Ordinance No. 2808

(Amending or Repealing Ordinances)

CFN=0131 Zoning Codes
Passed – 10/18/1988
Hazardous Waste

Recodifying Secs. 15.02.185; 15.02.186; 15.02.332; 15.02.335
Adding Secs. 15.02.184; 15.02.185; 15.02.267; 15.02.334
Amending Secs. 15.02.175; 15.04.005; 15.04.015; 15.04.120; 15.04.130; 15.04.140;
15.04.150; 15.04.190; 15.08.050; 15.09.100

Amended by Ord. 3409 (Secs. 15.04.005, 15.04.015, 15.04.120,
15.04.130, 15.04.140, 15.04.150 & 15.04.190 repealed)
Amended by Ord. 3507 (Sec. 15.08.050)
Amended by Ord. 3691; 3700 (Sec. 15.08.050(D)(9))
Amended by Ord. 3916 (Sec. 15.08.050)
Amended by Ord 4003 (Sec. 15.08.050)
ORDINANCE NO. 2808

AN ORDINANCE of the City of Kent, Washington, amending the Kent Zoning Code to include certain definitions previously approved, but not included in prior hazardous substance Ordinance #2801, and correcting numerical sequences and typographical notations within the Kent City Zoning Code, recodifying Sections 15.02.185, 15.02.186, 15.02.332 and 15.02.335, adding sections 15.02.184, 15.02.175, 15.04.005, 15.04.015, 15.04.120, 15.04.130, 15.04.140, 15.04.150, 15.04.190, 15.08.050 and 15.09.100

WHEREAS, the City of Kent has enacted a zoning code recognizing that there is a continuing need to regulate the use of land to promote the public health, safety and general welfare, and recognizing the opportunities to obtain an urban environment of high quality without unduly high public or private expenditures for development and without unreasonably restricting private enterprise or initiative; and

WHEREAS, the Kent City Council on September 6, 1988 passed Ordinance #2801 in compliance with the Washington State Legislature directive to local governments to address zoning concerns relating to hazardous waste treatment and storage; and

WHEREAS, certain definitions relating to hazardous wastes and substances were previously approved by Kent City Council, and by the Washington State Department of Ecology, but not included in the recent hazardous waste zoning code amendments contained in Ordinance #2801; and

WHEREAS, correction of numerical sequencing and other typographical notations within the zoning code is desired, NOW THEREFORE,

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

Sec. 15.04.130(D) Amended by Ord. 3376
Sec. 15.04.140(A)(3) Amended by Ord. 3377

Sec. 15.04.140
Sec. 15.04.150
Amended by Ord. 3345
Sec. 15.04.150
Amended by Ord. 3355
Sec. 15.04.120(A+D)
Amended by Ord. 3361
Section 1. Kent City Zoning Code Chapter 15.02 is amended by recodifying Section 15.02.185, and Section 15.02.335; and by adding Sections 15.02.184, 15.02.185, 15.02.186, 15.02.267 and 15.02.334, 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' 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. Binghaman Creek  
H. Mullen Slough  
I. Mill Creek (Auburn)  
J. West Branch Pigeon Slough 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.

15.02.097. **DANGEROUS WASTES.** Those wastes designated in WAC 173-303-070 through 173-303-103 as dangerous wastes. This may include any discarded, useless, unwanted, or abandoned substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:
A. have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties or

B. are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

A moderate risk waste is not a dangerous waste.

15.02.098. DESIGNATED ZONE FACILITY. Any hazardous waste facility that requires an interim or final status permit under rules adopted under Chapter 70.105 RCW and Chapter 173-303 WAC and that is not a "preempted facility" as defined in RCW 70.105.010 or in WAC 173-303; a hazardous waste treatment and/or storage facility is a designated zone facility.

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. (0.2740, §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 (EvD).

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 (AgC) and Alderwood Kitsap soil (AKF).

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

15.02.133. EXTREMELY HAZARDOUS WASTE. Those wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous wastes. This may include any dangerous waste which

A. will persist in a hazardous form for several years or more at a disposal site and which in its persistent form

1. presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife and

2. is highly toxic to man or wildlife,

B. if disposed of at a hazardous waste disposal site in such quantities as would present an extreme hazard to man or the environment.

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.

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

15.02.174. 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.

15.02.175. HAZARDOUS SUBSTANCE. Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under Chapter 70.105 RCW or in WAC 173-303-090, 173-303-100, 173-303-101, 173-303-102, or 173-303-103.

15.02.176. HAZARDOUS SUBSTANCE FACILITY BUFFER ZONE. A setback area between the hazardous substance land use facility boundary and the nearest point of the hazardous substance land use property line, necessary to provide added protection to adjacent land uses or resources of beneficial use. All hazardous waste treatment and/or storage facilities must maintain at least a 50 foot buffer zone.

15.02.177. HAZARDOUS SUBSTANCE LAND USE. Any use which is permitted under the Kent Zoning Code and which includes a designated zone facility, or the processing or handling of hazardous substance as defined herein.

15.02.178. HAZARDOUS SUBSTANCE LAND USE FACILITY. The projected line enclosing the area of all structures and lands on which hazardous substance land use activities occur, have occurred
in the past or will occur in the future. This does not include the application of products for agriculture purposes.

15.02.179. HAZARDOUS SUBSTANCE, PROCESSING OR HANDLING OF. The compounding, treatment, manufacture, synthesis, use or storage of hazardous substances in excess of the following amounts in bulk quantities: 5,000 pounds of solid hazardous substances; 500 gallons of liquid hazardous substances; and 650 cubic feet of gaseous hazardous substances.

15.02.180. HAZARDOUS WASTE. Any dangerous and extremely hazardous waste, including substances composed of radioactive and hazardous components. A moderate risk waste is not a hazardous waste.

15.02.181. HAZARDOUS WASTE FACILITY. The contiguous land and structures, other appurtenances, and improvements on the land used for recycling, storing, treating, incinerating, or disposing of hazardous waste.

15.02.182. HAZARDOUS WASTE STORAGE FACILITY. Any designated zone facility which holds hazardous waste for a temporary period not to exceed five years; this does not include accumulation of hazardous waste by the generator on the site of generation, as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

15.02.183. HAZARDOUS WASTE TREATMENT FACILITY. Any designated zone facility which processes hazardous waste by physical, chemical, or biological means to make such waste nonhazardous or less hazardous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

15.02.184. HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY, OFF-SITE. Any hazardous waste treatment or storage facility which treats or stores wastes that are generated off site.

15.02.185. HAZARDOUS WASTE TREATMENT OR STORAGE FACILITY, ON-SITE. Any hazardous waste treatment or storage facility which treats or stores only those wastes that are generated on-site.

15.02.186. 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, nonprofit 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
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.

B. 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.

15.02.267. MODERATE RISK WASTES. Those wastes defined in WAC 173-303-040 as moderate risk wastes. This may include any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under Chapter 70.105 RCW solely because the waste is generated in quantities below the threshold for regulation and any household waste which is generated from the disposal of substances identified by the Department of Ecology as hazardous household substances.

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 northermost 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 southermost 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.

15.02.332. 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.

15.02.334. PREEMPTED FACILITY. Any hazardous waste facility defined as a preempted facility in RCW 70.105.010 or in WAC 173-303. This may include any facility that includes as a significant part of its activities any of the following hazardous waste operations: a) landfill, b) incineration, c) land treatment, d) surface impoundment to be closed as a landfill, or e) waste pile to be closed as a landfill.

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. RCAD, 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 nonflashing 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.

15.02.500. **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.2667, §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.2667. §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 rests 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 lease.

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 LOT. A tract of land occupied or to be occupied by a principal building and its accessory facilities, together with such open spaces and yards as are required under the provisions of this 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. Kent City Zoning Code Section 15.04.005 is amended as follows:

15.04.005. AGRICULTURAL - A-1. Purpose: The stated goal of the City is to preserve prime agricultural land in the Green River Valley as a nonrenewable resource. The agriculture zone shall actively encourage the concentration of agricultural uses in areas where incompatibility with urban uses will be minimal to aid in the implementation of those goals. Further,
such classification of prime agricultural land thus recognizes and encourages farming activity as a viable sector of the local economy.

A. **Principally Permitted Uses.**

1. Agricultural uses, including any customary agricultural building or structure, such as planting, cultivation and harvesting of crops, animal husbandry, nurseries and greenhouses and other agricultural occupations.

2. One single-family dwelling per lot.

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

1. Churches.

2. Nursery schools and day care centers.

C. **Accessory Uses.**

1. Guest cottages, not rented or otherwise conducted as a business.

2. Accommodations for farm operators and employees, but not accommodations for transient labor.

3. roadside stands not exceeding four hundred (400) square feet in floor area, and not over twenty (20) lineal feet on any side, primarily for the sale of agricultural products on the premises.

4. Customary incidental home occupations subject to the provisions of Section 15.08.040.

5. Other accessory uses and buildings customarily appurtenant to a permitted use.

6. For permitted uses, hazardous substance land uses, including on-site hazardous waste treatment and/or storage facilities, which are not subject to cleanup permit requirements of Kent City Code Chapter 4.19 and do not accumulate more than 20,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site, subject to the provisions of Section 15.08.050, except off-site hazardous waste treatment and/or storage facilities which are not permitted in this district.

D. **Conditional Uses.**

1. General conditional uses as listed in Section 15.08.030.

2. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup permit requirements of Kent City Code Chapter 4.19 and which accumulate more than 20,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site, subject to the provisions of Section 15.08.050, except off-site hazardous waste treatment and/or storage facilities which are not permitted in this district.
E. Development Standards

1. Minimum lot. 1 acre.

2. Minimum lot width. 100 feet.

3. Maximum site coverage. 30 percent.

4. Minimum yard requirements
   a. Front yard. 20 feet.
   b. Side yard. 15 feet.
   c. Rear yard. 20 feet.
   c. Side yard on flanking street of corner lot.

5. Height limitation. Two and one-half (2-1/2) stories, not exceeding thirty-five (35) feet. The height limitations shall not apply to barns and silos provided that they are not located within fifty (50) feet of any lot line.

6. Additional standards
   a. Structures for feeding, housing and care of animals except household pets, shall be set back fifty (50) feet from any property line.
   b. See Chapter 15.08, General and Supplementary Provisions, for requirements concerning accessory building and additional standards.

Section 3. Kent City Zoning Code Section 15.04.015 is amended as follows:

15.04.015. AGRICULTURAL - GENERAL (A-G) ZONE. Purpose: The purpose of the A-G zone is to provide appropriate locations for agriculturally related industrial uses in or near areas designated for long-term agricultural use. Such areas may contain prime farmland soils which may be currently or potentially used for agricultural production.

A. Principally Permitted Uses.

1. Agricultural uses, including any customary agricultural building and structure, and such uses as livestock ranges, animal husbandry, field crops, tree crops, nurseries, greenhouses, and other agricultural occupations.

2. Storage, warehousing, processing and conversion of agricultural, dairy and horticultural products, but not including slaughtering or meat packing.

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.
B. **Accessory Uses.** Accessory uses and buildings customarily appurtenant to a permitted use, such as:

1. Farm dwellings appurtenant to a principal agricultural use for the housing of farm owners, operations or employees, but not accommodations for transient labor.

2. Guest houses, not rented or otherwise conducted as a business.

3. Roadside stands not exceeding four hundred (400) square feet in floor area exclusively for agricultural products grown on the premise.

4. For permitted uses, hazardous substance land uses, including on-site hazardous waste treatment and/or storage facilities, which are not subject to cleanup permit requirements of Kent City Code Chapter 4.19 and which do not accumulate more than 20,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site, subject to the provisions of Section 15.08.050, except off-site hazardous waste treatment and/or storage facilities which are not permitted in this district.

C. **Conditional Uses.**

1. General uses as listed in Section 15.08.030.

2. Boarding kennels, breeding establishments.

3. Veterinary clinics and veterinary hospitals.

4. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup permit requirements of Kent City Code Chapter 4.19 and which accumulate more than 20,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site, subject to the provisions of Section 15.08.050, except off-site hazardous waste treatment and/or storage facilities which are not permitted in this district.

D. **Development Standards.**

1. **Minimum lot.** One (1) acre.

2. **Maximum site coverage.** Fifty (50) percent.

3. **Front yard.** There shall be a front yard of at least thirty (30) feet depth.

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

4. **Side yard.** An aggregate side yard of thirty (30) feet shall be provided. A minimum of ten (10) feet shall be provided for each side yard. On a corner lot the side yard setback shall be a minimum of twenty (20) feet from the property line.

5. **Maximum height.** 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 additional foot of building height.

The Planning Director shall be authorized to approve a height greater than four (4) stories or sixty (60) feet, provided such height does not detract from the continuity of the area. When a request is made to exceed the building height limit, the Planning Director may impose such conditions, within a reasonable amount of time, as may be necessary to reduce any incompatibilities with surrounding uses.

6. Additional Setbacks.

a. Structures for feeding, housing, and care of animals shall be set back fifty (50) feet from any property line.

b. Transitional conditions shall exist when an A-C 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 provided.

7. Setbacks, Green River. Industrial development in the A-G 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 Kent Comprehensive Plan and are in accordance with the high quality of site development typically required for the industrial parks areas of the City, and 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.

8. The landscaping requirements of Chapter 15.07 shall apply.

9. Outdoor storage. (Industrial Uses) Outdoor storage shall be at the rear of a principally permitted structure and shall be completely fenced.

10. Additional Standards.

a. The following uses are prohibited.
   i. The removal of topsoil for any purpose.
   ii. Grade and fill operations, provided that limited grade and fill may be approved as needed to construct buildings or structures as outlined in KCC 15.04.015 A, B, and C.
   iii. All subsurface activities, including excavation for underground utilities, pipelines, or other underground installations, that cause permanent disruption of the surface of the land. Temporarily disrupted soil surfaces shall be restored in a manner consistent with agricultural uses.
iv. Dumping or storage of nonagricultural solid or liquid waste, or of trash, rubbish or noxious materials.

v. Activities that violate sound agricultural soil and water conservation management practices.

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

F. Off-Street Parking. The off-street parking requirements of Chapter 15.06 shall apply.

G. Performance Standards. The performance standards as provided in Section 15.08.060 shall apply.

H. Development Plan Review. Development plan approval is required, as provided in Section 15.09.010. (0.2534, §1; 0.2638, §2)

Section 4. Kent City Zoning Code Section 15.04.120 is amended as follows:

15.04.120. COMMERCIAL MANUFACTURING-1 OR CM-1. Purpose. It is the purpose of this district to provide locations for those types of developments which combine some characteristics of both retail establishments and industrial operations, heavy commercial and wholesale uses.

A. Principally Permitted Uses

1. Heavy commercial uses, which often include outdoor storage, such as lumber yards, trailer and truck rentals, new and used car lots, building and contractor supply storage yards, body repair shops, auto repair, car washes.

2. Contractor shops, where most of the work is done on call, and which do not rely on walk-in trade but some storage or semi-manufacturing work is done on premise such as carpentry, heating, electrical, glass shops, printing, publishing, lithographic shops, furniture upholstery, dry cleaning, exterminators.

