

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: September 28, 2020

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| AGENDA ITEM: | |
| Commercial permitted uses, and density and dimensional code amendments (PA20-015) | |
| PREPARED BY: | DIRECTOR APPROVAL: |
| Angela Gemmer, Senior Planner | |
| DEPARTMENT: | |
| Community Development | |
| ATTACHMENTS: | |
| Memo to City Council dated 9/17/2020 PC Recommendation dated 9/9/2020 PC Minutes dated 9/9/2020 Adopting Ordinance | |
| BUDGET CODE: | AMOUNT: |
| N/A | N/A |
| SUMMARY: | |

The Planning Commission (PC) held a public hearing on September 9, 2020 to review proposed amendments to Marysville Municipal Code Title 22, *Unified Development Code* pertaining to commercial permitted uses, and density and dimensional standards. Presently there is a disconnect between the adopted subarea plan for the East Sunnyside/Whiskey Ridge Area (Plan) and the Marysville Municipal Code (MMC). Specifically, the Plan does not contemplate residential uses in the Community Business-Whiskey Ridge (CB-WR) zone while the MMC permitted uses table incorrectly allows for residential uses. The attached memo more fully describes this matter. To remedy this disconnect, staff proposes to:

- Amend the zone description in MMC 22C.020.030 to distinguish between the Community Business (CB) and CB-WR zoning districts, and clarify that residential uses are not allowed in the CB-WR zoning district;
- Create a separate column in the permitted uses table in MMC 22C.020.060 for the CB-WR zoning district which would allow for all of the uses allowed in the CB zoning district except for multi-family, convalescent/nursing/retirement homes, and residential care facilities; and
- Make other minor amendments to the density and dimensional table in MMC 22C.020.080 for clarity and consistency.

The PC received testimony from staff and interested parties at the public hearing following public notice. The PC made a motion to recommend the proposed amendments to City Council for adoption by Ordinance.

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| <p>RECOMMENDED ACTION: Staff recommends that City Council affirm the Planning Commission’s recommendation and adopt the Commercial Permitted Uses, and Density and Dimensional Amendments by Ordinance.</p> <p>RECOMMENDED MOTION: I move to adopt the Commercial Permitted Uses, and Density and Dimensional Amendments by Ordinance, and authorize the mayor to sign said Ordinance.</p> |
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MEMORANDUM

DATE: September 17, 2020
TO: City Council
FROM: Jeff Thomas, Community Development Director
Angela Gemmer, Senior Planner
RE: Marysville Municipal Code Sections 22.020.030, 22.020.060 & 22.020.080 -
Proposed Amendments
CC: Community Development – Planning Division

Introduction

The Community Development Department is committed to continuously improving the efficiency and effectiveness of its processes and regulations for staff, customers and citizens alike. A significant part of this commitment is proposing refinements and clarifications to development regulations as opportunities and challenges are identified.

Recently, disconnects were identified between the adopted subarea plan for the *East Sunnyside/Whiskey Ridge Area* ("Plan") and the Marysville Municipal Code ("MMC"). To remedy these disconnects, staff has drafted proposed amendments to MMC Sections 22.020.030 and 22.020.060. Additionally, other minor refinements and clarifications are proposed to MMC Section 22.020.080.

Legislative History

On May 14, 2007, the City of Marysville Comprehensive Plan was amended by the adoption of Ordinance No. 2696 which adopted the Plan. MMC Chapters 19.12 and 19.26 were concurrently amended by Ordinance No. 2696 for new development regulations within the subject Plan boundaries. Subsequent amendments by Ordinance No. 2728 to refine these development regulations were completed on December 10, 2007. On February 14, 2011, Ordinance No. 2852 was adopted to amend the MMC to create a Unified Development Code ("UDC"), MMC Title 22. The provisions of the UDC adopted in 2011 as relate to the Plan remain substantially intact today.

Analysis

The Plan, as it still exists today, does not provide for residential land uses within the Community Business zoning district. Unfortunately, the permitted uses table were not amended to address the Community Business-Whiskey Ridge (CB-WR) zone in 2007 with adopting Ordinance No. 2696. The permitted uses for CB-WR were also not addressed with the subsequent refinements adopted by Ordinance No. 2728. In 2011, the UDC amended the permitted use table and development conditions contained in MMC 22C.020.060 and 22C.020.070, and included the addition of footnote (63) to MMC 22C.020.070. This footnote applies to the Community Business (CB) zone and states that "permitted uses include Whiskey Ridge zones" thus combining the permitted uses for the CB and CB-WR zones. While the permitted uses table does appear to provide for residential development in the Community Business - Whiskey Ridge (CB-WR) zone, the density and dimensional standards table contained in MMC 22C.020.080 clearly and correctly assigns no residential base density nor residential maximum density for the CB-WR zoning district.

Proposed Amendments

To achieve the required proper alignment and consistency between the Plan and MMC as it relates to residential uses in the CB-WR zoning district, and to correct other minor

inconsistencies in the density and dimensional table, the following development regulation amendments are proposed for Planning Commission review and consideration:

- Amend the zone description in MMC 22C.020.030 to distinguish between the Community Business ("CB") and CB-WR zoning districts and clarify that residential uses are not allowed in the CB-WR zoning district;
- Create a separate column in the permitted uses table in MMC 22C.020.060 for the CB-WR zoning district which would allow for all of the uses allowed in the CB zoning district except for multi-family, convalescent/nursing/retirement homes, and residential care facilities; and
- Minor refinements and clarifications in the density and dimension table in MMC 22C.020.080.

Staff respectfully requests the City Council affirm the recommendation of the Planning Commission, and adopt the proposed commercial permitted uses and density and dimensional amendments by Ordinance.



PC Recommendation – Commercial Permitted Uses and Density and Dimensional Standards

The Planning Commission (PC) of the City of Marysville, held a public hearing on September 9, 2020 in review of NON-PROJECT action amendments of the Marysville Municipal Code (MMC), proposing amendments to Sections 22C.020.030 – *Characteristics of commercial, industrial, recreation and public institutional zones*, 22C.020.060 – *Permitted uses*, 22C.020.070 – *Permitted uses – Development conditions*, 22C.020.080 – *Densities and dimensions*, and 22C.020.090 – *Densities and dimensions – Development conditions*. Having considered the exhibits and testimony presented, PC does hereby enter the following findings, conclusions and recommendation for consideration by the Marysville City Council:

FINDINGS:

1. The Community Development Department held a public meeting to introduce the NON-PROJECT action Commercial Permitted Uses, and Density and Dimensional Standards Amendments to the community on September 9, 2020.
2. The proposal was submitted to the State of Washington Department of Commerce for 14-day expedited review on August 20, 2020, in accordance with RCW 36.70A.106.
4. The PC held a public work session to review the NON-PROJECT action amendments proposing adoption of the NON-PROJECT action Commercial Permitted Uses, and Density and Dimensional Standards Amendments as described above, on September 9, 2020.
5. The PC held a duly-advertised public hearing on September 9, 2020 and received testimony from city staff and the public.
6. At the public hearing, the PC reviewed and considered the Commercial Permitted Uses, and Density and Dimensional Standards Amendments.

CONCLUSION:

At the public hearing, held on September 9, 2020, the PC recommended **APPROVING** the Commercial Permitted Uses, and Density and Dimensional Standards Amendments.

RECOMMENDATION:

Forwarded to City Council as a Recommendation of **APPROVAL** of the NON-PROJECT action known as the Commercial Permitted Uses, and Density and Dimensional Standards Amendments, an amendment to Marysville Municipal Code Sections 22C.020.030 – *Characteristics of commercial, industrial, recreation and public institutional zones*, 22C.020.060 – *Permitted uses*, 22C.020.070 – *Permitted uses – Development conditions*, 22C.020.080 – *Densities and dimensions*, and 22C.020.090 – *Densities and dimensions – Development conditions*, this **September 9, 2020**.

By: _____
Stephen Leifer, Planning Commission Chair

**Community
Development**



MARYSVILLE
WASHINGTON

1049 State Avenue
Marysville, WA 98270

**Planning
Commission Meeting
Minutes
September 9, 2020**

CALL TO ORDER

Chair Leifer called the meeting to order and welcomed new commissioner Kevin Johnson. Introductions followed.

Present:

Commissioners: Chair Steve Leifer, Roger Hoen, Jerry Andes, Kevin Johnson, Kristin Michal, Brandon Whitaker, Tom Thetford

Staff: Planning Manager Chris Holland, Senior Planner Angela Gemmer, Program Specialist Janis Lamoureux

1. APPROVAL OF MINUTES

June 9, 2020 Planning Commission Minutes

Chair Leifer asked staff for clarification about the verbiage in note number 7, in the zoning matrix in 22C.020.070 related to not allowing mobile homes made prior to October 16, 2006. Senior Planner Gemmer explained that this refers to the distinction between mobile homes and manufactured homes. This note is saying that you can only do mobile homes in mobile home parks established prior to that date. Per state law, local jurisdictions are allowed to prevent mobile homes which are no longer built from being placed in new mobile home parks. Chair Leifer asked for confirmation that a developer could do a new mobile home park with the purpose of installing tiny homes, RVs, or factory homes. Staff affirmed this.

Motion to approve the June 9, 2020 Planning Commission Minutes moved by Jerry Andes seconded by Kristin Michal.

VOTE: Motion carried 5 - 0

AYES: Chair Steve Leifer, Jerry Andes, Kristin Michal, Brandon Whitaker, Tom Thetford

ABSTAIN: Roger Hoen, Kevin Johnson

July 14, 2020 Planning Commission Minutes

Commissioner Whitaker noted that the spelling of his last name should be corrected in the last paragraph on page 3 and also on page 4.

Motion to approve the July 14, 2020 Planning Commission Minutes as corrected by Commissioner Whitaker moved by Jerry Andes seconded by Brandon Whitaker.

VOTE: Motion carried 6 - 0

AYES: Chair Steve Leifer, Roger Hoen, Jerry Andes, Kristin Michal, Brandon Whitaker, Tom Thetford

ABSTAIN: Kevin Johnson

2. AUDIENCE PARTICIPATION (for topics not on the agenda)

None

3. PUBLIC HEARINGS

Item No. 1: Amendments to MMC Sections 22A.020.210 – “T” definitions, 22C.010.060 – Permitted uses, 22C.010.070 – Permitted uses – Development conditions, and 22C.180.030, Accessory dwelling unit standards to allow for tiny houses as accessory dwelling units.

Senior Planner Gemmer reviewed the proposed amendments to allow for tiny houses as accessory dwelling units as contained in the Planning Commission packet.

Commissioner Andes asked if temporary housing communities for homeless is addressed somewhere. Planning Manager Holland explained that transitory accommodations is addressed in the Temporary Use Code. The State Legislature enacted new rules related to transitory accommodations, therefore, these provisions will be coming back to the Planning Commission towards the end of the year or beginning next year.

Commissioner Hoen referred to Nina Weinstein's question about property owners being able to build and rent out tiny houses on their property which was raised in her letter. Senior Planner Gemmer replied that it would currently not be allowed if the property owner did not live on site. The accessory dwelling unit provision has always required that one of the units needs to be owner-occupied in order to preserve property values and pride of ownership.

Commissioner Johnson asked for clarification if tiny houses would be allowed in places other than mobile home parks. Senior Planner Gemmer explained they would be allowed in mobile home parks, but also as an accessory dwelling unit in

single-family residential zones or any zone where accessory dwelling units are allowed as long as one of the units is owner-occupied.

Commissioner Johnson asked if there are any conflicts with the City's building code to allow for smaller room sizes. Senior Planner Gemmer noted that the state has put out some regulations pertaining to tiny houses. The City's building department follows state requirements.

Public Comments: Chair Leifer solicited public testimony. There was none.

Motion to forward the tiny house code provisions to City Council for approval moved by Roger Hoen seconded by Tom Thetford.

AYES: ALL

Item No. 2: Amendments to MMC Sections 22C.020.030, Characteristics of commercial, industrial, recreation and public institutional zones, and 22C.020.060, Permitted uses, to prohibit multi-family residential, convalescent/nursing/retirement, and residential care facilities in the Community Business-Whiskey Ridge (CB-WR) zone

Planning Manager Holland explained that this is a legislative fix of an error that has been occurring for some time in the code. Senior Planner Gemmer reviewed the proposed amendments pertaining to the Community Business-Whiskey Ridge (CB-WR) zone. This would correct an error and eliminate multi-family residential, convalescent/nursing /retirement, and residential care facilities in the CB-WR zone as residential uses were not assigned to the zone.

Commissioner Johnson asked why residential would not be allowed in this zone. Planning Manager Holland explained that more analysis needs to be done regarding utilities and road impacts. Commissioner Johnson asked why car and boat dealers would be allowed in that zone, but not motorcycles. Senior Planner Gemmer explained that streamlining and updating the permitted uses matrices would be a future topic of discussion. Commissioner Johnson recommended also looking at manufacturing allowances for artisan manufacturers in order to make this a more vibrant area.

Public Comments: Chair Leifer solicited public comments. There were none.

Motion to approve amendments and forward to the City Council with a recommendation for approval moved by Jerry Andes seconded by Kristin Michal.

AYES: ALL

4. NEW BUSINESS

Mixed Use (MU) Zone Discussion

Senior Planner Gemmer introduced this topic for Commission discussion. With the current flexibility on uses in the MU zone, multi-family and commercial development is occurring in isolation rather than in the integrated manner intended by code. Upon Council direction, staff has proposed three options to consider to remedy this matter:

- Option 1: Require vertical mixed use in the MU zone. Vertical mixed use would require a combination of multi-family and commercial in the same building.
- Option 2: Require a commercial component to projects which propose a single building. If a project proposes multiple buildings, the buildings along the street frontages would either need to be vertical mixed use or commercial. Multi-family residential would be allowed interior to the site (behind the commercial or mixed use buildings).
- Option 3: No change. The Mixed Use zone would continue to allow for: exclusive multi-family, exclusive commercial, or a combination of multi-family and commercial, whether vertical or horizontal.

Commissioner Whitaker asked about the development climate related to true mixed use/vertical mixed use. Planning Manager Holland explained that the development community's response has been that it is not economically feasible for them to do vertical mixed use.

Commissioner Andes asked about the ratio of commercial to residential required for mixed use developments. Senior Planner Gemmer explained this would require more discussion; right now they are looking for general parameters. For the horizontal development, they would like to see commercial uses along arterial roadways and have multifamily be located behind the commercial. Vertical mixed use parameters are strict with commercial and residential being required in the same building.

Commissioner Johnson spoke in support of requiring a commercial component in some way. He believes it is best for the community. If it's not required, people are going to go elsewhere for their commercial needs.

Commissioner Andes concurred. He spoke in support of options 2 or 3 or a combination.

Commissioner Michal asked if they could require vertical mixed use just in certain areas like downtown and have flexibility in other areas. Planning Manager Holland explained that they are exploring a form-based code for the downtown area. There will likely be some different zoning districts for downtown. Commissioner Michal concurred with other commissioners about the need for more commercial options in Marysville.

Chair Leifer referred to a vertical mixed use building in Arlington which he finds very inviting. He thinks this is what should be happening in the mixed use zones. He noted that if the requirements are too rigid development just will not occur. He suggested an incentive for developers to build commercial along with their apartments. He has concerns about the commercial aspect being dictated to developers. Planning Manager Holland discussed the need to balance requirements with incentives. Commissioner Johnson agreed, but stressed the need for some sort of minimal commercial requirements or lose out on that possibility altogether.

