

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. 2447

AN ORDINANCE AMENDING TITLE 19 OF THE MOUNTLAKE TERRACE MUNICIPAL CODE (MTMC) AND ORDINANCE NUMBER 2074; REPEALING AND REPLACING SECTION 19.15.050 OF CHAPTER 19.15 MTMC AND ORDINANCE NUMBER 2074 SECTION 3.2 WITH A NEW SECTION 19.15.050 OF CHAPTER 19.15 MTMC PROVIDING FOR DEFINITION OF TERMS STARTING WITH “D”; REPEALING AND REPLACING CHAPTER 19.30 MTMC AND ORDINANCE NUMBER 2074 SECTION 4.7 WITH A NEW CHAPTER 19.30 TO REGULATE DEVELOPMENT IN SINGLE-HOUSEHOLD RESIDENTIAL DISTRICTS; REPEALING AND REPLACING CHAPTER 19.35 AND ORDINANCE NUMBER 2074 SECTION 4.8 WITH A NEW CHAPTER 19.35 TO REGULATE DEVELOPMENT IN MULTIPLE HOUSEHOLD RESIDENTIAL DISTRICTS; ADDING A NEW CHAPTER 19.23 “DEVELOPMENT STANDARDS – USES;” ADDING A NEW CHAPTER 19.25 “DEVELOPMENT STANDARDS – DIMENSIONS;” REPEALING SECTION 19.120.140 OF CHAPTER 19.120 MTMC AND SECTION 9.2(C) OF ORDINANCE NO. 2074 PROVIDING FOR ACCESSORY HOUSING UNITS; AND ADDING A NEW CHAPTER 19.28 “DEVELOPMENT STANDARDS – DESIGN” TO PROVIDE FOR ACCESSORY DWELLINGS AND TO ESTABLISH DESIGN STANDARDS FOR MULTIPLE-FAMILY DEVELOPMENT

WHEREAS, the City of Mountlake Terrace (“the City”) has RS 8400 and RS 7200 zoning designations for single-household neighborhoods and their complementary uses and has RMM and RML zoning designations for multiple-household neighborhoods and their complementary uses; and

WHEREAS, the City desires to preserve its single-household neighborhoods; and

WHEREAS, the City desires to encourage a high quality of design for its multiple-household neighborhoods; and

WHEREAS, the City desires to provide for a variety of housing opportunities; and

WHEREAS, the demographics of cities across the nation have changed over time and the population includes an increasing portion of single-person households, seniors, and small families; and

WHEREAS, some individuals and small families are interested in accessory dwellings in a residential neighborhood as an alternative to multiple-household living; and

WHEREAS, the City currently has no design standards for multiple-household residential development and such design standards are likely to improve the quality of future multiple-household development; and

WHEREAS, all aspects of residential codes, including land use and dimensional requirements, should be periodically reviewed and, if necessary, revised to meet current and emerging needs and to ensure consistency with the City's Comprehensive Plan and with the Growth Management Act and other laws; and

WHEREAS, the City began a process of considering updates to its residential zoning code in 2003 and such consideration included options for cottage housing, accessory dwellings, multi-family design standards, and minor changes to other standards for residential development in residential zones; and

WHEREAS, the City's Zoning Code for residential development has not been significantly revised since prior to March 1985 and the Code does not currently contain design standards for multiple-household development and provides very limited opportunity for accessory dwellings; and

WHEREAS, an open house event was advertised and held in 2005 to showcase ideas for accessory dwellings, cottage housing, and multi-family design standards and the ideas received generally favorable responses; and

WHEREAS, both the Planning Commission and the City Council have had various public meetings to consider residential code updates; and

WHEREAS, development standards are part of the Zoning Code and any amendments to the Zoning Code must first be found to meet certain criteria pursuant to MTMC 19.110.240(C); and

WHEREAS, after proper notice, the Planning Commission held a public hearing on September 25, 2006, adopted findings of fact and conclusions of law, and recommended an Ordinance to incorporate development standards for accessory dwellings, cottage housing, multi-family development and to update other parts of the Zoning Code (Title 19) that address single- and multiple-household development; and

WHEREAS, the City Council requested that the City Manager prepare an ordinance that excluded the provisions for cottage housing as recommended by the Planning Commission and add a provision for corner lots, staff prepared such an ordinance; and

WHEREAS, after proper public notice, a public hearing was held by the City Council to consider an Ordinance Amending Title 19 to Provide for Regulating Residential Development; and

WHEREAS, the City Council has found that said Ordinance: (a) provides for additional housing opportunities; (b) protects or enhances the character of existing neighborhoods; and (c) meets the criteria in MTMC 19.110.240 for Zoning Code text amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Mountlake Terrace Municipal Code, Section 19.15.050 of Chapter 19.15 and Ordinance No. 2074, Section 3.2 are hereby repealed and replaced with a new MTMC 19.15.050, "D," which shall read as follows:

19.15.050 "D".