3. Outdoor storage such as trucking, transfer, contractor storage yards.

4. a. Manufacturing uses such as bottling, bakeries (primarily wholesale) laundry and dyeing, welding shops.

   b. Specialty manufacturing such as custom sheet metal.

5. Other retail uses that are deemed to be compatible by the Planning Director. These uses shall not be convenience or soft line commercial uses but might include furniture or appliance stores, tire stores, auto parts, as these are large, nonpedestrian oriented retail uses. Such uses shall be in accordance with the stated purpose of this district.

6. Small scale light manufacturing operations as follows: stamping, brazing, testing, electronic assembly, and kindred operations where the building, structure or total operation
does not encompass more than 10,000 square feet of area. The 10,000 square foot total shall include all indoor and outdoor storage areas associated with the manufacturing operation. Only one 10,000 square foot manufacturing operation shall be permitted per lot.

7. Mini-warehouse.

8. Complexes which include combinations of uses, including a mixture of office, light manufacturing, storage and commercial uses.

9. Restaurants.

10. Municipal uses and buildings, except for such uses and buildings subject to Section 15.04.200. (0.2695 §4)

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. (0.2578, §2)

E. Accessory Uses

1. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities, loading and unloading areas.

2. For permitted uses, hazardous substance land uses, including on-site hazardous waste treatment and/or storage facilities, which are not subject to cleanup permit requirements of Kent City Code Chapter 4.19 and which do not accumulate more than 10,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site, subject to the provisions of Section 15.08.050, except off-site hazardous waste treatment and/or storage facilities which are not permitted in this district.

C. Special Permit Uses

1. Gasoline service stations.

D. Conditional Uses

1. Offices.

2. Light manufacturing operations in any building regardless of its size built prior to June 4, 1973 provided, however, that in the event if it should become necessary to rebuild or replace any such building then in that event the light manufacturing operations permitted under this section shall not encompass an area of greater than the size of the buildings on June 4, 1973.

3. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup permit requirements of Kent City Code Chapter 4.19 and which accumulate more than 10,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site or which handle more than 20,000 pounds of hazardous substances or wastes or any combination thereof on site in any 30 day period of time, subject to the provisions of Section 15.08.050, except off-site hazardous waste
treatment and/or storage facilities which are not permitted in this district.

4. General conditional uses as listed in Section 15.08.030.

Section 5. Kent City Zoning Code Section 15.04.130 is amended as follows:

15.04.130. COMMERCIAL MANUFACTURING-2 OR CM-2. Purpose:
It is the purpose of this district to provide locations for those types of developments which combine some characteristics of both retail establishments and small-scale light industrial operations, heavy commercial and wholesale uses and specialty manufacturing.

A. Principally Permitted Uses.

1. Any principally permitted use in the G.C., General Commercial zone.

2. Outdoor storage such as trucking, transfer, contractor storage yards.

3. a. Manufacturing uses such as bottling, bakeries (primarily wholesale) laundry and dyeing, welding shops.
   b. Specialty manufacturing such as custom sheet metal.

4. Small scale light manufacturing operations as follows: stamping, brazing, testing, electronic assembly, and kindred operations where the building, structure or total operation does not encompass more than 10,000 square feet of area. The 10,000 square foot total shall include all indoor and outdoor storage areas associated with the manufacturing operation. Only one 10,000 square foot manufacturing operation shall be permitted per lot.

5. Mini-warehouses.

6. Complexes which include combinations of uses, including a mixture of office, light manufacturing, storage and commercial uses.

7. 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.

8. Municipal uses and buildings, except for such uses and buildings subject to Section 15.04.200. (0.2695 §5)

B. Accessory Uses.

1. Accessory uses and buildings customarily appurtenant to a permitted use such as incidental storage facilities, loading and unloading areas.

2. For permitted uses, hazardous substance land uses, including on-site hazardous waste treatment and/or storage facilities, which are not subject to cleanup permit requirements
of Kent City Code Chapter 4.19 and which do not accumulate more than 10,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site, subject to the provisions of Section 15.08.050, except off-site hazardous waste treatment and/or storage facilities which are not permitted in this district.

C. Special Permit Uses.
   1. Gasoline service stations.

D. Conditional Uses.
   1. Offices.
   2. Light manufacturing operations in any building regardless of size built prior to June 4, 1973. Provided, however, that in the event it should become necessary to rebuild or replace any such building, then, in that event, the light manufacturing operations permitted under this section shall not encompass an area greater than the size of said building on June 4, 1973.
   3. General Conditional Uses as listed in Section 15.08.030.
   4. For permitted uses, accessory hazardous substance land uses, which are not subject to cleanup permit requirements of Kent City Code Chapter 4.19 and which do not accumulate more than 10,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site or which handle more than 20,000 pounds of hazardous substances or wastes or any combination thereof on site in any 30 day period of time, subject to the provisions of Section 15.08.050, except off-site hazardous waste treatment and/or storage facilities which are not permitted in this district.

