AN ORDINANCE of the City Council of the City of Kent, Washington, amending Sections 15.04.090 and 15.04.100 of the Kent City Code, entitled “Service land uses” and “Service land use development conditions” to allow automobile repair, washing services and auto body work uses in the General Industrial (M3) Zoning District under limited conditions.

RECIDTALS

A. The City of Kent’s General Industrial (M3) Zoning District is located entirely within the area of the City with a land use designation of Manufacturing/Industrial Center (MIC), and is largely comprised of warehousing, small-scale manufacturing, and uses associated with outdoor storage and distribution of automobiles. The Puget Sound Regional Council and King County have goals, policies and criteria regarding MICs that call for protection of industrial areas for future industrial use. Consistent with this guidance, the City of Kent has comprehensive plan policies to discourage and limit non-industrial uses in the MIC that do not serve industrial uses.

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B. Under the Kent City Code (KCC), auto repair, washing services and body work uses are allowed in the M3 Zoning District only where parcels are split-zoned as M3 and Gateway Commercial (GWC), and only if the use includes repair of heavy equipment or trucks. A number of apparently non-conforming uses associated with automobile-related services, however, currently exist within the M3 Zoning District. To resolve the apparent conflict between the policy and what practically operates in some areas of the M3 Zoning District, the City researched industrial space requirements, freight mobility considerations, and regional policy implications associated with allowing or expanding non-industrial uses within the MIC. The City found that within the M3 Zoning District, there are existing parcels and buildings that are not suitable for exclusive industrial use. This ordinance will amend the Kent City Code to allow automobile repair, washing services, and auto body work in the M3 Zoning District on parcels with these site and operational limitations.

C. The City’s State Environmental Policy Act (SEPA) official issued a Determination of Nonsignificance on September 17, 2010.

D. On August 26, 2010, notice was sent to the Washington State Department of Commerce requesting expedited review. On September 14, 2010, the City was granted expedited review and was informed that it had met the Growth Management Act notice requirements under RCW 36.70A.106.

E. The Land Use and Planning Board considered this matter at its July 12, 2010 and August 23, 2010 workshops, and held a public hearing.

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on September 27, 2010. The matter was also considered at the October 11, 2010 Economic & Community Development Committee meeting.

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

**ORDINANCE**

**SECTION 1. - Amendment.** Section 15.04.090 of the Kent City Code is amended as follows:

### 15.04.090 Service land uses

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<tbody>
<tr>
<td><strong>Key</strong></td>
<td>P = Principally Permitted Uses</td>
<td>S = Special Uses</td>
<td>C = Conditional Uses</td>
<td>A = Accessory Uses</td>
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<td>Finance, insurance, real estate services</td>
<td>P (22)</td>
<td>P (12)</td>
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<td>Mortuaries</td>
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<td>Day-care center</td>
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*In the M3 Zoning District*

*Amend KCC 15.04.090 and .100*
<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>A-10 Agricultural General District</th>
<th>A-20 Single-Unit Residential District</th>
<th>B-20 Multi-Family Residential District</th>
<th>C-10 Business Park-Commercial District</th>
<th>C-20 Heavy Industrial District</th>
<th>C-30 Office District</th>
<th>M-20 Light Commercial District</th>
<th>M-1C Limited Industrial District</th>
<th>M-3 General Gateway Commercial District</th>
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<tbody>
<tr>
<td>Business services, duplicating and blue printing, travel agencies, and employment agencies</td>
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<td>Outdoor storage (including truck, heavy equipment, and contractor storage yards as allowed by development standards, KCC 15.04.190 and 15.04.195)</td>
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<td>Rental and leasing services for cars, trucks, trailers, furniture, and tools</td>
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<td>P</td>
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<td>Auto repair and washing services (including body work)</td>
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<td>Repair services: Watch, TV, electrical, electronic, upholstery</td>
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<td>Professional services: Medical, clinics, and other health care-related services</td>
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<td>Heavy equipment and truck repair</td>
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<td>Contract construction service offices: building construction, plumbing, paving, and landscaping</td>
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*In the M3 Zoning District*

*Amend KCC 15.04.090 and .100*
SECTION 2. - Amendment. Section 15.04.100 of the Kent City Code is amended as follows:

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Sec. 15.04.100. Service land use development conditions.

23. Auto repair, including body work, and auto washing services shall be allowed in the General Industrial (M3) Zoning District as follows:

a. For adaptive reuse of existing site structures, all of the following conditions must apply:

(1) The site is not currently served by a rail spur; and
(2) Existing site structures do not have “dock high” loading bay doors, where the finished floor is generally level with the floor of freight containers; and
(3) All ground-level bay doors of existing structures have a height of less than fourteen (14) feet, which would generally impede full access to freight containers; and
(4) Existing site structures have a “clear height” from finished floor to interior roof trusses of less than twenty (20) feet; and
(5) Maximum building area per parcel is not greater than forty thousand (40,000) square feet.

b. For proposed site development, all of the following conditions must apply:

(1) The site is not currently served by a rail spur; and
Based on parcels existing at the time of the effective date of this code amendment, the maximum parcel size is no greater than forty thousand (40,000) square feet.

**SECTION 3.** - *Savings.* The existing sections 15.04.090 and 15.04.100 of the Kent City Code, which are amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

**SECTION 4.** - *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 5.** - *Corrections by City Clerk or Code Reviser.* Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**SECTION 6.** - *Effective Date.* This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

Suzette Cooke, Mayor

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I hereby certify that this is a true copy of Ordinance No. 3977 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)