



MEMORANDUM

To: Houghton Community Council

From: David Barnes, Green Building Team Lead and Project Manager
Stacey Rush, Senior Surface Water Engineer
Paul Stewart, Deputy Planning Director

Date: April 6, 2012

Subject: FINAL ACTION ON THE GREEN CODE PROJECT AMENDMENTS
File No. ZON10-00031

RECOMMENDATION

The Houghton Community Council (HCC) has three options for final action on the Green Codes Project Amendments. They are:

1. Approve the enclosed Houghton Resolution No. 2012-4 (see Attachment 1) which adopts Ordinances 4350 and 4351 as approved by the City Council on April 3, 2012. Approval of the resolution would make the ordinances effective within Houghton's jurisdiction;
2. Disapprove the project by a majority of the Community Council approving a resolution to disapprove; or
3. Fail to disapprove the Ordinances within 60 days after City Council approval. This would have the effect of approving the project.

Staff recommends the HCC approve the attached resolution (Option 1).

BACKGROUND

On March 20, recommendations on the Green Code amendments from the Planning Commission and HCC were presented to the City Council. On April 3, the City Council approved Ordinances 4350 and 4351 codifying the Green Code amendments. These ordinances adopted amendments to the Zoning and Municipal Codes.

Staff last met with the Houghton Community Council on January 23rd 2012. It was at that meeting that the final recommendations from the HCC were made and were included in the March 20, 2012 City Council packet.

On March 20, 2012, the recommendations from the Planning Commission (Jay Arnold, Chair) and the Houghton Community Council (John Kappler, Vice Chair) were transmitted to the City Council and staff summarized the differences between the PC and the HCC's recommendation. The two primary Issues/differences were:

1. Calculating Lot Coverage, KZC 115.90 – HCC would like to have an exemption from lot coverage calculations for swimming pools that provide a self draining pool cover. The Planning Commission did not agree with this exception. Council concurred with the Planning Commission's recommendation
2. Rooftop Appurtenances definition, KZC 5.10.817 – HCC would like the backs and side of solar panels mounted above the height limit on multi-family and commercial structures to be screened. The rationale provided for this was subjecting others to look at the back sides of solar panels was visual pollution. The HCC suggested that by including solar panels in the definition of rooftop appurtenances would make them subject to KZC 115.120 which requires screening. In addition to screening requirements, rooftop appurtenances are limited to 25% coverage of the roof top area. The height limit allowed for rooftop appurtenances is an additional four feet.

The City Council discussed the differences, asked questions and then agreed with the Planning Commission's recommendations. Staff was asked to bring back Ordinances to the April 3, 2012 City Council meeting that were congruent with the Planning Commission' recommendations. On April 3, 2012, staff returned with Ordinances 4350 and 4351 which described the Green Code Project amendments to the Kirkland Zoning and Municipal Codes (Attachment 2).

ISSUE CONSIDERATIONS:

It is staff's understanding that at the March 26 HCC meeting, the Green Codes project was brought up for discussion. Following that meeting, staff discussed the two issues shown above with John Kappler, Vice Chair of HCC and listened to the audio of the HCC meeting on March 26, 2012 meeting which clarified a change in the HCC's recommendation. The first issue was discussed and a majority of HCC members decided that swimming pools should not be given an exception to lot coverage calculations. This change in position reflected agreement with the Planning Commission's recommendation.

The second issue about including solar panels in the definition of Rooftop Appurtenances was debated and resolved. A majority of the HCC members agreed that there were unintended consequences by including solar panels in the definition of Rooftop Appurtenances, and that position should be changed and aligned with the Planning Commission's recommendation.

Although these two issues were resolved during the meeting, a majority of HCC members felt that that the rear and sides of solar panels should be screened. This is

the only remaining issue to be discussed. Screening for solar panels was not recommended by the Planning Commission and is not shown on attached ordinance O-4350 that has been approved by the City Council.

ATTACHMENTS

1. Houghton Resolution 2012-4 (Adopting Ordinances 4350 and 4351)
2. Ordinances 4350 (Amending Kirkland Zoning Code) and 4351 (Amending Kirkland Municipal Code)

RESOLUTION. 2012-4

A RESOLUTION OF THE HOUGHTON COMMUNITY COUNCIL APPROVING ORDINANCE NOS. 4350 and 4351 ADOPTED BY THE KIRKLAND CITY COUNCIL ON APRIL 3, 2012 ADOPTING THE GREEN CODE PROJECT AMENDMENTS (FILE NO. ZON10-00031).

WHEREAS, the Houghton Community Council has received from the Kirkland City Council Ordinance No. 4350, adopting the amendments to the Zoning Code and Ordinance No. 4351 adopting amendments to the Municipal Code.

WHEREAS, the subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council and shall become effective within the Houghton Community Municipal Corporation only upon approval by 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; and

WHEREAS, the subject of this ordinance was reviewed and discussed by the Houghton Community Council at a meeting held on April 23, 2012; and

WHEREAS, the Houghton Community Council elects to exercise its jurisdiction with respect to Ordinances No. 4350 and Ordinance No. 4351 by approving the ordinances;

NOW, THEREFORE, be it resolved that Ordinances are hereby approved and shall be effective within the Houghton Community Municipal Corporation.

PASSED by majority vote of the Houghton Community Council in regular, open meeting this ____ day of _____, 2012.

SIGNED IN AUTHENTICATION thereof this ____ day of _____, 2012.

Chair, Houghton Community Council

City Clerk

ORDINANCE O-4350

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, ADOPTING A "GREEN CODE" AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 5 – DEFINITIONS, CHAPTER 18 – SINGLE-FAMILY RESIDENTIAL A (RSA) ZONES, CHAPTER 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING, CHAPTER 105 – PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS, CHAPTER 110 – REQUIRED PUBLIC IMPROVEMENTS, CHAPTER 114 – LOW IMPACT DEVELOPMENTS, CHAPTER 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS, CHAPTER 180 – PLATES.

