ORDINANCE NO. 2640

AN ORDINANCE of the City of Kent, Washington, relating to planning and zoning; providing for and amending Temporary Use Regulations, specifying the location of Christmas tree sales lots, fireworks and flower stands; amending Section 15.08.205 Kent City Code.

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

Section 1. Section 15.08.205 of the Kent City Code is amended as follows:

15.08.205 TEMPORARY USE REGULATIONS

Purpose: Section 15.08.205 shall be known as the Temporary Use Regulations. Provisions authorizing temporary uses are intended to permit occasional, temporary uses, activities, and structures when consistent with the purpose of the Zoning Code and when compatible with the general vicinity and adjacent uses.

A. The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitations herein and such additional conditions as may be established by the Planning Director.

1. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain.

2. Contractor's office, storage yard, and equipment parking and servicing on the site of an active construction project.

3. Circuses, carnivals, rodeos, fairs, or similar transient amusement or recreational activities.

4. Indoor or outdoor art and craft shows and exhibits.

5. Christmas tree sales lots, fireworks and flower stands. Limited to locations on lots not used for residential purposes in commercial or industrial zoning districts.

6. Mobile home residences used for occupancy by supervisory and security personnel on the site of an active construction project.

7. Mobile home residential units used for occupancy of security personnel when not otherwise allowed as an accessory use.
8. Indoor or outdoor special sales, including swap meets, flea markets, parking lot sales, warehouse sales or similar activities, limited to locations on lots not used for residential purposes in commercial or industrial districts, and when operated not more than ten (10) days in the same month, unless otherwise permitted by the City of Kent.

9. Temporary use of mobile trailer units or similar portable structures for nonresidential purposes, located in districts where the use is a permitted use.

10. Seasonal retail sales of agricultural or horticultural products raised or produced off the premises permitted in commercial or industrial zoning districts only.

11. Temporary signs relating directly to the temporary uses herein described may be permitted for a period not to exceed the operation of the use. Said signs may be portable in nature and must be placed on premise. (No off-premise signs are permitted.) No more than two (2) signs per use shall be permitted and no sign shall exceed 32 square feet total of all faces. Maximum sign height shall be eight (8) feet. No sign permit shall be required.

12. Garage sales, moving sales, and similar activities for the sale of personal belongings when operated not more than three (3) days in the same week or more than twice in the same calendar year. No permit required.

13. Fund-raising car washes. No permit required.

14. The Planning Director may authorize additional temporary uses not listed in this subsection, when it is found that the proposed uses are in compliance with the requirements and findings of 15.08.205 C.

B. Conditions of Temporary Use

1. Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of temporary use upon completion or removal of the use.

2. A temporary use conducted in a parking facility shall not occupy or remove from availability more than 25 percent of the spaces required for the permanent use except in the Downtown Commercial (DC-1) zoning district or as approved by the City Council.

3. Each site occupied by a temporary use must provide or have available sufficient off-street parking and vehicular maneuvering area for customers. Such parking need not comply with the development requirements of Chapter 15.05 but must provide safe and efficient interior circulation and ingress and egress from public right of way.

4. No temporary use shall occupy or use public rights of way, parks or other public lands in any manner unless specifically approved by the City Council.
5. No temporary use shall occupy a site or operate within the City of Kent for more than ninety (90) days within any calendar year. Except:

a. When authorized by the Planning Director, a temporary use may operate an additional 90 days if it is found that such an extension will be consistent with the requirements of paragraph C of this section.

b. When authorized by the Hearing Examiner, a temporary use may operate an additional one (1) year if it is found that such an extension will be consistent with the requirements of paragraph C of this section.

6. All signs shall comply with the requirements of Chapter 15.06, Sign Regulations of the Kent Zoning Code except as otherwise specified in this section.

7. All temporary uses shall obtain, prior to occupancy of the site or culmination of activities, all required City of Kent permits, licenses or other approvals, e.g. business license, building permit, zoning permit, etc.

8. The Planning Director may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary use.

C. Determinations

The Planning Director may authorize the temporary uses described in 15.08.205 A after consultation and coordination with all other applicable City departments and other agencies and only when the following determinations can be made:

1. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.

2. The temporary use will be compatible with uses in the general vicinity and on adjacent properties.

3. The temporary use will not impact public health, safety, or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct of uses and activities in the vicinity.

4. The use and associated structures and living quarters will be conducted and used in a manner compatible with the surrounding area.

5. The temporary use shall comply with all applicable standards of the Seattle King County Health Department.
D. Application and Authorization

1. Application to conduct a temporary use shall be made to the Planning Department, and shall include such information as the Planning Director may require to evaluate the use and to make the determinations required by these provisions.

2. Application shall be made prior to the requested date for commencement of the temporary use, and the Planning Director shall make a determination whether to approve, approve conditionally, or to deny the temporary use within ten (10) days after the date of application.

3. Authorization of a temporary use shall be by issuance of a Zoning Permit.

4. A temporary use authorized pursuant to these provisions shall not be exempted or relieved from compliance with any other ordinance, law, permit, or license applicable to such use except where specifically noted.

Section 2. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEFEN DIJULIO, CITY ATTORNEY

PASSED the 16 day of June, 1986.
APPROVED the 17 day of June, 1986.
PUBLISHED the 20 day of June, 1986.
I hereby certify that this is a true copy of Ordinance No. 2640, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
MARIE JENSEN, CITY CLERK