

Section 1600: Conflicting Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern.

Section 1605: Scope

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Section 1610: Accessory Buildings, Structures and Uses

Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance shall be subject to the following regulations:

1. Where an accessory building or structure is structurally attached to a main building, it shall be subject to, and must conform to, all yard regulations of this Ordinance, applicable to principal buildings.
2. Accessory buildings or structures may be erected in a rear yard or in a side yard which is in excess of the side yard setback unless otherwise provided in this Ordinance.
3. The total area of all detached and attached accessory buildings and uses, including private garages, shall in no instance exceed the following:
 - a. For lots with an area less than $\frac{3}{4}$ acres: the ground floor area of the principal building or eight hundred and twenty (820) square feet, whichever is less.
 - b. For lots with an area of $\frac{3}{4}$ acres or larger, the ground floor area of the principal building except when structurally attached to the principal building.
4. An accessory building shall be located on that portion of the lot in the rear of the principal building except when structurally attached to the principal building.
5. No detached accessory building shall be located closer than fifteen (15) feet to any principal building, except that garages may be located up to six (6) feet between the roof overhand of the garage and the principal building.
6. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block or adjacent blocks.
7. When an accessory building is to be located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot.
8. Detached accessory buildings or structures in any residential district shall not exceed fourteen (14) feet or one (1) story.

9. Detached accessory structures shall not be closer than three (3) feet to any side or rear lot line including those instances where the rear lot line is coterminous with an alley right-of-way. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
10. Accessory buildings shall be of a similar architectural character to the principal building. Towards this end, the use of similar roof pitches, siding and architectural details is encouraged. To assure that this requirement is met, necessary drawings or specifications shall be submitted to the zoning administrator who shall have the authority to grant or deny the request based on the submitted information. The zoning administrator shall also have the authority to, at his or her discretion, refer such review and approval to the Planning Commission.
11. A central air conditioning unit shall be considered an accessory structure and may be placed on the side or lot as follows:
 - a. One-family Residential Districts: Central air conditioning units shall be permitted in a rear yard when placed immediately adjacent to the residence. They may be permitted in a side yard which is greater than the minimum required side yard and when they are placed immediately adjacent to the residence. Air conditioners in side yards shall be screened from view through the use of evergreen plant materials. Such plant materials shall be maintained in a healthy growing condition.
 - b. One-family Cluster and Multiple-family Residential Districts: Central air conditioning units shall be so screened as not to be viewed from an adjacent public or private street. When adjacent to a building, they shall be obscured from view through the use of materials identical to those used in the main building they are to serve. Where units are not directly adjacent to a building, screening may be accomplished through the use of evergreen material at least the same height of the air conditioner, and surrounding the air conditioner so as to fully obscure it from view.
 - c. Nonresidential Districts: Central air conditioning units shall, in all instances, be placed in a rear yard when side yards are less than twenty (20) feet in width. When placed in side yards of greater than twenty (20) feet in width, they shall be screened from view through the use of materials identical to those used in the main building at the point of placement of the air conditioner. When placed on the roof of a structure, they shall be fully obscured from view and shall not exceed fifteen (15) percent of the roof area.
12. Satellite reception antennas may be permitted as an accessory structure subject to the following conditions:
 - a. Ground-mounted satellite reception antennas may be permitted subject to the following conditions:
 - (1) The maximum height permitted shall be fourteen (14) feet.
 - (2) Such antenna shall be located only in the rear yard area.

- (3) Such antenna may not be located on or placed on an easement.
 - (4) View of such antenna from adjacent properties shall be softened by landscape plantings, or a combination of berms and plantings.
 - b. In districts other than residential districts, a satellite dish antenna is permitted upon the roof of a main building upon the express written approval of the Building Inspector.
13. Freestanding solar panels shall be considered an accessory building and shall be subject to the requirements for such, together with other applicable building codes and ordinances.
14. In all office, service and business districts, rooftop equipment and apparatus shall be screened from ground level by being housed in a penthouse or structure constructed of the same type of building materials used in the principal structure, or by building design.
15. Where uncertainty exists as to the intent of this Section of the Ordinance, the Board of Appeals shall establish a standard which, in their opinion, fulfills the intent.

Section 1615: Special Land Uses

The uses hereinafter referred to possess unique characteristics making it impractical to include them in a specific use district. Such uses may be permitted by the City Council after review by the Planning Commission, and after public hearing, upon such conditions as are imposed after finding that the use is not injurious to the district and environs; is not contrary to the spirit and purpose of this Ordinance; is not incompatible with already existing uses in the area; would not interfere with the orderly development of the area; and would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.

These uses require special consideration since they service an area beyond the City, require sizable land areas and/or create potential control problems with respect to adjacent land use and use districts, traffic, noise, appearance and general safety. Reference to those uses falling specifically within the intent of this Section is as follows:

- 1. Drive-in theaters: Drive-in theaters possess the unique characteristic of being only used after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they may be permitted in M-2 Districts. Drive-in theaters shall further be subject to the following conditions:
 - a. The proposed internal design shall receive approval from the Building Inspector and the City Engineer as to adequacy of drainage, lighting and other technical aspects.
 - b. Points of ingress and egress shall be available to the outdoor theater from an abutting major thoroughfare as defined on the City thoroughfare plan.
 - c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. A minimum of fifty (50) stacking spaces shall be provided and no vehicle shall be permitted to wait or stand within a dedicated right-of-way.

- d. The theater shall be enclosed by a six (6) foot high obscuring fence, wall or berm on those sides abutting a residential, IRO, office district or public street or thoroughfare. On those sides abutting a residential district, a landscaped berm, six (6) feet in height shall be created in accordance with Sections 1620, Landscaping and 1625, Walls and Berms.

2. Adult Entertainment Facilities

a. Definitions:

- (1) An adult book store is an establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below), or an establishment with a segment or section devoted to the sale or display of such material.
- (2) An adult motion picture theater is an enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below) for observation by patrons therein.
- (3) An adult mini motion picture theater is an enclosed building with a capacity for fifty (50) or less persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below) for observation by patrons therein.
- (4) Specified sexual activities is defined as human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region or buttock or female breast.
- (5) Specified anatomical areas is defined as follows:
 - (a) Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola.
 - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (6) A massage parlor is defined as an enterprise of a non-medical nature specializing in the manipulation of body tissues for remedial or hygienic purposes, as by rubbing, stroking, or kneading with the hand or instrument.

b. Massage parlors as defined in this Ordinance shall only be permitted in the C-3 Districts, subject further to the following requirements and conditions.

- (1) The zoning lot shall not be adjacent to a One-family Residential District.
- (2) The zoning lot shall be so located as to abut a major thoroughfare right-of-way, and all ingress-egress to the site shall be directly from said major thoroughfare.

- (3) Off-street parking shall be provided at a ratio of one (1) space per fifteen (15) square feet of usable floor area in waiting room, lobby or similar use area plus one (1) space per massage table or bench, plus one (1) space per employee.
 - (4) All such establishments shall further comply with any other applicable codes or ordinances of the City of Marysville.
- c. Adult Book Stores, Adult Motion Picture Theaters, Adult Mini Motion Picture Theaters.
- (1) It has been demonstrated that the placement of adult businesses in business districts which are immediately adjacent to and which serve residential neighborhoods has a deleterious effect on both business and residential segments of the neighborhood, causing blight and a downgrading of property values. A prohibition against the establishment of more than two regulated uses within one thousand (1,000) feet of each other serves to avoid the clustering of certain businesses, which, when located in close proximity to each other, tend to create a skid row atmosphere. However, such prohibition fails to avoid the deleterious effects of blight and devaluation of both business district which is immediately adjacent to and which serves residential neighborhoods. The concern for and pride in the orderly planning and development of a neighborhood should be encouraged and fostered in those persons who comprise the business and residential segments of that neighborhood. The Marysville Planning Commission and the Marysville City Council should be guided by the expressed will of those businesses and residents which are immediately adjacent to the proposed location, of and therefore, most affected by the existence of any adult book store, adult motion picture theater and adult mini motion picture theater.
 - (2) Adult book stores, adult motion picture theaters and adult mini motion picture theaters defined above shall only be permitted in the C-3 District subject to the following requirements and conditions:
 - a. Not more than two (2) such uses shall be permitted within one thousand (1,000) feet of each other.
 - b. It shall be unlawful to establish any such uses in a C-3 District if the zoning lot is within five hundred (500) feet of a residentially zoned district unless the prohibition is waived upon the presentment of the Marysville Planning Commission of a validated petition requesting such waiver, signed by fifty-one (51) percent of all persons owning, residing or doing business within five hundred (500) feet of the proposed location.
 - c. The site shall be so located as to abut a major thoroughfare, and all ingress-egress to the site shall be directly from such major thoroughfare.
3. Airports and Related Uses. Airports, landing fields and platforms, hangars, masts and other facilities for the operation of aircraft may be permitted in M-1 and M-2 districts and shall be subject to the following conditions:
- a. Plans for such facility shall be given approval by the Federal Aviation Agency prior to submittal to the City of Marysville Planning Commission for their review and action.