"Date of decision" means the date on which final action occurs and from which the appeal period is calculated. Specific ordinances may define effective dates of orders. If the effective date of a decision is in question, the pertinent ordinance shall prevail.

"Day care" means the provision of supplemental parental care and supervision for a nonrelated child, on a regular basis for less than 24 hours a day, under license by the Washington State Department of Social and Health Services (DSHS). For the purposes of this title, the term is not intended to include baby-sitting services of a casual, nonrecurring nature or in the child's own home. Likewise, the term does not include cooperative, reciprocal child care by a group of parents in their respective homes.

"Day care, adult" means the provision of care for the elderly for a time period of less than 24 hours a day and that typically includes meals and social activities and may involve incidental medical assistance from qualified support staff.

"Day care center" means a facility other than a "day care home" as defined by this title, which provides day care for children.

"Day care home" means a facility that provides day care for up to 12 children, including the children of the provider, and is located in the residence of the provider.

"Dedication" means the donation of land to the City for any public purpose.

"Density" means a measure of the intensity of residential development that may be expressed in terms of dwelling units per acre or minimum land area per unit.

"Department" means the Community Development Department of the City of Mountlake Terrace or its assigns.

"Detached buildings". See "buildings, detached".

"Developer" means the legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other person having enforceable proprietary interests in such land.

"Development" means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use of land by one or more persons.

"Duplex" means a residential building containing exactly two separate single-household dwellings.

"Dwelling" means a structure or portion thereof that is used exclusively for

human habitation.

"Dwelling unit, multi-household" means a building designed to house two or more households living independently of each other and includes duplexes, triplexes, fourplexes, and apartment buildings.

"Dwelling unit, single-household" means one or more rooms designed for or occupied by one household for living or sleeping purposes and containing kitchen facilities for use solely by one household. Modular and manufactured homes, as defined by this title, are considered to be single-household dwelling units.

Section 2. A new chapter 19.28, Development Standards - Design is hereby added to Mountlake Terrace Municipal Code, Title 19, which shall read as follows:

Chapter 19.28
Development Standards - Design

Sections:

- 19.28.010 Purpose
- 19.28.020 Accessory dwellings
- 19.28.030 Reserved
- 19.28.040 Multifamily residential
- 19.28.045 Single-household development in multi-family zoning districts
- 19.28.050 Town Center

19.28.010 Purpose

The purpose of this chapter is to provide design standards for specific uses to help ensure quality development that meets community goals and is sensitive to location and context.

19.28.020 Accessory dwellings

A. The intent of this section is to:

1. Broaden housing choices within the City;
2. Provide homeowners with a means of accommodating extended families or obtaining rental income, companionship, security, and services through tenants in either the accessory dwelling unit or principal (i.e. primary) unit of the single-family dwelling; and
3. Retain the neighborhood character of surrounding single-family homes.

B. One accessory dwelling unit is permitted as subordinate to a single-family dwelling, provided the following requirements are met.

1. Owner occupancy. An owner of the property or an immediate family member of the property owner must reside in either the principal dwelling unit or the accessory dwelling unit for a minimum of three consecutive months within any given calendar year. In no case shall the principal dwelling unit and the

accessory dwelling unit be simultaneously leased by the owner(s) for any rental term or any portion of a rental term.

2. Number of occupants. The total number of occupants in both the principal dwelling unit and the accessory dwelling unit combined shall not exceed the maximum number established for a household as "household" is defined in Chapter 19.15 MTMC.
3. Subdivision. Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
4. Size and scale. The square footage of the accessory dwelling unit shall be a minimum of 200 square feet and a maximum of 800 square feet, excluding any garage areas, provided the square footage of the accessory dwelling unit shall not exceed 40 percent (40%) of the total square footage of the primary dwelling unit, excluding the garage area, as it exists or as it may be modified.
5. Location. The accessory dwelling unit may be added to or included within the principal unit, or located in a detached structure.
6. Entrances. The single-family dwelling containing the accessory dwelling unit shall have only one entrance on each street side of the residence.
7. Additions. Any addition to an existing structure or any newly constructed detached structure, if created for the purpose of developing an accessory dwelling unit, shall be designed and built to be consistent with the existing roof pitch, siding, and windows of the principal dwelling unit.
8. Parking. All single-family dwellings with an accessory dwelling unit shall meet the parking requirements applicable to the dwelling if it did not have such an accessory dwelling unit, except that if legal on-street parking is not available immediately abutting the site, one additional parking space shall be required on-site.

C. The accessory dwelling unit shall comply with all standards for health and safety as provided in Chapter 15.05 MTMC, as now or hereafter amended, and any other applicable chapters of this code, except as specifically granted otherwise by this chapter. The accessory dwelling unit shall comply with all development standards for single-family dwellings, including height and setbacks, except that an accessory dwelling unit that is detached from the principal dwelling shall meet the height and setback requirements for accessory buildings, pursuant to Chapter 19.120 MTMC, as now or hereafter amended.

D. An accessory dwelling unit shall not be permitted unless the property owner has applied for and been issued an accessory dwelling unit permit by the City. The application shall include an affidavit signed by the property owner affirming that the owner or an immediate family member will occupy either the principal dwelling unit or the accessory dwelling unit for a minimum of three consecutive months per calendar year and only one unit, if any, shall be leased at any given time.

E. After receiving a completed application and prior to approval of an accessory dwelling unit, the City shall inspect the property to confirm that all applicable requirements are

met. The City shall also provide notice, pursuant to Section 19.110.180, as now or hereafter amended, of the intent to issue a permit for an accessory dwelling unit.

F. Approval of the accessory dwelling unit shall be subject to the applicant recording, with the Snohomish County Assessor's Office, a document that runs with the land, identifies the address of the property, states that the owner resides in either the principal dwelling unit or the accessory dwelling unit, includes a statement that the owner will notify any prospective purchasers of the limitations of this section, and provides for the revocation of the issued permit for the accessory dwelling unit if any of the requirements of this chapter are violated.

G. Upon compliance with the provisions of this section, a permit for an accessory dwelling unit will be issued.

H. The City retains the right with reasonable notice to inspect the accessory dwelling unit for compliance with the provisions of this code.

I. Elimination of an accessory dwelling unit may be accomplished by the property owner recording, with both the Snohomish County Assessor's Office and the City, a certificate stating that the accessory dwelling unit no longer exists on the property.

19.28.030 Reserved

19.28.040 Multi-Family residential

A. To assume an attractive, safe environment that has adequate open space, is pedestrian and transit-oriented, and is compatible with the neighborhood character. All multiple-household development that occurs within the RML and RMM zoning districts after the effective date of this ordinance shall comply with the Design Standards for Multi-family Development, which are attached hereto and adopted by reference as though fully set forth herein and which shall be available from the department. If said design standards conflict with another provision of this title, the design standards shall prevail.

B. Legally existing multiple-household buildings are not required to meet the Design Standards for Multi-family Development, except when the building is being enlarged in footprint, height, number of dwelling units, or any other manner or when the building is being reconstructed pursuant to MTMC 19.120.250.J.1, as now or hereafter amended.

19.28.045 Single-household development in multi-family zoning districts

Design criteria, pursuant to MTMC 19.35.040, shall apply to all single-household residential development within RML and RMM zoning districts.

19.28.050 Town Center

Reserved.

Section 3. A new chapter 19.23, Development Standards-Uses is hereby added to Mountlake Terrace Municipal Code, Title 19, which shall read as follows:

Chapter 19.23
Development Standards-Uses

Sections:

- 19.23.010 Establishment of uses
- 19.23.020 Interpretation of land use tables
- 19.23.030 Residential land uses
- 19.23.040 General services
- 19.23.050 Recreation and transportation land uses
- 19.23.060 Commercial services land uses
- 19.23.070 Commercial retail land uses
- 19.23.080 Eating/drinking establishment land uses
- 19.23.090 Industrial and manufacturing land uses
- 19.23.100 Other land uses

19.23.010 Establishment of uses

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. The use is considered established when that use will or has been in continuous operation for a period exceeding 60 days. A use that will operate for less than 60 days is considered a temporary use, and subject to the requirements of Title 19 MTMC. All applicable requirements of Mountlake Terrace Municipal Code, or other applicable state or federal requirements, shall govern a use located in the City of Mountlake Terrace.

19.23.020 Interpretation of land use tables

- A. The land use tables in this chapter determine whether a specific use is allowed in a zoning district. In the land use tables, the zoning district is represented in the vertical column and the specific use is represented in the horizontal row.
- B. If no symbol appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.
- C. If the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district subject to the review procedures specified in MTMC Title 18, Land Use Planning and Development, and the general requirements of the code.
- D. If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in MTMC Title 18, Land Use Planning and Development, and the general requirements of the code.

E. If the letter “A” appears in the box at the intersection of the column and the row, the use is allowed if the use is incidental and subordinate to the principal use of the lot, subject to the general requirements of the code.

F. If the letters “HO” appear in the box at the intersection of the column and the row, the use is allowed subject to provisions for home occupations, pursuant to MTMC 19.110.070.

G. If the letters “SF” appear in the box at the intersection of the column and the row, the use is allowed, subject to requirements for secure community transition facilities, pursuant to Title 18.

H. If a number appears in the box at the intersection of the column and the row, the use may be allowed subject to the appropriate review process indicated above, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the land use table.

I. If more than one letter-number combination appears in the box at the intersection of the column and the row, the use is allowed in that zone subject to different sets of limitations or conditions depending on the review process indicated by the letter, the general requirements of the code and the specific conditions indicated in the development condition with the corresponding number immediately following the table.

J. Additional requirements pursuant to this code, including but not exclusive to specific zoning districts, shall apply. Such requirements shall govern a use, whether or not such requirements are cross-referenced in this section.

K. The uses shown in this table shall not be allowed to develop or expand in an affected zoning district while a moratorium adopted by the City Council is in effect for those uses.

19.23.030 Residential land uses*

Key		
P-Permitted Use	RS 8400	RML/ RMM
A-Accessory Use	RS	
C-Conditional Use	7200	
HO-Home Occupation Use		
Specific Land Use		
<i>Residential</i>		
Accessory dwellings	A	A-1
Accessory structures, non-residential	A	A
Animals, household	A	A
Animals, large domestic	C-2	C-2
Animals, small domestic	A	A
Adult care household	P	P
Bed and breakfast inns/boarding and rooming houses		P
Day care homes	HO	HO
Greenhouses, noncommercial	A	A
Group homes	C	C
Group home institutions	C	C
Halfway houses		C
Hobby kennels	C	C
Home occupations	HO	HO
Juvenile foster homes	P	P
Multi-household dwellings	P-3	P
Nursing homes		P
Retirement centers, congregate care facilities		P
Residential care facilities	C	P
Single-household residential	P	P
Storage buildings	A	A
Swimming pools/hot tubs	A	A
Townhomes		P
Youth Shelters - 4	C	C

* Any specific requirements pursuant to other regulations for such uses shall apply.

1- Only when associated with single-household dwellings.

2- Only horses and ponies are allowed as large animals.

3- Duplexes are allowed in the RS 8400 zone when 1.5 times the minimum lot size is provided.

4- Class II youth shelters shall be separated from senior housing by 500 feet. Both Class I and II youth shelters require a conditional use permit.

19.23.040 General services*

Key		
P-Permitted C-Conditional A-Accessory Use SF-Secure Facilities Use	RS 8400 RS 7200	RML/RMM
Specific Land Use		
<i>School/Day Care</i>		
Adult or child day care (with religious facility, school, recreation facility or library)	A	A
Day care centers	C	C, A
Higher education facilities	C	P-1
Pre-school through 12th grade	C-2	P-2
<i>Essential Public Facilities and Public Service Facilities</i>		
Disaster emergency facilities	P,C-4	P,C-4
Fire/aid car stations	C	C
Libraries	P	P
Municipal office buildings	C	C
Police stations	C	C
Public utility facilities	P, C-1	P, C-1
Public works facilities		
Recycling collection stations	C	C
<i>Membership Organizations</i>		
Private clubs and lodges	C-3	C-3
Religious facilities	C-3	C-3
Religious facility support services	A	A
<i>Medical/Health Care</i>		
Health care offices/clinics		C
Hospitals/emergency clinics		C
Veterinarian clinics/hospitals		C

* Any specific requirements pursuant to other regulations for such uses shall apply.

