

ORDINANCE NO. 4257

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapters 3.21, 12.01, 12.04, 15.02, 15.03, 15.04, 15.08, and 15.09 of the Kent City Code pertaining to development regulations as part of the City's annual docket process.

RECITALS

A. The City of Kent ("City") considers annual amendments to plans or development regulations that are suggested by interested persons via a docket process.

B. On October 18, 2016, the city council approved the 2016 docket items and amended 2014 and 2015 docket reports, which included the code amendments adopted through this ordinance.

C. The purpose statement for M1 Industrial Park District zoning included a phrase that needed a grammatical correction. The issue was considered under Docket No. B.1. The correction is included in this ordinance.

D. On April 19, 2005, the city council passed Ordinance No. 3746 that created Chapter 11.06 of Kent City Code ("KCC") pertaining to critical areas. The critical areas code obviated the need for the zoning code to contain regulations related to critical areas, and those regulations in the zoning code were repealed. The repeal did not include related definitions

in the zoning code nor did it correct other references to the repealed sections of the zoning code. Appropriate code definitions and references were considered under Docket No. B.2. Those definitions and references are repealed or corrected by this ordinance.

E. Chapter 3.21 KCC prohibits new social card games in the city except those operated or conducted by bona fide charitable or nonprofit organizations. Docket No. B.3 requested consideration of removing the ban on new social card games in certain areas of the city.

F. Docket No. B.4 requested consideration of options for dumpster space for recycling and composting in multifamily developments. The city is postponing code amendments pertaining to dumpster space until review and consideration of amendments approved at the county level.

G. On March 6, 2007, the city council passed Ordinance No. 3830 that established design review for homes located within subdivisions and short subdivisions vested after March 22, 2007, or altered to comply with code amendments effective after March 22, 2007. Ordinance No. 3830 also created mixed side yard setbacks. As noted in the recitals of that ordinance, the outcomes heard through extensive public outreach included reducing visual monotony, creating additional space between buildings, improving building aesthetics and reducing perceived overcrowding. Docket Nos. B.5 and B.6 considered whether the side yard setbacks and application of residential design review were creating the result desired by the city. This ordinance includes amendments intended to achieve the desired result.

H. In 2014, the city engaged the services of the Urban Land Institute Technical Assistance Panel ("panel") to consider which light rail

station locations in the Midway area would best support transit-oriented development and related economic and environmental benefits envisioned in the Midway Subarea Plan. The panel also suggested flexibility in regulatory requirements, including increasing the height limit in the Midway Transit Community-1 (MTC-1) area to seven stories or 65 feet while maintaining the reduced height allowance when abutting a residential district. The height increase was considered under Docket No. B7 and is reflected in this ordinance.

I. On October 7, 2014, the city council passed Ordinance No. 4124 amending the Kent City Zoning Code to clarify that marijuana-based land uses are prohibited in all zoning districts in the city. On July 5, 2016, the city council passed Ordinance No. 4208 repealing sections of city code pertaining to medical cannabis collective gardens and prohibiting the establishment of residential medical marijuana patient cooperatives in all zoning districts of the city. Further consideration of these prohibitions is not ripe for analysis at this time (Docket No. B8).

J. On December 13, 2016, the city council passed Ordinance No. 4222 designating the Riverbend Gateway project area as a residential targeted area for multi-family limited property tax exemptions. The city council does not desire to consider extending exemption to other locations at this time (Docket No. B9).

K. On October 19, 2010, the city council passed Ordinance No. 3978 that removed rounding as a mechanism for determining density when there are less than four lots, and raised the fraction needed to gain density for lots when there are four to nine. Residents had expressed concern that rounding in some circumstances could create building lots whose size conflicts with the character of the surrounding neighborhood. The ordinance also recognized that rounding was one way to affect

achieved densities in accordance with the Growth Management Act and offset additional requirements imposed on subdivisions as a result of new residential development standards.

L. At their June 7, 2016 meeting, the economic and community development committee approved including consideration of the rounding provisions in the work program along with the 2016 docket. The rounding provisions are included in this ordinance.

M. The public has expressed concerns about the City's public notice procedures. At their May 8, 2017 meeting, the land use and planning board approved including consideration of public notice process improvements along with the 2016 docket. Public notice process improvements are included in this ordinance.

N. On September 20, 2017, the city requested expedited review from the State of Washington under RCW 36.70A.106 for the city's proposed amendments to KCC. The expedited review was granted on October 9, 2017.

O. On October 6, 2017, the city's SEPA responsible official issued a Determination of Nonsignificance for the code amendments.

P. The land use and planning board held a workshop to discuss these code amendments on September 25, 2017. After appropriate public notice, the board held a public hearing on October 23, 2017 to consider the proposed code amendments and forwarded their recommendation to the city council.

Q. On November 13, 2017, the economic and community development committee considered the recommendation of the board and made a recommendation to the full city council.

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

ORDINANCE

SECTION 1. - *Amendment.* Chapter 3.21 of the Kent City Code entitled "Gambling Tax," is amended as follows:

Sec. 3.21.010. Gambling activities and tax.

A. *Tax imposed.* In accordance with RCW 9.46.110, the following taxes are levied upon all persons, associations, and organizations who have been duly licensed by the Washington State Gambling Commission to conduct or operate gambling activities:

1. For bingo games and raffles, a tax rate of five (5) percent of the gross receipts received therefrom less the amount awarded as cash or merchandise prizes;

2. For amusement games, a tax rate of two (2) percent of the gross receipts from any such amusement games less the amount awarded as prizes, which is an amount less than the actual amount of costs of enforcement by the city of the provisions of Chapter 9.46 RCW;

3. For punch boards and pull-tabs for bona fide charitable or nonprofit organizations and for commercial stimulant operators, a tax rate of ten (10) percent based on the gross receipts from the operation of the games less the amount awarded as cash or merchandise prizes;

4. Commencing July 1, 2013, for social card games not prohibited by subsection (D) of this section, a tax rate of seven (7) percent of the gross revenue from those games. Beginning January 1, 2017, this tax rate will return to eleven (11) percent of the gross revenue from those games.

B. *Definitions.* For the purposes of this chapter, the words and terms used herein shall have the same meaning given to each pursuant to Chapter 9.46 RCW, as same exist or may from time to time be amended; and as set forth under the rules of the Washington State Gambling Commission, WAC Title 230, as the same exists or may hereafter be amended, unless otherwise specifically provided herein.

C. *Exemption from tax.* No tax shall be imposed under the authority of this chapter on bingo or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in Chapter 9.46 RCW, which organization has no paid operating or management personnel and has gross receipts from bingo or amusement games, or any combination thereof, not exceeding five thousand dollars (\$5,000) per year less the amount awarded as cash or merchandise prizes. For raffles conducted by bona fide charitable or nonprofit organizations, no tax shall be imposed under this chapter on the first ten thousand dollars (\$10,000) per year of gross receipts, less the amount awarded as cash or merchandise for prizes.

D. *~~Social-House-banked card roomsgames~~ —Prohibited—Exceptions.* Pursuant to RCW 9.46.295 and to the city's police power and legislative authority, the operation or conduct of ~~house-banked~~~~social~~ card roomsgames by any person, association, or organization as a commercial stimulant, as defined in Chapter 9.46 RCW, is ~~prohibited~~ allowed within the

~~city of Kent pursuant to Title 15 Kent City Code; provided, that house-banked social card game establishments licensed by the Washington State Gambling Commission, lawfully operating in an area as described in RCW 9.46.295 and annexed by the city of Kent, and which are in compliance with the provisions of this chapter, may continue to operate house-banked social card games as a commercial stimulant under said license and renewals thereto at the original licensed location or at another location within the same annexation area; provided, however, that a relocated establishment must otherwise comply with applicable land use and Gambling Commission regulations. It is further provided that bona fide charitable or nonprofit organizations, as defined in Chapter 9.46 RCW, may operate or conduct social card games if said social card games have been duly licensed by the Washington State Gambling Commission and if they are otherwise operated or conducted in compliance with the provisions of this chapter. A violation of this section shall not be subject to KCC 1.01.140.~~

Sec. 3.21.020. Administration and collection. The administration and collection of the tax imposed by this chapter shall be by the finance director, pursuant to the rules and regulations of the state gambling commission. The city council shall adopt and publish such rules and regulations as may be reasonably necessary to enable the collection of the tax imposed herein.

Sec. 3.21.030. Filing. For the purpose of identifying who shall be subject to the tax imposed by this chapter, any person, association, or organization intending to conduct or operate any gambling activity authorized by RCW 9.46.010 et seq. shall, prior to commencement of any such activity, file with the finance director a sworn declaration of intent to conduct or operate such activity, together with a copy of the license issued in accordance with RCW 9.46.010 et seq. Thereafter, for any period

covered by such state license or any renewal thereof, any person, association, or organization shall, on or before the fifteenth day of the month following the end of the quarterly period in which the tax accrued, file with the finance director a sworn statement on a form to be provided and prescribed by the city council for the purpose of ascertaining the tax due for the preceding quarterly period.

Sec. 3.21.040. Tax due.

A. Quarterly tax reporting and payment. Except as provided in subsection (B) of this section for taxes due in excess of fifty thousand dollars (\$50,000) annually, the tax imposed by this chapter shall be due and payable in quarterly installments and remittance therefor, together with the return forms, shall be made on or before the final day of the month immediately after the quarterly period in which the tax accrued. Such payments shall be due on January 31, April 30, July 31, and October 31 of each respective year.

