

Amended by Ord. # 514,
513 & 527, 519
Amended by Ord. # 562, 526

ZONING ORDINANCE
No. 464

Repealed
by Ord. # 2168

AN ORDINANCE TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS AND THE USE OF LAND WITHIN THE CITY OF KIRKLAND, TO LIMIT THE HEIGHT OF BUILDINGS: TO PRESCRIBE BUILDING LINES AND THE SIZE OF YARDS AND OTHER OPEN SPACES AND FOR THESE PURPOSES TO DIVIDE THE CITY INTO DISTRICTS.

The City Council of the City of Kirkland does ordain as follows:

Section 1

1. This Ordinance shall be known as "The Zoning Ordinance of the City of Kirkland".

2. This Ordinance shall consist of the text hereof and as well of that certain map or book of maps identified by the approving signature of the Mayor and City Clerk on the title page and marked and designated as "The Maps of the Zoning Ordinance of the City of Kirkland", which map or book is now on file in the office of the City Clerk of this City. Said book of maps has been heretofore examined in detail by the City Council and is hereby adopted as a part of this Ordinance. Said Ordinance, and each and all of its terms, is to be read and interpreted in the light of the contents of said book of maps. If any conflict between the map or book of maps and the text of this Ordinance is deemed to arise, the text of the Ordinance shall prevail.

Section 2
Definitions

For the purposes of this Ordinance certain words and terms are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular number. Words not defined herein shall be construed as defined in the building ordinances of the City of Kirkland if defined therein.

1. "Accessory Use or Building": A subordinate use or building customarily incident to and located upon the same lot occupied by the main use or building.

2. "Alley": A vehicular right of way not over thirty (30) feet wide.

3. "Apartment House": A building or portion thereof used or intended to be used as the home of three or more families or householders living independently of each other.

4. "Court": An open, unoccupied space other than a yard on the lot on which a building is erected or situated. A court, one entire side or end of which is bound by a front yard, a rear yard, or a side yard, or by the front of lot, or by a street or public alley, is an "outer court". Every court which is not an "outer court" is an "inner court".

5. "Court Height": The court height shall be measured from the floor level of the lowest story in the building in which there are windows from rooms served by the said court, to the highest point of the enclosing walls of the said court.

6. "Established Grade": The curb line grade at the front lot line as established by the City Council.

7. "Family": A number of related individuals or not more than four (4) unrelated individuals, living together as a single house-keeping unit and doing their cooking on the premises.

8. "Height of Building": The height of a building is the vertical distance at the center of a building's principal front, measured from level of the first floor above grade to the highest point of the roof beams in the case of flat roofs, to the deck line of mansard roofs, or to the center height between eaves and ridges for gable, hip or gambrel roofs. For buildings set back from the street line, the height may be measured from the average elevation of the finished grade, along the front of the building.

9. "Lot": Land occupied or to be occupied by a building and its accessory building, including such open spaces as are required under this ordinance, and having frontage upon a street or alley.

10. "Public Garage": Any premises used for the storage of housing of more than three-steam or motor-driven vehicles, or where such vehicles are repaired or kept for hire or sale.

11. "Front Yard": An open unoccupied space on the same lot with a building, between the front line of the building (exclusive of steps) and the front property line.

12. "Front Property Line": The front property line shall be the front lot line as shown upon the official plats of the property.

13. "Multiple Unit Residences": A building arranged to be occupied by more than one (1) family, and having separate baths and kitchens.

14. "Rear Yard": An open unoccupied space on the same lot with a building between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.

15. "Side Yard": An open unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the same lot.

16. "Single-Family Dwelling": A building arranged or designed to be occupied by not more than one (1) family.

17. "Story": That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

18. Wherever the term "this ordinance" is used herein it shall be deemed to include, where the context permits, any and all amendments thereto as the same may hereafter from time to time be adopted.

Section 3

Use Districts

The City of Kirkland is hereby divided into three (3) types of use districts as follows:

1. Residential District (R-1 is symbol on maps).
2. Commercial Use District (C-1 is symbol on maps).
3. Industrial District (I-1 is symbol on maps).

Section 4

R-1, Residential District

In the R-1, Residential District, no building or premises shall be hereafter erected or structurally altered, unless otherwise provided in this ordinance, except for one (1) or more of the following uses:

1. Single and double family dwellings, or single unit residences.
2. Multiple family dwellings or multiple unit residences, of one-story height only.

3. Apartments, hotels and offices may be allowed by permit, if approved by the Planning Commission after public hearing, examination of the location, and upon due proof to the satisfaction of the Commission that such proposed use will not be unduly detrimental to adjacent and surrounding property.

4. Libraries and art galleries.

5. Parks and playgrounds (including park buildings).

6. (a) Accessory buildings, such as are ordinarily appurtenant to single-family dwellings, shall be permitted, including one private garage to each family, when located not less than sixty (60) feet from the front line nor less than twenty (20) feet from any flanking street line, unless attached to or within the dwelling.

(b) The office of a physician, dentist or other professional person when located in his or her dwelling, also home occupation engaged in by individuals within their dwellings are permitted provided that no window display is made or any sign shown other than one not exceeding two (2) sq. ft. in area and bearing only the name and occupation of the occupant. The renting of rooms for lodging purposes only, for the accommodation of not to exceed four (4) persons, in a single-family dwelling is likewise permitted.

(c) Signs not exceeding six (6) sq. ft. in area pertaining to the leasing, rental or sale of buildings or premises are permitted; signs on non-conforming uses are likewise permitted, provided, however, that such signs shall be erected flat against the building or painted upon the sides thereof; all other signs, signboards, and billboards are prohibited.

(d) Nothing herein contained shall be deemed to prohibit the use of vacant property for gardening or fruit raising.

(e) No trailer shall be used as a place of habitation but may be stored in an accessory building on the property.

(f) A nursery or greenhouse may be located within an R-1, Residential District; special permit for a period of not more than ten (10) years, issued by the Council after public hearing and examination of the location and the making of a finding by the City Planning Commission that such nursery or greenhouse may be maintained for such period without undue detriment to adjacent and surrounding property.

(g) Telephone exchanges and electric substations and similar uses of public service corporations and hospitals may be permitted by special permit from the Commission, provided such building shall conform to and harmonize with surrounding buildings as to type of architecture, set-back and landscaping. Complete plans showing elevations and location on the lot, together with the location of adjoining residential buildings, must be submitted to the Planning Commission with application for permit.

(h) Churches and schools (either public or private) may be allowed by special permit from the Council after public hearing examination of the location upon due proof to the satisfaction of the Planning Commission that such school or church will not be unduly detrimental to adjacent and surrounding property.

(i) Private garages in R-1, Residential District shall be limited to nine (9) per cent of the lot area, provided that nothing in this regulation be construed to prevent the building of a private garage of not more than two (2) car capacity on any lot or plat of record at the time of passage of this ordinance.

FRONT YARD: There shall be a front yard having a minimum depth of twenty (20) feet.

REAR YARD: There shall be a rear yard having a minimum depth of twenty-five (25) feet, except that on a lot which is a complete unit held under separate and distinct ownership from the adjoining lots and of record prior to the taking effect of this ordinance; this depth of rear yard may be reduced to not less than ten (10) feet, if necessary to such extent only as will permit a building depth of thirty (30) feet.

SIDE YARD: There shall be a side yard of not less than five (5) feet in width on each side of a building, provided, however, that on a lot having a width of less than forty (40) feet as shown by the last conveyance of record at the time of the passage of this ordinance, there shall be a side yard on each side of a building of not less than three (3) feet in width, (side of building means outer face of any part of building nearest to side line, not including roof eaves), and side yard along flanking side street shall be not less than ten (10) feet.

SITE AREA: Every building hereafter erected or structurally altered which is located in an R-1, Residential District, shall provide a lot area of not less than forty-eight hundred (4800) sq. ft. with a minimum width of fifty (50) feet for the single-family dwelling and an additional twelve hundred (1200) sq. ft. of land area for each additional family or housekeeping unit; provided however, that where a lot has less area than herein required as shown by the last conveyance of record at the time of the passage of this ordinance, this regulation should not prohibit one (1) private dwelling and its accessory buildings on such lot. Sixty-five (65%) per cent of the area of all sites must be left in open spaces.

HEIGHT LIMIT: ^{such} No building shall exceed height of thirty-five (35) feet, nor more than two (2) stories.

