ORDINANCE NO. 4174

AN ORDINANCE of the City Council of the City of Kent, Washington, amending portions of Chapters 15.02, 15.04 and 15.08 of the Kent City Code, pertaining to accessory structures, including accessory dwelling units; and implementing incidental amendments to resolve inconsistencies, ambiguities and redundancies within the current city code. (DKT 2014-1).

RECITALS

A. Pursuant to RCW 36.70A.470, the Growth Management Act (GMA) requires that the City establish a docketing process as a means for the public to suggest changes or identify deficiencies in City plans and regulations. The docketing process is set forth in Section 12.02.025 of the Kent City Code (KCC).

B. On August 26, 2014, a docket item was submitted to the City, requesting a change in how square footage is calculated for accessory dwelling units built on other accessory structures. This was designated Docket 2014-1. Staff recommended that his docket item be included in the 2015 work program for the Economic and Community Development Department.

1 Ordinance Amending KCC 15.02, 15.04 and 15.08
C. On November 10, 2014, the Economic and Community Development Committee passed a motion accepting the staff recommendation to approve the 2014 Annual Docket Report as presented.

D. On November 18, 2014, the City Council authorized the Mayor to accept the Economic and Community Development Committee recommendations on the 2014 Annual Docket Report.

E. An accessory dwelling unit (ADU) is defined as: “a habitable dwelling unit added to, created within, or detached from and on the same lot with a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.” KCC 15.02.003.

F. Accessory dwelling units increase the supply of affordable rental units through better use of existing single-family housing stock, and provide for more flexible housing options.

G. On June 8, 2015, staff presented options for the work plan for Docket 2014-1 to the Economic and Community Development Committee. The Committee requested that staff pursue several related issues, including how to regulate other accessory buildings and manage bulk.

H. Staff presented information regarding Docket 2014-1 to the Land Use and Planning Board ("LUPB") at a special workshop meeting on August 24, 2015.

I. On August 18, 2015, the City requested expedited review under RCW 36.70A.106 from the Washington State Department of Commerce regarding the City’s proposed amendments. The Washington State Department of Commerce granted the request for expedited review on September 3, 2015. No comments were received from State agencies.
J. On October 2, 2015, the City conducted and completed environmental review under the State Environmental Policy Act (SEPA).

K. On October 26, 2015, after holding a public hearing, the LUPB made its recommendations regarding the proposed code amendments required to implement the policies contained in Docket 2014-1 to the City Council.

L. The Economic and Community Development Committee considered the recommendations of the LUPB at its regularly-scheduled meeting on November 9, 2015, and recommended to the full City Council passage of the proposed code amendments.

M. At its regularly scheduled meeting on November 17, 2015, the City Council voted to adopt the amendments to portions of Chapters 15.02, 15.04 and 15.08 of the Kent City Code, pertaining to accessory structures, including accessory dwelling units, along with incidental amendments to resolve inconsistencies, ambiguities and redundancies within the current city code.

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

ORDINANCE

SECTION 1. - Amendment. Section 15.02.003 of the Kent City Code is hereby amended as follows:

Sec. 15.02.003. Accessory dwelling unit (ADU). An accessory dwelling unit (ADU) is a habitable dwelling unit added to, created within, or
detached from and on the same lot with a detached single-family dwelling that provides basic requirements for living, sleeping, eating, cooking (including a stove), and sanitation.

**SECTION 2. - Amendment.** Section 15.02.005 of the Kent City Code is hereby amended as follows:

**Sec. 15.02.005. Accessory use or structure.** Accessory use or structure means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Accessory structures include, but are not limited to: garages; accessory dwelling units; guest cottages; sheds; storage buildings; and workshops.

**SECTION 3. - Amendment.** Section 15.02.130 of the Kent City Code is hereby amended as follows:

**Sec. 15.02.130 Dwelling unit.** Dwelling unit means one (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure or on the same property, and containing independent cooking (including a stove) and sleeping facilities.

**SECTION 4. - Amendment.** Section 15.02.155 of the Kent City Code is hereby amended as follows:

**Sec. 15.02.155. Garage or carport, private.** Private garage or carport means a building, or a portion of a building, principally for vehicular equipment such as automobiles, boats, etc., not more than one

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thousand (1,000)-square-feet in area, in which only motor vehicles used by the tenants of the buildings on the premises are stored or kept.

**SECTION 5. - Amendment.** Section 15.04.020 of the Kent City Code is hereby amended as follows:

Sec. 15.04.020. Residential land uses.
## Zoning Districts

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### Key
- **P**: Principally Permitted Uses
- **S**: Special Uses
- **C**: Conditional Uses
- **A**: Accessory Uses

### Zoning District Requirements
- **One single-family dwelling per lot**: Permitted (P)
- **One duplex per lot**: Permitted (P)
- **One modular home per lot**: Permitted (P)
- **Duplexes**: Permitted (P)
- **Multifamily townhouse units**: Permitted (P)
- **Multifamily dwellings**: Permitted (P)
- **Mobile homes and manufactured homes**: Permitted (P)
- **Mobile home parks**: Permitted (P)
- **Group homes class I-A**: Permitted (P)
- **Group homes class I-B**: Permitted (P)
- **Group homes class II-A**: Permitted (P)

### Ordinance Amending
**KCC 15.02, 15.04 and 15.08**
<table>
<thead>
<tr>
<th>Key</th>
<th>P = Principally Permitted Uses</th>
<th>S = Special Uses</th>
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7 Ordinance Amending KCC 15.02, 15.04 and 15.08
**SECTION 6.** - Amendment. Section 15.04.030 of the Kent City Code is hereby amended as follows:

Sec. 15.04.030. Residential land use development conditions.
1. Dwelling units, limited to not more than one 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.

2. Multifamily residential uses, or other residential facilities where allowed, shall be permitted only in the mixed use overlay when included within a mixed use development.

3. [Reserved].

4. Multifamily residential uses, or other residential facilities where allowed, when established in buildings with commercial or office uses, and not located on the ground floor.

5. Multifamily residential uses, or other residential facilities where allowed, when not combined with commercial or office uses.

