

ORDINANCE NO. 2458

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

WHEREAS, it is desirable to provide for maximum flexibility of the provisions of Ordinance 2178, as amended; therefore

THE CITY COUNCIL OF THE CITY OF KIRKLAND DO ORDAIN 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.

2.13.1 A subdivider or a developer may apply for a modification of any of the ~~dimensional~~ requirements 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~~ requirement 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 Upon receipt of an application under Section 2.13.1, the City may modify any of the ~~dimensional provisions~~ requirements 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~~ Pre-Existing conditions within a ~~proposed subdivision~~ require, ~~in the opinion of the subdivider or developer,~~ a modification of any of the ~~dimensional provisions~~ requirements 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. In addition, no modification may be granted to any requirement which specifies a procedure which the City will use to process a proposed subdivision.

Section 2. 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 3. 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 Council 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 4. Except as provided in Section 3, this Ordinance shall be in force and take effect five (5) days from and after its passage by the City Council and publications as required by law.

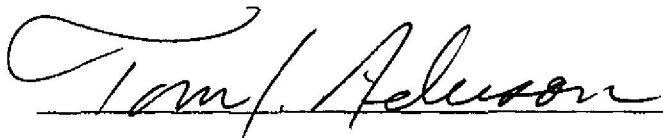
PASSED BY THE KIRKLAND CITY COUNCIL IN REGULAR MEETING ON THE 16th day of April, 1979.

SIGNED IN AUTHENTICATION THEREOF on the 16th day of April, 1979.



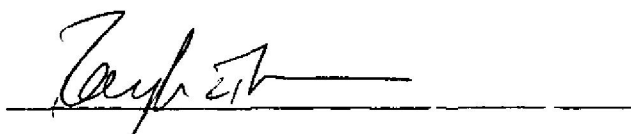
MAYOR

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

APPROVED AS TO FORM:



City Attorney