ORDINANCE NO. 4320

AN ORDINANCE of the City Council of the City of Kent, Washington, declaring an emergency and adopting an interim zoning ordinance amending title 15 of the Kent City Code by limiting trucking-intensive uses on a temporary basis, pending completion of an industrial land subarea plan, setting a date for a public hearing, and providing that the ordinance will take effect immediately upon passage.

RECITALS

A. Uncoordinated and unplanned growth poses a threat to the environment, sustainable economic development, and the health, safety, and quality of life of city residents. In line with statewide planning goals, it is the City’s intention to encourage economic development that is consistent with adopted comprehensive plans, to promote economic opportunity, and to promote the retention and expansion of existing businesses and recruitment of new businesses, all within the capacities of public facilities.

B. Kent’s Comprehensive Plan, adopted in 2015, includes a policy directive to “Complete a comprehensive subarea plan for the Manufacturing/Industrial Center that will establish a Kent-specific vision and strategy for accommodating growth consistent with the regional growth strategy.” In the Puget Sound Regional Council’s Plan Review Report and Certification Recommendation for the City’s Comprehensive Plan, the city was encouraged to implement this policy “in the near term,”
as Vision 2040 calls for jurisdictions with regional centers to develop subarea plans (DP-Action-17).

C. Understanding the regional interest and local importance of this work, staff proposed to include a "Manufacturing/Industrial Center Subarea Plan" in the 2015 Docket Report to the City Council. In 2018, the City Council adopted the 2019-2020 budget which included $75,000 annually for this work plan item. To date, staff have taken the following steps on the project: completed a detailed draft scope of work; formed an interjurisdictional staff working group; formed an advisory panel of local experts; interviewed and selected consultants; established an outreach/engagement strategy; planned advisory panel meeting content; established a project schedule including major milestones; tentatively outlined the final document; and collected a significant amount of data and research to support and inform the work. The project is expected to identify changes to the zoning code and development standards, new design guidelines, zoning map amendments, key partnerships and organizations, capital project recommendations, and recommendations on many existing policies at the local and regional level, including PSRC manufacturing/industrial center designation.

D. Inherently, the development of the industrial valley subarea plan will include a significant focus on trucking-intensive land uses and public infrastructure requirements. Trucking-intensive land uses such as bulk or heavy distribution, warehousing, wholesale, and freight movement have significant financial and transportation impacts to the cities in which they are located. Trucking-intensive uses in particular cause considerable damage to publicly owned infrastructure due to the weight and volume of freight vehicles, and such damage results in significant street maintenance costs borne by the city and its taxpayers.
E. The City of Kent has seen an acceleration in development of truck-intensive land uses including retrofitting existing warehouses to increase the capacity and volume of truck utilization. The City is also aware of increased real estate speculation on bulk warehouse properties in the Kent Valley. These properties generally include facilities in excess of 100,000 square feet in size, with a ratio of dock high doors at less than one per 5,000 square feet of building area. Additionally, building footprint sizes are increasing, which, similar to big-box retail, may point to an overspecialized building type. This overspecialization may work for a particular use that is very marketable in the short term, but may limit adaptability to other uses in the future as the economy changes.

F. These changes in the real estate market and proliferation of industrial product development are creating significant or adverse impacts on city roads and infrastructure, transit and pedestrian connections, and the overall city vision for an economically healthy and fiscally sustainable mix of uses. Without specifically crafted regulations for such large, trucking-intensive developments, there is substantial risk that the Kent industrial valley could suffer long-term and adverse economic consequences.

G. Proper planning for growth also requires addressing the capacity of current and future public facility needs. City revenue associated with trucking-intensive uses has declined precipitously in recent decades due to a change in state sales tax structure (known as Streamlined Sales Tax, or “SST”). Whereas wholesale and related e-commerce uses previously generated significant sales tax revenue for the city that helped offset the costs to city infrastructure, the SST change to a destination-based local sales tax system in 2008 substantially diminished this source of tax revenue. The city now bears all the road maintenance costs associated with heavy freight use, with severely depleted resources and few options for generating more income. This fiscal position strains the
city’s ability to maintain roadway infrastructure and the required level of service for city programs and responsibilities generally.

H. The Kent Industrial Valley, and the Industrial Park (M1, M1-C) district in particular, contains significant city investment in the form of levees, roads and utility infrastructure to prevent flooding and facilitate development. This land, whether undeveloped, redevelopable, or built with high quality development, is an asset to the city as a whole in its potential for economic return, quality jobs, or other contributions to the public realm. These assets and investments are now threatened by the combination of strong market demand for building types which support uses that do not contribute to city revenue in a manner commensurate with the need for infrastructure maintenance that they create, and outdated land use regulations that allow such building types to develop without regard for their substantial impacts.

I. The city very recently embarked on its subarea planning effort known as “Rally the Valley” (RTV). The intention for RTV is to to better understand the costs, analyze potential policy or program changes, and recommend a new, more nuanced direction for Kent’s policies toward industrial land, taking into account the classifications within warehouse and industrial real estate products, and their ability to meet different user demands.

J. Engagement with existing businesses in the valley has pointed to the need for more pedestrian-scale infrastructure and a more safe and inviting public realm for workers. Large footprint uses affect the city’s ability to provide for pedestrian-scale infrastructure by creating impermeable sites with long distances that are not navigable on foot. While the exact nature of the needed pedestrian connections is not yet determined, and is being explored through RTV, there is a threat to the

Amend KCC Chapter 15.04 - Re: Trucking-Intensive Uses
ability of the city to move in the direction of better pedestrian connections if more large footprint uses develop before RTV is completed.

K. The RTV work plan item is underway and will conclude in 2020. It is anticipated that zoning and development regulation changes will be adopted as a result of this effort, as well as capital project recommendations. While trucking-intensive and land consumptive uses are unlikely to be entirely prohibited as a result of RTV recommendations, strategic regulations with tighter distinctions are warranted. With these regulations under development now, there is a risk that certain options or opportunities may be precluded in the interim by the development or redevelopment of parcels within the RTV study area. This would substantially impede the city’s ability benefit from the informed and coordinated growth strategies identified through the RTV effort.

L. The City desires to see the Kent industrial valley’s economic potential realized to the maximum extent possible. To that end, ensuring that buildings that support trucking-intensive land uses are developed in accordance with a fully informed subarea plan is critical to ensuring the long-term economic sustainability of the industrial valley and to identify and catalyze appropriate development.

M. If interim zoning regulations for the development of trucking-intensive facilities of this nature are not imposed, such development could severely impact effective long range planning anticipated as part of the Rally the Valley program and resulting subarea plan, and may also result in significantly decreased realization of the vision therein.

N. It is in the best interests of the health, safety, and welfare of the current and future residents of Kent to enact interim zoning regulations

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relating to the siting and development of trucking-intensive uses within the industrial valley.

O. Allowing the planning or design of trucking-intensive land uses to continue before the City Council can fully adopt new regulations or revise existing regulations specific to those land uses could result in irreversible damage to the City that would be contrary to the comprehensive planning efforts currently underway.

P. Through its Rally the Valley program, the city is exercising special care and attention in evaluating, considering, and developing appropriate regulation that satisfactorily addresses the significant fiscal impacts of trucking-intensive land uses and meets the city's goal of encouraging economic development and being mindful of the capacities of public infrastructure.

Q. 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. Without immediate interim zoning, the City's acceptance, processing, and approval of development applications related to trucking-intensive land uses would create a substantial risk of rendering moot the extensive planning beginning now and negatively impacting the future viability of the Kent industrial valley.

R. Based on the above, the City Council concludes that immediate interim zoning addressing trucking-intensive land uses in the M1 and M1-C zoning districts is required. To protect the health, safety, and welfare of the community it is necessary to establish such zoning in order to prevent the acceptance, processing, and approval of development
applications related to trucking-intensive land uses prior to the establishment of proper and reasonable regulations.

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

ORDINANCE

SECTION 1. - Preliminary Findings. The recitals set forth above are hereby adopted as the city council's preliminary findings of fact in support of the interim zoning controls imposed by this ordinance. The city council may, in its discretion, adopt additional findings of fact at the conclusion of the public hearing referenced in this ordinance; provided, if after a public hearing, no additional findings of fact are adopted, the preliminary findings of fact shall become the final findings of fact of the city council without further action.

