

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

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, RELATING TO AMENDMENTS TO THE MARYSVILLE MUNICIPAL CODE IN ORDER TO REMOVE OBSOLETE REFERENCES AND INCORPORATE REFERENCES TO THE NEWLY CREATED ZONES WITH THE ADOPTION OF THE DOWNTOWN MASTER PLAN UPDATE, INCLUDING AMENDMENTS TO MARYSVILLE MUNICIPAL CODE SECTIONS 6.76.030, 12.22.010, 22A.020.020, 22A.020.080, 22A.020.090, 22A.020.130, 22A.020.170, 22A.030.020, 22A.030.090, 22A.030.130, 22C.010.320, 22C.020.020, 22C.020.030, 22C.020.060, 22C.020.070, 22C.020.080, 22C.020.090, 22C.020.240, 22C.020.270, 22C.040.040, 22C.090.020, 22C.130.030, 22C.250.080 AND 22D.030.070**

**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.010.520:

- (1) The amendment is consistent with the purposes of the comprehensive plan;
- (2) The amendment is consistent with the purpose of MMC Title 22;
- (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**, on September 14, 2021, the Marysville Planning Commission held a duly-advertised public hearing, and recommended that the City Council adopt the proposed amendments to the City's development regulations; and

**WHEREAS**, at a public meeting on September 27, 2021, 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 August 20, 2021 (Material ID 2021-S-3035) seeking expedited review under RCW 36.70A.106(3)(b) and in compliance with the procedural requirements of 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 6.76.030, entitled "Identification of environments," is hereby amended as follows:

**6.76.030 Identification of environments.**

(1) Class A EDNA. Lands where human beings reside and sleep, including all properties in the city which are zoned in single-family residential or multiple-family residential classifications.

(2) Class B EDNA. Lands involving uses requiring protection against noise interference with speech, including all properties in the city which are zoned in neighborhood business, community business, ~~and~~ general commercial, mixed use, business park, public/institutional, downtown core, main street and flex classifications.

(3) Class C EDNA. Lands involving economic activities of such a nature that higher noise levels than experienced in other areas are normally to be anticipated. Persons working in these areas are normally covered by noise control regulations of the Department of Labor and Industries. Such areas shall include all properties in the city which are zoned in light industrial and general industrial classifications.

**Section 2. Amendment of Municipal Code.** MMC Section 12.22.010, entitled "Sitting or lying down on public sidewalks in downtown commercial zones," is hereby amended as follows:

**12.22.010 Sitting or lying down on public sidewalks in downtown commercial core, main street and flex zones.**

(1) Prohibition. No person shall sit or lie down upon a public sidewalk, or upon a blanket, chair, stool or other object placed upon a public sidewalk, within the city of Marysville during the hours between 6:00 a.m. and 12:00 midnight.

(2) Exceptions. The prohibition in subsection (1) of this section shall not apply to any person:

(a) Sitting or lying down on a public sidewalk due to a medical emergency;

(b) Who, as a result of a disability, utilizes a wheelchair, walker or similar device to move about the public sidewalk;

(c) Operating or patronizing a commercial establishment conducted on the public sidewalk pursuant to a street use permit; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit;

(d) Sitting on a chair or bench located on the public sidewalk which is supplied by a public agency or by the abutting private property owner;

(e) Sitting on a public sidewalk within a bus stop zone while waiting for public or private transportation.

Nothing in any of these exceptions shall be construed to permit any conduct which is prohibited by Chapter [6.37](#) MMC, Pedestrian Interference.

(3) No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.

**Section 3. Amendment of Municipal Code.** MMC Section 22A.020.020, entitled "A" definitions, is hereby amended as follows:

**22A.020.020 "A" definitions.**

"Artisan manufacturing" means the production of goods by the use of hand tools or small-scale, light mechanical equipment occurring within a fully-enclosed building where such production requires no outdoor operations or storage, and where the production, operations, and storage of materials related to production occupy no more than 5,000-square-feet of net floor area. Typical uses have negligible negative impact on surrounding properties and include, but are not limited to, woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing. Slaughterhouses are excluded from this definition.

**Section 4. Amendment of Municipal Code.** MMC Section 22A.020.080, entitled "G" definitions, is hereby amended as follows:

**22A.020.080 "G" definitions.**

"General service use" means a category of uses whose primary activity is the provision of service, rental, and/or repair to boats, vehicles, appliances, tools, electronic equipment, machinery, and other similar products for personal, commercial, or civic use. Specific uses in this category include, but are not limited to:

- (1) Postal and courier services, post office.
- (2) Small boat sales, rental, and repair (small boats are less than 40-feet long, 8 ½-feet wide, and 14-feet tall).
- (3) Appliance repair.
- (4) Equipment rentals.
- (5) Electronic or equipment service.
- (6) Vehicle repair.
- (7) Commercial vehicle repair.
- (8) Municipal service facility.
- (9) Public safety facility.
- (10) Car wash.
- (11) Heavy service.

**Section 5. Amendment of Municipal Code.** MMC Section 22A.020.090, entitled "H" definitions, is hereby amended as follows:

**22A.020.090 "H" definitions.**

"Heavy service use" means a type of general-service uses that have any exterior service activities or feature exterior storage areas that total greater than 15,000 gross-square-feet or occupy an area larger than the size of the use' principal building. It also includes the following uses:

- (1) Contractors' office and storage yard.
- (2) Warehousing and wholesale trade.
- (3) Freight and cargo services.
- (4) Cold storage warehousing.
- (5) Commercial vehicle storage.
- (6) Automotive rental and leasing.
- (7) Automotive parking.
- (8) Research, development, and testing.

"Heavy retail use" means retail uses with exterior sales and/or storage areas greater than 15,000 gross square-feet or occupying a greater area than the use's principal building. Examples include truck stops, agricultural supplies, forest product sales, building materials, and heating fuels.

"Housing, Missing Middle" means townhomes, duplexes, cottage housing, and small apartments that are compatible in scale and form to detached single-family homes.

**Section 6. Amendment of Municipal Code.** MMC Section 22A.020.130, entitled "L" definitions, is hereby amended as follows:

**22A.020.130 "L" definitions.**

"Light manufacturing" means a facility conducting light manufacturing operations within a fully-enclosed building. The light manufacturing category includes, but is not limited to, the following uses:

- (1) Clothing, textile apparel manufacturing.
- (2) Facilities engaged in the assembly, design, repair or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic or optical instruments; and timing instruments.
- (3) Printing, publishing, and lithography.
- (4) Production of artwork and toys, graphic design sign-making, movie production facility, photo-finishing laboratory.
- (5) Repair of scientific or professional instruments and electric motors.

**Section 7. Amendment of Municipal Code.** MMC Section 22A.020.170, entitled "P" definitions, is hereby amended as follows:

**22A.020.170 "P" definitions.**

"Personal service use" means facilities involved in providing personal services to the general public. Personal service includes the following uses.

- (1) Animal care.
- (2) Beauty/hair salon.
- (3) Catering establishment.
- (4) Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria.
- (5) Copy center.

(6) Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium.

(7) Optometrist.

(8) Palmist, psychic, medium, fortune telling.

(9) Tailor, milliner, upholsterer.

(10) Tattoo parlor, body piercing.

(11) Wedding chapel.

**Section 8. Amendment of Municipal Code.** MMC Section 22A.030.020, entitled "Zones and map designations established," is hereby amended as follows:

**22A.030.020 Zones and map designations established.**

In order to accomplish the purposes of this title, the following zoning designations and zoning map symbols are established:

ZONING DESIGNATIONS	MAP SYMBOL
Residential	R (base density in dwellings per acre)
Residential Mobile Home Park	R-MHP
Neighborhood Business	NB
Community Business	CB
General Commercial	GC
<del>Downtown Commercial</del>	<del>DC</del>
Mixed Use	MU
Light Industrial	LI
General Industrial	GI
<del>Business Park</del>	<del>BP</del>
Recreation	REC
Public/Institutional Zone	P/I
Whiskey Ridge	WR (suffix to zone's map symbol)
Small Farms Overlay	SF (suffix to zone's map symbol)
Adult Facilities	AF (suffix to zone's map symbol)
Property-specific development standards	P (suffix to zone's map symbol)

**Section 9. Amendment of Municipal Code.** MMC Section 22A.030.090, entitled "Downtown commercial zone," is hereby amended as follows:

**~~22A.030.090-Downtown commercial zone-Downtown Master Plan Zones~~**

See MMC Chapter 22C.080 *Downtown Master Plan – Design Requirements*, for zones maps and designation within the boundary of the Downtown Master Plan.

~~(1) — 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:~~

~~(a) — 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;~~

~~(b) — Allowing for regional shopping areas, and limited fabrication uses; and~~

~~(c) Concentrating large-scale commercial and office uses to facilitate the efficient provision of public facilities and services.~~

~~(2) — Use of this zone is appropriate in downtown commercial areas that are designated by the comprehensive plan and that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.~~

**Section 10. Amendment of Municipal Code.** MMC Section 22A.030.130, entitled “Business park,” is hereby amended as follows:

**22A.030.130 Business park zone Reserved.**

~~(1) — 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.~~

~~(2) — 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.~~

**Section 11. Amendment of Municipal Code.** MMC Section 22C.010.320, entitled “Open space and recreation space required,” is hereby amended as follows:

**22C.010.320 Open space and recreation space required.**

The on-site open space and recreation space standards are intended to provide usable, accessible, and inviting open space for residents that enhances residential areas. Multifamily residential uses shall provide open space equivalent to at least 20 percent of the building’s gross floor area. The required area may be satisfied with one or more of the elements listed below:

(1) Common open space accessible to all residents shall count for up to 100 percent of the required open space. This includes landscaped courtyards or decks, gardens with pathways, children’s play areas, or other multipurpose recreational and/or green spaces. Special requirements and recommendations for common spaces include the following:

(a) Space shall be large enough to provide functional leisure or recreational activity area per the director. For example, long narrow spaces less than 20 feet wide rarely, if ever, can function as usable common open space.

(b) Consider space as a focal point of development.

(c) Open space, particularly children’s play areas, shall be visible from dwelling units and positioned near pedestrian activity.

(d) Space shall feature paths, plantings, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable.

(e) Individual entries shall be provided onto common open space from adjacent ground floor residential units. Small, semi-private open spaces for adjacent ground floor units that maintain visual access to the common area are strongly encouraged to enliven the space.

(f) Separate common space from ground floor windows, streets, service areas and parking lots with landscaping and/or low-level fencing, where desirable.

(g) Space shall be oriented to receive sunlight, facing east, west, or (preferably) south, when possible.

(h) Required setbacks, landscaping, driveways, parking, or other vehicular use areas shall not be counted toward the common open space requirement.

(i) Rooftops or rooftop decks shall not be considered as common open space for the purpose of calculating minimum open space area; provided, that the director may consider rooftops or rooftop decks as common open space where usable open space amenities are provided and available to all residents.

(j) Outdoor open space shall not include areas devoted to parking or vehicular access.

(2) The following amenities may be used to satisfy up to 50 percent of the open space requirement. A combination of these amenities may be provided in different ratios; provided, that (i) the total credit for any combination of the following amenities may not exceed 50 percent of the open space requirement, and (ii) the amount of the amenity provided is sufficient to achieve the purpose of the amenity as determined by the director:

(a) Individual balconies that provide a space usable for human activity. To qualify, the balconies shall be at least 35 square feet and have no dimension less than four feet.

(b) Natural areas that function as an amenity to the development, subject to the following requirements and recommendations:

(i) The natural area shall be accessible to all residents. For example, safe and attractive trails provided along or through the natural area where they could serve as a major amenity to the development.

(ii) Steep slopes, wetlands, or similar unbuildable areas shall not be counted in the calculations for required open space unless they provide a visual amenity for all units, as determined by the director.

(c) Storm water retention areas if the facility has natural-looking edges, natural vegetation, and no fencing except along the property line. The design of such areas shall go well beyond functional storm water requirements per the director in terms of the area involved and the quality of landscaping and resident amenities. The side slope of the storm water facilities shall not exceed a grade of 1:3 (one vertical to three horizontal) unless slopes are existing, natural, and covered with vegetation.

(3) Children's play equipment and recreational activity space for children and/or teens that include parent seating areas are required in residential complexes with 20 or more units. Exceptions: age-restricted senior citizen housing; mixed use developments; developments reserved for student housing; ~~infill lots within the downtown master plan area;~~ and developments located within a quarter mile of safe walking distance to a public park that features a play area.

(4) Active recreation facilities may be provided instead of common open space, subject to the following:

(a) Active recreation facilities may include, but are not limited to, exercise rooms, sports courts, swimming pools, tennis courts, game rooms, or community centers; and

(b) Indoor recreation areas may be credited towards the total recreation space requirement, when the director determines that such areas are located, designed and improved in a manner which provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors.



**Figure 14 – Balconies provide private, usable open space for residents.**



**Figure 15 – A residential courtyard providing semi-private patio spaces adjacent to individual units.**



**Figure 16 – Children's play area incorporated into a multifamily development.**



**Section 12. Amendment of Municipal Code.** MMC Section 22C.020.020, entitled “List of the commercial, industrial, recreation and public institutional zones,” is hereby amended as follows:

**22C.020.020 List of the commercial, industrial, recreation and public institutional zones.**

The full names, short names and map symbols of the commercial, industrial, recreation and public institutional zones are listed below.

<b>Full Name</b>	<b>Short Name/ Map Symbol</b>
Neighborhood Business	NB
Community Business	CB
General Commercial	GC
<del>Downtown Commercial</del>	<del>DC</del>
Mixed Use	MU
Light Industrial	LI
General Industrial	GI
Business Park	BP
Recreation	REC
Public/Institutional Zone	P/I
Whiskey Ridge	WR (suffix to zone's map symbol)
Small Farms Overlay	SF (suffix to zone's map symbol)
Property-specific development standards	P (suffix to zone's map symbol)

**Section 13. Amendment of Municipal Code.** MMC Section 22C.020.030, entitled “Characteristics of commercial, industrial, recreation and public institutional zones,” is hereby amended 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 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 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.~~

(54) 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.

~~(65)~~ 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.

~~(76)~~ 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.

~~(87)~~ 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.

~~(98)~~ 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.

~~(109)~~ 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.

~~(110)~~ 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 14. Amendment of Municipal Code.** MMC Section 22C.020.060, entitled "Permitted uses," is hereby amended as follows:

**22C.020.060 Permitted uses.**

Specific Land Use	NB	CB	CB-WR	GC	<del>DE</del>	MU (63)	LI	GI	REC	P/I
<b>Residential Land Uses</b>										
<b>Dwelling Units, Types:</b>										
Townhouse					<del>P6</del>	P				
Multiple-family	C4	P4, C5		P4, C5	<del>P4, P6</del>	P				
Mobile home	P7	P7	P7	P7	<del>P7</del>	P7	P7	P7		
Senior citizen assisted	P				-	C				P
Caretaker's quarters (3)	P	P	P	P	<del>P</del>	P	P	P	P	P
<b>Group Residences:</b>										
Adult family home (70)	P	P	P	P	<del>P</del>	P				P
Convalescent, nursing, retirement	C	P			<del>P</del>	P				P

Specific Land Use	NB	CB	CB-WR	GC	<del>DG</del>	MU (63)	LI	GI	REC	P/I
Residential care facility	P	P			P	P	P70	P70	P70	P
Master planned senior community (10)					-	C				C
Enhanced services facility (77)					-					
<b>Accessory Uses:</b>					-					
Home occupation (2)	P8	P8, P9	P8, P9	P8, P9	<del>P8, P9</del>	P8, P9	P9	P9		
<b>Temporary Lodging:</b>					-					
Hotel/motel	P	P	P	P	P	P	P75			
Bed and breakfast guesthouse (1)					-					
Bed and breakfast inn (1)	P	P	P	P	-					
<b>Recreation/Cultural Land Uses</b>										
<b>Park/Recreation:</b>										
Park	P11	P	P	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	P	P	P	P	P	P	P	P
<b>Amusement/Entertainment:</b>					-					
Theater		P	P	P	P	P				
Theater, drive-in				C	-					
Amusement and recreation services		P18	P18	P18	<del>P18</del>	P19	P	C		
Sports club	P	P	P	P	P	P	P	P		
Golf facility (13)		P	P	P	-		P	P	C	
Shooting range (14)				P15	-		P15			
Outdoor performance center				C	-		C		C	C
Riding academy					-		P		C	
<b>Cultural:</b>					-					
Library, museum and art gallery	P	P	P	P	P	P	P	P	C	P
Church, synagogue and temple	P	P	P	P	P	P	P	P		P
Dancing, music and art center		P	P	P	P	P			C	P
<b>General Services Land Uses</b>										
<b>Personal Services:</b>										

Specific Land Use	NB	CB	CB-WR	GC	<del>DE</del>	MU (63)	LI	GI	REC	P/I
General personal service	P	P	P	P	P	P	P	P		
Dry cleaning plant		P	P		-		P	P		
Dry cleaning pick-up station and retail service	P	P	P	P	P	P25	P76	P		
Funeral home/crematory		P	P	P	P	P26	P76	P		
Cemetery, columbarium or mausoleum	P24	P24	P24	P24, C20	-		P	P		
Day care I	P70	P70	P70	P70	<del>P70</del>	P70	P21, 70	P70	P70	P70
Day care II	P	P	P	P	P	P	P21			
Veterinary clinic	P	P	P	P	P	P	P76	P		
Automotive repair and service	P22	C, P28	C, P28	P	-		P	P		
Electric vehicle (EV) charging station (64)	P	P	P	P	P	P	P	P	P	P
EV rapid charging station (65), (66)	P	P	P	P	<del>P67</del>	P67	P	P		
EV battery exchange station				P	-		P	P		
Miscellaneous repair		P	P	P	-		P	P		
Social services		P	P	P	P	P				P
Kennel, commercial and exhibitor/breeding (71)		P	P	P			P	P		
Pet daycare (71), (72)		P	P	P	P	P	P76	P		
Civic, social and fraternal association		P	P	P	P	C		P		P
Club (community, country, yacht, etc.)					-			P		P
<b>Health Services:</b>					-					
Medical/dental clinic	P	P	P	P	P	P				P
Hospital		P	P	P	P	C				C
Miscellaneous health	P68	P68	P68	P68	<del>P68</del>	P68				P68
Supervised drug consumption facility					-					
<b>Education Services:</b>					-					
Elementary, middle/junior high, and senior high (including public, private and parochial)		C	C	C	<del>E</del>	C	P	C		C
Commercial school	P	P	P		P	P27				C
School district support facility	C	P	P	P	P	P	P	P		P
Vocational school		P	P	P	P	P27				P
<b>Government/Business Service Land Uses</b>										
<b>Government Services:</b>										