Commissioner Thetford suggested looking at what surrounding jurisdictions have done and how that has worked. Senior Planner Gemmer noted that the prevailing theme is horizontal mixed use with vertical mixed use in downtown areas, but there is a huge diversity in the approaches. Defining the street wall with commercial uses is another prevailing theme along with robust connections between different uses and buildings. Planning Manager Holland noted that another thing other jurisdictions have done is to define amenities which are required on different streets.

Chair Leifer suggested considering a binding site plan option on a horizontal mixed use development which would allow the construction of the residential portion in the back first but then give some time before the street front commercial has to be developed. This would reserve that property for commercial construction at a later date and give the developer more time.

Commissioner Whitaker noted that Marysville may have some unique hurdles that prohibit this kind of development. Incentives may help to develop momentum. Planning Manager Holland concurred.

Commissioner Hoen suggested that there needs to be more Marysville exit signs off of I-5 South.

Commissioner Johnson cautioned against writing the code in a way that is focusing on someone buying multiple properties and combining them. He thinks what is most likely to happen is developers buying one property and developing that. The focus should be on how a single property is going to be developed.

Commissioner Andes agreed that there should be some minimums, but also flexibility.

Planning Manager Holland noted that staff would bring back some general information on what other jurisdictions have done and have more discussion on this.

Commissioner Michal asked about the timeline for the Downtown Master Plan. Planning Manager Holland replied that they are still in the initial phases of it. Staff is doing the initial environmental review portion right now. The grant says it needs to be adopted by the end of March, so it will be a tight timeline. He noted that there is a new tool on the website to gather feedback from the community. He thinks there will be an opportunity to have even more engagement than usual on this project because of increased online activity.

Commissioner Hoen asked if there be sidewalks on both sides of the new bridge down by Fred Meyer. Planning Manager Holland thought there would be, but indicated he would confirm that.

5. CITY COUNCIL AGENDA ITEMS and MINUTES

6. ADJOURNMENT

The meeting was adjourned at 6:43 p.m.

7. NEXT MEETING – Tuesday, September 22, 2020

CITY OF MARYSVILLE
Marysville, Washington
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, UPDATING
THE CITY'S DEVELOPMENT REGULATIONS AND AMENDING SECTIONS
22A.010.160, 22C.020.030, 22C.020.060, 22C.020.070, 22C.020.080, AND
22C.020.090 OF THE MARYSVILLE MUNICIPAL CODE.**

WHEREAS, the State Growth Management Act, Chapter 36.70A RCW mandates that cities periodically review and amend development regulations, including 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, on May 14, 2007, the Marysville City Council adopted Ordinance No. 2696 amending the City's Comprehensive Plan by adopting the initial subarea plan for the East Sunnyside/Whiskey Ridge Subarea (hereafter referred to as the "Whiskey Ridge Subarea"), and amending the City's development regulations; and

WHEREAS, on February 14, 2011, the Marysville City Council adopted Ordinance No. 2852 amending the City development regulations to create a Unified Development Code, Marysville Municipal Code ("MMC") Title 22; and

WHEREAS, the adoption of Ordinance No. 2852 (through MMC 22C.020) erroneously permitted certain residential land uses in the Whiskey Ridge Subarea by conflating the permitted uses in the Community Business zoning district within the Whiskey Ridge Subarea with the permitted uses in the Community Business zoning district throughout the rest of the city; and

WHEREAS, this erroneous permitting of certain residential land uses in the Community Business zoning district within the Whiskey Ridge Subarea went undetected until recent inquiries regarding the permitting of multiple-family dwelling units within this zoning district; and

WHEREAS, the City has determined that amendments MMC 22C.020 are necessary; 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 City of Marysville submitted the proposed amendments to MMC Section 22C.130.030 to the Washington State Department of Commerce on August 20, 2020, as required by RCW 36.70A.106; and

WHEREAS, the proposed amendments to MMC Section 22C.130.030 are exempt from State Environmental Policy Act review under WAC 197-11-800(19);

WHEREAS, after providing notice to the public as required by law, the Marysville Planning Commission held a Public Hearing on September 9, 2020 regarding the proposed amendments to MMC Sections 22C.020.030, 22C.020.060, 22C.020.070, 22C.020.080, and 22C.020.090; and

WHEREAS, the Planning Commission made a Recommendation to the City Council on September 9, 2020, recommending the adoption of the proposed amendments to MMC Sections 22C.020.030, 22C.020.060, 22C.020.070, 22C.020.080, and 22C.020.090; and

WHEREAS, at a public meeting on September 28, 2020 the Marysville City Council reviewed and considered the Planning Commission's Recommendation and the proposed amendments to MMC Sections 22C.020.030, 22C.020.060, 22C.020.070, 22C.020.080, and 22C.020.090; and

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

Section 1. Required Findings. In accordance with MMC 22G.010.520, the following findings are made regarding the proposed amendments to MMC Sections 22C.020.030, 22C.020.060, 22C.020.070, 22C.020.080, and 22C.020.090 which comprise this ordinance:

- (1) The amendments are consistent with the purposes of the comprehensive plan; and
- (2) The amendments are consistent with the purpose of Title 22 MMC; and
- (3) There have been significant changes in the circumstances to warrant a change; and
- (4) The benefit or cost to the public health, safety, and welfare is sufficient to warrant the action.

Section 2. Section 22C.020.030, Characteristics of commercial, industrial, recreation and public institutional zones, of MMC Chapter 22C.020, Commercial, Industrial, Recreation and Public Institutional Zones, is hereby amended to read as follows:

22C.020.030 Characteristics of commercial, industrial, recreation and public institutional zones

(1) Neighborhood Business Zone.

(a) The purpose of the neighborhood business zone (NB) is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties. These purposes are accomplished by:

- (i) Limiting nonresidential uses to those retail or personal services which can serve the everyday needs of a surrounding residential area;
- (ii) Allowing for a mix of housing and retail/service uses; and
- (iii) Excluding industrial and community/regional business-scaled uses.

(b) Use of this zone is appropriate in neighborhood centers designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

(2) Community Business and Community Business – Whiskey Ridge Zones.

(a) The purpose of the community business (CB) and community business – Whiskey Ridge (CB-WR) zones ~~(CB)~~ is to provide convenience and comparison retail and personal services for local service areas which exceed the daily convenience needs of adjacent neighborhoods but which cannot be served conveniently by larger activity centers, and to provide retail and personal services in locations within activity centers that are not appropriate for extensive outdoor storage or auto-related and industrial uses. These purposes are accomplished by:

- (i) Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental and personal services than are found in neighborhood business areas;
- (ii) Allowing for a mix of housing and retail/service uses; provided that, housing is not allowed in the community business – Whiskey Ridge zone; and
- (iii) Excluding commercial uses with extensive outdoor storage or fabrication and industrial uses.