E. Development Standards.
   1. Minimum lot. 10,000 square feet.
   2. Maximum site coverage. Fifty (50) percent.
   3. Front yard. Fifteen (15) feet minimum.
   4. Side yard. None, except when a side yard abuts a residential district, and then a twenty (20) foot side yard shall be required.
   5. Rear yard. None, except when a rear yard abuts a residential district, and then a twenty (20) foot rear yard shall be required.
   6. Height limitation. Two (2) stories or thirty-five (35) feet. However, the Planning Director shall be authorized to grant one (1) additional story in height, if during Development Plan Review, it is found that this additional story would not detract from the continuity of the area. More than one additional story may be granted by the Planning Commission.
   7. The landscaping requirements of Chapter 15.07 shall apply.
8. Outdoor storage. Outdoor storage areas shall be fenced for security and public safety by a sight-obscuring fence unless determined through the Development Plan Review that a sight-obscuring fence is not necessary. Any unfenced outdoor storage areas shall be paved with asphaltic concrete, cement, or equivalent material to be approved by the City Engineer.

P. Signs. The sign requirements of Chapter 15.06 shall apply.

G. 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 in areas required to be landscaped.

H. Development Plan Review. Development plan approval is required, as provided in Section 15.09.010. (0.2528, §3)

Section 6. Kent City Zoning Code Section 15.04.140 is amended as follows:

15.04.140. GENERAL COMMERCIAL OR GC. Purpose: The purpose and intent of the General Commercial district is:

1. To recognize the existence of commercial areas developed in strips along certain major thoroughfares.

2. To provide use incentives and development standards which will encourage the redevelopment and upgrading of such areas.

3. To provide for a range of trade, service, entertainment and recreation land uses which occur adjacent to major traffic arterials and residential uses.

4. To provide areas for development which are automobile oriented and designed for convenience, safety and the reduction of the visual blight of uncontrolled advertising signs, traffic control devices and utility equipment.

A. Principally Permitted Uses.
   1. Trade
      a. Wholesale
         Bakery
      b. Retail - general merchandise
         Department stores
         Dry goods and general merchandise
         Electrical supplies
         Farm equipment
         Hardware
         Heating and plumbing equipment
         Lumberyards
         Mail order houses
         Merchandise vending machine operators
         Paint, glass and wallpaper
         Variety stores
2. Services

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

t. **Personal services**
Beauty and barber services
Diaper services
Funeral and crematory services
Laundering and dry cleaning (self-service)
Laundering, dry cleaning, and dyeing services
Linen supply and industrial laundry services
Photographic services
Pressing, alteration, and garment repair
Rug cleaning and repair services
Shoe repair, shoe shining, and hat cleaning services

c. **Business services**
Advertising services
Automobile and truck rental
Blueprinting and photocopying services
Business and management consulting services
Consumer and mercantile credit reporting services;
adjustment and collection services
Detective and protective services
Disinfecting and exterminating services
Employment services
Equipment rental and leasing services
Food lockers (without food preparation facilities)
Motion picture distribution and services
News syndicate services
Other dwelling and business services
Outdoor advertising services
Photofinishing services
Research, development, and testing services
Stenographic services and other duplicating and mailing services
Trading stamp services
Window cleaning services
d. **Repair services**
Armature rewinding services
Automobile repair services
Automobile wash services
Electrical repair services
Fleet vehicle maintenance
Radio and television repair services
Reupholstery and furniture repair services
Small engine repair
Truck repair
Watch, clock and jewelry repair services
e. **Professional services**
Accounting, auditing, and bookkeeping services
Educational and scientific research services
Engineering and architectural services
Hospital services
Legal services
Medical and dental laboratory services
Medical and dental services
Medical clinic - out-patient services
Sanitarium, convalescent, and rest home services
Urban planning services

f. Contract construction services
Building construction - general contractor services
Carpentering and wood flooring
Concrete services
Electrical services
Masonry, stonework, tile setting, and plastering services
Painting, paperhanging and decorating services
Plumbing, heating, and air conditioning services
Roofing and sheet metal services
Water well drilling services

q. Educational services
Art and music schools
Barber and beauty schools
Business and stenographic schools
Correspondence schools
Dancing schools
Driving schools - auto
Driving schools - truck
Vocational or trade schools

h. Miscellaneous services
Animal grooming parlors
Business associations and organizations
Civic, social, and fraternal associations
Labor unions and similar labor organizations
Veterinary clinics and animal hospital services
when located no closer than one hundred fifty (150) feet to any residential use, providing
the animals are housed indoors (no outside runs) and the building is soundproofed. Sound­
proofing must be designed by competent acoustical engineers.
Welfare and charitable services

3. Residential

a. Lodging
   Hotels
   Motels

b. Existing dwellings may be rebuilt, repaired and
otherwise changed for human occupancy. Access­
sory uses for existing dwellings may be
constructed. Such uses are garages, carports,
storage sheds and fences.

4. Cultural, entertainment and recreational

a. Cultural activities and nature exhibitions
   Art galleries
   Historic and monument sites

b. Public assembly
   Amphitheaters
   Arenas and field houses
Auditoriums
Drive-in movies
Exhibition halls
Legitimate theaters (live)
Motion picture theaters
Stadiums

c. Amusements and recreation
Amusement parks
Athletic clubs
Bowling
Fairgrounds
Go-cart tracks
Golf driving ranges
Miniature golf
Skating (roller or ice)
Tennis
Video arcades

5. Other uses

a. Other retail trade, service, or entertainment/recreational uses that are of the same general character as those listed; which are deemed compatible with other permitted uses in this district and which operate in accordance with the stated purpose of this district.

b. Municipal uses and buildings, except for such uses and buildings subject to Section 15.04.200. (C.2695 §6)

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

1. Gasoline service stations.
2. Eating establishments (restaurants) with drive-in or drive-through facilities.
3. Nursery schools and day care centers.

C.Accessory Uses.

1. Accessory uses and buildings customarily appurtenant to a permitted use such as incidental storage facilities.

2. For permitted uses, hazardous substance land uses, including on-site hazardous waste treatment and/or storage facilities, which are not subject to cleanup requirements of Kent City Code Chapter 4.19 and which do not accumulate more than 10,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site, subject to the provisions of Section 15.08.050, except off-site hazardous waste treatment and/or storage facilities which are not permitted in this district.

D. Conditional Uses.

1. Printing and publishing establishments, and accessory uses and buildings, customarily appurtenant to such use.

2. Mini-warehouses and self-service storage
3. General Conditional Uses as listed in Section 15.08.030.


5. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup requirements of Kent City Code Chapter 4.19 and which accumulate more than 10,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site or which handle more than 20,000 pounds of hazardous substances and wastes on site in any 30 day period of time, subject to the provisions of Section 15.08.050, except off-site hazardous waste treatment and/or storage facilities which are not permitted in this district.

E. Development Standards.

1. Minimum lot. 10,000 square feet.

2. Maximum site coverage. Forty (40) percent.

3. Front yard. There shall be a front yard of at least twenty (20) feet in depth.

4. Side yard. None, except when a side yard abuts a residential district, and then a twenty (20) foot rear yard shall be required.

5. Rear yard. None, except when a rear yard abuts a residential district, and then a twenty (20) foot rear yard shall be required.

6. Height limitations. Two (2) stories or thirty-five (35) feet. However, the Planning Director shall be authorized to grant one additional story in height, if during Development Plan Review, it is found that this additional story would not detract from the continuity of the area. More than one additional story may be granted by the Planning Commission.

7. The landscaping requirements of Chapter 15.07 shall apply.

8. Outdoor storage. Outdoor storage areas shall be fenced for security and public safety by a sight-obscuring fence unless determined through the Development Plan Review that a sight-obscuring fence is not necessary.

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. Off-street parking may be located in required yards except in areas required to be landscaped.

H. Development Plan Review. Development plan approval is required, as provided in Section 15.09.010.
Section 7. Kent City Zoning Code Section 15.04.150 is amended as follows:

15.04.150. PROFESSIONAL AND OFFICE DISTRICT OR C.

Purpose: It is the purpose of this district to provide for areas appropriate for professional and administrative offices. It is intended that such districts shall buffer residential districts and the development standards are such that office uses should be compatible with residential districts.

A. Principally Permitted Uses.

1. Medical and dental offices; medical and dental laboratory services.

2. Administrative and professional offices such as lawyers, engineers, real estate, accountants, financial offices such as banks, savings and loan institutions, insurance offices, auditing, bookkeeping, architectural and urban planning services, business and management consulting services, advertising services. (O.2764, §1)

3. Veterinary clinics when located no closer than one hundred fifty (150) feet to any residential use, providing the animals are housed indoors (no outside runs) and the building is soundproofed. Soundproofing must be designed by competent acoustical engineers.

4. Schools and studios for art, crafts, photography, music, dance. Educational and scientific research, research and development services.

5. Blueprinting and photocopying services.

6. Consumer and mercantile credit reporting services, adjustment and collecting services.

7. Detective and protective services.

8. Stenographic services and other duplicating and mailing services.


10. Employment services.

11. Any other use that is determined by the Planning Director to be of the same general character as the above permitted uses.

12. Municipal uses and buildings, except for such uses and buildings subject to Section 15.04.200. (O.2695 §7)

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.

B. Accessory Uses.

1. Incidental sales and services, such as restaurants, pharmacies and retail sales to serve occupants and patrons of
permitted uses, when conducted within the same building, provided there is no exterior display or advertising.

2. For permitted uses, hazardous substance land uses, including on-site hazardous waste treatment and/or storage facilities, which are not subject to cleanup permit requirements of Kent City Code Chapter 4.19 and which do not accumulate more than 5,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site, subject to the provisions of Section 15.08.050, except off-site hazardous waste treatment and/or storage facilities which are not permitted in this district.

C. Conditional Uses.

1. Multifamily development over office uses and multifamily developments (apartments and townhouses).
2. Mortuaries.
3. Beauty and barber services.
4. Tanning salons.
5. Nail manicuring services.
6. General Conditional Uses as listed in Section 15.08.030.
7. Retail sales as follows:
   As part of a planned development where at least fifty (50) percent of the total development is for office use.
   Drive-in restaurants, service stations, drive-in cleaning establishments and other similar retail establishments are not permitted.

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

1. Churches.
2. Nursery schools and day care centers.

E. Development Standards.

1. Minimum lot. 10,000 square feet.
2. Maximum site coverage. Thirty (30) percent.
4. Side yard. None, except abutting a residential district and then twenty (20) feet minimum.
5. Rear yard. None, except abutting a residential district and then twenty (20) feet.
6. Height limitations. Three (3) stories or forty (40) feet.
7. The landscaping requirements of Chapter 15.07 shall apply.

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

G. Off-Street Parking. The off-street parking requirements of Chapter 15.05 shall apply.

H. Development Plan Review. Development plan approval is required, as provided in Section 15.09.010.

Section 8. Kent City Zoning Code Section 15.04.190 is amended as follows:

15.04.190. GENERAL INDUSTRIAL DISTRICT CR 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, 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.

c. 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. Truck repair and service facilities.

21. Municipal uses and buildings, except for such uses and buildings subject to Section 15.04.200. (0.2695 §11)

P. 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.

6. For permitted uses, hazardous substance land uses, including on-site hazardous waste treatment and/or storage facilities, which are not subject to cleanup permit requirements of Kent City Code Chapter 4.19 and which do not accumulate more than 20,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site, subject to the provisions of Section 15.08.050, except off-site hazardous waste treatment and/or storage facilities which require a conditional use permit in this district.

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. Pavement 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.

10. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup permit requirements of Kent City Code Chapter 4.19 and which accumulate more than 20,000 pounds of hazardous substances or wastes or any combination thereof at any one time on site, subject to the provisions of Section 15.08.050, except off-site hazardous waste treatment and/or storage facilities which require a conditional use permit in this district.

11. Off-site hazardous waste treatment and/or storage facilities, subject to the provisions of Section 15.08.050.

12. Any hazardous substance land use that is not an accessory use to a principally permitted use.

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. 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.

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 9. Kent City Zoning Code Section 15.08.050 is amended as follows:

15.08.050. PERFORMANCE STANDARDS.

A. Performance Standards Defined. Performance standards deal with the operational aspects of land uses. While performance standards shall apply to all land uses within the City, they are primarily concerned with the impact of industrial development upon the environment. Continued compliance with the performance standards shall be required of all uses, except as otherwise provided for in these regulations.

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable condition. The following elements, if created, may become dangerous, injurious, noxious or otherwise objectionable under the circumstances, and are then referred to as "dangerous or objectionable elements":

1. Noise, vibration or glare.
2. Smoke, dust, odor or other form of air pollution.
3. Heat, cold or dampness.
4. Hazardous substances and/or wastes.

B. Nonconforming Uses. Uses established before the effective date of this code and nonconforming as to performance standards shall be given three (3) years in which to conform therewith.

C. Locations Where Determinations are to be Made for Enforcement of Performance Standards. The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent (herein referred to as "at any point"); provided, however, that the measurement of performance standards for noise, vibration, odors, or glare, or hazardous substances or wastes shall be taken at the following points of measurement:

1. In all districts: at the property lines or lot lines or
2. In all districts: at the buffer zone setback line for any hazardous substance land use facility which must be at least 50 feet from any property line.

D. Dangerous and Objectionable Elements.

1. Noise. At the points of measurement specified in Section 15.08.050 subsection c, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association. (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, 224.3-1944 American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, 224.10-1953, or latest approved revision thereof, American Standards Association, Inc. New York, N.Y., shall be used.)

2. Vibration. No vibration shall be permitte which is discernible without instruments at the points of measurement specified in Chapter 15.08.

3. Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities so as to exceed the odor threshold at the points of measurements listed below. The odor threshold shall be defined as the concentration in the air of a gas or vapor which will just evoke a response in the human olfactory system.

   a. Industrial Park District - M1. Odorous matter released from any operation or activity shall not exceed the odor threshold beyond lot lines.

   b. Limited Industrial District - M2. Odorous matter released from any operation or activity shall not exceed the odor threshold beyond lot lines.

   c. General Industrial District - M3. Odorous matter released from any operation or activity shall not exceed the odor threshold beyond the district boundary or five hundred (500) feet from the lot line, whichever distance is shortest.

4. Glare. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement specified in Subsection 15.07.050 C shall be permitted. This restriction shall not apply to signs or floodlighting of buildings for advertising or protection otherwise permitted by the provisions of this code.

5. Radioactivity or electrical disturbance. The regulations of the Federal Occupational Safety and Health Standards shall apply for all radioactivity and electrical disturbance unless local codes and ordinances supersede this federal regulation.
TABLE I
Sound Pressure Levels in Decibels

<table>
<thead>
<tr>
<th>Octave Bank, Cycles Per Second</th>
<th>Maximum Permitted Sound Pressure Level, Decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-75</td>
<td>75</td>
</tr>
<tr>
<td>75-150</td>
<td>70</td>
</tr>
<tr>
<td>150-300</td>
<td>64</td>
</tr>
<tr>
<td>300-600</td>
<td>59</td>
</tr>
<tr>
<td>600-1,200</td>
<td>53</td>
</tr>
<tr>
<td>1,200-2,400</td>
<td>47</td>
</tr>
<tr>
<td>2,400-4,800</td>
<td>40</td>
</tr>
<tr>
<td>4,800-10KC</td>
<td>34</td>
</tr>
</tbody>
</table>

TABLE II
Correction in Maximum Permitted Sound Pressure Level in Decibels to be Applied to Table I

<table>
<thead>
<tr>
<th>Type of Operation or Character of Noise</th>
<th>Correction in Decibels</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise source operates less than 20 percent of any one hour period.</td>
<td>Plus 5*</td>
</tr>
<tr>
<td>Noise source operates less than 5 percent of any one hour period.</td>
<td>Plus 10*</td>
</tr>
<tr>
<td>Noise source operates less than 1 percent of any one hour period.</td>
<td>Plus 15*</td>
</tr>
<tr>
<td>Noise of impulsive character (hammering, etc.)</td>
<td>Minus 5</td>
</tr>
<tr>
<td>Noise of periodic character (hum, screech, etc.)</td>
<td>Minus 5</td>
</tr>
</tbody>
</table>

*Apply one of these corrections only.

6. Fire and explosion hazards. The relevant provisions of federal, state and local laws and regulations shall apply.

7. Smoke, fly ash, dust, fumes, vapors, gases and other forms of air pollution. The standards of the Puget Sound Air Pollution Control Agency, Regulation I, or those regulations as may be subsequently amended, shall apply.

8. Liquid or solid wastes. No discharge of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements shall be permitted, at any point into any public sewer, private sewage disposal system, or stream, or into the ground, except in accord with standards approved by the Washington State Department of Ecology or other appropriate state agencies.

9. Hazardous substances or wastes. No release of hazardous substances or wastes as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements...
shall be permitted, at any point into any public sewer, private sewage disposal system, watercourse or water body, or the ground, except in accordance with standards approved by the Washington State Department of Ecology or other appropriate state or federal agency. The relevant provisions of federal, state, and local laws and regulations shall apply, and compliance shall be certified by applicants for permits under the Zoning Code, City of Kent. The following site development standards shall apply:

a. Hazardous waste facilities shall meet the Location Standards for Siting Dangerous Waste Management Facilities in Washington adopted pursuant to Chapter 70.105 RCW;

b. Hazardous substance land use facilities shall be located at least:

1. 200 ft. from unstable soils or slopes which are delineated on the "Hazard Area Development Limitations" map or as may be more precisely determined per Section 15.08.224.B;

2. 200 ft. from the ordinary high water mark of major or minor streams or lakes which are delineated on the "Hazard Area Development Limitations" map or as may be more precisely determined per Section 15.08.224.B, shorelines of state-wide significance, or shorelines of the state;

3. 1/4 mi. from public parks, public recreation areas or natural preserves, or state or federal wildlife refuges;

4. 50 ft. from any property line to serve as an on-site hazardous substance land use facility buffer zone;

5. 500 ft. and 100 ft. from a residential zone and a residential unit respectively; and

6. 500 ft. from a public gathering place or agricultural land/zone, in the case of a non-agricultural hazardous substance land use facility;

c. Hazardous substance land use facilities shall not be located in a 100-year floodplain;

d. Hazardous substance land use facilities which are not entirely enclosed within a building shall provide a Type I: Solid Screen landscaping of a width of at least 10 feet in the hazardous substance facility buffer zone required by subsection b.4);

e. Aboveground hazardous substance land use facilities shall be constructed with containment controls which will prevent the escape of hazardous substances and/or wastes in the event of an accidental release from the facility and shall meet federal, state, and local design and construction requirements;

f. Underground hazardous substance land use facilities shall meet federal, state, and local design and construction requirements;

3. Hazardous substance land use facilities shall comply with Article 80 of the Uniform Fire Code as revised in 1988 and thereafter;
h. Hazardous substance land uses shall provide for review and approval by the Kent Fire Department a hazardous substance spill contingency plan for immediate implementation in the event of a release of hazardous substances or wastes at the facility;

i. Hazardous substance land uses should use traffic routes which do not go through residential zones; and

j. Hazardous substance land uses in the C, NCC, CC, and DC zones shall be entirely enclosed within a building.

In case of conflict between any of these site development standards and the development standards of specific zoning districts or other code requirements, the more restrictive requirement shall apply.

Section 10. Kent City Zoning Code Section 15.09.100 is amended as follows:

15.09.100. VIOLATIONS.

A. Complaints Regarding Violations. Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Planning Department. The Planning Department shall record properly such complaint, immediately investigate, and take action thereon as provided by this Code.

B. Penalties for Violation. Violation of the provisions of this Code or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred (100) dollars or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

C. Continued Enforcement. Whenever a hazardous substance land use is determined to be in violation of this Code, the City Attorney may order the violator to remove the violation within a specified period of time. In the event that the City Attorney, Fire Department Chief, or their designee determines there is imminent danger to public health, safety, or welfare or to the environment, the City may take immediate action to remove the violation. In such event the violator shall be liable to the City
for all costs and penalties associated with the investigation, detection, removal and cleanup of the violation. In the event of collection action by the City to collect such costs, the violator shall be required to pay all legal costs and fees, including reasonable attorney fees.

Section 11. 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 18 day of Oct, 1988.
APPROVED the 19 day of Oct, 1988.

I hereby certify that this is a true copy of Ordinance No. 2808, 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)

6190-230