- 1- If development contains more than 25,000 square feet of gross area, a conditional use permit is required.
- 2- Side and rear yards shall each be a minimum of 30 feet.
- 3- All structures shall be set back 20 feet from property lines. On interior and through lots, the required side yards may be used to provide off-street parking areas and on corner lots the rear yard may be used. The required front yard may not be used for off-street parking. All lights provided to illuminate parking areas or buildings shall be so arranged as to direct the light away from any adjoining properties.
- 4-Temporary facilities are a permitted use; permanent facilities are a conditional use.

19.23.050 Recreation and transportation land uses*

Key		
P-Permitted Use	RS 8400	RML/ RMM
A-Accessory Use	RS	
C-Conditional Use	7200	
Bus/transit stops and shelters	P	P
Golf Course	C-1	C-1
Gym, dance/fitness studio		A
Health/exercise clubs		
Rapid transit stations		C
Parks, public	P	P
Performing arts centers		P
Recreation facilities	P-2	P-2

* Any specific requirements pursuant to other regulations for such uses shall apply.

¹ Access to at least a minor arterial street is required. Commercial use or development accessory to the golf course is limited to a pro shop for the sale and rental of golf equipment, a driving range, eating/drinking establishment, meeting/assembly rooms and administrative office.

² If publicly owned.

19.23.060 Commercial service land uses*

Key	
P-Permitted Use	RML/RM
A-Accessory Use	M
C-Conditional Use	
Neighborhood commercial services excluding motor vehicle services	P,C-1

*Any specific requirements pursuant to other regulations for such uses shall apply.

¹ Per 19.35.100.

19.23.070 Commercial retail land uses

Reserved.

19.23.080 Eating/drinking establishment land uses

Reserved.

19.23.090 Industrial and manufacturing land uses

Reserved.

19.23.100 Other land uses
Reserved.

Section 4. A new chapter 19.25, Dimensional Requirements is hereby added to Mountlake Terrace Municipal Code, Title 19, which shall read as follows:

Chapter 19.25
Dimensional Requirements

Sections:

- 19.25.010 Purpose
- 19.25.020 Interpretation of tables
- 19.25.030 Residential zones
- 19.25.040 Commercial/industrial/special zones

19.25.010 Purpose

The purpose of this chapter is to establish requirements for development relative to residential density and basic dimensional standards, as well as specific rules for general application. The standards and rules are established to provide predictability for project design, solar access, and a level of privacy or open space between adjacent uses.

19.25.020 Interpretation of tables

- A. MTMC 19.25.030 and 19.25.040 contain general density and dimension standards for the various zones and limitations specific to a particular zone(s).
- B. The density and dimension tables are arranged in a matrix format on two separate tables and are delineated into two general land use categories:
 - 1. Residential; and
 - 2. Commercial/industrial/special districts
- C. Dimensional requirements are listed down the left side of both tables, and the zoning districts are listed at the top. The matrix cells contain the dimensional requirements of the zoning district. The footnotes in the matrix identify specific requirements applicable to either a specific use or zoning district. A blank box indicates that there are no specific requirements. If more than one standard appears in a cell, each standard will be subject to any applicable parenthetical footnote following the standard.
- D. For the purpose of establishing dimensional requirements in RS 7200 and RS 8400 zones, "yards" are defined in MTMC 19.30.030.

19.25.030 Residential zones

DIMENSIONAL REQUIREMENT	RESIDENTIAL ZONING DISTRICTS				
	RS 8400	RS 7200	RML	RMM	Single family in RML or RMM
Maximum Building Height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Front Yard Setback (minimum)	20 ft.	15 ft.	15 ft.	15 ft.	Dwelling—15 ft. Garage—5 ft. behind front of dwelling
Rear Yard Setback (minimum)	20 ft.	15 ft.	15/20 ft. ¹	15/25 ft. ¹	15 ft.
Side Yard Setback (minimum)	5/10 ft. ²	5/10 ft. ²	10 ft.	15 ft.	5 ft. min
Lot Width at Building Setback Line (minimum)	55 ft.	45 ft.	60 ft.	60 ft.	30 ft.
Lot Width at Street (minimum)	40 ft. ³	30 ft. ³	40 ft.	60 ft.	30 ft.
Lot Coverage by Structures (maximum)	40% of lot area	40% of lot area	45% of lot area	50%/65% ⁴ of lot area	50% of lot area
Mean Lot Depth (minimum)	80 ft.	70 ft.	N/A	N/A	70 ft.
Lot Area (minimum)	8,400 sq. ft.	7,200 sq. ft.	5,400 sq. ft.	5,400 sq. ft.	2,700 sq. ft.

