Ordinance No. 3664

(Amending or Repealing Ordinances)

CFN=131 – Zoning Codes
Passed – 10/7/2003
.Binding Site Plan

Amends Secs. 12.04.010; 12.04.015; 12.04.020; 12.04.025; new Section 12.04.800

Repeals Ord. 2354
Amends Ords. 1840; 2849; 2975; 3511; 3551; 3561

Amended by Ord. 3906 (Ch. 12.04)
Amended by Ord. 3944 (Sec 12.04.025)
ORDINANCE NO. 3664

AN ORDINANCE of the City Council of the City of Kent, Washington, amending chapter 12.04 of the Kent City Code, entitled “Subdivisions,” to add a section for Binding Site Plan for the division of industrial and commercial land, and repealing in its entirety chapter 12.07 of the Kent City Code, as said chapter will be incorporated in chapter 12.04.

WHEREAS, the City of Kent endeavors to provide flexibility in the segregation of parcels of real property; and

WHEREAS, for real property located in commercial or industrial zones, the binding site plan process provides an alternative means to legally subdivide land, for sale or lease, without following standard platting procedures; and

WHEREAS, as authorized by chapter 58.17 RCW, the City desires to add the option of segregating parcels though a binding site plan in order to provide flexibility to development in the industrial and commercial zones; and

KCC 12.04 – Binding Site Plan
WHEREAS, after providing appropriate public notice, the City held a public hearing on a proposal for binding site plans at the regular land use and planning board meeting on August 25, 2003; and

WHEREAS, the planning committee considered this matter at its regularly scheduled meeting on September 16, 2003; and

WHEREAS, on August 4, 2003, the City provided the required sixty (60) day notification of the City’s proposed amendment for binding site plans under RCW 36.70A.106 to the State of Washington; and

WHEREAS, the sixty (60) day notice period has lapsed and the amendment is deemed appropriate; NOW THEREFORE,

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

SECTION 1. – Amendment. Chapter 12.04 of the Kent City Code, entitled “Subdivisions,” is hereby amended to read as follows:

Chapter 12.04

SUBDIVISIONS, BINDING SITE PLANS, AND LOT LINE ADJUSTMENTS

Article I. General Provisions

Sec. 12.04.010. Title. This code shall be hereinafter known as the city of Kent subdivision code.
Sec. 12.04.015. Purpose. The purpose of this chapter is to provide rules, regulations, requirements, and standards, and procedures for subdividing land, for obtaining binding site plans, and in the city and for administrative procedures for adjustments of lot lines in the city, ensuring:

1. That the highest feasible quality in subdivisions will be attained;
2. That the public health, safety, general welfare, and aesthetics of the city shall be promoted and protected;
3. That orderly growth, development, and the conservation, protection and proper use of land shall be promoted;
4. That proper provisions for all public facilities, including connectivity, circulation, utilities, and services, shall be made;
5. That maximum advantage of site characteristics shall be taken into consideration; and
6. That the process shall be in conformance with provisions set forth in KCC Title 15, Zoning, and the comprehensive plan.

Sec. 12.04.020. Scope. This chapter shall apply to the division of land for sale or lease into two (2) or more parcels and to the modification of lot lines between adjoining parcels. Where this chapter imposes greater restrictions or higher standards upon the development of land than other laws, ordinances or restrictive covenants, the provisions of this chapter shall prevail.

Unless otherwise indicated and as provided by RCW 58.17.040, the provisions of this chapter do not apply to:

1. Cemeteries and burial plots while used for that purpose;
2. Divisions made by testamentary provisions, or the laws of descent;
3. Division of land due to condemnation or sale under threat thereof, by an agency or division of government vested with the power of condemnation;
4. Divisions of land into lots or tracts classified for industrial or commercial use when the city has approved a binding site plan for the use of the land.
5. Condominium developments, pursuant to either chapter 64.32 or 64.34 RCW, that are subject to an approved binding site plan.

Sec. 12.04.025. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Active recreation activities shall mean all outdoor recreational activities which involve field and court games.

Alley shall mean a public or private way not more than thirty (30) feet wide at the rear or side of property affording only secondary means of vehicular or pedestrian access to abutting property.

Binding Site Plan shall mean a scaled drawing which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open space, and any other matters specified in this chapter; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as established by the city through the approval process; and (c) contains provisions which require any development be in conformity with the binding site plan.

Binding Site Plan Committee shall be a committee consisting of the planning manager, who shall be the chairperson, one member of the land use and planning board, the building official, public works director, and the fire chief, or other designated representative.

Block shall mean a group of lots, tracts, or parcels within well-defined and fixed boundaries.

Circulation shall mean any of a number of quantitative measures that characterizes the frequency of transportation mode trips, the duration of a mode trip, and path choices made between two (2) or more activity spaces. Traffic counts usually indicate a measure of circulation.

Clustering or cluster subdivision shall mean a development or division of land in which residential building lots are reduced in size and concentrated in specified portion(s) of the original lot, tract or parcel.
Common open space shall mean a parcel or parcels of land or an area of water or a combination of land and water within the site designated for a subdivision or a planned unit development, and designed and intended primarily for the use or enjoyment of residents of a subdivision. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents of the subdivision.

Community park shall mean a park that serves the entire city of Kent and can be located throughout the city. Community parks may have facilities or amenities that are not offered elsewhere in the city, and which can include boating, swimming, fishing, athletic fields, group picnic shelters, play equipment, hard courts, skateparks, and trails, and will vary at each park. Access to the park is by car, public transit, foot or bicycle. Off-street parking is provided.

Comprehensive plan shall mean the document, including maps, adopted by the city council, which outlines the city’s goals and policies relating to management of growth, and prepared in accordance with Chapter 36.70A RCW. The term also includes adopted subarea plans prepared in accordance with Chapter 36.70A RCW.

Connectivity shall mean subdivisions which are connected by through streets, easements, or other rights-of-way, to activity centers including other subdivisions, neighborhood centers, shopping centers, transit stops, recreational spaces and other public facilities. Such connections shall have a character that is pedestrian-friendly and that provide a sense of location. A list of goals and criteria below indicate provisions to be considered by the public works department and planning services office in evaluating connectivity:

Goals and Corresponding Criteria:
A. Increase through-connections to adjacent subdivisions and activity centers.
   1. Subdivision streets should connect through, except where impractical.
   2. Cul-de-sac streets of subject subdivision should provide pedestrian/bicycle pathway(s) from bulb-ends to neighboring subdivision(s) streets or other adjacent activity centers.
3. Subject subdivision should provide continuous five (5) foot wide sidewalks (on both sides of streets fronting developed lots) and connect to other streets.

4. Subject subdivision intersections are four (4) way intersections.

B. *Increase connections to other travel modes.*
   1. Subdivision lots should be located no further than one-quarter (1/4) mile from the nearest bicycle path or trail.
   2. Subdivision lots should be located no further than one-quarter (1/4) mile from the nearest transit stop.
   3. Subdivision lots should be located no further than four (4) miles from the nearest park and ride lot.

C. *Provide streetscaping improvements.*
   1. Vehicular traffic calming.
   2. Provision of planting strips.

*County auditor* shall mean that person as defined in Chapter 36.22 RCW or the office of the person assigned such duties under the King County Charter.

*Cul-de-sac* shall mean a short street having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

*Dedication* shall mean a deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or a final short plat showing the dedication thereof; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the city.

*Division of land* shall mean the subdivision of any parcel of land into two (2) or more parcels.

*Final plat* shall mean the final drawing of the subdivision and dedication prepared for filing for record with the King County auditor and containing all elements and requirements set forth in this chapter.
**Hearing examiner** shall mean the person appointed by the mayor, or his or her designee, to conduct public hearings on applications outlined in Ch. 2.32 KCC which creates the hearing examiner, and who prepares a record, findings of fact and conclusions on such applications.

**Hillside subdivision** shall mean a subdivision in which any lot in the subdivision has average slopes greater than fifteen (15) percent and in which any street in the subdivision has grades greater than seven (7) percent at any point.

**Homeowners’ association** shall mean an incorporated nonprofit organization operating under recorded land agreements through which:

1. Each lot owner is automatically a member;
2. Each lot is automatically subject to a proportionate share of the expenses for the organization’s activities, such as maintaining common property; and
3. A charge if unpaid becomes a lien against the property.

**Land use and planning board** shall mean that body as defined in the Kent City Code.

**Lot** shall mean a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required in this title. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record and portions of lots of record; or
4. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this title.

**Lot, corner** shall mean a lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees within the lot lines.
Lot, frontage shall mean the front of a lot which shall be that portion nearest the street or, if the lot does not abut a street, the portion nearest an ingress/egress easement. On a corner lot, the front yard shall be considered the narrowest part of the lot that fronts on a street, except in industrial and commercial zones, in which case the user of a corner lot has the option of determining which part of the lot fronting on a street shall become the lot frontage.

Lot line adjustment shall mean the adjusting of common property lines or boundaries between adjacent lots, tracts, or parcels for the purpose of rectifying a disputed property line location, freeing such a boundary from any differences or discrepancies or accommodating a minor transfer of land. The resulting adjustment shall not create any additional lots, tracts, or parcels and all reconfigured lots, tracts, or parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.

Lot lines shall mean the property lines bounding the lot.

Lot measurements shall mean:

1. The depth of a lot which shall be considered to be the distance between the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

2. The width of a lot which shall be considered to be the distance between the side lines connecting front and rear lot lines; provided, however, that width between side lot lines at their foremost points where they intersect with the street line shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where eighty (80) percent of requirements shall not apply.

Lot of record shall mean a lot which is part of a subdivision recorded in the office of the King County assessor, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, through shall mean a lot that has both ends fronting on a street. Either end may be considered the front.

Meander line shall mean a line along a body of water intended to be used solely as a reference for surveying.
Neighborhood park shall mean a park that serves a neighborhood (not a subdivision), defined by arterial streets. These parks are generally located centrally in the neighborhood so that the park is easily accessible and neighborhood residents do not have to cross a major arterial to reach the park. Access is primarily by foot or bicycle, so the park is usually no further than one-half mile from any point in the neighborhood. Parking spaces are typically not provided, unless on-street parking is not available, accessible or safe. Neighborhood parks have amenities for casual activities that are not programmed or organized, or for which a fee is charged. Amenities include play equipment, picnic tables, hard courts (basketball, tennis), walking trails, and open grassy areas.

Official plans shall mean those maps, development plans, or portions thereof, adopted by the city council as provided in chapter 44, section 6, Laws of 1935, as amended. Such plans or maps shall be deemed to be conclusive with respect to the location and width of streets, public parks, and playgrounds and drainage rights-of-way as may be shown thereon.

Park open space shall mean those areas that are environmentally sensitive, wildlife habitat, or wetlands, that remain in a relatively natural state with minimal improvements for public access, interpretation, study or enjoyment.

Park service area shall mean those areas defined by arterial streets or geographic features, and which are identified in the comprehensive park and recreation plan, that a neighborhood park or community park is intended to serve.

Performance bond or guarantee shall mean that security which may be accepted in lieu of a requirement that certain improvements be made before the final plat is approved and signed, including performance bonds, escrow agreements and other similar collateral or surety agreements.

Piggyback or accumulative short subdivision shall mean multiple short subdivision of contiguous land under common ownership. Ownership for purposes of this section shall mean ownership as established at the application submittal date of the initial short subdivision approval.
**Plat** shall mean a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

**Preliminary approval** shall mean the official favorable action taken on the preliminary plat of a proposed subdivision, metes and bounds description or dedication, by the hearing examiner following a duly advertised public hearing or on a preliminary plat of a short subdivision following a duly advertised meeting of the short subdivision committee.

**Preliminary plat** shall mean a neat and precise scale drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

**Roadway** shall mean that portion of a street intended for the accommodation of vehicular traffic, generally within curblines.

**Short plat** shall mean the map or representation of a short subdivision.

**Short subdivision** shall mean the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease or transfer of ownership. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection or stormwater detention are not included in the number of lots created.

**Short subdivision, type I** shall mean the division of land into four (4) or less lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection or stormwater detention are not included in the number of lots created.

**Short subdivision, type II** shall mean the division of land into more than four (4) and less than ten (10) lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts...
which are not buildable and/or are intended for public dedication, environmental protection or stormwater detention are not included in the number of lots created.

*Street* shall mean a public way thirty (30) feet or more in right-of-way width which affords a primary means of access to property.

*Subdivision* shall mean the division or redivision of land into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease or transfer of ownership; provided, that subdivisions of less than ten (10) parcels may be defined as short subdivisions. Tracts identified for or with the potential for future development shall be included within the number of lots created, but tracts which are not buildable and/or are intended for public dedication, environmental protection or stormwater detention are not included in the number of lots created.

*Subdivision, phased* shall mean a subdivision, which is developed in increments over a period of time.

*Tentative plat* shall mean a map drawn in accordance with the same requirements as the preliminary plat map, but submitted prior to preliminary plat submittal.

*Title report* shall mean a certified report from a bonded title agency showing recorded title holder and all encumbrances and defects that exist on the land.

*Tract* shall mean a parcel of land proposed for subdivision or subdividing.

*Trail system* shall mean those pathways that connect points of interest, parks, community facilities, streets, residences, etc. in the community, which are generally not confined within the limits of one park. Trails are intended to be used by bicycles, rollerskaters, and pedestrians; they are not intended to be used by motorized vehicles.

*Urban separators* shall mean low-density lands that define community or municipal identities and boundaries, protect adjacent resource lands, rural areas, and environmentally sensitive areas, and create open space corridors within and between urban areas which provide environmental, visual, recreational and wildlife benefits.
V. Binding Site Plan

Sec. 12.04.800. Purpose. Consistent with RCW 58.17.035, the purpose of this Article V is a) to create an alternative process segregating property zoned industrial or commercial for the purpose of sale or lease without the necessity of completing the procedures for platting, and b) to allow for the division of multifamily residential zoned land for condominium purposes without the necessity of completing the procedures for platting. A binding site plan process merely creates or alters existing lot lines and does not authorize construction, improvements or changes to the property or the uses thereon.

Sec. 12.04.805. Binding site plan committee.
A. A binding site plan shall be considered by the city's binding site plan committee. The planning services office 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, and provide public notice if required by KCC 12.01.140.
B. A meeting attended by the applicant or his representative and the binding site plan committee members shall be held within thirty (30) days of the determination of completeness of the application or receipt of requested additional information, consistent with the timelines established in KCC 12.01. The meeting shall be open to the public. Notice of the public meeting shall be circulated consistent with the requirements of KCC 12.01.145. An additional meeting may be called if no decision is reached at the first meeting. The second meeting shall be held no later than seven (7) days after the first meeting or on a date mutually agreed upon by the applicant and the committee.
C. Three (3) of the five (5) members of the binding site plan committee must be present in order for the committee to take any action.
D. The binding site plan committee may 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. The decision of the committee shall be made at the committee meeting.

E. 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 necessary as a result of the binding site plan development. Any deeding shall precede the recordation of the binding site plan unless otherwise specified through a development agreement.

**Sec. 12.04.810. Appeal.** The decision of the binding site plan committee shall be final, unless an appeal by any aggrieved party is made to the hearing examiner within fourteen (14) days after the committee's decision. The appeal shall be in writing to the hearing examiner and filed with the planning services office. Any appeal shall be consistent with KCC 12.01.190 (Open Record Appeal).

**Sec. 12.04.815. Applicability for commercial and industrial sites.**

A. The subject site shall consist of one or more legally created lots; and

B. The property must be zoned commercial and/or industrial.

**Sec. 12.04.820. Application Requirements for commercial and industrial sites.** All of the following information shall be included in any application for binding site plan approval for commercial and industrial lots:

A. At a minimum, the binding site plan application shall include the following information:

1. A map or plan showing the location and size of all new proposed lots;
2. Proposed and existing structures including floor areas and setbacks;
3. Location of existing and proposed public rights of way, private and public streets and easements;
4. Location of all existing and proposed open spaces including any required landscaped areas, parking areas and all major manmade or natural features (i.e. streams, creeks, drainage courses, railroad tracks, utility lines, etc.);
5. Layout of an internal vehicular and pedestrian circulation system, including proposed or existing ingress and egress points;

6. Location of existing and proposed fire hydrants to serve the site;

7. Description, location and size of existing and proposed utilities, storm drainage facilities and roads to serve each lot;

8. Expected location of new buildings and driveways;

9. Letter of water and/or sewer availability, if not served by the City of Kent;

10. Parking calculations to demonstrate that the requirements of KCC 15.05 have been met;

11. The following code data: zoning district; total lot area; total building area; percent of site coverage; total parking and maneuvering area;

12. Plans, analysis and calculations verifying building code compliance of all existing structures, to include, but not limited to, identification of all types of construction and occupancy classifications, allowable area calculations, wall and wall opening protection, and provisions for exiting and accessibility for the disabled;

13. Proposed cross-access and maintenance agreements for parking, circulation, utility and landscaping improvements, if shared;

14. The site plan shall also include the name of proposed development; the legal description of the property for which the binding site plan is sought, the date on which the plans were prepared; the graphic scale and north point of the plans; and,

15. The title, “Binding Site Plan” shall be at the top of the plan in large print;

B. A recent title report covering all property shown within the boundaries of the binding site plan shall be submitted with the application.

C. A plan showing the layout and size of all existing and proposed utilities to serve each lot.

D. A phasing plan and time schedule, if the site is intended to be developed in phases.

E. A complete environmental checklist, if required by KCC 11.03.
F. Copies of all easements, covenants and other encumbrances restricting the use of the site.

Sec. 12.04.825. Approval Criteria for commercial and industrial sites.

A. Criteria. An application for a binding site plan on commercial or industrial lands may be approved if the following criteria are satisfied:

1. Adequate provisions have been made for stormwater detention, water supply, sanitary sewer, drainageways; private and/or public streets; pedestrian access; public and private utilities and other public ways;

2. Each lot shall provide access to a public road and make provisions for connectivity of alleys, pedestrian accessways and other public ways;

3. The binding site plan complies with, or makes adequate provisions to comply with, applicable provisions of the building code, fire code, public works standards, and zoning standards.

4. Potential environmental impacts together with any practical means of mitigating adverse impacts, have been considered such that the proposal will not have an adverse effect upon the environment.

5. Approving the binding site plan will serve the public use and interest and adequate provisions have been made for the public health, safety and general welfare.

B. Shared improvements. As a condition of approval, the City may authorize sharing of open space, parking, access, setbacks, landscaping and other improvements among contiguous properties. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified on the binding site plan and enforced by covenants, easements or other similar mechanisms. Such agreements or restrictions shall be recorded with the King County Auditor’s Office and run with the land. Such agreements shall be approved as to form by the city attorney prior to filing the final binding site plan. The binding site plan shall contain the conditions to which the binding site plan is subject, including any applicable irrevocable dedications of property. The binding site plan shall contain a provision requiring that any
development of the site shall be in conformity with the approved site plan and any applicable development regulations subject to the vesting requirements of this chapter.

C. Phasing of Development. Unless otherwise provided for in a development agreement, development permit applications shall be submitted for all structures and improvements shown on the binding site plan within three (3) years of approval. The planning manager may administratively extend this period by one (1) additional year if requested by the applicant. Permit applications submitted within that period shall be subject to the vesting requirements of this chapter. If the applicant chooses to develop the property in a phased development, the applicant must execute a development agreement with the city pursuant to RCW 36.70B.170. This Agreement shall govern at a minimum, the use and development of the property subject to the binding site plan, including: (1) vesting applicable to subsequent permits; (2) the manner in which each phase of the development will proceed to ensure that the roads and utilities necessary to serve each phase of the development are constructed prior to the development of each phase; and (3) expiration of the agreement and all provisions therein.

Sec. 12.04.830. Final Binding Site Plan for commercial and industrial sites. Filing of the final binding site plan for commercial and industrial sites shall conform to the requirements set forth in KCC 12.04.210 - Filing the final short plat.

Sec. 12.04.835. Improvements for commercial and industrial sites. Prior to the issuance of a permit for construction within a binding site plan for commercial and industrial sites, all improvements required to adequately serve that portion of the plan for which the permit will be issued shall be installed. Improvements may include, but are not limited to, road construction; water, sewer, and storm utilities; parking; building improvements to meet code; and landscaping. Public improvements may be bonded for, in accord with the process in KCC 12.04.205(D), with approval of the public works director.
Sec. 12.04.840. Modifications for commercial and industrial sites.

A. If an applicant wishes to alter a binding site plan for commercial and industrial sites or any portion thereof, that person shall submit an application to the planning services office requesting the alteration. The application shall contain the signatures of all persons having an ownership interest in lots, tracts, parcels, sites or divisions within the binding site plan or in that portion of the binding site plan to be altered. The planning manager shall have the authority to determine whether a proposed alteration is minor or major.

B. If the binding site plan is subject to restrictive covenants which were filed at the time of the approval of the binding site plan, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the binding site plan or portion thereof.

C. If the alteration is requested to a binding site plan prior to recording of the binding site plan with King County, a minor alteration may be approved with consent of the planning manager and the public works director. A major alteration shall require consent of the binding site plan committee, after public notice and a public meeting is held. The planning services office shall provide notice of the application for a major alteration to all owners of property within the binding site plan, and as was required by the original application.

D. If the alteration is requested to a binding site plan after recording of the binding site plan with King County and it is determined to be a minor alteration, it may be approved with the consent of the binding site plan committee, after public notice and a public meeting is held. The planning services office shall provide notice of the application for a minor alteration to all owners of property within the binding site plan, and as was required for the original application. If the alteration is requested to a binding site plan after recording of the binding site plan with King County and it is determined to be a major alteration, then the planning manager shall require the binding site plan be vacated per KCC 12.04.845 and 12.04.230 and a new application for a binding site plan may be submitted.
F. The binding site plan committee shall determine the public use and interest in the proposed alteration and may approve, approve with conditions or modifications, or deny the application for alteration. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration.

F. After approval of the alteration, the binding site plan committee shall order the applicant to produce a revised drawing of the approved alteration of the binding site plan, which after signature of the chair of the binding site plan committee, shall be filed with the King County Auditor's Office to become the lawful binding site plan of the property.

Sec. 12.04.845. Vacation for commercial and industrial sites. A binding site plan may be vacated as a whole only. Vacating a binding site plan releases all conditions and obligations on the parcel associated with such plan. A binding site plan may be vacated by submitting a letter to the planning manager indicating an intention to vacate the binding site plan. The letter shall include signatures of all ownership interests within the binding site plan and shall become binding upon its acceptance by the planning manager.

Sec. 12.04.850. Vesting for commercial and industrial sites. A binding site plan application shall be considered under the zoning and other land use control ordinances in effect on the land at the time of submission of the fully complete binding site plan application. Any vacant or redeveloped lot within an approved binding site plan shall comply with the standards in place at such time as a subsequent project permit application is filed on that property unless otherwise provided for in a development agreement.

Sec. 12.04.855. Applicability for condominium sites. Multifamily 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 either chapter 64.32 or 64.34 RCW. A binding site plan can only be approved either when the development has already been constructed or when the approval has been obtained and a building permit for an entire development or a portion of a development is issued.

