AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE AND AMENDING ORDINANCE 2740 AS AMENDED, THE KIRKLAND ZONING ORDINANCE (FILE NO. IV-87-112).

Whereas, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 2740 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated December 15, 1987, and bearing Kirkland Department of Planning and Community Development File No. IV-87-112; and

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on December 3, 1987, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

Whereas, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final determination of non-significance, including supporting environmental documents, issued by the responsible official pursuant to WAC 197-11-340 and WAC 197-11-390; and

Whereas, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission, as well as a timely filed challenge of said recommendation.

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

Section 1: Zoning text amended: The following specified sections of the text of Ordinance 2740 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A which by this reference is incorporated herein.

Section 2. 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 any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. The subject matter of this ordinance and the permit herein granted, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, this ordinance shall become effective within the Houghton Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 4. Except as provided in Section 3, this ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 21st day of December, 1987.

Signed in authentication thereof this 21st day of December 1987.

ATTEST:

AYOR

APPROVED AS TO FORM:

City Attorney

9019C/45A/DM:rk

## CHAPTER 75 - HISTORIC LANDMARK OVERLAY ZONE

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75.05	User Guide
75.10	Designation - Required Review
75.15	Designation - Who May Apply/Special Fee Provision
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75.30	Effect - General
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## 75.05 User Guide

This Chapter establishes a mechanism for designating certain areas or improvements in the City as historic landmarks. This Chapter also contains regulations that govern the use and alteration of any area or improvement that has been designated an an Historic Landmark.

Various places on the Zoning Map contain an "HL" within a dashed line. This indicates that this area, has been designated as an Historic Landmark Overlay Zone where special regulations apply. These special regulations add to and in some cases supersede the other regulations of this Code.

If you are interested in proposing that an area or structure be designated as an "Historic Landmark" or if you wish to participate in the City's decision on a proposed desigation you should read Section 10 through 25 of this Chapter.

If you are interested in conducting a use or altering the appearance of an area or structure that has been designated as an Historic Landmark or if you wish to participate in the City's decision on a proposed use or alteration of a designated historic landmark, you should read Section 30 through 50 of this Chapter.

## 75.10 <u>Designation - Required Review</u>

The City will review and decide upon each proposal to designate an area as an Historic Landmark Overlay Zone on the Zoning Map using the Non-Project Quasi-Judicial Rezone provisions of Chapter 130 of this Code.

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75.15 Designation - Who May Apply/Special Fee Provision.

Only-tThe City, or-the person holding fee title to the subject property, or any member of the general public or-that-person's-designated-agent-may apply to designate a that-property as an Historic Landmark Overlay Zone. To the extent that these provisions are inconsistent with the provisions of Chapters 130 or 155 of this Code, the provisions of this Section govern.

75.20 <u>Designation - Criteria</u>.

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The City may approve the designation of an area as an Historic Landmark Overlay Zone only if it finds that--

1. The applicable criteria of Chapter 130 of this Code are met, and

2. Either--

- a. The property contains an object, improvement, or site that is more than forty years old, and that possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:
  - (1) Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or
    - (2) Is associated with the lives of persons significant in national, state or local history; or
    - (3) Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
    - (4) Has yielded or may be likely to yield, information important in prehistory or history; or
    - (5) is an outstanding work of a designer or builder who has made a substantial contribution to the art; or

8705C/353A(1878A/79A)p.2/11-24-87/DM:rk:cw 231 b. The property contains an object, improvement or site which does not meet the criteria listed in Paragraph 2 of this Section but which is--

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(1) A religious property deriving primary significance from architectural or artistic distinction or historic importance; or

- (2) A building or structure removed from its original location but which is significant primarily for its architec-tural value, or which is the surviving structure most importantly associated with an historic person or event; or
  - (3) A birthplace, grave or residence of an historic figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life; or
    - (4) A cemetery that derives its primary significance from graves of persons or transcendent importance, from age, from distinctive design features, or from association with historic events; or
    - (5) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
    - (6) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historic significance: or
    - (7) A property achieving significance within the past forty years if it is of exceptional importance.

NOTE: The criteria listed in Paragraph 2 of this Section are, with slight modification, the criteria used in evaluating entries to the National Register under the National Historic Preservation Act of 1966.

This Paragraph applies only to those areas annexed to the City on January 1, 1988, by Ordinance 3062, 3063, and 3064, (known as the Lower Juanita, North Rose Hill and South Rose Hill areas).

For a twelve (12) month period beginning
January 1, 1988, and ending December 31,
1988, the City shall approve the
designation of an area as an historic
landmark overlay zone if the site has been
proposed by the King County Landmarks
Commission subject to the conditions of
Chapter 130.

## 75.25 <u>Designation - Required Elements of Recommendation</u>

If City Council adopts an ordinance designating an area as an Historic Landmark Overlay Zone on the zoning map, this ordinance must include the following information:

 The boundaries of the area and description of the improvement, object, or site of significance, sufficient to identify its location.

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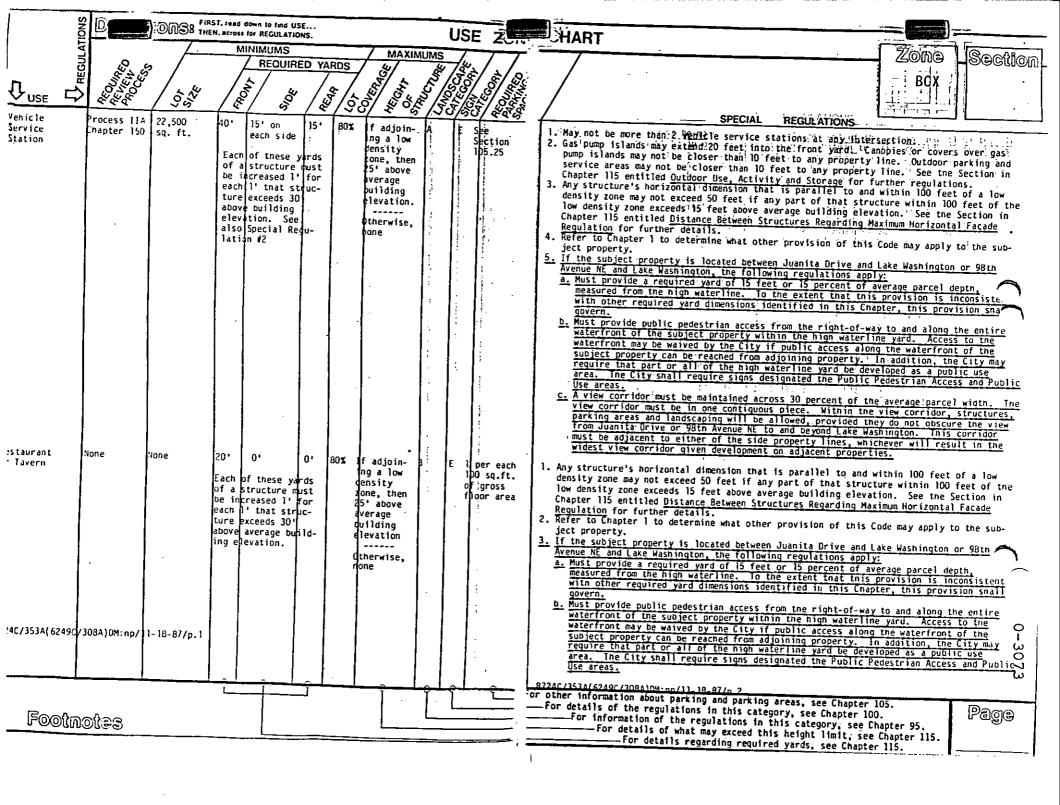
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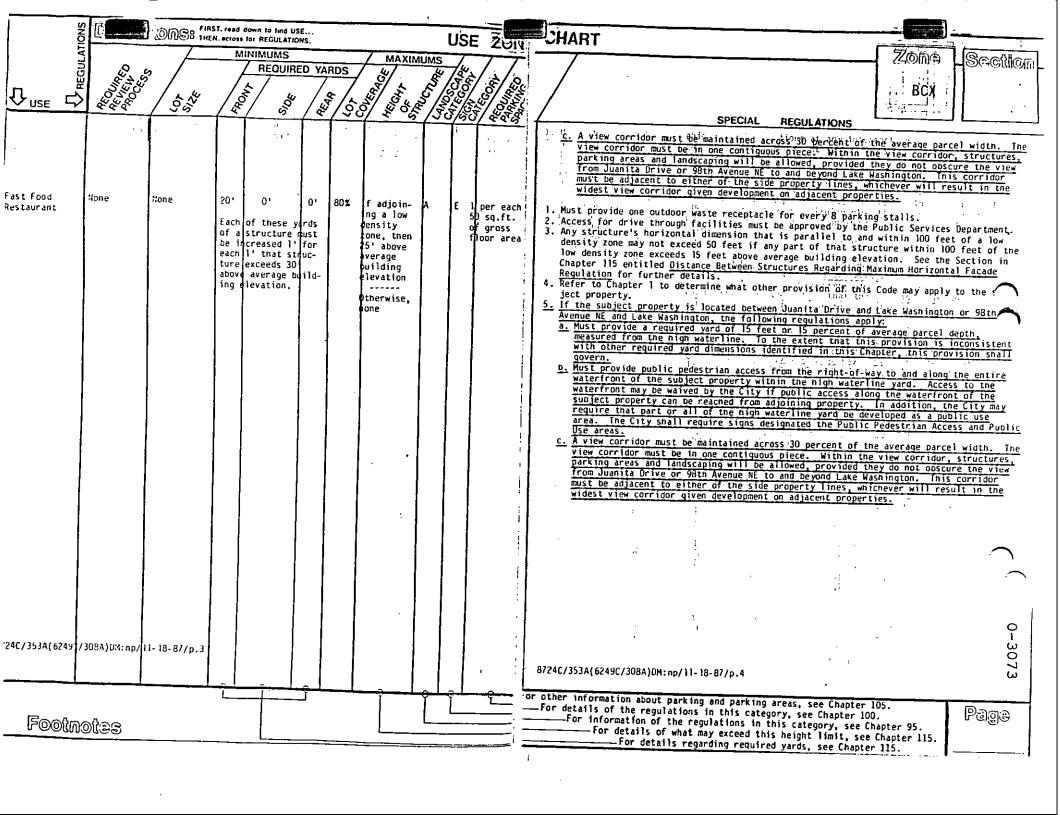
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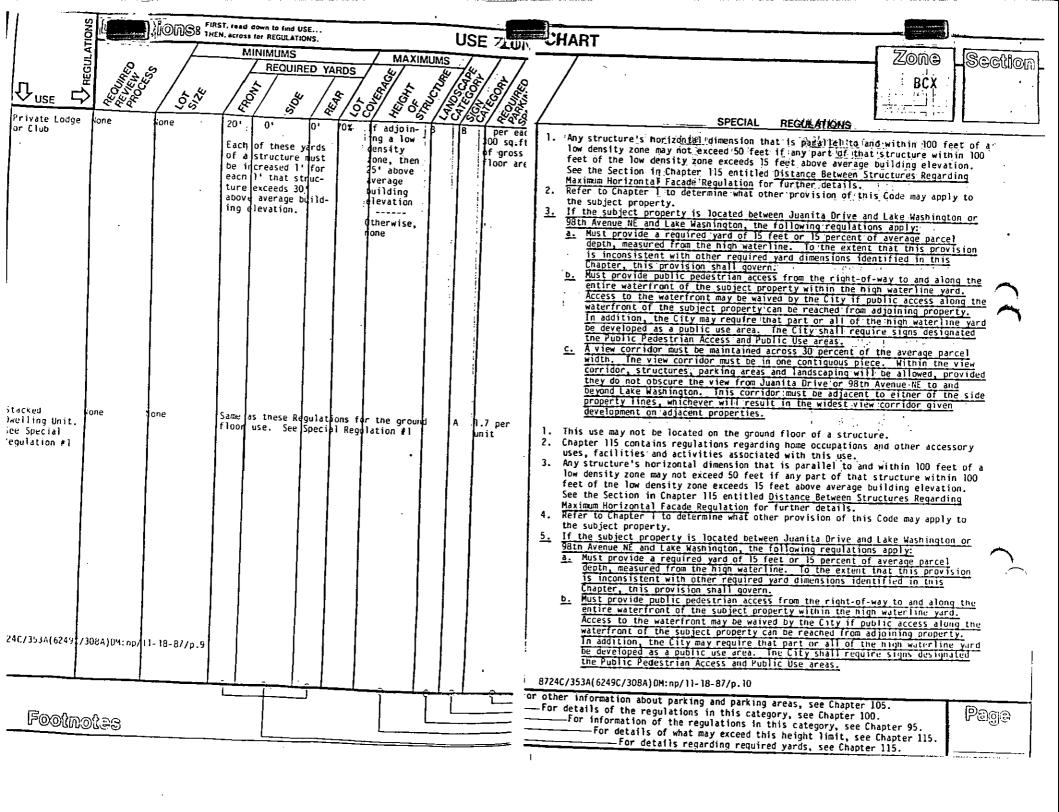


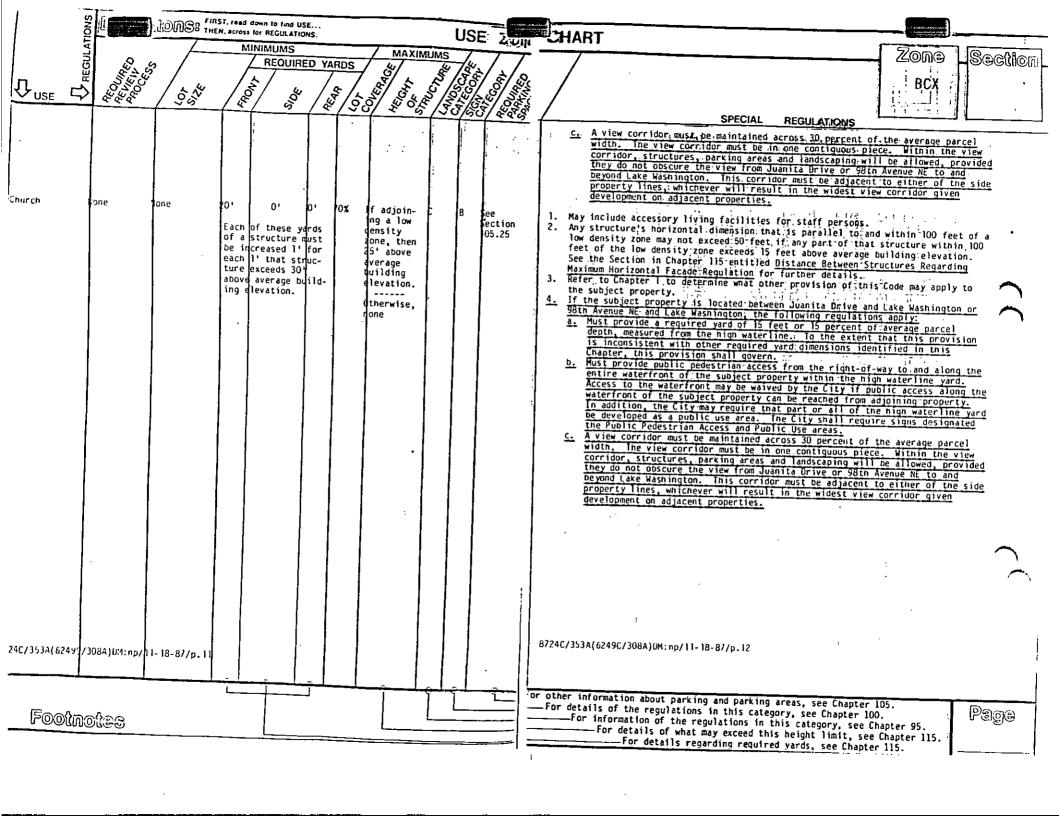
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2. May install transit route and information signs and markers.  3. If the subject property is located between Juanita Drive and Lake Masnington or 93th Avenue NE and Lake Masnington, the following regulations apply:  a. Must provide a required yard of 15 feet or 15 percent of average parcel depth, with other required yard dimensions identified in this Chapter, this provision small govern.  8724C/353A(6249C/308A)DM:np/11-18-87/p.14  or other information about parking areas, see Chapter 105.  For details of the regulations in this category, see Chapter 95.  For details of what may exceed this height limit, see Chapter 115.  For details regarding required yards, see Chapter 115.	heiter						į þa	verage	1	∮pc.	None	1. May be permitted only if it will not unreasonably impede pedestrian movement or cross
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<u></u>	<u>e410</u>										or other information about parking and parking areas, see Chapter 105.  —For details of the regulations in this category, see Chapter 100. —For information of the regulations in this category, see Chapter 95. —For details of what may exceed this height limit, see Chapter 115. —For details regarding required yards, see Chapter 115.
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Public P	Parks	If one acre or more then Process IIA Chapter 150 Otherwise, none		Wij a c	l be deter ase-by-cas	nined e bas i	<b>S</b>	If adjoin- ing a low density cone, then to above everage building elevation Otherwise, wone		B	See Section 105.25	n	b. Must provide public pepeatrian access from the sight-of-way to and along the entire water ront of the part property, within the high water line yard: Access to the water front on the part of all of the high cacess along the water ront of the subject property can be reached from adjoining property. In addition, the City may require that part or all of the high water line yard be developed as a public use area. The City shall require signs designated the Public Pedestrian Access and Public Use areas.  C. A view corridor must be maintained across 30 percent of the average parcel width. The view corridor must be in one contiguous piece. Within the view corridor, structures, parking areas and landscaping will be allowed, provided they do not socure the view from Juanita Drive or 98th Avenue NC to and beyond take Washington. Inis corridor must be adjacent to either of the side property lines, whichever will result in the widest view corridor given development on adjacent properties.  