¹-The smaller number may be used only if the rear yard lot line is not adjacent to a single-household zoning district.

² For a corner lot as defined in MTMC 19.30.030, the larger number shall be used for any side yard that is adjacent to a street but is not the front yard as defined in MTMC 19.30.030.

³ Exception: Flag/panhandle lots shall be minimum of 12 feet at street.

⁴ The greater number may be used only if at least 90% of the required parking is under the residential building(s).

19.25.040 Commercial/industrial/special zones

Reserved.

Section 5 Mountlake Terrace Municipal Code, Chapter 19.30 and Ordinance Number 2074 Section 4.7 are hereby repealed and replaced with a new Chapter 19.30, RS 8400 AND RS 7200-Single-Household Residential Districts to read as follows:

Chapter 19.30
RS 8400 AND RS 7200 – Single-household residential districts

Sections:

- 19.30.010 Purpose and intent
- 19.30.020 Uses
- 19.30.030 Dimensional requirements
- 19.30.040 Special regulations
- 19.30.050 Off-Street parking

19.30.010 Purpose and intent

The purpose of single household residential districts (RS Districts) is to provide land for single-household residences and other complementary uses, while encouraging a clean and healthy environment, safety, walkability, neighborliness, affordability for a range of income levels, and adequate open space. RS 8400 is a zoning designation intended to require slightly larger residential lots than the RS 7200 zoning designation.

19.30.020 Uses

- A. Allowable uses within the RS districts are identified in Chapter 19.23 MTMC, as now or hereafter amended.
- B. Sexually oriented adult businesses/adult entertainment establishments shall not be permitted in any RS District.

19.30.030 Dimensional requirements

For the purpose of establishing dimensional requirements in the RS Districts, the definitions that are provided by this section and affect corner lots shall be used. Where the definitions in this section conflict with definitions in Chapter 19.15 MTMC, the definitions in this section that affect corner lots shall prevail over those in Chapter 19.15 MTMC. Dimensional requirements for buildings in the RS districts are identified in Chapter 19.25, MTMC, as now or hereafter amended.

- A. “Corner lot” means a lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.
- B. “Front yard” means the area between a parcel’s front property line and the required building setback line, except that corner lots shall be considered to have only one front yard, which shall be measured from the front property line as defined in this section.
- C. “Lot, corner” means “corner lot” as defined in this section.
- D. “Lot line” means a line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

- E. "Lot line, front" has the same meaning as in MTMC 19.15.130, except that a corner lot shall be considered to have only front lot line, which is the parcel's property line along the street on which the parcel takes or is expected to take its address.
- F. "Property line" means "lot line" as defined in this section.

19.30.040 Special regulations

- A. A manufactured home shall be permitted to locate on any single-household lot when the bulk, scale, size, roof pitch, landscaping and site placement for the new unit are similar to existing housing in the immediate neighborhood and all other applicable regulations are met.
- B. Accessory dwellings shall comply with MTMC Section 19.28.020 as now or hereafter amended.

19.30.050 Off-Street parking

Off-street parking is required pursuant to Chapter 19.125 MTMC, as now or hereafter amended.

Section 6. Mountlake Terrace Municipal Code, Chapter 19.35 and Ordinance No. 2074, Section 4.8 are hereby repealed and replaced with a new Chapter 19.35, RML- Multiple-Household Residential Low Density and RMM- Multiple-Household Residential medium Density Districts, which shall read as follows:

Chapter 19.35

RML – Multiple-Household Residential Low Density and RMM – Multiple-Household Residential Medium Density districts

Sections:

- 19.35.010 Purpose and intent
- 19.35.020 Permitted uses
- 19.35.030 Dimensional requirements
- 19.35.040 Design criteria for small lot single-household residential development
- 19.35.050 Special regulations for zero lot line development
- 19.35.060 Design criteria for multiple-household residential development
- 19.35.070 Recreation requirements
- 19.35.080 Outdoor common space
- 19.35.090 Off-street parking
- 19.35.095 Bicycle storage spaces
- 19.35.100 Neighborhood commercial services

19.35.010 Purpose and intent

The purpose and intent of RML and RMM districts is to provide land at efficient

densities for multi-household residences and other complementary uses, while encouraging a clean and healthy environment, safety, walkability, neighborliness, affordability for a range of income levels, and convenient access to public transit. Design criteria and recreation requirements are included for multiple-household development with the intent of providing adequate open space and ensuring compatibility with the surrounding neighborhood.

19.35.020 Permitted uses

- A. See Chapter 19.23 MTMC for the permitted uses within the RML and RMM districts.
- B. Sexually oriented adult businesses and adult entertainment establishments shall not be permitted in any RML or RMM district.
- C. Special use-wireless (SP-W): See Chapter 19.137 MTMC.

19.35.030 Dimensional requirements

See Chapter 19.25 MTMC for the dimensional requirements for the RML and RMM districts.

19.35.040 Design criteria for single-household residential development

- A. The purpose of establishing design criteria for single-household dwellings in multi-household zones is to provide for safety, security, pedestrian orientation, adequate open space, and diversity in design.
- B. For purposes of this section, the following definitions apply:
 - 1. "Dwellings that are immediately adjacent to each other" shall mean any combination of dwellings that are attached to each other or that are separated by less than fifteen feet on any side of the building.
 - 2. "Front of the dwelling" shall mean the side of the building that faces the public or private street from which visitor access to the dwelling is taken.
- C. The following design criteria shall apply to all single-household residential development in multi-family zoning districts.
 - 1. Within a development: (a) no more than four detached single-household dwellings that are immediately adjacent to each other shall have a substantially identical floor plan; and (b) no more than eight attached single-household dwellings that are immediately adjacent to each other shall have a substantially identical floor plan;
 - 2. Lanes or alleys may be used to access vehicle parking in the side or rear of the lot;
 - 3. Each single-household dwelling unit have a minimum of 500 square feet of shared or private open space that abuts the dwelling and is directly accessible by one or more doors from the dwelling. A maximum of 100 square feet of the area used

for driveways and vehicle parking spaces may be included in the minimum 500 square feet of open space;

4. Each development that includes four or more dwelling units shall provide a minimum of one guest parking space for every four dwelling units. Guest parking spaces shall be located on site and/or along improved street frontage of the subject property;
5. Sidewalks within the development shall be five feet in width, along at least one side of the vehicular access way, provide direct access to the majority of the units and meet City standards;
6. The front face of each garage shall be located a minimum of five feet behind the front of the dwelling.
7. Each dwelling shall include an entry door that faces and is visible from the adjacent public or private street from which visitor access to the dwelling is taken.
8. Each dwelling shall include one or more windows comprising a minimum 20 square feet of transparent glazing on the exterior side of the building that faces an adjacent public or private street.

D. One accessory dwelling associated with a single household dwelling may be located on any lot greater than 5000 square feet in area, so long as no more than a total of two dwellings are located on the same lot. Accessory dwellings are subject to MTMC 19.28.020.

19.35.050 Special regulations for zero lot line development

The following conditions apply to any zero lot line development in the RML and RMM districts.

A. **Openings Prohibited on Zero Lot Line Side.** The wall of the dwelling located on a zero lot line shall have no doors, air conditioning units, windows or any other type of opening with the exception of translucent windows;

B. **Platting Requirements.** Each dwelling shall be located on its own platted lot. If areas for common use of occupants of the development are shown on the plat, satisfactory arrangements shall be made for the maintenance of the common open space and facilities. The plat shall indicate the zero lot lines and easements appurtenant thereto;

C. **Maintenance and Drainage Easements.** A perpetual four-foot wall maintenance easement shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Roof overhangs may penetrate the easement on the adjacent lot a maximum of 24 inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is limited to the easement areas; and

D. Alleys. Alleys shall be permitted in zero lot line developments. Said alleys shall provide auto access to individual units and provide service access for trash collection and other services. For any private alleys or lanes, the applicant must provide maintenance and easement agreements that are acceptable to the City.

19.35.060 Design criteria for multiple-household residential development

Design criteria, as identified in Chapter 19.28 MTMC, as now or hereafter amended shall apply to multiple-household residential development located within RML and RMM districts.

19.35.070 Recreation requirements

The following recreation requirements shall apply to multiple-household residential development located within all RML and RMM district.

A. Objectives of recreation requirements are:

1. To ensure that the developer satisfies a portion of the demand for recreational facilities that are created by the increased population and population density associated with development of the project;
2. To develop recreational improvements that are responsive to the physical scale and clientele of such project; and
3. To develop recreational improvements that are responsive to the physical attributes and limitations of the property.

B. Minimum Recreational Requirements.

1. Physical construction of recreational facilities shall be provided on the site on which the development is occurring; except that, upon written request of the developer, the City may consider as a partial or full alternative to on-site provision of recreation facilities, acceptance of a cash amount equal to the amount that would otherwise be programmed for on-site amenities. Proposal for use of this alternative shall be at the sole option of the developer, and acceptance or rejection of the proposal shall be the sole option of the City. Any such funds accepted by the City shall be utilized toward the development or expansion of public recreational lands or facilities in conformance with the comprehensive plan for such services.
2. Minimum recreational improvements shall relate to the size and scale of the development, as demonstrated by the value of the building(s). Recreation improvements shall equal a minimum of 3 percent (3%) of the total value of the building(s) to be located on-site. Where a project is to be phased, all recreation improvements shall be placed in the first phase.
3. Recreation improvements on-site should be located so as to be available to all occupants of the project.
4. The value of the project shall be based on the current building data for the structures contained in Building Standards published by the International Conference of Building Officials for average construction or by an alternate

method approved by the department. The recreation assessment shall be determined at the time of building permit application.

5. The value of the recreational improvements shall be equal to the actual cost of the installed recreational improvements, excluding any portion of the improvement required by another provision of the municipal code. Receipts or other records that clearly document the value of the installed improvements shall be submitted to the department for a determination of adequacy.

19.35.080 Outdoor common space

For multi-household developments with greater than eight units, outdoor common space must be provided, consistent with the Design Standards for Multi-family Development referenced in Chapter 19.28 MTMC, as now or hereafter amended.

19.35.090 Off-Street parking

For single-household development, off-street parking is regulated under Chapter 19.125 MTMC, as now or hereafter amended. For multi-family development in the RML and RMM districts, the following table applies.

Off-Street Parking Spaces for Multi-family Dwellings in RML and RMM Zoning Districts *		
Design Criteria	Minimum Motor Vehicle Parking Spaces Required	Minimum Bicycle Storage Spaces Required
Yes, development is fully consistent with design criteria pursuant to MTMC 19.35.070	<p>By Type of Unit: Studio: 1.0 spaces 1 bedroom: 1.5 spaces 2 or more bedrooms: 2 spaces</p> <p>Guest spaces: 1 guest or loading space per 10 units (excluding any development of 10 or less units)</p>	<p>By Type of Unit: Studio: 0.5 space 1 bedroom: 1.0 space 2 or more bedrooms: 2.0 spaces</p>
No, development is not fully consistent with design criteria pursuant to MTMC 19.35.070	2 spaces per dwelling unit	

19.35.095 Bicycle storage spaces

Bicycle storage spaces are required pursuant to the table in MTMC 19.35.090. Bicycle storage spaces shall consist of storage racks, lockers, or other secure space as approved by the department to provide sheltered, safe, and convenient bicycle storage for building residents. Such space may be in a vehicle-parking garage or another appropriate location.

19.35.100 Neighborhood commercial services

Neighborhood commercial service uses in any single building shall not exceed a total of

5,000 square feet in area unless approved up to 10,000 square feet in area under a conditional use permit. A "single building" for this purpose shall include any buildings connected by a walkway or driveway outside of a public right-of-way or by a building element. All such uses shall be pedestrian-oriented in design. They shall not include motor vehicle services.

Section 7. Mountlake Terrace Municipal Code, Section 19.120.140 of Chapter 19.120 MTMC and Ordinance No. 2074, Section 9.2(C) regulating accessory housing units are hereby repealed.

Section 8. Conflicts. All ordinances or parts of ordinances of the City of Mountlake Terrace in conflict herewith be and the same are hereby repealed.


Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 10. Effective date. This Ordinance shall be in full force and effect five (5) days after the date of publication.

Section 11. Publication. This Ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED by the City Council of the City of Mountlake Terrace this 21st day of May 2007 and signed into authentication of its passage this 21st day of May 2007.

ATTEST:



CITY CLERK



MAYOR JERRY SMITH

APPROVED AS TO FORM: Gregory G. Schrag, City Attorney