

# Ordinance No. 3600

(Amending or Repealing Ordinances)

CFN=0131 Zoning Codes

Passed - 5/7/2002

Revisions to Title 12 & 15 - Chapters 12.01, 15.02, 15.04, 15.08 & 15.09

Amends Ords. 2806;2832;2863;2905;3122;3333;3338;  
3409;3424;3435;3439;3440;3470;3508;3521;3523;3543;  
3551;3574

Amended by Ords. 3612;3615;3624;3639;3643;3647;3648;  
3663;3681;3690;3699;3742;3746;3750;3752;3753;3759;  
3761;3770;3792;3805;3830

Amended by Ord. 3907 (Secs. 15.04.040;15.04.050)

Amended by Ord. 3976 (Secs. 15.04.060;15.04.065;15.04.070;15.04.080)

Amended by Ord. 3977 (Secs. 15.04.090;15.04.100)

Amended by Ord. 3988 (Secs. 15.04.190;15.04.195)

Amended by Ord. 4003 (Secs 15.04.170;15.04.190)

Amended by Ord. 4011 (Secs. 15.04.020- .195)

ORDINANCE NO. 3600

**AN ORDINANCE** of the City Council of the City of Kent, Washington, amending Kent City Code Title 15, Chapters 15.02, 15.04, 15.08, and 15.09 relating to zoning, and amending Kent City Code Section 12.01.190(H) to correct a scrivener's error.

WHEREAS, Ordinance No. 3574 was passed on September 18, 2001, which updated code provisions relating to the administration of development regulations, and this ordinance has since been codified into the Kent City Code; and

WHEREAS, Section 12.01.190(H) contains an incorrect subsection cite and needs to be corrected; and

WHEREAS, the City of Kent Planning Services Division has undertaken review of Title 15 of the Kent City Code in order to identify and correct conflicts and redundancies, and amend provisions to reflect the current needs of the City's citizens; and

WHEREAS, the Land Use & Planning Board conducted a public hearing on April 8, 2002, regarding Title 15 and recommended approval of the revisions to Title 15 of the Kent City Code; NOW THEREFORE,

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

**SECTION 1. – Amendment.** Section 12.01.190 of the Kent City Code, entitled “Open record appeal,” is hereby amended to correct a scrivener’s error to read as follows:

**Sec. 12.01.190. Open record appeal.**

....

H. *Notice of appeal.* Public notice of the appeal shall be given as provided in KCC 12.01.145 B)(2)(a) and (bc).

**SECTION 2.** Chapter 15.02 of the Kent City Code, entitled, “Definitions,” is hereby amended to read as follows:

....

**Sec. 15.02.113.1. Drive-in, drive-through facilities.**

*Drive-in, drive-through facilities* means a business or portion of a business where a consumer is permitted or encouraged either by the design of physical facilities or by the provisions of services and/or packaging procedures, to carry on business while seated in a motor vehicle. This definition shall include but not be limited to drive-up windows, drive-through banks, and drive-in/drive-through restaurants.

...

**Sec. 15.02.131. Emergency housing, emergency shelter.**

Emergency housing, emergency shelter means a facility operated publicly or privately to provide housing for individuals or families who are otherwise homeless and have no immediate living options available to them. Emergency housing shall not exceed a ninety (90) day period per individual or family.

....

**Sec. 15.02.528. Transitional housing.**

*Transitional housing* means a facility operated publicly or privately to provide housing for individuals or families who are otherwise homeless and have no other immediate living options available to them. Transitional housing shall not exceed an ~~eighteen (18)~~ twenty-four (24) month period per family or individual.

**SECTION 3.** Chapter 15.04 of the Kent City Code, entitled, "District Regulations," is hereby amended to read as follows:

**CHAPTER 15.04. DISTRICT REGULATIONS**

**Sec. 15.04.010. Interpretation of Land Use Tables.**

A. *Land use tables.* The land use tables in KCC 15.04.020 through 15.04.140 determine whether a specific use is allowed in a zoning district. The zoning districts are located in the vertical columns and the land uses are located on the horizontal rows of these tables. A purpose statement for each zoning district is included in Ch. 15.03 KCC.

B. *Principally permitted uses.* If the letter "P" appears in the box at the intersection of the column and the row, the use is permitted in that zoning district subject to the review procedures specified in Ch. 15.09 KCC, the development conditions following the land use table, and any requirements of an overlay zone and the general requirements of the code.

C. *Special uses.* If the letter “S” appears in the box at the intersection of the column and the row, the use is permitted in that zoning district subject to the review procedures specified in Ch. 15.09 KCC, the development conditions following the land use table, the development standards stated in KCC 15.08.020, any requirements of an overlay zone and the general requirements of the code.

D. *Conditional uses.* If the letter “C” appears in the box at the intersection of the column and the row, the use is permitted in that zoning district subject to the review procedures specified in Ch. 15.09 KCC, the development conditions following the land use table, the review criteria stated in KCC 15.09.030, any requirements of an overlay zone and the general requirements of the code.

E. *Accessory uses.* If the letter “A” appears in the box at the intersection of the column and the row, the use is permitted in that zoning district subject to the review procedures specified in Ch. 15.09 KCC, the development conditions following the land use table and any requirements of an overlay zone and the general requirements of the code.

F. *Development conditions.* If a parenthetical number appears next to the land use or in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code, and the specific conditions indicated in the development condition with the corresponding number in subsection immediately following each land use table.

G *Multiple development conditions.* If more than one (1) letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitations or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.

H. *Overlay zones.* Overlay districts provide policies and regulations in addition to those in the underlying zoning district. Overlay zones include the Mixed Use Overlay and the Green River Corridor Special Interest District.

I. *Applicable requirements.* All applicable requirements shall govern a use whether or not they are cross-referenced in a section.

J. *Interpretation of other uses.* Any other unnamed use shall be permitted if it is determined by the planning ~~director~~manager to be of the same general character as the principally permitted uses and in accordance with the stated purpose of the district, per KCC 15.09.065.

Sec. 15.04.020. Residential Land Uses.

	Zoning Districts																																				
	A-1 Agricultural District	AG Agricultural General District	SR-1 Residential Agricultural District	SR-2 Single-Family Residential District	SR-3 Single-Family Residential District	SR-4, 5 Single-Family Residential District	SR-6 Single-Family Residential District	SR-8 Single-Family Residential District	MR-D Duplex Multifamily Residential District	MR-T12 Multifamily Residential Townhouse	MR-T16 Multifamily Residential Townhouse	MR-G Garden Density Multifamily Residential	MR-M Medium Density Multifamily Residential	MR-H High Density Multifamily Residential District	MHP Mobile Home Park Combining District	NCC Neighborhood Convenience Commercial	CC Community Commercial District	DC Downtown Commercial District	DCE Downtown Commercial Enterprise District	CM-1 Commercial Manufacturing -1 District	CM-2 Commercial Manufacturing-2 District	GC General Commercial District	O Office District	MA Industrial Agricultural District	M1 Industrial Park District	M1-C Industrial Park - Commercial	M2 Limited Industrial District	M3 General Industrial District	GWC Gateway Commercial District								
One single-family dwelling per lot	P		P	P	P	P	P	P	P	P	P	P	P	P							P	P												A(1)	A(1)	A(1)	A(1)
One duplex per lot									P																												
One modular home per lot	P		P	P	P	P	P	P	P	P	P	P	P	P																							
Duplexes									P (22)	P	P	P	P	P																							
Multifamily townhouse units										P (19) (20)	P (19) (20)	P	P	P				P (2)	P (4) (5)	P				P (2)	P (2)											C (15)	
Multifamily dwellings													P	P				P (2)	P (4) (5)	P				P (2)	P (2)											C (15)	
Multifamily dwellings for senior citizens																		P (2)	P	P				P (3)	P (2)											C (15)	
Mobile homes and manufactured homes															P																						
Mobile home parks									P (13)	P (13)	P (13)	P (13)	P (13)	P (13)	P																						
Group homes class I-A	P		P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	C	C	C	P													
Group homes class I-B									P	P	P	P	P	P			P	P	P	P	C	C	C	P													
Group homes class I-C									C	C	C	C	P	P		P	P	P	P	C	C	C	P														
Group homes class II-A									C	C	C	C	C	C		C	C	C	C	C	C	C	C														
Group homes class II-B									C	C	C	C	C	C		C	C	C	C	C	C	C	C														
Group homes class II-C									C	C	C	C	C	C		C	C	C	C	C	C	C	C														
Group homes class III																	C	C	C	C	C	C	C														
Rebuild/accessory uses for existing dwellings		P(6)														P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)	P (6)		
Transitional housing																							P (7)	P (7)													
Guest cottages and houses	A (8) (21)	A (8) (21)	A (8) (21)	A (8) (21)	A (8) (21)	A (8) (21)	A (8) (21)	A (8) (21)																												A (8) (21)	
Rooming and boarding of not more than three persons				A	A	A	A	A	A	A	A	A	A	A																							
Farm worker accommodations	A (17)	A (9)	A (17)																																	A (9)	
Accessory uses and buildings customarily appurtenant to a permitted use	A	A	A (18)	A (18)	A (18)	A (18)	A (18)	A (18)	A (18)	A (18)	A (18)	A (18)	A (18)	A (18)		A	A	A	A	A	A	A														A	
Accessory dwelling units	A (10)		A (10)	A (10)	A (10)	A (10)	A (10)	A (10)	A (10)	A (10)	A (10)	A (10)	A (10)	A (10)																						A (10) (10)	

Zoning Districts

Key		
P =	Principally Permitted Uses	
S =	Special Uses	
C =	Conditional Uses	
A =	Accessory Uses	
		A-1 Agricultural District
		AG Agricultural General District
		SR-1 Residential Agricultural District
		SR-2 Single-Family Residential District
		SR-3 Single-Family Residential District
		SR -4, 5 Single-Family Residential District
		SR-6 Single-Family Residential District
		SR-8 Single-Family Residential District
		MR-D Duplex Multifamily Residential District
		MR-T12 Multifamily Residential Townhouse
		MR-T16 Multifamily Residential Townhouse
		MR-G Garden Density Multifamily Residential
		MR-M Medium Density Multifamily Residential
		MR-H High Density Multifamily Residential District
		MHP Mobile Home Park Combing District
		NCC Neighborhood Convenience Commercial
		CC Community Commercial District
		DC Downtown Commercial District
		DCE Downtown Commercial Enterprise District
		CM-1 Commercial Manufacturing -1 District
		CM-2 Commercial Manufacturing-2 District
		GC General Commercial District
		O Office District
		MA Industrial Agricultural District
		M1 Industrial Park District
		M1-C Industrial Park - Commercial
		M2 Limited Industrial District
		M3 General Industrial District
		GWC Gateway Commercial District
Accessory living quarters		
Home occupatons		
Service buildings		
Storage buildings and storage of recreational vehicles		
Drive-in churches; welfare facilities (including emergency shelters); Drive-in churches, retirement homes, convalescent homes and other welfare facilities whether privately or publicly operated, facilities for rehabilitation or correction, etc		



**Sec. 15.04.030. Residential Land Use Development Conditions.**

1. Dwelling units, limited to not more than one (1) per establishment, for security or maintenance personnel and their families, when located on the premises where they are employed in such capacity. No other residential use shall be permitted.
2. Multifamily residential use shall be permitted only in the mixed-use overlay when included within a mixed use development.
3. [Reserved].
4. Multifamily residential uses, when established in buildings with commercial or office uses, and not located on the ground floor.
5. Multifamily residential uses, when not combined with commercial or office uses.
6. Existing dwellings may be rebuilt, repaired and otherwise changed for human occupancy. Accessory uses for existing dwellings may be constructed. Such uses are garages, carports, storage sheds and fences.
7. Transitional housing facilities, limited to a maximum of twenty (20) residents at any one (1) time and four (4) resident staff.
8. Guesthouses not rented or otherwise conducted as a business.
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 subject to the provisions of Section 15.08.350.
11. Customary incidental home occupations subject to the provisions of section 15.08.040.
12. Except for transitional housing, with a maximum of twenty (20) residents and four (4) staff, which are principally permitted uses.
13. Subject to the combining district requirements of the Mobile Home Park Code, KCC 12.05.

14. Accessory living quarters are allowed per the provisions of Section 15.08.359.
15. Multi-family residential use shall be permitted as a conditional use only when included in a mixed use development.
16. Recreational vehicle storage is permitted as an accessory use in accordance with Section 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, O, O-MU, NCC, CC, GC, DC, or DCE.
20. All multifamily townhouse developments in the MR-T zone shall be condominiums and recorded pursuant to Chapter 64.32 RCW prior to approval of a ~~development permit~~ certificate of occupancy by the city.
21. Subject to 15.08.160(A) and (B) Accessory buildings.
22. One duplex per lot is permitted.

Sec. 15.04.040 Manufacturing Land Uses.

Zoning Districts																																
Key	A-1 Agricultural District	AG Agricultural General District	SR-1 Residential Agricultural District	SR-2 Single-Family Residential District	SR-3 Single-Family Residential District	SR-4,5 Single-Family Residential District	SR-6 Single-Family Residential District	SR-8 Single-Family Residential District	MR-D Duplex Multifamily Residential District	MR-T12 Multifamily Residential Townhouse	MR-T16 Multifamily Residential Townhouse	MR-G Low Density Multifamily Residential District	MR-M Medium Density Multifamily Residential District	MR-H High Density Multifamily Residential District	MHP Mobile Home Park Combining District	NCC Neighborhood Convenience Commercial District	CC Community Commercial District	DC Downtown Commercial District	DCE Downtown Commercial Enterprise District	CM-1 Commercial Manufacturing-1 District	CM-2 Commercial Manufacturing-2 District	GC General Commercial District	O Office District	MA Industrial Agricultural District	M1 Industrial Park District	M1-C Industrial Park-Commercial District	M2 Limited Industrial District	M3 General Industrial District	GWC Gateway Commercial District			
Manufacturing, processing, blending and packaging of food and beverage products																				P (27)	P (27)				P (27)	P (27)	P (27)	P (27)	P (27)	P (27)		
Manufacturing, processing, blending and packaging of drugs, pharmaceuticals, toiletries and cosmetics.																					P	P				P	P	P	P	P	P (2)	
Manufacturing, processing, blending and packaging of dairy products and byproducts.																					P	P				P	P	P	P	P	P (2)	
Industrial Laundry and Dyeing (including linen supply and diaper services)																					P	P				P	P	P	C (33)	C (34)	P (2)	
Printing, publishing and allied industries																		P (25)			P	P	C			P	P	P	P	P	P (2)	
Chemicals and related products mfg.																										C (4)	C (4)	C (4)	C (1)			
Contractor shops-and-storage																					P (5)	P (5)						C	C (1)	P (5)	P (2)	
Custom arts and crafts products mfg.																										P	P	P	P	P	P (2)	
Computers, office machines and equipment mfg.																					P (3)	P (3)									P (2)	
Manufacturing and assembly of Electrical equipment; Appliances, lighting, radio, TV communications, equipment and components																					P (3)	P (3)				P	P	P	P	P	P (2)	
Fabricated metal products mfg.; Custom sheet metal mfg., containers, hand tools; heating equipment, screw products, extrusion; coating; and plating																					P	P				P	P	P	P	P	P (2)	
Manufacturing and assembly of Electronic and electrical devices; and automotive, aerospace, missile, airframe and similar products.																					P (3)	P (3)				P (29)	P (29)	P (29)	P (29)	P (29)	P (2)	
Hazardous substance land uses	A (7) C (8)	A (7) C (8)																			A (11) C (12)	A (11) C (12)	A (11) C (12)	A (9) C (8)	A (7) C (15)	A (15) C (16)	A (15) C (16)	A (15) C (16)	A (18) C (19)			
Offices incidental and necessary to the conduct of a principally permitted use									A	A	A	A	A								P	P				P	P	P	P			
Warehousing and distribution facilities		P (26)																			P (20)	P (20)				P (20)	P (20)	P (20)	P (28)	P (28)	C (1)	

