommodations for not more than one horse, mule or pony for the first one acre and no more than one additional of the before-mentioned animals per each 10,000 additional square feet more than the first acre in the tract.

(4) Home occupations are permitted which are customarily carried on within a dwelling by a member or members of a family. Such activity shall be secondary to the use of the dwelling for living purposes. Not more than 25 percent of the floor space of the main floor, which may be in the basement, or on the first floor only of such dwelling may be used, and under no circumstances more than 300 square feet.

After the effective date of this Ordinance, a Certificate of Occupancy from the City Engineer shall be required of the property owner for all home occupations established in buildings and premises not now containing such use and located in any residential district.

For additional requirements, see Section 10.10.23.

Section 10.5.02 SR ZONING DISTRICT - ACCESSORY USES PERMITTED.

(1) Accessory uses customarily incidental to a principal use permitted outright, such as private garages or parking areas for non-commercial vehicles only, conservatories for plants and flowers, but not including any business, trade or industry.

(2) Non-flashing residential name plates not exceeding 64 square inches bearing only the name and address of the occupant; non-flashing sign or bulletin boards for quasi-public institutional buildings not exceeding 30 square feet permitted for non-residential uses and conditional exceptions.

Section 10.5.03 SR ZONING DISTRICT - CONDITIONAL EXCEPTIONS. The following uses may be authorized by the Board of Adjustment as conditional exceptions in an SR Zoning District as indicated. Such uses, although not permitted outright, shall not be deemed non-conforming if existing at the time of the adoption of this Ordinance.
(1) Parks and playgrounds.

(2) Public, private and parochial schools and supporting dormitory facilities, provided that playfields, exclusive of the building site, shall be provided at the minimum ratio of 1 acre per hundred students for elementary schools and 1 1/2 acre per hundred students for junior and senior high schools, maximum design capacity.

(3) Churches and other religious or charitable organizations.

(4) Public and governmental buildings serving as administrative offices.

(5) Fire and police stations.

(6) Libraries.

(7) Hospitals, homes for aged, "retirement" homes, rest and convalescent facilities for human beings, but not for treatment of contagious diseases, insanity, feeble minded, epileptics, or liquor or drug addicts.

(8) Nursery schools, day nurseries, orphanages, private kindergartens and similar child-care centers, provided there is established and maintained in connection therewith a fenced and screened play lot on or adjoining the premises with a minimum area of 400 square feet plus an additional 40 square feet for each child in excess of ten.

(9) Private clubs, lodges, convents, social or recreational buildings and community assembly halls except those having a chief activity carried on for monetary gain; provided, that any building used for such purposes shall be at least 50 feet distant from any adjoining residentially used lot; and provided that there be no external evidence of gainful activities, however incidental; nor any access to any space used for gainful activities other than from within the building.

(10) Office buildings for professional-type services such as physicians, surgeons, dentists, architects, accountants, artists, authors, engineers, lawyers, and similar occupations; provided the property is planned, built and operated as a unit and adjoins or abuts a business or industrial district within the same block, and/or borders or fronts on a street which is a continuation of a street in the business or industrial zone, bordering the same block; provided that a determination is made that the character of the residential district shall not be materially affected.

(11) Railroad rights-of-way and operating facilities appurtenant thereto, but not yards, industrial spurs, or other similar facilities.

(12) Franchised and public utility and communication facilities, such as branch telephone exchanges, static transformers, booster stations, pumping stations, provided there are no service or storage buildings or yards in connection therewith.

(13) Cemeteries, mausoleums and crematoria.
(14) Private or public golf courses and country club or social club facilities in connection therewith.

(15) Similar uses not harmful to or inconsistent with a residential neighborhood environment.

Section 10.5.04 SR ZONING DISTRICT - EXISTING RESIDENTIAL USES OF GREATER DENSITY NOT NON-CONFORMING. Residential uses of any kind located in an SR District and in existence at the time of adoption of this Ordinance shall not be deemed non-conforming.

Section 10.5.05 SR ZONING DISTRICT - PROHIBITED USES. In the SR Zoning District no mobile home, camping trailer or similar conveyance while being used for living and/or sleeping quarters or human habitation of any kind shall be allowed to stand or to be parked on or to occupy any portion of a lot in said district. No more than one each of such mobile home, camping trailer, boat or other similar conveyance may be stored on a single lot used for residential purposes, providing that such conveyances shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the principal building; (3) not be less than 10 feet from any flanking or side street line; and (4) not be less than 5 feet from any side or rear lot line.

Section 10.5.06 SR ZONING DISTRICT - DENSITY PROVISIONS. Density provisions for the SRZoning District are as follows:

1. Maximum number of families permitted per lot: 1
3. Minimum area of lot: 20,000 square feet.
4. Minimum width of lot: 100 feet.
5. Maximum percent of building coverage of lot: 20%.
7. Minimum side yard width: 15 feet.
8. Minimum side yard width along flanking street of corner lot: 20 ft.
9. Minimum rear yard required: 50 feet.

Section 10.5.1 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT - R1 - PRINCIPAL USES PERMITTED OUTRIGHT.

1. One single family detached dwelling structure per lot.
2. Subsistence or hobby-type gardening and horticultural activities and related structures having less than 400 square feet total area and used solely for non-commercial purposes.

Section 10.5.2 R1 ZONING DISTRICT - ACCESSORY USES PERMITTED.

1. Uses customarily incidental to a principal use permitted outright,
such as private garages or parking areas for non-commercial vehicles only, but not including any business, trade or industry.

(2) Home occupations are permitted which are customarily carried on within a dwelling by a member or members of a family. Such activity shall be secondary to the use of the dwelling for living purposes. Not more than 25 percent of the floor space of the main floor, which may be in the basement, or on the first floor only, of such dwelling may be used, and under no circumstances more than 300 square feet.

After the effective date of this Ordinance a Certificate of Occupancy from the City Engineer shall be required of the property owner for all home occupations established in buildings and premises not now containing such use and located in any residential district.

For additional requirements, see Section 10.10.23.

(3) The renting of rooms by the resident owner for lodging purposes only, and for the accommodation of not more than 2 roomers in a single-family dwelling.

(4) Non-flashing residential name plates not exceeding 64 square inches bearing only the name and address of the occupant; non-flashing bulletin boards or signs not exceeding 30 square feet for quasi-public institutional buildings.

Section 10.5.3 RI ZONING DISTRICT - CONDITIONAL EXCEPTIONS. The following uses may be authorized by the Board of Adjustment as conditional exceptions in an RI Zoning District as indicated. Such uses, although not permitted outright, shall not be deemed non-conforming if existing at the time of the adoption of this Ordinance.

(1) Parks and playgrounds.

(2) Public, private and parochial schools and supporting dormitory, convents and facilities, provided that playfields, exclusive of the building site, shall be provided at the minimum ratio of 1 acre per hundred students for elementary schools and 1 1/2 acre per hundred students for junior and senior high schools, maximum design capacity.

(3) Churches and other religious or charitable organizations.

(4) Public and governmental buildings serving as administrative offices.

(5) Fire and police stations.

(6) Libraries.
(7) Franchised and public utility and communication facilities, such as branch telephone exchanges, static transformers, booster stations, pumping stations, provided there are no service or storage buildings or yards in connection therewith and that proper landscaping and screening is provided.

(8) Similar uses not harmful to or inconsistent with a residential neighborhood environment.

Section 10.5.4 RL ZONING DISTRICT - TWO-FAMILY DWELLING STRUCTURES NOT NON-CONFORMING. Two family dwelling structures (duplexes), although not permitted outright, shall not be deemed non-conforming if existing at the time of adoption of this Ordinance.

Section 10.5.5 RL ZONING DISTRICT - PROHIBITED USES. In the RL Zoning District no mobile home, camping trailer or similar conveyance while being used for living and/or sleeping quarters or human habitation of any kind shall be allowed to stand or to be parked on or to occupy any portion of a lot in said district. No more than one each of such mobile home, camping trailer, boat or other similar conveyance may be stored on a single lot used for residential purposes, providing that such conveyances shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the principal building; (3) not be less than 10 feet from any flanking or side street line; and (4) not be less than 5 feet from any side or rear lot line.

Section 10.5.6 RL ZONING DISTRICT - DENSITY PROVISIONS. Density provisions for the RL Zoning District are as follows:

(1) Maximum number of families permitted per lot: 1

(2) Maximum height of building: 2 1/2 story but not to exceed 35 ft.

(continued on page 19)
(3) Minimum area of lot: 7000 square feet.

(4) Minimum depth of lot: 80 feet.

(5) Minimum width of lot: 60 feet.

(6) Maximum percent of building coverage: 30% of lot.

(7) Minimum front yard depth: 20 feet.

(8) Minimum side yard width: 5 feet.

(9) Minimum side yard width along flanking street of corner lot: 15 ft.

(10) Minimum rear yard required: 25 feet.

Section 10.5.11 TWO-FAMILY RESIDENTIAL ZONING DISTRICT R2 - PRINCIPAL USES PERMITTED OUTRIGHT.

(1) Principal uses permitted outright in R1 Zoning District.

(2) Two-family attached dwellings (duplexes).

(3) Single family detached dwellings on lots of 6000 square feet minimum area.

Section 10.5.12 R2 ZONING DISTRICT - ACCESSORY USES PERMITTED

(1) Uses customarily incidental to a principal use permitted outright, such as private garages or parking areas for non-commercial vehicles only, but not including any business trade or industry.

(2) Home occupations are permitted which are customarily carried on within a dwelling by a member or members of a family. Such activity shall be secondary to the use of the dwelling for living purposes. Not more than 25 percent of the floor space of the main floor, which may be in the basement, or on the first floor only, of such dwelling may be used, and under no circumstances more than 300 square feet.

After the effective date of this Ordinance, a Certificate of Occupancy from the City Engineer shall be required of the property owner for all home occupations established in buildings and premises not now containing such use and located in any residential district.

For additional requirements, see Section 10.10.23.

(3) The renting of rooms by the resident owner for lodging purposes only, and for the accommodation of not more than 2 roomers in a single-family dwelling.

(4) Non-flashing residential name plates not exceeding 64 square inches bearing only the name and address of the occupant; non-flashing bulletin boards or signs not exceeding 30 square feet for quasi-public institutional buildings.
Section 10.5.13 R2 ZONING DISTRICT - CONDITIONAL EXCEPTIONS. The following uses may be authorized by the Board of Adjustment as conditional exceptions in an R2 Zoning District as indicated. Such uses, although not permitted outright, shall not be deemed non-conforming if existing at the time of adoption of this Ordinance.

(1) Parks and playgrounds.

(2) Public, private and parochial schools and supporting dormitory facilities, provided that playfields, exclusive of the building site, shall be provided at the minimum ratio of 1 acre per hundred students for elementary schools and 1½ acre per hundred students for junior and senior high schools, maximum design capacity.

(3) Churches and other religious or charitable organizations.

(4) Public and governmental buildings serving as administrative offices.

(5) Fire and police stations.

(6) Libraries.

(7) Hospitals, homes for aged, "retirement" homes, rest and convalescent facilities for human beings but not for treatment of contagious diseases, insanity, feeble minded, epileptics, or liquor or drug addicts.

(8) Nursery schools, day nurseries, orphanages, private kindergartens and similar child-care centers, provided there is established and maintained in connection therewith a fenced and screened play lot on or adjoining the premises with a minimum area of 400 square feet plus an additional 40 square feet for each child in excess of ten.

(9) Private clubs, lodges, convents, social or recreational buildings and community assembly halls except those having a chief activity carried on for monetary gain; provided, that any building used for such purposes shall be at least 50 feet distant from any adjoining residentially used lot; and provided that there be no external evidence of gainful activities, however incidental; nor any access to any space used for gainful activities other than from within the building.

(10) Office buildings for professional-type services such as physicians, surgeons, dentists, architects, accountants, artists, authors, engineers, lawyers, and similar occupations; provided the property is planned, built and operated as a unit and adjoins or abuts a business or industrial district within the same block, and/or borders or fronts on a street which is a continuation of a street in the business or industrial zone, bordering the same block; provided that a determination is made that the character of the residential district shall not be materially affected.

(11) Railroad rights-of-way and operating facilities appurtenant thereto, but not yards, industrial spurs, or other similar facilities.

(12) Franchised and public utility and communication facilities, such as branch telephone exchanges, static transformers, booster stations, pumping stations, provided there are no service or storage buildings or
yards in connection therewith.

(13) Cemeteries, mausoleums, crematoriums and columbariums.

(14) Private or public golf courses and country club or social club facilities in connection therewith.

(15) Similar uses not harmful to or inconsistent with a residential neighborhood environment.

Section 10.5.14 R2 ZONING DISTRICT - PROHIBITED USES. In the R2 Zoning District no mobile home, camping trailer or similar conveyance while being used for living and/or sleeping quarters or human habitation of any kind shall be allowed to stand or to be parked on or to occupy any portion of a lot in said district. No more than one each of such mobile home, camping trailer, boat or other similar conveyance may be stored on a single lot used for residential purposes, providing that such conveyances shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the principal building; (3) not be less than 10 feet from any flanking or side street line; and (4) not be less than 5 feet from any side or rear lot line.

Section 10.5.15 R2 ZONING DISTRICT - DENSITY PROVISIONS. Density provisions for the R2 Zoning District are as follows:

(1) Maximum height of buildings: 2½ story, but not to exceed 35 ft.

(2) Minimum area of lot: 6000 square ft. for single family detached dwelling structures, 8000 square ft. for two-family attached dwelling structures.

(3) Minimum depth of lot: 90 feet.

(4) Minimum width of lot: 60 feet.

(5) Maximum percent of lot coverage: 40%.

(6) Minimum front yard depth: 20 feet.

(7) Minimum side yard width: 5 feet.

(8) Minimum side yard width along flanking street of corner lot: 15 ft.

(9) Minimum rear yard required: 25 feet.

Section 10.5.21 MULTIPLE DWELLING ZONING DISTRICT R3 - PRINCIPAL USES PERMITTED OUTRIGHT.

(1) Principal uses permitted outright in the R2 Zoning District,

(2) Multiple dwelling structures or groups of structures, including triplex and fourplex family dwelling structures, and multi-family apart-
ments in which units are rented on a permanent basis, but not including motels, mobile homes, or other facilities offered on a transient tenancy basis.

Section 10.5.22 R3 ZONING DISTRICT - ACCESSORY USES PERMITTED.

