

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. 2503

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, MAKING MINOR AMENDMENTS TO THE
DOWNTOWN (BC/D) DISTRICT ZONING REGULATIONS BY
REPEALING ORDINANCE NUMBER 2484; AND REPEALING AND
REPLACING CHAPTER 19.50 OF THE MOUNTLAKE TERRACE
MUNICIPAL CODE WITH A NEW CHAPTER 19.50 ENTITLED "BC
DOWNTOWN - DOWNTOWN BUSINESS COMMUNITY DISTRICT"**

WHEREAS, the Town Center area designated in the City's Comprehensive Plan is the same area zoned as the Downtown Community Business District (BC/D);

WHEREAS, the City's Town Center Plan calls for promoting revitalization of the Town Center through attractive redevelopment and high-quality infill;

WHEREAS, the City Council adopted a zoning map ordinance on December 1, 2008, to provide for a new designation, "District B Incentives Overlay," for the BC/D and such designation did not include related dimensional standards;

WHEREAS, to provide appropriate standards for the new District B Incentives Overlay area and to make certain other minor adjustments and clarifications, text amendments to the BC/D zoning regulations are proposed in ordinance format;

WHEREAS, notification was properly given for public hearings by the Planning Commission and the City Council to consider amending the BC/D regulations by Ordinance;

WHEREAS, MTMC 19.110.240 requires certain criteria to be considered in amending the zoning code;

WHEREAS, the Planning Commission held a public hearing on December 8, 2008, to consider the proposed BC/D Zoning Amendments Ordinance;

WHEREAS, the City Council held a public hearing on December 15, 2008, to consider the BC/D zoning code regulations recommended by the Planning Commission; and

WHEREAS, the Planning Commission and City Council found that the Ordinance met the criteria, per MTMC 19.110.240, to amend the zoning code and that the Ordinance implements and is consistent with the Growth Management Act;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE

TERRACE DOES ORDAIN ZONING CODE AMENDMENTS AS FOLLOWS:

Section 1. Ordinance No. 2484 is hereby repealed and Mountlake Terrace Municipal Code Chapter 19.50 is hereby repealed in its entirety and replaced with a new Chapter 19.50 entitled, "BC Downtown – Downtown Community Business District" to read as follows:

Chapter 19.50 BC DOWNTOWN – DOWNTOWN COMMUNITY BUSINESS DISTRICT

Sections:

- 19.50.010 Purpose.
- 19.50.015 Definitions.
- 19.50.020 Permitted uses.
- 19.50.030 Conditional uses.
- 19.50.040 Accessory uses.
- 19.50.050 Building type and dimensional requirements.
- 19.50.060 Landscaping and open space requirements.
- 19.50.070 Special regulations.
- 19.50.080 Special use.
- 19.50.090 Compliance with building type standards and building design standards.

19.50.010 Purpose.

The purpose of this chapter is to provide for a vibrant downtown (or "Town Center") area where businesses thrive and people of all ages enjoy gathering. A vibrant downtown is pedestrian-oriented, provides efficiently for multiple modes of transportation, and contains a mix of uses, including commercial and residential uses. This district is divided into subdistricts that regulate the kinds of building forms permitted, while keeping the use regulations generally constant. If provisions of this chapter conflict with other chapters of the zoning code, provisions of this chapter shall prevail.

19.50.015 Definitions.

The following definitions apply to this chapter:

- A. "Assisted living" means a supportive housing facility designed for those who need extra help in their day-to-day lives but do not require the skilled nursing care found in traditional nursing homes.
- B. "Cultural facilities" means uses that provide cultural enrichment services to the public, including but not limited to museums, performing arts centers, aquariums and libraries that are operated by public non-profit organizations.
- C. "Floor Area Ratio" means that number resulting when floor area is divided by lot area.
- D. "Live-work unit" (or "live and work") means a building with an office or studio for business use on the ground floor with a private home above.
- E. "Transition" means sequential change or modulation.

19.50.020 Permitted uses.

Permitted uses in the BC Downtown district are limited to the following and subject to

other regulations:

- A. Commercial Services
- B. Commercial Retail
- C. Medical/Health care, excluding hospitals and ambulance services
- D. Recreation/Entertainment/Cultural Facilities
- E. Eating/Drinking Establishments
- F. Transportation Facilities
- G. Residential, namely:
 - 1. Motels, hotels
 - 2. Detached single-household residential legally established prior to December 30, 2006
 - 3. Live-work units
 - 4. Attached single-household residential
 - 5. Multi-household residential
 - 6. Assisted living facilities, up to 125 units in any single facility
- H. Public Utility Facilities
- I. Public Service Facilities
- J. Manufacture, processing, or assembly of items that are sold from or displayed in a show/sales room directly fronting the street

19.50.030 Conditional uses.

Conditional uses shall be limited to the following and subject to other regulations:

- A. Residential, namely:
 - 1. Group homes subject to the Fair Housing Act
 - 2. Residential care facilities
- B. School/Day Care, namely:
 - 1. Adult day care
 - 2. Day care centers
- C. Medical/Health Care, namely:
 - 1. Ambulance services
 - 2. Hospitals

19.50.040 Accessory uses.

Accessory uses shall be limited to the following and subject to other regulations:

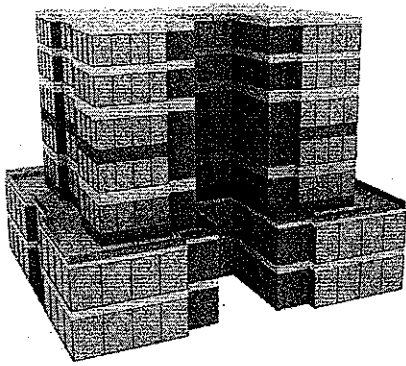
- 1. Caretaker residences
- 2. Hazardous waste treatment and storage
- 3. Storage buildings
- 4. Swimming pools/hot tubs
- 5. Parking facilities
- 6. Plaza

19.50.050 Building type and dimensional requirements.

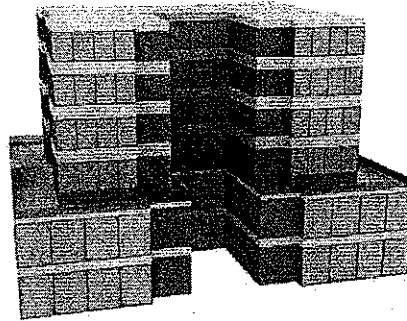
A. Building Type Defined

The following are the general building types, based on the number of stories that are allowed within the BC/D district, subject to subsection B of this section:

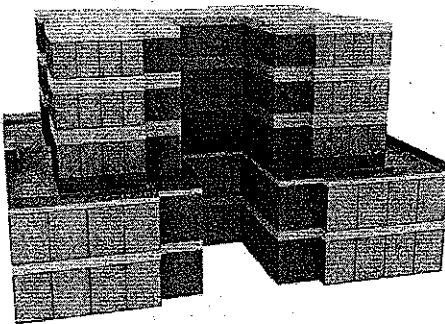
1. Type 1: 7 story building



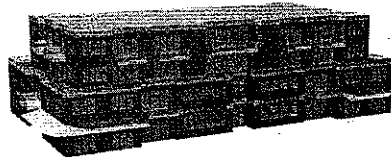
2. Type 2A: 6 story building



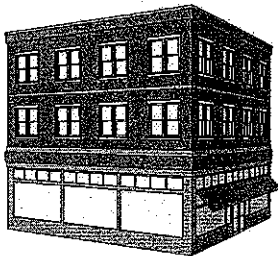
3. Type 2B: 5 story building



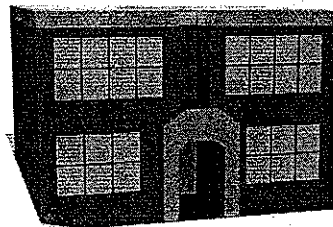
4. Type 3: 4 story building



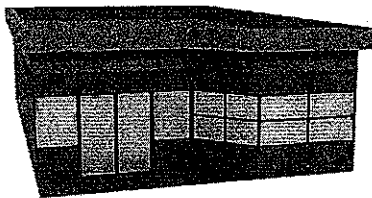
5. Type 4: 3 story building



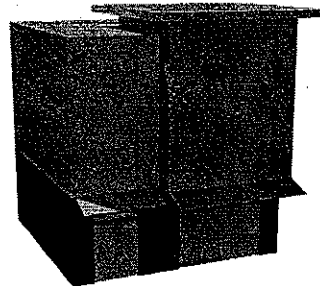
6. Type 5: 2 story mixed or single use building



