

ORDINANCE NO. 3165*Repealed by 3946*

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE FEDERAL FLOOD INSURANCE PROGRAM, REGULATIONS FOR FLOOD DAMAGE PREVENTION, AND AMENDING CHAPTER 21.56 KIRKLAND MUNICIPAL CODE.

Section 1. Section 21.56.030 is amended and supplemented by the addition of two new definitions to read as follows:

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Section 2. The following subsections of Section 21.56.170 Kirkland Municipal Code captioned "Provisions for Flood Hazard Reduction - Specific Standards" are each amended to read as follows:

21.56.170(A)(1) New Construction and substantial improvement of any residential structure shall have the lowest floor, including basement elevated [~~to~~ ~~or~~] one foot or more above base flood elevation.

21.56.170(B) Non-residential construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall either have the lowest floor, including basement, elevated [~~to~~] one foot or more above the level of the base flood elevations; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below one foot above the base flood level the structure is water tight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydronamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their developement and/or review of the structural designs, specifications, and plans. Such certification shall be provided to the official as set forth in Section 21.56.130(C)(2);

4. Non-residential structures that are elevated not flood proof must meet the same standards for the space below the lowest floor as described in Section 21.56.170(A)(2);

5. Applicants flood proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g., a building constructed to one foot above the base flood level will be rated as one foot below that level).

21.56.170(C) Critical facility.

Construction of new critical facilities shall be to the extent possible located outside the limits of the base flood plain. Construction of new critical facilities shall be permissible within the base flood plain if no feasible alternative site is available. Critical facilities constructed within the base flood plain shall have the lowest floor elevated to three feet or more above the level of the base flood elevation at the sight. Flood proofing and sealing measures must be taken to insure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood plain shall be provided to all critical facilities to the extent possible.

21.56.170(D) Manufactured homes. All manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE on the communities FIRM shall be elevated on a permanent foundation such that the lowest floor

of the manufactured home is one foot or more above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 21.56.160(a)(2). This paragraph applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home park or subdivision. This paragraph does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision, except where the repair, construction or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

Section 3. Section 21.56.180 "Flood Ways" of the Kirkland Municipal Code is hereby amended by the addition of a new subsection to read as follows:

21.56.180(C) Construction or reconstruction of residential structures is prohibited within designated flood ways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor; and (ii) repairs, reconstructions, or improvements to a structure the cost of which does not exceed 50% of the market value of the structure, either, (A) before the repair reconstruction or repair is started or (B) if the structure has been damaged and is being restored before the damage occurred. Work done on structures to comply with existing health, sanitary or safety codes, or to structures identified as historic places shall not be included in the 50% of market value limitation.

Section 4. There is hereby added to Chapter 21.56 a new section to read as follows:

21.56.185 Wetlands Management. To the maximum extent possible, avoid the short and long term adverse impacts associated with the destruction or modification of wetlands, especially those activities which limit or disrupt the ability of the wetland to alleviate flooding impacts. The following process or equivalent have been implemented: (See Chapter 90, Ordinance 2740, the Zoning Ordinance, and

Chapter 24.02 Kirkland Municipal Code.)

A. Review proposals for development within base flood plains for their possible impacts on wetlands located within the flood plain.

B. Insure that development activities in and around wetlands do not negatively affect public safety, health and welfare by disrupting the wetlands ability to reduce flood and storm drainage.

C. Request technical assistance from the Department of Ecology in identifying wetland areas. Existing wetland map information from the national wetland's inventory (NWI) may be used in conjunction with the community's FIRM to indicate critical wetland areas deserving special attention.

Section 5. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.


Section 6. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017 Kirkland Municipal Code in the summary form attached to the original of this Ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 18th day of April, 1989.

Signed in authentication thereof this 18th day of April, 1989.


MAYOR

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

SUMMARY OF ORDINANCE NO. 3165

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE FEDERAL FLOOD INSURANCE PROGRAM, REGULATIONS FOR FLOOD DAMAGE PREVENTION AND AMENDING CHAPTER 21.56 KIRKLAND MUNICIPAL CODE.

Section 1. Amends Section 21.56.030 (Definitions) by adding new definitions for the phrases "critical facility" and "water dependent".

Section 2. Amends Section 21.56.170 of the Municipal Code, relating to construction provisions for "Flood Hazard Reduction-Specific Standards", including specific standards for construction of critical facilities.

Section 3. Amends Section 21.56.180 relating to construction within "flood ways".

Section 4. Adds a new Section 21.56.185 relating to the management of wetlands.

Section 5. Contains a savings clause.

Section 6. Authorizes publication of the Ordinance by this Summary, which summary is approved by the City Council, pursuant to Section 1.08.17 Kirkland Municipal Code, and establishes the effective date as five days after publication of the Summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland, 123 Fifth Avenue, Kirkland, Washington 98033. The Ordinance was passed by the Kirkland City Council at its regular meeting on the 18th day of April 1989.

I certify that the foregoing is a summary of Ordinance No. 3165 approved by the Kirkland City Council for summary publication.


City Clerk