(1) Uses customarily incidental to a principal use permitted outright, such as private garages or parking areas for non-commercial vehicles only, but not including any business trade or industry.

(2) Home occupations are permitted which are customarily carried on within a dwelling by a member or members of a family. Such activity shall be secondary to the use of the dwelling for living purposes. Not more than 25 percent of the floor space of the main floor, which may be in the basement, or on the first floor only, of such dwelling may be used, and under no circumstances more than 300 square feet.

After the effective date of this Ordinance, a Certificate of Occupancy from the City Engineer shall be required of the property owner for all home occupations established in buildings and premises not now containing such use and located in any residential district.

For additional requirements, see Section 10.10.23.

(3) The renting of rooms by the resident owner for lodging purposes only, and for the accommodation of not more than 2 roomers in a single-family dwelling.

(4) Non-flashing residential name plates not exceeding 64 square inches bearing only the name and address of the occupant; non-flashing bulletin boards or signs not exceeding 30 square feet for quasi-public institutional buildings.

Section 10.5.23 R3 ZONING DISTRICT - CONDITIONAL EXCEPTIONS. The following uses may be authorized by the Board of Adjustment as conditional exceptions in an R3 Zoning District as indicated. Such uses, although not permitted outright, shall not be deemed non-conforming if existing at the time of the adoption of this Ordinance.

(1) Parks and playgrounds.

(2) Public, private and parochial schools and supporting dormitory facilities, provided that playfields, exclusive of the building site, shall be provided at the minimum ratio of 1 acre per hundred students for elementary schools and 1½ acre per hundred students for junior and senior high schools, maximum design capacity.

(3) Churches and other religious or charitable organizations.

(4) Public and governmental buildings serving as administrative offices.

(5) Fire and police stations.

(6) Libraries.
(7) Hospitals, homes for aged, "retirement" homes, rest and convalescent facilities for human beings, but not for treatment of contagious diseases, insanity, feeble minded, epileptics, or liquor or drug addicts.

(8) Nursery schools, day nurseries, orphanages, private kindergartens and similar child-care centers, provided there is established and maintained in connection therewith a fenced and screened play lot on or adjoining the premises with a minimum area of 400 square feet plus an additional 40 square feet for each child in excess of ten.

(9) Private clubs, lodges, convents, social or recreational buildings and community assembly halls except those having a chief activity carried on for monetary gain; provided, that any building used for such purposes shall be at least 50 feet distant from any adjoining residentially used lot; and provided that there be no external evidence of gainful activities however incidental; nor any access to any space used for gainful activities other than from within the building.

(10) Office buildings for professional-type services such as physicians, surgeons, dentists, architects, accountants, artists, authors, engineers, lawyers, and similar occupations; provided the property is planned, built and operated as a unit and adjoins or abuts a business or industrial district within the same block, and/or borders or fronts on a street which is a continuation of the same street in the business or industrial zone, bordering the same block; provided that a determination is made that the character of the residential district shall not be materially affected.

(11) Railroad rights-of-way and operating facilities appurtenant thereto, but not yard, industrial spurs, or other similar facilities.

(12) Franchised and public utility and communication facilities, such as branch telephone exchanges, static transformers, booster stations, pumping stations, provided there are no service or storage buildings or yards in connection therewith.

(13) Cemeteries, mausoleums, crematoriums and columbariums.

(14) Private or public golf courses and country club or social club facilities in connection therewith.

(15) Housing projects involving multi-family units in a grouping of buildings generally on single sites and planned and developed as an integral unit for which it is difficult or impossible to apply standards for density controls contained in this Ordinance. The Board of Adjustment shall take full cognizance of the problems imposed upon large scale developments on the basis of their conformance to accepted land and building planning principles and their effect upon existing land and property values in the vicinity thereof.

(16) Similar uses not harmful to or inconsistent with a residential neighborhood environment.
Section 10.5.24 R3 ZONING DISTRICT - PROHIBITED USES. In the R3 Zoning District no mobile home, camping trailer or similar conveyance while being used for living and/or sleeping quarters or human habitation of any kind shall be allowed to stand or to be parked on or to occupy any portion of a lot in said district. No more than one each of such mobile home, camping trailer, boat or other similar conveyance may be stored on a single lot used for residential purposes, providing that such conveyances shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the principal building (3) not be less than 10 feet from any flanking or side street line; and (4) not be less than 5 feet from any side or rear lot line.

Section 10.5.25 R3 ZONING DISTRICT - DENSITY PROVISIONS. Density provisions for the R3 Zoning District are as follows:

1. Maximum height of buildings: 3 stories, but not to exceed 40 ft.

2. Minimum area of lot: R1- One single family detached dwelling structure - 6000 square feet. R2- One two-family attached dwelling structure - 7000 square feet. R3- Multiple family dwelling structures - 3000 square feet per family dwelling unit for first four dwelling units; 2000 square feet per unit for each dwelling unit in excess of first four.

3. Minimum depth of lot: 90 feet.

4. Minimum width of lot: 60 feet.

5. Maximum percent of lot coverage: 45%.


7. Minimum side yard width: 5 feet, except when abutting an SR, R1, or R2 Zoning District, then 10 feet shall be required.

8. Minimum side yard width along flanking street of corner lot: 10 feet.

9. Additional side yard required per story when in excess of 2 story: 2 feet.

10. Minimum rear yard required: 20 feet.

Section 10.5.31 MULTIPLE DWELLING ZONING DISTRICT R4 - PRINCIPAL USES PERMITTED OUTRIGHT. Principal uses permitted outright in R3 Zoning District.

Section 10.5.32 R4 ZONING DISTRICT - ACCESSORY USES PERMITTED.

1. Uses customarily incidental to a principal use permitted out-
right, such as private garages or parking areas for non-commercial vehicles only, but not including any business, trade or industry.

(2) Home occupations are permitted which are customarily carried on within a dwelling by a member or members of a family. Such activity shall be secondary to the use of the dwelling for living purposes. Not more than 25 percent of the floor space of the main floor, which may be in the basement, or on the first floor only, of such dwelling may be used, and under no circumstances more than 300 square feet.

After the effective date of this Ordinance, a Certificate of Occupancy from the City Engineer shall be required of the property owner for all home occupations established in buildings and premises not now containing such use and located in any residential district.

For additional requirements, see Section 10.10.23.

(3) The renting of rooms by the resident owner for lodging purposes only, and for the accommodation of not more than 2 roomers in a single-family dwelling.

(4) Non-flashing residential name plates not exceeding 64 square inches bearing only the name and address of the occupant; non-flashing bulletin boards or signs not exceeding 30 square feet for quasi-public institutional buildings.

Section 10.5.33 R4 ZONING DISTRICT - CONDITIONAL EXCEPTIONS. The following uses may be authorized by the Board of Adjustment as conditional exceptions in an R4 Zoning District as indicated. Such uses, although not permitted outright, shall not be deemed non-conforming if existing at the time of the adoption of this Ordinance.

(1) Parks and playgrounds.

(2) Public, private and parochial schools and supporting dormitory facilities, provided that playfields, exclusive of the building site, shall be provided at the minimum ratio of 1 acre per hundred students for elementary schools and 1½ acre per hundred students for junior and senior high schools, maximum design capacity.

(3) Churches and other religious or charitable organizations.

(4) Public and governmental buildings serving as administrative offices.

(5) Fire and police stations.

(6) Libraries.

(7) Hospitals, homes for aged, "retirement" homes, rest and convalescent facilities for human beings, but not for treatment of contagious disease, insanity, feeble minded, epileptics, or liquor or drug addicts.
(8) Nursery schools, day nurseries, orphanages, private kindergartens and similar child-care centers, provided there is established and maintained in connection therewith a fenced and screened play lot on or adjoining the premises with a minimum area of 400 square feet plus an additional 40 square feet for each child in excess of ten.

(9) Private Clubs, lodges, convents, social or recreational buildings and community assembly halls except those having a chief activity carried on for monetary gain; provided, that any building used for such purposes shall be at least 50 feet distant from any adjoining residentially used lot; and provided that there be no external evidence of gainful activities, however incidental; nor any access to any space used for gainful activities other than from within the building.

(10) Office buildings for professional-type services such as physicians, surgeons, dentists, architects, accountants, artists, authors, engineers, lawyers, and similar occupations; provided the property is planned, built and operated as a unit and adjoins or abuts a business or industrial district within the same block, and/or borders or fronts on a street which is a continuation of a street in the business or industrial zone, bordering the same block; provided that a determination is made that the character of the residential district shall not be materially affected.

(11) Railroad rights-of-way and operating facilities appurtenant thereto, but not yards, industrial spurs, or other similar facilities.

(12) Franchised and public utility and communication facilities, such as branch telephone exchanges, static transformers, booster stations, pumping stations, provided there are no service or storage buildings or yards in connection therewith.

(13) Cemeteries, mausoleums, crematoriums and columbariums.

(14) Private or public golf courses and country club or social club facilities in connection therewith.

(15) Housing projects involving multi-family units in a grouping of buildings generally on single sites and planned and developed as an integral unit for which it is difficult or impossible to apply standards for density controls contained in this Ordinance. The Board of Adjustment shall take full cognizance of the problems imposed upon large scale developments on the basis of their conformance to accepted land and building planning principles and their effect upon existing land and property values in the vicinity thereof.

(16) Similar uses not harmful to or inconsistent with a residential neighborhood environment.

Section 10.5.34 R4 ZONING DISTRICT - PROHIBITED USES. In the R4 Zoning District no mobile home, camping trailer or similar conveyance while being used for living and/or sleeping quarters or human habitation of any kind shall be allowed to stand or to be parked on or to occupy any portion of a lot in said district. No more than one each of such mobile home, camping trailer,
boat or other similar conveyance may be stored on a single lot used for residential purposes, providing that such conveyances shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the principal building; (3) not be less than 10 feet from any flanking or side street line; and (4) not be less than 5 feet from any side or rear lot line.

Section 10.5.35 R4 ZONING DISTRICT - DENSITY PROVISIONS. Density provisions of the R4 Zoning District are as follows:

(1) Maximum height of buildings: 3 stories but not to exceed 40 ft.

(2) Minimum area of lot: R1 - One single family detached dwelling structure - 6000 square feet.  
R2 - One two-family attached dwelling structure - 7000 square feet.  
R4 - 1500 square feet per dwelling unit for first four dwelling units; 1000 square feet per unit for each dwelling unit in excess of the first four.

(3) Minimum depth of lot: 90 feet.

(4) Minimum width of lot: 50 feet.

(5) Maximum percent of lot coverage: 60%.

(6) Minimum front yard depth: 15 feet.

(7) Minimum side yard width: 5 feet, except when abutting an SR, R1, R2, or $3 Zoning District, then 10 feet shall be required.

(8) Minimum side yard width along flanking street of corner lot: 10 ft.

(9) Additional side yard required per story when in excess of 2 stories: 2 feet.

(10) Minimum rear yard required: 20 feet.

Section 10.5.41 MULTIPLE DWELLING ZONING DISTRICT R5 - PRINCIPAL USES PERMITTED OUTRIGHT. Principal uses permitted outright in R4 Zoning District.

Section 10.5.42 R5 ZONING DISTRICT - ACCESSORY USES PERMITTED.

(1) Uses customarily incidental to a principal use permitted outright, such as private garages or parking areas for non-commercial vehicles only, but not including any business, trade or industry.

(2) Home occupations are permitted which are customarily carried on within a dwelling by a member or members of a family. Such activity shall be secondary to the use of the dwelling for living purposes. Not more than 25 percent of the floor space of the main floor, which may be in the
basement, or on the first floor only, of such dwelling may be used, and under no circumstances more than 300 square feet.

After the effective date of this Ordinance, a Certificate of Occupancy from the City Engineer shall be required of the property owner for all home occupations established in buildings and premises not now containing such use and located in any residential district.

For additional requirements, see Section 10.10.23.

(3) The renting of rooms by the resident owner for lodging purposes only, and for the accommodation of not more than 2 roomers in a single-family dwelling.

(4) Non-flashing residential name plates not exceeding 64 square inches bearing only the name and address of the occupant; non-flashing bulletin boards or signs not exceeding 30 square feet for quasi-public institutional buildings.

Section 10.5.43 R5 ZONING DISTRICT - CONDITIONAL EXCEPTIONS. The following uses may be authorized by the Board of Adjustment as conditional exceptions in an R5 Zoning District as indicated. Such uses, although not permitted outright, shall not be deemed non-conforming if existing at the time of the adoption of this Ordinance.

(1) Parks and playgrounds.

(2) Public, private and parochial schools and supporting dormitory facilities, provided that playfields, exclusive of the building site, shall be provided at the minimum ratio of 1 acre per hundred students for elementary schools and 1 1/2 acre per hundred students for junior and senior high schools, maximum design capacity.

(3) Churches and other religious or charitable organizations.

(4) Public and governmental buildings serving as administrative offices.

(5) Fire and police stations.

(6) Libraries.

(7) Hospitals, homes for aged "retirement" homes, rest and convalescent facilities for human beings, but not for treatment of contagious diseases, insanity, feeble minded, epileptics, or liquor or drug addicts.

(8) Nursery schools, day nurseries, orphanages, private kindergartens and similar child-care centers, provided there is established and maintained in connection therewith a fenced and screened play lot on or adjoining the premises with a minimum area of 400 square feet plus an additional 40 square feet for each child in excess of ten.

(9) Private clubs, lodges, convents, social or recreational buildings and community assembly halls except those having a chief activity carried on
for monetary gain; provided, that any building used for such purposes shall be at least 50 feet distant from any adjoining residentially used lot; and provided that there be no external evidence of gainful activities, however incidental; nor any access to any space used for gainful activities other than from within the building.

(10) Office buildings for professional-type services such as physicians, surgeons, dentists, architects, accountants, artists, authors, engineers, lawyers, and similar occupations; provided the property is planned, built and operated as a unit and adjoins or abuts a business or industrial district within the same block, and/or borders or fronts on a street which is a continuation of a street in the business or industrial zone, bordering the same block; provide that a determination is made that the character of the residential district shall not be materially affected.

(11) Railroad rights-of-way and operating facilities appurtenant thereto, but not yards, industrial spurs, or other similar facilities.

(12) Franchised and public utility and communication facilities, such as branch telephone exchanges, static transformers, booster stations, pumping stations, provided there are no service or storage buildings or yards in connection therewith.

(13) Cemeteries, mausoleums, crematoriums and columbariums.

(14) Private or public golf courses and country club or social club facilities in connection therewith.

