

CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. 3378

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING CHAPTER 12.02A, STREET DEPARTMENT CODE, OF THE MARYSVILLE MUNICIPAL CODE TO EXEMPT ACCESSORY DWELLING UNITS FROM FRONTAGE IMPROVEMENTS.

WHEREAS, MMC 12.02A.090, Frontage Improvements Required, currently requires frontage improvements for most residential dwelling units; and

WHEREAS, Washington State House Bill 1337 indicates that Cities and Counties cannot require public street improvements as a condition of permitting accessory dwelling units; and

WHEREAS, to comply with State law, the City must amend MMC 12.02A.090 to exempt accessory dwelling units from the requirement to construct frontage improvements; and

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

SECTION 1. Marysville Municipal Code Section 12.02A.090 is amended as set forth in Exhibit A.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Corrections. Upon approval by the city attorney, the city clerk or the code reviser are authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

SECTION 4. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this 14th day of April, 2026.

CITY OF MARYSVILLE

By:


JON NEHRING, MAYOR

Attest:

By: Chari Taber
CHARI TABER, DEPUTY CITY CLERK

Approved as to form:

By: Jon Walker, Esq.
JON WALKER, CITY ATTORNEY

Date of Publication: April 16, 2020

Effective Date: April 21, 2020
(5 days after publication)

12.02A.090 Frontage improvements required.

(1) The term "frontage improvements" as used in this section shall refer to the construction, reconstruction or repair of the following facilities along the full abutting public street frontage of property being developed:

- (a) Curbs, gutters and sidewalks;
- (b) Storm drainage facilities including LID facilities and/or underground facilities;
- (c) Patching the street from its preexisting edge to the new curb line;
- (d) Overlayment of the existing public street to its centerline;
- (e) Construction of new streets within dedicated, unopened right-of-way.

All such frontage improvements shall be constructed to city specifications.

(2) Property owners shall be required to construct frontage improvements along the full abutting public street frontage of property which is developed as provided in subsection (3) of this section; provided, that overlayment of an existing public street to its centerline shall not be required for single-family or middle housing development generating two p.m. peak hour trips or less for the project.

(3) Frontage improvements shall be constructed as follows:

- (a) Formal plats: frontage improvements shall be completed prior to recording the final plat, or may be bonded pursuant to the provisions of Chapter [22G.090](#) MMC;
- (b) Short plats: frontage improvements shall be completed prior to recording the final short plat, or may be bonded pursuant to the provisions of Chapter [22G.090](#) MMC;
- (c) Unit lot subdivisions: frontage improvements shall be completed prior to recording the final unit lot subdivision, or may be bonded pursuant to the provisions of Chapter [22G.090](#) MMC;
- (d) Construction of a townhouse, multifamily dwelling unit, business, commercial or industrial building: frontage improvements shall be completed prior to occupancy of the building;
- (e) Construction of a single-family residence, middle housing unit as defined in MMC [22A.020.140](#), or other residential unit that results in one or more p.m. peak

hour trip(s), or alterations to a single-family residence, middle housing unit, or residential property to include additional unit(s) that result in one or more p.m. peak hour trips: frontage improvements shall be completed prior to occupancy of the structure, provided the following exceptions apply:

(i) An existing lot in an existing residential subdivision, short plat, or binding site plan where the lots are fully developed and frontage improvements were constructed to the standard in effect at the time of final plat recording;

(ii) An existing lot (greater than one acre) where there are no frontage improvements meeting city standards constructed within 200 feet of the lot or identified through approved plats, and development potential exists for future development. At the discretion of the public works director or designee, frontage improvements may be reduced or deferred until the entire parcel is developed;

~~or~~

(iii) Replacement of an existing single-family residence or middle housing unit, where there are no frontage improvements constructed within 200 feet of the lot. Frontage improvements may be waived, providing construction of the new dwelling unit is completed within 12 months of the demolition of the existing unit; or

(iv) The construction of accessory dwelling units.

(iv) The granting of an exception to construct frontage improvements as outlined in subsections (3)(e)(i) through (3)(e)(~~iii~~)-(iv) does not waive the property owner's requirement to dedicate right-of-way as established in MMC [12.02A.110](#);

(f) Construction of any additions, alterations or repairs to a business, commercial or industrial building that result in an increase in pedestrian or vehicular traffic within any 12-month period: frontage improvements shall be completed prior to occupancy;

(g) Development of a project requiring a binding site plan: frontage improvements shall be completed prior to occupancy;

(h) Development of a new mobile/manufactured home park, or an enlargement or an increase in density to an existing mobile/manufactured home park: frontage improvements shall be completed prior to occupancy;

(i) Any change in the occupancy classification of an existing building or structure on the property that results in an increase in pedestrian and/or vehicular traffic within any 12-month period: frontage improvements shall be completed prior to occupancy.

(4) The public works director or designee shall have authority to grant administrative variances from any of the requirements of this section pursuant to MMC [12.02A.120](#). Such variances shall be conditioned upon the property owner signing a contract providing for the construction of the frontage improvements at a future time. Said contract shall include, but not be limited to, the making of a cash deposit with the city in an amount equal to the estimate of the city engineer of the cost of said improvements, including design cost, plus an administrative overhead fee of 15 percent. No other form of payment or security shall be authorized. In the event the frontage improvements are not constructed by the property owner within five years of the grant of a variance, the cash deposit shall be forfeited to the city. If said frontage improvements are constructed by the property owner at the request of the city within five years of the grant of a variance, said cash deposit shall be refunded to the property owner less the 15 percent overhead fee. Said contract shall be subject to the approval of the city attorney and shall contain such other provisions as are necessary to effectuate the future construction of such frontage improvements. The refusal of a property owner to enter into such agreement or to post a cash amount as specified herein shall be a basis to deny a variance request and shall require the construction of such frontage improvements in accordance with subsections (1) through (4) of this section.

The council authorizes the mayor to review, execute and sign contracts for deferred construction of curbs, gutters and sidewalks pursuant to this chapter.

Any party aggrieved by a decision of the public works director or designee may appeal the decision pursuant to MMC [12.02A.120](#)(4).