

ORDINANCE 4026

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING SECTION 95.35.4.A.3 OF THE KIRKLAND ZONING CODE WHICH IS SCHEDULED TO TAKE EFFECT ON JANUARY 1, 2006 PURSUANT TO KIRKLAND ORDINANCE NO. 4010 AND PROVIDING FOR A TWO YEAR REVIEW OF THE REGULATIONS ADOPTED PURSUANT TO CITY OF KIRKLAND ORDINANCE NOS. 4010 AND 4011.

WHEREAS, on November 1, 2005, the City of Kirkland adopted zoning regulations relating to trees and landscaping pursuant to City of Kirkland Ordinance No. 4010; and

WHEREAS, the regulations adopted pursuant to City of Kirkland Ordinance No. 4010 are scheduled to take effect on January 1, 2006; and

WHEREAS, the Kirkland City Council desires to amend a portion of City of Kirkland Ordinance No. 4010 prior to the January 1, 2006 effective date; and

WHEREAS, the Kirkland City Council also desires to establish a two-year review of the regulations adopted pursuant to City of Kirkland Ordinance Nos. 4010 and 4011.

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

Section 1. Section 95.35.4.A.3 of the Kirkland Zoning Code, as set forth in City of Kirkland Ordinance 4010, which is scheduled to take effect on January 1, 2006, is hereby amended to read as follows:

3. Additional Variations. In addition to the variations described above, the Planning official is authorized to require site plan alterations to retain Type 1 trees. Such alterations include minor adjustments to the location of building footprints, adjustments to the location of driveways and access ways, ~~reversing floor plans~~, or adjustment to the location of walkways, easements or utilities. The Planning Official and the applicant shall work in good faith to find reasonable solutions.

Section 2. The Kirkland Department of Planning and Community Development ("Planning Department") shall monitor the implementation of City of Kirkland Ordinance Nos. 4010 and 4011 and identify any problems that may arise. After City of Kirkland Ordinance Nos. 4010 and 4011 have been in effect for two years, The Planning Department shall prepare a report that summarizes the issues that arose in the implementation and application of the regulations contained in City of Kirkland Ordinance Nos. 4010 and 4011. The report shall also include any proposed changes to the regulations for consideration by the Kirkland City Council. The report shall be circulated to the Kirkland City Council, the Kirkland Planning Commission and the Houghton Community Council for consideration no later than April 30, 2008. After considering the comments and input of the Kirkland Planning Commission and the Houghton Community Council, the City Council may consider whether and

the extent to which amendments to the regulations contained in City of Kirkland Ordinance Nos. 4010 and 4011 is required.

Section 3. By December 31, 2010 the City shall undertake an analysis to estimate the average tree canopy cover in the City of Kirkland.

Section 4. 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.

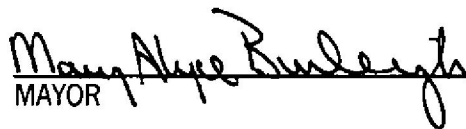
Section 5. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community 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 6. Except as provided in Section 5, this Ordinance shall be in full force and effect on January 1, 2006. Publication of this Ordinance shall be made as required by law.

Section 7. A complete copy of this Ordinance, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

Passed by majority vote of the Kirkland City Council in open meeting this 13th day of December, 2005.

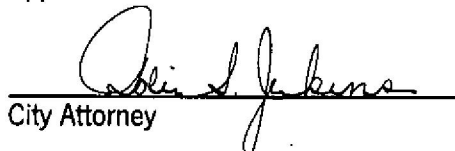
Signed in authentication thereof this 13th day of December, 2005.

  
MAYOR

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney