

ORDINANCE NO. 25-19

AN ORDINANCE of the City of Richland amending Chapter 12.10 of the Richland Municipal Code related to Streets and Sidewalks.

WHEREAS, the City of Richland has need, from time to time, to amend the Richland Municipal Code (RMC) to bring local ordinances into alignment with developed practices, to eliminate conflicts and ambiguities, and to comply with state and/or federal law; and

WHEREAS, Chapter 12.10 RMC addresses the requirements for installation of sidewalks, curbs and gutters; and

WHEREAS, amendments to Chapter 12.10 RMC are necessary to create consistency with other development code requirements and to bring the RMC into alignment with current practices.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Chapter 12.10 of the Richland Municipal Code, entitled Installation of sidewalks, curbs and gutters, as enacted by Ordinance No. 390 and last amended by Ordinance No. 47-16, is hereby amended as follows:

Chapter 12.10
Installation of Street Improvements ~~Sidewalks, Curbs and Gutters~~

12.10.010 Street improvements ~~Sidewalks~~ for new construction.

A. Whenever a building permit application is made for construction of a new residential or commercial structure within the city, the person seeking such permit shall also make application for a permit as provided for under this chapter, and as a portion of such construction there shall be built street improvements ~~sidewalks, curbs and gutters~~ on all sides of such property that may adjoin property dedicated ~~and existing~~ as a public street right-of-way, in conformance herewith, and such street improvements ~~sidewalks, curbs and gutters~~ shall extend the full distance that such property is sought to be occupied as a building site for residential or commercial construction, or as parking area for commercial construction, that may adjoin property dedicated ~~and existing~~ as a public street right-of-way. "Street improvements" shall include all elements needed to complete the street in conformance with city standards, included but not limited to grading of land, subgrade preparation, crushed rock base, asphalt paving, curbs, gutters, sidewalks, storm drainage, and street light improvements.

B. If there are no existing street improvements, or if the paved width of the adjacent public street does not conform to City standards ~~include curbs and gutters and is not wide enough to construct the curbs, gutters, and sidewalks~~ in accordance with the planned roadway width, as determined by the public works director ~~city engineer~~ and the city's

street functional classification system as established in Chapter 12.02 RMC, the application for right-of-way construction shall include such street improvements required widening of the paved street to conform with the width specified by the public works director city engineer to achieve conformance with current city standards. ~~and street lights and storm drain system improvement as needed to complete the street in accordance with city standards; provided, that the~~

C. The street improvement requirements provisions of this section may be waived by the public works director when application is made for the construction of a new residential or commercial structure on a previously improved street, which previously improved street does not include sidewalks or curbs and gutters. A waiver may be granted only if all of the following conditions exist:

A1. The property is in a residential zone, or is a residential nonconforming use to another zoning classification, ~~or is industrial zoned property within the Horn Rapids Industrial Park.~~

B2. The existing street is not included as a classified arterial or collector street in the city's street functional classification system as established in Chapter 12.02 RMC.

C3. The existing street does not have concrete curbs along the property frontage for the property applying for the building permit.

D4. The existing street does not have concrete curbs within 300 feet of the nearest property corner to the property applying for a building permit.

E5. ~~No more~~ Less than 33 percent of the properties on the same block and side as the property applying for the building permit are undeveloped.

F6. Construction of sidewalks along the property applying for the permit would result in no more than 20 percent of the frontage along the same side of the block including sidewalk.

If the above conditions are met, the public works director may grant a waiver to the requirements in this section subject to the property owner committing agreeing to fully fund and/or complete the improvements required under this section when the city forms a local improvement district to make these improvements or when development activity will result in at least 50 percent of the street frontage completing the improvements called for in this section, ~~or when the city completes a city-funded street improvement project.~~ The property owner's commitment shall be in a form provided by the city and recorded against the property prior to occupancy of the site improvements.

12.10.020 Street improvements Sidewalks for existing improved property.

Whenever a building permit application is made for alterations or repairs to ~~a~~ an existing building or structure on residential or commercial property within the city, the person seeking such a permit shall install improvements as required in RMC 12.10.010; except

that the requirements for installation of such improvements shall be waived if one of the following criteria is met:

A. The total alterations or repairs to ~~a~~ an existing residential building or structure ~~property~~ are less than 50 percent of the assessed valuation as determined by the Benton County assessor; ~~\$50,000 in valuation within any two-year period;~~

B. The total alterations or repairs to ~~a~~ an existing commercial building or structure ~~property~~ are less than ~~50~~ 30 percent of the assessed valuation as determined by the Benton County assessor. ~~or \$100,000, whichever is less; provided, that no waiver shall be granted for any building that adds 20 percent or more to its gross floor area within any two-year period.~~

12.10.030 Standards of construction.

All street improvements shall be constructed in accordance with city standards as established by the public works director. ~~All sidewalks required to be constructed under the provisions of this chapter shall be of Portland cement concrete, and sidewalks, curbs and gutters shall otherwise conform to city of Richland standard specifications.~~ All sidewalks required to be constructed pursuant to the provisions of this chapter shall be five feet in width; provided, that C-2 and C-3 zones adjacent to a principal or minor arterial shall be eight feet in width if the sidewalk is constructed directly adjacent to the curb or six feet in width if constructed with a minimum of two feet separation from the curb; and all sidewalks within the CBD zone shall be at least eight feet in width, except Guyer Avenue, Corondolet Drive, Stevens Drive north of Marjorie Sutch Greenway and Harding Street, which shall be five feet in width. Except where identified in the Horn Rapids Industrial Master Plan, curb and gutters are not required to be constructed in industrial zoning districts. Sidewalks required to be constructed ~~Pedestrian facilities~~ in industrial zoning districts may, as an alternative, consist of a widened, delineated hot mix asphalt (HMA) shoulder with restricted parking or a separated HMA pathway as approved by the public works director. ~~city engineer.~~

12.10.035 Sidewalks for new or improved streets.

Whenever any street is constructed or improved in any area of the city zoned residential or commercial, whether such construction be by local improvement or otherwise, as a part of such construction or improvement there shall be included therein, on both sides of any such street that may abut on previously developed property, sidewalks, curbs, and gutters constructed in conformity with requirements of this chapter.

~~A. Provided, however, that Sidewalks may be required on only one side of streets upon a determination the provisions of this section may be waived, in whole or in part, by the city council upon a determination~~ by the public works director that occupied parcels are anticipated on only one side of the street, or when access is limited on one side of the street. In such a case, the street shall include sidewalk and intersection designs that establish connectivity to sidewalks on intersecting streets as required by the public works director. ~~the sidewalk requirement herein would unduly restrict usage of private property abutting such sidewalk.~~

B. The provisions of this section may be waived by the public works director upon a determination that implementing ~~In determining whether~~ the provisions of this section would adversely impact existing development adjacent to the street and that waiving these provisions would not ~~will be waived, the public works director shall consider the setback of the existing development from the street, the setback that would exist by requiring sidewalks, curbs and gutters pursuant to this section, and whether waiver of this section would~~ adversely affect any the uniform construction of sidewalks, curbs and gutters in the general area of the construction or improvement.

12.10.040 Permits.

Before constructing street improvements, sidewalks, curbs and gutters, a permit shall be obtained in the same manner as is provided in Chapter 12.08 RMC. ~~for obtaining permits for excavations.~~

12.10.050 Waiver.

The public works director or ~~his~~ duly authorized representative may waive the requirements of this chapter upon a determination by the public works director that the street is scheduled to be improved with curbs, gutters, and sidewalks by a publicly funded improvement within the coming three (3) years, as indicted by ~~in those areas which are scheduled for widening under~~ the six-year street improvement program and capital improvement plan.

12.10.060 Exemptions.

The following streets, or portions of streets, are exempt from the requirements of RMC 12.10.010 and 12.10.020:

~~A. Carolina Avenue.~~

~~B. Dakota Avenue.~~

GA. Geneva Street west of Georgia Avenue.

DB. Carson Street.

EC. Denver Street.

FD. The south side of Aaron Drive between Jadwin Avenue and Adams Street.

~~G. Lacy Road.~~

~~H. Cullum Avenue south of Lacy Road.~~

Section 2. This ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

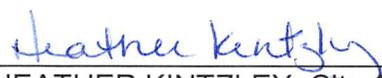
PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 21st day of May, 2019.


ROBERT J. THOMPSON
Mayor

ATTEST:


DEBBY BARHAM, Deputy City Clerk

APPROVED AS TO FORM:


HEATHER KINTZLEY, City Attorney

Date Published: May 26, 2019