

ORDINANCE NO. 2539

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNED UNIT DEVELOPMENTS AND ALLOWING FOR EXTENSION OF TIME TO FILE FOR A FINAL PLANNED UNIT DEVELOPMENT AND ALLOWING THE CITY TO SUSPEND THE PLANNED UNIT DEVELOPMENT TIME LIMITS AND AMENDING CHAPTER 23.28 OF THE ZONING ORDINANCE, ORDINANCE 2183 AS AMENDED.

WHEREAS, it is reasonable in some cases to allow for an extension of the time to file a Final Planned Unit Development application, and

WHEREAS, it is sometimes in the best interests of the residents of the City to suspend the time limits for filing for a Final Planned Unit Development and/or Building Permits after the granting of Preliminary Planned Unit Development, and

WHEREAS, this amendment is categorically exempt from the provisions of the State Environmental Policies Act under Section 197.10.170(11) of the Washington Administrative Code, now therefore,

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

Section 1 Paragraph 4 of Section 23.28.160 is amended to read as follows:

4. (a) The applicant shall within six (6) months of preliminary approval submit a final development plan of the proposed PUD to the Planning Commission. Within twelve (12) months of preliminary approval of the entire PUD by the City Council the applicant shall file an application for a building permit for the first phase of the proposed development.
- (b) Upon written request the Planning Commission may grant an extensions of ~~six (6) additional months for submission of building permit~~ application of the time periods of paragraph (4)(a) of this Section as follows:
 - (i) The Planning Commission may, for good cause shown, grant the applicant's request for a six (6) month extension of the time period to file the Final Planned Unit Development application.

(ii) The Planning Commission may, for good cause shown, grant the applicant's request for a six (6) month extension of the time period to file the Building Permit application.

(c) If at the conclusion of this period the time periods established in this paragraph 23.28.160(4) no such application has been filed, the PUD application and any prior approvals shall become void.

(d) If after a Preliminary or Final Planned Unit Development has been approved, the City Council determines that the land use policies or regulations applicable to the area that includes the subject property may be inappropriate, the City Council may, by a majority vote, suspend the time period specified in Paragraphs 4(a) and 4(b) of this section. During this period of suspension, the City shall consider what land use policies and regulations would be most appropriate for the area that includes the subject property, and the City may amend the land use policies and regulations applicable to this area. If a suspension occurs, the City shall notify the applicant of this in writing. The City shall also notify the applicant in writing once the City Council, by majority vote, ends the suspension of these time periods. If a suspension occurs under this Paragraph, the applicant may, at his/her option, either

i. Proceed with processing the PUD by, as applicable, either filing for a Final Planned Unit Development or for Building Permits. In this event, the City shall process these applications in accordance with what was approved in the Preliminary or Final Planned Unit Development, as applicable; or

ii. Wait until the city notifies the applicant that the suspension has ended. In this event, the applicant shall have six-months to file, as applicable, either for a Final Planned Unit Development or Building Permits, provided however, that the City may grant extensions of these time limits as specified in paragraph 4 (b) of this Section. The City shall process the application for a Final Planned Unit Development or Building Permits in accordance with what was approved in the

Preliminary or Final Planned Unit Development, as applicable. In the alternative, the applicant may propose a development on the subject property pursuant to any change in land use policies and regulations that occurred during the suspension.


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 either upon approval of the Houghton Community Council or failure of that Community Council to disapprove within sixty (60) days from the date of passage of this Ordinance.

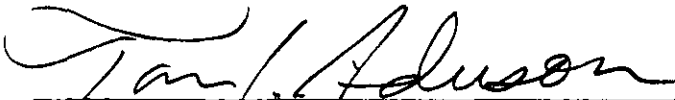
Section 4. Except as provided in Section 3, this Ordinance shall be in full force and effect five (5) days from and after its passage and publication as required by law.

PASSED BY MAJORITY VOTE of the Kirkland City Council in regular meeting held on the 18th day of August, 1980.


SIGNED IN AUTHENTICATION thereof on the 18th day of August, 1980.


MAYOR

ATTEST:


Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

2440A