

ORDINANCE NO. 2183

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO PLANNING AND ZONING, ADOPTING COMPREHENSIVE ZONING REGULATIONS TO BE UNIFORM THROUGHOUT THE ENTIRE CONSOLIDATED CITY OF KIRKLAND, AND REPEALING PRIOR ORDINANCES NO. 709K AND 132H, AND ALL AMENDMENTS HERETOFORE MADE TO SAID PRIOR ORDINANCES.

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

Section 1. Short Title: This ordinance shall be known and may be cited as the "Kirkland Comprehensive Zoning Ordinance".

Section 2. Purpose: It is the purpose of this ordinance to provide the citizens of Kirkland with a tool by which they may control the development of the land within their community, guide the community's growth in a logical and orderly manner, and maintain a quality environment within the community. This ordinance is not only designed to accommodate the basic goal of compatible land use, but also to encourage compatible development characteristics and the logical provision of community services through efficient and economic design as defined or determined by a given intensity of land use. A further purpose is to establish required minimum lot areas, yards and open spaces as a means of providing for the basic skeletal elements of the suitable environment for living, business and industry. All of the above and throughout the ordinance, the very basic purpose for the ordinance is to provide for conservation, protection and enhancement of the public health, safety, convenience and general welfare.

Section 3: Planning Commission Jurisdiction: All references to Planning Commission contained in this ordinance shall mean the Planning Commission of the Consolidated City of Kirkland created by Ordinance No. 2002, as amended, provided, however, that for so long as the Houghton Community Municipal Corporation created by Ordinance No. 2001 shall remain in existence, "Commission" as to the area of the former City of Houghton shall also include to the extent consistent with Ordinance No. 2001, the Houghton Community Council.

Section 4. Adoption by Reference; The regulations and standards relating to planning, land use development and classification published by the Kirkland Planning Department under the title "Proposed Zoning Ordinance, January 1972, City of Kirkland", as corrected, modified and amended by Addendum No. 2, dated March 17, 1972, Supplement to Addendum No. 2, dated April 17, 1972, and Addendum No. 3, dated

May 9, 1972, and including worded text and maps, are by this reference hereby adopted. Such regulations and standards in the form as published have heretofore been considered and approved in public hearings before the Kirkland Planning Commission, the Houghton Community Council, and the Kirkland City Council.

Said publication, with all corrections, modifications and amendments incorporated therein shall be endorsed with the title and number of this ordinance, dated and signed by the Mayor and Director of Administration and Finance, ex officio City Clerk, and is hereby incorporated as a part of this ordinance as though fully set forth herein.

A copy of said publication shall be recorded in the office of the Director of Administration and Finance as a part of this ordinance, and copies shall be filed in the following city departments for the use of the general public and the affected departments of the city: Planning Department, Building Department, Department of Public Services, Park Department, Police Department and Department of Fire Services.

Section 5. Penalty for Violation: A violation of the provisions of this ordinance including those provisions herein adopted by reference, or failure to comply with any of its requirements shall be a misdemeanor. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense, and may be punished therefor in the manner provided for the violation of City of Kirkland ordinances. Nothing herein contained shall prevent the City from seeking such other lawful or equitable remedies as may be available to prevent or remedy any violation.

Section 6. Severability Clause: If any section, subsection, sentence, clause, phrase, part or portion of this ordinance, including those portions herein 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. Neither shall the adoption of this ordinance nor the repeal thereby of any prior ordinances in any manner affect the prosecution for violations of said repealed ordinances which violations were committed prior to the effective date of this ordinance, nor be considered as a waiver of any right or duty of enforcement existing at the effective date hereof.

Section 7. Repealer Section: As specified in Section 2, Purpose, it is the intention that a single uniform and comprehensive zoning ordinance be in effect and enforced within the entire City of Kirkland, including the Houghton Municipal Community. Therefore, the following specific ordinances or parts of ordinances are hereby repealed, and all other ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby superseded:

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|------|------|
| 132H | 2023 |
| 709K | 2024 |
| 710 | 2025 |
| 880 | 2026 |
| 897 | 2032 |
| 912 | 2036 |
| 929 | 2043 |
| 942 | 2054 |
| 944 | 2055 |
| 1001 | 2056 |
| 1054 | 2060 |
| 1058 | 2075 |
| 1063 | 2110 |
| 1079 | 2113 |
| 1110 | 2159 |
| 1126 | 2173 |

Section 8. Houghton Community Council Jurisdiction: To the extent that the subject matter and provisions of this ordinance are within the disapproval jurisdiction of the Houghton Community Council as created by Ordinance No. 2001, this ordinance shall become effective within the Houghton Community either upon approval of the Houghton Community Council, or failure of said community council to disapprove within 60 days from the date of passage of this ordinance.

Section 9. Grace Period: Any proposed development within the City of Kirkland designed exclusively under the provisions of Ordinance No. 709 or Ordinance No. 132(H) [being the zoning ordinances of Kirkland and the Houghton Community immediately prior to the enactment of this ordinance] and filed with the Kirkland Planning Department within 15 days of the effective date of this ordinance, may receive an official review for eligibility for building permits under the provisions of the prior zoning ordinances. Eligibility review and decision shall be made by the Kirkland Planning Department with the right of appeal to the Board of Adjustment pursuant to the review jurisdiction of Subsection 18.04 of the zoning ordinance herein adopted. An affirmative decision by the Kirkland Planning Department shall be given

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only upon a showing of the following criteria:

(a) Satisfactory evidence from the owner or developer verifying that work on plans and specifications were begun at least 45 days prior to the enactment date of this ordinance, and


(b) Satisfactory evidence from a lending institution, if mortgage financed, that the proposed development received a preliminary or final mortgage commitment at least 30 days prior to the enactment date of this ordinance.

The privilege or right granted by this Section 9 to proceed with development pursuant to the provisions of Ordinance No. 709 or 132H in the manner hereinabove set forth shall become null and void upon the expiration of 60 days from the enactment date of this ordinance, and thereafter, all proposed developments shall comply fully with the provisions of the zoning ordinance herein adopted.

Section 10. Effective Date: Except as provided in Section 8, this ordinance shall be in full force and effect five days from and after its passage by the Council and publication as required by law.


PASSED by the Kirkland City Council in regular meeting on the 15th day of May, 1972.

SIGNED in authentication thereof on the 15th day of May, 1972.



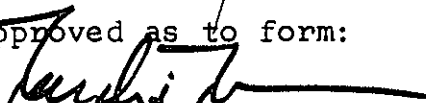
Mayor

Attest:



Director of Administration and Finance
(ex officio City Clerk)

Approved as to form:



City Attorney

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