Section 5

C-1, Commercial Use District

In the C-1, Commercial Use District, no building or premises shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this ordinance, except for one(1) or more of the following uses:

1. Any use permitted in the R-1, Residential District, providing regulations pertaining thereto as heretofore provided, are complied with, namely: site area, open space, yards, height limit, and permits.
2. Retail stores and shops, such as are usually needed to serve a residential district, such as grocery store, meat shop, retail bakery, etc.
Banks.
Bakeries employing less than five (5) persons.
Barber shops, beauty parlors, personal service shops.
Billboards and advertising signs and devices of any size, pro-

viding the same height and yard regulations governing buildings and structures in C-1, Commercial Use District are complied with.

Electric shops, furniture stores, drug stores.

Hand laundries, clothes cleaning and pressing.

Locksmith, shoe and other repair shops.

Lumber yards and building materials, coal and fuel stores, provided that they are completely housed, and the yard regulations of this district shall be observed; and provided further that no such lumber yards, building material yards, and coal and fuel stores shall be maintained closer than one hundred (100) feet to the side lines of an R-1 District.

Only manufacture, production or treatment of products clearly incidental to the conduct of a retail business conducted on the premises.

Parking lots.

Police or fire stations.

Printing establishments and newspaper printing.

Public garage, repair shops and battery service station, tire repair shops.

Restaurants, cafeterias, and catering.

Retail trade or shops for custom work or the making of articles not manufactured by chemical processes.

Sales rooms or store rooms for motor vehicles and other articles of merchandise.

- Service stations.

Stores, retail and markets.

Studios, offices, business or professional.

Telephone exchanges or telegraph offices.

Undertaking establishments and crematories, only when a permit therefore has been first obtained from the Planning Commission.

Theatres, dance halls, skating rinks, or other commercial amusement places, only when a permit therefore has been first obtained from the Planning Commission.

HEIGHT LIMIT: Whenever any C-1, Commercial Use District is located within or is adjacent to, on two or more sides, any R-1, Residential District, the buildings in such C-1, Commercial Use District, shall be limited to one (1) story in height, provided, however, that the Council may allow a building to be erected to an additional height not exceeding two (2) additional stories, by special permit after public hearing and examination of the location upon due proof to the satisfaction of the City Planning Commission that such additional height will not be unduly detrimental to adjacent and surrounding property. No building shall exceed a height limit of sixty (60) feet nor four (4) stories.

FRONT YARD, SIDE YARD: No yards are required except for lots whose side line is adjacent to a residential district, where said yard regulations shall then be the same as in the R-1, Residential District and front yard shall conform to adjacent residences, side yard not less than five (5) feet, side yard on flanking street to conform to front yards of residences to the rear but not less than ten (10) feet and rear yard shall be not less than ten (10) feet.

Section 6

I-1, Industrial District

In the I-1, Industrial District all buildings and premises may be used for the following:

1. Farming, truck gardening and such agricultural uses, but excluding permanent places of habitation or permanent farm structures.
2. Any of the following uses:
 - (1) Airplane manufacture.
 - (2) Asphalt manufacture or refining.
 - (3) Assaying (other than gold and silver).
 - (4) Auto assembly plants.
 - (5) Auto laundries, fender and body repair shops.
 - (6) Automobile manufacture.

(7) Auto wrecking places, lumber yards, coal and fuel yards, storage yards provided that when unhoued they shall be surrounded by an eight (8) foot solid wall or sight-obscuring fence known herein as a structure and the yard regulations of this district shall be observed; and provided further that no such auto wrecking places, lumber yards, coal and fuel yards shall be maintained closer than one hundred (100) feet to the side lines of an R-1, Residential District.

- (8) Bakeries employing more than five (5) persons.
- (9) Blast furnaces.
- (10) Boat building.
- (11) Boiler works.
- (12) Bottling works.
- (13) Breweries or distilleries.
- (14) Brick, tile or terra-cotta manufacture or storage.
- (15) Broom and brush manufacture.
- (16) Candle manufacture.
- (17) Carbon manufacture.
- (18) Carting, express and hauling.
- (19) Celluloid or similar cellulose materials manufacture.
- (20) Cereal mills.
- (21) Chain and cable manufacture.
- (22) Charcoal manufacturing or pulverizing.
- (23) Chemical manufacture.
- (24) Clothing and dyeing establishments.
- (25) Clothing manufacture.
- (26) Coke ovens.
- (27) Cooperage works.
- (28) Creosote treatment or manufacture
- (29) Disinfectants manufacture.
- (30) Distilleries and wineries.
- (31) Dog pounds.
- (32) Dress manufacture.
- (33) Dry kilns.
- (34) Dyestuff manufacture.
- (35) Emery cloth or sandpaper manufacture.
- (36) Employment agencies.
- (37) Enameling.
- (38) Feed and cereal mill.
- (39) Flour mill.
- (40) Foundries.
- (41) Glass or glass products manufacture.
- (42) Hangar.
- (43) Ice manufacturing plant.
- (44) Japanning.
- (45) Junk, rags, scrap iron, or paper storage or baling.
- (46) Kelp reduction and the extraction of its by-products.
- (47) Lamp black manufacture.
- (48) Laundries.
- (49) Lubricating grease manufacture or oil compounds.
- (50) Lumber or shingle mills.
- (51) Machinery manufacture.
- (52) Machine shop.
- (53) Match manufacture.
- (54) Milk bottling plants.
- (55) Oilcloth or linoleum manufacture.
- (56) Oxygen manufacture.
- (57) Painting and decorating shops.
- (58) Paint, oil, shellac, varnish or turpentine manufacture.
- (59) Paper and pulp manufacture.
- (60) Paper box manufacture.
- (61) Petroleum or by-products storage.
- (62) Planing mill or wood-working plant.
- (63) Plaster or wall board manufacture.
- (64) Plumbing shops.
- (65) Power, light, or steam plant (central station).

- (66) Printing ink manufacture.
- (67) Railroad yard or round house.
- (68) Rolling or blooming mill.
- (69) Rope manufacture.
- (70) Rubber or caoutchouc manufacture from crude material.
- (71) Salt works.
- (72) Saw mill.
- (73) Ship yards or ship building.
- (74) Shoddy manufacture.
- (75) Shoe manufacture.
- (76) Soap manufacture.
- (77) Soap and compound manufacture.
- (78) Stables, commercial.
- (79) Starch, glucose, or dextrine manufacture.
- (80) Steel or iron mills.
- (81) Stoneware or earthenware manufacture.
- (82) Storage warehouses.
- (83) Stove polish manufacture.
- (84) Tailors.
- (85) Tar distillation or manufacture.
- (86) Tar roofing or tar waterproofing manufacture or similar products of chemical composition.
- (87) Textile mills.
- (88) Tobacco (chewing) or cigar manufacture.
- (89) Vegetable oil or other oil manufacture, refining or storage.
- (90) Upholstery shops.
- (91) Used car sales area.
- (92) Warehouses.
- (93) Wholesale houses.
- (94) Welding, sheet metal and machine shops.
- (95) Yeast plant.
- (96) Other uses which can reasonably be considered similar or related to the uses listed above, upon approval of the Planning Commission.
- (97) The following uses may have a building or occupancy permit issued for same, if and only, when the location of such use shall have been approved by the Planning Commission after public hearing and examination of the location:
 - (a) Acid manufacture.
 - (b) Ammonia, chlorine or bleaching powder manufacture.
 - (c) Cement, lime and gypsum, and plaster of paris manufacture.
 - (d) Distillation of bones.
 - (e) Explosives, manufacture or storage.
 - (f) Fat rendering.
 - (g) Fertilizer manufacture.
 - (h) Gas, manufacture or storage.
 - (i) Glue manufacture.
 - (j) Petroleum, refining or manufacture of its by-products.
 - (k) Smelting or refining of aluminum, copper, tin or zinc.
 - (l) Stock yards or slaughter of animals.
 - (m) Tanning, curing or storage of raw hides or skins.
 - (n) Used car junk yards.

REAR YARD: No rear yard is required except where an Industrial District abuts on a Residential District with no intervening street or alley, in which case a rear yard of not less than ten (10) feet is required.

SIDE YARD: No side yard is required except where an Industrial District adjoins a Residential District with no intervening street or alley, in which case the side yard requirements on the adjoining side shall be the same as required for the R-1, Residential District.

GENERAL PROVISIONS

Section 7

Front, Side and Rear Yards

1. Front Yard: Where any front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer the front property line than the distance indicated by the depth of the required front yard.

Exceptions: Eaves, cornices, steps, terraces, platforms and porches having no roof covering and being not over forty-two (42) inches high may be built within a front yard. When forty (40) per cent or more, on front foot basis, of all the property on one side of a street between two intersecting streets at the time of passage of this ordinance, has been built up with buildings having a minimum front yard of more or less depth than that established by this ordinance and provided that the majority of such front yards do not vary more than six (6) feet in depth, no building shall be built within or shall any portion, save as above excepted, project into such minimum front yard; provided further that no new buildings be required to set back more than thirty-five (35) feet from the street line in the R-1, Residential District, nor more than two (2) feet farther than any building on an adjoining lot and that this regulation shall not be so interpreted as to reduce a required front yard to less than ten (10) feet in depth.

2. Side Yard: Where any specified side yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard.

Exceptions: Eaves and cornices may extend over the required side yard for a distance of not more than two (2) feet. Accessory buildings when erected so that the entire building is within a distance of thirty (30) feet from the rear lot line, may also occupy the side yard on an inside lot line.

Fences not over forty-two (42) inches high may occupy a side yard.

The City Planning Commission may upon the joint request of the owners of the adjoining properties, permit the erection of private garages or other outbuildings upon or immediately adjacent to the division line between the two properties, after an examination of the location and the making of a finding that the granting of such permission will not be unduly detrimental to adjacent and surrounding property nor to the zone in which such permission is granted. Permits granted under the foregoing provision shall be limited to the life of the structure or structures for which the permit is issued.

3. Rear Yard: Where any specified rear yard is required, no building shall be hereafter erected or altered so that any portion thereof may be nearer to the rear lot line than the distance indicated by the depth of the required yard.

Exceptions: Eaves, cornices, steps, platforms, and rear porches whether enclosed or not but not exceeding in width one-half that of the building nor more than one story in height may extend into the rear yard.

Accessory buildings may be built within a rear yard, provided the required total open space area is not exceeded. No accessory building shall cover more than fifty (50) per cent of the area of the rear yard.

4. Off-Street Parking: Multiple unit residences and apartment houses hereafter erected shall provide for their tenants as part of the structure storage space for as many automobiles as there are apartments or housekeeping units.

No commercial building or structure shall hereafter be erected, or structurally altered or land used for any purpose which will cause customers, employees or residents to park their vehicles of transportation for one (1) hour or longer, unless space for such parking is provided and maintained on the lot or tract of land used.

Commercial buildings hereafter erected or structurally altered to cater to the public retail trade shall provide for a parking space, for automobiles, at least equal to the total floor space of the retail trade establishment.

For every structure, or part thereof hereafter erected or structurally altered to be principally used as a theatre, auditorium, or other similar place of public assembly, there shall be provided and maintained, accessible off-street parking space for the storage of self-propelled passenger vehicles on the basis of two hundred (200) sq. ft. for each ten (10) seats of the total audience seating capacity of the building, structure, or part thereof, or within five hundred (500) feet thereof.

Section 8

Extension of Non-Conforming Uses

Any use not excluded from the I-1, Industrial District, which is a non-conforming use in any district in the City, may be continued by reconstruction or alteration, upon any tract of land held under one ownership and partially occupied by said use at the time of the passage of this ordinance, provided, however, that in the case of reconstruction the yard provisions of the district within which the use may be located shall be complied with.

In case of destruction by fire or other cause, reconstruction may be permitted if said reconstruction is made within one (1) year from time of destruction, and provided, however, that the yard provisions of the district within which the use was located shall be complied with.

Section 9

Ownership Divided by a District Boundary Line

If a district boundary line cuts a property having a single ownership as of record at the time of passage of this ordinance, all such property may take the least restrictive classification provided the property is developed as one (1) unit.

Section 10

Courts

In all buildings hereafter erected or structurally altered, all windows shall open upon a yard, court, street or alley as hereafter provided. In no event shall any yard or court be made to serve two (2) buildings hereafter erected, or any existing building and a building hereafter erected.

Every court shall be open and unobstructed to the sky from floor level of the lowest story in a building in which there are windows from rooms or apartments abutting the said court and served by the said court, except that a cornice, belt course or similar projection on the building may extend into an "outer court", two (2) inches for each foot in width of such court, and may extend into an "inner court" one (1) inch for each such foot in width of such court; provided, further, that a cornice or similar projection may extend any distance desired, into a court provided the minimum unobstructed width of the court is maintained.

INNER COURT: An inner court shall be of a width of not less than four (4) feet nor less than sixteen (16) per cent of the court height, provided further that in no case shall a width of more than twenty (20) feet be required. A minimum court length of one and one-half ($1\frac{1}{2}$) times the court width is required.

OUTER COURT: An outer court shall be of a width of not less than four (4) feet nor less than ten (10) per cent of the court height, provided further that in no case shall a width of more than ten (10) feet be required.

VENTILATION and LIGHT: Every room used for habitation shall have openings to the exterior with an area through which light may pass of not less than one-eighth of the floor area. Exterior doors and windows shall open to the extent of not less than five (5) per cent of the floor area.

Windows shall face unobstructed, uncovered, horizontal areas of at least the extent of the glass area of all windows opening thereon, but no dimension of which is less than five (5) feet.

ADMINISTRATION AND ENFORCEMENT

Section 11

Interpretation and Application

1. In interpreting and applying the provisions of this ordinance they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare; therefore, where this ordinance imposes a greater restriction upon the use of the buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, ordinances, rules or regulations, the provisions of this ordinance shall control.

2. Furthermore, recognizing that there are certain uses of property that may, or may not, be detrimental to the public health, safety, morals and general welfare, depending upon the facts of each particular case, a limited power to issue permits for such uses is vested, by specific mention in this ordinance, in the Planning Commission, subject to review by the Council as herein provided. Subject to such review, the City Planning Commission (or the Council on review) shall have power to place in such permit conditions or limitations in its judgment required to secure adequate protection to the zone or locality in which the use is to be permitted. Likewise subject to such review, the City Planning Commission (or the Council on review) shall have power to terminate any such permit, upon complaint and public hearing, for any violation of the terms or limitations there prescribed.

3. The Council may permit in a zone any use not described in this ordinance and deemed by the Planning Commission to be in general keeping with the uses authorized in such zone.

4. The Planning Commission may approve the granting in undeveloped sections of the city, temporary and conditional permits for not more than two-year periods, for structures and uses that do not conform with the regulations herein prescribed for the zones in which they are located.

5. In specific cases the Planning Commission under specific regulations may authorize the permit for a variation of the application of the use district regulations herein established, in harmony with their general purpose and intent, by granting a permit for a temporary building or land use for commerce and industry in an undeveloped residence

district, which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.

6. The Council may, in specific cases where the topography of the premises or the location of buildings existing prior to the passage of this ordinance makes compliance with the provisions governing the location of private garages impossible, grant a special permit, for a private garage to be located nearer to the street line than main structure, but in any case where such location is within a required front or side yard, the highest point of a building so located shall not be more than thirty (30) inches above the average level of the ground on the side farthest from the street line.

7. It shall be the duty of the City Planning Commission:

(a) To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan thereof, as shown by the maps fixing the several districts accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout as shown on the maps aforesaid.

(b) To rule on the proper application or to interpret the meaning of the zoning ordinance in case there is a dispute between the administrative officials of the City and any owner or owners of property. Appeal to the Planning Commission may be made within ten (10) days from such ruling. Appellant shall file with the building inspector and with the Council, written notice of the appeal. The building inspector shall forthwith transmit to the Planning Commission all papers constituting the record upon which the action appealed from was taken, and in addition thereto the Planning Commission may receive such additional evidence as seems relevant to it.

Section 12

Appeals to the City Council

Any interested citizen or administrative officer of the city may appeal to the City Council from any ruling of the Planning Commission pertaining to the granting or denial of any permit applied for hereunder when such ruling is adverse to his interests, by filing with the Secretary of the Planning Commission within ten (10) days from such ruling, a written notice of appeal. Thereupon the Secretary of the Planning Commission shall forthwith transmit to the Council all papers constituting the record upon which the action appealed from was taken and in addition thereto, the City Council may at its hearing receive such further evidence as seems to it relevant. Upon due and public hearing, the Council shall have power to overrule or alter any such ruling of the Planning Commission pertaining to the granting or withholding of any permit so applied for, provided the Council votes in favor of such overruling or altering by a three-fourths majority vote.

Section 13

Boundaries of Districts

1. The boundaries of the various districts shall be shown on the Use and Area maps accompanying and hereby made a part of this ordinance. The said district boundaries are, unless otherwise indicated, the center lines of streets, alleys or lot line as shown on the said maps. Where the location of the boundaries in such district, as indicated on these maps, are shown to be other than street, alley or lot lines, then such boundary shall be construed to be distance one hundred twenty (120) feet from any parallel with the frontage street line, unless shown to be otherwise by a distance in figures.