WHEREAS, the City Council has received recommendations from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of the text of the Kirkland Zoning Code, Ordinance 3719 as amended, all as set forth in that certain report and recommendations of the Planning Commission and the Houghton Community Council dated March 1, 2012 and bearing Kirkland Department of Planning and Community Development File No.ZON10-00031; and

WHEREAS, prior to making said recommendation, the Kirkland Planning Commission, following notice thereof as required by RCW 35A.63.100, on January 12, 2012 held a public hearing, on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council held a courtesy hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendations of the Planning Commission and Houghton Community Council;

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

Section 1. Zoning text amended: The following specified sections of the text of Ordinance 3719 as amended, the Kirkland

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Zoning Ordinance, be and they hereby are amended to read as follows:

As set forth in Attachment A attached to this Ordinance and incorporated by reference.

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.

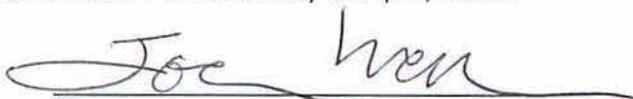
Section 3. To the extent the subject matter of this Ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this Ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community 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 60 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.

Section 5. A complete copy of this ordinance 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 3rd day of April, 2012.

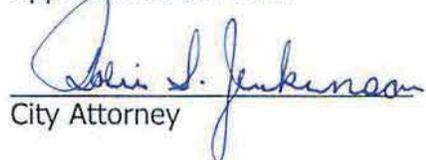
Signed in authentication thereof this 3rd day of April, 2012.


Mayor

Attest:


City Clerk

Approved as to Form:


City Attorney

**ATTACHMENT A
KIRKLAND ZONING CODE CHANGES
KIRKLAND ZONING CODE AMENDMENTS
FOR GREEN CODES
FILE ZON10-00031**

Chapter 5 – Definitions

(no change until)

5.10.071 Battery Charging Station (Level I, II and III)

- An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW as amended and consistent with rules adopted under RCW 19.27.540 as amended. The terms 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications:

- Level 1 is considered slow charging.
- Level 2 is considered medium charging.
- Level 3 is considered fast or rapid charging.

5.10.071.5 Battery Electric Vehicle (BEV)

- Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

5.10.071.6 Battery Exchange Station

- A facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery.

(no further change until)

5.10.177 Covered Bicycle Storage

- An enclosure or shelter in which bicycles can be secured and provides fully covered protection for bicycles from inclement weather and theft.

(no further change until)

5.10.271 Electric Vehicle

- Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle

5.10.272 Electric Vehicle Charging Station

-Electrical Vehicle Charging Station - A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

5.10.273 Electric Vehicle Infrastructure (EVI)

- Structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

5.10.274 Electric Vehicle Parking Space

- Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

(no further change until)

5.490.5 Low Impact Development

A stormwater management and land development strategy applied at the parcel and the subdivision scale that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions.

(no further change until)

5.10.610 Open Space - Land not covered by buildings, roadways, parking areas or surfaces through which water can percolate into the underlying soils. Vegetated and pervious land not covered by buildings, roadways, sidewalks, driveways, parking areas, plazas, terraces, swimming pools, patios, decks, or other similar impervious or semi-impervious surfaces.

(no further change until)

5.10.667 Plug-in-Hybrid Electric Vehicle (PHEV)

- An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

(no further change until)

5.10.682 Preferential Parking

Parking for Carpools, HOV's, high efficiency/low emission electric and alternative fuel vehicles.

(no further change until)

5.10.756 Rapid Charging Station

- An industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

(no further change until)

5.10.817 Rooftop Appurtenances

HVAC equipment, mechanical, or elevator equipment and penthouses, roof access stair enclosures, and similar equipment or appurtenances that extend above the roofline of a building, but not including personal wireless service facilities as defined by KZC 117.15 or solar panels as defined by KZC 5.10.881.1.

(no further change until)

5.10.881.1 Solar Panel

-A panel designed to absorb the sun's rays for generating electricity or heating.

(No Further Changes)

Chapter 18 – Single-Family Residential A (RSA) Zones

KZC 18.010 Special Regulations

1. Maximum units per acre is as follows:
 - a. In RSA 1 zone, the maximum units per acre is one dwelling unit.
 - b. In RSA 4 zones, the maximum units per acre is four dwelling units.
 - c. In RSA 6 zones, the maximum units per acre is six dwelling units.
 - d. In RSA 8 zones, the maximum units per acre is eight dwelling units.

In RSA 1, 4, 6 and 8 zones, not more than one dwelling unit may be on each lot, regardless of the size of the lot.
2. Minimum lot size per dwelling unit is as follows:
 - a. In RSA 1 zone, newly platted lots shall be clustered and configured in a manner to provide generally equal sized lots outside of the required open space area.
 - b. In RSA 4 zones, the minimum lot size is ~~7,600~~ 3,800square feet.
 - c. In RSA 6 zones, the minimum lot size is ~~5,100~~ 2,550square feet.
 - d. In RSA 8 zones, the minimum lot size is 3,800square feet.
3. Road dedication and vehicular access easements or tracts may be included in the density calculation, but not in the minimum lot size per dwelling unit.
4. Floor Area Ratio (F.A.R.) allowed for the subject property is as follows:
 - a. In RSA 1 zone, F.A.R. is 20 percent of lot size.
 - b. In RSA 4 zones, F.A.R. is 50 percent of lot size.
 - c. In RSA 6 zones, F.A.R. is 50 percent of lot size.
 - d. In RSA 8 zones, F.A.R. is 50 percent of lot size; provided, that F.A.R. may be increased up to 60 percent of lot size for the first 5,000 square feet of lot area if the primary roof form of all structures on the site is peaked, with a minimum pitch of four feet vertical to 12 feet horizontal.

F.A.R. is not applicable for properties located within the jurisdiction of the Shoreline Management Act regulated under Chapter 83 KZC.

See KZC 115.42, Floor Area Ratio (F.A.R.) Calculation for Detached Dwelling Units in Low Density Residential Zones, for additional information.

5. On corner lots, only one front yard must be a minimum of 20 feet. All other front yards shall be regulated as a side yard (minimum five-foot yard). The applicant may select which front yard shall meet the 20-foot requirement.
6. Garages shall comply with the requirements of KZC 115.43, including required front yard.
7. Chapter 115 KZC contains regulations regarding home occupations and other accessory uses, facilities and activities associated with this use.

(No Further changes)

Chapter 95 – Tree Management and Required Landscaping

(no changes until)

95.32.3 Incentives and Variations to Development Standards

In order to retain trees, the applicant should pursue provisions in Kirkland's codes that allow development standards to be modified. Examples include but are not limited to number of parking stalls, right-of-way improvements, lot size reduction under Chapter 22.28 KMC, lot line placement when subdividing property under KMC Title 22, Planned Unit Developments, and required landscaping, including buffers for lands use and parking/driving areas.

Requirements of the Kirkland Zoning Code may be modified by the Planning Official as outlined below when such modifications would further the purpose and intent of this chapter as set forth in KZC 95.05 and would involve trees with a high or moderate retention value.

1. Common Recreational Open Space. Reductions or variations of the area, width, or composition of required common recreational open space may be granted.
2. Parking Areas and Access. Variations in parking lot design and/or access driveway requirements may be granted when the Public Works and Planning Officials both determine the variations to be consistent with the intent of City policies and codes.
3. Required Yards. Initially, the applicant shall pursue options for placement of required yards as permitted by other sections of this code, such as selecting one (1) front required yard in the RSX zone and adjusting side yards in any zone to meet the 15-foot total as needed for each structure

on the site. The Planning Official may also reduce the front, ~~or side~~ or rear required yards; provided, that:

- a. No required side yard shall be less than five (5) feet; and
- b. The required front yard shall not be reduced by more than five (5) feet in residential zones. There shall not be an additional five (5) feet of reduction beyond the allowance provided for covered entry porches.
- c. Rear yards that are not directly adjacent to another parcel's rear yard but that are adjacent to an access easement or tract, may be reduced by (5) feet.
- d. No required yard shall be reduced by more than (5) feet in residential zones.

(No further changes until)

95.44 Internal Parking Lot Landscaping Requirements

The following internal parking lot landscape standards apply to each parking lot or portion thereof containing more than eight (8) parking stalls.

1. The parking lot must contain 25 square feet of landscaped area per parking stall planted as follows:
 - a. The applicant shall arrange the required landscaping throughout the parking lot to provide landscape islands or peninsulas to separate groups of parking spaces (generally every eight (8) stalls) from one another and each row of spaces from any adjacent driveway that runs perpendicular to the row. This island or peninsula must be surrounded by a 6-inch-high vertical curb and be of similar dimensions as the adjacent parking stalls. Gaps in curbs are allowed for stormwater runoff.
 - b. Landscaping shall be installed pursuant to the following standards:
 - 1) At least one (1) deciduous tree, two (2) inches in caliper, or a coniferous tree five (5) feet in height.
 - 2) Groundcover shall be selected and planted to achieve 60 percent coverage within two (2) years.
 - 3) Natural drainage landscapes (such as rain gardens, bio-infiltration swales and bioretention planters) are allowed when designed in compliance with the stormwater design manual adopted in KMC 15.52.060.

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- c. Exception. The requirements of this subsection do not apply to any area that is fully enclosed within or under a building.

(no further changes until)

95.50.4 Installation Standards for Required Plantings

4. Soil Specifications. Soils in planting areas shall have adequate porosity to allow root growth. Soils which have been compacted to a density greater than one and three-tenths (1.3) grams per cubic centimeters shall be loosened to increase aeration to a minimum depth of 24 inches or to the depth of the largest plant root ball, whichever is greater. Imported topsoils shall be tilled into existing soils to prevent a distinct soil interface from forming. After soil preparation is completed, motorized vehicles shall be kept off to prevent excessive compaction and underground pipe damage. The soil quality organic content of soils in any landscape area shall comply with the soil quality requirements of the Public Works Pre-Approved Plans. be as necessary to provide adequate nutrient and moisture retention levels for the establishment of plantings. See subsection (9) of this section for mulch requirements.

(No Further Changes)

Chapter 105 - Parking Areas, Vehicle and Pedestrian Access, and Related Improvements

(No Changes Until)

105.10.2.d Vehicular Access Easement or Tract Standards

- d. The paved surface in an easement or tract shall have a minimum of two (2) inches of asphalt concrete over a suitably prepared base which has a minimum thickness of four (4) inches of crushed rock or three (3) inches of asphalt-treated base. The Department of Public Works is authorized to modify the standards for a paved surface on a case-by-case basis. Pervious surfaces (such as pervious concrete or asphalt, and modular or grassed modular grid pavement) can be used in compliance with the stormwater design manual adopted in KMC 15.52.060.

(No Further Changes Until)

105.18 Pedestrian Access

3. Pedestrian Access – Required Improvements

- a. Pedestrian Walkway Standards – General – The applicant shall install pedestrian walkways pursuant to the following standards:
- 1) Must be at least five (5) feet wide;
 - 2) Must be distinguishable from traffic lanes by painted markings, pavement material, texture, or raised in elevation;
 - 3) Must have adequate lighting for security and safety. Lights must be nonglare and mounted no more than 20 feet above the ground;
 - ~~4) Will not be included with other impervious surfaces for lot coverage calculations;~~
 - 5) Must be centrally located on the subject property;
 - 6) Must be accessible;
 - 7) Barriers which limit future pedestrian access between the subject property and adjacent properties are not permitted;
 - 8) Easements to provide rights of access between adjacent properties shall be recorded prior to project occupancy.

(No further Changes Until)

105.19 Public Pedestrian Walkways

(No changes until)

2. Required Improvements – The applicant shall install public pedestrian walkways pursuant to the following standards:
- a. General:
- 1) Pedestrian access shall be provided by means of dedicated rights-of-way, tracts, or easements at the City's option;
 - 2) The width of the access right-of-way, tract, or easement, and the walkway material and width, shall be determined per the Public Works Pre-Approved Plans;
 - 3) The height of solid (blocking visibility) fences along a pedestrian walkway that is not directly adjacent to a public or private street right-of-way shall be limited to 42 inches unless otherwise approved by the Planning or Public Works Directors;

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- 4) All new building structures shall be set back a minimum of five (5) feet from any pedestrian access right-of-way, tract, or easement that is not directly adjacent to a public or private street right-of-way;
- 5) The alignment of walkways shall consider the location of proposed and existing buildings (preferably located along building fronts or property lines);
- ~~6) The area developed as public pedestrian walkways will not be included with other impervious surfaces for lot coverage calculations;~~
- 76) Adequate pedestrian lighting at a maximum of 12 feet in height shall be provided along the pathway;
- 87) Overhead weather protection shall be installed consistent with KZC 105.18(3).

(No further Changes until)

105.34 Covered Bicycle Storage

If covered and secured bicycle storage is provided on site, a credit towards parking requirements at a ratio of one less parking stall per 6 bicycle spaces will be granted. The Planning Official may increase credits according to size of development and anticipated pedestrian and bicycle activity and proximity to transit facilities. A maximum reduction of 5% of required parking stalls may be granted. If a reduction of 5 or more stalls is granted, then changing facilities including showers, lockers shall be required.

(No Further Changes Until)

105.67 Parking Area Design – Preferential Parking Allowance

Parking stalls may be allocated for Preferential Parking. A restriction on types of vehicles using preferred stalls applies from 7AM to 10AM daily.

(No further Changes until)

105.77 Parking Area Design – Curbing

All parking areas and driveways, for uses other than detached dwelling units, must be surrounded by a 6-inch high vertical concrete curb. Gaps in Curbs are allowed for stormwater runoff.

(No further Changes until)

105.100 Parking Area Design – Surface Materials

1. General – The applicant shall surface the parking area and driveway with a material comparable or superior to the right-of-way providing direct vehicle access to the parking area. Pervious surfaces (such as pervious concrete or asphalt, and modular grid pavement) can be used in compliance with the stormwater design manual adopted in KMC 15.52.060.
2. Exception – ~~Grass grid pavers~~ Grassed Modular Pavement may be used for emergency access areas that are not used in required permanent circulation and parking areas.

(No Further Changes)

Chapter 110 – Required Public Improvements

(No Changes Until)

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. KZC 110.52 establishes specific sidewalk and other public improvement standards in Design Districts. Except as specified in subsections (2), (3) and (4) 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 (1/2) 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:

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- 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 5-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. Pervious pavement is permitted for the section of the right-of-way between the edge of the road way to the private driveway, if approved by the Public Works Director.
3. Required Paved Connection – In all cases except for alleys, 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. Pervious pavement can be permitted as the hard surface. The applicant may request a modification, deferment or waiver of this requirement through KZC 110.70.
4. Capital Improvement Projects – If the City Council has approved a capital improvements plan for a particular public right-of-way, that plan will govern the improvements required for right-of-way. To the extent feasible, public projects shall be designed pursuant to the standards established for each Design District contained in the Public Works Pre-Approved Plans manual.

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 or Fire Marshall. 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 dwellings using the alley for primary vehicular access, the applicant shall pave a 12-foot-wide asphalt apron extending 20 feet from the nearest improved street toward the subject property. For all types of development permits, the Public Works Director shall determine the extent and nature of other improvements required in alleys on a case-by-case basis. Typical improvements include, but are not limited to, replacement of the alley

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driveway apron and curb, installation of storm drainage, repair of existing paving, and installation of crushed rock in gravel alleys. The use of pervious pavement in alleys will be considered if approved by the Public Works Director.

(No Further Changes)

New Chapter

Chapter 114 – Low Impact Development

Sections:

- 114.05 User Guide
- 114.10 Voluntary Provisions and Intent
- 114.15 Parameters for Low Impact Development
- 114.20 Design Standards and Guidelines
- 114.25 Review Process
- 114.30 Additional Standards
- 114.35 Required Application Documentation

114.05 User Guide

This chapter provides standards for an alternative type of site development that ensures low impact development (LID) facilities are utilized to manage stormwater on project sites in specified low density zones. If you are interested in proposing detached dwelling units or two unit home that reduce environmental impacts or you wish to participate in the City's decision on a project including this type of site development, you should read this chapter.

114.10 Voluntary Provisions and Intent

The provisions of this chapter are available as alternatives to the development of typical lots in low density zones.. In the event of a conflict between the standards in this chapter and the standards in KZC Chapters 15, 17 or 18, the standards in this chapter shall control except for the standards in KZC 83 and 141.

The goal of LID is to conserve and use existing natural site features, to integrate small-scale stormwater controls, and to prevent measurable harm

to streams, lakes, wetlands, and other natural aquatic systems from development sites by maintaining a more hydrologically functional landscape. LID may not be applicable to every project due to topography, high groundwater, or other site specific conditions.

The LID requirements in this code do not exempt an applicant from stormwater flow control and water quality treatment development requirements. LID facilities can be counted toward those requirements, and in some cases may meet the requirements without traditional stormwater facilities (pipes and vaults).

The purpose of this chapter is to allow flexibility, establish the development guidelines, requirements and standards for low impact development projects. Because all projects are required to use some form of LID techniques and facilities as feasible, the use of LID techniques does not necessarily fulfill all the requirements for a LID project. This chapter is intended to fulfill the following purposes:

- (1) Manage stormwater through a land development strategy that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic conditions.
- (2) Encourage creative and coordinated site planning, the conservation of natural conditions and features, the use of appropriate new technologies and techniques, and the efficient layout of streets, utility networks and other public improvements.
- (3) Minimize impervious surfaces.
- (4) Encourage the creation or preservation of permanent forested open space.
- (5) Encourage development of residential environments that are harmonious with on-site and off-site natural and built environments.
- (6) Further the goals and the implementation of the policies of the Comprehensive Plan.

