

ORDINANCE O-4647

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CHAPTER 28.08 OF THE MUNICIPAL CODE: LANDMARKS AND HERITAGE COMMISSION; ESTABLISHING CRITERIA FOR REMOVAL OF LANDMARK DESIGNATION AND UPDATING REFERENCES IN THE CHAPTER. FILE NO. CAM18-00259.

1 WHEREAS, on July 20, 1999, the City Council adopted
2 Ordinance No. 3701 relating to the protection and preservation of
3 landmarks in Kirkland and establishing procedures for designation and
4 preservation of landmarks; and
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6 WHEREAS, the Council received a request from a property
7 owner to remove the landmark designation from their single family
8 residence historic resource in order to obtain funding to maintain the
9 residence; and
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11 WHEREAS, the procedures established in 1999, did not include
12 criteria for removal of a landmark designation under these
13 circumstances; and
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15 WHEREAS, the Council determined that the landmark
16 designation could be removed if:
17

18 (a) The property was a single family residence when designated
19 and was being used as a single family residence at the time the request
20 for removal of the designation is made;

21 (b) The landmark designation was not a requirement of
22 approval for a development or other City permit;

23 (c) Any funding received from the City of Kirkland, related to
24 the landmark designation of the resource must be repaid; and

25 (d) All other organizations that provided funding to the resource
26 related to its landmark designation must be notified of the removal by
27 the applicant.
28

29 NOW, THEREFORE, BE IT ORDAINED by the City Council of the
30 City of Kirkland as follows:
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32 Section 1. Municipal Code Amended. The following chapters
33 of Title 28 of the Kirkland Municipal Code are amended as set forth in
34 Exhibit A to this ordinance and incorporated by reference.
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36 Title 28 – Landmarks – Chapter 28.10 Landmark Designation
37 Removal added.

38 Chapter 28.04.010 – minor edit

39 Chapter 28.08.010 – minor edit

40 Chapter 28.10.010 – New section

41 Chapter 28.12.010 – minor edits

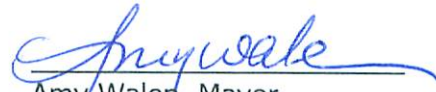
42 Section 2. If any section, subsection, sentence, clause,
43 phrase, part or portion of this Ordinance, including those parts adopted
44 by reference, is for any reason held to be invalid or unconstitutional by
45 any court of competent jurisdiction, such decision shall not affect the
46 validity of the remaining portions of this Ordinance.

47
48 Section 3. This Ordinance shall be in full force and effect five
49 days from and after its passage by the City Council and publication,
50 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
51 form attached to the original of this Ordinance and by this reference
52 approved by the City Council.

53
54 Section 4. A complete copy of this Ordinance shall be
55 certified by the City Clerk, who shall then forward the certified copy to
56 the King County Department of Assessments.

57
58 Passed by majority vote of the Kirkland City Council in open
59 meeting this 5th day of June, 2018.

60
61 Signed in authentication thereof this 5th day of June, 2018.


Amy Waler, Mayor

Attest:


Kathi Anderson, City Clerk

Publication Date: June 11, 2018

Approved as to Form:


Kevin Raymond, City Attorney

Title 28

LANDMARKS

Chapters:

- 28.04 Purpose**
- 28.08 Landmarks and Heritage Commission**
- 28.10 Landmark Designation Removal for Single Family Residences**
- 28.12 Incorporation of King County Code**

Chapter 28.04

PURPOSE

Sections:

~~28.04.010 Purpose.~~

28.04.010 Purpose.

The city council finds that:

- (a) The protection, enhancement, perpetuation, and use of buildings, sites, districts, structures and objects of historical, cultural, architectural, engineering, geographic, ethnic and archaeological significance located in Kirkland is necessary in the interest of the prosperity, civic pride and general welfare of the people of Kirkland.
- (b) Such cultural and historic resources are a significant part of the heritage, education and economic base of Kirkland, and the economic, cultural and aesthetic well-being of Kirkland cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources.
- (c) Present preservation programs and activities are inadequate for insuring present and future generations of Kirkland residents and visitors a genuine opportunity to appreciate and enjoy our heritage.
- (d) The purposes of this chapter are to:
 - (1) Designate, preserve, protect, enhance, and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of Kirkland's, the county's, the state's and the nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;
 - (2) Foster civic pride in the beauty and accomplishments of the past;
 - (3) Stabilize and improve the economic values and vitality of landmarks;
 - (4) Protect and enhance Kirkland's tourist industry by promoting heritage-related tourism;
 - (5) Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, and objects for the education, inspiration and welfare of the people of Kirkland;
 - (6) Promote and continue incentives for ownership and utilization of landmarks;
 - (7) Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;
 - (8) Work cooperatively with other jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. (Ord. 3701 § 1 (part), 1999)

Chapter 28.08
LANDMARKS AND
HERITAGE COMMISSION

Sections:

~~28.08.010 — Membership and organization.~~

28.08.010 Membership and organization.

(a) The King County landmarks and heritage commission established pursuant to King County Code Chapter 20.62 is hereby designated and empowered to act as the landmarks commission for Kirkland pursuant to the provisions of this title.

(b) The special member of the King County landmarks and heritage commission provided for in Section 20.62.030 of the King County Code shall be appointed by the mayor subject to confirmation of the council. Such special member shall have a demonstrated interest and competence in historic preservation. Such appointment shall be made for a three-year term. Such special member shall serve until his or her successor is duly appointed and confirmed. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Such special member may be reappointed, but may not serve more than two consecutive three-year terms. Such special member shall be deemed to have served one full term if such special member resigns at any time after appointment or if such special member serves more than two years of an unexpired term. The special member of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or the program. The city of Kirkland shall reimburse such expenses incurred by such special member.

(c) The commission shall not conduct any public hearings required under this title with respect to properties located within the city of Kirkland until its rules and regulations, including procedures consistent with this title, have been filed with the city clerk. (Ord. 3701 § 1 (part), 1999)

Chapter 28.10

LANDMARK DESIGNATION REMOVAL FOR SINGLE FAMILY RESIDENCES

Sections:

28.10.010 Landmark Designation Removal for Single Family Residences

The Kirkland Planning Official may administratively remove a landmark designation from the list of historic resources if the following criteria are met:

(a) The landmarked resource was used as a single family residence when originally designated and is being used as a single family residence at the time removal of the designation is requested.

(b) The landmark designation was not a requirement of approval for a development or other City of Kirkland permit.

(c) Any funding received from the City of Kirkland related to the landmark designation of the resource must be repaid.

(d) All other organizations that provided funding to the resource related to its landmark designation must be notified by the applicant for removal in writing, 30 days before the designation is removed.

Chapter 28.12
INCORPORATION OF KING COUNTY CODE

Sections:

~~28.12.010 Chapter 20.62 KCC sections adopted.~~

28.12.010 Chapter 20.62 KCC sections adopted.

The following sections of King County Code Chapter 20.62 are incorporated by reference herein and made a part of this title:

- (a) KCC 20.62.020, Definitions, except ~~as follows:~~
 - ~~(1) Paragraph (F) is changed to read, " 'council' is the Kirkland city council."~~
 - ~~(2) Paragraph (H) is changed to read, " 'director' is the (person or officer who approves building permits for the city)."~~
- (b) KCC 20.62.040, Designation criteria, except all references to "King County" are changed to read "Kirkland."
- (c) KCC 20.62.050, Nomination procedure.
- (d) KCC 20.62.070, Designation procedure, except all references to "King County" are changed to read "Kirkland." In addition to the procedures set forth in KCC 20.62.070, a landmark designation may be removed pursuant to the procedure set forth in KMC 28.10.010.
- (e) KCC 20.62.080, Certificate of appropriateness procedure, except the last sentence of paragraph (A) thereof.
- (f) KCC 20.62.100, Evaluation of economic impact.
- (g) KCC 20.62.110, Appeal procedure.
- (h) KCC 20.62.130, Penalty for violation of Section 20.62.080 (subsection (e) of this section).
- (i) KCC 20.62.140, Special valuation for historic properties.
- (j) KCC 20.62.150, Historic resources review process, except all sections but the final sentence of paragraph (B)(4) and the entirety of paragraph (C) thereof.
- (k) All references to "community landmark" are void and inoperative. (Ord. 3701 § 1 (part), 1999)

PUBLICATION SUMMARY
OF ORDINANCE O-4647

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO CHAPTER 28.08 OF THE MUNICIPAL CODE: LANDMARKS AND HERITAGE COMMISSION; ESTABLISHING CRITERIA FOR REMOVAL OF LANDMARK DESIGNATION AND UPDATING REFERENCES IN THE CHAPTER. FILE NO. CAM18-00259.

SECTION 1. Provides amendments to the Municipal Code for Title 28 – Landmarks.

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Establishes the effective date of the ordinance and authorizes the publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code.

SECTION 4. Directs the City Clerk to certify and forward a complete certified copy of this ordinance to the King County Department of Assessments.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 5th day of June, 2018.

I certify that the foregoing is a summary of Ordinance O-4647 approved by the Kirkland City Council for summary publication.



Kathi Anderson, City Clerk