

ORDINANCE NO. 2576

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO IMPROVEMENTS IN RIGHTS-OF-WAY.

WHEREAS, it is important to establish uniform standards for improving public rights-of-way throughout the City; and

WHEREAS, an Environmental Checklist was prepared and a Final Declaration of Non-Significance was made pursuant to the requirements of the State Environmental Policy Act (RCW 43.21C; WAC 197-10; and Kirkland Ordinance No. 2473, as amended). This Checklist and Declaration of Non-Significance were available to the Development Code Commission at the public hearing held on this issue. The Development Code Commission considered this information in formulating its recommendation to City Council, and City Council considered this information in taking final action on this recommendation;

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

Section 1. Applicability. This Ordinance applies to every piece of property for which an application for any of the following is made after the effective date of this ordinance:

1. A subdivision
2. Any of the following if the cost of the proposed improvements exceed 50% of the replacement cost of any improvements that exist on the subject property:
 - a. A Planned Unit Development.
 - b. A Conditional Use Permit.
 - c. A Unclassified Use Permit.
 - d. A Substantial Development Permit.
 - e. A Building Permit.

Section 2. Purpose. The purpose of this ordinance is to provide uniform requirements for the extent and the nature of improvements that must be provided by an applicant in the right-of-way abutting property that is being developed.

Section 3. All Developments Must Comply. All applicants for developments to which the ordinance applies shall provide the improvements as specified in this ordinance.

Section 4. Special Regulations Applicable in Certain Areas The following is a series of special situations with applicable regulations:

1. If the City Council has approved a Public Improvements Master Plan that includes a particular right-of-way, that Master Plan will govern the improvements to be provided by developments that abut that right-of-way.

2. If Paragraph 1 of this Section does not apply and if the subject property is zoned Central Business District, the Director of the Department of Public Services will establish the extent and nature of required improvements in the right-of-way on a case-by-case basis.
3. If Paragraphs 1 and 2 of this Section do not apply, the applicant must provide the improvements as established in Section 5 of this Ordinance.

Section 5. Required Public Improvements

1. General. Paragraphs 3 through 9 of this Section establish different improvements for the different classifications of rights-of-ways listed in Paragraph 2 of this Section. The applicant shall install the specified improvements from the center line of the right-of-way to the applicant's property line. The applicant may increase the dimensions of any required improvement or install additional improvements in the right-of-way with the written consent of the Director of the Department of Public Services.
2. Right-of-Way Designation Map Adopted. The Director of the Public Services Department is directed to produce and keep current a Rights-of-Way Designation Map, designating each right-of-way other than alleys, according to the following criteria.

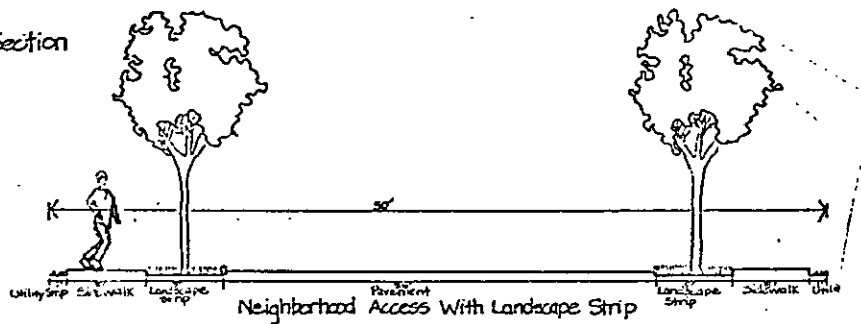
RIGHT-OF-WAY DESIGNATION CRITERIA

Street Designation	General Description	Average Daily Trips Level
Cul-de-sac	Permanently dead-ended streets.	Less than 500
Neighborhood Access	Streets providing access to adjacent residences and to cul-de-sacs and linking these areas with neighborhood collector streets.	Less than 1,000
Neighborhood Collector	Streets providing access to adjacent residences and to cul-de-sacs, linking neighborhood access streets to arterials and linking two or more neighborhoods or areas together	500 - 2,000
Commercial Collector	Streets providing access to adjacent commercial sites and linking these areas with the arterial system.	500 - 2,000
Collector Arterial	Intra-community highways connecting residential neighborhoods with commercial areas and secondarily providing access to adjacent residence.	1,000 - 10,000
Secondary Arterial	Intra-community highways connecting community centers. Access to adjacent residences is not permitted when acceptable alternate access is available.	5,000 - 25,000
Primary Arterial	Intra and inter-community highways connecting major community centers, access to adjacent residences or single commercial sites is not permitted when acceptable alternate access is available.	15,000 - 40,000

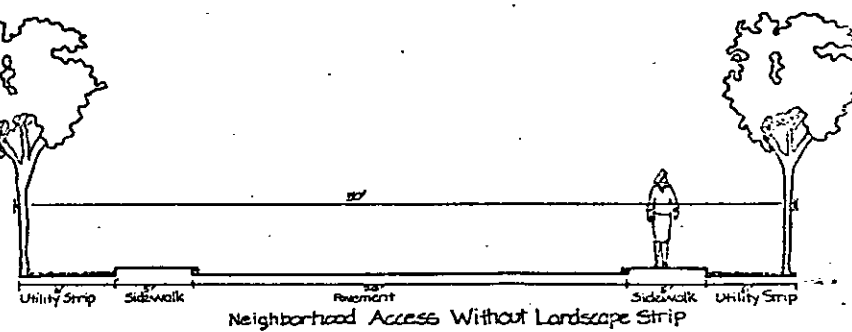
4. **Neighborhood Access Streets.** The charts and diagrams below establish the extent and nature of the improvements that must be provided on a Neighborhood Access Street. See also Sections 6 through 8 for other requirements that apply to improvements in the rights-of-way.

IMPROVEMENT BY CATEGORY	RIGHT-OF- WAY WIDTH	PAVEMENT WIDTH	CURBING/STORM SEWER REQUIREMENT	LANDSCAPE STRIP PLACEMENT & WIDTH	STREET TREE REQUIREMENT	SIDEWALK PLACEMENT & WIDTH	UTILITY STRIP PLACEMENT & WIDTH	SPECIAL REQUIREMENTS
Neighborhood Access with landscape strip (see Special Requirement #1)	50'	28'	Vertical curb and underground storm sewer with through curb inlets and bicycle grates.	5' wide adjacent to curb	Must be planted every 30' on average, in the center of the landscape strip.	5' wide adjacent to landscape strip		<ol style="list-style-type: none"> A landscaping strip must be provided unless one of the following applies: <ol style="list-style-type: none"> The subject property is in other than an RS zone. The average slope of the ground from the right-of-way to the front yard setback line is more than 50% (22.5°). The Director of the Department of Public Services determines in writing that the frontage of the subject property is too short to provide a useful landscape strip and it is unlikely that development on adjacent properties will increase this strip in the future. The centerline of the improvements must correspond to the centerline of the right-of-way.
Neighborhood Access without landscape strip (see Special Requirement #1)	50'	28'	Vertical curb and underground storm sewer with through curb inlets and bicycle grates	Not required	Must be planted every 30' on average at the boundary of the right-of-way and the property line.	5' wide adjacent to curb	Must be located adjacent to the property line. All excess right-of-way width must be in the utility strip (see Special Requirement #3)	

