

ORDINANCE NO. 4119

AN ORDINANCE OF THE CITY OF KIRKLAND APPROVING A DEVELOPMENT PROPOSAL SUBMITTED UNDER THE NON-PROJECT RELATED QUASI JUDICIAL REZONE PROVISIONS OF KIRKLAND ZONING CODE (KZC) CHAPTER 130 AND HISTORIC OVERLAY ZONE PROVISIONS OF KZC CHAPTER 75 TO AMEND THE KIRKLAND ZONING MAP, ORDINANCE 3719, AS AMENDED, TO ADD AN HISTORIC LANDMARK (HL) OVERLAY ZONE OVER A PORTION OF SUBJECT PROPERTY LOCATED IN A PLANNED AREA (PLA) 6B ZONE AS APPLIED FOR BY CAMWEST FIFTH AVENUE, LLC IN DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT IN FILE ZON07-00022.

WHEREAS, the City Council has received from the Hearing Examiner a recommendation to amend certain portions of the zoning map for the City of Kirkland, Ordinance 3719 as amended all as set forth in that certain report and recommendation of the Hearing Examiner dated October 25, 2007 bearing Kirkland Department of Planning and Community Development File No. ZON07-00022; and

WHEREAS, pursuant to the City of Kirkland's Concurrency Management System, Kirkland Municipal Code (KMC) Title 25, this action is exempt from the concurrency management process; and

WHEREAS, pursuant to the State Environmental Policies Act there has accompanied the proposal and recommendation through the entire consideration process, a 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, prior to making said recommendation the Hearing Examiner, following notice thereof as required by RCW 35A.63.070, on October 17, 2007, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official together with the recommendation of the Hearing Examiner;

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

Section 1. The Findings, Conclusions, and Recommendations of the Kirkland Hearing Examiner as signed by her and filed in the Department of Planning and Community Development File No. ZON07-00022 are adopted by the Kirkland City Council as though fully set forth herein.

Section 2. The following specific portions of the Kirkland zoning map as adopted by Ordinance 3719, be and they are hereby rezoned to include a Historic Landmark (HL) Overlay Zone on a portion of the subject property zoned PLA 6B, pursuant to Chapters 75 and 130 of the Kirkland Zoning Code (KZC), Ordinance 3719, as amended. A legal description of the subject property is attached to this ordinance and by this reference incorporated herein.

Section 3. The HL Overlay Zone applies only to the exterior and surrounding area of the Nettleton house itself which may not be altered except as provided for in KZC 75.35 through 75.45.

Section 4. The Director of the Department of Planning and Community Development is hereby directed to amend the official Kirkland zoning map to conform with this ordinance, indicating thereon the date of ordinance adoption.

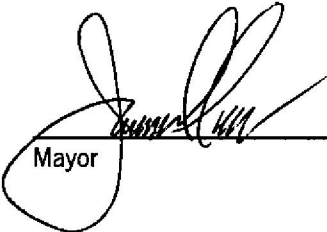
Section 5. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. This ordinance shall be in full force and effect five days from and after its passage by the City Council and publication 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 11th day of December, 2007.

SIGNED IN AUTHENTICATION thereof this 11th day of December, 2007.



Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney