

ORDINANCE NO. 2678

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND DEVELOPMENT, ADOPTING A NEW ZONING CODE AND REPEALING ORDINANCE 2183 AS HERETOFORE AMENDED.

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

Section 1. Declarations:

A. In adopting comprehensive regulations, standards and classifications for land use and development (commonly referred to as a zoning code) of the nature and scope herein adopted, the City Council declares that it is acting in the full exercise of the delegation of legislative authority granted to cities by Article 11, Section 11 of the Washington State Constitution; by the authority granted to non-charter code cities by Title 35A Revised Code of Washington, including but not by way of limitation, authorization contained in Chapter 35A.63 RCW, relating to land use planning and zoning; and by the authority of other laws of the State of Washington.

B. A zoning code is a non-project legislative action for the purposes of the State Environmental Policies Act, RCW 43.21C (SEPA). The Environmental Impact Statement prepared and circulated pursuant to SEPA, State Guidelines and the Kirkland implementing ordinance has been available to and has been considered by the City Council and each of its advisory bodies during review and consideration process. The City Council finds the Environmental Impact Statement to be adequate for the purposes of this action and that all procedural matters relating to environmental review have been satisfied. The City Council further notes that all subsequent land use actions of a project nature which may require governmental review or action will, under the procedures in effect in the City of Kirkland, be subjected to additional SEPA review.

C. Pursuant to RCW 35A.63.100, public hearings on the zoning code herein adopted were held by the Kirkland Development Code Commission, an advisory body created by the City Council pursuant to RCW 35A.63 for that purpose and by the Houghton Community Council. The recommendation of the Development Code Commission and the Houghton Community Council have been considered by the City Council in open meetings.

D. By Ordinance No. 2346, goals, policies and standards for the growth and development of the consolidated City of Kirkland as a single community, were adopted as the Kirkland Land Use Policies Plan (comprehensive plan). The land use regulations, standards and classifications are herein adopted in order to provide comprehensive regulations, standards and classifications relating to planning land use development and classification for the entire consolidated City, which are consistent with and have been considered in the light of and related to the general and specific goals, policies and guidelines, adopted by Ordinance No. 2346.

E. Adoption of the proposed Zoning Code is in the public interest and will advance the public health, safety and welfare.

Repealed By

~~Ordinance No. 2140~~
SECTION 2.

2/22/83

0-2746 2/2/83

Section 2. Adoption by Reference

The publication entitled "Proposed Zoning Ordinance for the City of Kirkland" dated August 12, 1982 as amended by the document entitled "Correction to the Proposed Zoning Code", dated September 2, 1982, as both of these documents are further amended by the document entitled "Additional Corrections to the Proposed Zoning Code" dated September 16, 1982; and as all of the above is amended by replacing pages 212 and 213 with the attached pages (212) and (213), are hereby incorporated herein as though fully set forth and are hereby adopted. These documents hereinabove incorporated and adopted shall be endorsed with the title and number of this ordinance and dated and signed by the Mayor and the Director of Administration and Finance (ex officio City Clerk).

A copy of these documents and map shall be recorded in the office of the Director of Administration and Finance as a part of this Ordinance and a copy shall be filed with the following City departments for the use of the general public and the affected departments of the City: Department of Community Development, Building Department, Department of Public Services, Parks Department, Police Department and Department of Fire Services.

Section 3. Repealer. The following Ordinances of the City of Kirkland, including all amendments thereto, are hereby repealed:

2183, 2347, 2386, 2430, 2431, 2435, 2450, 2576

Section 4. Vesting. Except as stated in Sections 5 and 6 of this Ordinance, Sections 2 and 3 of this Ordinance shall not apply to any building or other land use permit if the application for that permit or any necessary precedent land use permit, including permit fees, has been received by the City before the close of business on the work day immediately prior to the effective date of this Ordinance.

Section 5. Option to Use New Code. An applicant for a building or other land use permit vested under the present regulations of the City may, by written request, have the provisions of Sections 2 and 3 of this Ordinance apply to his/her permit.

Section 6. Review Procedures. Any permit vested under the present regulations of the City that must be reviewed by either the Planning Commission, the Board of Adjustment, or the Development Review Committee which cannot be heard by the appropriate body prior to November 1, 1982 will be reviewed under the procedures that would apply to that permit under this Ordinance. The substance of the present regulations will be followed.

Section 7. Resolution No. 2639. The provisions of the Zoning Code herein adopted apply to the properties affected by Resolution No. 2639 to the same extent as did the provisions of Ordinance 2183, as amended. The specific provisions of Resolution No. 2639 are not affected by the Zoning Code herein adopted.

Section 8. Review of Zoning Regulations. It is the intent of the City Council to have the Zoning Code enacted in this ordinance reviewed within one year of its effective date to determine what changes, modifications or amendments are necessary or in the public interest.

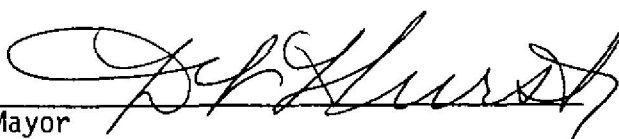
Section 9. Saving Clause. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 10. Houghton Community Council Jurisdiction. 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 the approval of the Houghton Community Council or failure of said Community Council to disapprove within 60 days of the date of passage of this ordinance.

Section 11. Effective Date. Except as provided in Section 10, this ordinance shall be in force and effect from and after the latter of either October 4, 1982 or the effective date of an ordinance adopting a new Zoning Map for the City.

PASSED by the Kirkland City Council in regular meeting on the 20th day of September, 1982.

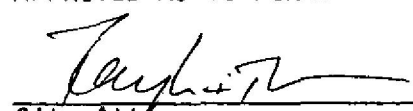
SIGNED IN AUTHENTICATION thereof on the 20th day of September, 1982.


Mayor

ATTEST:


Director of Administration and Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 22nd day of September, 1982 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.


Deputy City Clerk