Ordinance No. 3361

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Repealed by Ord. 3409
ORDINANCE NO. 3361

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Section 15.04.120 of the Kent City Code to allow warehousing and distribution facilities and storage of goods and products in CM-1 zones and further allowing trucking terminals and rail/truck transfer uses as conditional uses in CM-1 zones.

WHEREAS, under current zoning, warehousing and distribution facilities and the storage of goods and products are not allowed uses in CM-1 under the City's zoning codes; and

WHEREAS, trucking terminals and railroad truck transfer uses are not allowed as conditional uses in CM-1 zones under the Kent Zoning Code; and

WHEREAS, on or about November 4, 1996, an application was properly made to the City of Kent requesting a change to the City's Zoning Code, Section 15.04.120 to allow warehousing and distribution facilities and the storage of goods and products in CM-1 zones and to further allow trucking terminals and rail/truck transfer uses as conditional uses in CM-1 zones; and

WHEREAS, on July 28, 1997, after providing appropriate notice, the City of Kent's Land Use and Planning Board held a public hearing on these proposed amendments to the City's CM-1 zoning district regulations; and

Warehousing/Distribution in CM-1 Zones
WHEREAS, after the conclusion of the public hearing, the City's Land Use and Planning Board approved a recommendation to amend Section 15.04.120 to allow warehousing and distribution facilities and the storage of goods and products in CM-1 zones and to further allow, as a conditional use in CM-1 zones, trucking terminals and rail/truck transfer uses; NOW, THEREFORE,

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

SECTION 1. Section 15.04.120 of the Kent City Code is hereby amended by amending subsections (A) and (D) as follows:

Sec. 15.04.120. Commercial manufacturing-1 district, CM-1.

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

A. Principally permitted uses. Principally permitted uses are as follows:

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

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

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

2 Warehousing/Distribution in CM-1 Zones
4. Manufacturing uses as follows:
   a. Manufacturing uses such as bottling, breweries (primarily wholesale), laundry and dyeing, and welding shops.
   b. Specialty manufacturing such as custom sheetmetal.

5. Warehousing and distribution facilities and the storage of goods and products.

5-6. Other retail uses that are deemed to be compatible by the planning director. These uses shall not be convenience or soft line commercial uses but might include furniture or appliance stores, tire stores or auto parts, as these are large, non-pedestrian oriented retail uses. Such uses shall be in accordance with the stated purpose of this district.

6-7. Small scale light manufacturing operations as follows: stamping, brazing, testing, electronic assembly and kindred operations where the building, structure or total operation does not encompass more than ten thousand (10,000) square feet of area. The ten-thousand-square-foot total shall include all indoor and outdoor storage areas associated with the manufacturing operation. Only one (1) ten-thousand-square-foot manufacturing operation shall be permitted per lot.

7-8. Miniwarehouse.

8-9. Complexes which include combinations of uses, including a mixture of office, light manufacturing, storage and commercial uses.

9-10. Restaurants.

10-11. Municipal uses and buildings, except for such uses and buildings subject to section 15.04.200.

11-12. New single-family residences.

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

B.  *Accessory uses.* Permitted accessory uses are as follows:

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

2. 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 ten thousand (10,000) 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, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.

C.  *Special permit uses.* Special permit uses are as follows: gasoline service stations.

D.  *Conditional uses.* Conditional uses are as follows:

1. Offices.

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

3. Trucking terminals and rail/truck transfer uses.

3-4. 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 ten thousand (10,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site or which handle more than twenty thousand pounds of dangerous substances or wastes or any combination thereof at any one (1) time.

4  *Warehousing/Distribution in CM-1 Zones*
(20,000) pounds of hazardous substances or wastes or any combination thereof on the site in any thirty-day period of time, subject to the provisions of section 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.

4-5. Group homes class I-A, I-B, I-C, II-A, II-B, II-C and III.

5-6. General conditional uses as listed in section 15.08.030.

E. Development standards.

1. Minimum lot. Minimum lot area is ten thousand (10,000) square feet.

2. Maximum site coverage. Maximum site coverage is fifty (50) percent.

3. Front yard. Minimum front yard is fifteen (15) feet.

4. Side yard. No side yard is required, except when a side yard abuts a residential district, and then a twenty-foot side yard shall be required.

5. Rear yard. No rear yard is required, except when a rear yard abuts a residential district, and then a twenty-foot rear yard shall be required.

6. Height limitation. The height limitation is two (2) stories or thirty-five (35) feet. However, the planning director shall be authorized to grant one (1) additional story in height if during development plan review it is found that this additional story would not detract from the continuity of the area. More than one (1) additional story may be granted by the planning commission.

7. Landscaping. The landscaping requirements of chapter 15.07 shall apply.

5 Warehousing/Distribution in CM-1 Zones
8. **Outdoor storage.** Outdoor storage areas shall be fenced for security and public safety by a sight-obscuring fence unless it is determined through the development plan review that a sight-obscuring fence is not necessary. Any unfenced outdoor storage areas shall be paved with asphaltic concrete, cement or equivalent material to be approved by the city engineer.

F. **Signs.** The sign requirements of chapter 15.06 shall apply.

G. **Offstreet parking.** The offstreet parking requirements of chapter 15.05 shall apply.

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

**SECTION 2.** Section 15.04.120 of the Kent City Code, which is amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

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

**SECTION 4. - Effective Date.** This Ordinance shall take effect and be in force five (5) days from publication as provided by law.
ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED: 16 day of September, 1997.
APPROVED: 16 day of September, 1997.
PUBLISHED: 19 day of September, 1997.

I hereby certify that this is a true copy of Ordinance No. 3361, 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

7 Warehousing/Distribution in CM-1 Zones