Ordinance No. 3575
(Amending or Repealing Ordinances)

CFN=131 – Zoning Codes
Passed – 9/18/2001
Home Occupations & Definitions
(Amends Sec. 15.08.040 and Adding new Sec. 15.02.028)

Amends Ords. 3340;3424
Amended by Ords. 3646;3752
Amended by Ord. 4003 (Sec. 15.08.040)
ORDINANCE NO. 3575

AN ORDINANCE of the City Council of the City of Kent, Washington, prohibiting certain home occupations in Section 15.08.040 of the Kent City Code, and further amending Section 15.02 entitled "Definitions" to reflect the amendments to Section 15.08.040.

WHEREAS, in 1983 the City Council initially enacted Section 15.08.040 of the Kent City Code to outline the provisions by which home occupations would be permitted in all zoning districts where dwelling units are lawfully established; and

WHEREAS, in 1997 the City Council adopted amendments to Section 15.08.040 to include provisions for special home occupation permits whereby certain home occupations require a public hearing and approval by the hearing examiner; and

WHEREAS, the City Council finds that certain home occupations, by the nature of their operation or investment, have a pronounced tendency, once started, to increase beyond the limits permitted for home occupations and impair the use and value of zoning districts for residential purposes; and

WHEREAS, the City Council desires to eliminate the harm being done by certain home occupations; and

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Home Occupations (Prohibitions)
WHEREAS, the City Council finds that Chapter 15.02, entitled "Definitions" must be amended to reflect the amendments to Section 15.08.040; 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, entitled "Home occupations," is hereby amended to read as follows:

Sec. 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.

4. The sign regulations of Ch. 15.06 KCC 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 (2) 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 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 KCC 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 (1) individual:

1. Music lessons.

2. Dance lessons.
3. Art lessons.
4. Academic tutoring.
5. Automobile detailing.

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

1. Application. Applications for a special home occupation permit under this subsection shall be subject to the procedures and requirements of Ch. 2.32 KCC and Ch. 12.01 KCC. 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 and subject to the applicable provisions of Ch. 12.01 KCC.

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 Ch. 2.32 KCC and Ch. 12.01 KCC.
G. **Home occupations prohibited.**

1. The following uses, by the nature of their operation or investment, have a pronounced tendency, once started, to increase beyond the limits permitted for home occupations and impair the use and value of zoning districts where dwelling units are lawfully established. Therefore, the uses listed below shall not be permitted as home occupations:
   a. Repair, body repair, building, or servicing of vehicles.

2. Home occupations prohibited by subsection (G)(1) above and which were operated lawfully in the city of Kent in compliance with the provision of this chapter as of the date of passage, may continue to operate for one (1) year from the effective date of this ordinance, or the expiration of a current business license, whichever is longer; after which date no prohibited home occupations may lawfully operate in the City of Kent.

**SECTION 2.** Chapter 15.02 of the Kent City Code, entitled “Definitions,” is hereby amended by adding a new subsection 15.02.028, entitled “Automobile detailing,” to read as follows:

**Sec. 15.02.028. Automobile detailing.** *Auto detailing* means any scratch and oxidation removal, buffing, interior and exterior washing or shampooing, paint overspray removal, stain removal, non-spray touch up painting, power washing, hand drying, road tar removal, polishing, deodorizing, of any type of passenger vehicles and trucks. Automobile detailing does not include cleaning of engines or engine parts.

**SECTION 3.** *Severability.* If any one or more section, 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 passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER LUBOVICH, CITY ATTORNEY

PASSED: 18 day of September, 2001.

APPROVED: 18 day of September, 2001.


I hereby certify that this is a true copy of Ordinance No. 3575 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, CITY CLERK

Home Occupations (Prohibitions)