1. Whenever any person, association, or organization taxed under this chapter quits business, sells out, or otherwise disposes of its business, or terminates the business, any tax due shall become due and payable immediately, and such taxpayer shall, within ten (10) days after the last date the establishment is open for business, file a return and pay the tax due.

2. Whenever it appears to the finance director that the collection of taxes from any person, association, or organization may be in jeopardy, the finance director, after not less than ten (10) days' notice to the taxpayer, is authorized to require that the taxpayer remit taxes due and returns at such shorter intervals than otherwise provided, as the finance director deems appropriate under the circumstances.

B. Monthly tax reporting and payment. The tax imposed by this chapter shall be due and payable in monthly installments when the gambling taxes due in the previous calendar year were in excess of fifty thousand dollars (\$50,000). In that event, the tax remittance, together with the return forms, shall be made on or before the final day of the month immediately after the month in which the tax accrued.

1. Whenever any person, association, or organization taxed under this chapter quits business, sells out, or otherwise disposes of its business, or terminates the business, any tax due shall become due and payable immediately, and such taxpayer shall, within ten (10) days after the last date the establishment is open for business, file a return and pay the tax due.

2. Whenever it appears to the finance director that the collection of taxes from any person, association, or organization may be in jeopardy, the finance director, after not less than ten (10) days' notice to the taxpayer, is authorized to require that the taxpayer remit taxes due and returns at such shorter intervals than otherwise provided, as the finance director deems appropriate under the circumstances.

Sec. 3.21.041. Administration and collection of tax.

A. Administration and collection of the various taxes imposed by this chapter shall be the responsibility of the finance director. Remittance of the amount due shall be accompanied by a completed return form prescribed and provided by the finance director. The taxpayer shall be required to swear and affirm that the information given in the return is true, accurate, and complete.

B. The finance director is authorized, but not required, to mail to taxpayers forms for returns. Failure of the taxpayer to receive such a form shall not excuse the taxpayer from making the return and timely paying all taxes due. The finance director shall have forms available to the public in reasonable numbers at the city hall customer services department during regular business hours.

C. In addition to the return form, a copy of the taxpayer's quarterly report to the Washington State Gambling Commission required by Chapter 230-08 WAC for the period in which the tax accrued, shall accompany remittance of the tax amount due.

Sec. 3.21.042. Method of payment. Taxes payable hereunder shall be remitted to the finance director on or before the time required by bank draft, certified check, cashier's check, personal check, money order, credit card, or cash. If payment is made by draft, credit card, or check, the tax shall not be deemed paid until the draft, credit card, or check is honored in the usual course of business, nor shall the acceptance of any sum by the finance director be an acquittance or discharge of the tax unless the amount paid is the full amount due. The return and copy of the quarterly report to the Washington State Gambling Commission shall be filed in the office of the finance director after notation by the finance director upon the return of the amount actually received from the taxpayer.

Sec. 3.21.043. Failure to make timely payment of tax or fee.

A. Penalty. For each payment due, if such payment is not made by the due date thereof, there shall be added a penalty as follows:

1. If not paid on or before the first day of the second month next succeeding the quarterly period in which the tax accrued, ten (10) percent of the total tax due with a minimum penalty of five dollars (\$5).

2. If not paid on or before the first day of the third month next succeeding the quarterly period in which the tax accrued, fifteen (15) percent of the total tax due with a minimum penalty of ten dollars (\$10).

3. If not paid on or before the first day of the fourth month next succeeding the quarterly period in which the tax accrued, twenty (20) percent of the total tax due with a minimum penalty of twenty dollars (\$20).

4. Failure to make full payment of all taxes and penalties due by the final day of the third month next succeeding the quarterly period in which the tax accrued shall be deemed to be both a criminal and civil violation of this chapter.

B. Service charge. In addition to the penalties imposed under subsection (A) of this section, a service charge of one (1) percent of the amount of the unpaid balance or two dollars (\$2.00), whichever amount is greater, will be imposed one (1) month from the date payment was due, and at the end of each succeeding monthly period, until all past due amounts are paid in full.

Sec. 3.21.050. Records required.

A. Each person, association, or organization engaging in an activity taxable under this chapter shall maintain records respecting that activity which truly, completely, and accurately disclose all information necessary to determine the taxpayer's tax liability hereunder during each base tax period. Such records shall be kept and maintained for a period of not less than three (3) years. In addition, all information and items required by the Washington State Gambling Commission under Chapter 230-08 WAC, and the United States Internal Revenue Service, respecting taxation, shall be kept and maintained for the periods required by those agencies.

B. All books, records, and other items required to be kept and maintained under this section shall be subject to, and immediately made available for inspection and audit at any time, with or without notice, at the place where such records are kept upon the demand of the finance director or his designee for the purpose of enforcing the provisions of this chapter.

C. Where the taxpayer does not keep all of the books, records, or items required to be kept or maintained under this section within the jurisdiction of the city so that the auditor may examine them conveniently, the taxpayer shall either:

1. Produce and make available for inspection in this jurisdiction all of the required books, records, or other items within ten (10) days following a request by the auditor that he do so;

2. Bear the actual cost of inspection by the auditor or his designee at the location of which books, records or items are located; provided, that a taxpayer choosing to bear these costs shall pay in advance to the finance director the estimated costs thereof, including but not limited to, round trip fare by the most rapid means, lodging, meals,

and incidental expenses. The actual amounts due or to be refunded for expenses shall be determined following the examination of the records.

D. A taxpayer who fails, neglects, or refuses to produce such books and records either within or without this jurisdiction, in addition to being subject to other civil and criminal penalties provided by this chapter, shall be subject to a jeopardy fee or tax assessment by the auditor which penalty fee or jeopardy assessment shall be deemed prima facie correct and shall be the amount of the fee or tax owing by the taxpayer unless he can prove otherwise. The taxpayer shall be notified by the finance director by posting in the mails of the United States, addressed to the taxpayer to the last address on file with the finance department, a statement of the amount of tax so determined by jeopardy assessment, together with any penalty and/or interest, and the total of such amounts shall thereupon become immediately due and payable.

Sec. 3.21.051. Overpayment or underpayment of tax. If, upon application by a taxpayer for a refund or for an audit of his records, or upon any examination of the returns or records of any taxpayer, it is determined by the finance director that within three (3) years immediately preceding receipt by the finance director of the application by the taxpayer for a refund or an audit, or in the absence of such an application, within three (3) years immediately preceding the commencement by the finance director of such examination:

A. A tax or other fee has been paid in excess of that properly due, the total excess paid over all amounts due to the city within such period of three (3) years shall be credited to the taxpayer's account or shall be credited to the taxpayer at the taxpayer's option. No refund or credit shall be allowed for any excess paid more than three (3) years before the date of such application or examination.

B. A tax or other fee has been paid which is less than that properly due, or no tax or other fee has been paid, the finance director shall mail a statement to the taxpayer, showing the balance due, including the tax amount or penalty assessments and fees, and it shall be a separate, additional violation of this chapter, both civil and criminal if the taxpayer fails to make payment in full within ten (10) calendar days of such mailing.

Sec. 3.21.052. Failure to make return. If any taxpayer fails, neglects, or refuses to make and file his return as and when required under this chapter, the finance director is authorized to determine the amount of tax payable, together with any penalty and/or interest assessed under the provisions of this chapter and by mail to notify such taxpayer of the amount so determined, which amount shall thereupon become the tax and penalty and/or interest and shall become immediately due and payable.

Sec. 3.21.053. Tax additional to others. The taxes levied herein shall be additional to any license fee or tax imposed or levied under any law or other ordinance of the city except as otherwise herein expressly provided.

Sec. 3.21.054. Finance director to make rules. The finance director shall have the power, and it shall be his or her duty, from time to time, to adopt, publish and enforce rules and regulations not inconsistent with this chapter or other applicable laws for the purpose of carrying out the provisions hereof, and it is unlawful to violate or fail to comply with any such rule or regulation.

Sec. 3.21.055. Taxes, penalties, service charges, and fees constitute debt to municipality. Any tax due and unpaid under this

chapter and all penalties, service charges, or fees shall constitute a debt to the city. The city may, pursuant to Chapter 19.16 RCW, use a collection agency to collect outstanding debts, or it may seek collection by court proceedings, which remedies shall be in addition to all other existing remedies. Further, as provided for in RCW 9.46.110(4), as now enacted or hereafter amended, taxes and associated penalties and charges imposed under this chapter shall become a lien upon personal and real property used in the gambling activity in the same manner as provided for under RCW 84.60.010 for property taxes. The lien shall attach on the date the tax becomes due and shall relate back and have priority against real and personal property to the same extent as ad valorem taxes.

Sec. 3.21.060. Penalties. Any person who shall fail or refuse to pay the tax as required in this chapter, or who shall wilfully disobey any rule or regulation promulgated by the city council under this chapter, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not more than ninety (90) days or by a fine of not more than two hundred fifty dollars (\$250) or by both such fine and imprisonment. Any such fine shall be in addition to the tax required. Officers, directors, and managers of any organization conducting gambling activities shall be jointly and severally liable for the payment of the tax and for the payment of any fine imposed under this chapter.

