

**CITY OF MARYSVILLE AGENDA BILL**

**EXECUTIVE SUMMARY FOR ACTION**

**CITY COUNCIL MEETING DATE: May 14, 2018**

<b>AGENDA ITEM:</b>	
Amendments to MMC Sections 22C.010.280, 22C.160.140, 22C.160.170, 22C.180.020, 22C.180.030, 22D.020.040, 22G.060.090, 22G.080.020, 22G.080.030, and 22G.100.040, related to cottage housing, wall and pole/pylon signs, accessory structures, accessory dwelling units, hearing examiner duties, planned residential developments and binding site plans.	
<b>PREPARED BY:</b>	<b>DIRECTOR APPROVAL:</b>
Dave Koenig, CD Director	
<b>DEPARTMENT:</b>	
Community Development	
<b>ATTACHMENTS:</b>	
1. PC Minutes 03.13.18 2. PC DRAFT Minutes 04.10.18 3. Memo outlining PC Recommended Code Amendments 4. Adopting Ordinance	
<b>BUDGET CODE:</b>	<b>AMOUNT:</b>
<b>SUMMARY:</b>	

The Marysville Planning Commission held a duly-advertised public hearing on April 10, 2018 and recommend *approval* of the following code amendments, more clearly summarized in the attached memo, dated May 7, 2018:

- . Cottage Housing development;
- . Allowable wall signage;
- . Pole and pylon sign prohibitions along 160<sup>th</sup> Street NE corridor;
- . Accessory structure setbacks;
- . Administrative allowances for conversion of existing accessory structures into accessory dwelling units;
- . Clarification to exemptions to the requirement to pay park impact fees
- . Hearing Examiner duties;
- . Planned Residential Development applicability and site qualifications; and
- . Binding Site Plan jurisdiction.

<b>RECOMMENDED ACTION:</b>
Affirm the Planning Commission’s recommendation adopting amendments to the Marysville Municipal Code Sections 22C.010.280, 22C.160.140, 22C.160.170, 22C.180.020, 22C.180.030, 22D.020.040, 22G.060.090, 22G.080.020, 22G.080.030, and 22G.100.040.

# PLANNING COMMISSION



# MINUTES

**March 13, 2018**

**7:00 p.m.**

**City Hall**

## **CALL TO ORDER**

Chair Leifer called the March 13, 2018 meeting to order at 7:00 p.m.

### Marysville

**Chairman:** Steve Leifer

**Commissioners:** Roger Hoen, Jerry Andes, Kay Smith, Kelly Richards, Brandon Whitaker

**Staff:** Community Development Director Dave Koenig, Planning Manager Chris Holland

**Absent:** Tom Thetford (excused)

## **APPROVAL OF MINUTES**

### January 9, 2018

**Motion** made by Commissioner Smith, seconded by Commissioner Whitaker, to approve the January 9, 2018 Meeting Minutes as amended. **Motion** passed unanimously (6-0).

## **AUDIENCE PARTICIPATION**

None

## **NEW BUSINESS**

- A. Code Amendment – General Code Cleanup
- Cottage Housing

Planning Manager Holland reviewed the definition of cottage housing. The code currently allows 12 cottage units within one development. There was a proposal in the Lakewood area that was proposing multiple clusters of cottage housing within one development. This amendment would allow that to happen on larger parcels.

Commissioner Whitaker asked how the code language compares to other municipalities. Planning Manager Holland thought it was comparable. It would allow another housing type within a subdivision.

- Sign Code

This amendment would allow wall signage to be installed along commercial drive-aisles in addition to primary and secondary frontages.

- Accessory Structures

This would allow an administrative deviation for setbacks for structures subject to certain conditions outlined in the code.

Chair Leifer asked about potential reasons for item 3(h) under Accessory Dwelling Unit Standards. He noted that there are already a lot of details outlined in that section. He expressed concern that this might undermine the other standards and provide ambiguity. Planning Manager Holland commented that it is already covered up above under item 3, so this could actually be removed if desired by the Commission.

Commissioner Hoen asked if there is a method to challenge the decision by the Community Development Director. Planning Manager Holland explained that it could be appealed to the Hearing Examiner.

Chair Leifer asked about the relevance of owner occupancy requirement. Planning Manager Holland commented that code enforcement frequently deals with slumlord situations, which is the reason for this provision.

- Park, Recreation, Open Space, and Trail Impact Fees and Mitigation

The proposed amendment would clarify that parks impact fees would not be required for construction of accessory dwelling units. Currently the code is contradicting.

There were no questions or comments on this item.

- Planned Residential Developments

This would clarify that a multifamily and townhome development within the mixed use zone would qualify to develop under these standards. Additionally, it would correct an incorrect reference in the MMC.

- Binding Site Plan

This amendment would reorganize and clarify that multifamily and townhome developments within the mixed use zone that are proposed to be divided into fee simple lots are required to comply with the Planned Residential Development Standards.

## B. Code Amendment – Small Cell

Planning Manager Holland made a PowerPoint presentation reviewing the proposed small cell technology which would allow for better wireless service in the future as the demand gets greater. Director Koenig reviewed some of the background on this technology and issues related to right-of-way and placement of the small cells.

Commissioner Hoen asked if there was room for this equipment on the utility poles. Planning Manager Holland explained it can be challenging.

Chair Leifer asked if there seems to be an intent by providers to spread these through residential developments. Planning Manager Holland thought they would want to do that eventually, but not right now. There is a concern that they could be impactful to residential zones. Chair Leifer commented that this contradicts the City's desire to require all utilities to be underground. Planning Manager Holland concurred. He commented that fiberglass light poles could be converted to have everything interior to it, and there could be underground vaults beneath the sidewalk to visually conceal the equipment.

Commissioner Richards commented on how unsightly the boxes were. Staff agreed and noted that the technology is still under development and comes in different sizes with different providers. Planning Manager Holland reviewed examples of small cell equipment including creative ways of disguising them.

Commissioner Whitaker asked if small cells communicate only with other like small cells. Planning Manager Holland confirmed that they are all different. Director Koenig explained how AT&T has been hired to come up with a cell phone service which is proprietary for public safety. Planning Manager Holland explained that by adopting regulations Marysville can establish the standards they want to see in the community.

Staff will continue to work on this and will eventually bring back a final copy which will go through a public hearing with the Planning Commission.

**TRAINING OPPORTUNITY – Short Course on Local Planning**

A. Lake Stevens, Wednesday, March 28, 2018, 6:15 p.m. – 9:15 p.m.

B. Tulalip, Thursday, May 10, 2018, 6:15 p.m. – 9:15 p.m.

**ARLINGTON MARYSVILLE MIC (MANUFACTURING INDUSTRIAL CENTER)  
KICKOFF MEETING**

A. Wednesday, April 4, 2018 5:00 p.m. – 7:00 p.m.

Director Koenig invited the Planning Commission to participate in this MIC planning process.

Chair Leifer indicated that the Tulalip Planning Commission might also be interested in participating in this. Director Koenig thought that this was a good idea and indicated he would be in touch with them.

**CITY COUNCIL AGENDA ITEMS AND MINUTES**

Planning Manager Holland explained that the Council had approved all the items forwarded to them by the Planning Commission.

**ADJOURNMENT**

**Motion** made by Commissioner Richards, seconded by Commissioner Smith, to adjourn the meeting at 8:21 p.m. **Motion** passed unanimously (6-0).

**NEXT MEETING:**

TBD

  
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Angela Gemmer, Senior Planner for  
Laurie Hugdahl, Recording Secretary

*DRAFT*

PLANNING  
COMMISSION



MINUTES

April 10, 2018

7:00 p.m.

City Hall

**CALL TO ORDER**

Chair Leifer called the April 10, 2018 meeting to order at 7:00 p.m.

Marysville

**Chairman:** Steve Leifer

**Commissioners:** Roger Hoen, Jerry Andes, Kay Smith, Kelly Richards, Tom Thetford, Brandon Whitaker

**Staff:** Community Development Director Dave Koenig, Senior Planner Angela Gemmer

**Absent:** None

**APPROVAL OF MINUTES**

March 13, 2018

Commission Andes referred to page 3, the second paragraph from the bottom, and noted that *Maryville* should be corrected to *Marysville*.

**Motion** made by Commissioner Smith, seconded by Commissioner Richards, to approve the March 13, 2018 Meeting Minutes as amended. **Motion** passed unanimously (7-0).

**AUDIENCE PARTICIPATION**

None

**PUBLIC HEARING – Code Amendments**

The public hearing was opened at 7:02 p.m.

Senior Planner Gemmer reviewed the proposed code amendments.

- A. Cottage Housing – This would allow for multiple clusters of 12 cottages in a development. This would also provide for some organizational changes.
- B. Sign Code – This would allow for wall signs to be oriented to drive aisles. It would also restrict freestanding signs other than monument signs along 160<sup>th</sup> Street. This road is not constructed yet.
- C. Accessory Structures – This would allow for an administrative deviation on a case-by-case basis. Structures that were legally permitted can be converted to an accessory dwelling unit.
- D. Park, Recreation, Open Space and Trail Impact Fees and Mitigation – This would create consistency and clarify that accessory dwelling units are exempt from park impact fees.
- E. Hearing Examiner Duties – This would clarify that the hearing examiner would not review rezones associated with the Comprehensive Plan designation. That duty would go to the Planning Commission.
- F. Planned Residential Developments – This would indicate that multifamily and townhome developments with the Mixed Use zone would be subject to design and dimensional standards outlined in the Planned Residential Development code.
- G. Binding Site Plan Code – This would clarify that a subdivision of multifamily or townhome development would use the Binding Site Plan process. The amendment would clarify the process and reorganize the section for clarity.

Commissioner Whitaker asked if Planned Residential Developments would go through this process also. Senior Planner Gemmer indicated they would.

**Motion** made by Commissioner Richards, seconded by Commissioner Smith, to pass this on to Council with a recommendation for approval. **Motion** passed unanimously (7-0).

Public comments were solicited. There were none.

The public hearing was closed at 7:11 p.m.

## CITY COUNCIL AGENDA ITEMS AND MINUTES

Director Koenig reported that the City Council did a workshop on the small cell ordinance. They are still working on that. Staff also has a meeting scheduled with Snohomish County PUD to discuss some issues.

The City is reigniting the State Avenue plan that was started. Staff intends to bring this to a meeting in May.

He reported that the Arlington-Marysville MIC workshop had a good turnout. He explained that the Planning Commission will be involved with this in the future.

Chair Leifer asked if the list of comments from that workshop had been compiled yet. Director Koenig said he hadn't seen anything from the consultant yet, but staff will provide that to the Planning Commission when provided.

Commissioner Hoen commented that it appeared most of the people in attendance at that meeting were residents instead of developers. Director Koenig commented that there is an advisory committee which includes business owners in the area. The City sent out notices to all the existing businesses in that area. Commissioner Hoen commented that realtors might also be interested in this. Director Koenig commented that the City has a list of people who are interested in Planning Commission items. That list was also notified. He reviewed the notification process that was conducted.

Commissioner Richards asked about the timeframe. Director Koenig stated that they hope to have the plan done this year so they can submit an application to the Puget Sound Regional Council to get the area recognized as an MIC. The Puget Sound Regional Council is in the process of updating the Vision 2040 plan to the Vision 2050 Plan. The city wants to be included as an MIC on that map. This would also create more funding opportunities.

Commissioner Richards asked if the railroad spur up north is part of any industrial plans in that area. Director Koenig commented that it is usable. Burlington Northern Santa Fe has been here looking at what the opportunities are in the Marysville-Arlington area for their new business model. He explained there are some spurs that serve some properties up in that area. Director Koenig discussed some of the potential users in that area.

Chair Leifer asked how the allocation of funds for the MIC would happen since both Marysville and Arlington are involved. Director Koenig commented that it would make more sense to think of it on a project by project basis. They will take a look at the needs for each project as it occurs.

Chair Leifer asked if there are design standards that need to be put together for the area. He suggested that the two cities need to have consistency in their requirements. Director Koenig concurred. He noted that Arlington has a design review board. Director Koenig spoke to the importance of having a good set of design standards that are understandable. He discussed his experience volunteering on the City of Edmonds' Design Review Committee and the difficulties caused by not having clear standards. Chair Leifer expressed concern about having different processes.

Commissioner Richards commented he had visited Bismarck, North Dakota where they have a no-train noise policy in town. He asked if this is something that could be looked



at for Marysville. Director Koenig commented that it has been looked at, but the cost is extremely high.

Commissioner Andes brought up a type of horn called a wayside horn which is less noisy and directs the horn at traffic instead of down the track. There was discussion about noise from trains and potential ways to address this.

**ADJOURNMENT**

**Motion** made by Commissioner Richards, seconded by Commissioner Andes, to adjourn the meeting at 7:55 p.m. **Motion** passed unanimously.

**NEXT MEETING:**

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Laurie Hugdahl, Recording Secretary



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

## MEMORANDUM

**DATE:** May 7, 2018  
**TO:** City Council  
**FROM:** Chris Holland, Planning Manager  
**RE:** 2018 General Code Cleanup – *PC Recommendation*  
**CC:** Dave Koenig, CD Director  
Cheryl Dungan, Senior Planner  
Angela Gemmer, Senior Planner  
Amy Hess, Associate Planner

The Marysville Planning Commission held a duly-advertised public hearing on April 10, 2018 and recommended approval of the following general code cleanup amendments related to:

- . Cottage Housing development;
- . Allowable wall signage;
- . Pole and pylon sign prohibitions along 160<sup>th</sup> Street NE corridor;
- . Accessory structure setbacks;
- . Administrative allowances for conversion of existing accessory structures into accessory dwelling units;
- . Clarifications to exemptions to the requirement to pay park impact fees
- . Hearing Examiner duties;
- . Planned Residential Development applicability and site qualifications; and
- . Binding Site Plan jurisdiction.

## COTTAGE HOUSING

The DRAFT Amendment contains general re-organization of the applicability section, would allow cottage housing to be permitted in the multi-family and mixed use zones and allow multiple 12-unit (max) groupings of cottage housing within a single development.

### 22C.010.280 Cottage housing developments.

- (1) Purpose. The purpose of this section is to:
  - (a) Provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single-person households);
  - (b) Provide opportunities for ownership of small, detached units within a single-family neighborhood;
  - (c) Encourage creation of more usable space for residents of the development through flexibility in density and lot standards;

- (d) Support the growth management goal of more efficient use of urban residential land; and
- (e) Provide guidelines to ensure compatibility with surrounding uses.
- (2) Applicability. Cottage housing developments are allowed ~~in the following areas, as follows:~~
  - (a) Within residentially zoned properties in Downtown Planning Area 1;
  - (b) Within single-family zones where properties are encumbered by at least 35 percent critical areas and associated buffers; ~~and~~
  - (c) On single-family zoned parcels adjacent, ~~including across the street in some cases,~~ to multifamily, commercial and industrial zoned parcels, as a transition to multifamily, commercial and industrial uses, including across the street on a case-by-case basis, approved by the director; and
  - (d) Within multi-family and mixed-use zoned properties.
- (3) Accessory dwelling units shall not be permitted in cottage housing developments.
- (4) Density and Minimum Lot Area.
  - (a) Cottage housing developments shall contain a minimum of four cottages ~~arranged on at least two sides of a common open space or configuration as otherwise approved by the director, with a maximum of 12 cottages per development grouping. A development may contain multiple groupings.~~
    - (b) Groups of cottage housing shall be arranged on at least two sides of a common open space, or a configuration as otherwise approved by the director.
    - ~~(bc)~~ On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
    - ~~(ed)~~ Cottage housing developments shall be allowed a density not to exceed two times the base density allowed in the underlying zone.
- (5) Height Limit and Roof Pitch.
  - (a) The height limit permitted for structures in cottage housing developments shall be 18 feet.
  - (b) The ridge of pitched roofs with a minimum slope of six to 12 (6:12) may extend up to 28 feet. The ridge of pitched roofs with a minimum slope of four to 12 (4:12) may extend up to 23 feet. All parts of the roof above 18 feet shall be pitched.
- (6) Lot Coverage and Floor Area.
  - (a) The maximum lot coverage permitted for buildings in cottage housing developments shall not exceed 40 percent and the maximum total lot coverage shall not exceed 60 percent.
  - (b) The maximum main floor area is 800 square feet.
  - (c) The total floor area of each cottage shall not exceed either one and one-half times the area of the main level or 1,200 square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than 12 feet above finished grade, or below the main level, shall be limited to no more than 50 percent of the enclosed space of the main level, or 400 square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces (less than six feet in height).
  - (d) Attached garages shall be included in the calculation of total floor area.
  - (e) Areas that do not count as total floor area are:
    - (i) Unheated storage space located under the main floor of the cottage.
    - (ii) Attached roofed porches.
    - (iii) Detached garages or carports.
    - (iv) Spaces with the ceiling height of six feet or less measured to the exterior walls, such as a second floor area under the slope of a roof.
  - (f) The total square foot area of a cottage dwelling unit may not be increased. A note shall be placed on the title to the property for the purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or duration of city cottage regulations.

- (7) Yards.
- (a) Front Yards. The front yard for cottage housing developments shall be 10 feet.
  - (b) Rear Yards. The minimum rear yard for a cottage housing development shall be 10 feet. If abutting an alley the rear yard setback may be reduced to five feet.
  - (c) Side Yards. The minimum required side yard for a cottage housing development shall be five feet. When there is a principal entrance along a side facade, the side yard shall be no less than 10 feet along that side for the length of the pedestrian route. This 10-foot side yard shall apply only to a height of eight feet above the access route.
  - (d) Interior Separation for Cottage Housing Developments. There shall be a minimum separation of six feet between principal structures. When there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be 10 feet.
- (8) Required Open Space.
- (a) Quantity of Open Space. A minimum of 400 square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:
    - (i) A minimum of 200 square feet per unit shall be private usable open space (setbacks and common open space shall not be counted as private open space); and
    - (ii) A minimum of 150 square feet per dwelling unit shall be provided as common open space. (Setbacks and private open space shall not be counted as common open space.)
  - (b) Critical areas and buffers shall not be counted as open space.
  - (c) Each house shall abut its private open space. A fence or hedge not to exceed three feet may separate private open space from common open space.
- (9) Development Standards. Cottages shall be oriented around and have their main entry from the common open space.
- (a) Private usable open space shall be provided in one contiguous area with a minimum area of 200 square feet. No horizontal dimension of the open space shall be less than 10 feet and shall be oriented toward the common open space, as much as possible.
  - (b) Required common open space shall be provided at ground level in one contiguous parcel. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two sides.
  - (c) The minimum horizontal dimension for common open space shall be 10 feet.
  - (d) Each cottage unit shall have a covered porch or entry of at least 60 square feet with a minimum dimension of six feet on any side.
  - (e) Secondary entrances facing a street or sidewalk shall have a five-foot by five-foot porch.
  - (f) Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors.
  - (g) Variety in Building Design. A variety of building elements and treatments of cottages and accessory structures must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural feature as shown in the city's design standards. No blank walls are allowed.
  - (h) Five-foot-wide pedestrian pathways (sidewalks) must be included to provide for movement of residents and guests from parking areas to homes and other amenities.
- (10) Parking shall be:
- (a) Located on the cottage housing development property.
  - (b) Located in clusters of not more than five adjoining spaces.
  - (c) Screened from public streets and adjacent residential uses by landscaping or architectural screening.
  - (d) Parking is allowed between or adjacent to structures only when it is located toward the rear of the principal structure and is served by an alley or private driveway.
  - (e) Off-street parking requirements are as follows:
    - (i) Units under 700 square feet: one space per unit;

unit; and (ii) Units between 700 and 1,000 square feet: one and one-half spaces per

(iii) Units over 1,000 square feet: two spaces per unit.

(f) At least one parking stall per dwelling will be enclosed or covered.

(fg) Access to parking shall be from the alley when property abuts a platted alley improved to the city's engineering design and development standards or when the director determines that alley access is feasible and desirable to mitigate parking access impacts.

(gh) Not located in the front yard.

(11) Covered parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.

(a) For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.

(b) Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which precludes the use of the parking spaces for vehicles is prohibited.

(c) The design of carports must include rooflines similar and compatible to those of the dwelling units within the development.

(12) Screening Requirements.

(a) Boundaries between cottage dwellings and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.

(b) Common waste and other storage receptacles shall not be placed in the front yard setback area.

(c) Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.

(13) Requests for Modifications to Standards. The community development director may approve minor modifications to the general parameters and design standards set forth in this chapter, provided the following criteria are met:

(a) The site is constrained due to unusual shape, topography, easements or sensitive areas.

(b) The modification is consistent with the objectives of this chapter.

(c) The modification will not result in a development that is less compatible with neighboring land uses.

## **SIGN CODE**

The DRAFT amendment would allow wall signage to be installed along commercial drive-aisles, which currently is not permitted and also prohibit freestanding pylon signs along the 160<sup>th</sup> Street NE corridor. This is to ensure view corridors of the foothills and Cascade Mountains are preserved.

### **22C.160.140 Measurement standards.**

(1) Determining Sign Area and Dimensions.

(a) For a wall sign which is framed, outlined, painted or otherwise prepared and intended solely to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.

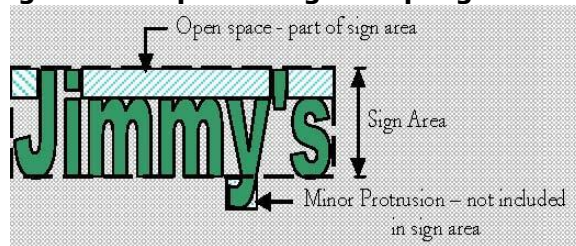
(b) For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not a part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open

space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the community development director, shall not be included in the total area of a sign.

**Figure 1: Wall Sign Area – Examples of Area Calculations**



**Measuring the examples using multiple geometric shapes**



**This illustrates the areas to be included within the calculation of a sign area.**

- (c) For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
  - (i) A pole or other structural support unless such pole or structural support is internally illuminated or otherwise designed so as to constitute a display device, or a part of a display device.
  - (ii) Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, such as landscaping and building or structural forms complementing the site in general.

**Figure 2: Freestanding Sign Area – Examples of Area Calculations**



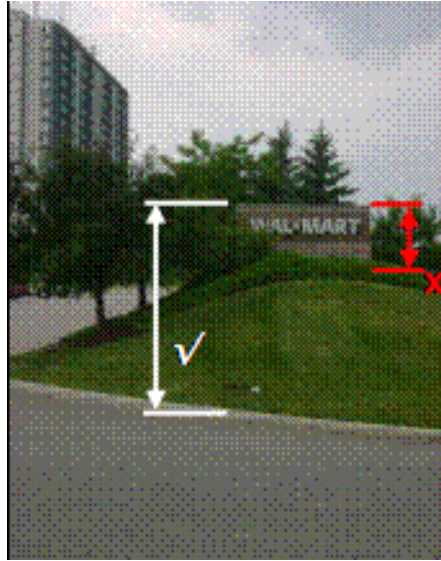
**The dashed line indicates the sign area**

- (d) When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces.
  - (2) Determining Sign Height.



(a) The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest point of the sign. A freestanding sign on a manmade base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.

(b) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.



**The height of a sign is measured from the grade of the street level where the sign is viewed; not from the top of the mound**

(3) Determining Building Frontages and Frontage Lengths.

(a) Building Unit. The building unit is equivalent to the tenant space. The primary frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.

(b) Primary and Secondary Frontage.

(i) Primary Frontage. Primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.

(ii) Secondary Frontage. Secondary frontage shall include those frontages containing secondary public entrances to the building or building units and all building walls facing a public street, ~~or~~ primary parking area, or drive-aisle that are not designated as the primary building frontage by subsection (3)(b)(i) of this section.

(4) Building Frontage.

(a) The primary or secondary frontage shall be all walls parallel, or nearly parallel, to such frontage, excluding any such wall determined by the community development director to be clearly unrelated to the frontage criteria.

(b) The frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

(5) Determining Street Frontage.

(a) Street frontage shall be determined by measuring the lineal feet of property abutting the public street from which a property obtains primary access.

(b) For developments located along more than one public street, the street frontage shall be determined by measuring the lineal feet of property abutting all public streets.

(c) Alley frontage shall not be included in determining street frontage.

(d) Properties abutting Interstate 5, and not abutting a public street, shall have the street frontage determined by measuring the lineal feet of property abutting Interstate 5.

**22C.160.170 Development standards – Freestanding signs.**

(1) The basic allowance for freestanding signs shall be limited to one square foot of sign area for each lineal foot of street frontage not to exceed 200 square feet of sign area per street frontage and 75 square feet per sign face.



(2) The maximum height of freestanding signs is outlined in Table 1; provided, that monument signs shall not exceed 12 feet in height. Additionally, when the regulations of a subarea, master plan or special overlay district conflict, unless specifically indicated otherwise, the regulations of the subarea, master plan or special overlay district shall supersede the height requirements outlined in Table 1.

**Table 1: Freestanding Signs – Maximum Height**

Zoning District									
NB	CB	GC	DC	MU	BP	LI	GI	REC	P/I
4 feet	25 feet	25 feet	15 feet	12 feet	25 feet	25 feet	25 feet	4 feet	15 feet

(3) No portion of a freestanding sign shall be in, or project over, a public right-of-way, and the minimum setback shall be five feet, subject to sight distance review at intersections and driveways.

(4) Single-occupancy complexes are allowed one freestanding sign per street frontage.

(5) Multi-occupancy complexes are allowed one freestanding sign per access driveway for the complex. However, multi-occupancy complexes with only one access driveway shall be allowed one additional freestanding sign, as long as the freestanding sign advertises a different business or businesses located on-site and can be spaced at least 150 feet apart.

(6) All pole, or pylon, sign supports shall be enclosed or concealed in accordance with the design criteria outlined in subsection (10) of this section.





- (7) Pole, or pylon, signs are prohibited in the NB, MU and REC zones.
- (8) Pole, or pylon, signs are prohibited in the commercial and industrial zones located along the 88th Street NE, 116th Street NE, ~~and~~ 156th/152nd Street NE and 160<sup>th</sup> Street NE corridors.
- (9) Pole, or pylon, signs are prohibited on CB zoned properties located adjacent to 64th Street NE (SR 528) and 84th Street NE from approximately 83rd Avenue NE to SR 9.
- (10) The base of a freestanding sign and all pole or pylon sign supports shall be constructed of landscape materials, such as brick, stucco, stonework, textured wood, tile, textured concrete, or other quality materials as approved by the director, and shall be harmonious with the character of the primary structure. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.
- (11) The color, shape, material, lettering and other architectural details of freestanding signs shall be harmonious with the character of the primary structure.
- (12) No angle irons, guy wires or braces shall be visible except those that are an integral part of the overall design.
- (13) One square foot of landscaping is required per one square foot of sign face. Landscaping shall include a decorative combination of ground cover and shrubs to provide seasonal interest in the area surrounding the sign. Landscaping shall be well maintained at all times of the year. The community development director may reduce the landscaping requirement where the signage incorporates stone, brick, or other decorative materials.

## **ACCESSORY STRUCTURES**

The DRAFT amendment would allow an administrative deviation to the required setbacks of an existing detached accessory structure to convert to an accessory dwelling unit.

### **22C.180.020 Accessory structure standards.**

In the zones in which a residential accessory structure is listed as a permitted use, the community development director or designee shall review all proposals to construct an accessory structure. The following standards and regulations shall apply to all proposed accessory structures; provided, that accessory dwelling units shall only be allowed in zones where they are a permitted use and shall also comply with the standards set forth in MMC [22C.180.030](#):

- (1) Accessory structures on properties less than one acre in size shall comply with the following density and dimensional requirements:
  - (a) The footprint of all detached accessory structures shall not exceed the lesser of:
    - (i) Fifteen percent of the total lot area in the R-4.5, R-6.5, R-8 and WR-R-4-8 zones, or 20 percent of the total lot area in the R-12 through R-28 and WR-R-6-18 zones; or
    - (ii) Eighty percent of the footprint of the primary residential structure.
  - (b) The height of all detached accessory structures shall not exceed 20 feet, except that detached accessory structures containing an accessory dwelling unit shall not exceed the base height for the zone.
  - (c) The community development director may allow minor deviations to these dimensional requirements in order to accommodate industry standards for building dimensions.
- (2) A detached garage, carport or other permitted accessory building may be located in the rear yard; provided, that:
  - (a) Not more than 50 percent of the required rear setback area is covered; and
  - (b) Accessory structure(s) located within rear setback areas shall have a minimum interior side setback of five feet, or 10 feet on the flanking street of a corner lot, and a minimum rear setback of five feet; and
  - (c) Vehicle access points from garages, carports, fenced parking areas or other accessory structure(s), the entrance of which faces the rear lot line, shall not be located within 10 feet from the rear lot line, except where the accessory structure's entrance faces an alley with a right-of-way width of 10 feet, in which case the accessory structure(s) shall not be located within 20 feet from the rear lot line; and
  - (d) In Planning Area 1 "Downtown Neighborhood," the rear setbacks outlined in subsections (2)(b) and (c) of this section may be reduced to two feet from the rear lot line; provided, that the alley right-of-way is a minimum of 20 feet in width. Where the alley right-of-way is less than 20 feet in width, the property owner shall be required to dedicate to the city sufficient property to widen the abutting alley to the full width as measured from the design centerline, so as to conform to the applicable road standards specified by the city engineer. Upon dedication of the necessary right-of-way, the rear setback may be reduced to two feet from the rear lot line. Where an existing, nonconforming structure is internally remodeled to include an accessory dwelling unit, but the footprint of the structure is not increased, the structure can be allowed to remain at a zero setback; provided, that the right-of-way is 20 feet in width; and
  - (e) Detached accessory buildings exceeding one story shall provide the minimum required yard setbacks for principal buildings in the zone; and
  - (f) An accessory structure, which is located in the rear setback area, may be attached to the principal structure; provided, that no portion of the principal building is located within the required yard setbacks for principal structures in the zone.
- (3) A detached garage, carport or other permitted accessory structure may be located in the front or side yard only if the applicant demonstrates to the satisfaction of the community development director that the following conditions can be met:
  - (a) Accessory structures that are located in the front or side yard, or on the flanking street side of a corner lot, shall be consistent with the architectural character of the residential neighborhood in which they are proposed to be located, and shall be subject to, but not limited to, the following development standards:
    - (i) The accessory structure shall be consistent with the architectural character of the principal structure; and
    - (ii) The accessory structure shall have a roof pitch similar to the principal structure and have siding and roofing materials similar to or compatible with those used on the principal structure. No metal siding or roofing shall be permitted unless it matches the siding and roofing of the principal structure, or unless it is a building material that is of a residential character such as metal tab roofing or other products consistent with standard residential building materials. Plans for the proposed accessory structure(s) indicating siding and roofing materials shall be submitted with the application; and
    - (iii) Detached accessory structures located in the front or side yard shall provide the minimum required front and side yard setback for principal structures in the zone.

(4) The community development director is specifically authorized to allow an increase in the size of a detached accessory structure over the requirements outlined in subsection (1) of this section; provided, that the accessory structure(s) shall be compatible with the principal structure and/or neighborhood character. To make this determination, the community development director may consider such factors that include, but are not limited to, view obstruction, roof pitch, building materials, screening and landscaping, aesthetic impact on surrounding properties and streetscape, incompatible scale with dwellings on surrounding properties, and impact on neighborhood character. The community development director shall also have the authority to impose greater setback requirements, landscape buffers, or other locational or design requirements as necessary to mitigate the impacts of accessory structures which are greater in size than otherwise allowed by this section.

### **22C.180.030 Accessory dwelling unit standards.**

In the zones in which an accessory dwelling is listed as a permitted use, the community development director shall review all proposals to establish an accessory dwelling unit. The following standards and regulations shall apply to all proposed accessory dwelling units:

(1) An owner-occupant of a single-family dwelling unit may establish only one accessory unit, which may be attached to the single-family dwelling or detached in an accessory building. An accessory dwelling unit may not be located on a lot on which a temporary dwelling, as defined in Chapter [22C.110](#) MMC, is located.

(2) The single-family dwelling unit must be owner-occupied on the date of application and remain owner-occupied for as long as the accessory unit exists. A covenant shall be required which is signed by the owner and recorded against the property as part of the application process.

(3) The floor area of the accessory dwelling unit shall not exceed 35 percent of the total floor area of the ~~original~~ single-family dwelling, and shall comply with the density and dimensional requirements set forth in MMC [22C.010.080](#). The community development director is authorized to conditionally allow a deviation of the setbacks set forth in MMC [22C.010.080](#) of an existing detached accessory structure to be converted to an accessory dwelling unit, subject to the following conditions:

(a) The application shall be subject to the public notice criteria, outlined in MMC [22G.010.090](#) and is subject to a \$250.00 permit processing fee in addition to the accessory dwelling unit land use review fee outlined in MMC [22G.030.020](#);

(b) The existing detached accessory structure was constructed prior to the effective date of Ordinance \_\_\_\_\_, adopted on \_\_\_\_\_, 2018;

(c) The applicant shall be required to demonstrate that the existing detached accessory structure was legally permitted and complied with the required structure setbacks in effect at the time the accessory structure was constructed;

(d) If the existing detached accessory structure is determined to be legal non-conforming, conversion to an accessory dwelling unit shall not increase the pre-existing degree of non-conformance;

(e) The accessory dwelling unit shall not result in a lack of compatibility with existing and potential uses in the immediate area;

(f) Adverse impacts of the proposed accessory dwelling unit shall be mitigated by site design elements such as landscaping, fencing and general visual improvement of the property; and

(g) Adequate provisions must be made for public improvements such as sewer, water, drainage, pedestrian and vehicular circulation.

(4) In no case shall the accessory dwelling unit be less than 300 square feet in size, or have more than two bedrooms. Floor areas shall be exclusive of garages, porches, or unfinished basements.

(45) The architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted on the front (street face) of the dwelling; provided, that this limitation shall not affect the eligibility of a residential structure

which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.

(56) One off-street parking space shall be provided and designated for the accessory ~~apartment dwelling unit~~ (in addition to the two off-street parking spaces required for the primary single-family dwelling unit). Driveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley.

(67) An owner-occupant of a single-family dwelling with an accessory ~~apartment dwelling unit~~ shall file, on a form available from the planning department, a declaration of owner occupancy with the planning department prior to issuance of the building permit for the accessory ~~apartment dwelling unit~~ and shall renew the declaration annually. The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the planning department.

(78) The owner-occupant(s) may reside in the single-family dwelling unit or the accessory dwelling unit.

(89) In addition to the conditions which may be imposed by the community development director, all accessory dwelling units shall also be subject to the condition that such a permit will automatically expire whenever:

(a) The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the community development director and the building official; or

(b) The subject lot ceases to maintain at least three off-street parking spaces; or

(c) The owner ceases to reside in either the principal or the accessory dwelling unit; provided, that in the event of illness, death or other unforeseeable event which prevents the owner's continued occupancy of the premises, the community development director may, upon a finding that discontinuance of the accessory dwelling unit would cause a hardship on the owner and/or tenants, grant a temporary suspension of this owner-occupancy requirement for a period of one year. The community development director may grant an extension of such suspension for one additional year, upon a finding of continued hardship.

## **PARKS, RECREATION, OPEN SPACE AND TRAIL IMPACT FEES AND MITIGATION**

The DRAFT amendment would clarify that parks impact fees would not be required for construction of an accessory dwelling unit. Currently the code is contradicting.

### **22D.020.040 Exemptions to the requirement to pay impact fees.**

(1) The following are excluded from the requirement to pay some or all of the required impact fees:

(a) The reconstruction, remodeling, or replacement of existing buildings, structures, mobile homes, or manufactured homes, which does not result, for nonresidential structures, in additional floor space or, for all structures, additional dwellings. A complete application for a building permit to replace or reconstruct an existing structure that was removed or destroyed shall be submitted within three years after the structure was removed or destroyed in order for the exemption to apply.

(b) The construction of structures accessory to a residence is exempt from the requirement to pay all impact fees. ~~Nonresidential accessory structures are not exempt from the requirement to pay impact fees. The construction of any accessory structures which will result in additional dwelling units, including accessory dwelling units, requires the payment of impact fees.~~

(c) Parking garages and building space which is constructed solely to park motor vehicles which are not owned, leased or rented by a business or part of a stock in trade are exempt from the requirement to pay all impact fees. The conversion of parking garages or vehicle parking areas to other uses identified in MMC [22D.020.050](#)(2) requires the payment of impact fees.

(d) Temporary uses and structures authorized by Chapter [22C.110](#) MMC are exempt from the requirement to pay all impact fees.

(e) The property on which the development activity will take place is exempt from the payment of park, recreation, open space or trail facilities impact fees under RCW [82.02.100](#) because the property is part of a development activity which mitigated its impacts on the same system improvements under the State Environmental Policy Act (SEPA).

(f) The development activity shall not be required to pay impact fees for a facility type because:

(i) The impact of the development activity for park, recreation, open space or trail facilities has been mitigated by a voluntary agreement; mitigated State Environmental Policy Act (SEPA) determination; SEPA EIS; permit or approval condition which requires the payment of fees consistent with the fees imposed by this title for park impacts; the dedication of land in lieu of a fee for parks, recreation and trail improvements; or the construction or improvement of parks, recreation, open space or trails in lieu of a fee; and

(ii) The SEPA, permit or approval condition predates the effective date of the ordinance codified in this chapter. If the condition or requirement does not provide that the improvements substitute for impact fees, then the development activity is not exempt. To be exempt from the payment of park facilities impact fees, the voluntary agreement, mitigated SEPA determination, permit or approval condition shall provide for a payment, dedication, or construction of park facility improvements. Where a development activity has not filed a complete building permit application before the effective date of this chapter, the development activity shall pay any payment under the same terms as an impact fee but in the amount specified by the voluntary agreement, mitigated SEPA determination, permit or approval condition as a condition of being exempt from the requirement to pay mitigation fees. Unless the voluntary agreement, permit condition or approval condition requires payment when the building permit is applied for or issued, the planning director may extend the payment date from before the issuance of a building permit to some later date for development activities required to pay under this exemption.

(g) Accessory dwellings approved by the city under Chapter [22C.180](#) MMC.

(2) Any claim of exemption shall be made no later than the time of application for a building permit. If a building permit is not required for the development activity, the claim shall be made when the fee is tendered. Any claim not made when required by this section shall be deemed waived.

## HEARING EXAMINER DUTIES

The DRAFT code amendment clarifies that the Hearing Examiner would not review rezones associated with a comprehensive plan designation amendment. This duty is afforded to the Planning Commission with a recommendation to City Council.

### 22G.060.090 Duties.

The examiner is vested with the duty and authority to hold public hearings and render decisions on the following matters:

- (1) Preliminary plats;
- (2) Appeals from administrative decisions on short plats;
- (3) Rezones; except [rezoning of land when such rezone is associated with a comprehensive plan designation amendment, and](#) area-wide rezones initiated by the city itself shall be heard by the planning commission;
- (4) Binding site plan approvals when subject to public review;
- (5) Conditional use permits when subject to public review;
- (6) Zoning code variances;
- (7) Administrative appeals from decisions and interpretations by city staff relating to land use codes, SEPA and permits;

- (8) Conditional shoreline development permits, variances and appeals from administrative determinations arising under Chapter [22E.050](#) MMC;
- (9) Complaints by citizens or city staff seeking administrative enforcement of provisions of city land use codes or conditions in development permits and approvals, or seeking rescission or modification of such permits or approvals;
- (10) Variances and administrative appeals arising from the city's sign code;
- (11) Variances and administrative appeals arising from the city's floodplain management code;
- (12) Variances and administrative appeals arising under the city's street department code;
- (13) Appeals of suspension or removal of tow truck operators from the city's list under MMC [11.37.060](#);
- (14) Appeals of a chronic nuisance property notice outlined in Chapter [6.23](#) MMC;
- (15) Such other regulatory, enforcement or quasi-judicial matters as may be assigned to the examiner by the mayor and city council.

## **PLANNED RESIDENTIAL DEVELOPMENTS**

The DRAFT code amendment would clarify that a multi-family and townhome development within the mixed use zone would qualify to develop under these standards. Additionally, the MMC 22G.080.020 references an incorrect section of the MMC.

### **22G.080.030 Planned residential development – Site qualifications.**

To utilize the PRD provisions contained in this chapter, a site must be at least one acre gross area and ~~must be~~ zoned residential, or be a multi-family or townhome development within the mixed use zone.

### **22G.080.020 Applicability.**

An applicant may request to utilize the PRD provisions if the site meets the site qualification criteria of this chapter and concurrently utilizes a land division process as specified in MMC ~~22G.080.040~~ 22G.080.050.

## **BINDING SITE PLAN**

The DRAFT amendment is a general reorganization and clarifies that multi-family and townhome developments within the mixed use zone that are proposed to be divided into fee simple lots are required to comply with the Planned Residential Development Standards.

### **22G.100.040 Jurisdiction.**

These regulations shall apply to all properties which are exempt from the city's subdivision code pursuant to RCW [58.17.040](#)(4) or (7) and which are being divided through the binding site plan process in ~~business, commercial, and industrial zones or in a residential zone if the division complies with the planned residential development provisions of Chapter 22G.080 MMC and with MMC 22G.100.070:~~

- (a) Commercial, industrial, recreation and public institutional zones;
- (b) Multi-family and townhome development in the mixed use zone; or
- (c) Single-family, multi-family and townhome development in residential zones.

Divisions involving single-family, multi-family, and townhome developments must comply with the planned residential development provisions of MMC Chapter 22G.080.

**CITY OF MARYSVILLE**  
**Marysville, Washington**  
**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON,  
RELATING TO GENERAL CODE CLEANUP AMENDING SECTIONS  
22C.010.280, 22C.160.140, 22C.160.170, 22C.180.020, 22C.180.030,  
22D.020.040, 22G.060.090, 22G.080.020, 22G.080.030, AND  
22G.100.040 OF THE MARYSVILLE MUNICIPAL CODE.**

**WHEREAS**, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

**WHEREAS**, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

**WHEREAS**, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

**WHEREAS**, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

**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 development code (MMC Title 22); and

**WHEREAS**, the development code amendment is consistent with the following required findings of MMC 22G.010.500:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of this title;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

**WHEREAS**, the Planning Commission discussed the above-referenced amendment during a public meeting held on March 13, 2018; and

**WHEREAS**, on April 10, 2018, the Marysville Planning Commission held a duly-advertised public hearing; and

**WHEREAS**, On April 10, 2018, the Marysville Planning Commission recommended City Council adopt the proposed amendments to the City's development regulations; and



**WHEREAS**, at a public meeting on May 14, 2018, the Marysville City Council reviewed and considered the Marysville Planning Commission's Recommendation and proposed amendments to the City's development regulations; and

**WHEREAS**, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on May 14, 2018, seeking expedited review under RCW 36.70A.160(3)(b) in compliance with the procedural requirement under RCW 36.70A.106; and

**WHEREAS**, the amendments to the development regulations are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

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

**Section 1. Amendment of Municipal Code.** MMC Section 22C.010.280, entitled "Cottage housing developments," is hereby amended as follows:

**22C.010.280 Cottage housing developments.**

- (1) Purpose. The purpose of this section is to:
  - (a) Provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single-person households);
  - (b) Provide opportunities for ownership of small, detached units within a single-family neighborhood;
  - (c) Encourage creation of more usable space for residents of the development through flexibility in density and lot standards;
  - (d) Support the growth management goal of more efficient use of urban residential land; and
  - (e) Provide guidelines to ensure compatibility with surrounding uses.
- (2) Applicability. Cottage housing developments are allowed ~~in the following areas, as follows:~~
  - ~~(a) Within~~ residentially zoned properties in Downtown Planning Area 1;
  - ~~(b) Within~~ single-family zones where properties are encumbered by at least 35 percent critical areas and associated buffers; ~~and~~
  - ~~(c) On~~ single-family zoned parcels adjacent, ~~including across the street in some cases,~~ to multifamily, commercial and industrial zoned parcels, as a transition to multifamily, commercial and industrial uses, including across the street on a case-by-case basis, approved by the director; and
  - ~~(d) Within multi-family and mixed-use zoned properties.~~
- (3) Accessory dwelling units shall not be permitted in cottage housing developments.
- (4) Density and Minimum Lot Area.
  - (a) Cottage housing developments shall contain a minimum of four cottages ~~arranged on at least two sides of a common open space or configuration as otherwise approved by the director,~~ with a maximum of 12 cottages per ~~development grouping.~~ A development may contain multiple groupings.
  - ~~(b)~~ Groups of cottage housing shall be arranged on at least two sides of a common open space, or a configuration as otherwise approved by the director.
  - ~~(bc)~~ On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
  - ~~(ed)~~ Cottage housing developments shall be allowed a density not to exceed two times the base density allowed in the underlying zone.



