

**CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION**

CITY COUNCIL MEETING DATE: September 14, 2020

AGENDA ITEM:	
Frontage improvements code amendment	
PREPARED BY:	DIRECTOR APPROVAL:
Angela Gemmer, Senior Planner	KN
DEPARTMENT:	
Public Works	
ATTACHMENTS:	
Adopting Ordinance	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	

Marysville Municipal Code (MMC) Section 12.02A.090, *Frontage improvements required*, sets forth the development actions which require frontage improvements to be constructed. Frontage improvements are the construction, reconstruction or repair of road improvements along the public street frontage of a property that is being developed. Frontage improvements include, but are not limited to, the construction of curbs, gutters, sidewalks; overlayment of the existing public street to its centerline; and construction of new streets within dedicated, unopened right-of-way.

The language in MMC Section 12.02A.090 is proposed to be amended to better align with how the code has been applied. Specifically, the following amendments to the frontage improvement code are proposed:

- Clarify that frontage improvements are required when new mobile/manufactured home parks are developed, and when an existing mobile/manufactured home park is enlarged or increased in density;
- Align the timing for frontage improvement construction for short plats with the timing required for plats;
- Clarify that frontage improvements are not required for an accessory dwelling unit, but are required if a new house is constructed and an existing house is converted to an accessory dwelling unit; and
- Change ‘community development director’ references to ‘public works director or designee’ to be consistent with other references in Chapter 12.02A and to accurately reflect the department which will administer this code.

<p>RECOMMENDED ACTION: Staff recommends that City Council adopt the Frontage Improvement Code Amendments by Ordinance.</p> <p>RECOMMENDED MOTION: I move to adopt the Frontage Improvement Code Amendments by Ordinance, and authorize the mayor to sign said Ordinance.</p>
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CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, UPDATING
THE CITY'S DEVELOPMENT REGULATIONS AND AMENDING SECTION
12.02A.090 OF THE MARYSVILLE MUNICIPAL CODE.**

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code; and

WHEREAS, the public health, safety, and welfare benefit from the proposed amendments to the City's municipal code; and

WHEREAS, at a public meeting on September 14, 2020 the Marysville City Council reviewed and considered the proposed amendments to MMC Section 12.02A.090; and

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

Section 1. Section 12.02A.090, Frontage improvements required, of MMC Chapter 12.02A, Street Department Code, is hereby amended 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) Storm drainage facilities including LID facilities and/or underground 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 prior to recording the final short plat, or may be bonded pursuant to the provisions of Chapter 22G.090 MMC; for frontage abutting all lots prior to the issuance of a building permit for any lot in the short plat;
- (c) Construction of a multifamily 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 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 recording; or
 - (ii) An existing lot (greater than one 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 public works director or designee ~~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 subsection (3)(d) of this section does not waive the property owner's requirement to dedicate right-of-way as established in MMC 12.02A.110;

(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. Frontage improvements shall not be required for construction of an accessory dwelling unit; provided that, this exception shall not apply when an existing single-family dwelling unit is converted to an accessory dwelling unit, and a new single-family dwelling unit is constructed or placed that would otherwise require frontage improvements as outlined in subsection (3)(d).

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

(h) Development of a new mobile/manufactured home park, or an enlargement or an increase in density to an existing mobile/manufactured home park: frontage improvements shall be completed prior to occupancy;

(i) ~~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 ~~public works~~ 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 ~~public works~~ director ~~or designee of community development or city engineer~~ may appeal the decision pursuant to MMC 12.02A.120(4).

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or word 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.

Section 3. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 4. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2020.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
TINA BROCK, DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)