6. Existing dwellings may be rebuilt, repaired, and otherwise changed for human occupancy. Accessory uses—buildings for existing dwellings may be constructed. Such uses are garages, carports, storage sheds, and fences, subject to the provisions of KCC 15.08.160.

7. Transitional housing facilities, limited to a maximum of 20 residents at any one time, plus up to four resident staff.

8. Guesthouses not rented or otherwise conducted as a business. Accessory structures composed of at least two walls and a roof.
not including accessory uses or structures customarily appurtenant to agricultural uses, are subject to the provisions of KCC 15.08.160.

9. Farm dwellings appurtenant to a principal agricultural use for the housing of farm owners, operators, or employees, but not accommodations for transient labor.

10. Accessory dwelling units shall not be included in calculating the maximum density. Accessory dwelling units are allowed only on the same lot with a principally permitted detached single-family dwelling unit, and are subject to the provisions of KCC 15.08.160 and 15.08.350.

11. Customary incidental home occupations subject to the provisions of KCC 15.08.040.

12. [Reserved].

13. Subject to the combining district requirements of the mobile home park code, Chapter 12.05 KCC.

14. Accessory living quarters are allowed per the provisions of KCC 15.08.359.

15. [Reserved].

16. Recreational vehicle storage is permitted as an accessory use in accordance with KCC 15.08.080.

17. Accommodations for farm operators and employees, but not accommodations for transient labor.
18. Other accessory uses and buildings customarily appurtenant to a permitted use, except for onsite hazardous waste treatment and storage facilities, which are not permitted in residential zones.

19. The following zoning is required to be in existence on the entire property to be rezoned at the time of application for a rezone to an MR-T zone: SR-8, MR-D, MR-G, MR-M, MR-H, NCC, CC, GC, DC, or DCE.

20. All multifamily townhouse developments in the MR-T zone shall be recorded as townhouses with ownership interest, as defined in KCC 15.02.525.1, prior to approval of a certificate of occupancy by the city.

21. Subject to KCC 15.08.160(A) and (B), Accessory buildings. [Reserved].

22. One duplex per lot is permitted.

23. Secure community transition facilities are only permitted within the boundaries depicted on the following map, and only with a conditional use permit.
24. A secure community transition facility shall also comply with applicable state siting and permitting requirements pursuant to Chapter 71.09 RCW. Secure community transition facilities are not subject to the siting criteria of KCC 15.08.280 for class III group homes, but they are subject to a 600-foot separation from any other class II or III group home. In no case shall a secure community transition facility be sited adjacent to, immediately across the street or parking lot from, or within the line of sight of risk potential activities or facilities in existence at the time a site is listed for consideration. *Within line of sight* means that it is possible to reasonably visually distinguish and recognize individuals. For the purposes

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**KCC 15.02, 15.04 and 15.08**
of granting a conditional use permit for siting a secure community transition facility, the hearing examiner shall consider an unobstructed visual distance of 600 feet to be “within line of sight.” During the conditional use permit process for a secure community transition facility, “line of sight” may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the line of sight to less than 600 feet. This distance shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property or parcel upon which the proposed use is to be located, to the nearest point of the parcel or property or the land use district boundary line from which the proposed use is to be separated. For the purpose of granting a conditional use permit for a secure community transition facility, the hearing examiner shall give great weight to equitable distribution so that the city shall not be subject to a disproportionate share of similar facilities of a state-wide, regional, or county-wide nature.

25. A designated manufactured home is a permitted use with the following conditions:

   a. A designated manufactured home must be a new manufactured home;

   b. The designated manufactured home shall be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product that can be either load bearing or decorative;

13 Ordinance Amending KCC 15.02, 15.04 and 15.08
c. The designated manufactured home shall comply with all city design standards applicable to all other single-family homes;

d. The designated manufactured home shall be thermally equivalent to the State Energy Code; and

e. The designated manufactured home shall meet all other requirements for a designated manufactured home as defined in RCW 35.63.160.

26. Multifamily dwellings shall be allowed only within the Kent downtown districts outlined in the Downtown Subarea Action Plan and shall be condominiums recorded pursuant to Chapter 64.32 or 64.34 RCW or similar dwelling units with ownership interest and recorded as such prior to approval of a certificate of occupancy by the city.

27. Within subdivisions, as defined by KCC 12.04.025, vested after March 22, 2007, or altered to comply with zoning and subdivision code amendments effective after March 22, 2007, 25 percent of the total number of permitted dwelling units may be duplex or triplex townhouse structures.

28. Live-work units; provided, that the following development standards shall apply for live-work units, in addition to those set forth in KCC 15.04.190:

   a. The unit shall contain a cooking space and sanitary facility in conformance with applicable building standards;
b. Adequate and clearly defined working space must constitute no less than 50 percent of the gross floor area of the live-work unit. Said working space shall be reserved for and regularly used by one or more persons residing there;

c. At least one resident in each live-work unit shall maintain at all times a valid city business license for a business on the premises;

d. Persons who do not reside in the live-work unit may be employed in the live-work unit when the required parking is provided;

e. Customer and client visits are allowed when the required parking is provided;

f. No portion of a live-work unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises;

g. The multiple-family design guidelines and development standards do not apply to live-work units;

h. Construct all nonresidential space, to the maximum allowed, to commercial building standards; and

i. Provide an internal connection between the residential and nonresidential space within each unit.

29. Subject to the maximum permitted density of the zoning district.
30. Conditional use when the number of residents exceeds 20 at any one time or more than four resident staff.