SECTION 2. – Amendment. Section 12.01.145 of the Kent City Code, entitled “Notice of open record hearing” is amended as follows:

Sec. 12.01.145 Notice of open record hearing.

A. Notice of open record hearing for all types of applications. The notice given of an open record hearing required in this chapter shall contain:

1. The name of the applicant or the applicant’s representative;

2. Description of the affected property, which may be in the form of either a vicinity location sketch or written description, other than a legal description;

3. The date, time, and place of the hearing;

4. The nature of the proposed use or development;

5. A statement that all interested persons may appear and provide testimony;

6. When and where information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be submitted;

7. The name of a city representative to contact and the telephone number where additional information may be obtained;

8. That a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at the cost of reproduction; and

9. That a copy of the staff report will be available for inspection at no cost at least five (5) calendar days prior to the hearing and copies will be provided at the cost provided for in the city's public record disclosure policy.

B. Mailed notice of open record hearing. Mailed notice of the open record hearing shall be provided by the city in hard copy or e-mail as follows:

1. Process I, II, and V actions. No public notice is required because an open record hearing is not held. Notice for short plat meetings is mailed to property owners within ~~threetwo~~ hundred (2300) feet. Shoreline permit notices shall be in accordance with the requirements of WAC 173-27-110.

2. Process III and IV actions. The notice of open record hearing shall be mailed to:

a. The applicant;

b. All owners of real property as shown by the records of the county assessor's office within three hundred (300) feet of the subject property; and

c. Any person who submits written comments, delivered to the planning services office, regarding the project permit.

3. Process IV preliminary plat actions. In addition to the general notice of open record hearing requirements for Process IV actions above, additional notice shall be provided as follows:

a. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two (2) miles of the boundary of a state or municipal airport shall be given to the Secretary of Transportation, who must respond within fifteen (15) calendar days of such notice.

b. Special notice of the hearing shall be given to adjacent land owners by any other reasonable method the city deems necessary.

Adjacent land owners are the owners of real property, as shown by the records of the King County assessor, located within three hundred (300) feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under RCW 58.17.090(1)(b) shall be given to owners of real property located within three hundred (300) feet of such adjacently owned parcels.

4. Process VI actions. For Process VI legislative actions, the city shall publish notice as described in subsections (C) and (D) of this section, and use all other methods of notice as required by RCW 35A.12.160. For privately proposed amendments to the comprehensive plan land use map, notice of the open record hearing shall be mailed to:

- a. The applicant;
- b. All owners of real property as shown by the records of the county assessor's office within three hundred (300) feet of the affected property; and
- c. Any person who has requested notice.

For revised geographic scope of the privately proposed land use plan map amendments, notice of the open record hearing shall be given by notification of all property owners within the revised land use plan map amendment area.

C. Procedure for posted or published notice of open record hearing.

1. Posted notice of the open record hearing is required for all Process III and IV actions. The posted notice of hearing shall be added to the sign already posted on the property pursuant to KCC 12.01.140(F).

2. Published notice of the open record hearing is required for all Process III and IV procedures. The published notice shall be published in the city's official newspaper or appropriate substitute as provided for in Resolution No. 1747 or as subsequently amended and contain the following information:

- a. Project location;
- b. Project description;
- c. Type of permit(s) required;
- d. Date, time, and location of the hearing; and
- e. Location where the complete application may be reviewed.

3. Published notice of the open record hearing is required for all Process VI procedures. The notice shall be published in the city's official newspaper or appropriate substitute as provided for in Resolution No. 1747 or as subsequently amended and, in addition to the information required in subsection (C)(2) of this section, shall contain the project description and the location where the complete file may be reviewed.

D. Time of notice of open record hearing. Notice shall be mailed, posted and first published not less than ten (10) calendar days prior to the hearing date. Any posted notice and notice boards shall be removed by the

applicant within seven (7) calendar days following the conclusion of the open record hearing(s).

SECTION 3. - Amendment. Section 12.04.227 of the Kent City Code, entitled "Procedure for alteration of a subdivision or short subdivision" is amended as follows:

Sec. 12.04.227. Procedure for alteration of a subdivision or short subdivision.

A. An applicant requesting to alter a subdivision or short subdivision or any portion thereof, except as provided in KCC 12.04.230, shall submit a plat alteration application to the permit center. The application shall be accompanied by such submittal requirements as described in the application form, and applicable fees, and shall contain the signatures of all persons having an ownership interest in lots, tracts, parcels, sites, or divisions within the subdivision or short subdivision or in that portion to be altered.

B. The planning director shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration. Major alterations are those that are not in response to staff review or public appeal and substantially change the basic design, increase the number of lots, substantially decrease open space, substantially change conditions of subdivision or short subdivision approval, substantially change access points, or other similar requirements or provisions. Minor alterations are those that make minor changes to engineering design or lot dimensions, decrease the number of lots to be created, or increase open space, or other similar minor changes. Major alterations shall not alter the be treated as new applications for purposes of vesting or validity period of the originally approved subdivision or short subdivision.

C. If the subdivision or short subdivision is subject to restrictive covenants which were filed at the time of the approval, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or short subdivision or any portion thereof.

D. If the alteration is requested prior to final plat or final short plat review and signature, a minor alteration may be approved with consent of the planning and the public works directors. A major plat or short plat alteration shall require consent of the short subdivision committee for short subdivisions or the hearing examiner for subdivisions after public notice and a public meeting or hearing is held. Planning services shall provide notice of the application for a major plat or short plat alteration to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the original subdivision or short subdivision application. The planning director shall have the authority to determine whether the proposed alteration constitutes a minor or major alteration pursuant to subsection (B) of this section.

E. If the alteration is requested after final plat or final short plat review and signature, but prior to filing the final plat or final short plat with King County, a plat or short plat alteration may be approved with consent of the short subdivision committee for short subdivisions or the planning director for subdivisions. Upon receipt of an application for alteration, planning services shall provide notice of the application to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the original application. The notice shall establish a date for a public meeting or hearing.

F. If the alteration is requested after filing the final plat or final short plat with King County, a minor plat or short plat alteration may be approved with consent of the short subdivision committee in the case of short subdivisions or the planning director for subdivisions. If the planning director determines that the proposed alteration is a major alteration, pursuant to subsection (B) of this section, then the planning director may require replatting pursuant to this chapter. Upon receipt of an application for alteration, planning services shall provide notice of the application to all owners of property within the subdivision or short subdivision, all parties of record, and as was required by the subdivision or short subdivision plat application. The notice shall establish a date for a public meeting or hearing.

G. The city shall determine the public use and interest in the proposed alteration and may deny or approve the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between adjacent properties.

H. After approval of the alteration, the city shall order the applicant to produce a revised drawing of the approved alteration of the subdivision or short subdivision, which after signature the final plat or final short plat shall be filed with King County to become the lawful plat or short plat of the property.

I. This section shall not be construed as applying to the alteration or replatting of any plat or short plat of state-granted shore lands.

SECTION 4. - *Amendment.* Chapter 15.02 of the Kent City Code is amended to adopt a new Section 15.02.070.1, entitled "House-Banked Card Rooms," as follows:

Sec. 15.02.070.1 House-Banked Card Room. *House-banked card room* means a use governed pursuant to the provisions of chapter 9.46 RCW, 1973 Gaming Act, and licensed by the Washington State Gambling Commission.

SECTION 5. - *Repealer.* Section 15.02.092 of the Kent City Code entitled "Creeks, major" is hereby repealed in its entirety.

SECTION 6. - *Repealer.* Section 15.02.093 of the Kent City Code entitled "Creeks, minor," is hereby repealed in its entirety.

SECTION 7. - *Amendment.* Section 15.02.096 of the Kent City Code entitled "'Density, maximum permitted,'" is recodified as Section 15.02.103 and is amended as follows:

Sec. 15.02.096103. Density, maximum permitted. *Maximum permitted density* refers to the maximum number of dwelling units permitted per acre, subject to lot size and other development standards of Ch. 15.04 KCC. When determining the allowed number of lots or dwelling units for a subdivision, short subdivision, or multifamily project all site area may be included in the calculation. If calculations result in less than one full lot or unit, the fractions above .50 shall be rounded up and fractions .50 and below shall be rounded down shall be rounded to the nearest whole number as provided below.

~~A. For less than four (4) lots or dwelling units, rounding shall not be used in calculating the maximum density.~~

~~B. For four (4) to six (6) lots or dwelling units, fractions of 0.85 and above shall be rounded up, and fractions below 0.85 shall be rounded down.~~

~~C. For seven (7) to nine (9) lots or dwelling units, fractions of 0.75 and above shall be rounded up, and fractions below 0.75 shall be rounded down.~~

~~D. For ten (10) or more lots or dwelling units, fractions above 0.50 shall be rounded up, and fractions 0.50 and below shall be rounded down.~~

SECTION 8. - *Repealer.* Section 15.02.112 of the Kent City Code entitled "Drainage ditch," is hereby repealed in its entirety.

SECTION 9. - *Repealer.* Section 15.02.132 of the Kent City Code entitled "Erosion hazard areas," is hereby repealed in its entirety.

SECTION 10. - *Repealer.* Section 15.02.222 of the Kent City Code entitled "Landslide areas," is hereby repealed in its entirety.

