

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: March 11, 2013

AGENDA ITEM: PA 12-015 'Frontage Improvements Required'	AGENDA SECTION:	
PREPARED BY: Cheryl Dungan, Senior Planner	AGENDA NUMBER:	
ATTACHMENTS: 1. Frontage Improvement Memo to Council 2. Redline/Strike-through version of proposed changes 3. Draft Ordinance	APPROVED BY:	
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

The draft amendments propose broader exemptions to allow greater discretion of when to require frontage improvement construction; add a new section regarding 'boundary line adjustments for development'; adds clarifying language regarding small additions/tenant improvements; and proposes a reduced rate option for construction of frontage improvements for single-family homeowners in certain circumstances.

Attached is a staff summary of the proposed ordinance.

RECOMMENDED ACTION: Planning Staff recommends the Council approve the revisions to 12.02A.090 'Frontage improvements required' as proposed.
COUNCIL ACTION:



COMMUNITY DEVELOPMENT DEPARTMENT

80 Columbia Avenue ♦ Marysville, WA 98270
(360) 363-8100 ♦ (360) 651-5099 FAX

MEMORANDUM

DATE: January 18, 2013
TO: City Council
FROM: Cheryl Dungan, Senior Planner
RE: Frontage Improvements – proposed amendments

Summary:

Currently under MMC 12.02A.090 *'Frontage improvements required'* all new single-family and duplex building permits trigger frontage improvement construction (curb, gutter, and sidewalk) prior to occupancy of the new unit. Over time, staff has found that in certain circumstances this requirement can cause economic hardship or appear disproportionate to property owners who:

- Own larger lots that have excessive street frontage;
- in older subdivisions that were developed to a lesser adopted standard; or
- Replacement of an existing single-family or duplex unit where no frontage improvements exist within the vicinity of the replacement unit.

Therefore, the suggested code revisions adopt broader exemptions to allow greater director discretion when requiring the installation of frontage improvements.

The proposed code amendments also address boundary line adjustments (BLA), where a developer buys a large property that contains an existing dwelling unit and proposes to remove the developed portion through a BLA to avoid constructing frontage improvements on that already developed portion of property.

Other proposed amendments include adding clarifying language that implement existing code interpretations and policies such as:

- not requiring frontage improvements when small home, multi-family and/or business additions and/or tenant improvements do not cause additional impacts to the street/pedestrian system to warrant the construction of frontage improvements;

The amendment also proposes an alternative to allow single-family homeowners in certain situations to make a payment at a reduced rate (50% of cost) to the City as an option to

installing frontage improvements prior to occupancy. The City would then be responsible for the installation of improvements at a later date.

12.02A.090 Frontage improvements required.

(1) The term "frontage improvements" as used in this section shall refer to the construction, reconstruction or repair of the following facilities along the full abutting public street frontage of property being developed:

- (a) Curbs, gutters and sidewalks;
- (b) Underground storm drainage facilities;
- (c) Patching the street from its preexisting edge to the new curb line;
- (d) Overlayment of the existing public street to its centerline;
- (e) Construction of new streets within dedicated, unopened right-of-way.

All such frontage improvements shall be constructed to city specifications. Where frontage improvements are required for the construction of one single family or one duplex dwelling unit, as a result of issuance of a building permit and no other development approval frontage improvements shall not include overlayment of the existing public street to its centerline.

(2) Except as otherwise provided in this Chapter, Property owners shall be required to construct frontage improvements along the full abutting public street frontage of property which is developed as provided in subsection (3) of this section; provided, that overlayment of an existing public street to its centerline shall not be required for single family or duplex development.

(3) Frontage improvements shall be constructed as follows:

- (a) Formal plats: frontage improvements shall be completed prior to recording the final plat, or may be bonded pursuant to provisions of Chapter 22G.090 MMC;
- (b) Short plats: frontage improvements shall be completed for frontage abutting all lots prior to the issuance of a building permit for any lot in the short plat;
- (c) Boundary Line Adjustment for Development: frontage improvements shall be completed for the lot or parcel abutting the public street prior to authorization for recording of the Boundary Line Adjustment for Development. For purposes of this section a "boundary line adjustment for development" shall mean a boundary line adjustment leaving an existing lot abutting the public street where other lots, tracts or parcels have their boundaries adjusted minimizing or eliminating the amount of their frontage on the public street.
- (d) Construction of a multi-family dwelling unit, business, commercial or industrial building: frontage improvements shall be completed prior to occupancy of the building; provided the following exceptions shall apply:

- i. the construction of tenant improvements only in an existing multi-family, business, commercial or industrial building shall not require the construction of frontage improvements;
- ii. the construction of other small improvements to a multi-family dwelling unit, business, commercial or industrial building shall not require the construction of frontage improvements where the director determines that there is insufficient nexus, connection and proportionality to the impacts of the proposed construction.