SECTION 2. - Interim Zoning Imposed. Pursuant to the provisions of Article XI, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, an interim zoning ordinance is hereby adopted and the Kent City Code is amended as set forth in Sections 3, 4, 5, and 6 of this ordinance.

SECTION 3. - Amendment. Section 15.04.040 of the Kent City Code, entitled "Manufacturing Land Uses" is amended as follows:

[See Following Page]
### Sec. 15.04.040. Manufacturing Land Uses.

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**Amend KCC Chapter 15.04 - Re: Trucking-Intensive Uses**
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<td>Manufacturing of soaps, detergents, and other basic cleaning and cleansing preparations</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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Amend KCC Chapter 15.04 - Re: Trucking-Intensive Uses
SECTION 4. Amendment. Section 15.04.050 of the Kent City Code, entitled "Manufacturing Land Use Development Conditions" is 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:
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. 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.
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.
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:

Amend KCC Chapter 15.04 - Re: Trucking-Intensive Uses
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 are limited to 40% of the gross leasable area of the building in which the miniwarehousing use is located, and cannot be located on the ground floor. 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.

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;

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.

34. New buildings and additions to buildings (vested after April 2, 2019) are limited to no more than one dock-high loading door per 40,000 square feet of gross floor area; however, for buildings less than 40,000 square feet, one dock-high loading door is permitted. The footprint area of new buildings is limited to 125,000 square feet.

SECTION 5. — Amendment. Section 15.04.190 of the Kent City Code, entitled “Commercial and industrial zone development standards,” is hereby amended as follows:

[See Following Page]
## Sec. 15.04.190 Commercial and industrial zone development standards.

<table>
<thead>
<tr>
<th>Zoning Districts</th>
<th>NCC</th>
<th>CC</th>
<th>BC</th>
<th>BCR</th>
<th>MTC-1</th>
<th>MTC-2</th>
<th>MCR</th>
<th>CMH</th>
<th>CMH2</th>
<th>GC</th>
<th>M1</th>
<th>M1-C</th>
<th>M2</th>
<th>M3</th>
<th>AG</th>
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<tbody>
<tr>
<td>Minimum lot area: square feet or acres, as noted</td>
<td>10,000 sq ft</td>
<td>10,000 sq ft</td>
<td>5,000 sq ft</td>
<td>5,000 sq ft</td>
<td>7,500 sq ft</td>
<td>7,500 sq ft</td>
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<td>Maximum site coverage: percent of site</td>
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<td>Minimum yard requirements: feet</td>
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<td>Front yard</td>
<td>10 ft</td>
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<td>20 ft</td>
<td>(68)</td>
<td>20 ft</td>
<td>15 ft</td>
<td>15 ft</td>
<td>20 ft</td>
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<td>(6)</td>
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<tr>
<td>Side yard</td>
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<td>(9)</td>
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<td>Side yard on flanking street of corner lot</td>
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<td>Rear yard</td>
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<td>20 ft</td>
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<td>Additional setbacks</td>
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<tr>
<td>Height limitation: in stories/not to exceed in feet</td>
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<td>3 stry/40 ft (30)</td>
<td>4 stry/60 ft (32)</td>
<td>7 stry/65 ft (70)</td>
<td>16 stry/200 ft (70)</td>
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<td>Landscaping</td>
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<td>Outdoor storage</td>
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<tr>
<td>Loading areas</td>
<td>(47)</td>
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<tr>
<td>Off-street parking</td>
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Amend KCC Chapter 15.04 - Re: Trucking-Intensive Uses
SECTION 6. - Amendment. Section 15.04.195 of the Kent City Code, entitled "Commercial and industrial land use development standard conditions," is hereby amended as follows:

Sec. 15.04.195 Commercial and industrial land use development standard conditions.

1. Minimum lot of record or 5,000 square feet, whichever is less.

2. None, except as required by landscaping, or if off-street parking is provided onsite. See the downtown design review criteria outlined in KCC 15.09.046.

3. No minimum setback is required. If a rear and/or side yard abuts a residential district, a 20-foot setback may be required for any yard abutting a residential district. See the downtown design review criteria outlined in KCC 15.09.046.

4. Independent senior living facilities, assisted living facilities and residential facilities with healthcare are subject to the requirements of KCC 15.09.045(D) for multifamily design review, unless they are located
within Downtown or along Meeker Street from 64th Avenue South to Kent-Des Moines Road where they are subject to downtown design review pursuant to KCC 15.09.046.

5. The minimum front yard setback shall be related to the classification of the adjacent street. This classification shall be determined by the city transportation engineer. The setbacks are as follows:

a. Properties fronting on arterial and collector streets shall have a minimum setback of 20 feet.

b. Properties fronting on local access streets shall have a minimum setback of 20 feet.

6. The minimum front yard setback shall be related to the classification of the adjacent street. This classification shall be determined by the city transportation engineer. The setbacks are as follows:

a. Properties fronting on arterials and collector streets shall have a minimum setback of 40 feet.

b. Properties fronting on local access streets shall have a minimum setback of 30 feet.

7. The front yard shall be 10 percent of the lot depth. Regardless of lot size, the yard depth need not be more than 35 feet.

8. No side or rear yard is required, except when abutting a district other than NCC, in which case the yard shall be not less than five feet in width; provided, however, that if the abutting district or use is residential, then the yard shall be 10 feet in width and fully landscaped.
9. No side yard is required, except when abutting a more restrictive district, in which case the side yard shall be not less than 20 feet in width.

10. No side yard is required, except when abutting a residential district, in which case the side yard shall be not less than 20 feet in width.

11. All projects along Meeker Street from 64th Avenue South to Kent-Des Moines Road are subject to KCC 15.09.046 for downtown design review.

12. The side yards shall have an aggregate width of 10 percent of the lot width, but the aggregate width need not be more than 40 feet. There shall be a minimum of 15 feet on each side.

13. The side yards shall have an aggregate width of 10 percent of the lot width, but the aggregate width need not be more than 30 feet. There shall be a minimum of 10 feet on each side.

14. The side yards shall have an aggregate width of 10 percent of the lot width, but the aggregate width need not be more than 25 feet. There shall be a minimum of 10 feet on each side.

15. Design review for mixed use development is required as provided for in KCC 15.09.045(F); see KCC 15.04.200 for mixed use development standards.

16. New buildings and additions to buildings (vested after April 2, 2019) are limited to no more than one dock-high loading door per 40,000 square feet of gross floor area; however, for buildings less than 40,000 square feet of gross floor area.
square feet, one dock-high loading door is permitted. The footprint area of new buildings is limited to 125,000 square feet. [Reserved].

17. The minimum side yard on the flanking street of a corner lot shall be related to the classification of the adjacent street. This classification shall be determined by the city transportation engineer. The setbacks are as follows:

a. Properties fronting on arterial and collector streets shall have a minimum setback of 40 feet.

b. Properties fronting on local access streets shall have a minimum setback of 30 feet.

18. The side yard on the flanking street of a corner lot shall be at least 10 percent of the lot width, unless the 10 percent figure would result in a side yard of greater than 20 feet, in which case the side yard need not be more than 20 feet.

19. No rear yard is required, except when abutting a residential district, in which case the rear yard shall be not less than 20 feet in width.

20. No rear yard is required, except as may be required by other setback provisions of this section.

21. No rear yard is required, except as may be required by transitional conditions.

22. [Reserved].
23. Transitional conditions shall exist when an industrial park M1 or M1-C district and AG district adjoin a residential district containing a density of two dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes intervening use such as a river, freeway, railroad main line, major topographic differential, or other similar conditions, or where the industrial properties face on a limited access surface street on which the housing does not face. When transitional conditions exist as defined in this subsection, a yard of not less than 50 feet shall be provided.

24. Transitional conditions shall exist when an M2 district adjoins a residential district containing a density of two dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, freeway, railway main line, major topographic differential, or other similar conditions, or where the industrial properties face on a limited access surface street on which the housing does not face. When transitional conditions exist as defined in this subsection, a yard of not less than 50 feet shall be provided.

