

CITY OF MARYSVILLE AGENDA BILL
EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: November 23, 2020

AGENDA ITEM:	
Residential permitted uses development standards amendment (PA20-015)	
PREPARED BY:	DIRECTOR APPROVAL:
Angela Gemmer, Senior Planner	<i>Allan Giffen</i> , Interim CD Director
DEPARTMENT:	
Community Development	
ATTACHMENTS:	
Adopting Ordinance	
BUDGET CODE:	AMOUNT:
N/A	N/A
SUMMARY:	

At a public meeting on November 9, 2020 the Marysville City Council considered two proposed ordinances: the first pertaining to mobile home parks and the second pertaining to tiny houses as accessory dwelling units. Both ordinances proposed amendments to MMC Section 22C.010.070. The necessary changes to MMC Section 22C.010.070 for both proposed ordinances were included in the mobile home park ordinance. The ordinance pertaining to mobile home parks was adopted on November 9, 2020 by City Council as Ordinance 3164 while the ordinance pertaining to tiny houses as accessory dwelling units was not adopted.

Ordinance 3164 includes a reference in MMC Section 22C.010.070 subsection 51 that is incorrect since the ordinance pertaining to tiny houses as accessory dwelling units was not adopted. Specifically, the following amendment to the residential permitted uses development standards set forth in MMC Section 22C.010.070(51) is needed:

(51) Tiny houses or tiny houses with wheels are allowed ~~as an accessory dwelling unit subject to the requirements outlined in MMC 22C.180.030, or~~ as a primary residence in an established mobile/manufactured home park (MHP) subject to the requirements of Chapter 22C.230 MMC, Mobile/Manufactured Home Parks.

RECOMMENDED ACTION: Staff recommends that City Council adopt the minor revision to the residential permitted uses development standards by Ordinance.
RECOMMENDED MOTION: I move to adopt the minor revision to the residential permitted uses development standards by Ordinance, and authorize the Mayor to sign said Ordinance.

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 AND 22C.010.070 OF THE MARYSVILLE MUNICIPAL CODE.**

WHEREAS, at a public meeting on November 9, 2020 the Marysville City Council reviewed and considered Planning Commission Recommendations on two proposed ordinances: the first pertaining to mobile home parks and the second pertaining to tiny houses as accessory dwelling units; and

WHEREAS, the ordinance pertaining to mobile home parks was adopted on November 9, 2020 by City Council as Ordinance 3164 while the ordinance pertaining to tiny houses as accessory dwelling units was not adopted; and

WHEREAS, Ordinance 3164 includes language in MMC Section 22C.010.070 subsection 51 that is incorrect as the ordinance pertaining to tiny houses as accessory dwelling units was not adopted; and

WHEREAS, a minor amendment to MMC Section 22C.010.070 subsection 51 is needed to remove a reference that is not needed due to the second ordinance not being adopted; and

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

Section 1. Section 22C.010.070, Permitted uses – Development conditions, of MMC Chapter 22C.010, Residential Zones, is hereby amended to read as follows:

22C.010.070 Permitted uses – Development conditions.

- (1) Accessory dwelling units must comply with development standards in Chapter [22C.180](#) MMC. Accessory dwelling units in the MHP zone are only allowed on single lots of record containing one single-family detached dwelling.
- (2) Limited to three residents per the equivalent of each minimum lot size or dwelling units per acre allowed in the zone in which it is located.
- (3) Only as part of a planned residential development (PRD) proposal, and subject to the same density as the underlying zone.
- (4) Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter [22C.210](#) MMC.
- (5) Home occupations are subject to the requirements and standards contained in Chapter [22C.190](#) MMC.
- (6) Subject to cottage housing provisions set forth in MMC [22C.010.280](#).
- (7) Factory-built dwelling units shall comply with the following standards:
 - (a) A factory-built house must be inspected at least two times at the factory by the State Building Inspector during the construction process, and must receive an approval certifying that it meets all requirements of the International Building Code. At the building site, the city building official will conduct foundation, plumbing and final inspections.
 - (b) A factory-built house cannot be attached to a metal frame allowing it to be mobile. All such structures must be placed on a permanent foundation at the building site.
- (8) Permitted outright in the R-6.5, R-8, and WR-R-4-8 zones on minimum 7,200-square-foot lots. A conditional use permit is required for the R-4.5 zone, and the minimum lot size must be 12,500 square feet. Duplexes must comply with the comprehensive plan density requirements for the underlying land use designation.
- (9) A garage sale shall comply with the following standards:

- (a) No residential premises shall have more than two such sales per year and no such sale shall continue for more than six days within a 15-day period.
- (b) Signs advertising such sales shall not be attached to any public structures, signs or traffic control devices, nor to any utility poles. All such signs shall be removed 24 hours after the sale is completed.

A garage sale complying with the above conditions shall be considered as being an allowable accessory use to all residential land uses. A garage sale violating one or more of the above conditions shall be considered as being a commercial use and will be disallowed unless it complies with all requirements affecting commercial uses.

(10) Residential accessory structures must comply with development standards in Chapter [22C.180](#) MMC.

(11) Manufactured homes must:

- (a) Be set on a permanent foundation, as specified by the manufacturer, enclosed with an approved concrete product from the bottom of the home to the ground which may be either load-bearing or decorative;
- (b) Meet all design standards applicable to all other single-family homes in the neighborhood in which the manufactured home is to be located;
- (c) Be no more than five years old, as evidenced by the date of manufacture recorded on the HUD data plate. An administrative variance to the requirement that a manufactured home be no more than five years old may be granted by the community development director only if the applicant demonstrates all of the following:
 - (i) The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
 - (ii) The proposed manufactured home is well maintained and does not present any health or safety hazards;
 - (iii) The variance is necessary or warranted because of the unique size, shape, topography, location, critical areas encumbrance, or other feature of the subject property;
 - (iv) The proposed manufactured home will be compatible with the neighborhood or area where it will be located;
 - (v) The subject property is otherwise deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and within an identical zone;
 - (vi) The need for the variance is not the result of deliberate actions of the applicant or property owner; and
 - (vii) The variance is the minimum necessary to grant relief to the applicant.

(12) Mobile homes are only allowed as a primary residence in existing mobile/manufactured home parks established prior to June 12, 2008, subject to the requirements of Chapter [22C.230](#) MMC, Mobile/Manufactured Home Parks.

(13) Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.

(14) No more than one single-family detached or duplex dwelling is allowed per lot except in cottage housing developments that are developed with all cottages located on a common lot, and accessory dwelling units through the provisions of Chapter [22C.180](#) MMC.

(15) Subject to Chapter [22C.220](#) MMC, Master Planned Senior Communities.

(16) 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, mobile/manufactured home park, 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.

(17) Golf facilities shall comply with the following:

- (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.

(18) Only as an accessory to a cemetery.

- (19) Structures shall maintain a minimum distance of 100 feet from property lines adjoining residential zones.
- (20) Only as an accessory to residential use and subject to the criteria set forth in Chapter [22C.200](#) MMC.
- (21) Only as an accessory to residential use, provided:
- (a) Students are limited to 12 per one-hour session;
 - (b) All instruction must be within an enclosed structure; and
 - (c) Structures used for the school shall maintain a distance of 25 feet from property lines adjoining residential zones.
- (22) Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.
- (23) Only when adjacent to an existing or proposed school.
- (24) Limited to columbariums accessory to a church; provided, that existing required landscaping and parking are not reduced.
- (25) Day care IIs must be located on sites larger than one-half acre and are subject to minimum standards identified in Chapter [22C.200](#) MMC for day care I facilities. Parking facilities and loading areas shall be located to the rear of buildings or be constructed in a manner consistent with the surrounding residential character. Evaluation of site suitability shall be reviewed through the conditional use permit process.
- (26) Public safety facilities, including police and fire, shall comply with the following:
- (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.
- (27) Accessory to an apartment development of at least 12 units, provided:
- (a) The gross floor area in self-service storage shall not exceed 50 percent of the total gross floor area of the apartment dwellings on the site;
 - (b) All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
 - (c) The use of the facility shall be limited to dead storage of household goods;
 - (d) No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
 - (e) No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
 - (f) No residential occupancy of the storage units;
 - (g) No business activity other than the rental of storage units to the apartment dwellings on the site; and
 - (h) A resident manager shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
- (28) 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 conditional use subject to MMC [22C.250.040](#).
- (29) Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:
- (a) They are located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and
 - (b) The site is adjacent to a designated arterial that has been improved to a standard acceptable to the department.
- (30) Model Homes.
- (a) The community development director may approve construction of model homes subject to the following conditions:
 - (i) No model home shall be constructed without the issuance of a building permit;
 - (ii) In no event shall the total number of model homes in a preliminary subdivision be greater than nine;
 - (iii) A hard-surfaced roadway to and abutting all model homes shall be constructed to standards determined by the city engineer or designee;