**Zoning Districts**

<b>Key</b> P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses	A-1 Agricultural District	AG Agricultural General District	SR-1 Residential Agricultural District	SR-2 Single-Family Residential District	SR-3 Single-Family Residential District	SR-4,5 Single-Family Residential District	SR-6 Single-Family Residential District	SR-8 Single-Family Residential District	MR-D Duplex Multifamily Residential District	MR-T12 Multifamily Residential Townhouse	MR-T16 Multifamily Residential Townhouse	MR-G Low Density Multifamily Residential District	MR-M Medium Density Multifamily Residential	MR-H High Density Multifamily Residential District	MHP Mobile Home Park Combining District	NCC Neighborhood Convenience Commercial District	CC Community Commercial District	DC Downtown Commercial District	DCE Downtown Commercial Enterprise District	CM-1 Commercial Manufacturing-1 District	CM-2 Commercial Manufacturing-2 District	GC General Commercial District	O Office District	MA Industrial Agricultural District	M1 Industrial Park District	M1-C Industrial Park-Commercial District	M2 Limited Industrial District	M3 General Industrial District	GWC Gateway Commercial District
<b>Rail-Truck Transfer Uses</b>																				C (17)				C (21)	C (21)	P (22)	P (14)		
<b>Outdoor Storage (including truck, heavy equipment and contractor storage yards as allowed by Development Standards Sections 15.04.190 &amp; 15.04.210)</b>																				P	P	A		A	A	A	C A	P C D	
<b>Minwarehouses self-storage</b>																C (23)				P	P	C							P
<b>Manufacturing of Soaps, detergents, and other basic cleaning and cleansing preparations</b>																										C	P C(1)		
<b>Manufacturing of Plastics and synthetic resins</b>																										C	P C(1)		
<b>Manufacturing of Synthetic and natural fiber and cloth</b>																										C	P C(1)		
<b>Manufacturing of Plywood, composition wallboard, and similar structural wood products</b>																										C	P C(1)		
<b>Manufacturing of Nonmetallic mineral products such as abrasives, asbestos, chalk, pumice and putty</b>																										C	P C(1)		
<b>Manufacturing of Heat resisting or structural clay products (brick, tile, or pipe) or porcelain products</b>																										C	P C(1)		
<b>Manufacturing of Machinery and heavy machine tool equipment for general industry and mining, agricultural, construction or service industries</b>																										C	P C(1)		
<b>Manufacturing, processing, assembling, and packaging of articles, products, or merchandise made from previously prepared natural or synthetic materials</b>																									P (32) (24) (30)	P (32) (24) (30)	P (24) (30)	P (1)	P (2)
<b>Manufacturing, processing, treating, assembling and packaging of articles, products, or merchandise from previously prepared ferrous, nonferrous or alloyed metals</b>																									P (24) (30)	P (24) (30)	P (24) (30)	P (30) C (1)	
<b>Complexes which include a combination of uses, including a mixture of office, storage, and light manufacturing uses</b>																				P	P								
<b>Accessory uses and buildings customarily appurtenant to a permitted use</b>	A	A	A (31)	A	A	A	A	A	A	A	A	A	A	A	A	A (10)	A (10)	A (13)	A (13)	A (10)	A (10)	A (10)	A	A	A	A	A	A	A (6)
<b>Impound lots</b>																												C D	

**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:

(1) 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.

(2) Hydraulic cement, concrete, gypsum, lime, carbon, carbon black, graphite, coke, glass and similar products.

b. Manufacture of products such as the following:

(1) Ammunition, explosives, fireworks, matches, photographic film, missile propellants and similar combustibles.

(2) Rubber from natural, synthetic or reclaimed materials.

(3) 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:

(1) Asphalt batching plants.

(2) Concrete mixing and batching plants, including ready-mix concrete facilities.

(3) Rock crushing plants and aggregate dryers.

(4) Sandblasting plants.

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

- (1) Tanning, dressing and finishing of hides, skins and furs.
- (2) Meat and seafood products, curing, canning, rendering and slaughtering.
- (3) Nitrating of cotton and other materials.
- (4) Rendering of animal grease or tallow, fish oil and similar materials.
- (5) Slaughtering, stockyard, feedlot, dairy and similar operations.
- (6) Pickling and brine curing processes.
- (7) Wholesale produce markets.

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

- (1) Automobile and building wrecking and salvage.
- (2) Salvage of industrial waste materials such as metal, paper, glass, rags and similar materials.
- (3) Sewage disposal and treatment plants.
- (4) 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:

- (1) Bulk storage of oil, gas, petroleum, butane, propane, liquid petroleum gas and similar products, and bulk stations and plants.
- (2) Used building materials, mover's equipment, relocated buildings, impounded vehicles and similar materials.
- (3) Explosives or fireworks, except where incidental to a principally permitted use.
- (4) Fertilizer or manure.

2. Small scale, light industrial or manufacturing operations where the building, structure or total operation does not encompass more than ten thousand (10,000) square feet of area. The ten thousand (10,000) square feet total shall include all indoor and outdoor storage areas associated with the manufacturing operation. Only one (1) of these uses shall be allowed per lot.
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 ten thousand (10,000) square feet of area. The ten-thousand-square-foot total shall include all indoor and outdoor storage areas associated with the manufacturing operation. Only one (1) ten-thousand-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 M-3 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 shall not include vehicular drive-through, drive-in and service bay facilities.
7. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of chapter 11.02 and do not accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.
8. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup permit requirements of chapter 11.02 and which accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof

at any one (1) time on the site, subject to the provisions of section 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.

9. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of chapter 11.02 and which do not accumulate more than five thousand (5,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.

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

11. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of chapter 11.02 and which do not accumulate more than ten thousand (10,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.

12. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup requirements of chapter 11.02 and which accumulate more than ten thousand (10,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site or which handle more than twenty thousand (20,000) pounds of hazardous substances and wastes on the site in any thirty-day period of time, subject to the provisions of section 15.08.050, except offsite hazardous waste treatment or storage facilities, which are not permitted in this district.

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

14. Including transportation and transit terminals with repair and storage facilities, and rail-truck stations, except classification yards in the category of "hump yards".



15. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of chapter 11.02 and which do not accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050. Offsite hazardous waste treatment or storage facilities are not permitted in this district, except through a special use combining district.

16. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup permit requirements of chapter 11.02 and which accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050. Offsite hazardous waste treatment or storage facilities are not permitted in this district, except through a special use combining district.

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

18. For permitted uses, hazardous substance land uses, including onsite hazardous waste treatment or storage facilities, which are not subject to cleanup permit requirements of chapter 11.02 and which do not accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050, except offsite hazardous waste treatment or storage facilities, which require a conditional use permit in this district.

19. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup permit requirements of chapter 11.02 and which accumulate more than twenty thousand (20,000) pounds of hazardous substances or wastes or any combination thereof at any one (1) time on the site, subject to the provisions of section 15.08.050, except offsite hazardous waste treatment or storage facilities, which require a conditional use permit in this district.

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

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

20. 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.

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

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

23. Mini-warehouses, provided that the following development standards shall apply for mini-warehouses, superseding those set out in subsection 15.04.100(E):

a. *Frontage use* The first one hundred fifty (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, defined by the provisions of subsection 15.04.100(A)(1), or for the office or onsite manager's unit, signage, parking and access. A maximum of twenty-five (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 seventy-five (75) feet in width. No storage units or structures shall be permitted within this one hundred fifty (150) feet of commercial frontage depth.

b. *Lot size* Minimum lot size is one (1) acre; maximum lot size is four (4) acres.

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

d. *Setbacks.* Setbacks shall be as follows:

(1) Front yard: Twenty (20) feet.

(2) Side yard: Ten (10) feet.

(3) Rear yard: Ten (10) feet.

e. *Height limitation.* The height limitation is one (1) story.

- f. *Outdoor storage.* No outdoor storage is permitted.
- g. *Signs* The sign requirements of chapter 15.06 shall apply.
- h. *Off-street parking.*
  - (1) The off-street parking requirements of chapter 15.05 shall apply.
  - (2) 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 section 15.09.010.

- j. *Landscaping.* Landscaping requirements are as follows:
  - (1) Front yard: Twenty (20) feet, type III (earth berms).
  - (2) Side yard: Ten (10) feet, type II abutting commercial uses or districts; type I abutting residential uses or districts.
  - (3) Rear yard: Ten (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 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:
  - (1) Fifteen-foot drive aisle and ten-foot parking aisle.
  - (2) 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 one hundred (100) feet. The offset shall be no less than twenty (20) feet in the horizontal dimension, with a minimum depth of five (5) 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 uncomplimentary 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:

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

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

(3) The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment.

(4) The establishment of a transfer and storage business.

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

(6) Storage of hazardous or toxic materials and chemicals or explosive substances.

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

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

25. The ground level or street level portion of all buildings in the pedestrian overlay of the DC district (as shown in Section 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 ~~director~~ manager to be of the same general character as the above permitted uses and in accordance with the stated purpose of the district, pursuant to section 15.09.065, Use Interpretations.

26. Permitted uses are limited to storage, warehousing, processing and conversion of agricultural, dairy, and horticultural products, but not including slaughtering or meat packing.

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

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

29. Excluding explosive fuels and propellants.

30. Excluding predominantly drop forge and drop hammer operations.

31. 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.

32. Excluding paint boiling processes.

33. Limited to twenty-five percent (25%) of gross floor area. Reference 15.04.080(5).

34. Retail or services uses which exceed the 25% 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 on-site or off-site conditions or either an individual or cumulative basis.



**Sec. 15.04.065. Transportation, Public and Utilities Land Use Development**

**Conditions.**

1. For WTF towers ninety (90) feet or less for a single user and up to 120 feet for two (2) or more users.
2. For WTF towers that are within the allowable building height for the district in which they are located.
3. All WTFs 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 ninety (90) feet for a single user or 120 feet for two (2) or more users.
5. A conditional use permit is required if the WTF exceeds the allowable building height of district.
6. \_\_\_\_\_
1. Transportation and transit terminal, including repair and storage facilities and rail-truck stations, except classification yards in the category of "hump yards".
27. Accessory uses shall not include vehicular drive-through, drive-in, or service bay facilities.
8. If on property owned, leased, or otherwise controlled by the city or other government entity subject to KCC 15.08.035(I).



Sec. 15.04.070. Wholesale and Retail Land Uses.

Zoning Districts

Key	Zoning Districts																																		
	A-1 Agricultural District	AG Agricultural General District	SR-1 Residential Agricultural District	SR-2 Single-Family Residential District	SR-3 Single-Family Residential District	SR-4,5 Single-Family Residential District	SR-6 Single-Family Residential District	SR-8 Single-Family Residential District	MR-D Duplex Multifamily Residential District	MR-T12 Multifamily Residential Townhouse	MR-T16 Multifamily Residential Townhouse	MR-G Low Density Multifamily Residential District	MR-M Medium Density Multifamily Residential	MR-H High Density Multifamily Residential District	MHP Mobile Home Park Combining District	NCC Neighborhood Convenience Commercial District	CC Community Commercial District	DC Downtown Commercial District	DCE Downtown Commercial Enterprise District	CM-1 Commercial Manufacturing-1 District	CM-2 Commercial Manufacturing-2 District	GC General Commercial District	O Office District	MA Industrial Agricultural District	M1 industrial Park District	M1-C Industrial Park-Commercial District	M2 Limited Industrial District	M3 General Industrial District	GWC Gateway Commercial District						
Bakeries and Confectionaries																																P (2)			
Wholesale bakery																																	P (2)		
Bulk retail																																	P (2)		
Recycling centers																																		P (2)	
Retail sales of lumber, tools and other building materials, including preassembled products																																		P (2)	
Hardware, paint, die and wallpaper (retail)																																		P (2)	
Farm equipment																																			P (2)
General merchandise Dry goods, variety and department stores (retail)																																			P (2)
Food and convenience stores (retail)																																			P (2)
Automobile, aircraft, motorcycle, boat and recreational vehicles sales (retail)																																			P (2)
Automotive, aircraft, motorcycle and marine accessories (retail)																																			P (2)
Gasoline service stations																																			C
Apparel and accessories (retail)																																			P (2)
Furniture, home furnishing (retail)																																			P (2)
Eating and drinking establishments (no drive-through)																																			P (2)
Eating and drinking establishments (with drive-through)																																			P (2-3) (20)
Ending facilities for employees																																			
Planned Development Retail Sales																																			
Drive thru / Drive up businesses (commercial / retail -- other than eating/drinking establishments)																																			P (20)
Miscellaneous retail. Drugs, antiques, books, sporting goods, jewelry, florist, photo supplies, video rental, computer supplies, etc.																																			P (2)
Liquor store																																			P (2)
Farm supplies, hay, grain, feed, fencing etc. (retail)																																			
Nurseries, green houses, garden supplies, tools, etc.																																			P
Pet shops (retail and grooming)																																			P (2)

**Zoning Districts**

<b>Key</b> <b>P = Principally Permitted Uses</b> <b>S = Special Uses</b> <b>C = Conditional Uses</b> <b>A = Accessory Uses</b>		
Computers and electronics (retail)		<b>A-1 Agricultural District</b>
		<b>AG Agricultural General District</b>
		<b>SR-1 Residential Agricultural District</b>
		<b>SR-2 Single-Family Residential District</b>
		<b>SR-3 Single-Family Residential District</b>
		<b>SR-4,5 Single-Family Residential District</b>
		<b>SR-6 Single-Family Residential District</b>
		<b>SR-8 Single-Family Residential District</b>
		<b>MR-D Duplex Multifamily Residential District</b>
		<b>MR-T12 Multifamily Residential Townhouse</b>
		<b>MR-T16 Multifamily Residential Townhouse</b>
		<b>MR-G Low Density Multifamily Residential District</b>
		<b>MR-M Medium Density Multifamily Residential</b>
		<b>MR-H High Density Multifamily Residential District</b>
		<b>MHP Mobile Home Park Combining District</b>
		<b>NCC Neighborhood Convenience Commercial District</b>
	P	<b>CC Community Commercial District</b>
	P (11)	<b>DC Downtown Commercial District</b>
	P	<b>DCE Downtown Commercial Enterprise District</b>
	P	<b>CM-1 Commercial Manufacturing-1 District</b>
	P P	<b>CM-2 Commercial Manufacturing-2 District</b>
	P P	<b>GC General Commercial District</b>
		<b>O Office District</b>
		<b>MA Industrial Agricultural District</b>
		<b>M1 industrial Park District</b>
	P	<b>M1-C Industrial Park-Commercial District</b>
		<b>M2 Limited Industrial District</b>
		<b>M3 General Industrial District</b>
	P (2)	<b>GWC Gateway Commercial District</b>
Hotels and motels		
Complexes which include combinations of uses, including a mixture of office, light manufacturing, storage and commercial uses		
Outdoor Storage (including truck, heavy equipment and contractor storage yards as allowed by Development Standards Sections 15.04.190 & 15.04.210)		
Accessory uses and buildings customarily appurtenant to a permitted use		

**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 forty-three thousand five hundred sixty (43,560) square feet of gross floor area.
2. All sales, storage and display occur within enclosed buildings.
3. Provided that any restaurant with drive-in or drive-through facilities shall be located a minimum of one thousand (1,000) feet from any other drive-in restaurant use.
4. Convenience and deli marts are limited to a maximum gross floor area of three thousand (3,000) square feet.
5. Uses shall be limited to twenty-five (25) percent of the gross floor area of any single- or multi-building development. Retail and service uses which exceed the twenty-five (25) percent limit on an individual or cumulative basis shall be subject to review individually through the conditional use permit process. 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.
6. Special uses must conform to the development standards listed in Section 15.08.020.
7. Drive-through restaurants, only if located in a building having at least two (2) 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 ~~director~~manager to be of the same general character as the above permitted uses and in accordance with the stated purpose of the district, pursuant to Section 15.09.065, Use Interpretations.

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 Section 15.08.020.

13. Retail sales are limited to tires, batteries and accessories for industrial vehicle and equipment.

14. Retail sales are permitted as part of a planned development where at least fifty (50) percent of the total development is for office use. Drive-in restaurants, service stations, drive-in cleaning establishments and other similar retail establishments are not permitted.
15. Incidental sales and services, such as restaurants, pharmacies and retail sales, to serve occupants and patrons of permitted uses when conducted within the same building, provided there is no exterior display or advertising.
16. Includes incidental storage facilities and loading/unloading areas.
17. Includes incidental storage facilities, which must be enclosed, and loading/unloading areas.
18. Accessory uses shall not include vehicular drive-through, drive-in and service bay facilities.
19. Reference 15.07.040(C) 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.

Sec. 15.04.090. Service Land Uses.

Key P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses	Zoning Districts																																
	A-1 Agricultural District	AG Agricultural General District	SR-1 Residential Agricultural District	SR-2 Single-Family Residential District	SR-3 Single-Family Residential District	SR-4.5 Single-Family Residential District	SR-6 Single-Family Residential District	SR-8 Single-Family Residential District	MR-D Duplex Multifamily Residential District	MR-T12 Multifamily Residential Townhouse	MR-T16 Multifamily Residential Townhouse	MR-G Low Density Multifamily Residential District	MR-M Medium Density Multifamily Residential District	MR-H High Density Multifamily Residential District	MHP Mobile Home Park Combining District	NCC Neighborhood Convenience Commercial District	CC Community Commercial District	DC Downtown Commercial District	DCE Downtown Commercial Enterprise District	CM-1 Commercial Manufacturing-1 District	CM-2 Commercial Manufacturing-2 District	GC General Commercial District	O Office District	MA Industrial Agricultural District	M1 Industrial Park District	M1-C Industrial Park-Commercial District	M2 Limited Industrial District	M3 General Industrial District	GWC Gateway Commercial District				
Finance, insurance, real estate services																P	P (1) (12)	P		P	P	P		P	P	P		P	P		P		
Personal services: Laundry; dry cleaning; barber; salons; shoe repair; laundrettes																P	P (12)	P	P		P	P	C		P (10)	P (10)	P (2) (10)		P			P	
Mortuaries																	P (12)				P	P	C									P (3)	
Home day care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Day care center	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Business services, duplicating and blue printing, travel agencies and employment agencies																	P (12)	P			P	P	P			P	P	P		P	P	P	
Building maintenance and pest control																				P	P	P			P	P	P						
Outdoor Storage (including truck, heavy equipment and contractor storage yards as allowed by Development Standards Sections 15.04.190 & 15.04.210)																				P	P	A		A	A	A	A	A	A	A	A	P	
Rental and leasing services for cars, trucks, trailers, furniture and tools																				P	P	P			P	P	P						
Auto repair and washing services (including body work)																	C			P	P	P				P						C (5)	
Repair services: Watch, TV; electrical; electronic; upholstery																	P (12)	P (12)	P		P	P			P	P	P		P	P	P	P	
Professional services: Medical; clinics and other health care related services																P (20)	P		P		P	P	P		P	P	P		P	P	P	P	
Heavy Equipment and Truck Repair																				P	P	P								C (2)	P		
Contract Construction Service Offices: Building construction; plumbing; paving and landscaping																				P	P	P (16)	P (16)		P (17)	P (17)	P (2) (17)		P	P	P	P	
Educational Services: vocational; trade; art; music; dancing; barber and beauty																				P		P	P	P		P	P	P					P (3)
Churches	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)	S (4)		
Administrative and professional offices - general																	P (12)	P (12)	P	C	P	P	P		P	P	P		P	P	P	P	
Municipal uses and buildings																P (13)	P (13)		P	P	P (13)	P (13)	P (13)	P (13)	P (13)	P (13)	P (13)	P (13)	P (13)	P (13)	P (13)	P (13)	
Research, development and testing																					P	P	P		P	P	P						

		<b>Zoning Districts</b>	
		<b>Key</b> <b>P = Principally Permitted Uses</b> <b>S = Special Uses</b> <b>C = Conditional Uses</b> <b>A = Accessory Uses</b>	
Planned Development Retail Sales			<u>A-1 Agricultural District</u>
			<u>AG Agricultural General District</u>
			<u>SR-1 Residential Agricultural District</u>
			<u>SR-2 Single-Family Residential District</u>
			<u>SR-3 Single-Family Residential District</u>
			<u>SR-4,5 Single-Family Residential District</u>
			<u>SR-6 Single-Family Residential District</u>
			<u>SR-8 Single-Family Residential District</u>
			<u>MR-D Duplex Multifamily Residential District</u>
			<u>MR-T12 Multifamily Residential Townhouse</u>
			<u>MR-T16 Multifamily Residential Townhouse</u>
			<u>MR-G Low Density Multifamily Residential District</u>
			<u>MR-M Medium Density Multifamily Residential</u>
			<u>MR-H High Density Multifamily Residential District</u>
			<u>MHP Mobile Home Park Combining District</u>
			<u>NCC Neighborhood Convenience Commercial District</u>
			<u>CC Community Commercial District</u>
			<u>DC Downtown Commercial District</u>
			<u>DCE Downtown Commercial Enterprise District</u>
			<u>CM-1 Commercial Manufacturing-1 District</u>
			<u>CM-2 Commercial Manufacturing-2 District</u>
			<u>GC General Commercial District</u>
			<u>O Office District</u>
			<u>MA Industrial Agricultural District</u>
			<u>M1 industrial Park District</u>
			<u>M1-C Industrial Park-Commercial District</u>
			<u>M2 Limited Industrial District</u>
			<u>M3 General Industrial District</u>
			<u>GWC Gateway Commercial District</u>
Accessory uses and buildings customarily appurtenant to a permitted use	A		
Boarding kennels and breeding establishments		C	
Veterinary clinics and veterinary hospitals			C
Administrative or executive offices which are part of a predominant industrial operation.			
Offices incidental and necessary to the conduct of a principally permitted use			

**Sec. 15.04.100. Service Land Use Development Conditions.**

1. Banks and financial institutions (excluding drive-through).
2. Uses shall be limited to twenty-five (25) percent of the gross floor area of any single- or multi-building development. Retail and service uses which exceed the twenty-five (25) percent limit on an individual or cumulative basis shall be subject to review individually through the conditional use permit process. 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. All sales, storage and display occur within enclosed buildings.
4. Special uses must conform to the development standards listed in section 15.08.020.
5. Excluding auto body repair.
6. Retail sales are permitted as part of a planned development where at least fifty (50) percent of the total development is for office use. Drive-in restaurants, service stations, drive-in cleaning establishments and other similar retail establishments are not permitted.
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 one hundred fifty (150) feet to any residential use, providing the animals are housed indoors, with no outside runs, and the building is soundproofed. Soundproofing must be designed by competent acoustical engineers.
9. ~~Veterinary clinics and animal hospital services when located no closer than one hundred fifty (150) feet to any residential use, providing 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 M-3 zone may be permitted in the M-2 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. *Veterinary clinics and animal hospital services when located no less than one hundred fifty (150) feet from any residential use, provided the animals are housed indoors and the building is soundproofed.*

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 ~~director~~manager to be of the same general character as the above permitted uses and in accordance with the stated purpose of the district, pursuant to section 15.09.065, Use Interpretations.

13. Except for such uses and buildings subject to Section 15.04.150.

14. Conducted in conjunction with a principally permitted use.

15. Accessory uses shall not include vehicular drive-through, drive-in or service bay uses.

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



**Sec. 15.04.120. Cultural, Entertainment and Recreation Land Use Development Conditions.**

1. All sales, storage and display occur within enclosed buildings.
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 (as shown in Section 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 ~~director~~manager to be of the same general character as the above permitted uses and in accordance with the stated purpose of the district, pursuant to section 15.09.065, Use Interpretations.

4. Accessory uses shall include vehicular drive-through, drive-in or service bay facilities.
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. Public assembly facilities such as amphitheaters, arena, auditoriums and exhibition halls allowed as a conditional use.

Sec. 15.04.130. Resource Land Uses.

Zoning Districts

Key P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses			
		P	A-1 Agricultural District
		P	AG Agricultural General District
		P	SR-1 Residential Agricultural District
			SR-2 Single-Family Residential District
			SR-3 Single-Family Residential District
			SR-4,5 Single-Family Residential District
			SR-6 Single-Family Residential District
			SR-8 Single-Family Residential District
			MR-D Duplex Multifamily Residential District
			MR-T12 Multifamily Residential Townhouse
			MR-T16 Multifamily Residential Townhouse
			MR-G Low Density Multifamily Residential District
			MR-M Medium Density Multifamily Residential
			MR-H High Density Multifamily Residential District
			MHP Mobile Home Park Combining District
			NCC Neighborhood Convenience Commercial District
			CC Community Commercial District
			DC Downtown Commercial District
			DCE Downtown Commercial Enterprise District
			CM-1 Commercial Manufacturing-1 District
			CM-2 Commercial Manufacturing-2 District
			GC General Commercial District
			O Office District
		P	MA Industrial Agricultural District
		P	M1 industrial Park District
		P	M1-C Industrial Park-Commercial District
		P	M2 Limited Industrial District
		P	M3 General Industrial District
		P	GWC Gateway Commercial District
Agricultural uses such as planting and harvesting of crops, animal husbandry (including wholesale nurseries and greenhouses)		P	
Crop and tree farming		P	
Storage, manufacturing, processing and conversion of agricultural products (not including slaughtering or meat packing)		P	
Accessory uses and buildings customarily appurtenant to a permitted use		A	
Roadside stands		A(3)	

**Sec. 15.04.140. Resource land use development conditions.**

1. 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.
2. Roadside stand not exceeding four hundred (400) square feet in floor area exclusively for agricultural products grown on the premises.
3. Roadside stands not exceeding four-hundred (400) square feet in floor area, and not over twenty (20) lineal feet on any side, primarily for sale of agricultural products on the premise.

**Sec. 15.04.150. Special use combining district, SU.** It is the purpose of the SU district to provide for special controls for certain uses which do not clearly fit into other districts, which may be due to technological and social changes, or which are of such unique character as to warrant special attention in the interest of the city's optimum development and the preservation and enhancement of its environmental quality. A special use combining district is imposed on an existing zoning district, permitting the special use as well as uses permitted by the underlying zone. The combining district becomes void if substantial construction has not begun within a one-year period, and the district reverts to its original zoning designation. It is the intent of the special use combining regulations to provide the city with adequate procedures for controlling and reviewing such uses and to discourage application for speculative rezoning.

A. *Uses subject to special use combining district regulations.* The following list is illustrative of the types of uses subject to special use combining district regulations and is not intended to be exclusive:

1. Uses which occupy or would occupy large areas of land.
2. Uses which would involve the construction of buildings or other structures of unusual height or mass.
3. Uses which house, employ or serve large numbers of people.

4. Uses which generate heavy traffic.

5. Uses which have unusual impact on environmental quality of the area.

6. Any use which does not lend itself to an interpretation of substantial similarity to other uses identified or described in this title.

7. Uses which, in the judgment of the ~~planning director~~manager, warrant review by the ~~planning commission~~land use & planning board and the city council.

8. Examples of uses subject to review as described in this subsection would include but are not limited to the following:

a. Commercial uses: sports stadiums, rodeos, fairgrounds, exhibition or convention halls, merchandise marts and drive-in theaters.

b. Special environmental problems posed by: refineries, nuclear power generating plants, airports, heliports, sanitary landfills, extractive industries, solid waste incinerators or energy/resource recovery facilities.

c. Hazardous wastes: offsite hazardous waste treatment or storage facilities in M1 and M2 districts only, subject to the provisions of section 15.08.050.

B. *Application procedures.* The application procedure for a special use combining district shall be the same as for an amendment to this title as provided in section 15.09.050, except that development plan approval is concurrent with the combining district.

C. *Documentation required.* Required documentation is as follows:

1. A vicinity map drawn to a scale not smaller than one thousand (1,000) feet to the inch showing the site in relation to its surrounding area, including streets, roads, streams or other bodies of water, the development characteristics and zoning pattern of the area, and a scale and north arrow. The vicinity map may be in sketch form but shall be drawn with sufficient accuracy to reasonably orient the reader to the vicinity, and to adequately convey the required information.



2. A map or drawing of the site drawn to a scale acceptable to the planning department services, generally one hundred (100) feet to the inch. The map or drawing shall show the following information:

- a. Dimensions and names of streets bounding or touching the site.
- b. Such existing or proposed features as streams or other bodies of water, rights-of-way, easements and other physical or legal features which may affect or be affected by the proposed development.
- c. Existing and proposed topography at contour intervals of not more than five (5) feet in areas having slopes exceeding three (3) percent, and not more than two (2) feet in areas having slopes of less than three (3) percent.
- d. Accurate legal description of the property.
- e. Existing and proposed structures or buildings, including the identification of types and proposed use of the structures. All uses must be compatible with the major use.
- f. Off-street parking and loading facilities.
- g. Dimensions of the site, distances from property lines and space between structures.
- h. Tentative routing of domestic water lines, storm drains, sanitary sewers and other utilities, including an identification of planned disposal or runoff.
- i. Elevations, perspective renderings or such other graphic material or evidence to illustrate effect on the view enjoyed by and from other properties in the vicinity, if required by the planning department.
- j. Architectural renderings of buildings.
- k. A written statement providing the following information:
  - (1) Program for development, including staging or timing.
  - (2) Proposed ownership pattern upon completion of development.
  - (3) Basic content of restrictive covenants, if any.

(4) Provisions to ensure permanence and maintenance of open space through means acceptable to the city.

(5) Statement or tabulation of number of persons to be employed, served or housed in the proposed development.

(6) Statement describing the relationship of the proposed development to the city comprehensive plan.

(7) Statement indicating availability of existing or proposed sanitary sewers.

3. Such other data or information as the planning department may require.

D. *Development standards.* In reviewing and approving proposed developments falling under the purview of this section, the hearing examiner and city council shall make the following findings:

1. That the location for the proposed use is reasonable.

2. That existing or proposed trafficways are adequate to serve new development.

3. That setback, height and bulk of buildings are acceptable for the proposed use and for the vicinity in which it is located.

4. That landscaping and other site improvements are comparable to the highest standards set forth for other developments as set out in this title.

5. That the performance standards pertaining to air and water pollution, noise levels, etc., are comparable to the highest standards specified for other uses as set out in this title.

6. That the proposed development is in the public interest and serves a need of community-wide or regional importance.

In reviewing and approving special uses, the hearing examiner and the city council may impose such conditions as they deem necessary in the interest of the welfare of the city and the protection of the environment.

E. *Period of validity.* Any special use combining district shall remain effective only for one (1) year unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within one (1) year of the granting of the special use combining district, the combining district shall become invalid, and the original zoning designation of the land shall apply.

F. *Minor and major adjustments.*

1. If minor adjustments are made following the adoption of the final development plan and approval of the combining district, such adjustments shall be approved by the planning ~~director~~manager prior to the issuance of a building permit. Minor adjustments are those which may affect the precise dimensions or siting of buildings approved in the final plan, or the density of the development or open space provided.

2. Major adjustments are those which, as determined by the planning ~~director~~manager, substantially change the basic design, density, open space uses or other similar requirements or provisions. Authorization for major adjustments shall be made by the city council.

3. The provisions of this subsection pertaining to minor and major adjustments shall apply to various parts of a staged development.

**Sec. 15.04.160. Development Standards.** ~~Development standards are listed down the left side of the tables, and the zoning districts are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify specific requirements applicable either to a specific use or the entire zone. A blank box indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote following the standard.~~The development standards tables in KCC 15.04.170 and 15.04.190 determine the specific development standards for a zoning district. The development standards are located on the horizontal rows and the zoning

districts are located on the vertical columns of these tables. The minimum dimensional requirements are located in the box at the intersection of the column and the row. The parenthetical numbers in the boxes identify specific requirements applicable either to a special use or the entire zone. The parenthetical numbers correspond to numbers in the subsection immediately following each table.