25. Transitional conditions shall exist when an M3 district adjoins a residential district containing a density of two dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, railroad main line, major topographic differential, or other similar conditions, or where the industrial properties face on a limited access surface street on which the housing does not face. When transitional conditions exist as defined in this subsection, a yard of not less than 50 feet shall be provided.
26. [Reserved].

27. [Reserved].

28. [Reserved].

29. Development in the M1 or M1-C district and AG district abutting the Green River, or Russell Road or Frager Road where such roads follow the river bank, shall be set back from the ordinary high-water mark of the river a minimum of 200 feet. Such setbacks are in accordance with the state Shoreline Management Act of 1971, and shall be no more or less restrictive than the Shoreline Management Act.

30. The economic and community development director shall be authorized to grant one additional story in height, if during development plan review it is found that this additional story would not detract from the continuity of the area. More than one additional story may be granted by the land use and planning board.

31. The downtown design review requirements of KCC 15.09.046 shall apply.

32. No maximum height limit is required, except for parcels located within a downtown commercial enterprise – transitional overlay (DCE-T), where the height limit is 35 feet. See also the downtown design review criteria outlined in KCC 15.09.046.

33. [Reserved].

34. [Reserved].
35. Beyond this height, to a height not greater than either four stories or 60 feet, there shall be added one additional foot of yard for each one foot of additional building height. The economic and community development director shall be authorized to approve one additional story, provided such height does not detract from the continuity of the industrial area, and may impose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increase may be granted by the land use and planning board.

[Reserved].

37. The height limitation is two stories or 35 feet. Beyond this height, to a height not greater than either four stories or 60 feet, there shall be added one additional foot of yard for each two feet of additional building height. The economic and community development director shall be authorized to approve one additional story, provided such height does not detract from the continuity of the industrial area, and may impose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increases may be granted by the land use and planning board.

38. [Reserved].

39. Outdoor storage areas are prohibited.

40. Outdoor storage areas shall be fenced for security and public safety by a sight-obscuring fence unless it is determined through the development plan review that a sight-obscuring fence is not necessary.
41. Any unfenced outdoor storage areas shall be paved with asphaltic concrete, cement, or equivalent material to be approved by the city engineer.

42. [Reserved].

43. Outside storage or operations yards in the M1 or M1-C district and AG district shall be permitted only as accessory uses. Such uses are incidental and subordinate to the principal use of the property or structure. Outside storage or operations yards shall be confined to the area to the rear of the principal building or the rear two-thirds of the property and reasonably screened from view from any property line by appropriate walls, fencing, earth mounds, or landscaping. Outside storage exceeding a height of 15 feet shall be so placed on the property as to not detract from the reasonably accepted appearance of the district.

44. Outside storage or operations yards shall be confined to the area to the rear of a line which is an extension of the front wall of the principal building, and shall be reasonably screened from view from any street by appropriate walls, fencing, earth mounds, or landscaping.

45. Outside storage or operations areas shall be fenced for security and public safety at the property line.

46. Wherever 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.
47. Loading areas must be located in such a manner that no loading, unloading, or maneuvering of trucks associated therewith takes place on public rights-of-way.

48. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of 36 inches and a maximum of 42 inches in height. Landscaping located on the berm shall conform to type III landscaping as described in KCC 15.07.050.

49. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of 30 inches in height. Landscaping located on the berm shall conform to type III landscaping described in KCC 15.07.050 pertaining to visual buffers.

50. Development plan approval is required as provided in KCC 15.09.010.

51. Earth berms and landscaping shall be provided along street frontages as necessary to screen dock-high loading areas from public rights-of-way. Berms shall be a minimum of 20 inches in height. Landscaping located on the berm shall conform to type III landscaping described in KCC 15.07.050 pertaining to visual buffers.

52. Where building walls face adjacent streets and are unfenestrated for more than 40 feet at any point along the facade, additional landscaping shall be required to reduce visual impacts. In such circumstances, type II landscaping, as defined in KCC 15.07.050, shall be required; provided, that evergreen trees shall be at least 10 feet in height.
and deciduous trees shall be a minimum of two-inch caliper at the time of planting.

53. Predominant activities and operations shall be completely enclosed within buildings or structures, except for customary appurtenances such as loading and unloading areas, or where special conditions are imposed pursuant to the approval of a conditional use permit. The economic and community development director shall be authorized to determine the reasonable application of this provision in cases of operational hardship or other showing of uncommon circumstances.

