

ORDINANCE 4006

AN INTERIM ORDINANCE OF THE CITY OF KIRKLAND RELATING TO USES IN A STUDY AREA WITHIN A PR 3.6 ZONE IN THE MARKET NEIGHBORHOOD UNDER CHAPTER 25 OF THE KIRKLAND ZONING CODE.

WHEREAS, the City has the authority to adopt interim zoning regulations pursuant to RCW 35A.63.220 and 36.70A.390; and

WHEREAS, the City is undertaking an update of the Market Neighborhood Plan to be completed in December 2006; and

WHEREAS, on August 2, 2005 the City determined that a study was needed to determine whether certain areas adjacent to Market street should be rezoned; and

WHEREAS, one of those areas designated for study is located at 1230 and 1250 4th Street West ("the Study Area") and is currently zoned PR 3.6, which allows for certain uses; and

WHEREAS, the City would like to conduct further study to determine what is the appropriate zoning designation for the Study Area; and

WHEREAS, the City Council would like to insure that potentially inappropriate use of the Study Area does not occur before this Market Neighborhood Plan update can be completed and a decision made as to the appropriate zoning designation for the Study Area; and

WHEREAS, the Kirkland City Council has determined that there is therefore a need for an interim zoning regulation to suspend certain development in the Study Area; and

WHEREAS, pursuant to RCW 35A.63.220 and 36.70A.390, a public hearing on this interim Ordinance was held prior to the passage of this Ordinance;

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

Section 1. The Kirkland City Council makes the following findings:

- a. The purpose and intent of this Ordinance is to set forth an interim regulation temporarily suspending certain uses in the Study Area.
- b. The City of Kirkland Zoning Code currently allows certain activity in PR 3.6 zones that may not be appropriate in the Study Area.
- c. The City of Kirkland is diligently conducting a Market Neighborhood Plan update to determine the appropriate zoning classification for the Study Area.

d. Until this Market Neighborhood Plan update is completed, and a decision made as to the appropriate zoning designation for the Study Area, there is a need for an interim ordinance that would suspend these potentially inappropriate uses in the Study Area.

Section 2. Prohibition of Certain Development in the Study Area.

To prevent the development of a potentially inappropriate use in the Study Area until a Market Neighborhood Plan Update can be completed to determine the appropriate zone designation, the uses authorized in a PR 3.6 zone under KZC 25.10.020 through 25.10.070 and 25.10.110 and 25.10.120 are hereby temporarily suspended and disallowed in the Study Area. All other uses allowed in a PR 3.6 zone as authorized by KZC 25.10 remain available for use in the Study Area.

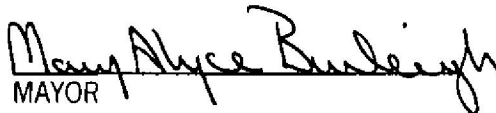
Section 3. Duration. This Ordinance shall be effective for six months. This Ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 4. Severability. 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 5. Emergency Ordinance. This is an emergency Ordinance necessary for the protection of the public health and safety and shall be in force and effect immediately upon passage by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 6th day of September, 2005.


Signed in authentication thereof this 6th day of September, 2005.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney