Ordinance No. 2832

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Sec. 15.04.140 Repealed by Ord. 3409
Secs. 15.02.532 (formerly 15.02.531) & 15.02.533 (formerly 15.02.532)
Amended by Ord. 3551
Sec. 15.02.528 amended by Ord. 3600
ORDINANCE NO. 2832

AN ORDINANCE of the City of Kent, Washington, relating to land use and zoning, amending Kent City Code 15.02 and 15.04.140 to define "transitional housing" and add transitional housing as a principally permitted use in the GC, General Commercial Zone.

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

Section 1. A new Section 15.02.528 is added to the Kent City Code and Section 15.02.528 through 15.02.540 are renumbered as follows:

15.02.528. TRANSITIONAL HOUSING. A facility operated publicly or privately to provide housing for individuals and/or families who are otherwise homeless and have no other immediate living options available to them. Transitional housing shall not exceed an 18-month period per individual or family.

15.02.528. TREE. Tree shall mean any living woody plant characterized by one main stem or trunk and many branches, and having a diameter of six (6) inches or more measured at three (3) feet above ground level.

15.02.528. UNIQUE AND FRAGILE AREA. An area of special environmental significance for wildlife habitat, threatened plan communities, and/or natural scenic quality. The geographic boundaries of these areas are officially delineated on the "Hazard Area Development Limitations" map, referred to above in Exhibit A.

15.02.528. USE. An activity for which land or premises or a building thereon is designed, arranged, intended, or for which it is occupied or maintained, let or leased.
15.02.53((1))2. USE, CHANGE OF. A change of use shall be determined to have occurred when it is found that the general character of the operation has been modified. This determination shall include review of but not be limited to: 1) hours of operation, 2) materials processed or sold, 3) required parking, 4) traffic generation, 5) impact on public utilities, 6) clientele, and 7) general appearance and location.

15.02.53((3))4. USE, TEMPORARY. Any activity and/or structure permitted under the provisions of Section 15.08.205 of the Kent Zoning Code which is intended to exist or operate for a limited period of time and which does not comply with zoning code development standards and requirements as specified for the zoning district in which it is located.

15.02.53((4))5. USED. The word "used" in the definition of "Adult Motion Picture Theatre" herein, describes a continuing course of conduct exhibiting "specific sexual activities" and "specified anatomical areas" in a manner which appeals to a prurient interest. (0.2687, §2)

15.02.53((5))6. VARIANCE. A modification of regulations of this code when authorized by the Board of Adjustment after finding that the literal application of the provisions of the code would cause undue and unnecessary hardship in view of certain facts and conditions applying to a specific parcel of property.

15.02.5((39))40. VEGETATION, SHADING. This is vegetation planted on the south side of a major creek that generally provides shade from midmorning to midafternoon. Examples of shading vegetation are specified in KCC 15.08.200, "Landscaping."

15.02.54((0))1. VEGETATIVE AID. Bark mulch, gravel and other nonvegetative materials which promote vegetative growth by retaining moisture or preventing weeds. These materials are not a substitute for vegetative cover.

Section 2. Kent City Code Section 15.04.140 is amended as follows:

15.04.140. GENERAL COMMERCIAL OR GC. Purpose: The purpose and intent of the General Commercial district is:

1. To recognize the existence of commercial areas developed in strips along certain major thoroughfares.

2. To provide use incentives and development standards which will encourage the redevelopment and upgrading of such areas.

3. To provide for a range of trade, service, entertainment and recreation land uses which occur adjacent to major traffic arterials and residential uses.
4. 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.

A. Principally Permitted Uses.

1. Trade

   a. Wholesale
      Bakery

   b. Retail - general merchandise
      Department stores
      Dry goods and general merchandise
      Electrical supplies
      Farm equipment
      Hardware
      Heating and plumbing equipment
      Lumberyards
      Mail order houses
      Merchandise vending machine operators
      Paint, glass and wallpaper
      Variety stores

   c. Retail - food
      Bakeries (with accessory manufacturing)
      Candy, nut, and confectionery (with accessory manufacturing)
      Dairy products
      Fruits and vegetables
      Groceries
      Meat, fish, and poultry

   d. Retail - automotive, marine craft, aircraft and accessories
      Aircraft and accessories
      Marine craft and accessories
      Motor vehicles (new and/or used cars and recreation vehicles)
      Tires, batteries, and accessories
e. Retail - apparel and accessories
New and/or used apparel and accessories

f. Retail - furniture, home furnishings and equipment
New and/or used and finished and/or unfinished furniture, home furnishings and equipment

g. Retail - eating and drinking establishments
Drinking establishments (taverns and cocktail lounges)
Eating establishments (restaurants) without drive-in or drive-through facilities.

h. Retail - other
Antiques
Bicycles
Books
Bottled gas
Cameras and photographic supplies
Cigars and cigarettes
Computers and software
Drug and proprietary items
Florists
Fuel and ice dealers
Fuel oil
Gifts, novelties, and souvenirs
Hay, grains, and feeds
Jewelry
Liquor
Newspapers and magazines
Optical goods
Pets and pet supplies
Secondhand merchandise
Sporting goods
Stationery
Video cassette sales and rentals
15.02.53(1)). USE. CHANGE OF. A change of use shall be
determined to have occurred when it is found that the general
character of the operation has been modified. This determination
shall include review of but not be limited to: 1) hours of opera­
tion, 2) materials processed or sold, 3) required parking, 4) 
traffic generation, 5) impact on public utilities, 6) clientele,
and 7) general appearance and location.

15.02.53(3)). USE. TEMPORARY. Any activity and/or
structure permitted under the provisions of Section 15.08.205 of
the Kent Zoning Code which is intended to exist or operate for a
limited period of time and which does not comply with zoning code
development standards and requirements as specified for the zoning
district in which it is located.

15.02.53(4)). USED. The word "used" in the definition
of "Adult Motion Picture Theatre" herein, describes a continuing
course of conduct exhibiting "specific sexual activities" and
"specified anatomical areas" in a manner which appeals to a
prurient interest. (0.2687, §2)

15.02.53(5)). VARIANCE. A modification of regulations
of this code when authorized by the Board of Adjustment after
finding that the literal application of the provisions of the code
would cause undue and unnecessary hardship in view of certain
facts and conditions applying to a specific parcel of property.

15.02.54(0)). VEGETATION. SHADING. This is vegetation
planted on the south side of a major creek that generally provides
shade from midmorning to midafternoon. Examples of shading vege­
tation are specified in KCC 15.08.200, "Landscaping."

15.02.54(0)). VEGETATIVE AID. Bark mulch, gravel and
other nonvegetative materials which promote vegetative growth by
retaining moisture or preventing weeds. These materials are not a
substitute for vegetative cover.

Section 2. Kent City Code Section 15.04.140 is amended as
follows:

15.04.140. GENERAL COMMERCIAL OR GC. Purpose: The
purpose and intent of the General Commercial district is:

1. To recognize the existence of commercial areas
developed in strips along certain major thoroughfares.

2. To provide use incentives and development standards
which will encourage the redevelopment and upgrading of such areas.

3. To provide for a range of trade, service,
entertainment and recreation land uses which occur adjacent to
major traffic arterials and residential uses.
4. 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.

A. Principally Permitted Uses.

1. Trade

   a. Wholesale
      Bakery

   b. Retail - general merchandise
      Department stores
      Dry goods and general merchandise
      Electrical supplies
      Farm equipment
      Hardware
      Heating and plumbing equipment
      Lumberyards
      Mail order houses
      Merchandise vending machine operators
      Paint, glass and wallpaper
      Variety stores

   c. Retail - food
      Bakeries (with accessory manufacturing)
      Candy, nut, and confectionery (with accessory manufacturing)
      Dairy products
      Fruits and vegetables
      Groceries
      Meat, fish, and poultry

   d. Retail - automotive, marine craft, aircraft and accessories
      Aircraft and accessories
      Marine craft and accessories
      Motor vehicles (new and/or used cars and recreation vehicles)
      Tires, batteries, and accessories
e. Retail - apparel and accessories
   New and/or used apparel and accessories

f. Retail - furniture, home furnishings and equipment
   New and/or used and finished and/or unfinished furniture, home furnishings and equipment

g. Retail - eating and drinking establishments
   Drinking establishments (taverns and cocktail lounges)
   Eating establishments (restaurants) without drive-in or drive-through facilities.

h. Retail - other
   Antiques
   Bicycles
   Books
   Bottled gas
   Cameras and photographic supplies
   Cigars and cigarettes
   Computers and software
   Drug and proprietary items
   Florists
   Fuel and ice dealers
   Fuel oil
   Gifts, novelties, and souvenirs
   Hay, grains, and feeds
   Jewelry
   Liquor
   Newspapers and magazines
   Optical goods
   Pets and pet supplies
   Secondhand merchandise
   Sporting goods
   Stationery
   Video cassette sales and rentals
2. Services

a. Finance, insurance and real estate services
   Banking and related services
   Commodity brokers, dealers and related services
   Housing and investment services
   Insurance brokers, agents and related services
   Insurance carriers
   Real estate agents, brokers and related services
   Real estate operators, lessors and management services
   Real estate subdividing and developing services
   Security brokers, dealers and related services
   Title abstracting and insurance services

b. Personal services
   Beauty and barber services
   Diaper services
   Funeral and crematory services
   Laundering and dry cleaning (self-service)
   Laundering, dry cleaning, and dyeing services
   Linen supply and industrial laundry services
   Photographic services
   Pressing, alteration, and garment repair
   Rug cleaning and repair services
   Shoe repair, shoe shining, and hat cleaning services

c. Business services
   Advertising services
   Automobile and truck rental
   Blueprinting and photocopying services
   Business and management consulting services
   Consumer and mercantile credit reporting services; adjustment and collection services
   Detective and protective services
   Disinfecting and exterminating services
   Employment services
   Equipment rental and leasing services
   Food lockers (without food preparation facilities)
Motion picture distribution and services
News syndicate services
Other dwelling and business services
Outdoor advertising services
Photofinishing services
Research, development, and testing services
Stenographic services and other duplicating and mailing services
Trading stamp services
Window cleaning services

d. Repair services
   Armature rewinding services
   Automobile repair services
   Automobile wash services
   Electrical repair services
   Fleet vehicle maintenance
   Radio and television repair services
   Reupholstery and furniture repair services
   Small engine repair  Truck repair
   Watch, clock and jewelry repair services

e. Professional services
   Accounting, auditing, and bookkeeping services
   Educational and scientific research services
   Engineering and architectural services
   Hospital services
   Legal services
   Medical and dental laboratory services
   Medical and dental services
   Medical clinic - out-patient services
   Sanitarium, convalescent, and rest home services
   Urban planning services

f. Contract construction services
   Building construction - general contractor services
   Carpentering and wood flooring
   Concrete services
   Electrical services

-9-
Masonry, stonework, tile setting, and plastering services
Painting, paperhanging and decorating services
Plumbing, heating, and air conditioning services
Roofing and sheet metal services
Water well drilling services

g. Educational services
Art and music schools
Barber and beauty schools
Business and stenographic schools
Correspondence schools
Dancing schools
Driving schools – auto
Driving schools – truck
Vocational or trade schools

h. Miscellaneous services
Animal grooming parlors
Business associations and organizations
Civic, social, and fraternal associations
Labor unions and similar labor organizations
Veterinary clinics and animal hospital services
when located no closer than one hundred fifty (150) feet to any residential use, providing the animals are housed indoors (no outside runs) and the building is soundproofed. Sound-proofing must be designed by competent acoustical engineers.
Welfare and charitable services

3. Residential

a. Lodgings
   Hotels
   Motels

b. Existing dwellings may be rebuilt, repaired and otherwise changed for human occupancy. Accessory uses for existing dwellings may be constructed. Such uses are garages, carports, storage sheds and fences.
c. **Transitional housing facilities**, limited to a maximum of 20 residents at any one time and 4 resident staff.

4. **Cultural, entertainment and recreational**

   a. **Cultural activities and nature exhibitions**
      Art galleries
      Historic and monument sites

   b. **Public assembly**
      Amphitheaters
      Arenas and field houses
      Auditoriums
      Drive-in movies
      Exhibition halls
      Legitimate theaters (live)
      Motion picture theaters
      Stadiums

   c. **Amusements and recreation**
      Amusement parks
      Athletic clubs
      Bowling
      Fairgrounds
      Go-cart tracks
      Golf driving ranges
      Miniature golf
      Skating (roller or ice)
      Tennis
      Video arcades

5. **Other uses**

   a. Other retail trade, service, or entertainment/recreational uses that are of the same general character as those listed; which are deemed compatible with other permitted uses in this district and which operate in accordance with the stated purpose of this district.
b. Municipal uses and buildings, except for such uses and buildings subject to Section 15.04.200. (0.2695 §6)

B. Special Permit Uses. The following uses are permitted provided that they conform to the development standards listed in Section 15.08.020.

1. Gasoline service stations.
2. Eating establishments (restaurants) with drive-in or drive-through facilities.
3. Nursery schools and day care centers.

C. Accessory Uses. Accessory uses and buildings customarily appurtenant to a permitted use such as incidental storage facilities.

D. Conditional Uses.

1. Printing and publishing establishments, and accessory uses and buildings, customarily appurtenant to such use.
2. Mini-warehouses and self-service storage
3. General Conditional Uses as listed in Section 15.08.030, except for transitional housing with a maximum of 20 residents and 4 staff.
4. Kennels

E. Development Standards.

1. Minimum lot. 10,000 square feet.
2. Maximum site coverage. Forty (40) percent.
3. Front yard. There shall be a front yard of at least twenty (20) feet in depth.
4. **Side yard.** None, except when a side yard abuts a residential district, and then a twenty (20) foot rear yards shall be required.

5. **Rear yard.** None, except when a rear yard abuts a residential district, and then a twenty (20) foot rear yard shall be required.

6. **Height limitations.** Two (2) stories or thirty-five (35) feet. However, the Planning Director shall be authorized to grant one additional story in height, if during Development Plan Review, it is found that this additional story would not detract from the continuity of the area. More than one additional story may be granted by the Planning Commission.

7. The landscaping requirements of Chapter 15.07 shall apply.

8. **Outdoor storage.** Outdoor storage areas shall be fenced for security and public safety by a sight-obscuring fence unless determined through the Development Plan Review that a sight-obscuring fence is not necessary.

F. **Signs.** The sign regulations of Chapter 15.06 shall apply.

G. **Off-Street Parking.**

1. The off-street parking requirements of Chapter 15.05 shall apply.

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

H. **Development Plan Review.** Development plan approval is required, as provided in Section 15.09.010.
Section 3. 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.

ATTTEST:

DAN KELLEHER, MAYOR

BRENDA JACOBER, DEPUTY CITY CLERK

APPROVED AS TO FORM:

SANDRA DRISCOLL, CITY ATTORNEY

PASSED the 21 day of February, 1989.

APPROVED the 22 day of February, 1989.

PUBLISHED the 24 day of February, 1989.

I hereby certify that this is a true copy of Ordinance No. 2832, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, DEPUTY CITY CLERK