54. Multitenant buildings shall be permitted.

55. All required yards, parking areas, storage areas, operations yards, and other open uses on the site shall be maintained in a neat and orderly manner appropriate for the district at all times. The economic and community development director shall be authorized to reasonably pursue the enforcement of this subsection where a use is in violation, and to notify the owner or operator of the use in writing of such noncompliance. The property owner or operator of the use shall be given a reasonable length of time to correct the condition.

56. The performance standards as provided in KCC 15.08.050 shall apply.

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

58. Those areas not required to be landscaped may be used for off-street parking.
59. [Reserved].

60. Signage on commercial uses in the M1-C zone shall be as specified in KCC 15.06.050(B). Signage on industrial uses in the M1-C zone shall be as specified in KCC 15.06.050(H).

61. [Reserved].

62. Parking should be located either next to or behind the building. Parking should not be placed between the street and the building.

63. A direct pedestrian connection shall be provided from the street to the building.

64. Screening by either an enclosure and/or evergreen landscaping shall be provided for mechanical equipment, service doors, and garbage areas. Rooftop equipment shall be enclosed with a parapet or similar design feature.

65. Structures shall be designed to maintain the residential character of the surrounding neighborhood. Modulating the building mass, adding dormer windows, covered entryways, or porches are ways to enhance the human scale and provide a residential dimension to structures.

66. Minimum lot area requirements do not apply to multifamily development in the Kent downtown planning area identified in KCC 15.09.046.
67. Within the downtown commercial enterprise - transitional overlay (DCE-T), downtown design review guidelines regarding balconies and/or upper floor setbacks (sections III.B and III.C) are required elements, not optional elements.

68. No yard, except as required by landscaping, or if surface parking is provided onsite. See the Midway Design Guidelines and KCC 15.09.045.

69. The height limitation of new construction in MTC-1 zoning district abutting a residential district shall be 35 feet in height within 20 feet from the residential district and 45 feet in height within 40 feet from the residential district.

70. New construction shall conform to applicable Federal Aviation Administration regulations, including 14 C.F.R. Part 77, as presently constituted or as may be subsequently amended.

71. The transit-oriented community design review requirements of KCC 15.09.045(G) shall apply.

72. Transitional housing with three or more families outside of Downtown is subject to multifamily design review as provided in KCC 15.09.045(D).

**SECTION 7. - Effective Period for Interim Zoning.** In accordance with RCW 35A.63.220 and RCW 36.70A.390, and commensurate with the city’s Rally the Valley work plan, as well as the anticipated subarea plan, the interim zoning set forth in this ordinance shall be in effect for a period of twelve months from the date this ordinance is passed and shall
automatically expire at the conclusion of that twelve month period unless the same is renewed or terminated sooner by the city council.

**SECTION 8.** - *Public Hearing.* Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the city council will hold a public hearing, at the city council’s regular meeting, at 7:00 p.m. in Council Chambers, Kent City Hall, on April 16, 2019, or as soon thereafter as the business of the city council shall permit in order to take public testimony and to consider adopting further findings.

**SECTION 9.** - *Referral to Staff.* In accordance with KCC 15.09.050, the city council hereby directs the planning director to propose land use regulations relating to trucking-intensive facilities for inclusion in the permanent zoning regulations or other provisions of the Kent City Code following the completion of the Rally the Valley work plan. This direction shall constitute the city council’s resolution of intention in accordance with KCC 15.09.050.

**SECTION 10.** - *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 11.** - *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 12.** - *Effective Date – Public Emergency Declared.* Pursuant to the preliminary findings, and in accordance with RCW...
35A.12.130, the city council hereby declares the existence of a public emergency and in order to protect the public health, safety, property, and peace, this ordinance shall be effective upon adoption by a majority plus one of the whole membership of the council. The city clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

DANA RALPH, MAYOR

ATTEST:

KIMBERLEY A. KOMOTO, CITY CLERK

APPROVED AS TO FORM:

ARTHUR "PAT" FITZPATRICK, CITY ATTORNEY

Date Approved

Date Adopted

Date Published