Ordinance No. 3340

(Amending or Repealing Ordinances)

CFN=131 Zoning Codes
Passed – 4/1/1997
Home Occupation Permits (amends Sec. 15.08.040)

Amended by Ords. 3424;3575;3752;4003
ORDINANCE NO. 3340

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 15.08 of the Kent Zoning Code relating to Home Occupation Permits by providing for special Home Occupation Permits for in-home music, dance schools and/or studios, art lessons, and academic tutoring.

WHEREAS, on February 24, 1997, the Land Use and Planning Board held a public hearing on a regulatory review request to expand the uses for which Home Occupations would be permitted (No. ZCA-96-8); and

WHEREAS, following the public hearing, the Land Use and Planning Board voted to recommend certain modifications to the City of Kent's Home Occupation Regulations set forth in KCC 15.08.040; and

WHEREAS, on March 18, 1997, the Kent City Council considered the recommendation of the Land Use and Planning Board and voted to approve the same;

WHEREAS; the City Council finds that allowing home occupation uses under certain conditions would benefit the citizens of Kent and further be consistent with and enhance the City's commute trip reduction program; NOW THEREFORE,

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

SECTION 1. Section 15.08.040 of the Kent City Code is hereby amended to read as follows:
Section 15.08.040.  Home occupations.

A.  Purpose  It is the purpose of this section to outline general conditions in which home occupations may be permitted in all zoning districts. These conditions have been designed to help preserve the residential character of the City's neighborhoods from commercial encroachment while recognizing that certain selected business activities are compatible with residential uses.

B.  Home occupations permitted  Home occupations which meet the requirements of this section are permitted in every zone where a dwelling unit was lawfully established. The requirements of this section shall not apply to the following home occupations:

1.  Home child care.
2.  The sale of agricultural products produced on the premises.

C.  Development standards.  All dwelling units in which a home occupation is located must meet the following minimum development standards:

1.  The residential character of the exterior of the building shall be maintained;
2.  The outdoor storage or display of materials, goods, products or equipment is prohibited;
3.  A home occupation shall not occupy more than three hundred (300) square feet; and
4.  The sign regulation of Chapter 15.06 shall apply.

D.  Performance standards  All home occupations must meet the following minimum performance standards:

1.  Employees  A home occupation may not employ on the premises more than one (1) person who is not a resident of the dwelling unit.
2.  Traffic  The traffic generated by a home occupation shall be limited to four (4) two-way, client-related trips per day and shall not create a need for additional onsite or offsite parking spaces.
3. **Sale of goods and services.** The sale of goods and services from a home occupation shall be to one (1) customer at a time, by appointment only, between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday only.

4. **Electrical or mechanical equipment usage.** The use of electrical or mechanical equipment that would change the fire rating of the structure or create visual or audible interference in radio or television receivers or electronic equipment or cause fluctuations in the line voltage outside the dwelling unit is prohibited.

5. **Utility demand.** Utility demand for sewer, water, electricity, garbage or natural gas shall not exceed normal residential levels.

6. **Other criteria.** There shall be no noise, vibration, smoke, dust, odors, heat, glare, or other conditions produced as a result of the home occupation which would exceed that normally produced by a single residence, or which would create a disturbing or objectionable condition in the neighborhood.

E. **Permit required.** A zoning permit is required as provided in Section 15.09.020.

F. **Special home occupation permits.** A special home occupation permit shall be required for the following home occupations when conducted in sessions of more than one individual:

1. **Music lessons.**
2. **Dance lessons.**
3. **Art lessons.**
4. **Academic tutoring.**

A special home occupation permit may only be issued as follows:

1. **Application.** An applicant for a special home occupation permit shall file an application with the City's planning department. Upon receipt of a complete application, the Planning Department shall
schedule a public hearing on the application before the Hearing Examiner pursuant to Chapter 2.32 of the Kent City Code. The application fee for a special home occupation permit shall be the same as for administrative variances unless otherwise established by City Council resolution.

2. *Criteria for approval.* In conducting a hearing on an application for a special home occupation permit, the Hearing Examiner shall consider the nature and conditions of all adjacent uses and structures. A special home occupation permit may only be approved by the Hearing Examiner if the Hearing Examiner finds that such permit will not be materially detrimental to the public welfare or injurious to the property in the zone or vicinity in which the property is located, and that the issuance of such special home occupation permit will be consistent with the spirit and purpose of this Section.

3. *Conditions of approval.* In approving a special home occupation permit, the Hearing Examiner may impose such requirements and conditions with respect to location, installation, construction, maintenance and operation and extent of open spaces in addition to those expressly set forth in this Section, as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

4. *Issuance.* Any special home occupation permit application approved by the Hearing Examiner shall be forwarded to the Planning Department for issuance.

5. *Appeal of decision.* The decision of the Hearing Examiner on a special home occupation permit application may be appealed to the City Council pursuant to Chapter 2.32 of the Kent City Code.
SECTION 2.  - Severability.  If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 3.  - Effective Date.  This Ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED:  1st day of April, 1997.

APPROVED:  2nd day of April, 1997.

PUBLISHED:  4th day of April, 1997.

I hereby certify that this is a true copy of Ordinance No. 3340, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK