

ORDINANCE NO. 2159

AN ORDINANCE OF THE CONSOLIDATED CITY OF KIRKLAND ESTABLISHING A UNIFORM PROCEDURE FOR AMENDMENTS, REZONES AND RECLASSIFICATION OF LAND WITHIN THE CITY OF KIRKLAND AND THE HOUGHTON MUNICIPAL COMMUNITY THEREOF, AND AMENDING CHAPTER 8 OF ORDINANCE 709, THE KIRKLAND ZONING ORDINANCE, AND CHAPTER 4 OF ORDINANCE NO. 132, THE HOUGHTON ZONING ORDINANCE, AND REPEALING SECTION 66.13 OF HOUGHTON ORDINANCE NO. 132.

BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Chapter 8, Amendment and reclassification of Ordinance No. 709, the Kirkland Zoning Ordinance, is hereby amended to read as set forth in Section 3 of this amendatory ordinance.

Section 2. Chapter 4, Article VI, of Ordinance No. 132 (H), the Houghton Zoning Ordinance now in effect within the Houghton Municipal Community of the City of Kirkland, is hereby amended to read as set forth in Section 3 of this amendatory ordinance.

Section 3. Uniform amendment and rezone procedure for the consolidated City of Kirkland (sub-sections of Chapter 8, Ordinance No. 709 and Chapter 4, Article VI, Ordinance No. 132 (H) shall be numbered as shown in the columns below indicated as "K" and "HC" respectively):

<u>K</u>	<u>HC</u>	
8.01	64.01	Amendment
8.02	64.02	Initiation of Amendment
8.03	64.03	Zoning Map Amendment Procedure (Reclassification)
8.04	64.04	Notice to Adjacent Property Owners
8.05	64.05	Criteria for Granting Amendments to the Zoning Map
8.06	64.06	Planning Commission Action
8.07	64.07	City Council Action
8.08	64.08	Single Family Zone Classifications
8.09	64.09	Resubmittal of Petition
8.10	64.10	Review
8.11	64.11	Fee
8.12	64.12	Invalidation of Amendment

.01 Amendment: Zoning Code: Whenever public necessity, convenience and general welfare require, the boundaries of the zones established on maps by this Ordinance, the classification of property uses herein, or other provisions of this title may be amended as follows:

- (1) By the adoption of or the amendment to a zoning map or maps; or
- (2) By adoption of a planned unit development; or
- (3) By amending the text of the Ordinance.

.02 Initiation of Amendment: Amendments to the text of this Ordinance and the zoning maps which are a part hereof may be initiated by:

- (1) The verified application of one or more owners of property which is proposed to be changed or rezoned; or
- (2) By the adoption of a motion by the Council requesting the planning agency to set a matter for hearing a recommendation; or
- (3) By adoption of a motion by the Planning Commission.

.03 Zoning Map Amendment (Reclassification) Procedure:

The owner of any land desiring a change in use, zone boundary or zone classification of his property, shall present to the Planning Department a petition signed and acknowledged by him on the forms provided by the City stating his proposal along with site plans indicating the existing condition and the proposed development of the property drawn to scale. The scale used must be noted on each drawing. One site plan shall indicate all natural physical features of the property in question (i.e., surface waters, trees and vegetation topography, etc.) The plan should also show all existing structures or other man-made features, all fully dimensioned. The second site plan shall include the following as a minimum: location and height of all proposed buildings; all important dimensions such as property lines, building setbacks, proposed landscaped areas; parking areas with traffic patterns showing ingress, egress and internal circulation; adjacent property lines for a distance of at least 200 feet from all property lines. An 8½" x 11" reduction of all the required site plans shall also be required along with the original site plans.

.04 Notice to Adjacent Property Owners: The applicant for an amendment to the zoning map shall obtain from the King County Treasurer's office the names and addresses of all property owners of record

within 300 feet of any exterior boundary of the property, as well as the names and addresses of the persons actually living immediately adjacent to the property and those across the street, and shall furnish these names to the City Planning Department. These property owners shall be notified by mail of the zoning change requested and the time and place of the meeting at which the matter will be heard. Notice of public hearing, before the City Council or Planning Commission shall be posted near the property and shall also be made by publishing in the official publication for the City of Kirkland, at least seven days in advance of the public hearing.

The continuance of a public hearing, through verbal motion in regular meeting by either the City Council or Planning Commission shall be deemed as adequate notice to the public of such continuance.

.05 Criteria for Granting Amendments to the Zoning Map: The Planning Commission and City Council shall be guided by the following criteria in granting an amendment to the zoning map or maps of this Ordinance.

- (1) The use or change in zoning requested shall be in conformity with the adopted Comprehensive Plan, the provisions of this Ordinance, and the public interest.
- (2) The use or change in zoning requested in the zoning map of this Ordinance for the establishment of commercial, industrial, or residential use shall be supported by an architectural site plan showing the proposed development and its relationship to surrounding areas as set forth in the application form and further described in Subsection .03.
- (3) An analysis of physiographic elements, existing and planned municipal services including water supply (domestic and emergency demand), sewerage collection or treatment, and storm water control shall be prepared by the City Planning staff in conjunction with related City departments as an element of the administrative report referenced in Subsection .06.

- (4) The applicant shall further provide evidence to the Planning Commission's satisfaction that there is an additional need for the type of land classification for which he is applying.