7. Type 6: single story building



8. Type 7: live and work 2 or 3 story townhouse



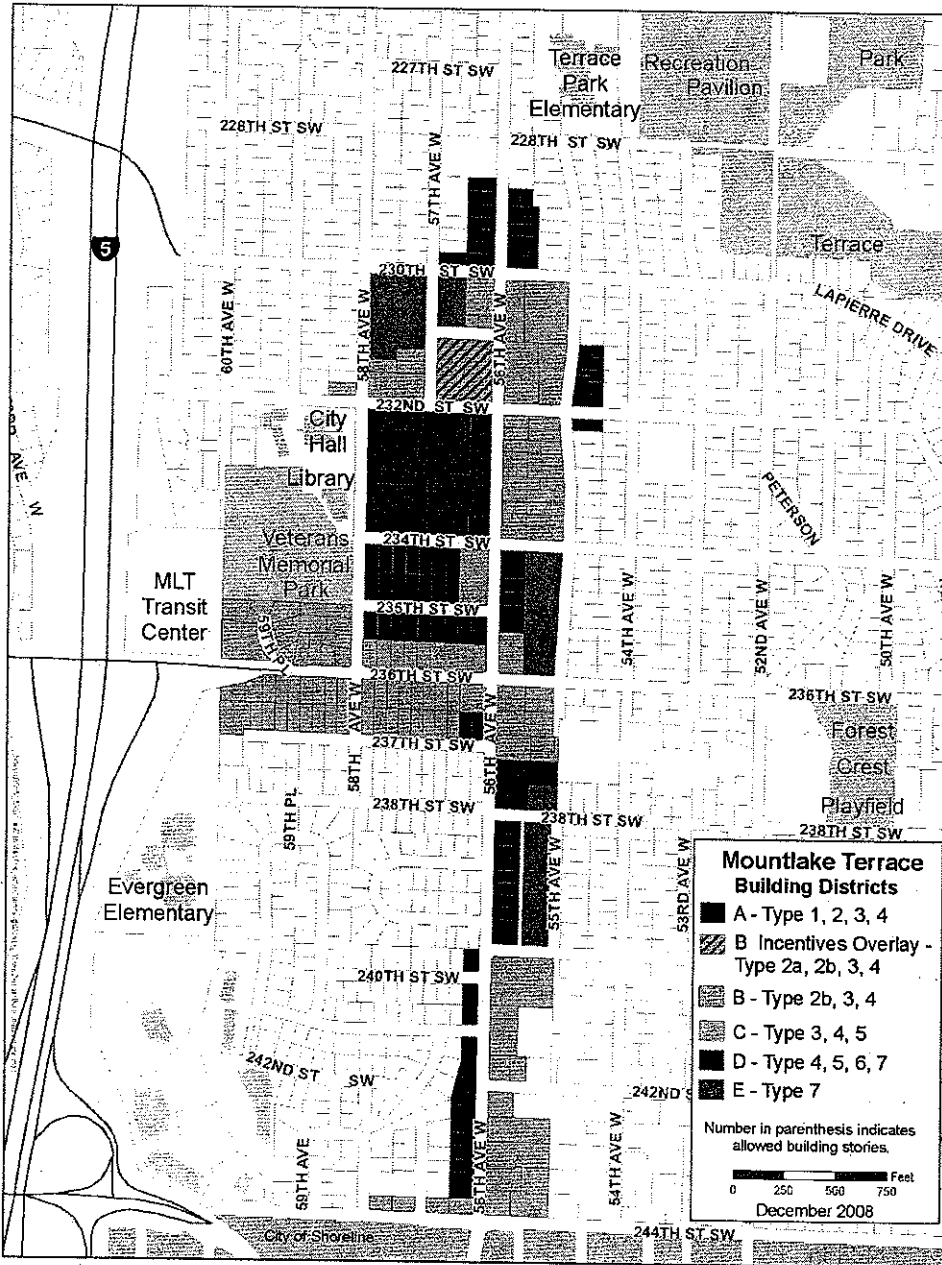
9. Type 8: no building (open lot)

B. Building Type District

1. Map 19.50.050 (A) identifies subdistricts in the BC-D Zone. In each subdistrict, only the following building types will be permitted, subject to the exceptions in MTMC 19.50.90.

