Ordinance No. 2932

(Amending or Repealing Ordinances)

CFN=131 – Zoning Code
Passed 7/17/1990
Relating to tree preservation regulations of the zoning code

Secs. 15.02.010, 15.02.015, 15.02.025, 15.02.050, 15.02.075, 15.02.098, 15.02.100, 15.02.120, 15.02.210, 15.02.235, 15.02.283, 15.02.285, 15.02.290, 15.02.335, 15.02.500, 15.02.560, 15.02.585 Amended by Ord. 3409
Sec. 15.02.430 Amended by Ord. 3501
Amended by Ord. 3830 (Sec. 15.08.240)
ORDINANCE NO. 2432

AN ORDINANCE of the City of Kent, Washington, relating to tree preservation regulations of the zoning code, amending Section 15.02 (Definitions), Section 15.08.240 (Tree Preservation) and Section 15.09.100 (Enforcement).

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

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

CHAPTER 15.02
DEFINITIONS

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

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

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

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

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

The word lot includes the words plot and parcel.

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

15.02.006. ADULT BOOKSTORE. A commercial establishment which has a minimum of 20 percent of its stock in trade, books, magazines, or other periodicals distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein. Such an establishment is customarily not open to the public generally but only to one or more classes of the public, excluding minors by virtue of age. It shall be a
rebuttable presumption that 20 percent of a business' stock in trade is considered substantial. (0.2687, §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. (0.2687, §2)

15.02.008. ADULT USES. For the terms of this code, adult uses shall include adult motion picture theatres, adult drive-in theatres, adult bookstores, and adult entertainment establishments. (0.2687, §2; 0.2785 §1)

15.02.009. ADULT ENTERTAINMENT ESTABLISHMENT. An adult entertainment establishment means any business or operation regulated by KCC 5.32 including any business or operation that involves an exhibition or dance by persons that is distinguished or characterized by an emphasis on conduct that depicts, displays, or relates to "specified sexual activities" or "specified anatomical areas", as defined in Section 15.02.502 and .503. Such an establishment customarily excludes persons by virtue of age from all or a portion of the premises. (0.2785, §1)

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

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

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

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

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

15.02.035. **AUTOMOBILE SERVICE STATION OR GASOLINE FILLING STATION.** A building or lot having pumps and storage tanks where fuels, oils, or accessories for motor vehicles are dispensed, sold or offered for sale at retail only; repair service is incidental and no storage or parking space is offered for rent.

15.02.040. **AUTOMOBILE WRECKING OR MOTOR VEHICLE WRECKING.** The dismantling or disassembling of motor vehicles or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles or their parts.

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

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

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

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

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

15.02.070. **CANOPY.** A roof-like projection.

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

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

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

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

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

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

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

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

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

15.02.097. 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. (0.2801, §1)

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. (0.2801, §1)
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.

15.02.113. DRIPLINE. A circle drawn at the soil line directly under the outermost branches of a tree.

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 (Agd) 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. (0.2801, §1)

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. GROUNDCOVER. 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.) (0.2801, §1)

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. (0.2801, §1)

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, 173-303-101, 173-303-102, or 173-303-103. (0.2801, §1)

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. (0.2801, §1)

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. (0.2801, §1)

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. (0.2801, §1)
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. (0.2801, §1)

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. (0.2801, §1)

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. (0.2801, §1)

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. (0.2801, §1)

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. (0.2801, §1)

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. (0.2808, §1)

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

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

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

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

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

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

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

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

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

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

15.02.222. LANDSLIDE AREAS.

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

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 WASTE.** 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. (0.2808, §1)

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.

15.02.272. **MULTIFAMILY TRANSITION AREA.** A Multifamily Transition Area is any portion of an MR-G, MR-M or MR-H Garden Density, Medium Density or High Density Multifamily Residential District situated within 100 feet of a Single-Family District, and/or within 100 feet of a public street right-of-way. Specifically excluded from this definition is property abutting a right-of-way that will never be developed into a public street as determined by the Kent Transportation Engineer, and which does not otherwise qualify as a Multifamily Transition Area. (0.2772, §1)
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 southernmost point of the lot.

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

15.02.295. **OCCUPANCY.** The purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.
15.02.300. **OFFICIAL MAP.** Maps showing the designation, location and boundaries of the various districts which have been adopted and made a part of this code.

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

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

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

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

15.02.325. **PARKING, TEMPORARY.** Parking facilities specifically designed to accommodate not less than 51 vehicles and intended for public use for a period of not more than five (5) years, subject to annual maintenance review by Engineering Department. Temporary parking shall not be in lieu of specified off-street parking as required in Chapter 15.05, Off-Street Parking and Loading Requirements.

15.02.330. **PERFORMANCE STANDARDS.** Regulations for the control of "dangerous or objectionable elements" as defined in Subsection 15.08.505 A.

15.02.334. **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. (0.2808, §1)

15.02.335. **PLANNED UNIT DEVELOPMENT.** Planned Unit Development is a residential development built under those provisions of this code which permit departures from the conventional siting, setback, and density requirements of other sections of this code in the interest of achieving superior site development, creating open space, and encouraging imaginative design by permitting design flexibility.
15.02.336. **PARK, RIVERFRONT.** A publicly-owned open space which lies along the Green River, along a scenic and recreational road. (0.2544, §6)

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

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

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

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

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

15.02.342. **SEISMIC HAZARD AREAS.**

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

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

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

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

15.02.344. **SETBACK, AVERAGE.** The average setback is the mean or average depth of yard (setback) measured from the property
line to the building. The average setback is computed along the full length of the property line, utilizing a designated property depth. (0.2772, §1)

