

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,
WASHINGTON, AMENDING MOUNTLAKE TERRACE MUNICIPAL
CODE (MTMC) CHAPTER 19.23 DEVELOPMENT STANDARDS – USES,
AND CHAPTER 19.30 RS – SINGLE-HOUSEHOLD RESIDENTIAL
DISTRICTS, TO REPEAL AND REPLACE 19.30.065 REGULATING
TOWNHOME DEVELOPMENT REQUIREMENTS AND DESIGN
STANDARDS, AND PARKING LOT STANDARDS, IN A
TRANSITIONAL AREA, TOGETHER WITH OTHER MINOR
AMENDMENTS TO CHAPTER 19.35 MTMC, MINOR AMENDMENTS
TO CHAPTER 19.23 TO ADD TRANSITIONAL AREA DESIGNATION,
AND AMEND THE OFFICIAL ZONING MAP AND MTMC 19.10.020 TO
DESIGNATE A TRANSITIONAL AREA (TA) DISTRICT CONSISTENT
WITH THE COMPREHENSIVE PLAN**

WHEREAS, in 2015, the City adopted regulations, MTMC 19.30.065 (Ordinance No. 2667 § 4), to allow for townhomes and commercial parking lots as transitional uses abutting the BC/D District subject to locational criteria and development standards; and

WHEREAS, it subsequently became evident that, although MTMC 19.30.065 contained language allowing townhomes and commercial parking lots as transitional uses in a specified area, it also contained other language, including dimensional requirements, which effectively have prevented more than one “townhome” from being constructed on a lot and required that any such lot must be either 4,800 or 7,200 square feet in area, depending on the underlying zoning; and

WHEREAS, the conflicting language makes it unlikely that townhomes can be developed as proposed by MTMC 19.30.065 and the discrepancy has created a significant concern for property owners who had planned to build townhomes in the designated area; and

WHEREAS, additional administrative review of MTMC 19.30.065 revealed that that the section’s adopted design standards for townhomes and commercial parking lots would benefit from more consideration and clarification; and

WHEREAS, the City Council, the Planning Commission, and members of the public have also called for additional issues to be considered for amendment with regard to both the Town Center and the RS 4800 district; City Council; and

WHEREAS, at its November 30, 2017 public meeting, the City Council considered the range of issues and agreed that code corrections and clarifications affecting the Transitional Uses Area should be considered immediately, in recognition of the unintended consequences of Ordinance No. 2667 § 4, but that other planning and development issues should be comprehensively considered as soon thereafter as possible; and

WHEREAS, the City has an interest in providing clarity on the development and design standards applicable to townhomes and certain commercial parking lots in the area commonly known as the transitional uses area; and

WHEREAS, in December 2016, the City adopted regulations, MTMC 19.30.110 (Ordinance No. 2697 § 3), to insert certain Low Impact Development (LID) regulations to Chapter 19.30, but MTMC Chapter 16.22, upon which implementation of the LID regulations relied, was not adopted and this section cannot be applied and is therefore to be deleted; and

WHEREAS, the code amendments proposed by this ordinance keep the same geographic area for transitional uses as was adopted by Ordinance No. 2667 § 4 but, for better clarity, presents this area as a separate zoning district “Transitional Area (TA)” on the zoning map, rather than as an overlay area under two separate districts (RS 4800 and RS 7200); and

WHEREAS, the proposed amendment to Official Zoning Map does not require a Comprehensive Plan Map change because all single-household residential districts (such as RS 8400, RS 7200 and RS 4800, with or without townhomes) are included in the “Urban Low Residential (ULR)” designation and the current proposal does not change this; and

WHEREAS, the proposed code amendments nevertheless require a Zoning Map amendment and zoning text amendments, subject to the required process identified in MTMC 19.110.230 and 19.110.240; and

WHEREAS, environmental review per the State Environmental Policy Act (SEPA) was performed on the proposed amendments and a Determination of Non-significance (DNS) was issued on January 22, 2018, which has not been appealed; and

WHEREAS, in accord with the requirement set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce the notice on November 21, 2017, of the City’s intent to adopt the proposed ordinance and requested a 10-day expedited review and comment period; and

WHEREAS, opportunities for public input were provided at community at multiple work sessions/meetings held by the Planning Commission and City Council and community forums on December 14, 2017 and February 1, 2018, city website, Transitional Uses webpage, and other social media; and

WHEREAS, the Planning Commission reviewed the proposed amendments on February 12, 2018, found them consistent with the criteria contained in MTMC 19.110.230(C) for Zoning Map amendments and with the criteria contained in 19.110.240(C) for zoning text amendments, and forwarded a recommendation to the City Council to approve the proposed text and zoning map amendments; and

WHEREAS, the City Council held a public hearing on the proposed zoning code text and map amendments on February 20, 2018, considered the proposed amendments and the entire record, including recommendations from the Planning Commission; and

WHEREAS, the City Council finds that the proposed amendments are consistent with the City's Comprehensive Plan, the criteria for amending the zoning code and zoning map, and other goals and objectives of the City; and

WHEREAS, the code amendments adopted by this ordinance may be reviewed and further amended in later stages of Town Center planning and/or consideration of RS 4800 zoning issues; and

WHEREAS, the Growth Management Act of the State of Washington (GMA) contains goals and requirements, such as consistency with the local Comprehensive Plan, that pertain to code amendments and the proposed code amendments in this ordinance are consistent with the GMA; and

WHEREAS, the adoption of this Ordinance will promote the public health, safety, and general welfare within the City of Mountlake Terrace.

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

Section 1. Recitals. The Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusion of Law of the City Council pursuant to the requirements of Mountlake Terrace Municipal Code 19.110.240(C) and 19.110.230 (C). The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the Planning Commission and the City Council.

Section XXX. Amendment. Zoning District. Add a new single family residential zoning district, Transitional Zone (TZ), to the official zoning map, as shown on Exhibit __, Official Zoning Map, which is attached hereto and incorporated by reference as though fully set forth.

Section XXX. Amendment: Official Zoning Map. Official Zoning Map is hereby repealed and replaced as described below to change the designation of ___ parcels, as set forth on Exhibit __, Official Zoning Map, which is attached hereto and incorporated by reference as though fully set forth.

INSERT DESCRIPTION OF TRANSITIONAL USES AREA

a. Change the zoning designation of ___ parcels, generally located on 58th Avenue W between 230th and 232nd Street SW, (addresses and Tax Acct. Nos. _____) from "Single Household Residential (RS 7200)" to "Transitional Zone (TZ)".

b. Change the zoning designation of ___ parcels, as shown/listed on Exhibit _____ from "Single Household Residential (RS 4800)" to "Transitional Zone (TZ)"

Section XXX. Adopted Official Zoning Map. Mountlake Terrace Code (MTMC) 19.10.020, Official Zoning Map, is hereby amended to read as follows:

19.10.020 Official Zoning Map.

The locations and boundaries of the zoning districts shall be as shown on the map accompanying the ordinance codified in this section and entitled, “Official Zoning Map, Mountlake Terrace, Washington.” The Official Zoning Map and all the notations, references, and all amendments thereto are hereby adopted by the ordinance codified in this section and, by this reference, the information set forth on said map is adopted as if set forth in full..

Section 2. Amendment. Section 19.23.030 of the Mountlake Terrace Municipal Code, Residential land uses, is hereby amended to read as follows:

19.23.030 Residential land uses.*

Key		
P – Permitted Use	RS 8400	RML/RMM
A – Accessory Use	RS 7200	
C – Conditional Use	RS 4800	
HO – Home Occupation Use	<u>TZ</u>	
Specific Land Use		
<i>Residential</i>		
Accessory dwellings	A	A ¹
Accessory structures, nonresidential	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 home institutions	C	C
Group homes	C	C
Halfway houses		C
Home occupations	HO	HO
Juvenile foster homes	P	P
Multi-household dwellings	P ²	P
Nursing homes		P
Residential care facilities	C	P
Retirement centers, congregate care facilities		P