SECTION 11. - *Repealer.* Section 15.02.337 of the Kent City Code entitled "Ravine," is hereby repealed in its entirety.

SECTION 12. - *Repealer.* Section 15.02.342 of the Kent City Code entitled "Seismic hazard areas," is hereby repealed in its entirety:

SECTION 13. - *Repealer.* Section 15.02.530 of the Kent City Code entitled "Unique and fragile area," is hereby repealed in its entirety.

SECTION 14. - Amendment. Section 15.03.010 of the Kent City Code entitled "Establishment and designation of districts," is amended as follows:

Sec. 15.03.010 Establishment and designation of districts.

The various districts established by this title and into which the city is divided are designated as follows:

A-10 Agricultural District

The stated goal of the city is to preserve prime agricultural land in the Green River Valley as a nonrenewable resource. The agriculture zone shall actively encourage the concentration of agricultural uses in areas where incompatibility with urban uses will be minimal to aid in the implementation of those goals. Further, such classification of prime agricultural land thus recognizes and encourages farming activity as a viable sector of the local economy.

SR-1 Residential Agricultural District

The purpose of the SR-1 zone is to provide for areas allowing low density single-family residential development. SR-1 zoning shall be applied to those areas identified in the comprehensive plan for low density development, because of environmental constraints or the lack of urban services.

AG Agricultural General District

The purpose of the AG zone is to provide appropriate locations for agriculturally related industrial and retail uses in or near areas designated

for long-term agricultural use. Such areas may contain prime farmland soils which may be currently or potentially used for agricultural production.

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

It is the purpose of the single-family residential districts to stabilize and preserve single-family residential neighborhoods, as designated in the comprehensive plan. It is further the purpose to provide a range of densities and minimum lot sizes in order to promote diversity and recognize a variety of residential environments.

MR-D Duplex Multifamily Residential District

It is the purpose of the MR-D district to provide for a limited increase in population density and allow for a greater variety of housing types by allowing duplex dwelling units and higher density single-family detached residential development.

MR-T12 Multifamily Residential Townhouse District

MR-T16 Multifamily Residential Townhouse District

It is the purpose of the MR-T districts to provide suitable locations for low to medium density multifamily residential development where home ownership is encouraged consistent with the comprehensive plan.

MR-G Low Density Multifamily Residential District

It is the purpose of the MR-G district to provide locations for low to medium density multifamily residential development and higher density single-family residential development, as designated in the comprehensive plan.

MR-M Medium Density Multifamily Residential District

It is the purpose of the MR-M district to provide for locations for medium density multifamily residential development and higher density single-family residential development, as designated in the comprehensive plan.

MR-H High Density Multifamily Residential District

It is the purpose of the MR-H district to provide for locations for high density residential districts suitable for urban living.

MHP Mobile Home Park Combining District

The MHP combining district is designed to provide proper locations for mobile home parks. Mobile home parks may be located in any multi-family residential district when MHP combining district regulations and development plans are approved for that location.

PUD Planned Unit Development District

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.

NCC Neighborhood Convenience Commercial District

It is the purpose of the NCC district to provide small nodal areas for retail and personal service activities convenient to residential areas and to provide ready access to everyday convenience goods for the residents of such neighborhoods. NCC districts shall be located in areas designated for neighborhood services in the comprehensive plan.

CC Community Commercial District

The purpose of the CC district is to provide areas for limited commercial activities that serve several residential neighborhoods. This district shall only apply to such commercial districts as designated in the city comprehensive plan. It is also the purpose of this district to provide opportunities for mixed use development within the designated mixed use overlay boundary, as designated by the comprehensive plan.

DC Downtown Commercial District

It is the purpose of the DC district to provide a place and create environmental conditions which will encourage the location of dense and varied retail, office, residential, civic, and recreational activities which will benefit and contribute to the vitality of a central downtown location, to recognize and preserve the historic pattern of development in the area and to implement the land use goals and policies in the 1989 downtown plan, the Kent comprehensive plan, and the downtown action plan. In the DC

area, permitted uses should be primarily pedestrian-oriented and able to take advantage of on-street and structured off-street parking lots.

DCE · Downtown Commercial Enterprise District

The purpose of this district is to encourage and promote higher density development and a variety and mixture of compatible retail, commercial, residential, civic, recreational, and service activities in the downtown area, to enhance the pedestrian-oriented character of the downtown, and to implement the goals and policies of the 1989 downtown plan, the Kent comprehensive plan, and the downtown strategic action plan.

DCE-T Downtown Commercial Enterprise District – Transitional Overlay

Within the downtown commercial enterprise district, a transitional overlay addresses compatibility of higher intensity mixed use development with nearby single-family residential zones through height limits and required application of certain downtown design review elements.

MTC-1 Midway Transit Community-1 District

The purpose and intent of the MTC-1 district is to provide an area that will encourage the location of moderately dense and varied retail, office, or residential activities in support of rapid light rail and mass transit options, to enhance a pedestrian-oriented character while acknowledging the existing highway corridor character, and to implement the goals and policies of the Midway Subarea Plan.

MTC-2 Midway Transit Community-2 District

The purpose and intent of the MTC-2 district is to provide a place and create environmental conditions which will promote the location of dense and varied retail, office, or residential activities, and recreational activities in support of rapid light rail and mass transit options, to ensure a primarily pedestrian-oriented character, and to implement the goals and policies of the Midway Subarea Plan.

MCR Midway Commercial/Residential District

The purpose and intent of the MCR district is to provide area that will encourage the location of dense and varied retail, office, or residential activities in support of rapid light rail and mass transit options, to enhance a pedestrian-oriented character, and to implement the goals and policies of the Midway Subarea Plan.

CM-1 Commercial Manufacturing-1 District

It is the purpose of the CM-1 district to provide locations for those types of developments which combine some characteristics of both retail establishments and industrial operations, heavy commercial uses, and wholesale uses.

CM-2 Commercial Manufacturing-2 District

It is the purpose of the CM-2 district to provide locations for those types of developments which combine some characteristics of both retail establishments and small-scale, light industrial operations, heavy commercial and wholesale uses, and specialty manufacturing.

GC General Commercial District

The purpose and intent of the general commercial district is to provide for the location of commercial areas developed along certain major thoroughfares; to provide use incentives and development standards which will encourage the redevelopment and upgrading of such areas; to provide for a range of trade, service, entertainment, and recreation land uses which occur adjacent to major traffic arterials and residential uses; and to provide areas for development which are automobile-oriented and designed for convenience, safety, and the reduction of the visual blight of uncontrolled advertising signs, traffic control devices, and utility equipment. It is also the purpose of this district to provide opportunities for mixed use development within the designated mixed use overlay boundary, as designated by the comprehensive plan.

M1, M1-C Industrial Park District

The purpose of the M1 district is to provide an environment exclusively for and conducive to the development and protection of a broad range of industrial, office, and business park activities, including modern, large-scale administrative facilities, research institutions, and specialized manufacturing organizations, all of a non-nuisance type, as designated in the comprehensive plan. This district is intended to provide areas for those industrial activities that desire to conduct business in an atmosphere of prestigious location in which environmental amenities are protected through a high level of development standards. It is also the purpose of this zone to allow certain limited commercial land uses that provide necessary personal and business services for the general industrial area. Such uses are allowed in the M1 district, through the application of the "C" suffix, at centralized, nodal locations where major arterials intersect.

M2 Limited Industrial District

The purpose of the M2 district is to provide areas suitable for a broad range of industrial and warehouse/distribution activities. The permitted uses are similar to those of the industrial park district; except, that non-industrial uses, particularly office and retail, are restricted, in accordance with the manufacturing/industrial center designation in the comprehensive plan. Development standards are aimed at maintaining an efficient and desirable industrial area.

M3 General Industrial District

The purpose of the M3 district is to provide areas suitable for the broadest range of industrial activities, and to specify those industrial activities having unusual or potentially deleterious operational characteristics, where special attention must be paid to location and site development. Light industrial uses which require restrictive standards on the part of adjoining uses and non-industrial uses are discouraged from locating in this district, in accordance with the manufacturing/industrial center designation in the comprehensive plan.

SU Special Use Combining District

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.

SECTION 15. - Amendment. Section 15.04.110 of the Kent City Code entitled "Cultural, entertainment, and recreation land uses," is amended as follows:

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

	Zoning Districts																											
Key P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses	A-10	AG	SR-1	SR-3	SR-4.5	SR-6	SR-8	MR-D	MR-T12	MR-T16	MR-G	MR-M	MR-H	MHP	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM-1	CM-2	GC	M1	M1-C	M2	M3
Performing and cultural arts uses, such as art galleries/studios																	P (3)	P	P	P	P		P	P	P	P		
<u>House-Banked Card Rooms</u>																	P (1)						P (1)	P (1)	P (1)		P (4)	
Historic and monument sites																							P	P				

		Zoning Districts																												
		A-10	AG	SR-1	SR-3	SR-4.5	SR-6	SR-8	MR-D	MR-T12	MR-T16	MR-G	MR-M	MR-H	MHP	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM-1	CM-2	GC	MI	M1-C	M2	M3	
<p>Key P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses</p>																														
<p>Public assembly (indoor): sports facilities, arenas, auditoriums and exhibition halls, bowling alleys, dart-playing facilities, skating rinks, community clubs, athletic clubs, recreation centers, theaters (excluding school facilities)</p>																		P		P	C		C		P	P	P (2)	P (2)	P (2)	
<p>Public assembly (outdoor): fairgrounds and amusement parks, tennis courts, athletic fields, miniature golf, go-cart tracks, drive-in theaters, etc.</p>																							C		P	P				
<p>Open space use: cemeteries, parks, playgrounds, golf courses, and other recreation facilities, including buildings or structures associated therewith</p>		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P (6) C	P (6) C	C (9)	C (9)	C (9)	C	P (7) C	P (7) C	C	C	C	C	C
<p>Employee recreation areas</p>																											A	A	A	A
<p>Private clubs, fraternal lodges, etc.</p>		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P (5) C	C	P (5) C	C	C	P (5) C	C	C	C	C	C
<p>Recreational vehicle parks</p>																										C				
<p>Accessory uses and structures</p>		A	A (10)	A (10)	A (10)	A (10)	A (10)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

	Zoning Districts																												
Key P = Principally Permitted Uses S = Special Uses C = Conditional Uses A = Accessory Uses	A-10	AG	SR-1	SR-3	SR-4.5	SR-6	SR-8	MR-D	MR-T12	MR-T16	MR-G	MR-M	MR-H	MHP	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM-1	CM-2	GC	MI	M1-C	M2	M3	
customarily appurtenant to a permitted use																													
Recreational buildings in MHP														A															

SECTION 16. - Amendment. Section 15.04.120 of the Kent City Code entitled "Cultural, entertainment, and recreation land use development conditions," is amended as follows:

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

1. {Reserved} House-banked card rooms are not allowed in areas zoned GC-MU (General Commercial-Mixed Use) or CC-MU (Community Commercial-Mixed Use) unless authorized by a Conditional Use Permit. House-Banked card rooms are not allowed in areas designated Urban Center on the Land Use Plan Map. Should any court of competent jurisdiction find that the City zoning for house-banked card rooms is unconstitutional or illegal, the City elects to permit a legally-existing card room to continue operation as a nonconforming legal use and otherwise bans card rooms.

2. Principally permitted uses are limited to indoor paintball, health and fitness clubs and facilities, gymnastic schools, and other similar uses

deemed compatible with the general character and stated purpose of the district.

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

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

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

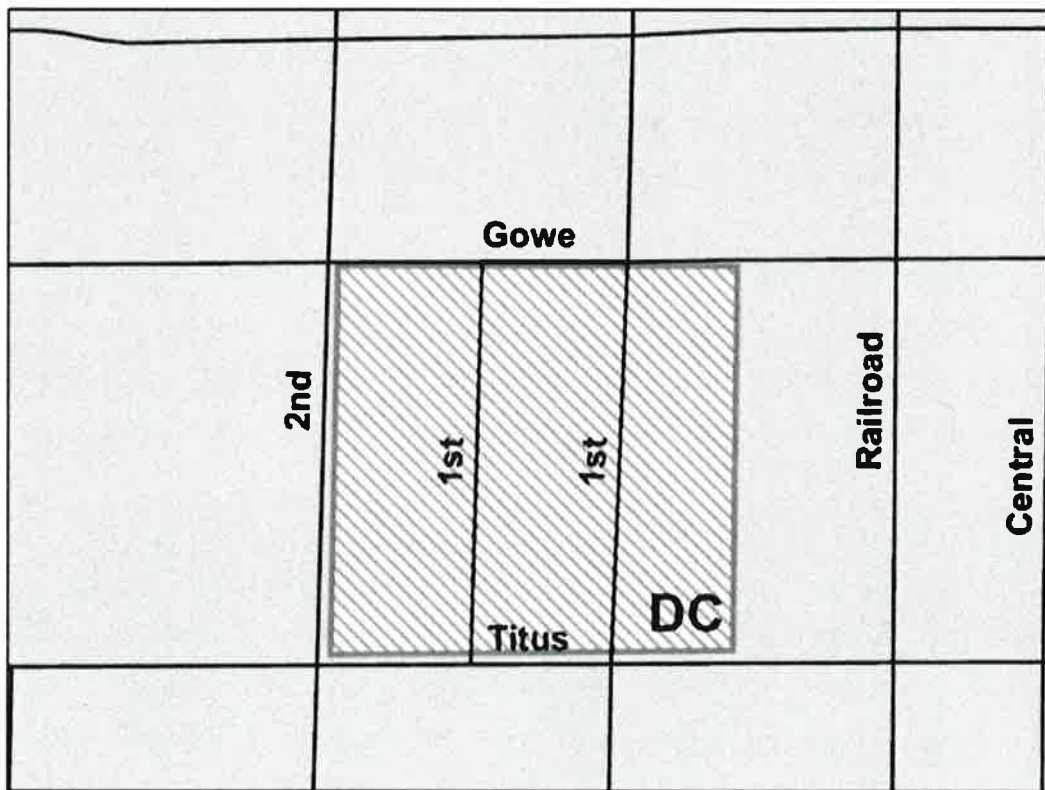
c. Repair services, including but not limited to television, radio, computer, jewelry, and shoe repair;

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

e. Copy establishments;

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

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



4. [Reserved] House-banked card rooms are not allowed in areas designated Manufacturing/Industrial Center (MIC). Should any court of competent jurisdiction find that the City zoning for house-banked card rooms is unconstitutional or illegal, the City elects to permit a legally-existing house-banked card room to continue operation as a nonconforming legal use and otherwise bans house-banked card rooms.

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

6. Principally permitted uses are limited to parks and playgrounds.
7. Principally permitted uses are limited to golf driving ranges.
8. [Reserved].
9. Conditionally permitted uses are limited to parks and playgrounds.
10. Accessory structures composed of at least two walls and a roof, not including accessory uses or structures customarily appurtenant to agricultural uses, are subject to the provisions of KCC 15.08.160.

SECTION 17. - *Amendment.* Section 15.04.170 of the Kent City Code entitled "Agricultural and residential zone development standards," is amended as follows:

Sec. 15.04.170. Agricultural and residential zone development standards.

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	Zoning Districts																						
	A-10 Agricultural	SR-1 Residential Agricultural	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-C Low 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			
Maximum density: dwelling units per acre	1 du/10 ac	1 du/acre	3.63 dus/ac	4.53 dus/ac	6.05 dus/ac	8.71 dus/ac	8.71 dus/ac	10.89 dus/ac	12.0 dus/ac		12.0 dus/ac	16.0 dus/ac		16.0 dus/ac	16.0 dus/ac		16.0 dus/ac	23.0 dus/ac		23.0 dus/ac	40.0 dus/ac	40.0 dus/ac	
Minimum lot area: square feet or acres, as noted	10 ac	34,700 sq ft	9,600 sq ft	7,600 sq ft (37)	5,700 sq ft (37)	4,000 sq ft (37)	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 (35)	8,500/3,500 sq ft (35)	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 (37)	50 ft (37)	40 ft (37)	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	25 ft	80 ft	80 ft
Maximum site coverage: percent of site	30 %	30%	45 % (5)	45 % (5)	50 % (5)	55 % (5)	55 % (5)	40% (5)	55 % (5)	40% (5)	45 % (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	(2)																						
Front yard	20 ft (6)	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)	10 ft (6) (8) (9)	10 ft (6) (8) (9)	10 ft (6) (8) (9)
Side yard	15 ft	15 ft	5 ft	5 ft (34)	5 ft (34)	5 ft (30)	5 ft	5 ft (30)	5 ft	5 ft (11)	5 ft (30)	5 ft	5 ft (11)	5 ft (30)	5 ft	5 ft (11)	5 ft (30)	5 ft	5 ft (11)	5 ft (30)	5 ft	5 ft (30)	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)	15 ft (9)	10 ft (9)	10 ft (9)	15 ft (9)	10 ft (9)	10 ft (9)	15 ft (9)	10 ft (9)	10 ft (9)	15 ft (9)	10 ft (9)	10 ft (9)	15 ft (9)
Rear yard	20 ft	15 ft	5 ft	10 ft	10 ft	10 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	8 ft	20 ft
Additional setbacks/distances between buildings	(12)	(12)							(32)	(32)	(14) (15) (32)	(31) (32)	(31) (32)	(14) (15) (31) (32)	(31)	(31)	(14) (15) (31)			(14) (15)			(14) (15)
Height limitation: in stories/not to exceed in feet	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/30 ft	2.5 stry/35 ft	2.5 stry/30 ft	2 stry/30 ft	3 stry/30 ft	2.5 stry/30 ft	2 stry/30 ft	3 stry/30 ft	3 stry/30 ft	2.5 stry/30 ft	2.5 stry/35 ft	3 stry/40 ft	2.5 stry/30 ft	2.5 stry/35 ft	3 stry/40 ft	2.5 stry/30 ft	2.5 stry/35 ft	4 stry/50 ft

Zoning Districts																				
	A-10 Agricultural	SR-1 Residential Agricultural	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-C Low Density Multifamily Residential	MR-M Medium Density Multifamily Residential	MR-H High Density Multifamily Residential	MHP Mobile Home Park Combining							
	ft (16)																			
Maximum impervious surface: percent of total parcel area	40% (19)	40% (19)	50% (23)	60% (23)	70% (23)	75% (23)	75% (19)	70% (19)	70% (19)	70% (19)	75% (19)	70% (19)	70% (19)	75% (19)	70% (19)	75% (19)	70% (19)	75% (19)	70% (19)	
Zero lot line and clustering (24)	The provisions in KCC 15.08.300, 15.08.310, 15.08.320, and 15.08.330 shall apply.																			
Signs	The sign regulations of Chapter 15.06 KCC shall apply.																			
Off-street parking	The off-street parking requirements of Chapter 15.05 KCC shall apply.																			
Landscaping	The landscaping requirements of Chapter 15.07 KCC shall apply.																			
Design review	(26) (39) (40)	(25) (26) (39) (40)	(25) (26) (39) (40)	(25) (26) (39) (40)	(25) (26) (39) (40)	(25) (26) (39) (40)	(25)(40)	(26)(40)	(26)(34)(40)	(25)(26)(40)	(25)(26)(34)(40)	(25)(26)(40)								
Additional standards	Additional standards for specific uses are contained in Chapters 15.08 and 15.09 KCC.																			
	(20) (31) (33) (36)	(33) (33) (36)	(33) (33) (36)	(33) (33) (36)	(33) (33) (36)	(36) (36)	(36)	(28) (29) (36)	(28) (29) (36)	(36)	(36)	(36)	(36)	(36)	(36)	(36)	(36)	(36)	(36)	(36)

SECTION 18. - Amendment. Section 15.04.180 of the Kent City Code entitled "Agricultural and residential land use development standard conditions," is amended as follows:

Sec. 15.04.180. Agricultural and residential land use development standard conditions.

1. Minimum lot area is 8,500 square feet for the first two dwelling units, and 2,500 square feet for each additional dwelling unit.
2. Minimum lot area is 8,500 square feet for the first two dwelling units, and 1,600 square feet for each additional dwelling unit.
3. Minimum lot area is 8,500 square feet for the first two dwelling units, and 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 setback 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 20 feet in depth are subject to approval by the planning 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 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 30 feet shall be provided. A minimum of 10 feet shall be provided for each side yard. On a corner lot the side yard setback shall be a minimum of 20 feet from the property line.

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

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

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

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 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 or less restrictive than the Shoreline Management Act.

14. An inner court providing access to a double-row building shall be a minimum of 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 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 50 feet of any lot line.

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

18. The planning manager shall be authorized to approve a height greater than four stories or 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 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 10,000 square feet when the lot is greater than one 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, KCC 12.04.055; mobile home parks, Chapter 12.05 KCC.

23. Except for lots used for agricultural practices, the maximum impervious surface area allowed shall be 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. Assisted living facilities, independent senior living facilities, and residential facilities with health care are subject to multifamily design review as provided for in KCC 15.09.045(D), except when located within downtown or along Meeker Street from 64th Avenue South to Kent-Des Moines Road, where development is subject to downtown design review pursuant to KCC 15.09.046.

26. The requirements of KCC 15.09.045(D) for multifamily design review shall apply to any multifamily dwelling or transitional housing of three or more units, including triplex townhouse structures, except when located within downtown or along Meeker Street from 64th Avenue South to Kent-Des Moines Road (where development is subject to downtown design review pursuant to KCC 15.09.046), or when located in a single-family plat or short plat, where residential design review applies pursuant to KCC 15.09.046(C).

27. Minimum lot area is 8,500 square feet for the first two dwelling units, and 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, NCC, CC, GC, DC, or DCE.

29. All multifamily townhouse developments in the MR-T zone shall be townhouses with ownership interest only.

30. As an option to the five-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 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 300 feet in separation;

b. The required fire hydrants shall have a minimum fire flow of 1,500 gallons per minute; and

c. Emergency vehicle access roads shall be provided to the development, which include an improved road accessible within 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 Chapter 12.04 KCC, Subdivisions, Binding Site Plans, and Lot

Line Adjustments. 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 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 stands of trees, and rock outcroppings), 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 2,500 square feet, and the minimum lot width is 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 2,500-square-foot lot size. New lots created by any subdivision action shall be clustered in groups not exceeding eight units. There may be more than one cluster per project. Separation between cluster groups shall be a minimum of 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 units, the minimum building-to-building separation shall be 10 feet. For duplex and single-family condominium townhouse developments, the minimum building-to-building separation shall be established through the International Building Code (IBC) or International Residential Code (IRC), as may be applicable.

33. Where lands are located wholly outside the urban separator, as designated on the city of Kent comprehensive land use plan map, dwelling units may be clustered, subject to the applicable provisions of Chapter 12.04 KCC.

34. The downtown design review requirements of KCC 15.09.046 shall apply for all development within downtown or along Meeker Street from 64th Avenue South to Kent-Des Moines Road.

35. Minimum lot area requirements do not apply to multifamily development in the Kent downtown planning area identified in KCC 15.09.046.

36. Cargo containers proposed to be located in a residential zone must be located completely within a stick-built structure with a peaked roof and building materials similar to that of the principal residence on the site. No containers greater than 10 feet by 20 feet may be placed in residential districts. This restriction does not apply to containers collecting debris or accepting household goods for moving that are located on residential property for less than 72 hours. Additionally, institutional uses are exempt from these requirements except when a shipping container is proposed to be located adjacent to or within sight of a residential use.

37. For subdivisions and short subdivisions created after March 22, 2007, or altered to comply with zoning and subdivision code amendments effective after March 22, 2007, the minimum lot size shall be 3,000 square feet. Minimum lot width shall be measured by scaling a 30-foot-diameter circle within the boundaries of the lot; provided, that easement areas may not be included in the required 30-foot-diameter circle. The lot frontage along private or public streets shall be a minimum 20 feet in width. Minimum driveway separation shall be 10 feet. Shared driveways are permitted.

38. ~~[Reserved]. Subdivisions and short subdivisions created on or before March 22, 2007, may have minimum five foot side yards. Fifty percent of the lots within subdivisions and short subdivisions created after March 22,~~

~~2007, or altered to comply with zoning and subdivision code amendments effective after March 22, 2007, may have minimum five foot side yards when special life safety measures are provided. The sum total of both side yards for the remaining 50 percent of the lots shall be a minimum 16 feet; any individual side yard less than eight feet may require special life safety measures.~~

39. The residential design review standards of KCC 15.09.045(C) shall apply to ~~subdivisions and short subdivisions created after March 22, 2007, or altered to comply with zoning and subdivision code amendments effective after March 22, 2007.~~

40. Duplexes are subject to the residential design review standards of KCC 15.09.045(C), except when located within downtown or along Meeker Street from 64th Avenue South to Kent-Des Moines Road, where they are subject to downtown design review pursuant to KCC 15.09.046.

SECTION 19. - *Amendment.* Section 15.04.190 of the Kent City Code entitled "Commercial and industrial zone development standards," is amended as follows:

Sec. 15.04.190. Commercial and industrial zone development standards.

	Zoning Districts														AG
	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM-1	CM-2	GC	M1	M1-C	M2	M3	
Minimum lot area: square feet or acres, as noted	10,000 sq ft	10,000 sq ft	5,000 sq ft (1) (66)	5,000 sq ft (66)	7,500 sq ft	7,500 sq ft	7,500 sq ft	10,000 sq ft	10,000 sq ft	10,000 sq ft (66)	1 acre	10,000 sq ft	20,000 sq ft	15,000 sq ft	1 acre

	Zoning Districts														
	NCC	CC	DC	DCE	MTC-1	MTC-2	MCR	CM-1	CM-2	GC	M1	M1-C	M2	M3	AG
Maximum site coverage: percent of site	40%	40%	100%	100%	80%	100%	80%	50%	50%	40%	60%	60%	65%	75%	60%
Minimum yard requirements: feet															
Front yard	10 ft	15 ft	(2)	(3)	20 ft	(68)	20 ft	15 ft	15 ft	20 ft	(5)	(5)	(6)	(7)	(5)
Side yard	(8)	(9)	(2)	(3)	(68) (10)	(68) (10)	(68) (10)	(10)	(10)	(10)	(12)	(12)	(13)	(14)	(12)
Side yard on flanking street of corner lot											(17)	(17)	(17)	(18)	(17)
Rear yard	(8)	20 ft	(2)	(3)	(68) (19)	(68) (19)	(68) (19)	(19)	(19)	(19) (2)	(20)	(20)	(21)	(21)	(20)
Yards, transitional conditions											(23)	(23)	(24)	(25)	(23)
Additional setbacks											(29)	(29)			(29)
Height limitation: in stories/not to exceed in feet	2 stry/ 35 ft	3 stry/ 40 ft (30)	4 stry/ 60 ft	(32)	7 stry/65 ft (69) (70)	16 stry/200 ft (70)	16 stry/200 ft (70)	2 stry/ 35 ft (30)	2 stry/ 35 ft (30)	2 stry/ 35 ft (30)	2 stry/ 35 ft (35)	2 stry/ 35 ft (35)	2 stry/ 35 ft (35)	2 stry/ 35 ft (37)	2 stry/ 35 ft (35)
Landscaping	The landscaping requirements of Chapter 15.07 KCC shall apply.														
											(52)	(52)			(52)
Outdoor storage	(39)	(39)						(40) (41)	(40) (41)	(40)	(43)	(43)	(44)	(45) (51)	(43)
Signs	The sign regulations of Chapter 15.06 KCC shall apply.														
												(60)			
Vehicle drive-through, drive-in, and service bays	(46)	(46)		(46)	(46)		(46)		(46)	(46)					
Loading areas											(47) (48)	(47) (48)	(47) (49)	(47) (51)	(47) (48)
Off-street parking	The off-street parking requirements of Chapter 15.05 KCC shall apply.														
	(57)	(57)							(57)	(57)	(58)	(58)	(58)	(57)	(58)
Design review		(4)(11) (15)	(31)	(31)	(71)	(71)	(71)	(4)	(4)(72)	(4)(11) (15) (72)					
Additional standards	(50) (56) (62) (63) (64) (65)	(50) (56)	(50) (56)	(50) (56) (67)	(50) (56)	(50) (56)	(50) (56)	(50) (56)	(50) (56)	(50) (56)	(50) (56)	(50) (53) (54) (55) (56)	(50) (53) (54) (55) (56)	(50) (54) (55) (56)	(50) (54) (55) (56)

SECTION 20. - *Amendment.* Section 15.09.045 of the Kent City Code entitled "Administrative design review," is amended as follows:

Sec. 15.09.045. Administrative design review.