- (b) Use of this zone is appropriate in community business commercial areas that are designated by the comprehensive plan and are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.
- (3) General Commercial Zone.
- (a) The purpose of the general commercial zone (GC) is to provide for the broadest mix of commercial, wholesale, service and recreation/cultural uses with compatible storage and fabrication uses, serving regional market areas and offering significant employment. These purposes are accomplished by:
- (i) Encouraging compact development that is supportive of transit and pedestrian travel, through higher nonresidential building heights and floor area ratios than those found in CB zoned areas;
 - (ii) Allowing for outdoor sales and storage, regional shopping areas and limited fabrication uses; and
 - (iii) Concentrating large-scale commercial and office uses to facilitate the efficient provision of public facilities and services.
- (b) Use of this zone is appropriate in general commercial areas that are designated by the comprehensive plan that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.
- (4) Downtown Commercial Zone.
- (a) The purpose of the downtown commercial zone (DC) is to provide for the broadest mix of comparison retail, service and recreation/cultural uses with higher density residential uses, serving regional market areas and offering significant employment. These purposes are accomplished by:
- (i) Encouraging compact development that is supportive of transit and pedestrian travel, through higher nonresidential building heights and floor area ratios than those found in GC zoned areas;
 - (ii) Allowing for regional shopping areas, and limited fabrication uses; and
 - (iii) Concentrating large-scale commercial and office uses to facilitate the efficient provision of public facilities and services.
- (b) Use of this zone is appropriate in downtown commercial areas that are designated by the comprehensive plan that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.
- (5) Mixed Use Zone.
- (a) The purpose of the mixed use zone (MU) is to provide for pedestrian- and transit-oriented high-density employment uses together with limited complementary retail and higher density residential development in locations within activity centers where the full range of commercial activities is not desirable. These purposes are accomplished by:
- (i) Allowing for uses that will take advantage of pedestrian-oriented site and street improvement standards;
 - (ii) Providing for higher building heights and floor area ratios than those found in the CB zone;
 - (iii) Reducing the ratio of required parking to building floor area;
 - (iv) Allowing for on-site convenient daily retail and personal services for employees and residents; and
 - (v) Minimizing auto-oriented, outdoor or other retail sales and services which do not provide for the daily convenience needs of on-site and nearby employees or residents.
- (b) Use of this zone is appropriate in areas designated by the comprehensive plan for mixed use, or mixed use overlay, which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.
- (6) Light Industrial Zone.
- (a) The purpose of the light industrial zone (LI) is to provide for the location and grouping of non-nuisance-generating industrial enterprises and activities involving manufacturing, assembly, fabrication, processing, bulk handling and storage, research facilities, warehousing and limited retail uses. It is also a purpose of this zone to protect the industrial land base for industrial economic development and employment opportunities. These purposes are accomplished by:
- (i) Allowing for a wide range of industrial and manufacturing uses;
 - (ii) Establishing appropriate development standards and public review procedures for industrial activities with the greatest potential for adverse impacts; and

- (iii) Limiting residential, institutional, service, office and other nonindustrial uses to those necessary to directly support industrial activities.
 - (b) Use of this zone is appropriate in light industrial areas designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.
- (7) General Industrial Zone.
 - (a) The purpose of the general industrial zone (GI) is to provide for the location and grouping of industrial enterprises and activities involving manufacturing, assembly, fabrication, processing, bulk handling and storage, research facilities, warehousing and heavy trucking and equipment but also for commercial uses having special impacts and regulated by other chapters of this title. It is also a purpose of this zone to protect the industrial land base for industrial economic development and employment opportunities. These purposes are accomplished by:
 - (i) Allowing for a wide range of industrial and manufacturing uses;
 - (ii) Establishing appropriate development standards and public review procedures for industrial activities with the greatest potential for adverse impacts; and
 - (iii) Limiting residential, institutional, service, office and other nonindustrial uses to those necessary to directly support industrial activities.
 - (b) Use of this zone is appropriate in general industrial areas designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.
- (8) Business Park Zone.
 - (a) The purpose of the business park zone (BP) is to provide for those business/industrial uses of a professional office, wholesale, and manufacturing nature which are capable of being constructed, maintained and operated in a manner uniquely designed to be compatible with adjoining residential, retail commercial or other less intensive land uses, existing or planned. Strict zoning controls must be applied in conjunction with private covenants and unified control of land; many business/industrial uses otherwise provided for in the development code will not be suited to the BP zone due to an inability to comply with its provisions and achieve compatibility with surrounding uses.
 - (b) Use of this zone is appropriate in business park areas designated by the comprehensive plan which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.
- (9) Recreation Zone.
 - (a) The purpose of the recreation zone (REC) is to establish areas appropriate for public and private recreational uses. Recreation would permit passive as well as active recreational uses such as sports fields, ball courts, golf courses, and waterfront recreation, but not hunting. This zone would also permit some resource land uses related to agriculture and fish and wildlife management.
 - (b) This recreation zone is applied to all land designated as "recreation" on the comprehensive plan map.
- (10) Public/Institutional Zone.
 - (a) The purpose of the public/institutional (P/I) land use zone is to establish a zone for governmental buildings, churches and public facilities.
 - (b) This public/institutional zone is applied to all land designated as "public/institutional" on the comprehensive plan map.
- (11) Small Farms Overlay Zone.
 - (a) The purpose of the small farms overlay zone (-SF suffix to zone's map symbol) is to provide a process for registering small farms, thereby applying the small farms overlay zone and recording official recognition of the existence of the small farm, and to provide encouragement for the preservation of such farms, as well as encouraging good neighbor relations between single-family and adjacent development.
 - (b) Use of this zone is appropriate for existing and newly designated small farms.

Section 3. Section 22C.020.060, Permitted Uses, of MMC Chapter 22C.020, Commercial, Industrial, Recreation and Public Institutional Zones, is hereby amended to read as follows:

22C.020.060 Permitted uses.

| Specific Land Use | NB | CB (63) | CB- WR | GC | DC | MU (63) | LI | GI | REC | P/I |
|--|-----|------------|-------------------|-----------|-----------|------------|-----|-----|-----|-----|
| Residential Land Uses | | | | | | | | | | |
| Dwelling Units, Types: | | | | | | | | | | |
| Townhouse | | | | | P6 | P | | | | |
| Multiple-family | C4 | P4, C5 | | P4, C5 | P4, P6 | P | | | | |
| Mobile home | P7 | P7 | <u>P7</u> | P7 | P7 | P7 | P7 | P7 | | |
| Senior citizen assisted | P | | | | | C | | | | P |
| Caretaker's quarters (3) | P | P | <u>P</u> | P | P | P | P | P | P | P |
| Group Residences: | | | | | | | | | | |
| Adult family home (70) | P | P | <u>P</u> | P | P | P | | | | P |
| Convalescent, nursing, retirement | C | P | | | P | P | | | | P |
| Residential care facility | P | P | | | P | P | P70 | P70 | P70 | P |
| Master planned senior community (10) | | | | | | C | | | | C |
| Accessory Uses: | | | | | | | | | | |
| Home occupation (2) | P8 | P8, P9 | <u>P8, P9</u> | P8, P9 | P8, P9 | P8, P9 | P9 | P9 | | |
| Temporary Lodging: | | | | | | | | | | |
| Hotel/motel | P | P | <u>P</u> | P | P | P | P75 | | | |
| Bed and breakfast guesthouse (1) | | | | | | | | | | |
| Bed and breakfast inn (1) | P | P | <u>P</u> | P | | | | | | |
| Recreation/Cultural Land Uses | | | | | | | | | | |
| Park/Recreation: | | | | | | | | | | |
| Park | P11 | P | <u>P</u> | P | P | P | P | P | P11 | P |
| Marina | | | | | P | | | P | C | P |
| Dock and boathouse, private, noncommercial | | | | | P | | | P | P16 | P |
| Recreational vehicle park | | | | C12 | | | C12 | | C | P |
| Boat launch, commercial or public | | | | | P | | | P | | P |
| Boat launch, noncommercial or private | | | | | P | | | P | P17 | P |
| Community center | P | P | <u>P</u> | P | P | P | P | P | P | P |
| Amusement/Entertainment: | | | | | | | | | | |
| Theater | | P | <u>P</u> | P | P | P | | | | |
| Theater, drive-in | | | | C | | | | | | |
| Amusement and recreation services | | P18 | <u>P18</u> | P18 | P18 | P19 | P | C | | |
| Sports club | P | P | <u>P</u> | P | P | P | P | P | | |

