

ORDINANCE NO. 2385

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO LAND USE AND PLANNING, DESIGNATING AND DEFINING LEGAL BUILDING SITE, ADDING A NEW CHAPTER TO ORDINANCE NO. 2183 AS HERETOFORE AMENDED THE KIRKLAND ZONING CODE, AND AMENDING CHAPTER 23.04 OF SAID CODE RELATING TO DEFINITIONS.

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

Section 1. There is hereby added to the Kirkland Zoning Code, Ordinance No. 2183 as heretofore amended, a new chapter to be designated Chapter 23.07 Legal Building Site, and which shall read as follows:

Chapter 23.07 Legal Building Site.

Section 23.07.010. No lot or parcel of land within the City of Kirkland shall be improved nor construction or development thereon permitted unless said lot or parcel of land is a legal building site.

Section 23.07.020. The following tests shall be applied by the Department of Community Development in all instances:

- A. Lot, legal building site: A legal building site is a lot which:
- 1) has either:
 - a) direct legal access to a contiguous public right-of-way, or
 - b) legal access to a public right-of-way over an easement conforming to the minimum standards established by the City for ingress and egress easements, and
 - 2) either:
 - a) conforms to the minimum area width and depth requirements of the land use district or zone in which it is located, or
 - b) is a legal nonconforming lot, and
 - 3) has a lot width of at least 30 feet as measured at either the front line of said lot or the front building line thereof.
- B. Lot, Legal non-conforming: A legal non-conforming lot is a lot which does not meet the current dimensional regulations of the Kirkland Zoning Ordinance but meets, nevertheless, all of the following conditions:

- B. 1) No contiguous land or lot is owned by the lot owner, and
- 2) The lot is at least 30 feet in width as measured at its front line or front building line, and
- 3) The lot has either:
- a) direct legal access to a contiguous public right-of-way, or
 - b) legal access to a public right-of-way over an easement meeting the minimum standard for ingress and egress easements as established by the City of Kirkland, and
- 4) The lot as a whole was not subdivided from a larger contiguous ownership since May 14, 1972.
- C. Persons requesting a permit to improve, develop, or construct upon a lot or parcel of land which does not meet the current dimensional requirements of the Kirkland Zoning Ordinance shall be required to submit, along with their application for such permit, clear and cogent evidence sufficient to prove that said lot or parcel of land meets the test set forth in paragraph B above.
- D. Notwithstanding the provisions of this section, a lot upon which there exists a single family dwelling (or so existed prior to destruction thereof in whole or in part by fire or other casualty) is a legal building site for purposes of renovation, restoration or reconstruction.
- E. Notwithstanding the provisions of this section, a lot which, upon annexation to the City of Kirkland, does not conform to the dimensional regulations of the Kirkland Zoning Ordinance and which was created pursuant to King County zoning and subdivision regulations within 5 years of the effective date of the annexation is a legal non-conforming lot.
- F. Notwithstanding the provisions of this section, additions may be made to structures which exist on lots which do not conform to the dimensional regulations of the Kirkland Zoning Ordinance. Such additions shall conform to all other relevant sections of the Zoning Ordinance regarding setbacks, height, etc.

Section 2.

Chapter 23.04 Definitions. Ordinance No. 2183 as heretofore amended is hereby amended as follows:

Definitions Amended:

Lot. A-building-site A lot is a parcel of land that is described by reference to a recorded plat, by metes and bounds, or by section, township, and range, which has direct legal access to a public right-of-way or an easement approved by the City.

Lot, pre-existing-beginning (legal non-conforming)
A legal non-conforming lot is a non-conforming lot which qualifies as a legal building site under Section 23.07.029 B.
 A-pre-existing-(legal-non-conforming)-lot-is-any-lot-which was-a-legal-building-site-of-record)-in-the-City-of-Kirkland recorded-either-with-the-City-of-Kirkland-or-King-County prior-to-March-23,-1957,-or-in-the-prior-City-of-Houghton or-King-County-prior-to-October-24,-1960)-and-which,-due only-to-the-more-restrictive-character-of-the-zoning-under this-ordinance,-is-non-conforming-subsequent-to-the-adoption of-this-ordinance,-shall-remain-a-legal-building-site-under this-ordinance.--All-zoning-requirements,-however,-must-be met,-with-the-exception-of-the-minimum-area-requirement,-when such-a-lot-is-developed.--(NOTE:--for-the-purpose-of-this definition,-an-unplatted-lot-or-lots-created-through-recorded or-unrecorded-plats-prior-to-March-23,-1957-in-Kirkland-and October-24,-1960-in-Houghton,-which-are-substandard-in-terms of-the-minimum-area-requirements-of-the-zone-classification in-which-they-are-located,-are-not-pre-existing-(legal-non-conforming)-lots.--Such-lots-shall-only-be-classed-as-pre-existing-(legal-non-conforming)-lots-upon-evidence-of-recorded ownership-that-such-lot-existed-in-its-present-configuration prior-to-March-23,-1957-in-Kirkland-and-October-24,-1960-in Houghton.

Lot, non-conforming. A non-conforming lot is a lot which is not a legal building site under the test therefor set forth in Section 23.07.020. A-non-conforming-lot-is-any-existing lot-which-has-been-divided-or-its-size-or-shape-changed-to make-it-substandard-in-relation-to-the-requirements-of-the zone-classification-in-which-it-is-located,-subsequent-to the-adoption-of-this-ordinance.--Any-such-lot-shall-meet all-of-the-regulations,-including-minimum-area-requirements of-the-zone-classification-in-which-it-is-located.--(NOTE: This-definition-shall-not-apply-to-lots-which-have-been-built upon-or-for-which-a-valid-building-permit-has-been-issued prior-to-the-adoption-of-this-ordinance-and-is-presently-in force.)

Definition Added:

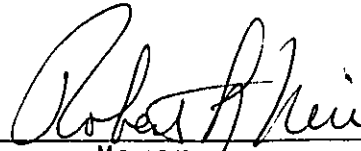
Lot, legal building site. A legal building site is any lot which satisfies the requirements set forth in Section 23.07.020.

Section 3. Houghton Community Council Jurisdiction: To the extent that the subject matter and provisions of this amendatory 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 sixty days from the date of passage of this ordinance.

Section 4. Except as provided in Section 3, 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.

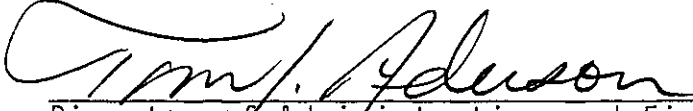
PASSED by the Kirkland City Council in regular meeting on the 1st day of May, 1978.

SIGNED IN AUTHENTICATION thereof on the 1st day of May 1978.




Mayor

ATTEST:



Director of Administration and Finance
(ex officio City Clerk)

APPROVED AS TO FORM:



City Attorney