114.15 Parameters for Low Impact Development

Please refer to KZC 114.30 and 114.35 for additional requirements related to these standards.

Permitted Housing Types	<ul style="list-style-type: none"> • Detached Dwelling Units • Accessory Dwelling Units • 2/3 Unit Homes
Minimum Lot Size	<ul style="list-style-type: none"> • Individual lot sizes must be at least 50% of the minimum lot size for the underlying Zone.
Minimum Number of lots	<ul style="list-style-type: none"> • 4 lots

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Maximum Density	<ul style="list-style-type: none"> As defined in underlying zone's Use Zone Chart Bonus Density is calculated by multiplying number of lots or units by .10. If a fraction of .5 or higher is obtained then round to the next whole number.
Low Impact Development	<ul style="list-style-type: none"> LID techniques must be employed to control stormwater runoff generated from 50% of all hard surfaces. This includes all vehicular and pedestrian access. LID facilities must be designed according to Public Works stormwater development regulations as stated in KMC 15.52.
Locations	<p>Allowed in Low density Residential Zones with the exception of the following:</p> <p>PLA 16, PLA 3C, RSA 1, RSA8 , RS 35 and RSX 35 zones in the Bridle Trails neighborhood, and the Holmes Point Overlay zone. Any property or portion of a property with shoreline jurisdiction must meet the regulations found in Chapter 83 KZC, including minimum lot size or units per acre and lot coverage.</p>
Review Process	<ul style="list-style-type: none"> Short Plats shall be reviewed under KMC 22.20.15 and Subdivisions shall be reviewed under KMC 22.12.015. Condominium Projects shall be reviewed under KZC 145, Process I
Parking Requirements	<ul style="list-style-type: none"> 2 stalls per detached dwelling unit 1 stall per accessory dwelling unit 1.5 stalls per unit in multi-unit home, rounded to next whole number See KZC 105.20 for guest parking requirements Parking pad width required in KZC 105.47 may be reduced to 10 feet. Parking Pad may be counted in required parking Tandem Parking is allowed where stalls are share by the same dwelling unit. Shared garages in separate tract are allowed All required parking must be provided on the LID project site.
Ownership Structure	<ul style="list-style-type: none"> Subdivision Condominium
Minimum Required Yards (from exterior property lines of the LID project)	<ul style="list-style-type: none"> 20 feet for all front yards 10 feet for all other required yards
Minimum Required Yards (from internal property lines)	<ul style="list-style-type: none"> Front: 10 feet Option: Required front yard can be reduced to 5 feet, if required rear yard is increased by same amount of front yard reduction.

	<ul style="list-style-type: none"> • Side and Rear: 5 feet • Zero Lot line for 2/3 unit homes between internal units.
Front Porches	<ul style="list-style-type: none"> • Must comply with KZC 115.115.3.(n), except that Front Entry porches may extend to within 5 feet of the interior required front yard.
Garage Setbacks	<ul style="list-style-type: none"> • Must comply with KZC 115.43, except that attached garages on front façade of dwelling unit facing internal front property line must be setback 18 feet from internal front property line.
Lot Coverage (All impervious surfaces)	<ul style="list-style-type: none"> • Maximum lot coverage for entire site is based on maximum lot coverage percentage of underlying zone.
Required Common Open Space(RCOS)	<ul style="list-style-type: none"> • Minimum of 40% of entire development • Native & undisturbed vegetation is preferred • Allowance of 1% of required common open space for shelters or other recreational structures • Paths connecting and within required common open space to development must be pervious • Landscape Greenbelt Easement is required to protect and keep required common open space undeveloped in perpetuity.
Maximum Floor Area ¹	<ul style="list-style-type: none"> • Maximum Floor Area is 50% of the minimum lot size of the underlying zone

Footnotes:

1. The Maximum Floor Area for LID projects does not apply within the disapproval jurisdiction of Houghton.

114.20 Design Standards and Guidelines**1. Required Low Impact Development Stormwater Facilities**

Low Impact Development (LID) Stormwater facilities shall be designed to control stormwater runoff from 50% of all hard surfaces created within entire development. This includes all vehicular and pedestrian access. LID facilities shall be designed according to Public Works stormwater development regulations, as stated in KMC 15.52.060. The maintenance of LID facilities shall be maintained in accordance with requirements in KMC 15.52.120. The proposed site design shall incorporate the use of LID strategies to meet stormwater management standards. LID is a set of techniques that mimic natural watershed hydrology by slowing, evaporating/transpiring, and filtering water, which allows water to soak into the ground closer to its source. The design should seek to meet the following objectives:

- 1) Preservation of natural hydrology.

- 2) Reduced impervious surfaces.
- 3) Treatment of stormwater in numerous small, decentralized structures.
- 4) Use of natural topography for drainage ways and storage areas.
- 5) Preservation of portions of the site in undisturbed, natural conditions.
- 6) Restoration of Disturbed Sites
- 7) Reduction of the use of piped systems. Whenever possible, site design shall use multifunctional open drainage systems such as rain gardens, vegetated swales or filter strips that also help to fulfill landscaping and open space requirements.

2. Required Common Open Space

Common open space shall support and enhance the project's LID stormwater facilities; secondarily to provide a sense of openness, visual relief, and community for Low Impact Development projects. The minimum percentage for common open space is 40% and is calculated using the size of the whole development. The common open space must be outside of wetlands, streams, and developed and maintained to provide for passive recreational activities for the residents of the development.

