Ordinance No. 2354

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Repealed by Ord. 3664
AN ORDINANCE of the City of Kent, Washington, providing for the adoption of a Binding Site Plan for residential condominium developments (as provided for under RCW 58.17.040), and establishing the rules and regulations under which such Plan can be adopted.

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

Section 1. Purpose. The purpose of the Binding Site Plan is to allow for the division of multi-family residential zoned land for condominium purposes without the necessity of completing the procedures for platting land under the City of Kent Subdivision Code, and Chapter 58.17 RCW.

This Binding Site Plan procedure shall only apply to the division of land for approved multi-family residential condominium projects.

Section 2. Scope - Developments Eligible for Binding Site Plan Approval. Multi-family residential condominium developments are eligible for binding site plan approval, when the purpose of such approval is to divide the property so that a portion of the parcel or tract can be subjected to Chapter 64.32 RCW (State Condominium Law). The City of Kent Subdivision Code shall not apply to such divisions except as specifically set forth herein. A Binding Site Plan can only be approved either when the development has already been constructed or when the following approval has been obtained:

A. A building permit for an entire development or a portion of a development is issued.

Section 3. Definitions

A. Binding Site Plan

A Binding Site Plan is a drawing of a multi-family condominium development showing the locations of all existing and proposed structures, utilities, streets, easements, and open spaces; as well as the other information set forth in Section 5 and 8. The Binding Site Plan shall set forth all conditions of approval and shall contain, on its face,
the statements set forth in Section 5(B)(4).
The Binding Site Plan shall restrict the development of all the land on the lot or lots on which the development is proposed.

B. Binding Site Plan Committee

A committee consisting of the Planning Director, who shall be chairman, the Public Works Director, the Fire Chief, and the Building Director, or their designated representatives, and shall be hereinafter known as the Committee.

C. Title Report

A certified report from a bonded Title Agency showing recorded title holder and all encumbrances and defects that exist on the land.

Section 4. Principles of Acceptibility. Approval of a Binding Site Plan shall take place only after the following are met:

A. Adequate provisions have been made for drainage ways, alleys, streets, other public ways, water supplies, open space and sanitary wastes, for the entire property covered by the Binding Site Plan.

B. Comply with all Building Code requirements.

C. Comply with all Zoning Code requirements and development standards.

D. Have suitable physical characteristics; a proposed Binding Site Plan may be denied because of flood, inundation, or swamp conditions or construction of protective improvements may be required as a condition of approval.

Section 5. Application Requirements.

A. An application for a Binding Site Plan shall be filed with the Planning Department on a prescribed form and accompanied by supporting materials as may be required. A Binding Site Plan application may not be submitted until a building permit has been approved.

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B. The Preliminary Binding Site Plan drawing shall conform to the following requirements and shall contain the following information.

1. Shall be on reproducible material and shall be drawn to a scale of not less than one (1) inch equals one hundred (100) feet (unless otherwise approved by the Planning Department) on sheets eighteen by twenty-two (18 x 22) inches.

2. The name of the proposed development; the legal description of the property for which binding site plan approval is sought; the date on which the plans were prepared; the graphic scale and northpoint of the plans.

3. Shall show the following:

   a) The layout of the site including the location of all existing and proposed structures and their distance from property lines; the location of all existing and proposed utilities, streets and easements within or abutting subject property; the location of all existing and proposed private pedestrian walks; existing and proposed open space area.

   b) Any areas proposed to be dedicated or reserved for public purposes, and areas to be reserved for private open space and landscaping and areas reserved for the common use of the occupants of the proposed development.
c) All major man-made or natural features (streams, creeks, drainage ditches, railroad tracks, etc.).

d) Building dimensions, height and number of stories, distance between buildings, location and size of parking areas and number of stalls.

e) Following Code Data:

- Zoning District
- Total lot area (square feet)
- Total building area (square feet)
- Percent of site coverage
- Number of units proposed
- Total number of parking stalls (include handicapped)
- Total parking and maneuvering area (square feet)
- Required landscaping (square feet)
- Percent of lot in open space
- Type of construction
- Sprinklered-nonsprinklered
- Occupancy classification

4. The name of the proposed development and the title, "BINDING SITE PLAN" shall be at the top of the plan, in large print, together with the following statement, prominently displayed on the face of the site plan map:

The use and development of this property must be in accordance with the plan as represented herein or as hereafter amended, according to the provisions of the Binding Site Plan Regulations of the City of Kent and any division of the land subject to this plan shall not take place until the development or the portion thereof to be divided is subjected to RCW Chapter 64.32.

The roads and utilities shown on this plan may not be constructed and/or installed at the time that the property subject to this plan is divided; however, any permit required to develop any portion of this property shall not be issued until the roads and utilities necessary to serve that portion of this property have been constructed and installed or until arrangements acceptable to the City of Kent have been made to ensure that the construction and installation of such roads and utilities will be accomplished.
5. Any conditions, limitations, and requirements for the use and development of the land as required pursuant to the approvals set forth in Section 2 shall be appropriately set forth or referenced.

C. The application shall be accompanied by a current title report.

Section 6. Procedure – Binding Site Plan Meeting.

A. The Binding Site Plan shall be heard by the City of Kent Binding Site Plan Committee. The Planning Department shall distribute copies of the application for Binding Site Plan approval to each member of the Committee and to other appropriate agencies for review and comment.

B. A meeting attended by the applicant or his representative and the Binding Site Plan Committee members shall be held within 30 days of the receipt of the application. Said meeting shall be open to the public.

C. Quorum. Three (3) of the four (4) members of the Binding Site Plan Committee must be present in order for the Committee to take any action.

D. The Committee shall review the Binding Site Plan to determine whether it complies with the development already constructed or with the plans approved for the Building Permit for the project and with the principles of acceptability outlined in Section 4.

E. The Committee may approve, approve, approve with conditions or modifications, or deny the application. The Committee shall not impose any conditions which are inconsistent with prior land use approvals of the development covered by this application. If the Committee determines that there is insufficient information to decide whether the proposed Binding Site Plan meets the principles of acceptability set forth in Section 4, the Committee may return the proposed Binding Site Plan to the applicant with a request for the specific information that must be supplied. In such cases, the Committee shall hold a meeting and act on
the proposed Binding Site Plan within 30 days after receipt of the additional information requested by the Committee. The decision of the Committee shall be made at the Committee meeting. An additional meeting may be called if no decision is reached at the first meeting. The second meeting shall be no later than seven (7) days after the first meeting.

F. As a condition of approval of the Binding Site Plan, the Binding Site Plan Committee shall have the right and authority to require the deeding of rights-of-way for street and/or utility purposes, when determined it is in the best interest of the City. Any said deeding shall precede the recordation of the Binding Site Plan.

Section 7. Appeal. The decision of the Binding Site Plan Committee shall be final, unless an appeal by any aggrieved party is made to the City Council within fourteen (14) days after the Committee's decision. Said appeal shall be in writing to the City Council and filed with the City Clerk and Planning Department. The City Council shall act on said appeal within thirty (30) days unless an extension thereto is agreed to, in writing, by the applicant.

Section 8. Final Binding Site Plan. The Final Binding Site Plan map which is submitted for filing shall conform to all requirements of the preliminary binding site plan, plus the following:

A. Must be a reproducible map drawn to a scale of not less than one (1) inch equals one hundred (100) feet, on stabilized drafting film or on linen tracing cloth. Scale and north point must be on map.

B. Size 18" x 22".

C. Legal description of total parcel shall be shown on the final linen. All legal descriptions shall be metes and bounds descriptions reflecting within said descriptions ties to all subdivision lines, donation claim lines, and/or recording plat lines.

D. Property subject of the Binding Site Plan shall be surveyed by a land surveyor licensed in the State of Washington. All exterior corners and streets shall be monumented. Surveyor's certificate must appear on final linen.
E. All conditions, limitations, and requirements for the use and development of the land as required pursuant to the approvals set forth in Section 2 or the approval of the Binding Site Plan Committee shall be appropriately set forth or referenced. Building permit number (if applicable) shall be shown on mylar.

F. Certificate of approval by the Chairman of the Binding Site Plan Committee shall be provided on the linen.

G. Face of final site plan linen must be signed by all owner(s) of the property.

Section 9. Filing Binding Site Plan.

A. The Binding Site Plan must be signed by the Chairman of the Binding Site Plan Committee.

B. An approved Binding Site Plan shall be filed for record in the office of the King County Auditor and shall not be deemed approved until so filed.

C. Copies of the approved Binding Site Plans shall be filed with the Kent Planning Department, Kent City Clerk's Office, Kent Public Works Department.

Section 10. Expiration Period. If the Binding Site Plan is not filed within six (6) months of the date of approval, the Binding Site Plan shall become null and void. Upon written request of the applicant, the Planning Department may grant one (1) extension of not more than six (6) months. Such request must be received by the Planning Department prior to the six month expiration date.

Section 11. Amendment. An approved Binding Site Plan may be amended by filing a request for such an amendment with the Planning Department. The Planning Department shall determine what information shall be submitted with a request for an amendment, based on the type of modification being requested. Any amendment to an approved Binding Site Plan must be reviewed by the Binding Site Plan Committee according to the procedures set forth in Section 6.

If approved by the Binding Site Plan Committee, the amendment shall be set forth in writing and filed in accordance with Section 9, except that it shall be recorded only if the Binding Site Plan Committee directs it to be recorded.
The Committee shall have the authority to set forth guidelines for administrative approval of minor modifications of the approved Binding Site Plan.

Section 12. Enforcement. Any violation of the conditions of approval, limitations on development, or the requirements of development imposed as part of a binding site plan approval shall be subject to the enforcement proceedings and penalties established for violation of Chapter 58.17 RCW and for violations of the Kent Subdivision Code.

Section 13. Severability. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 14. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR

ATTEST:

BARBARA HEAVEY, ACTING CITY ATTORNEY

PASSED the 21 day of June, 1982
APPROVED the 22 day of June, 1982
PUBLISHED the 25 day of June, 1982

I hereby certify that this is a true copy of Ordinance No. 2354 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as herein indicated.

MARIE JENSEN, CITY CLERK