- b. The area of the “clear zone” (see FAA definition) shall be provided for within the land area under airport ownership.
4. Commercial Television, Telephone and Radio Towers and Microwave, and T.V. Transmitting Towers. Such towers and their attendant facilities shall be permitted in M-1 and M-2 Districts provided said use meets the following requirements:
- a. Such towers shall be located centrally on a continuous parcel of land. The applicant need not be the owner of such land so long as the applicant can show a legally valid and exclusive right to use and occupy the land for the purpose in the application. Special land use approval granted under this section shall be on condition the land will remain otherwise undeveloped except for the construction of a tower and related facilities.
 - b. The distance of the tower from any property line shall be no less than the height of the tower. However, the Planning Commission may allow the distance of a tower from a property line to be reduced when the following conditions are met:
 - (1) Such reduction can result in a setback equal to no less than thirty (30) percent of the height of the tower.
 - (2) The applicant must certify that the tower is engineered to fall wholly within the parcel in the event of structural failure.
 - c. Outdoor storage is not permitted.
5. Cemeteries. Because of the effects of large land area devoted to this use, on the continuity of local streets, and because this use does not require the normal services (sewers, water, etc.) this use may be permitted in a residential district when the following conditions are met:
- a. The cemetery shall have direct access to a major or secondary thoroughfare or scenic drive as designated on the City thoroughfare plan.
 - b. All sides of the cemetery shall be screened from view from adjacent residences.
 - c. The placement of a cemetery would not be disruptive to the continuity of the extension of such public facilities as water mains, sewer lines, drainage courses, streets and the like.
 - d. Any approval shall be given contingent on a satisfactory drainage plan approved by the City Engineer.
 - e. No part of any crypt, mausoleum or other such building or structure, not including headstones, shall be less than one hundred (100) feet from the nearest lot line.
 - f. Any crypt, mausoleum or other such building or structure shall together occupy not more than thirty (30) percent of the total land area.

6. Junk yards, automobile salvage or wrecking yards, waste or scrap materials recycling operations may be permitted in the M-2 General Industrial District upon the following conditions:
 - a. All lands abutting such uses are zoned for industrial purposes.
 - b. All sides of the development shall be screened in accordance with Section 1625, Walls and Berms.
 - c. All storage areas shall be treated so as to limit any impact on adjacent areas caused by wind-borne dust.

7. Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical or religious education and not operated for profit, shall be permitted in any use district, all subject to the following conditions:
 - a. Buildings shall have setbacks of not less than eighty (80) feet or as required by Article 15, Schedule of Regulations, whichever is greater.
 - b. Height of buildings in excess of the minimum requirements may be allowed by the Planning Commission. In no instance, however, shall the height of a building be greater than its difference from any property line.
 - c. Those buildings to be used for servicing or maintenance, such as heating plants, garages, storage structures, and the like, shall not be located on the outer perimeter of the site where abutting property is zoned for residential purposes.
 - d. Access to such sites shall be provided directly from a major thoroughfare.
 - e. A minimum area of 40 acres of land is required.

Section 1620: Landscaping

For any development other than a single family residence, a detailed planting plan (landscape plan) shall be provided for any yard abutting a street and for any areas requiring a greenbelt or plantings by this ordinance. Such plans shall be submitted for approval prior to the issuance of a building permit and shall be prepared in accordance with the following:

1. Planting Plan Specifications:
 - a. Minimum scale of one (1) inch = fifty (50) feet.
 - b. Existing and proposed contours with contour interval not to exceed two (2) feet.
 - c. The planting plan shall indicate, to scale, the location, spacing and starting size for all proposed landscape material within the required greenbelt or landscaped area.
 - d. Typical straight cross section including slope, height and width of berms and type of ground cover or height and type of construction for all proposed walls, including footings.

- e. Significant construction details to resolve specific site conditions, e.g. tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
 - f. Planting and staking details in either text or drawing form to insure proper installation and establishment of proposed plant materials.
 - g. Planting plans shall be prepared by a registered architect or landscape architect.
2. Plant Material Sizes and Spacing:
- a. Plant materials shall not be placed closer than four (4) feet from the fence line or property line.
 - b. Where plant materials are planted in two or more rows, plantings shall be staggered in rows.
 - c. Evergreen trees shall have a starting size of at least (7) feet in height. Informal groupings shall be spaced not more than (20) feet on center. When planted in rows, they shall be spaced not more than twelve (12) feet on center.
 - d. Narrow evergreens shall have a starting size of at least six (6) feet in height. Informal groupings shall be spaced not more than ten (10) feet on center. When planted in rows, they shall be spaced not more than five (5) feet on center.
 - e. Large deciduous trees shall have a minimum starting size of two and one half (2½) caliper inches. They shall be planted not more than thirty (30) feet on center when placed in informal groupings.
 - f. Small deciduous trees shall have a minimum starting size of at least two (2) caliper inches. They shall not be spaced more than fifteen (15) feet on center when placed in informal groupings.
 - g. Large shrubs shall have a starting size of at least thirty (30) inches in height. They shall be placed not more than six (6) feet on center when placed in informal groupings and not more than four (4) feet on center when planted in rows.
 - h. Small shrubs have a starting size of not less than twenty-four (24) inches in height or spread and be planted not more than four (4) feet on center.

Plant Materials: Spacing and Sizes

Type of Plant Material	Grouping	Rows	Minimum Starting Size
	Max. Spacing (Feet)	Max. Spacing (Feet)	
Evergreen Trees	20	12	7 feet high
Narrow Evergreen Trees	10	5	6 feet high
Large Deciduous Trees	30	--	2 ½ inch caliper
Small Deciduous Trees	15	--	2 inch caliper
Large Shrubs	6	4	30 inches high
Small Shrubs	4	4	24 inches high

3. Parking Lot Landscaping:
- a. In an M-1 or M-2 district, one (1) tree for each four thousand (4,000) square feet of the total of the paved driveway and parking lot surface is required.
 - b. In all other districts, one tree shall be required for each three thousand (3,000) square feet of paved driveway and parking lot surface, provided that no less than two (2) trees are provided.
 - c. Trees shall be distributed evenly throughout the parking area and each tree shall be provided with an open land area of not less than one hundred fifty (150) square feet to provide area for infiltration and with a minimum diameter of six (6) feet at the trunk of the tree for protection. If a sprinkled irrigation system is provided, the open land areas can be reduced to no less than seventy-five (75) square feet. Tree plantings shall also be protected from automobiles with curbing or other suitable devices.
 - d. In a RO, C-1, C-2, or C-3 district, when a parking area abuts a residential district, a row of large deciduous trees shall be provided on the non-residential side of a required wall or berm.
 - e. Except where excused in this subsection and except in those districts or development options where greater or additional planting buffers are required, a minimum ten-foot-wide landscaped lawn panel shall be provided between any public road right-of-way, existing or proposed and any off-street parking space, service drive that parallels a road right-of-way line, or other motor vehicle use areas, except loading and unloading areas at the rear of a building or when next to an alley right-of-way according to the standards established in this section.
 - f. The minimum ten-foot-wide lawn panel required in Subsection A of this section shall be landscaped in grass, ground cover, shrubs, trees or other acceptable living plant materials. Specified natural rock materials, brick paver materials, durable wood structures and other durable accent pieces may be used in conjunction with live plant materials to create visual landscaping accents. Low earth berms may be utilized as a landscape feature within a lawn panel. Whenever an earth berm is used it shall be covered with grass, but may also contain the nonliving durable materials outlined in this subsection as visual accent pieces.
 - g. Development which occurs in the RO, C-1, C-2, C-3, IRO, M-1, M-2 and TD Districts shall provide, in addition to the landscaped lawn panel required in Subsection A of this section, additional on-site landscaped areas. These additional landscaped areas shall be equal in area to at least 5% of the total area of the site, less any land in public, rights-of-way, or equal to a ratio of 10 to one: 10 square feet of landscaping for each off-street parking space provided on site, whichever results in the larger area. These landscaped areas shall be distributed throughout the site and may include:
 - (1) Tree islands within the parking lot, placed at parking row ends, except in the case of large parking lots, such islands may be distributed throughout the lot at a ratio of not less than one planting island per every 10 to 12

spaces. Wherever this landscape feature is used, the islands shall be located so as to offer not only a visually attractive and shading feature, but to help provide for improved traffic circulation. The islands shall also be placed in a uniform manner to better facilitate snow removal. A tree island shall contain at least 150 square feet of landscape area.

- (2) Pedestrian walkways, plazas, planters and other decorative features may be included in such landscape areas when they are made an integral part of a site's overall landscaping.

 - h. Stormwater detention or retention basins, when required on site, shall be made an integral feature of the site's landscaping. When the side slopes of a stormwater basin will be steeper than a ratio of three to one (three feet of horizontal plane for each foot of vertical rise), the basin will be fenced with a six-foot-high black or green close link woven wire (chain link) fence to discourage climbing. Any part of a stormwater basin that must be placed in a front or exterior side yard next to a street and which must be fenced, shall be fenced along the frontage by a decorative wrought iron fence of equal height. When a stormwater basin shall retain water, the water shall be circulated so as to prevent stagnation and pest infestation. A fenced stormwater basin shall be aesthetically landscaped along its fence line with a diversified mix of deciduous and evergreen trees and shrubs.

 - i. The area of a site that lies in a public road right-of-way between the property line and the back edge of the curblin of the pavement or the edge of the pavement when there is no curb, shall be landscaped with grass and/or other live planting materials. Wherever such landscaping shall be installed, it shall comply with all applicable landscaping, clear vision or line-of-sight restrictions that are set forth and regulated by the superintending authority in control of the right-of-way.

 - j. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.
4. Landscape standards for water retention/detention basins and ornamental ponds.
- a. Design Standards
 - (1) Where possible, ponds or basins shall be "free form" following the natural shape of the land to the greatest practical extent.
 - (2) Berms may be incorporated into the landscape but should be used to enhance the natural forms and not create artificial bumps and ridges.
 - (3) Ornamental ponds are subject to the following additional standards:
 - (a) Side slopes shall not exceed one (1) vertical foot for every six (6) horizontal.
 - (b) A minimum site area of five (5) acres is required to construct an ornamental pond.

- (c) To assure that water quality is maintained, ponds shall be designed to continuously circulate, either by surface water movement, ground water movement, or some form of artificial aeration.
 - (d) Ornamental ponds shall meet all setback requirements pertaining to a principal structure for the particular zoning district as specified in the Schedule of Regulations.
 - (4) Detention/retention basins are further subject to the City of Marysville Construction Design Standards for Water Detention and Retention Facilities.
 - b. Landscape planting where ponds or basins are in a yard that abuts a road.
 - (1) The ground surface should be covered primarily with lawn. If other types of ground cover are used, they should be planted in areas large enough to be in scale with the overall area. Small beds should be avoided because they result in a spotty appearance.
 - (2) To provide a year-round landscape, a skeletal foundation of evergreens should be developed to which the remaining plantings (canopy trees, ornamental trees and shrubs) should be added.
 - (3) Plantings of trees and shrubs, for the most part, should be in groups to avoid a spotty effect.
 - (4) Planting within the ponds or basis is permitted, but such planting must be above the high water line.
 - (5) It is intended that the plantings provide an ornamental (not screening) effect.
 - c. Approval
 - (1) All ponds shall be subject to the review and approval of the City Engineer before issuance of a permit. The City Engineer may seek the advice or recommendation of qualified experts.
 - (2) Submittal and approval of detention and retention facilities shall be in accordance with the City of Marysville Construction Design Standards for Water Detention and Retention Facilities.
 - (3) In addition to the Planting Plan Specifications identified in Paragraph 1 above, application for construction of an ornamental pond shall also include the following:
 - (a) A cross section illustrating the side slope and depth of the pond.

- (b) Information to describe the manner in which water will be circulated or otherwise maintained to a suitable level of water quality.
- 5. Maintenance: Landscaped areas and plant materials required by the Ordinance shall be kept free from refuse and debris. Plant materials, including lawn shall be maintained in a healthy, growing condition with a neat and orderly appearance. If any plant materials required by this Ordinance die or become diseased, they shall be replaced within thirty (30) days of written notice from the City or within an extended time period as specified in said notice.
- 6. Timing: The landscaping shall be planted within six (6) months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials to provide the necessary effect. Final Certificate of Occupancy shall be withheld until plantings have been installed and approved. A Temporary Certificate of Occupancy may be issued in the interim.

Suggested Plant Materials

Plant Material Type	Plant Name
Evergreen Trees	Juniper, Hemlock, Pine, Spruce, Douglas Fir, Fir
Narrow Evergreens	Columnar Honoki Cypress, Blue Columnar Chinese Juniper, Pyramidal Japanese, Pyramidal White Pine, Columnar Giant Arborvitae, Hicks Yew, Douglas Arborvitae, Swiss Stone Pine
Large Deciduous Trees	Oak, Linden, Hackberry, Hop Hornbeam, Ginko (male), Hard Maples, Sweet Gum, Honey Locust (thornless), Birch, Beech, Sycamore, Ash (seedless)
Small Deciduous Trees	Hornbeam, Serviceberry, Mountain Ash, Hawthorn, Magnolia, Redbud, Rose of Sharon, Flowering Crabs, Flowering Dogwood
Large Shrubs	Honeysuckle, Mock-orange, Buckthorn, Pyracantha, Mugo Pine, Lilac, Euonymus, Ninebark, Bayberry, Savin Juniper, Viburnum, Forsythia, Sumac, Flowering Quince, Cotoneaster (Pekin, Spreading), Hazelnut, Border Privet, Pfitzer Juniper, Yew
Small Shrubs	Regal Privet, Potentilla, Dwarf Mugo Pine, Low Spreading Junipers (Hughes, Tamariz, etc.), Cotoneaster (Cranberry, Rockspray), Fragrant Sumac, Compact Burning Bush, Spreading Yews, Japanese Quince, Big Leaf Winter Creeper
Trees Not Suggested	Box Elder, Poplars, Elms, Willows, Horse Chestnut (nut bearing), Catalpa, Silver Maple, Tree of Heaven

This list of suggested plant material is not intended to be all-inclusive but rather suggests certain material which is suitable for landscaping purposes.

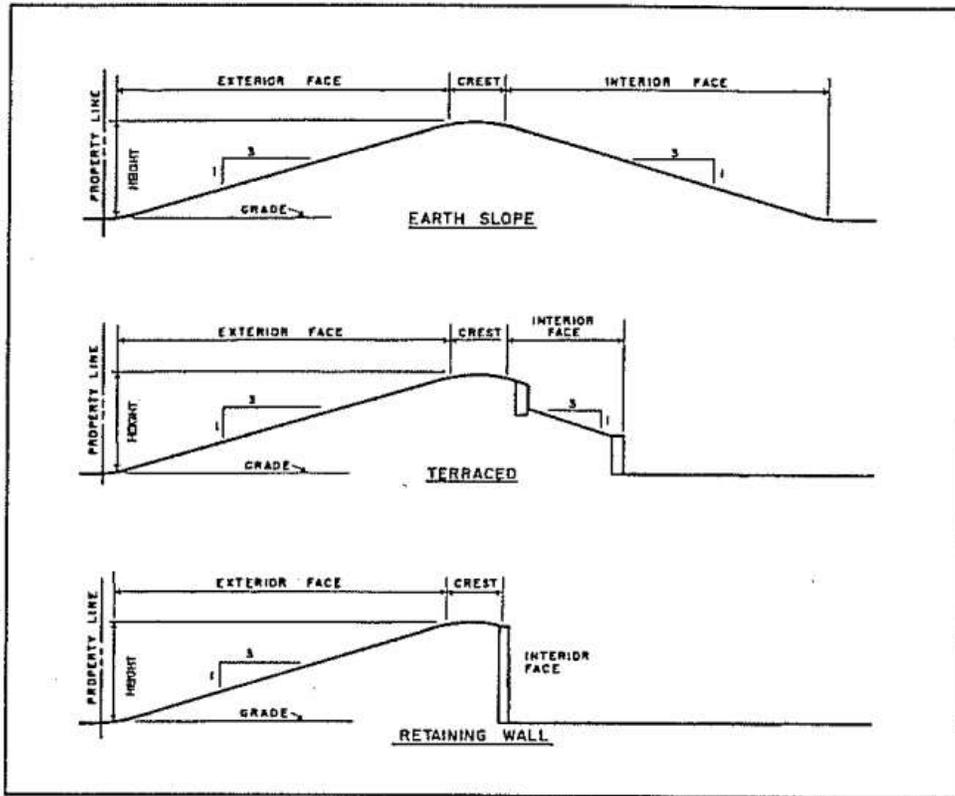
Section 1625: Walls and Berms

- 1. For those zoning districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district, an obscuring wall or landscaped berm as required below, unless otherwise determined by the Planning Commission under paragraph seven (7) below. In any instance, a berm of equal height may be substituted for a wall, if desired. Furthermore, the Planning Commission may require the use of a berm rather than a wall for conditional uses.

Wall and Berm Requirements

District or Use	Height (Minimum)	Wall or Berm
C-1, C-2, C-3 districts	6.0 feet	Wall
RO-1 district	6.0 feet	Wall
IRO, M-1 or M-2 districts	6.0 to 10.0 feet	Wall
Off-street parking lot, in any other district	4.5 feet	Wall
Storage areas	6.0 to 10.0 feet	Wall
Utility buildings, stations or substations	6.0 feet	Berm

2. The height of the wall or berm shall be measured from the surface of the parking area or land on the non-residential side of the wall or berm.
3. In the case of a variable wall or berm height as noted above, the extent of obscuring wall or berm shall be determined by the Planning Commission on the basis of land usage, provided further that no wall or berm shall be less than the above required minimum, nor greater than the above required maximum.
4. Berms shall be landscaped in accordance with Section 1620, Landscaping.
5. In those instances where the border between districts or uses requiring a wall or berm is a major or secondary thoroughfare, a landscaped greenbelt may be substituted for the wall or berm adjacent to the thoroughfare.
6. Required walls shall be located along the lot line except in the following instances:
 - a. Where underground utilities interfere.
 - b. Where a landscaped street yard is required, the wall shall be placed along the setback line.
 - c. A wall may be located on the residential side of an alley when mutually agreeable to the property owners and if approved by the Board of Appeals.
7. In those instances where the following conditions occur, the wall or berm may be waived by the Planning Commission.



