Ordinance No. 2711

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Repealed by Ord. 3409
AN ORDINANCE of the City of Kent, Washington, relating to land use and zoning, amending Kent City Code 15.04.170 to add language allowing certain limited commercial land uses in industrial park districts.

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

Section 1. Section 15.04.170 of the Kent City Code is amended as follows:

15.04.170. INDUSTRIAL PARK DISTRICT OR Ml (OR Ml-C). Purpose: The purpose of this district is to provide an environment exclusively for and conducive to the development and protection of a broad range of industrial activities including modern, large scale administrative facilities, research institutions and specialized manufacturing organizations, all of a nonnuisance type. This district is intended to provide areas for those industrial activities that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards.

It is also the purpose of this zone to allow certain limited commercial land uses that provide necessary personal and business services for the general industrial area. Such uses are allowed in the Ml district, through the application of the C-suffix, at centralized, nodal locations where major arterials intersect.

A. Principally Permitted Uses - Ml District. The following list is illustrative of the types of permitted uses and is not intended to be exclusive.
1. Manufacturing, processing, assembling and packaging of articles, products or merchandise from previously prepared natural or synthetic materials, including but not limited to asbestos, bristles, bone, canvas, cellophane and similar synthetics, chalk, clay (pulverized only, with gas or electric kilns), cloth, cork, feathers, felt, fiber, fur, glass (including glass finishing), graphite, hair, horn, leather, paints (except boiling processes), paper, paraffin, plastic and resins, precious or semi-precious metals or stones, putty, pumice, rubber, shell, textiles, tobacco, wire, wood, wool and yarn.

2. Manufacturing, processing, treating, assembling, and packaging of articles, products, or merchandise from previously prepared ferrous, nonferrous or alloyed metals (such as bar stock sheets, tubes, and wire and other extrusions), including light foundary casting and forging operations and other forming operations.

3. Printing, publishing and allied industries, including such processes as lithography, etching, engraving, binding, blueprinting, photocopying, film processing, and similar operations or activities.

4. Manufacturing, processing, blending, and packaging of the following:

   a. Drugs, pharmaceuticals, toiletries, and cosmetics.

   b. Food and kindred products, such as confectionery products, chocolate, cereal breakfast foods, bakery products, paste products, fruits and vegetables, beer, beverages (except fermenting and distilling), prepared food specialities (such as coffee, dehydrated and instant foods, extracts, spices and dressings) and similar products.

   c. Dairy products and by-products, such as milk, cream, cheese, and butter; including the processing and bottling of fluid milk and cream and wholesale distribution.
5. Warehousing and distribution facilities and the storage of goods or products, except for those goods or products specifically described as permitted to be stored only as conditional uses in the M3 District.

6. Crop and tree farming.

7. Administrative or executive offices which are part of a predominant industrial operation.

8. Scientific research, testing and experimental development laboratories.

9. Establishments engaged in electronic, automotive, aerospace, missile, airframe, or related manufacturing and assembly activities, including precision machine shops producing parts, accessories, assemblies, systems, engines, major components, and whole electronic or electrical devices, automobiles, aircraft, missiles, aerospace, or underwater vehicles, or similar products, including research and test facilities, but specifically excluding explosive fuels and propellants.

10. Manufacturing, processing, assembling and packaging of precision components and products; including precision machine shops for products such as radio and television equipment; business machine equipment; home appliances; scientific, optical, medical, dental, and drafting instruments; photographic and optical goods; phonograph records and prerecorded audio-visual tape; measurement and control devices; sound equipment and supplies; personal accessories, and products of similar character.

11. Headquarter offices of industrial operations.

12. Alcoholic beverage processes, such as distilling and fermenting.
13. Retail uses as listed below.
   a. Merchandise vending machine operators
   b. Tire, batteries, and accessory (industrial vehicles and equipment)
   c. Eating places (except drive-ins or those with drive-in or drive-through facilities)