Key		
P – Permitted Use	RS 8400	RML/RMM
A – Accessory Use	RS 7200	
C – Conditional Use	RS 4800	
HO – Home Occupation Use	<u>TZ</u>	
Single-household residential	P	P
Storage buildings	A	A
Swimming pools/hot tubs	A	A
Townhomes	<u>P³</u>	P
Youth shelters ^{3,4}	C	C
Transitional uses	P⁴	

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

¹Only when associated with single-household dwellings.

²Duplexes are allowed in the RS 8400 zone when 1.5 times the minimum lot size is provided.

³Townhomes in RS zoning districts are allowed only in the TZA district, subject to Transitional Zone Area Design Standards.

³~~Class~~ ⁴Class II youth shelters shall be separated from senior housing by 500 feet. Both Class I and II youth shelters require a conditional use permit.

⁴~~Transitional uses are only applicable to parcels in the RS zoning districts on streets abutting the BC/D district, as described and regulated in MTMC 19.30.065.~~

Section 3. Amendment. Section 19.23.040 (~~Ord. 2699 § 3~~) of the Mountlake Terrace Municipal Code, General services, is hereby amended to read as follows:

19.23.040 General services.*

Key		
P – Permitted Use	RS 8400	RML/RMM
A – Accessory Use	RS 7200	
C – Conditional Use	RS 4800	
SF – Secure Facilities Use	<u>TAZ</u>	
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	C ²
Preschool through 12th grade	C ²	C ²

Key		
P – Permitted Use	RS 8400	RML/RMM
A – Accessory Use	RS 7200	
C – Conditional Use	RS 4800	
SF – Secure Facilities Use	<u>TAZ</u>	
<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
<u>Parking Lots</u>	<u>P⁶*6</u>	<u>A</u>
Police stations	C	C
Public utility facilities	P/C ¹	P/C ¹
<i>Public Works Facilities</i>		
Recycling collection stations	C	C
<i>Membership Organizations</i>		
Private clubs and lodges	C ³	C ³
Religious facilities	C ³	C ³
<i>Medical/Health Care</i>		
Health care offices/clinics		P/C ⁵
Hospitals/emergency clinics		C
Veterinarian clinics/hospitals		P/C ⁵

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

¹If development contains more than 25,000 square feet of gross area, a conditional use permit is required.

²Side and rear yards shall each be a minimum of 30 feet. All outdoor lights shall be so arranged as to direct the light away from any adjacent properties.

³All 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.

⁴Temporary facilities are a permitted use; permanent facilities are a conditional use.

⁵Allowed as a permitted use up to 5,000 square feet in any single building. Within this category, any use of 5,000 square feet or greater in any single building shall be allowed up to 10,000 square feet only under a conditional use permit. A “single building” for the purpose of the identified land use category in this subsection shall include any buildings located on the same lot and connected by a walkway or driveway outside of a public right-of-way or by a building element.

⁶~~*6 Permitted only in the TA R-5 district, subject to Transitional Uses District Design Standards~~all requirements.

Section 4. Amendment. Section 19.23.050 (~~Ord. NO. 2699 § 4~~) of the Mountlake Terrace Municipal Code, ~~Site-clearing~~Recreation and transportation land uses, is hereby amended to read as follows:

19.23.050 Recreation and transportation land uses.*

Key		
P – Permitted Use	RS 8400	RML/RMM
A – Accessory Use	RS 7200	
C – Conditional Use	RS 4800	
	<u>TAZ</u>	
Bus/transit stops and shelters	P	P
Golf course	C ¹	C ¹
Gym, dance/fitness studio		A
Health/exercise clubs		
Parks, public	P	P
Performing arts centers		P
Rapid transit stations		C
Recreation facilities	P ²	P ²

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

¹Access 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.

²If publicly owned.