

ORDINANCE NO. 2428

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND SUBDIVISION AND AMENDING ORDINANCE 2178, AS AMENDED.

WHEREAS, it is desirable to facilitate innovative development that benefits the City and promotes the policies of the Land Use Policies Plan; and

WHEREAS, the City cannot administratively modify the provisions of Ordinance 2178, as amended, to fulfill this goal; and

WHEREAS, an Environmental Checklist was prepared and a Final Declaration of Non-Significance was made pursuant to the requirements of the State Environmental Policy Act (RCW 43.21c; WAC 197-10; and Kirkland Ordinance No. 2319). This Checklist and Declaration of Non-Significance were available to the Development Code Commission at the public hearing held on this issue. The Development Code Commission considered this information in formulating its recommendation to City Council, and City Council considered this information in taking final action on this recommendation.

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

Section 1. Section 2.13 of Ordinance 2178, as amended, is amended to read as follows:

~~2.13--Procedure-and-Authority-for-Granting-Modifications-for-Variances:~~

~~2.13.1--Where-pre-existing-physical-conditions-within a-proposed-subdivision-requires,-in-the opinion-of-the-subdivider-or-developer,-a modification-or-variation-from-any-of-the provisions-contained-in-this-ordinance,-the subdivider-may-make-application-therefore. Such-application-must-be-filed-along-with the-preliminary-plat-and-application-for preliminary-approval.--The-application-for modifications-or-variations-shall-include-a specific-request-as-to-each-provision-sought to-be-varied-or-modified,-together-with-any and-all-supporting-details.--Each-request-shall be-considered-and-acted-upon-as-part-of-the approval-procedure-for-preliminary-plats.--The decision-as-to-each-request-shall-be-set-forth in-the-written-recommendation-required-by Section-2.4.1.~~

2.13 Procedure and Authority for Granting Modifications:

2.13.1 A subdivider or a developer may apply for a modification of any of the dimensional provisions contained in this ordinance if either of the conditions of Section 2.13.2 are present. Such application must be filed along with the preliminary plat. The application for modifications shall include a specific request as to each provision sought to be modified together with any and all supporting details. Each request shall be considered and acted upon as part of the approval procedure for preliminary plats. The decision as to each request shall be set forth in the written recommendation required by Section 2.4.1.

~~2.13.2 -- Limitation of Authority. -- No such modification may be granted if it would have the effect of nullifying the intent and purpose of the Zoning Ordinance, the Comprehensive Plan, or this Ordinance.~~

2.13.2 Upon receipt of an application under Section 2.13.1, the City may modify any of the dimensional provisions of this ordinance if either of the following apply:

a. The subdivision is considered in conjunction with a Planned Unit Development for the same piece of property.

b. The pre-existing conditions within a proposed subdivision require, in the opinion of the subdivider or developer, a modification of any of the dimensional provisions contained in this ordinance.

2.13.3 Limitation of Authority. The City may only grant a modification if it is consistent with the policies of the Land Use Policies Plan, and the purpose and intent of the Zoning Ordinance and this Ordinance.

Section 2. Section 3.10 of Ordinance 2178, as amended, is amended to read as follows:

Procedure and Authority for Granting Modifications or Variations: The provisions of Article 2 Section 2.13 of this ordinance relating to requests for modification or variance shall be available to any person proposing a short subdivision.

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Section 3. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. 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 (60) days from the date of passage of this Ordinance.

Section 5. Except as provided in Section 4, this Ordinance shall be in force and take effect five (5) days from and after its passage by the City Council and publication as required by law.

PASSED BY THE KIRKLAND CITY COUNCIL IN REGULAR MEETING ON
the 18th day of December , 1978.

SIGNED IN AUTHENTICATION THEREOF on the 18th day of December
1978.



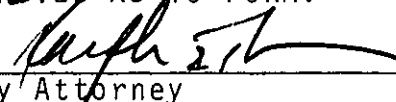
Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

APPROVED AS TO FORM:



City Attorney