- a. District A: Building Type 1, 2, 3, or 4
- b. District B Incentives Overlay: Building Type 2A, 2B, 3, or 4
- b. District B. Building Type 2B, 3, or 4
- c. District C: Building Type 3, 4, or 5
- d. District D: Building Type 4, 5, 6, or 7
- e. District E: Building Type 7
- f. Building Type 8 may be permitted by conditional use in any building type

district.



District A:

- Type 1: 7 story buildings
- Type 2: 5 story buildings
- Type 3: 4 story buildings
- Type 4: 3 story buildings

District B Incentives Overlay:

- Type 2A: 6 story buildings per special regulations
- Type 2B: 5 story buildings
- Type 3: 4 story buildings
- Type 4: 3 story buildings

District B:

- Type 2B: 5 story buildings
- Type 3: 4 story buildings
- Type 4: 3 story buildings

District C:

- Type 3: 4 story buildings
- Type 4: 3 story buildings
- Type 5: 2 story mixed or single use buildings

District D:

- Type 4: 3 story buildings
- Type 5: 2 story mixed or single use buildings
- Type 6: single story buildings
- Type 7: 2 or 3 story live and work or townhouses

District E:

- Type 7: 2 or 3 story live and work or townhouses

2. The dimensional requirements for each building located in the BC/D District are listed in Table 19.50.050 (B) below, except as otherwise stated in MTMC 19.50.070, Special regulations.

Table B	Building Type 1	Building Type 2A	Building Type 2B	Building Type 3	Building Type 4	Building Type 5	Building Type 6	Building Type 7	Building Type 8
Min lot Area	50,000 sq ft	30,000 sq ft	20,000 sq ft	14,000 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	1,500 sq ft	10,000 sq ft
Min lot width	150 ft	100 ft	100 ft	100 ft	50 ft	25 ft	25 ft	25 ft	25 ft
Min lot depth	150 ft	100 ft	100 ft	100 ft	75 ft	75 ft	75 ft	60 ft	75 ft
Min front yard	None *	None *	None *	None *	None *	None *	None *	None *	None *
Min side yard	None	None	None	None	None	None	None	None	None
Min side yard, adjacent to street	None *	None *	None *	None *	None *	None *	None *	None *	None *
Additional front setback	At least 5 ft setback above the first or second story (and at any height more than 30 ft above ground): building footprint above second story to be generally 90% of the ground floor footprint.	At least 5 ft setback above the first or second story (and at any height more than 30 ft above ground): building footprint above second story to be generally 90% of the ground floor footprint.	At least 5 ft setback above the first or second story (and at any height more than 30 ft above ground): building footprint above second story to be generally 90% of the ground floor footprint.	At least 5 ft setback above the first or second story (and at any height more than 30 ft above ground): building footprint above second story to be generally 90% of the ground floor footprint.	None	None	None	None	None
Min yard when abutting single-family residential zone	10 ft, plus 1 foot for each foot of building height above 30 ft	10 ft, plus 1 foot for each foot of building height above 30 ft	10 ft, plus 1 foot for each foot of building height above 30 ft	10 ft, plus 1 foot for each foot of building height above 30 ft	10 ft, plus 1 foot for each foot of building height above 30 ft	None	None	None	None
Max FAR	3.75	3.5	3.0	2.5	2.0	1.4	0.6	1.3	0
Min FAR	1.0	1.0	.80	.75	0.5	0.4	0.4	0.4	0
Max lot coverage for building and parking	90%	90%	90%	85%	85%	70%	60%	75%	75%
Max building height	85 ft	75 ft	65 ft	50 ft	40 ft	35 ft	35 ft	35 ft	0
Max stories	7	6	5	4	3	2	1	3	N/A
Min landscaping requirement	10%	10%	10%	15%	15%	30%	N/A	N/A	N/A

* Except to provide a pedestrian activity area as required.

19.50.060 Landscaping and open space requirements.

Landscaping and shared open space must be provided consistent with this subsection.

A. The percentages in Table 19.50.050 (B) are the minimum portion of landscaping required. At times, to meet other requirements of this and other codes, more landscaped areas will be required. Landscaping should be appropriate to urban areas, and will include decorative hardscape such as pavers, brick walkways, etc. It may also include screening of parking areas, landscaping of setback areas, and providing usable outdoor space. In general, all areas, which are not used for building or parking areas, are required to be landscaped.

