

ORDINANCE NO. 2316

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND DEVELOPMENT, PROVIDING FOR THE PAYMENT OF FUNDS IN LIEU OF DEDICATION OF LAND FOR PARKS OR OPEN SPACE IN RESPECT OF NEW DEVELOPMENTS AND AMENDING ORDINANCE NO. 2183 THE KIRKLAND ZONING ORDINANCE.

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

Section 1. There is hereby added to Ordinance 2183, as heretofore amended, a new Section to read as follows:

(New Section)

"Section 23.08.130: Provision for parks and open space: In order to more equitably distribute the cost of providing additional neighborhood and community park facilities to meet the needs of a growing population, all single family home developments shall be required by the City of Kirkland to deposit in the "In Lieu Open Space Account" of the Park and Municipal Facilities Cumulative Reserve Fund an amount of money to be used solely for the purposes for which said fund account was created by Chapter 5.72 Kirkland Municipal Code (Ordinance 1115) and Section 2.5.9(c) of Ordinance No. 2178 as follows:

"(1) . The amount to be so deposited shall be not less than 2% of the assessed valuation of the total land area required or allocated by the owner for the intended use, or \$200 per new dwelling unit, whichever is greater. For the purposes of this subsection, "Assessed Valuation" shall mean the greater of: (i) the assessed value as determined by the King County Assessor for general tax purposes for the year during which the building permit is issued, or (ii) the most recent taxable sales price of the property for which the permit is issued according to the 1% real estate excise tax records for King County.

"(2) . A single family development will be exempt from the fee requirement, provided that the lot being developed was subject to the dedication or fee in lieu requirements of Section 2.5.9 or 3.5.11 of the Subdivision Ordinance No. 2178 as amended."

Section 2. Subsection 23.10.110(5) of Ordinance 2183 as amended, is hereby amended to read as follows:

"Section 2.10.110(5) Enforcement-of-these-provisions shall-take-place-in-accordance-with-Chapter-23.54 of-this-Ordinance,-with-detailed-conditions-to-be-listed-in-the-Certificate-of-Occupancy. In order to more equitably distribute the cost of providing additional neighborhood and community park facilities to meet the needs of a growing population and in addition to the on-site recreation spaces required by this Section, all residential development proposed in any RM zone classification shall be required by the City of Kirkland to deposit in the "In Lieu Open Space Account" of the Park and Municipal Facilities Cumulative Reserve Fund an amount of money to be used solely for the purposes for which said fund account was created by Chapter 5.72 Kirkland Municipal Code (Ordinance No. 1115) and Section 2.5.9(c) of Ordinance 2178.

"The amount to be so deposited shall be 6% of the assessed valuation of the total land area required or allocated by the owner for the intended use or \$200 per new dwelling unit, whichever is greater. For the purposes of this Section, "Assessed Valuation" shall mean the greater of (i) the assessed value determined by the King County Assessor for general tax purposes for the year during which the building permit is issued or (ii) the most recent taxable sales price of the parcel according to the 1% real estate excise tax records for King County."

Section 3. Ordinance No. 2183 as heretofore amended is hereby amended to by the addition thereto of a new Subsection to be known as Subsection 23.10.110(6) to read as follows

(New Section) "23.10.110(6) Enforcement of these provisions shall take place in accordance with Chapter 23.54 of this Ordinance, with detailed conditions to be listed in the Certificate of Occupancy."

Section 4. Ordinance No. 2183 as heretofore amended is hereby amended by the addition thereto of a new Section to be known as Section 23.12.065 to read as follows:

(New Section)

"23.12.065 Provision for Parks and Open Space:
All proposed developments within Waterfront District I which propose residential uses shall be subject to the provisions of Section 23.10.110(5) of the Kirkland Zoning Ordinance if the residential density is greater than one (1) dwelling unit per 7,200 square feet of dryland area subject to residential use. If the residential density is equal to or less than one (1) dwelling unit per 7,200 square feet of land area subject to residential use, then the development shall be subject to the provisions of Section 23.08.130 of the Kirkland Zoning Ordinance."

Section 5. Ordinance No. 2183 as heretofore amended is hereby amended by the addition thereto of a new Section to be known as Section 23.28.131 to read as follows:

(New Section)

"23.28.131 Additional Provision for Parks/Open Space:
In addition to the provisions of Section 23.28.130 herein, all Planned Unit Developments which propose residential uses shall be subject to the provisions of Section 23.10.110(5) of this Ordinance if the residential density is greater than one (1) dwelling unit per 7,200 square feet of land area subject to residential use. If the residential density is equal to or less than one (1) dwelling unit per 7,200 square feet of land area subject to residential use, then the Planned Unit Development shall be subject to the provisions of Section 23.08.130 of this Ordinance."

Section 5. To the extent that the subject matter and provisions of this Ordinance are within the disapproval jurisdiction of the Houghton Community Council as created by Ordinance No. 2001, this Ordinance shall become effective within the Houghton Community either upon approval of the Houghton Community Council or failure of said Community Council to disapprove within sixty days from the date of passage of this Ordinance.

Section 6. Except as provided in Section 5, this Ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and

publication as required by law.

PASSED by the Kirkland City Council in regular meeting on the 17th day of May, 1976.

SIGNED in authentication thereof on the 17th day of May, 1976.



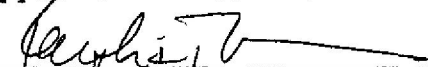
Mayor

ATTEST:



Director of Administration & Finance
(ex officio City Clerk)

Approved as to form:



City Attorney