

ORDINANCE NO. 3075-----

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING AND LAND USE AND AMENDING ORDINANCE 2740 AS AMENDED, THE KIRKLAND ZONING ORDINANCE (FILE NO. IV-87-112).

Whereas, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 2740 as amended, all as set forth in that certain report and recommendation of the Planning Commission dated January 12, 1988 and bearing Kirkland Department of Planning and Community Development File No. IV-87-112; and

Whereas, prior to making said recommendation the Planning Commission, following notice thereof as required by RCW 35A.63.070, on January 7, 1988, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

Whereas, pursuant to the State Environmental Policies Act there has accompanied the legislative proposal and recommendation through the entire consideration process, a final 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, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendation of the Planning Commission.

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

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 2740 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A which by this reference is incorporated herein.

Section 2. 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 3. The subject matter of this ordinance and the permit herein granted, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, this ordinance shall become effective within the Houghton Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the 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 Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 19th day of January, 1988.

Signed in authentication thereof this 19th day of January, 1988.

Doris Cooper  
MAYOR

ATTEST:

Janece Perry  
City Clerk

APPROVED AS TO FORM:

Raymond  
City Attorney

2) A change in use on the subject property and the new use requires larger buffers than the former use.

c. Parking lot surfaces must be brought into conformance in any of the following situations:

1) An increase in gross floor area of any use; or

2) A change in use on the subject property and the new use requires more parking than the former use; or

3) An alteration to any structure, the cost of which exceeds 50% of the replacement cost of the structure.

a. ~~The City will not issue a Certificate of Zoning Compliance for any site that has non-conforming landscaping until the landscaping is brought into conformance as much as is feasible based on the available land on the subject property. Appeals to this determination will be processed according to Section 145.55 through 146.100 of this Code.~~

b. ~~If the applicant is going to increase the gross floor area of any use on the subject property, buffers adjoining the new gross floor area must be brought into conformance.~~

c. ~~If the use on the subject property is changed and the new use requires larger buffers than the former use, any non-conforming buffers on the subject property must be brought into conformance.~~

d. ~~The City will not issue a Certificate of Zoning Compliance for any site that has non-conforming paving until the paving is brought into conformance.~~

e. ~~If the use on the subject property is changed and the new use requires more parking than the former use, all paving must be brought into conformance.~~

## 7. Non-Conforming Height, Setbacks and View Corridors

Any structural alteration of a roof or exterior wall which does not comply with height, setback or view corridor standards will require that the nonconforming height, setback or view corridor be brought into conformance. Excepted from this section are the repair or maintenance of structural members.

- 1) The repair or maintenance work will not increase the degree or magnitude of non-conformance.
- 2) If the repair or maintenance work requires a Building or Sign Permit, the applicant must sign and record a concomitant agreement to run as a covenant with the property, in a form acceptable to the City Attorney. Said agreement shall describe the minor non-conforming elements involved and state that they will be brought into conformance within 10 years of the date of issuance of the building or sign permit. The applicant shall also grant to the City license to enter the property and shall also sign an agreement to reimburse the City for the cost of removing the sign(s) if, after the specified time the prescribed minor non-conforming element(s) is not brought into conformance.
- 3) For purposes of this section, repair shall mean the work that is necessary to restore a sign to its former appearance subsequent to a sudden, accidental event.

6. Non-Conforming Landscaping, Buffers, and Paving

- a. The landscaping requirements of Sections 95.20, 105.75, and 105.80 must be brought into conformance as much as is feasible, based on available land area, in either of the following situations:
  - 1) An increase in gross floor area of any structure; or
  - 2) An alteration to any structure, the cost of which exceeds 50% of the replacement cost of the structure.
- b. Landscape buffers must be brought into conformance in either of the following situations:
  - 1) An increase in gross floor area of any structure (the requirement to provide conforming buffers applies only to the new gross floor area); or