

CITY OF FIFE, WASHINGTON

ORDINANCE NO. 1960

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON, ADDING NEW SECTIONS 19.24.042, 19.40.042, 19.24.020(R), AND 19.40.020(Q) TO THE FIFE MUNICIPAL CODE REGARDING DEVELOPMENT AGREEMENTS INVOLVING PROPERTIES IN THE CC AND MDR ZONE

WHEREAS, RCW 36.70B.170 authorizes the City to enter into development agreements with real property developers that set forth the development standards and other provisions that shall apply to and govern the development; and

WHEREAS, by allowing through a development agreement process, a degree of flexibility to strict application of zoning and other land use control regulations in the Medium Density Residential (MDR) and Community Commercial (CC) zoning districts for large integrated mixed commercial/industrial uses covering multiple zoning districts and providing a significant number of higher wage jobs, the City can encourage creativity and innovation in commercial and industrial design and development, facilitate economic growth, and provide the necessary standards and controls to be used by developers in their design and by city officials in their review and approval procedures, while minimizing any adverse impact on abutting residential uses beyond that which would otherwise be permitted from any other permitted use in the MDR and CC zones; and

WHEREAS, the staff of Fife's Community Development Department reviewed the proposed amendments and have recommended approval; and

WHEREAS, in accordance with RCW 36.70A.106 (3)(b), the City of Fife requested 14- day expedited review from State agencies and no comments from State agencies were received; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on February 17th, 2016 with no comments having been received and no appeal filed; and

WHEREAS, Fife Planning Commission considered the Murrey's Development Agreement on November 2, 2015; received a briefing on the proposed zoning code amendments on December 7, 2015; and, conducted a Public Hearing on proposed amendments on January 4, 2016 and thereafter recommended that the Fife City Council adopt the amendments; and

WHEREAS, Fife City Council received a briefing on February 16, 2016 and held a

public hearing on February 23, 2016, considered the record and recommendations of the Planning Commission; the report and recommendations of the Community Development Department; and

WHEREAS, the City of Fife has fulfilled all procedural requirements for the adoption of the development regulations; now therefore

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. A new section is hereby added to the Fife Municipal Code to read as follows;

19.24.042 Development Agreement

A. The City Council may, under the authority of RCW 36.70B.170 through 36.70B.210, by adopting a development agreement that meets the provisions of this section, waive, modify, or add additional conditions that will supersede any or all of the provisions of this chapter.

B. This section shall only apply if all of the following conditions are met: 1) the development proposal includes a master site plan for the integrated development of at least 15 acres in size; 2) the uses are all permitted uses under one or more of the zoning districts within the master site plan area; 3) the master site plan properties include a mix of industrial and commercial uses that, at full buildout, will provide full time jobs to no less than 50 people each earning a wage that is no less than twice the minimum wage; and 4) the development agreement contains sufficient conditions relative to the use of the MDR zoned portion of the master site plan area so as to minimize any adverse impact on abutting residential uses beyond that which would otherwise be permitted from any other permitted use in the MDR zone.

Section 2. A new section is hereby added to the Fife Municipal Code to read as follows;

19.40.042 Development Agreement

A. The City Council may, under the authority of RCW 36.70B.170 through 36.70B.210, by adopting a development agreement that meets the provisions of this section, waive, modify, or add additional conditions that will supersede any or all of the provisions of this chapter.

B. This section shall only apply if all of the following conditions are met: 1) the development proposal includes a master site plan for the integrated development of at least 15 acres in size; 2) the uses are all permitted uses under one or more of the zoning districts within the master site plan area; 3) the master site plan properties include a mix of industrial and commercial uses that, at full buildout, will provide full time jobs to no less than 50 people each earning a wage that is no less than twice the minimum wage; and 4) the development agreement

contains sufficient conditions relative to the use of the CC zoned portion of the master site plan area so as to minimize any adverse impact on abutting residential uses beyond that which would otherwise be permitted from any other permitted use in the CC zone.

Section 3. A new section is hereby added to the Fife Municipal Code to read as follows;

19.48.020 Permitted Uses

(X) Outside storage or off-site parking lots approved as part of a development agreement, consistent with FMC 19.40.042 or 19.24.042

Section 4. Section 19.48.040 of the Fife Municipal Code is hereby amended as follows:

19.48.040 Conditional uses.

With the exception of a conditional use which is approved through a development agreement subject to the provision of FMC 19.68.110 and 19.40.042 or 19.24.042, Uses subject to the granting of a conditional use permit by the hearing examiner are:

Section 5. Section 19.40.040 of the Fife Municipal Code is hereby amended as follows:

19.40.040 Conditional uses.

With the exception of a conditional use which is approved through a development agreement subject to the provision of FMC 19.68.110 and 19.40.042 or 19.24.042, Uses permitted subject to the granting of a conditional use permit by the hearing examiner are:

Section 6. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof, provided the intent of this Ordinance can still be furthered without the invalid provision.

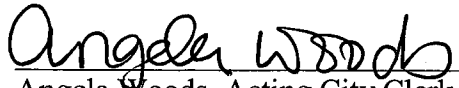
Section 7. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 13 day of June 2017.

Passed by the City Council on the 27 day of June, 2017.

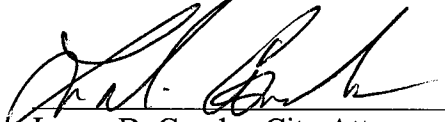

Subir Mukerjee, City Manager

ATTEST:



Angela Woods, Acting City Clerk

APPROVED AS TO FORM:



Loren D. Combs, City Attorney

Published: 06/29/2017
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