Ordinance No. 3123

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Amended by Ord. 3424;
Sec. 15.09.050 Amended by Ord. 3470;
ORDINANCE NO. 3123

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 15.09 of the Kent City Code relating to the procedure for zoning map and text amendments to the zoning code.

WHEREAS, Section 15.09.050 provides that text amendments to the zoning map are heard by the Planning Commission and City Council and that zoning map amendments are heard by the hearing examiner; and

WHEREAS, these procedures are difficult to implement with area-wide zoning or rezoning when both text and map amendments are required; and

WHEREAS, this process would be more efficient by allowing the Planning Commission to hear both zoning map and text amendments in cases of area-wide zoning and rezoning; NOW, THEREFORE,

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 hereby amended to read as follows:

Sec. 15.09.050. Amendments.  
This title 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 this title) whenever the public necessity and convenience and the general welfare require such amendment, by following the procedures of this section.

A. Initiation. An amendment may be initiated as follows:

1. Amendments to the text of this title 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. In the case of area-wide zoning or rezoning, both text amendments and zoning map amendments may be heard by the planning commission and city council.

2. Amendments to the text of this title may be initiated by resolution of intention by the planning commission.

3. Official zoning map amendments (rezones), including the application of the "C" suffix, may be initiated by application of one (1) 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. The 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 the application; provided, however, that this period may be extended in any case for which an environmental impact statement is required.

B. Public Hearing. The hearing examiner shall hold at least one (1) public hearing on any proposed amendment, 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 at least two hundred (200) feet and, when determined by the planning director, a greater distance from the exterior boundaries of the property which is the subject of the application. Such notice is to be sent ten (10) days prior to the public hearing. The failure of any property owner to receive the notice of hearing will not invalidate the proceedings.

2. Public notices shall be posted in one (1) conspicuous place on or adjacent to the property which is the subject of the application at least ten (10) days prior to the date of the public hearing. Public notice shall be accomplished through use of a four (4) foot by four (4) foot plywood face generic notice board, to be issued by the city planning department, and as follows: The applicant shall apply to the city for issuance of the notice board, and shall deposit with the city planning department the amount of sixty dollars ($60.00). The applicant shall be responsible for placement of the notice boards in one (1) conspicuous place on or adjacent to the property which is the subject of the application at least fourteen (14) days prior to the date of the public hearing. Planning department staff shall post laminated notice sheets and vinyl information packets on the board no later than ten (10)
days prior to the hearing. Upon return of the notice board in good condition to the planning department by the applicant, forty-five dollars ($45.00) of the initial notice board deposit shall be refunded to the applicant.

C. Standards and Criteria for Granting a Request for Rezone. 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.

1. The proposed rezone is consistent with the comprehensive plan.
2. The proposed rezone and subsequent development of the site would be compatible with development in the vicinity.
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated.
4. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone.
5. The proposed rezone will not adversely affect the health, safety and general welfare of the citizens of the city.

D. Rezoning to M1-C. The hearing examiner and the city council shall use the standards and criteria provided in subsection C. of this section 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.

1. 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.

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

E. Recommendation of Hearing Examiner. Following the public hearing provided for in this section, 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 the amendment.

F. City Council Action.

1. Within thirty (30) days of receipt of the hearing examiner's recommendation, the city council shall, at a regular public meeting, consider the recommendation.

2. If the application for an amendment is denied by the city council, the application shall not be eligible for resubmittal for one (1) year from date of the 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. Severability. If any one or more sections, subsections or sentences of this chapter are held to be
unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this chapter and the same shall remain in full force and effect.

Section 3. 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.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 15 day of June, 1993.
APPROVED the 16 day of June, 1993.
PUBLISHED the 18 day of June, 1993.
I hereby certify that this is a true copy of Ordinance No. 3123, 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, CITY CLERK