

ORDINANCE NO. O-4877

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING PROVISIONS OF THE MUNICIPAL CODE RELATING TO CODE ENFORCEMENT ADMINISTRATION AND SUBDIVISIONS, AND SPECIFICALLY AMENDING SUBSECTION 1.12.100(d)(3) AND SECTION 22.28.030 OF THE KIRKLAND MUNICIPAL CODE; FILE NO. CAM24-00135.

1 WHEREAS, the City Council did confer with the Kirkland
2 Planning Commission to amend certain sections of the Kirkland
3 Municipal Code, as set forth in the staff report dated April 26, 2024,
4 bearing Kirkland Planning and Building Department File No. CAM24-
5 00135; and
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7 WHEREAS, in a public meeting on May 7, 2024, the City Council
8 considered the SEPA determination made by the City's SEPA
9 Responsible Official, together with the report and recommendation of
10 the Planning Commission; and
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12 WHEREAS, the City Council recognizes that this change to the
13 Municipal Code is consistent with the Comprehensive Plan land use
14 policies.
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16 NOW, THEREFORE, the City Council of the City of Kirkland do
17 ordain as follows:
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19 Section 1. Subsection 1.12.100(d)(3) of the Kirkland Municipal
20 is amended to read as follows:
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22 **1.12.100 Special provisions relating to enforcement of tree**
23 **regulations in Chapter 95 KZC.**
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25 (d) Tree and Site Restoration.
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29 (3) In the event the violators cannot restore the unlawfully removed
30 or damaged trees, the violators shall pay a fee in lieu of restoration to
31 the city forestry account.

32 (A) Fees in lieu of restoration shall be \$450.00 ~~based on the value~~
33 ~~of the subject trees, utilizing the most recent version of the Pacific~~
34 ~~Northwest Chapter International Society of Arboriculture (ISA) "Species~~
35 ~~Ratings for Landscape Tree Appraisal" unit cost for conifer and/or~~
36 ~~deciduous tree replacement,~~ multiplied by the number of illegally
37 removed tree credits per Table 1.12.101. KZC 95.33(1)
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39 (B) If the diameter at breast height of a removed or damaged tree
40 trunk is unknown, determinations of tree value shall be made per
41 subsection (c)(4) of this section.
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Section 2. Kirkland Municipal Code Section 22.28.030 is amended to read as follows:

22.28.030 Lots—Size.

All lots within a subdivision must meet the minimum size requirements established for the property in the Kirkland Zoning Code or other land use regulatory document. The following provisions shall not apply to properties located in an RSA zone.

If a property is smaller than that required for subdivision by an amount less than or equal to ten percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may still proceed as long as the shortage of area is spread evenly over all of the lots in the subdivision. In cases where an existing structure or other physical feature (sensitive area, easement, etc.) makes even distribution of the size shortage difficult, an exception to the even distribution may be made.

If a property is smaller than that required for subdivision by an amount greater than ten percent and less than or equal to fifteen percent of the minimum lot size for the zoning district as shown on the Kirkland zoning map or as indicated in the Kirkland Zoning Code, subdivision may also proceed, as long as:

(a) The shortage of area is spread evenly over all of the lots in the subdivision (unless an existing structure or other physical feature such as a sensitive area or easement makes even distribution of the size shortage difficult); and

(b) All lots have a minimum lot width at the back of the required front yard of no less than fifty feet (unless the garage is located at the rear of the lot or the lot is a flag lot); and

(c) In zoning districts for which the Zoning Code establishes a floor area ratio (FAR) limitation, a covenant is signed prior to recording of the plat ensuring that building on the new lots will comply with an FAR restriction at least ten percentage points less than that required by the zoning district as shown on the Kirkland zoning map; such lots are not eligible for the design-based F.A.R. bonus described in KZC 115.42.4; and

(d) If any lot is smaller than the minimum lot size for the zoning district by an amount greater than five percent of the minimum lot size, the subdivision may be approved if the new lots are compatible, with regard to size, with other lots in the immediate vicinity of the subdivision.

A covenant must also be signed prior to recording of the plat to ensure that the garage will be located at the rear of the lot in cases where this option is chosen under subsection (b) of this section.

Section 3. 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

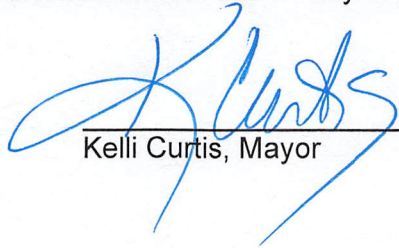
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court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. 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 Kirkland Municipal Code 1.08.017, in the summary form attached to the original of this ordinance and by this reference approved by the City Council, as required by law.

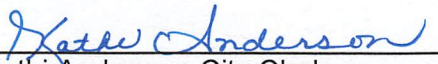
Passed by majority vote of the Kirkland City Council in open meeting this 7th day of May, 2024.

Signed in authentication thereof this 7th day of May, 2024.



Kelli Curtis, Mayor

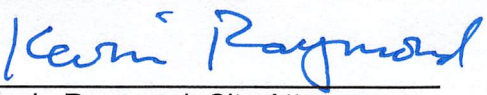
Attest:



Kathi Anderson, City Clerk

Publication Date: May 13, 2024

Approved as to Form:



Kevin Raymond, City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4877

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING PROVISIONS OF THE MUNICIPAL CODE RELATING TO CODE ENFORCEMENT ADMINISTRATION AND SUBDIVISIONS, AND SPECIFICALLY AMENDING SUBSECTION 1.12.100(d)(3) AND SECTION 22.28.030 OF THE KIRKLAND MUNICIPAL CODE; FILE NO. CAM24-00135.

1 SECTION 1. Amends Subsection 1.12.100(d)(3) of the
2 Kirkland Municipal Code ("KMC") related to tree and site
3 restoration.


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5 SECTION 2. Amends Section 22.28.030 of the KMC
6 related to subdivision lot size.

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8 SECTION 3. Provides a severability clause for the
9 ordinance.

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11 SECTION 4. Authorizes the publication of the ordinance
12 by summary, which summary is approved by the City Council
13 pursuant to Section 1.08.017 Kirkland Municipal Code and
14 establishes the effective date as five days after publication of
15 summary.

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17 The full text of this Ordinance will be mailed without charge
18 to any person upon request made to the City Clerk for the City of
19 Kirkland. The Ordinance was passed by the Kirkland City Council
20 at its meeting on the 7th day of May, 2024.

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22 I certify that the foregoing is a summary of Ordinance
23 O-4877 approved by the Kirkland City Council for summary
24 publication.



Kathi Anderson, City Clerk