**SECTION 7. - Amendment.** Section 15.04.040 of the Kent City Code is hereby amended as follows:

**Sec. 15.04.040. Manufacturing land uses.**

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<tr>
<th>Manufacturing, processing, blending, and packaging of food and beverage products</th>
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<tr>
<td>Manufacturing, processing, blending, and packaging of drugs, pharmaceuticals, toiletries, and cosmetics</td>
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<tr>
<td>Manufacturing, processing, blending, and packaging of dairy products and byproducts</td>
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<td>Industrial laundry and dyeing (including linen supply and diaper services)</td>
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<td>Printing, publishing, and allied industries</td>
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<td>Chemicals and related products mfg.</td>
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<td>Contractor shops</td>
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<td>Custom arts and crafts</td>
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### 16 Ordinance Amending
**KCC 15.02, 15.04 and 15.08**
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<tr>
<td>Products mfg.</td>
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<td>Computers, office machines, and equipment mfg.</td>
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<tr>
<td>Manufacturing and assembly of electrical equipment, appliances, lighting, radio, TV communications, equipment, and components</td>
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<tr>
<td>Fabricated metal products mfg.; custom sheet metal mfg.; containers, hand tools, heating equipment, screw products, extrusion, coating, and plating</td>
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<tr>
<td>Manufacturing and assembly of electronic and electrical devices, and automotive, aerospace, missile, airframe, and similar products</td>
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<tr>
<td>Offices incidental and necessary to the conduct of a principally permitted use</td>
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<tr>
<td>Warehousing and distribution facilities</td>
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<td>Rail-truck transfer uses</td>
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1.7 Ordinance Amending KCC 15.02, 15.04 and 15.08
### Zoning Districts

| Key | A-10 | AG | SR-1 | SR-2 | SR-4.5 | SR-4 | WA-40 | WA-T12 | WA-T24 | WA-G | WA-M | WA-H | SHP | NCC | GC | DC | DCE | MEC-1 | MEC-2 | MEC-3 | MCR | CM-1 | CM-2 | GC | M1 | M1-C | M2 | M3 |
|-----|------|----|------|------|--------|------|-------|-------|-------|------|------|------|-----|-----|-----|----|-----|------|------|------|-----|------|-----|----|-----|----|----|
| P   | P    | A  | A    | A    | C      | A    | A     | A     | C     | C    | C    | C    | C   | C   | C   | C  | C   | C    | C   | C    | C   | C   | C   | C  | C   | C  | C  |
| S   | S    | S  | S    | S    | S      | S    | S     | S     | S     | S    | S    | S    | S   | S   | S   | S  | S   | S    | S   | S    | S   | S   | S   | S  | S   | S  | S  |
| C   | C    | C  | C    | C    | C      | C    | C     | C     | C     | C    | C    | C    | C   | C   | C   | C  | C   | C    | C   | C    | C   | C   | C   | C  | C   | C  | C  |
| A   | A    | A  | A    | A    | A      | A    | A     | A     | A     | A    | A    | A    | A   | A   | A   | A  | A   | A    | A   | A    | A   | A   | A   | A  | A   | A  | A  |

**Key**
- **P** = Principally Permitted Uses
- **S** = Special Uses
- **C** = Conditional Uses
- **A** = Accessory Uses

**Outdoor storage** (including truck, heavy equipment, and contractor storage yards as allowed by development standards, KCC 15.04.160 and 15.04.165)

**Minwarehouses self-storage**

**Manufacturing of soaps, detergents, and other basic cleaning and cleansing preparations**

**Manufacturing of plastics and synthetic resins**

**Manufacturing of synthetic and natural fiber and cloth**

**Manufacturing of plywood, composition wallboard, and similar structural wood products**

**Manufacturing of nonmetallic mineral products such as abrasives, asbestos, chalk, pumice, and putty**

**Manufacturing of heat-resisting or structural clay products (brick, tile, or pipe) or porcelain products**

**Manufacturing of machinery and heavy machine tool equipment for general industry and mining, agricultural, construction, or service**

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**Ordinance Amending**

*KCC 15.02, 15.04 and 15.08*
SECTION 8. - Amendment. Section 15.04.050 of the Kent City Code is hereby amended as follows:

Sec. 15.04.050 Manufacturing land use development conditions.

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1. The following uses require a conditional use permit:

   a. Manufacture of such types of basic materials as follows:

      i. Gum and wood chemicals and fertilizers, and basic industrial organic and inorganic chemicals or products such as alkalis and chlorine, industrial and liquid petroleum, gases, cellophane, coal tar products, dyes and dye products, impregnated products, tanning compounds, and glue and gelatin.

      ii. Hydraulic cement, concrete, gypsum, lime, carbon, carbon black, graphite, coke, glass, and similar products.

   b. Manufacture of products such as the following:

      i. Ammunition, explosives, fireworks, matches, photographic film, missile propellants, and similar combustibles.

      ii. Rubber from natural, synthetic, or reclaimed materials.

      iii. Paving and roofing materials or other products from petroleum derivatives.

   c. Refining of materials such as petroleum and petroleum products, metals and metal ores, sugar, and fats and oils.

   d. Distilling of materials such as bone, coal, coal tar, coke, wood, and other similar distillates.

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e. Heavy metal processes, such as ore reduction or smelting, including blast furnaces, and including drop forging, drop hammering, boiler plate works, and similar heavy metal operations:

i. Asphalt batching plants.

ii. Concrete mixing and batching plants, including ready-mix concrete facilities.

iii. Rock crushing plants and aggregate dryers.

iv. Sandblasting plants.

f. Animal and food processing, including the following and similar operations:

i. Tanning, dressing, and finishing of hides, skins, and furs.

ii. Meat and seafood products, curing, canning, rendering, and slaughtering.

iii. Nitrating of cotton and other materials.

iv. Rendering of animal grease or tallow, fish oil, and similar materials.

v. Slaughtering, stockyard, feedlot, dairy, and similar operations.
vi. Pickling and brine curing processes.

vii. Wholesale produce markets.

g. Salvage, wrecking, and disposal activities, including the following and similar operations:

i. Automobile and building wrecking and salvage.

ii. Salvage of industrial waste materials such as metal, paper, glass, rags, and similar materials.

iii. Sewage disposal and treatment plants.

iv. Dump and sump operations for such uses as rubbish, garbage, trash, and other liquid and solid wastes.

h. Storage of the following kinds of goods:

i. Bulk storage of oil, gas, petroleum, butane, propane, liquid petroleum gas, and similar products, and bulk stations and plants.

ii. Used building materials, mover's equipment, relocated buildings, impounded vehicles, and similar materials.

iii. Explosives or fireworks, except where incidental to a principally permitted use.

iv. Fertilizer or manure.

