Ordinance No. 3129

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

REPEALED BY: Ord. 3409
ORDINANCE NO. 3129

AN ORDINANCE of the City Council of the City of Kent, amending the Zoning Code to allow the sport of Indoor Paintball as a permitted use in the M-1, Industrial Park district, and M-2, Limited Industrial district.

WHEREAS, the City Council has established a regulatory review process to give citizens a chance to recommend changes to the uses enumerated in the different zoning classifications in the Zoning Code; and

WHEREAS, in March of 1993, a citizen filed a regulatory review request which proposes that the Kent Zoning Code be amended to allow the sport of Indoor Paintball as a permitted use in the M-1, Industrial Park district, and the M-2, Limited Industrial district, and

WHEREAS, the M-1 and M-2 zoning districts currently allow a wide range of industrial and warehousing type uses and the sport of Indoor Paintball is not incompatible with the other industrial uses in the zoning districts; and

WHEREAS, the Planning Commission held a public hearing on July 26, 1993, and voted to recommend that Section 15.04.170A and 15.04.180A, of the Kent Zoning Code, be amended to allow the sport of Indoor Paintball as a permitted use in the M-1, Industrial Park district, and the M-2, Limited Industrial district; and

WHEREAS, the Kent City Council considered the Planning
Commission recommendation on September 7, 1993 and concurred with the proposed amendment to the M-1 and M-2 zones; NOW, THEREFORE,

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

Section 1. Section 15.04.170A of the Kent City Code is amended to add a new principally permitted use, renumerated as a new subsection 16, to read as follows:

Sec. 15.04.170. Industrial park district, M1 or M1-C.

The purpose of the M-1 district is to provide an environment exclusively for and conducive to the development and protection of a broad range of industrial activities, including modern, large scale administrative facilities, research institutions and specialized manufacturing organizations, all of a non-nuisance type. This district is intended to provide areas for those industrial activities that desire to conduct business in an atmosphere of prestige location in which environmental amenities are protected through a high level of development standards. It is also the purpose of this zone to allow certain limited commercial land uses that provide necessary personal and business services for the general industrial area. Such uses are allowed in the M1 district, through the application of the "C" suffix, at centralized, nodal locations where major arterials intersect.

A. Principally permitted uses, M1 district. The following list is illustrative of the types of permitted uses and is not intended to be exclusive:

1. Manufacturing, processing, assembling and
packaging of articles, products or merchandise from previously prepared natural or synthetic materials, including but not limited to asbestos, bristles, bone, canvas, cellophane and similar synthetics, chalk, clay (pulverized only, with gas or electric kilns), cloth, cork, feathers, felt, fiber, fur, glass (including glass finishing), graphite, hair, horn, leather, paints (except boiling processes) paper, paraffin, plastic and resins, precious or semiprecious metals or stones, putty, pumice, rubber, shell, textiles, tobacco, wire, wood, wool and yarn.

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

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

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

   a. Drugs, pharmaceuticals, toiletries and cosmetics.

   b. Food and kindred products, such as confectionery products, chocolate, cereal breakfast foods, bakery products, paste products, fruits and vegetables, beer, beverages (except fermenting and distilling), prepared food specialties (such as coffee, dehydrated and instant foods, extracts, spices and dressings) and similar products.
c. Dairy products and byproducts, such as milk, cream, cheese and butter, including the processing and bottling of fluid milk and cream and wholesale distribution.

5. Warehousing and distribution facilities and the storage of goods or products, except for those goods or products specifically described as permitted to be stored only as conditional uses in the M3 district.

6. Crop and tree farming.

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

8. Scientific research, testing and experimental development laboratories.

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

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

11. Headquarters offices of industrial operations.

12. Alcoholic beverage processes, such as distilling and fermenting.
13. Retail uses as follows:
   a. Merchandise vending machine operators.
   b. Tires, batteries and accessories for industrial vehicles and equipment.
   c. Eating places, except drive-ins or those with drive-in or drive-through facilities.

14. Administrative, professional, medical, financial and business offices and services, including but not limited to the following:
   a. Finance, insurance and real estate services.
      (1) Banking and related services.
      (2) Security brokers and dealers and related services.
      (3) Commodity brokers and dealers and related services.
      (4) Insurance carriers.
      (5) Insurance brokers and agents and related services.
      (6) Real estate operators, lessors and management services.
      (7) Real estate agents and brokers and related services.
      (8) Real estate subdividing and developing services.
      (9) Housing and investment services.
   b. Personal services.
      (1) Linen supply and industrial laundry services.
      (2) Diaper services.
      (3) Rug cleaning and repair services.
(4) Photographic services.
(5) Beauty and barber services.
(6) Fur repair and storage services.

c. Business services.
(1) Advertising services.
(2) Outdoor advertising services.
(3) Consumer and mercantile credit reporting services, and adjustment and collection services.
(4) Direct mail advertising services.
(5) Stenographic services and other duplicating and mailing services.
(6) Window cleaning services.
(7) Disinfecting and exterminating services.
(8) News syndicate services.
(9) Employment services.
(10) Food lockers, with or without food preparation facilities.
(11) Business and management consulting services.
(12) Detective and protective services.
(13) Equipment rental and leasing services.
(14) Automobile and truck rental services.
(15) Motion picture distribution services.
(16) Travel agencies.

d. Repair services.
(1) Electrical repair services.
(2) Radio and television repair services.
(3) Reupholstery and furniture repair services.
(4) Armature rewinding services.

e. **Professional services.**
   (1) Medical and dental laboratory services.
   (2) Legal services.
   (3) Engineering and architectural services.
   (4) Educational and scientific research services.
   (5) Accounting, auditing and bookkeeping services.
   (6) Urban planning services.
   (7) Counseling services.

f. **Contract construction services.**
   (1) Building construction, general contractor services.
   (2) Plumbing, heating and air conditioning services.
   (3) Painting, paperhanging and decorating services.
   (4) Electrical services.
   (5) Masonry, stonework, tile setting and plastering services.
   (6) Carpentering and wood flooring.
   (7) Roofing and sheetmetal services.
   (8) Concrete services.
   (9) Water well drilling services.

g. **Educational services.**
   (1) Vocational or trade schools.
   (2) Business and stenographic schools.
   (3) Driving schools, truck.
h. Miscellaneous services.

(1) Business associations and organizations.

(2) Labor unions and similar labor organizations.

(3) Health and fitness clubs and facilities.

Other service uses are permitted which may be deemed by the planning director to be of the same general character as and compatible with those uses listed in this subsection.

15. Gymnastic schools and similar uses.

16. Indoor Paintball.

17. Other similar uses which the planning director finds compatible with the principally permitted uses described in this subsection, consistent with the purpose and intent of the M1 district and not of a type to adversely affect the use of adjoining properties.

18. 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.

19. Municipal uses and buildings, except for such uses and buildings subject to section 15.04.200.

B. Principally permitted uses in M1-C district ("C" suffix). The following commercial uses are permitted in addition to those listed in subsection A. of this section on properties designated with the "C" suffix pursuant to procedures specified in section 15.09.050. This list is intended to be illustrative of the types of commercial uses permitted.

1. Automotive service, maintenance and repair facilities.
2. Bakeries and confectioneries.
3. Computer and software stores.
4. Convenience and deli marts, with a maximum gross floor area of three thousand (3,000) square feet.
5. Convention facilities.
6. Exhibition halls and art galleries.
7. Hotel or motel.
8. Liquor stores.
9. Magazine and newspaper stands.
10. Printing services.
11. Private post offices.
12. Shoe repair.
13. Stationery and office supply stores.
14. Tailoring.

Other similar uses are permitted which the planning director finds compatible with the principally permitted uses described in this subsection, consistent with the purpose and intent of the M1 district and not of a type to adversely affect the use of adjoining properties.

C. Special permit uses. The following uses are permitted provided they conform to the development standards listed in section 15.08.020:
   1. Gasoline service stations, with or without retail convenience grocery sales.
   2. Nursery schools and day care centers.

D. Accessory uses. The following are the accessory uses permitted in the M1 district:
   1. Repair operations for products as described as principally permitted uses, and sales and service incidental to a principally permitted use, provided such operations are housed as a part of the buildings comprising the basic operation.
2. Dwelling units, limited to not more than one (1) per establishment, for security or maintenance personnel and their families, when located on the premises where they are employed in such capacity. No other residential use shall be permitted.

3. Employee recreation facilities and play areas.

4. Restaurant, cafe or cafeteria operated in conjunction with a principally permitted use for the convenience of persons employed on the premises.

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

6. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of chapter 11.02 and which do not accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050. Offsite hazardous waste treatment or storage facilities are not permitted in this district, except through a special use combining district.

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

8. The following are accessory uses which are allowed only in the M1-C district in cases where development plans demonstrate a relationship between these uses and the principal uses of the property:
   a. Gift shops.
   b. Florist shops.
   c. Specialty clothing stores.

E. Conditional uses. The following are the types of conditional uses permitted in the M1 district, subject to approval
by the hearing examiner. The list of conditional permitted uses is illustrative of the types of uses which shall be permitted, and is not intended to be exclusive:

1. Any principally permitted use whose operations are predominantly conducted out-of-doors rather than completely enclosed within a building.

2. Any type of principally permitted use whose operations are predominantly for the repair of products described rather than the manufacturing or processing of such products.

3. General conditional uses as listed in section 15.08.030.

4. Car loading and distribution facilities, and rail-truck transfer stations.

5. Manufacturing of paint.

6. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup permit requirements of chapter 11.02 and which accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050. Offsite hazardous waste treatment or storage facilities are not permitted in this district, except through a special use combining district.

F. Development standards.

1. Minimum lot. Minimum lot area is one (1) acre.

2. Maximum site coverage. Maximum site coverage is sixty (60) percent.

3. Yards generally.

   a. Front yard. The minimum front yard setback shall be related to the classification of the adjacent street. This classification shall be determined by the city transportation engineer. The setbacks are as follows:
(1) Properties fronting on arterial and collector streets shall have a minimum setback of forty (40) feet.
(2) Properties fronting on local access streets shall have a minimum setback of thirty (30) feet.

b. **Side yard on flanking street of corner lot.** The minimum side yard on the flanking street of a corner lot shall be related to the classification of the adjacent street. This classification shall be determined by the city transportation engineer. The setbacks are as follows:
(1) Properties fronting on arterial and collector streets shall have a minimum setback of forty (40) feet.
(2) Properties fronting on local access streets shall have a minimum setback of thirty (30) feet.

c. **Side yards.** 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 forty (40) feet. There shall be a minimum of fifteen (15) feet on each side.

d. **Rear yard.** No rear yard is required, except as may be required by other setback provisions of this section.

4. **Yards, transitional conditions.** Transitional conditions shall exist when an industrial park M1 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 city comprehensive plan. Such transitional conditions shall not exist where the separation includes intervening use such as a river, freeway, railroad main line, 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 defined in this subsection, a yard of not less than fifty (50) feet shall be
5. **Setbacks, Green River.** Development in the M1 district abutting the Green River, or Russell Road or Frager Road where such roads follow the river bank, shall be set back from the ordinary high-water mark of the river a minimum of two hundred (200) feet. Such setbacks are in accordance with the state Shoreline Management Act of 1971, and shall be no more restrictive than, but as restrictive as, the Shoreline Management Act.

6. **Height limitation.** The height limitation is 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 (1) additional foot of yard for each one (1) foot 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 increase may be granted by the planning commission.

