Ordinance No. 3639
(Amending or Repealing Ordinances)

CFN=131 - Zoning Codes
Passed - 4/1/2003
Planned Unit Development - PUD Sec. 15.08.400(I)

Amends Ords. 3439;3600
Amended by Ord 3633 (Repeals Ord. 3624 Sec. 15.08.400(I))
Amended by Ord. 3681 (Sec. 15.08.400(I))
Amended by Ord. 3746 (Sec. 15.08.400)

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only. No other deletions or changes have been made to the document – 6/21/2012
ORDINANCE NO. 3639

AN ORDINANCE of the city council of the city of Kent, Washington, amending section 15.08.400(I) of the Kent City Code, regarding planned unit developments, to provide a process for the modification of master plans located in commercial, office, and manufacturing zones consistent with planned action ordinances and development agreements.

WHEREAS, the city council desires to amend section 15.08.400(I) of the Kent City Code to allow the planning manager to decide minor and major modifications of master plans located in commercial, office, or manufacturing zones consistent with a planned action ordinance and development agreement; and

WHEREAS, the city previously adopted Ordinance No. 3624 relating to Planned Unit Developments ("PUD") on October 15, 2002, however, the city, by Ordinance No. 3633, repealed Ordinance No. 3624 as the city had inadvertently failed to provide sixty (60) days notice to the State of Washington of its intent to modify the Master Plan PUD, and

WHEREAS, on January 8, 2003, the city provided notification of the city’s Master Plan PUD Modification to the State of Washington, and

1 Planned Unit Development - PUD
Section 15.08.400(I)
WHEREAS, the sixty (60) day notice period has elapsed, and

WHEREAS, after providing appropriate public notice, the city held a public hearing on this modification proposal at the regular city council meeting held on April 1, 2003, NOW THEREFORE,

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

SECTION 1. – Amendment  Section 15 08 400(I) of the Kent City Code entitled, “Modifications of plan,” is amended as follows

Sec. 15.08.400. Planned unit developments, PUD

1  Modifications of plan. Requests for modifications of final approved plans shall be made in writing and shall be submitted to the planning services office in the manner and form prescribed by the planning manager. In commercial, office, and manufacturing zones, determination of minor and major modifications in master plans consistent with a planned action ordinance and development agreement shall be made at the sole discretion of the planning manager. Criteria for determining minor and major modifications in all other cases shall be as stated in subsection I(1) and I(2) below. The criteria for approval of a request for a major modification shall be those criteria covering original approval of the permit which is the subject of the proposed modification

   1  Minor modifications  Modifications are deemed minor if all the following criteria are satisfied

       a  No new land use is proposed,

       b  No increase in density, number of dwelling units or lots is proposed,

   2  Planned Unit Development - PUD
c. No change in the general location or number of access points is proposed,

d. No reduction in the amount of open space is proposed,

e. No reduction in the amount of parking is proposed,

f. No increase in the total square footage of structures to be developed is proposed, and

(g. No increase in general height of structures is proposed.

Examples of minor modifications include but are not limited to lot line adjustments, minor relocations of buildings or landscaped areas, minor changes in phasing and timing, and minor changes in elevations of buildings.

2. **Major modifications**

   Major adjustments are those which, as determined by the planning manager, substantially change the basic design, density, open space or other similar requirements or provisions. Major adjustments to the development plans shall be reviewed by the hearing examiner. The hearing examiner may review such adjustments at a regular public hearing. If a public hearing is held, the process outlined in subsection (F) of this section shall apply. The hearing examiner shall issue a written decision to approve, deny or modify the request. Such a decision shall be final. Any appeals of this decision shall be in accordance with KCC 12.01.040.

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**SECTION 2. - Application**

This ordinance may be applied to all Master Plan applications, including applications currently in process upon the effective date of this ordinance.

**SECTION 3. - Savings**

The existing section 15.08.400(I) of the Kent City Code, which is amended by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

**SECTION 4. - Ratification**

Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.
SECTION 5. – Severability  If any one or more section, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 6. – Effective Date  This ordinance shall take effect and be in force thirty (30) days from and after passage as provided by law.

JIM WHITE, MAYOR

ATTEST

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM

TOM BRUBAKER, CITY ATTORNEY

PASSED 1 day of April, 2003
APPROVED 2 day of April, 2003
PUBLISHED 5 day of April, 2003

I hereby certify that this is a true copy of Ordinance No. 3639 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