1. The design of the park must serve the needs of the area in which it is located. Any structure's horizontal dimension that is parallel to and within 100 feet of low density zone may not exceed 50 feet if any part of that structure within 100 feet of low density zone may not exceed 50 feet if any part of that structure within 100 feet of low density zone exceeds 15 feet above average building elevation. See the Section Chapter 115 entitled Distance Between Structures Regarding Maximum Horizontal Facade Regulation for further details.  3. Refer to Chapter 1 to determine what other provision of this Code may apply to the subject property.  4. If the subject property is located between Juanita Drive and Lake Washington or 98th Avenue NE and Lake Mashington, the following regulations apply:  a. Must provide a required yard of 15 feet or 15 percent of average parcel depth, measured from the high waterline, to the extent that this provision is inconsistent with other required yard of the high waterline yard. Access to the waterfront of the
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AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE, AND AMENDING ORDINANCE 2740 AS AMENDED, THE KIRKLAND ZONING ORDINANCE (FILE IV-87-112).

- Section 1. Amends the following Sections of the Kirkland Zoning Ordinance, Ordinance 2740 as amended, which pertain to the Historic Landmark Overlay Zone (Chapter 75) and the BCX Zone (Chapter 47) as follows:
  - A. Amends Section 75.15 to permit any member of the general public to initiate an Historic Landmark Overlay Rezone by filing an application therefore.
  - B. Amends Section 75.20 by adding a new subsection (2-C) to provide that the King County Landmarks Commission may, during the year 1988, propose historic sites within the annexation areas North Rose Hill, South Rose Hill, and Lower Juanita for historic landmark designation and overlay rezone.
  - C. Amends the Use Zone Charts for the BCX Zone (Chapter 47) to establish yard, setback, public access, and view corridor regulations consitent with these regulations in other waterfront district zones.
- Section 2. Is a savings clause which provides for the validity of all other provisions of the Ordinance should any one part be determined to be invalid.
- Section 3. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.
- Section 4. Authorizes publication of the Ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.17 Kirkland Municipal Code and establishes the effective date as five days after summary of publication of summary, except as provided in Section 3.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its regular meeting on the 21st day of December 1987.

I certify that the foregoing is a summary of Ordinance 3073 approved by the Kirkland City Council for summary publication.