

ORDINANCE 4335A

AN ORDINANCE OF THE CITY OF KIRKLAND IMPOSING A MORATORIUM WITHIN NEIGHBORHOOD BUSINESS (BN) ZONES ON THE ACCEPTANCE OF APPLICATIONS FOR THE REVIEW AND/OR ISSUANCE OF DEVELOPMENT PERMITS FOR ANY NEW DEVELOPMENT, ADDITION OR ALTERATION AS SUCH TERMS AS ARE DEFINED IN THIS ORDINANCE; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Neighborhood Business (BN) Zone in the Kirkland Zoning Code currently contains no residential density limit whatsoever; and

WHEREAS, the City has a compelling interest in ensuring that the goals and policies contained in the Comprehensive Plan and other policy/planning documents are fulfilled; and

WHEREAS, amendments to the Comprehensive Plan and/or Zoning Code may be necessary; and

WHEREAS, a moratorium on acceptance of development permit applications for any new development, additions or alterations to existing developments in the BN Zones is required in order to allow sufficient time to consider Comprehensive Plan and/or Zoning Code amendments; and

WHEREAS, the City will establish a work plan to study and develop Comprehensive Plan and/or Zoning Code amendments that address the concerns identified above; and

WHEREAS, the City is authorized pursuant to RCW 35A.63.220 and RCW 36.70A.390 to adopt a moratorium for the purpose of preserving the status quo while Comprehensive Plan and/or Zoning Code amendments are considered, prepared and enacted;

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

Section 1. Imposition of Moratorium. A moratorium is hereby imposed in the Neighborhood Business (BN) Zones on the application for, intake of, review of, or issuance of any subdivision, short subdivision, land use approval, land use permit, building permit, variance, license, and/or other approval for any new use, change in use, new development, or additions or alterations to existing development (collectively such approvals and permits are referred to herein as "Development Permits",) except as provided in Section 2.

Section 2. Scope of Moratorium. The moratorium established in Section 1 of this Ordinance shall not apply to:

- A. Development Permits that became vested on or before the effective date of this Ordinance in accordance with RCW 19.27.095 and RCW 58.17.033 or any other applicable law.
- B. Those Development Permits necessary to correct existing life/safety issues that would otherwise pose a threat to property or residents or occupants of an existing structure.

Section 3. Duration of Moratorium. The moratorium imposed by this Ordinance shall continue in effect for an initial period of sixty (60) days, unless repealed, extended, or modified by the City after public hearing and the entry of findings of fact pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220, the City Council shall hold a public hearing on this moratorium within sixty (60) days of its adoption, or no later than January 14, 2012, to hear and consider public comment. Following such hearing, the City Council may adopt findings of fact and may extend the moratorium for a period of up to six (6) months. If a period of more than six months is required to complete consideration of any changes to the Comprehensive Plan and/or Zoning Code, the Council may extend the moratorium after any required public hearing, pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Definition. As used in this Ordinance "Development Permit" shall have the meaning set forth in Kirkland Zoning Code 5.10.215.

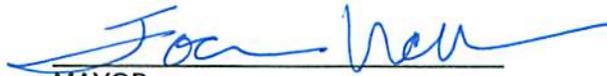
Section 6. Severability. Should any provision of this Ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance, or the application of the provision to any other persons or circumstances shall not be affected.

Section 7. Public Emergency. The City council hereby finds and declares that a public emergency exists, and that this Ordinance is necessary for the protection of the public health and safety and the preservation of the character of surrounding neighborhoods, and should, therefore, take effect upon adoption.

Section 8. Effective Date. In accordance with RCW 35A.13.190, this Ordinance, as a public emergency ordinance, shall take effect and be in force immediately upon adoption.

Passed by majority vote of the Kirkland City Council in open meeting this 15th day of November, 2011.

Signed in authentication thereof this 15th day of  
November, 2011.

  
MAYOR

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney