Ordinance No. 3254

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Repealed by Ord. 3409
AN ORDINANCE of the City Council of the City of Kent, Washington, amending Section 15.04.170 of the Kent Zoning Code to allow drive-through eating establishments as principally permitted uses in the M1-C zone and to reduce the minimum lot size for land within the M1-C zone to 10,000 square feet.

WHEREAS, on August 24, 1995, the City received an application for regulatory review of the principally permitted uses in the M1-C zone; and

WHEREAS, the applicant's request was to allow drive-in eating establishments as principally permitted uses in the M1-C zone and to reduce the minimum lot size for land in the M1-C zone; and

WHEREAS, the Planning Commission considered the applicant's request at a workshop October 9, 1995; and

WHEREAS, the Planning Commission held a public hearing to consider expanding the principally permitted uses in the M1-C zone to allow drive-through eating facilities and to reduce the
minimum lot sizes for land in the M1-C zone to 10,000 square feet; and

WHEREAS, the Planning Commission voted to approve the zoning code amendment to allow drive-through eating establishments as principally permitted uses in the M1-C zone and to reduce the minimum lot size for land in the M1-C zone to 10,000 square feet; NOW, THEREFORE,

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

SECTION 1. Section 15.04.170 of the Kent City Code is hereby amended 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.
d. Bulk retail uses which provide goods for regional retail and wholesale markets; provided that each use occupy no less than forty-three thousand five hundred sixty (43,560) square feet of gross floor area.

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.
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.
15. Eating establishments, including drive-in or drive-through eating facilities.

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, except on lands zoned M1-C where the minimum lot size may be 10,000 square feet.

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 provided.

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. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 3. 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, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED _______ day of ________, 1995.
APPROVED _______ day of ________, 1995.
PUBLISHED _______ day of ________, 1995.

I hereby certify that this is a true copy of Ordinance No. 2254, 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, CITY CLERK

(SEAL)