Specific Land Use	NB	CB	CB-WR	GC	<del>DE</del>	MU (63)	LI	GI	REC	P/I
Public agency office	P	P	P	P	P	P	P	P		P
Public utility yard				P	-		P			P
Public safety facilities, including police and fire	P29	P	P	P	P	P	P			P
Utility facility	P	P	P	P	-	C	P	P		P
Private storm water management facility	P	P	P	P	P	P	P	P		P
Public storm water management facility	P	P	P	P	P	P	P	P		P
<b>Business Services:</b>					-					
Contractors' office and storage yard				P30	<del>P30</del>	P30	P	P		
Interim recycling facility		P23	P23	P23	-		P			P
Taxi stands		P	P	P	-		P	P		
Trucking and courier service		P31	P31	P31	-		P	P		
Warehousing and wholesale trade				P	-		P	P		
Mini-storage (36)		C78		C78	-		P76	P		
Freight and cargo service				P	-		P	P		
Cold storage warehousing					-		P	P		
General business service and office	P	P	P	P	P	P30	P	P		
Commercial vehicle storage							P	P		
Professional office	P	P	P	P	P	P	P			
Miscellaneous equipment rental		P30, 37	P30, 37	C38	-	P30, 37	P	P		
Automotive rental and leasing				P	-		P	P		
Automotive parking	P	P	P	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	P39	P39	<del>P39, 40</del>	P39, 40	P	P		
Adult facility					-			P33		
Factory-built commercial building (35)	P	P	P	P	P		P	P		
Wireless communication facility (32)	P, C	P, C	P, C	P, C	<del>P, C</del>	P, C	P, C	P, C		P, C
<b>State-Licensed Marijuana Facilities:</b>										
Marijuana cooperative (69)										
Marijuana processing facility – Indoor only (69)										
Marijuana production facility – Indoor only (69)										

Specific Land Use	NB	CB	CB-WR	GC	DG	MU (63)	LI	GI	REC	P/I
Marijuana retail facility (69)										
<b>Retail/Wholesale Land Uses</b>										
Building, hardware and garden materials	P47	P	P	P	P	P47	P76	P		
Forest products sales		P	P	P	-		P			
Department and variety stores	P	P	P	P	P	P	P76			
Food stores	P	P	P	P	P	P45	P76			
Agricultural crop sales		P	P	P	-	C	P76			
Storage/retail sales, livestock feed					-		P76	P		
Motor vehicle and boat dealers		P	P	P	-		P	P		
Motorcycle dealers		C	C	P	P49		P	P		
Gasoline service stations	P	P	P	P	P		P76	P		
Eating and drinking places	P41	P	P	P	P	P46	P46	P		
Drugstores	P	P	P	P	P	P	P76	P		
Liquor stores		P	P	P	-					
Used goods: antiques/secondhand shops		P	P	P	P	P				
Sporting goods and related stores		P	P	P	P	P				
Book, stationery, video and art supply stores	P	P	P	P	P	P				
Jewelry stores		P	P	P	P	P				
Hobby, toy, game shops	P	P	P	P	P	P				
Photographic and electronic shops	P	P	P	P	P	P				
Fabric and craft shops	P	P	P	P	P	P				
Fuel dealers				P43	-		P43	P43		
Florist shops	P	P	P	P	P	P				
Pet shops	P	P	P	P	P	P				
Tire stores		P	P	P	P		P76	P		
Bulk retail		P	P	P	-		P76			
Auction houses				P42	-		P76			
Truck and heavy equipment dealers					-		P	P		
Mobile home and RV dealers				C	-		P	P		
Retail stores similar to those otherwise named on this list	P	P	P	P	P	P48	P44, 76	P44		
Automobile wrecking yards					-		C	P		
<b>Manufacturing Land Uses</b>										
Food and kindred products		P50, 52	P50, 52	P50	-		P50	P		



Specific Land Use	NB	CB	CB-WR	GC	<del>DG</del>	MU (63)	LI	GI	REC	P/I
Winery/brewery		P53	P53	P	<del>P53</del>	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	P51	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	<del>P54</del>		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			
<b>Resource Land Uses</b>										
<b>Agriculture:</b>										
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		
<b>Forestry:</b>										
Growing and harvesting forest products					-		P			
Forest research					-		P			

Specific Land Use	NB	CB	CB-WR	GC	<del>DG</del>	MU (63)	LI	GI	REC	P/I
Wood waste recycling and storage					-		C	C		
<b>Fish and Wildlife Management:</b>					-					
Hatchery/fish preserve (55)					-		P	P	C	
Aquaculture (55)					-		P	P	C	
Wildlife shelters	C	C	C		-				P	
<b>Mineral:</b>					-					
Processing of minerals					-		P	P		
Asphalt paving mixtures and block					-		P	P		
<b>Regional Land Uses</b>										
Jail		C	C	C	-		C			
Regional storm water management facility		C	C	C	<del>E</del>		C	C		P
Public agency animal control facility				C	-		P	P		C
Public agency training facility		C56	C56	C56	-	C56	C57			C57
Nonhydroelectric generation facility	C	C	C	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	P	P	<del>P</del>	P	P	P		P
Transit park and ride lot	P	P	P	P	<del>P</del>	P	P	P		C
School bus base	C	C	C	C	-		P			C58
Racetrack	C59	C59	C59	C	-		P			
Fairground					-		P	P		C
Zoo/wildlife exhibit		C	C	C	-					C
Stadium/arena				C	-		C	P		C
College/university	C	P	P	P	<del>P</del>	P	P	P		C
Secure community transition facility					-			C60		
Opiate substitution treatment program facilities		P61, 62	P61, 62	P61, 62	<del>P61, 62</del>		P62	P62		

**Section 15. Amendment of Municipal Code.** MMC Section 22C.020.070, entitled “Permitted uses – Development conditions,” is hereby amended 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. Reserved.~~
- (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 overwater structure shall not exceed 20 feet as measured from the line of ordinary high water;
  - (b) The total roof area of covered, overwater 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 overwater structure shall extend beyond the average length of all preexisting over-water structures along the same shoreline and within 300 feet of the parcel on which proposed. Where no such preexisting 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.~~Reserved.
- (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.

(77) Enhanced services facilities are prohibited in all commercial and industrial zones as such are identified and adopted in Chapter [22C.020](#) MMC.

(78) Mini-storage facilities may be allowed in the CB and GC zones as a conditional use on property located east of Interstate 5, North of 100th Street, and west of 47th Avenue NE, subject to the following conditions:

(a) The property does not have direct frontage on an arterial street.

(b) Vehicular access to the property is limited by physical constraints, such as railroad tracks, proximity to congested public street intersection where turning movements are restricted, or other physical barriers that limit convenient vehicular access for higher-traffic-generating uses such as retail or office.

(c) Buildings shall be located a minimum of 150 feet from the nearest arterial street or interstate highway right-of-way.

**Section 16. Amendment of Municipal Code.** MMC Section 22C.020.080, entitled “Densities and dimensions,” is hereby amended 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. 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	<del>DE</del>	MU (12)	LI	GI	BP	REC	P/I	WR-MU (15)	WR-CB (15)
Base density: Dwelling unit/acre	None (18)	12	12	<del>12</del>	28 (1)	0	0	0	0	0	12	0
Maximum density: Dwelling unit/acre	None (18)	None (13)	None (13)	None	<del>34</del> 28	0	0	0	0	0	18 (13)	0
Minimum street setback (3)	20 feet	None (7)	None (7)	None <del>(7)</del>	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) 20 feet (rear)	None (4)	None (4)	None <del>(4)</del>	None (9)	None (4) 50 feet (5)	None (4) 50 feet (5)	None (4)	None (4)	None (4)	5 feet (9, 16, 17)	None (4)
Base height (6)	25 feet	55 feet	35 feet; <del>85 feet</del> <del>(19)</del>	<del>85 feet</del>	45 feet; <del>65 feet</del> <del>(10)</del>	65 feet	65 feet	45 feet	35 feet	45 feet	45 feet	55 feet
Maximum impervious surface: Percentage	75%	85%	85%	<del>85%</del>	85%, 75% (11)	85%	85%	75%	35%	75%	85%, 75% (11)	85%

**Section 17. Amendment of Municipal Code.** MMC Section 22C.020.090, entitled “Densities and dimensions – Development conditions,” is hereby amended 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. Reserved.~~
- (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. Reserved.~~
- (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 18. Amendment of Municipal Code.** MMC Section 22C.020.240, entitled “Commercial, industrial, recreation and public institutional zones design requirements – Applicability and interpretations,” is hereby amended as follows:



**22C.020.240 Commercial, industrial, recreation and public institutional zones design requirements – Applicability and interpretations.**

(1) The intent of these design standards is to:

(a) Provide building design that has a high level of design quality and creates comfortable human environments;

(b) Incorporate design treatments that add interest and reduce the scale of buildings;

(c) Encourage building design that is authentic and responsive to site conditions; and

(d) Encourage functional, durable, and environmentally responsible buildings.

(2) Applicability.

(a) These design standards apply to all new development within the following zones: general commercial (GC), community business (CB), neighborhood business (NB), ~~downtown commercial (DC)~~, and mixed use (MU).

(b) The following activities shall be exempt from these standards:

(i) Construction activities which do not require a building permit;

(ii) Interior remodels of existing structures;

(iii) Modifications or additions to existing multifamily, commercial, industrial, office and public properties when the modification or addition:

(A) Constitutes less than 10 percent of the existing horizontal square footage of the use or structure; and

(B) Constitutes less than 10 percent of the existing building's exterior facade.

(c) These standards are intended to supplement the zoning standards in the Marysville Municipal Code. Where these standards and the zoning ordinance standards conflict, the city shall determine which regulation applies based on which is more in the public interest and more consistent with the comprehensive plan.

(3) Interpreting and Applying the Design Standards.

(a) These standards capture the community visions and values as reflected in the comprehensive plan's neighborhood planning areas. The city's community development director (hereinafter referred to as "director") retains full authority to determine whether a proposal meets these standards. The director is authorized to promulgate guidelines, graphic representations, and examples of designs and methods of construction that do or do not satisfy the intent of these standards. The following resources can be used in interpreting the guidelines: Site Planning and Community Design for Great Neighborhoods (Frederick D. Jarvis, 1993) and City Comforts (David Sucher, 1996).

(b) Many of these site and building design standards call for a building or site to feature one or more elements from a menu of items. In these cases, a single element, feature, or detail may satisfy multiple objectives. For example, a specially designed or fabricated covered entry with attractive detailing might be counted toward requirements for human scale, building corners, and building details.

(c) Within these standards, certain words are used to indicate the relative importance and priority the city places upon a particular standard.

(i) The words "shall," "must," and "is/are required" mean that the development proposal must comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance;

or  
(B) The development proposal meets the intent of the standards in some other manner.

(ii) The word "should" means that the development proposal will comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance;

(B) The development proposal meets the intent of the standards in some other manner; or

(C) There is convincing evidence that applying the standard would not be in the public interest.

(iii) The words "is/are encouraged," "can," "consider," "help," and "allow" mean that the action or characteristic is allowed and will usually be viewed as a positive element in the city's review.

(d) The project proponent may submit proposals that he/she feels meet the intent of the standards but not necessarily the specifics of one or more standards. In this case, the director will determine if the intent of the standard has been met.

**Section 19. Amendment of Municipal Code.** MMC Section 22C.020.270, entitled "Open space and recreation space required," is hereby amended as follows:

**22C.020.270 Open space and recreation space required.**

The on-site open space and recreation space standards are intended to provide usable, accessible, and inviting open space for residents that enhances residential areas. Multifamily residential uses in the mixed use zone shall provide open space equivalent to at least 20 percent of the building's gross floor area; vertical mixed use developments (where commercial and multifamily uses are contained in the same building) shall not be subject to this requirement; provided, that at least 80 percent of the ground floor is exclusively dedicated to commercial uses and residential uses shall be limited to walls not oriented or located along the street. The required area may be satisfied with one or more of the elements listed below:

(1) Common open space accessible to all residents shall count for up to 100 percent of the required open space. This includes landscaped courtyards or decks, gardens with pathways, children's play areas, or other multipurpose recreational and/or green spaces. Special requirements and recommendations for common spaces include the following:

(a) Space shall be large enough to provide functional leisure or recreational activity area per the director. For example, long narrow spaces less than 20 feet wide rarely, if ever, can function as usable common open space.

(b) Consider space as a focal point of development.

(c) Open space, particularly children's play areas, shall be visible from dwelling units and positioned near pedestrian activity.

(d) Space shall feature paths, plantings, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable.

(e) Individual entries shall be provided onto common open space from adjacent ground floor residential units. Small, semi-private open spaces for adjacent ground floor units that maintain visual access to the common area are strongly encouraged to enliven the space.

(f) Separate common space from ground floor windows, streets, service areas and parking lots with landscaping and/or low-level fencing, where desirable.

(g) Space shall be oriented to receive sunlight, facing east, west, or (preferably) south, when possible.

(h) Required setbacks, landscaping, driveways, parking, or other vehicular use areas shall not be counted toward the common open space requirement.

(i) Rooftops or rooftop decks shall not be considered as common open space for the purpose of calculating minimum open space area; provided, that the director may consider rooftops or rooftop decks as common open space where usable open space amenities are provided and available to all residents.

(j) Outdoor open space shall not include areas devoted to parking or vehicular access.

(2) The following amenities may be used to satisfy up to 50 percent of the open space requirement. A combination of these amenities may be provided in different ratios; provided, that (i) the total credit for any combination of the following amenities may not exceed 50 percent of the open space requirement, and (ii) the amount of the

amenity provided is sufficient to achieve the purpose of the amenity as determined by the director:

(a) Individual balconies that provide a space usable for human activity. To qualify, the balconies shall be at least 35 square feet and have no dimension less than four feet.

(b) Natural areas that function as an amenity to the development, subject to the following requirements and recommendations:

(i) The natural area shall be accessible to all residents. For example, safe and attractive trails provided along or through the natural area where they could serve as a major amenity to the development.

(ii) Steep slopes, wetlands, or similar unbuildable areas shall not be counted in the calculations for required open space unless they provide a visual amenity for all units, as determined by the director.

(c) Storm water retention areas if the facility has natural looking edges, natural vegetation, and no fencing except along the property line. The design of such areas shall go well beyond functional storm water requirements per the director in terms of the area involved and the quality of landscaping and resident amenities. The side slope of the storm water facilities shall not exceed a grade of 1:3 (one vertical to three horizontal) unless slopes are existing, natural, and covered with vegetation.

(3) Children's play equipment and recreational activity space for children and/or teens that include parent seating areas are required in residential complexes with 20 or more units. Exceptions: age-restricted senior citizen housing; mixed use developments (combined commercial and residential in same building); developments reserved for student housing; ~~infill lots within the downtown master plan area~~; and developments located within a quarter mile of safe walking distance to a public park that features a play area.

(4) Active recreation facilities may be provided, subject to the following:

(a) Active recreation facilities may include, but are not limited to, exercise rooms, sports courts, swimming pools, tennis courts, game rooms, or community centers; and

(b) Indoor recreation areas may be credited towards the total recreation space requirement, when the city determines that such areas are located, designed and improved in a manner which provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors.



Figure 20 – Balconies provide private, usable open space for residents.



**Figure 21 – A residential courtyard providing semi-private patio spaces adjacent to individual units.**



**Figure 22 – Children’s play area incorporated into a multifamily development.**

**Section 20. Amendment of Municipal Code.** MMC Section 22C.040.040, entitled “General performance standards,” is hereby amended as follows:

**22C.040.040 General performance standards.**

All development within the mixed use zone, or mixed use – special district, shall strictly comply with the following general performance standards:

- (1) Preliminary and final plans must comply with bulk regulations contained in this chapter and Chapter [22C.020](#) MMC.
- (2) All proposed sites shall be served by public water and sewer services and paved streets.
- (3) Open space/recreation facilities shall be provided as outlined in MMC [22C.020.270](#) through [22C.020.310](#).
- (4) Vehicular Access and Traffic.
  - (a) Each project shall be limited to a maximum of two points of vehicular access on any one street unless it can be demonstrated that additional points of vehicular access would not materially impede the flow of traffic on the adjoining streets.
  - (b) Developments which provide both residential and nonresidential uses may be eligible for an appropriate traffic mitigation fee reduction.

(c) Pedestrian access shall be a priority in review of the vehicular access plan.

(d) Access points on arterial streets shall be coordinated with adjacent properties in order to limit the overall number of access points.

(5) Pedestrian Access. All projects which contain multiple businesses and/or residential uses shall provide an interconnecting pedestrian circulation system. When a proposed development is on an established bus route, the applicant may be required to provide a bus shelter.

(6) Parking. Off-street parking for residential and nonresidential uses shall comply with Chapter [22C.130](#) MMC. ~~Off-street parking requirements are modified as follows for developments within Planning Area 1 (downtown) as defined in the city's comprehensive plan which provide both residential and nonresidential uses:~~

~~(a) No less than one space for every 1,000 square feet of nonresidential floor area shall be provided;~~

~~(b) For duplexes, triplexes, fourplexes, apartments, and condominiums, one space per each studio or one bedroom dwelling unit, and one and one-half spaces per each two or more bedroom units.~~

(7) Lighting. Outdoor lighting shall not shine on adjacent properties, rotate or flash.

(8) Utilities. All new utility services and distribution lines shall be located underground.

(9) Sidewalks. Sidewalk width requirements shall be increased to a range of seven to 10 feet on streets designated as major pedestrian corridors. For sidewalk widths exceeding the amount required in the City of Marysville Engineering Design and Development Standards, credit will be given on a square footage basis for any dedication of the additional right-of-way.

(10) Signs. Signs shall comply with the requirements of Chapter [22C.160](#) MMC.

(11) Standards Incorporated by Reference. Unless specifically superseded by provisions of this chapter, performance standards for residential and commercial development found elsewhere in the Marysville Municipal Code shall apply to such developments in the mixed use zones, and mixed use – special districts, including parking requirements, storm drainage requirements, sign regulations, and noise regulations.

(12) Maintenance of Open Space, Landscaping and Common Facilities. The owner of the property, its heirs, successors and assigns, shall be responsible for the preservation and maintenance of all open space, parking areas, walkways, landscaping, fences and common facilities, in perpetuity, at a minimum standard at least equal to that required by the city, and approved by the planning director, at the time of initial occupancy.

**Section 21. Amendment of Municipal Code.** MMC Section 22C.090.020, entitled "General performance standards," is hereby amended as follows:

**22C.090.020 Permitted locations of residential density incentives.**

Residential density incentives (RDI) shall be used only on sites served by public sewers and only in the following zones:

(1) In R-12 through R-28 zones;

(2) Planned residential developments;

(3) In MU, CB, GC and DC zones; ~~and~~

(4) SF, MF, and MU zones within the Whiskey Ridge ~~m~~Master ~~p~~Plan; ~~and~~

(5) DC, MS, F, MMF, MH1, MH2 zones within the Downtown Master Plan.

**Section 22. Amendment of Municipal Code.** MMC Section 22C.130.030, entitled "Minimum required parking spaces," is hereby amended as follows:

**22C.130.030 Minimum required parking spaces.**

(1) Purpose. The purpose of required parking spaces is to provide enough parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. As provided in subsection (2)(e) of this section, bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to specific land use categories. Provision of carpool parking, and locating it closest to the building entrance, will encourage carpool use.

(2) Minimum Number of Parking Spaces Required.

(a) The minimum number of parking spaces for all zones and use categories is stated in Table 1.

(b) If the parking formula used to determine parking requirements results in a fractional number greater than or equal to one-half, the proponent shall provide parking equal to the next highest whole number.

(c) Changes in Occupancy. Whenever the occupancy classification of a building is changed, the minimum standards for off-street parking for the new occupancy classification shall be applicable; provided, that if the existing occupancy had established a legal nonconforming status with respect to off-street parking requirements, no additional off-street parking shall be required for the new occupancy unless said new occupancy is in a classification requiring more parking than that which would have been required for the existing occupancy if it had been subject to the provisions of this chapter. If strict application of this section is not feasible due to existing site conditions such as building or parcel size, shape or layout, a variance may be granted by the community development director.

(d) Joint Use Parking. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the community development department as part of a building or land use permit application, and approved by the community development director:

(i) The names and addresses of the uses and of the owners or tenants that are sharing the parking;

(ii) The location and number of parking spaces that are being shared;

(iii) An analysis showing that the peak parking times for the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and

(iv) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 500 feet of such parking facilities.

(e) Bicycle parking may substitute for up to 10 percent of required parking. For every five nonrequired bicycle parking spaces that meet the bicycle parking standards in MMC [22C.130.060](#), the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.

(f) The off-street parking and loading requirements of this chapter do not apply retroactively to established uses; however:

(i) The site to which a building is relocated must provide the required spaces; and

(ii) A person increasing the floor area, or other measure of off-street parking and loading requirements, by addition or alteration, must provide spaces as required for the increase, unless the requirement under this subsection is five spaces or fewer.

(g) Reduction of Required Spaces When Effective Alternatives to Automobile Access Are Proposed. Upon demonstration to the hearing examiner that effective alternatives to automobile access are proposed to be implemented, the examiner may reduce by

not more than 40 percent the parking requirements otherwise prescribed for any use or combination of uses on the same or adjoining sites, to an extent commensurate with the permanence, effectiveness, and demonstrated reduction in off-street parking demand achieved by such alternative programs. Alternative programs which may be considered by the examiner under this provision include, but are not limited to, the following:

- (i) Private vanpool operation;
- (ii) Transit/vanpool fare subsidy;
- (iii) Imposition of a charge for parking;
- (iv) Provision of subscription bus services;
- (v) Flexible work-hour schedule;
- (vi) Capital improvement for transit services;
- (vii) Preferential parking for carpools/vanpools;
- (viii) Participation in the ride-matching program;
- (ix) Reduction of parking fees for carpools and vanpools;
- (x) Establishment of a transportation coordinator position to implement carpool, vanpool, and transit programs; or
- (xi) Bicycle parking facilities.

~~(h) Reduction of Required Spaces in Downtown Vision Plan Area. Commercial uses within the downtown core, southwest sector, southeast sector, and waterfront sector may reduce the number of required off-street parking spaces in accordance with this section, upon demonstration to the community development department that the proposed use is in conformance with the downtown master plan guidelines as set forth in the comprehensive plan. Expansion of existing commercial buildings and uses is required to demonstrate conformance with the city's design standards and guidelines or to incorporate reasonable measures to meet the intent of the guidelines for existing uses. For commercial uses requiring less than 10 spaces, the parking requirements may be waived by the director. For required parking in excess of 10 spaces, the applicant must demonstrate that adequate on-street parking facilities exist within 400 feet of the proposed use in order to qualify for a reduction. Parking may be reduced by up to 50 percent if consistent with the downtown master plan guidelines. In approving a reduction to required off-street parking, the department may require improvement of existing right-of-way to meet the intent of this code and the downtown master plan in providing improved parking, walkways and access to the business.~~

~~(h)~~ Uses Not Mentioned. In the case of a use not specifically mentioned in Table 1: Minimum Required Parking Spaces, the requirements for off-street parking shall be determined by the community development director. If there are comparable uses, the community development director's determination shall be based on the requirements for the most comparable use(s). Where, in the judgment of the community development director, none of the uses in Table 1: Minimum Required Parking Spaces are comparable, the community development director may base his or her determination as to the amount of parking required for the proposed use on detailed information provided by the applicant. The information required may include, but not be limited to, a description of the physical structure(s), identification of potential users, and analysis of likely parking demand.

(3) Carpool Parking. For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards must be met:

(a) Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 a.m. on weekdays. More spaces may be reserved, but they are not required.

(b) The spaces will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.

(c) Signs must be posted indicating these spaces are reserved for carpool use before 9:00 a.m. on weekdays.

**Table 1: Minimum Required Parking Spaces**

LAND USE	MINIMUM REQUIRED SPACES
<b>RESIDENTIAL USES</b>	
Single-family dwellings, duplexes, townhouses, and mobile homes	2 per dwelling unit for residents plus 1 additional guest parking space per dwelling unit; provided: 1. An enclosed private garage may be utilized to meet the required parking for residents. Driveways can be counted as resident or guest parking spaces, provided said driveway complies with the bulk and dimensional requirements outlined in Table 2; and 2. Parking spaces behind other required parking spaces (a.k.a. "tandem parking") shall not be counted towards the 2 required parking spaces per dwelling for the residents; however, tandem parking can be counted as a guest parking space.
Accessory dwelling units	1 per dwelling unit
Studio apartments	1.25 per dwelling unit
Multiple-family dwellings, one bedroom	1.5 per dwelling unit. Parking spaces behind other required parking spaces (a.k.a. "tandem parking") shall not be counted towards the 1.5 required parking spaces in a multifamily development; however, tandem parking can be counted as a guest parking space, when required.
Multiple-family dwellings, two or more bedrooms	1.75 per dwelling unit. Parking spaces behind other required parking spaces (a.k.a. "tandem parking") shall not be counted towards the 1.75 required parking spaces in a multifamily development; however, tandem parking can be counted as a guest parking space, when required.
Retirement housing and apartments	1 per dwelling
Mobile home parks	2 per unit, plus guest parking at 1 per 4 lots
Rooming houses, similar uses	1 per dwelling
Bed and breakfast accommodations	1 space for each room for rent, plus 2 spaces for the principal residential use
<b>RECREATIONAL/CULTURAL USES</b>	
Movie theaters	1 per 4 seats
Stadiums, sports arenas and similar open assemblies	1 per 8 seats or 1 per 100 SF of assembly space without fixed seats
Dance halls and places of assembly without fixed seats	1 per 75 SF of gross floor area
Bowling alleys	5 per lane
Skating rinks	1 per 75 SF of gross floor area
Tennis courts, racquet clubs, handball courts and other similar commercial recreation	1 space per 40 SF of gross floor area used for assembly, plus 2 per court
Swimming pools (indoor and outdoor)	1 per 10 swimmers, based on pool capacity as defined by the Washington State Department of Health



**Table 1: Minimum Required Parking Spaces**

<b>LAND USE</b>	<b>MINIMUM REQUIRED SPACES</b>
Golf courses	4 spaces for each green, plus 50% of spaces otherwise required for any accessory uses (e.g., bars, restaurants)
Gymnasiums, health clubs	1 space per each 200 SF of gross floor area
Churches, auditoriums and similar enclosed places of assembly	1 per 4 seats or 60 lineal inches of pew or 40 SF gross floor area used for assembly
Art galleries and museums	1 per 250 SF of gross floor area
<b>COMMERCIAL/OFFICE USES</b>	
Banks, business and professional offices (other than medical and dental) with on-site customer service	1 per 400 SF gross floor area
Retail stores and personal service shops unless otherwise provided herein	If < 5,000 SF floor area, 1 per 600 SF gross floor area; if > 5,000 SF floor area, 8 plus 1 per each 300 SF gross floor area over 5,000 SF
Grocery stores	1 space per 200 SF of customer service area
Barber and beauty shops	1 space per 200 SF
Motor vehicle sales and service	2 per service bay plus 1 per 1,000 SF of outdoor display
Motor vehicle or machinery repair, without sales	2 plus 2 per service bay
Mobile home and recreational vehicle sales	1 per 3,000 SF of outdoor display area
Motels and hotels	1 per unit or room
Restaurants, taverns, bars with on-premises consumption	If < 4,000 SF, 1 per 200 SF gross floor area; if > 4,000 SF, 20 plus 1 per 100 SF gross floor area over 4,000 SF
Drive-in restaurants and similar establishments, primarily for auto-borne customers	1 per 75 SF of gross floor area. Stacking spaces shall be provided in accordance with Chapter <a href="#">22C.140</a> MMC, Drive-Through Facilities
Shopping centers	If < 15,000 SF, 1 per 200 SF of gross floor area; if > 15,000 SF, 1 per 250 SF of gross floor area
Day care centers	1 space per staff member and 1 space per 10 clients. A paved unobstructed pick-up area shall be set aside for dropping off and picking up children in a safe manner that will not cause the children to cross the parking area or lines of traffic.
Funeral parlors, mortuaries or cemeteries	1 per 4 seats or 8 feet of bench or pew or 1 per 40 SF of assembly room used for services if no fixed seating is provided
Gasoline/service stations with grocery	1 per employee plus 1 per 200 SF gross floor area
Adult facilities as defined by MMC <a href="#">22A.020.020</a>	1 per 75 SF of gross floor area or, in the case of an adult drive-in theater, 1 per viewing space
<b>HEALTH SERVICES USES</b>	
Nursing homes, convalescent homes for the aged	1 per 5 beds plus 1 space per employee and medical staff

**Table 1: Minimum Required Parking Spaces**

<b>LAND USE</b>	<b>MINIMUM REQUIRED SPACES</b>
Medical and dental clinics	1 per 200 SF gross floor area
Hospitals	1 per 2 beds, excluding bassinets
<b>EDUCATIONAL USES</b>	
Elementary, junior high schools (public and private)	5 plus 1 per each employee and faculty member
Senior high schools (public and private)	1 per each 10 students plus 1 per each employee or faculty member
Commercial/vocational schools	1 per each employee plus 1 per each 2 students
<b>PUBLIC/GOVERNMENT USES</b>	
Public utility and governmental buildings	1 per 400 SF of gross floor area
Libraries	1 per 250 SF of gross floor area
<b>MANUFACTURING/WAREHOUSE USES</b>	
Manufacturing and industrial uses of all types, except a building used exclusively for warehouse purposes	1 per 750 SF of gross floor area plus office space requirements
Warehouses, storage and wholesale businesses	1 per 2,000 SF of gross floor area plus office space requirements
Mini self-storage	1 per each 50 storage cubicles equally distributed and proximate to storage buildings. In addition, 1 space for each 50 storage cubicles to be located at the project office.

**Section 23. Amendment of Municipal Code.** MMC Section 22C.250.080, entitled “Wireless communication facilities – Design standards,” is hereby amended as follows:

**22C.250.080 Wireless communication facilities – Design standards.**

- (1) All WCFs shall:
  - (a) Be designed and constructed to present the least visually obtrusive profile.
  - (b) Use colors such as gray, blue, or green that reduce visual impacts unless otherwise required by the city of Marysville, the FAA, or the FCC.
  - (c) Flush-mount antennas when feasible. Nonflush-mounted antennas are allowed only upon written demonstration by the applicant that flush-mounting is not feasible.
- (2) Base Stations.
  - (a) Base stations that are not located underground shall not be visible from public views.
  - (b) New base stations and ancillary structures shall be designed to complement or match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture and designed to blend with existing surroundings to the extent feasible. This shall be achieved through the use of compatible colors and building materials of existing buildings or structures on the property, and alternative site placement to allow the use of topography, existing vegetation or other structures to screen the base station and ancillary structures from pedestrian views. Where feasible, one building

with multiple compartments shall be constructed to serve the total number of anticipated co-location tenants. If the applicant can demonstrate that one building is not feasible or practical due to site design or other constraints, then a site plan shall be provided to demonstrate how all potential base stations and ancillary structures will be accommodated within the vicinity of the WCF.

(3) Height Standards. The height of the antenna support structure shall be measured from the natural undisturbed ground surface below the center of the base of the tower to the top of the tower or, if higher, to the top of the highest antenna or piece of equipment attached thereto. The height of any WCF shall not exceed the heights provided in the table below.

Zone	Maximum Height
GC, DC, CB, NB, GI, LI, MU, PI, <del>BP-WR-CB, WR-MU, DC, MS, F</del>	140 feet
<del>R4.5, R-2.5, R-6.5, R-8, WR-R-4-8, R-12, R-18, WR-R-6-18, MMF, MH1, MH2</del>	80 feet
Open Space and Recreation	140 feet

**Notes:**

(1) New antenna support structures must comply with MMC [22C.250.070](#)(4)(e) through (g).

(2) Increases to the height of an existing antenna support structure are permitted, provided:

(a) It is consistent with all conditions of the CUP authorizing the use and subsequent approvals thereafter;

(b) The existing conditions and the proposed changes are not in violation of the MMC;

(c) It is necessary to accommodate an actual co-location of the antenna for additional service providers or to accommodate the current provider's antenna required to utilize new technology, provide a new service, or increase capacity;

(d) Height increases are limited to no more than 40 feet above the height of the existing antenna support structure unless explicitly allowed in the CUP;

(e) A nonconformance shall not be created or increased, except as otherwise provided by this chapter;

(f) A detailed certification of compliance with the provisions of this section is prepared, submitted, and approved.

(4) Setback Requirements.

(a) Antenna support structures outside of the right-of-way shall have a setback from property lines of 10 feet from any property line and 50 feet or one foot setback for every one foot in height from any residentially zoned property, whichever provides the greatest setback.

(b) Base stations shall be subject to the setback requirements of the zone in which they are located.

(c) The department shall consider the following criteria and give substantial consideration to on-site location; setback flexibility is authorized when reviewing applications for new antenna support structures and consolidations:

(i) Whether existing trees and vegetation can be preserved in such a manner that would most effectively screen the proposed tower from residences on adjacent properties;

(ii) Whether there are any natural landforms, such as hills or other topographic breaks, that can be utilized to screen the tower from adjacent residences;

(iii) Whether the applicant has utilized a tower design that reduces the silhouette of the portion of the tower extending above the height of surrounding trees.

(5) Landscaping and Fencing Requirements.

(a) All ground-mounted base stations and ancillary structures shall be enclosed with an opaque fence or fully contained within a building. In all residential zones, or a facility abutting a residential zone, or in any zone when the base station and ancillary structures adjoin a public right-of-way, the fence shall be opaque and made of wood, brick, or masonry. In commercial or industrial zones, if a chain-link fence is installed, slats shall be woven into the security fence. Required fencing shall be of sufficient height to screen all ground equipment and shall be subject to MMC [22C.010.380](#) and [22C.020.330](#). The city shall have the authority to determine the type of enclosure and materials required based upon review of existing site and surrounding conditions.

(b) Landscaping shall be done in accordance with Chapter [22C.120](#) MMC.

(c) When a fence is used to prevent access to a WCF or base station, any landscaping required shall be placed outside of the fence.

(d) Landscaping provisions may be modified in accordance with MMC [22C.120.190](#).

(6) Lighting Standards. Except as specifically required by the FCC or FAA, WCFs shall not be illuminated, except lighting for security purposes that is compatible with the surrounding neighborhood. Any lighting required by the FAA or FCC must be the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable to minimize the potential attraction to migratory birds. Dual lighting standards (white blinking light in daylight and red blinking light at dusk and nighttime) are required and strobe light standards are prohibited unless required. The lights shall be oriented so as not to project directly onto surrounding residential property, and consistent with FAA and FCC requirements.

(7) Signage. Commercial messages shall not be displayed on any WCF. The only signage that is permitted upon an antenna support structure, base station, or fence shall be informational, and for the purpose of identifying the antenna support structure (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, its current address and telephone number, security or safety signs, and property manager signs (if applicable). If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the antenna support structure, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high contrast letters (minimum letter height of four inches) the following: HIGH VOLTAGE – DANGER.

(8) Sounds. Maximum permissible sound levels to intrude into the real property of another person from a wireless communication facility shall not exceed 45 dB(A). In the case of maintenance, construction, and emergencies, these sound levels may be exceeded for short durations as required by the specific circumstance.

**Section 24. Amendment of Municipal Code.** MMC Section 22D.030.070, entitled “Determination and fulfillment of road system obligations,” is hereby amended as follows:

**22D.030.070 Determination and fulfillment of road system obligations.**

(1) Determination of Developer Obligations.

(a) Applications which have a prior SEPA threshold determination establishing developer obligation for the transportation impacts at time of enactment of the ordinance codified in this title shall be vested under the development obligation identified under SEPA.

(b) A determination of developer obligation shall be made by the city before approval of preliminary plats, short subdivisions, and conditional use permits. For binding site plans (including those associated with rezone applications) and commercial permits, the determination of developer obligation shall be made prior to issuance of a building permit.

(c) Mitigation measures imposed as conditions of approval of conditional use permits or binding site plans shall remain valid until the expiration date of the concurrency determination for a development. Any building permit application submitted after the expiration date shall be subject to full reinvestigation of traffic impacts under this title before the building permit can be issued. Determination of new or additional impact mitigation measures shall take into consideration, and may allow credit for, mitigation measures fully accomplished in connection with approval of the conditional use permit, the binding site plan, or prior building permits pursuant to a binding site plan, only where those mitigation measures addressed impacts of the current building permit application.

(d) The director, following review of any required traffic study and any other pertinent data, shall inform the developer in writing what the development’s impacts and mitigation obligations are under this title. The developer shall make a written proposal for mitigation of the development’s traffic impact, except when such mitigation is by payment of any impact fee under the authority provided to the city under RCW [82.02.050](#)(2). When the developer’s written proposal has been reviewed for accuracy and completeness by the director, the director shall make a recommendation to the community development department as to the concurrency determination and conditions of approval or reasons for recommending denial of the land use application, citing the requirements of this title.

(e) For developments which require a public hearing, a developer must submit a written proposal to the director for mitigation of the development’s traffic impact, except where such mitigation is by payment of any impact fee under the authority provided to the city under RCW [82.02.050](#)(2). The written proposal must be submitted after any required traffic study has been reviewed and the director has stated the mitigation requirements pursuant to this chapter.

(f) Any request to amend a proposed development, following the determination of developer obligations and approval of the development, which causes an increase in the traffic generated by the development, or a change in points of access, shall be processed in the same manner as an original application and determined to be a substantial project revision, except where written concurrence is provided by the community development director that such request may be administratively approved.

(2) Road System Capacity Requirements.

(a) All developments must mitigate their impact upon the future capacity of the road system either by constructing off-site road improvements which offset the traffic impact of the development or by paying the development’s proportionate share cost of the future capacity improvements as set forth in subsection (3) of this section.

(b) Construction Option – Requirements.

(i) If a developer chooses to mitigate the development's impact to the road system capacity by constructing off-site road improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the director for construction of the off-site improvements.

(ii) In cases where two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the costs shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

(iii) Any developer who volunteers to construct more than the development's share of the cost of off-site improvements may apply for a reimbursement contract.

(c) Payment Option – Requirements.

(i) If a developer chooses to mitigate the development's impact by making a proportionate share mitigating payment, the development's share of the cost of future capacity improvements will be equal to the development's peak-hour traffic (PHT) times the per-trip amount as identified in the transportation element of the comprehensive plan, as codified below.

(ii) If a developer chooses to mitigate the development's impact by making a proportionate share mitigating payment, the payment is required prior to building permit issuance unless the development is a subdivision or short subdivision, wherein the payment is required prior to the recording of the subdivision or short subdivision.

(iii) Any developer who volunteers to pay more than the development's share of the cost of off-site improvements may apply for a reimbursement contract.

(3) Traffic Impact Fee.

(a) The proportionate share fee amount shall be calculated in accordance with the formula established in Table I:

**Table I:**

A. Formula
Step 1. Calculate total transportation plan costs (20-year).
Step 2. Subtract costs assigned to other agencies = total city of Marysville costs.
Step 3. Subtract city-funded noncapacity projects from total city of Marysville costs.
Step 4. Subtract LID or other separate developer funding sources = capacity added projects.
Step 5. Subtract city share for external capacity added traffic.
Step 6. Calculate applied discount.

The fee amount resulting from Step 5 is the required traffic impact fee payment.

(b) Data needed for calculation of the fee amount shall be provided in the adopted transportation element and street capital facility plan contained within the adopted city comprehensive plan, which data shall be updated at least annually.

(4) Temporary Enhanced Discount. For a period of three years from the effective date of the ordinance codified in this section, the discount referenced in Step 6 of Table I above (and which is based on data contained in Appendix A, Traffic Impact Fee Methodology, of the city's Transportation Element) shall be adjusted from seven percent to 22 percent. From and after three years of the effective date of the ordinance codified in this section the subject discount shall automatically revert to seven percent without further action of the Marysville city council.

(5) Traffic Impact Fee Exemption.

(a) Traffic Impact Fee Exemption Established. Pursuant to RCW [82.02.060](#)(2) and (4), there is hereby established an exemption from the traffic impact fee set forth in subsection (3) of this section for development activity which meets the criteria of subsection (5)(c) of this section.

(b) Application for Traffic Impact Fee Exemption. Any developer applying for or receiving a building permit which meets the criteria set forth in subsection (5)(c) of this section may apply to the director of public works or designee for an exemption from the traffic impact fee established pursuant to subsection (3) of this section. Said application shall be on forms provided by the city and shall be accompanied by all information and data the city deems necessary to process the application. To the extent it is authorized by law the city shall endeavor to keep all proprietary information submitted with said application confidential; provided, however, this section shall not create or establish a special duty to do so.

(c) Exemption Criteria. To be eligible for the traffic impact fee exemption established by this section, the applicant shall meet each of the following criteria:

(i) The applicant must be a new commercial retail business in the Marysville city limits. For purposes of this section, "new commercial retail business" shall mean any business which sells retail goods and services which are subject to the retail sales tax provisions of Chapter [3.84](#) MMC and which applies for a building permit and which is subject to payment of traffic impact fees pursuant to this title.

(ii) Based on similar store sales or other reliable data, as determined by the city, the applicant must demonstrate that it is likely to generate to the city of Marysville average annual city of Marysville portion sales and use tax revenue of at least \$200,000 based upon the three-year period commencing from date of certificate of occupancy.

(iii) The applicant must be a new retail business located within one of the following prescribed land use zones: light industrial (LI), general commercial (GC), community business (CB), mixed use (MU), downtown ~~commercial core~~ (DC), main street (MS), flex (F).

(d) Administration of Traffic Impact Fee Exemption.

(i) Upon acceptance of an application for exemption from traffic impact fees pursuant to subsection (5)(b) of this section, the applicant shall pay to the city the full amount of the traffic impact fees required pursuant to subsection (3) of this section. Following receipt of the traffic impact fees the city shall deposit and manage the fees as set forth in subsection (5)(e) of this section. At the expiration of a three-year period commencing from the date of issuance of a certificate of occupancy the public works director, with the assistance of the city finance director, shall determine if the average annual city of Marysville portion

sales and use tax revenue received by the city meets the minimum amount stated in subsection (5)(c)(ii) of this section. The determination shall be based upon the sales tax reporting requirements of Chapter [3.84](#) MMC as it now reads or is hereafter amended.

(ii) In the event the three-year average annual city of Marysville portion sales and use tax revenue criterion of subsection (5)(c)(ii) of this section has been met as determined by the director of public works, there shall be an exemption of 50 percent from the traffic impact fees otherwise due pursuant to subsection (3) of this section. In such case, 50 percent of the amount paid to the city pursuant to subsection (5)(d)(i) of this section shall be refunded to the applicant, plus any accrued interest. The remainder of the funds deposited pursuant to subsection (5)(d) of this section shall belong to the city and shall be released to the city.

(iii) In the event the three-year average annual city of Marysville portion sales and use tax revenue criterion of subsection (5)(c)(ii) of this section has not been met, the traffic impact fee required under subsection (3) of this section shall immediately belong to and shall be released to the city; provided, however, in cases where the applicant has met at least 75 percent of the amount set forth in subsection (5)(c)(ii) of this section, the applicant shall receive a partial exemption which shall result in a refund of 25 percent of the amount paid to the city pursuant to subsection (5)(d) of this section plus any accrued interest. The remainder of the funds deposited pursuant to subsection (5)(d) of this section shall belong to the city and shall be released to the city.

(iv) In cases where the applicant has not met either the three-year annual sales and use tax revenue criterion of subsection (5)(c)(ii) of this section or 75 percent thereof, all traffic impact fees paid pursuant to subsection (3) of this section shall belong to the city.

(v) By mutual agreement of the city and the applicant, any refund due under this section may be applied to an obligation or assessment owed by the applicant for city street improvement purposes, including, but not limited to, any obligation or assessment under a local improvement district for streets.

(e) Deposit and Management of Traffic Impact Fees. Traffic impact fees paid by an applicant pursuant to this section and the provisions of subsection (3) of this section shall be deposited by the city into a separate interest bearing account with any qualified public depository for local government as determined by the city. The account holder shall be the city of Marysville. The city may at its option withdraw up to 50 percent of said funds at any time for uses authorized by this title. All other funds deposited in that account shall be used exclusively for payment of refunds to eligible applicants pursuant to subsection (5)(d) of this section and balances, if any, to which the city is entitled. All refunds and interest to which an applicant is entitled shall be paid by the city within 120 days following the three-year period following the issuance of a certificate of occupancy.

(f) Appeals. Any applicant aggrieved by the determination of the director of public works as to whether the criteria of subsection (5)(c) of this section have been met or the eligibility for an exemption from subsection (3) of this section or the amount of refund to which an applicant is entitled pursuant to subsection (5)(d) of this section may file a written appeal to the city's land use hearing examiner as established by Chapter [22G.060](#) MMC. The city examiner is hereby specifically authorized to hear and decide such appeals and the decision of the hearing examiner shall be final action of the city and subject to appeal pursuant to MMC [22G.010.540](#).

(g) Application of Sales and Use Tax Revenue from Businesses Which Receive an Exemption or Partial Exemption.



(i) All sales and use tax received by the city from applicants who receive an exemption or partial exemption from the requirements of this title shall be deposited in a special account to be administered by the city. Said account shall be established to pay traffic impact fees that otherwise would have been paid had an exemption or partial exemption not been granted. Said amounts shall be expended for purposes authorized by and in accordance with the provisions of this title and the provisions of the city's capital improvement plan for streets. All sales and use tax revenues in excess of the amount paid as traffic impact fees received by the city from the applicant may be deposited in the city's general fund and may be expended for any lawful purpose as directed by the city council.

(ii) Special Sales Tax Account. The city shall establish by separate ordinance a special sales tax account for the purposes set forth in subsection (5)(g)(i) of this section.

(6) Level of Service Requirements – Concurrency Determinations.

(a) The department shall make a concurrency determination for each development application. The concurrency determination will establish whether the development will impact an arterial unit where the level of service is below the adopted level of service standard, or cause the level of service on an arterial unit to fall below the adopted level of service standard, unless improvements are programmed and funding identified which would remedy the deficiency within six years. In either case, the development will be deemed not concurrent. The approving authority shall not approve any development that is not deemed concurrent under this section. Building permit applications for development within an approved rezone with binding site plan, nonresidential subdivision or short subdivision, for which a concurrency determination has been made in accordance with this section, shall be deemed concurrent; provided, that the building permit will not cause the approved traffic generation of the prior approval to be exceeded, there is no change in points of access, and mitigation required pursuant to the rezone with binding site plan, subdivision or short subdivision approval is performed as a condition of building permit issuance.

(i) The department shall make a concurrency determination upon receipt of a development's application submittal. The determination may change based upon revisions in the application. Any change in the development after approval will be resubmitted to the director, and the development will be re-evaluated for concurrency purposes.

(ii) Concurrency shall expire six years after the date of the concurrency determination, or, in the case of approved residential subdivisions, when the approval expires or when the application is withdrawn or allowed to lapse.

(iii) Building permits for a development must be issued prior to expiration of concurrency for the development. No additional concurrency determination shall apply to residential dwellings within a subdivision or short subdivisions recorded in compliance with this section.

(iv) If concurrency expires prior to building permit issuance, the director shall at the request of the developer consider evidence that conditions have not significantly changed and make a new concurrency determination in accordance with subsection (6)(a)(i) of this section.

(b) In determining whether or not to deem a proposed development as concurrent, the department shall analyze likely road system impacts on arterial units based on the size and location of the development. A development shall be deemed concurrent for the period prior to the expiration date of concurrency for the development.

(i) A development's forecast trip generation at full occupancy shall be the basis for determining the impacts of the development on the road

system. The city will accept valid data from a traffic study prepared under MMC [22D.030.060](#).

(c) A concurrency determination made for a proposed development under this section will evaluate the development's impacts on any arterial units in arrears.

(i) If a development which generates 10 or more p.m. peak-hour trips, or a nonresidential development which generates five or more p.m. peak-hour trips, is proposed to affect an arterial unit in arrears, then the development may only be deemed concurrent based on a trip distribution analysis to determine the impacts of the development. Impacts shall be determined based on each of the following:

(A) If the trip distribution analysis indicates that the development will not place three or more p.m. peak-hour trips on any arterial units in arrears, then the development shall be deemed concurrent.

(B) If the trip distribution analysis indicates that the development will place three or more p.m. peak-hour trips on any arterial unit in arrears, then the development shall not be deemed concurrent except where the development is deemed concurrent in accordance with the options under subsection (6)(e) of this section.

(d) Any residential development that generates less than 10 p.m. peak-hour trips, or any nonresidential development that generates less than 10 p.m. peak-hour trips, shall be considered to have only minor impact on city arterials for purposes of a concurrency determination on impacts to level of service on arterial units and shall be deemed concurrent.

(e) Any development not deemed concurrent shall have options available to enable the development to be deemed concurrent as follows:

(i) A development which meets the department's criteria for transit compatibility, in accordance with the director's policy and procedure for transit compatibility under MMC [22D.030.050](#)(12), shall be deemed concurrent if the impacted arterial unit in arrears meets the criteria for transit supportive design in accordance with the director's policy and procedure for transit compatibility, and if the level of service on the impacted arterial unit in arrears meets the LOS standards adopted within the comprehensive plan; and provided, that the development can be deemed concurrent in accordance with all other provisions of subsection (6)(c) of this section.

(ii) A development may modify its proposal to lessen its impacts on the road system in such a way as to allow the city to deem the development concurrent under this section.

(iii) The city may deem such development concurrent based upon a written proposal signed by the proponent of the development and attached to the director's recommendation under MMC [22D.030.050](#)(2), and referenced in the concurrency determination, as a condition of approval.

(A) Such proposal may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the city has made or programmed capacity improvements which would remedy any arterial units in arrears.

(B) Such proposals may include conditions which would defer construction of all or identified subsequent phases of a development until such time as the developer constructs capacity improvements which would remedy any arterial units in arrears.

1. If a developer chooses to mitigate the development's impact by constructing off-site road improvements, the developer must investigate the impact, identify improvements, and offer a construction plan

to the director for construction of the off-site improvements. Construction of improvements shall be in accordance with the engineering design and development standards.

2. In cases where two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the cost shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

3. Any developer who volunteers to construct off-site improvements of greater value than any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of city roads may apply for a reimbursement contract.

4. Any developer who chooses to mitigate a development's impact by constructing off-site improvements may propose to the council that a joint public/private partnership be established to jointly fund and/or construct the proposed improvements. The director will determine whether or not such a partnership is to be established.

5. Construction of capacity improvements under this section must be complete or under contract prior to the issuance of any building permits and must be complete prior to approval for occupancy or final inspection; provided, that where no building permit will be associated with a change in occupancy, then construction of improvements is required as a precondition to approval.

(f) Adopted Level of Service. The level of service for principal, minor, and collector arterials at signalized intersections shall be at a LOS consistent with the transportation element of the comprehensive plan using the operational method as a standard of review.

(7) Inadequate Road Condition Requirements.

(a) Regardless of the existing level of service, development which adds three or more p.m. peak-hour trips to an inadequate road condition existing on the road system, at the time of determination in accordance with subsection (1) of this section, or development whose traffic will cause an inadequate road condition at the time of full occupancy of the development will only be approved for occupancy or final inspection when provisions are made in accordance with this chapter for elimination of the inadequate road condition. The improvements removing the inadequate road condition must be complete or under contract before a building permit on the development will be issued and the road improvement must be complete before any certificate of occupancy or final inspection will be issued; provided, that where no building permit will be associated with a conditional use permit, then the improvements removing the inadequate road condition must be complete as a precondition to approval.

(b) The director shall determine whether or not a location constitutes an inadequate road condition. Any known inadequate road condition to which the development adds three or more p.m. peak-hour trips shall be identified as part of the director's recommendation under subsection (6) of this section.

(c) A development's access onto a public road shall be designed so as not to create an inadequate road condition. Developments shall be designed so that inadequate road conditions are not created.

(d) Construction Option – Requirements.

(i) If a developer chooses to eliminate an inadequate road condition by constructing off-site road improvements, the developer must investigate the impact, identify improvements, and offer a construction plan to the director for construction of the off-site improvements.

(ii) In cases where two or more developers have agreed to fully fund a certain improvement, the proportionate sharing of the costs shall be on any basis that the developers agree among themselves would be equitable. Under such an arrangement, the terms of the agreement shall be binding on each development as conditions of approval.

(iii) Any developer who volunteers to construct off-site improvements of greater value than any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of city roads, which are contained within the cost basis, contained within the transportation element, or which are not part of the cost basis of any proportionate share mitigating payment imposed under this title to mitigate the development's impact on the future capacity of city roads, and therefore not credited against any proportionate share mitigating payment, may apply for a reimbursement contract.

(8) Special Circumstances. Where the only remedy to an arterial unit in arrears is the installation of a traffic signal, but signalization warrants contained in the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) are not met at present, developments impacting the arterial unit will be allowed to proceed without the installation of the traffic signal; provided, that all other warranted level of service and transit-related improvements are made on the arterial unit within the deficient level of service. Developments impacting such arterial units will not be issued building permits or occupancies (whichever comes first) until the improvements (not including the traffic signal) to the level of service deficient arterial unit are under contract or being performed. Such developments will be subject to all other obligations as specified in this title.

(9) Administration of Traffic Impact Fees.

(a) Any traffic impact fees made pursuant to this title shall be subject to the following provisions:

(i) Except as otherwise provided in this section and MMC Title [22](#), the traffic impact fee payment is required prior to building permit issuance unless the development is a subdivision or short subdivision, in which case the payment shall be made prior to the recording of the subdivision or short subdivision; provided, that where no building permit will be associated with a change in occupancy or conditional use permit then payment is required prior to approval of occupancy.

(ii) The traffic impact fees shall be held in a reserve account and shall be expended to fund improvements on the road system.

(iii) An appropriate and reasonable portion of traffic impact fees collected may be used for administration of this title.

(iv) The fee payer may receive a refund of such fees if the city fails to expend or encumber the impact fees within six years of when the fees were paid, or other such period of time established pursuant to RCW [82.02.070](#)(3), on transportation facilities intended to benefit the development for which the traffic impact fees were paid, unless the city council finds that there exists an extraordinary and compelling reason for fees to be held longer than six years. These findings shall be set forth in writing and approved by the city council. In determining whether traffic impact fees have been encumbered, impact fees shall be considered encumbered on a first-in/first-out basis. The city shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of claimants.

(v) The request for a refund must be submitted by the applicant to the city in writing within 90 days of the date the right to claim the refund arises, or the date that notice is given, whichever is later. Any traffic impact fees that are

not expended within these time limitations, and for which no application for a refund has been made within this 90-day period, shall be retained and expended on projects identified in the adopted transportation element. Refunds of traffic impact fees under this subsection shall include interest earned on the impact fees.

(b) Off-site improvements include construction of improvements to mitigate an arterial unit in arrears and/or specific inadequate road condition locations. If a developer chooses to construct improvements to mitigate an arterial unit in arrears or inadequate road condition problem, and the improvements constructed are part of the cost basis of any traffic impact fees imposed under this title to mitigate the development's impact on the future capacity of city roads, the cost of these improvements will be credited against the traffic impact fee amount; provided, that the amount of the cost to be credited shall be the estimate of the public works director as to what the city's cost would be to construct the improvement. Any developer who volunteers to pay for and/or construct off-site improvements of greater value than any traffic impact fees imposed under this title, to mitigate the development's impact on the future capacity of city roads, based on the cost basis contained within the transportation element, or which are not part of the cost basis of any traffic impact fees imposed under this title to mitigate the development's impact on the future capacity of city roads, and therefore not credited against the traffic impact fees, may apply for a reimbursement contract.

(c) Deferral of Impact Fees Allowed.

(i) Required payment of impact fees may be deferred to final inspection for single-family detached or attached residential dwelling.

(ii) Payment of required impact fees for a commercial building, or industrial building, may be deferred from the time of building permit issuance in accordance with following:

(A) Fifty percent of the impact fees shall be paid prior to approved occupancy of the structure; and

(B) The remaining 50 percent of the impact fees shall be paid within 18 months from the date of building occupancy, or when ownership of the property is transferred, whichever is earlier.

(iii) The community development department shall allow an applicant to defer payment of the impact fees when, prior to submission of a building permit application for deferment under subsection (9)(c)(i) of this section or prior to final inspection for deferment under subsection (9)(c)(ii) of this section, the applicant:

(A) Submits a signed and notarized deferred impact fee application and acknowledgement form for the development for which the property owner wishes to defer payment of the impact fees; and

(B) With regard to deferred payment under subsection (9)(c)(ii) of this section, records a lien for impact fees against the property in favor of the city in the total amount of all deferred impact fees for the development. The lien for impact fees shall:

1. Be in a form approved by the city attorney;
2. Include the legal description, tax account number and address of the property;
3. Be signed by all owners of the property, with all signatures as required for a deed, and recorded in the county in which the property is located;
4. Be binding on all successors in title after the recordation; and

5. Be junior and subordinate to one mortgage for the purpose of construction upon the same real property granted by the person who applied for the deferral of impact fees.

(iv) In the event that the impact fees are not paid in accordance with subsection (9)(c)(ii) of this section, the city shall institute foreclosure proceedings under the process set forth in Chapter [61.12](#) RCW, except as revised herein. In addition to any unpaid impact fees, the city shall be entitled to interest on the unpaid impact fees at the rate provided for in RCW [19.52.020](#) and the reasonable attorney fees and costs incurred by the city in the foreclosure process. Notwithstanding the foregoing, prior to commencement of foreclosure, the city shall give not less than 30 days' written notice to the person or entity whose name appears on the assessment rolls of the county assessor as owner of the property via certified mail with return receipt requested and regular mail advising of its intent to commence foreclosure proceedings. If the impact fees are paid in full to the city within the 30-day notice period, no attorney fees, costs and interest will be owed.

(v) In the event that the deferred impact fees are not paid in accordance with this section, and in addition to foreclosure proceedings provided in subsection (9)(c)(iv) of this section, the city may initiate any other action(s) legally available to collect such impact fees.

(vi) Upon receipt of final payment of all deferred impact fees for the development, the department shall execute a separate lien release for the property in a form approved by the city attorney. The property owner, at their expense, will be responsible for recording each lien release.

(vii) Compliance with the requirements of the deferral option shall constitute compliance with the conditions pertaining to the timing of payment of the impact fees.

**Section 25. 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>
_____	Downtown Master Plan Update Amendments	_____, 2021"

**Section 26. 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 27. Corrections.** 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 28. 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 \_\_\_\_\_, 2021.

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)