1. Would a “Boys and Girls Club” developed under a conditional Use Permit in the R-6 (Urban Residential) zone be considered a “commercial development” for purposes of KCC 21A.41.010?

Title 21A does not define “commercial development” nor is there a permitted land use table for “commercial land uses”. Title 21A does establish commercial/industrial zones, but the R-6 (Urban Residential) is not considered a commercial/industrial zone. Black’s Law Dictionary defines “commercial” as an activity engaged in for profit, while Webster’s Dictionary defines “commercial” as related to commerce and viewed with regard to profit. The proposed “Boys and Girls Club” is considered a sports club and is allowed in the R-6 zone subject to a Conditional Use Permit pursuant to KCC 21A.08.040. However this proposal would be submitted by a non-profit organization and is not commercial in nature. Also, the proposed site is in a residential, not commercial zone. Therefore a non-profit “Boys and Girls Club” would not be considered a commercial development for purposes of KCC 21A.41.010.

The committee did agreed that a “for profit” sports club proposal would be considered a “commercial development” for purposes of KCC 21A.41.010. However it would only be allowed in a commercial/industrial zone pursuant to KCC 21A.08.040. Likewise, if a non-profit sports club was proposed in a commercial/industrial zone, it still would not be considered a “commercial development” for purposes of KCC 21A.41.010 because it would not meet the common definition of a commercial development.
The committee agreed that the commercial limitation of “Commercial Site Development Permits”, as established in KCC 21A.41 should be dropped in future code amendments, and replaced with a general site development permit.

2. “Campground” is defined as “An area of land developed for recreational use in temporary occupancy, such as : tents or recreational vehicles without hook-up facilities” (KCC 21A.06.160) Is there a limit to duration and frequency for an outright permitted temporary use?

Title 21A does not define temporary use, however temporary use permits set a limit on duration and frequency pursuant to KCC 21A.32.120. If a use does not require a temporary use permit, there is no limit on duration and frequency. KCC 21A .08.040 needs to be amended to add a footnote to the “campgrounds” land use which would set a limit on duration and frequency of use. The committee agreed that the limit should be shorter than the 180 days allowed for recreational vehicle parks.

3. Does a “park” as defined in KCC 21A.06.835 allow occupancy of recreational vehicles (without full hookup)? If so, is this confined to a temporary use, and is there a limit on the duration and frequency of use?

The committee determined that areas for “off-road recreational vehicle users”, as used in KCC 21A.06.835 to define a “park” means an ATV (all terrain vehicle) or ORV (off-road vehicle) designed to be driven on trails or back-country area, and not a “recreational vehicle (“RV”)” as defined in KCC 21A.06.960, which is a vehicle designed primarily for camping, travel or seasonal use. Title 21A lists permitted uses in one and only one place in the permitted use tables. Since “campgrounds” is a separate use from a “park”, camping is not assumed to be a subset of the park definition. Therefore areas for recreational vehicles that are used for camping are not covered in the definition of a park. To make this clear, the definition of “park” should be amended to specifically prohibit overnight camping.

JB:pk

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