

ORDINANCE NO. 3886

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 OF THE KIRKLAND MUNICIPAL CODE; AMENDING PORTIONS OF CHAPTER 110 OF ORDINANCE 3719 AS AMENDED (FILE NO. IV-03-11).

WHEREAS, the City Council approved Resolution R-4366 on November 19, 2003 which resolved that the City Council would conduct the public hearing pertaining to amendments of Chapter 110 of the Kirkland Zoning Code; and

WHEREAS, the City Council, following notice thereof as required by RCW 35A.63.070, on April 1, 2003, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, in a public meeting the City Council considered comments from the Houghton Community Council; 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

WHEREAS, the City Council received a recommendation for amendment of certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report prepared by Public Works Department dated March 25, 2003 and bearing Kirkland Department of Planning and Community Development File No. IV-03-11.

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as follows:

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

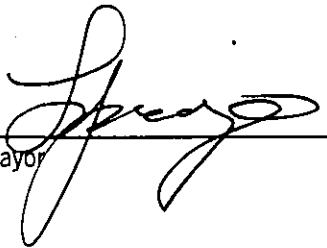
Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

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.

Section 5. A complete copy of this ordinance, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.


PASSED by majority vote of the Kirkland City Council in open meeting this 1st day of April, 2003.

SIGNED IN AUTHENTICATION thereof this 1st day of April, 2003.



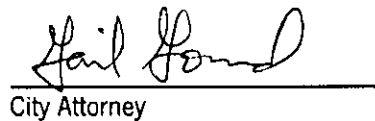
Mayor

Attest:



City Clerk

Approved as to Form:



City Attorney

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Attachment A

Chapter 110 – REQUIRED PUBLIC IMPROVEMENTS

Sections:

- 110.05 User Guide
- 110.10 General
- 110.15 Special Regulations Applicable in Certain Areas
- 110.20 Right-of-Way Designation Map Adopted
- 110.22 Neighborhood Access Street Designations
- 110.25 Required Public Improvements
- 110.27 Alleys
- 110.30 R-20 Neighborhood Access Streets
- 110.35 R-24 Neighborhood Access Streets
- 110.38 R-28 Neighborhood Access Streets
- 110.40 Collector Streets
- 110.45 Minor Arterial Streets
- 110.50 Principal Arterial Streets
- 110.60 Additional Requirements
- ~~110.62 Voluntary Agreements for Fee-in-Lieu of Sidewalks~~
- 110.65 Engineering Standards
- 110.70 Modifications, Deferments and Waivers, and Fee-in-lieu
- 110.72 Voluntary Agreements for Fee-in-Lieu of Half-street Improvements
- 110.75 Bonds

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 KZC 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 improvements in any 12-month period is less than 50 percent of the replacement cost of any improvements that exist on the subject property prior to the first improvement. 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~~
1. The cost of the street improvements along the property frontage is greater than 20 % of the cumulative building improvements in any 5-year period according to the following:
 - a) Street improvement costs shall include, but not be limited to, asphalt, storm drainage, curb and gutter, landscape strip, street trees, and sidewalk.
 - b) For properties with multiple street frontages, only the longest street frontage will be used for the purposes of determining whether street improvements are required.
 - c) Street improvements costs shall be evaluated based on the most current edition of the City of Kirkland Department of Public Works Improvement Evaluation Packet (including engineering and administration costs).

d) Building 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. Other site improvements such as driveways, sidewalks, utility lines, sheds, etc. will not be included in the valuation.

e) The City shall track the cumulative building improvements in a 5-year time period using historical Building Permit information.

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 four 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 subsection (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 subsections (1) or (2) 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:

Street Designation	General Description	Average Daily Trips*
Alley	Public right-of-way providing service access to adjacent uses.	Less than 200
Neighborhood Access	Streets providing access to adjacent residences and to cul-de-sacs and linking these areas with neighborhood collector streets. KZC 110.22 establishes criteria for subcategories of neighborhood access streets.	Less than 1,500
Collector	Streets providing access to adjacent uses, linking neighborhoods and commercial areas together, and linking these areas to the arterial system.	Up to 10,000
Minor Arterial	Intra-community highways connecting community centers. Access to adjacent residences <u>is should not be</u> permitted when acceptable alternate access is available.	5,000 25,000
Principal Arterial	Intra and inter-community highways connecting major community centers; access to adjacent residences or single commercial sites <u>is should not be</u> permitted when acceptable alter nate 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:

Street Designation	Designation Criteria
R-20	<ol style="list-style-type: none"> 1. 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. 2. Parking allowed one side only.* 3. Shall not be dead-ended if length exceeds 400 feet in length. 4. May only be used to improve an existing unimproved street if at least 300 feet 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.
R-24	<ol style="list-style-type: none"> 1. 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. 2. Parking allowed on both sides.* 3. Dead-end streets over 400 feet in length. 4. May only be used to improve an existing unimproved street if at least 300 feet 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.
R-28	Provides access to properties other than those designated Low Density Residential in the Comprehensive Plan.

* 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 – KZC 110.27 through 110.50 establish different improvements for the different classifications of rights-of-way listed in KZC 110.20 and 110.22. Except as specified in subsection (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 provisions 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 finished 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 KZC 110.70.

110.27 Alleys

The pavement width of an alley must be at least 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 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 turnaround. 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 Public Works Director shall determine the extent and nature of other improvements required in alleys on a case-by-case basis.

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 Storm water collection and conveyance system required	Not required	Not required

Special Regulations:

- a. The improvements shall generally be centered in the right-of-way (see chart on following page).

110.30 R-20 Neighborhood Access Streets

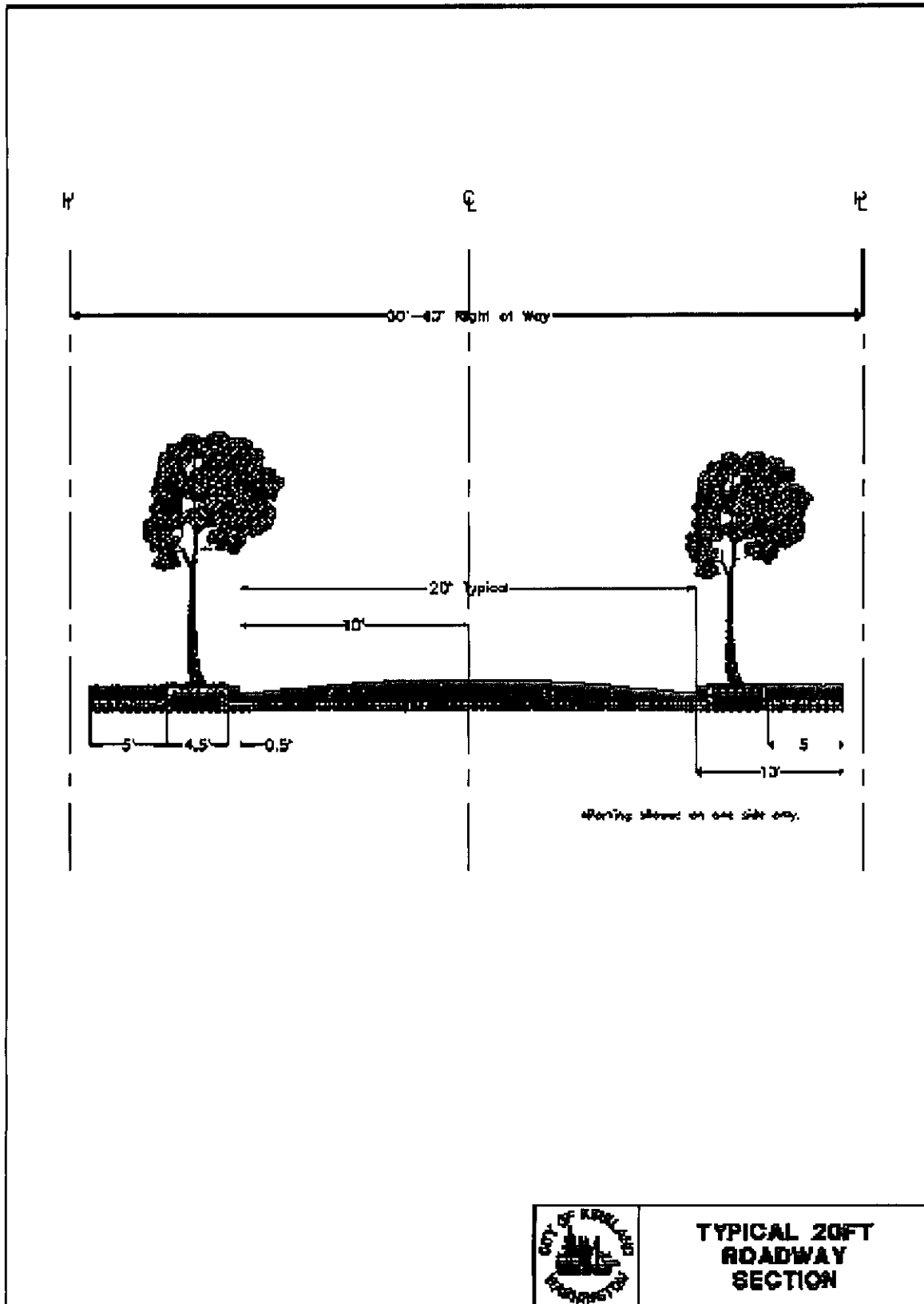
The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided in an R-20 street. See also KZC 110.60 through 110.75 for other requirements that apply to improvements in the right-of-way.

Street Type	Minimum Requirements for Street Type	Minimum Right-of-Way	Parking	Curb and Gutter	Landscape Strip	Sidewalks
20 feet (R-20)	1. Pavement width is 20 feet. 2. Cul-de-sacs shall have 70-foot pavement diameter. Center planter islands are not allowed. 3. Shall not be dead-ended if length exceeds 400 feet (present or future). 4. A cul-de-sac is required on dead-end streets, 200 to 400 feet long. A vehicle	30-45 feet 80-foot diameter for cul-de-sacs Right-of-way width determined by width of required improvements, rounded up to nearest interval of	Allowed one side only Cul-de-sacs posted "No Parking Any time"	Required both sides Must install vertical curb, gutter, and storm water collection and conveyance systems.	4.5-foot width required both sides with or without sidewalk Shall include street trees 30 feet on center with grass sod or groundcover Shall be adjacent to	1. Sidewalk width shall be 5 feet <u>wide</u> sidewalks required on <u>both sides of the street</u> unless otherwise specified in the Comprehensive Plan, the Nonmotorized Transportation Plan, a design report for the specific street, else where in this code, or as a special condition of development.

	<p>hammerhead turnaround may be required on any street less than 200 feet long.</p> <p>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.</p>	5 feet.			the curb	<p>2. For permanently dead-ended streets less than 300 feet long, no side walk required unless a pedestrian connection is available at the end of the street.</p> <p>3. For permanently dead-ended street segments greater than 300 feet long, <u>or any looped street</u>, sidewalks <u>are</u> required on both sides. If the <u>dead-end street is 300-400 feet long or the looped street is less than 1,000 feet long</u>, one side of sidewalk can be substituted by participating in the fee-in-lieu-of-sidewalk program. See KZC 110.-62-70.</p>
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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 turnaround 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 after the structures are completed on the project, 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 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 street. See also KZC 110.60 through 110.75 for other requirements that apply to improvements in the rights-of-way.

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"> 1. Pavement width is 24 feet. 2. Cul-de-sacs shall have 70-foot pavement diameter. Center planter islands are not allowed. 3. A cul-de-sac is required on dead-end streets exceeding 200 feet in length. A vehicle ham merhead turnaround may be required on any street less than 200 feet long. 	<p>30-50 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 5 feet.</p>	<p>Allowed both sides</p> <p>Cul-de-sacs posted "No Parking Any time"</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 side walk</p> <p>Shall include street trees 30 feet on center with grass sod or groundcover</p> <p>Shall be adjacent to the curb</p>	<ol style="list-style-type: none"> 1. <u>Sidewalk width shall be 5 feet wide sidewalks required on both sides of the street</u> unless otherwise specified in the Comprehensive Plan, the Nonmotorized Transportation Plan, a design report for the specific street, else where in this code, or as a special condition of development. 2. For permanently dead-ended streets less than 300 feet long, no side walk required unless a pedestrian connection is available at the end of the street. 3. For permanently dead-ended street segments greater than 300 feet long, <u>or any looped street, sidewalks are required on both sides.</u> If the <u>dead-end street is 300-1000 feet long or the looped street is less than 1,000 feet long,</u> one side of sidewalk can be substituted by participating in the fee-in-lieu-of-sidewalk program. See KZC 110.-62 70.

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 turnaround 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 after the structures are completed on the project, 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

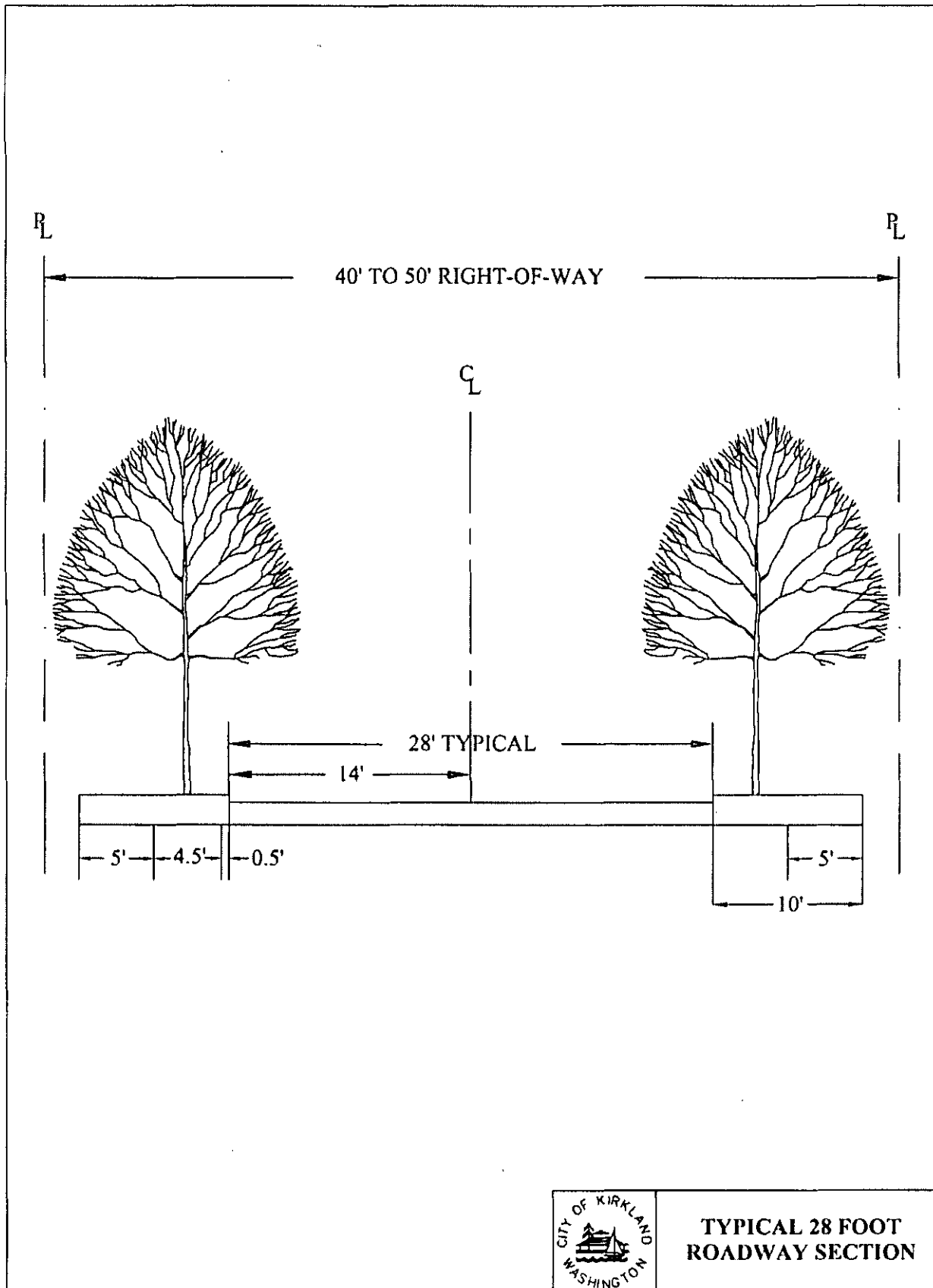
The chart below and diagrams on the next page establish the extent and nature of the improvements that must be provided on an R-28 street. See also KZC 110.60 through 110.75 for other requirements that apply to improvements in the rights-of-way.

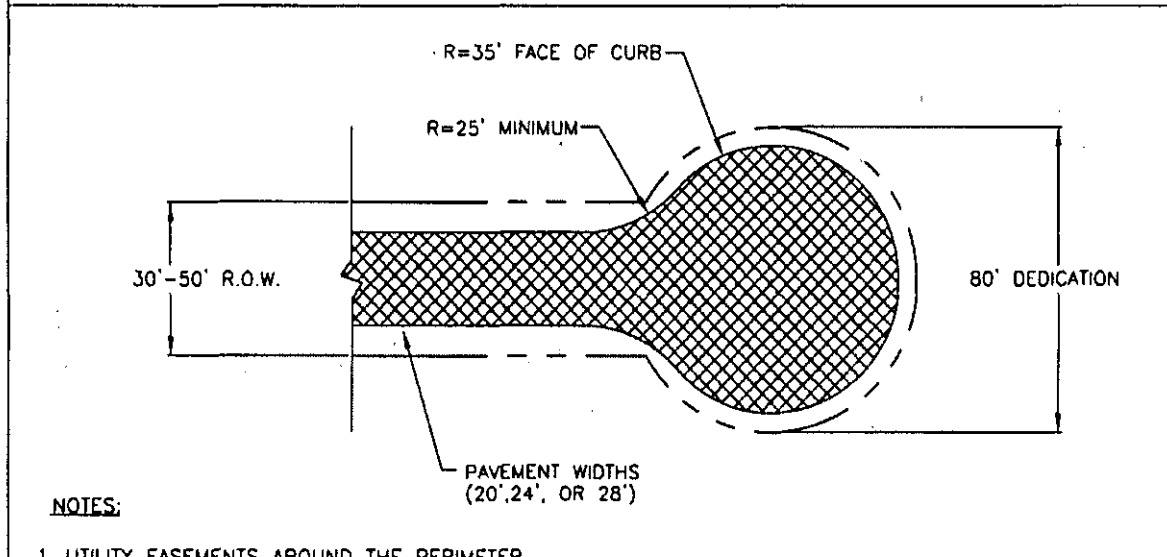
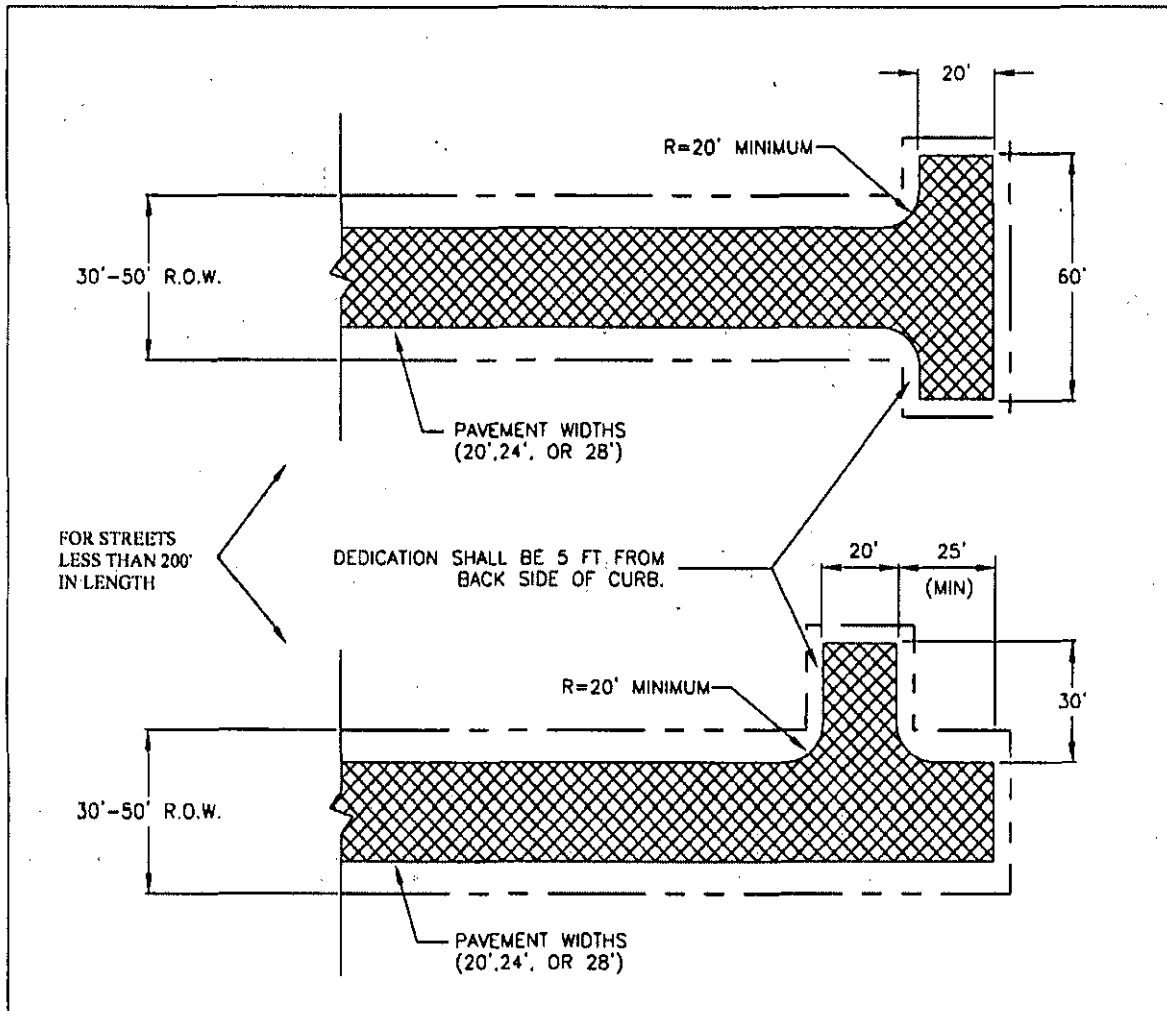
Street Type	Minimum Requirements for Street Type	Minimum Right-of-Way	Parking	Curb and Gutter	Landscape Strip	Sidewalks
28 feet (R-28)	<ol style="list-style-type: none"> Pavement width is 28 feet. Cul-de-sacs shall have 70-foot pavement diameter. Center planter islands are not allowed. A cul-de-sac is required if the street is not connected (present or future) <u>A cul-de-sac is required on dead-end streets exceeding 200 feet in length. A vehicle hamperhead turnaround may be required on any street less than 200 feet long.</u> 	<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 5 feet.</p>	<p>Allowed both sides</p> <p>Cul-de-sacs posted "No Parking Any time"</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 groundcover</p> <p>Shall be adjacent to the curb</p>	<ol style="list-style-type: none"> <u>Sidewalk width shall be 5 feet wide sidewalks required on both sides of the street unless otherwise specified in the Comprehensive Plan, the Non-motorized Transportation Plan, a design report for the specific street, elsewhere in this code, or as a special condition of development.</u> 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. For permanently dead-ended street segments greater than 300 feet long, <u>or any looped street, sidewalks are required on both sides.</u> If the <u>dead-end street is 300-1000 feet long or the looped street is less than 1,000 feet long</u>, one side of sidewalk can be substituted by participating in the fee-in-lieu-of-sidewalk pro

						gram. See KZC 110. <u>62-70</u>
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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 turnaround 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 after the structures are completed on the project, 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.





NOTES:

1. UTILITY EASEMENTS AROUND THE PERIMETER OF THE TURN-AROUND MAY BE REQUIRED.
2. TURN-AROUNDS APPLY TO PERMANENT AND TEMPORARY ROADWAY IMPROVEMENTS.



TYPICAL VEHICLE TURN-AROUNDS

110.40 Collector 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 KZC 110.60 through 110.75 for other requirements that apply to improvements in the right-of-way.

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 5 feet.	2	11-12 feet	Two 11-foot lanes	Two Class II 5-foot bike lanes (See Special Regulation c.)	Allowed both sides	4.5-foot width required both sides with or without side walk 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 wide <u>sidewalks required on both sides of the street</u> unless otherwise specified in the land use Comprehensive Plan, the Nonmotorized Transportation 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 Nonmotorized Transportation Plan.

d. Parking lane widths are 6 feet.

e. The Public Works Director may require or allow special amenities such as wider planter strips, meandering sidewalks, and curb and gutter bump-ins 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 cannot be accommodated.

h. A landscape strip is not required if:

~~1) A sidewalk is neither required nor proposed, or~~

2) 1) The average slope of the ground from the right-of-way to the front yard setback line is greater than 2:1 after the structures are completed on the project, or

3) 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.

110.45 Minor Arterial Streets

The Public Works Director shall determine the extent and nature of other improvements required in minor arterial streets on a case-by-case basis. See also KZC 110.65 through 110.75 for other requirements that apply to improvements in the right-of-way.

110.50 Principal Arterial Streets

The Public Works Director shall determine the extent and nature of improvements required in Principal Arterial Streets on a case-by-case basis. See also KZC 110.65 through 110.75 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.

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; or
 - d. Pedestrian access may be required to connect between existing or planned dead-end streets, through streets, or other pedestrian access.
 - e. Pedestrian access shall be provided by means of dedicated right-of-way, tracts, or easements at the City's option.
 - f. The width of the access right-of-way, tract, or easement, and the pathway material and width, shall be determined per the Public Works Pre-approved Plans.
 - g. The height of solid (blocking visibility) fences along pedestrian pathways that is not directly adjacent a public or private street right-of-way shall be limited to 42-inches unless otherwise approved by the Planning or Public Works Directors.
 - h. All new building structures shall be setback a minimum of five (5) feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent a public or private street right-of-way.
3. Fire Hydrants – The applicant shall install fire hydrants where and in the manner specified by the Department of Fire Services.
4. 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 dimensions of the existing improvements 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.
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 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 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, storm drainage, and water main 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 agreeing to participate in future undergrounding projects.
10. The applicant shall do preliminary engineering and provide construction design for the improvements required by this chapter.
11. Sidewalk and Vegetation Maintenance – The abutting property owner shall be responsible for keeping the sidewalk abutting the subject property 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 for 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—KZC 110.30 through 110.38 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 subsection (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 these 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 areas 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 pre-approved plans and policies 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 Works Department during regular business hours.

110.70 Modifications, Deferments and Waivers, and Fee-in-lieu

1. General – The provisions of this section establish under what circumstances the requirements of this chapter may be modified, deferred, or waived, or paid for with a fee-in-lieu.
2. Authority To Grant and Duration
 - a. If the proposed development of the subject property requires approval through Process I, IIA, IIB or III, described in Chapters 145, 150, 152 and 155 KZC, respectively, or short plat or subdivision approval described in the subdivision ordinance, a request for a modification, deferment, or waiver, or fee-in-lieu 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, or fee-in-lieu is binding on the City for all development permits issued for that development under the Building Code within five years of the granting of the modification, deferment, or waiver, or fee-in-lieu.
 - b. If subsection (2)(a) of this section does not apply, the Public Works Department may, after considering a written recommendation from the Planning Official, grant a

modification, deferment or waiver, or fee-in-lieu 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 six-year Capital Improvement Program; or
 - ~~b. If the applicant is proposing to construct one 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 12 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; or~~~~
 - ~~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~~
 - b. If other unusual circumstances preclude the construction of the improvements as required
 - c. 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 right-of-way to the property line.

- ~~5. Deferment Requirements – If the City approves a deferment:~~
 - ~~a.d. If the City approves a deferment, the applicant 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.e. 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.

ef. The City will decide if grading will be deferred as part of the deferment process for alleys.

65. 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.

6. Fee-in-lieu of street improvements – This Chapter establishes circumstances in which the applicant may propose to pay a fee-in-lieu of installing street improvements in the right-of-way abutting the subject property (e.g., KZC 110.30, 110.35, and 110.38). See KZC 110.72 for voluntary fee-in-lieu agreement details. The City will not accept the applicant's proposed fee-in-lieu if the Public Works Director determines that it is in the City's interest that the street improvements be installed abutting the subject property, taking into account such factors as the pedestrian safety impacts that result from the development. In addition to the criteria listed in KZC 110.30, 110.35, and 110.38, the City may accept a fee-in-lieu of installing half-street improvements in the following circumstances:

- a. If the applicant is proposing to construct, remodel, or add on to, one detached single-family dwelling unit on the subject property and the property fronts a Neighborhood Access type street; or
- b. If installation of the required improvement would require substantial off-site roadway modifications; or
- c. If the Public Works Department determines that installation of the required improvement would result in a safety hazard; or
- d. If other unusual circumstances preclude the construction of the improvements as required.

7. Multiple Adjacent Rights-of-Way – When the subject property is adjacent to two or more rights-of-way; modifications, deferments or waivers, or fee-in-lieu must may be considered separately for each right-of-way.

a. A Building Permit for a single-family addition or remodel, which triggers street improvements, shall only be required to improve the longest street frontage. The alternate shorter street frontage may be improved instead of the longest frontage if approved by the Public Works Director. In cases where the property fronts on different types of streets (Neighborhood Access, Collector, Minor Arterial, Principal Arterial), the Public Works Director shall determine which property frontage shall be improved, but in any case, the length of the street improvements required shall not exceed the length of the longest street frontage that the property fronts on.

b. 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, modifications, and waivers, and fee-in-lieu may be appealed using the appeal provisions, as applicable, of Process I of this code, KZC 145.60 through 145.110.

110.72 Voluntary Agreements for Fee-in-Lieu of Street Improvements

1. General – The provisions of this Chapter establish the circumstances under which the applicant may propose and the City may accept a fee-in-lieu of installing a street improvement in the right- of-way abutting the subject property.
2. 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 street improvements 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.
3. Use of In-Lieu Funds – In each instance where the City accepts a fee-in-lieu of installing a street improvement 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 other pedestrian safety improvements in the City.
4. No further obligation from the property – In each instance where the City accepts a fee-in-lieu of installing sidewalk, the subject property will not be subject to participation in future sidewalk improvement costs (along the property frontage) unless redevelopment occurs to a more intense land use than what was occurring on the property at the time of the fee-in-lieu payment.

110.75 Bonds

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

PUBLICATION SUMMARY
OF ORDINANCE NO. 3886

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING TITLE 23 OF THE KIRKLAND MUNICIPAL CODE; AMENDING PORTIONS OF CHAPTER 110 OF ORDINANCE 3719 AS AMENDED (FILE NO. IV-03-11).

SECTION 1. Amends Kirkland Zoning Code Chapter 110 regarding voluntary agreements for fee-in-lieu of street improvements.

SECTION 2. Provides a severability clause for the ordinance.

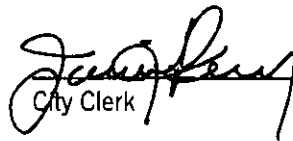
SECTION 3. Provides that the effective date of the ordinance is affected by the disapproval jurisdiction of the Houghton Community Council.

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.

SECTION 5. Establishes certification by City Clerk and notification of King County Department of Assessments.

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 meeting on the 1st day of April, 2003.

I certify that the foregoing is a summary of Ordinance 3886 approved by the Kirkland City Council for summary publication.



City Clerk