Ordinance No. 3387

(Amending or Repealing Ordinances)

CFN=131 – Zoning Codes
Passed 1/6/1998
Amending the Kent Zoning Code to allow churches in the M2 zoning District (ZCA-97-9)

Amends Ords. 2524;2676;2742;2786;2801;2803;3129

Repealed by Ord. 3409
ORDINANCE NO. 3387

AN ORDINANCE of the City Council of the City of Kent, Washington, amending the Kent Zoning Code to allow churches in the M2 zoning district (ZCA-97-9).

WHEREAS, on October 9, 1997, a regulatory review applicant proposed an amendment to the Kent Zoning Code, Section 15.04.180(B), to add churches as a special permit use in the Limited Industrial (M2) zoning district; and

WHEREAS, under current zoning, churches are not permitted uses in the M2 zone; and

WHEREAS, October 21, 1997, the City Council Planning Committee had a regularly scheduled meeting at which the applicant testified that its church was located at 835 North Central Avenue, a location which has split zoning, i.e., that part of the site is zoned General Commercial (GC) and part of the site is zoned Limited Industrial (M2); and

WHEREAS, the Kent Planning Committee recommended that the matter be referred to the Land Use and Planning Board for a review and recommendation; and

WHEREAS, the Land Use Planning Board considered the proposed amendments at its public hearing on November 24, 1997, and moved to recommend that churches be allowed in the M2 zone as a special permit use; NOW THEREFORE,
THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES
HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 15.04.180(B) of the Kent Zoning Code is hereby
amended 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.
(f) Real estate operators, lessors and management services.
(g) Real estate agents and brokers and related services.
(h) Real estate subdividing and developing services.
(i) Housing and investment services.

(2) Personal services.
(a) Linen supply and industrial laundry services.
(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 consulting services.
(l) Detective and protective services.
(m) Equipment rental and leasing services.
(n) Automobile and truck rental 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.

(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.
3. Churches.

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 2. - 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 3. - Effective Date. This Ordinance shall take effect and be in force five (5) days after passage and publication as provided by law.

ATTEST:

BRENDA JACOBER, CITY CLERK, ACTING

DONNA SWAW

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

I hereby certify that this is a true copy of Ordinance No. 3387, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
BRENDA JACOBER, CITY CLERK
DONNA SWAW, ACTING