Ordinance No. 2708

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Amended by Ord. 3424
AN ORDINANCE of the City of Kent, Washington, relating to land use and zoning, amending Kent City Code 15.09.050 relating to procedures for application of the C-suffix to the industrial park districts and specifying standards and criteria for granting a request for rezone.

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

Section 1. Section 15.09.050 of the Kent City Code is amended as follows:

15.09.050. AMENDMENTS.

A. Purpose. This code may be amended by the City Council by changing the boundaries of zoning districts (rezones which change the official zoning map) or by changing any other provisions thereof (text amendments which add, delete or otherwise modify the text of the zoning code) wherever the public necessity and convenience and the general welfare require such amendment, by following the procedures of this section.

1. An amendment may be initiated by:

   a. Zoning code text and official zoning map amendments may be initiated by resolution of intention by the City Council. (Text amendments are heard by the Planning Commission and City Council; zoning map amendments are heard by the Hearing Examiner.)

   b. Zoning code text amendments may be initiated by resolution of intention by the Planning Commission.
c. Official zoning map amendments (rezones) including the application of the C-suffix may be initiated by application of one or more owners, or their agents, of the property affected by the proposed amendment, which shall be made on a form prescribed by the Planning Department and filed with the Planning Department. Said application shall be submitted at least forty-five (45) days prior to the next regularly scheduled public hearing date, and shall be heard by the Hearing Examiner within one hundred (100) days of the date of said application—provided, however, that this period may be extended in any case for which an environmental impact statement is required.

2. Public hearing. The Hearing Examiner shall hold at least one public hearing on any proposed amendment, and shall give notice thereof in at least one publication in the local newspaper at least ten (10) days prior to the public hearing.

a. Notice shall be given to all property owners within at least two hundred (200) feet and, when determined by the Planning Director, a greater distance of the exterior boundaries of the property subject of the application. Such notice to be sent ten (10) days prior to the public hearing.

The failure of any property owner to receive said notice of hearing will not invalidate the proceedings.

b. Public notices shall be posted in three conspicuous places on or adjacent to the property subject of the application at least ten (10) days prior to the date of the public hearing.


The following standards and criteria shall be used by the Hearing Examiner and City Council to evaluate a request for rezone. Such an amendment shall only be granted if the City Council determines that the request is consistent with these standards and criteria.
a. The proposed rezone is consistent with the Comprehensive Plan.

b. The proposed rezone and subsequent development of the site would be compatible with development in the vicinity.

c. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.

d. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone.

e. The proposed rezone will not adversely affect the health, safety, and general welfare of the citizens of the City of Kent.

4. The Hearing Examiner and the City Council shall use the standards and criteria provided in Section 15.09.050(D) to evaluate a request for rezone to M1-C. In addition, the Hearing Examiner and City Council shall evaluate a request for M1-C on the basis of the following standards and criteria. Such an amendment shall only be granted if the City Council determines the request is consistent with these standards and criteria.

a. The proposed rezone is in close proximity or contiguous to major arterial intersections identified on the Comprehensive Plan map as being appropriate locations for commercial type land uses.

b. Rezoning to M1-C shall not be speculative in nature but shall be based on generalized development plans and uses.

5. Recommendation of the hearing examiner. Following the aforesaid public hearing, the Hearing Examiner shall make a report of findings and recommendations with respect to the proposed amendment and shall forward such to the City Council, which shall have the final authority to act on said amendment.
6. **City Council Action.** Within thirty (30) days of receipt of the Hearing Examiner's recommendation, the City Council shall, at a regular public meeting, consider said recommendation.

If the application for an amendment is denied by the City Council, said application shall not be eligible for resubmittal for one year from date of said denial, unless specifically stated to be without prejudice. A new application affecting the same property may be submitted if, in the opinion of the Hearing Examiner, circumstances affecting the application have changed substantially.

**Section 2.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

**Section 3. Effective Date.** This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

**ATTEST:**

**APPROVED AS TO FORM:**
PASSED the 10 day of March, 1987.
APPROVED the 11 day of March, 1987.
PUBLISHED the 16 day of March, 1987.

I hereby certify that this is a true copy of Ordinance No. 2708, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

(SEAL)
MARIE JENSEN, CITY CLERK