Ordinance No. 2806

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

CFN=131 – Zoning Codes
Passed – 10/18/1988
Hearing Examiner discretion in approving, denying or conditioning exceptions

Amended by Ords. 3424;3600;3752
ORDINANCE NO. 2806

AN ORDINANCE of the City of Kent, Washington, relating to land use and zoning, authorizing the Hearing Examiner's discretion in approving, denying or conditioning exceptions to certain development standards when considering a conditional use permit, and amending Kent City Code 15.09.030.E.

WHEREAS, on July 25, 1988 the Kent Planning Commission proposed that the Hearing Examiner be given discretion in approving, modifying or denying conditional exceptions to development standards, including height of unique structures, signage, and setbacks, when a conditional use permit is required in order to allow the opportunity to have one quasi-judicial body review all of the same requests; and

WHEREAS, on September 20, 1988, the Kent City Council Planning Committee recommended approval of this amendment; and

WHEREAS, the Kent City Council finds that public necessity and convenience and the general welfare require this amendment; NOW, THEREFORE,

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

Section 1. Section 15.09.030 of the Kent City Code is amended as follows:

15.09.030. CONDITIONAL USES.

A. Purpose.

1. Conditional use permits, revocable, conditional or valid for a time period may be issued by the Hearing Examiner for any of the uses or purposes for which such permits are required or permitted by the terms of this Code. The purpose of
the conditional use permit is to allow the proper integration into the community of uses which may be suitable only on certain conditions in specific locations in a zoning district, or if the site is regulated in a particular manner.

2. Any use existing at the time of adoption of this code which is within the scope of uses permitted by a conditional use permit in the district in which the property is situated shall be deemed a conforming use without necessity of a conditional use permit.

3. Any expansion of an existing conditional use may be required to apply for a new conditional use permit if the Planning Director finds that there is a change in the nature of the use by such expansion.

E. Application. The owner or his agent may make application for a conditional use permit which shall be 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.

1. Development plans shall be submitted drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, and the location on the lot of the proposed building or alteration. Said plans shall show proposed landscaping, off-street parking, signs, ingress and egress and adjacent land uses. The plan shall include other information as may be required by the Planning Department.

C. Public Hearing. The Hearing Examiner shall hold a public hearing on any proposed conditional use, and shall give notice thereof in at least one (1) publication in the local newspaper at least ten (10) days prior to the public hearing.
1. Notice shall be given to all property owners within a radius of 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.
   
2. The failure of any property owner to receive said notice of hearing will not invalidate the proceedings.

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

D. Standards and Criteria for Granting a Conditional Use Permit. A conditional use permit shall only be granted after the Hearing Examiner has reviewed the proposed use to determine if it complies with the standards and criteria listed below. A conditional use permit shall only be granted if such finding is made.

1. The proposed use in the proposed location will not be detrimental to other uses legally existing or permitted outright in the zoning district.

2. The size of the site is adequate for the proposed use.

3. The traffic generated by the proposed use will not unduly burden the traffic circulation system in the vicinity.

4. The other performance characteristics of the proposed use are compatible with those of other uses in the neighborhood or vicinity.

5. Adequate buffering devices such as fencing, landscaping, or topographic characteristics protect adjacent properties from adverse effects of the proposed use, including adverse visual or auditory effects.
6. The other uses in the vicinity of the proposed site are such as to permit the proposed use to function effectively.

7. The proposed use complies with the performance standards, parking requirements and other applicable provisions of this code.

8. Any other similar considerations that may be appropriate to a particular case.

E. Action of Hearing Examiner. Special conditions may be imposed on the proposed development to insure that the proposed use will meet the standards and criteria of Section 15.09.030 subsection D in granting a conditional use permit. Guarantees and evidence that such conditions are being complied with may be required.

If the proposal also involves the requirement to obtain exceptions to development standards, the Hearing Examiner may approve, modify or deny conditional exceptions to those development standards, including height, unique structures, signage, and setbacks when considering a conditional use permit application for that same proposal.

Section 2. 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.

LAN KELLEHER, MAYOR

ATTEST:

MARIE JENSEN, CITY CLERK
APPROVED AS TO FORM:

[Signature]

SANDRA ERISCELL, CITY ATTORNEY

PASSED the 18th day of Oct., 1988.
APPROVED the 24th day of Oct., 1988.
PUBLISHED the 21st day of Dec., 1988.

I hereby certify that this is a true copy of Ordinance No. 2806, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]

MARI JENSEN, CITY CLERK

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