

ORDINANCE NO. 3663

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, LAND USE, AND NURSING HOMES; AMENDING THE USE ZONE CHARTS OF THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) TO ADD A NEW SPECIAL REGULATION FOR THE NURSING HOME USE IN THE RM, PR, BN, BC, BCX, JBD1, JBD2, JBD3, JBD4, JBD5, JBD6, PLA5A, PLA5B, PLA5C, PLA5D, PLA5E, PLA6A, PLA6B, PLA6D, PLA6F, PLA6H, PLA6I, PLA6J, PLA6K, PLA7A, PLA7B, PLA7C, PLA8, PLA13A, PLA13B, AND PLA17A ZONES; AND AMENDING SECTION 5.10.572 OF THE KIRKLAND ZONING CODE (TITLE 23 OF THE KIRKLAND MUNICIPAL CODE) (FILE NO. IV-98-19).

WHEREAS, the City Council has received from the Kirkland Planning Commission a recommendation to amend certain sections of the text of the Municipal Code, all as set forth in that certain report and recommendation of the Planning Commission dated August 21, 1998 and bearing Kirkland Department of Planning and Community Development File No. IV-98-19; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on May 28, 1998, 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. Municipal Code amended: A new special regulation shall be added to the nursing home use listing in the Use Zone Charts for the RM, PR, BN, BC, BCX, JBD1, JBD2, JBD3, JBD4, JBD5, JBD6, PLA5A, PLA5B, PLA5C, PLA5D, PLA5E, PLA6A, PLA6B, PLA6D, PLA6F, PLA6H, PLA6I, PLA6J, PLA6K, PLA7A, PLA7B, PLA7C, PLA8, PLA13A, PLA13B, and PLA17A zones as follows:

If a nursing home use is combined with an assisted living facility use in order to provide a continuum of care for residents, the required review process shall be the least intensive process between the two uses.

Section 2. Municipal Code amended: Section 5.10.572 of the Municipal Code is revised as follows:

5.10.572 Nursing Home – Facilities providing convalescent or chronic care, or both, for a period in excess of 24 consecutive hours for patients who, by reason of illness or infirmity, are unable to properly care for themselves, and provided that the operation or maintenance of the premises is such that it is required to be licensed as a nursing home under RCW Chapter 18.51.

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.

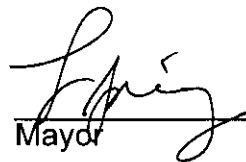
Section 4. To the extent the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.


Section 5. Except as provided in Section 4, 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.


Section 6. Ordinance 3631 is repealed.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 3rd day of November, 1998

SIGNED IN AUTHENTICATION thereof this 3rd day of November, 1998

Deputy Mayor 

Attest:

City Clerk

Approved as to Form:

City Attorney