2. Where the street layout actually on the ground varies from that shown on the Use or Height District maps, the designations shown on the maps shall be applied by the Planning Commission to the street as actually laid out so as to carry out the intent and purpose of the Zoning Plan of that district.

Section 14

Enforcement

It shall be the duty of the Building Inspector (or official in charge of issuing building permits and inspection of buildings) to see that this ordinance is enforced through the proper legal channels. He shall issue no permit for the construction or alteration of any building or part thereof unless the plans, specifications and intended use of such building conform in all respects with the provisions of this ordinance.

PLATS: All applications for building permits shall be accompanied by a plat in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, the use and location of existing buildings and buildings to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such application and plats shall be kept in the office of the building inspector or proper enforcement official.

Section 15

Amendments

1. The Council may, upon proper petition and after public hearing and with the concurrence of the Planning Commission, change, by ordinance, the district boundary lines or zone classifications as shown on the district maps.

2. The Council may, upon its own motion and after public hearing and with the concurrence of the Planning Commission, amend, supplement or change, by ordinance, the regulations herein established.

3. A petition for change of zone classification or district boundary lines shall carry the consent of the owners of not less than fifty-one (51) per cent (by area) of all property within a distance of two hundred (200) feet, streets and alleys excluded, of the proposed district, and having frontage upon any street passing through or adjoined by the proposed district. In calculating such areas the portion of any property lying at a distance of more than one hundred fifty (150) feet from a street upon which its frontage, for the purpose of this section, is based, shall be excluded and not considered in the petition. Any property lying within a district of equal or less restrictive character than that petitioned for, shall not be included in calculating areas on such petition. Signatures so obtained do not make granting of petition mandatory.

Section 16

Completion and Restoration of Existing Buildings

Nothing herein contained shall require any change in the plans, construction, designated or intended use of a building, for which a building permit has heretofore been issued, or plans for which are now on file with the building inspector, and a permit for the erection of which is issued within one (1) month of the adoption of this ordinance, and the construction of which in either case shall have begun and been diligently prosecuted within one (1) month of the

adoption of this ordinance, and which building shall be entirely completed according to such plans as filed within one (1) year from the adoption of this ordinance.

Nothing in this ordinance shall prevent the restoration of a building within a period of one (1) year from the date of its destruction, which has been partly destroyed by fire or other cause, subsequent to the passage of this ordinance or prevent the continuance of the use of such buildings, or part thereof.

The lawful use of the land existing at the time of the passing of this ordinance, although such use does not conform to the provisions of this ordinance, may be continued; but if such non-conforming use is discontinued for a period of one (1) year or more, any further use of those lands and premises shall be in conformity with the provisions of this ordinance.

Section 17

Certificate of Occupancy

No vacant land shall be occupied or used and no building hereafter erected shall be occupied or used, nor shall the use of a building be changed from a use limited to one (1) district to that of any other district as defined by this ordinance until a certificate of occupancy shall have been issued by the building inspector. No permit for excavation for any building shall be issued before the application has been made for certificate of occupancy.

LAND: Certificate of occupancy for the use of vacant lands or the change in the use of land as herein provided, shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued within ten (10) days after the application has been made, providing such use is in conformity with the provisions of these regulations.

NON-CONFORMING USES: Upon a written request of the owner, the building inspector shall issue a certificate of occupancy for any building or land existing at the time this ordinance takes effect, certifying, after inspection, the use of the building or land and whether such use conforms to the provisions of the ordinance. Where a plat as above provided is not already on file, an application for a certificate of occupancy shall be accompanied by a survey in duplicate form such as is required for a permit.

Section 18

Validity

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not effect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 19

Conflicting Provisions

That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 20

Violation and Penalties

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resist the enforcement of any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined in any sum not more than fifty (50) dollars or imprisoned in the city jail for a term of not exceeding thirty (30) days, or both, for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 21

When Effective

This ordinance shall take effect and be in force thirty (30) days from and after its passage.

Passed and approved this 20th day of July, 1942.

Harry M. Everett
Mayor
Harry M. Everett

Attest:

W.B. Wittenmyer
W.B. Wittenmyer, City Clerk

Approved as to form:

M. D. Powell
M. D. Powell, City Attorney

I hereby certify that the foregoing is a true and correct copy of an Ordinance of the City of Kirkland and that the same was published or posted according to law, said Ordinance being No. 464 and is a true Ordinance as above.
W.B. Wittenmyer, City Clerk.

()

()

()