- (iv) Operational fire hydrant(s) must be available in accordance with the International Fire Code;
 - (v) Submittal of a site plan, stamped by a registered civil engineer or licensed surveyor, delineating the location of each structure relative to existing and proposed utilities, lot lines, easements, roadways, topography and critical areas;
 - (vi) Submittal of building permit applications for each of the proposed structures;
 - (vii) Approval of water, sewer and storm sewer extension plans to serve the proposed structures; and
 - (viii) Execution of an agreement with the city saving and holding it harmless from any damages, direct or indirect, as a result of the approval of the construction of model homes on the site.
- (b) Prior to occupancy of any model home, the final plat of the subject subdivision shall be approved and recorded.
- (31) Any outdoor storage areas are subject to the screening requirements of the landscape code.
 - (32) Subject to approval of a small farms overlay zone.
 - (33) May be further subject to the provisions of the Marysville shoreline master program.
 - (34) Only allowed in conjunction with the small farms overlay zone.
 - (35) Provided, that the property has received approval of a small farms overlay designation, or is larger than one acre in size.
 - (36) Only in conjunction with an existing or proposed school.
 - (37) Except racing of motorized vehicles.
 - (38) Level 1 and Level 2 charging only.
 - (39) Allowed only as an accessory use to a principal outright permitted use or permitted conditional use.
 - (40) The term "rapid" is used interchangeably with "Level 3" and "fast charging."
 - (41) Only "electric vehicle charging stations – restricted" as defined in Chapter [22A.020](#) MMC.
 - (42) Rapid (Level 3) charging stations are required to be placed within a parking garage.
 - (43) One single-family detached dwelling per existing single lot of record. Manufactured homes on single lots must meet the criteria outlined in subsection (11) of this section.
 - (44) Recreational vehicles (RVs) are allowed as a primary residence in an established mobile/manufactured home park (MHP) subject to the requirements of Chapter 22C.230 MMC, Mobile/Manufactured Home Parks.
 - (45) MHPs shall fulfill the requirements of Chapter [22C.230](#) MMC, Mobile/Manufactured Home Parks.
 - (46) Intentionally left blank.
 - (47) Model house sales offices are subject to the requirements of MMC [22C.110.030](#)(12).
 - (48) 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 residential 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.
 - (49) Shipping/cargo and similar storage containers are prohibited on lots within a platted subdivision and properties under one acre in size. Shipping/cargo and similar storage containers may be located on properties over one acre in size if located behind the primary residence, observe all setbacks applicable to an accessory structure, and are screened from public view.
 - (50) Accessory structures may not be utilized as, or converted to, a dwelling unless the structure complies with the accessory dwelling unit standards outlined in MMC [22C.180.030](#).
 - (51) Tiny houses or tiny houses with wheels are allowed ~~as an accessory dwelling unit subject to the requirements outlined in MMC 22C.180.030, or~~ as a primary residence in an established mobile/manufactured home park (MHP) subject to the requirements of Chapter 22C.230 MMC, Mobile/Manufactured Home Parks.

Section 2. 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>
_____	Residential permitted uses tiny house reference correction	_____, 2020"

Section 3. 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 4. 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 5. 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)