**Sec. 15.04.170. Agricultural and Residential Zone Development Standards.**

Zoning Districts																									
	A-1 Agricultural	AG Agricultural General	SR-1 Residential Agricultural	SR-2 Single-Family Residential	SR-3 Single-Family Residential	SR-4 5 Single-Family Residential	SR-6 Single-Family Residential	SR-8 Single-Family Residential	MR-D Duplex Multifamily Residential	MR-T12 Multifamily Residential Townhouse	MR-T16 Multifamily Residential Townhouse	MR-G Garden Density Multifamily Residential	MR-M Medium Density Multifamily Residential	MR-H High Density Multifamily Residential	MHP Mobile Home Park Combining										
									SF Duplex	SF Duplex MF	SF Duplex MF	SF Duplex MF	SF Duplex MF	SF Duplex MF											
	1 du/ac	1 du/ac	2 18 du/ac	3.63 du/ac	4 53 du/ac	6.05 du/ac	8.71 du/ac	8 71 du/ac	10 89 du/ac	12.0 du/ac	12.0 du/ac	16 0 du/ac	16 0 du/ac	16 du/ac	23 0 du/ac	23 du/ac	40 0 du/ac	40 du/ac							
Maximum density: dwelling units per acre	1 du/ac	1 ac	34,700 sq ft	16,000 sq ft	9,600 sq ft	7,600 sq ft	5,700 sq ft	4,000 sq ft	4,000 sq ft	8,000 sq ft	none	8,000 sq ft	8,500/3,500 sq ft (27)	none	8,000 sq ft	8,500/2,500 sq ft (1)	none	8,000 sq ft	8,500/1,600 sq ft (2)	none	8,000 sq ft	8,500/900 sq ft (3)			
Minimum lot area: square feet or acres, as noted	34,700 sq ft	1 ac	34,700 sq ft	16,000 sq ft	9,600 sq ft	7,600 sq ft	5,700 sq ft	4,000 sq ft	4,000 sq ft	8,000 sq ft	none	8,000 sq ft	8,500/3,500 sq ft (27)	none	8,000 sq ft	8,500/2,500 sq ft (1)	none	8,000 sq ft	8,500/1,600 sq ft (2)	none	8,000 sq ft	8,500/900 sq ft (3)			
Minimum lot width: feet (4)	60 ft		60 ft	50 ft	50 ft	50 ft	50 ft	40 ft	25 ft	80 ft	25 ft	80 ft	80 ft	25 ft	80 ft	80 ft	25 ft	80 ft	80 ft	25 ft	80 ft	80 ft			
Maximum site coverage: percent of site	30%	50%	30%	30% (5)	45% (5)	45% (5)	50% (5)	55% (5)	55% (5)	48% (5)	55% (5)	40% (5)	45% (5)	55% (5)	40% (5)	45% (5)	55% (5)	40% (5)	45% (5)	55% (5)	40% (5)	50%			
Minimum yard requirements: feet																									
Front yard	20 ft (6)	30 ft (7)	20 ft (6)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	20 ft			
Side yard	15 ft	(10)	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	(11)		
Side yard on flanking street of a corner lot	20 ft		20 ft	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	15 ft		
Rear yard	20 ft		15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	8 ft	5 ft	8 ft	20 ft	5 ft	8 ft	20 ft	5 ft	8 ft	20 ft	5 ft	8 ft	20 ft	5 ft		
Additional setbacks/distances between buildings	(12)	(13)	(12)							(32)	(32)	(14) (15) (32)	(31) (32)	(31) (32)	(14) (15) (31) (32)	(31)	(14) (15) (31)	(14) (15) (31)	(14) (15) (31)	(14) (15)		(14) (15)			
Height limitation: in stories/not to exceed in feet	2.5 stry/35 ft (16)	2 stry/35 ft (18)	2.5 stry/35 ft	2.5 stry/35 ft	2.5 stry/35 ft	2.5 stry/35 ft	2.5 stry/35 ft	2.5 stry/35 ft	2.5 stry/35 ft	2.5 stry/35 ft	2.5 stry/35 ft	2 stry/30 ft	3 stry/30 ft	2.5 stry/30 ft	2 stry/30 ft	3 stry/30 ft	2.5 stry/30 ft	2.5 stry/30 ft	3 stry/40 ft	2.5 stry/30 ft	3 stry/40 ft	2.5 stry/30 ft	4 stry/50 ft		
Maximum impervious surface: percent of total parcel area	40% (19)		40% (19)	40% (23)	50% (23)	60% (23)	70% (23)	75% (23)	75% (19)	78% (19)	75% (19)	70% (19)	70% (19)	75% (19)	70% (19)	75% (19)	70% (19)	70% (19)	75% (19)	70% (19)	75% (19)	70% (19)			
Zero lot line and clustering (24)	The provisions in Sections 15.04.300, 310, 320, and 330 shall apply																								
Signs	The sign regulations of Chapter 15.06 shall apply.																								
Offstreet parking	The off-street parking requirements of Chapter 15.05 shall apply																								
Landscaping	The landscaping requirements of Chapter 15.07 shall apply																								
Multi-family Transition Area										(25)		(25)			(25)			(25)				(25)			
Multi-family design review										(26)		(26)			(26)			(26)				(26)			
Additional standards	(20)	(20) (21)	(31)							(28)		(28)			(29)			(29)							

**Sec. 15.04.180. Agricultural and Residential Land Use Development Standard Conditions.**

1. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and two thousand five hundred (2,500) square feet for each additional dwelling unit.
2. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and one thousand six hundred (1,600) square feet for each additional dwelling unit.
3. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and nine hundred (900) square feet for each additional dwelling unit.
4. To determine minimum lot width for irregular lots, a circle of applicable diameter (the minimum lot width permitted) shall be scaled within the proposed boundaries of the lot, provided that an access easement to another lot is not included within the circle.
5. Interior yards shall not be computed as part of the site coverage.
6. Porches and private shared courtyard features may be built within the front building set back line.
7. For properties abutting on West Valley Highway, the frontage on West Valley Highway shall be considered the front yard.
8. Proposed front yards less than twenty (20) feet in depth are subject to approval by the planning director ~~director~~ manager, based on review and recommendation from the public works department relative to the existing and future traffic volumes and right-of-way requirements as specified in the city comprehensive transportation plan and city construction standards.
9. At least twenty (20) linear feet of driveway shall be provided between any garage, carport or other primary parking area and the street property line with the exception of an alley property line.

10. An aggregate side yard of thirty (30) feet shall be provided. A minimum of ten (10) feet shall be provided for each side yard. On a corner lot the side yard setback shall be a minimum of twenty (20) feet from the property line.

11. Each side yard shall be a minimum of ten (10) percent of the lot width; however, regardless of lot width, the yard width need not be more than thirty (30) feet. For multifamily townhouse developments that attach three (3) units or less, in the MRT-12 or MRT-16 zoning districts the aggregate yard width need not be more than thirty (30) feet, but in no case shall a yard be less than ten (10) feet.

12. Structures for feeding, housing and care of animals, except household pets, shall be set back fifty (50) feet from any property line.

13. Additional setbacks for the Agriculture General AG zoning district.

a. Structures for feeding, housing and care of animals shall be set back fifty (50) feet from any property line.

b. Transitional conditions shall exist when an AG district adjoins a residential district containing a density of two (2) dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, 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 fifty (50) feet shall provided.

c. *Setbacks, Green River.* Industrial development in the 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 two hundred (200) feet. Such setbacks are in accordance with the city comprehensive plan and in accordance with the high quality of site development typically required for the industrial park areas of the city and in accordance with the state Shoreline Management

Act of 1971, and shall be no more restrictive than, but as restrictive as, the Shoreline Management Act.

14. An inner court providing access to a double-row building shall be a minimum of twenty (20) feet.

15. The distance between principal buildings shall be at least one-half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than twelve (12) feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.

16. The height limitations shall not apply to barns and silos provided that they are not located within fifty (50) feet of any lot line.

17. Beyond this height, to a height not greater than either four (4) stories or sixty (60) feet, there shall be added one (1) additional foot of yard for each additional foot of building height.

18. The planning ~~director~~ manager shall be authorized to approve a height greater than four (4) stories or sixty (60) feet, provided such height does not detract from the continuity of the area. When a request is made to exceed the building height limit, the planning ~~director~~ manager may impose such conditions, within a reasonable amount of time, as may be necessary to reduce any incompatibilities with surrounding uses.

19. Except for lots used for agricultural practices, the maximum impervious surface area allowed shall be ten thousand (10,000) square feet when the lot is greater than one (1) acre.

20. The following uses are prohibited:

- a. The removal of topsoil for any purpose.
- b. Grade and fill operations, provided that limited grade and fill may be approved as needed to construct permitted buildings or structures.
- c. All subsurface activities, including excavation for underground utilities, pipelines or other underground installations, that cause permanent disruption of the surface of the land. Temporarily disrupted soil surfaces shall be restored in a manner



consistent with agricultural uses.

d. Dumping or storage of nonagricultural solid or liquid waste, or of trash, rubbish or noxious materials.

e. Activities that violate sound agricultural soil and water conservation management practices.

21. Outdoor storage for industrial uses shall be located at the rear of a principally permitted structure and shall be completely fenced.

22. *Mobile home park combining district, MHP* The standards and procedures of the city mobile home park code shall apply. General requirements and standards for mobile home park design, 12.04.520; mobile home parks, Ch. 12.05.

23. Except for lots used for agricultural practices, the maximum impervious surface area allowed shall be ten thousand (10,000) square feet.

24. Minimum lot width, building setbacks, and minimum lot size regulations may be modified consistent with provisions for zero lot line and clustering housing development.

25. The requirements of section 15.08.215 shall apply in any multifamily transition area, which includes any portion of a multifamily district within one hundred (100) feet of a single-family district or within one hundred (100) feet of a public street right-of-way.

26. The requirements of section 15.09.047 for multifamily design review shall apply to any multifamily dwelling of three (3) or more units.

27. Minimum lot area is eight thousand five hundred (8,500) square feet for the first two (2) dwelling units, and three thousand five hundred (3,500) square feet for each additional dwelling unit.

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

29. All multifamily townhouse developments in the MR-T zone shall be condominiums only. A condominium plat shall be filed and recorded pursuant to Chapter 64.32 RCW prior to approval of a development permit by the city.

30. As an option to the five (5) foot side yard requirement for single-family development in all multifamily zoning districts as set forth in KCC 15.04.170, a side yard width of no less than three (3) feet may be utilized under the following conditions:

a. Fire hydrants for the development, as required by the fire code set forth in KCC Title 13, will be placed a maximum of three hundred (300) feet in separation;

b. The required fire hydrants shall have a minimum fire flow of one thousand five hundred (1,500) gallons per minute; and

c. Emergency vehicle access roads shall be provided to the development, which includes an improved road accessible within one hundred fifty (150) feet of all portions of the exterior first floor of the structure.

This option is subject to the approval of the Washington State Building Council. Application of this option shall be effective upon receipt by the city of Kent of such approval.

31. Where lands are located wholly or partially within the urban separator, as designated on the City of Kent Comprehensive Land Use Plan Map, dwelling units shall be required to be clustered, subject to the provisions of Ch. 12.04 KCC, entitled "Subdivisions". The density in a cluster subdivision shall be no greater than the density that would be allowed on the parcel as a whole, including all critical areas (creeks, wetlands, geological hazard areas) and buffers, using the maximum density provisions of the zoning district in which it is located.

The common open space in a cluster subdivision shall be a minimum of fifty (50) percent of the nonconstrained area of the parcel. The nonconstrained area of the parcel includes all areas of the parcel, minus critical areas, as defined in RCW 36.70A.030(5) as currently and hereinafter amended, and buffers. The remainder of the nonconstrained area of the parcel shall be the buildable area of the parcel. The common open space tracts created by clustering shall be located and configured in the manner that best connects and increases protective buffers for environmentally sensitive areas, connects and protects area wildlife habitat, creates connectivity between the open space provided by the clustering

and other adjacent open spaces as well as existing or planned public parks and trails, and maintains scenic vistas. Critical areas and buffers shall not be used in determining lot size and common open space requirements in a cluster subdivision. All natural features (such as streams and their buffers, significant strands of trees and rock outcropping), as well as sensitive areas (such as steep slopes and wetlands and their buffers) shall be preserved, as open space in a cluster subdivision.

Future development of the common open space shall be prohibited. Except as specified on recorded documents creating the common open space, all common open space resulting from lot clustering shall not be altered or disturbed in a manner that degrades adjacent environmentally sensitive areas, rural areas, agricultural areas, or resource lands; impairs scenic vistas and the connectivity between the open space provided by the clustered development and adjacent open spaces; degrades wildlife habitat; and impairs the recreational benefits enjoyed by the residents of the development. Such common open spaces may be retained under ownership by the owner or subdivider, conveyed to residents of the development, conveyed to a homeowners association for the benefit of the residents of the development, conveyed to the city with the city's consent and approval or to another party upon approval of the city of Kent.

The minimum lot size of individual lots within a clustered subdivision is two thousand five hundred (2,500) square feet, and the minimum lot width is thirty (30) feet. In the event that common open space prohibits development of one single-family residence on the parcel, the common open space will be reduced by the amount necessary to meet the minimum two thousand five hundred (2,500) square foot lot size. New lots created by any subdivision action shall be clustered in groups not exceeding eight (8) units. There may be more than one (1) cluster per project. Separation between cluster groups shall be a minimum of one hundred twenty (120) feet. Sight-obscuring fences are not permitted along cluster lot lines adjacent to the open space area.

32. For multifamily townhouse developments that attach three (3) units, the minimum building to building separation shall be ten (10) feet. For duplex and single family condominium townhouse developments, the minimum building to building separation shall be established through the Uniform Building Code (UBC).

Sec. 15.04.190. Commercial and industrial zone development standards.

	ZONING DISTRICTS													
	NCC Neighborhood Convenience Commercial District	CC Community Commercial District	DC Downtown Commercial District	DCE Downtown Commercial Enterprise District	CM-1 Commercial Manufacturing-1 District	CM-2 Commercial Manufacturing-2 District	GC General Commercial District	O Office District	MA Industrial, Agricultural District	M1 Industrial Park District	M1-C Industrial Park-Commercial District	M2 Limited Industrial District	M3 General Industrial District	GWC Gateway Commercial District
Minimum lot area: square feet or acres, as noted	10,000 sq ft	10,000 sq ft	5,000 sq ft (1)	5,000 sq ft	10,000 sq ft	10,000 sq ft	10,000 sq ft	10,000 sq ft	1 acre	1 acre	10,000 sq ft	20,000 sq ft	15,000 sq ft	10,000 sq ft
Maximum site coverage: percent of site	40%	40%	100%	100%	50%	50%	40%	30%	50%	60%	60%	65%	75%	40%
Minimum yard requirements: feet														
Front yard	15 ft	15 ft	(2)	(3)	15 ft	15 ft	20 ft	25 ft	30 ft (4)	(5)	(5)	(6)	(7)	15 ft
Side yard	(8)	(9)	(2)	(3)	(10)	(10)	(10)	(10)	(11)	(12)	(12)	(13)	(14)	5 ft (15) (16)
Side yard on flanking street of a corner lot										(17)	(17)	(17)	(18)	15 ft
Rear yard	20 ft	20 ft	(2)	(3)	(19)	(19)	(19)	(19)		(20)	(20)	(21)	(21)	5 ft (22)
Yards, transitional conditions										(23)	(23)	(24)	(25)	
Additional setbacks									(26) (27) (28)	(29)	(29)			
Height limitation: in stories/not to exceed in feet	2 stry/ 35 ft	3 stry/ 40 ft (30)	4 stry/ 60 ft (31)	(32)	2 stry 35 ft (30)	2 stry 35 ft (30)	2 stry 35 ft (30)	3 stry/ 40 ft	2 stry/ 35 ft (33) (34)	2 stry/ 35 ft (35)	2 stry/ 35 ft (35)	2 stry/ 35 ft (35)	2 stry/ 35 ft (37)	3 stry/ 40 ft (38)
Landscaping										(52)	(52)			
Outdoor storage	(39)	(39)			(40) (41)	(40) (41)	(40)		(42)	(43)	(43)	(44)	(45)	(59)
Signs	(60)													
Vehicle drive-through, drive-in and service bays	(46)	(46)		(46)		(46)	(46)							(46) (61)
Loading areas										(17) (48)	(47) (48)	(47) (49)	(47) (51)	
Off-street parking	The off-street parking requirements of Ch 15 05 KCC shall apply													
	(57)	(57)				(57)	(57)			(58)	(58)	(58)	(57)	
Additional standards	(50) (56)	(36) (50) (56)	(31) (50) (56)	(31) (50) (56)	(50) (56)	(50) (56)	(36) (50) (56)	(36) (50) (56)	(50) (56)	(50) (53) (54) (55) (56)	(50) (53) (54) (55) (56)	(50) (54) (55) (56)	(50) (54) (55) (56)	

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

1. Minimum lot of record or five thousand (5,000) square feet, whichever is less.
2. None, except as required by landscaping, or if off-street parking is provided on site. 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 twenty (20) foot rear and/or side yard setback may be required. See the downtown design review criteria outlined in KCC 15.09.046.
4. For properties abutting on West Valley Highway, the frontage on West Valley Highway shall be considered the front yard.
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 twenty (20) feet.
  - b. Properties fronting on local access streets shall have a minimum setback of twenty (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 forty (40) feet.
  - b. Properties fronting on local access streets shall have a minimum setback of thirty (30) feet.
7. The front yard shall be ten (10) percent of the lot depth. Regardless of lot size, the yard depth need not be more than thirty-five (35) feet.
8. No side yard is required, except when abutting a district other than NCC, and then the side yard shall be not less than twenty (20) feet in width.

9. No side yard is required, except when abutting a more restrictive district, and then the side yard shall be not less than twenty (20) feet in width.
10. No side yard is required, except abutting a residential district, and then the side yard shall be twenty (20) feet minimum.
11. An aggregate side yard of thirty (30) feet shall be provided. A minimum of ten (10) feet shall be provided for each side yard. On a corner lot the side yard setback shall be a minimum of twenty (20) feet from the property line.
12. The side yards shall have an aggregate width of ten (10) percent of the lot width, but the aggregate width need not be more than forty (40) feet. There shall be a minimum of fifteen (15) feet on each side.
13. The side yards shall have an aggregate width of ten (10) percent of the lot width, but the aggregate width need not be more than thirty (30) feet. There shall be a minimum of ten (10) feet on each side.
14. The side yards shall have an aggregate width of ten (10) percent of the lot width, but the aggregate width need not be more than twenty-five (25) feet. There shall be a minimum of ten (10) feet on each side.
15. A side yard of at least five (5) feet in depth shall be provided along the side property lines, except no side yard shall be required between adjacent properties where a common, shared driveway with a perpetual cross-access easement is provided to serve the adjoining properties.
16. Where a side yard abuts a residential district, a side yard of at least twenty (20) feet shall be provided.
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 forty (40) feet.

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

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

19. No rear yard is required, except abutting a residential district, and then the rear yard shall be twenty (20) feet minimum.

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. A rear yard of at least five (5) feet in depth shall be provided, except when a rear yard abuts a residential district, and then a rear yard of at least twenty (20) feet in depth shall be provided.

23. Transitional conditions shall exist when an industrial park M1 or M1-C district adjoins a residential district containing a density of two (2) dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes 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 fifty (50) feet shall be provided.

24. Transitional conditions shall exist when an M2 district adjoins a residential district containing a density of two (2) dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, freeway, railway main line, major topographic differential or other similar conditions, or where the industrial properties face on a limited access surface street on which the housing does not face.



When transitional conditions exist as defined in this subsection, a yard of not less than fifty (50) feet shall be provided.

25. Transitional conditions shall exist when an M3 district adjoins a residential district containing a density of two (2) dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, 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 fifty (50) feet shall be provided.

26. Structures for feeding, housing and care of animals shall be set back fifty (50) feet from any property line.

27. Transitional conditions shall exist when an MA district adjoins a residential district containing a density of two (2) dwelling units or more per acre or a proposed residential area indicated on the city comprehensive plan. Such transitional conditions shall not exist where the separation includes an intervening use such as a river, 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 fifty (50) feet shall be provided.

28. Industrial development in the MA 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 two hundred (200) feet. Such setbacks are in accordance with the city comprehensive plan and are in accordance with the high quality of site development required for the industrial parks area of the city, which MA areas are designated to become in the city comprehensive plan, and are in accordance with the state Shoreline Management Act of 1971, and shall be no more restrictive than, but as restrictive as, the Shoreline Management Act.

29. Development in the M1 or M1-C 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 two hundred (200) feet. Such setbacks are in accordance with the state Shoreline Management Act of 1971, and shall be no more restrictive than, but as restrictive as, the Shoreline Management Act.

30. The planning ~~manager~~director shall be authorized to grant one (1) 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 (1) additional story may be granted by the planning commission.

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

32. No maximum height limit is required. See the downtown design review criteria outlined in KCC 15.09.046.

33. Beyond this height, to a height not greater than either four (4) stories or sixty (60) feet, there shall be added one (1) additional foot of yard for each additional foot of building height.

34. The planning ~~manager~~director shall be authorized to approve a height greater than four (4) stories or sixty (60) feet, provided such height does not detract from the continuity of the area. When a request is made to exceed the building height limit, the planning ~~director~~manager may impose such conditions, within a reasonable amount of time, as may be necessary to reduce any incompatibilities with surrounding uses.

35. Beyond this height, to a height not greater than either four (4) stories or sixty (60) feet, there shall be added one (1) additional foot of yard for each one (1) foot of additional building height. The planning ~~manager~~director shall be authorized to approve one (1) additional story, provided such height does not detract from the continuity of the industrial area, and may impose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increase may be granted by the planning commission.

36. Design review for mixed use development is required as provided in KCC 15.09.045(E).

37. The height limitation is two (2) stories or thirty-five (35) feet. Beyond this height, to a height not greater than either four (4) stories or sixty (60) feet, there shall be added one (1) additional foot of yard for each two (2) feet of additional building height. The planning ~~manager~~director shall be authorized to approve one (1) additional story, provided such height does not detract from the continuity of the industrial area, and may impose such conditions as may be necessary to reduce any incompatibility with surrounding uses. Any additional height increases may be granted by the planning commission.

38. The height limitation is three (3) stories or forty (40) feet. An additional story or building height may be added, up to a maximum of five (5) stories or sixty (60) feet, with one (1) additional foot of building setback for every additional foot of building height over forty (40) feet.

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. Outdoor storage (for industrial uses) shall be at the rear of a principally permitted structure and shall be completely fenced.

43. Outside storage or operations yards in the M1 or M1-C zone 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 (2/3) 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 fifteen (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. ~~All vehicular drive through, drive in or service bays and similar facilities shall be designed so that such facilities, including vehicular staging or stacking areas, shall be oriented away from the adjacent street. Additional landscaping or fencing may be required to ensure visual screening of these facilities from the adjacent street or properties.~~ 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 thirty-six (36) inches and a maximum of forty-two (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 thirty (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 twenty (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 forty (40) feet at any point along the façade, 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 ten (10) feet in height and deciduous trees shall be a minimum of two (2) 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 exist as a result of a conditional use public hearing. The planning ~~manager~~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 planning ~~manager~~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. Outdoor storage is allowed only as an accessory use to small scale, light industrial or manufacturing operations where the building, structure or total operation, including all indoor and outdoor storage areas, does not encompass more than ten thousand (10,000)

square feet of total area.

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(E).

61. Any eating establishment with a drive through/drive-in facility shall be located a minimum of 1,000 feet from any other restaurant with a drive through/drive-in facility.

**Sec. 15.04.200. Mixed use overlay development standards.**

	Overlay Districts		
	GC-MU	O-MU	CC-MU
Floor area ratio	40 for commercial uses 50 for commercial uses combined with residential uses, provided that, commercial floor area may be increased by one (1) square foot for each square floor of residential floor area provided up to a maximum commercial FAR of 5 1 0 for residential uses, provided that, residential FAR may be increased by 5 if parking is provided below grade, up to a maximum of 1 5	40 for commercial uses 50 for commercial uses combined with residential uses; provided that, commercial floor area may be increased by one (1) square foot for each square floor of residential floor area provided up to a maximum commercial FAR of 5 1 0 for residential uses, provided that, residential FAR may be increased by 5 if parking is provided below grade, up to a maximum of 1 5	40 for commercial uses 50 for commercial uses combined with residential uses, provided that, commercial floor area may be increased by one (1) square foot for each square floor of residential floor area provided up to a maximum commercial FAR of 5 1 0 for residential uses, provided that, residential FAR may be increased by 5 if parking is provided below grade, up to a maximum of 1 5
Site coverage	Forty (40) percent for commercial uses Sixty (60) percent for commercial uses with residential uses, provided that twenty-five (25) percent of the gross floor area is residential use	Forty (40) percent for commercial uses Sixty (60) percent for commercial uses with residential uses, provided that twenty-five (25) percent of the gross floor area is residential use	Forty (40) percent for commercial uses Sixty (60) percent for commercial uses with residential uses, provided that twenty-five (25) percent of the gross floor area is residential use
Height	Twenty-five (25) feet, provided that basic heights may be increased up to the maximum height of forty (40) feet (1)	Twenty-five (25) feet, provided that basic heights may be increased up to the maximum height of forty (40) feet (1)	Twenty-five (25) feet, provided that basic heights may be increased up to the maximum height of forty (40) feet (1)
Front yard	Zero (0) feet, provided that sine setback may be required in the front yard to accommodate a sidewalk which shall be at least ten (10) feet in width	Zero (0) feet, provided that sine setback may be required in the front yard to accommodate a sidewalk which shall be at least ten (10) feet in width	Zero (0) feet, provided that sine setback may be required in the front yard to accommodate a sidewalk which shall be at least ten (10) feet in width
Rear and side yard	Zero (0) feet, provided that setbacks of at least twenty (20) feet will be required in any rear or side yards that are adjacent to a residential zoning district	Zero (0) feet; provided that setbacks of at least twenty (20) feet will be required in any rear or side yards that are adjacent to a residential zoning district	Zero (0) feet, provided that setbacks of at least twenty (20) feet will be required in any rear or side yards that are adjacent to a residential zoning district
Off-street parking	Retail/office uses Four (4) spaces per thousand (1,000) square feet of floor area (2) Residential uses (3)	Retail/office uses Four (4) spaces per thousand (1,000) square feet of floor area (2) Residential uses (3)	Retail/office uses Four (4) spaces per thousand (1,000) square feet of floor area (2) Residential uses (3)

**Sec. 15.04.205. Mixed Use Land Use Development Standard Conditions.**

1. The following height modifications shall apply:
  - a. Five-foot increases for developments containing residential uses, provided that twenty-five (25) percent of gross floor area is in residential use
  - b. Five-foot increases for parking under the building.
  - c. Five-foot increases for using a pitched roof form.
  - d. Five-foot increase for stepping back from the top floor (minimum of five feet).
2. The first three hundred (300) square feet of retail or office space that is a part of an individual residential unit is exempt.
3. The following parking requirements shall apply:
  - a. Studio: .75 per dwelling unit (du) without commercial uses; .50/du with commercial uses, provided that twenty-five (25) per cent of overall gross floor area is in commercial uses.
  - b. One-bedroom: 1.5/du without commercial uses; 1.0/du with commercial uses, provided that twenty-five (25) percent of overall gross floor area is in commercial uses.
  - c. Two-bedroom: 2.0/du without commercial uses; 1.25/du with commercial uses, provided that twenty-five (25) percent of overall gross floor area is in commercial uses.

**SECTION 4.** Section 15.08.035 of the Kent City Code, entitled “Wireless telecommunications facilities,” is hereby amended to read as follows:

**Sec. 15.08.035. Wireless telecommunications facilities.**

A. *Purpose and goals.* The purpose of this section is to establish general guidelines for the siting of wireless telecommunications facilities (WTFs), specifically including, without limitation, towers and antennas, in light of the following goals:

1. Protecting residential areas from potential adverse impacts;



2. Enhancing the ability of the providers of wireless telecommunications services to provide those services quickly, effectively, and efficiently;
3. Encouraging location in nonresidential areas;
4. Minimizing the total height of towers within the community;
5. Encouraging the joint use of new and existing sites;
6. Encouraging service providers to locate and configure facilities to minimize adverse impacts through careful design, siting, landscaping, screening, and innovative camouflaging techniques; and
7. Considering potential adverse impacts to the public health and safety from these facilities except where preempted by other laws, rules, and regulations.

In furtherance of these goals, the city shall give due consideration to the city's comprehensive plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of WTFs, including towers and antennas.

B. *Definitions.* As used in this section only, the following terms shall have the meanings set forth below:

*Abandon or abandonment* means:

- (a) To cease operation for a period of one hundred eighty (180) or more consecutive calendar days; or
- (b) To reduce the effective radiated power of an antenna by seventy-five (75) percent for one hundred eighty (180) or more consecutive calendar days unless new technology or the construction of additional cells in the same locality allows reduction of effective radiated power by more than seventy-five (75) percent, so long as the operator still serves essentially the same customer base.

*Antenna* means any exterior transmitting or receiving device used in communications that radiates or captures electromagnetic waves.

*Backhaul network* means the lines that connect a provider's WTFs/towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

*Camouflage* means to disguise, hide, or integrate with an existing or proposed structure or with the natural environment so as to be significantly screened from view.

*Co-locate* means use of a WTF by more than one (1) service provider.

*COW* means cell on wheels or Cellular on Wheels.

*EIA* means Electronic Industries Association.

*FAA* means the Federal Aviation Administration.

*FCC* means the Federal Communications Commission.

*Guyed tower* means a wireless communication support structure which is typically over one hundred (100) feet tall and is steadied by wire guys in a radial pattern around the tower.

*Height* means, when referring to a tower or other WTF, the distance measured from the finished grade of the parcel at the base of the WTF to the highest point on the tower or other WTF, including the base pad and any antennas.

*Lattice tower* means a support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section.

*Monopole tower* means a support structure which consists of a single pole sunk into the ground and/or attached to a foundation.

*Non-whip antenna* means an antenna that is not a whip antenna, such as dish antennas, panel antennas, etc.

*Preexisting WTF* means any WTF for which a building permit has been properly issued prior to July 7, 1997, including permitted WTFs that have not yet been constructed, so long as that permit or approval has not expired.

*Telecommunications* means the transmission, between or among points specified by the user, of information of the user's choosing without change in the form or content of the information as sent and received.

*Telecommunications service* means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

*Tower* means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telecommunications, telephone, radio and similar communication purposes. The term includes the structure, all structural supports, and all related buildings and appurtenances.

*Whip antenna* means an omnidirectional dipole antenna of cylindrical shape that is no more than six (6) inches in average diameter.

*Wireless telecommunications facility or WTF* includes "personal wireless service", "personal wireless service facilities", and "facilities" as defined in Title 47, United States Code, Section 332(c)(7)(C), including all future amendments, and also includes facilities for the transmission and reception of radio or microwave signals used for communication, telecommunication, cellular phone personal communications services, enhanced specialized mobile radio, and any other services licensed by the FCC, and also includes any other unlicensed wireless services.

C. *Applicability.*

1. *New uses.* All WTF proposals made in the city, whether for new construction or for modification of existing facilities, shall be subject to the regulations set forth in this code, except as provided in subsection (D).

D. *Exemptions.* The following are exempt from the provisions of this section and are allowed in all zoning districts.

1. *Existing Uses.* WTFs that currently exist on July 7, 1997, or for which a valid building permit has been obtained and remains in effect on July 7, 1997, except this exemption does not apply to modifications of existing facilities.

2. *Industrial/scientific equipment.* Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC.

3. *Amateur radio station operators or receive-only antennas.* Any tower or antenna that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas.

4. *Home satellite services.* Satellite dish antennas less than two (2) meters in diameter, including direct-to-home satellite services, when used as a secondary use of the property.

5. *COW.* A COW or other temporary WTF, but its use anywhere in the city cannot exceed thirty (30) days, unless extended by permit issued by the planning ~~director~~manager or unless the city has declared an area-wide emergency.

6. *Public safety WTFs and equipment.* Public safety WTFs and equipment, including, but not limited to, the regional 911 system.

E. General.

1. *Principal or accessory use.* WTFs may be considered either principal or accessory uses. A different use of an existing structure on the same lot shall not preclude the installation of WTFs on that lot.

2. *Not essential services.* WTFs shall be regulated and permitted pursuant to this section and shall not be regulated or permitted as essential public services.

F. *General requirements.*

1. *Siting.* Anyone who applies to construct a WTF or to modify or add to an existing WTF shall demonstrate to the city's satisfaction that the proposed facility is located at the least obtrusive and the most appropriate available site to function in the applicant's grid system.

2. *FCC licensing.* The city will only process WTF permit applications upon a satisfactory showing of proof that the applicant is an FCC licensed telecommunications provider or that the applicant has agreements with an FCC licensed telecommunications provider for use or lease of the facility.

3. *Compliance with other laws.* Applicants must show, to the satisfaction of the planning ~~director~~manager, compliance with current FCC and FAA rules and regulations and all other applicable federal, state, and local laws, rules and regulations.

4. *Lot size.* For purposes of determining whether the installation of WTFs complies with district development regulations including, but not limited to, setback

requirements, lot-coverage requirements, and other requirements, the dimensions of the entire lot shall control, even though the WTFs may be located on leased parcels within that lot.

5. *Height.* Unless further restricted or expanded elsewhere in this section, no WTFs may exceed the following height and usage criteria:

- (a) For a single user, up to ninety (90) feet in height; and
- (b) For two (2) or more users, up to one hundred twenty (120) feet in height.

6. *Security fencing.* WTFs shall be enclosed, where appropriate, by security fencing not less than six (6) feet in height; provided however, that the planning ~~director~~manager or, where applicable, the hearing examiner may waive these requirements, as appropriate.

7. *Landscaping.* WTFs shall be landscaped with a buffer of plant materials that effectively screens the view of the WTF compound; provided, however, that the planning ~~director~~manager or, where applicable, the hearing examiner may waive these requirements if the goals of this section would be better served.

8. *WTFs mounted on structures or rooftops.* WTFs mounted on existing structures or rooftops shall be designed and located so as to minimize visual and aesthetic impacts to the adjoining land uses and structures and shall, to the greatest extent practical, blend into the existing environment.

9. *Aesthetics.* WTFs shall meet the following requirements:

(a) WTFs shall be painted a neutral color so as to reduce visual obtrusiveness.

(b) At a WTF site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend into the existing natural and constructed environment.

10. *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required for any WTF, the lighting must cause the least disturbance to the surrounding area.

11. *Measurement.* For purposes of measurement, WTF setbacks and separation distances shall be calculated and applied irrespective of municipal and county jurisdictional boundaries.

12. *Franchises, licenses, and permits.* Owners and/or operators of WTFs shall certify that they have obtained all franchises, licenses, or permits required by law for the construction and/or operation of a wireless telecommunication system in the city and shall file a copy of all required franchises, licenses, and permits with the planning ~~director~~manager.

13. *Signs.* No signs shall be allowed on an antenna or tower.

14. *Backhaul providers.* Backhaul providers shall be identified and they shall have and maintain all necessary approvals to operate as such, including holding necessary franchises, permits, and certificates. The method of providing backhaul, wired or wireless, shall be identified.

G. *Tower requirements.*

1. *Tower setbacks.* All towers, support structures and accessory buildings must satisfy the minimum setback requirements for that zoning district.

2. *Support systems setbacks.* All guywires, anchors, and other support structures must be located within the buildable area of the lot and not within the front, rear, or side yard setbacks and no closer than five (5) feet to any property line.

3. *Monopole construction required.* All towers will be of a tapering monopole construction; however, the planning ~~director~~manager or, where applicable, the hearing examiner may allow another type tower upon a showing that it would cause less impact to the surrounding property than a similar monopole structure or would further the purposes and goals in this section.

4. *Inventory of existing sites.* Each applicant for a tower shall provide an inventory of its existing WTF sites that are either within the jurisdiction of the city or within one (1) mile of its borders, including specific information about the location, height, and design of each facility.

5. *EIA standards.* Towers shall be constructed so as to meet or exceed the most recent EIA standards. Prior to issuance of a building permit, the building official shall be provided with an engineer's certification that the tower's design meets or exceeds those standards.

6. *Site selection and height.* Towers shall be located to minimize their number and height and to minimize their visual impacts on the surrounding area in accordance with the following policies:

(a) Ensure that the height of towers has the least visual impact and that the height is no greater than necessary to achieve service area requirements and to provide for potential co-location; and

(b) Demonstrate that the owner or operator has, to the greatest extent practical, selected a new tower site that provides the least visual impact on residential areas. This shall include an analysis of the potential impacts from other vantage points in the area to illustrate that the selected site and design provides the best opportunity to minimize the visual impact of the proposed facility.

(c) Site so as to minimize being visually solitary or prominent when viewed from surrounding areas, especially residential areas. The facility should be camouflaged to the maximum extent feasible.

7. *Co-location priority.* Co-location of antennas by more than one (1) carrier on existing towers is preferred to construction of new towers; provided, that the co-location is consistent with the following:

(a) *Redesign restrictions.* A tower that is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, or of a less obtrusive design (such as a monopole), if practical.

(b) *Height.* Except as may be modified in subsection (I)(1)(a), an existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height or one hundred twenty (120) feet, whichever is lower, to accommodate the co-location by another provider or operator of an additional antenna system in any district except DC, DCE, NCC and all SR districts. This additional height shall not require an additional distance separation.

(c) *Onsite relocation.* A tower that is being rebuilt to accommodate the co-location of an additional antenna may be relocated on its existing site within fifty (50) feet of its existing location. If consistent with the purposes and goals in subsection (A), the planning ~~director~~manager or, where applicable, the hearing examiner, may permit the onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands.

8. *Separation distances between towers.* Separation distances between towers shall be measured between the proposed tower and preexisting towers. Measurement shall be from base of tower to base of tower, excluding pad, footing or foundation. The separation distances shall be measured by drawing or following a straight line between the nearest point on the base of the existing tower and the proposed tower base, pursuant to a site plan of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 1, unless the distance is reduced by the planning ~~director~~manager when administratively approving a WTF or by the hearing examiner through issuance of a conditional use permit.

		Table 1		
	<i>Lattice</i>	<i>Guyed</i>	<i>Monopole 75 feet in height or greater</i>	<i>Monopole less than 75 feet in height</i>
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750



Monopole 75 feet in height or greater	1,500	1,500	1,500	750
Monopole less than 75 feet in height	750	750	750	750

H. *Administratively approved WTFs.* The planning ~~director~~manager may administratively approve the uses listed in this subsection, once each applicant has applied for and provided all necessary information required in this code and in the city's application form. This administrative approval is classified as a Process I application and is subject to the requirements of Ch. 12.01 KCC.

~~1. *Time for approval.* Within sixty (60) calendar days from the date the city receives a complete, valid, and properly executed application, the planning director shall either approve, approve with conditions, or deny the application. If the planning director fails to approve or deny the application within this sixty (60) calendar day period, then the application shall be deemed approved unless the time for determination is extended by agreement of the city and the applicant.~~

12. *Administratively approved uses.* The following uses may be approved by the planning ~~director~~manager after conducting an administrative review:

(a) *Industrial/commercial zones.* Locating WTFs, including the placement of additional buildings or other supporting equipment used in connection with WTFs, that do not exceed ninety (90) feet in height for a single user and one hundred twenty (120) feet in height for two (2) or more users in the following districts: MA; M1; M1-C; M2; M3; CM-1; CM-2; GC; and GWC.

(b) *Antennas on existing structures.* Locating a WTF other than a tower as an accessory use by attachment to any building or structure other than a single-family dwelling or multifamily structure of fewer than eight (8) dwelling units in any zoning district provided:

(i) The antenna does not extend more than twenty (20) feet above the highest point of the structure if a whip antenna, or ten (10) feet above the highest point of the structure if a non-whip antenna; and

(ii) The antenna complies with all applicable building codes; and

(iii) All associated equipment is placed either within the same building or in a separate structure that matches the existing building or structure in character and materials.

(c) *WTFs on existing towers.* Locating a WTF through co-location by attaching the antenna to an existing tower.

(d) *WTFs within allowable building height.* Locating WTFs, including placement of additional buildings or other supporting equipment used in connection with the WTF in O, CC, MRG, MRM, MRH, AG, and A-I districts, so long as the WTF does not exceed the allowable building height for that district.

(e) *COWs for greater than thirty (30) day periods.* Upon a proper showing of extreme necessity (for example, if repair or modification of an existing WTF clearly and legitimately cannot be completed within thirty (30) days), locating a COW at a single location for more than thirty (30) calendar days; however, purely economic convenience shall not be considered a viable factor in making this determination.

23. *Authority to waive certain requirements.* In connection with this administrative approval, the planning ~~director~~manager may, in order to encourage camouflaging and co-location of WTFs, administratively waive separation distance requirements between WTFs by up to fifty (50) percent in nonresidential zones. Additionally, the planning ~~director~~manager may, in order to encourage the use of the least obtrusive type of WTF, administratively allow the reconstruction of an existing WTF to that less obstructive use.

4. ~~*Appeal.* An appeal from a final decision of the planning director shall be applicable to the hearing examiner in accordance with the requirements of Ch. 2.32 KCC and KCC 12.01.190.~~

I. *Conditional use permits.* Applications for conditional use permits under this subsection shall be subject to the procedures and requirements of KCC 15.09.030 and Ch. 12.01 KCC, except as modified by this subsection. If the WTF is not subject to administrative approval pursuant to subsection (H), then a conditional use permit shall be required.

1. *Conditional WTF uses.* Specifically, conditional use permits shall be required for the following WTFs:

(a) *Industrial/commercial zones.* Locating WTFs that exceed ninety (90) feet in height for a single user or one hundred twenty (120) feet for two (2) or more users or locating antennas on existing structures that exceed the height limitations in subsection (H)(2)(b) in the following districts: MA; M1; M1-C; M2; M3; CM-1; CM-2; GC; and GWC.

(b) *Government property.* Locating WTFs (1) separate from existing structures on property owned, leased, or otherwise controlled by the city or other governmental entity or (2) attached to existing structures on property owned, leased or otherwise controlled by the city or other governmental entity exceeding the height limitations in subsection (H)(2)(b), but only on the condition that the total height, of the attached WTF, including the structure, does not exceed one hundred twenty (120) feet, unless permitted under subsection (I)(1)(a); however, this subsection shall not apply in DC, DCE, and NCC districts.

(c) *WTFs exceeding allowable building height.* Locating WTFs that exceed the allowable building height in the following districts: O; CC; MRG; MRM; MRH; AG; and A1.

(d) *Tower construction under allowed separation distances.* Locating towers that do not meet the separation distance requirements in subsection (G)(8) or that do not meet administratively approved separation distance limits.

2. *Factors considered in granting conditional use permits for towers.* In addition to KCC 15.09.030(D), the hearing examiner shall also consider the following factors when considering a CUP application for WTF towers:

- (a) Height of the proposed tower;
- (b) Proximity of the tower to residential structures and residential district boundaries;
- (c) Nature of uses on adjacent and nearby properties;
- (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage;
- (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (g) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
- (h) Obstruction of or interference with views.
- (i) Consistency with purpose and goals set forth in subsection (A) of this section.

3. *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the hearing examiner that no existing tower, structure, or alternative technology that does not require the use of towers can accommodate the applicant's proposed WTF. An applicant shall submit information requested by the hearing examiner related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower,

structure or alternative technology can accommodate the applicant's proposed WTF may consist of any of the following:

(a) No existing WTF is located within the geographic area that meets applicant's engineering requirements.

(b) Existing WTFs are not of sufficient height to meet applicant's engineering requirements.

(c) Existing WTFs cannot practically be reconstructed to provide sufficient structural strength to support applicant's proposed antenna and related equipment.

(d) Electromagnetic interference would occur between two (2) or more WTF systems.

(e) The fees, costs, or contractual provisions required by the owner in order to share an existing WTF or to adapt an existing WTF for co-location are unreasonable. Fees or costs that exceed new WTF development shall not be presumed to render sharing facilities unsuitable.

(f) Other limiting factors render existing WTFs unsuitable.

(g) An alternative technology that does not require the use of towers or structures would be unsuitable. Costs of alternative technology that exceed new WTF development shall not be presumed to render the technology unsuitable.

4. *Separation requirements.* The hearing examiner may reduce tower separation distance requirements, including administratively approved separation distance reductions, if the purposes and goals of this section would be better served; however, development of multiple tower locations on a single site (often referred to as "antenna farms") are specifically discouraged wherever possible.

J. *Removal of abandoned towers.*

1. *Abandonment and removal.* The owner or operator of any abandoned tower shall notify the city's planning ~~director~~manager, in writing, of that abandonment and shall remove the same within ninety (90) calendar days. Failure to remove an

abandoned tower within ninety (90) calendar days shall be grounds to remove the tower at the owner's expense. If there are two (2) or more users of a single tower, then the city's right to remove the tower shall not become effective until all users abandon the tower.

2. *Partial abandonment and removal.* If the antennas on any tower are removed or relocated to a point where the top twenty (20) percent or more of the height of the tower is no longer in use, the tower shall be deemed partially abandoned. The owner or operator of any partially abandoned tower shall notify the city's planning ~~director~~manager, in writing, of that partial abandonment and shall remove the partially abandoned portion within ninety (90) calendar days. Failure to remove a partially abandoned tower within ninety (90) calendar days shall be grounds to remove the abandoned portion of the tower at the owner's expense.

3. *Security and lien.* Each applicant, prior to commencement of construction, shall post sufficient security in the form of a bond, assignment of funds, cashier's check, or cash, in a form acceptable to the city, to cover the estimated cost of demolition or removal of the tower and support structures, including complete site restoration. If for any reason the posted funds are not adequate to cover the cost of removal, then the city may charge the facility owner or operator with the city's total cost incurred in removing the abandoned structures. If the owner or operator fails to make full payment within thirty (30) calendar days, then the amount remaining unpaid shall become a lien on the facility property.

K. *Nonconforming uses.*

1. *Preexisting towers.* Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance shall be permitted. Any construction other than routine maintenance on a preexisting tower shall comply with the requirements of this section.

2. *Damage or destruction not the fault of owner/occupant.* Bona fide nonconforming WTFs that are damaged or destroyed without fault attributable to the owner or entity in control may be rebuilt without first having to obtain administrative

approval or a conditional use permit and without having to meet separation requirements. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility. Building permits to rebuild the facility shall comply with applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if the permit expires, the tower or antenna shall be deemed abandoned as specified in subsection (J).

**SECTION 5.** Section 15.08.100 of the Kent City Code, entitled “Nonconforming development” shall be amended to read as follows:

**Sec. 15.08.100. Nonconforming development.**

A. *Purpose.* The intent and purpose of this section is to:

1. Ensure reasonable opportunity for use of legally created lots which do not meet current minimum requirements for the district in which they are located.

2. Ensure reasonable opportunity for use, maintenance and improvement of legally constructed buildings, structures and site development features which do not comply with current minimum requirements for the district in which they are located.

3. Ensure reasonable opportunity for continuation of legally established uses which do not conform to use regulations for the district in which they are located.

4. Encourage the eventual replacement of nonconforming uses having potentially undesirable impacts on conforming uses.

5. Encourage the eventual upgrading of nonconforming buildings, structures and site development features which do not comply with current minimum requirements for the district in which they are located.

B. *Applicability.* Nonconforming uses, structures, lots or signs are not favored by law and this title, and it is to avoid injustices that this title accepts such elements. To benefit from the protection given to nonconforming development, such use, structure, or sign

must have been lawfully established pursuant to a county resolution in effect at the time of annexation which rendered it nonconforming; or it must have been lawfully established prior to the effective date of this chapter or subsequent amendments there to, or lawfully established prior to the purchase or condemnation of right-of-way by the City of Kent. ~~or pursuant to a county resolution in effect at the time of annexation which rendered it nonconforming.~~ This section distinguishes between and defines nonconforming uses, major nonconforming buildings and structures, minor nonconforming buildings and structures, nonconforming lots of record and nonconforming signs. Different requirements are made applicable to each of these categories. The degree of restriction made applicable to each separate category is dependent upon the degree in which that category of nonconformance is a nuisance or incompatible with the purpose and requirements of this title.

....

**SECTION 6.** Section 15.08.260(D)(5) of the Kent City Code, entitled “Green River Corridor special interest district regulations. Loading dock location,” shall be amended to read as follows:

**Sec. 15.08.260. Green River Corridor special interest district regulations.**

**Loading dock location.**

**D. *Development standards.***

1. *Green River access* No building or lot within the district shall be constructed or created without providing access to the Green River via public sidewalks or a private trail system. Such sidewalks or private trail systems shall connect to riverside public trails or scenic drives at intervals of one thousand (1,000) feet or less in industrial developments, and intervals of five hundred (500) feet or less in residential developments.



2. *Pedestrian access in residential development* In residential developments, pedestrian access to the Green River shall be accomplished without crossing streets or roads, except scenic and recreational roads, unless clearly shown to be infeasible.

3. *Parking facilities.* Parking facilities for access to the Green River shall be located as near as practicable to riverfront parks or historic sites and shall be clustered in lots not exceeding thirty (30) cars. Every public parking area shall be visible from a street accessible to the public and be situated so that the public can clearly see riverfront open space and gain access to the public portion of that open space.

4. *Payment in lieu of parking facilities.* The city may accept or require payment in lieu of providing parking facilities which are required as a condition of the issuance of development permits.

5. *Loading dock location.* Loading docks shall not be located on river-facing sides of buildings ~~located on riverfront lots.~~ unless a minimum fifty (50) foot buffer of native vegetation is provided to screen the loading docks from the shoreline, unless otherwise required by the Kent Shoreline Master Program. Other design and landscaping requirements may be imposed by the Planning Manager to meet the purpose of the Green River Corridor Special Interest District.

6. *Building height.* Buildings located outside the two hundred (200) foot shoreline management zone but within the district shall not exceed thirty-five (35) feet in height.

7. *Exterior walls of buildings.* No building on any riverfront lot shall have an exterior wall parallel to, or within forty-five (45) degrees of parallel to, the river which exceeds two hundred (200) feet in length, except as follows: buildings on riverfront lots in the MA, M1, M1-C, M2 and M3 zoning districts may have exterior walls parallel to, or within forty-five (45) degrees of parallel to, the river which exceed two hundred (200) feet in length, provided they are screened by a vegetative buffer per KCC 15.08.260(D)(9)(c).

8. *Lots.*

a. Each riverfront lot within a subdivision shall contain area sufficient to comply with minimum lot size requirements of Ch. 15.04 KCC and provide a public access easement and building setback line as required by this section.

b. No subdivision of professional and office (O), general commercial (GC), industrial agricultural (MA), industrial park (M1) and limited industrial (M2) zoned land shall be approved unless each lot within the subdivision has an upland boundary at least five hundred (500) feet from the ordinary high-water line of the river.

9. *Vegetation buffer.*

a. A permanent vegetation buffer, in accordance with KCC 15.07.050(C) pertaining to landscaping type III, shall be maintained or established for each building or use within the district. Any materials storage yard, truck maneuvering area, equipment parking area, junkyard, refuse storage or similar use within the district shall install such a permanent vegetative buffer between the use and the Green River within two (2) years of the effective date of the ordinance from which this section is derived.

b. Landscape screening and buffer strips shall be planted in order to be harmonious with those already planted on adjacent properties and consistent with the city landscaping requirements as set out in Ch. 15.07 KCC.

c. Buildings on riverfront lots in industrial zoning districts which have exterior walls exceeding two hundred (200) feet in length parallel to, or within forty-five (45) degrees of parallel to, the river, must be screened by a vegetation buffer. This vegetative buffer shall be located along the length of the property line located parallel to, or within forty-five (45) degrees of parallel to, the river, for a minimum depth of twenty (20) feet in accordance with type III, visual buffer landscape standards pursuant to KCC 15.07.050(C). In addition, an earth berm of a minimum of forty-eight (48) inches in height must be provided for.

10. *Rail lines.* No rail lines shall be permitted within five hundred (500) feet of the Green River; provided, however, rail lines shall be permitted to within three hundred (300) feet of the Green River in those locations specified on Exhibit B attached to the ordinance from which this section is derived and by this reference incorporated in this section, such locations having been found to be best suited to rail.

11. *Road access.* All new lots and buildings shall be designed with primary street access to streets other than scenic and recreational roads, unless no other access is available.

12. *Street connections.* Development shall include no street connections to scenic and recreational roads, unless no other access is available.

13. *Utilities.* Utilities shall be installed in accordance with Ch. 7.10 KCC.

14. *Surface drainage facilities.* Surface drainage facilities such as drainage channels and retention areas shall be designed to applicable city standards and shall be integral parts, if possible, of any common trail and open space system connections to the riverfront.

**SECTION 7.** Section 15.08.400 of the Kent City Code, entitled “Planned unit development, PUD” shall be amended to read as follows:

**Sec. 15.08.400. Planned unit development, PUD.**

The intent of the PUD is to create a process to promote diversity and creativity in site design, and protect and enhance natural and community features. The process is provided to encourage unique developments which may combine a mixture of residential, commercial and industrial uses. By using flexibility in the application of development standards, this process will promote developments that will benefit citizens that live and work within the city.

A. *Zoning districts where permitted.* PUDs are permitted in all zoning districts with the exception of the A-1, agricultural zone; provided, however, that PUDs in SR zones are only allowed if the site is at least one hundred (100) acres in size.

B. *Permitted uses*

1. *Principally permitted uses.* The principally permitted uses in PUDs shall be the same as those permitted in the underlying zoning classifications except as provided in subsection (B)(4) of this section.

2. *Conditional uses.* The conditional uses in PUDs shall be the same as those permitted in the underlying zoning classification. The conditional use permit review process may be consolidated with that of the PUD pursuant to procedures specified in subsection (F) of this section.

3. *Accessory uses.* Accessory uses and buildings which are customarily incidental and subordinate to a principally permitted use are also permitted.

4. *Exceptions.* In residential PUDs of ten (10) acres or more, commercial uses may be permitted. Commercial uses shall be limited to those uses permitted in the neighborhood convenience district. In PUDs located in SR zones, attached dwelling units are permitted only if they are condominiums created in accordance with the Washington Condominium Act, Chapter 64.34 RCW; provided that if a proposed PUD in a single-family zoning district includes condominiums, the density bonus provisions outlined in subsection (D) of this section shall not apply, and further provided that no condominium building may exceed two (2) stories.

C. *Development standards.* The following development standards are minimum requirements for a planned unit development:

1. *Minimum lot size exclusion.* The minimum lot size requirements of the districts outlined in this title shall not apply to PUDs.

2. *Minimum site acreage.* Minimum site acreage for a PUD is established according to the zoning district in which the PUD is located, as follows:

<i>Zones</i>	<i>Minimum Site Acreage</i>
SR zones (SR-1, SR-2, SR-3, SR-4.5, SR-6, SR-8)	100 acres
Multifamily (MR-D, MR-G, MR-M, MR-H)	None
Commercial, office and manufacturing zones	None

3. *Minimum perimeter building setback.* The minimum perimeter building setback of the underlying zone shall apply. Multifamily transition area requirements shall apply to any multifamily developments (as provided in KCC 15.08.215), except where specifically exempted by administrative design review (as provided in KCC 15.09.045). The hearing examiner may reduce building separation requirements to the minimum required by the building and fire departments according with the criteria set forth in subsection (F)(1) of this section. If an adjacent property is undevelopable under this title, the hearing examiner may also reduce the perimeter building setback requirement to the minimum standards in the city building and fire codes.

4. *Maximum height of structures.* The maximum height of structures of the underlying zone shall apply. Multifamily transition area requirements shall apply to any multifamily developments (as provided in KCC 15.08.215) except where specifically exempted by administrative design review (as provided in KCC 15.09.045). The hearing examiner may authorize additional height in CC, GC, DC, CM, M1, M2 and M3 zones where proposed development in the PUD is compatible with the scale and character of adjacent existing developments.

5. *Open space.*

a. The standard set forth in this subsection shall apply to PUD residential developments only. Each PUD shall provide a minimum of thirty-five (35) percent of the total site area for common open space. In mixed use PUDs containing residential uses, thirty-five (35) percent of the area used for residential use shall be reserved as open space.

b. For the purpose of this section, open space shall be defined as land which is not used for buildings, dedicated public rights-of-way, traffic circulation and roads, parking areas, or any kind of storage. Open space includes but is not limited to privately owned woodlands, open fields, streams, wetlands, severe hazard areas, sidewalks, walkways, landscaped areas, gardens, courtyards or lawns. Common open space may provide for either active or passive recreation.

c. Open space within a PUD shall be available for common use by the residents, tenants or the general public, depending on the type of project.

6. *Streets.* If streets within the development are required to be dedicated to the city for public use, such streets shall be designed in accordance with the standards outlined in the city subdivision code and other appropriate city standards. If streets within the development are to remain in private ownership and remain as private streets, the following standards shall apply:

a. Minimum private street pavement widths for parallel parking in residential planned unit developments. Minimum private street pavement widths for parallel parking in residential planned unit developments are as follows:

	<i>No Parking (feet)</i>	<i>Parking One Side (feet)</i>	<i>Parking Both Sides (feet)</i>
One-way streets	20	29	38
Two-way streets	22	31	40

The minimum widths set out in this subsection may be modified upon review and approval by the city fire chief and the city traffic engineer providing they are sufficient to maintain emergency access and traffic safety. A maintenance agreement for private streets within a PUD shall be required by the hearing examiner as a condition of PUD approval.

b. *Vehicle parking areas.* Adequate vehicular parking areas shall be provided. The required number of parking spaces may vary from the requirements of Ch. 15.05 KCC and shall be approved by the hearing examiner based upon a parking need assessment study submitted by the applicant and approved by the planning ~~director~~manager. Vehicular parking areas may be provided by on-street parking or off-street parking lots. The design of such parking areas shall be in accordance with the standards outlined in Ch. 15.05 KCC.

c. *One-way streets.* One-way loop streets shall be no more than one thousand five hundred (1,500) feet long.

d. *On-street parking.* On-street parking shall be permitted. Privately owned and maintained “no parking” and “fire lane” signs may be required as determined by the city traffic engineer and city fire department chief.

7. *Pedestrian walkways.* Pedestrian walkways shall be constructed of material deemed to be an all-weather surface by the public works director and planning ~~director~~manager.

8. *Landscaping.*

a. Minimum perimeter landscaping of the underlying zone shall apply. Additional landscaping shall be required as provided in Ch. 15.07 KCC and KCC 15.08.215.

b. All PUD developments shall ensure that parking areas are integrated with the landscaping system and provide screening of vehicles from view from public streets. Parking areas shall be conveniently located to buildings and streets while providing for landscaping adjacent to buildings and pedestrian access.

c. Solid waste collection areas and waste reduction or recycling collection areas shall be conveniently and safely located for onsite use and collection, and attractively site screened.

9. *Signs.* The sign regulations of Ch. 15.06 KCC shall apply.

10. *Platting.* If portions of the PUD are to be subdivided for sale or lease, the procedures of the city subdivision code, as amended, shall apply. Specific development standards such as lot size, street design, etc., shall be provided as outlined in subsection (E) of this section.

11. *Green River Corridor.* Any development located within the Green River Corridor special interest district shall adhere to the Green River Corridor special interest district regulations.

12. *View regulations.* View regulations as specified in KCC 15.08.060 shall apply to all PUDs.

13. *Shoreline master program.* Any development located within two hundred (200) feet of the Green River shall adhere to the city shoreline master program regulations.

D. *Density bonus standards.* The density of residential development for PUDs shall be based on the gross density of the underlying zoning district. The hearing examiner may recommend a dwelling unit density not more than twenty (20) percent greater than that permitted by the underlying zone upon findings and conclusions that the amenities or design features which promote the purposes of this subsection, as follows, are provided:

1. *Open space.* A four (4) percent density bonus may be authorized if at least ten (10) percent of the open space is in concentrated areas for passive use. Open space shall include significant natural features of the site, including but not limited to fields, woodlands, watercourses, and permanent and seasonal wetlands. Excluded from the open space definition are the areas within the building footprints, land used for parking, vehicular circulation or rights-of-way, and areas used for any kind of storage.



2. *Active recreation areas.* A four (4) percent density bonus may be authorized if at least ten (10) percent of the site is utilized for active recreational purposes, including but not limited to jogging or walking trails, pools, children's play areas, etc. Only that percentage of space contained within accessory structures that is directly used for active recreation purposes can be included in the ten (10) percent active recreation requirement.

3. *Stormwater drainage.* A two (2) percent density bonus may be authorized if stormwater drainage control is accomplished using natural onsite drainage features. Natural drainage feature may include streams, creeks, ponds, etc.

4. *Native vegetation.* A four (4) percent density bonus may be authorized if at least fifteen (15) percent of the native vegetation on the site is left undisturbed in large open areas.

5. *Parking lot size.* A two (2) percent density bonus may be authorized if off-street parking is grouped in areas of sixteen (16) stalls or less. Parking areas must be separated from other parking areas or buildings by significant landscaping in excess of type V standards as provided in KCC 15.07.050. At least fifty (50) percent of these parking areas must be designed as outlined in this subsection to receive the density bonus.

6. *Mixed housing types.* A two (2) percent density bonus may be authorized if a development features a mix of residential housing types. Single-family residences, attached single units, condominiums, apartments and townhomes are examples of housing types. The mix need not include some of every type.

7. *Project planning and management.* A two (2) percent density bonus may be granted if a design/development team is used. Such a team would include a mixture of architects, engineers, landscape architects and designers. A design/development team is likely to produce a professional development concept that would be consistent with the purpose of the zoning regulations.

These standards are thresholds, and partial credit is not given for partial attainment. The site plan must at least meet the threshold level of each bonus standard in order for density bonuses to be given for that standard.

E. *Master plan approvals.* The master plan process is intended to allow approval of a generalized, conceptual development plan on a site which would then be constructed in phases over a longer period of time than a typical planned unit development. The master plan approval process is typically appropriate for development which might occur on a site over a period of several years, and in phases which are not entirely predicable.

1. *Submittal requirements.* The distinguishing characteristic between a master plan development application and a planned unit development application is that a master plan development proposal is conceptual in nature. However, the master plan application shall provide sufficient detail of the scope of the development, the uses, the amount of land to be developed and preserved, and how services will be provided. The specific submittal requirements are noted below:

a. A written description of the scope of the project, including total anticipated build-out (number of units of residential, gross floor area for commercial), and the types of uses proposed;

b. A clear vicinity map, showing adjacent roads;

c. A fully dimensional site plan, which would show the areas upon which development would occur, the proposed number of units or buildings in each phase of the development, the areas would be preserved for open space or protection of environmentally sensitive features, and a generalized circulation plan, which would include proposed pedestrian and bicycle circulation;

d. A generalized drainage and stormwater runoff plan;

e. A site map showing contours at not greater than five (5) foot intervals and showing any wetlands, streams, or other natural features.

f. A description of the proposed phasing plan.  
g. Documentation of coordination with the Kent school district.  
h. Certificates of water and sewer availability.  
i. Generalized building elevations showing the types of uses being proposed.

2. *Density.* The gross density of a residential master plan project shall be the same as the density allowable in the underlying zoning district.

3. *Open space.* The criteria in subsection (C)(5) of this section shall apply.

4. *Application process.* The application process for a master plan application shall be as outlined in subsection (F) of this section.

5. *Review criteria.* The review criteria for a master plan application shall be the same as those outlined in subsection (G) of this section.

6. *Administrative approval of individual phases.* Once a master site plan PUD has been approved pursuant to subsection (F) of this section, any individual phase of the development shall be reviewed and approved administratively, as outlined in Ch. 15.09 KCC; provided that for each phase of development that includes a residential condominium, the applicant shall submit a copy of the condominium declaration recorded against the property, and as outlined in RCW 64.34.200.

7. *Time limits.* The master plan approved by the hearing examiner or city council, as provided in subsection (F) of this section, shall be valid for a period of up to seven (7) years. At the end of this seven-year period, development permits must be issued for all phases of the master plan development. An extension of time may be requested by the applicant. A single extension may be granted by the ~~planning director~~ manager for a period of not more than two (2) more additional years.

8. *Modifications.* Once approved, requests for modifications to the master plan project shall be made in writing to the ~~planning director~~ manager. The ~~planning director~~ manager shall make a determination as to whether the requested modification is major or minor as outlined in subsection (I) of this section.

F. *Application process.* The application process includes the following steps: informal review process, compliance with the State Environmental Policy Act, community information meeting, development plan review, and public hearing before the hearing examiner.

1. *Informal review process.* An applicant shall meet informally with the planning department at the earliest possible date to discuss the proposed PUD. The purpose of this meeting is to develop a project that will meet the needs of the applicant and the objectives of the city as defined in this title.

2. *SEPA compliance.* Compliance with the State Environmental Policy Act and regulations and city SEPA requirements shall be completed prior to development plan review.

