

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-95-141), AMENDING SECTION 10.25, SECTION 162.55 AND ADDING A NEW SECTION 162.60.

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 May 14, 1996 and bearing Kirkland Department of Planning and Community Development File No. IV-95-141; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on May 9, 1996, 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 nonsignificance, 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. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community 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.

## ATTACHMENT A

162.55

Special Provisions for Continued Uses - Lot Coverage

As used in this Chapter, the term "continued use" shall mean an existing lawful use of land (and structures) which became non-conforming as to use or density solely as a result of this amendatory Ordinance No. 2347 or which becomes non-conforming solely as a result of the maximum lot coverage provision of this Code, Ordinance No. 2678, effective on October 2, 1982.

A continued use shall be permitted to exist as a lawful use subject only to the following conditions:

1. Any change in use or density shall conform to the ~~Land Use Policies Comprehensive~~ Plan and Zoning regulations in effect at the time such change is made.
2. Ordinary repairs and maintenance may be carried out consistent with the provisions of this Chapter provided that there shall be no limitation on the amount or cost of such repairs and maintenance.
3. A continued use shall not be subject to the provisions of this Chapter relating to destruction by fire or other casualty. In the event a structure so designated as a continued use is destroyed to any extent by fire or other casualty, the structure may be rebuilt provided, however, that the ~~number of dwelling units (if residential units existed in the structure)~~, gross floor area of the structure and major exterior dimensions of the structure shall not exceed the same dimensions or standards of the previous structure. This provision shall not reduce any requirements of the building or fire codes in effect when such structure may be rebuilt.

The provisions of this section shall only be available if any application for a building permit is filed within twelve (12) months of such fire or other casualty and construction is commenced and completed in conformance with the provisions of the building code then in effect.

4. A continued use shall be subject to the provisions of this Chapter relating to the abandonment of structure or use.
5. The owner of a continued use may request the issuance of a "Certificate of Continued Use" which shall identify the property, existing use, density and site characteristics for which the certificate is issued and which shall include the provisions of this Chapter.

162.60

Special Provisions for Continued Uses - Density

The provisions of this Section set forth when, and under what circumstances, residential property with non-conforming density may continue in existence or be rebuilt or redeveloped. An existing lawful use of a residential structure which became non-conforming as to density either as a result of amendatory Ordinance No. 2347 or due to other zoning changes implemented to bring about conformity with the Comprehensive Plan shall be allowed to continue in existence, or be remodeled, repaired or maintained subject to the conditions listed below. Redevelopment or rebuilding may not occur unless the structure is destroyed by fire or other casualty (see subsection 4 below).

1. The provisions of this section apply only to multi-family structures in areas designated by the Comprehensive Plan for multifamily use.
2. Any change in use shall conform to the Comprehensive Plan and zoning regulations in effect at the time such change is made.

3. Any change in density shall comply with the provisions of this section.
4. Ordinary repairs and maintenance may be carried out consistent with the provisions of this Chapter provided that there shall be no limitation on the amount or cost of such repairs and maintenance.
5. Remodeling may be carried out consistent with the provisions of this Chapter provided that within any twenty-four month period, the value of all improvements may not exceed fifty percent (50%) of either the assessed valuation of the existing structure based on the King County assessed valuation of the structure, or the value of the existing building as determined by the most current Building Standards as published by The International Conference of Building Officials, whichever is greater. If there is no King County assessment for the structure to be remodeled, the most current Building Standards as published by The International Conference of Building Officials shall be used to determine valuation.

The remodeled density must be at least 75% of that contained in the original structure. The major exterior dimensions of the structure shall not exceed the major exterior dimensions of the previous structure. Except as noted in this subsection and subsection 7, this provision shall not reduce any requirements of the zoning, building, or fire codes in effect when the structure is remodeled.

6. Residential property with non-conforming density shall not be subject to the provisions of this Chapter relating to destruction by fire or other casualty. In the event a residential structure that is non-conforming as to density is destroyed to any extent by fire or other casualty, the structure may be rebuilt as a residential structure provided, however, that the number of dwelling units, gross floor area of the structure, and major exterior dimensions of the structure shall not exceed the same dimensions or standards of the previous structure. This subsection shall not reduce any requirements of the zoning, building, or fire codes in effect when the structure is rebuilt. The property owner shall also have the option of rebuilding the structure at a reduced density, as described in subsection (5) of this section. The provisions of this subsection shall only be available if an application for a building permit is filed within twelve (12) months of fire or other casualty and construction is commenced and completed in conformance with the provisions of the building code then in effect.
7. Should the number of parking stalls provided on site be insufficient to meet zoning regulations in effect at the time of remodeling, this deficiency shall be allowed to remain with the remodel, provided that the number of stalls may not be reduced from the number of stalls on site with the original structure. Any surplus of parking stalls above those required by the zoning regulations in effect at the time of remodeling, may be eliminated.
8. The owner of a continued use non-conforming as to density may request the issuance of a "Certificate of Continued Use" which shall identify the property, existing use, density and site characteristics for which the certificate is issued and which shall include the provisions of this Chapter.

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 21st day of May, 1996.

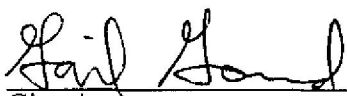
SIGNED IN AUTHENTICATION thereof this 21st day of May, 1996.

Mayor 

Attest:

Deputy  City Clerk

Approved as to Form:

  
City Attorney

WOR95-141.NOV/5-14-96/DC:ct