ORDINANCE NO. 4316

AN ORDINANCE of the City Council of the City of Kent, Washington, amending sections 15.04.040 and 15.04.050 of the Kent City Code to permit light manufacturing in the Downtown Commercial Enterprise District subject to specific development conditions.

RECITALS

A. The City has a strong interest in fostering a vibrant and productive economic environment and a growth management goal to promote economic opportunity within the City through land use planning.

B. Advanced manufacturing has changed significantly over the last several decades, and Kent's current zoning code reflects some outdated restrictions on where manufacturing facilities can be located within the City. Many specialty or advanced manufacturing operations do not produce the kind of noise, truck traffic, or pollution that is often associated with manufacturing of the past.

C. Considering the lesser impacts of many categories of light, specialty manufacturing today, allowing more manufacturing downtown may be beneficial by bringing primary industries and intensive uses with a significant number of high quality jobs into our employment center. By including specific development requirements and substantial limitations on any light manufacturing operation allowed in the Downtown Commercial
Enterprise District, the City will be in a better position to attract operations that use advanced technology and create quality products, while still prohibiting the heavy, industrial type operations that have long been prevented from locating in the downtown area.

D. On December 19, 2018, the City notified the state Department of Commerce of the proposed amendment, and requested expedited review under RCW 36.70A.106. On January 3, 2019, the state Department of Commerce granted the City expedited review. No comments were received.

E. On February 8, 2019, the City's SEPA responsible official issued a Determination of Non-Significance for the code amendment.

F. On November 26, 2018, the Land Use and Planning Board held a workshop to discuss the proposed concept. After appropriate public notice, on February 25, 2019, a public hearing was held before the Land Use and Planning Board. No public comments were received in opposition to the zoning amendment at the hearing, and the Land Use and Planning Board unanimously recommended the City Council grant the zoning code amendment and allow light manufacturing in the Downton Commercial Enterprise District, subject to the development conditions provided for in the ordinance.

G. On March 11, 2019, Council's Economic and Community Development Committee considered the recommendation of the Land Use and Planning Board and similarly recommended Council adopt the zoning code amendment as presented to the Land Use and Planning Board.

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

SECTION 1. - Amendment. Section 15.04.040 of the Kent City Code, entitled "Manufacturing land uses," is hereby amended as follows:

[See Following Page]
### Sec. 15.04.040. Manufacturing land uses.

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4. Amend KCC 15.04.040 and 15.04.050 - Re: Light Manufacturing in DCE Zone
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<td>Offices incidental and necessary to the conduct of a principally permitted use</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>Manufacturing of soaps, detergents, and other basic cleaning and cleansing preparations</td>
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Amend KCC 15.04.040 and 15.04.050 - Re: Light Manufacturing in DCE Zone
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<td>Manufacturing of synthetic and natural fiber and cloth</td>
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<td>Manufacturing of nonmetallic mineral products such as abrasives, asbestos, chalk, pumice, and putty</td>
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<td>Manufacturing of heat-resisting or structural clay products (brick, tile, or pipe) or porcelain products</td>
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<td>Manufacturing, processing, assembling, and packaging of articles, products, or merchandise made from previously prepared natural or synthetic materials</td>
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<td>Manufacturing, processing, treating, assembling, and packaging of articles, products, or merchandise from previously prepared ferrous, nonferrous, or alloyed metals</td>
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<td>Complexes which include a combination of uses, including a mixture of office, storage, and light manufacturing uses</td>
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**Amend KCC 15.04.040 and 15.04.050 - Re: Light Manufacturing in DCE Zone**
| Impound lots | 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 |

[End KCC 15.04.040.]
SECTION 2. – Amendment. Section 15.04.050 of the Kent City Code, entitled “Manufacturing land use development conditions,” is hereby amended as follows:

Sec. 15.04.050. Manufacturing land use development conditions.

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.
   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:

Amend KCC 15.04.040 and 15.04.050 - Re: Light Manufacturing in DCE Zone
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.

2. [Reserved].—Light manufacturing is permitted in the Downtown Commercial Enterprise District as follows:
   
a. Laboratory and related industrial research and development uses are permitted, including such uses as hardware or robotics testing, industrial showrooms and training facilities for industrial machinery.

b. Operations of sorting, packaging, recycling or distribution are not permitted except as accessory uses to the on premise manufacturing.

c. Heavy industrial uses that have significant external impacts such as noise, olfactory pollution, or vibration, such as those listed in KCC 15.04.050(1) are not permitted.

d. All processing, fabricating or assembly of products (i.e., light manufacturing) takes place wholly within an enclosed building.

i. Assembly is defined as creation of a component or end item made from a number of parts and subassemblies. This does not include the putting together of kits, gift baskets, or packaging items produced elsewhere for purposes of e-commerce or wholesale trading.

e. Storage is limited to items consumed, produced or altered on the premises.
i. Outdoor storage shall only be allowed as an accessory use to another principal use.

A. The material(s) being stored shall not exceed 12 feet in height at any point.

B. The material(s) being stored shall be wrapped or enclosed to prevent wind-blown debris.

C. The storage area shall not exceed 15 percent of the building footprint or 5 percent of the lot area, whichever is less.

D. Outdoor storage shall be screened from public view from Class A and B streets (as defined in the Downtown Design Guidelines) and from trails by Type I landscaping and minimum 6-foot tall fence or wall.

E. Outdoor storage shall be sited to minimize visibility.

f. Truck storage is only permitted as an accessory use to a principally permitted use on sites 2.5 acres or larger that also have access to a principal arterial or higher classification roadway within 500 feet of the property, or as otherwise approved by the director.

g. Areas designated for truck parking or loading shall be concealed from view along public streets or trails. Dock-high doors for truck loading are permitted at a ratio of one door per 25,000 square feet of building area.

h. Dock-high loading doors shall be set back, recessed and/or screened so as not to be visible from adjacent local streets or residential properties.

i. The office portion of a manufacturing use shall be adjacent to the public street with the highest classification.

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j. Buildings must have entries on abutting Class A and B streets (as defined in the Downtown Design Guidelines) and those entries shall include substantial fenestration on the associated façade, to emphasize the entry.

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.

12 Amend KCC 15.04.040 and 15.04.050 - Re: Light Manufacturing in DCE Zone
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 rail-truck 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:

13 Amend KCC 15.04.040 and 15.04.050 - Re: Light Manufacturing in DCE Zone
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 uses.

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

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 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.

l. **Drive aisles.** Drive aisle width and parking requirements are as follows:
   i. Fifteen-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.
   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.

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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, 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;

1 Code reviser: Please reposition the map in the online code as reflected in this ordinance. It should follow the first sentence of KCC 15.04.050.21, with subsections KCC 15.04.050.21.a - KCC 15.04.050.21.g. following.

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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 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 nonagricultural 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 nonagricultural 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 nonagricultural 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.

33. All uses within a complex must be principally permitted uses within the zoning district.

SECTION 3. - 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.

SECTION 4. - 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 5. - Effective Date. This ordinance shall take effect and be in force 30 days from and after its passage, as provided by law.

DANA RALPH, MAYOR
March 19, 2019
Date Approved

KIMBERLEY A. KOMOTO, CITY CLERK
March 19, 2019
Date Adopted
March 22, 2019
Date Published

ARTHUR "PAT" FITZPATRICK, CITY ATTORNEY

Amend KCC 15.04.040 and 15.04.050 - Re: Light Manufacturing in DCE Zone