

ORDINANCE 3531

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO
SHORELINE ADMINISTRATION AND PROCEDURES

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. Section 24.06.035 of the Kirkland Municipal Code is amended to read as follows:

24.06.035 Notice of applications and hearings.

(a) Contents. Public notices of pending applications and hearings on permits under the Shoreline Management Act, including Substantial Development Permits, Conditional Use Permits and Variances, will, at a minimum, contain the information specified in WAC 173-14-070.

(b) Distribution. Notice of all pending applications for permits under the Shoreline Management Act and this chapter will be distributed as follows:

(1) Notice will be published in the official newspaper of the city ~~on the same day of the week for two consecutive weeks. The latter of these two newspaper publications will be~~ at least thirty days prior to the date of any public hearing on the permit, or if no public hearing is to be held, thirty days before the city makes any decision on the application. The published notice does not require a vicinity map.

(2) At least sixteen days prior to the date of any public hearing on the permit, or, if no public hearing will be held, at least sixteen days before the city makes any decision on the application, the applicant shall provide for and erect public notice signs as follows:

(A) The signs shall be designed and constructed to city standards. A copy of the notice described in subparagraph (1) of this subsection and a vicinity map shall be attached to each sign.

(B) The department of planning and community development is authorized to develop the standards for the public notice signs necessary for implementation of this section.

(C) One sign shall be erected on or near the subject property facing each public right-of-way adjacent to the subject property and private easement or tract road providing primary vehicular access to the subject property and to any property that abuts the subject property. The department of planning and community development shall approve the location of each sign.

(D) The applicant shall post a bond pursuant to Chapter 175, Ordinance 2740, as amended (the Kirkland Zoning Code) to ensure proper maintenance and removal of the signs. The bond shall be posted prior to erection of the sign.

(E) The signs shall be removed and returned to the department of planning and community development within seven calendar days after the final public hearing.

(3) If a public hearing is required, at least fourteen days before the hearing, a copy of the notice, including a vicinity map, will be sent to the owners of all property within three hundred feet of any boundary of the subject property and to the residents of each piece of property adjacent to or directly across the street from the subject property.

(4) At least fourteen days prior to the date of any public hearing on the permit, or, if no public hearing will be held, at least fourteen days before the city makes any decision on the application, the city will distribute the notice of the application, including a vicinity map, by posting a copy of the notice on each of the official notification boards of the city.

Section 2. Section 24.06.045 of the Kirkland Municipal Code is amended to read as follows:

24.06.045 Conditional use permits.

(a) General. This section establishes the procedures and criteria that the city will use to review and decide upon each application for a conditional use permit under the Shoreline Management Act and the shoreline master program. Sections 24.05.110 and 24.05.115 of the Kirkland Municipal Code establish what uses, developments and activities require the issuance of a conditional use permit.

(b) Procedures. The city will review and decide upon each application for a conditional use permit under the Shoreline Management Act and the shoreline master program using the provisions of Chapter ~~152~~ 150 of Ordinance 2740, as amended (the Kirkland zoning code) to the extent that those provisions do not conflict with the provisions of this chapter. Where a conflict exists, the provisions of this chapter will be followed.

(c) Criteria. WAC 173-14-150 establishes the criteria under which the city may issue a conditional use permit. In addition, the city will not issue a conditional use permit for a use which is not listed as allowable in the shoreline master program unless the applicant can demonstrate that the proposed use has impacts on nearby uses and the environment essentially the same as the impacts that would result from a use allowed by the shoreline master program in that shoreline environment.

(d) Approval by Department of Ecology. Once the city has approved a conditional use permit it will be forwarded to the State Department


of Ecology for its review and approval/disapproval jurisdiction under WAC 173-14-130.

Section 3. 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 4. This Ordinance shall be in 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 2nd day of April, 1996.


Signed in authentication thereof this 2nd day of April, 1996.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

Mar96/ordshore