- (5) Height Limit and Roof Pitch.
- (a) The height limit permitted for structures in cottage housing developments shall be 18 feet.
  - (b) The ridge of pitched roofs with a minimum slope of six to 12 (6:12) may extend up to 28 feet. The ridge of pitched roofs with a minimum slope of four to 12 (4:12) may extend up to 23 feet. All parts of the roof above 18 feet shall be pitched.
- (6) Lot Coverage and Floor Area.
- (a) The maximum lot coverage permitted for buildings in cottage housing developments shall not exceed 40 percent and the maximum total lot coverage shall not exceed 60 percent.
  - (b) The maximum main floor area is 800 square feet.
  - (c) The total floor area of each cottage shall not exceed either one and one-half times the area of the main level or 1,200 square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than 12 feet above finished grade, or below the main level, shall be limited to no more than 50 percent of the enclosed space of the main level, or 400 square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces (less than six feet in height).
  - (d) Attached garages shall be included in the calculation of total floor area.
  - (e) Areas that do not count as total floor area are:
    - (i) Unheated storage space located under the main floor of the cottage.
    - (ii) Attached roofed porches.
    - (iii) Detached garages or carports.
    - (iv) Spaces with the ceiling height of six feet or less measured to the exterior walls, such as a second floor area under the slope of a roof.
  - (f) The total square foot area of a cottage dwelling unit may not be increased. A note shall be placed on the title to the property for the purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or duration of city cottage regulations.
- (7) Yards.
- (a) Front Yards. The front yard for cottage housing developments shall be 10 feet.
  - (b) Rear Yards. The minimum rear yard for a cottage housing development shall be 10 feet. If abutting an alley the rear yard setback may be reduced to five feet.
  - (c) Side Yards. The minimum required side yard for a cottage housing development shall be five feet. When there is a principal entrance along a side facade, the side yard shall be no less than 10 feet along that side for the length of the pedestrian route. This 10-foot side yard shall apply only to a height of eight feet above the access route.
  - (d) Interior Separation for Cottage Housing Developments. There shall be a minimum separation of six feet between principal structures. When there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be 10 feet.
- (8) Required Open Space.
- (a) Quantity of Open Space. A minimum of 400 square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:
    - (i) A minimum of 200 square feet per unit shall be private usable open space (setbacks and common open space shall not be counted as private open space); and
    - (ii) A minimum of 150 square feet per dwelling unit shall be provided as common open space. (Setbacks and private open space shall not be counted as common open space.)
  - (b) Critical areas and buffers shall not be counted as open space.
  - (c) Each house shall abut its private open space. A fence or hedge not to exceed three feet may separate private open space from common open space.

(9) Development Standards. Cottages shall be oriented around and have their main entry from the common open space.

(a) Private usable open space shall be provided in one contiguous area with a minimum area of 200 square feet. No horizontal dimension of the open space shall be less than 10 feet and shall be oriented toward the common open space, as much as possible.

(b) Required common open space shall be provided at ground level in one contiguous parcel. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two sides.

(c) The minimum horizontal dimension for common open space shall be 10 feet.

(d) Each cottage unit shall have a covered porch or entry of at least 60 square feet with a minimum dimension of six feet on any side.

(e) Secondary entrances facing a street or sidewalk shall have a five-foot by five-foot porch.

(f) Separation of Identical Building Elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors.

(g) Variety in Building Design. A variety of building elements and treatments of cottages and accessory structures must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural feature as shown in the city's design standards. No blank walls are allowed.

(h) Five-foot-wide pedestrian pathways (sidewalks) must be included to provide for movement of residents and guests from parking areas to homes and other amenities.

(10) Parking shall be:

(a) Located on the cottage housing development property.

(b) Located in clusters of not more than five adjoining spaces.

(c) Screened from public streets and adjacent residential uses by landscaping or architectural screening.

(d) Parking is allowed between or adjacent to structures only when it is located toward the rear of the principal structure and is served by an alley or private driveway.

(e) Off-street parking requirements are as follows:

(i) Units under 700 square feet: one space per unit;

(ii) Units between 700 and 1,000 square feet: one and one-half spaces per unit; and

(iii) Units over 1,000 square feet: two spaces per unit.

~~(f)~~ At least one parking stall per dwelling will be enclosed or covered.

~~(fg)~~ Access to parking shall be from the alley when property abuts a platted alley improved to the city's engineering design and development standards or when the director determines that alley access is feasible and desirable to mitigate parking access impacts.

~~(gh)~~ Not located in the front yard.

(11) Covered parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single-family character along public streets.

(a) For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.

(b) Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which precludes the use of the parking spaces for vehicles is prohibited.

(c) The design of carports must include rooflines similar and compatible to those of the dwelling units within the development.

(12) Screening Requirements.

(a) Boundaries between cottage dwellings and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (i.e., through setbacks or architectural techniques) to meet the intent of this section.

(b) Common waste and other storage receptacles shall not be placed in the front yard setback area.

(c) Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public rights-of-way.

(13) Requests for Modifications to Standards. The community development director may approve minor modifications to the general parameters and design standards set forth in this chapter, provided the following criteria are met:

(a) The site is constrained due to unusual shape, topography, easements or sensitive areas.

(b) The modification is consistent with the objectives of this chapter.

(c) The modification will not result in a development that is less compatible with neighboring land uses.

**Section 2. Amendment of Municipal Code.** MMC Section 22C.160.140, entitled "Measurement standards," is hereby amended as follows:

**22C.160.140 Measurement standards.**

(1) Determining Sign Area and Dimensions.

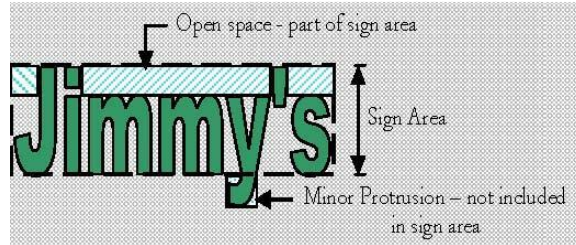
(a) For a wall sign which is framed, outlined, painted or otherwise prepared and intended solely to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.

(b) For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not a part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the community development director, shall not be included in the total area of a sign.

**Figure 1: Wall Sign Area – Examples of Area Calculations**



**Measuring the examples using multiple geometric shapes**



**This illustrates the areas to be included within the calculation of a sign area.**

(c) For a freestanding sign, the sign area shall include the frame, if any, but shall not include:

(i) A pole or other structural support unless such pole or structural support is internally illuminated or otherwise designed so as to constitute a display device, or a part of a display device.

(ii) Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, such as landscaping and building or structural forms complementing the site in general.

**Figure 2: Freestanding Sign Area – Examples of Area Calculations**



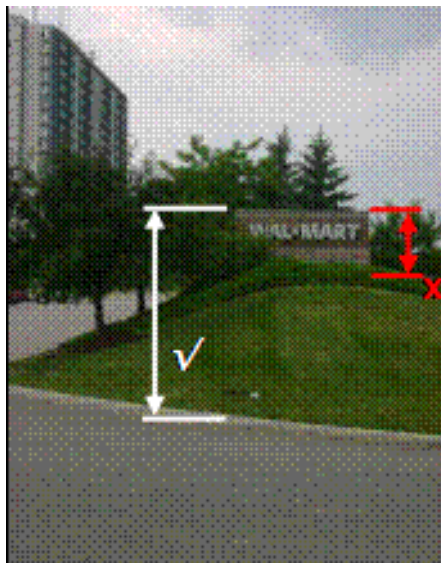
**The dashed line indicates the sign area**

(d) When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces.

(2) Determining Sign Height.

(a) The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest point of the sign. A freestanding sign on a manmade base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.

(b) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.



**The height of a sign is measured from the grade of the street level where the sign is viewed; not from the top of the mound**

- (3) Determining Building Frontages and Frontage Lengths.
  - (a) Building Unit. The building unit is equivalent to the tenant space. The primary frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.
  - (b) Primary and Secondary Frontage.
    - (i) Primary Frontage. Primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
    - (ii) Secondary Frontage. Secondary frontage shall include those frontages containing secondary public entrances to the building or building units and all building walls facing a public street, ~~or~~ primary parking area, or drive-aisle that are not designated as the primary building frontage by subsection (3)(b)(i) of this section.
- (4) Building Frontage.
  - (a) The primary or secondary frontage shall be all walls parallel, or nearly parallel, to such frontage, excluding any such wall determined by the community development director to be clearly unrelated to the frontage criteria.
  - (b) The frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
- (5) Determining Street Frontage.
  - (a) Street frontage shall be determined by measuring the lineal feet of property abutting the public street from which a property obtains primary access.
  - (b) For developments located along more than one public street, the street frontage shall be determined by measuring the lineal feet of property abutting all public streets.
  - (c) Alley frontage shall not be included in determining street frontage.
  - (d) Properties abutting Interstate 5, and not abutting a public street, shall have the street frontage determined by measuring the lineal feet of property abutting Interstate 5.

**Section 3. Amendment of Municipal Code.** MMC Section 22C.160.170, entitled "Development standards – Freestanding signs," is hereby amended as follows:

**22C.160.170 Development standards – Freestanding signs.**

(1) The basic allowance for freestanding signs shall be limited to one square foot of sign area for each lineal foot of street frontage not to exceed 200 square feet of sign area per street frontage and 75 square feet per sign face.



(2) The maximum height of freestanding signs is outlined in Table 1; provided, that monument signs shall not exceed 12 feet in height. Additionally, when the regulations of a subarea, master plan or special overlay district conflict, unless specifically indicated otherwise, the regulations of the subarea, master plan or special overlay district shall supersede the height requirements outlined in Table 1.

**Table 1: Freestanding Signs – Maximum Height**

Zoning District									
NB	CB	GC	DC	MU	BP	LI	GI	REC	P/I
4 feet	25 feet	25 feet	15 feet	12 feet	25 feet	25 feet	25 feet	4 feet	15 feet

(3) No portion of a freestanding sign shall be in, or project over, a public right-of-way, and the minimum setback shall be five feet, subject to sight distance review at intersections and driveways.

(4) Single-occupancy complexes are allowed one freestanding sign per street frontage.

(5) Multi-occupancy complexes are allowed one freestanding sign per access driveway for the complex. However, multi-occupancy complexes with only one access driveway shall be allowed one additional freestanding sign, as long as the freestanding sign advertises a different business or businesses located on-site and can be spaced at least 150 feet apart.

(6) All pole, or pylon, sign supports shall be enclosed or concealed in accordance with the design criteria outlined in subsection (10) of this section.





- (7) Pole, or pylon, signs are prohibited in the NB, MU and REC zones.
- (8) Pole, or pylon, signs are prohibited in the commercial and industrial zones located along the 88th Street NE, 116th Street NE, ~~and~~ 156th/152nd Street NE and 160<sup>th</sup> Street NE corridors.
- (9) Pole, or pylon, signs are prohibited on CB zoned properties located adjacent to 64th Street NE (SR 528) and 84th Street NE from approximately 83rd Avenue NE to SR 9.
- (10) The base of a freestanding sign and all pole or pylon sign supports shall be constructed of landscape materials, such as brick, stucco, stonework, textured wood, tile, textured concrete, or other quality materials as approved by the director, and shall be harmonious with the character of the primary structure. This limitation does not apply to structural elements that are an integral part of the overall design such as decorative metal or wood.
- (11) The color, shape, material, lettering and other architectural details of freestanding signs shall be harmonious with the character of the primary structure.
- (12) No angle irons, guy wires or braces shall be visible except those that are an integral part of the overall design.
- (13) One square foot of landscaping is required per one square foot of sign face. Landscaping shall include a decorative combination of ground cover and shrubs to provide seasonal interest in the area surrounding the sign. Landscaping shall be well maintained at all times of the year. The community development director may reduce the landscaping requirement where the signage incorporates stone, brick, or other decorative materials.

**Section 4. Amendment of Municipal Code.** MMC Section 22C.180.020, entitled "Accessory structure standards," is hereby amended as follows:

**22C.180.020 Accessory structure standards.**

In the zones in which a residential accessory structure is listed as a permitted use, the community development director or designee shall review all proposals to construct an accessory structure. The following standards and regulations shall apply to all proposed accessory structures; provided, that accessory dwelling units shall only be allowed in zones where they are a permitted use and shall also comply with the standards set forth in MMC [22C.180.030](#):

- (1) Accessory structures on properties less than one acre in size shall comply with the following density and dimensional requirements:

(a) The footprint of all detached accessory structures shall not exceed the lesser of:

(i) Fifteen percent of the total lot area in the R-4.5, R-6.5, R-8 and WR-R-4-8 zones, or 20 percent of the total lot area in the R-12 through R-28 and WR-R-6-18 zones; or

(ii) Eighty percent of the footprint of the primary residential structure.

(b) The height of all detached accessory structures shall not exceed 20 feet, except that detached accessory structures containing an accessory dwelling unit shall not exceed the base height for the zone.

(c) The community development director may allow minor deviations to these dimensional requirements in order to accommodate industry standards for building dimensions.

(2) A detached garage, carport or other permitted accessory building may be located in the rear yard; provided, that:

(a) Not more than 50 percent of the required rear setback area is covered; and

(b) Accessory structure(s) located within rear setback areas shall have a minimum interior side setback of five feet, or 10 feet on the flanking street of a corner lot, and a minimum rear setback of five feet; and

(c) Vehicle access points from garages, carports, fenced parking areas or other accessory structure(s), the entrance of which faces the rear lot line, shall not be located within 10 feet from the rear lot line, except where the accessory structure's entrance faces an alley with a right-of-way width of 10 feet, in which case the accessory structure(s) shall not be located within 20 feet from the rear lot line; and

(d) In Planning Area 1 "Downtown Neighborhood," the rear setbacks outlined in subsections (2)(b) and (c) of this section may be reduced to two feet from the rear lot line; provided, that the alley right-of-way is a minimum of 20 feet in width. Where the alley right-of-way is less than 20 feet in width, the property owner shall be required to dedicate to the city sufficient property to widen the abutting alley to the full width as measured from the design centerline, so as to conform to the applicable road standards specified by the city engineer. Upon dedication of the necessary right-of-way, the rear setback may be reduced to two feet from the rear lot line. Where an existing, nonconforming structure is internally remodeled to include an accessory dwelling unit, but the footprint of the structure is not increased, the structure can be allowed to remain at a zero setback; provided, that the right-of-way is 20 feet in width; and

(e) Detached accessory buildings exceeding one story shall provide the minimum required yard setbacks for principal buildings in the zone; and

(f) An accessory structure, which is located in the rear setback area, may be attached to the principal structure; provided, that no portion of the principal building is located within the required yard setbacks for principal structures in the zone.

(3) A detached garage, carport or other permitted accessory structure may be located in the front or side yard only if the applicant demonstrates to the satisfaction of the community development director that the following conditions can be met:

(a) Accessory structures that are located in the front or side yard, or on the flanking street side of a corner lot, shall be consistent with the architectural character of the residential neighborhood in which they are proposed to be located, and shall be subject to, but not limited to, the following development standards:

(i) The accessory structure shall be consistent with the architectural character of the principal structure; and

(ii) The accessory structure shall have a roof pitch similar to the principal structure and have siding and roofing materials similar to or compatible with those used on the principal structure. No metal siding or roofing shall be permitted unless it matches the siding and roofing of the principal structure, or unless it is a building material that is of a residential character such as metal tab roofing or other



products consistent with standard residential building materials. Plans for the proposed accessory structure(s) indicating siding and roofing materials shall be submitted with the application; and

(iii) Detached accessory structures located in the front or side yard shall provide the minimum required front and side yard setback for principal structures in the zone.

(4) The community development director is specifically authorized to allow an increase in the size of a detached accessory structure over the requirements outlined in subsection (1) of this section; provided, that the accessory structure(s) shall be compatible with the principal structure and/or neighborhood character. To make this determination, the community development director may consider such factors that include, but are not limited to, view obstruction, roof pitch, building materials, screening and landscaping, aesthetic impact on surrounding properties and streetscape, incompatible scale with dwellings on surrounding properties, and impact on neighborhood character. The community development director shall also have the authority to impose greater setback requirements, landscape buffers, or other locational or design requirements as necessary to mitigate the impacts of accessory structures which are greater in size than otherwise allowed by this section.

**Section 5. Amendment of Municipal Code.** MMC Section 22C.180.030, entitled "Accessory dwelling unit standards," is hereby amended as follows:

**22C.180.030 Accessory dwelling unit standards.**

In the zones in which an accessory dwelling is listed as a permitted use, the community development director shall review all proposals to establish an accessory dwelling unit. The following standards and regulations shall apply to all proposed accessory dwelling units:

(1) An owner-occupant of a single-family dwelling unit may establish only one accessory unit, which may be attached to the single-family dwelling or detached in an accessory building. An accessory dwelling unit may not be located on a lot on which a temporary dwelling, as defined in Chapter 22C.110 MMC, is located.

(2) The single-family dwelling unit must be owner-occupied on the date of application and remain owner-occupied for as long as the accessory unit exists. A covenant shall be required which is signed by the owner and recorded against the property as part of the application process.

(3) The floor area of the accessory dwelling unit shall not exceed 35 percent of the total floor area of the ~~original~~ single-family dwelling, and shall comply with the density and dimensional requirements set forth in MMC 22C.010.080. The community development director is authorized to conditionally allow a deviation of the setbacks set forth in MMC 22C.010.080 of an existing detached accessory structure to be converted to an accessory dwelling unit, subject to the following conditions:

(a) The application shall be subject to the public notice criteria, outlined in MMC 22G.010.090 and is subject to a \$250.00 permit processing fee in addition to the accessory dwelling unit land use review fee outlined in MMC 22G.030.020;

(b) The existing detached accessory structure was constructed prior to the effective date of Ordinance \_\_\_\_\_, adopted on \_\_\_\_\_, 2018;

(c) The applicant shall be required to demonstrate that the existing detached accessory structure was legally permitted and complied with the required structure setbacks in effect at the time the accessory structure was constructed;

(d) If the existing detached accessory structure is determined to be legal non-conforming, conversion to an accessory dwelling unit shall not increase the pre-existing degree of non-conformance;

(e) The accessory dwelling unit shall not result in a lack of compatibility with existing and potential uses in the immediate area;

(f) Adverse impacts of the proposed accessory dwelling unit shall be mitigated by site design elements such as landscaping, fencing and general visual improvement of the property; and

(g) Adequate provisions must be made for public improvements such as sewer, water, drainage, pedestrian and vehicular circulation.

