

STREETS & SIDEWALKS
 Ordinance No. 123104

Council Bill No. 116596

An ordinance relating to land use and zoning; amending Section 23.53.006 of the Seattle Municipal Code to provide exemptions from pedestrian access and circulation improvement standards for construction of certain single-family residences and accessory structures, and to make minor clarifications of language.

Related Legislation File: CF 310103

Date Introduced and Referred: <u>7-27-09</u>	To: (committee): <u>Planning, Land Use & Neighborhoods</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>9-28-09</u>	Date Presented to Mayor: <u>9-29-09</u>
Date Signed by Mayor: <u>9.30.09</u>	Date Returned to City Clerk: <u>10.1.09</u>
Published by Title Only <input type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Samuel I. Alonzo

Committee Action:

Date	Recommendation	Vote
<u>9/23/09</u>		<u>3-16-TR</u> <u>3-0</u>

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date	Decision	Vote
<u>9-28-09</u>	<u>Passed</u>	<u>8-0 (Excused: McIver)</u>

Law Department

ORDINANCE 123104

1
2 AN ORDINANCE relating to land use and zoning; amending Section 23.53.006 of the Seattle
3 Municipal Code to provide exemptions from pedestrian access and circulation
4 improvement standards for construction of certain single-family residences and accessory
5 structures, and to make minor clarifications of language.

6 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

7 Section 1. Section 23.53.006 of the Seattle Municipal Code, which section was adopted
8 by Ordinance 122615, is amended as follows:

9 **23.53.006 Pedestrian access and circulation((S))**

10 A. General Requirements. Pedestrian access and circulation are required on all streets in
11 all zones as set forth in this ((S))section. Pedestrian access and circulation improvements shall
12 meet the standards in the Right-of-Way Improvements Manual for sidewalks and pedestrian
13 walkways. The regulations in this section are not intended to preclude the use of Chapter 25.05
14 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental
15 impacts.

16 B. Dedication of New Streets. Sidewalks and curbs are required when new streets are
17 dedicated.

18 C. Within Urban Centers and Urban Villages. Within Urban Centers and Urban
19 Villages, sidewalks are required whenever new lots are created through the platting process,
20 including full and short subdivisions and unit lot subdivisions, and whenever development is
21 proposed that abuts any existing street without a sidewalk, in any zone, except as specified in
22 subsection 23.53.006.F((of this section)).
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1 D. Outside Urban Centers and Urban Villages. Outside of Urban Centers and Urban
2 Villages, sidewalks are required on an existing street in any of the following circumstances,
3 except as provided in subsection 23.53.006.F~~((of this section))~~:

4 1. In any zone with a pedestrian designation, sidewalks are required whenever
5 new lots are created through the platting process, including full and short subdivisions and unit
6 lot subdivisions, and whenever development is proposed.

7
8 2. On streets designated on the Industrial Streets Landscaping Maps, Exhibits
9 23.50.016_A and 23.50.016_B, sidewalks are required whenever new lots are created through the
10 platting process, including full and short subdivisions and unit lot subdivisions, and whenever
11 development is proposed. Sidewalks are required only for the portion of the lot that abuts the
12 designated street.

13
14 3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not
15 directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are
16 required whenever new lots are created through the platting process, including full and short
17 subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are
18 required only for the portion of the lot that abuts the arterial.

19
20 4. In SF, LDT and L1 zones, sidewalks are required when ten ~~((10))~~ or more
21 lots are created through the platting process, including full and short subdivisions and unit lot
22 subdivisions, and when ten ~~((10))~~ or more dwelling units are developed.

23
24 5. Outside of SF, LDT and L1 zones, except in IG1 and IG2 zones and on lots in
25 IB zones that are not directly across the street from or abutting lot in a residential or commercial
26 zone, sidewalks are required when six ~~((6))~~ or more lots are created through the platting



1 process, including full and short subdivisions and unit lot subdivisions, and when six (~~(6)~~) or
2 more dwelling units are developed.

3 6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not
4 directly across the street from or abutting lot in a residential or commercial zone, sidewalks are
5 required when the following nonresidential uses are developed:

6 a. (~~Seven hundred fifty (750)~~)750(0) square feet or more of gross floor
7 area of major and minor vehicle repair uses and multipurpose retail sales; and
8

9 b. (~~Four thousand (4,000)~~)4,000(0) square feet or more of nonresidential
10 uses not listed in subsection 23.53.006.D.6.a.

11 E. Requirements for Pedestrian Walkways in Certain Industrial Zones. In IG1 and IG2
12 zones, and on lots in IB zones that are not directly across the street from or abutting a lot in a
13 residential or commercial zone, whenever development is proposed on existing streets that do not
14 have curbs, a pedestrian walkway is required, except as provided in subsection 23.53.006.F(~~(of~~
15 ~~this section)~~)).
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17 F. Exceptions. The following exceptions to pedestrian access and circulation
18 requirements and standards apply:

19 1. Projects Exempt from Requirements. Pedestrian access and circulation
20 improvements are not required for the following types of projects:

21 a. changes of use;

22 b. alterations to existing structures;

23 c. additions to existing structures that are exempt from environmental
24 review;
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1 d. construction of a detached structure accessory to a single-family
2 dwelling unit located in any zone, if the property owner enters into a no-protest agreement, as
3 authorized by RCW Chapter 35.43, to future pedestrian access and circulation improvements and
4 that agreement is recorded with the King County Department of Records and Elections;

5 e. construction of a single-family dwelling unit on a lot in any zone, if the
6 property owner enters into a no-protest agreement, as authorized by RCW Chapter 35.43, to
7 future pedestrian access and circulation improvements and that agreement is recorded with the
8 King County Department of Records and Elections, and if at least one of the following
9 conditions is met:

10 1) the lot is located on a block front where there are no existing
11 pedestrian access and circulation improvements within 100 feet of the lot; or

12 2) construction of pedestrian access and circulation improvements
13 is not necessary because, for example, the existing right-of-way has suitable width and surface
14 treatment for pedestrian use; or the existing right-of-way has a limited amount of existing and
15 potential vehicular traffic; or the Director anticipates limited, if any, additional development near
16 the lot because the development near the lot is at or near zoned capacity under current zoning
17 designations.

18 ((d))f. expansions of surface parking, outdoor storage, outdoor sales and
19 outdoor display of rental equipment of less than ((twenty(-))20(+)) percent of the parking,
20 storage, sales or display area, or number of parking spaces((-)); and



1 ((iv.))4) Sidewalk construction would preclude vehicular access
2 to the lot, for example on project sites where topography would render driveway access in excess
3 of the maximum ((twenty)) 20 percent ((20%)) slope.

4 3. Deviation from Sidewalk Standards. The Director of Transportation may grant
5 a deviation from sidewalk standards specified in the Right-of-Way Improvements Manual
6 through the Deviation Request Process in order to address environmental and sustainability
7 issues through the use of an alternative sidewalk design and/or materials.

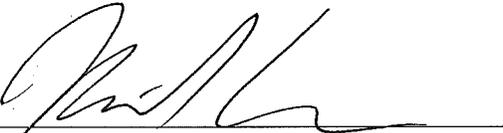
8 4. Notwithstanding any provision of Section 23.76.026, the applicant for a
9 Master Use Permit or a building permit to which the Land Use Code in effect prior to the
10 effective date of the ordinance enacting this subsection F.4 applies may, by written election, use
11 the exemptions in subsections 23.53.006.F.1, F.2, and F.3.
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13 Section 2. Severability. The provisions of this ordinance are declared to be separate and
14 severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion of
15 this ordinance, or the invalidity of the application thereof to any person or circumstance shall not
16 affect the validity of the remainder of this ordinance, or the validity of its application to other
17 persons or circumstances.
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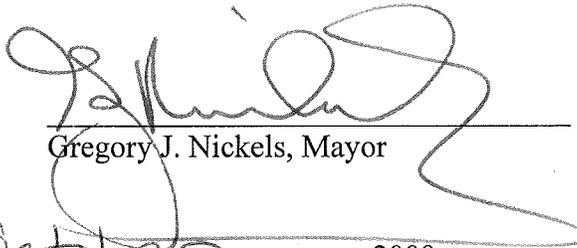
19 Section 3. This ordinance shall take effect and be in force 30 days from and after its
20 approval by the Mayor, but if not approved and returned by the Mayor within ten days after
21 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
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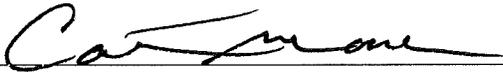
1 Passed by the City Council the ²³ 28 day of September, 2009, and
2 signed by me in open session in authentication of its passage this
3 ²³ 28 day of September, 2009.

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5 
6 President _____ of the City Council

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8 Approved by me this ^{30th} 30 day of September, 2009.

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10 
11 Gregory J. Nickels, Mayor

12 Filed by me this 1st day of October, 2009.

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14
15 
16 City Clerk

17 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Planning & Development	Bill Mills/684-8738	Karen Grove/684-5805

Legislation Title:

An ordinance relating to land use and zoning, amending Section 23.53.006 of the Seattle Municipal Code to provide exemptions from pedestrian access and circulation improvement standards for construction of certain single-family residences and accessory structures, and to make minor clarifications of language.

Summary of the Legislation:

The proposed amendments would exempt the following development from required pedestrian improvements (sidewalks):

- construction of a detached structure, such as a garage or shed, accessory to an existing single family house.
- construction of a single family house on an existing lot in any zone, if one of the following criteria is met: 1) The lot is located on a block front where there are no existing pedestrian access and circulation improvements within 100 feet of the lot; or 2) construction of pedestrian access and circulation improvements is not necessary because, for example, the existing right-of-way has suitable width and surface treatment for pedestrian use; or the existing right-of-way has a limited amount of existing and potential vehicular traffic; or the Director anticipates limited, if any, additional development near the lot because the development near the lot is at or near zoned capacity under current zoning designations; and
- new single family house or detached accessory dwelling if the developer/owner signs and records a no-protest agreement to future pedestrian access and circulation improvements.

Background:

The goal of Section 23.53.006, adopted in 2007 by Ordinance 122615, is to require additional pedestrian access and circulation improvements, primarily sidewalks, in association with development projects. Section 23.53.006 required developers of parcels within urban centers, urban villages, and adjacent to arterials to provide pedestrian improvements to advance the creation of a safe, contiguous, and geographically appropriate pedestrian network in areas anticipated to accommodate the majority of future development.

Since the adoption of Ordinance 122615, circumstances have arisen that demonstrate a need for exemptions to pedestrian improvement requirements to accommodate limited development of individual single-family houses, as well as construction of detached structures accessory to existing single family houses, adjacent to rights of way where sidewalk improvements are unlikely to occur.



These amendments are intended to better balance the goal of creating a safe pedestrian network with the cost of providing pedestrian facilities and the time it can take to provide such facilities given the potentially non-continuous pattern of sidewalk improvement.

X This legislation does not have any financial implications.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

July 21, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill to amend the Land Use Code to provide limited exemptions from requirements for sidewalk and other pedestrian access and circulation improvements. The exemptions would apply to small construction projects such as single family houses and accessory structures.

The City of Seattle has shown its commitment to improving pedestrian access and circulation as demonstrated by the development of the Pedestrian Master Plan. Fulfilling the goals of this plan will require many actions, some from the City in the form of infrastructure improvements and some from the proponents of new development. In some cases, however, the cost of building a sidewalk may not be reasonable, as when a family is building a single family home. This is especially true when the new house is located in an area where the sidewalk to be constructed would not connect to an already existing sidewalk.

The limited sidewalk improvement exemptions for small scale construction that are authorized by this Bill will not interfere with our goal of providing a safe and contiguous pedestrian network throughout the city. Thank you for your consideration of this legislation. Should you have questions, please contact Bill Mills at the Department of Planning and Development at 684-8738.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Nickels', written over a circular stamp that partially overlaps the signature.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

245693
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

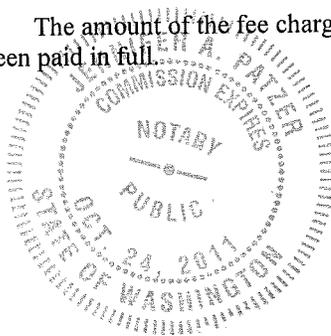
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123104 ORDINANCE

was published on

10/08/09

The amount of the fee charged for the foregoing publication is the sum of \$ 346.68, which amount has been paid in full.



[Handwritten Signature]

Subscribed and sworn to before me on
10/08/09

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

City of Seattle

ORDINANCE 123104

AN ORDINANCE relating to land use and zoning; amending Section 23.53.006 of the Seattle Municipal Code to provide exemptions from pedestrian access and circulation improvement standards for construction of certain single-family residences and accessory structures, and to make minor clarifications of language.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.53.006 of the Seattle Municipal Code, which section was adopted by Ordinance 122615, is amended as follows:

23.53.006 Pedestrian access and circulation((:))

A. General Requirements. Pedestrian access and circulation are required on all streets in all zones as set forth in this ((S))section. Pedestrian access and circulation improvements shall meet the standards in the Right-of-Way Improvements Manual for sidewalks and pedestrian walkways. The regulations in this section are not intended to preclude the use of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse environmental impacts.

B. Dedication of New Streets. Sidewalks and curbs are required when new streets are dedicated.

C. Within Urban Centers and Urban Villages. Within Urban Centers and Urban Villages, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed that abuts any existing street without a sidewalk, in any zone, except as specified in subsection 23.53.006.F((of this section)).

D. Outside Urban Centers and Urban Villages. Outside of Urban Centers and Urban Villages, sidewalks are required on an existing street in any of the following circumstances, except as provided in subsection 23.53.006.F((of this section)):

1. In any zone with a pedestrian designation, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed.

2. On streets designated on the Industrial Streets Landscaping Maps, Exhibits 23.50.016.A and 23.50.016.B, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are required only for the portion of the lot that abuts the designated street.

3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, sidewalks are required whenever new lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and whenever development is proposed. Sidewalks are required only for the portion of the lot that abuts the arterial.

4. In SF, LDT and L1 zones, sidewalks are required when ten ((10)) or more lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and when ten ((10)) or more dwelling units are developed.

5. Outside of SF, LDT and L1 zones, except in IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, sidewalks are required when six ((6)) or more lots are created through the platting process, including full and short subdivisions and unit lot subdivisions, and when six ((6)) or more dwelling units are developed.

State of Washington, King County

2. Waiver or Modification of Pedestrian Access and Circulation Requirements.

a. The Director, in consultation with the Director of Transportation, may waive or modify pedestrian access and circulation requirements when one or more of the following conditions are met. The waiver or modification shall provide the minimum relief necessary to accommodate site conditions while maximizing pedestrian access and circulation.

((i-))1) Location in an environmentally critical area or buffer makes installation of a sidewalk impractical or undesirable;

((ii-))2) The existence of a bridge, viaduct or structure such as a substantial retaining wall in proximity to the project site makes installation of a sidewalk impractical or undesirable;

((iii-))3) Sidewalk construction would result in undesirable disruption of existing drainage patterns, or disturbance to or removal of natural features such as significant trees or other valuable and character-defining mature vegetation; or

((iv-))4) Sidewalk construction would preclude vehicular access to the lot, for example on project sites where topography would render driveway access in excess of the maximum ((twenty)) 20 percent ((20%)) slope.

3. Deviation from Sidewalk Standards. The Director of Transportation may grant a deviation from sidewalk standards specified in the Right-of-Way Improvements Manual through the Deviation Request Process in order to address environmental and sustainability issues through the use of an alternative sidewalk design and/or materials.

4. Notwithstanding any provision of Section 23.76.026, the applicant for a Master Use Permit or a building permit to which the Land Use Code in effect prior to the effective date of the ordinance enacting this subsection F.4 applies may, by written election, use the exemptions in subsections 23.53.006.F.1, F.2, and F.3.

Section 2. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, sub-division, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 28th day of September, 2009, and signed by me in open session in authentication of its passage this 28th day of September, 2009.

Richard Conlin

President of the City Council

Approved by me this 30th day of September, 2009.

Gregory J. Nickels, Mayor

Filed by me this 1st day of October, 2009.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, October 8, 2009.

10/8(245693)

6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, sidewalks are required when the following nonresidential uses are developed:

a. ((Seven-hundred-fifty-((750)) square feet or more of gross floor area of major and minor vehicle repair uses and multipurpose retail sales; and

b. ((Four-thousand-((4,000)) square feet or more of nonresidential uses not listed in subsection 23.53.006.D.6.a.

E. Requirements for Pedestrian Walkways in Certain Industrial Zones. In IG1 and IG2 zones, and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, whenever development is proposed on existing streets that do not have curbs, a pedestrian walkway is required, except as provided in subsection 23.53.006.F((of this section)).

F. Exceptions. The following exceptions to pedestrian access and circulation requirements and standards apply:

1. Projects Exempt from Requirements. Pedestrian access and circulation improvements are not required for the following types of projects:

a. changes of use;

b. alterations to existing structures;

c. additions to existing structures that are exempt from environmental review;

d. construction of a detached structure accessory to a single-family dwelling unit located in any zone, if the property owner enters into a no-protest agreement, as authorized by RCW Chapter 35.43, to future pedestrian access and circulation improvements and that agreement is recorded with the King County Department of Records and Elections;

e. construction of a single-family dwelling unit on a lot in any zone, if the property owner enters into a no-protest agreement, as authorized by RCW Chapter 35.43, to future pedestrian access and circulation improvements and that agreement is recorded with the King County Department of Records and Elections, and if at least one of the following conditions is met:

1) the lot is located on a block front where there are no existing pedestrian access and circulation improvements within 100 feet of the lot; or

2) construction of pedestrian access and circulation improvements is not necessary because, for example, the existing right-of-way has suitable width and surface treatment for pedestrian use, or the existing right-of-way has a limited amount of existing and potential vehicular traffic, or the Director anticipates limited, if any, additional development near the lot because the development near the lot is at or near zoned capacity under current zoning designations.

((d))f. expansions of surface parking, outdoor storage, outdoor sales and outdoor display of rental equipment of less than ((twenty-((20)) percent of the parking, storage, sales or display area, or number of parking spaces((:)) and

((e))g. ((H))in IG1 and IG2 zones, and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, ((in addition to the exemptions in subsections F.1a through F.1d, pedestrian access and circulation improvements are not required for the following types of development))the addition of:

((i-))1) ((F))fewer than ten ((10)) artist's studio dwellings;

((ii-))2) ((L))less than ((seven-hundred-fifty-((750)) square feet of gross floor area of major and minor vehicle repair uses and multipurpose retail sales; and

((iii-))3) ((L))less than ((four-thousand-((4,000)) square feet of gross floor area of nonresidential uses not listed in subsection 23.53.006.F.1.(e))g.2).