

ORDINANCE NO. 3785

AN ORDINANCE OF THE CITY OF KIRKLAND, ESTABLISHING INTERIM REGULATIONS FOR BUILDINGS IN THE BC ZONES AND CERTAIN LIT ZONES OF THE TOTEM LAKE NEIGHBORHOOD AND REQUIRING RETAIL USE ON THE GROUND FLOOR AND SETTING ASIDE OF FUTURE RIGHTS-OF-WAY WHEREAS, the City has the authority to adopt interim regulations pursuant to RCW 35A.63.220 and RCW 36.70A.390; and

WHEREAS, these statutes require a public hearing to be held and findings of fact to be entered either before adoption of the interim regulations or within 60 days thereafter and

WHEREAS, on March 20, 2001, pursuant to published notice, the City Council held a public hearing on the proposed interim regulations; and

WHEREAS, the City Council desires to enter the findings of fact set forth in this Ordinance to support the interim regulations;

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

Section 1. Based on the public testimony and other evidence submitted at the March 20, 2001 public hearing, the Kirkland City Council enters the following findings of fact to support the interim regulations described in this Ordinance:

- (a) The City's BC and LIT zones currently allow for a wide range of uses, including office uses on the ground floor of structures.
- (b) Unlike street level retail uses street level office uses do not encourage pedestrian activity.
- (c) The City is currently studying the Totem Lake neighborhood, with the expectation that the Totem Lake neighborhood chapter of the City's Comprehensive Plan will be amended.
- (d) As part of the Totem Lake neighborhood study, the Planning Commission has developed a draft land use plan concept, which envisions increased pedestrian activity along street frontages within the commercial areas of the neighborhood.
The addition of new floor area in the Totem Lake neighborhood's BC zones and the LIT zone that lies between 124th Avenue NE to the east, and the Burlington Northern right-of-way on the west ("BC Zones") before adoption of new regulations could preclude the creation of pedestrian-friendly business districts within the neighborhood.
- (e) The draft plan concept for the Totem Lake neighborhood, as developed by the Planning Commission, envisions a strong retail economic base as a vital component of the neighborhood's commercial activity.
- (f) The land use and pedestrian-oriented integrity, as well as the neighborhood's economic health, will suffer significant harm unless the addition of new floor area on the ground floor of buildings within 200 feet of streets in all BC zones and within 400 feet of a public right-of-way in the LIT zone described

above, in the Totem Lake neighborhood is restricted to retail uses.

- (g) The development of large parcels of land in the Totem Lake neighborhood without the creation of interior rights-of-way will diminish the opportunities for an interconnected system of streets, which help to distribute the traffic load.
- (h) The transportation and urban design objectives of the Planning Commission's draft land use plan concept include additional rights-of-ways to create improved circulation within the Totem Lake neighborhood, and the potential for more pedestrian-oriented development.
- (i) The addition of new floor area that may occur within the BC zones of the Totem Lake neighborhood before new permanent regulations are adopted to implement the new neighborhood plan could preclude the opportunity for improvement of additional rights-of-way where indicated on the draft transportation network plan.

Section 2. The City shall not accept or process any application, filed after the effective date of this Ordinance, for the addition of new floor area within the BC Zones of the Totem Lake neighborhood, as depicted on Attachment 1 to this Ordinance, that do not include retail use on the ground floor, within 200 feet of a public right-of-way in the BC Zone, and within 400 feet of a public right-of-way in the LIT Zone.

Section 3. The City shall not accept or process any application, filed after the effective date of this Ordinance, for the addition of new floor area within the BC Zones of the Totem Lake neighborhood, as depicted in Attachment 1 to this Ordinance, that proposes the development of land designated as future right-of-way on Attachment 2 to this Ordinance, unless that application sets aside land for the future public right-of-way.

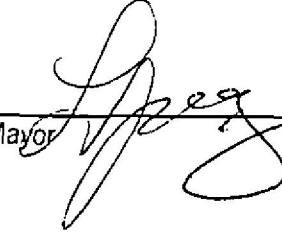
Section 4. This Ordinance shall be effective for six months from its effective date, and may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 5. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

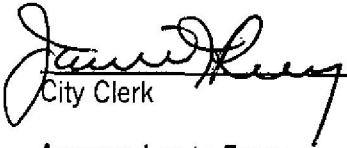
Section 6. This Ordinance shall be in force and effect five days from and after its passage by the City Council and publication, as required by law.

