

**CITY OF MARYSVILLE**  
**Marysville, Washington**  
**ORDINANCE NO. 2742**

**AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON RELATED TO COTTAGE HOUSING, ADDING A NEW SECTION 19.14.040 COTTAGE HOUSING DEVELOPMENTS; ADDING A NEW SECTION 19.06.120 COTTAGE HOUSING; AMENDING SECTION 19.08.030 TABLE 1; AND ADDING A FOOTNOTE 23 TO 19.08.030 (2).**

WHEREAS, the City Council of the City of Marysville does find that from time to time it is necessary and appropriate to review and revise provisions of the City's Zoning Code (Title 19 MMC); and

WHEREAS, the City's Planning Commission and professional planning staff are recommending that the City's development regulations related to Cottage Housing need to be added in order to encourage developers to utilize more flexible land use development approaches, which can result in projects that accomplish the goals of the Comprehensive Plan and that further the public interest of the City and its citizens; and

WHEREAS, the amendments proposed for adoption in this ordinance are consistent the following required findings of MMC 19.56.030:

- (1) The amendments are consistent with the purposes of the comprehensive plan;
- (2) The amendments are consistent with the purpose of Title 19 MMC;
- (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; and

WHEREAS, after providing notice to the public as required by law, on February 12, 2008 the Marysville Planning Commission held a public hearing on proposed changes to the City's zoning code and received public input and comment on said proposed revisions; and

WHEREAS, at a public meeting on June 23rd, 2008 the Marysville City Council reviewed and considered the amendments to the zoning code proposed by the Maryville Planning Commission;

WHEREAS, the City has submitted the proposed development regulation revisions to the Washington State Department of Community, Trade, and Economic Development as required by RCW 36.70A.106; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act, Ch. 43.21C RCW, (SEPA) by adopting a determination of non-significance for the adoption of the proposed revisions to the City's development regulations;

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

Adding a new Section 19.14.040 'Cottage Housing Developments' to read as follows:

**MMC 19.14.040 Cottage Housing Developments**

(1) Purpose.

The purpose of this section is to:

- (a) Provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single person households);
- (b) Provide opportunities for ownership of small, detached units within a single-family neighborhood;
- (c) Encourage creation of more usable space for residents of the development through flexibility in density and lot standards;
- (d) Support the growth management goal of more efficient use of urban residential land; and
- (e) Provide guidelines to ensure compatibility with surrounding uses.

(2) Applicability.

Cottage housing developments are allowed in the following areas: residentially zoned properties within in Downtown Planning Area 1; single-family zones where properties are encumbered by at least 35% critical areas and associated buffers; and single-family zoned parcels adjacent, including across the street in some cases, to multi-family, commercial and industrial zoned parcels, as a transition to multi-family, commercial and industrial uses.

(3) Accessory dwelling units shall not be permitted in cottage housing developments.

(4) Density and Minimum Lot Area.

- (a) Cottage housing developments shall contain a minimum of four (4) cottages arranged on at least two (2) sides of a common open space or configuration as otherwise approved by the director, with a maximum of twelve (12) cottages per development.
- (b) On a lot to be used for a cottage housing development, existing detached single-family residential structures, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased. Such nonconforming dwelling units shall be included in the maximum permitted cottage density.
- (c) Cottage housing developments shall be allowed a density not to exceed 2.0 times the base density allowed in the underlying zone.

(5) Height Limit and Roof Pitch.

- (a) The height limit permitted for structures in cottage housing developments shall be eighteen (18) feet.
- (b) The ridge of pitched roofs with a minimum slope of six to twelve (6:12) may extend up to twenty-eight (28) feet. The ridge of pitched roofs with a minimum slope of four to twelve (4:12) may extend up to twenty-three (23) feet. All parts of the roof above eighteen (18) feet shall be pitched.

(6) Lot Coverage and Floor Area.

- (a) The maximum lot coverage permitted for buildings in cottage housing developments shall not exceed forty percent (40%) and the maximum total lot coverage shall not exceed sixty percent (60%).
- (b) The maximum main floor area is 800 square feet.

- (c) The total floor area of each cottage shall not exceed either 1.5 times the area of the main level or twelve hundred (1,200) square feet, whichever is less. Enclosed space in a cottage located either above the main level and more than twelve (12) feet above finished grade, or below the main level, shall be limited to no more than fifty (50) percent of the enclosed space of the main level, or four hundred (400) square feet, whichever is less. This restriction applies regardless of whether a floor is proposed in the enclosed space, but shall not apply to attic or crawl spaces (less than 6' in height).
- (d) Attached garages shall be included in the calculation of total floor area.
- (e) Areas that do not count as total floor area are:
  - (i) Unheated storage space located under the main floor of the cottage.
  - (ii) Attached roofed porches.
  - (iii) Detached garages or carports.
  - (iv) Spaces with the ceiling height of six feet or less measured to the exterior walls, such as a second floor area under the slope of a roof.
- (f) The total square foot area of a cottage dwelling unit may not be increased. A note shall be placed on the title to the property for the purpose of notifying future property owners that any increase in the total square footage of a cottage is prohibited for the life of the cottage or duration of City cottage regulations.

(7) Yards.

- (a) Front Yards. The front yard for cottage housing developments shall be ten feet (10').
- (b) Rear Yards. The minimum rear yard for a cottage housing development shall be ten (10) feet. If abutting an alley the rear yard setback may be reduced to five feet (5').
- (c) Side Yards. The minimum required side yard for a cottage housing development shall be five (5) feet. When there is a principal entrance along a side facade, the side yard shall be no less than ten (10) feet along that side for the length of the pedestrian route. This ten (10) foot side yard shall apply only to a height of eight (8) feet above the access route.
- (d) Interior Separation for Cottage Housing Developments. There shall be a minimum separation of six (6) feet between principal structures. When there is a principal entrance on an interior facade of either or both of the facing facades, the minimum separation shall be ten (10) feet.

(8) Required Open Space.

- (a) Quantity of Open Space. A minimum of four hundred (400) square feet per unit of landscaped open space is required. This quantity shall be allotted as follows:
  - i. A minimum of two hundred (200) square feet per unit shall be private usable open space (Setbacks and common open space shall not be counted as private open space.); and
  - ii. A minimum of one hundred fifty (150) square feet per dwelling unit shall be provided as common open space. (Setbacks and private open space shall not be counted as common open space.)
- (b) Critical areas and buffers shall not be counted as open space.

- (c) Each house shall abut its private open space. A fence or hedge not to exceed 3' may separate private open space from common open space.

(9) Development Standards.

Cottages shall be oriented around and have their main entry from the common open space.

- (a) Private usable open space shall be provided in one (1) contiguous area with a minimum area of two hundred (200) square feet. No horizontal dimension of the open space shall be less than ten (10) feet and shall be oriented toward the common open space, as much as possible.
- (b) Required common open space shall be provided at ground level in one (1) contiguous parcel. Each cottage shall abut the common open space, and the common open space shall have cottages abutting at least two (2) sides.
- (c) The minimum horizontal dimension for common open space shall be ten (10) feet.
- (d) Each cottage unit shall have a covered porch or entry of at least 60 square feet with a minimum dimension of six (6) feet on any side.
- (e) Secondary entrances facing a street or sidewalk shall have a five-by-five foot porch.
- (f) Separation of identical building elevations. Units of identical elevation types must be separated by at least two different elevations. This will result in at least three different elevation plans per cluster. No two adjacent structures shall be built with the same building size or orientation (reverse elevations do not count as different building elevations), facade, materials, or colors.
- (g) Variety in building design. A variety of building elements and treatments of cottages and accessory structures must be incorporated. Structures must include articulation, change in materials or texture, windows, or other architectural feature as shown in the City's Design Standards. No blank walls are allowed.
- (h) 5' wide Pedestrian pathways (sidewalks) must be included to provide for movement of residents and guests from parking areas to homes and other amenities.

(10) Parking shall be:

- (a) Located on the cottage housing development property.
- (b) Located in clusters of not more than five (5) adjoining spaces.
- (c) Screened from public streets and adjacent residential uses by landscaping or architectural screening.
- (d) Parking is allowed between or adjacent to structures only when it is located toward the rear of the principal structure and is served by an alley or private driveway.
- (e) Off-street parking requirements are as follows: Units under 700 square feet: 1 space per unit; Units between 700-1,000 square feet: 1.5 spaces per unit; and Units over 1,000 square feet 2 spaces per unit. At least one (1) parking stall per dwelling will be enclosed or covered.
- (f) Access to parking shall be from the alley when property abuts a platted alley improved to the City's Engineering Design and Development Standards or when the Director determines that alley access is feasible and desirable to mitigate parking access impacts.
- (g) Not located in the front yard.

