ORDINANCE NO. C 34915

AN ORDINANCE relating to Street Development Standards; amending SMC section 17H.010.090.

WHEREAS, the Pocket Residential Development standards are intended to allow flexibility in the development of land for residential uses that are consistent with the Comprehensive Plan; and

WHEREAS, on a "whole-site" basis, Pocket Residential Developments are required to be consistent with the underlying zoning standards for allowed density, building height, structure type and building setbacks from the site perimeter; and

WHEREAS, Pocket Residential Development standards allow the subdivision of lots with frontage on a private street or a private access subject to the approval of a street design variance in accordance with SMC 17H.010.020; and

WHEREAS, the Planning Services Department gathered public input at open house meetings on November 15 and 16 and December 1, 2011; and

WHEREAS, the Planning Services Department encouraged public participation and provided information on the amendments on its website (http://www.spokaneplanning.org); and

WHEREAS, the City of Spokane Plan Commission held workshops throughout the process; and

WHEREAS, a State Environmental Policy Act (SEPA) Checklist was prepared and a Determination of Nonsignificance (DNS) was issued on May 29, 2012 for the proposed amendments;

WHEREAS, public notice was published in the Spokesman Review on May 30, 2012 and June 6, 2012 giving notice of the Plan Commission public hearing and of the released SEPA Checklist and DNS; and

WHEREAS, the Plan Commission held a public hearing on the recommended amendments on June 13, 2012; and

WHEREAS, the Plan Commission recommended, by a vote of 6-0, approval of the amendments on July 11, 2012; and

WHEREAS, the public has had opportunities to participate throughout the process and all persons desiring to comment were given an opportunity to be heard; Now, Therefore

The City of Spokane does ordain:

Section 1. That SMC 17H.010.090 is amended to read as follows:

17H.010.090 Private Streets and Private Access

- A. Residential private streets are allowed only in conjunction with an approved planned unit development, binding site plan or mobile home park. Lots within a Pocket Residential Development may have frontage on a private street or private access. The written conditions of approval for the project must permit lot frontage on a private street or private access.
- B. Private streets <u>and private access</u> require the approval of the director of engineering services. New private streets are allowed only when street connectivity is unachievable, such as property that is isolated by topography or the configuration of existing lots and streets.
- C. Pedestrian access shall be provided from the private street or private access to an existing or future street or public pathway if vehicular access cannot be provided.
- D. Private streets <u>or private access</u> shall not obstruct traffic circulation or cut off future development from public access or utilities.
- E. Streets must be public if they are designed to connect to an adjacent site, or will serve lots on an adjacent site.
- F. Private streets shall be constructed in accordance with the design standards for public streets. Private access shall be improved in accordance with the development standards for parking lots as provided in SMC 17C.230.140.
- G. Private streets or private access require private water and sewer systems.
- H. Private streets or private access shall be owned in common by the owners of the property served by the private streets/private access or by a homeowners' association. The tract shall be designated on the plat as a special purpose tract. Private access may be designated by a recorded easement. A maintenance agreement shall be recorded with the Spokane county auditor that commits the owner(s) to maintain all elements of the private street. Accessibility (snow plowing, etc) shall be maintained at all times for emergency vehicles.
- I. Transitions from public to private streets should not occur mid-block. Where a mid-block transition is unavoidable, a public turn-around designed to meet city standards shall be provided.

ADOPTED BY THE CITY	COUNCIL ON
	Council President
Attest:	Approved as to form:
City Clerk	Assistant City Attorney
Mayor	Date
	Effective Date