Ordinance No. 3813

(Amending or Repealing Ordinances)

CFN=131 – Zoning Code Amendments
Passed – 9/5/06
Commercial Motor Vehicles – Residential Zones

Secs. 15.02.270.5 & 15.08.085 – New Sections
AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 15.02 and Chapter 15.08 of the Kent City Code regarding the storage and parking of commercial motor vehicles in residential zoning districts (ZCA-2005-3).

RECITALS

A. The City of Kent’s zoning code recognizes the need of all legitimate uses of land to be protected from other uses which are unrelated or incompatible. The parking of commercial motor vehicles in residential neighborhoods is potentially incompatible with residential uses on several levels, including noise, visual blight, and safety.

B. On July 20, 2005, the city sent the required notification under RCW 36.70A.106 to the state of Washington of the proposed amendments to the zoning code.

C. The SEPA Responsible Official determined the proposed amendments are procedural in nature and categorically exempt from environmental review.

D. On August 8, 2005, the Land Use and Planning Board held a public hearing on this issue and forwarded a recommendation to the Planning and Economic Development Committee.

E. On August 15, 2005 the Planning and Economic Development Committee analyzed this issue of commercial motor vehicles parking in residential neighborhoods. The Committee obtained further information from the public at a public hearing on November 21, 2005, as well as meetings before the Committee.

F. The City Council, on August 15, 2006, and September 5, 2006, voted to amend Chapter 15 of the Kent City Code to prohibit the storage and parking of commercial vehicles on residentially zoned property.

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

ORDINANCE

SECTION 1. - Amendment. Chapter 15.02 of the Kent City Code is amended to include the definition of “motor vehicle” as follows:

... 15.02.270.5. Motor vehicle means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, or any other vehicle required to be registered under the laws of this state, but does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

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SECTION 2. - Amendment. Chapter 15.08 of the Kent City Code is hereby amended to add a new section, entitled “Parking commercial motor vehicles in residential zones,” as follows.

... Sec. 15.08.085. Parking commercial motor vehicles in residential zones.

1. Commercial motor vehicles are not permitted to be parked on residentially zoned properties with a land use designation of urban separator (US) and a zoning designation of single family, one unit per acre (SR-1), unless actively delivering goods. "Commercial motor vehicles" include: 1) vehicles used in a
commercial enterprise which exceed 19 feet in length; and 2) truck tractors used in the drayage of semi-truck trailers.

2. Commercial motor vehicles are not permitted to be parked on residentially zoned property with a zoning designation of SR-2 or greater unless actively delivering goods. Commercial motor vehicles include: 1) vehicles with a gross weight rating 'GVWR' of 26,001 pounds or more and; 2) trailers with a 'GVWR' of 10,001 pounds or more if the gross weight rating of the combined vehicles is 26,001 pounds or more.

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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. - Savings. The existing section 15.080 of the Kent City Code, which is amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION 5. - 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.

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY
PASSED: 5 day of September, 2006.
APPROVED: 5 day of September, 2006.
PUBLISHED: 9 day of September, 2006.

I hereby certify that this is a true copy of Ordinance No. 3813, 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
BRENDA JACOBER, CITY CLERK

Commercial Motor Vehicles - Residential Zones