(4) In no case shall the accessory dwelling unit be less than 300 square feet in size, or have more than two bedrooms. Floor areas shall be exclusive of garages, porches, or unfinished basements.

(45) The architectural character of the single-family dwelling shall be preserved. Exterior materials, roof form, and window spacing and proportions shall match that of the existing single-family dwelling. Only one main entrance shall be permitted on the front (street face) of the dwelling; provided, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.

(56) One off-street parking space shall be provided and designated for the accessory ~~apartment~~ dwelling unit (in addition to the two off-street parking spaces required for the primary single-family dwelling unit). Driveways may be counted as one parking space but no parking areas other than driveways shall be created in front yards. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley.

(67) An owner-occupant of a single-family dwelling with an accessory ~~apartment~~ dwelling unit shall file, on a form available from the planning department, a declaration of owner occupancy with the planning department prior to issuance of the building permit for the accessory ~~apartment~~ dwelling unit and shall renew the declaration annually. The initial declaration of owner occupancy shall be recorded with the county auditor prior to filing the declaration with the planning department.

(78) The owner-occupant(s) may reside in the single-family dwelling unit or the accessory dwelling unit.

(89) In addition to the conditions which may be imposed by the community development director, all accessory dwelling units shall also be subject to the condition that such a permit will automatically expire whenever:

(a) The accessory dwelling unit is substantially altered and is thus no longer in conformance with the plans approved by both the community development director and the building official; or

(b) The subject lot ceases to maintain at least three off-street parking spaces; or

(c) The owner ceases to reside in either the principal or the accessory dwelling unit; provided, that in the event of illness, death or other unforeseeable event which prevents the owner's continued occupancy of the premises, the community development director may, upon a finding that discontinuance of the accessory dwelling unit would cause a hardship on the owner and/or tenants, grant a temporary suspension of this owner-occupancy requirement for a period of one year. The community development director may grant an extension of such suspension for one additional year, upon a finding of continued hardship.

**Section 6. Amendment of Municipal Code.** MMC Section 22D.020.040, entitled "Exemptions to the requirement to pay impact fees," is hereby amended as follows:

**22D.020.040 Exemptions to the requirement to pay impact fees.**

(1) The following are excluded from the requirement to pay some or all of the required impact fees:

(a) The reconstruction, remodeling, or replacement of existing buildings, structures, mobile homes, or manufactured homes, which does not result, for nonresidential structures, in additional floor space or, for all structures, additional dwellings. A complete application for a building permit to replace or reconstruct an

existing structure that was removed or destroyed shall be submitted within three years after the structure was removed or destroyed in order for the exemption to apply.

(b) The construction of structures accessory to a residence is exempt from the requirement to pay all impact fees. ~~Nonresidential accessory structures are not exempt from the requirement to pay impact fees. The construction of any accessory structures which will result in additional dwelling units, including accessory dwelling units, requires the payment of impact fees.~~

(c) Parking garages and building space which is constructed solely to park motor vehicles which are not owned, leased or rented by a business or part of a stock in trade are exempt from the requirement to pay all impact fees. The conversion of parking garages or vehicle parking areas to other uses identified in MMC [22D.020.050](#)(2) requires the payment of impact fees.

(d) Temporary uses and structures authorized by Chapter [22C.110](#) MMC are exempt from the requirement to pay all impact fees.

(e) The property on which the development activity will take place is exempt from the payment of park, recreation, open space or trail facilities impact fees under RCW [82.02.100](#) because the property is part of a development activity which mitigated its impacts on the same system improvements under the State Environmental Policy Act (SEPA).

(f) The development activity shall not be required to pay impact fees for a facility type because:

(i) The impact of the development activity for park, recreation, open space or trail facilities has been mitigated by a voluntary agreement; mitigated State Environmental Policy Act (SEPA) determination; SEPA EIS; permit or approval condition which requires the payment of fees consistent with the fees imposed by this title for park impacts; the dedication of land in lieu of a fee for parks, recreation and trail improvements; or the construction or improvement of parks, recreation, open space or trails in lieu of a fee; and

(ii) The SEPA, permit or approval condition predates the effective date of the ordinance codified in this chapter. If the condition or requirement does not provide that the improvements substitute for impact fees, then the development activity is not exempt. To be exempt from the payment of park facilities impact fees, the voluntary agreement, mitigated SEPA determination, permit or approval condition shall provide for a payment, dedication, or construction of park facility improvements. Where a development activity has not filed a complete building permit application before the effective date of this chapter, the development activity shall pay any payment under the same terms as an impact fee but in the amount specified by the voluntary agreement, mitigated SEPA determination, permit or approval condition as a condition of being exempt from the requirement to pay mitigation fees. Unless the voluntary agreement, permit condition or approval condition requires payment when the building permit is applied for or issued, the planning director may extend the payment date from before the issuance of a building permit to some later date for development activities required to pay under this exemption.

(g) Accessory dwellings approved by the city under Chapter [22C.180](#) MMC.  
(2) Any claim of exemption shall be made no later than the time of application for a building permit. If a building permit is not required for the development activity, the claim shall be made when the fee is tendered. Any claim not made when required by this section shall be deemed waived.

**Section 7. Amendment of Municipal Code.** MMC Section 22G.060.090, entitled "Duties," is hereby amended as follows:

**22G.060.090 Duties.**

The examiner is vested with the duty and authority to hold public hearings and render decisions on the following matters:

- (1) Preliminary plats;
- (2) Appeals from administrative decisions on short plats;
- (3) Rezones; except rezoning of land when such rezone is associated with a comprehensive plan designation amendment, and area-wide rezones initiated by the city itself, which shall be heard by the planning commission;
- (4) Binding site plan approvals when subject to public review;
- (5) Conditional use permits when subject to public review;
- (6) Zoning code variances;
- (7) Administrative appeals from decisions and interpretations by city staff relating to land use codes, SEPA and permits;
- (8) Conditional shoreline development permits, variances and appeals from administrative determinations arising under Chapter 22E.050 MMC;
- (9) Complaints by citizens or city staff seeking administrative enforcement of provisions of city land use codes or conditions in development permits and approvals, or seeking rescission or modification of such permits or approvals;
- (10) Variances and administrative appeals arising from the city's sign code;
- (11) Variances and administrative appeals arising from the city's floodplain management code;
- (12) Variances and administrative appeals arising under the city's street department code;
- (13) Appeals of suspension or removal of tow truck operators from the city's list under MMC 11.37.060;
- (14) Appeals of a chronic nuisance property notice outlined in Chapter 6.23 MMC;
- (15) Such other regulatory, enforcement or quasi-judicial matters as may be assigned to the examiner by the mayor and city council.

**Section 8. Amendment of Municipal Code.** MMC Section 22G.080.020, entitled "Applicability," is hereby amended as follows:

**22G.080.020 Applicability.**

An applicant may request to utilize the PRD provisions if the site meets the site qualification criteria of this chapter and concurrently utilizes a land division process as specified in MMC ~~22G.080.040~~ 22G.080.050.

**Section 9. Amendment of Municipal Code.** MMC Section 22G.080.030, entitled "Planned residential development – Site qualifications," is hereby amended as follows:

**22G.080.030 Planned residential development – Site qualifications.**

To utilize the PRD provisions contained in this chapter, a site must be at least one acre gross area and ~~must be~~ zoned residential, or be a multi-family or townhome development within the mixed use zone.

**Section 10. Amendment of Municipal Code.** MMC Section 22G.100.040, entitled "Jurisdiction," is hereby amended as follows:

**22G.100.040 Jurisdiction.**

These regulations shall apply to all properties which are exempt from the city's subdivision code pursuant to RCW 58.17.040(4) or (7) and which are being divided through the binding site plan process in ~~business, commercial, and industrial zones or in a residential zone if the division complies with the planned residential development provisions of Chapter 22G.080 MMC and with MMC 22G.100.070.:~~

- (a) Commercial, industrial, recreation and public institutional zones;
- (b) Multi-family and townhome development in the mixed use zone; or
- (c) Single-family, multi-family and townhome development in residential zones.

Divisions involving single-family, multi-family, and townhome developments must comply with the planned residential development provisions of MMC Chapter 22G.080.

**Section 11. Amendment of Municipal Code.** MMC Section 22A.010.160, entitled "Amendments," is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code (all unchanged provisions of MMC 22A.010.160 remain unchanged and in effect):

**"22A.010.160 Amendments.**

The following amendments have been made to the UDC subsequent to its adoption:

<u>Ordinance</u>	<u>Title (description)</u>	<u>Effective Date</u>
_____	2018 General Code Cleanup	_____, 2018"

**Section 12. 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 13. 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 \_\_\_\_\_, 2018.

CITY OF MARYSVILLE

By: \_\_\_\_\_  
JON NEHRING, MAYOR

Attest:

By: \_\_\_\_\_  
DEPUTY CITY CLERK

Approved as to form:

By: \_\_\_\_\_  
JON WALKER, CITY ATTORNEY

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_  
(5 days after publication)