

ORDINANCE NO. 3487

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-95-37) AND ITS SUMMARY ORDINANCE.

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 July 18, 1995 and bearing Kirkland Department of Planning and Community Development File No. IV-95-37; and

WHEREAS, prior to making said recommendation, the Planning Commission, following notice thereof as required by RCW 35A.63.070, on June 22, 1995, 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: Chapter 110 (Required Public Improvements) of the text of Ordinance 2740 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read 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.

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, 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, as required by law.

PASSED by majority vote of the Kirkland City Council in regular, open meeting this 15 day of August, 1995.

SIGNED IN AUTHENTICATION thereof this 15<sup>th</sup> day of August, 1995.

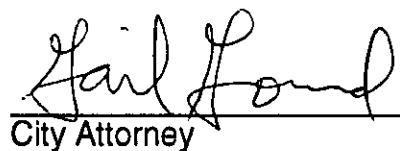


\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

ORD95-37.JAN/JM:ct

5.10.685 Primary Vehicular Access - The major street from which the majority of vehicles enter the subject property. For single family residential lots which contain a garage or carport, the right-of-way providing access to the garage or carport.

## CHAPTER 110 - REQUIRED PUBLIC IMPROVEMENTS

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110.05 User Guide

This Chapter establishes requirements for the improvements that an applicant must make within the public rights-of-way that abut the subject property. Consult the Use Zone charts in Chapter 15 through 65 of this Code for regulations in certain zones regarding similar improvements.

110.10 General

The applicant shall comply with the provisions of this Chapter if the applicant is granted a development permit unless:

1. The cost of the proposed improvement in any 12 month period is less than 50% of the replacement cost of any improvements that exist on the subject property. Improvement costs shall be evaluated using the current Building Valuation Data charts published annually by the International Conference of Building Officials (ICBO) on file with the City Building Official. Any valuations not specified in that publication will be determined by the Building Official; or
2. The applicant, or previous owner of the subject property, installed improvements in the adjacent right-of-way as part of a subdivision or discretionary land use permit approved within 4 years prior to the present development permit application.

110.15 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 or Juanita Business District, the Public Works Director will establish the extent and nature of required improvements in the right-of-way on a case-by-case basis.
3. If paragraphs 1 or 2 and-3 of this Section do not apply, the applicant must provide the improvements as established in the remainder of this Chapter.

#### 110.20 Right-of-Way Designation Map Adopted

The Director is directed to produce and keep current a Rights-of-Way Designation Map, designating each improved right-of-way, including alleys, according to the following criteria. When an unimproved right-of-way is to be improved, the Public Works Director is directed to designate that right-of-way according to the following criteria based on projections for that right-of-way.

<u>Street Designation</u>	<u>General Description</u>	<u>Average Daily* Trips</u>
Alley	Public right-of-way providing-service access to adjacent uses.	Less than 200
Cul-de-sac	<del>Permanently dead ended streets</del>	<del>Less than 500</del>
Neighborhood Access	Streets providing access to adjacent residences and to cul-de-sacs and linking these areas with neighborhood collector streets. <u>Section 110.22 establishes criteria for subcategories of neighborhood access streets.</u>	Less than 4,000 <u>1,500</u>
Neighborhood Collector <del>Collector-Arterial</del>	Streets providing access to adjacent uses, linking neighborhoods and commercial areas to gether, and linking these areas to the arterial system.	up to - 10,000
<u>Secondary Minor Arterial</u>	Intra-community highways connecting community centers. Access to adjacent residences is not permitted when acceptable alternate access is available.	5,000 - 25,000
<u>Primary Principal Arterial</u>	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

\*"Average Daily Trips" is defined as the number of vehicles passing a given point, in either direction, during a 24 hour period, based on an average over seven consecutive days.

110.22 Neighborhood Access Street Designations

When public improvements to a Neighborhood Access street are required or proposed, the Public Works Director will designate that right-of-way according to the following criteria.

<u>Street Designation</u>	<u>Designation Criteria</u>
<u>R-20</u>	<ol style="list-style-type: none"> <li>1. <u>Provides access only to properties designated Low Density Residential in the Comprehensive Plan and/or those properties zoned RS 5.0 or RM 5.0.</u></li> <li>2. <u>Parking allowed one side only*.</u></li> <li>3. <u>Shall not be dead-ended if length exceeds 400' in length.</u></li> <li>4. <u>May only be used to improve an existing unimproved street if at least 300' or one full block face of matching improvements can be installed on both sides of the street, at present or in the future. Otherwise, an R-28 shall be used.</u></li> </ol>
<u>R-24</u>	<ol style="list-style-type: none"> <li>1. <u>Provides access only to properties designated Low Density Residential in the Comprehensive Plan and/or those properties zoned RS 5.0 or RM 5.0.</u></li> <li>2. <u>Parking allowed on both sides*.</u></li> <li>3. <u>Dead-end streets over 400' in length.</u></li> <li>4. <u>May only be used to improve an existing unimproved street if at least 300' or one full block face of matching improvements can be installed on both sides of the street, at present or in the future. Otherwise, an R-28 shall be used.</u></li> </ol>
<u>R-28</u>	<u>Provides access to properties other than those designated Low Density Residential in the Comprehensive Plan.</u>

\* If the Public Works Director determines that R-20 will not meet existing or projected parking demand, based on land use characteristics of the area and availability of on-site parking, an R-24 street will be required.

110.25 Required Public Improvements

1. General - Sections 2725 through 5069 of this Chapter establish different improvements for the different classifications of rights-of-way listed in Sections 20 and 22 of this Chapter. Except as specified 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 Public Works Director.
2. Half-Street Improvements - If the one-half of the right-of-way opposite the subject property has not been improved based on the provision of this Chapter, the applicant shall install improvements in the right-of-way as follows:
  - a. Alleys - The applicant shall install the required improvements for the entire width of the alley.
  - b. All other rights of way.

- (1) The applicant shall install the required improvements from his/her property line to and including the curb.
  - (2) The applicant shall grade to finish grade all the required driving and parking lanes in the entire right-of-way and a five foot wide shoulder on the side of the right-of-way opposite the subject property.
  - (3) The applicant shall pave outward 20 feet from the curb adjacent to his/her property or as required by the Public Works Director.
3. Required Paved Connection - If the access point for the subject site is not connected to an existing improved street by an improved hard surface, the applicant shall provide a hard surface improvement, of at least 20 feet in width, to the existing improved street. The applicant may request a modification, deferment or waiver of this requirement through Section 110.70.

## 110.27

Alleys

The pavement width of an alley must be at least ~~ten~~ 12 feet but may be required to be increased by the Public Works Director. For all commercial, industrial, office, or multifamily projects, the applicant shall improve the alley ~~opposite~~ abutting the subject property and extend it to the existing improved street, and may be required to improve an additional 30 feet past the property frontage to provide emergency turn-around. For single-family projects, the applicant shall improve a 12 foot wide apron extending 20 feet from the nearest improved street toward the subject property. ~~the alley abutting the subject property and extend it to the existing improved street.~~ The Public Works Director shall determine the extent and nature of other improvements required in alleys on a case-by-case basis.

[INSERT CHART AND TYPICAL ALLEY SECTION]

Street Type	Minimum Requirements for Street Type	Minimum Right-of-way	Parking	Curb and Gutter	Landscape Strip	Sidewalks
Alley	1. May only be used if the property served by the alley is also served by another street. 2. 12-foot minimum paving required.	16 feet	no parking allowed	not required stormwater collection and conveyance system required	not required	not required

**Special Regulations:**

- a. The improvements shall generally be centered in the right-of-way.

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110.30

Gul-de-Sac Street R-20 Neighborhood Access Streets

The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided in an R-20 Gul-de-Sac-Street. See also Sections 60 through 75 of this Chapter for other requirements that apply to improvements in the right-of-way.

[INSERT CHART AND TYPICAL R-20 ILLUSTRATION]

Street Type	Minimum Requirements for Street Type	Minimum Right-of-way	Parking	Curb and Gutter	Landscape Strip	Sidewalks
20 feet (R-20)	<ol style="list-style-type: none"> <li>1. Pavement width is 20 feet.</li> <li>2. Cul-de-sacs shall have 70-foot pavement diameter. Center planter islands are not allowed.</li> <li>3. Shall not be dead-ended if length exceeds 400 feet (present or future).</li> <li>4. A cul-de-sac is required on dead-end streets, 200 to 400 feet long. A vehicle hammerhead turn-around may be required on any street less than 200 feet long.</li> <li>5. Alternate parking schemes such as parallel parking bump-outs may be proposed if it can be demonstrated that the alternate scheme will meet parking demand (existing and projected) and will not create safety problems.</li> </ol>	<p>30 - 45 feet</p> <p>80-foot diameter for cul-de-sacs</p> <p>Right-of-way width determined by width of required improvements, rounded up to nearest interval of five feet.</p>	<p>allowed one side only</p> <p>cul-de-sacs posted "No Parking Anytime"</p>	<p>required both sides</p> <p>must install vertical curb, gutter, and storm water collection and conveyance systems</p>	<p>4.5-foot width required both sides with or without sidewalk</p> <p>shall include street trees 30 feet on center with grass sod or ground cover</p> <p>shall be adjacent to the curb</p>	<ol style="list-style-type: none"> <li>1. Sidewalk width shall be 5 feet unless otherwise specified in the Comprehensive Plan, the non-motorized plan, a design report for the specific street, elsewhere in this code, or as a special condition of development.</li> <li>2. For permanently dead-ended streets less than 300 feet long, no sidewalk required unless a pedestrian connection is available at the end of the street.</li> <li>3. For permanently dead-ended street segments greater than 300 feet long, sidewalks required on both sides. If the street is 300 - 1,000 feet long, one side of sidewalk can be substituted by participating in the fee-in-lieu-of-sidewalk program. See Section 110.62 for requirements.</li> </ol>

### Special Regulations:

- a. Pavement widths are measured from face of curb, and sidewalk widths are measured from back of curb.
- b. The Fire Department may require a temporary emergency vehicle turn-around on streets which are longer than 200 feet and will be connected in the future.
- c. If excess right-of-way exists or is created, the City may require wider planter strips.
- d. The Public Works Director may require and allow special amenities such as wider planter strips, meandering sidewalks, and curb and gutter bump-ins to save significant trees and other natural features.
- e. The improvements shall generally be centered in the right-of-way.
- f. A landscape strip is not required if:
  - 1) The average slope of the ground from the right-of-way to the front yard setback line is greater than 2:1, or
  - 2) The Public Works Director 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 the adjacent property will increase this strip in the future.

110.35

Neighborhood-Access-Streets R-24 Neighborhood Access Streets

The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided on an R-24 Neighborhood-Access Street. See also Sections 60 through 75 of this Chapter for other requirements that apply to improvements in the rights-of-way.

**[INSERT CHART AND TYPICAL R-24 ILLUSTRATION]**

Street Type	Minimum Requirements for Street Type	Minimum Right-of-way	Parking	Curb and Gutter	Landscape Strip	Sidewalks
24 feet (R-24)	<ol style="list-style-type: none"> <li>1. Pavement width is 24 feet.</li> <li>2. Cul-de-sacs shall have 70-foot pavement diameter. Center planter islands are not allowed.</li> <li>3. A cul-de-sac is required on dead-end streets exceeding 200 feet in length. A vehicle hammerhead turn-around may be required on any street less than 200 feet long.</li> </ol>	<p>35 - 50 feet</p> <p>80-foot diameter for cul-de-sacs</p> <p>Right-of-way width determined by width of required improvements, rounded up to nearest interval of five feet.</p>	<p>allowed both sides</p> <p>cul-de-sacs posted "No Parking Anytime"</p>	<p>required both sides</p> <p>must install vertical curb, gutter, and storm water collection and conveyance systems</p>	<p>4.5-foot width required both sides with or without sidewalk</p> <p>shall include street trees 30 feet on center with grass sod or ground cover</p> <p>shall be adjacent to curb</p>	<ol style="list-style-type: none"> <li>1. Sidewalk width shall be 5 feet unless otherwise specified in the Comprehensive Plan, the non-motorized plan, a design report for the specific street, elsewhere in this code, or as a special condition of development.</li> <li>2. For permanently dead-ended streets less than 300 feet long, no sidewalk required unless a pedestrian connection is available at the end of the street.</li> <li>3. For permanently dead-ended street segments greater than 300 feet long, sidewalks required on both sides. If the street is 300 - 1,000 feet long, one side of sidewalk can be substituted by participating in the fee-in-lieu-of-sidewalk program. See Section 110.62 for requirements.</li> </ol>

### Special Regulations:

- a. Pavement widths are measured from face of curb, and sidewalk widths are measured from back of curb.
- b. The Fire Department may require a temporary emergency vehicle turn-around on streets which are longer than 200 feet and will be connected in the future.
- c. If excess right-of-way exists or is created, the City may require wider planter strips.
- d. The Public Works Director may require and allow special amenities such as wider planter strips, meandering sidewalks, and curb and gutter bump-ins to save significant trees and other natural features.
- e. The improvements shall generally be centered in the right-of-way.
- f. A landscape strip is not required if:
  - 1) The average slope of the ground from the right-of-way to the front yard setback line is greater than 2:1, or
  - 2) The Public Works Director 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 the adjacent property will increase this strip in the future.

110.38 R-28 Neighborhood Access Streets

The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided on an R-28 Street. See also Sections 60 through 75 of this Chapter for other requirements that apply to improvements in the rights-of-way.

[INSERT CHART AND TYPICAL R-28 ILLUSTRATION]

Street Type	Minimum Requirements for Street Type	Minimum Right-of-way	Parking	Curb and Gutter	Landscape Strip	Sidewalks
28-foot (R-28)	<ol style="list-style-type: none"> <li>1. Pavement width is 28 feet.</li> <li>2. Cul-de-sacs shall have 70-foot pavement diameter. Center planter boxes are not allowed.</li> <li>3. A cul-de-sac is required if the street is not connected (present or future).</li> </ol>	<p>40 - 50 feet</p> <p>80-foot diameter for cul-de-sacs</p> <p>Right-of-way width determined by width of required improvements, rounded up to nearest interval of five feet.</p>	<p>allowed both sides</p> <p>cul-de-sacs posted "No Parking Anytime"</p>	<p>required both sides</p> <p>must install vertical curb, gutter, and storm water collection and conveyance systems</p>	<p>4.5-foot width required both sides with or without sidewalk</p> <p>shall include street trees 30 feet on center with grass sod or ground cover</p> <p>shall be adjacent to curb</p>	<ol style="list-style-type: none"> <li>1. Sidewalk width shall be 5 feet unless otherwise specified in the Comprehensive Plan, the non-motorized plan, a design report for the specific street, elsewhere in this code, or as a special condition of development.</li> <li>2. For permanently dead-ended streets less than 300 feet long, no sidewalk required unless a pedestrian connection is available at the end of the street.</li> <li>3. For permanently dead-ended street segments greater than 300 feet long, sidewalks required on both sides. If the street is 300 - 1,000 feet long, one side of sidewalk can be substituted by participating in the fee-in-lieu-of-sidewalk program. See Section 110.62 for requirements.</li> </ol>

### Special Regulations:

- a. Pavement widths are measured from face of curb, and sidewalk widths are measured from back of curb.
- b. The Fire Department may require a temporary emergency vehicle turn-around on streets which are longer than 200 feet and will be connected in the future.
- c. If excess right-of-way exists or is created, the City may require wider planter strips.
- d. The Public Works Director may require and allow special amenities such as wider planter strips, meandering sidewalks, and curb and gutter bump-ins to save significant trees and other natural features.
- e. The improvements shall generally be centered in the right-of-way.
- f. A landscape strip is not required if:
  - 1) The average slope of the ground from the right-of-way to the front yard setback line is greater than 2:1, or
  - 2) The Public Works Director 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 the adjacent property will increase this strip in the future.

110.40

Neighborhood-Collector and Collector Arterial Streets

The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided in collector streets. See also Sections 60 through 75 of this Chapter for other requirements that apply to improvements in the right-of-way.

[INSERT CHART AND TYPICAL COLLECTOR ILLUSTRATION]

Street Type	Right-of-way	Number of Lanes	Lane Width		Bicycle Lane Width	Parking	Landscape Strip	Curb and Gutter	Sidewalks
			Center	Thru					
Collector	60-foot minimum  Right-of-way width determined by width of required improvements, rounded up to nearest interval of five feet.	2	11 - 12 feet	2 - 11-foot lanes	2 - Class II 5-foot bike lanes  (see Special Regulation c.)	Allowed both sides	4.5-foot width required both sides with or without sidewalk  shall include street trees 30 feet on center with grass sod or ground cover  shall be adjacent to the curb	required both sides  must install vertical curb, gutter, and storm water collection and conveyance systems	Sidewalk width shall be 5 feet unless otherwise specified in the land use Comprehensive Plan, the non-motorized plan, a design report for the specific street, elsewhere in this code, or as a specific condition of development.

**Special Regulations:**

- a. The standards listed above are minimum standards, specific standards for individual streets may be outlined in a design report for the subject street.
- b. A two-way left-turn pocket may be added and the parking eliminated.
- c. Bike lanes will be installed (constructed and striped) if identified in the City's Non-motorized Transportation Plan.
- d. Parking lane widths are 6 feet.
- e. The Public Works Director may require and allow special amenities such as wider planter strips, meandering sidewalks, and curb and gutter bump-ins shall be considered to save significant trees and other natural features.
- f. Wider planter strips may be required with any sidewalk installation, if adequate right-of-way exists.
- g. A 7-foot sidewalk shall be installed if the Public Works Director determines that a 4.5-foot planter strip can not be accommodated.
- h. A landscape strip is not required if:
  - 1) A sidewalk is neither required nor proposed, or
  - 2) The average slope of the ground from the right-of-way to the front yard setback line is greater than 2:1, or
  - 3) The Public Works Director 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 the adjacent property will increase this strip in the future.



110.45 Secondary Minor Arterial Streets

The Public Works Director shall determine the extent and nature of other improvements required in Secondary Minor Arterial Streets on a case-by-case basis. See also Sections 65 through 75 of this Chapter for other requirements that apply to improvements in the right-of-way.

110.50 Primary Principal Arterial Streets

The Public Works Director shall determine the extent and nature of improvements required in Primary Principal Arterial Streets on a case-by-case basis. See also Sections 60 through 75 of this Chapter for other requirements that apply to improvements in the right-of-way.

110.60 Additional Requirements

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 abutting 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. The Public Works Director may require the applicant to make land available, by dedication, for new rights-of-way and utility infrastructure if this is reasonably necessary as a result of the development activity.
2. Walkways - The City may require the applicant to install public pedestrian walkways, other than sidewalks as otherwise required by this Chapter, in any of the following circumstances where the walkway is reasonably necessary as a result of the development activity:
  - a. A walkway is indicated as appropriate in the Comprehensive Plan or Nonmotorized Transportation Plan; or
  - b. A walkway is reasonably necessary to provide efficient pedestrian access to a designated activity center of the City or transit; or
  - c. Midblock pedestrian access may be required if blocks are unusually long.

Pedestrian access shall be provided by means of dedicated right-of-way, tracts, or easements at the City's option.
23. Fire Hydrants - The applicant shall install fire hydrants where and in the manner specified by the Department of Fire Services.
34. Incompatible Improvements - If improvements required by this Chapter will connect with existing improvements in the same right-of-way that do not conform to this Chapter, 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 Public Works Director 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 Public Works Director 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.
  - 2) If the Public Works Director determines that the dimensions of the existing improvements will be increased in the future, the applicant shall install the required improvements in the full length of the right-of-way abutting the subject property with temporary flaring or tapering on the existing improvements.
4. ~~Landscaped Islands in Cul-de-Sacs~~ - All curbing shall be vertical cast-in-place curb. The applicant shall plant all landscaped islands in cul-de-sacs with vegetation approved by the City. The owners of properties abutting the island shall maintain the vegetation. The owner of the subject property shall sign a maintenance agreement in a form acceptable to the City Attorney to run with the subject property. The applicant shall record the agreement in the King County Bureau of Elections and Records. The City may also require a Bond under Chapter 175 of this Code for the maintenance of this vegetation for a two-year period.
5. Landscape Strip - The applicant shall plant all landscape strips with vegetation approved by the City. Root deflectors shall be provided for all street trees, and tree grates shall be provided around trees in sidewalks. The owner of the subject property shall maintain the vegetation in the strip. The owner of the subject property shall sign a maintenance agreement, in a form acceptable to the City Attorney, to run with the subject property. The applicant shall record this agreement in the King County Bureau of Elections and Records. It is a violation of this Code to pave or cover the landscape strip with impervious material or to park motor vehicles on this strip.
  6. Mailboxes - The applicant shall, to the maximum extent possible, group mailboxes for units or uses in the development.
  7. 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 Works.
  8. Trees - All trees planted in the right-of-way must be approved as to species by the City. In the vicinity of overhead lines, trees species shall be selected, based on City guidelines, that will not interfere with those lines in the future. All trees and must be two inches in diameter at the time of planting as measured using the standards of the American Association of Nurserymen with a canopy that starts at least eight six feet above finished grade and does not obstruct any adjoining sidewalks or driving lanes.
  9. Utility Lines and Appurtenances
    - a. The location of sanitary sewer lines and water mains shall be as approved or required by the Public Works Director. All other utility lines, water meters and other utility appurtenances must be undergrounded within the utility strip, unless an alternate location is approved or required by the Public Works Director. Utility appurtenances must be no higher than finished grade unless this is determined by the Public Works Director to be infeasible.
    - b. All utility lines on the subject property must be undergrounded. All existing overhead utility lines in the public right-of-way adjacent to the subject site must be undergrounded unless the Public Works Director determines that this is infeasible. The applicant shall submit a statement from all utility companies with existing

overhead lines indicating if undergrounding is feasible. If undergrounding is determined not to be feasible, the applicant must sign a concomitant agreement for future undergrounding.

10. ~~If the subject development is for a non-residential use or contains more than two (2) dwelling units, the applicant shall do preliminary engineering and provide construction design for the improvements required by this Chapter. If the proposed development contains one or two dwelling units, the City will provide construction plans for the improvements required by this Chapter.~~
11. GBD— Sidewalk and Vegetation Maintenance - The abutting property owner shall be responsible for keeping the sidewalk abutting in front of the subject property in the GBD shall be kept clean and litter-free, and any vegetation there shall be maintained. The owner of the subject property shall sign a maintenance agreement in a form acceptable to the City Attorney, to be recorded with King County.
12. 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 Code.

#### 110.62 Voluntary Agreements Fee-in-Lieu of Sidewalks

1. General. The provisions of this Section establish the circumstances under which the applicant may propose and the City may accept a fee-in-lieu of installing a sidewalk in the right-of-way abutting the subject property under the provisions of this Chapter.
2. Proposal by Applicant. Section 110.30 through 110.38 of this Chapter establish the instances where the applicant may propose the payment of a fee-in-lieu of installing a sidewalk. The applicant may propose the payment of fee-in lieu only if the applicant can demonstrate that impacts to pedestrian safety directly resulting from the proposed development can be better mitigated through contributions for off-site pedestrian improvements.
3. Approval by the City. The City will accept a fee-in-lieu of installing a sidewalk when proposed by an applicant only on one side of the street as determined by the Public Works Director and only if the Public Works Director determines pedestrian safety impacts that result from the development could be better mitigated through installation of pedestrian safety improvements in a location consistent with paragraph 5 of this Section.
4. Amount of Fee-in-Lieu. In each instance where the City approves a proposed fee-in-lieu under the provisions of this Section, the amount of the fee-in-lieu shall be 75 percent of the then-estimated cost of constructing the sidewalk that would otherwise be required under this Chapter, based on information compiled and kept current by the Department of Public Works on the cost of sidewalk construction.
5. Use of In-Lieu Funds. In each instance where the City accepts a fee-in-lieu of installing a sidewalk under the provisions of this Section, the City shall deposit those funds into a reserve account and expend the funds collected within five years of the date collected to fund the mitigating pedestrian safety improvements in the area of the subject property that are reasonably necessary to mitigate a direct impact of the development.

110.65 Engineering Standards

The Public Works Director is directed to develop and keep current full engineering standards and specifications for all improvements in the right-of-way. The applicant shall comply with these standards and specifications for all improvements in the right-of-way. These standards and specifications are available for public inspection and copying in the Public Services Works Department during regular business hours.

110.70 Modifications, Deferments and Waivers

1. General - The provisions of this Section establish under what circumstances the requirement of this Chapter may be modified, deferred or waived.
2. Authority to Grant and Duration
  - a. If the proposed development of the subject property requires approval through Processes I, IIA, IIB or III, described in Chapters 145, 150, 152 and 155 of this Code respectively, or short plat or subdivision approval described in the Subdivision Ordinance, a request for a modification, deferment or waiver will be considered as part of this process under the provisions of this Section. If granted under Process I, IIA, IIB or III, or through the short plat or subdivision processes the modification, deferment, or waiver is binding on the City for all development permits issued for that development under the Building Code within 5 years of the granting of the modification, deferment or waiver.
  - b. If paragraph 2.a. above does not apply, the Public Works Department may, after considering a written recommendation from the Planning Official, 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 match the existing improvements.
  - b. If unusual topographic or physical conditions preclude the construction of the improvements 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:
  - a. If the required improvement is part of a larger project that has been scheduled for implementation in the City's Capital Improvement Program; or
  - b. ~~If the subject proposal is for a single detached dwelling unit and the installation of the improvement would not complete the lesser of a full block face or 300 feet of frontage (alleys are not included for purposes of calculating frontage); or~~

If the applicant is proposing to construct on detached dwelling unit on the subject property and all of following requirements are met:

1. The applicant has no current plans for additional development on the subject property or adjacent property and has not applied for any additional development on the subject property or adjacent property within the prior twelve months.
  2. The installation of the improvement to be deferred will not, in conjunction with existing improvements and/or concomitant agreements, complete improvement of the entire block face.
  3. The installation of the improvement to be deferred will not, in conjunction with existing improvements and/or concomitant agreements, complete improvement of at least 300 feet of frontage on all abutting rights-of-way, excluding alleys.
- c. If installation of the required improvement would require substantial off-site roadway modifications; or
- d. If the Public Works Department determines that installation of the required improvement would result in a safety hazard, or
- e. ~~If the applicant meets the following criteria:~~
1. ~~The deferment is for an alley, and~~
  2. ~~The subject property contains a single detached dwelling unit, and~~
  3. ~~The subject property abuts a right-of-way that provides primary vehicular access.~~

If the applicant meets the above criteria for deferment, he/she is only obligated to install, at a future date, improvements from the center line of the alley to the property line.

- 110.70.5 5. Deferment Requirements - If the City approves a deferment:
- a. The applicant ~~and the City~~ must sign a concomitant agreement to run with the property, in a form acceptable to the City Attorney, specifying that the applicant will install or reimburse the City for construction of the deferred improvements as directed by the City. The applicant must file this agreement with the King County Bureau of Elections and Records.
  - b. The applicant must grade the subject portion of the right-of-way as though the improvement were to be immediately installed and stabilize the graded area in a manner approved by the Public Works Department. The applicant may be exempted from this requirement if the Public Works Department determines that unusual circumstances preclude the grading.
  - c. The City will decide if grading will be deferred as part of the deferment process for alleys.
6. 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.
7. Multiple Adjacent Right-of-Ways - When the subject property is adjacent to two or more right-of-ways; modifications, deferments or waivers must be considered separately for each

right-of-way. If the subject property is a corner lot, the highest level of improvement required must be constructed around the angle formed by the intersecting streets.

8. Appeals - The decision of the Public Works Department regarding deferments, appeals, modifications, and waivers may be appealed using the appeal provisions, as applicable, of Process I of this code, Sections 145.60 through 145.110.

110.75

Bonds

The City may require or permit a bond under Chapter 175 of this Code to ensure compliance with any of the requirements of this Chapter.

PUBLICATION SUMMARY OF ORDINANCE NO. 3487

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-95-37), AMENDING SECTION 5.10 AND CHAPTER 110.

Section 1. Amends or adds to the following Chapters and Sections of the Zoning Code:

Chapter 5 - Definitions  
5.10.685 Primary Vehicular Access

Chapter 110 - Required Public Improvements

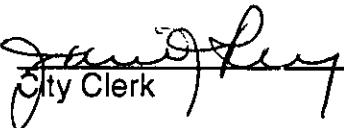
Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Provides that the ordinance shall not be effective within the Houghton Municipal Corporation if disapproved by the Houghton Community Council within sixty days of the date of adoption of this ordinance.

Section 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017, Kirkland Municipal Code, and establishes the effective date as five days after publication of summary, except as provided in Section 3.

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. The ordinance was passed by the Kirkland City Council at its regular meeting on the 15th day of August, 1995.

I certify that the foregoing is a summary of Ordinance \_\_\_\_\_ approved by the Kirkland City Council for summary publication.

  
\_\_\_\_\_  
City Clerk