B. Shared Open Space. At least 50% of the required landscape area, or 5% of the net residential square footage (whichever is larger) shall be developed as shared open space. Shared open spaces should provide for both active and passive activities. Shared open spaces areas should be as level as Mountlake Terrace's topography will allow. Shared open spaces shall include plazas and small pocket parks. They should include places to sit, areas of both shade and sun, and may include a feature such as a fountain or art piece. Where the open space is adjacent to a public walkway, street or plaza, provision should be made for direct access from the shared open space to the public open space, and may include provision to secure the shared open space from public entry at appropriate times. Shared open spaces can be placed on a level that is above ground level and is not part of the surface landscaped area, but in this case it will not be counted as meeting the landscaping requirement. Shared open spaces may be limited to use by residents of the building in which they are located.

C. Required trees planted in the street right of way or pedestrian activity areas shall be a minimum 4 inch caliper measured 6 inches above ground level, except as otherwise approved by the department to reflect nursery stock availability or tree health.

19.50.070 Special regulations.

Special regulations, as specified below, shall apply to certain uses and locations in the area zoned as BC Downtown:

A. Sexually oriented adult businesses/adult entertainment establishments shall not be permitted.

B. Multiple-household residential development shall be allowed, provided, that commercial uses are located on the ground floor in building types 1 through 5 and that in building type 1, 2A, and 2B, at least 60% of the ground floor shall be for commercial retail or commercial eating/drinking establishment uses. Residential uses are permitted in building type 7 without commercial uses, except that the ground floor of any type 7 building facing 56th Avenue West shall be designed and built to accommodate commercial uses.

C. Casinos or social card rooms as defined in RCW 9.46.0217 and RCW 9.46.0282 shall not be permitted.

D. All uses shall be conducted wholly within an entirely enclosed building except for the following:

1. Public utility facilities;
2. Parking and loading areas, provided that no area outside of an enclosed building shall be used for storage, repair or sale of vehicles;
3. Outdoor advertising structures;
4. Sale or display of retail goods as part of a permitted farmers market, street vendor cart/stand or seasonal event, or sale or display of fresh market produce, including cut flowers, in conjunction with an adjacent business, provided that no combination of awnings or tents that

comprise more than a total of 200 square feet anywhere on the lot shall remain outdoors on-site for more than 72 consecutive hours unless the structures are specifically permitted as a temporary use or part of an approved building in compliance with applicable building and fire code standards.

E. Manufacture or assembly shall be limited to containers or supplies and final packaged products that do not exceed 12 feet in any dimension.

F. Nuisances and safety. Uses that create a nuisance by reason of smoke, fumes, odor, steam, gases, vibration, hazard or noise, shall be prohibited. Any use that includes emergency vehicles as part of its operation shall be designed for emergency vehicle egress that is as safe as possible for pedestrians and traffic.

G. Special Provisions for Existing Single-Household Dwellings. An existing detached single-household dwelling may be rebuilt, repaired, and otherwise changed for human occupancy to an extent not to exceed 50 percent of the assessed value of the building in any sixty-month period. Accessory uses for an existing single-household dwelling such as garages, carports, storage sheds, and fences may be constructed subject to the same limits. In addition to the above provision, any such improvements shall comply with the development regulations specified for the RS 7200 zoning district for single-household dwellings and accessory structures.

H. Parking Standards for BC Downtown. Within the BC Downtown zone, a minimum number of vehicle parking spaces shall be provided on-site as follows:

1. Commercial uses: two spaces for each 1,000 square feet of gross, leasable area, except that the first 5000 square feet of a retail use or an eating/drinking establishment within a building or on a single parcel shall be exempt from the minimum number of required parking spaces, so long as at least four on-street parking spaces are within 200 feet;

2. Residential uses: 1.25 spaces for each unit of two bedrooms or less; 1.5 spaces for each unit of three bedrooms; one space per 2 bedrooms beyond three bedrooms in any unit.
Hotel: One space for each unit.

I. Commercial Frontage Requirements and Features. For commercial frontages in the BC Downtown district, no setback requirements shall be required from the right-of-way as long as the sight triangle at corners and sight distances are adequate and pedestrian activity areas of 15 feet, as measured between face of curb, excluding sidewalk bulbs which extend into the street to direct traffic and minimize crosswalk distances, and face of building are provided consistent with design standards referenced in subsection J of this section. Street improvements, including sidewalk, curb, and gutter, will be required for any lot that is being developed where these are lacking or inconsistent with current standards. Improvements shall be designed by the applicant and may be constructed through private project funding, public-private partnership or with other downtown business and property owners.