A. Purpose and scope. Administrative design review is an administrative process, the purpose of which is to implement and give effect to the comprehensive plan, its policies, or parts thereof through the adoption of design criteria for development relative to site layout, landscape architecture, and exterior structure design. It is the intent of the city that this process will serve to aid applicants in understanding the principal expectations of the city concerning design, and encourage a diversity of imaginative solutions to development through the planning services division review and application of certain criteria. These criteria have been formulated to improve the design, siting, and construction of development projects so as to be compatible, both visually and otherwise, with the topographic, open space, urban, or suburban characteristics of the land or adjacent properties, while still maintaining allowable densities to be applied in a manner consistent with established land use policies, the comprehensive plan, this title, and community development goals of the city.

The adoption of design criteria is an element of the city's regulation of land use, which is statutorily authorized. Application of the multifamily design process to the design criteria adopted in this section is established as an administrative function delegated to the planning services division pursuant to RCW Title 35A; therefore, in implementing the administrative design review process, the planning director may adopt such rules and procedures as are necessary to provide for expeditious review of proposed projects. Further rules may be promulgated for additional administrative review.

B. Application and review process. Administrative design review process is classified as a Process II application and shall be subject to the applicable requirements of Chapter 12.01 KCC. The applicant must make application for the design review process on forms provided by the planning services division. Upon receipt of an application for design review, the planning director shall circulate the application to the public works director, building official, and the city administrator for review. Prior to making a final decision, the planning director shall review any comments submitted for consideration. In the administration of this process, the planning director may develop supplementary handbooks for the public, which shall pictorially illustrate and provide additional guidance on the interpretation of the criteria set forth in subsections (C) and (D) of this section, as well as a detailed explanation of the design review process.

C. Residential design review. In order to diminish the perception of bulk, and provide visual interest along residential home facades that face public areas, architectural design considerations shall be applied. ~~Homes located within subdivisions and short subdivisions vested after March 22, 2007, or altered to comply with code amendments effective after March 22, 2007, shall be subject to residential design review.~~ This design review shall be applied administratively as part of the building permit review process for each new home.

1. Orientation of homes. The entry facade of each dwelling unit shall be generally oriented toward the highest classification street from which access to the lot is allowed, unless otherwise approved by the planning director based on existing context of surrounding development.

2. Attached units. A building that contains a grouping of attached units shall not exceed a 200-foot maximum length and shall be separated from other groups of attached units by a minimum 15 feet.

3. Architecture. Each dwelling unit facade that faces a public area shall, at a minimum, incorporate architectural elements as follows:

a. Two elements of facade modulation or roofline variation. Facade modulation elements shall have a minimum width of eight feet and a minimum depth of three feet. Roofline variation elements shall have a minimum horizontal or vertical offset of three feet and a minimum variation length of eight feet;

b. The maximum horizontal facade length without one element of either facade modulation or roofline variation shall be 20 feet; and

c. Three architectural detail elements.

4. Garages. Dwelling units within subdivisions and short subdivisions shall provide diminished garage doors according to the percentage and locations approved with the subdivision and short subdivision.

D. Multifamily design review. The planning services division shall use the multifamily design guidelines as an adopted element of the city's regulation of land use, which is statutorily authorized, in the evaluation or conditioning of applications under the multifamily design review process.

E. [Reserved].

F. Mixed use design review. The planning services division shall use the following criteria in the evaluation and/or conditioning of applications under the mixed use design review process when a project includes residential use:

1. The following criteria should apply to all mixed use with a residential component development:

a. Some common recreation space roofs, terraces, indoor rooms, courtyards.

b. Lighting features that are shielded, directing light downwards.

c. The residential portion of the building should incorporate residential details, such as window trim, trellises, balconies, and bay windows.

d. The residential component should have an obvious, generous entrance, within features suggesting a "front door" for example, a lobby, trellis, gate, archway, or courtyard.

2. The following criteria shall apply to mixed use development:

a. If the residential component is located away from the main street, a landscaped pedestrian path should be provided between the entrance and public sidewalk.

b. Although the commercial and residential components may have different architectural expressions, they should exhibit a number of elements that produce the effect of an integrated development.

c. Surface parking should be generously landscaped to serve as an amenity. Lighting fixtures should not exceed the height of the first floor.

3. The following criteria shall apply to mixed use buildings with a residential component:

a. Parking lots, if used, should be divided into small increments, separated by landscaping and structures, so that parking does not dominate the site.

b. Articulated by use of different materials, generous windows with low sill heights, "store" doors, canopies, and planters.

c. Residential floors should be expressed in an obvious manner, with setbacks, change in materials or color, and overhangs.

d. Commercial signs should be contained within the first floor commercial base and not extend up into the residential floor facades.

G. Transit-oriented community design review. The planning services division shall use the following criteria in the evaluation or conditioning of applications under the transit-oriented community design review process:

1. The Midway Design Guidelines as an adopted element of the city's regulation of land use, which is statutorily authorized, shall apply to all development with a land use plan map designation of transit-oriented community.

2. Residential use design review. In addition to the Midway Design Guidelines, the following design requirements apply to residential uses and development:

a. Openings from the build-to line. When a residential unit has direct access to the public domain, a 10-foot front yard shall be provided. When residential units have access through a main location, such as an atrium, courtyard, or other main entryway, said access shall be at the build-to line.

b. Open space. Residential development shall provide not less than 20 percent of the gross land area for common open space, which shall be:

i. Designed to provide either passive or active recreation;

ii. If under one ownership, owner shall be responsible for maintenance;

iii. If held in common ownership by all owners of the development by means of a homeowners' association, said association shall be responsible for maintenance. If such open space is not maintained in a reasonable manner, the city shall have the right to provide for the maintenance thereof and bill the homeowners' association accordingly. If unpaid, such bills shall be a lien against the homeowners' association; or

iv. Dedicated for public use if accepted by the city legislative authority or other appropriate public agency.

c. Storage of recreational vehicles. The storage or parking of recreational vehicles shall be prohibited.

H. Appeals. The decision of the planning director to condition or reject any application under the administrative design review process is final unless an appeal is made by the applicant or any party of record to the hearing examiner within 14 calendar days of either the issuance of the director's conditional approval under this section of any application, or the director's written decision rejecting any application under this section. The appeal shall be conducted by the hearing examiner as an open record appeal hearing in accordance with the requirements of Chapters 2.32 and 12.01 KCC. The decision of the hearing examiner shall be final unless an appeal is made to the superior court within 21 calendar days after the hearing examiner's notice of decision.

SECTION 21. - Amendment. Section 15.08.050 of the Kent City Code, entitled "Performance standards," is amended as follows:

Section 15.08.050 Performance standards.

A. Performance standards defined. Performance standards deal with the operational aspects of land uses. While performance standards shall apply to all land uses within the city, they are primarily concerned with the impact of industrial development upon the environment. Continued compliance with the performance standards shall be required of all uses, except as otherwise provided for in this title. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable condition. The following elements, if created, may become dangerous, injurious, noxious or otherwise objectionable under the circumstances, and are then referred to as dangerous or objectionable elements:

1. Noise, vibration or glare.
2. Smoke, dust, odor or other form of air pollution.
3. Heat, cold or dampness.
4. Hazardous substances and wastes.

B. Nonconforming uses. Uses established before the effective date of this title and nonconforming as to performance standards shall be given three (3) years in which to conform therewith.

C. Locations where determinations are to be made for enforcement of performance standards. The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the dangerous or objectionable elements and at any points where the existence of such elements may be more apparent (referred to in the section as "at any point"); provided, however, that the measurement of performance standards for noise, vibration, odors, glare or hazardous substances or wastes shall be taken at the following points of measurement:

1. In all districts: At the property lines or lot lines; or
2. In all districts: At the buffer zone setback line for any hazardous substance land use facility, which must be at least fifty (50) feet from any property line.