Berm Details

- a. The abutting or adjacent land is proposed on the City Master Plan of Land Use as a use other than residential.
 - b. The abutting or adjacent land is developed for a use other than residential.
 - c. The Planning Commission determines that the abutting or adjacent residential district will become non-residential in the future.
 - d. The abutting or adjacent residential district has physical characteristics which preclude the necessity of a wall or berm. Such conditions include but are not necessarily limited to:
 - (1) An abrupt rise in grade on the abutting or adjacent district.
 - (2) Heavily wooded or landscaped areas that will buffer as effectively as a wall or berm.
 - (3) Other natural or man-made features that will buffer the abutting or adjacent residential districts as effectively as a wall or berm.
8. Berms shall have a maximum slope of 3:1 (three (3) foot horizontal to one (1) foot vertical). All berms shall have a rounded crest, at least two (2) feet in width and shall be constructed of clean fill.

9. Wall and berms shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this Ordinance or approved by the Planning Commission.
10. All walls herein required shall be constructed to specifications approved by the Building Inspector. Walls shall be constructed of brick or have brick veneer on the side facing the residential district. A wall that is constructed of poured concrete which simulates standard brick facing is also acceptable. The top of the wall shall be finished to provide positive drainage.
11. The Planning Commission may require that a wall be varied in height or “stepped” to match adjacent existing walls or to assure that adequate sight distance is assured, provided that in no instance shall a required wall or berm be permitted to be less than thirty (30) inches in height.

Section 1630: Marginal Access Drive

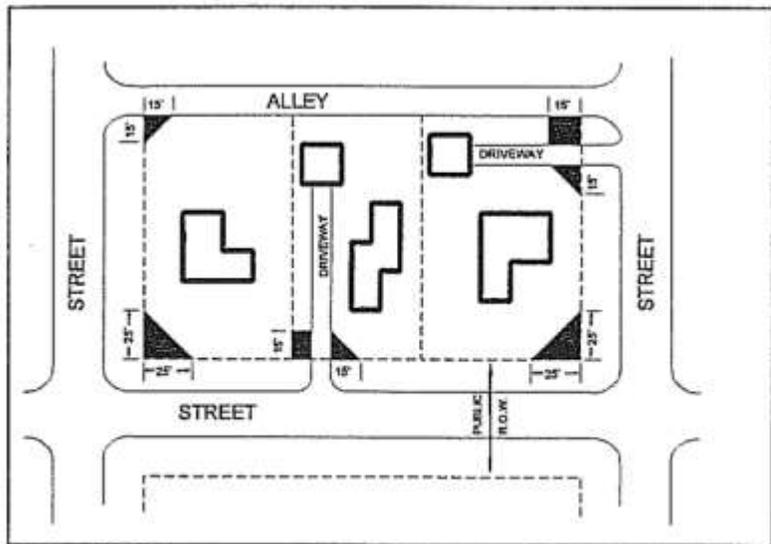
In those instances where the Planning Commission finds that an excessive number of ingress or egress points may occur with relation to major or secondary thoroughfares, thereby diminishing the safety and carrying capacity of the thoroughfare, the Commission may require marginal access drives.

1. The marginal access drive shall be set back ten (10) feet from the future right-of-way line and shall be twenty two (22) feet in width. The marginal access drive shall be either dedicated as public right-of-way or shall be an easement which will permit the use of the marginal access road for traffic circulation from one (1) property to another.
2. Such easement shall be in a form acceptable to the City Attorney and City Engineer. Each property owner shall be responsible for maintenance of the easement so that it remains usable as a means of gaining access from one property to another. The easement shall be recorded with the County Register of Deeds prior to issuance of an occupancy permit.
3. All area between the marginal access drive and the road right-of-way shall be landscaped in accordance with Section 1620, Landscaping.
4. In instances where the marginal access drive serves residential developments, a landscaped berm three (3) feet in height shall be constructed in accordance with Section 1625, Walls and Berms.
5. Parking shall not be permitted within the marginal access drive and backing directly onto the marginal access drive shall not be permitted.
6. The site plan shall indicate the proposed elevation of the marginal access drive at the property lines and the City Engineer shall maintain a record of all marginal access drive elevations so that their grades can be coordinated. Marginal access drive elevations shall not be more than one (1) foot above or below the elevation of the adjoining undeveloped property. Paving of the marginal access road shall meet City standards for public road construction.
7. The site shall be laid out so that a portion of front yard open space shall serve as a separation between the marginal access drive and the off-street parking.

8. Temporary entrances and exits may be approved for individual sites provided money is placed in escrow to assure elimination of temporary entrances and exits. Occupancy permits shall not be issued until monies have been deposited with the City.
9. In determining which entrances and exits will be permanent and which will be temporary, the Planning Commission shall generally be guided by a minimum distance of six hundred (600) feet between entrances and exits and by the location of existing or approved drives on the opposite sides of the street.

Section 1635: Corner Clearance

No fence, wall, shrubbery, sign or other obstruction to vision above a height of two (2) feet from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet from their point of intersection, nor shall such obstruction to vision be permitted at the intersection of any driveway or alley and a street right-of-way line within a triangular area formed at such intersection by a straight line drawn between the driveway or alley line and the street right-of-way line at a distance along each line of fifteen (15) feet from their point of intersection. In those instances where such triangular area cannot be constructed on the property in questions, a fifteen (15) foot setback shall be required between the property line and the driveway or alley (see sketch at right).



Corner Clearance

Section 1640: Frontage on a Public Street

No zoning lot shall be used for any purpose permitted by this Ordinance unless said lot abuts a public street or a private street approved by the Planning Commission, unless otherwise provided for in this Ordinance.

Section 1645: Fences

Residential

1. Fences or walls in residential districts not exceeding six (6) feet in height may be constructed within a required rear or side yard, and may be along the property line.
2. Ornamental fences and walls for decorative or landscaping purposes, not exceeding twenty-four (24) inches in height as measured from the established sidewalk or top of

curb grade, may be located within a front yard, provided they are not closer than three (3) feet to the front lot line.

3. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within areas developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
4. Fences on lots of record shall not contain barbed wire, electric current or charge of electricity.
5. If, because of the design or construction, one side of the fence has a more finished or decorative appearance than the other, the side of the fence with the more finished or decorative appearance shall be oriented to face outward toward adjacent parcels. Further, all posts, beams and structural components of the fence shall be oriented to face inward toward the property owned by the applicant. Provided, an owner of abutting property may waive the right for the more finished or decorative side of a fence to face his/her adjacent property. To be effective, such waiver must be in the form of a written consent agreement signed by all owners of the property where the finished or decorative side of the fence would face under the normal requirements of this section and shall be attached to the permit application.

Industrial

1. No such fence permitted herein shall serve as a screening devise except where permitted in conjunction with other screening material.
2. No fence shall extend into a front yard.
3. No fence shall exceed eight (8) feet in height except as reviewed by Planning Commission.

Section 1650: Use Restriction

No portion of a lot or parcel once used in complying with the provisions of the Ordinance for yards, lot area per family, density as for a development in the multiple family district, or percentage of lot occupancy in connection with an existing or proposed building or structure, shall again be used as part of the lot or parcel required in connection with any other building or structure existing or intended to exist at the same time.

Section 1655: Exterior Lighting

1. All outdoor lighting in all use districts used to illuminate the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
2. All outdoor lighting in all use districts shall be directed toward and confined to the ground area of lawns or parking lots.

3. All lighting of nonresidential uses for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.
4. All illumination of signs and any other outdoor features shall not be of a flashing, moving, or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.
5. Exterior lighting shall in no way imitate directional or traffic lighting.
6. Outdoor lighting shall not exceed an intensity of five (5) footcandles measured at the property line, nor shall it be less than 1.5 (one and five tenths) footcandles measured at any location on the site used for pedestrian or vehicular circulation. Measurements shall be taken four (4) feet above grade. Outdoor lighting for public outdoor recreation facilities is specifically exempt from this requirement.
7. All exterior light poles, light fixtures and wall packs shall be from the City of Marysville's pre-approved lighting standards.

Section 1660: Residential Entranceway

In all residential districts, so called entranceway structures including but not limited to walls, columns and gates marking entrances to single-family neighborhoods or multiple housing complexes may be permitted and may be located in a required yard, except as provided in Section 1635 Corner Clearance, provided that such entranceway structures shall comply to all codes of the city and shall be approved by the Building Department and a permit issued.

Section 1665: Access Management

The standards of this section are intended to promote safe and efficient travel within the city; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways (vehicle entranceways); provide efficient spacing standards between driveways, and between driveways and intersections; protect the substantial public investment in the street system; and to ensure reasonable access to properties, though not always by the most direct route.

The following standards shall apply to all uses except residential developments involving less than five (5) dwelling units. However, if it appears that there would be unusual difficulty encountered in meeting these requirements because of grade changes, existing or proposed intersections, driveways, bridges, or other land restrictions, the Planning Commission, upon recommended of the City Engineer may waive or modify the requirements of this section.

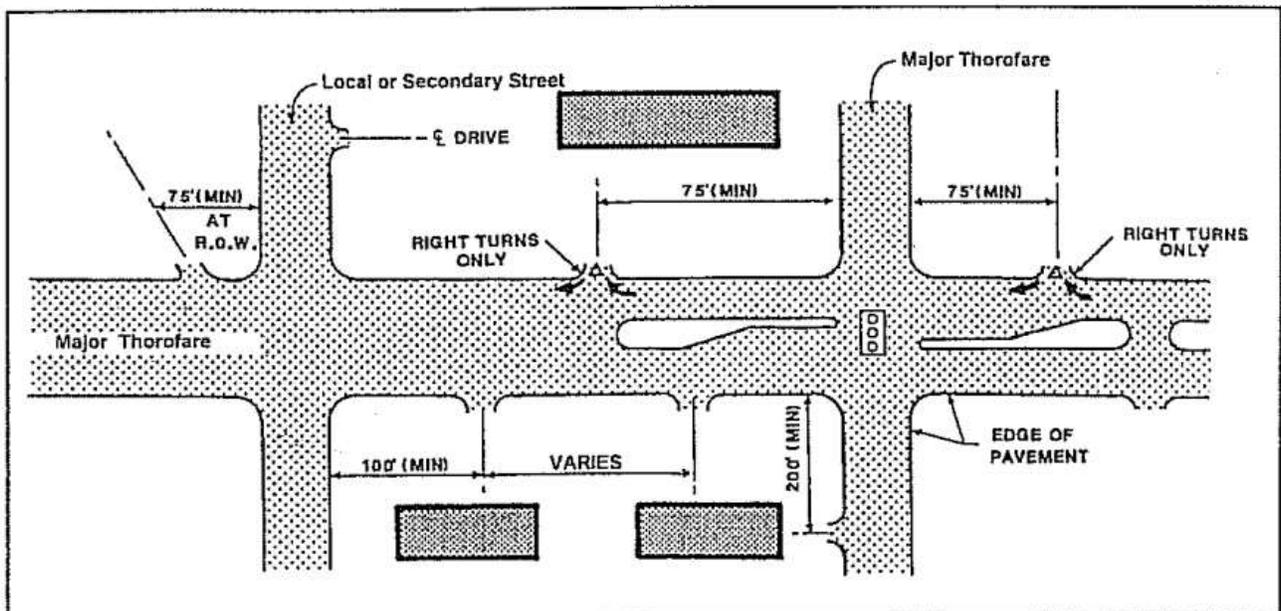
1. Acceleration-Deceleration-Passing Lanes:
 - a. Driveways providing ingress and egress to all two-lane, paved major thoroughfares shall be provided with paved acceleration and deceleration lanes and passing lanes.
 - b. Driveways providing ingress and egress to all three-lane, paved major thoroughfares shall be provided with paved acceleration and deceleration lanes.

- c. Driveways providing ingress and egress to roads of four (4) or more lanes shall be provided with paved tapers or turning lanes.
- d. Required lanes or tapers shall be indicated schematically on the site plan and shall be constructed in accordance with the standards for such facilities as established by the City Engineer.

2. Driveway Spacing:

- a. Except in instances where a shared driveway is proposed, there shall be a minimum spacing of twenty five (25) feet between the centerline of a driveway and the adjacent property line not including the right turn lane and/or taper. The centerline for channeled driveways is measured at the street right-of-way line.
- b. If a driveway curb radius extends beyond the frontage of the property, written consent from the affected adjacent property owner(s) allowing the design shall be provided.
- c. Except where a center median or boulevard is provided, to reduce left-turn conflicts, new commercial driveways shall be aligned with those across the roadway where possible. If alignment is not possible, driveways should be offset a minimum of one hundred fifty (150) feet from those on the opposite side of the roadway.
- d. Minimum driveway spacing requirements shall be determined based on posted speed limits along the parcel frontage, as indicated in the following table:

Posted Speed (mph)	Minimum Driveway Spacing (feet)
30	125
35	150
40	185
45	230
50	275
55	350



Driveway Spacing and Placement

- 3. Distance from Intersecting Streets: Driveway spacing from an intersection shall be measured from the centerline of the driveway to the closest edge of the nearest travel lane on the intersection street. The required minimum distance between a driveway and an intersection street varies as follows:

Intersection Street	Full Movement Driveway	One-way Drives
Major Thoroughfares	250 feet	100 feet
Signalized Major Thoroughfares	200 feet	75 feet
Local or Secondary Thoroughfares	100 feet	75 feet

- 4. Number of Driveways: Where driveway spacing standards can be met (outlines in Paragraph 2 above), an individual parcel or contiguous parcels under the same ownership shall be permitted one (1) two-way driveway or a paired one-way driveway system wherein one driveway is designed, and appropriately marked, to accommodate ingress traffic and the other egress traffic. In the following instances the Planning Commission may allow more than one driveway.
 - a. Developments that can demonstrate that the number of vehicle trip ends will exceed 3,000 during an average day (or will be used by 300 or more vehicles during the peak hour of traffic for either the thoroughfares or the use), and lacking access to a second street, a second driveway may be allowed along the major thoroughfares provided that the additional driveway can meet the spacing standards of Paragraph 2 above.
 - b. For parcels with arterial frontage of at least 300 feet one (1) additional driveway may be allowed, with another driveway allowed for each 300 feet of frontage thereafter, provided that these driveways meet the standards of Paragraph 2 above.
 - c. Where parcels have frontage on more than one street the Planning Commission may allow the provision of two (2) drives; one to each street provided that the standards of Paragraphs 2 and 3 above are met.
- 5. Alternative Means of Access: To reduce the number of curb cuts to the city’s major thoroughfares, alternative means of access shall be encouraged in general. However, due to the driveway spacing standards specified in Paragraph 2 above, a shared driveway may be the only design solution that will be permitted. In such cases the following alternative means of access may apply.
 - a. Shared Driveways: Sharing or joint use of a driveway by two or more property owners shall be encouraged. The shared driveway shall be constructed along the midpoint between the two properties. If a written easement is provided which allows traffic to travel across one parcel to access another, or access the public street, the driveway can be located entirely on one parcel.
 - b. Frontage Roads: In cases where a frontage road exists, is recommended in a plan adopted by the Planning Commission and/or is proposed in an approved site plan for an adjoining lot or parcel, access shall be provided via such frontage road, rather than by direct connection to the major thoroughfares.

In areas where frontage roads are planned, but adjacent properties have not yet developed, the site shall be designed to accommodate a future road. In such instances, the Planning Commission may temporarily grant individual parcels a direct connection to the adjacent major thoroughfares. A performance bond or other financial guarantee must be provided which assures elimination of the temporary access upon completion of the service road. Occupancy permits shall not be issued until such financial guarantee has been submitted to the City.

- c. **Parking Lot Connections:** All parking lots shall be designed in such a way as to allow for a connection to the parking lot of an existing or future use. Such connection shall be a minimum of twenty (20) feet in width and shall be set back a minimum of thirty (30) feet from the planned future right-of-way of adjacent roads.

Section 1670: Site Plan Review (All Districts)

- 1. Review and approval is required before a building permit may be issued for the construction of all structures and uses proposed in the city. Review and approval authority is as follows:
 - a. Administrative review and approval of a plot plan (see Article 22 Administration and Enforcement) is required before a building permit may be issued for the following:
 - (1) A plot plan must be submitted for review and approval by the Zoning Administrator before issuance of a building permit by the Building Inspector for the construction of any single family dwelling.
 - (2) A plot plan must be submitted for review and approval by the Zoning Administrator prior to receipt of a building permit for accessory structures and uses in any zoning district.
 - (3) A plot plan and necessary detail drawings must be submitted for review and approval by the Zoning Administrator before a permit will be issued for the erection or modification of a sign.
 - (4) A plot plan and necessary detail drawings must be reviewed by the Zoning Administrator prior to receipt of a building permit for structural and maintenance changes which do not expand a use.
 - (5) Review and approval by the Zoning Administrator and review and approval by the Zoning Board of Appeals is required before a permit may be issued for any temporary structure or use.
 - b. Review and approval by the Planning Commission is required before a building permit or certificate of occupancy may be issued for any of the following:
 - (1) Any building or use, authorized in any zoning district other than those items listed in Paragraph a. above.

- (2) Any building or use in any district permitted subject to special conditions, unless otherwise provided for in this ordinance.
 - c. Review and approval by the City Council, after review and recommendation by the Planning Commission, is required before a building permit may be issued for any special use.
 - d. The Zoning Administrator can, at his or her discretion, require review and recommendation by the Planning Commission of any item that would be otherwise approved administratively.
2. Site plans are to be reviewed in order to determine:
- a. That the proposed use conforms to the uses permitted either by right or by special use permit in the respective zoning district.
 - b. That the dimensional arrangement of the buildings and structures conforms to the required yard, setback and height restrictions of the Ordinance.
 - c. The proposed use conforms to all use, area and bulk, and site development requirements set forth in this Ordinance for particular zoning districts.
 - d. That there is proper relationship between the existing and proposed streets and highways within the vicinity in order to assure the safety and convenience of pedestrian and vehicular traffic.
 - e. That the proposed on-site buildings, structures and entry ways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of access/egress, interior/exterior circulation, storm drainage, erosion, grading, lighting and parking, as specified by this zoning ordinance or any city, county or state law.
 - f. That as many natural features of the landscape shall be retained as possible where they can be useful to the development on the site or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health and appearance of the neighborhood, i.e., controlling erosion or the discharge of storm waters, etc.
 - g. That any adverse effects of the proposed developments and activities emanating from adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
 - h. That all buildings and structures are accessible to emergency vehicles.
 - i. That the site plan, as approved, is consistent with the intent and purpose of zoning which is to promote the public health, safety and general welfare to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property and to facilitate the City Future Land Use Plan.