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KCC 15.02, 15.04 and 15.08
2. [Reserved].

3. 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 10,000 square feet of area. The 10,000-square foot total shall include all indoor and outdoor storage areas associated with the manufacturing operation. Only one 10,000-square foot manufacturing operation shall be permitted per lot.

4. Conditional use for manufacturing of paint, but manufacturing of paint is permitted outright in the M3 zone.

5. Contractor shops where most of the work is done on call, and which do not rely on walk-in trade, but where some incidental 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.

6. Accessory uses include sales of product accessory to and directly related to the manufacturing or warehousing use on the site.

7. For permitted uses, accessory hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of Chapter 11.02 KCC, subject to the provisions of KCC 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district. Fuel farm facilities are not allowed in AG or A-10 zones.
8. 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 KCC and which do not accumulate more than 5,000 pounds of hazardous substances or wastes or any combination thereof at any one time on the site, subject to the provisions of KCC 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.

9. Includes incidental storage facilities and loading/unloading areas.

10. Includes incidental storage facilities, which must be enclosed, and loading/unloading areas.

11. Including transportation and transit terminals with repair and storage facilities, and rail-truck station transfer uses, except classification yards in the category of “hump yards.”

12. For permitted uses, accessory hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of Chapter 11.02 KCC, subject to the provisions of KCC 15.08.050. Offsite hazardous waste treatment or storage facilities are not permitted in this district, except through a special use combining district.

13. Conditional use permit required for trucking terminals and rail-truck transfer uses.

14. For permitted uses, accessory hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of Chapter 11.02 KCC, subject
to the provisions of KCC 15.08.050, except offsite hazardous waste treatment or storage facilities, which require a conditional use permit in this district.

15. The following require a conditional use permit:

   a. Offsite hazardous waste treatment or storage facilities, subject to the provisions of KCC 15.08.050.

   b. Any hazardous substance land use that is not an accessory use to a principally permitted use.

16. 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.

17. Conditional use for car loading and distribution facilities, and rail-truck transfer stations.

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

19. Miniwarehouses; provided, that the following development standards shall apply for miniwarehouses, superseding those set out in KCC 15.04.190 and 15.04.200. For purposes of this title, “miniwarehouses” means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to the space for the purpose of storing and removing personal property on a self-service basis, but does not include a garage or
other storage area in a private residence. No occupant may use a miniwarehouse for residential purposes.

a. Frontage use. The first 150 feet of lot depth, measured from the property line or right-of-way inward from the street frontage, shall be reserved for principally permitted uses for this district, or for the office or onsite manager’s unit, signage, parking, and access. A maximum of 25 percent of the frontage may be used for access to the storage unit area; provided, that in no case shall the access area exceed 75 feet in width. No storage units or structures shall be permitted within this 150 feet of commercial frontage depth.

b. Lot size. Minimum lot size is one acre; maximum lot size is four acres.

c. Site coverage. Site coverage shall be in accordance with the underlying zoning district requirements.

d. Setbacks. Setbacks shall be as follows:

i. Front yard: 20 feet.

ii. Side yard: 10 feet.

iii. Rear yard: 10 feet.

e. Height limitation. The height limitation is one story.

f. Outdoor storage. No outdoor storage is permitted.
g. **Signs.** The sign requirements of Chapter 15.06 KCC shall apply.

h. **Off-street parking.**

i. The off-street parking requirements of Chapter 15.05 KCC shall apply.

ii. Off-street parking may be located in required yards, except in areas required to be landscaped.

i. **Development plan review.** Development plan approval is required as provided in KCC 15.09.010.

j. **Landscaping.** Landscaping requirements are as follows:

i. Front yard: 20 feet, type III (earth berms).

ii. Side yard: 10 feet, type II abutting commercial uses or districts; type I abutting residential uses or districts.

iii. Rear yard: 10 feet, type II abutting commercial uses or districts; type I abutting residential uses or districts.

For maintenance purposes, underground irrigation systems shall be provided for all landscaped areas.

k. **Onsite manager.** A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of the approval. The planning--economic
and community development department shall establish requirements for parking and loading areas sufficient to accommodate the needs of the resident manager and the customers of the facility.

i. Drive aisles. Drive aisle width and parking requirements are as follows:

   i. 15-foot drive aisle and 10-foot parking aisle.

   ii. Parking for manager’s quarters and visitor parking.

m. Building lengths. The horizontal dimension of any structure facing the perimeter of the site shall be offset at intervals not to exceed 100 feet. The offset shall be no less than 20 feet in the horizontal dimension, with a minimum depth of five feet.

n. Building materials. If abutting a residential use or zone, residential design elements such as brick veneer, wood siding, pitched roofs with shingles, landscaping, and fencing shall be used. No incompatible building colors should be used when abutting a residential use or zone.

o. Prohibited uses. Use is restricted to dead storage only. The following are specifically prohibited:

   i. Auctions (other than tenant lien sales), commercial, wholesale or retail sales, or garage sales.

   ii. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.

28 Ordinance Amending KCC 15.02, 15.04 and 15.08
iii. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

iv. The establishment of a transfer and storage business.

v. Any use that is noxious or offensive because of odor, dust, noise, fumes, or vibration.

vi. Storage of hazardous or toxic materials and chemicals or explosive substances.

p. Fencing. No razor wire is allowed on top of fences.

20. Prohibited are those manufacturing activities having potentially deleterious operational characteristics, such as initial processing of raw materials (forging, smelting, refining, and forming).

21. The ground level or street level portion of all buildings in the pedestrian overlay of the DC district, set forth in the map below, (as shown in KCC 15.04.080) must be retail or pedestrian-oriented. Pedestrian-oriented development shall have the main ground floor entry located adjacent to a public street and be physically and visually accessible by pedestrians from the sidewalk; and may include the following uses:

a. Retail establishments, including but not limited to convenience goods, department and variety stores, specialty shops such as apparel and accessories, gift shops, toy shops, cards and paper goods, home and home accessory shops, florists, antique shops, and book shops;

29 Ordinance Amending KCC 15.02, 15.04 and 15.08
b. Personal services, including but not limited to barber shops, beauty salons, and dry cleaning;

c. Repair services, including but not limited to television, radio, computer, jewelry, and shoe repair;

d. Food-related shops, including but not limited to restaurants (including outdoor seating areas and excluding drive-in restaurants) and taverns;

e. Copy establishments;

f. Professional services, including but not limited to law offices and consulting services; and

g. Any other use that is determined by the planning-economic and community development director to be of the same general character as the above permitted uses and in accordance with the stated purpose of the district, pursuant to KCC 15.09.065, Interpretation of uses.
22. Permitted uses are limited to storage, warehousing, processing and conversion of agricultural, dairy, and horticultural products, but not including slaughtering, meat packing, and fuel farm facilities.

23. Excluding slaughtering, rendering, curing, or canning of meat or seafood products.

24. Except for those goods or products specifically described as permitted to be stored as conditional uses.

25. Excluding explosive fuels and propellants.

26. Excluding predominantly drop forge and drop hammer operations.
27. Other accessory uses and buildings customarily appurtenant to a permitted use, except for onsite hazardous waste treatment and storage facilities, which are not permitted in residential zones.


29. Limited to 25 percent of gross floor area. Reference KCC 15.04.080(5).

30. Retail or services uses which exceed the 25 percent limit on an individual or cumulative basis shall be subject to review individually through the conditional use permit process. A conditional use permit shall be required on an individual tenant or business basis and shall be granted only when it is demonstrated that the operating characteristics of the use will not adversely impact onsite or offsite conditions on either an individual or cumulative basis.

31. Reuse or replacement of existing structures for non-agricultural uses is allowed where it is shown that the existing structures are obsolete for agricultural use and will have no viable economic use unless they can be put to non-agricultural use. Any replacement structures must maintain or enhance the agricultural appearance of the property. Signs shall be limited to not more than 100 square feet in area per business, and of that amount, freestanding signs shall not exceed 40 square feet in area. No increase in the area of existing impervious surface shall be allowed in connection with a non-agricultural use.

32. Accessory structures composed of at least two walls and a roof, not including accessory uses or structures customarily appurtenant to agricultural uses, are subject to the provisions of KCC 15.08.160.

Ordinance Amending KCC 15.02, 15.04 and 15.08
### Section 9. - Amendment

Section 15.04.060 of the Kent City Code is hereby amended as follows:

**Sec. 15.04.060. Transportation, public, and utilities land uses.**

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33 Ordinance Amending KCC 15.02, 15.04 and 15.08
**SECTION 10. - Amendment.**  Section 15.04.065 of the Kent City Code is hereby amended as follows:

**Sec. 15.04.065. Transportation, public, and utilities land use development conditions.**

1. For WTF towers 90 feet or less for a single user and up to 120 feet for two or more users.

2. For WTF towers that are within the allowable building height for the district in which they are located.

3. All WFTFs are subject to applicable portions of KCC 15.08.035.
4. A conditional use permit for a WTF is required if it is greater than 90 feet for a single user or 120 feet for two or more users.

5. A conditional use permit is required if the WTF exceeds the allowable building height of the district.

6. Transportation and transit terminal, including repair and storage facilities and rail-truck stations transfer uses, except classification yards in the category of “hump yards.”

7. [Reserved].

8. If on property owned, leased or otherwise controlled by the city or other government entity subject to KCC 15.08.035(1).

9. Level 1 and 2 charging only.

10. Only as part of a general conditional use identified in KCC 15.08.030.

11. High capacity transit facilities shall be consistent with Chapter 15.15 KCC.

12. A conditional use permit is required for high capacity transit facilities that cross multiple zoning districts. No other transportation and transit facilities are allowed in the MHP zoning district.

13. Accessory structures composed of at least two walls and a roof, not including accessory uses or structures customarily appurtenant to agricultural uses, are subject to the provisions of KCC 15.08.160.
**SECTION 11. - Amendment.** Section 15.04.070 of the Kent City Code is hereby amended as follows:

**Sec. 15.04.070. Wholesale and retail land uses.**

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36 Ordinance Amending KCC 15.02, 15.04 and 15.08
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**37 Ordinance Amending**

*KCC 15.02, 15.04 and 15.08*
SECTION 12. - Amendment.  Section 15.04.080 of the Kent City Code is hereby amended as follows:

Sec. 15.04.080. Wholesale and retail land use development conditions.
1. Bulk retail uses which provide goods for regional retail and wholesale markets; provided, that each use occupy no less than 43,560 square feet of gross floor area.

2. [Reserved].

3. [Reserved].

4. [Reserved].

5. Uses shall be limited to 25 percent of the gross floor area of any single- or multi-building development. Retail and service uses which exceed the 25 percent limit on an individual or cumulative basis shall be subject to review individually through the conditional use permit process. A conditional use permit shall be required on an individual tenant or business basis and shall be granted only when it is demonstrated that the operating characteristics of the use will not adversely impact onsite or offsite conditions on either an individual or cumulative basis. For example, in the case of a business park with several buildings, 25 percent of the buildings' combined floor area may be devoted to these retail and services uses. For single building parcels, 25 percent of the floor area of the single building may be devoted to these retail and services uses.

6. Special uses must conform to the development standards listed in KCC 15.08.020.

7. Drive-through restaurants, only if located in a building having at least two stories.
8. Accessory uses are only allowed in cases where development plans demonstrate a relationship between these uses and the principal uses of the property.

9. Other accessory uses and buildings customarily appurtenant to a permitted use, except for onsite hazardous waste treatment and storage facilities, which are not permitted in residential zones.

10. Retail uses operated in conjunction with and incidental to permitted uses, provided such uses are housed as a part of the building comprising the basic operations.

11. The ground level or street level portion of all buildings in the pedestrian overlay of the DC district, set forth in the map below, must be retail or pedestrian-oriented. Pedestrian-oriented development shall have the main ground floor entry located adjacent to a public street and be physically and visually accessible by pedestrians from the sidewalk; and may include the following uses:

   a. Retail establishments, including but not limited to convenience goods, department and variety stores, specialty shops such as apparel and accessories, gift shops, toy shops, cards and paper goods, home and home accessory shops, florists, antique shops, and book shops;

   b. Personal services, including but not limited to barber shops, beauty salons, and dry cleaning;

   c. Repair services, including but not limited to television, radio, computer, jewelry, and shoe repair;
d. Food-related shops, including but not limited to restaurants (including outdoor seating areas and excluding drive-in restaurants) and taverns;

e. Copy establishments;

f. Professional services, including but not limited to law offices and consulting services; and

g. Any other use that is determined by the planning-economic and community development director to be of the same general character as the above permitted uses and in accordance with the stated purpose of the district, pursuant to KCC 15.09.065, Interpretation of uses.

Ground Floor Retail/Service Area

Ordinance Amending KCC 15.02, 15.04 and 15.08
12. Retail convenience grocery sales are allowed in conjunction with a gasoline service station as a special permit use subject to the development standards listed in KCC 15.08.020.

13. Retail sales are limited to tires, batteries, and accessories for industrial vehicle and equipment, except in the M1-C zoning district where retail sales of tires, batteries, and accessories are allowed for industrial or personal vehicles and equipment.

14. [Reserved].

15. [Reserved].

16. Includes incidental storage facilities and loading/unloading areas.

42 Ordinance Amending
KCC 15.02, 15.04 and 15.08
17. Includes incidental storage facilities, which must be enclosed, and loading/unloading areas.

18. [Reserved].

19. Reference KCC 15.07.040(B), outdoor storage landscaping.

20. Whenever feasible, drive-up/drive-through facilities shall be accessed from the rear of a site and run along an interior lot line or building elevation. Landscaping, sufficient to soften the visual impact of vehicle stacking areas, may be required.

21. Retail use must be for sale of agricultural or horticultural products, at least 25 percent of the gross sales value of which are grown within Washington State. Up to 50 percent of the gross sales value may be for seed, gardening equipment and products, private label foods, and locally hand-made products. Any structures must be designed to maintain or enhance the agricultural appearance of the area.

22. Any drive-up/drive-through facility shall be accessory to the principal use to which it is attached.

23. All battery exchange activities and associated storage shall take place within an enclosed building. The development standards listed in KCC 15.08.020(B) shall apply, except that subsection (B)(3) shall not apply.

24. Drive-through/drive-up businesses are permitted only under the following conditions:
a. The development must be within a strip-mall or shopping center.

25. The ground floor or street level must be retail or pedestrian-oriented following the Midway Design Guidelines. The main ground floor entry shall open to a public street with accessory retail uses accessible by pedestrians.

26. Bulk retail is permitted only when single-tenant building is over one acre in size.

27. Accessory structures composed of at least two walls and a roof, not including accessory uses or structures customarily appurtenant to agricultural uses, are subject to the provisions of KCC 15.08.160.

SECTION 13. - Amendment. Section 15.04.090 of the Kent City Code is hereby amended as follows:
## Sec. 15.04.090 Service land uses.

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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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**Ordinance Amending**

*KCC 15.02, 15.04 and 15.08*
## Zoning Districts

### Key
- **P**: Principally Permitted Uses
- **S**: Special Uses
- **C**: Conditional Uses
- **A**: Accessory Uses

### Services (including body work)

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**Ordinance Amending KCC 15.02, 15.04 and 15.08**
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**SECTION 14. - Amendment.** Section 15.04.100 of the Kent City Code is hereby amended as follows:

**Sec. 15.04.100. Service land use development conditions.**

1. Banks and financial institutions (excluding drive-through).

2. Uses shall be limited to 25 percent of the gross floor area of any single- or multi-building development. Retail and service uses which exceed the 25 percent limit on an individual or cumulative basis shall be subject to review individually through the conditional use permit process. A conditional use permit shall be required on an individual tenant or business
basis and shall be granted only when it is demonstrated that the operating characteristics of the use will not adversely impact onsite or offsite conditions on either an individual or cumulative basis.

3. [Reserved].

4. Special uses must conform to the development standards listed in KCC 15.08.020.

5. [Reserved].

6. [Reserved].

7. Other accessory uses and buildings customarily appurtenant to a permitted use, except for onsite hazardous waste treatment and storage facilities, which are not permitted in residential zones.

8. Veterinary clinics and animal hospitals when located no closer than 150 feet to any residential use, provided the animals are housed indoors, with no outside runs, and the building is soundproofed. Soundproofing must be designed by competent acoustical engineers.

9. Those uses that are principally permitted in the M3 zone may be permitted in the M2 zone via a conditional use permit.

10. Personal services uses limited to linen supply and industrial laundry services, diaper services, rug cleaning and repair services, photographic services, beauty and barber services, and fur repair and storage services.

11. [Reserved].
12. The ground level or street level portion of all buildings in the pedestrian overlay of the DC district, set forth in the map below, must be pedestrian-oriented. Pedestrian-oriented development shall have the main ground floor entry located adjacent to a public street and be physically and visually accessible by pedestrians from the sidewalk; and may include the following uses:

   a. Retail establishments, including but not limited to convenience goods, department and variety stores, specialty shops such as apparel and accessories, gift shops, toy shops, cards and paper goods, home and home accessory shops, florists, antique shops, and book shops;

   b. Personal services, including but not limited to barber shops, beauty salons, and dry cleaning;

   c. Repair services, including but not limited to television, radio, computer, jewelry, and shoe repair;

   d. Food-related shops, including but not limited to restaurants (including outdoor seating areas and excluding drive-in restaurants) and taverns;

   e. Copy establishments;

   f. Professional services, including but not limited to law offices and consulting services; and

   g. Any other use that is determined by the planning economic and community development director to be of the same general character.

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as the above permitted uses and in accordance with the stated purpose of the district, pursuant to KCC 15.09.065, Interpretation of uses.