| Specific Land Use | NB | CB (63) | CB- WR | GC | DC | MU (63) | LI | GI | REC | P/I |
|---|-----|------------|-------------------|-----------------|-----|------------|------------|-----|-----|-----|
| Golf facility (13) | | P | <u>P</u> | P | | | P | P | C | |
| Shooting range (14) | | | | P15 | | | P15 | | | |
| Outdoor performance center | | | | C | | | C | | C | C |
| Riding academy | | | | | | | P | | C | |
| Cultural: | | | | | | | | | | |
| Library, museum and art gallery | P | P | <u>P</u> | P | P | P | P | P | C | P |
| Church, synagogue and temple | P | P | <u>P</u> | P | P | P | P | P | | P |
| Dancing, music and art center | | P | <u>P</u> | P | P | P | | | C | P |
| General Services Land Uses | | | | | | | | | | |
| Personal Services: | | | | | | | | | | |
| General personal service | P | P | <u>P</u> | P | P | P | P | P | | |
| Dry cleaning plant | | P | <u>P</u> | | | | P | P | | |
| Dry cleaning pick-up station and retail service | P | P | <u>P</u> | P | P | P25 | P76 | P | | |
| Funeral home/crematory | | P | <u>P</u> | P | P | P26 | P76 | P | | |
| Cemetery, columbarium or mausoleum | P24 | P24 | <u>P24</u> | P24 , C20 | | | P | P | | |
| Day care I | P70 | P70 | <u>P70</u> | P70 | P70 | P70 | P21, 70 | P70 | P70 | P70 |
| Day care II | P | P | <u>P</u> | P | P | P | P21 | | | |
| Veterinary clinic | P | P | <u>P</u> | P | P | P | P76 | P | | |
| Automotive repair and service | P22 | C, P28 | <u>C, P28</u> | P | | | P | P | | |
| Electric vehicle (EV) charging station (64) | P | P | <u>P</u> | P | P | P | P | P | P | P |
| EV rapid charging station (65), (66) | P | P | <u>P</u> | P | P67 | P67 | P | P | | |
| EV battery exchange station | | | | P | | | P | P | | |
| Miscellaneous repair | | P | <u>P</u> | P | | | P | P | | |
| Social services | | P | <u>P</u> | P | P | P | | | | P |
| Kennel, commercial and exhibitor/breeding (71) | | P | <u>P</u> | P | | | P | P | | |
| Pet daycare (71), (72) | | P | <u>P</u> | P | P | P | P76 | P | | |
| Civic, social and fraternal association | | P | <u>P</u> | P | P | C | | P | | P |
| Club (community, country, yacht, etc.) | | | | | | | | P | | P |
| Health Services: | | | | | | | | | | |
| Medical/dental clinic | P | P | <u>P</u> | P | P | P | | | | P |
| Hospital | | P | <u>P</u> | P | P | C | | | | C |
| Miscellaneous health | P68 | P68 | <u>P68</u> | P68 | P68 | P68 | | | | P68 |
| Supervised drug consumption facility | | | | | | | | | | |

| Specific Land Use | NB | CB (63) | CB- WR | GC | DC | MU (63) | LI | GI | REC | P/I |
|---|------------|------------|--------------------|-----|------------|------------|-----|-----|-----|-----|
| Education Services: | | | | | | | | | | |
| Elementary, middle/junior high, and senior high (including public, private and parochial) | | C | <u>C</u> | C | C | C | P | C | | C |
| Commercial school | P | P | <u>P</u> | | P | P27 | | | | C |
| School district support facility | C | P | <u>P</u> | P | P | P | P | P | | P |
| Vocational school | | P | <u>P</u> | P | P | P27 | | | | P |
| Government/Business Service Land Uses | | | | | | | | | | |
| Government Services: | | | | | | | | | | |
| Public agency office | P | P | <u>P</u> | P | P | P | P | P | | P |
| Public utility yard | | | | P | | | P | | | P |
| Public safety facilities, including police and fire | P29 | P | <u>P</u> | P | P | P | P | | | P |
| Utility facility | P | P | <u>P</u> | P | | C | P | P | | P |
| Private storm water management facility | P | P | <u>P</u> | P | P | P | P | P | | P |
| Public storm water management facility | P | P | <u>P</u> | P | P | P | P | P | | P |
| Business Services: | | | | | | | | | | |
| Contractors' office and storage yard | | | | P30 | P30 | P30 | P | P | | |
| Interim recycling facility | | P23 | <u>P23</u> | P23 | | | P | | | P |
| Taxi stands | | P | <u>P</u> | P | | | P | P | | |
| Trucking and courier service | | P31 | <u>P31</u> | P31 | | | P | P | | |
| Warehousing and wholesale trade | | | | P | | | P | P | | |
| Mini-storage (36) | | | | | | | P76 | P | | |
| Freight and cargo service | | | | P | | | P | P | | |
| Cold storage warehousing | | | | | | | P | P | | |
| General business service and office | P | P | <u>P</u> | P | P | P30 | P | P | | |
| Commercial vehicle storage | | | | | | | P | P | | |
| Professional office | P | P | <u>P</u> | P | P | P | P | | | |
| Miscellaneous equipment rental | | P30, 37 | <u>P30, 37</u> | C38 | | P30, 37 | P | P | | |
| Automotive rental and leasing | | | | P | | | P | P | | |
| Automotive parking | P | P | <u>P</u> | P | P | P | P | P | | |
| Research, development and testing | | | | P | | | P | P | | |
| Heavy equipment and truck repair | | | | | | | P | P | | |
| Automobile holding yard | | | | C | | | P | P | | |
| Commercial/industrial accessory uses (73) | P39, 40 | P39 | <u>P39</u> | P39 | P39, 40 | P39, 40 | P | P | | |
| Adult facility | | | | | | | | P33 | | |
| Factory-built commercial building (35) | P | P | <u>P</u> | P | P | | P | P | | |

| Specific Land Use | NB | CB (63) | CB- WR | GC | DC | MU (63) | LI | GI | REC | P/I |
|--|-----------|--------------------|-------------------|-----------|-----------|--------------------|-----------|-----------|------------|------------|
| Wireless communication facility (32) | P, C | P, C | <u>P, C</u> | P, C | P, C | P, C | P, C | P, C | | P, C |
| State-Licensed Marijuana Facilities: | | | | | | | | | | |
| Marijuana cooperative (69) | | | | | | | | | | |
| Marijuana processing facility – Indoor only (69) | | | | | | | | | | |
| Marijuana production facility – Indoor only (69) | | | | | | | | | | |
| Marijuana retail facility (69) | | | | | | | | | | |
| Retail/Wholesale Land Uses | | | | | | | | | | |
| Building, hardware and garden materials | P47 | P | <u>P</u> | P | P | P47 | P76 | P | | |
| Forest products sales | | P | <u>P</u> | P | | | P | | | |
| Department and variety stores | P | P | <u>P</u> | P | P | P | P76 | | | |
| Food stores | P | P | <u>P</u> | P | P | P45 | P76 | | | |
| Agricultural crop sales | | P | <u>P</u> | P | | C | P76 | | | |
| Storage/retail sales, livestock feed | | | | | | | P76 | P | | |
| Motor vehicle and boat dealers | | P | <u>P</u> | P | | | P | P | | |
| Motorcycle dealers | | C | <u>C</u> | P | P49 | | P | P | | |
| Gasoline service stations | P | P | <u>P</u> | P | P | | P76 | P | | |
| Eating and drinking places | P41 | P | <u>P</u> | P | P | P46 | P46 | P | | |
| Drug stores | P | P | <u>P</u> | P | P | P | P76 | P | | |
| Liquor stores | | P | <u>P</u> | P | | | | | | |
| Used goods: antiques/secondhand shops | | P | <u>P</u> | P | P | P | | | | |
| Sporting goods and related stores | | P | <u>P</u> | P | P | P | | | | |
| Book, stationery, video and art supply stores | P | P | <u>P</u> | P | P | P | | | | |
| Jewelry stores | | P | <u>P</u> | P | P | P | | | | |
| Hobby, toy, game shops | P | P | <u>P</u> | P | P | P | | | | |
| Photographic and electronic shops | P | P | <u>P</u> | P | P | P | | | | |
| Fabric and craft shops | P | P | <u>P</u> | P | P | P | | | | |
| Fuel dealers | | | | P43 | | | P43 | P43 | | |
| Florist shops | P | P | <u>P</u> | P | P | P | | | | |
| Pet shops | P | P | <u>P</u> | P | P | P | | | | |
| Tire stores | | P | <u>P</u> | P | P | | P76 | P | | |
| Bulk retail | | P | <u>P</u> | P | | | P76 | | | |
| Auction houses | | | | P42 | | | P76 | | | |
| Truck and heavy equipment dealers | | | | | | | P | P | | |
| Mobile home and RV dealers | | | | C | | | P | P | | |