3. All site plans required to be reviewed by the Planning Commission or City Council shall be submitted to the Zoning Administrator along with a brief statement or description of the project and intended uses. Any covenants, master deeds, deed restrictions, restrictive covenants, use and occupancy restrictions or joint parking agreements which may affect all or any part of the parcel shall also be submitted.
4. Site plans must be prepared by a licensed engineer, community planner, registered architect, licensed surveyor, or landscape architect. Each site plan shall include the following information:
 - a. Basic Plan Requirements
 - (1) Site plans shall be drawn to a scale of not less than 1" = 50' if the subject property is less than three (3) acres and 1" = 100' if three (3) acres or more.
 - (2) The name of the proposed development shall be clearly shown on the plan.
 - (3) The plan shall include the date, north point and scale. A location map drawn to a scale of no less than 1" = 2000' shall be included on the plan.
 - (4) A copy of the legal description, including acreage, shall be included on the plan.
 - (5) The applicant's name, address and phone number or the names and addresses of the person responsible for the preparation of the site plan. If the applicant is not the owner of the project, a statement signed by the owner shall be submitted attesting that the applicant is acting on behalf of the owner. In addition the name, address and phone number of all persons, firms or corporations with an ownership interest in the land shall be submitted.
 - (6) Twenty (20) folded copies of the site plan shall be submitted.
 - b. Specific Information
 - (1) Existing and proposed lot lines and dimensions of the site including width, length and frontage.
 - (2) Acreage of site inclusive and exclusive of road rights-of-way.
 - (3) Existing and proposed buildings.
 - (4) Required and proposed setbacks must be dimensioned on the plan.
 - (5) The existing zoning of the site and the zoning of all abutting parcels.
 - (6) Driveways, sidewalks, paths, parking spaces and aisles, loading and unloading areas, fire lanes, acceleration and deceleration lanes, traffic

control devices including dimensions, materials and radii. In addition, the plan must show the location and right-of-way widths of all abutting streets and alleys.

- (7) The size and location of all proposed signs including regulatory and directional signs.
 - (8) The height, materials and location of all fences, walls and berms.
 - (9) The location, height and shielding mechanisms for any proposed outdoor lighting.
 - (10) The location, size, shape, area and width of all condominium units.
 - (11) A count of all proposed dwelling units and detailed floor plans shall be submitted for all multiple family dwellings.
 - (12) The use and location of any structures on adjacent properties within fifty (50) feet of the parcel.
 - (13) The boundary of any 100 year flood plain on or abutting the property.
 - (14) The location of any state regulated wetland on site or within twenty (20) feet of the site.
 - (15) Existing and proposed topographic contours on site and within twenty (20) feet of the site at two-foot intervals, referenced to a USGS or NGVD benchmark.
 - (16) Grades at building corners and floor and roof elevations.
 - (17) The height of all proposed buildings and structures must be noted on the plan.
 - (18) Elevation drawings of the proposed building faces.
 - (19) Floor plans.
 - (20) The location and screening details of waste receptacles. Turning radii shall be shown on the plan to assure that the waste receptacle is located in a manner that will allow access by service vehicles.
 - (21) The names of existing and proposed streets both on site and abutting the site.
- c. Landscape Information. A landscape plan shall accompany each site plan. Such landscape plan shall be drawn in accordance with Section 1620, Landscaping.
- d. Engineering Details. The inclusion of the following information is intended to identify potential discrepancies between planning and engineering objectives. Additional engineering information may be required following site plan approval.

- (1) The use of city water and sewer services is required. The location of all existing and proposed utilities but not limited to water lines, valves, hydrants, storm and sanitary sewer lines together with clear delineation of all easements to be granted to the city or others for installation, repair and maintenance of such utilities.
 - (2) A storm drainage and storm water management plan, including all conduits, swales, drains, detention basins and other facilities to be located within or outside the site plan shall be submitted.
 - e. Such other information as may be required by the Zoning Administrator or approval bodies to assure compliance with this and other city ordinances.
 - f. All information required to be furnished pursuant to this section shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to the provisions of this ordinance.
5. Conditional Approval.
- a. Reasonable conditions may be required with the approval of a site plan. The conditions may include but are not limited to conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all of the following requirements:
 - (1) Be designed to protect natural resources, the health, safety and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole.
 - (2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use of activity.
 - (3) Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
 - b. The conditions imposed with respect to the approval of a site plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the designated site plan approval body and the property owner. A record of conditions which are changed shall be maintained by the designated site plan approval body.
 - c. Upon approval of the plan, the designated site plan approval body shall sign three (3) copies thereof. Two copies shall be kept by the city, and the third shall

be returned to the applicant. All subsequent actions relating to the activity authorized by the approved site plan shall be consistent with the plan unless a change conforming with the zoning ordinance is supported by mutual agreement between the property owner and the designated site plan approval body.

6. A copy of the approved site plan and all revised approved site plans shall be market and placed on file, along with copies of any and all permits requested for the property in question. Revision of approved site plans can be made only by the designated body or officials who first gave initial approval. All provisions of a condominium subdivision plan which are approved in the site plan review process shall be incorporated into the Master Deed.
7. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and with any revisions, amendments or modifications made thereto. If construction and development does not conform with such approved plan, the approval thereof shall be revoked by the zoning administrator by written notice of such a revocation posted upon the premises involved and mailed to developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation.
8. Upon request the city may permit, when justifiable conditions are found to exist, the movement of soil on the site, prior to site plan approval.
9. Fees for the review of site plans and inspections, as required in the section, shall be established, and may be amended from time to time, by resolution of the city council.
10. The approval of any site plan under this provision shall expire one (1) year after the date of such approval, unless actual construction and development have been commenced in accordance with said site plan prior thereto. If such construction and development is commenced within said one (1) year period, then such approval shall continue for a period of two (2) years from the date thereof; provided that should a lapse of more than six (6) months in continuous substantial construction and development not occur, said approval shall expire. The building inspector shall not issue a building permit for any type of construction on the basis of the approved site plan after such approval has expired. Funds in escrow will be returned upon expiration of a site plan or completion of the project in a manner suitable to the building inspector.

Section 1675: Performance Standards

Performance Standards and Requirements. Uses in all districts in the city, where permitted, shall comply with the following standards of performance. Generally accepted methods of collection and standard methods of chemical analysis shall be used in the application of these standards.

1. Displacement: No operation shall cause a displacement exceeding 0.003 of one (1) inch as measured at the boundary property line. In addition, the following specific regulations shall apply:

- a. Stamping Machines, Punch Presses and Press Brakes. Must be placed on shock absorbing mountings and on a suitable reinforced concrete footing. No machine shall be located beyond the capacity as prescribed by the manufacturer.
 - b. For punch and stamp presses, other than hydraulic presses, up to twenty (20) tons capacity permitted when two hundred (200) feet from the nearest residential zone.
 - c. For hydraulic presses, up to one hundred fifty (150) tons capacity permitted when two hundred (200) feet from nearest residential zone.
 - d. All press brakes must be located at least three hundred (300) feet from a residential district.
2. Noise: Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. In all districts, noise as measured at the boundary property line may not exceed seventy-five (75) dbA between the hours of 6:00 a.m. and 10:00 p.m. and shall not exceed sixty (60) dbA between the hours of 10:00 p.m. and 6:00 a.m., and must comply with requirements of the city code. In M-2 Districts, noise shall not exceed eighty (80) dbA and must also comply with all provisions of the city code.
 3. Air Contaminants: It shall be unlawful for any person, firm or corporation to cause or permit to be discharged into the atmosphere from any single source of emission, smoke of a density equal to or darker than No. 2 of the Ringlemann chart except: (a) Smoke of a density equal to but not darker than No. 2 of the Ringlemann chart may be emitted for not more than three (3) minutes in any thirty (30) minute period; (b) Smoke of a density equal to but not darker than No. 3 of the Ringleman chart may be emitted for not more than three (3) minutes in any sixty (60) minute period, but such emissions shall not be permitted on more than three (3) occasions during any twenty-four (24) hour period.
 4. Particulate Matter and Dust: Particulate matter or dust as measured at and by any generally accepted manner shall not be emitted in excess of 0.3 grains per cubic foot of flue gases at a stack temperature of five hundred (500) degrees Fahrenheit when the excess air does not exceed fifty (50) percent at full load, except for periods of four (4) minutes in any one-half (1/2) hour, when it can equal but not exceed 0.5 grains per cubic foot of flue gases at a stack temperature of five hundred (500) degrees Fahrenheit when the excess air does not exceed fifty (50) percent at full load.
 5. Odor: The emission of odors which generally agreed to be obnoxious to any considerable number of persons, at their place of residence or employment shall be prohibited.
 6. Gases as Measured at the Property Line: SO₂ gas shall not exceed an average of 0.3 p.p.m. over a twenty-four (24) hour period, provided that a maximum concentration of 0.8 p.p.m. will be allowed for a one (1) hour period out of a twenty-four (24) hour period; H₂S shall not exceed 0.1 p.p.m.; Fluorine shall not exceed 0.1 p.p.m.; Nitrous fumes shall not exceed five (5) p.p.m.; CO shall not exceed fifteen (15) p.p.m.
 7. General Requirements: In addition to subsection (3) through (6), there shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to any considerable number of

persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause injury or damage to business or property.

8. Toxic or Hazardous Material: Any use permitted by this ordinance shall be subject to the requirements and restrictions of federal, state and municipal statutes such as, but not limited to: Act No. 64, PA 1979; Act No. 641, PA 1978; Act No. 245, PA 1929; Act No. 348, PA 1965; Act No. 127, PA 1970; Act No. 207, PA 1941.
9. Glare Heat and Radioactive Materials: Arc welding, acetylene torch cutting or similar processes causing glare and heat shall be performed behind solid walls or frosted glass not less than fifteen (15) feet high as measured from the ground level adjacent to the structure concerned. Radioactive materials or harmful rays of any kind shall not be emitted to exceed quantities established as safe by the proper federal agency.
10. Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with all state rules and regulations and as established by the Fire Prevention Act, Act 207, PA 1941, as amended and by the Marysville Code Chapter 111. Further, all storage tanks of liquid materials above ground shall be located not less than one hundred fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes or other type of retaining wall which will contain the total capacity of all tanks so enclosed. Bulk storage tanks of flammable liquids below ground shall be located not closer to the property line than the greatest depth to the bottom of the buried tank or not less than twenty-five (25) feet.
11. Sewage Waste: Specific conditions regarding the regulation and control of sewage waste are provided in Chapter 23, City Sewer Service.

Section 1680: Waste Receptacles

A space for the location of waste receptacles shall be provided for each business, office, multiple family or industrial use. A space for waste receptacles shall be provided whether or not their use is intended. Waste receptacles and enclosures may be permitted as accessory to any use except one-family residential and subject to the provisions of Section 1610, Accessory Buildings, Structures and Uses. The following conditions shall also apply:

1. Waste receptacles must be clearly accessible to servicing vehicles.
2. A concrete pad with a minimum dimension of nine (9) feet by six (6) feet shall be provided.
3. Waste receptacles shall be screened on all sides. Such screening shall be constructed of an earth mound, brick or decorative concrete block material with a minimum height of six (6) feet or one (1) foot above the height of the enclosed dumpster, whichever is greater. Access gates must provide screening and may be of wood construction.
4. Waste receptacles and their screening enclosures shall be located as far from single family residential districts as practical.
5. The location of waste receptacles shall be indicated on the site plans and the location and screening shall be subject to approval of the code enforcement officer, or of the Planning Commission when the Planning Commission reviews the site plan.

- 6. Detail drawings or a note shall be provided on the plan to assure that the above requirements are met.

Section 1685: Planned Unit Development (PUD)

Planned Unit Development is intended to permit the private or public development or redevelopment of areas throughout the City which shall be substantially in accord with the goals and objectives of the City of Marysville Master Plan in providing for a balanced land use pattern for homes, business, industry, community facilities and services. The land use patterns of the areas involved shall provide a desirable environment and shall be harmonious to the general surrounding uses permitting flexibility in overall development while ensuring adequate safeguards and standards for public health, safety, convenience and general welfare. It is further the intent of the Planned Unit Development to provide for development, which will be carried out in such manner as to preserve natural features such as waterfront areas and their accessibility to the public and to promote energy efficient development. Such Planned Unit Development may embrace a mixture of one (1) or more uses or zoning categories all in accord with the City of Marysville Master Plan for Future Land Use. Within a land development project designated as a Planned Unit Development, regulations relating to use of land, including but not limited to permitted uses, shall be determined in accordance with the Planned Unit Development regulations as set forth in this Ordinance.

1. Criteria For Qualifications:

In order to qualify for a Planned Unit Development, it must be demonstrated that all of the following criteria will be met.

- a. The use of this option shall not be for the sole purpose of avoiding applicant zoning requirement. Any permission given for any activity or building or use not normally permitted shall result in an improvement to the public health, safety, welfare and economic benefit in the area affected and the City as a whole.
- b. The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.
- c. The PUD shall not be allowed solely as a means of increasing density or as a substitute for a variance request, such objectives should be pursued through the normal zoning process by requesting a zoning change or variance.
- d. The Planned Unit Development must meet, as a minimum, one of the following objectives of the City:
 - (1) To permanently preserve open space or natural features because of their exceptional characteristics or because they can provide a permanent transition or buffer between areas.
 - (2) To permanently establish land use patterns that are compatible or that will protect existing or planned uses.
 - (3) To accept dedication or set aside open space areas in perpetuity.

- (4) To provide alternative uses for parcels that can serve as transition buffers to residential areas.
- (5) To guarantee the provision of a public improvement that could not otherwise be required and that would further the public health, safety, or welfare, protect existing or future uses from the impact of a proposed use, or alleviate an existing or potential problem relating to public facilities.
- (6) To promote the goals and objectives of the Master Plan for Future Land Use.
- (7) To foster the aesthetic appearance of the City through quality building design and site development, the provision of trees and landscaping beyond the minimum requirement; the preservation of unique and/or historic sites or structures, and the provision of open space or other desirable features of a site beyond minimum requirements.
- (8) To bring about redevelopment of sites where an orderly change of uses is desirable and a Planned Unit Development will provide the necessary flexibility for such a transition.

2. Procedure for Application:

Application shall be made to the City Council. The applicant shall be required to make a submittal of the following material for review and recommendation by the Planning Commission.

- a. A property areas survey of the exact area being requested (scale: one (1) inch equals one hundred (100) feet).
- b. A proof of ownership of land where land is being requested for rezoning.
- c. A topography map of the entire area at a contour interval showing one (1) foot changes in elevation. This map shall indicate all natural and man-made features (scale: one (1) inch equals one hundred (100) feet).
- d. A preliminary plan of the entire area carried out in such detail as to show the land use being requested, the business area, industrial buildings and uses, the housing densities being proposed where applicable, the system of collector streets, and off-street parking system.
- e. Evaluation drawings of proposed building or buildings and proposed building materials.
- f. A written statement explaining in detail the full intent of the applicant indicating the specifics of the development plan as it relates to the type development, such as:
 - (1) in the case of a residential development, the type of dwelling units contemplated and resultant population;

- (2) in the case of a nonresidential development, the type of nonresidential development describing the exact type of use including, but not limited to, extent of nonresidential development;
- (3) if the use is industrial in nature, the exact type of use which will occur on the property, a description of any manufacturing or industrial facilities which will be constructed on the property, the compatibility with surrounding uses, the impact on natural resources and
- (4) the resultant traffic generated and parking demands created; and providing supporting documentation such as but not limited to: market studies, economic impact studies, environmental impact studies, supporting land use request, and the intended scheduling of development.

3. Stage I Preliminary Site Plan:

The preliminary site plan shall be referred to the PUD Liaison, a designee of the City Manager, who will be the point of contact for all PUD transactions. The PUD Liaison will be responsible for attending all meetings pertaining to the PUD process as well as referring the PUD to other City agencies or consultants to the City as may be deemed necessary to provide guidance to the Planning Commission and the City Council in their review of the project. In reviewing and approving the preliminary site plan, the following procedures and conditions shall be followed:

- a. The proposed Planned Unit Development shall be of such area as to represent a sound carrying out of the master plan of land use and be compatible with surrounding uses. If the proposed use represents a deviation from the permitted land use in the master plan and the City's zoning ordinances, the applicant shall present information to demonstrate why the plan contains the necessary elements to protect the health, safety and welfare of the residents of the surrounding area, the City residents and insures protection of the natural resources.
- b. The preliminary site plan shall be reviewed and a report with recommendation shall be made by the Planning Commission to the City Council relative to the plans meeting the intent and the requirements of the Master Plan of Future Land Use and the requirements of the Zoning Ordinance.
- c. Recommendation by the Planning Commission shall be given only after public hearing. Such hearing shall be carried out in accord with requirements of Act 110 of 2006 as amended.
- d. Approval of the preliminary plan by the City Council shall not constitute approval of the final site plan. It shall be deemed as approval of the land use plan submitted and shall serve as a guide in the preparation of the final plan. The approval by the City Council may be approval as recommended by the Planning Commission or approval with additional conditions.
- e. Acceptance of the preliminary site plan or approval as amended by the City council shall be effective for a period of two (2) years.

- f. In an area zoned Planned Unit Development, no development shall take place therein nor use made of any part thereof except in accordance with the site plan as originally approved, or in accordance with an approved amendment thereto.

4. Stage II Final Site Plan:

The final site plan shall be submitted to the City Council and referred to the City Building Official or his/her designee, and to other City agencies or Consultants to the City as may be deemed necessary to provide guidance to the Planning Commission and the City Council in their review of the project.

In reviewing the final site plan, the following conditions shall be followed:

- a. A final overall site plan for the entire area being requested under this Planned Unit Development shall be submitted. This plan shall be worked out in detail showing specific uses, building location or locations, off-street parking, street alignment changes, open spaces and other physical plan details being proposed. Supporting documentation in the form of building floor plans, building elevation drawings, type of building material and schedule of construction shall be submitted.
- b. The final plan shall reflect and adhere to those use patterns as approved in the preliminary plan. Standards for building, density, height, bulk, setbacks from public streets and off-street parking shall be equal to at least the minimum standards set forth for like uses in the schedule of regulations and off-street parking requirements of this ordinance, provided however, the Planning Commission and City Council may modify these standards where the objectives of the Master Plan can be proved to be better served by such modifications. Density standards for multiple family dwellings shall generally follow the requirements of the RM district for one (1), two (2), and two and a half (2 ½) story buildings and the RMA district requirements for buildings above 2 ½ (2.5) stories subject to modification where it can be shown that such modification will provide a more desirable planned development. In those instances where mixed uses utilize a Planned Unit Development, the Planning Commission may vary setback and height requirements to accomplish a desirable planned development.
- c. For a proposed industrial development, the application and site plan shall include, at a minimum, the exact type of use or manufacturing activity which will occur on the property; a description of any manufacturing or industrial facilities which will be constructed on the property; the compatibility with surrounding properties of the proposed use and facilities to be constructed; the environmental impact of the proposed use; the economic impact of the proposed use; and, the long term economic viability of the proposed use.
- d. A presentation of the final site plan shall be made to the City Council. Prior to action by the City Council, the final site plan shall be forwarded to the Planning Commission for review and recommendation.

5. Stage II Final Site Plan Approval of Site Plan:

In approving the final plan, the following conditions shall be set forth:

- a. Approval of the final site plan (Stage II) may be granted by the City Council after review and recommendation is made by the Planning Commission. A Public hearing shall not be required on the Stage II site plan, however, a resolution of the City Council is required determining that such Stage II site plan is in compliance with the planned development representations made at the time of approval of the Stage I site plan, and also meets the requirements set forth in Section 5 which follows. Final approvals may be granted in stages provided such stages are in keeping with previously approved preliminary site plans.
- b. All dedications of public rights-of-way or planned public open spaces shall be made prior to any construction taking place on the site.
- c. Upon issuance of a certificate of site plan approval the site plan, building elevations and other development proposals including the proposed uses, shall become an integral part of the PUD and for purposes of recordation, shall be referred to as "Planned Unit Development No. ___" which number shall be recorded on the appropriate properties of the city zoning map. All approved plans shall be filed with the City Clerk.
- d. Approval of the final site plan shall be effective for a period of three (3) years; providing that development is commenced within one (1) year, as evidenced, at a minimum, by issuance of a building permit. If development is not commenced within one (1) year or not completed within three (3) years, the Planning Commission shall review progress to date and make a recommendation to the City Council as to action relative to permitting continuation under original approval.
- e. This Planned Unit Development Ordinance does not require amendment of a zoning ordinance to authorize a planned unit development. As a result, the City Council shall review and approve, approve with conditions or deny the proposed planned unit development.

76. Stage II Required Conditions:

The following are the required conditions of the Planned Unit Development:

- a. Provisions satisfactory to the City Council have been made to provide for the financing of any improvements shown on the plan for open spaces and common use areas which are to be provided by the applicant, and that maintenance of such improvements is assured by a means satisfactory to the City Council. Such assurance may include bonding or other suitable guarantee of performance.
- b. The cost of installing all streets, necessary utilities and site amenities has been assured by a means satisfactory to the City Council.
- c. The final plan of each project area of the approved plan is in conformity with the overall approved plan. Any changes or amendments requested shall suspend

approval of the overall plan until such changes or amendments have been reviewed and approved as in the instance of the first submittal, it being the intent of this section that no other administrative or board of appeals action shall constitute official approval of such changes or amendments to the overall plan. Denial by City Council of any requested changes or amendments shall not void the originally approved plan.

- d. A change of occupancy, a change in type of use, or the alteration of a building or the site in a previously approved Planned Unit Development shall require the review of the Building Official. The Building Official may request a review by the Planning Commission where a question arises relative to whether such change falls within the intent of the previously approved Planned Unit Development.
- e. Fees for review of plans and for services required to supplement City staff as may be required to provide background for decisions of the Planning Commission and the City Council shall be established by resolution of the City Council.

7. Other site plan review standards and procedures:

- a. Phased development. Should the applicant elect to develop the site in phases, each phase shall be clearly delineated on the final site plan by phase development lines. Each such phase shall be clearly identified as phase 1, 2, or A, B, etc.; the type and extent of development in each phase shall be clearly identified, including the amount of commercial and office floor area to be developed in each phase as well as the number of dwelling units, if any, in each phase. Each development phase shall be able to stand on its own in terms of meeting the dwelling density and numerical off-street parking requirements of the district. Upon completing its review the city council may at its option, elect to grant final site plan approval only to the development phase to be first developed. In such case, each subsequent development phase shall require final site plan approval by the city council.
- b. Site plan revisions. Except as otherwise set forth in this subsection, revisions to a previously approved final site plan shall require review and approval by city staff and the planning commission with a recommendation from the planning commission to the city council for final site plan approval. Except, upon review of a revision to a previously approved preliminary or final site plan that the city staff responsible for reviewing site plans determines to be of:
 - (1) Such minor consequence that it does not alter the location of any buildings; or
 - (2) Involves the relocation of not more than one or two parking spaces; or
 - (3) Diminish the number of planting materials approved for the site; or
 - (4) Does not create or establish new items or adds new elements to the layout that were not part of the previously approved site plan; then the city staff responsible for reviewing site plans may approve the change and

inform the planning commission and the city council of the change. If the city staff responsible for reviewing site plans is uncertain if a revised site plan contains a significant enough change to warrant sending the revised plan or plans to the planning commission for review, the staff shall forward the revised site plan or plans to the planning commission for review and action.

Section 1690: Building Façade Design

The purpose of this section is to provide a minimum set of exterior building wall material standards, the intent of which is to enhance the visual environment of the city. Furthermore, the review of building façade design and the consistent administration of standards can help to maintain and improve the city’s sense of place by encouraging consistent quality and character when structures are built or redeveloped. These standards are the minimum requirements that are expected. When a particular building design and the materials or combination of materials proposed to be used in exterior walls are found by the planning commission to be lacking in meeting the intent of this ordinance, the planning commission may impose alternative building material requirements.

- a. This section shall apply to all exterior building wall façades (except single-family residential structures) when any of the following criteria is met:
 - (1) new construction;
 - (2) redevelopment that entails more than twenty-five percent of the façade;
 - (3) façade changes that are in excess of \$10,000.

The exterior wall façade materials shall be in compliance with the maximum percentages permitted in the schedule regulating use of exterior building wall façade materials.

- b. The use of exterior wall façade materials shall be in compliance with the maximum percentages permitted in the schedule regulating use of exterior building wall façade materials.
- c. The application of these standards should promote integration and mixture of materials where more than one material is used in a building. If only one material is used, architectural detailing and articulation, massing, texture and form must be introduced into the building’s façade design. Building roof materials should be in harmony with the style and material used on the building walls.
- d. When a particular building design and the materials or combination of materials proposed to be used in exterior walls are found by the planning commission to be in keeping with the intent and purpose of this section, but which may differ from the strict application of the schedule regulating material use of this section (e.g., use of new materials not covered in the façade materials schedule, use of recycled or reused materials), the planning commission may waive the requirements of this section pertaining to materials. When a waiver is requested under this subsection, the proposed building design and materials schedule shall be accompanied by a written design statement which shall describe how the

selected façade materials and material combinations will be consistent with and enhance the building design.

- e. Where a new façade material is proposed for an existing building façade, only that portion of the building being altered shall be subject to the standards of this section. However, in considering the proposed alteration, the planning commission shall view it in context of the architecture of the entire building.
- f. Where an addition is proposed to an existing building, the planning commission may allow the use of existing façade materials for the addition provided that the design of the alteration is consistent with the existing façade design.
- g. This section is not intended to regulate the quality, workmanship and requirements for materials relative to strength, durability and endurance, maintenance, performance, load capacity or fire resistance characteristics. In addition, all applicable building codes shall apply.

Maximum Percent of Wall¹ to be Covered by Certain Building Materials by Zoning District

Building Material	RM, RMA				RO			C1, C2, C3				IRO ²				M 1 and M2		
	100	75	50	25	100	75	25	100	75	50	25	100	75	50	25	100	75	25
Up To																		
Masonry/stone																		
Face brick or ceramic	*				*			*				*				*		
Split face or ribbed block			*			*			*				*				*	
Stone	*				*			*				*				*		
Precast concrete				*		*				*				*			*	
Concrete formed in place				*		*				*				*			*	
Metal ³				*		*				*				*			*	
Glass																		
Tinted or reflective			*			*			*				*				*	
Glass block			*			*			*				*				*	
Wood (fire-resistant only)	*																	
Wood siding (beveled, lap, TEG, batton)	*					*			*				*				*	
Finishes ⁴			*			*			*				*				*	
																		None

¹Vision glass and door not included.

²All walls exposed to public view from adjacent residential, office or business districts or from a public street shall be constructed of not less than 75 percent masonry or stone not to include unfinished concrete block or unfinished concrete; metals utilized shall be ribbed panels or other decorative metal finished in suitable colors.

³Flat sheets and seamed or ribbed panels. Includes aluminum, porcelain, stainless steel, etc.

⁴Includes drivit, cement, plaster, stucco or similar materials. Such materials shall not be used where contact with vehicles may occur, such as parking areas, traffic ways, loading areas adjacent to building walls, unless such walls are adequately protected to prevent wall damage. In all instances, this material shall only be applied four feet or above finished grade.