Ordinance No. 2786
(Amending or Repealing Ordinances)

CFN=131 – Zoning Code
Passed 6/21/1988
Incorporating Recommendations of the East Valley Study into Zoning Code

Repealed by Ord. 3409 (Secs. 15.04.180; 15.04.190; 15.04.200)

Amended by Ord. 3409 (Sec. 15.07.040);
Amended by Ord. 3612 (Sec. 15.07.010);
Amended by Ord. 3830 (Sec. 15.07.040)
Amended by Ord. 4043 (Sec. 15.07.040)

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012.
ORDINANCE NO. 780

AN ORDINANCE of the City of Kent, Washington, amending the Kent City Zoning Code to establish a landscape corridor along the East Valley Highway, changing the front yard setback in the M2 Zone, instituting screening requirements for dock high loading areas in M2 and M3 Zones, establishing transition area requirements in the East Valley and clarification of solid waste use regulations, adding Sections 15.02.499, 15.04.180(D)(8), amending 15.04.180(F)(3)(a)&(b), adding 15.04.180(E)(8), 15.04.190(A)(22), 15.04.190(D)(9), 15.04.200(A)(8)(b), 15.07.040(F), and amending Section 15.08.210.

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

Section 1. The Kent City Zone Code Chapter 15.02 is amended as follows:

CHAPTER 15.02
DEFINITIONS

For purposes of this code, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word shall is mandatory, the word may is permissive.

The word used or occupied includes the words intended, designed, or arranged to be used or occupied.

The word lot includes the words plot and parcel.

15.02.005. ACCESSORY USE OR STRUCTURE. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

15.02.006. ADULT BOOKSTORE. A commercial establishment which has a minimum of 20 percent of its stock in trade, books, magazines, or other periodicals distinguished or characterized by
an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein. Such an establishment is customarily not open to the public generally but only to one or more classes of the public, excluding minors by virtue of age. It shall be a rebuttable presumption that 20 percent of a business's stock in trade is considered substantial. (C.2687, §2)

15.02.007. ADULT MOTION PICTURE THEATRE. An Adult Motion Picture Theatre is an enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as hereafter defined for observation by patrons therein. This term includes outdoor drive-in theatres or structures which present similar films, movies, or other visual media depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as hereafter defined for observation by patrons. (C.2687, §2)

15.02.008. ADULT USES. For the terms of this code, adult uses shall include adult motion picture theatres adult drive-in theatres, and adult bookstores as defined herein. (C.2687, §2)

15.02.010. AGRICULTURE. The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce; provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or refuse to swine or other animals.

15.02.015. ALLEY OR LANE. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

15.02.020. APARTMENT. A dwelling unit in a multifamily building.

15.02.025. APARTMENT HOUSE (MULTIFAMILY DWELLING). Any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.

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

15.02.035. AUTOMOBILE SERVICE STATION OR GASOLINE FILLING STATION. A building or lot having pumps and storage tanks where fuels, oils, or accessories for motor vehicles are dispensed, sold or offered for sale at retail only; repair service is incidental and no storage or parking space is offered for rent.
15.02.040. AUTOMOBILE WRECKING OR MOTOR VEHICLE WRECKING. The dismantling or disassembling of motor vehicles or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.

15.02.045. BASEMENT. That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

15.02.050. BOARD OF ADJUSTMENT. The Kent Board of Adjustment created in accordance with RCW 35A.

15.02.055. BOARDING OR LODGING HOME. A dwelling or part thereof, other than a motel or hotel, where lodging with or without meals, is provided, for compensation for not more than three (3) persons.

15.02.060. BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property of any kind.

15.02.065. BUILDING HEIGHT. The vertical distance from the "grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

15.02.070. CANOPY. A roof-like projection.

15.02.075. COMPREHENSIVE PLAN. The plans, maps, reports which have been adopted by the City Council in accordance with RCW 35.63 or RCW 35A.

15.02.080. COMBINING DISTRICT. District regulations superimposed on an underlying zoning district which impose additional regulations for specific uses, and which are valid for a stipulated time period. Uses permitted by the underlying zone may also be developed.

15.02.085. COMMON OPEN SPACE. A parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned unit development, and designed and intended primarily for the use or enjoyment of the residents of such development.

15.02.090. CONDITIONAL USE. A use permitted in a zoning district only after review and approval by the Hearing Examiner. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a zoning district, or if the site is regulated in a certain manner.

15.02.092. CREEKS, MAJOR. The following are major creeks identified by the City of Kent.

A. Mill Creek
B. Garrison Creek and its tributaries
C. Springbrook Creek
D. Johnson Creek
E. Midway Creek
F. Star Lake Creek
G. Bingaman Creek
H. Mullen Slough
I. Mill Creek (Auburn)
J. West Branch Big Soos Creek and tributaries

The location of these creeks is identified on the map entitled "Hazard Area Development Limitations," KCC 15.08.222.

15.02.093. CREEKS, MINOR. All creeks other than major creeks and generally including the following criteria; a course or route as formed by nature, or as altered by human activity and generally consisting of a channel with a bed, banks, or sides substantially throughout its length along with surface waters, with some regularity, naturally and normally flow or drain from high to lower lands. The location of these creeks is identified on the map entitled "Hazard Area Development Limitations," KCC 15.08.222.

15.02.095. CROP AND TREE FARMING. The use of land for horticultural purposes.

15.02.100. DEVELOPMENT PLAN. A plan drawn to scale, indicating the proposed use, the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location on the lot of the proposed building or alteration, yards, setbacks, landscaping, off-street parking, ingress and egress, and signs.

15.02.105. DEVELOPMENT STANDARDS. Regulations including but not limited to setbacks, landscaping, screening, height, site coverage, signs, building layout, parking and site design and related features of land use.

15.02.107. DISCONTINUANCE. The abandonment or nonuse of a building, structure, sign and/or lot for a period of six (6) months.

15.02.110. DISTRICT. An area designated by the Kent Zoning Code with specific boundaries in which lie specific zones which zones are described in the code.

15.02.111. DOCK HIGH LOADING AREAS. Truck maneuvering areas and loading/unloading areas associated with loading doors that are located above the finish grade. (C.2740, §1)

15.02.112. DRAINAGE DITCHES. A manmade channel with a bed, bank or sides which discharges surface waters into a major or minor creek, lake, pond or wetland.

15.02.115. DWELLING, SINGLE FAMILY. A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

15.02.120. DWELLING, TWO FAMILY. A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

15.02.125. DWELLING, MULTIPLE FAMILY. A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
15.02.130. DWELLING UNIT. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure or on the same property and containing independent cooking and sleeping facilities.

15.02.132. EROSION HAZARD AREA.

A. Class 1 Erosion Hazard Areas. All areas of the City, other than Class 2 or 3 erosion hazard areas. These areas are areas where no development limitations are deemed necessary, except where described under Chapter 15.04 - District Regulations.

B. Class Erosion Hazard Areas. All soils mapped by the Soil Conservation Service as having moderate to severe erosion hazard potential. These soils in the City of Kent include Arents, Alderwood material (AmC), Alderwood gravelly sandy loam (AgC), and Everett gravelly sandy loam (FvD).

C. Class 3 Erosion Hazard Areas. All soils mapped by the Soil Conservation Service as having a severe to very severe erosion hazard potential. These soils in the City of Kent include Alderwood gravelly sandy loam (Agd) and Alderwood Kitsap soil (AKF).

D. Soil Conservation Service Maps referenced herein are on file with the City Clerk.

15.02.135. 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, boarding or lodging house.

15.02.140. FENCE - SIGHT OBSCURING. The minimum for a sight-obscuring fence is a chain-link fence with woven slats in every row or available space of the fence.

15.02.145. FENCE - 100% SIGHT OBSCURING. A fence constructed of solid wood, metal or other appropriate material which totally conceals subject use from adjoining uses at six (6) feet above the base of the fence line, at twenty (20) feet from subject property line.

15.02.150. FRONTAGE, BUILDING OR OCCUPANCY. The length of that portion of a building or ground floor occupancy which abuts a street, publicly used parking area, or mall appurtenant to said building or occupancy expressed in lineal feet and fractions thereof.

15.02.155. GARAGE OR CARPORT, PRIVATE. A building, or a portion of a building principally for vehicular equipment such as automobiles, boats, etc., not more than one thousand (1,000) square feet in area, in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept.
15.02.160. GENERAL CONDITIONAL USES. Uses described in Section 15.08.030. Such uses shall be deemed conditional uses in all districts.

15.02.165. GRADE. The lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five feet distant from said wall. In case walls are parallel to and within five feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

15.02.170. GROSS FLOOR AREA. The area included within the surrounding exterior walls of a building expressed in square feet and fractions thereof. The floor area of a building not provided with surrounding exterior walls shall be the usable area under the horizontal projections of the roof or floor above.

15.02.175. GROUND COVER. Low growing vegetative materials with a mound or spreading manner of growth that provide solid cover within two years after planting. (Examples: sod or seed lawn, ivy, junipers, cotoneaster, etc.)

15.02.180. 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.

15.02.185. HEARING EXAMINER (LAND USE). A person appointed by the City Administrator to conduct public hearings on applications outlined in the City ordinance creating the Hearing Examiner, and who prepares a record, findings of fact and conclusions on such applications.

15.02.187. HIGHEST SHADE PRODUCING POINT. The point of a structure which casts the longest shadow at noon on January 21.

15.02.190. HOME OCCUPATION. The carrying on of a lawful business activity within the dwelling unit by the inhabitants of the dwelling unit. (0.2424, §1)

15.02.195. HOME OWNERS ASSOCIATION. An incorporated, non-profit organization operating under recorded land agreements through which (a) each lot owner is automatically a member and (b) each lot is automatically subject to a charge for a proportionate share of the common property and (c) a charge if unpaid, becomes a lien against the property.

15.02.200. HOTEL. Any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

15.02.202. IMPERVIOUS SURFACES. That hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions pre-existent to development, and/or that hard surface area which causes water to run off the surface in greater quantities or at an increased rate.
of flow from that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, roof tops, concrete or asphalt paving, paved walkways, patios, driveways, parking lots or storage areas, and oiled, macadam or other surfaces which similarly impede the natural infiltration of surface water.

15.02.205. INTERIOR COURT. A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

15.02.210. JUNK YARD. A place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled, including auto and motor vehicle wrecking yards, house wrecking yards, used-lumber yards and yards for use of salvaged house wrecking and structural steel materials and equipment.

15.02.215. KENNEL. Any premises on which four (4) or more dogs, which are five-months old or older are kept.

15.02.217. LAKES. Natural or artificial bodies of water of two or more acres and/or where the deepest part of the basin at low water exceeds two meters (6.6 feet). Artificial bodies of water with a recirculation system approved by the Public Works Department are not included in this definition.

15.02.220. LANDSCAPING. Vegetative cover including shrubs, trees, flowers, seeded lawn or sod, ivy and other similar plant material.

15.02.222. LANDSLIDE AREAS.

A. Class 1 Landslide Areas. All areas of the City, other than Class 2 or 3 landslide hazard areas. These areas are areas where no development limitations are deemed necessary, except where described under Chapter 15.04 - District Regulations.

P. Class 2 Landslide Areas. Slopes of 15 percent or greater with permeable subsurface material (predominately sand and gravel) to base level.

C. Class 3 Landslide Areas. Class 3 landslide hazard areas means those areas subject to a severe risk of landslide, due to the combination of: (a) slopes greater than fifteen (15) percent; and (b) impermeable subsurface material (typically silt and clay) sometimes interbedded with permeable subsurface material (predominantly wet sand and gravel) between the top and base (foot) elevations; and (c) characterized by springs or seeping groundwater during the wet season (November to February). These areas include both active and currently inactive slides.

15.02.225. LOT. For the purposes of this code a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

A. A single lot of record;
B. A portion of a lot of record;

C. A combination of complete lots of record, and portions of lots of record;

D. A parcel of land described by metes and bounds;

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this code.

15.02.230. LOT, CORNER. A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.

15.02.235. LOT FRONTAGE. The front of a lot shall be that portion nearest the street. On a corner lot the front yard shall be considered the narrowest part of the lot that fronts on a street, except in industrial and commercial zones in which case the user of a corner lot has the option of determining which part of the lot fronting on a street shall become the lot frontage.

15.02.240. LOT LINES. The property lines bounding the lot.

15.02.245. LOT MEASUREMENTS.

A. Depth of a lot shall be considered to be the distance between the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

B. Width of a lot shall be considered to be the distance between the side lines connecting front and rear lot lines, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where eighty (80) percent requirement shall not apply.

15.02.250. LOT OF RECORD. A lot which is part of a subdivision recorded in the office of the County Assessor, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

15.02.252. LOT, RIVERFRONT. Any lot or land parcel which is adjacent to the Green River, a scenic and recreational road, a riverfront road or a riverfront park. (0.2544, §3)

15.02.255. LOT, THROUGH. A lot that has both ends fronting on a street. Either end may be considered the front.

15.02.257. MAJOR NONCONFORMING BUILDING/STRUCTURE. Any nonconforming building or structure located on a parcel which at any point borders or is in a residential district and which is not in compliance with the minimum development standards of the district in which it is located.
15.02.258. **MINOR NONCONFORMING BUILDING/STRUCTURE.** Any nonconforming building or structure which is not a major nonconforming structure and which is not in compliance with the minimum development standards of the district in which it is located.

15.02.260. **MOBILE HOME.** A factory constructed residential unit with its own independent sanitary facilities, that is intended for year round occupancy, and is composed of one or more major components which are mobile in that they can be supported by wheels attached to their own integral frame or structure and towed by an attachment to that frame or structure over the public highway under trailer license or by special permit.

15.02.265. **MOBILE HOME PARK.** An area under one ownership designed to accommodate ten (10) or more mobile homes.

15.02.270. **MOTEL, INCLUDING HOTEL AND MOTOR HOTEL.** A building or group of buildings comprising individual sleeping or living units for the accommodation of transient guests for compensation.

15.02.275. **NATURAL OR NATIVE AREAS.** All or portions of a parcel of land undisturbed by development, and maintained in a manner which preserves the indigenous plant materials.

15.02.280. **NET ACRE.** The buildable area after the area of street rights of way has been subtracted.

15.02.282. **NONCONFORMING LOT OF RECORD.** Any validly recorded lot which at the time it was recorded fully complied with the applicable laws and ordinances but which does not fully comply with the lot requirements of this ordinance.

15.02.283. **NONCONFORMING SIGN.** Any sign legally established prior to June 20, 1973 which is not in full compliance with the regulations of this ordinance.

15.02.285. **NONCONFORMING USE.** The use of land, a building or a structure lawfully existing as of June 20, 1973 which does not conform with the use regulations of the district in which it is located on the effective date of such use regulations.

15.02.286. **NONCONFORMITY.** Any land use, structure, lot of record or sign legally established prior to the effective date of this code or subsequent amendment to it which would not be permitted by or is not in full compliance with the regulations of this ordinance.

15.02.287. **NORTHERN LOT LINE.** A lot line or lines less than 45 degrees southeast or southwest of a line drawn east-west and intersecting the northernmost point of the lot. If the northern lot line adjoins any unbuildable area (e.g., streets, alleys, public rights of way, parking lots, common areas) other than required yard area, the northern lot line shall be that portion of the northerly edge of the unbuildable area which is due north from the actual northern lot line of the applicant's property.
15.02.288. NORTH-SOUTH LOT DIMENSION. The average distance between lines from the corners of the northern lot line south to a line drawn east-west and intersecting the southernmost point of the lot.

15.02.290. NURSERY SCHOOL OR DAY CARE CENTERS. Nurseries or day care centers shall mean any type of group day care programs, including nurseries for children of working mothers, nursery schools for children under minimum age for education in public schools, parent cooperative nursery schools, playgroups for preschool children, programs covering after-school care for school children, provided such establishment is licensed by the State and conducted in accordance with State requirements.

15.02.295. OCCUPANCY. The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

15.02.300. OFFICIAL MAP. Maps showing the designation, location and boundaries of the various districts which have been adopted and made a part of this code.

15.02.305. OPEN GREEN AREA. Landscaped areas and areas of natural or native vegetation.

15.02.310. ORDINARY HIGH WATER MARK. Ordinary high water mark on the Green River, Lake Fenwick, streams, marshes, and swamps is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this Chapter, or as it may naturally change thereafter: PROVIDED, that in any area where the ordinary high-water mark cannot be found the ordinary high-water mark shall be the line of mean high water.

15.02.315. OUTSIDE STORAGE. All or part of a lot which is used for the keeping of materials or products in an open, uncovered yard or in an unwalled building. Such materials shall not be for general public consumption or viewing. Such materials shall include tractors, backhoes, heavy equipment, construction materials and other similar items which detract from the appearance of the zone in which they are located.

15.02.320. PARKING SPACE OR PARKING STALL. A parking space is any off-street space intended for the use of vehicular parking with ingress or egress to the space easily identifiable.

15.02.325. PARKING, TEMPORARY. Parking facilities specifically designed to accommodate not less than 51 vehicles and intended for public use for a period of not more than five (5) years, subject to annual maintenance review by Engineering Department. Temporary parking shall not be in lieu of specified off-street parking as required in Chapter 15.05, Off-Street Parking and Loading Requirements.
15.02.330. PERFORMANCE STANDARDS. Regulations for the control of "dangerous or objectionable elements" as defined in Subsection 15.08.505 A.

15.02.335. PLANNED UNIT DEVELOPMENT. Planned Unit Development is a residential development built under those provisions of this code which permit departures from the conventional siting, setback, and density requirements of other sections of this code in the interest of achieving superior site development, creating open space, and encouraging imaginative design by permitting design flexibility.

15.02.336. PARK, RIVERFRONT. A publicly-owned open space which lies along the Green River, along a scenic and recreational road. (0.2544, §6)

15.02.337. RAVINE. An area constituting a "young valley" which contains a major or minor creek. It includes the bottom land of the ravine and the ravine sidewalls to a point where the slopes are less than fifteen (15) percent. See following illustration.

15.02.338. RECREATIONAL VEHICLES. Motorized vehicles that include a cabin for living accommodations and are commonly used for recreational travel and touring. Vehicles included in this category come in several forms; travel trailers, tent trailers and camping trailers, all of which must be towed by a car; and truck campers, motor homes and camper vans, all of which have the motor within the body of the vehicle.

Recreational vehicles may also include any motorized or nonmotorized vehicle, boat, boat trailer, or other vehicle to be used for recreational purposes.

15.02.339. ROAD, SCENIC AND RECREATIONAL. Russell and Frager Roads shall be designated as Scenic and Recreational Roads. (0.2544, §2)

15.02.340. ROADSIDE STAND. A temporary structure designed or used for the display or sale of agricultural products primarily produced on the premises upon which such a stand is located.

15.02.342. SEISMIC HAZARD AREAS.

A. Class 1 Seismic Hazard Areas. All areas of the City, other than Class 2 or 3 seismic hazard areas. These areas are areas where no development limitations are deemed necessary, except where described under Chapter 15.04 - District Regulations.

B. Class 2 Seismic Hazard Areas. Class 2 seismic hazard areas means those areas where soils are characterized by moderately well-drained alluvium and glacial outwash of moderate density.

C. Class 3 Seismic Hazard Areas. Class 3 seismic hazard areas means those areas subject to severe risk of earthquake damage due to soils of low density, due to poorly drained or impervious alluvium, due to highly saturated organic material or due to slopes greater than fifteen (15) percent,
excluding those Alderwood gravelly sandy loam (AgD) soils located on slopes less than twenty-five (25) percent overlying thick sequences of Vashon till.

15.02.343. SERVICE USES OR ACTIVITIES. A business which sells the knowledge or work of its people rather than a tangible product.

15.02.345. SHOPPING CENTER. A retail shopping area designed as a unit, which utilizes a common parking area.

15.02.350. SIGN. Any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:

A. Official notices authorized by a court, public body or public officer.

B. Direction, warning, or information sign authorized by federal, state or municipal authority.

C. The official flag, emblem or insignia of a government, school or religious group or agency.

D. Memorial plaque or tablet; "cornerstones" indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure.

15.02.355. SIGN AREA. The total area of all faces of a sign expressed in square feet. Area is measured from the outside perimeters (including backup, molding, framing, decorative scroll-work, etc.). The area of a group of individual mounted letters or figures shall be the area of the geometric form necessary to enclose same.

15.02.360. SIGN HEIGHT. The distance from ground level to the highest point on the sign structure.

15.02.365. SIGN, ABANDONED. Any sign which has been deserted and its effective use terminated, and which no longer fulfills the purpose for which it was constructed.

15.02.370. SIGNS, ADVERTISING. A sign which directs attention to a business, commodity or service or entertainment sold or offered elsewhere than on the premises and only incidentally on the premises.

15.02.375. SIGN, BUSINESS. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered on the premises.

15.02.380. SIGN, CANOPY. A sign attached to the underside of a canopy.
15.02.385. **SIGN, CONSTRUCTION.** A temporary sign placed in advance of occupancy of a building or structure indicating the name of the building or structure, the architects, the contractors, and other information regarding the building or structure.

15.02.390. **SIGNS, DIRECTIONAL AND INFORMATIONAL.** A sign designated to guide or direct pedestrians or vehicles.

15.02.395. **SIGN, FLASHING.** An illuminated sign with action or motion, light or color changes.

15.02.400. **SIGN, FREESTANDING.** A sign standing directly upon the ground or having one or more supports standing directly upon the ground, and being detached from any building or structure.

15.02.405. **SIGN, GATE OR ENTRANCE.** A sign attached or adjacent to an entrance way of a residential site or subdivision which identifies the site or subdivision.

15.02.410. **SIGN, IDENTIFICATION.** A sign used only for the purpose of identifying the occupancy of a building, structure or property.

15.02.415. **SIGN, ILLUMINATED.** A sign designed to give forth any artificial light or reflect such light from an artificial source.

15.02.420. **SIGN, INDIRECTLY ILLUMINATED.** Illuminated non-flashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residences or street.

15.02.425. **SIGN, INSTITUTIONAL.** A sign used only for the purpose of identifying an institution.

15.02.430. **SIGN, OFF-PREMISE.** A sign not located on or supported by a structure not located on the same premises as the business, product, service or activity being identified or advertised by such sign or an advertising sign.

15.02.435. **SIGN, ON-PREMISE.** A sign identifying a business, product, service or activity conducted or sold on the same premises as that on which the sign is located.

15.02.440. **SIGN, PAINTED.** A sign which is painted on any office, wall, window, fence or structure of any kind.

15.02.445. **SIGN, POLITICAL.** A sign advertising a candidate for political office, or a measure scheduled for election.

15.02.450. **SIGN, PORTABLE.** A sign which is not permanently affixed to the ground, or to a building or structure and may be easily moved.

15.02.455. **SIGN, PROJECTING.** A sign affixed to the exterior wall of a building or structure with the exposed faces perpendicular to the plane of said wall.
15.02.460. **SIGN, ROOF.** A sign attached to a building which projects above the structure of the building. (This definition refers to the architectural unity of a building or structure.)

15.02.465. **SIGN, ROTATING.** A sign containing moving parts.

15.02.470. **SIGN, SUBDIVISION.** A sign erected and maintained within the boundaries of a recorded subdivision and indicating the name of the subdivision, the name of the contractor or subdivider, the name of the owner, or agent, and giving information regarding directions, price or terms.

15.02.475. **SIGN, TEMPORARY.** A sign intended to advertise community or civic projects, construction projects, real estate for sale or lease or other special events on a temporary basis.

15.02.480. **SIGN, WALL.** A sign affixed to the exterior wall of a building or structure with the exposed face of the sign on a plane parallel to the plane of said wall.

15.02.485. **SIGN, WINDOW.** A sign painted on, affixed to, or placed in an exterior window with the exposed face of the sign on a plane parallel to the plane of said window.

15.02.490. **SITE COVERAGE.** That portion of a lot covered by buildings or structures.

15.02.495. **SLOPE LINE.** Defined as perpendicular to the contour lines crossing the property. The precise bearing or heading of the slope line shall be determined by the Planning Department.

15.02.496. **SOLAR FACTOR.** A number assigned to every lot which is based on the lots north-south lot dimension and solar slope as determined by Table 1, Section 15.08.234.

15.02.497. **SOLAR SETBACK.** A setback from the northern lot line equal to the distance between the northern lot line and that point on grade immediately beneath the highest shade producing point of a structure.

15.02.498. **SOLAR SLOPE.** The average of slope lines from the corners of the northern lot line south to a property line. The slope of a single line is determined by dividing the vertical distance between the two end points by the horizontal distance between the same two points. North facing slopes will have a negative (-) value. South facing slopes will have a positive (+) value.

15.02.499. **SOLID WASTE INCINERATOR.** The processing of solid wastes by means of pyrolysis, refuse-derived fuel, or mass incineration within an enclosed structure. These processes may include the recovery of energy resources from such waste or the conversion of the energy in such wastes to more useful forms or combinations thereof. This definition refers to City-wide or regional scale operations and does not include solid waste incineration which is accessory to an individual principal use.
15.02.500. SPECIAL PERMIT. A permit issued for uses permitted in a district provided such use meets the standards as required for such use.

15.02.502. SPECIFIED ANATOMICAL AREAS.

1. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered. (C.2687, §2)

15.02.503. SPECIFIED SEXUAL ACTIVITIES.

1. Human genitals in a state of sexual stimulation or arousal;

2. Acts of human masturbation, sexual intercourse or sodomy;

3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast. (C.2687, §2)

15.02.505. STACKING SPACE. The space specifically designated as a waiting area for vehicles whose occupants will be patronizing a drive-in business. Such space is considered to be located directly alongside a drive-in window, facility, or entrance used by patrons and in lanes leading up to and away from the business establishment.

15.02.510. STRUCTURE. That which is built or constructed; an edifice or building of any kind or any piece of work composed of parts jointed together in some definite manner and includes posts for fences and signs, but does not include mounds of earth or debris.

15.02.515. STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished-floor level directly above a basement, cellar or unused underfloor space is more than six feet above grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such basement cellar or unused underfloor space shall be considered as a story.

15.02.520. STREET. A public way thirty (30) feet or more in right-of-way width which affords a primary means of access to property.

15.02.525. TOWNHOUSE. Attached one or two-family dwellings, having no side yard and sharing a common wall with adjacent dwelling units.

15.02.527. TRADE, RETAIL. The sale or rental of goods and merchandise for final use or consumption.
15.02.528. TREE. Tree shall mean any living woody plant characterized by one main stem or trunk and many branches, and having a diameter of six (6) inches or more measured at three (3) feet above ground level.

15.02.529. UNIQUE AND FRAGILE AREA. An area of special environmental significance for wildlife habitat, threatened plant communities, and/or natural scenic quality. The geographic boundaries of these areas are officially delineated on the "Hazard Area Development Limitations" map, referred to above in Exhibit A.