(15) Housing projects involving multi-family units in a grouping of buildings generally on single sites and planned and developed as an integral unit for which it is difficult or impossible to apply standards for density controls contained in this Ordinance. The Board of Adjustment shall take full cognizance of the problems imposed upon large scale developments on the basis of their conformance to accepted land and building planning principles and their effect upon existing land and property values in the vicinity thereof.

(16) Similar uses not harmful to or inconsistent with a residential neighborhood environment.

Section 10.5.44 R5 ZONING DISTRICT- PROHIBITED USES. In the R5 Zoning District no mobile home, camping trailer or similar conveyance while being used for living and/or sleeping quarters or human habitation of any kind shall be allowed to stand or to be parked on or to occupy any portion of a lot in said district. No more than one each of such mobile home, camping trailer, boat or other similar conveyance may be stored on a single lot used for residential purposes, providing that such conveyances shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the principal building; (3) not be less than 10 feet from any flanking or side street line; and (4) not be less than 5 feet from any side or rear lot line.
Section 10.5.45 R5 ZONING DISTRICT - DENSITY PROVISIONS. Density provisions of the R5 Zoning District are as follows:

(1) Maximum height of buildings: 3 stories but not to exceed 40 ft.

(2) Minimum area of lot: One single family detached dwelling structure - 5000 square feet. One two-family attached dwelling structure - 6000 square feet. Multiple dwelling structures - 1000 square feet for each dwelling unit for first four dwelling units; 800 square feet for each dwelling unit in excess of the first four.

(3) Minimum depth of lot: 100 feet.

(4) Minimum width of lot: 100 feet.

(5) Maximum percent of lot coverage: 60%

(6) Minimum front yard depth: 15 feet.

(7) Minimum side yard width: 5 feet except when abutting an SR, R1, R2 or R3 Zoning District, then 10 feet shall be required.

(8) Minimum side yard width along flanking street of corner lot: 10 ft.

(9) Additional side yard required per story when in excess of 2 stories: 2 feet.

Section 10.5.51 MOBILE HOME RESIDENTIAL ZONING DISTRICT - MHR - PRINCIPAL USES PERMITTED OUTRIGHT.

(1) Mobile home and trailer courts or parks.

Section 10.5.52 MHR ZONING DISTRICT - ACCESSORY USES PERMITTED.

(1) Uses customarily incidental to a principal use permitted outright, including buildings and facilities for park office, laundries, toilets and washrooms.

(2) Non-flashing bulletin boards or signs not exceeding 30 square feet for non-residential uses and conditional exceptions.

(3) The accessory exceptions which may be authorized by the Board of Adjustment in this District are those customarily incidental to conditional exceptions allowed.
Section 10.5.53 MHR ZONING DISTRICT - DENSITY PROVISIONS.

(1) Maximum height of buildings: 2½ stories but not to exceed 35 ft.

(2) Minimum area of trailer or mobile home park: 3 acres.

(3) Lot areas and dimensions of mobile home or trailer stands, percentage of lot coverage, and other developmental features shall conform to the requirements of local and state health and sanitary authorities and to other applicable resolutions, ordinances, and regulations.
CHAPTER 10.6

BUSINESS AND COMMERCIAL DISTRICTS

Section 10.6.01 NEIGHBORHOOD BUSINESS ZONING DISTRICT Cl. The Cl Neighborhood Business Zoning District is intended to provide for shopping centers serving the daily living needs of people through the sale of primarily convenience goods.

Section 10.6.02 Cl ZONING DISTRICT - PRINCIPAL USES PERMITTED OUTRIGHT. The principal uses permitted outright in the Cl Zoning District are as follows:

(1) Retail stores, shops, services and business activities serving primarily the residents of the surrounding neighborhood, supplying the necessary daily convenience goods for households, such as: groceries; meats, dairy products; drugs; confectionery, cleaning-laundry (pick-up only) and self-service laundries; clinics; variety; florists.

(2) Uses permitted outright or as conditional exceptions in Residential Districts R1, R2, R3, R4 and R5.

Section 10.6.03 Cl ZONING DISTRICT - ACCESSORY USES. The accessory uses permitted outright in Cl Zoning Districts are as follows:

(1) Uses and structures customarily incidental to a principal use permitted outright, except of a type specified as a prohibited use.

(2) An exterior business sign not facing the side of any adjoining lot in an "R" Zoning District, said sign not to exceed 80 square feet pertaining only to business within.

Section 10.6.04 Cl ZONING DISTRICT - CONDITIONAL EXCEPTIONS. The conditional exceptions which may be authorized by the Board of Adjustment in a Cl Zoning District are as follows:

(1) Any use determined to be of the same general character as the principal uses permitted outright in this District.

Section 10.6.05 Cl ZONING DISTRICT - PROHIBITED USES. In the Cl Zoning District no mobile home, camping trailer or similar conveyance while being used for living and/or sleeping quarters or human habitation of any kind, shall be allowed to stand or to be parked on or to occupy any portion of a residentially used lot in said district. No more than one each of such mobile home, camping trailer, boat or other similar conveyance may be stored on a single lot used for residential purposes, providing that such conveyances shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the principal building; (3) not be less than 10 feet from any flanking or side street line; and (4) not be less than 5 feet from any side or rear lot line.

Section 10.6.06 Cl ZONING DISTRICT - DENSITY PROVISIONS. Density provisions for the Cl Zoning District are as follows:
Section 10.6.06 C1 ZONING DISTRICT - BASIC REQUIREMENTS. Uses permitted in C1 Zoning District shall be subject to the following limitations:

(1) All business, service, processing, or storage shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading.

(2) Goods sold shall consist primarily of new merchandise, and all goods shall be sold at retail on the premises where produced; storage shall be limited to the current inventory needs of the permitted uses.

(3) Mechanical equipment used for the conduct of business within the district shall be limited to devices and processes which cannot be heard beyond the boundary of the District.

(4) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, vibration, refuse matter, or water carried waste.

(5) See specific parking regulations provided for in Chapter 10.11.

(6) All principal uses shall be oriented to pedestrian needs and be so located and designed as to discourage vehicular interference with pedestrian safety.

Section 10.6.1 CENTRAL BUSINESS ZONING DISTRICT C2. In the C2 Zoning District it is intended that structures, premises and facilities would provide a major shopping, business, and transportation center serving the community and its trading area. The range of services to be provided would extend from the sales of "convenience goods" to include "shopping goods" such as "soft lines" (apparel); "hard lines" (hardware, furniture, equipment); banking, professional, business and commercial services; commercial recreation facilities; and transportation services and facilities.
Section 10.6.2 C2 ZONING DISTRICT PRINCIPAL USES PERMITTED OUTRIGHT. The principal uses permitted outright in the C2 Zoning District are the uses as specified in the Cl District, and sales, service or business establishments necessary to supply the retail needs of residents in an area such as described in Section 10.6.1 such as, but not limited to, the following uses:

1. Hardware; drygoods; apparel; interior decorating; appliance center, photographic studio; ice dispensary; home appliance; furniture.

2. Cafe and catering establishment; tavern; theater; gift, music, radio, T.V. shops; bank, business or professional offices; insurance or real estate offices; undertaking establishments.

3. Barber; garage (minor auto repair, but not service stations); refrigerated locker; shoe repair; book store; fruit and vegetable markets; bakery; supermarket; self-service laundry; sporting goods; printing establishments.

4. Bus and railway depots; taxi stands; and similar transportation facilities, but not including railroad yards, bus garages or storage yards, and similar operating facilities.

5. Hotels, motels and similar facilities offering accommodations on a transient tenancy basis, but not including mobile home or trailer courts.

6. Uses permitted outright or as conditional exceptions in R1, R2, R3, R4 and R5 Districts, provided that they are located so as to serve as transition uses between business and more restrictive residential uses.

Section 10.6.3 C2 ZONING DISTRICT - ACCESSORY USES. The accessory uses permitted outright in C2 Zoning District are as follows:

1. Uses and structures customarily incidental to a principal use permitted outright.

2. Commercial parking lots for private passenger vehicles only.

3. Loading and unloading areas and facilities.

Section 10.6.4 C2 ZONING DISTRICT - CONDITIONAL EXCEPTIONS. Conditional exceptions which may be authorized by the Board of Adjustment in C2 Zoning District are as follows:

1. Places of public assembly for meetings or amusement, provided the location is more than 50 feet from any "R" zone, is completely enclosed and is more than 300 feet from any public school, playground or park, except that churches may be permitted without conformance to the distance requirements.
(2) Open structures for parking of private passenger vehicles only, if located 50 feet or more from any "R" zone, and adequately screened.

(3) Automobile service stations, but not including ground storage for used vehicles, U-rent trailers or trucks, or similar equipment for sale or hire.

(4) Small animal hospitals when located not closer than 150 feet from any residential district and 400 feet or more from any hospital, nursing home, or institutions for the care of the aged or infirm, providing the animals are housed indoors.

Section 10.6.5 C2 ZONING DISTRICT - PROHIBITED USES. In the C2 Zoning District no mobile home, camping trailer or similar conveyance while being used for living and/or sleeping quarters or human habitation of any kind, shall be allowed to stand or to be parked on or to occupy any portion of a residentially used lot in said district. No more than one each of such mobile home, camping trailer, boat or other similar conveyance may be stored on a single lot used for residential purposes, providing that such conveyances shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the principal building; (3) not be less than 10 feet from any flanking or side street line; and (4) not be less than 5 feet from any side or rear lot line.

Section 10.6.6 C2 ZONING DISTRICT - DENSITY PROVISIONS. Density provisions for the C2 Zoning District are as follows:

(1) Maximum building height: 4 stories, but not to exceed 60 feet for buildings, structures and appurtenant facilities.

(2) Minimum lot: None.

(3) Minimum front yard depth: None required.

(4) Minimum rear yard: None required.

(5) Minimum side yard, interior lot: None required.

(6) Minimum side yard, corner lot: None required.

(7) Minimum front, rear and side yard, zone transition lot: same as requirement of adjoining more restrictive district (when a boundary separates distinct zoning district classifications).

(8) Minimum rear yard: None, except when abutting an "R" district: 20 feet.

Section 10.6.7 C2 ZONING CENTRAL BUSINESS DISTRICT - BASIC REQUIREMENTS. Basic use permitted in C2 Zoning District shall be subject to these limitations:

(1) All business, service, repair, processing, or storage shall be conducted wholly within an enclosed building, except for off-street
parking and for automobile service stations when the latter is permitted by conditional exception.

(2) All goods produced on the premises shall be sold at retail on the premises.

(3) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, or water-carried waste.

(4) See specific parking regulations provided for in Chapter 10.11.

(5) All principal uses, except those for servicing automotive vehicles, shall be oriented to pedestrian needs and be so located and designed to discourage vehicular interference with pedestrian safety.

Section 10.6.11 GENERAL COMMERCIAL ZONING DISTRICT C3. The General Commercial Zoning District C3 is intended to provide for those types of retail, wholesale, transportation, and service uses of a specialized nature, which because of traffic requirements depend upon a particular location to serve the needs of an expanding urban community. The uses permitted in the C3 District are generally those which are not entirely compatible with the C2 District because of heavy-type traffic demands, type of commodities and goods handled, need for large sites, and certain distracting and interruptive influences.

Section 10.6.12 C3 ZONING DISTRICT - PRINCIPAL USES PERMITTED OUTRIGHT. The principal uses permitted outright in the C3 Zoning District are as follows:

(1) Those uses permitted outright or as conditional exceptions in the C2 Zoning District.

(2) Production or treatment of such food products, all or a portion of which are sold in conjunction with a retail business conducted on the premises.

(3) Fruit and vegetable markets, retail and wholesale; fish markets.

(4) Automobile sales and services, used car lots, and storage (ground or otherwise) of vehicles for sale or hire, but not including wrecking, salvage, processing or storage operations.

(5) Mobile home or trailer courts.

(6) All types of building supply sales and warehousing.

(7) Indoor recreational facilities: bowling alleys, dance halls, skating rinks, and other commercialized forms of recreation conducted or carried on within a building.

(8) Outdoor recreational facilities: outdoor theaters, golf driving ranges and practice courses, other forms of commercialized recreation carried on entirely outdoors or partly within a building or shelter.
(9) Feed and seed stores, nursery sales yards and greenhouses.

(10) Trade schools.

(11) Stone and monument sales but no industrial operations.

(12) Processing and bottling non-alcoholic beverages, the production of which is devoid of fumes, noxious odors or waste products.

(13) Similar uses but not including those involving industrial operations, activities, warehousing or storage.

Section 10.6.13 C3 ZONING DISTRICT - ACCESSORY USES. The accessory uses permitted outright in the C3 Zoning District are as follows:

(1) Uses and structures customarily incidental to a principal uses permitted outright.

(2) Advertising signs and outdoor advertising structures not exceeding 300 square feet in area.

(3) Parking lots for passenger vehicles and trucks.

(4) Loading and unloading area facilities.

Section 10.6.14 C3 ZONING DISTRICT - CONDITIONAL EXCEPTIONS. Conditional exceptions which may be authorized by the Board of Adjustment in the C3 Zoning district are as follows:

(1) Wholesale and storage establishments, provided they are enclosed in a building.

(2) Truck terminals.

(3) Any use determined to be of the same general character as the principal uses permitted outright.

Section 10.6.15 C3 ZONING DISTRICT - PROHIBITED USES. In the C3 Zoning District no mobile home, camping trailer or similar conveyance while being used for living and/or sleeping quarters or human habitation of any kind, shall be allowed to stand or to be parked on or to occupy any portion of a residentially used lot in said district. No more than one each of such mobile home, camping trailer, boat or other similar conveyance may be stored on a single lot used for residential purposes, providing that such conveyances shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the principal building; (3) not be less than 10 feet from any flanking or side street line; and (4) not be less than 5 feet from any side or rear lot line.

Section 10.6.16 C3 ZONING DISTRICT - DENSITY PROVISIONS. Density provisions for the C3 Zoning District are as follows:

(1) Maximum building height: 4 stories, but not exceeding 60 feet for buildings, structures and appurtenant facilities.
(2) Minimum lot: none.

(3) Minimum front yard depth: none required.

(4) Minimum rear yard: none required.

(5) Minimum side yard, interior lot: none required.

(6) Minimum side yard, corner lot: none required.

(7) Minimum front, rear, and side yard, zone transition lot: same as requirements of adjoining more restrictive district (when a boundary separates distinct zoning classifications).
CHAPTER 10.7

INDUSTRIAL DISTRICTS

Section 10.7.01 INTENT. It is the policy of the City Council to permit the establishment of industrial, manufacturing and processing-type activities and uses in appropriate districts in accordance with the Comprehensive Plan.

Section 10.7.02 LIGHT INDUSTRIAL ZONING DISTRICT - M1 - PRINCIPAL USES PERMITTED OUTRIGHT.

(1) Principal uses permitted outright in the C3 District, provided that residential uses may be permitted only in conformance with Section 10.7.06.

(2) The following typical uses, provided that the Planning Commission may require evidence that uses established after the effective date of this Ordinance shall be operated so as to conform with all performance standards set forth in Chapter 10.3 of this Ordinance.

Assembly and fabrication of metal products
Auto reconditioning, painting, upholstering, motor rebuilding
Automobile or truck wrecking
Assembly of electrical appliances, electronic instruments and devices
Boat building
Body and fender work; farm equipment repair
Brewery, distillery or winery
Cereal mills
Concrete mixing plants
Contractors' or loggers' equipment and trucks storage yard, plant, repair, rental
Enameling or metal coating (galvanizing, electroplating
Foundry
Fuel oil distributor, retail
Fuels, solid, yard
Glue factory using vegetable or synthetic resin materials in its operation which will not produce obnoxious nor offensive odors
Grain elevator
Heavy machinery, repair, storage, or salvage
Lumber or shingle mills
Machine shop
Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, toiletries (excluding the refining and rendering of fats and oils), food and beverage products.
Manufacture, compounding, assembling or treatment of articles or merchandise from previously prepared materials, such as bone, cellophane, canvas, cloth, cork, feather, felt, fiber, fur, glass, hair, leather, paper, plastics, textiles, tobacco, wood, yarns, and paint not employing a boiling process.
Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay
Manufacture and maintenance of electric and neon signs, outdoor advertising, and other commercial advertising structures.
Manufacture of musical instruments, toys, novelties, and rubber and metal stamps
Railroad facilities of all types, except repair shops and engine roundhouses
Spinning or knitting of cotton, wool, flax or other fibrous materials
Stone, marble and granite monument works
Tire retreading or recapping
Welding shop
Any other uses judged by the Planning Commission to be no more detrimental to adjacent properties than, and of the same type and character as, the above listed uses.

Section 10.7.03 ML ZONING DISTRICT - ACCESSORY USES. Accessory uses may be permitted in an ML Zoning District which are customarily incidental and subordinate to the principal use.

Section 10.7.04 ML ZONING DISTRICT - OUTDOOR STORAGE. Outdoor storage in an ML District must be maintained in an orderly manner at all times. Outdoor storage is permitted under the following conditions:

(1) No material may be piled higher than the top of the fence or screening material; such screening material to be a minimum of 7 foot sight-obscuring fence or evergreen planting a minimum of 7 feet high at maturity, which shall completely enclose said use.

(2) Such storage shall be no closer than 100 feet from any residential district.

(3) Storage of animal or vegetable wastes which would attract insects or rodents or otherwise create a health hazard shall be prohibited.

Section 10.7.05 ML ZONING DISTRICT - SIGNS PERMITTED. All types of signs and outdoor advertising structures are permitted in compliance with other city ordinances.

Section 10.7.06 ML ZONING DISTRICT - PROHIBITED USES. No building structure, or premises, or portions thereof, established after the effective date of this Ordinance, shall be used for human habitation, except as quarters for a caretaker, guard or other persons whose permanent residency on the premises is required for operational, safety or protective purposes.

In the ML Zoning District no mobile home, camping trailer or similar conveyance while being used for living and/or sleeping quarters or human habitation of any kind, shall be allowed to stand or to be parked on or to occupy any portion of a residentially used lot in said district. No more than one each of such mobile, camping trailer, boat or other similar conveyance may be stored on a single lot used for residential purposes, providing that such conveyances shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the principal building; (3) not be less than 10 feet from any flanking or side street line; and (4) not be less than 5 feet from any side or rear lot line. One mobile home may be permitted, upon approval by the Planning Commission, for use to house a caretaker on an industrial site.
Section 10.7.07 M1 ZONING DISTRICT - DENSITY PROVISIONS.

(1) Maximum lot coverage: no limitation.

(2) Maximum height limitations for this district: 90 feet.

(3) Minimum front yard: none required.

(4) Minimum rear yard: none required.

(5) Minimum side yard: none required.

(6) Minimum front, rear and side yard, zone transition lot: same as requirement of adjoining more restrictive district (when a boundary separates district zoning classifications).

Section 10.7.1 HEAVY INDUSTRIAL ZONING DISTRICT M2 - PRINCIPAL USES PERMITTED OUTRIGHT. In an M2 District, any use established after the effective date of this Ordinance shall be so operated as to conform with all performance standards set forth in Chapter 10.8 of this Ordinance.

No use located in an M2 District and already established on the effective date of this Ordinance shall be so altered or modified as to conflict with, or if already in conflict with, to conflict further with any performance standard established by this Ordinance.

Section 10.7.2 M2 ZONING DISTRICT - ACCESSORY USES. Accessory uses may be permitted in an M2 Zoning District which are customarily incidental and subordinate to the principal use.

Section 10.7.3 M2 ZONING DISTRICT - CONDITIONAL EXCEPTIONS. The following uses may be permitted in an M2 Zoning District only when the location of such use shall have been approved by the Board of Adjustment after public hearing and examination of the location:

- Acid manufacture
- Blast furnace
- Cement, lime, gypsum or plaster of paris manufacture
- Coal distillation
- Coke ovens
- Distillation of bones
- Dump, rubbish, slag or sawdust
- Explosives, manufacture or storage
- Fat rendering
- Fertilizer manufacture
- Garbage, offal, or dead animal reduction or dumping
- Gas manufacture, or storage (artificial, natural, industrial liquified or compressed gases)
- Glue manufacture
- Incinerator
- Junk yards, including processing, storage and sales
- Ore reduction
- Paper or pulp manufacture
Petroleum refining
Salvaging, including processing, storage and sales
Slaughter of animals or meat packing
Smelting of copper, iron, lead, tin or zinc, and other metallic ores
Steel manufacture
Stock yards or feeding pens
Tannery or the curing of storage of raw hides

Section 10.7.4 M2 ZONING DISTRICT - OUTDOOR STORAGE. Outdoor storage in an M2 Zoning District must be maintained in an orderly manner at all times. For outdoor storage in this district uses such as junk yards, auto wrecking and scrap metal storage is permitted under the following conditions:

(1) No wrecked autos or scrap material may be piled higher than the top of the fence or screening material; such screening material to be a sight-obscuring fence having a minimum height of 7 feet, or evergreen planting having a minimum height at maturity of 7 feet, which shall completely enclose said use.

(2) Such storage shall be not closer than 100 feet from any public thoroughfare and not closer than 300 feet from any residential district.

(3) Storage of animal or vegetable wastes which would attract insects or otherwise create a health hazard are prohibited.

Section 10.7.5 M2 ZONING DISTRICT - PROHIBITED USES. No building, structure, or premises, or portions thereof, established after the effective date of this Ordinance, shall be used for human habitation, except as quarters for a caretaker, guard or other persons whose permanent residency on the premises is required for operational, safety or protective purposes.

In the M2 Zoning District no mobile home, camping trailer or similar conveyance while being used for living and/or sleeping quarters or human habitation of any kind, shall be allowed to stand or to be parked on or to occupy any portion of a residentially used lot in said district. No more than one each of such mobile home, camping trailer, boat or other similar conveyance may be stored on a single lot used for residential purposes, providing that such conveyances shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the principal building; (3) not be less than 10 feet from any flanking or side street line; and (4) not be less than 5 feet from any side or rear lot line. One mobile home may be permitted, upon approval by the Planning Commission, for use to house a caretaker on an industrial site.

Section 10.7.6 M2 ZONING DISTRICT - DENSITY PROVISIONS. Density provisions for an M2 Zoning District are as follows:

(1) Maximum lot coverage: no limitation.

(2) Maximum height: no limitation.

(3) Minimum front yard: none required.
(4) Minimum side yard: none required.

(5) Minimum rear yard: none required.

(6) Minimum front, rear, and side yard, zone transition lot: same as requirement of adjoining more restrictive district (when a boundary separates district zoning classifications).
CHAPTER 10.8

PERFORMANCE STANDARDS

Section 10.8.01 PERFORMANCE STANDARDS - POLICY. It is the intent of the City Council to provide for certain classifications of use standards by which the extent of hazards and nuisances may be measured. Units of measure and techniques for such determination are established by this Ordinance in the interest of the safety, health and general welfare of the community at large.

Section 10.8.02 SMOKE AND PARTICULATE MATTER.

(1) The emission of smoke or particulate matter of a density equal to or greater than No. 3 on the Ringlemann Chart as currently published and used by the U. S. Bureau of Mines is prohibited at all times.

(2) The emission from any source of particulate matter having more than 10% by weight of particles having a particle density of over 44 microns during any one hour is unlawful.

(3) Dust and other types of air pollution borne by the wind from such sources as storage areas and roads shall be minimized by appropriate landscaping, paving, oiling or other acceptable means. Emission of particulate matter in excess of the following weight limitations per cubic foot of conveying gas or air measured at any property line is prohibited:

- M1 - Light Manufacturing District .2 Grain
- M2 - Heavy Manufacturing District .4 Grain

Section 10.8.03 TOTAL SMOKE EMISSION RATES. The rate of emission of particulate matter from all sources on any property shall not exceed a net weight per acre of property during any one hour as follows:

<table>
<thead>
<tr>
<th>District</th>
<th>Maximum Total Net Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>M1 - Light Manufacturing</td>
<td>3 lbs. per acre</td>
</tr>
<tr>
<td>M2 - Heavy Manufacturing</td>
<td>6 lbs. per acre</td>
</tr>
</tbody>
</table>

The above rates are the total net emission rates permitted from all sources on the property after deducting for each source of pollution correction factors set forth in Tables 1, 2 and 3 below for height, velocity, and temperature of emission respectively. The total net rate of emission of particulate matter within the boundaries of any lot shall be determined as follows:

(1) Determine the maximum emission in pounds per hour from each source of air pollution and divide these figures by the acres of the property, thereby obtaining the gross hourly rate of emission in pounds per acre.
(2) From the gross hourly rates of emission derived in (1) above, subtract the appropriate correction factors for height, velocity and temperature of emission of Tables 1, 2 and 3, which follow to derive the net rate of emission.

(3) Add together the individual net rates of emission derived in (2) above, to obtain the total net rate of emission from all sources of air pollution within the boundaries of the property. Such total shall not exceed the total net emission rate permitted in each manufacturing zone.

Section 10.8.04 SMOKE EMISSION CORRECTIONS FOR HEIGHT OF STACK. Table 1 establishes correction factors for height of stacks in industrial districts:

<table>
<thead>
<tr>
<th>Height in Ft.</th>
<th>ML</th>
<th>M2</th>
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<tbody>
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<tr>
<td>600</td>
<td>1.42</td>
<td>7.00</td>
</tr>
</tbody>
</table>

Interpolate for Intermediate Values not shown in Table.

Section 10.8.05 SMOKE EMISSION CORRECTIONS FOR VELOCITY. Table 2 establishes correction factors for velocity of emission in industrial districts:

<table>
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<tr>
<th>Exit Vel. Ft.Sec.</th>
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<td>1.8</td>
<td>4.8</td>
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</table>

Interpolate for Intermediate Values Not Shown in Table.
Section 10.8.06 SMOKE EMISSION CORRECTIONS FOR TEMPERATURE. Table 3 establishes correction factors for temperature of emission in industrial districts.

TABLE 3

ALLOWANCE FOR TEMPERATURE OF EMISSION

Particulate Matter Correction in Pounds Per Hour Per Acre

<table>
<thead>
<tr>
<th>Temp. of Emission in Deg. F</th>
<th>M1</th>
<th>M2</th>
</tr>
</thead>
<tbody>
<tr>
<td>100</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>200</td>
<td>0.03</td>
<td>0.08</td>
</tr>
<tr>
<td>300</td>
<td>0.06</td>
<td>0.16</td>
</tr>
<tr>
<td>400</td>
<td>0.09</td>
<td>0.24</td>
</tr>
<tr>
<td>500</td>
<td>0.12</td>
<td>0.32</td>
</tr>
<tr>
<td>600</td>
<td>0.15</td>
<td>0.40</td>
</tr>
<tr>
<td>700</td>
<td>0.18</td>
<td>0.48</td>
</tr>
<tr>
<td>800</td>
<td>0.21</td>
<td>0.56</td>
</tr>
<tr>
<td>900</td>
<td>0.24</td>
<td>0.64</td>
</tr>
<tr>
<td>1000</td>
<td>0.27</td>
<td>0.72</td>
</tr>
<tr>
<td>1100</td>
<td>0.30</td>
<td>0.80</td>
</tr>
<tr>
<td>1200</td>
<td>0.33</td>
<td>0.88</td>
</tr>
<tr>
<td>1300</td>
<td>0.36</td>
<td>0.96</td>
</tr>
<tr>
<td>1400</td>
<td>0.39</td>
<td>1.04</td>
</tr>
<tr>
<td>1500</td>
<td>0.42</td>
<td>1.12</td>
</tr>
<tr>
<td>1600</td>
<td>0.45</td>
<td>1.20</td>
</tr>
<tr>
<td>1700</td>
<td>0.48</td>
<td>1.28</td>
</tr>
<tr>
<td>1800</td>
<td>0.51</td>
<td>1.36</td>
</tr>
<tr>
<td>1900</td>
<td>0.54</td>
<td>1.44</td>
</tr>
<tr>
<td>2000</td>
<td>0.57</td>
<td>1.52</td>
</tr>
</tbody>
</table>

Interpolate for Intermediate Values Not Shown in Table.

Section 10.8.07 SOOT BLOWING AND FIRE CLEANING PERIODS. The following Ringlemann Smoke densities for the designated time periods are the maximums permitted from any source during a 24 hour day for soot blowing and fire cleaning operations:

M1 District: No. 4 for 4 minutes or No. 3 for 8 minutes
M2 District: No. 4 for 4 minutes or No. 3 for 8 minutes

Section 10.8.08 TOXIC OR NOXIOUS MATTER. Any use established in any district before or after the effective date of this Ordinance shall be so operated as to conform with the performance standards governing emission of toxic or noxious matter set forth hereinafter for the district in which such use shall be located.

No use shall for any period of time discharge across the boundaries of such property toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property or business.
Section 10.8.09 VIBRATIONS. Every use shall be so operated that the ground vibration inherently and recurrently generated from equipment other than vehicles is not perceptible without instruments at or beyond any boundary line of the property on which the use is located.

Section 10.8.10 NOISE. Every use shall be so operated that the noise inherently or recurrently generated does not exceed the following sound pressure level in decibels for each octave band measured at or beyond any property line during the nighttime hours between 10:00 p.m. and 7:00 a.m. for each district according to the following schedule:

TABLE 4

SOUND PRESSURE LEVELS IN DECIBELS

<table>
<thead>
<tr>
<th>Frequency Band, Cycles Per Sec.</th>
<th>M1</th>
<th>M2</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-75</td>
<td>76</td>
<td>83</td>
</tr>
<tr>
<td>75-150</td>
<td>67</td>
<td>64</td>
</tr>
<tr>
<td>150-300</td>
<td>59</td>
<td>57</td>
</tr>
<tr>
<td>300-600</td>
<td>52</td>
<td>49</td>
</tr>
<tr>
<td>600-1200</td>
<td>45</td>
<td>45</td>
</tr>
<tr>
<td>1200-2400</td>
<td>37</td>
<td>41</td>
</tr>
<tr>
<td>2400-4800</td>
<td>34</td>
<td>37</td>
</tr>
<tr>
<td>4800 plus</td>
<td>31</td>
<td>34</td>
</tr>
</tbody>
</table>

(1) Maximum sound pressure levels during the daytime hours between 7:00 a.m. and 10:00 p.m. may be increased 5 decibels for each frequency band from the values in the previous table.

(2) Except as may be provided by other ordinances, moving vehicles are exempt from sound pressure limitation.

Section 10.8.11 ODORS. No emission of odorous gases or other odorous matter in such quantities as to be offensive at any point on or beyond any boundary line of the property on which the use is located shall be permitted.

Section 10.8.12 HEAT AND GLARE. Operations producing heat or glare shall be conducted entirely within an enclosed building except in the M2 District. Exterior lighting shall be directed away from adjacent properties.

Section 10.8.13 LIQUID AND SOLID WASTES. Storage of animal or vegetable wastes which would attract insects or rodents or otherwise create a health hazard shall be prohibited.
CHAPTER 10.9

SPECIAL DISTRICTS AND USES

Section 10.9.01 INTENT. It is the intent of this Chapter to provide for addition of new districts established to meet changing conditions and needs.
CHAPTER 10.10
GENERAL AND SUPPLEMENTARY PROVISIONS

Section 10.10.01 PURPOSE. Provisions of this Chapter are of general application to several zoning districts unless otherwise noted. It is the intent of the Ordinance to provide standards sufficient to afford continuing protection to property and yet be adaptable enough to avoid unnecessary hardship or interference with growth and natural change. Accordingly, supplementary provisions are also necessary to govern specific deviations from general rules. These special deviations are to be contrasted with the grant of a variance (Chapter 10.15) which requires discretionary action by the Board where standards cannot be completely defined.

Section 10.10.02 LOT PROVISIONS.

Section 10.10.03 LOT REDUCTION TO VIOLATION. No property may be so reduced in area that it would be in violation of minimum lot size, yard provisions, lot coverage, off-street parking or any other requirements of the zoning district or use.

Section 10.10.04 MINIMUM LOT EXCEPTION. Buildings or structures to be erected, moved or structurally altered on property which is less than the minimum lot area or dimensions for the zoning district in which it is located provided such property has existed by title in its present form and size since the date of passage of the first zoning ordinance of the City of Kent (Ordinance No. 784) on September 15, 1947 and Zoning Resolution No. 6494 of King County, June 2, 1937. In such cases documentary proof of the fact and date of acquisition shall be submitted by the person claiming benefits from this clause. This section shall not waive other minimum requirements of this ordinance.

Section 10.10.05 YARD PROVISIONS.

Section 10.10.06 FRONT YARDS, GENERAL. Where any front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer the front property line than the distance indicated by the depth of the required front yard.

Section 10.10.07 FRONT YARDS, PROJECTIONS. Steps, terraces, platforms, porches and similar projections having no roof covering and being not over 42 inches high, may be built within a front yard, but in no case shall such projection cause a front yard to be less than 10 feet from the face of the projection to the front property line.

Section 10.10.08 FRONT YARDS, SEHIZ-BUILT-UP AREAS. After the effective date of this Ordinance when 40 percent or more, on a front foot basis, of all the property on one side of a street between two intersecting streets has been built up with buildings having a minimum front yard of more or less depth than that established by this Ordinance, and provided that the majority of such front yards do not vary more than 6 feet in depth, no building shall be built within, or shall any portions, save as above excepted, project into
such minimum front yard; provided further, that no new buildings be required to set back more than 35 feet (or as otherwise provided) from the property line in the Residential Zoning Districts, nor more than 2 feet farther than any building on an adjoining lot and that this regulation shall not be interpreted as to reduce a required front yard to less than 10 feet in depth.

Section 10.10.09 SIDE YARD, GENERAL. Where any specified side yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard.

Section 10.10.10 SIDE YARDS, PROJECTIONS. Eaves, cornices, chimneys and similar projections may extend over the required side yard for a distance of not more than 2 feet.

Section 10.10.11 SIDE YARD, EXCEPTIONS, RESIDENTIAL DISTRICTS. Lots of record held under separate and distinct ownership prior to the taking effect of City Ordinance No. 784 and County Resolution No. 6494, provided such lot (1) has a width of less than 40 feet, and (2) was originally acquired in its present form and size prior to such time, shall have a side yard on each side of not less than 3 feet.

Lots more than 40 feet wide but of less width than the minimum required by Ordinance, shall have a side yard consistent with the zoning district, but in no case less than 5 feet.

Section 10.10.12 REAR YARDS, PROJECTIONS. Eaves, cornices, steps, platforms, rear porches and similar projections, whether enclosed or not but not exceeding in width one-half that of the building nor more than one story in height, may extend into the rear yard not more than 20% of the distance from the exterior wall of the structure to the rear property line.

Section 10.10.13 REAR YARD EXCEPTIONS, RESIDENTIAL DISTRICTS. On lots of record held under separate and distinct ownership prior to the taking effect of Ordinance No. 784, the depth of rear yards may be reduced to not less than 10 feet, provided that such is necessary only to the extent needed to permit a building depth of 30 feet.

Section 10.10.14 IRREGULAR-SHAPED LOTS. On irregular-shaped lots the average distance from the building line to the lot line shall be no less than the minimum yard provision, provided however that no part of the structure shall be located so that one-half the minimum yard provisions occurs at any point along such averaged alignment.

Section 10.10.15 SITE PROVISIONS.

Section 10.10.16 SITE EXCEPTION, RESIDENTIAL ZONING DISTRICTS. Where ownership of a lot of record is restricted to a tract containing a lesser area than is required by this Ordinance, provided such property was originally acquired in such form and size prior to the date of City Ordinance No. 784, September 15, 1947, or King County Resolution No. 6494, June 2, 1937, the site area provisions may be varied to a lesser and reasonable requirement by the Board of Adjustment.
Section 10.10.17 ACCESSORY USE PROVISIONS. RESIDENTIAL ZONING DISTRICTS R1, R2, R3, R4.

Section 10.10.18 ACCESSORY USE LOT COVERAGE. Accessory structures, whether attached or detached, shall occupy no more than 15% of the lot area and shall not exceed 35% of floor area of the principal use even though such use may be situated on several floor levels.

Section 10.10.19 FENCES AND HEDGES. Fences not over 42 inches in height may occupy a front yard. Fences erected back of the required front yard and flanking street side yard lines shall not exceed 6 feet in height. Hedges within the front and flanking street yard lines shall have a mature height of not over 42 inches.

Section 10.10.20 DETACHED ACCESSORY BUILDING. An accessory building shall not exceed one story nor 14 feet in height and shall be located as follows:

(a) A detached accessory building shall (1) be located on the rear half of the lot; (2) not project beyond the front line of the main building; (3) not be less than 10 feet from any flanking or side street line; (4) not be less than 2 feet from any side or rear lot line.

(b) A detached accessory building shall not occupy more than 30 percent of the area of a required rear yard; provided, that any total required open space area for the lot is not exceeded.

(c) In R1 and R2 Residential Zoning Districts where any portion of such accessory building is located directly in the rear of a main building, it shall be not less than 8 feet from such main building.

(d) In the residential zoning districts, upon the joint request in writing of the owners of adjoining properties, on the side and rear property lines affected, a permit for the erecting of a private garage within the rear yard immediately adjacent to the division lines between the properties may be made, after an examination of the location and the making of a finding by the Board of Adjustment that the granting of such permission will not be unduly detrimental to the adjacent and surrounding property.

(e) In the R1 and R2 Residential Zoning Districts, when any portion of an accessory building is attached to the main building, it shall not be nearer to the rear lot line than 15 feet; an accessory building when attached to the main building shall not be nearer to the side or front lot line than the distance indicated for the width of the required front or side yard.

(f) Where a through-lot has a depth of less than 150 feet, a detached accessory building not exceeding 1 story nor 14 feet in height, may be located in one of the required front yards, provided that such building is set back from the front lot line a distance of not less than 10 percent of the depth of the lot. Such accessory building shall not project beyond the front yard line of an existing main building along the frontage, except that such building need not be set back more than 25 feet from the street line.
Section 10.10.21 CONDITIONAL EXCEPTIONS. Conditional exceptions specifically mentioned in the various districts may be authorized by the Board of Adjustment provided the standards and conditions for granting them as set forth in the zoning district, general, supplemental or Board of Adjustment provisions of this Ordinance are met. Each request for a type of conditional exception (special permit) shall include such architectural and site plans, with elevations and/or perspectives, as will enable the Board of Adjustments to analyze the proposed use to determine whether it conforms to the character of the area and is in harmony with the other permitted uses in the district. Such findings and determinations shall be presented by or to the Board of Adjustment at public hearing for their evaluation. Other new uses, not specifically mentioned in this Ordinance, shall be considered by the Board of Adjustment in a similar manner when they are not inconsistent with the character of the area, the policy and the philosophy of this Ordinance.

Section 10.10.22 ACCESSORY EXCEPTIONS. The accessory exceptions which may be authorized by the Board of Adjustment in any zoning district are those uses customarily incidental to conditional exceptions.

Section 10.10.23 HOME OCCUPATIONS.

(1) Type of Use. Home occupations are permitted which are customarily carried on within a dwelling by a member or members of a family. Such activity shall be secondary to the use of the dwelling for living purposes. Not more than 25 percent of the floor space of the main floor, which may be in the basement, or on the first floor only, of such dwelling may be used, and under no circumstances more than 300 square feet. A home occupation shall not include the following: barber shop, beauty parlor, commercial stable or kennel, real estate office or restaurant.

(2) Certificate of Occupancy. After the effective date of this Ordinance a Certificate of Occupancy from the City Engineer shall be required of the property owner for all home occupations established in buildings and premises not now containing such use and located in any residential district.

(3) Non-residential Employees. No non-resident employees are permitted in any R1 or R2 zoning district. One non-resident employee is permitted in dwelling units having home occupations in the R3 and R4 Zoning Districts.

(4) Accessory Buildings. Home occupations shall not be conducted in accessory building detached from the main structure.

(5) Transfer of Merchandise. No merchandise shall be transferred in such dwellings or on the premises.

(6) Disturbing Influences. No home occupation shall be permitted which is objectionable due to noise, dust, smoke, odor, glare, traffic attraction or other disturbing influences greater than that of other residential properties in the vicinity.

(7) Exterior Modification. There shall be no exterior modification of the structure which would suggest use other than residential.

(8) Trade Limitation. In all residential zoning districts no services shall be rendered on the premises which require the presence of persons in connection with the home occupation in excess of an average of 4 persons per day.
Section 10.10.24 PROFESSIONAL OFFICES AND CLINICS. Professional offices and clinics when permitted under conditional exceptions in zoning districts more restrictive than the CI Zoning District shall meet the following requirements.

1. LOT AREA. Minimum lot area shall be 10,000 square feet.

2. LOT COVERAGE. Maximum lot coverage shall be 35%.

3. ARCHITECTURE AND LANDSCAPING. Buildings, structures and landscaping shall harmonize with buildings in the vicinity. Adjacent residential properties shall be buffered by a dense evergreen planting at least 6 feet in height extending to the minimum yard set-backs from the street right-of-way.

4. DISTURBING INFLUENCES PROHIBITED. No professional office or clinic shall be permitted which is objectionable due to noise, dust, smoke, odor, glare, traffic attraction, architectural incompatibility, psychological incompatibility or other disturbing characteristics greater than those of residential uses in the vicinity. This provision applies particularly to small animal veterinary clinics.

5. ACCESSORY USE. When a professional pharmacy qualifies as a legitimate accessory use under this chapter, the kinds of goods, displayed, offered and sold, shall be limited to such pharmaceutical and medical supplies as are used in the medical and dental professions. The intent of this restriction shall be that of prohibiting the expansion of service into merchandising fields of variety items, cosmetics and similar merchandise which bear no substantial relationship to the operation of the prescription pharmacy for medical purposes as an accessory use to clinics in residential districts. The hours of operation shall not be more than the hours when the principal use is open for business.

Section 10.10.25 SERVICE STATIONS.

1. LOT AREA AND FRONTAGE. Minimum lot area shall be 10,000 square feet with at least 100 feet frontage on a public street.

2. YARD PROVISIONS. Minimum set-back of pump island shall be 12 feet for front, rear and side yards.

3. LUBRICATION WITHIN BUILDING. Lubrication shall be done within an enclosed building.

4. BUFFER OF ADJACENT PROPERTY. A solid or woven fence, free of advertising which is 6 feet in height or a dense evergreen planting, shall be maintained along property lines which flank residential districts.

5. LIGHTING. Lighting devices shall be shielded so as not to glare into "R" type districts.
CHAPTER 10.11

PARKING AND LOADING STANDARDS

Section 10.11.01 PURPOSE. The provisions of off-street parking and loading space in accordance with the needs and requirements of particular property uses is a necessary public policy in the interest of traffic safety, minimizing congestion, and to provide harmonious development.

Section 10.11.02 GENERAL REQUIREMENTS FOR OFF-STREET PARKING. New uses in all zoning districts shall meet the minimum standards of this Chapter.

