Ordinance No. 3122

(Amending or Repealing Ordinances)

CFN=131 – Zoning Codes
Passed 6/15/1993
Amending Sec. 15.08.100(D)

Amended by Ords. 3409;4003
ORDINANCE NO. 3122

AN ORDINANCE of the City of Kent, Washington, amending Kent City Code Section 15.08.100 (D) to allow for the restoration or reconstruction of nonconforming structures under certain conditions subject to the authority of the City's Planning Director.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 3(D) ("NONCONFORMING BUILDINGS/STRUCTURES") of Ordinance No. 2468 (KCC § 15.08.100 (D)) of the City of Kent, Washington, shall be amended as follows:

Sec. 15.08.100. Nonconforming Development.

... 

D. Nonconforming Buildings/Structures

1. Restrictions. Regulations applicable to nonconforming structures are in addition to regulations applicable to nonconforming uses, lots and signs and in the event of any conflict, the most restrictive provisions shall apply.

2. Major nonconforming buildings/structures. No major nonconforming structure may be expanded, enlarged, extended, reconstructed, or otherwise structurally altered or changed nor may any major nonconforming building, structure or lot be occupied after discontinuance or change in use unless said structure,
use and associated grounds, and development are brought into compliance with use and minimum development standards of the district in which such structure is located except as follows:

a. Any major nonconforming structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other natural disaster, and where cost of restoration exceeds fifty (50) percent of the fair market value of the structure at the time of damage, shall not be restored or reconstructed and used as before such happening unless the planning director allows such restoration or reconstruction under the authority of subsection 15.08.100 (D)(5); however, where cost of restoration does not exceed fifty (50) percent of the fair market value of the structure at the time of damage, the structure may be restored, reconstructed and used as before, provided that the work be completed within one (1) year of such happening.

b. Such repairs and maintenance work as required to keep the structure in sound condition may be made to a major nonconforming structure provided no such structural alterations shall be made except such as are required by law or ordinance or authorized by the Planning Director.

3. Minor nonconforming buildings/structures. No minor nonconforming structure may be expanded, enlarged, extended, reconstructed, or otherwise structurally altered or changed nor may any minor nonconforming building, structure or lot be occupied after discontinuance or change in use unless said structure and associated grounds, and development are brought into compliance with the minimum development standards of the district in which such structure is located, except as follows:
a. Any minor nonconforming structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other natural disaster, and where the cost of restoration exceeds fifty (50) percent of the fair market value of the structure at the time of damage, shall not be restored or reconstructed and used as before such happening unless the planning director allows such restoration or reconstruction under the authority of subsection 15.08.100 (D)(5); however, where cost of restoration does not exceed fifty (50) percent of the fair market value of the structure at the time of damage, it may be restored, reconstructed and used as before, provided that it be completed within one (1) year of such happening.

b. Such repairs and maintenance work as required to keep it in sound condition may be made to a minor nonconforming structure provided no such structural alterations shall be made except such as are required by law or ordinance or authorized by the Planning Director.

4. Planning Director's authority. The Planning Director may waive specific development standard requirements and/or impose additional requirements when all the following criteria are met:

   a. When owing to special circumstances a literal enforcement of the provisions of the Zoning Code or other land use regulatory ordinances of the City will result in unnecessary hardship.

   b. When the waiver of development requirements is in harmony with the purpose and intent of City ordinances and the Comprehensive Plan.

   c. When the proposed use, building, and development will function without adverse impact upon adjacent
property, development in the area or the city as a whole.

d. When a Conditional Use Permit is not required.

5. **Planning director's authority -- certain nonconforming structures.** The planning director may allow the restoration or reconstruction of a minor or major nonconforming structure, if originally a legally permitted structure, that has been damaged by fire, flood, explosion, wind, earthquake, war, riot or other natural disaster where cost of restoration or reconstruction exceeds fifty (50) percent of the fair market value of the structure at the time of damage when all the following criteria are met:

a. When the nonconforming structure to be restored or reconstructed would be consistent with existing height, bulk, scale and density characteristics of adjacent structures and of structures within a block radius of the subject property.

b. When the proposed use within the nonconforming structure will function without adverse impact upon adjacent property, other development in the area, or the city as a whole.

c. When a conditional use permit is not required.

No restoration or reconstruction allowed under this subsection shall be allowed if not completed within one year from the date of the planning director's decision regarding the proposed restoration or reconstruction.

Section 2. **Severability.** The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the
remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED the 15 day of June, 1992.

APPROVED the 16 day of June, 1992.

PUBLISHED the 18 day of June, 1992.

I hereby certify that this is a true and correct copy of Ordinance No. 3/22, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent hereon indicated.

BRENDA JACOBER, CITY CLERK