PASSED by a majority of the Kirkland City Council in regular, open meeting this 20th day of March, 2001.


SIGNED IN AUTHENTICATION THEREOF on this 20th day of
March, 2001.

Mayor 

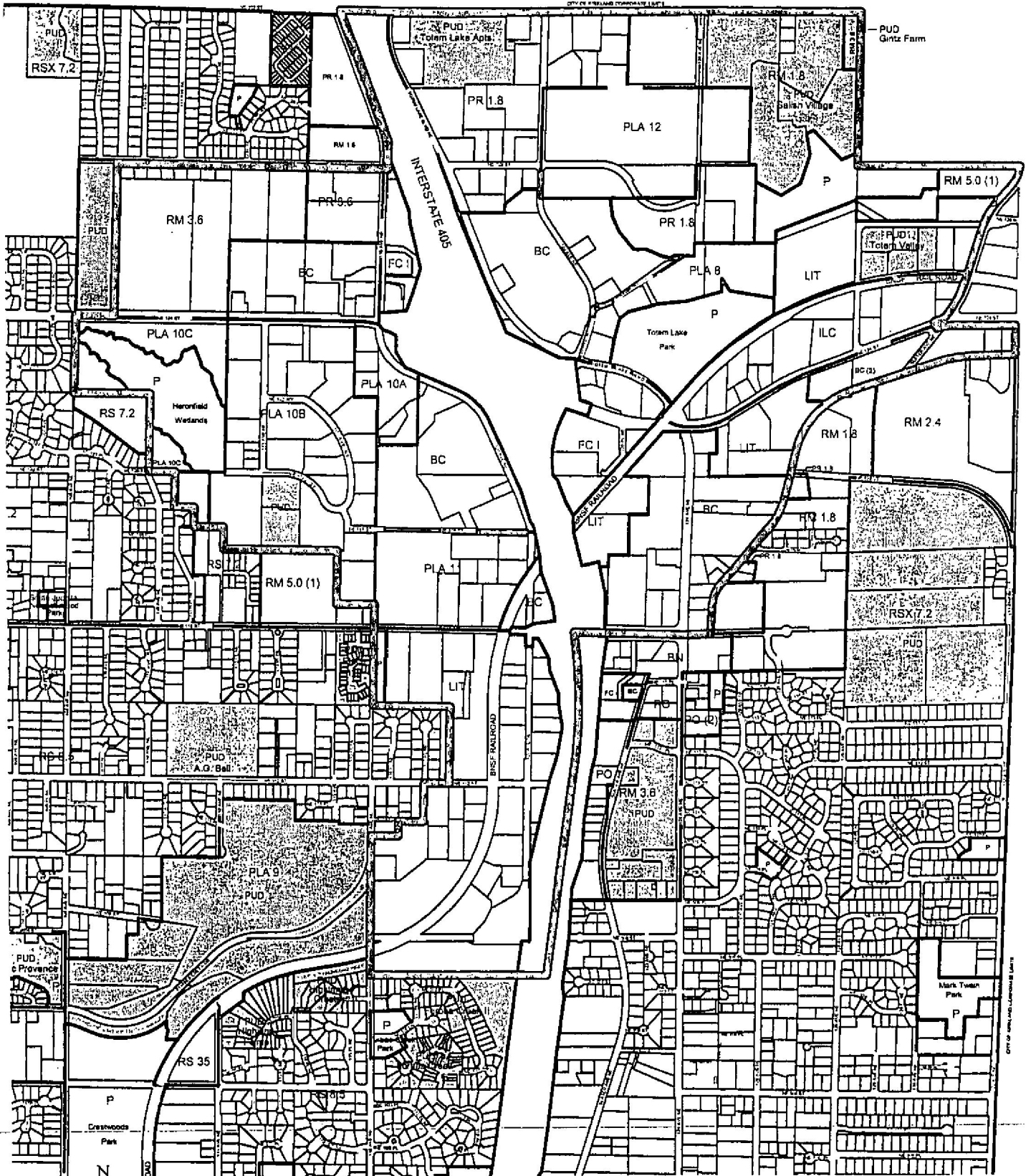
Attest:


City Clerk

Approved as to Form:


City Attorney

TOTEM LAKE NEIGHBORHOOD ZONING MAP



FG Network

100th Ave NE

100th Ave NE