15.02.530. USE. An activity for which land or premises or a building thereon is designed, arranged, intended, or for which it is occupied or maintained, let or leased.

15.02.531. USE, CHANGE OF. A change of use shall be determined to have occurred when it is found that the general character of the operation has been modified. This determination shall include review of but not be limited to: 1) hours of operation, 2) materials processed or sold, 3) required parking, 4) traffic generation, 5) impact on public utilities, 6) clientele, and 7) general appearance and location.

15.02.533. USE, TEMPORARY. Any activity and/or structure permitted under the provisions of Section 15.08.205 of the Kent Zoning Code which is intended to exist or operate for a limited period of time and which does not comply with zoning code development standards and requirements as specified for the zoning district in which it is located.

15.02.534. USED. The word "used" in the definition of "Adult Motion Picture Theatre" herein, describes a continuing course of conduct exhibiting "specific sexual activities" and "specified anatomical areas" in a manner which appeals to a prurient interest. (0.2687, §2)

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

15.02.539. VEGETATION, SHADING. This is vegetation planted on the south side of a major creek that generally provides shade from midmorning to midafternoon. Examples of shading vegetation are specified in KCC 15.08.200, "Landscaping."

15.02.540. VEGETATIVE AID. Bark mulch, gravel and other nonvegetative materials which promote vegetative growth by retaining moisture or preventing weeds. These materials are not a substitute for vegetative cover.

15.02.545. VETERINARY CLINIC. Any premises to which animals are brought, or where they are temporarily kept, solely for the purpose of diagnosis or treatment of any illness or injury, which does not have outdoor runs.

15.02.550. VETERINARY HOSPITAL. Any premises to which animals are brought, or where they are temporarily kept, solely
for the purpose of diagnosis or treatment of any illness or injury, which may have outdoor runs.

15.02.555. VIEW. An unrestricted angle of vision emanating from a location that qualifies as view property.

15.02.560. VIEW PROPERTY. Any property having a general slope of 20 percent or more and that property located immediately upslope of such property for a distance of 100 feet in R1-7.2, R1-9.6, and R1-12 zones and a distance of 200 feet in all other zones, from the contour line where the slope becomes 20% or greater.

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

15.02.570. 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.

15.02.575. 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.

15.02.580. 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 cornices, canopies, eaves or other architectural features which may project 2 feet, 0 inches.

15.02.585. 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 regulation shall also govern those public and quasi-public land use and buildings which provide for proprietary-type services for the community's benefit as contrasted with governmental activities. Governmental activities are encouraged to cooperate under these regulations to secure harmonious city development.

15.02.590. ZONING LCT. 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 code, having not less than the minimum area required by this code 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.

15.02.595. ZONING PERMIT. A certificate, issued prior to a building permit, that the proposed use is in accordance with the requirements and standards of this code.
Section 2. The Kent City Zoning Code Section 15.04.180 is amended as follows:

15.04.180. LIMITED INDUSTRIAL DISTRICT OR M2. Purpose: The purpose of this district is to provide areas suitable for a broad range of industrial activities whose characteristics are of a light industrial nature. The permitted uses are similar to those of the Industrial Park District but the development standards are not as restrictive. However, development standards are aimed at maintaining an efficient and desirable industrial area.

A. Principally Permitted Uses. 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 semiprecious metals or stones, putty, pumic, 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 foundry 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 confectionary 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 including rail-truck transfer facilities.
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, 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 and service uses as listed below. These uses are intended primarily to serve the needs of the industrial area, are compatible with the permitted types of industrial uses, and will not interfere with the orderly development of the industrial area. Such uses shall be limited to twenty-five (25) percent of the gross floor area of any single or multibuilding development. Retail and service uses which exceed the twenty-five (25) percent limit on an individual or cumulative basis shall be subject to review individually through the Conditional Use Permit process. (See Subsection 15.04.180 D3.) (0.2676 §2)

Retail Trade Uses
Merchandise vending machine operators
Tire, batteries, and accessory (industrial sales)
Eating places (except drive-ins or those with drive-through facilities)

Service Uses
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 (general)
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

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 association and organizations
Labor unions and similar labor organizations

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

14. Other similar uses which the Planning Director finds compatible with the Principally Permitted Uses described herein; consistent with the purpose and intent of the M2 District and not of a type to adversely affect the use of adjoining properties.

15. 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.

16. Municipal uses and buildings, except for such uses and buildings subject to Section 15.04.200. (0.2695 §10)

B. Special Permit Use. 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.

C. Accessory Uses. The following are the accessory uses permitted in the M2 District:

1. Repair operations for products 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 operations.

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.

D. Conditional Uses. The following are the types of conditional uses permitted in the M2 District, subject to approval by the Hearing Examiner. The list of Conditionally 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 predominantly 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 15.04.180 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. Principally Permitted Uses in the M3 Districts.


7. Automobile service centers, with or without gasoline sales. (0.2742, §1)

8. Source separation and recovery of recyclable materials for solid wastes.

F. Development Standards.

1. Minimum lot. 20,000 square feet.

2. Maximum site coverage. Sixty-five (65) percent.

3. Yards

   a. Front-yard. The front-yard shall be fifteen (15) percent of the lot depth. Regardless of lot size, the yard depth need not be more than forty-five (45) feet.
b. Side yard on flanking street of corner lot. The side yard on the flanking street of a corner lot shall be related to the classification of the adjacent street. This classification shall be determined by the Kent Transportation Engineer. The setbacks are as follows:

i. Properties fronting on arterials and collector streets shall have a minimum setback of 40 feet.

ii. Properties fronting on local access streets shall have a minimum setback of 30 feet.

b. Side yard on flanking street of corner lot. The minimum side yard on the flanking street of a corner lot shall be related to the classification of the adjacent street. This classification shall be determined by the Kent Transportation Engineer. The setbacks are as follows:

i. Properties fronting on arterials and collector streets shall have a minimum setback of 40 feet.

ii. Properties fronting on local access streets shall have a minimum setback of 30 feet.

c. Side yard. The side yards shall have an aggregate width of ten (10) percent of the lot width, but the aggregate width need not be more than thirty (30) feet. There shall be a minimum of ten (10) feet on each side.

d. Rear yard. None except as may be required by transitional conditions.

4. Yards, transitional conditions. Transitional conditions shall exist when an M2 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, railway mainline, major topographic differential or other similar conditions; or 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. Height limitation. 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 propose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increases may be granted by the Planning Commission.
6. The landscaping requirements of Chapter 15.07 shall apply.

7. **Outside storage.** Outside storage or operation yards shall be confined to the area to the rear of a line which is an extension of the front wall of the principal building and shall be reasonably screened from view from any street by appropriate walls, fencing, earth mounds, or landscaping.

8. **Loading areas.**
   a. 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.
   b. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of 30 inches in height. Landscaping located on the berm shall conform to Type II landscaping described in Section 15.07.050(C), Visual Buffer.