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

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

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

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

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

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

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

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

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

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

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

15.02.380. SIGN, CANOPY. A sign attached to the underside of a canopy.

15.02.385. SIGN, CONSTRUCTION. A temporary sign placed in advance of occupancy of a building or structure indicating the name of the building or structure, the architects, the
contractors, and other information regarding the building or structure.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15.02.487. SINGLE-FAMILY DISTRICT. A Single Family Zoning District is a zoning district with any of the following designations: R1-20, R1-12, R1-9.6, R1-7.2, Single Family Residential, and RA, Residential Agricultural. (0.2772, §1)

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

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

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

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

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

15.02.499. SOLID WASTE INCINERATOR. The processing of solid wastes by means of pyrolysis, refuse-derived fuel, or mass
incineration within an enclosed structure. These processes may include the recovery of energy resources from such waste or the conversion of the energy in such wastes to more useful forms or combinations thereof. This definition refers to City-wide or regional scale operations and does not include solid waste incineration which is accessory to an individual principal use. (0.2786, §1)

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.

15.02.501. SPECIAL TREES. Trees significant due to their size, age, species and variety, or historical importance.

15.02.502. SPECIFIED ANATOMICAL AREAS.

1. Less than completely and opaquely covered human genitals, pubic region, buttck, 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. (0.2687, §2)

15.02.503. SPECIFIED SEXUAL ACTIVITIES.

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

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

3. Fondling or other erotic touching of human genitals, pubic region, buttck, or female breast. (0.2687, §2)

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

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

15.02.515. STORY. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished-floor level directly above a basement, cellar or unused underfloor space is more than six feet above grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point,
such basement cellar or unused underfloor space shall be con-
sidered 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 dwel-
ings, 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. TRANSITIONAL HOUSING. A facility operated
publicly or privately to provide housing for individuals and/or
families who are otherwise homeless and have no other immediate
living options available to them. Transitional housing shall not
exceed an 18-month period per individual or family. (0.2832, §1)

15.02.529. 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.

15.02.529.5. UNDEVELOPED LAND. A parcel of land which
does not have an inhabitable building and/or the inhabited
buildings occupy no more than three percent of the total parcel
area.

15.02.530. UNIQUE AND FRAGILE AREA. An area of special
environmental significance for wildlife habitat, threatened plan
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.

15.02.531. USE. An activity for which land or premises
or a building thereon is designed, arranged, intended, or for
which it is occupied or maintained, let or leased. (0.2832, §1)

15.02.532. 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 opera-
tion, 2) materials processed or sold, 3) required parking, 4)
traffic generation, 5) impact on public utilities, 6) clientele,
and 7) general appearance and location.

15.02.534. 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.

15.02.535. 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)

15.02.536. 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.

15.02.540. 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."

15.02.541. 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. (0.2832, §1)

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.

15.02.556. 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 Chapter 15.08.240 is amended as follows:

15.08.240. PRESERVATION OF TREES.

A. Purpose. Retention of significant trees as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the City, to preserve the natural wooded character of the area, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system, and to provide a transition between various land uses in the City.

B. Regulations. Application of regulations for the preservation of significant trees:

1. On all undeveloped property in the City of Kent, all trees of a six-inch caliper or greater shall be retained on the property where they are growing.
2. Where it is not feasible to retain all trees on site due to the proposed development, a site specific tree plan, drawn to scale, shall be prepared. The tree plan shall indicate the precise location of all trees of six-inch diameter or greater on the site, in relation to proposed buildings, streets, parking areas, storm drainage facilities and utilities. Trees to be retained pursuant to this code shall be marked by encircling the tree with a stripe of non-toxic paint of a color and type sufficient to remain visible during on-site construction activity. Trees to be retained shall be protected during construction and the drip line shall be delineated with boundary markers. No grade changes or storage of materials shall be allowed within the tree drip line. Drainage patterns shall not be significantly altered that may be detrimental to the subject trees.

3. The tree plan shall be submitted to the Kent Planning Department for their review prior to the issuance of a zoning or building permit.

4. The Planning Department shall review the tree plan in relation to the proposed development and make a determination of which trees will be permitted to be removed.

5. The Planning Department may cause a modification of the development plan to ensure the retention of the maximum number of trees. Should the applicant elect to alter the development plan in order to preserve special trees or wooded areas in an natural state, the Planning Director may waive specific requirements to allow for flexibility and innovation of design.

6. There shall be no clear cutting of trees of six (6) inch caliper diameter or greater on a site undeveloped land for the sake purpose of preparing that site for future development. (0.2245, §1; 0.2452, §1)

C. Enforcement. Illegal removal and restoration of trees.

1. Trees removed illegally from undeveloped land or trees designated for retention which are damaged or destroyed shall be replaced as follows:

   a. One existing tree at six (6) inch diameter shall be replaced by two (2) new trees.

   b. For each additional three (3) inches of diameter, one new replacement of tree shall be added up to a maximum of six (6) trees.

   c. Replacement deciduous trees shall be at least three (3) inches in diameter at the time of planting, an evergreen shall be at least twelve (12) feet in height.

Section 3. Kent City Zoning Code Chapter 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 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. (0.2801, §19)

D. Stop Work Notice. Whenever any work is being done or site is being occupied contrary to the provisions of the Kent Zoning Code, the Planning Director or Designated Representative may order the work stopped or site be vacated by notice in writing served on any person engaged in the doing or causing of such work to be done or site to be occupied and any such person shall forthwith stop such work or site occupation until authorized by the Planning Director or Designated Representative to proceed.
Section 4. Effective Date. This ordinance shall take
effect and be in force thirty (30) days from the time of its final
passage as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PASSED the 17 day of July, 1990.

APPROVED the 19 day of " , 1990.

PUBLISHED the 20 day of " , 1990.

I hereby certify that this is a true copy of Ordinance
No. 2932, 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)