Ordinance No. 3451

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Amends Ord. 1827 (Section 15.02.135)
Amends Ord. 2958 (Sections 15.02.135 & 15.02.173)
Amended by Ord. 3615 (Sec. 15.02.173)
ORDINANCE NO. 3451

AN ORDINANCE of the City of Kent, Washington, relating to the definition of group homes and amending the Kent zoning code, sections 15.02.135 and 15.02.173.

WHEREAS, the City Council adopted an ordinance relating to the regulation of group homes in 1991, based on amendments to the Federal Fair Housing Act adopted by Congress in 1988; and

WHEREAS, the amendments pertain to the siting of group home facilities; and

WHEREAS, Ordinance No. 2958, adopted in 1991, amended the definition of “family” and created class I, class II, and class III classifications for group homes; and

WHEREAS, the ordinance also defines where the various classifications of group homes could locate within the City of Kent; and

WHEREAS, Ordinance No. 2958 amended the definition of “family” by limiting the number of unrelated individuals living together in a dwelling unit as a single, non-profit housekeeping unit to six persons; and

Group Homes
WHEREAS, class I group homes were not excluded from the definition of “family,” but identified a housing capacity for class I group home residents from seven residents up to a number based upon the density of the underlying zoning district; and

WHEREAS, by not excluding class I group homes from the definition of “family” there was an appearance of inconsistency between the number of unrelated individuals who were allowed to reside in a class I group home; and

WHEREAS, the land use and planning board reviewed the group home regulations and a current United States Supreme Court case, City of Edmonds v. Oxford House, Inc., 115 S. Ct. 1776, 131 L. Ed. 2nd 801 (1995), at a workshop on March 8, 1999; and

WHEREAS, the land use and planning board determined that with regard to class III group homes, no occupancy limitation is referenced; however, the Washington Administrative Code Chapters 137-56 and 137-57 regulate class III group homes and the City of Kent zoning code regulations stipulate that class III group homes can only be sited through a conditional use permit process; and

WHEREAS, the land use and planning board desired to reference the restrictions provided in Chs. 137-56 and 137-57 WAC; and

WHEREAS, the land use and planning board held a public hearing on the proposed amendments on March 21, 1999 and moved to accept the staff’s recommendation to amend the definitions of “family” and “class III” group homes; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, ORDAINS AS FOLLOWS:

Group Homes
SECTION 1. Section 15.02.135 of the Kent City Code is hereby amended as follows:

Sec. 15.02.135. Family. Family means one (1) or more individuals related by blood or legal familial relationship, or a group of not more than six (6) persons who need not be related by blood or a legal familial relationship, living together in a dwelling unit as a single, nonprofit housekeeping unit, excluding class I, class II, and III group homes as defined in section 15.02.173.

SECTION 2. Section 15.02.173 of the Kent City Code is hereby amended as follows:

Sec. 15.02.173. Group home.

A. Class I group home. Class I group home means publicly or privately operated residential facilities such as state-licensed foster homes and group homes for children; group homes for individuals who are developmentally, physically or mentally disabled; group homes or halfway houses for recovering alcoholics and former drug addicts; and other groups not considered within class II or III group homes.

1. Group home, class I-A. A class I-A group home shall have a maximum of seven (7) residents including resident staff.

2. Group home, class I-B. A class I-B group home shall have a maximum of ten (10) residents including resident staff.

3. Group home, class I-C. The number of residents for a class I-C group home will be based upon the density of the underlying zoning district.

B. Class II group home. Class II group home means publicly or privately operated residential facilities for juveniles under the jurisdiction of the criminal justice system. These homes include state-licensed group care homes or halfway homes for juveniles which provide residence in lieu of sentencing or incarceration, and halfway houses providing residence to juveniles needing correction or for Group Homes
juveniles selected to participate in state-operated work release and pre-release programs. The planning director shall have the discretion to classify a group home proposing to serve juveniles convicted of the offenses listed under class III group home in this section as a group home class III, and any such home shall be sited according to the regulations contained within the group III classification.

1. **Group home, class II-A.** A class II-A group home shall have a maximum of eight (8) residents including resident staff.

2. **Group home, class II-B.** A class II-B group home shall have a maximum of twelve (12) residents including resident staff.

3. **Group home, class II-C.** A class II-C group home shall have a maximum of eighteen (18) residents including resident staff.

C. **Class III group home.** Class III group home means privately or publicly operated residential facilities for adults under the jurisdiction of the criminal justice system who have entered a pre- or post-charging diversion program, or been selected to participate in state-operated work/training release or other similar programs as provided in Chs. 137-56 and 137-57 WAC. Such groups also involve individuals who have been convicted of a violent crime against a person or a crime against property with a sexual motivation and convicted or charged as a sexual or assultive violent predator.

**SECTION 3. 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 4. Effective Date.** This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.
I hereby certify that this is a true and correct copy of Ordinance No. 3451 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.