9. **Multitenant buildings.** Multitenant buildings shall be permitted.

10. **Improvement and maintenance of yards and open areas.** All required yards, parking areas, storage areas, operations yards, and other open uses on the site shall be improved as required by these regulations and 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.

   F. **Signs.** The sign regulations of Chapter 15.06 shall apply.

   G. **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.

   H. **Performance Standards.** The performance standards as provided in Section 15.08.050 shall apply.

   I. **Development Plan Review.** Development plan approval is required as provided in Section 15.09.010. (0.2524, §2)

**Section 3.** Kent City Zoning Code Section 15.04.190 is amended as follows:

**15.04.190.** GENERAL INDUSTRIAL DISTRICT OR M3. **Purpose:** The purpose of this district is to provide areas suitable for the
broadest range of industrial activities, and to specify those industrial activities having unusual or potentially deleterious operational characteristics, where special attention must be paid to location and site development. Light industrial uses which require restrictive standards on the part of adjoining uses are discouraged from locating in this district.

A. Principally Permitted Uses. The description of Principally Permitted Uses is illustrative of the types of uses which shall be permitted in the M3 District and is not intended to be exclusive.

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

2. Scientific research, testing, and experimental development laboratories conducted in conjunction with a Principally Permitted Use.

3. Manufacturing, processing, assembling and packaging of articles, products, or merchandise from previously prepared natural or synthetic materials, including but not limited to asbestos, bristle, bone, canvas, cellophane and similar synthetics, chalk, clay, leather, paints, paper, paraffin, plastics and resin, precious and semi-precious stones, putty, pumice, rubber, shell, textiles, tobacco, wire, wood, wool, and yarn.

4. Manufacturing, processing, treating, assembling and packaging of articles, products, or merchandise from previously prepared ferrous, nonferrous or alloyed metals, excluding predominantly drop forge and drop hammer operations.

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

6. Manufacturing, processing, blending and packaging of products such as the following:

   a. Drugs, pharmaceuticals, toiletries, and cosmetics.

   b. Soaps, detergents, and other basic cleaning and cleansing preparations.

   c. Plastics and synthetic resins.

   d. Synthetic and natural fiber and cloth.

   e. Prepared and basic food, beverage and kindred products, including ice manufacture and storage and cold storage plants, but excluding meat and seafood products.

   f. Plywood, composition wallboard and similar structural wood products.

   g. Nonmetallic mineral products such as abrasives, asbestos, chalk, pumice and putty.
h. Heat resisting or structural clay or cement products (brick, tile, pipe) or porcelain products (bath fixtures, tanks).

i. Machinery and heavy machine tool equipment for general industry and mining, agriculture, construction, or service industries.

j. Transportation machinery and equipment, such as motor vehicles, aircraft, trucks and trailers, mobile homes, boats, missiles, railroad rolling stock, and other transportation-oriented apparatus, but excluding explosive fuels and propellants.

k. Business and domestic machinery, equipment and supplies.

7. Basic wood processing, including such operations as sawmills, planing mills, and the primary preserving, veneering or laminating of wood.

8. Machine shops and specialty job shops.

9. Warehousing and distribution facilities and the storage of goods and products, except for those goods or products specifically described as permitted to be stored as Conditional Uses.

10. Contractors' service yards and shops and construction suppliers.

11. Truck storage yards.


13. Public utility service yards and shops and major public utility facilities, including steam electric generating stations, electric transmission substations and attendant microwave facilities incorporated as part of such uses.

14. Transportation and transit terminals, including repair and storage facilities and rail-truck stations, except classification yards in the category of "hump yards".

15. Crop and tree farming.

16. The reasonable expansion or evolution of a legally established use whose expanded or altered sphere of activity may include uses normally considered M1 and M2 types of operations, whose standards of operation shall not be affected by the reasonable level of performance expected in the M3 district.

17. Truck repair and service facilities.

18. Other similar uses which the Planning Director finds compatible with the Principally Permitted Uses described herein, and consistent with the purpose and intent of the M3 District.
19. Manufacturing of paint.

20. 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.

21. Municipal uses and buildings, except for such uses and buildings subject to Section 15.04.200. (C.2695 §11)

22. Source separation and recovery of recycle materials from solid wastes.

E. Accessory Uses.

1. Repair operations for products 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 operations.

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. Other accessory uses and buildings customarily appurtenant to a Principally Permitted Use.

C. Conditional Uses. The following are the types of conditional uses permitted in the M3 District, subject to approval by the Hearing Examiner. The list of conditional uses is illustrative of the types of uses which shall be permitted and not intended to be exclusive.

1. Manufacture of such types of basic materials as follows:

   a. Gum and wood chemicals and fertilizers, and basic industrial organic and inorganic chemicals or products such as alkalies and chlorine, industrial, and liquid petroleum, gases, cellophane, coal tar products, dyes and dye products, impregnated products, tanning compounds, and glue and gelatin.

   b. Hydraulic cement, concrete, gypsum, lime, carbon, carbon black, graphite, coke, glass, and similar products.

2. Manufacture of products such as the following:

   a. Ammunition, explosives, fireworks, matches, photographic film, missile propellants, and similar combustibles.

   b. Rubber from natural, synthetic, or reclaimed materials.
c. Paving and roofing materials or other products from petroleum derivatives.

3. Refining of materials such as petroleum and petroleum products, metals and metal ores, sugar, and fats and oils.

4. Distilling of materials such as bone, coal, coal tar, coke, wood, and other similar distillates.

5. Heavy metal processes, such as ore reduction or smelting, including blast furnaces, and including drop forging, drop hammering, boiler plate works, and similar heavy metal operations.
   a. Asphalt batching plants.
   b. Concrete mixing and batching plants, including ready-mix concrete facilities.
   c. Rock crushing plants and aggregate dryers.
   d. Sandblasting plants.

6. Animal and food processing, including the following and similar operations:
   a. Tanning, dressing, and finishing of hides, skins, and furs.
   b. Meat and seafood products packaging, freezing, curing, canning and processing.
   c. Nitrating of cotton and other materials.
   d. Rendering of animal grease or tallow, fish oil, and similar materials.
   e. Slaughtering, stockyard, feed lot, dairy, and similar operations.
   f. Pickling and brine curing processes.
   g. Wholesale produce markets.

7. Salvage, wrecking, and disposal activities, including the following and similar operations:
   a. Automobile and building wrecking and salvage.
   b. Salvage of industrial waste materials, such as metal, paper, glass, rag, and similar materials.
   c. Sewage disposal and treatment plants.
   d. Dump and sump operations for such uses as rubbish, garbage, trash, and other liquid and solid wastes.
8. Storage of the following kinds of goods:
   a. Bulk storage of oil, gas, petroleum, butane, propane, liquid petroleum gas, and similar products, and bulk stations and plants.
   b. Used building materials, mover's equipment, relocated buildings, impounded vehicles, and similar materials.
   c. Explosives or fireworks, except where incidental to a Principally Permitted Use.
   d. Fertilizer or manure.
9. General Uses as listed in Section 15.08.030.

D. Development Standards
1. Minimum lot. 15,000 square feet.
2. Maximum site coverage. Seventy-five (75) percent.
3. Yards
   a. Front yard. The front yard shall be ten (10) percent of the lot depth. Regardless of lot size, the yard depth need not be more than thirty-five (35) feet.
   b. Side yard on the flanking street of a corner lot. The side yard on the flanking street of a corner lot shall be at least ten (10) percent of the lot width unless the ten (10) percent figure would result in a side yard of greater than twenty (20) feet in which case the side yard need not be more than twenty (20) feet.
   c. Side yard. The side yards shall have an aggregate width of ten (10) percent of the lot width but the aggregate width need not be more than twenty-five (25) feet. There shall be a minimum of ten (10) feet on each side.
   d. Rear yard. None required except as may be required by transitional conditions.

4. Yards, transitional conditions. Transitional conditions shall exist when a M3 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 an intervening use such as river, 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. Height limitation. 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 two (2) feet of additional building height.

The Planning Director shall be authorized to approve one (1) additional story, provided such height does not detract from the continuity of the industrial area, and may impose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increases may be granted by the Planning Commission.

6. The landscaping requirements of Chapter 15.07 shall apply.

7. Outside storage. Outside storage or operations area shall be fenced for security and public safety at the property line.


9. Loading areas.
   a. 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.
   b. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of 20 inches in height. Landscaping located on the berm shall conform to Type II landscaping described in Section 15.07.050(C), Visual Buffer.

10. Improvement and maintenance of yards and open areas. All required yards, parking areas, storage areas, operations yards, and other open uses on the site shall be improved as required by these regulations and 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 conditions.

   E. Signs. The sign regulations of Chapter 15.06 shall apply.

   F. Off-Street Parking.

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

      2. Off-street parking may be located in required yards, except where landscaping is required.

   G. Performance Standards. The performance standards as provided in Section 15.08.050 shall apply.

   H. Development Plan Review. Development plan approval is required as provided in Section 15.09.010.
Section 4. The Kent City Zoning Code Section 15.04.200 is amended as follows:

15.04.200. SPECIAL USES COMBINING DISTRICT OR SU.
Purpose: It is the purpose of this district to provide for special controls for certain uses which do not clearly fit into other districts, which may be due to technological and social changes, or which are of such unique character as to warrant special attention in the interest of the City's optimum development and the preservation and enhancement of its environmental quality.

A special use combining district is imposed on an existing zoning district, permitting the special use as well as uses permitted by the underlying zone. The combining district becomes void if substantial construction has not begun within a one (1) year period and the district reverts to its original zoning designation.

It is the intent of the Special Use Combining Regulations to provide the City with adequate procedures for controlling and reviewing such uses and to discourage application for speculative rezoning.

A. Uses Subject to Special Use Combining District Regulations. The following list is illustrative of the types of uses subject to Special Use Combining District Regulations and is not intended to be exclusive.

1. Occupy or would occupy large areas of land;

2. Would involve the construction of buildings or other structures of unusual height or mass;

3. House, employ, or serve large numbers of people;

4. Generate heavy traffic;

5. Have unusual impact on environmental quality of the area;

6. Any use which does not lend itself to an interpretation of substantial similarity to other uses identified or described in this code.

7. Uses which, in the judgment of the Planning Director, warrant review by the Planning Commission and the City Council;

8. Examples of uses subject to review described above would include, but are not limited to, the following:

   a. Commercial uses: sports stadiums, rodeos, fairgrounds, exhibition or convention halls, merchandise marts, drive-in theaters.

   b. Special environmental problems posed by: refineries, nuclear power generating plants, airports, heliports,
sanitary landfills, extractive industries, solid waste incinerators.

B. Application Procedures. The application procedure for a Special Use Combining District shall be the same as for an amendment to this code as provided in Section 15.09.050 except that Development Plan approval is concurrent with the combining district.

C. Documentation Required.

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

2. A map or drawing of the site drawn to a scale acceptable to the Planning Department (generally 100 feet to the inch). Said map or drawing shall show the following information:

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

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

   c. Existing and proposed topography at contour intervals not more than five (5) feet in areas having slopes exceeding three (3) percent, and not more than two (2) feet in areas having slopes of less than three (3) percent.

   d. Accurate legal description of the property.

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

   f. Off-street parking and loading facilities.

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

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

   i. The Planning Department may also require the developer to submit elevations, perspective renderings, or such other graphic material or evidence to illustrate affect on the view enjoyed by and from other properties in the vicinity.

   j. Architectural renderings of buildings.
information:

k. A written statement providing the following information:

i. Program for development, including staging or timing.

ii. Proposed ownership pattern upon completion of development.

iii. Basic content of restrictive covenants, if any.

iv. Provision to assure permanence and maintenance of open space through means acceptable to the City of Kent.

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

vi. Statement describing the relationship of the proposed development to Kent's Comprehensive Plan.

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

3. Such other data or information as the Planning Department may require.

D. Development Standards. In reviewing and approving proposed developments falling under the purview of this section, the Hearing Examiner and City Council shall make the following findings:

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

2. That existing or proposed traffic ways are adequate to serve new development;

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

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

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

6. That the proposed development is in the public interest and serves a need of community-wide or regional importance.

In reviewing and approving special uses, the Hearing Examiner and the City Council may impose such conditions as it deems necessary in the interest of the welfare of the City and the protection of the environment.
E. **One-Year Validity.** Any Special Use Combining District shall remain effective only for one year unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within one year of the granting of the Special Use Combining District, the combining district shall become invalid, and the original zoning designation of the land shall apply.

F. **Minor and Major Adjustments.**

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

2. Major adjustments are those which, as determined by the Planning Director, substantially change the basic design, density, open space uses or other similar requirements or provisions. Authorization for major adjustments shall be made by the Kent City Council.

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

**Section 5.** The Kent City Zoning Code Section 15.07.040 is amended as follows:

**CHAPTER 15.07**

**LANDSCAPING REGULATIONS**

**15.07.010. PURPOSE.**

A. Provisions of this chapter are to provide minimum standards for landscaping in order to maintain and protect property values and enhance the general appearance of the City.

B. The Planning Director shall have the authority to waive specific requirements or impose additional requirements in unique or special circumstances to assure the fulfillment of the stated purpose of this chapter and to allow for flexibility and innovation of design. Special circumstances or unique conditions shall be reviewed with the Planning Director prior to submittal of a landscape plan. Examples of special conditions might include:

- Preservation of unique wildlife habitat
- Preservation of natural or native areas
- Compliance with special easements
- Renovation of existing landscaping
- Unique site uses
15.07.020. LANDSCAPE PLAN APPROVAL.

A. A building permit shall not be issued until the landscaping plan has been approved.

B. At the time of Development Plan Review, the Planning Department shall review specific landscape requirements with the owner or their representative.

15.07.030. LANDSCAPE PERFORMANCE REQUIREMENTS.

A. Failure to complete all of the required landscaping or any part of it within six (6) months of the building occupancy issuance of the Certificate of Occupancy or the Planning Department final inspection, shall constitute a zoning violation.

B. It shall be the responsibility of the project manager or business owner to contact the Planning Department upon completion of the landscaping work and request an inspection.

C. The Planning Department may inspect the landscaping upon request of the project manager or business owner or at any time after the six month expiration date.

15.07.040. GENERAL LANDSCAPE REQUIREMENTS - ALL ZONES.

A. All parking areas of over 20,000 square feet shall have a minimum of ten (10) percent of the parking, maneuvering area, and loading space landscaped as a means to reduce the barren appearance of the lot and to reduce the amount of storm water runoff. Perimeter landscaping, required adjacent to property lines, shall not be calculated as part of the ten (10) percent figure.

B. All ingress/egress easements which provide corridors to the subject lot not adjacent to a public right of way, shall be considered the same as public right of way. Landscape requirements for easement corridors shall be the same as those required adjacent to public rights of way.

C. All outside storage areas shall be screened by fencing and landscaping a minimum of five (5) feet in depth unless determined by Development Plan Review that such screening is not necessary because stored materials are not visually obtrusive. The five-foot deep landscaped area can occur within the street right of way abutting the property line.

D. All portions of a lot not devoted to building, future building, parking, storage or accessory uses shall be landscaped in a manner appropriate to the stated purpose of this chapter.

E. All required landscaping areas shall extend to the curb line or the street edge. A crushed rock path in lieu of landscaping shall be required where appropriate as determined by the Planning Department.

F. Required landscape areas which are inappropriate to landscape due to the existence of rail lines or other features shall be relocated first to another lot line, or second, to an
equal-sized area in another portion of the lot—to be determined by the Planning Department upon review with the owner or developer.

C. Bark mulch, gravel, or other nonvegetative material shall only be used in conjunction with landscaping to assist vegetative growth and maintenance or to visually complement plant material. Nonvegetative material is not a substitute for plant material.

H. Required landscape areas shall be provided with adequate drainage.

I. Slopes shall not exceed a 3 to 1 ratio (width to height) in order to decrease erosion potential and assist in ease of maintenance.

J. The perimeter of all parking areas which abut residential zones or uses shall be landscaped to a minimum depth of three (3) feet with Type II landscaping unless otherwise provided by this chapter. A six foot high solid wood or equivalent fence is also required. Substitute fencing, including but not limited to chain link fence with slats, may be approved by the Planning Director upon application of the developer and adjacent residential property owners where such fencing shall provide buffering consistent with the purpose and intent of this chapter. "Adjacent residential property" for purposes of this section shall mean abutting property, and lots immediately adjacent to abutting property.

K. Landscaping shall not conflict with the safety of those using adjacent sidewalks or with traffic safety. Safety features of landscaping shall be discussed at the time of Development Plan Review, if necessary.

L. Quantity, arrangement and types of plants installed shall be appropriate to the size of the required landscape area and purpose of planting area as noted in Section 15.07.050 "Types of Landscaping".

M. All trash containers shall be screened from abutting properties and/or streets by one hundred (100) percent sight-obscuring fence or wall and appropriate landscaping.

N. Landscaping shall be placed outside of sight-obscuring or one hundred (100) percent sight-obscuring fences unless determined by the Planning Department that such arrangement would be detrimental to the stated purpose of this chapter.

O. All property abutting Highway 167 or Interstate 5 shall be landscaped to a minimum depth of ten (10) feet unless a larger area is required elsewhere in this chapter.

P. All property abutting East Valley Highway between South 180th Street on the north to the SR167 overpass on the south shall be landscaped to a minimum depth of (15) fifteen feet unless a larger area is required elsewhere in this chapter.
Section 6. Kent City Zoning Code Section 15.08.210 is amended as follows:

15.08.210. TRANSITION AREA COMBINING DISTRICT.
Purpose: The purpose of this section is to provide a transition area between industrial and residential zoning districts or commercial and residential zoning districts. The transition area provides both a physical and visual buffer between residential districts and other land uses.

Transition area regulations shall be superimposed over those of the underlying zones. Buildings and setback areas within industrial or commercial districts shall be affected by these regulations if they are less than three hundred (300) feet from a property line in a single-family residential district, or are less than one hundred fifty (150) feet from a property line in a multi-family residential district. Transition area regulations shall apply to those areas designated as Transition Area Combining Districts on the official zoning code map, which shall reflect those areas designated as transition area combining districts as set out in Charts A and B, following this section.

A. Building Height. Shall not exceed two (2) stories or thirty-five (35) feet. Beyond this height, to a height not greater than either three (3) stories or forty-five (45) feet, two (2) feet of yard space beyond that required for a particular district shall be added to compensate for each foot of additional building height allowed at the Planning Director's finding that such heights will not be detrimental to their surroundings.

B. Building Setback. Shall be a minimum of fifty (50) feet from the nearest residential property line.

C. Building Length. Building frontage adjacent to residential zones shall not exceed two hundred (200) feet.

D. Principal Access. Wherever possible, access to any use in a transition area shall be such that traffic does not travel through or past residential districts.

E. Sight Screening. Screening equivalent to Type I (solid screen) specified in the City's landscape regulations shall apply in a transition area directly adjacent to a residential zone. Where a transition area occurs along a street that separates industrial or commercial uses from residences, Type III (visual buffer) planting shall apply.

F. Parking. Parking and internal circulation of vehicles shall occur along boundaries with residential districts only if sight screened according to Type III requirements of the City's landscape regulations.

G. Building Size. No building shall exceed one (1) acre in size.

H. Glare. Highly reflective building materials shall be avoided in transition areas unless it can be shown that it will not adversely impact any other private or public property.
I. Noise. Truck traffic and other noise normally associated with an operation or use in the transition area shall be limited to the hours between 7 a.m. and 10 p.m.

J. Separation of Buildings. Buildings shall be separated by no less than twenty (20) feet. Variations in this standard may be approved by the Planning Director if more usable configuration of open space is obtained, while still protecting visual transition to residential uses.

TRANSITION AREA COMBINING DISTRICT

CHARTS NEXT-PAGE A AND B

NEXT PAGES
TRANSITION AREA COMBINING DISTRICT

Boundary lines — —

KENT

CHART "A"
Section 6. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 7. 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 21 day of June, 1988.
APPROVED the 20 day of June, 1988.
PUBLISHED the 20 day of June, 1988.

I hereby certify that this is a true copy of Ordinance No. 286, 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

5770-190