(e) Construction of one single-family or one duplex dwelling unit: frontage improvements shall be completed prior to occupancy of the structure, provided the following exceptions apply:

- i. An existing lot in an existing single-family subdivision, short plat, or binding site plan where the lots are fully developed and frontage improvements were constructed to the standard in effect at the time of final plat or binding site plan recording shall not require the construction of frontage improvements; or
- ii. An existing lot (greater than 1 acre) where there are no frontage improvements meeting city standards constructed within 200 feet of the lot. At the discretion of the director, frontage improvements may be reduced or deferred until the entire parcel is developed.
- iii. Replacement of an existing single-family or duplex unit where there are no frontage improvements constructed within 200 feet of the lot shall not require the construction of frontage improvements.
- iv. The construction of small improvements to an existing single-family or duplex unit shall not require the construction of frontage improvements where the director determines that there is insufficient nexus, connection and proportionality to the impacts of the proposed construction.

(f) The granting of an exception to construct frontage improvements as outlined in 12.02A.090(3)(c) or (d) above does not waive the property owners requirement to dedicate right-of-way as set forth in MMC 12.02A.110 MMC.

(gd) Construction of any additions, alterations or repairs to a residential building that result in an increase in the number of dwelling units as defined in Chapter 22A.020 MMC, or to a business, commercial or industrial building that result in an increase in pedestrian or vehicular traffic, within any 12-month period: frontage improvements shall be completed prior to occupancy;

(he) Development of a mobile home park or other project requiring a binding site plan: frontage improvements shall be completed prior to occupancy;

(if) Any change in the occupancy classification of an existing building or structure on the property that results in an increase in pedestrian and/or vehicular traffic within any 12-month period: frontage improvements shall be completed prior to occupancy.

(4) In the case of single-family residential construction on a single lot, a property owner may satisfy the frontage improvement requirements by constructing a maximum of 200 lineal feet of frontage improvements and may be allowed by the director of community development to satisfy said requirements ~~for more than 200 lineal feet of frontage improvements~~ by participating in a 50% cost-sharing program with the city, if the same is approved in the then-current budget of the city council, or by constructing the sidewalk improvement to a reduced standard as determined by the city engineer or designee.

(5) The director of community development or designee shall have authority to grant administrative variances from any of the requirements of this section pursuant to MMC 12.02A.120. Such variances shall be conditioned upon the property owner signing a contract providing for the construction of the frontage improvements at a future time. Said contract shall include, but not be limited to, the making of a cash deposit with the city in an amount equal to the estimate of the city engineer of the cost of said improvements, including design cost, plus an administrative overhead fee of 15 percent. No other form of payment or security shall be authorized. In the event the frontage improvements are not constructed by the property owner within five years of the grant of a variance, the cash deposit shall be forfeited to the city. If said frontage improvements are constructed by the property owner at the request of the city within five years of the grant of a variance, said cash deposit shall be refunded to the property owner less the 15 percent overhead fee. Said contract shall be subject to the approval of the city attorney and shall contain such other provisions as are necessary to effectuate the future construction of such frontage improvements. The refusal of a property owner to enter into such agreement or to post a cash amount as specified herein shall be a basis to deny a variance request and shall require the construction of such frontage improvements in accordance with subsections (1) through (4) of this section.

The City Council authorizes the mayor to review, execute and sign contracts for deferred construction of curbs, gutters and sidewalks pursuant to this chapter.

Any party aggrieved by a decision of the director of community development or city engineer may appeal the decision pursuant to MMC 12.02A.120(4).

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO FRONTAGE IMPROVEMENT REQUIREMENTS, AMENDING SECTION 12.02A.090 FRONTAGE IMPROVEMENTS REQUIRED.

WHEREAS, the City Council of the City of Marysville does find that from time to time it is necessary and appropriate to review and revise provisions of the Streets and Sidewalks Code (Title 12 MMC); and

WHEREAS, at a public meeting on September 24, 2012 the Marysville City Council reviewed and considered the amendments to the Streets and Sidewalks Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amending Section 12.02A.090 'Frontage improvements required' to read as follows:

12.02A.090 Frontage improvements required.

(1) The term "frontage improvements" as used in this section shall refer to the construction, reconstruction or repair of the following facilities along the full abutting public street frontage of property being developed:

- (a) Curbs, gutters and sidewalks;
- (b) Underground storm drainage facilities;
- (c) Patching the street from its preexisting edge to the new curb line;
- (d) Overlayment of the existing public street to its centerline;
- (e) Construction of new streets within dedicated, unopened right-of-way.

All such frontage improvements shall be constructed to city specifications.

(2) Property owners shall be required to construct frontage improvements along the full abutting public street frontage of property which is developed as provided in subsection (3) of this section; provided, that overlayment of an existing public street to its centerline shall not be required for single-family or duplex development.

(3) Frontage improvements shall be constructed as follows:

- (a) Formal plats: frontage improvements shall be completed prior to recording the final plat, or may be bonded pursuant to provisions of Chapter 22G.090 MMC;
- (b) Short plats: frontage improvements shall be completed for frontage abutting all lots prior to the issuance of a building permit for any lot in the short plat;
- (c) Construction of a multi-family dwelling unit, business, commercial or industrial building: frontage improvements shall be completed prior to occupancy of the building;
- d) Construction of a single-family or duplex dwelling unit: frontage improvements shall be completed prior to occupancy of the structure, provided the following exceptions apply:
- i. An existing lot in a existing single-family subdivision, short plat, or binding site plan where the lots are fully developed and frontage improvements were constructed to the standard in effect at the time of final plat recording; or
 - ii. An existing lot (greater than 1 acre) where there are no frontage improvements meeting city standards constructed within 200 feet of the lot or identified through approved plats, and development potential exists for future development . At the discretion of the director, frontage improvements may be reduced or deferred until the entire parcel is developed.
 - iii. Replacement of an existing single-family or duplex unit where there are no frontage improvements constructed within 200 feet of the lot. Frontage improvements may be waived, providing construction of the new dwelling unit is completed within 12 months of the demolition of the existing unit.
- (e) The granting of an exception to construct frontage improvements as outlined in 12.02A.090(3)(d) above does not waive the property owners requirement to dedicate right-of-way as established in MMC 12.02A.110 MMC.
- (f) Construction of any additions, alterations or repairs to a residential building that result in an increase in the number of dwelling units as defined in Chapter 22A.020 MMC, or to a business, commercial or industrial building that result in an increase in pedestrian or vehicular traffic, within any 12-month period: frontage improvements shall be completed prior to occupancy;
- (g) Development of a mobile home park or other project requiring a binding site plan: frontage improvements shall be completed prior to occupancy;
- (h) Any change in the occupancy classification of an existing building or structure on the property that results in an increase in pedestrian and/or vehicular traffic within any 12-month period. Frontage improvements shall be completed prior to occupancy.

(4) The director of community development or designee shall have authority to grant administrative variances from any of the requirements of this section pursuant to MMC 12.02A.120. Such variances shall be conditioned upon the property owner signing a contract providing for the construction of the frontage improvements at a future time. Said contract shall include, but not be limited to, the making of a cash deposit with the city in an amount equal to the estimate of the city engineer of the cost of said improvements, including design cost, plus an administrative overhead fee of 15 percent. No other form of payment or security shall be authorized. In the event the frontage improvements are not constructed by the property owner within five years of the grant of a variance, the cash deposit shall be forfeited to the city. If said frontage improvements are constructed by the property owner at the request of the city within five years of the grant of a variance, said cash deposit shall be refunded to the property owner less the 15 percent overhead fee. Said contract shall be subject to the approval of the city attorney and shall contain such other provisions as are necessary to effectuate the future construction of such frontage improvements. The refusal of a property owner to enter into such agreement or to post a cash amount as specified herein shall be a basis to deny a variance request and shall require the construction of such frontage improvements in accordance with subsections (1) through (4) of this section.

The council authorizes the mayor to review, execute and sign contracts for deferred construction of curbs, gutters and sidewalks pursuant to this chapter.

Any party aggrieved by a decision of the director of community development or city engineer may appeal the decision pursuant to MMC 12.02A.120(4).

Section 3. Severability. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2012

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

ORDINANCE - 3
FRONTAGE IMPROVEMENT ORD

Date of Publication: _____

Effective Date: _____
(5 days after publication)