.06 Planning Commission Action: The Planning Department, upon receipt of a petition by a land a land owner, shall make an investigation of the matters involved in the proposal and prepare in advance of the public hearing an administrative report which shall set forth an analysis and recommendation in accordance with the criteria in Subsection .05. The Planning Department shall assign a public hearing date for the matter with the concurrence of the Chairman of the Planning Commission. Following the public hearing on the proposal, the Commission shall make a recommendation to the City Council or table the matter for further study in accordance with the alternatives as stated below:

- (1) If the Commission, after thorough study of the proposal in the petition, determines that the reclassification of the property or change in the use zone boundaries is necessary for the preservation and enjoyment of substantial property rights of the petitioner and not materially detrimental to the public welfare or the property of other persons located in the vicinity, under the criteria specified herein and other relevant circumstances, the Commission shall recommend that the City Council approve the reclassification of the property by "Resolution of Intent to Reclassify."

In order for the Planning Commission to recommend approval the petitioner must have submitted a site plan (as denoted in subsection .03), indicating the proposed development on the land for which he is applying for a reclassification. If the Planning Commission recommends approval by "Resolution of Intent to Reclassify" to the City Council, said recommendation shall indicate that the reclassification be tentatively approved until such time as the approved site plan

for the property is physically developed in accordance with any conditions and/or limitations required in the resolution adopted by the City Council and as recommended by the Planning Commission.

- (2) If the Commission, following a public hearing, makes no decision on the petition or sends no recommendation to the Council for 30 days, this shall be taken as a disapproval of the petition and the owner may follow the steps of appeal as set forth in Paragraph (3) below.
- (3) If the Commission recommends disapproval of the petition, that decision shall be final unless the owner files notice of appeal to the City Council with the City Clerk within 30 days of the Commission's action. Upon receiving notice of appeal, the Council may follow the recommendation of the Commission or refer the subject to the Commission for their reconsideration and a subsequent report to the Council, upon receipt of which the Council shall take final action within 30 days.

.07 Action by the City Council: From the facts and findings in the report and recommendation of the Planning Commission, the City Council may indicate its general approval in principle of the reclassification through a "Resolution of Intent to Reclassify" said property. This resolution shall include any conditions and/or limitations which the Council may feel are necessary to prevent speculative holding of the property after rezoning.

A site plan approved by the Planning Commission shall be required and if such requirement is made in the "Resolution of Intent", the same shall be binding upon the property. Upon reclassification, the property having an approved site plan under these provisions, shall be plainly marked as "subject to approved site plan" on the Official Zoning Map which is part of the Comprehensive Zoning Ordinance for Kirkland, Washington. Any major changes, revisions or additions constituting a departure from the approved site plan applied for by the developer shall be fully processed, as herein provided, by the Planning Commission and City Council in the same manner as an amendment to this Ordinance or zoning map.

The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make this a binding resolution on the part of the City Council.

Upon compliance by the applicant to the "Resolution of Intent to Reclassify", the Council shall, by ordinance, effect such reclassification. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in said resolution, including the time limit as outlined in subsection .12, shall render said resolution and tentative reclassification null and void.

In the event a rezoning is approved by the Council, but not on the basis of a "Resolution of Intent to Reclassify", the Council shall, by Ordinance, effect such reclassification.

- .08 Single Family Zone Classifications: Reclassifications involving a change from one single family zone to another single family zone shall not be subject to a "Resolution of Intent to Reclassify" as referred to in Section .06; provided, however, that single family planned unit developments shall not be so exempt from the "Resolution of Intent to Reclassify". Exempt reclassifications shall be processed in all other respects in conformance with this chapter.
- .09 Resubmittal of Petition: A petition which has been disapproved by the Council cannot be resubmitted to the Planning Commission within six months of the date of disapproval.
- .10 Review: Disapproval of a petition by the City Council is final, subject to review by a court of competent jurisdiction.
- .11 Fee: The fee for amendments (as referenced in Section .11) shall be \$75.00 and payable upon filing to the City Planning Department. The reclassification of land in conjunction with a plat, planned unit development or other action, shall not reduce or waive the fee as required in this subsection. No fee will be refunded under any circumstances.
- .12 Invalidation of Amendment: In the event that a reclassification has been granted to a property owner or owners pursuant to the "Resolution of Intent to Reclassify", the reclassification shall

be declared invalid unless a building permit has been granted within six months from the final date of Council approval. This deadline may be extended for an additional six months upon written application to the Planning Commission, and subsequent approval by the City Council, by the owner stating the reasons for the delay. In no case shall the Resolution of Intent of the City Council be valid beyond one year from the date of the final adoption.

Section 4. Section 66.13 of Ordinance 132(H) relating to the fees for rezones within the Houghton Municipal Community is hereby repealed.

Section 5. This Ordinance has been considered and recommended to the Kirkland City Council by the Kirkland Planning Commission and the Houghton Community Council, and public hearings have been held hereon as required by law.

Section 6. Pursuant to Ordinance No. 2001 of the Consolidated City of Kirkland, Section 2 of this amendatory ordinance shall become effective either upon approval by the Houghton Community Council or failure of said Community Council to disapprove by a resolution adopted within 60 days of the date of enactment of this ordinance.

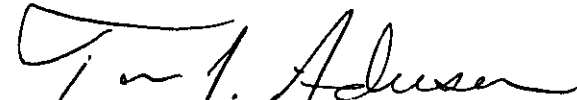
Section 7. This ordinance shall, in all other respects, be in force and take effect five days from and after its passage by the Council and publication required by law.

PASSED by the Kirkland City Council at regular meeting on the 20th day of September, 1971.

SIGNED in authentication thereof on the 20th day of September, 1971.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Director of Administration and Finance  
(ex officio City Clerk)

Approved as to form:

  
\_\_\_\_\_  
City Attorney