14. Administrative, professional, medical, financial and business offices and services including but not limited to the following:

   a. **Finance, insurance and real estate services**
      Banking and related services
      Security broker, dealers and related services
      Commodity brokers, dealers and related services
      Insurance carriers
      Insurance brokers, agents and related services
      Real estate operators, lessors and management services
      Real estate agents, brokers and related services
      Real estate subdividing and developing services
      Housing and investment services

   b. **Personal services**
      Linen supply and industrial laundry services
      Diaper services
      Rug cleaning and repair services
      Photographic services
      Beauty and barber services
      Fur repair and storage services
c. **Business services**
   Advertising services
   Outdoor advertising services
   Consumer and mercantile credit reporting services; adjustment and collection services
   Direct mail advertising services
   Stenographic services and other duplicating and mailing services
   Window cleaning services
   Disinfecting and exterminating services
   News syndicate services
   Employment services
   Food lockers (with or without food preparation facilities)
   Business and management consulting services
   Detective and protective services
   Equipment rental and leasing services
   Automobile and truck rental services
   Motion picture distribution services
   Travel agencies

d. **Repair services**
   Electrical repair services
   Radio and television repair services
   Reupholstery and furniture repair services
   Armature rewinding services

e. **Professional services**
   Medical and dental laboratory services
   Legal services
   Engineering and architectural services
   Educational and scientific research services
   Accounting, auditing, and bookkeeping services
   Urban planning services
   Counseling services
f. **Contract construction services**
   Building construction - general contractor services
   Plumbing, heating, and air conditioning services
   Painting, paperhanging and decorating services
   Electrical services
   Masonry, stonework, tile setting, and plastering services
   Carpentering and wood flooring
   Roofing and sheet metal services
   Concrete services
   Water well drilling services

g. **Educational services**
   Vocational or trade schools
   Business and stenographic schools
   Driving schools - truck

h. **Miscellaneous services**
   Business associations and organizations
   Labor unions and similar labor organizations
   Health and fitness clubs and facilities

Other service uses which may be deemed by the Planning Director to be of the same general character and compatible with those uses listed.

15. Other similar uses which the Planning Director finds compatible with the Principally Permitted Uses described herein; consistent with the purpose and intent of the Ml District and not of a type to adversely affect the use of adjoining properties.

16. Existing dwellings may be rebuilt, repaired and otherwise changed for human occupancy. Accessory uses for existing dwellings may be constructed. Such uses are garages, carports, storage sheds and fences.
17. Municipal uses and buildings, except for such uses and buildings subject to Section 15.04.200.

B. Principally Permitted Uses in M1-C District (C-suffix)

The following commercial uses are permitted in addition to those listed in subsection A on properties designated with the C-suffix pursuant to procedures specified in Section 15.09.050. This list is intended to be illustrative of the types of commercial uses permitted.

1. Automotive service, maintenance and repair facilities.

2. Bakeries and Confectioneries

3. Computer and software stores

4. Convenience and deli marts (maximum gross floor area of 3,000 square feet)

5. Convention facilities

6. Exhibition halls, art galleries

7. Hotel, motel

8. Liquor stores

9. Magazines and newspaper stands

10. Printing services

11. Private post offices

12. Shoe repair

13. Stationery and office supply stores

14. Tailoring
Other similar uses which the Planning Director finds compatible with the principally permitted uses described herein; consistent with the purpose and intent of the M1 District and not of a type to adversely affect the use of adjoining properties.

C. Special Permit Uses. The following uses are permitted provided they conform to the development standards listed in Section 15.08.020.

1. Gasoline service stations (with or without retail convenience grocery sales)

2. Nursery schools and day care centers.

D. Accessory Uses. The following are the accessory uses permitted in the M1 District.

1. Repair operations for products as described as Principally Permitted Uses and sales and service incidental to a Principally Permitted Use, provided such operations are housed as a part of the building or buildings comprising the basic operation.

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

3. Employee recreation facilities and play areas.

4. Restaurant, cafe or cafeteria operated in conjunction with a Principally Permitted Use for the convenience of persons employed on the premises.

5. Nursery schools and day care facilities operated in conjunction with a permitted use.

6. Other accessory uses and buildings customarily appurtenant to a Principally Permitted Use.
7. The following are accessory uses which are allowed only in the Ml-C district in cases where development plans demonstrate a relationship between these uses and the principal use or uses of the property:

   1. Gift shops
   2. Florist shops
   3. Specialty clothing stores

E. Conditional Uses. The following are the types of conditional uses permitted in the Ml District, subject to approval by the Hearing Examiner. The list of Conditional Permitted Uses is illustrative of the types of uses which shall be permitted and is not intended to be exclusive.

   1. Any Principally Permitted Use whose operations are predominately conducted out-of-doors rather than completely enclosed within a building.

   2. Any type of Principally Permitted Use whose operations are predominantly for the repair of products described rather than the manufacturing or processing of such products.

   3. Retail and service uses as listed in Subsection 15.04.170 A12 which individually or on a cumulative basis exceed twenty-five (25) percent of the gross floor area of any single or multibuilding development. Conditional Use Permits shall be required on an individual tenant or business basis and shall be granted only when it is demonstrated that the operational characteristics of the use will not adversely impact on or off site conditions on either an individual or cumulative basis.