7. **Landscaping.** The landscaping requirements of chapter 15.07 shall apply. Where building walls face adjacent streets and are unfenestrated for more than forty (40) feet at any point along the facade, additional landscaping shall be required to reduce visual impacts. In such circumstances, type II landscaping as defined in section 15.07.050 shall be required, provided that evergreen trees shall be at least ten (10) feet in height and deciduous trees shall be a minimum of two-inch caliper at time of planting.

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

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

10. **Loading areas.**
    a. Loading areas must be located in such a manner that no loading, unloading or maneuvering of trucks associated therewith takes place on public rights-of-way.
    b. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of thirty-six (36) inches and a maximum of forty-two (42) inches in height. Landscaping located on the berm shall conform to type III landscaping as described in subsection 15.07.050 C.

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

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

G. **Signs.** The sign regulations of chapter 15.06 shall apply. Signage on commercial uses in the M1-C zone shall be as specified in subsection 15.06.050 B.

H. **Offstreet parking.**
   1. The offstreet parking requirements of chapter 15.05 shall apply.
   2. Those areas not required to be landscaped may be used for offstreet parking.

I. **Performance standards.** The performance standards as provided in section 15.08.050 shall apply.

J. **Development plan review.** Development plan approval is required as provided in section 15.09.010.

Section 2. Section 15.04.180A of the Kent City Code is amended to add a new principally permitted use, renumerated as a new subsection 16, to read as follows:

**Sec. 15.04.180. Limited industrial district, M2.**

The purpose of the M2 district is to provide areas suitable for a broad range of industrial activities whose characteristics are of a light industrial nature. The permitted uses are similar to those of the industrial park district, but the development standards are not as restrictive. However, development standards are aimed at maintaining an efficient and desirable industrial area.
A. **Principally permitted uses.** The following list is illustrative of the types of permitted uses and is not intended to be exclusive:

1. Manufacturing, processing, assembling and packaging of articles, products or merchandise from previously prepared natural or synthetic materials, including but not limited to asbestos, bristles, bone, canvas, cellophane and similar synthetics, chalk, clay (pulverized only, with gas or electric kilns), cloth, cork, feathers, felt, fiber, fur, glass (including glass finishing), graphite, hair, horn, leather, paints (except boiling processes), paper, paraffin, plastic and resins, precious or semiprecious metals or stones, putty, pumice, rubber, shell, textiles, tobacco, wire, wood, wool and yarn.

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

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

4. Manufacturing, processing, blending and packaging of the following:
   a. Drugs, pharmaceuticals, toiletries and cosmetics.
   b. Food and kindred products, such as confectionery products, chocolate, cereal breakfast foods, bakery products, paste products, fruits and vegetables, beer, beverages (except fermenting and distilling), prepared food specialties (such
as coffee, dehydrated and instant foods, extracts, spices and dressings), previously butchered meat or seafood packaging, freezing and processing (excluding rendering, curing, canning or slaughtering) and similar products.

c. Dairy products and byproducts such as milk, cream, cheese and butter, including the processing and bottling of fluid milk and cream and wholesale distribution.

5. Warehousing and distribution facilities and the storage of goods or products, including rail-truck transfer facilities.

6. Crop and tree farming.

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

8. Scientific research, testing and experimental development laboratories.

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

10. Manufacturing, processing, assembling and packaging of precision components and products, including precision machine shops for products such as radio and television equipment, business machine equipment, home appliances, scientific, optical, medical, dental and drafting instruments, photographic and optical goods, phonograph records and prerecorded audiovisual tape, measurement and control devices, sound equipment and supplies, personal accessories, and products of similar character.
11. Headquarters offices of industrial operations.
12. Alcoholic beverage processes, such as distilling and fermenting.

