Ordinance No. 3092

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Sec. 15.02.262 Amended by Ord. 3409

Secs. 15.04.100, 15.04.150, & 15.04.195 Repealed by Ord. 3409
ORDINANCE NO. 3092

AN ORDINANCE of the City of Kent, Washington, amending Chapter 15.04 of the Kent Zoning Code to permit multifamily residential use as a conditional use in non-residential zones only in conjunction with mixed use development proposals, and amending Chapter 15.02 of the Kent Zoning Code to include a new definition for mixed use development.

WHEREAS, the Kent City Council has a long-standing record of concern regarding the effects of rapid and unchecked growth of multifamily residential use in the City of Kent; and

WHEREAS, this concern prompted the City Council Planning Committee to request that the Planning Commission review the zoning code and consider whether to eliminate multifamily residential use as a conditional use in non-residential zones; and

WHEREAS, the Planning Commission held workshops on this request on April 13, 1992, and again on June 8, 1992, to consider the impacts and alternatives of eliminating multifamily residential use as a conditional use in non-residential zones; and

WHEREAS, at its public hearing on September 28, 1992, the Planning Commission voted to recommend that the zoning code be changed to allow multifamily residential use as a conditional use in certain non-residential zones, but only when in a mixed-use development proposals; and
WHEREAS, the City Council considered the Planning Commission recommendation on November 17, 1992, and concurred with the proposed modifications to the zoning code; NOW THEREFORE,

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

Section 1. Kent City Code (KCC) Chapter 15.02 is amended by adding thereto a new sub-section to be read as follows:

Section 15.02.260. MIXED USE DEVELOPMENT
Mixed use development shall mean two or more permitted uses or conditional uses developed in conjunction with one another on the same site.

Section 2. Kent City Code (KCC) subsection 15.02.260 is hereby renumbered as 15.02.262 which reads as follows:

Section 15.02.260. MOBILE HOME 15.02.262. 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 over the public highway under trailer license or by special permit.

Section 3. Kent City Code (KCC) sub-section 15.04.100(D) (as amended by Ordinance No. 2801 § 6, as amended by Ordinance No. 2807 § 1, as last amended by Ordinance No. 2958 § 12) is hereby amended as follows:
D. **Conditionally Permitted Uses**

1. General Conditional Uses as listed in Section 15.08.030.

2. **Apartments**—(either by themselves or in conjunction with commercial uses), and building supply uses. **Multifamily residential use shall be permitted as a conditional use only when included within a mixed use development.**

3. Auto repair facilities.

4. **Mini-warehouses.** Provided: that the following development standards shall apply for mini-warehouses, superseding those set out in 15.04.100 (E), below.
   
   a. Frontage use reserved: The first 150 feet of lot depth (measured from the property line or right of way inward from the street frontage) shall be reserved for principally permitted uses for this district, defined by the provisions of 15.04.100 A-1, and/or for office/on site manager's unit, signage, parking and access. A maximum of 25% of the frontage may be used for access to the storage unit area, provided that: In no case shall the access area exceed 75 feet in width. No storage units/structures shall be permitted within this 150 feet commercial frontage depth.

   b. **Lot Size.** Minimum: - 1 acre

   Maximum: - 4 acres

   c. **Site Coverage.** Underlying zoning district requirements.

   d. **Setbacks.** Front Yard - 20 feet

   Side Yard - 10 feet

   Rear Yard - 10 feet

   e. **Height limitations.** One story in height.

   f. **Outdoor Storage.** No outdoor storage is permitted.
g. Signs. The sign requirements of Chapter 15.06 shall apply.

h. Off Street Parking.

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

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

i. Development Plan Review. Development plan approval is required as provided in Section 15.08.

j. Landscaping.

Front-Yard - 20 feet: Type III (earth berms)
Side-Yard - 10 feet: Type II abutting commercial, Type I abutting residential uses or districts.
Rear Yard - 10 feet: Type II abutting commercial uses or districts, Type I abutting residential uses or districts.

Note: For maintenance purposes, underground irrigation systems shall be provided for all landscaped areas.

k. On Site Managers. A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of the approval. The Planning Department shall establish requirements for parking and loading areas sufficient to accommodate the needs of the resident manager and the customers to the facility.

1. Drive Aisles. Drive aisle widths and parking requirements are as follows:

a. 15 foot drive aisle and 10 foot parking aisle.

b. Parking for manager's quarters and visitor parking.
m. Building Lengths. The horizontal dimension of any structure facing the site shall be offset at intervals not to exceed 100 feet. The offset shall be no less than 20 feet in the horizontal dimension, with a minimum depth of 5 feet.

n. Material Used. If abutting a residential use or zone, residential design elements such as brick veneer, wood siding, pitched roofs with shingles, landscaping and fencing. No uncomplimentary building colors should be used when abutting a residential use or zone.

o. Prohibited Uses. Restrict use to "dead storage" only. Specifically prohibit the following:
   i. Auctions (other than tenant lien sales), commercial, wholesale, or retail sales, or garage sales.
   ii. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.
   iii. The operation of power tools, spray painting equipment, table saw, lathes, compressors, welding equipment, kilns or other similar equipment.
   iv. The establishment of a transfer and storage business.
   v. Any use that is noxious or offensive because of odor, dust, noise, fumes, or vibration.
   vi. Storage of hazardous or toxic materials and chemicals, or explosive substances.

p. Fencing. No razor wire allowed on top of fences.

5. Group Homes Class II-1A, II-B, II-C and III.
Section 4. Kent City Code (KCC) sub-section 15.04.150(C)(1) (as amended by Ordinance No. 2958 § 17) is hereby amended as follows:

C. Conditional Uses.

1. Multifamily development over office uses and multifamily developments (apartments and townhouses). Multifamily residential use shall be permitted as a conditional use only when included within a mixed use development.

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.

Section 5. Kent City Code (KCC) sub-section 15.04.195(C)(2) (as amended by Ordinance No. 2850 § 1) is hereby amended as follows:

C. Conditional Uses.

1. Gasoline service stations, automobile repair (excluding auto body repair) and car washes.

2. Multiple family dwellings as permitted in Section 15.04.050. Multifamily residential use shall be permitted as a conditional use only when included in a mixed use development.

Section 6. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect
the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 7. Effective Date. This ordinance shall take effect and be in force (30), thirty days from the time of its final passage as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGEN A. LUBOVICH, CITY ATTORNEY

PASSED the 16 day of February, 1993.
APPROVED the 17 day of February, 1993.
PUBLISHED the 19 day of February, 1993.
I hereby certify that this is a true and correct copy of Ordinance No. 3092, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK