

ORDINANCE NO. 2294

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE DEVELOPMENT AND ZONING AND AMENDING SECTIONS 23.04, 23.30.030 AND 23.52.090 OF ORDINANCE 2183, THE KIRKLAND ZONING ORDINANCE.

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

Section 1. Section 23.04 of Ordinance 2183, the Kirkland Zoning Ordinance is hereby amended and supplemented by the addition thereto of the following new definitions:

"Development Permit: Whenever in this Ordinance the phrase "Development Permit" or "Development Permits" may be used, said phrase shall be intended to include any one or more of the following: Conditional Use Permit, Planned Unit Development Permit, Substantial Development Permit, Unclassified Use Permit, Rezone by the Resolution of Intent Process.

"Land Surface Modification: Land surface modification shall include the clearing or removal of trees, shrubs, ground cover, and other vegetation, and all grading, excavation and filling of materials. The removal of overhanging vegetation and fire hazards as specified in Chapter 9.12, Kirkland Municipal Code, shall not be deemed to be land surface modification."

Section 2. Section 23.30.030 of Ordinance 2183, the Kirkland Zoning Ordinance, is hereby amended to read as follows:

"23.30.030 Uses Requiring Unclassified Use Permit (UUP): The following uses may locate subject to the issuance of an Unclassified Use Permit processed as provided in this section.

- "(1) Airports, landing fields and heliports.
- "(2) Transfer stations (refuse and garbage) when operated by a public agency.
- "(3) Dumps, public or private and commercial incinerators.
- "(4) Hydro-electric generating plants.
- "(5) Correctional institutions.

- "(6) [~~Quarrying, mining, land-fills and excavations, including borrow-pits to a depth of over three feet and the removal and processing of sand, gravel, rock, peat, black soil and other natural deposits, together with necessary buildings, apparatus or appurtenance incident thereto provided.~~]

"All land surface modification not otherwise subject to regulation, or specific exemption under the provisions of Chapter 21.08, Kirkland Municipal Code (building and land surface modification regulations) or by development permits required by this Ordinance provided:

- "(a) Time limits may be imposed at which time such operations shall terminate;
- "(b) A bond shall be filed guaranteeing to the City compliance with the provisions of this Ordinance in an amount determined by the staff, but in no case less than five thousand (\$5,000) dollars. The bond shall be continuously maintained until the requirements of the permit have been satisfied.
- "(7) Public utility power generating plants.
- "(8) Refuse disposal sites, provided sanitary-fill method is used.
- "(9) Housing designed for the elderly, with the exception of projects which can in all respects comply with the provisions of Chapter 23.10.
- "(10) Storage of operable or inoperable automobiles, exclusive of off-street parking facilities incidental to a primary use.
- "(11) Recreational area, commercial.
- "(12) Group home for retarded persons.

Section 3. Community Council jurisdiction: To the extent that the regulations herein adopted are subject to the jurisdiction of the Houghton Community Council as created by Ordinance No. 2001, this Ordinance shall become effective

either upon the approval of the Houghton Community Council or failure of said Community Council to disapprove within sixty days of the date of passage of this Ordinance.

Section 4. The amendments to Ordinance 2183 herein adopted have heretofore been approved by the Kirkland Planning Commission in public hearing and have been reviewed by the Kirkland City Council in public meeting. Except as provided in Section 4, this Ordinance shall be in force and take effect five days from and after its passage by the Council and publication as required by law.

PASSED by the Kirkland City Council in regular meeting on the 7th day of July, 1975.

SIGNED in authentication thereof on the 7th day of July, 1975.

Robert Speer
Mayor

ATTEST:

W. J. Aduseo
Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:

Robert Speer
City Attorney