13. Retail and service uses as listed in this subsection. These uses are intended primarily to serve the needs of the industrial area, are compatible with the permitted types of industrial uses, and will not interfere with the orderly development of the industrial area. Such uses shall be limited to twenty-five (25) percent of the gross floor area of any single- or multi-building development. Retail and service uses which exceed the twenty-five (25) percent limit on an individual or cumulative basis shall be subject to review individually through the conditional use permit process. (See subsection 15.04.180 D.3.)

a. Retail trade uses.
   (1) Merchandise vending machine operators.
   (2) Tires, batteries and accessories (industrial sales).
   (3) Eating places, except drive-ins or those with drive-through facilities.

b. Service uses.
   (1) Finance, insurance and real estate services.
      (a) Banking and related services.
      (b) Security brokers and dealers and related services.
      (c) Commodity brokers and dealers and related services.
      (d) Insurance carriers.
      (e) Insurance brokers and agents and related services.
and management services.
and related services.
developing services.

(f) Real estate operators, lessors
(g) Real estate agents and brokers
(h) Real estate subdividing and
(i) Housing and investment services.

(2) Personal services.
(a) Linen supply and industrial
(b) Diaper services.
(c) Rug cleaning and repair
services.
(d) Photographic services.
(e) Beauty and barber services.
(f) Fur repair and storage services.

(3) Business services.
(a) Advertising services (general).
(b) Outdoor advertising services.
(c) Consumer and mercantile credit
reporting services, and adjustment
and collection services.
(d) Direct mail advertising
services.
(e) Stenographic services and other
duplicating and mailing services.
(f) Window cleaning services.
(g) Disinfecting and exterminating
services.
(h) News syndicate services.
(i) Employment services.
(j) Food lockers, with or without
food preparation facilities. (k) Business and management services.
consulting services. (l) Detective and protective services.
services. (m) Equipment rental and leasing services.
services. (n) Automobile and truck rental services.
services. (o) Motion picture distribution services.

(p) Travel agencies.

(4) Repair services.
(a) Electrical repair services.
(b) Radio and television repair services.
(c) Reupholstery and furniture repair services.
(d) Armature rewinding services.

(5) Professional services.
(a) Medical and dental laboratory services.
(b) Legal services.
(c) Engineering and architectural services.
(d) Educational and scientific research services.
(e) Accounting, auditing and bookkeeping services.
(f) Urban planning services.
(g) Counseling services.

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(6) **Contract construction services.**
   (a) Building construction, general contractor services.
   (b) Plumbing, heating and air conditioning services.
   (c) Painting, paperhanging and decorating services.
   (d) Electrical services.
   (e) Masonry, stonework, tile setting and plastering services.
   (f) Carpentering and wood flooring.
   (g) Roofing and sheetmetal services.
   (h) Concrete services.
   (i) Water well drilling services.

(7) **Educational services.**
   (a) Vocational or trade schools.
   (b) Business and stenographic schools.
   (c) Driving schools, truck.

(8) **Miscellaneous services.**
   (a) Business associations and organizations.
   (b) Labor unions and similar labor organizations.

Other retail trade and service uses are permitted which may be deemed by the planning director to be of the same general character as and compatible with those uses listed in this subsection.

14. Gymnastic schools and similar uses.
15. Health and fitness clubs and facilities.
16. **Indoor Paintball.**
17. Other similar uses which the planning director finds compatible with the principally permitted uses described in this subsection, consistent with the purpose and intent of the M2 district and not of a type to adversely affect the use of adjoining properties.

18. 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.

19. Municipal uses and buildings, except for such uses and buildings subject to section 15.04.200.

B. Special permit uses. The following uses are permitted provided they conform to the development standards listed in section 15.08.020:

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

2. Nursery schools and day care centers.

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

1. Repair operations for products described as principally permitted uses and sales and service incidental to a principally permitted use, provided such operations are housed as a part of the buildings comprising the basic operations.

2. Dwelling units, limited to not more than one (1) per establishment, for security or maintenance personnel and their families, when located on the premises where they are employed in such capacity. No other residential use shall be permitted.

3. Employee recreation facilities and play areas.

4. Restaurant, cafe or cafeteria operated in conjunction with a principally permitted use for the convenience of
persons employed on the premises.

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

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

7. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of chapter 11.02 and which do not accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050. Offsite hazardous waste treatment or storage facilities are not permitted in this district, except through a special use combining district.

D. Conditional uses. The following are the types of conditional uses permitted in the M2 district, subject to approval by the hearing examiner. The list of conditionally permitted uses is illustrative of the types of uses which shall be permitted and is not intended to be exclusive:

1. Any principally permitted use whose operations are predominantly conducted out-of-doors rather than completely enclosed within a building.

2. Any type of principally permitted use whose operations are predominantly for the repair of products described rather than the manufacturing or processing of such products.

3. Retail and service uses as listed in subsection 15.04.180 A.13. which individually or on a cumulative basis exceed twenty-five (25) percent of the gross floor area of any single- or multi-building development.

Conditional use permits shall be required on an individual tenant or business basis and shall be granted only when
it is demonstrated that the operational characteristics of the use will not adversely impact onsite or offsite conditions on either an individual or cumulative basis.

4. General conditional uses as listed in section 15.08.030.

5. Principally permitted uses in the M3 districts.


7. Automobile service centers, with or without gasoline sales.

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

9. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup permit requirements of chapter 11.02 and which accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050. Offsite hazardous waste treatment or storage facilities are not permitted in this district, except through a special use combining district.

E. Development standards.

1. Minimum lot. Minimum lot area is twenty thousand (20,000) square feet.

2. Maximum site coverage. Maximum site coverage is sixty-five (65) percent.

3. Yards, generally.
   a. Front yard. The minimum front yard setback shall be related to the classification of the adjacent street. This classification shall be determined by the city transportation engineer. The setbacks are as follows:

      (1) Properties fronting on arterials and collector streets shall have a minimum setback of forty (40) feet.
(2) Properties fronting on local access streets shall have a minimum setback of thirty (30) feet.

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

(1) Properties fronting on arterials and collector streets shall have a minimum setback of forty (40) feet.

(2) Properties fronting on local access streets shall have a minimum setback of thirty (30) feet.

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

d. Rear yard. No rear yard is required, except as may be required by transitional conditions.

4. Yards, transitional conditions. Transitional conditions shall exist when an M2 district adjoins a residential district containing a density of two (2) dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, freeway, railway main line, 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 defined in this subsection, a yard of not less than fifty (50) feet shall be provided.

5. Height limitation. The height limitation is 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 (1) additional foot of yard for each one (1) foot 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 propose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increases may be granted by the planning commission.

6. **Landscaping.** The landscaping requirements of chapter 15.07 shall apply.

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

8. **Loading areas.**
   a. Loading areas must be located in such a manner that no loading, unloading or maneuvering of trucks associated therewith takes place on public rights-of-way.
   b. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of thirty (30) inches in height. Landscaping located on the berm shall conform to type III landscaping described in subsection 15.07.050 C. pertaining to visual buffers.

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

10. **Improvement and maintenance of yards and open areas.** All required yards, parking areas, storage areas, operations yards and other open uses on the site shall be improved as required by this title 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 this subsection where a use is in violation, and to notify the owner or operator of the use in writing of such noncompliance. The property owner or operator of the use shall be given a reasonable length of time to correct the condition.

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

G. Offstreet parking.
1. The offstreet parking requirements of chapter 15.05 shall apply.
2. Those areas not required to be landscaped may be used for offstreet parking.

H. Performance standards. The performance standards as provided in section 15.08.050 shall apply.

I. Development plan review. Development plan approval is required as provided in section 15.09.010.

Section 3. Severability. If any one of these sections, subsections or sentences of this Chapter are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Chapter and the same shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.
ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 7 day of September, 1993.
APPROVED the 8 day of September, 1993.
PUBLISHED the 10 day of September, 1993.

I hereby certify that this is a true copy of Ordinance No. 3129, 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