

ORDINANCE NO. 2557

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNED UNIT DEVELOPMENTS AND AMENDING SECTION 23.28.090 of ORDINANCE 2183, AS AMENDED.

WHEREAS, Planned Unit Developments can provide a unique opportunity by authorizing innovative development proposals that, while not strictly adhering to the Zoning Code, are beneficial to the Community; and

WHEREAS, to allow the City to approve beneficial Planned Unit Developments, the City should have broad authority to modify specific requirements of the Zoning Code; 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. 2473, as amended). This Checklist and Declaration of Non-Significance were available to the Development Code Commission and the Houghton Community Council at the public hearings held on this issue. The Development Code Commission and the Houghton Community Council considered this information in formulating their recommendations 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 23.28.090 of Ordinance 2183, as amended, is amended to read as follows:

23.28.090 Permissive (Variations) - Deviations in Requirements

- (1) ~~Height of buildings may exceed the height limit of the zone in which the project is located, provided that for each additional one foot of height, the sum of all the minimum yard setbacks shall be increased four feet and provided the view from the surrounding properties is not substantially impaired by the additional height.~~
- (2) ~~Land Coverage: Coverage of the site by buildings shall not exceed the maximum land coverage of the underlying zoning.~~

An applicant for a PUD may propose and the City may approve the following deviations from the requirements of this Code that would be applied to development of the subject property without a PUD:

(1) Dimensional Requirements: Any requirement pertaining to the size or location of any structure, the size of any required setback or screening area, the number of parking spaces or the design of parking areas, or any similar dimensional requirement. Any deviation under this paragraph must meet the following conditions:

- a. It must be consistent with any applicable provisions of the Land Use Policies Plan.
- b. It may not result in greater land coverage over the entire PUD site.
- c. It may not result in lesser setbacks or screening areas on the perimeter of the PUD site.
- d. Height of buildings may exceed the height limit of the zone in which the project is located, provided that for each additional one foot of height, the sum of all the minimum yard setbacks shall be increased four feet and provided the view from the surrounding properties is not substantially impaired by the additional height.

((3))(2) Number of Dwelling Units: Three acre developments having residential uses may exceed by 10% the average dwelling unit density per net residential acre permitted by the underlying zoning and for each additional acre of such developments an additional 1% may be allowed up to a maximum of 15%, or exceed the average dwelling unit density per residential acre permitted by the underlying zoning as provided in the Land Use Policies Plan. For the purposes of this paragraph net residential area shall not include any area devoted to parking, rights-of-way, or business, commercial, manufacturing or industrial purposes.

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 be come 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.

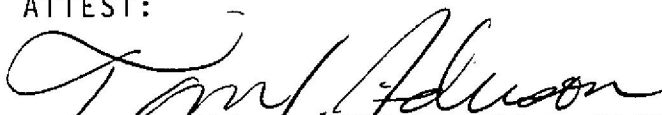
Section 4. Except as provided in Section 3, this Ordinance shall be in force and take effect five (5) days from and after its passage by the City Council and publication as required by law.

PASSED BY THE KIRKLAND CITY COUNCIL IN REGULAR MEETING on the 17th day of November, 1980.

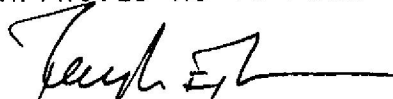
SIGNED IN AUTHENTICATION thereof on the 17th day of November, 1980.

  
MAYOR

ATTEST:

  
Director of Administration and Finance  
(ex officio City Clerk)

APPROVED AS TO FORM

  
City Attorney

3093A

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