Ground Floor Retail/Service Area

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Ordinance Amending KCC 15.02, 15.04 and 15.08
13. Except for such uses and buildings subject to KCC 15.04.150.

14. Conducted in conjunction with a principally permitted use.

15. [Reserved].

16. Contract construction services office use does not include contractor storage yards, which is a separate use listed in KCC 15.04.040.

17. Outside storage or operations yards are permitted only as accessory uses. Such uses are incidental and subordinate to the principal use of the property or structure.

18. Includes incidental storage facilities and loading/unloading areas.

19. Includes incidental storage facilities, which must be enclosed, and loading/unloading areas.

20. Shall only apply to medical and dental offices and/or neighborhood clinics.

21. Auto repair, including body work, and washing services are permitted only under the following conditions:

   a. The property is also used for heavy equipment repair and/or truck repair; and

   b. Gasoline service stations that also offer auto repair and washing services are not permitted in the M3, general industrial zoning district.

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22. Any associated drive-up/drive-through facility shall be accessory and shall require a conditional use permit.

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:

i. The site is not currently served by a rail spur; and

ii. 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

iii. All ground-level bay doors of existing structures have a height of less than 14 feet, which would generally impede full access to freight containers; and

iv. Existing site structures have a clear height from finished floor to interior roof trusses of less than 20 feet; and

v. Maximum building area per parcel is not greater than 40,000 square feet.

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

i. The site is not currently served by a rail spur; and

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ii. Based on parcels existing at the time of the effective date of the ordinance codified in this section, the maximum parcel size is no greater than 40,000 square feet.

24. Accessory structures composed of at least two walls and a roof, not including accessory uses or structures customarily appurtenant to agricultural uses, are subject to the provisions of KCC 15.08.160.

**SECTION 15. - Amendment.** Section 15.04.110 of the Kent City Code is hereby amended as follows:

Sec. 15.04.110. Cultural, entertainment, and recreation land uses.

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SECTION 16. - Amendment. Section 15.04.120 of the Kent City Code is hereby amended as follows:

Sec. 15.04.120. Cultural, entertainment, and recreation land use development conditions.

1. [Reserved].

2. Principally permitted uses are limited to indoor paintball, health and fitness clubs and facilities, gymnastic schools, and other similar uses deemed compatible with the general character and stated purpose of the district.

3. The ground level or street level portion of all buildings in the pedestrian overlay of the DC district, set forth in the map below, (as shown in KCC 15.04.080) must be retail or pedestrian-oriented.
Pedestrian-oriented development shall have the main ground floor entry located adjacent to a public street and be physically and visually accessible by pedestrians from the sidewalk; and may include the following uses:

a. Retail establishments, including but not limited to convenience goods, department and variety stores, specialty shops such as apparel and accessories, gift shops, toy shops, cards and paper goods, home and home accessory shops, florists, antique shops, and book shops;

b. Personal services, including but not limited to barber shops, beauty salons, and dry cleaning;

c. Repair services, including but not limited to television, radio, computer, jewelry, and shoe repair;

d. Food-related shops, including but not limited to restaurants (including outdoor seating areas and excluding drive-in restaurants) and taverns;

e. Copy establishments;

f. Professional services, including but not limited to law offices and consulting services; and

g. Any other use that is determined by the planning-economic and community development director to be of the same general character as the above permitted uses and in accordance with the stated purpose of the district, pursuant to KCC 15.09.065, Use interpretations.

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4. [Reserved].

5. Business, civic, social, and fraternal associations and service offices are principally permitted uses.

6. Principally permitted uses are limited to parks and playgrounds.

7. Principally permitted uses are limited to golf driving ranges.

8. [Reserved].

9. Conditionally permitted uses are limited to parks and playgrounds.

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10. Accessory structures composed of at least two walls and a roof, not including accessory uses or structures customarily appurtenant to agricultural uses, are subject to the provisions of KCC 15.08.160.

SECTION 17. - Amendment. Section 15.04.130 of the Kent City Code is hereby amended as follows:

Sec. 15.04.130. Resource land uses.

|------------------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
2. Roadside stand not exceeding 400 square feet in floor area exclusively for agricultural products grown on the premises.

3. Roadside stands not exceeding 400 square feet in floor area, and not over 20 lineal feet on any side, primarily for sale of agricultural products on the premises.

4. Accessory structures composed of at least two walls and a roof, not including accessory uses or structures customarily appurtenant to agricultural uses, are subject to the provisions of KCC 15.08.160.

SECTION 19. Amendment. Section 15.08.160 of the Kent City Code is hereby amended as follows:

Sec. 15.08.160. Accessory buildings.

A. An accessory building can be located anywhere on a lot if it conforms with the setbacks required by this title for a principal building. In the rear one-half (1/2) of a lot the accessory building can be built to within two (2)–feet of the side and rear lot lines, except when attached to a principal building, in which case it must have the same setbacks as the main building. If other regulations or ordinances conflict with the provisions in this subsection (A), the stricter regulations shall apply. Garages or carports are limited to one thousand (1,000) square feet in area where motor vehicles used by the tenants of the buildings on the premises are stored or kept.
B. Guesthouse accessory buildings shall be located on the rear half of the building site. There shall be not more than one (1) guesthouse-guest cottage or accessory dwelling unit on any one lot(1) building site. The guest cottage or ADU shall be located on the rear half of the lot, unless determined to be infeasible due to lot shape, house placement, or other factors as approved by the planning, economic and community development director, which, together with other accessory buildings, shall not exceed thirty (30) percent of the area of the rear yard on which it is built. No kitchen or cooking facilities shall be permitted in any guesthouse. Accessory dwelling units are also subject to the provisions of KCC 15.08.350.

C. The combined footprint of all accessory buildings on a lot shall not exceed 15 percent of the lot area.

D. Accessory buildings shall not exceed 23 feet in height.

E. Accessory buildings shall not exceed the height of the principal building.

F. Accessory buildings that are 12 feet in height or higher must be visually compatible with the principal building by meeting all of the following:

1. The exterior finish material must be the same or visually match the exterior finish material of the principal building, in type, size and placement;
2. The trim on the accessory building must be the same or visually match the trim used on the principal building, in type, size and placement; and

3. The roof pitch of the accessory building must be substantially the same as the roof pitch of the principal building.

**SECTION 20. - Amendment.** Section 15.08.350 of the Kent City Code is hereby amended as follows:

**Sec. 15.08.350. Accessory dwelling unit regulations.**

A. *Intent.* The city provides these accessory dwelling unit regulations for the following purposes:

1. The 1993 Washington Housing Policy Act requires cities with populations in excess of 20,000 to implement regulations that encourage the development of accessory apartments in areas zoned for single-family residential use.

2. To increase the supply of affordable rental units through better use of the existing housing stock, and to provide variety in affordable rental units, much of which is under-utilized because the baby boom has been followed by an empty nester boom, because there are fewer children per family, because there are more single-parent households, and because there are more one (1) and two (2) person elderly households.
3.2 To make homeownership more affordable because it will be easier to buy both new and existing homes with the help of an accessory apartment dwelling unit.

34. To provide more options for different household types (single people, older people, people with disabilities and others). To make it more comfortable for older people to retain their homes because an accessory apartment can provide them with added income, security, companionship, and the opportunity to trade rent reductions for needed services.

4. To make it easier for single parents to meet mortgage payments and hold onto their homes in the wake of a divorce and, as a result, keep their children in the same neighborhood.

5. To increase the opportunity for disabled persons to live independently because accessory units can provide them with both privacy and the proximity to needed support.

6. To reduce the isolation of households that is a result of increased affluence in housing, and/or longer lifespans and periods of frailty, and/or suburban land-use patterns that isolate people who cannot drive.

57. To make better use of existing public investment in streets, transit, water, sewer, and other utilities.

B. Standards and criteria.

1. One-(1) ADU per detached single-family dwelling unit is allowed out-right within all SR, single-family residential zones, and single-
family dwellings within the city. There shall be not more than one guest cottage or ADU on any one lot.

2. An ADU may be established within or as an addition to a new or existing single-family dwelling by creating the unit within or in addition to the dwelling, or as a detached unit from the principal dwelling. All ADUs not established within or as an addition to the principal dwelling shall be deemed “detached,” regardless of whether they are attached to any accessory structure or building on the lot. Detached ADUs are subject to the provisions of KCC 15.08.160.

3. The ADU, as well as the main principal dwelling unit, must meet all applicable setbacks, lot coverage, and building height requirements.

4. The design and size of an ADU shall conform to all applicable standards in the requirements of all building, plumbing, electrical, mechanical, fire, health, and any other applicable codes. When there are practical difficulties involved in carrying out the provisions of this section, the building official may grant modifications for individual cases pursuant to the International Building Code, the International Residential Code, or other applicable building codes, and as subsequently amended or recodified.

5. One of the dwelling units shall be owner-occupied as the owner(s) principal residence for at least six (6) months every calendar year. No permit for an ADU will be issued until the owner files a covenant evidencing this use limitation against the property. This covenant must also be recorded in the records of the King County Auditor.
This covenant Recorder’s Office, at the owner’s expense, and shall be in a form acceptable to the city attorney.

6. If either the ADU or the principal unit ceases to be owner occupied for more than six (6)-months in any given calendar year, the ADU permit shall be deemed revoked and use of the unit as an ADU must cease immediately.

7. The size of an ADU contained within or attached to an existing single-family structure shall be limited by the existing structure’s dwelling’s applicable zoning requirements. An ADU incorporated into the construction of a new single-family house shall be limited to forty (40) percent of the principal dwelling unit.

8. The size of a detached ADU, for either new construction or an existing home, shall be up to eight hundred (800) square feet or thirty-three (33) percent of the size of the principal unit, whichever is smaller. If the detached ADU is built within, above, or in addition to another accessory structure, the footprint of the accessory structure is not counted towards the footprint of the ADU.

9. A legal guest cottage, as defined by KCC 15.02.174, existing prior to November 21st, 1995, shall not be denied an accessory housing permit solely because it is larger than the maximum size stated in these criteria. Any legally constructed accessory building, existing prior to November 21st, 1995, may be converted to an accessory dwelling unit provided the structure does not exceed fifty (50) percent of the size of the principal unit.

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108. The owner or developer shall take every effort to avoid additional entrances or other visible changes on the street facade of the house which indicates the presence of an ADU.

119. A permit application must be completed and approved for all ADUs. The planning—economic and community development department shall determine the application requirements for an ADU permit.

120. ADUs existing prior to the adoption of the accessory housing ordinance may be found to be legal on the condition that the property owner applies for an ADU permit and complies with all required standards and provisions. Such property owners subject to this subsection have a one (1)-year period from the effective date of this accessory housing ordinance is adopted in which to apply for an ADU permit, after which time such affected property owners can—may be subject to fines and penalties established in this title.

131. Adjacent—Immediately adjacent neighbors of an ADU applicant shall be notified by first-class mail of the pending ADU zoning—permit application by the economic and community development department within 15 business days of the city’s acceptance of a fully complete ADU permit application. This notification is informational only. The decision by the planning—economic and community development director department to grant an ADU zoning—permit is non—appealable by the neighbors of the permit holder.

SECTION 21. - Severability. If any one or more section, subsection, or sentence of this ordinance is 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.

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SECTION 22. - 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; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

SECTION 23. - Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage, as provided by law.

Suzette Cooke, Mayor

Ronald F. Moore, MMC

Ronald F. Moore, City Clerk

TOM BRUBAKER, CITY ATTORNEY

PASSED: 17th day of November, 2015.
APPROVED: 17th day of November, 2015.
PUBLISHED: 20th day of November, 2015.

65 Ordinance Amending KCC 15.02, 15.04 and 15.08
I hereby certify that this is a true copy of Ordinance No. 41174 passed by the city council of the city of Kent, Washington, and approved by the Mayor of the city of Kent as hereon indicated.

RONALD F. MOORE, CITY CLERK

66 Ordinance Amending
KCC 15.02, 15.04 and 15.08