J. Design Standards. To assure an attractive, pedestrian-friendly environment, all development occurring within the BC Downtown district upon the effective date of the ordinance codified in this section, unless otherwise exempted by this chapter, shall comply with Town Center Design Standards 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 appear to conflict with another provision of this title, the design standards shall prevail.

K. Landscaping, Pedestrian and Bicyclist Features. Pedestrian amenities, benches, bicycle stands, refuse and recycle containers may be located within required landscape areas and pedestrian activity areas as long as a minimum eight-foot-wide area is available for pedestrian and wheelchair use between intersections; provided, that the placement of such features is

consistent with the design standards referenced in subsection J of this section.

L. Conditional uses shall be evaluated or conditioned in part based on:

1. Pedestrian-orientation
2. Avoidance of shading effect on public plazas and single-household zones
3. Provision for transition between intense uses and single-household zones.

M. Garages. For single dwelling houses and Type 7 buildings, garage openings shall not face public streets other than service alleys, provided that this provision does not apply to any garage located more than 40 feet from a street or any garage legally built prior to January 1, 2009.

N. For development that provides environmentally-friendly techniques, such as low stormwater impact measures or a LEED silver or higher rating, or public open space in addition to required pedestrian activity areas, the department may approve minor deviations up to 10% from the required parking spaces and the exact dimensional requirements specified in MTMC 19.50.050.B.2, except that no deviation from height requirements is allowed.

O. Within the area designated as Building District B Incentives Overlay, an extra story of development (up to 6 stories total) is allowed if the project provides low impact stormwater design and energy conservation features that achieve a greater environmental benefit than the minimum measures required by code and that are approved as sustainability incentives by the director. Such development, if approved, is subject to the dimensional requirements of MTMC 19.50.050.B.

19.50.080 Special use.

Special use – wireless (SP-W): see Chapter 19.137 MTMC.

19.50.090 Compliance with building type standards and building design standards.

For expansion, reconstruction, and conversion of legal non-conforming uses existing prior to January 2, 2007, building design and type standards will be applied using the following table:

Type	Building Type Standards	Building Design Standards *
Single-family expansion or addition within permitted lot coverage	No	No
Multi-family expansion and/or Non-residential expansion	No	No for any exterior expansion or addition less than 500 sq. ft. or 10% of existing floor area, whichever is less; Yes, applies to the façade of any exterior expansion comprising between 10% and 50% of the existing floor area; then, for any building being expanded by more than 50% of the existing floor area, applies to the entire building.
Casualty loss replacements (for all uses) that exceed the above-defined thresholds.	No	Yes, applies to the replaced area, except that if more than 50% of the building floor area is being replaced, applies to entire building.

Type	Building Type Standards	Building Design Standards *
Reconstruction after any voluntary demolition of all or substantially all improvements on a site	Yes	Yes, applies to all improvements.
Parking lot expansion	No	No
Conversion of a residential structure to a non-residential structure	No	No unless site improvements are required

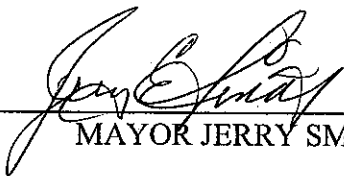
* "Building Design Standards" refer to the building design standards contained in the Town Center Design Standards adopted per MTMC 19.50.060.J.

Section 2. Conflicts. All ordinances or parts of ordinances of the City of Mountlake Terrace in conflict herewith, be and the same, are hereby repealed.

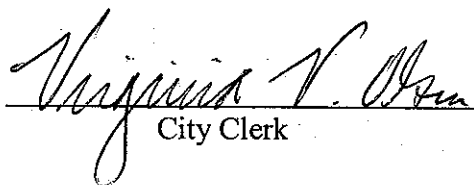
Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any section, sentence, clause or phrase of this Ordinance.

Section 4. Summary. This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City and shall take effect and be in full force five days after the date of publication.

PASSED by the City Council this 15th day of December, 2008 and signed in authentication of its passage this 15th day of December, 2008.



 MAYOR JERRY SMITH

ATTEST: 

 City Clerk

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