**Sec. 12.04.860. Application requirements for condominium sites.**

A. An application for a binding site plan for condominium sites may not be submitted until a building permit has been approved.

B. The binding site plan application shall conform to the following requirements and shall:

1. 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 services office) on sheets eighteen (18) inches by twenty-two (22) inches;

2. Contain 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 north point of the plans;

3. 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 manmade or natural features, i.e., 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 zoning code data:
   i. Zoning district;
   ii. Total lot area (square feet);
   iii. Total building area (square feet);
   iv. Percent of site coverage;
   v. Number of units proposed;
   vi. Total number of parking stalls (include handicapped);
   vii. Total parking and maneuvering area (square feet);
   viii. Required landscaping (square feet);
   ix. Percent of lot in open space;
   x. Type of construction;
   xi. Sprinklered-nonsprinklered;
   xii. Occupancy classification.

4. Contain 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 statement required pursuant to RCW 58.17.040 (7)(e), prominently displayed on the face of the site plan map.

5. Contain the statement, “The use and development of the 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 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 subject to Chapters 64.32 or 64.34 RCW.”

6. Contain the statement, “The roads and utilities shown on this plan need not be constructed and/or installed at the time that the property subject to this plan is divided. Any permit required to develop any portion of the 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 have been made to ensure that the construction and installation of such roads and utilities will be accomplished.”
7. Set forth or reference any conditions, limitations, and requirements for the use and development of the land as required pursuant to the approvals set forth in KCC 12.04.855.

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

Sec. 12.04.865. Approval criteria for condominium sites.

Approval of a binding site plan shall take place only after the following are met:

1. Adequate provisions have been made for drainageways, alleys, streets, other public ways, water supplies, open space and sanitary wastes, for the entire property covered by the binding site plan;

2. Comply with all building code requirements;

3. Comply with all zoning code requirements and development standards; and

4. 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.

Sec. 12.04.870. 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 subdivision code.

Sec. 12.04.875. Final binding site plan for condominium sites.

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:

1. It 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;

KCC 12.04 – Binding Site Plan
2. Size eighteen (18) inches by twenty-two (22) inches;

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

4. Property subject of the binding site plan shall be surveyed by a land surveyor licensed in the state. All exterior corners and streets shall be monumented. Surveyor’s certificate must appear on final linen;

5. All conditions, limitations, and requirements for the use and development of the land as required pursuant to the approvals set forth in KCC 12.04.855 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;

6. Certificate of approval by the chairman of the binding site plan committee shall be provided on the linen; and

7. Face of final site plan linen must be signed by all owners of the property.

Sec. 12.04.877. Filing binding site plan for condominiums. The binding site plan must be signed by the chairman of the binding site plan committee. 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. Copies of the approved binding site plans shall be filed with the planning services office, city clerk’s office, and department of public works.

Sec. 12.04.880. Expiration period for condominium sites. 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 services office may grant one (1) extension of not more than six (6) months. Such request must be received by the planning services office prior to the six (6) month expiration date.
Sec. 12.04.885. Modifications for condominium sites.
A. An approved binding site plan may be amended by filing a request for such an amendment with the planning services office. The planning services office 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, unless the committee sets forth other guidelines for approval of minor modifications.
B. If approved by the binding site plan committee, the amendment shall be set forth in writing and filed in accordance with KCC, except that it shall be recorded only if the binding site plan committee directs it to be recorded.

Article VI. Lot Line Adjustments

SECTION 2. – Repeal. Chapter 12.07 of the Kent City Code entitled, “Binding Site Plan for Division of Certain Land for Condominiums” is hereby repealed in its entirety.

SECTION 3. – 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 4. – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage as provided by law.

JIM WHITE, MAYOR

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ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

TOM BRUBAKER, CITY ATTORNEY

APPROVED: 7 day of October, 2003.

I hereby certify that this is a true copy of Ordinance No. 3664 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