   4. General Conditional Uses as listed in Section 15.08.030.

   5. Carloading and distribution facilities, rail-truck transfer station.

F. Development Standards.

1. Minimum lot One (1) acre.

2. Maximum site coverage. Sixty (60) percent.

3. Yards

a. Front yard. The front yard shall be twenty (20) percent of the lot depth. Regardless of lot size the yard depth need not be more than sixty-five (65) feet.

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

b. Side yard on flanking street of corner lot. The side yards on the flanking street of a corner lot shall be twenty (20) percent of the lot width but need not be more than fifty (50) feet in width.

c. Side yards. The side yards shall have an aggregate width of ten (10) percent of the lot width, but the aggregate width shall not be more than forty (40) feet. There shall be a minimum of fifteen (15) feet on each side.

d. Rear yard. None required except as may be required by other setback provisions of this section.

4. Yards, transitional conditions. Transitional conditions shall exist when an Industrial Park, Ml District, adjoins a residential district containing a density of two (2) dwelling units or more per acre or a proposed residential area indicated on the Kent Comprehensive Plan. Such transitional conditions shall not exist where the separation includes intervening use such as river, freeway, railroad mainline, major topographic differential or other similar conditions; or where the industrial properties face on a limited access surface street on
which the housing does not face. When transitional conditions exist as herein defined, a yard of not less than fifty (50) feet shall be provided.

5. **Setbacks, Green River.** Development in the M1 District abutting the Green River (or Russell or Frager Roads where such roads follow the river bank) shall set back from the ordinary high water mark of said river a minimum of two hundred (200) feet. Such setbacks are in accordance with the State Shoreline Management Act of 1971, and shall be no more restrictive than, but as restrictive as, said Shoreline Management Act.

6. **Height limitations.** Two (2) stories or thirty-five (35) feet. Beyond this height, to a height not greater than either four (4) stories or sixty (60) feet, there shall be added one additional foot of yard for each one foot of additional building height. The Planning Director shall be authorized to approve one additional story, provided such height does not detract from the continuity of the industrial area, and may impose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increase may be granted by the Planning Commission.

7. The landscaping requirements of Chapter 15.07 shall apply.

8. **Enclosure of activities.** Predominant activities and operations shall be completely enclosed within buildings or structures, except for customary appurtenances, such as loading and unloading areas, or where special conditions exist as a result of a conditional use public hearing. The Planning Director shall be authorized to determine the reasonable application of this provision in cases of operational hardship or other showing of uncommon circumstances.

9. **Outside storage or operation yards.** Outside storage or operations yards in the M1 zone shall be permitted only as accessory uses. Such uses are incidental and subordinate to the principal use of the property or structure. Outside storage or operations yards shall be confined to the area to the rear of
the principal building or the rear two-thirds (2/3) of the property and reasonably screened from view from any property line by appropriate walls, fencing, earth mounds, or landscaping. Outside storage exceeding a height of fifteen (15) feet shall be so placed on the property as to not detract from the reasonably accepted appearance of the district.

10. **Loading areas.** Loading areas must be located in such a manner that no loading, unloading and/or maneuvering of trucks associated therewith takes place on public rights of way.

11. **Multitenant buildings.** Multitenant buildings shall be permitted.

12. **Improvement and maintenance of yards and open space.** All required yards, parking areas, storage areas, operations yards, and other open uses on the site shall be maintained in a neat and orderly manner appropriate for the district at all times. The Planning Director shall be authorized to reasonably pursue the enforcement of these provisions where a use is in violation and to notify the owner or operator of the use in writing of such noncompliance. The property owner or operator of the use shall be given a reasonable length of time to correct the condition.

G. **Signs.** The sign regulations of Chapter 15.06 shall apply. Signage on commercial uses in the M1-C zone shall be as specified in Section 15.05.050(B).

H. **Off-Street Parking.**

1. The off-street parking requirements of Chapter 15.05 shall apply.

2. Those areas not required to be landscaped may be used for off-street parking.

I. **Performance Standards.** The performance standards as provided in Section 15.08.050 shall apply.
J. Development Plan Review. Development plan approval is required, as provided in Section 15.09.010. (0.2524, §1)

Section 2. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 3. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the 10 day of March, 1987.

APPROVED the 11 day of __________, 1987.

PUBLISHED the 22 day of __________, 1987.

I hereby certify that this is a true copy of Ordinance No. 2211, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK

(SEAL)