

ORIGINAL

ORDINANCE NO. 303

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE DEVELOPMENT CODE CHAPTER 20.70.030 ZONING AND USE PROVISIONS TO AUTHORIZE THE USAGE OF A VOLUNTARY PAYMENT IN-LIEU-OF CONSTRUCTION PROGRAM FOR CERTAIN FRONTAGE IMPROVEMENTS THAT DO NOT CONNECT TO OTHER FACILITIES

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the Development Code, on June 12, 2000;

WHEREAS, the Shoreline City Council, with 2001 Council Goal #9, has identified a need to develop a program to avoid piecemeal frontage improvements (sidewalks, storm, sewer, etc.); and

WHEREAS, City staff drafted an amendment to the Development Code; and

WHEREAS, the Planning Commission conducted a public hearing and developed a recommendation on the amendment; and

WHEREAS, a SEPA Determination of Nonsignificance was issued on February 14, 2002 in reference to the proposed amendment to the Development Code; and

WHEREAS, the proposed draft amendment was submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

WHEREAS, the Council finds that the amendment adopted by this ordinance is consistent with and implements the Shoreline Comprehensive Plan and complies with the adoption requirements of the Growth Management Act, RCW Chapter 36.70A; and

WHEREAS, the Council finds that the amendment adopted by this ordinance meets the criteria in Title 20 for adoption of an amendment to the Development Code;

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

Section 1. Amendment. Shoreline Municipal Code Chapter 20.70.030 as amended as set forth in Exhibit A, which is attached hereto and incorporated herein.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

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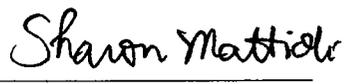
Section 3. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON MAY 13, 2002.



Mayor Scott Jeppsen

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:


Ian Sievers
City Attorney

Date of Publication: May 16, 2002
Effective Date: May 21, 2002

20.70.030 Required improvements.

The purpose of this section is to identify the types of development proposals to apply the provision of the engineering section.

- A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.
- B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this section.
- C. It shall be a condition of approval for development permits that required improvements shall be installed by the applicant prior to final approval or occupancy as follows: The provisions of the engineering section shall apply to:
 1. All new multifamily, nonresidential, and mixed-use construction and remodeling or additions to these types of buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the existing structure;
 2. Subdivisions;
 3. Single-family new constructions and remodels.

Exception 20.70.030(C)(3)(1):

- i. Single-family remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this section at the request of the applicant, if approved by the Director.
- ii. New single-family construction of a single house may be exempted from some or all of the provisions of this section, except sidewalks and necessary drainage facilities, at the request of the applicant, if approved by the Director.

Exception 20.70.030(1): Exemptions to some or all of these requirements may be allowed if:

- A. *The street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from a LID. An LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall still be required.*
- B. *A payment in-lieu of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed to replace these improvements for single family developments located on local streets if the development does not abut or provide connections to existing*

or planned frontage improvements, schools, parks, bus stops, shopping, or large places of employment and:

1. *The Director and the Applicant agree that a payment in-lieu-of construction is appropriate.*
2. *The Director and the Applicant agree on the amount of the in-lieu-of payment and the Capital Project to which the payment shall be applied. The Director shall give priority to Capital Projects in the vicinity of the proposed development, and the fund shall be used for pedestrian improvements.*
3. *At least one of the following conditions exists. The required improvements:*
 - a. *Would not be of sufficient length for reasonable use;*
 - b. *Would conflict with existing public facilities or a planned public capital project; or*
 - c. *Would negatively impact critical areas.*
4. *Adequate drainage control is maintained.*
5. *The payment in-lieu of construction shall be calculated based on the construction costs of the improvements that would be required.*