Section 10.11.03 POLICY. In all districts there shall be provided at the time of erecting, enlarging, moving, or increasing of capacity by adding dwelling units, commercial or industrial floor space, or seating facilities, minimum off-street parking space, other than in required front yards and with adequate provision for ingress and egress to the street, in accordance with the requirements of this Chapter.

The applicant for a building permit for a building and its related use in the Neighborhood Business (C1) Zone, Central Business (C2) Zone, General Commercial (C3) Zone, in lieu of providing the off-street parking facilities required by the regulations contained herein, may elect to make to the City Treasurer of the City of Kent a payment for placing in its off-street Parking Cumulative Reserve Fund in an amount equal to the product of the following formula:

(a) The payment, made by the applicant shall be equal to the product derived from the multiplication of the square foot area of off-street parking, as required by the application of the standards for parking contained in Chapter 10.11, Sections 10.11.01 - 10.11.4, by a factor.

(b) A factor, shall be defined, as used in the formula, to be that value of one square foot of land and improvements in terms of money representing the estimated average of all the land proposed to be established for off-street parking, as indicated on the adopted plan of off-street parking.

(c) The City Engineer, each year, between April 1 and May 1, shall examine the real property tax records of the County Assessor and the real estate transactions as recorded by the County Auditor for those properties comparable to those delineated for off-street parking in the adopted plan, and obtain from these data a money value per square foot of land, and shall report to the Mayor the preliminary average land value in terms of money per square foot of the land; subsequently, the Mayor shall transmit to the City Council the preliminary estimate of the value of the land made by the Engineer. The City Council may affirm, modify, or change the Engineer's preliminary estimate and establish a final estimate, which shall thereafter be known as the factor to be used in the
formula as a means of determining the amount of the payment, an applicant makes to the off-street parking Cumulative Reserve Fund, in lieu of providing for the off-street parking spaces as established as a condition for the granting of a permit for the use of lands and/or buildings in the (C1), (C2) and (C3) Zones. Provided, that if 50 percent or more of a given block already has structures upon it for which no provision has been made for off-street parking, the remaining property owners in such block shall not be required to provide either off-street parking facilities pursuant to the regulations prescribed herein or to make a contribution in lieu thereof in accordance with the above formula. Provided further, that the owners of the existing structures in a given block that is not completely occupied with structures may also avail themselves of the right to contribute to the City to place in its Off-Street Parking Cumulative Reserve Fund for the establishment of off-street parking facilities on the basis of the above formula.

Section 10.11.04 SIZE AND ACCESS. Each off-street parking space shall have a net area of not less than 180 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.

If the required parking space for a one or two-family dwelling is not provided in a covered garage, then such space shall be not less than 200 square feet, and shall be so located and/or constructed that it may later be covered by a garage structure in accordance with the provisions of this Ordinance and the City Building Code.

Section 10.11.05 LOCATION. Off-street facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the maximum walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.

(1) For one and two family dwellings: on the same lot with the building they are required to serve.

(2) For multiple dwellings: 300 feet.

(3) For hospitals, sanitariums, homes for the aged, asylums, orphanages, rooming houses, club rooms, fraternity and sorority houses: 600 feet.

(4) For uses other than those specified above: 800 feet.

Section 10.11.06 UNITS OF MEASUREMENT.

(1) In stadiums, sports arenas, churches and other places of assembly, each 20 inches of width of seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities.

(2) For purposes of determining off-street parking and loading space as related to floor space on multi-level structures and buildings,
the following formula shall be used to compute gross floor area for parking determinations:

- **Main floor**  
  - Always 100%
- **Basement and 2nd floor**  
  - 50%
- **Additional stories**  
  - 25%

**Section 10.11.07 EXPANSION AND ENLARGEMENT.** Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for said expansion or enlargement in accordance with the requirements of the schedule; provided, however, that no parking space need be provided in the case of enlargement or expansion where the number of parking spaces required for such expansion or enlargement since the effective date of this Ordinance is less than 10% of the parking spaces specified in the schedule for the building. Nothing in this provision shall be construed to require off-street parking spaces for the portion of such building existing at the time of passage of this Ordinance.

**Section 10.11.08 USES NOT SPECIFIED.** In the case of a use not specifically mentioned in parts below, the requirements for off-street parking facilities shall be determined by the Planning Commission. Such determination shall be based upon the requirements for the most comparable use listed.

**Section 10.11.09 JOINT USE.** The Board of Adjustment may authorize the joint use of parking facilities for the following uses or activities under conditions specified:

1. Up to 50% of the parking facilities required by this Chapter for a theater, bowling alley, dance hall, bar or restaurant may be supplied by the off-street parking facilities provided by certain other types of buildings or uses herein referred to as "daytime" uses, in part (4) below.

2. Up to 50% of the off-street parking facilities required by this part for any buildings or uses specified in part (4) below, "daytime" uses, may be supplied by the parking facilities provided by uses herein referred to as "nighttime" uses in part (5) below.

3. Up to 100% of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses herein referred to as "daytime" uses in part (4) below.

4. For the purpose of this part, the following and similar uses are considered as primary daytime uses: banks, offices, retail, personal service shops, household equipment or furniture stores, clothing or shoe-repair shops, manufacturing or wholesale buildings and similar uses.

5. For the purpose of this section, the following and similar uses are considered as primary nighttime or Sunday uses: auditorium incidental to a public or parochial school, churches, bowling alleys, dance halls, theaters, bars or restaurants.
Section 10.11.1 CONDITIONS REQUIRED FOR JOINT USES.

(1) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within 300 feet of such parking facilities.

(2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking is proposed.

Section 10.11.2 PLANS. The plan of the proposed parking area shall be submitted at the time of the application for the building permit for which the parking area is required. Said plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances required.

Section 10.11.3 TABLE OF MINIMUM STANDARDS. Required parking spaces (where alternative standards prevail, the greater applies in conflicting computations), are as follows:

<table>
<thead>
<tr>
<th>USE</th>
<th>SPACES REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Residential structures</td>
<td>1 for each dwelling unit</td>
</tr>
<tr>
<td>(2) Rooming houses, lodging homes, similar uses</td>
<td>1 for each sleeping room</td>
</tr>
<tr>
<td>(3) Auto courts, motel</td>
<td>1 for each sleeping unit</td>
</tr>
<tr>
<td>(4) Hospitals, nursing homes and institutions</td>
<td>1 for each 4 beds</td>
</tr>
<tr>
<td>(5) Theaters</td>
<td>1 for each 4 seats, except 1 for each 8 seats in excess of 800 seats</td>
</tr>
<tr>
<td>(6) Churches, auditoriums and similar enclosed places of assembly</td>
<td>1 for each 6 seats and/or 1 for each 50 square feet of floor area for assembly not containing fixed seats.</td>
</tr>
<tr>
<td>(7) Stadiums, sport arenas, and similar open assemblies</td>
<td>1 for each 8 seats and/or 1 for each 100 square feet of assembly space without fixed seats</td>
</tr>
<tr>
<td>(8) Libraries, classrooms</td>
<td>1 for each 250 square feet of gross floor area</td>
</tr>
<tr>
<td>(9) Dance Halls</td>
<td>1 for each 50 square feet of gross floor area</td>
</tr>
<tr>
<td>(10) Bowling alleys</td>
<td>6 for each alley</td>
</tr>
<tr>
<td>(11) Medical and dental clinics</td>
<td>1 for each 150 square feet of gross floor area</td>
</tr>
</tbody>
</table>
(12) Banks, business and professional for each 200 square feet of gross floor area

(13) Mortuaries, funeral homes 1 for each 75 square feet of floor space used for assembly

(14) Warehouse, storage and wholesale business 1 for each 2 employees

(15) Food and beverage places with sale and consumption on premises:

If less than 4000 square feet 1 for each 200 square feet of gross floor area

If over 4000 square feet 20 plus 1 for each 100 square feet gross floor area in excess of 4000 square feet

(16) Food and beverage places with consumption of food and beverages principally in cars or to go 1 for each 50 sq. ft. of gross floor area or a minimum of 10.

(17) Self service laundries 1 for each 3 washing machines or a minimum of 5.

(18) Drive-in cleaners and other similar uses with no customer service on the premises 1 space for each 300 sq. ft. of gross floor area, but no less than 5.

(19) Furniture, appliance, hardware, clothing, shoe, personal service stores 1 for each 600 square feet of gross floor area

(20) Motor vehicle, machinery, plumbing, heating, ventilating, building supplies stores and services 1 for each 1000 square feet of gross floor area, exclusive of displays, or 1 for each 3 employees

(21) Other retail stores less than 5000 square feet floor area 1 for each 300 square feet floor area.

(22) Retail between 5000 and 20,000 square feet floor area 17 plus 1 for each 100 square feet in excess of 5000.

(23) Manufacturing uses, research, testing and processing, assembly, and all industries 1 for each 2 employees on the maximum working shift, and not less than 1 for each 800 square feet of gross floor area

(24) Transportation terminal By Planning Commission determination based upon the needs

(25) Uses not specified See Section 10.11.08
Section 10.11.4 PROVISIONS FOR DEVELOPMENT. Every tract or parcel of land or lot hereafter used as a public or private parking area, having a capacity of 5 or more vehicles, shall be developed and maintained in accordance with subsequent sections of this Chapter.

Section 10.11.5 PROCEDURE. Applications, together with plans and specifications, shall be submitted to the Planning Commission and the City Engineer in the order named. Approval of both shall be required before site preparation or development work is commenced.

Section 10.11.6 ENCLOSURE. A rail fence, evergreen hedge, wall or other continuous barricade of harmonious material and design at least 18 inches, and no more than 24 inches, in height, shall be provided along property lines which adjoin streets in business zoning districts. Off-street parking areas which adjoin or face across a street or property line toward residually zoned and/or used property, or institutionally used premises, shall be more effectively screened on such sides by a continuous view-reducing fence, wall or compact evergreen hedge. Such fence, wall or hedge shall comply with the yard requirements of the more restrictive zoning district upon which same abuts, adjoins or faces.

Section 10.11.7 OTHER REQUIREMENTS, FINAL APPROVAL AND PERFORMANCE BONDS. In addition to the basic standards and requirements established by this Chapter, the Planning Commission, Board of Adjustment and/or City Engineer may make such other requirements or restrictions as shall be deemed necessary in the interests of the safety, health and general welfare of the City, including, but not limited to, lighting, joint development of parking facilities, entrances and exits, accessory uses, and conditional exceptions. Further, performance bonds may be required in such cases where the Planning Commission, Board of Adjustment or City Council determines that such shall be necessary to guarantee proper completion of improvements within time periods specified.

Section 10.11.8 OPERATION. In or adjoining a residential zoning district, no charges shall be made for use of parking facilities except on a weekly or monthly basis, and no commercial or repair work or service of any kind shall be conducted on the parking lot. Further, parking on such lots shall be limited to passenger vehicles, panel, light and pick-up trucks. No loading, sales or storage of vehicles shall be permitted on such lots.

Section 10.11.9 OFF-STREET LOADING SPACE. The off-street loading provisions of this Chapter shall apply in all zoning districts.

Buildings or structures to be erected or substantially altered and which require the receipt, delivery or distribution of materials and merchandise by trucks shall provide and maintain off-street loading berths according to prescribed standards.

Section 10.11.10 TABLE OF STANDARDS. Business or commercial buildings (retail, wholesale, storage), goods display, markets, mortuaries, laundries, department stores, warehouses, industrial or manufacturing establishments, freight terminals, railroad yards and similar uses, which have, or intend to have, an aggregate gross floor area of 5000 square feet or more, shall
provide truck loading and unloading berths in accordance with the following table of standards:

<table>
<thead>
<tr>
<th>Number of Berths</th>
<th>Adjusted Gross Floor Area (See Sec.10.11.06)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5,000 sq. ft. up to 20,000 sq. ft.</td>
</tr>
<tr>
<td>2</td>
<td>20,000 sq. ft. up to 50,000 sq. ft.</td>
</tr>
<tr>
<td>3</td>
<td>50,000 sq. ft. up to 100,000 sq. ft.</td>
</tr>
<tr>
<td>1 additional for each</td>
<td>50,000 sq. ft. in excess of 100,000 sq. ft.</td>
</tr>
</tbody>
</table>

Section 10.11.11 TABLE OF STANDARDS. Each office building, hotel, restaurant, assembly structure, hospital and any similar structure, which was or is intended to have an aggregate gross floor area of 20,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with this table.

<table>
<thead>
<tr>
<th>Number of Berths</th>
<th>Adjusted Gross Floor Area (See Sec. 10.11.06)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>20,000 sq. ft. up to 50,000 sq. ft.</td>
</tr>
<tr>
<td>2</td>
<td>50,000 sq. ft. up to 100,000 sq. ft.</td>
</tr>
<tr>
<td>1 additional for each</td>
<td>50,000 sq. ft. in excess of 100,000 sq. ft.</td>
</tr>
</tbody>
</table>

Section 10.11.12 DESIGN STANDARDS. Berths shall be provided in such a manner as not to obstruct freedom of traffic movement and driver vision on streets or alleys, and be adequate for standing, loading and unloading services in order to avoid undue congestion and interference with public use of streets and alleys, and to provide safety.

Section 10.11.13 USE OF YARDS. Space for such berth may occupy all, or any part of any required yard space when uncovered.

Section 10.11.14 RELATIONSHIP TO RESIDENTIAL LOTS. No berth shall be located closer than 50 feet to any other lot in any residential district unless wholly within a completely enclosed building or unless screened from such lot in the residential district by a wall or uniformly painted fence not less than 6 feet in height.
CHAPTER 10.12
ADMINISTRATION

Section 10.12.01 INTENT. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare; therefore, where this Ordinance imposes greater restriction than is imposed or required by other laws, ordinances, rules or regulations, the provisions of this Ordinance shall control.

Section 10.12.02 EXCEPTIONS. Recognizing that there are certain uses of property that may, or may not, be detrimental to the public health, safety and general welfare, depending upon the facts of each particular case, the Planning Commission shall have limited power to issue special permits, after public hearing, for such new or unusual uses which are of similar character and not specifically mentioned elsewhere in the Ordinance as a permitted use.

Section 10.12.03 INTERPRETATIONS. The Planning Commission may permit by interpretation in a zoning district any use not described in this Ordinance, not a prohibited use, or not expressly allowed in a less restrictive district. A record shall be kept of such interpretations to facilitate equitable future administration and to permit periodic amendments to this Ordinance.