Cross Section

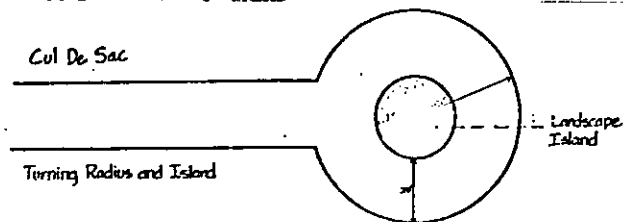
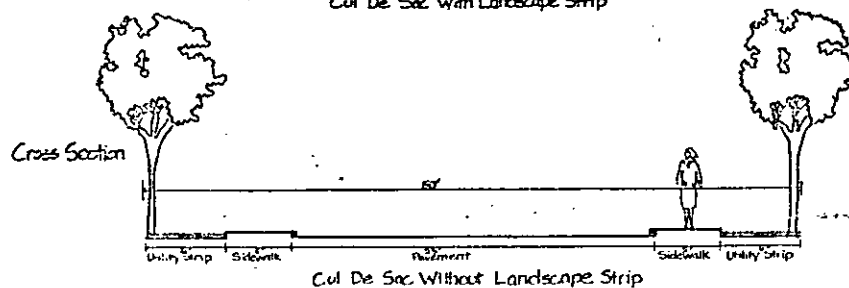
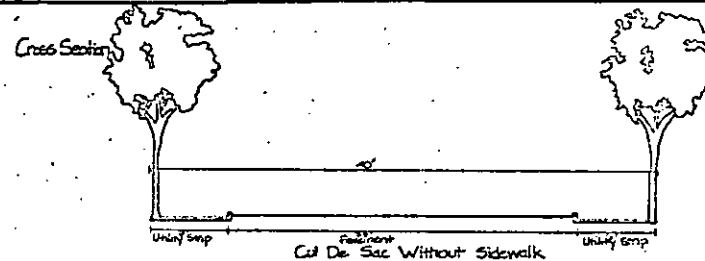
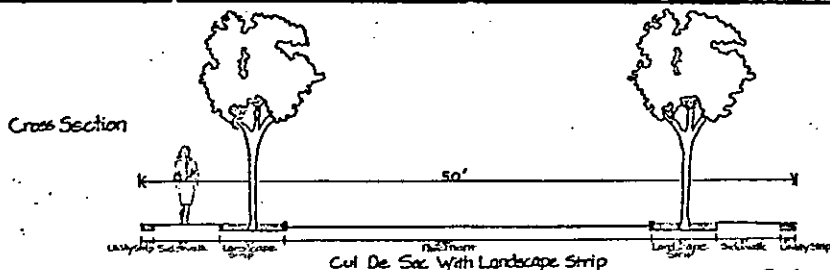


Cross Section



3. **Cul-de-Sac Street.** The chart and diagrams below establish the extent and nature of the improvements that must be provided in a Cul-de-Sac Street. See also Sections 6 through 8 for other requirements that apply to improvements in the right-of-way.

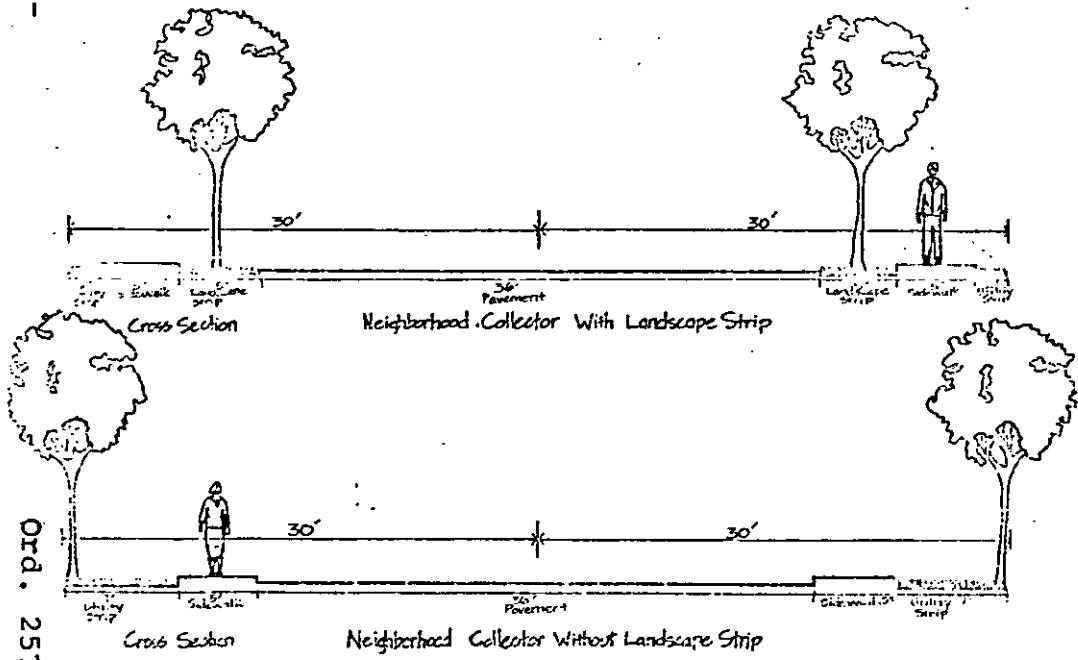
IMPROVEMENT CATEGORY	RIGHT-OF-WAY WIDTH	PAVEMENT WIDTH	CURBING/STORM SEWER REQUIREMENT	LANDSCAPE STRIP PLACEMENT & WIDTH	STREET TREE REQUIREMENT	SIDWALK PLACEMENT & WIDTH	UTILITY STRIP PLACEMENT & WIDTH	SPECIAL REQUIREMENTS
Cul-de-sac with landscape strip (See Special Requirements #1)	50' If sidewalk required; 40' if no sidewalk required	28' (see Special Requirements #3)	Vertical curb and underground storm sewer with through curb inlets and bicycle grates.	5' wide adjacent to curb.	Must be planted every 30' on average, in the center of the landscape strip.	5' wide adjacent to landscape strip (See Special Requirement #2)		<p>1. A landscaping strip must be provided unless one of the following applies:</p> <ul style="list-style-type: none"> a. A sidewalk is neither required nor proposed. b. The subject property is in other than an RS zone. c. The average slope of the ground from the right-of-way to the front yard setback line is more than 50% (22.5°). d. The Director of the Department of Public Services determines in writing that the frontage of the subject property is too short to provide a useful landscape strip and it is unlikely that development on adjacent properties will increase this strip in the future. <p>2. A sidewalk is required under the following circumstances:</p> <ul style="list-style-type: none"> a. If the cul-de-sac is more than 400' long, a sidewalk must be provided on both sides of the street and around the bulb of the cul-de-sac. b. If a pedestrian access easement enters onto the cul-de-sac, a sidewalk must be provided to connect the easement to the next intersection. <p>3. The driving radius, in the bulb must be at least 45'. The center of the cul-de-sac must be a landscaped island protected by a cast vertical curb. The roadway width in the bulb must be 28'.</p> <p>4. The Director of the Department of Public Services shall establish the side-to-side placement of the improvements in the right-of-way.</p>
Cul-de-sac without landscape strip (See Special Requirements #1)	50' If sidewalk required; 40' if no sidewalk required	28' (see Special Requirements #3)	Vertical curb and underground storm sewer with through curb inlets and bicycle grates.	Not required	Must be planted every 30' on average at the boundary of the right-of-way and the property line.	5' wide adjacent to curb (see Special Requirement #2)	Must be located adjacent to the property line. All excess right-of-way width must be in the utility strip (see Special Requirement #4)	



5. Neighborhood Collector Streets. The chart and diagrams below establish the extent and nature of the improvements that must be provided in a Neighborhood Collector Street. See also Sections 6 through 8 for other requirements that apply to improvements in the right-of-way.

IMPROVEMENT CATEGORY	RIGHT-OF-WAY WIDTH	PAVEMENT WIDTH	CURBING/STORM SEWER REQUIREMENT	LANDSCAPE STRIP PLACEMENT & WIDTH	STREET TREE REQUIREMENT	SIDEWALK PLACEMENT & WIDTH	UTILITY STRIP PLACEMENT & WIDTH	SPECIAL REQUIREMENTS
Neighborhood Collector with landscape strip (see Special Requirement #1)	60'	36'	Vertical curb and underground storm sewer with through curb inlets and bicycle grates	5' wide between curb and sidewalk	Must be planted every 30' on average, in the center of the landscape strip.	5' wide on both sides of the street between the landscape strip and utility strip		<p>1. A landscaping strip must be provided unless one of the following applies:</p> <ul style="list-style-type: none"> a. The subject property is in other than an RS zone. b. The average slope of the ground from the right-of-way to the front yard setback line is more than 50% (22.5°). c. The Director of the Department of Public Services determines in writing that the frontage of the subject property is too short to provide a useful landscape strip and it is unlikely that development on adjacent properties will increase this strip in the future. <p>2. The centerline of the improvements must correspond to the centerline of the right-of-way.</p>
Neighborhood Collector without landscape strip (see Special Requirement #1)	60'	36'	Vertical curb and underground storm sewer with through curb inlets and bicycle grates	Not required	Must be planted every 30' on average at the boundary of the right-of-way and the property line	5' wide on both sides of the street between the curb and the utility strip	Must be located adjacent to the property line. All excess right-of-way widths must be in the utility strip (see Special Requirement #2)	

-6-

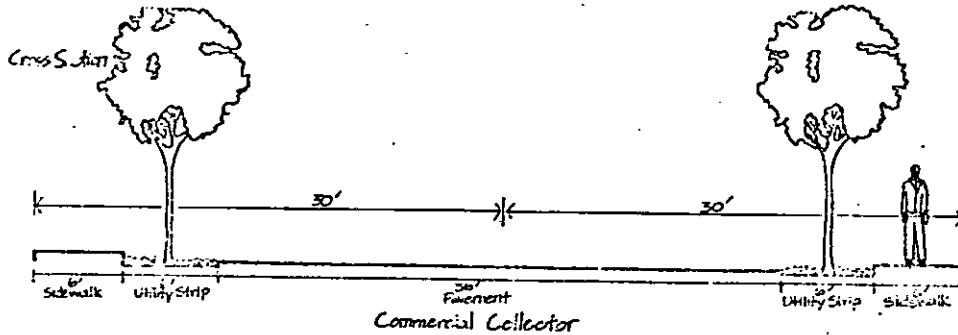


Ord. 2576

6. Commercial Collector Streets. The chart and diagrams below establish the extent and nature of the improvements that must be provided in a Commercial Collector Street. See also Sections 6 through 8 for other requirements that apply to improvements in the right-of-way.

IMPROVEMENT CATEGORY	RIGHT-OF-WAY WIDTH	PAVEMENT WIDTH	CURBING/STORM SEWER REQUIREMENT	LANDSCAPE STRIP PLACEMENT & WIDTH	STREET TREE REQUIREMENT	SIDEWALK PLACEMENT & WIDTH	UTILITY STRIP PLACEMENT & WIDTH	SPECIAL REQUIREMENTS
Commercial Collector	60'	36'	Vertical curb and underground storm sewer with through curb inlets and bicycle grates	Not required	Must be planted every 30' on average in the utility strip. May not be closer than 36" to the curb and must be protected by a cast iron grate	6' wide placed between the utility strip and property line.	Must be at least 6' wide placed between the curb and the sidewalk. If access right-of-way exists, this excess must be placed in this utility strip.	1. The centerline of these improvements must correspond to the centerline of the right-of-way.

-7-

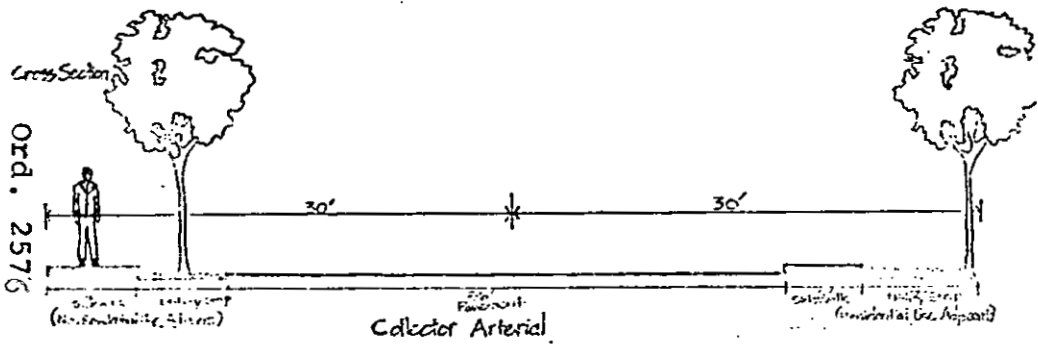


Ord. 2576

7. **Collector Arterial Streets.** The chart and diagrams below establish the extent and nature of the improvements that must be provided in Collector Arterial Streets. See also Sections 6 through 8 for other requirements that apply to improvements in the right-of-way.

IMPROVEMENT ROW CATEGORY	RIGHT-OF- WAY WIDTH	PAVEMENT WIDTH	CURBING/STORM SEWER REQUIREMENT	LANDSCAPE STRIP PLACEMENT & WIDTH	STREET TREE REQUIREMENT	SIDEWALK PLACEMENT & WIDTH	UTILITY STRIP PLACEMENT & WIDTH	SPECIAL REQUIREMENTS
Collector Arterial	60'	36'	Vertical curb and underground storm sewer with through curb inlets and bicycle grates.	Not Required	Must be planted every 30' on average located as follows: --If the subject property is in a residential zone, the trees must be planted on the property line --If the property is not in a residential zone, the trees must be in the utility strip and protected by a cast iron grate.	5' wide if the subject property is in a residential zone. 6' wide if the subject property is not in a residential zone.	All excess right-of-way widths must be placed in the utility strip. This strip must be placed as follows: --If the subject property is in a residential zone, the strip is adjacent to the property line. --If the subject property is not in a residential zone, the strip is between the curb and the sidewalk.	1. The centerline of these improvements must correspond to the centerline of the right-of-way. 3874A

- 8 -



8. Secondary Arterial Streets. The Director of the Department of Public Services shall determine the extent and nature of improvements required in Secondary Arterial Streets on a case-by-case basis. The pavement width of a Secondary Arterial Street must be at least 44 feet.
9. Primary Arterial Streets. The Director of the Department of Public Services shall determine the extent and nature of improvements required in Primary Arterial Streets on a case-by-case basis.

Section 6. This Section contains a series of requirements that apply to improvements required or proposed to be installed in the right-of-way.

1. Dedication of Right-of-Way. If a right-of-way adjacent to the subject property is not wide enough to contain the required improvements, the applicant shall dedicate as right-of-way a strip of land adjacent to the existing right-of-way equal to one-half of the needed additional width.
2. Fire Hydrants. The applicant shall install fire hydrants where and in the manner specified by the Department of Fire Services.
3. Incompatible Improvements. If improvements required by this ordinance will connect with existing improvements in the same right-of-way that do not conform to this ordinance, the following regulations apply:
 - a. If the improvements will connect with existing improvements of a greater dimension, the new improvement must be built at the greater dimension unless the Director of the Department of Public Services determines that the dimensions of the existing improvement will be decreased in the future.
 - b. If the improvements will connect with existing improvements of a lesser dimension, the following regulations apply.
 1. If the Director of the Department of Public Services determines that the dimension of the existing improvement will not be increased in the future, the new improvement must be permanently flared or tapered to match the existing improvements. These improvement designs must be approved by the Director of the Department of Public Services.

2. If the Director of the Department of Public Services determines that the dimensions of the existing improvement will be increased in the future, the applicant shall install the required improvements in the full length of the right-of-way adjacent to the subject property with temporary flaring or tapering on the existing improvements. These improvement designs must be approved by the Director of the Department of Public Services.
- c. Landscaped Islands. The applicant shall plant all landscape islands with vegetation approved by the City. The applicant shall bond or provide other surety, in a form acceptable to the City Attorney, for the maintenance of the landscaping for a two-year period. Following this two-year period, the owners of abutting property shall maintain the landscape island.
- d. Landscape Strip. The applicant shall plant all landscape strips with vegetation approved by the City. The owners of the abutting property shall maintain the vegetation in the strip. A maintenance requirement, in a form acceptable to the City Attorney, shall be recorded in the King County Department of Elections and Records and will run with the abutting properties. It is a violation of this Ordinance to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.
- f. Mailboxes. To the maximum extent possible, mailboxes for all units or uses in the development must be grouped.
- g. Street Signs and Traffic Control Devices. The applicant shall install all street signs and traffic control devices in the location and manner established by the Department of Public Services.
- h. Trees. All trees planted in the right-of-way must be two inches in diameter at the time of planting as measured one foot above finished grade with a canopy that starts at least eight feet above finished grade and all species to be planted must be approved by the Department of Parks.

- i. Utility Lines and Appurtenances. Water meters, utility lines and other utility appurtenances must be located in the utility strip unless an alternate location is approved or required by the Director of Public Services. Any utility appurtenances located in the landscape strip must be no higher than the finish grade whenever feasible. Telephone and cablevision lines must be placed in conduit under the sidewalk or, if this is not feasible, buried in the utility strip or the landscape strip as designated by the Director of Public Services.
- j. Other Necessary Improvements. The applicant shall install any other improvements that are necessary for the installation or proper operations or maintenance of the improvements required by this ordinance.

Section 7. Engineering Standards. The Director of the Department of Public Services is directed to develop and keep current full engineering standards and specifications for all improvements in the right-of-way. These standards and specifications, which will be available to the public, must be adhered to for all improvements in the right-of-way.

Section 8. Modifications, Deferments and Waivers.

1. General. The provisions of this Section establish under what circumstances the requirement of this ordinance may be modified, deferred or waived.
2. Authority to Grant.
 - a. If the proposed development of the subject property requires approval by the City Council, Houghton Community Council, or Development Review Committee, the group with authority to grant the approval is authorized to grant a modification, deferment or waiver under the provisions of this Section.
 - b. If the proposed development of the subject property does not require approval by the City Council, Houghton Community Council or Development Review Committee, the Director of the Department of Public Services may grant a modification, deferment or waiver in writing under the provisions of this section.

3. Modifications. The City may require or grant a modification to the nature or extent of any required improvement for any of the following reasons:
 - a. If the improvement as required would not be harmonious with the existing improvements and their construction would not be advantageous to the neighborhood or the City as a whole.
 - b. If unusual topographic or physical conditions preclude the construction of the improvement as required.
 - c. If other unusual circumstances preclude the construction of the improvements as required.

4. Deferment. The City may require or permit that the required improvements be installed at a later time for any of the following reasons:
 - a. If the required improvement cannot function properly until adjoining portions of the right-of-way are improved to standards of this Ordinance.
 - b. If the correct vertical or horizontal alignment for the required improvement cannot be determined because the streets from which the alignment must be determined do not have correct alignments.
 - c. If constructing the required improvements in the proper vertical and horizontal alignment will cause the new improvement not to function properly or safely with existing adjoining improvements. If the proper alignment can be determined but has not been, the applicant shall do preliminary engineering for the improvements to establish the proper alignment but only if the proposed development contains five or more dwelling units or 500 square feet or more of non-residential gross floor area. If the proposed development contains less than 5 dwelling units and less than 500 square feet of non-residential gross floor area, the City will do this preliminary engineering.

If the City approves a deferment, the applicant and the City must sign a concomitant agreement, in a form acceptable to the City Attorney, specifying that the applicant or his/her successors will install the required improvements when notified to do so by the City. This agreement must be filed with the King County Department of Elections and Records and will run with the property.

5. Waiver. The City may waive and not require or allow installations of a required improvement if the City determines that the current level and extent of the improvement in the right-of-way adjacent to the subject property will not be changed in the future.

Section 9. Repealor. Ordinance Number 2431 is hereby repealed.

Section 10. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance 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 11. This Ordinance shall be in force and take effect five (5) days from and after its passage by the City Council and publication as required by law.

PASSED BY THE KIRKLAND CITY COUNCIL IN REGULAR MEETING on the 19th day of January, 19 81.

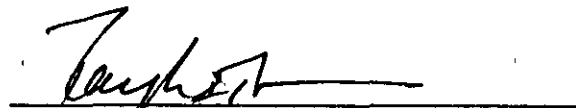
SIGNED IN AUTHENTICATION thereof on the 19th day of January, 19 81.


MAYOR

ATTEST:


Director of Administration and Finance
(ex officio City Clerk)

APPROVED AS TO FORM:


City Attorney

3498A