

Current Code Language

Chapter 96 STREET IMPROVEMENT CONSTRUCTION

Sections:

96.010 — CONSTRUCTION REQUIRED

96.020 — STANDARDS

96.010 CONSTRUCTION REQUIRED

A. — New construction.

1. — ~~Building permits shall not be issued for the construction of any new building or structure, or for the remodeling of any existing building or structure, which results in an increase in size or includes a change in use, including building permits for single family dwellings but excepting building permits for alteration or addition to an existing single family dwelling, unless the applicant for said building permit agrees to construct street improvements as required by the land use decision authorizing the construction activity. The placement of new curbs and the drainage facilities required shall be determined by the City Manager or the Manager's designee.~~

2. — ~~If the building permit did not require a prior land use decision, the applicant shall construct street improvements which shall include curbs, sidewalks, drainage facilities, and pavement widening to meet new curbs, along all City streets which abut the property described in the building permits.~~

3. — ~~An applicant for a building permit may apply for a waiver of street improvements and the option to make a payment in lieu of construction. The option is available if the City Manager or the Manager's designee determines the transportation system plan does not include the street improvement for which the waiver is requested.~~

4. — ~~When an applicant applies for and is granted a waiver of street improvements under subsection (A)(3) of this section, the applicant shall pay an in-lieu fee equal to the estimated cost, accepted by the City Engineer, of the otherwise required street improvements. As a basis for this determination, the City Engineer shall consider the cost of similar improvements in recent development projects and may require up to three estimates from the applicant. The in-lieu fee shall be used for in kind or related improvements.~~

B. — Remodeling of an existing building.

1. — ~~Building permits shall not be issued for the remodeling and conversion of any existing building or structure which results in an increase in size or includes a change of use excepting building permits for the alteration or addition to an existing single family dwelling, unless:~~

a. — ~~The applicant for said building permit agrees to construct street improvements; and~~

b. — ~~The City Manager or the Manager's designee determines that the remodeling of a structure or change of use is sufficient to cause construction of street improvements.~~

2. — The determination of whether the remodeling of an existing building or structure is sufficient to cause the property owner to construct street improvements, shall be made by the City Manager or the Manager's designee. This determination shall be based upon finding that the increase in building size or change of use results in either:

a. — An increase in floor area which creates the need for additional on-site parking in accordance with the Community Development Code; or

b. — A change in use that results in a need for additional on-site parking; or

c. — An increase in the dwelling unit density on the site; or

d. — A change in the type, number, or location of accessways where off-site traffic will be affected.

3. — An applicant for a remodeling of an existing building or structure change may apply for a waiver of street improvements and the option to make a payment in lieu of construction utilizing the process described in subsection (A)(3) of this section.

C. — Replacement of an existing building.

1. — Building permits shall not be issued for the replacement of any existing building or structure which results in an increase in size unless:

a. — The applicant for said building permit agrees to construct street improvements; and

b. — The City Manager or the Manager's designee determines the the replacement is sufficiently increased in size to cause construction of street improvements.

D. — Notwithstanding any other provisions of this chapter, in cases where the issuance of the building permit pertains to the construction or reconstruction of a building or structure within a large development owned by the same owner or owners, the City Council may, in its sole discretion, authorize the installation of street improvements of equivalent cost on another portion of the total development area. (Ord. 1314, 1992; Ord. 1442, 1999; Ord. 1544, 2007; Ord. 1547, 2007; Ord. 1590 § 1, 2009; Ord. 1613 § 21, 2013)

96.020 STANDARDS

Street improvements shall be installed according to the City standards and shall be completed prior to the issuance of any occupancy permit for the new or remodeled structure or building. In unimproved areas of the City, the City Engineer may grant a time extension of the provisions of this section; provided, that the applicant provides sufficient security in amount and quantity satisfactory to the City Attorney to assure payment of such improvement costs.

Proposed Code Language
Chapter 96
STREET IMPROVEMENT CONSTRUCTION

Sections:

96.010 Construction Required

96.020 Fee-in-Lieu

96.030 Standards

96.010 CONSTRUCTION REQUIRED

- A. **Street improvements for residential construction are required when:**
1. **Construction of a new single-family attached or detached structure (Replacement of an existing structure is exempt); or**
 2. **Construction of a new multi-family structure; or**
 3. **Increase in dwelling unit density on-site (Accessory Dwelling Units are exempt).**
- B. **Street improvements for commercial construction are required when:**
1. **Construction of a new commercial structure; or**
 2. **Remodel of an existing commercial structure with an increase in floor area that requires additional parking; or**
 3. **Change in use that requires additional parking; or**
 4. **Construction that increases the dwelling unit density on-site; or**
 5. **Construction which requires a change in type, number, or location of accessways; or**
 6. **Replacement of an existing structure that requires additional parking.**

96.020 FEE-IN-LIEU

- A. **An applicant may apply for a waiver of street improvements and the option to pay a fee-in-lieu (in accordance with the city's adopted fee structure) of constructing street improvements if one of the following are met:**
1. **Located on a cul-de-sac with no existing street improvements (curb, gutter, sidewalk); or**
 2. **Located on a street less than 1,320 linear feet and not planned as a through street; or**
 3. **Located more than 1,320 linear feet from nearest street improvements (curb, gutter, sidewalk)**

96.030 STANDARDS

Street improvements shall be installed according to the City standards and shall be completed prior to the issuance of any occupancy permit for the new or remodeled structure or building. In unimproved areas of the City, the City Engineer may grant a time extension of the provisions of this section; provided, that the applicant provides sufficient security in amount and quantity satisfactory to the City Attorney to assure payment of such improvement costs.