3. *Development plan review.* After informal review and completion of the SEPA process, a proposal shall next be reviewed by city staff through the development plan review process. Comments received by the project developer under the development review process shall be used to formalize the proposed development prior to the development being presented at a public hearing before the hearing examiner.

4. *Community information meeting.*

a. A community information meeting shall be required for any proposed PUD located in a residential zone or within two hundred (200) feet of a residential zone. At this meeting, the applicant shall present the development proposed to interested residents. Issues raised at the meeting may be used to refine the PUD plan. Notice shall be given in at least one (1) publication in the local newspaper at least ten (10) days prior to the public hearing. Written notice shall be mailed first class to all property owners within a radius of not less than two hundred (200) feet of the exterior boundaries of the property subject to the application. Any alleged failure of any property owner to actually receive the notice of hearing shall not invalidate the proceedings.

b. Nonresidential PUDs not located within two hundred (200) feet of a residential zone shall not require a community information meeting.

5. *Public notice and hearing examiner public hearing.* The hearing examiner shall hold at least one (1) public hearing on the proposed PUD and shall give notice thereof in at least one (1) publication in the local newspaper at least ten (10) days prior to the public hearing. Written notice shall be mailed first class to all property owners within a radius of not less than two hundred (200) feet of the exterior boundaries of the property subject to the application. Any alleged failure of any property owner to actually receive the notice of hearing shall not invalidate the proceedings.

6. *Consolidation of land use permit processes.* The PUD approval process may be used to consolidate other land use permit processes which are required by other sections of this title. The public hearing required for the PUD may serve as the public hearing for the conditional use permit, subdivision, shoreline substantial development and rezoning if such land use permits are a part of the overall PUD application. When another land use permit is involved which requires city council approval, the PUD shall not be deemed to be approved until the city council has approved the related land use permit. If a public hearing is required for any of the categories of actions listed in this subsection, the hearing examiner shall employ the public hearing notice requirements for all actions considered which ensure the maximum notice to the public.

7. *Hearing examiner decision.* The hearing examiner shall issue a written decision within ten (10) working days from the date of the hearing. Parties of record will be notified in writing of the decision. The decision is final unless notice of appeal is filed with the city clerk within fourteen (14) days of receipt by the developer of the decision. For PUDs which propose a use which is not typically permitted in the underlying zoning district as provided in subsection (B)(4) of this section, the hearing examiner shall forward a recommendation to the city council, which shall have the final authority to approve or deny the proposed PUD. For a proposed residential PUD that includes condominiums as outlined in subsection (B)(4) of this section, a condition of approval by the city council shall be that for each development phase the applicant shall submit a recorded copy of the covenants, conditions and restrictions recorded against the property. Within thirty (30)

days of receipt of the hearing examiner's recommendation, the city council shall, at a regular meeting, consider the application.

8. *Effective date.* In approving a PUD, the hearing examiner shall specify that the approved PUD shall not take effect unless or until the developer files a completed development permit application within the time periods required by this title as set forth in subsection (G) of this section. No official map or zoning text designations shall be amended to reflect the approved PUD designation until such time as the PUD becomes effective.

G. *Review criteria for planned unit developments.* Upon receipt of a complete application for a residential PUD, the planning department shall review the application and make its recommendation to the hearing examiner. The hearing examiner shall determine whether to grant, deny or condition an application based upon the following review criteria:

1. *Residential planned unit development criteria.*

a. The proposed PUD project shall have a beneficial effect upon the community and users of the development which would not normally be achieved by traditional lot-by-lot development and shall not be detrimental to existing or potential surrounding land uses as defined by the comprehensive plan.

b. Unusual environmental features of the site shall be preserved, maintained and incorporated into the design to benefit the development and the community.

c. The proposed PUD project shall provide areas of openness by using techniques such as clustering, separation of building groups, and use of well-designed open space and landscaping.

d. The proposed PUD project shall promote variety and innovation in site and building design. Buildings in groups shall be related by common materials and roof styles, but contrast shall be provided throughout the site by the use of varied materials, architectural detailing, building scale and orientation.

e. Building design shall be based on a unified design concept, particularly when construction will be in phases.

2. Nonresidential planned unit development criteria.

a. The proposed project shall have a beneficial effect which would not normally be achieved by traditional lot-by-lot development and not be detrimental to present or potential surrounding land uses as defined by the comprehensive plan.

b. Unusual environmental features of the site shall be preserved, maintained and incorporated into the design to benefit the development and the community.

c. The proposed project shall provide areas of openness by the clustering of buildings, and by the use of well-designed landscaping and open spaces. Landscaping shall promote a coordinated appearance and break up continuous expanses of building and pavement.

d. The proposed project shall promote variety and innovation in site and building design. It shall encourage the incorporation of special design features such as visitor entrances, plazas, outdoor employee lunch and recreation areas, architectural focal points and accent lighting.

e. Building design shall be based on a unified design concept, particularly when construction will be in phases.

H. *Time limits.*

1. *Application for development permit.* The applicant shall apply for a development permit no later than one (1) year following final approval of the PUD. The application for development permit shall contain all conditions of the PUD approval.

2. *Extensions.* An extension of time for development permit application may be requested in writing by the applicant. Such an extension may be granted by the planning director ~~director~~ manager for a period not to exceed one (1) year. If a development permit is not issued within two (2) years, the PUD approval shall become null and void and the PUD shall not take effect.

I. *Modifications of plan.* Requests for modifications of final approved plans shall be made in writing and shall be submitted to the planning department in the manner and form prescribed by the ~~planning director~~manager. The criteria for approval of a request for a major modification shall be those criteria covering original approval of the permit which is the subject of the proposed modification.

1. *Minor modifications.* Modifications are deemed minor if all the following criteria are satisfied:

- a. No new land use is proposed;
- b. No increase in density, number of dwelling units or lots is proposed;
- c. No change in the general location or number of access points is proposed;
- d. No reduction in the amount of open space is proposed;
- e. No reduction in the amount of parking is proposed;
- f. No increase in the total square footage of structures to be developed is proposed; and
- g. No increase in general height of structures is proposed.

Examples of minor modifications include but are not limited to lot line adjustments, minor relocations of buildings or landscaped areas, minor changes in phasing and timing, and minor changes in elevations of buildings.

2. *Major modifications.* Major adjustments are those which, as determined by the ~~planning director~~manager, substantially change the basic design, density, open space or other similar requirements or provisions. Major adjustments to the development plans shall be reviewed by the hearing examiner. The hearing examiner may review such adjustments at a regular public hearing. If a public hearing is held, the process outlined in subsection (F) of this section shall apply. The hearing examiner shall issue a written decision to approve, deny or modify the request. Such a decision shall be final. ~~The decision may be appealed to the city council by the filing of written notice of appeal with~~



~~the city clerk within fourteen (14) days of the date of the developer's receipt of the hearing examiner's decision.~~ Any appeals of this decision shall be in accordance with KCC Section 12.01.040.

**SECTION 8.** Section 15.09.030 of the Kent City Code, entitled "Conditional use permit" shall be amended to read as follows:

**Sec. 15.09.030. Conditional use permit.**

**A. Purpose.**

1. Conditional use permits, revocable, conditional or valid for a time period may be issued by the hearing examiner for any of the uses or purposes for which such permits are required or permitted by the terms of this title. The purpose of the conditional use permit is to allow the proper integration into the community of uses which may be suitable only on certain conditions in specific locations in a zoning district, or if the site is regulated in a particular manner. A conditional use permit is categorized as a Process III application and shall be subject to the requirements of Ch. 2.32 KCC and Ch. 12.01 KCC.

2. Any use existing at the time of adoption of this title which is within the scope of uses permitted by a conditional use permit in the district in which the property is situated shall be deemed a conforming use without necessity of a conditional use permit.

3. Any expansion of an existing conditional use may be required to apply for a new conditional use permit if the planning ~~director~~manager finds that there is a change in the nature of the use by such expansion.

**B. Application.**

1. The owner or his agent may make application for a conditional use permit, which shall be on a form prescribed by the planning department and filed with the

planning department. Applications for conditional use permits shall be filed in accordance with the requirements of Ch. 12.01 KCC.

2. Development plans shall be submitted, drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of buildings already existing, if any, and the location on the lot of the proposed building or alteration. The plans shall show proposed landscaping, off-street parking, signs, ingress and egress and adjacent land uses. The plan shall include other information as may be required by the planning department.

C. *Public hearing.* The hearing examiner shall hold an open record public hearing on any proposed conditional use, and shall give notice thereof in accordance with the procedures established pursuant to Ch. 2.32 KCC and KCC 12.01.130 and 12.01.140.

D. *Standards and criteria for granting.* A conditional use permit shall only be granted after the hearing examiner has reviewed the proposed use to determine if it complies with the standards and criteria set forth below and in accordance with the requirements for Process III applications under Ch. 12.01 KCC. A conditional use permit shall only be granted if such finding is made.

1. The proposed use in the proposed location will not be detrimental to other uses legally existing or permitted outright in the zoning district.

2. The size of the site is adequate for the proposed use.

3. The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity.

4. The other performance characteristics of the proposed use are compatible with those of other uses in the neighborhood or vicinity.

5. Adequate buffering devices such as fencing, landscaping or topographic characteristics protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects.

6. The other uses in the vicinity of the proposed site are such as to permit the proposed use to function effectively.

7. The proposed use complies with the performance standards, parking requirements and other applicable provisions of this title.

8. Any other similar considerations may be applied that may be appropriate to a particular case.

E. *Action of hearing examiner.*

1. Special conditions may be imposed on the proposed development to ensure that the proposed use will meet the standards and criteria of subsection (D) of this section in granting a conditional use permit. Guarantees and evidence that such conditions are being complied with may be required.

~~2. If the proposal also involves the requirement to obtain exceptions to development standards, the hearing examiner may approve, modify or deny conditional exceptions to those development standards, including height, unique structures, signage and setbacks, when considering a conditional use permit application for that same proposal.~~

F. *Appeals.* The decision of the hearing examiner shall be final, unless an appeal is made to the city council within fourteen (14) calendar days after the hearing examiner's notice of decision. The appeal shall be in writing to the city council and filed with the city clerk in accordance with the procedures established in KCC 12.01.190.

G. *Period of validity.* Any conditional use permit granted by the hearing examiner shall remain effective only for ~~one (1)~~ three (3) years unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within ~~one (1)~~ three (3) years, the conditional use permit shall become invalid.

**SECTION 9.** Section 15.09.040(E) of the Kent City Code, entitled “Variances” shall be amended to read as follows:

**Sec. 15.09.040. Variances.**

The hearing examiner shall have the authority to grant a variance where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this title might result from the strict application of certain provisions. A variance may not be granted to allow a use that is not in conformity with the uses specified by this title for the district in which the land is located. (Note: Sign variances are heard by the city hearing examiner.)

A. *Application.* The owner or his agent may make application for a variance, which shall be on a form prescribed by the planning department and filed with the planning department. An application for a variance shall be filed in accordance with the requirements of Ch. 12.01 KCC.

1. A variance is categorized as a Process III application and shall be subject to the requirements of Ch. 12.01 KCC.

B. *Public hearing.* The hearing examiner shall hold an open record public hearing on any proposed variance in accordance with the requirements of Ch. 2.32 KCC and Ch. 12.01 KCC.

C. *Conditions for granting.* Before any variance may be granted, it shall be shown and the hearing examiner shall find that:

1. The variance shall not constitute a grant of special privileges inconsistent with a limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application was filed is located;

2. Such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it

with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located; and

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

D. ~~Hearing examiner action.~~ The decision of the hearing examiner shall be final and conclusive, unless within twenty one (21) calendar days from the date of the notice of decision the original applicant or an adverse party files a petition in the superior court pursuant to Chapter 36.70C RCW Appeals. The decision of the hearing examiner shall be final, unless an appeal is made to the city council within fourteen (14) calendar days after the hearing examiner's notice of decision. The appeal shall be in writing to the city council and filed with the city clerk in accordance with the procedures established in KCC 12.01.190.

E. *Period of validity.* Any variance authorized by the hearing examiner shall remain effective only for ~~one (1)~~ three (3) years, unless the use is begun within that time or construction has commenced. If not in use or construction has not commenced within ~~one (1)~~ three (3) years, the variance shall become invalid.

**SECTION 10.** Section 15.09.042 of the Kent City Code, entitled "Administrative variances," is hereby amended to read as follows:

**Sec. 15.09.042. Administrative variances.**

A. *Scope.* The planning ~~manager~~director shall have the authority to grant an administrative variance for up to twenty-five (25) percent of the numerical zoning code standard for setbacks, lot coverage, and building height as provided in this title.

B. *Application.* The owner or his/her agent may make application for an administrative variance, which shall be on a form prescribed by the planning ~~manager~~director and filed with the planning department. An administrative variance is

classified as a Process II application and shall be subject to the applicable requirements of Ch. 12.01 KCC. The planning ~~manager~~director shall review applications for completeness, and a notice of completeness will be issued within twenty-eight (28) calendar days after submittal. Those applications deemed incomplete shall be returned to the applicant for further action in accordance with the provisions of KCC 12.01.100.

~~C. *Public notice.* Public notice of the application pending review shall be mailed to the applicant and to property owners within three hundred (300) feet of the subject property, and other agencies with jurisdiction, within ten (10) calendar days of the date of completeness. Comments from concerned parties will be accepted for an additional ten (10) calendar days. Following the end of the comment period, the planning director shall have ten (10) calendar days to approve, approve with conditions, or deny the application.~~

~~CD. *Conditions for granting an administrative variance*~~ The planning ~~manager~~director may grant an administrative variance if it is shown that:

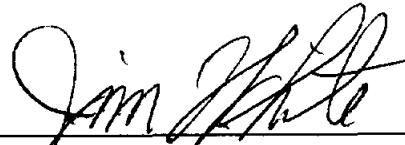
1. The administrative variance does not detract from the desired character and nature of the vicinity in which it is proposed;
2. The administrative variance enhances or protects the character of the neighborhood or vicinity by protecting natural features, historic sites, open space, or other resources;
3. The administrative variance does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning district it occupies; and
4. Granting the administrative variance does not constitute a threat to the public health, safety and welfare within the city.

~~E. *Appeals.* Appeals of the planning ~~director~~manager shall be submitted within fourteen (14) calendar days of the date of the ~~director's~~manager's decision and shall be by the applicant or any party of record. The city hearing examiner shall hold an open record appeal hearing to consider the appeal in accordance with the requirements of Ch. ~~2.32 KCC and Ch. 12.01.190 KCC.~~~~

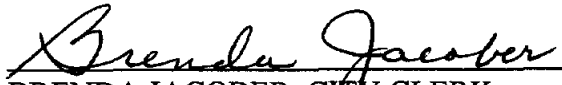
**SECTION 11. Severability.** If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

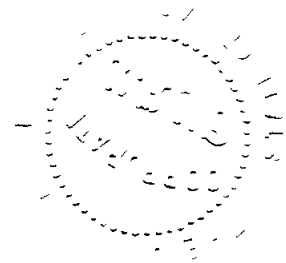
**SECTION 12. Savings Clause.** Zoning Code provisions amended by this ordinance shall remain in force and effect until the effective date of this ordinance.

**SECTION 13. Effective Date.** This Ordinance shall take effect and be in force five (5) days from the time of its final approval and passage as provided by law.

  
\_\_\_\_\_  
JIM WHITE, MAYOR

ATTEST:

  
\_\_\_\_\_  
BRENDA JACOBES, CITY CLERK



APPROVED AS TO FORM:

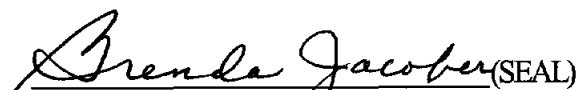
  
\_\_\_\_\_  
TOM BRUBAKER, CITY ATTORNEY

PASSED: 7 day of May, 2002.

APPROVED: 7 day of May, 2002.

PUBLISHED: 11 day of May, 2002.

I hereby certify that this is a true copy of Ordinance No. 3600, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

  
BRENDA JACOBER (SEAL)  
CITY CLERK

P:\Civi\Ordinance\Title15\Title12-Chapters12.01-15.02-15.04-15.08-15.09\Revisions41002.doc