D. Restrictions on dangerous and objectionable elements.

1. Vibration. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in this section.

2. Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities so as to exceed the odor threshold at the following points of measurement. The odor threshold shall be defined as the concentration in the air of a gas or vapor which will just evoke a response in the human olfactory system.

a. Industrial park district, M1. Odorous matter released from any operation or activity shall not exceed the odor threshold beyond lot lines.

b. Limited industrial district, M2. Odorous matter released from any operation or activity shall not exceed the odor threshold beyond lot lines.

c. General industrial district, M3. Odorous matter released from any operation or activity shall not exceed the odor threshold beyond the district boundary or five hundred (500) feet from the lot line, whichever distance is shortest.

3. Glare. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the points of measurement specified in subsection (C) of this section shall be permitted. This restriction shall not apply to signs or floodlighting of buildings for advertising or protection otherwise permitted by the provisions of this title.

4. Radioactivity or electrical disturbance. The regulations of the federal occupational safety and health standards shall apply for all

radioactivity and electrical disturbance unless local codes and ordinances supersede this federal regulation.

5. Fire and explosion hazards. The relevant provisions of federal, state and local laws and regulations shall apply.

6. Smoke, fly ash, dust, fumes, vapors, gases and other forms of air pollution. The standards of the Puget Sound Air Pollution Control Agency, Regulation I, or those regulations as may be subsequently amended, shall apply.

7. Liquid or solid wastes. No discharge of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in compliance with state and federal regulations and Chapter 7.14 KCC.

8. *Hazardous substances or wastes.* No release of hazardous substances or wastes as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements shall be permitted at any point into any public sewer, private sewage disposal system, watercourse or water body, or the ground, except in compliance with state and federal regulations and Chapter 7.14 KCC. The relevant provisions of federal, states, and local laws and regulations shall apply, and compliance shall be certified by applicants for permits under this title. The following site development standards shall apply:

a. Hazardous waste facilities shall meet the location standards for siting dangerous waste management facilities adopted pursuant to Chapter 70.105 RCW;

b. Hazardous substance land use facilities shall be located at least:

i. Two hundred (200) feet from ~~unstable soils or slopes which are delineated on the hazard areas development limitations map or as may be more precisely determined per KCC 15.08.224(B);~~

~~ii. Two hundred (200) feet from the ordinary high water mark of major or minor streams or lakes which are delineated on the hazard area development limitations map or as may be more precisely determined per KCC 15.08.224(B);~~ erosion, landslide or seismic hazard areas or the ordinary high water mark of streams, as defined in Kent City Code 11.06.200, lakes, shorelines of statewide significance, or shorelines of the state;

iii. One-quarter (1/4) mile from public parks, public recreation areas, or natural preserves, or state or federal wildlife refuges; provided, that for purposes of this section public recreation areas do not include public trails;

iv. Fifty (50) feet from any property line to serve as an onsite hazardous substance land use facility buffer zone;

v. Five hundred (500) feet and one hundred (100) feet from a residential zone and a residential unit, respectively; and

vi. Five hundred (500) feet from a public gathering place or agricultural land or zone, in the case of a nonagricultural hazardous substance land use facility;

c. Hazardous substance land use facilities shall not be located in a one hundred (100) year floodplain;

d. Hazardous substance land use facilities which are not entirely enclosed within a building shall provide a type I solid screen landscaping of a width of at least ten (10) feet in the hazardous substance facility buffer zone required by subsection (D)(8)(b)(iv) of this section;

e. Above ground hazardous substance land use facilities shall be constructed with containment controls which will prevent the escape of hazardous substances or wastes in the event of an accidental release from the facility, and shall meet federal, state, and local design and construction requirements;

f. Underground hazardous substance land use facilities shall meet federal, state, and local design and construction requirements;

g. Hazardous substance land uses shall comply with adopted fire codes;

h. Hazardous substance land uses shall provide for review and approval by the city fire department of a hazardous substance spill contingency plan for immediate implementation in the event of a release of hazardous substances or wastes at the facility;

i. Hazardous substance land uses should use traffic routes which do not go through residential zones;

j. Hazardous substance land uses in the O, NCC, CC, and DC zones shall be entirely enclosed within a building; and

k. Without limiting the application of the adopted fire codes to diesel fuel tanks, above and below ground diesel fuel storage tanks exclusively intended for use on stationary, onsite, oil burning equipment (such as electrical power generator systems) in all nonresidential zoning districts shall be exempt from the hazardous substance regulations of this section, and above and below ground diesel fuel tanks of up to six thousand (6,000) gallons intended exclusively for use on stationary, onsite, oil burning equipment (such as electrical power generator systems) in residential zones shall be exempt from the hazardous substance regulations of this section for essential governmental facilities only. The hazardous substance zoning code regulations, including the existing five hundred (500) gallon limit for hazardous substances for residential uses, shall otherwise remain in force and effect. Additionally, all above ground diesel fuel tanks over five hundred (500) gallons exempted by this subsection are required to have a five (5) foot minimum landscape buffer surrounding the tank to buffer the visual impacts of these tanks. Moreover, the planning director shall have the discretion to increase or modify this landscape buffer requirement depending upon the specific circumstances posed by any particular tank location.

In case of conflict between any of these site development standards and the development standards of specific zoning districts or other requirements of this title, the more restrictive requirement shall apply.

SECTION 22. – *Severability.* If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or

invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 23. - Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

SECTION 24. - Effective Date. This ordinance shall take effect and be in force thirty days from and after its passage, as provided by law.



SUZETTE COOKE, MAYOR

11/21/17

Date Approved

ATTEST:



KIMBERLEY A. KOMOTO, CITY CLERK

11/21/17

Date Adopted

12/1/17

Date Published

APPROVED AS TO FORM:



TOM BRUBAKER, CITY ATTORNEY

P:\Civil\Ordinance\Annual Docket Amendments_ECDC.docx

STATE OF WASHINGTON, COUNTY OF KING }
AFFIDAVIT OF PUBLICATION

PUBLIC NOTICE

Linda M Mills, being first duly sworn on oath that she is the Legal Advertising Representative of the

Kent Reporter

a weekly newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in King County, Washington. The Kent Reporter has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for King County.

The notice in the exact form annexed was published in regular issues of the Kent Reporter (and not in supplement form) which was regularly distributed to its subscribers during the below stated period. The annexed notice, a:

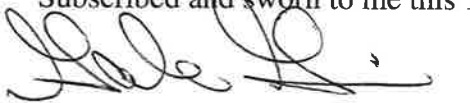
Public Notice

was published on December 1, 2017.

The full amount of the fee charged for said foregoing publication is the sum of \$217.69.



Linda Mills
Legal Advertising Representative, Kent Reporter
Subscribed and sworn to me this 1st day of December, 2017.



Gale Gwin, Notary Public for the State of Washington, Residing in Covington, Washington.



**CITY OF KENT
NOTICE OF ORDINANCES
AND RESOLUTIONS
PASSED BY THE CITY
COUNCIL**

The following is a summary of the ordinances and resolutions adopted by the Kent City Council on November 21, 2017: **ORDINANCE NO. 4257 - AN ORDINANCE** of the City Council of the City of Kent, Washington, amending Chapters 3.21, 12.01, 12.04, 15.02, 15.03, 15.04, 15.08, and 15.09 of the Kent City Code pertaining to development regulations as part of the City's annual docket process. This ordinance shall take effect and be in force 30 days from and after its passage, as provided by law.

ORDINANCE NO. 4258 - AN ORDINANCE of the City Council of the City of Kent, Washington, approving the consolidating budget adjustments made between July 1, 2017 and September 30, 2017, reflecting an overall budget increase of \$3,117,760. This ordinance shall take effect and be in force five days from and after its publication, as provided by law.

ORDINANCE NO. 4259 - AN ORDINANCE of the City Council of the City of Kent, Washington, authorizing the issuance of combined utility system revenue refunding bonds in the aggregate principal amount of not to exceed \$16,000,000 for the purpose of refunding, on a crossover basis, a portion of the City's combined utility system revenue bonds series 2009B taxable (Build America Bonds - Direct Payment); providing the form, terms and covenants of the bonds; delegating certain authority to approve the final terms of the

bonds; and authorizing other matters related thereto. This ordinance shall take effect 30 days after its passage as provided by law.

ORDINANCE NO. 4260 - AN ORDINANCE of the City Council of the City of Kent, Washington, amending Section 3.28.050 of the Kent City Code, entitled "Imposition of the tax - Tax or fee levied," and Section 3.28.130 of the Kent City Code, entitled "Limitation of revenue received," to increase the square footage tax. This ordinance shall take effect and be in force 30 days from and after its passage, as provided by law.

ORDINANCE NO. 4261 - AN ORDINANCE of the City Council of the City of Kent, Washington, permanently adopting section 15.08.550 of the Kent City Code, prohibiting in all zoning districts the establishment of community health engagement locations, safe injection sites, and other uses or activities designed to provide a location for individuals to consume illicit drugs. This ordinance shall take effect and be in force thirty 30 days from and after its passage, as provided by law.

RESOLUTION NO. 1951 - A RESOLUTION of the City Council of the City of Kent, Washington, renaming South 238th Street to Oberto Drive, commemorating Oberto's contribution to the City and its 100 year anniversary. This resolution shall take effect and be in force immediately upon its passage. A copy of the complete text of any ordinance or resolution will be mailed upon request of the City Clerk. Kimberley A. Komoto, City Clerk
Published in Kent Reporter on December 1, 2017. #2009576.