

CITY OF KIRKLAND

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DEPARTMENT OF PUBLIC WORKS PRE-APPROVED PLANS POLICY

Policy R-15: Permitted Landscaping in Public Right-of-way

Kirkland Municipal Code (KMC) 19.04.050 allows property owners to incorporate unused public right-of-way into the landscaping design of the abutting property. KMC 19.04.010 does not allow a person to place objects within the public right-of-way that obstruct or tend to obstruct vehicles or pedestrians traveling thereon except as provided for in 19.010.40 or without City of Kirkland authorization. The KMC does not define "landscaping" sufficiently to help the property owner choose appropriate landscaping that preserves the right-of-way for public use, now or in the future. To preserve the public right-of-way, the restrictions in 19.04.010 shall take precedence over the exception allowed in 19.04.050.

Landscaping shall be limited in size to not impact or obstruct the installation or maintenance of existing or future utilities. (ex. No trees, arborvitae or large bushes)

In addition, landscaping shall not obstruct sight distance of drivers exiting driveways or at intersections in accordance with Kirkland Zoning Code 115.135 and Policy R-13 – Intersection Sight Distance.

Policy R-15 clarifies acceptable landscaping for the following three situations:

- In the public right-of-way Between the curb and sidewalk and back of sidewalk
- In the public right-of-way between the property line and curb when a sidewalk or other designated path does not exist
- In the public right-of-way between the property line and edge of pavement when a curb does not exist

Public Works will evaluate other situations on a case-by-case basis.

Permit and Hold Harmless Agreement

Depending on the landscaping, the City might require the adjacent property owner to obtain a City Right-of-way Permit, sign a City Hold Harmless Agreement (Agreement) and the Agreement must be recorded. The City can revoke a Right-of-way Permit at any time. The Agreement informs the signatory the City will not be held responsible for any damages resulting from the construction of a fence within a public right-of-way. The property owner should meet with City staff to review the proposed or existing landscaping to determine the need for a permit and Agreement.

In Public Right-of-way Between Curb and Sidewalk and Back of Sidewalk

Plantings selection and installation shall conform to Kirkland Zoning Code Chapter 95. Plant selection should be guided by the Kirkland Plant List referenced in KZC 95.50.5.a and available on the City's website. Between curb and sidewalk, plant height shall be maintained no higher than 12 inches, except for required street trees. Landscaping shall not encroach on or overhang the sidewalk or curb in the public right-of-way.

In Public Right-of-Way between Property Line and Curb without a Sidewalk or Path

Public Works will allow property owners to implement the following ground treatments in the public street right-of-way between the property line and curb.

- Grass
- Gravel
- Mulch
- Low-growth plants no more than 12 inches maximum height, provided the landscaping design leaves a minimum 5-foot wide continuous opening available for pedestrian passage in the right-of-way, and the plants do not encroach on the 5-foot wide opening or overhang the curb.

Landscaping shall not obstruct or tend to obstruct pedestrian passage along the public right-of-way per Kirkland Municipal Code Section 19.04.010. Landscaping shall not block access to curb at intersections. River cobbles, boulders, ground modifications, fencing or other treatments are not allowed if these treatments might impede pedestrian passage.

In Public Right-of-Way without a Curb between Property Line and Edge of Pavement

A property owner can implement the following ground treatments in the public street right-of-way between the property line and edge of pavement.

- Grass
- Gravel
- Mulch

These treatments shall be implemented in a manner that does not remove or otherwise restrict parking. River cobbles, boulders, shrubs, trees or other objects shall not be placed in the road shoulder that would obstruct or tend to obstruct vehicles or persons per Kirkland Municipal Code Section 19.04.010.

If the City's Street Division installs gravel in lieu of landscaping, the City will maintain the graveled portion.

Public Right-of-way Landscaping Maintenance

The owner of the abutting property is responsible for maintaining the landscaping, including watering, trimming, and weeding, unless the property owner obtains a written agreement from the City's Maintenance Center agreeing to perform this work.