- (11) Covered Parking areas should be located so their visual presence is minimized, and associated noise or other impacts do not intrude into public spaces. These areas should also maintain the single family character along public streets.
- (a) For shared detached garages, the design of the structure must be similar and compatible to that of the dwelling units within the development.
  - (b) Shared detached garage structures shall be reserved for the parking of vehicles owned by the residents of the development. Storage of items which preclude the use of the parking spaces for vehicles is prohibited.
  - (c) The design of carports must include rooflines similar and compatible to that of the dwelling units within the development.

(12) Screening requirements.

- (a) Boundaries between cottage dwellings and neighboring properties shall be screened with landscaping to reduce the appearance of bulk or intrusion onto adjacent properties, or otherwise treated (ie through setbacks or architectural techniques) to meet the intent of this section.
- (b) Common waste and other storage receptacles shall not be placed in the front yard setback area.
- (c) Common waste and other storage receptacles shall be architecturally screened and/or screened with landscaping so as to mask their appearance to residents, adjacent property owners, and the public right-of-ways.

(13) Requests for Modifications to standards.

The Community Development Director may approve minor modifications to the general parameters and design standards set forth in this chapter provided the following criteria are met:

- (a) The site is constrained due to unusual shape, topography, easements or sensitive areas.
- (b) The modification is consistent with the objectives of this Chapter.
- (c) The modification will not result in a development that is less compatible with neighboring land uses.

**Adding a new Section 19.06.120 'Cottage Housing Developments' to read as follows:**

A grouping of small, single-family dwelling units, clustered around a common area and developed with a coherent plan for the site in accordance with MMC Section 19.14.040 'Cottage Housing Developments'.

**Section 19.08.030 Table 1 is hereby amended to read as follows:**

**19.08.030 Residential land uses.**

(1) Table.

Specific Land Use												

	RU	R 4.5-8	R 12-28	NB	CB	GC	DC	MU	BP	LI	GI	P/I
Dwelling Units, Types:												
Single detached (22)	P18	P18	P18									
Cottage housing		C23	C23									
Duplex (22)	P	P11C	P									
Townhouse		P3	P				P17	P				
Multiple-family			P	C9	P9, C15	P9, C15	P9, P17	P				
Mobile home	P19	P19, C3	P19	P19	P19	P19	P19	P19	P19	P19	P19	
Mobile home park	C		C14, P			P						
Senior citizen assisted		C2	C2	P				C				P
Factory-built	P10	P10	P10									
Guesthouse	P6											
Caretaker's quarters (8)				P	P	P			P	P	P	P
Group Residences:												
Adult family home	P	P	P	P	P	P	P	P				P
Convalescent, nursing, retirement		C2	C2	C	P	P	P	P				P
Residential care facility	P	P	P	P	P	P	P	P				P
Accessory Uses:												
Residential accessory uses (1) (12) (16)	P	P	P									
Home occupation (5)	P	P	P20	P20	P20, P21	P20, P21	P20, P21	P20, P21	P21	P21	P21	
Temporary Lodging:												
Hotel/motel			P	P	P	P	P	P	P	P		
Bed and breakfast guesthouse (4)	C	C13	P									
Bed and breakfast inn (4)	C		P	P	P	P						

Section 19.08.030(2) is hereby amended to read as follows:

(2) Development Conditions.

1. Accessory dwelling units must comply with development standards in Chapter 19.34 MMC, Accessory Dwelling Units.

2. Limited to three residents per the equivalent of each minimum lot size or dwelling units per acre allowed in the zone in which it is located.

3. Only as part of a PRD development proposal, and subject to the same density as the underlying zone.
4. Bed and breakfast guesthouses and inns are subject to the requirements and standards contained in Chapter 19.36 MMC, Bed and Breakfasts.
5. Home occupations are subject to the requirements and standards contained in Chapter 19.32 MMC, Home Occupations.
  6. a. Guesthouses are not to be used as rental units or as a bed and breakfast;
  - b. Only one guesthouse may be permitted per lot; and
  - c. Each guesthouse shall be sited so that future division of the property will allow each structure to meet all bulk and dimensional requirements for the zone in which it is located.
7. a. There shall be accommodations for no more than two persons.
  - b. The accommodations shall be located within the primary residence.
8. Limited to one dwelling unit for the purposes of providing on-site service and security of a commercial or industrial business.
9. All units must be located above a street-level commercial use.
10. a. A factory-built house must be inspected at least two times at the factory by the State Building Inspector during the construction process, and must receive an approval certifying that it meets all requirements of the International Building Code. At the building site, the city building official will conduct foundation, plumbing and final inspections.
  - b. A factory-built house cannot be attached to a metal frame allowing it to be mobile. All such structures must be placed on a permanent foundation at the building site.
11. Permitted outright in the R-8 and R-6.5 zones on minimum 7,200-square-foot lots. A conditional use permit is required for the R-4.5 zone, and the minimum lot size must be 12,500 square feet. Duplexes must comply with the comprehensive plan density requirements for the underlying land use designation.
12. a. A garage sale shall comply with the following standards:
  - i. No residential premises shall have more than two such sales per year and no such sale shall continue for more than six days within a 15-day period.
  - ii. Signs advertising such sales shall not be attached to any public structures, signs or traffic control devices, nor to any utility poles. All such signs shall be removed 24 hours after the sale is completed.

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

13. Limited to the R-6.5 and R-8 zones only.

14. A conditional use permit is required in the low density multiple-family zone.

15. 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.

16. a. Accessory buildings or uses may not be established until the principal building or buildings are constructed on the property.

b. A detached garage, carport or other permitted accessory building may be located in the rear yard, provided:

i. Not more than 50 percent of the required rear setback area is covered; and

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

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

iv. Detached accessory buildings exceeding one story shall provide the minimum required yard setbacks for principal buildings in the zone; and

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

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

i. Accessory buildings that are located in the front or side yard shall not compromise the integrity of the residential neighborhood in which they are proposed to be located, and shall be subject to, but not limited to, the following development standards:

- A. The architectural character of the principal building shall be preserved; and
- B. The accessory building shall have a roof pitch similar to the primary building and have siding and roofing materials similar to or compatible with those used on the primary building. No metal siding or roofing shall be permitted unless it matches the siding and roofing of the dwelling. Plans for the proposed accessory building(s) indicating siding and roofing materials shall be submitted with the application.
- ii. Detached accessory buildings located in the front or side yard shall provide the minimum required yard setback for principal buildings in the zone.
17. Permitted on the ground floor in the southwest sector of downtown vision plan area, as incorporated into the city of Marysville comprehensive plan.
18. Manufactured homes must:
- a. Be no more than two years old, as evidenced by the date of manufacture recorded on the HUD data plate;
- b. Be set on a permanent foundation, as specified by the manufacturer, enclosed with an approved concrete product from the bottom of the home to the ground which may be either load-bearing or decorative;
- c. Meet all design standards applicable to all other single-family homes in the neighborhood in which the manufactured home is to be located.
19. Mobile homes are only allowed in existing mobile home parks established prior to October 16, 2006.
20. Home occupations are limited to home office uses in multifamily dwellings. No signage is permitted in townhouse or multifamily dwellings.
21. Permitted in a legal nonconforming or conforming residential structure.
22. No more than one single-family detached or duplex dwelling(s) is allowed per lot except in planned residential developments, Chapter 19.48 MMC, using the binding site plan process and designated, on the face of the BSP, for multiple single-family detached dwellings on a single parcel; or accessory dwelling units through the provisions of Chapter 19.34 MMC.
23. Subject to MMC cottage housing provisions, MMC 19.14.040.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or work 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.

PASSED by the City Council and APPROVED by the Mayor this 23rd day of June, 2008.

CITY OF MARYSVILLE

By: Dennis L. Kendall  
DENNIS L. KENDALL, MAYOR

Attest: Tracy Jeffries  
By: Tracy Jeffries  
TRACY JEFFRIES, CITY CLERK

Approved as to form:  
By: Grant K. Weed  
GRANT K. WEED, CITY ATTORNEY

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