- 1) Conventional Surface water management facilities, such as vaults and tanks shall be limited within common open space areas and shall be placed underground at a depth to sufficiently allow landscaping to be planted on top of them. Low Impact Development (LID) features are permitted, provided they do not adversely impact access to or use of the common open space for passive recreation. Neither conventional or LID stormwater facilities can result in the removal of healthy native trees, unless a positive net benefit can be shown and there is no other alternative for the placement of stormwater facilities. The Public Works Director must approve locating conventional stormwater facilities within the Common Open Space.
- 2) Existing native vegetation, forest litter and understory shall be preserved to the extent possible in order to reduce flow velocities and encourage sheet flow on the site. Invasive species, such as Himalayan blackberry, must be removed and replaced with native plants (see Kirkland Native Plant List). Undisturbed native

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vegetation and soil shall be protected from compaction during construction.

- 3) If no existing native vegetation, then applicant may propose a restoration plan that shall include all native species. No new lawn is permitted and all improvements installed must be of pervious materials.
- 4) Vegetation installed in common open space areas shall be designed to allow for access and use of the space by all residents, and to facilitate maintenance needs. However, existing mature trees should be retained.

114.25 Review Process

1. Approval Process – Low Impact Development Projects

- a. The City will review and process an application for a LID project concurrent with and through the same process as the underlying subdivision proposal (Process I, Chapter 145 KZC for Short Plats; Process IIA, Chapter 150 KZC for Subdivisions. However, public notice for LID projects shall be as set forth under the provisions of Chapter 150 KZC (Process IIA). A Process I and site plan review will be required for projects that use a condominium ownership structure and do not subdivide the property into individually platted lots.

- b. Lapse of Approval

Unless otherwise specified in the decision granting Process I approval, the applicant must begin construction or submit to the City a complete building permit application for development of the subject property consistent with the Process I approval within four years after the final decision granting the Process I approval or that decision becomes void. The applicant must substantially complete construction consistent with the Process I approval and complete all conditions listed in the Process I approval decision within six years after the final decision on the Process I approval or the decision becomes void. "Final decision" means the final decision of the Planning Director.

2. Approval Process – 2/3 Unit Homes

The City will review and process a LID project application that includes a 2/3 unit home with an additional land use process as follows:

One 2/3 unit home requires a Process I review

More than one 2/3 unit home requires a Process IIA review

3. Approval Process – Requests for Modifications to Standards

a. Minor Modifications

Applicants may request minor modifications to the general parameters and design standards set forth in this chapter. The Planning Director under a Process I, KZC 145 or Hearing Examiner under Process IIA, KZC 150 may modify the requirements if all of the following criteria are met:

- 1) The site is constrained due to unusual shape, topography, easements or sensitive areas, and
- 2) The modification is consistent with the objectives of this chapter, and
- 3) The modification will not result in a development that is less compatible with neighboring land uses.

114.30 Additional Standards

1. The City's approval of a Low Impact Development project does not constitute approval of a subdivision or short plat. An applicant wishing to subdivide in connection with a development under this chapter shall seek approval to do so concurrently with the approval process under this chapter.
2. To the extent there is a conflict between the standards set forth in this chapter and Title 22 of the Kirkland Municipal Code, the standards set forth in this chapter shall control.

114.35 Required Application Documentation

1. Site Assessment documents to be submitted with application include:
 - a. Survey prepared by a registered land surveyor or civil engineer.
 - b. Location of all existing and proposed lot lines and easements.
 - c. Location of all sensitive areas, including lakes, streams, wetlands, flood hazard areas, and steep slope/erosion hazard areas.
 - d. Landscape Plan showing existing and proposed trees and other vegetation.

- 2. Soil report prepared by a licensed civil engineer, geotechnical engineer, or engineering geologist.
- 3. Stormwater Drainage Report/Technical Information Report

(No further Changes)

Chapter 115 – Miscellaneous Use Development and Performance Standards

(No Changes Until)

115.33 is a new section

115.33 Electric Vehicle Infrastructure

- 1. Purpose and Intent - It is the intent of these development regulations to encourage the use and viability of electric vehicles as they have been identified as a solution to energy independence, cleaner air and significantly lower green house gas emissions.

Electric vehicles need access to Electric Vehicle Infrastructure (EVI) in appropriate locations. In 2009 the Washington State Legislature passed House Bill 1481 relating to electric vehicles. The bill addressed EVI which includes the structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

The purpose of the development regulations in this section is to meet the State of Washington requirements and to also allow battery charging stations and battery exchange stations in appropriate use zones throughout the City.

- 1. General – This section establishes where the components of Electric Vehicle Infrastructure are allowed within the City.

Exceptions-

Electric Vehicle Infrastructure may not be located in any sensitive areas, their buffer or buffer setbacks.

2. All Use Zones

Level I and Level II Battery Charging Stations are allowed as an accessory use to an approved use within all Use Zones.

3. Commercial Zones

- a. A Battery Exchange station is allowed as an accessory use to all commercial zones where repair or maintenance of vehicles is permitted.
- b. A Rapid Battery (Level III) Charging Station is allowed as an accessory use to all commercial zones where repair and maintenance of vehicles is permitted including Gas Stations.

4. Industrial Zones

- a. A Rapid Battery (Level III) Charging Station is allowed as an accessory use to an approved use within the Light Industrial Technology (LIT) or other Industrial zones where Repair and Maintenance of vehicles is permitted.
- b. A Battery Exchange Station is allowed as an accessory use to an approved use within the Light Industrial Technology (LIT) or other industrial zones where repair and maintenance of vehicles is permitted.

5. Institutional Uses

A Rapid Battery Charging Station (Level III) is allowed as an accessory use to an approved institutional use.

6. Signage is required to identify a charging station for the exclusive use of an electric vehicle. Onsite signage shall also be required to provide directional assistance. (See Plate 45 in KZC 180).

(No further Changes Until)

115.60 Height Regulations – Exceptions

1. General – No element or feature of a structure, other than as listed in subsection (2) of this section, may exceed the applicable height limitation established for each use in each use zone in Chapters 15 through 60 KZC.

For properties within jurisdiction of the Shoreline Management Act, see Chapter 83 KZC.

2. Exceptions

a. Detached Dwelling Units

- 1) Vents and chimneys for a detached dwelling unit may exceed the maximum height limit.
- 2) Skylights may exceed the height limit by a maximum of six (6) inches.
- 3) Rod, wire and dish antennas, to the extent they do not constitute personal wireless service facilities, which are subject to the provisions of Chapter 117 KZC, may not be placed above the maximum height allowed for any structure unless approved by the Planning Director. The City will approve the application if it can be demonstrated that views across the subject property are not substantially impaired and that the antenna must be placed above the roofline in order to function properly. The decision of the Planning Director in approving or denying a rod, wire, or dish antenna may be appealed using the appeal provision, as applicable, of Process I, KZC 145.60.

For the purposes of this subsection, "dish antenna" includes any antenna, whether or not it is of solid or mesh construction, designed or constructed so that the horizontal dimension of its microwave reflector or collector face equals or exceeds 30 percent of its vertical dimension. The phrase "rod or wire antenna" includes those antennas not falling within the definition of dish antenna and antennas for use by licensed amateur radio operators.

- 4) Solar panels on flat roof forms (less than 2:12) may exceed the height limit by a maximum of six (6) inches.¹

¹This sub-section is not effective within the disapproval jurisdiction of the Houghton Community Council

b. Other Structures

- 1) Rooftop appurtenances and their screens, subject to KZC 115.120, including roof forms pursuant to KZC 115.120(3).

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- 2) The provisions in Chapter 117 KZC related to personal wireless service facilities supersede the provisions of this section to the extent an appurtenance falls within the definition of a personal wireless service facility.
- 3) Skylights may exceed the height limit by a maximum of six (6) inches. 4) Solar panels on sloped roof forms (greater than or equal to 2:12) may exceed height limits by a maximum of six (6) inches. Solar Panels on flat roof forms (less than 2:12) may exceed height limits by a maximum of twenty (20) inches.

(No Further changes until)

115.90 Calculating Lot Coverage

1. General – The area of all structures and pavement and any other impervious surface on the subject property will be calculated as a percentage of total lot area. If the subject property contains more than one (1) use, the maximum lot coverage requirements for the predominant use will apply to the entire development. The following exceptions shall not exceed an area equal to ten percent of the total lot area. Lot area not calculated under lot coverage must be devoted to open space as defined in KZC 5.610.
2. Exceptions
 - ~~a. Wood decks may be excluded if constructed with gaps between the boards and if there is pervious surface below the decks.~~
 - ~~ba. An access easement or tract that is not included in the calculation of lot size will not be used in calculating lot coverage for any lot it serves or crosses.~~
 - ~~e. For detached dwelling units in low density zones and having a front yard, 10 feet of the width of a driveway, outside of the required front yard, serving a garage or carport; provided, that:~~

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- ~~1) This exception cannot be used for flag or panhandle lots;~~
 - ~~2) The portion of the driveway excepted from lot coverage calculations shall not exceed 10 percent of the lot area; and~~
 - ~~3) The portion of the driveway excepted is not located in an access easement.~~
- ~~d. Grass grid or brick pavers and compact gravel, when installed over a pervious surface, will be calculated as impervious surface at a ratio of 50 percent of the total area covered.~~
 - ~~e. Outdoor swimming pools.~~
 - ~~f. Pedestrian walkways required by Chapter 83 KZC and KZC 105.18.~~
 - ~~g. Pervious areas below eaves, balconies, and other cantilevered portions of buildings.~~
 - ~~h. Landscaped areas at least two (2) feet wide and 40 square feet in area located over subterranean structures if the Planning Official determines, based on site-specific information submitted by the proponent and prepared by a qualified expert, soil and depth conditions in the landscaped area will provide cleansing and percolation similar to that provided by existing site conditions.~~
 - ~~i. Retaining walls not immediately adjacent to other impervious areas.~~
3. Exemptions – The following exemptions will be calculated at a ratio of 50 percent of the total area covered. Exempted area shall not exceed an area equal to ten percent of the total lot area. Installation of exempted surfaces shall be done in accordance with the current adopted King County Stormwater Design Manual.
1. Permeable pavement (non-grassed).
 2. Grassed modular grid pavement.
 3. Open grid decking over pervious area.
 4. Pervious surfaces in compliance with the stormwater design manual adopted in KMC 15.52.06.

(No Changes until)

115.115.3.q Required Yards

g. Insulation, installed in or on an existing structure, may encroach eight (8) inches into a required yard unless precluded by Fire or Building Codes.

(No Further Changes)

Chapter 180 – Plates

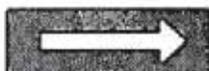
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Plate 45 Electric Vehicle Charging Station Signage



12" X 12"

Directional – Off-street Parking Lot or Parking Garage



12" X 6"

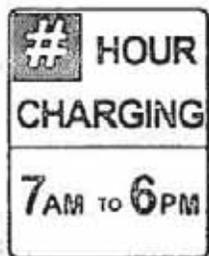


12" X 12"

Off-Street Electric Vehicle Parking – Parking Space with Charging Station Equipment



12" X 18"



12" X 18"

PUBLICATION SUMMARY
OF ORDINANCE O-4350

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE, ADOPTING A "GREEN CODE" AND AMENDING ORDINANCE 3719 AS AMENDED, THE KIRKLAND ZONING ORDINANCE: CHAPTER 5 – DEFINITIONS, CHAPTER 18 – SINGLE-FAMILY RESIDENTIAL A (RSA) ZONES, CHAPTER 95 – TREE MANAGEMENT AND REQUIRED LANDSCAPING, CHAPTER 105 – PARKING AREAS, VEHICLE AND PEDESTRIAN ACCESS, AND RELATED IMPROVEMENTS, CHAPTER 110 – REQUIRED PUBLIC IMPROVEMENTS, CHAPTER 114 – LOW IMPACT DEVELOPMENTS, CHAPTER 115 – MISCELLANEOUS USE DEVELOPMENT AND PERFORMANCE STANDARDS, CHAPTER 180 – PLATES.

SECTION 1. Amends various sections of the Kirkland Zoning Code relating to the adoption of a "Green Code" as set forth in the title of the ordinance.

SECTION 2. Provides a severability clause for the Ordinance.

SECTION 3. Provides that, to the extent the Ordinance is subject to the disapproval jurisdiction of the Houghton Community Council, it will become effective in the Houghton Community Municipal Corporation upon approval of the Houghton Community Council, or the failure of said Community Council to disapprove the Ordinance within 60 days of the passage of the 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.

SECTION 5. Provides that a certified copy of the Ordinance will be provided to the 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 3rd day of April, 2012.

I certify that the foregoing is a summary of Ordinance O-4350 approved by the Kirkland City Council for summary publication.



City Clerk

ORDINANCE O-4351

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE SUBDIVISION OF LAND AND ADOPTING "GREEN CODE" PROVISIONS. (FILE NO. ZON10-00031).

WHEREAS, the City Council has received a recommendation from the Kirkland Planning Commission and the Houghton Community Council to amend certain sections of Kirkland Municipal Code, as set forth in that certain staff report approved by the Planning Commission and the Houghton Community Council dated March 1, 2012, and bearing Kirkland Department of Planning and community Development File No.ZON10-00031; and

WHEREAS, prior to making said recommendation, the Planning Commission, on January 12, 2012, held a public hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, prior to making said recommendation, the Houghton Community Council, on January 12, 2012, held a courtesy hearing on the amendment proposals and considered the comments received at said hearing; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA) there has accompanied the legislative proposal and recommendation through the entire consideration process, a SEPA Addendum to Existing Environmental Documents issued by the responsible official pursuant to WAC 197-11-625; and

WHEREAS, in regular public meeting the City Council considered the environmental documents received from the responsible official, together with the report and recommendations of the Planning Commission and the Houghton Community Council.

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

Section 1. Kirkland Municipal Code ("KMC") Section 15.52.060 is hereby amended to read as follows:

15.52.060 Design and construction standards and requirements.

(a) The standard plans as defined in Section 15.04.340 shall include requirements for temporary erosion control measures, storm water detention, water quality treatment and storm water conveyance facilities that must be provided by all new development and redevelopment projects. These standards shall meet or exceed the thresholds, definitions, minimum requirements, and exceptions/variances criteria found in

Appendix I of the Western Washington Phase II Municipal Stormwater Permit, the 2009 King County Surface Water Design Manual, and the City of Kirkland Addendum to the 2009 King County Surface Water Design Manual as presently written or hereafter amended.

(b) Unless otherwise provided, it shall be the developer's and property owner's responsibility to design, construct, and maintain a system which complies with the standards and minimum requirements as set forth in the standard plans.

(c) In addition to providing storm water quality treatment facilities as required in this section and as outlined in the standard plans, the developer and/or property owner shall provide source control BMPs best management practices as described in Volume IV of the 2005 Stormwater Management Manual for Western Washington, such as structures and/or a manual of practices designed to treat or prevent storm water pollution arising from specific activities expected to occur on the site. Examples of such specific activities include, but are not limited to, carwashing at multifamily residential sites and oil storage at auto repair businesses.

(d) Privately maintained stormwater structures are not allowed within the public right-of-way, except on a case by case basis with approval from the Public Works Director.

~~(d)~~(e) The city will inspect all permanent storm water facilities prior to final approval of the relevant permit. All facilities must be clean and fully operational before the city will grant final approval of the permit. A performance bond may not be used to obtain final approval of the permit prior to completing the storm water facilities required under this chapter.

~~(e)~~(f) Adjustment Process. Any developer proposing to adjust the requirements for, or alter design of, a system required as set forth in the standard plans must follow the adjustment process as set forth in the standard plans.

~~(f)~~(g) Other Permits and Requirements. It is recognized that other city, county, state, and federal permits may be required for the proposed action. Further, compliance with the provisions of this chapter when developing and/or improving land may not constitute compliance with these other jurisdictions' requirements. To the extent required by law, these other requirements must be met.

Section 2. A new Section 22.28.041 of the KMC is hereby adopted to read as follows:

22.28.041 Lots - Low Impact Development

(a) In multiple lot Low Impact Development subdivisions (4 lots or more) not located in an RSA 1 zone or in the Holmes Point Overlay and not subject to Sections 22.28.030 and 22.28.040, the minimum lot area shall be deemed to have been met if the minimum lot area is not less than 50% of the lot area required of the zoning district in which the property is located as identified on the zoning map; provided that all lots meet the following standards:

(1) Within the RSA 6 zone, the lots shall be at least 2,550 square feet.

(2) Within the RSA 4 zone, the lots shall be at least 3,800 square feet.

(b) The lots within the Low Impact Development meet the design standards and guidelines and approval criteria as defined in Chapter 114 of the Kirkland Zoning Code.

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

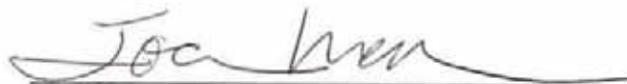
Section 4. The subject matter of this ordinance, pursuant to Ordinance 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, and therefore, this ordinance shall become effective within the Houghton Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this ordinance within 60 days of the date of the passage of this ordinance.

Section 5. Except as provided in Section 4, this ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Section 6. A complete copy of this ordinance 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 3rd day of April, 2012.

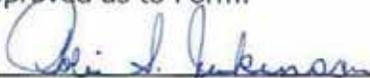
Signed in authentication thereof this 3rd day of April, 2012.


MAYOR

ATTEST:


City Clerk

Approved as to Form:


City Attorney