Section 10.12.04 OFFICIAL ZONING MAP. It shall be the duty of the Planning Commission to interpret the provisions of this Ordinance in such a way as to carry out the intent and purpose of the official zoning plan as shown by the zoning map accompanying and made a part of this Ordinance.

Section 10.12.05 COMPREHENSIVE PLAN. It shall be the duty of the Planning Commission, Board of Adjustment and City Council to interpret and/or administer the provisions of this Ordinance in such a way as to carry out the intent and purpose of the long-range comprehensive plan prepared by the Planning Commission in compliance with RCW 35.63 and adopted by the City Council.

Section 10.12.06 PUBLIC HEARING. Whenever a public hearing is required by this Ordinance, no less than three (3) notices thereof shall be posted by the City Engineer in conspicuous places on or adjacent to the tract, lot or other land or building area affected. Written notices shall be mailed to adjacent land owners, or their agents, or others likely to be affected. Such notices shall state the time and place of such hearing and the nature of the question to be heard and shall be posted not less than fourteen (14) days prior to the date of hearing. Notices shall be sent to the names appearing on the tax rolls of all property within a distance of two hundred (200) feet, streets and alleys excluded, of all property which is the subject of the public hearing. Notices may also be sent to other property owners who might be affected. In addition to other required data accompanying a request involving public hearing a check in the amount of $50.00, non-refundable and payable to the City, shall be filed to cover costs incurred in connection with the posting and mailing of notices.
Section 10.12.07 CONFLICT. In the event of conflict of provisions in this Ordinance the most restrictive requirements shall prevail.

Section 10.12.08 SIX MONTH VALIDITY. Whenever any permit or exception is issued pursuant to provisions of this Ordinance, such permit or exception shall remain effective only for six (6) months, unless the use allowed is begun within that time. If not in use or if related construction is not undertaken within six (6) months, the authorized use shall become invalid and the principal uses permitted outright in the district shall prevail; provided that two extension periods of six (6) months may be granted upon proof of need and timely application therefor is made to the City Engineer.

Section 10.12.09 RECORDING. To insure the perpetuation of any and all conditions and limitations agreed upon as conditions of the special permit or exception authorized, the owner and/or owners of the property affected shall execute a declaration of restrictions and covenants to be duly recorded covering said property. The City Attorney shall approve all such forms. Said requirements may not be relaxed without a rehearing. The covenant is waived and terminated at such time as the use is abandoned as to any duties not yet due to be performed under the covenant at the time of abandonment of use. Also any permits or rights granted on the basis of a variance or conditional exception are terminated when the use is abandoned.

Section 10.12.10 ADMINISTRATIVE PROCEDURES FOR USE OF PERFORMANCE STANDARDS. In instances where the City Planning Commission finds it necessary to require evidence that industrial uses established after the effective date of this Ordinance are operating, or will be operated, so as to conform with performance standards established in Chapter 10.8, the following procedures shall be used:

(1) City Planning Commission Initiates Determination. The City Engineer on request of the Planning Commission, shall arrange for such scientific tests as may be necessary to properly determine conformance to standards on the part of industries established and operating after the effective date of this Ordinance. If the City Engineer determines that such tests show the industrial operation as not conforming to performance standards of this Ordinance, he shall notify the City Planning Commission of the findings. The Planning Commission, after a review of all facts and findings, shall make recommendations to the City Council as to the appropriate action to be taken. In instances where tests performed by or under the direction of the City Engineer show non-conformance, the industrial concern whose operation is tested shall compensate the city for the costs of such tests.

(2) Industries Request Determination. In instances in which an industrial concern requests determination of the conformance of its operation to the performance standards of this Ordinance prior to the establishment of a new industry, or the expansion of an existing industry, the City Engineer, upon request of the Planning Commission, will make such scientific and technical tests as may be necessary to properly determine conformance. If such tests show the industrial operation as conforming to the performance standards of this Ordinance
the City Engineer shall so advise the Planning Commission. The Commission in this case shall record the findings and the City Engineer shall make appropriate records in the issuance of building permits or other documents.

Certification of conformance, as indicated by the records mentioned above, shall be authorization for establishment of such industrial uses, and shall not be subject to revocation by the City Council, except upon evidence of change to a non-conforming use, or except where such industrial operations do not conform with other applicable city ordinances or state laws.

(3) Complaints of Violations. Complaints of violations of the provisions of Chapter 10.8 shall be submitted in writing and signed by the complainant, addressed to the City Planning Commission. Upon receipt of the complaint, the Planning Commission shall request the City Engineer to make a preliminary investigation. If the City Engineer finds and reports no apparent violations of the performance standards of this Ordinance, the Planning Commission shall so notify the complainant in writing. If the complainant thereafter desires to pursue the complaint, he shall inform the Planning Commission in writing and shall deposit with the City a certified check or money order covering the costs of obtaining necessary scientific and technical tests. In cases where such tests determine no violation, such deposit shall be forfeited to the City Treasury. If such test show a violation to exist the deposit shall be returned to the complainant and the violating industry shall compensate the city for such costs. Upon determination of a violation, the City Planning Commission shall forward to the City Council recommendations for appropriate action.
CHAPTER 10.13

NON-CONFORMING USES

Section 10.13.01 POLICY. It is declared to be the policy of the City Council to provide regulatory mechanics for non-conforming uses as found and determined to be reasonable and equitable. This policy is pursued in order that non-conforming uses in existence at the time of adoption of the Ordinance, or amendments thereto, shall be brought to conformity or amortized and removed within such periods of time as are compatible with justice to the owners of properties affected and with the interests of the safety, health and general welfare of the City.

Section 10.13.02 ESTABLISHED NON-CONFORMING USE. To benefit from the protection given to a non-conforming use, such use must have been legitimately and lawfully established prior to the adoption of this Ordinance and amendments thereto or a County resolution in effect at the time of annexation which rendered it non-conforming.

Section 10.13.03 SCHEDULE OF CONTINUANCE: NON-CONFORMING "OPEN" LAND USES. The two alternatives provided to meet compliance with non-conforming "open" land uses are:

1. the use of land (not having buildings thereon) which does not conform to the use provisions of this Ordinance, and which becomes non-conforming by reason of subsequent amendments or annexation shall be discontinued within two (2) years from the effective date of this Ordinance, amendments thereto, or the effective date of the zoning restrictions applied to annexed areas, or

2. all uses of land for outdoor work or storage purposes, which after the adoption of this Ordinance, or amendments thereto, exist as non-conforming uses in any district, shall, within two (2) years after the same become a non-conforming use, be completely enclosed within a view-obscuring fence approved by the Board of Adjustment. Such fence shall be of a sufficient height so that the fence and supplemental landscaping will at all seasons of the year completely screen all operations of such establishments from view from adjacent land and buildings.

Section 10.13.04 ENLARGEMENT AND EXTENSION. No non-conforming use of land shall be changed to another non-conforming use. The lawful use of land existing at the time of the adoption of this Ordinance may be continued under the provisions of Section 10.13.03, paragraph (2), although such use does not conform to this Ordinance for the district in which such land is located; provided, further, that no such non-conforming use shall be enlarged or increased, nor shall any non-conforming use be extended to occupy a greater area of land or building than that occupied by such use at the time of the adoption of this Ordinance, unless by said moving it brings the use closer to conformance with this Ordinance.

Section 10.13.05 ABANDONMENT RELINQUISHES RIGHTS.

1. A non-conforming use if changed to a conforming use may not...
thereafter be changed back to a non-conforming use.

(2) A non-conforming use, when discontinued or abandoned shall not be resumed. Discontinuance or abandonment shall be defined as follows:

(a) When improved land used as a non-conforming use shall cease to be used for that particular use for six (6) consecutive calendar months.

(b) When a building designed or arranged for a non-conforming use shall cease to be used for that particular use as a lawful non-conforming use continuously for a period of twelve (12) consecutive calendar months.

(c) When a building designed or arranged for a conforming use, but used for non-conforming activities shall cease to be used for such particular use for a period of nine (9) consecutive calendar months.

(3) The land from which any non-conforming structure has been removed shall be subsequently used in conformity with the appropriate district regulations.

Section 10.13.06 CONVERSION OR REMOVAL. Conversion or removal of a non-conforming structure or use shall be commenced not later than sixty (60) days after the date of abandonment and shall be completed within one (1) year thereafter, except that in no case shall a non-conforming use or structure be required to commence conversion or removal for a period of less than two (2) years from the date of the first notice of non-conformance as issued by the City Engineer. In case of failure to complete said removal or conversion as required, the City Engineer within ninety (90) days after the date described herein for completed conversion or removal of said use, shall cause the use and/or structure to be removed and the cost shall be charged against the property.

Section 10.13.07 ENLARGEMENT OF NON-CONFORMING USE.

(1) The enlargement of a non-conforming use to any portion of an existing building, which portion was designed and built for such non-conforming use prior to the passage of this Ordinance may be permitted, provided no structural alterations are made.

(2) A building designed and built for, or devoted to, a non-conforming use at the time of the passage of this Ordinance, may not be enlarged or structurally altered unless the use of such building is changed to a conforming use, or when such enlargement is permitted by variance in case of evident hardship.

(3) Moving of a non-conforming use to contiguous lots is prohibited.

Section 10.13.08 UP-GRADING OF NON-CONFORMING USES. A lawful non-conforming use of a building may not be changed to another non-conforming use unless changed to a more restrictive use.
Section 10.13.09 WEAR AND TEAR IMPROVEMENTS: ALTERATION OF UNSAFE STRUCTURES. Normal repairs and alterations may be made to a lawful non-conforming building, provided that no structural alterations shall be made, except those required by law or ordinance. No existing non-conforming structure designed, arranged, intended for, or devoted to, a use not permitted under this Ordinance for the district in which such structure is located shall be enlarged, extended, reconstructed, structurally altered, or moved unless such use is changed to a use permitted under the regulations specified by this Ordinance for the district in which said building is located; provided that work may be done in any period of twelve (12) months on ordinary repairs or on repairs or replacements of non-bearing walls, fixtures, wiring, or plumbing to an extent not exceeding 15 percent of the full value of the structure as determined from the assessed value thereof (according to the assessment thereof by the County Assessor for the year in which such work is done); provided that the cubical content of the building as it existed at the time of passage of this Ordinance be not increased; and provided, further, that nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the City Engineer and ordered to be strengthened or restored to a safe condition, unless such building has been destroyed by an extent exceeding 75 percent of full value, as determined by consideration of the assessed value referred to above.

Section 10.13.10 RESTORATION OF DAMAGED STRUCTURES. When a building or other structure containing a non-conforming use is damaged by fire or by any other cause so that the cost of renewal of the damaged parts exceeds 75 percent of the cost of the replacement of the entire building (exclusive of foundations) using new materials, then such building shall not be rebuilt unless the building and its construction and uses conform fully to this Ordinance and other codes of the City as applied to new buildings and structures and to uses for the district in which it is located. Any rebuilding otherwise authorized by this code or any other applicable code shall commence within six (6) months from the date of damage or destruction, if such non-conforming use is to be continued. The determination of whether a building is destroyed to the extent described above shall rest with the Board of Adjustment.

Section 10.13.11 UNLAWFUL USES NOT AUTHORIZED: SPECIAL EXCEPTION. Nothing in this Ordinance shall be interpreted as authorization for, or approval of, the continuance of, nor the allowing of a special permit, exception or variance for the use of a structure or premises in violation of the zoning regulations in effect at the time of the effective date of this Ordinance. Any use existing at the time of adoption of this Ordinance which is within the scope of uses permitted by conditional exception or accessory exception in the use district in which the property is situated shall be deemed a conforming use without necessity of any action by the Board of Adjustment.

Section 10.13.12 DISTRICT CHANGES. Whenever the boundaries of a district shall be changed from one district to another district of different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein, or thereby created.

Section 10.13.13 NOTICE OF NON-CONFORMANCE. The (building inspector, city engineer, or zoning administrator) shall determine by survey the existence of non-conforming uses which may be affected by the requirements of Sec. 10.13.06 and shall give written notice by mail to the owners thereof as shown in the County Assessor's records. Such notice shall state the purpose, provisions and the expiration date as set forth herein, and shall be given after the effective date of this Ordinance or any amendment thereto which may cause a building to become non-conforming. Failure to give notice shall not invalidate the regulations nor alter the expiration date.
CHAPTER 10.14

ENFORCEMENT AND CERTIFICATE OF OCCUPANCY

Section 10.14.01 PERMITS. It shall be the duty of the City Engineer (or official in charge of issuing building permits and inspection of buildings) to see that this Ordinance is enforced through the proper legal channels. He shall issue no permit for the construction or alteration of any building or part thereof unless the plans, specifications and intended use of such building conform in all respects with the provisions of this Ordinance.

Section 10.14.02 PLATS REQUIRED. All applications for building permits shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, the use and location of existing buildings and buildings to be erected, and such other information as may be necessary to provide for the enforcement of this Ordinance.

Section 10.14.03 CERTIFICATE REQUIRED. No vacant land shall be occupied or used and no building hereafter erected shall be occupied or used until a Certificate of Occupancy is issued by the City Engineer stating that the provisions of this Ordinance have been complied with, and a violation of the terms of this Ordinance shall be grounds for the revocation of the Certificate of Occupancy.

Section 10.14.04 CHANGE IN USE. No change in use of land or building shall be permitted until a Certificate of Occupancy is issued by the City Engineer stating that the provisions of this Ordinance have been complied with.

Section 10.14.05 TEMPORARY CERTIFICATE. The City Engineer may issue a Temporary Certificate of Occupancy for all or part of any building or land for a period of time not to exceed 14 days.

Section 10.14.06 APPLICATION. The application for a Certificate of Occupancy shall contain a statement of the intended use of the premises and such plans and specifications and other pertinent information as may be required by the City Engineer in order to determine whether the building, structure or use is in compliance with this Ordinance.

Section 10.14.07 LICENSES. Business and occupational licenses, if required, shall not be issued unless the applicant has a valid Certificate of Occupancy.
CHAPTER 10.15

ADJUSTMENTS, VARIANCES AND APPEALS

Section 10.15.01 POLICY AND INTENT. It is the policy of the City Council to provide relief in cases of hardship, and a process of appeal to govern situations in which parties affected by these zoning regulations allege improper administrative actions.

Section 10.15.02 BOARD OF ADJUSTMENT CREATED. To carry out the intent and policy of the City Council, a Board of Adjustment is hereby created.

Section 10.15.03 BOARD MEMBERS. The Board of Adjustment shall consist of five voting members, all of whom shall serve without compensation. The members of the Board of Adjustment shall be appointed by the Mayor with consent of the Council. In case any vacancy should occur in the membership of the Board for any cause, the Mayor shall fill such vacancy by making an appointment with the consent of the Council. Any member of the Board of Adjustment may be removed by the Mayor, subject to the approval of the Council. The initial membership shall consist of appointments for staggered terms of one, two, three, four and five years; each appointment thereafter shall be for five years, except that appointments to replace any terminated membership shall be for the duration of the unexpired term.

Section 10.15.04 COMPOSITION OF THE BOARD OF ADJUSTMENT: QUORUM. The Board of Adjustment shall consist of citizens having an understanding of the benefits of planning and zoning to the municipality. It shall include a councilman, a planning commissioner, an attorney, one layman, and one city administrator (but not the City Attorneys, City Engineer, City Planner nor any of their assistants, who each shall serve as ex-officio non-voting members). The presence of three voting members including the Chairman shall constitute a quorum.

Section 10.15.05 BOARD OF ADJUSTMENT DUTIES AND POWERS. The jurisdictional duties and powers of the Board of Adjustment are as follows:

(1) Hearing and deciding applications for conditional exceptions and accessory exceptions expressly provided for in certain districts.

(2) Hearing and deciding appeals from the decisions of the City Engineer regarding interpretations of the provisions of the Zoning Ordinance.

(3) Hearing and deciding requests for variances of the Zoning Ordinance.

Section 10.15.06 AUTHORITY. The Board of Adjustment is authorized to receive, consider, grant or deny appropriate applications for exceptions as provided for in this Zoning Ordinance, after a public hearing and after making written findings of fact that the conditions of the Ordinance upon which these special uses are permitted have been fulfilled and after the City Engineer has found that the provisions of all the ordinances, with which compliance is required, have been fulfilled. In considering applications for such use, the Board of Adjustment shall give due regard for the nature and condition of all adjacent uses and structures and any reports thereon,
and, in authorizing a conditional use, may impose such requirements and
conditions with respect to location, construction, maintenance and operation
in addition to those expressly set forth in this Ordinance as may be deemed
necessary for the protection of adjacent properties and the public interest.

Section 10.15.07 OTHER EXCEPTIONS. Among other exceptions that may be authorized
by the Board of Adjustment are the following:

(1) Addition to Building. Provided plans have been filed with the
City Engineer prior to the effective date of this Ordinance and are in con­
formance with requirements of the preceding ordinance, an addition to the
building may be allowed where the Board of Adjustment deems such addition,
though in conflict with certain present requirements, essential to the
applicant's completion of a planned unit.

(2) Excavation Pits. Stone quarry, sand, gravel or clay pits and soil­
stripping: The use of premises in any district for the excavation, mining,
extration, or removal of stone, sand, gravel, clay or other natural de­
posits may be authorized by temporary and conditional permit by the Board
of Adjustment, after public hearing, for such periods as it deems cons­
istent with the public interest and subject to the following provisions:
plans for such excavations shall consist of two (2) copies of a topographic
map, with such cross-sections as are necessary to adequately show the topo­
graphy of the property in question and its relation to streets, alleys and
surrounding property, together with two (2) copies of a similar map showing
the extent of the proposed excavation and the contours of the ground after
the removal of the material. A copy of each map shall be submitted to the
City Engineer who shall report to the Board of Adjustment his findings re­
garding the effect of the intended excavations upon streets and alleys,
either existing or contemplated, and upon all properties within the area
of influence of such excavations. The Board may require that the excavator
enter into an appropriate agreement with the City at the cost for re­
clamation of such areas to suitable use after completion of excavations
and that adequate performance bond or other guarantee be furnished cover­
ing the cost of restoration or other work.

Section 10.15.08 JURISDICTION - REVIEW OF DECISIONS OF THE CITY ENGINEER.
The Board of Adjustment may review any interpretations of the provisions of
the Zoning Ordinance made by the City Engineer, and any order, requirement,
decision, or determination relating thereto, in the application of the
specific provisions of the Zoning Ordinance to any parcel of land and/or
structure. The Board of Adjustment may affirm, alter or reverse the inter­
pretation of the provisions of the Zoning Ordinance made by the City
Engineer, and any order, requirement, decision, or determination relating
thereto; and the Board's decision shall be based upon the record and the
findings in each case, and to that end it shall have all the powers of
the City Engineer.
Section 10.15.09 JURISDICTION - VARIANCE. Where there are unnecessary hardships and practical difficulties that result from peculiarities of a specific property which render it difficult to carry out the provisions of the Zoning Ordinance, the Board of Adjustment shall have the power to grant a variance which may vary the literal enforcement of any rules, regulations, or provisions of the Zoning Ordinance relating to the density provisions governing the zoning district in which the property is located, provided that the spirit of the Ordinance will be observed, the public interest protected, public safety secured, and substantial justice done. To this end, a variance in the density provisions and requirements of this Ordinance shall only be authorized if the Board of Adjustment finds that all the following facts and conditions exist in each case of a request for a special exception by an application for a variance.

(1) That there are exceptional or extraordinary circumstances or conditions applying to the subject property that do not apply generally to other properties in the same vicinity or zone, and that the plight of the owner is unique and not the result of his own action.

(2) That the land or structure in question cannot be reasonably used and cannot yield a reasonable return under strict interpretation of the density provisions for the district in which it is located, and that such variance is necessary for the preservation and enjoyment of a substantial property right of the appellant possessed by the owners of other property in the same vicinity or district.

(3) That the authorization of such variance will not be materially detrimental to the public welfare, nor injurious to nearby property.

(4) That the granting of such variance will not adversely affect the comprehensive plan or studies thereof.

Section 10.15.10 NON-CONFORMING USE ABSTENTION EXTENSION. Upon evidence of hardship the Board of Adjustment shall have the power to extend the time limits for non-conforming use abatement for one period not to exceed six (6) months.

Section 10.15.11 VARIANCE CONDITIONS. In authorizing a variance the Board of Adjustment may attach thereto such conditions regarding the location, character and other features of the proposed structures or uses as it may deem necessary to carry out the spirit and purpose of this Ordinance in the public interest; provided, however, that a variance so authorized shall become void after the expiration of six (6) months if no substantial construction has taken place in accordance with the plans for which such variance was authorized and provided further, that a variance from the use provisions of this Ordinance shall not be inconsistent with the intent and purpose of the section on non-conforming uses.

Section 10.15.12 PROCEDURE. The Board of Adjustment shall adopt rules and regulations for its own government, not inconsistent with the provisions of
The Board shall hold at least one regular meeting each month of the year, provided, if no issues over which the Board has jurisdiction are pending a meeting may be cancelled. All official meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the action of the Board upon each question, and shall keep records of its examinations and other official actions taken by it, all of which shall be immediately filed with the City Clerk and shall be public record.

(2) Appellant. Any person or persons aggrieved, or any officer, official or any department, board or commission of the City, jointly or severally, may be the appellant, and may make a request for special exception to the Board for relief from any provisions of the Zoning Ordinance or any determination of the City Engineer in the application of the provisions of the Zoning Ordinance to the appellant's land and/or structure. The appellant shall appear at the public hearing at the time and place fixed by the Board, in person, by agent, or by an attorney.

(3) Initiation of Action by the Board. The Board may initiate a review of the City Engineer's interpretation of the provisions of the Zoning Ordinance by a motion, by virtue of a vote by a majority of the quorum, or a majority of the members present if such number exceeds a quorum; it shall also review any interpretation of the provisions of the Zoning Ordinance made by the City Engineer and any order, requirement, decision, or determination relating thereto, upon receipt of an application or petition requesting a review of the interpretation; and it shall hear and decide all applications for exception and variances as authorized.

(4) Filing Applications. An application to the Board, in cases in which it has original jurisdiction under the provisions of this Ordinance, may be made by any property owner or tenant or by any governmental officers, department, board or bureau affected. Such application, or appropriate form, together with all the plans, specifications and other papers pertaining to the application, shall be filed with the Board of Adjustment. Application for conditional exception (special permit) filed by others than governmental officials shall be accompanied by a fee of $50.00.

(5) Filing Appeal. Appeals to the Board for a variance, or from any ruling of the City Engineer, or any other administrative officer administering any portion of the Ordinance, may be made by any property owner or by any governmental officer, department, board or bureau affected. Appeals may be made within ten (10) days, as provided by the rules of the Board, by filing with the City Engineer and with the Board, a notice of appeal, specifying the grounds thereof. The City Engineer shall forthwith transmit to the Board his interpretation or ruling, as the case may be, together with all the plans and papers relating to the case. Any action referred to the Board shall not necessitate an additional fee.

Section 10.15.13 BOARD MEETINGS. When an application or appeal has been filed in proper form, with the required data, and payment of any required fee,
the City Clerk shall immediately place said application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing to be served. Said notices shall be served personally or by mail at least ten (10) days prior to the date of such hearing, upon the applicant or appellant, the City Engineer, and the names appearing on the tax rolls of the property within two hundred (200) feet of the premises in question in the case of all applications for exceptions. On hearings other than exceptions only service to names appearing on the tax rolls for abutting properties is required. Failure to send notices by mail to any property owners, where the address of such owners is not recorded on the tax rolls, shall not invalidate any proceedings of the Board.

Section 10.15.14 DECISIONS OF THE BOARD. The Board of Adjustment shall decide all applications and appeals at the final hearing thereon which shall be held not later than sixty (60) days after the first hearing thereon. A certified copy of the final decision shall be transmitted to the City Engineer not later than five (5) days after such decision, which decision shall be binding and observed by him, and he shall incorporate the terms and conditions of same in the permit to the applicant or appellant whenever a permit is authorized by the Board.

Section 10.15.15 RESOLUTION REQUIRED. All actions of the Board of Adjustment shall be by resolution which shall state the reasons for each decision. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Engineer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variance in the requirements of this Ordinance.

Section 10.15.16 APPEALS TO CITY COUNCIL. Any interested citizen or administrative officer of the City may appeal to the City Council from a ruling of the Planning Commission or the Board of Adjustment where such ruling allegedly is adverse to his interests. Written notice of appeal from such rulings shall be filed within ten (10) days from such ruling. Thereupon the Planning Commission or Board of Adjustment shall forthwith transmit to the City Council all papers constituting the record upon which the ruling was made. The City Council at a regularly scheduled meeting shall hear the appeal after receiving such further evidence as seems relevant. The Council may overrule or alter the decision of the Planning Commission or the Board of Adjustment by a majority vote of the full Council.
CHAPTER 10.16

MAP CHANGES

Section 10.16.01. The City Council may, upon proper application, upon recommendation of the Planning Commission, or upon its own motion, and after public hearing and referral to and report from the Planning Commission, change by ordinance the district boundary lines of zone classifications as shown on the Zoning Map provided such change is duly considered in relationship to a comprehensive plan as required by the Laws of Washington.

TEXT CHANGES

Section 10.16.02. The City Council may, upon recommendation of the Planning Commission, or upon its own motion, after public hearing and referral to and report from the Planning Commission, change by ordinance the regulations herein established provided such revision conforms to the state statute.

APPLICATION PROCEDURE

Section 10.16.03. An application for a change of zone classification or district boundary lines submitted by the property owner, or his authorized representative, shall be entered on a form provided for this purpose and filed with the City Clerk at least ten (10) days before a regularly scheduled meeting of the Planning Commission. Said petition shall be accompanied by a check made payable to the City in the sum of $50.00, which shall be non-refundable and used to cover costs incurred in connection with posting of the premises, mailing of notices and conducting the hearing as provided in this Ordinance.

ANNEXED AREAS

Section 10.16.04. Private land annexed to the city after the effective date of this Ordinance shall not be classified into use districts and no zoning shall be in effect for such annexed lands until the Planning Commission shall have completed a study and made a report to the City Council, with recommendations as to the use districts to be established by appropriate amendment to this Ordinance. If within 90 days after the effective date of annexation, the Planning Commission has not submitted its report to the City Council, the latter shall act in accordance with the procedures specified in this Chapter to establish zoning for the annexed lands by designation of use districts.

The City Planning Commission upon request of the City Council, prior to the effective date of annexation of any land may undertake appropriate studies and submit a report to the City Council recommending changes in the Zoning Ordinance to include the area proposed for annexation.

PLANS AS BASIS FOR PERMIT

Section 10.16.05. A plan, upon being acceptable as part of a petitioner's application for change of zone district or boundary, shall be considered as part of any special permit granted for the use represented, and building permits may only be issued in accordance therewith to the applicant or his successor; provided a covenant shall be prepared, accepted and recorded to govern conditions of the aforementioned permit.
CHAPTER 10.17

VALIDITY

Section 10.17.01. Should any chapter, section or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.
Chapter 10.18

Violations and Penalties

Section 10.18.01. Any person, partnership, association, firm or corporation who wilfully violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of this Ordinance or its provisions shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not in excess of three hundred dollars ($300.00) or by imprisonment in the City Jail for not to exceed ninety (90) days or by both such fine and imprisonment. Each day that a violation exists shall constitute a separate offense.
Section 10.19.01 Ordinance No. 784 and the map accompanying the same, entitled "AN ORDINANCE to regulate and restrict the location and use of buildings and the use of land within the City of Kent, Washington, to limit the height of buildings; to prescribe building lines and the size of yards and other open spaces, and for these purposes to divide the city into districts.

Adopted 15 day of September, 1947.

Approved 16 day of September, 1947

Published 23 day of September, 1947

AND

Ordinance No. 858, entitled "AN ORDINANCE of the City of Kent amending Section 5. of Ordinance No. 784, to regulate and restrict the location and use of buildings and the use of land within the City of Kent, Washington, to limit the height of buildings, to prescribe building lines and the size of yards and other open spaces, and for these purposes to divide the City into districts.

Adopted 6 day of April, 1953

Approved 7 day of April, 1953

Published 9 day of April, 1953

ARE HEREBY repealed.
CHAPTER 10.20
WHEN EFFECTIVE

Section 10.20.01 This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as by law provided.

Signature Alex Thornton, Mayor

Signature Chas. Bridges, City Clerk

Approved as to form.
Signature Arthur Lane, City Attorney

Passed this 19 day of September, 1960.
Approved this 20 day of September, 1960.
Published this 28 day of September, 1960.