| Specific Land Use | NB | CB (63) | CB- WR | GC | DC | MU (63) | LI | GI | REC | P/I |
|---|-----------|--------------------|---------------------------|-------------|-----------|--------------------|------------|-----------|------------|------------|
| Retail stores similar to those otherwise named on this list | P | P | <u>P</u> | P | P | P48 | P44, 76 | P44 | | |
| Automobile wrecking yards | | | | | | | C | P | | |
| Manufacturing Land Uses | | | | | | | | | | |
| Food and kindred products | | P50, 52 | <u>P50</u> <u>, 52</u> | P50 | | | P50 | P | | |
| Winery/brewery | | P53 | <u>P53</u> | P | P53 | P53 | P | P | | |
| Textile mill products | | | | | | | P | P | | |
| Apparel and other textile products | | | | C | | | P | P | | |
| Wood products, except furniture | | | | P | | | P | P | | |
| Furniture and fixtures | | | | P | | | P | P | | |
| Paper and allied products | | | | | | | P | P | | |
| Printing and publishing | P51 | P51 | <u>P51</u> | P | | P51 | P | P | | |
| Chemicals and allied products | | | | | | | C | C | | |
| Petroleum refining and related industries | | | | | | | C | C | | |
| Rubber and misc. plastics products | | | | | | | P | P | | |
| Leather and leather goods | | | | | | | C | C | | |
| Stone, clay, glass and concrete products | | | | | | | P | P | | |
| Primary metal industries | | | | | | | C | P | | |
| Fabricated metal products | | | | C | | | P | P | | |
| Industrial and commercial machinery | | | | | | | C | P | | |
| Heavy machinery and equipment | | | | | | | C | P | | |
| Computer and office equipment | | | | C | | | P | | | |
| Electronic and other electric equipment | | | | C | | | P | | | |
| Railroad equipment | | | | | | | C | P | | |
| Miscellaneous light manufacturing | | | | P54 , 74 | P54 | | P | P | | |
| Motor vehicle and bicycle manufacturing | | | | | | | C | P | | |
| Aircraft, ship and boat building | | | | | | | C | P | | |
| Tire retreading | | | | | | | C | P | | |
| Movie production/distribution | | | | P | | | P | | | |
| Resource Land Uses | | | | | | | | | | |
| Agriculture: | | | | | | | | | | |
| Growing and harvesting crops | | | | | | | P | P | P | |
| Raising livestock and small animals | | | | | | | P | P | P | |
| Greenhouse or nursery, wholesale and retail | | | | P | | | P | P | C | |
| Farm product processing | | | | | | | P | P | | |

| Specific Land Use | NB | CB (63) | CB- WR | GC | DC | MU (63) | LI | GI | REC | P/I |
|--|-----|------------|---------------------|-------------|------------|------------|-----|---------|-----|-----|
| Forestry: | | | | | | | | | | |
| Growing and harvesting forest products | | | | | | | P | | | |
| Forest research | | | | | | | P | | | |
| Wood waste recycling and storage | | | | | | | C | C | | |
| Fish and Wildlife Management: | | | | | | | | | | |
| Hatchery/fish preserve (55) | | | | | | | P | P | C | |
| Aquaculture (55) | | | | | | | P | P | C | |
| Wildlife shelters | C | C | <u>C</u> | | | | | | P | |
| Mineral: | | | | | | | | | | |
| Processing of minerals | | | | | | | P | P | | |
| Asphalt paving mixtures and block | | | | | | | P | P | | |
| Regional Land Uses | | | | | | | | | | |
| Jail | | C | <u>C</u> | C | | | C | | | |
| Regional storm water management facility | | C | <u>C</u> | C | C | | C | C | | P |
| Public agency animal control facility | | | | C | | | P | P | | C |
| Public agency training facility | | C56 | <u>C56</u> | C56 | | C56 | C57 | | | C57 |
| Nonhydroelectric generation facility | C | C | <u>C</u> | C | | | C | C | | C |
| Energy resource recovery facility | | | | | | | C | | | |
| Soil recycling/incineration facility | | | | | | | C | C | | |
| Solid waste recycling | | | | | | | | C | | C |
| Transfer station | | | | | | | C | C | | C |
| Wastewater treatment facility | | | | | | | C | C | | C |
| Transit bus base | | | | C | | | P | | | C |
| Transit park and pool lot | P | P | <u>P</u> | P | P | P | P | P | | P |
| Transit park and ride lot | P | P | <u>P</u> | P | P | P | P | P | | C |
| School bus base | C | C | <u>C</u> | C | | | P | | | C58 |
| Racetrack | C59 | C59 | <u>C59</u> | C | | | P | | | |
| Fairground | | | | | | | P | P | | C |
| Zoo/wildlife exhibit | | C | <u>C</u> | C | | | | | | C |
| Stadium/arena | | | | C | | | C | P | | C |
| College/university | C | P | <u>P</u> | P | P | P | P | P | | C |
| Secure community transition facility | | | | | | | | C6 0 | | |
| Opiate substitution treatment program facilities | | P61, 62 | <u>P61 , 62</u> | P61 , 62 | P61, 62 | | P62 | P62 | | |

Section 4. Section 22C.020.070, Permitted uses – Development conditions, of MMC Chapter 22C.020, Commercial, Industrial, Recreation and Public Institutional Zones, is hereby amended to read as follows:

22C.020.070 Permitted uses – Development conditions. 

- (1) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter 22C.210 MMC, Bed and Breakfasts.
- (2) Home occupations are subject to the requirements and standards contained in Chapter 22C.190 MMC, Home Occupations.
- (3) Limited to one dwelling unit for the purposes of providing on-site service and security of a commercial or industrial business. Caretaker's quarters are subject to the provisions set forth in Chapter 22C.110 MMC, entitled "Temporary Uses."
- (4) All units must be located above a street-level commercial use.
- (5) Twenty percent of the units, but no more than two total units, may be located on the street level of a commercial use, if conditional use permit approval is obtained and the units are designed exclusively for ADA accessibility. The street-level units shall be designed so that the units are not located on the street front and primary access is towards the rear of the building.
- (6) Permitted on the ground floor in the southwest sector of downtown vision plan area, as incorporated into the city of Marysville comprehensive plan.
- (7) Mobile homes are only allowed in existing mobile home parks established prior to October 16, 2006.
- (8) Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.
- (9) Permitted in a legal nonconforming or conforming residential structure.
- (10) Subject to Chapter 22C.220 MMC, Master Planned Senior Communities.
- (11) The following conditions and limitations shall apply, where appropriate:
 - (a) Parks are permitted in residential and mixed use zones when reviewed as part of a subdivision or multiple-family development proposal; otherwise, a conditional use permit is required;
 - (b) Lighting for structures and fields shall be directed away from residential areas; and
 - (c) Structures or service yards shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.
- (12) Recreational vehicle parks are subject to the requirements and conditions of Chapter 22C.240 MMC.
- (13) Golf Facility.
 - (a) Structures, driving ranges and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.
 - (b) Restaurants are permitted as an accessory use to a golf course.
- (14) Shooting Range.
 - (a) Structures and ranges shall maintain a minimum distance of 50 feet from property lines adjoining residential zones;
 - (b) Ranges shall be designed to prevent stray or ricocheting projectiles or pellets from leaving the property; and
 - (c) Site plans shall include safety features of the range; provisions for reducing noise produced on the firing line; and elevations of the range showing target area, backdrops or butts.
- (15) Only in an enclosed building.
- (16) Dock and Boathouse, Private, Noncommercial.
 - (a) The height of any covered over-water structure shall not exceed 20 feet as measured from the line of ordinary high water;
 - (b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;
 - (c) The entirety of such structures shall have not greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;
 - (d) No over-water structure shall extend beyond the average length of all pre-existing over-water structures along the same shoreline and within 300 feet of the parcel on which proposed. Where no such pre-existing structures exist within 300 feet, the pier length shall not exceed 50 feet;
 - (e) Structures permitted hereunder shall not be used as a dwelling; and

- (f) Covered structures are subject to a minimum setback of five feet from any side lot line or extension thereof. No setback from adjacent properties is required for any uncovered structure, and no setback from water is required for any structure permitted hereunder.
- (17) Boat Launch, Noncommercial or Private.
- (a) The city may regulate, among other factors, required launching depth, and length of docks and piers;
 - (b) Safety buoys shall be installed and maintained separating boating activities from other water-oriented recreation and uses where this is reasonably required for public safety, welfare and health; and
 - (c) All site improvements for boat launch facilities shall comply with all other requirements of the zone in which it is located.
- (18) Excluding racetrack operation.
- (19) Amusement and recreation services shall be a permitted use if they are located within an enclosed building, or a conditional use if located outside. In both instances they would be subject to the exclusion of a racetrack operation similar to other commercial zones.
- (20) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
- (21) Permitted as an accessory use; see MMC 22A.020.020, the definition of "Accessory use, commercial/industrial."
- (22) Only as an accessory to a gasoline service station; see retail and wholesale permitted use table in MMC 22C.020.060.
- (23) All processing and storage of material shall be within enclosed buildings and excluding yard waste processing.
- (24) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.
- (25) Drive-through service windows in excess of one lane are prohibited in Planning Area 1.
- (26) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.
- (27) All instruction must be within an enclosed structure.
- (28) Car washes shall be permitted as an accessory use to a gasoline service station.
- (29) Public Safety Facilities, Including Police and Fire.
- (a) All buildings and structures shall maintain a minimum distance of 20 feet from property lines adjoining residential zones;
 - (b) Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of 35 feet from such street.
- (30) Outdoor storage of materials or vehicles must be accessory to the primary building area and located to the rear of buildings. Outdoor storage is subject to an approved landscape plan that provides for effective screening of storage, so that it is not visible from public right-of-way or neighboring properties.
- (31) Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.
- (32) All WCFs and modifications to WCFs are subject to Chapter 22C.250 MMC including but not limited to the siting hierarchy, MMC 22C.250.060. WCFs may be a permitted use or a CUP may be required subject to MMC 22C.250.040.
- (33) Subject to the conditions and requirements listed in Chapter 22C.030 MMC.
- (34) Reserved.
- (35) A factory-built commercial building may be used for commercial purposes subject to the following requirements:
- (a) A factory-built commercial building must be inspected at least two times at the factory by the State Building and Electrical Inspector during the construction process, and must receive a state approval stamp certifying that it meets all requirements of the International Building and Electrical Codes. At the building site, the city building official will conduct foundation, plumbing and final inspections; and
 - (b) A factory-built commercial building cannot be attached to a metal frame allowing it to be mobile. All structures must be placed on a permanent, poured-in-place foundation. The foundation shall be structurally engineered to meet the requirements set forth in Chapter 16 of the International Building Code.
- (36) Mini-storage facilities are subject to the development standards outlined in Chapter 22C.170 MMC.

- (37) Except heavy equipment.
- (38) With outdoor storage and heavy equipment.
- (39) Incidental assembly shall be permitted; provided, it is limited to less than 20 percent of the square footage of the site excluding parking.
- (40) Light industrial uses may be permitted; provided, there is no outdoor storage of materials, products or vehicles.
- (41) Excluding drinking places such as taverns and bars and adult entertainment facilities.
- (42) Excluding vehicle and livestock auctions.
- (43) If the total storage capacity exceeds 6,000 gallons, a conditional use permit is required.
- (44) The retail sale of products manufactured on site shall be permitted; provided, that not more than 20 percent of the constructed floor area in any such development may be devoted to such retail use.
- (45) Limited to 5,000 square feet or less.
- (46) Eating and Drinking Places.
 - (a) Limited to 4,000 square feet or less.
 - (b) Drive-through service windows in excess of one lane are prohibited in Planning Area 1.
 - (c) Taverns, bars, lounges, etc., are required to obtain a conditional use permit in the mixed use zone.
- (47) Limited to hardware and garden supply stores.
- (48) Limited to convenience retail, such as video, and personal and household items.
- (49) Provided there is no outdoor storage and/or display of any materials, products or vehicles.
- (50) Except slaughterhouses.
- (51) Limited to photocopying and printing services offered to the general public.
- (52) Limited to less than 10 employees.
- (53) In conjunction with an eating and drinking establishment.
- (54) Provided there is no outdoor storage and/or display of any materials, products or vehicles.
- (55) May be further subject to the provisions of city of Marysville shoreline management program.
- (56) Except weapons armories and outdoor shooting ranges.
- (57) Except outdoor shooting ranges.
- (58) Only in conjunction with an existing or proposed school.
- (59) Except racing of motorized vehicles.
- (60) Limited to land located along east side of 47th Avenue NE alignment, in the east half of the northeast quarter of Section 33, Township 30N, Range 5E, W.M., and in the northeast quarter of the southeast quarter of Section 33, Township 30N, Range 5E, W.M., and land located east side of SR 529, north of Steamboat Slough, south and west of Ebey Slough (a.k.a. TP No. 300533-002-004-00) and in the northwest and southwest quarters of Section 33, Township 30N, Range 5E, W.M., as identified in Exhibit A, attached to Ordinance No. 2452.
- (61) Opiate substitution treatment program facilities permitted within commercial zones are subject to Chapter 22G.070 MMC, Siting Process for Essential Public Facilities.
- (62) Opiate substitution treatment program facilities, as defined in MMC 22A.020.160, are subject to the standards set forth below:
 - (a) Shall not be established within 300 feet of an existing school, public playground, public park, residential housing area, child-care facility, or actual place of regular worship established prior to the proposed treatment facility.
 - (b) Hours of operation shall be restricted to no earlier than 6:00 a.m. and no later than 7:00 p.m. daily.
 - (c) The owners and operators of the facility shall be required to take positive ongoing measures to preclude loitering in the vicinity of the facility.
- (63) Permitted uses include Whiskey Ridge zones.
- (64) Level 1 and Level 2 charging only.
- (65) The term "rapid" is used interchangeably with Level 3 and fast charging.
- (66) Rapid (Level 3) charging stations are required to comply with the design and landscaping standards outlined in MMC 22C.020.265.
- (67) Rapid (Level 3) charging stations are required to be placed within a parking garage.
- (68) Excepting "marijuana (cannabis) dispensaries," "marijuana (cannabis) collective gardens," and "marijuana cooperatives" as those terms are defined or described in this code and/or under state law; such facilities and/or uses are prohibited in all zoning districts of the city of Marysville.
- (69) No person or entity may produce, grow, manufacture, process, accept donations for, give away, or sell marijuana concentrates, marijuana-infused products, or usable marijuana within commercial,

industrial, recreation, and public institution zones in the city. Provided, activities in strict compliance with RCW 69.51A.210 and 69.51A.260 are not a violation of the Marysville Municipal Code.

(70) Permitted within existing legal nonconforming single-family residences.

(71) Subject to the requirements set forth in MMC 10.04.460.*

(72) Pet daycares are restricted to indoor facilities with limited, supervised access to an outdoor fenced yard. Overnight boarding may be permitted as a limited, incidental use. Both outdoor access and overnight boarding privileges may be revoked or modified if the facility is not able to comply with the noise standards set forth in WAC 173-60-040.*

(73) Shipping/cargo and similar storage containers may be installed on commercial or industrial properties provided they are screened from public view pursuant to MMC 22C.120.160, Screening and impact abatement.

(74) Tanks, generators, and other machinery which does not generate nuisance noise may be located in the service/loading area. Truck service/loading areas shall not face the public street and shall be screened from the public street.

(75) Hotels/motels are prohibited within Arlington Airport Inner Safety Zones (ISZ) 2, 3, and 4. Hotel/motels that are proposed to locate within Arlington Airport Protection Subdistricts B and C shall be required to coordinate with the Arlington Municipal Airport to ensure that height, glare, and other aspects of the hotels/motels are compatible with air traffic and airport operations.

(76) Use limited to properties that have property frontage along State Avenue/Smokey Point Boulevard.

Section 5. Section 22C.020.080, Densities and dimensions, of MMC Chapter 22C.020, Commercial, Industrial, Recreation and Public Institutional Zones, is hereby amended to read as follows:

22C.020.080 Densities and dimensions. 

(1) Interpretation of Tables.

(a) Subsection (2) of this section contains general density and dimension standards for the various zones and limitations specific to a particular zone(s). Additional rules and exceptions, and methodology, are set forth in MMC 22C.020.090.

(b) The density and dimension table is arranged in a matrix format and is delineated into the commercial, industrial, recreation and public institutional use categories.

(c) Development standards are listed down the left side of the table, and the zones are listed at the top. The matrix cells contain the minimum dimensional requirements of the zone. The parenthetical numbers in the matrix identify specific requirements applicable either to a specific use or zone. ~~A blank box indicates that there are no specific requirements.~~ If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote set forth in MMC 22C.020.090.

(2) General Densities and Dimension Standards.

| Standards | NB | CB | GC | DC | MU (12) | LI | GI | BP | REC | P/I | WR- MU (15) | WR- CB (15) |
|--|-----------------------|--------------|--------------|-------------|------------------------------|-------------|-------------|-------------------------|-------------|----------------|----------------------------|----------------------------|
| Base density: Dwelling unit/acre | <u>None</u> (18) | 12 | 12 | 12 | 28 (1) | - <u>0</u> | - <u>0</u> | - <u>0</u> | - <u>0</u> | - <u>0</u> | 12 | - <u>0</u> |
| Maximum density: Dwelling unit/acre | - <u>None</u> (18) | None (13) | None (13) | None | 34 (2) | - <u>0</u> | - <u>0</u> | - <u>0</u> | - <u>0</u> | - <u>0</u> | 18 (13) | - <u>0</u> |
| Minimum street setback (3) | 20 feet | None (7) | None (7) | None (7) | None (7, 8) | None (7) | None (7) | None (7) | 20 feet | None (7, 8) | None (7, 8, 14) | None (7, 14) |
| Minimum interior setback | 10 feet (side) | None (4) | None (4) | None (4) | <u>None</u> 5-feet (9) | None (4) | None (4) | - <u>None</u> (4) | None (4) | None (4) | 5 feet (9, 16, 17) | None (4) |

| Standards | NB | CB | GC | DC | MU (12) | LI | GI | BP | REC | P/I | WR- MU (15) | WR- CB (15) |
|---|----------------------|------------|-----------------------------------|------------|--------------------------------|-------------------|-------------------|------------|------------|------------|---------------------|-------------------|
| | 20 feet (rear) | | | | | 50 feet (5) | 50 feet (5) | | | | | |
| Base height (6) | 25 feet | 55 feet | 35 feet, 85 feet (19) | 85 feet | 45 feet, 65 feet (10) | 65 feet | 65 feet | 45 feet | 35 feet | 45 feet | 45 feet | 55 feet |
| Maximum impervious surface: Percentage | 75% | 85% | 85% | 85% | 85%, 75% (11) | 85% | 85% | 75% | 35% | 75% | 85%, 75% (11) | 85% |

Section 6. Section 22C.020.090, Densities and dimensions – Development conditions, of MMC Chapter 22C.020, Commercial, Industrial, Recreation and Public Institutional Zones, is hereby amended to read as follows:

22C.020.090 Densities and dimensions – Development conditions. 

- (1) These densities are allowed only through the application of mixed use development standards.
- (2) These densities may only be achieved in the downtown portion of Planning Area 1 through the application of residential density incentives. See Chapter 22C.090 MMC.
- (3) Gas station pump islands shall be placed no closer than 25 feet to street front lines. Pump island canopies shall be placed no closer than 15 feet to street front lines.
- (4) A 25-foot setback is required on property lines adjoining residentially designated property.
- (5) A 50-foot setback only required on property lines adjoining residentially designated property for industrial uses established by conditional use permits, otherwise no specific interior setback requirement.
- (6) Height limits may be increased when portions of the structure or building which exceed the base height limit provide one additional foot of street and interior setback beyond the required setback for each foot above the base height limit.
- (7) Subject to sight distance review at driveways and street intersections.
- (8) A 20-foot setback is required for multiple-family structures outside of the downtown portion of Planning Area 1.
- (9) A 15-foot setback is required for (a) commercial or multiple-family structures on property lines adjoining single-family residentially designated property, and (b) a rear yard of a multi-story residential structure, otherwise no specific interior setback requirement. Interior setbacks may be reduced where features such as critical area(s) and buffer(s), public/private right-of-way or access easements, or other conditions provide a comparable setback or separation from adjoining uses.
- (10) The 65-foot base height applies only to the downtown portion of Planning Area 1. The 45-foot base height applies to the southeast sector of the downtown vision plan area, as incorporated into the city of Marysville comprehensive plan.
- (11) The 85 percent impervious surface percentage applies to commercial developments, and the 75 percent rate applies to multiple-family developments.
- (12) Reduced building setbacks and height requirements may be approved on a case-by-case basis to provide flexibility for innovative development plans; provided, that variance requests which are greater than 10 percent of the required setback shall be considered by the hearing examiner.
- (13) Subject to the application of the residential density incentive requirements of Chapter 22C.090 MMC.
- (14) Required landscaping setbacks for developments on the north side of Soper Hill Road are 25 feet from the edge of sidewalk.
- (15) Projects with split zoning (two or more distinct land use zones) may propose a site plan to density average or adjust the zone boundaries using topography, access, critical areas, or other site characteristics in order to provide a more effective transition.

- (16) Townhome setbacks are reduced to zero on an interior side yard setback where the units have a common wall for zero lot line developments.
- (17) Townhome setbacks are reduced to five feet on side yard setbacks, provided the buildings meet a 10-foot separation between structures.
- (18) There is no minimum or maximum density for this zone. Residential units are permitted if located above a ground-level commercial use.
- (19) The 85-foot base height applies only within the boundaries of the Downtown Master Plan area, bounded by 8th Street to the north, Ebey Slough to the south, Alder Avenue to the east, and Interstate 5 to the west.

Section 7. Section 22A.010.160, Amendments, of the Marysville Municipal Code is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City’s Unified Development Code:

“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> |
|------------------|--|-----------------------|
| _____ | Commercial Permitted Uses & Dimensional Amendments | _____, 2020” |

Section 8. 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 9. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener’s errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 10. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

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

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
TINA BROCK, DEPUTY CITY CLERK

Approved as to form:

By: _____
JON WALKER, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)