

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, ADDING TWO NEW CHAPTERS TO THE MOUNT VERNON MUNICIPAL CODE WITH THE FIRST TO BE NAMED, MOUNT VERNON MUNICIPAL CODE (MVMC) CHAPTER 17.73, REGULATIONS TO ENCOURAGE AFFORDABLE HOUSING, WITH THE NEW CHAPTER CONTAINING DEVELOPMENT REGULATIONS TO ENCOURAGE THE CREATION OF NEW DWELLING UNITS FOR THOSE EARNING 80% OF THE AREA MEDIAN INCOME (AMI) AND BELOW; WITH THE SECOND NEW CHAPTER TO BE NAMED CHAPTER 16.34, PLATTING OF DUPLEX AND TOWNHOUSE STRUCTURES, WITH ADDITIONAL AMENDMENTS TO MVMC CHAPTERS 17.06 (DEFINITIONS), 17.09 (DISTRICTS ESTABLISHED – ZONING MAP), 17.12 (R-A RESIDENTIAL AGRICULTURAL DISTRICT), 17.15 (R-1 SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICT), 17.18 (R-2 DUPLEX AND TOWNHOUSE RESIDENTIAL DISTRICT), 17.24 (R-3 MULTIFAMILY RESIDENTIAL DISTRICT), 17.27 (R-4 MULTIFAMILY RESIDENTIAL DISTRICT), 17.30 (P PUBLIC DISTRICT), 17.33 (R-O RESIDENTIAL OFFICE DISTRICT), 17.42 (LC LIMITED COMMERCIAL DISTRICT), 17.45 (DOWNTOWN DISTRICTS), 17.48 (C-2 GENERAL COMMERCIAL DISTRICT), 17.51 (C-3 COMMUNITY COMMERCIAL DISTRICT), 17.54 (C-4 NEIGHBORHOOD COMMERCIAL DISTRICT), 17.57 (M-1 LIGHT MANUFACTURING AND COMMERCIAL DISTRICT), 17.69 (PLANNED UNIT DEVELOPMENTS), 17.70 (DESIGN REVIEW), 17.81 (SPECIAL USES), 17.105 (VARIANCES), 17.119 (TRANSFER OR PURCHASE OF DEVELOPMENT RIGHTS), 14.05 (PROCEDURES), AND 14.15 (FEES) TO SUPPLEMENT, TO REMOVE INCONSISTENCIES BETWEEN THE NEW CHAPTER 17.73 AND OTHER EXISTING REGULATIONS, AND TO ADD PERMITS FEES APPLICABLE TO CHAPTER 17.73 MVMC

WHEREAS, many City residents struggle to afford their housing each month and a shortage of affordable housing exists in every major metropolitan area in the United States; and

WHEREAS, there is a high demand for rental units in the City and very low vacancy rates, especially for affordable units; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) considers a household paying more than 30 percent of their income on housing as “cost burdened and may have difficulty affording necessities such as food, clothing, transportation and medical care”. HUD’s Comprehensive Housing Affordability Strategy (CHAS) Data Query Tool shows that 36 percent of Mount Vernon households (both rented and owned) are paying more than 30 percent of their income on housing; and

WHEREAS, the rationale for incentivizing the creation of housing units specifically for those earning 80% of the AMI or less is to address the affordable housing needs of City residents; and

WHEREAS, the regulations adopted herein are only one of many actions the City intends to undertake to implement the Goals, Objectives, and Policies of the City’s Housing Element of the Comprehensive Plan; and

WHEREAS, the regulations adopted herein are intended to implement the Growth Management Act requirement to provide for housing opportunities for all economic segments of the community; and

WHEREAS, the City Council finds that the proposed development regulations contained herein are consistent with the City’s Comprehensive Plan. Further, the City finds that the following Goals, Objectives, and Policies adopted within the Land Use and Housing Element directly relate to the proposed regulations contained within this Ordinance:

HOUSING GOAL 1: ENHANCE MOUNT VERNON’S CULTURAL AND ECONOMIC VITALITY BY ENCOURAGING THE DEVELOPMENT OF HOUSING SOLUTIONS OF ALL TYPES THAT PROVIDE FOR VARIED DENSITIES, SIZES, COSTS AND LOCATIONS THAT ARE SAFE, DECENT, ACCESSIBLE, ATTRACTIVE, APPEALING AND AFFORDABLE TO A DIVERSITY OF AGES, INCOMES, AND CULTURAL BACKGROUNDS.

OBJECTIVE 1.1: In City plans and zoning regulations, accommodate a variety of housing types that are attractive and compatible in design, and available to all economic segments of the community.

Policy 1.1.2: In recognition of community needs, the City shall maintain a variety of future land use classifications and implement zoning to accommodate a range of housing types with varying densities and sizes.

Policy 1.1.4: Continue to promote plans and policies that encourage infill residential projects in close proximity to neighborhood centers, shopping and retail facilities, parks, transit routes and other service uses.

Policy 1.1.5: Continue to promote plans and regulations that allow incentives such as bonus densities and flexible design standards that support and promote the construction of new innovative or affordable housing styles, compatible with the planned uses of surrounding sites. Ground related housing types such as cottages, townhouses, zero lot line developments and other types are examples of housing choices that promote individuality and ownership opportunities. Consider adopting new development regulations that would offer new ways to encourage these types of housing choices.

HOUSING GOAL 2: PROMOTE THE PRESERVATION, MAINTENANCE AND ENHANCEMENT OF EXISTING HOUSING AND RESIDENTIAL NEIGHBORHOODS THROUGHOUT THE CITY.

OBJECTIVE 2.1: Promote infill housing that is compatible with abutting housing styles and with the character of the existing neighborhood.

Policy 2.1.1: Encourage infill housing on vacant or underutilized parcels having adequate services, and ensure that the infill development is compatible with surrounding neighborhoods.

Policy 2.1.2 : Adopt development regulations that enhance existing single family neighborhoods by requiring significant changes in density be transitioned near these existing neighborhoods. Ways to transition from higher-density

to existing single-family neighborhoods include (but are not limited to) the following: reducing densities and building heights closest to existing neighborhoods; and require landscaping treatments and fencing surrounding higher density developments.

Policy 2.1.3: Consider adopting regulations such as flexible lot sizes that encourage infill development on small lots consistent with the neighborhood's character.

Policy 2.1.4: Encourage the construction of attached and detached accessory dwelling units in single-family districts subject to specific development, design and owner occupancy provisions.

HOUSING GOAL 4: ENCOURAGE SAFE, DECENT, ACCESSIBLE, ATTRACTIVE AND AFFORDABLE HOUSING DEVELOPMENT THAT MEETS COMMUNITY NEEDS AND IS INTEGRATED INTO, AND THROUGHOUT, THE COMMUNITY INCLUDING AREAS OF HIGHER LAND COST WHERE GREATER SUBSIDIES MAY BE NEEDED.

OBJECTIVE 4.1: Encourage the creation of ownership and rental housing that is affordable for all households within the City, with a particular emphasis on low, very-low, and extremely-low income households as defined by the U.S. Department of Housing and Urban Development (HUD).

Policy 4.1.1: Evaluate the adoption of zoning regulations targeted at otherwise market-rate developments that require *or* incentivize a minimum percentage of new dwelling units and/or lots that are created (whether multi-family or single-family) be income restricted.

Policy 4.1.3: Evaluate the adoption of zoning regulations that provide bonuses in density for developments that create income restricted units aimed at those earning less than 80% of the area median income (AMI) with greater bonuses provided to housing reserved for those earning 60% of the AMI and below.

Policy 4.1.4: Encourage affordable housing to be dispersed throughout the City, within each Census tract, rather than overly concentrated in a few locations.

Policy 4.1.5: Where affordable housing is proposed together with market rate housing, affordable housing units should be comparable in design, integrated into the whole development, and should match the tenure of the whole development.

Policy 4.1.6: Maintain and explore enhancing regulatory incentives to encourage the production and preservation of affordable ownership and rental housing such as through density bonuses, impact fee reductions, permit fast-tracking, or other methods.

Policy 4.1.7: Ensure during development review processes that all affordable housing created in the city with public funds or by regulatory incentives remains affordable for the longest possible term; at a minimum 50 years.

WHEREAS, the City affirmatively furthers fair housing and is committed to: focusing on the future, working together to build strong neighborhoods, developing a sound economy, and providing a safe community; and

WHEREAS, the City Council finds that:

1. The proposed amendments bear a substantial relation to the public health, safety and welfare.
2. The proposed amendments promote the best long term interests of Mount Vernon; and

WHEREAS, the City Council is aware that the affordable housing program adopted by this ordinance will create significant additional work for the Development Services Department that will require additional staffing in the future due to new regulations, processing, monitoring, and oversight required to implement these development regulations; and

WHEREAS, the City Council is aware that the additional residential density allowed by the regulations adopted in this Ordinance will require detailed monitoring of transportation levels-of-service and capacity within the City's Wastewater Treatment plant (WWTP). Additionally, City Council is aware that the additional residential density could result in impacts to transportation systems and the WWTP that could require mitigation sooner than currently adopted Capital Facility and Transportation Elements of the Comprehensive Plan anticipate; and

WHEREAS, the Department of Commerce was notified of the proposed amendments on September 26, 2019, an acknowledgement letter was received from Commerce dated October 2, 2019, and Commerce granted the City expedited review on October 31, 2019 (their identification number: 2019-S-732); and as such, the City is in compliance with RCW 36.70A.106 (1); and

WHEREAS, a SEPA Threshold Determination of Non-significance (DNS), non-project action, was issued on October 3, 2019 and published and routed to all applicable Federal, State, and Local Agencies, Utilities, and Tribes on October 7, 2019. The comment period for the DNS ended on October 21, 2019; and the appeal period for the DNS ended on October 31, 2019. There were no comments received or appeals filed; and,

WHEREAS, the requisite Planning Commission hearings held on November 5, 2019 and November 19, 2019; and the City Council hearing held on December 11, 2019 were preceded with appropriate notice published on October 7, 2019, November 5, 2019, and November 11, 2019; and

WHEREAS, the requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met; and

WHEREAS, the City is making a deliberate policy decision to require affordable housing created through the provisions of Chapter 17.73 MVMC (that will be codified with approval of this Ordinance) remain affordable in perpetuity. This policy decision based, in part, on the following documents:

- Hickey, Robert, etal. 2014. *Achieving Lasting Affordability through Inclusionary Housing*. Lincoln Institute (Produce Code WP14RH1).
- Khadduri, Jill, etal. 2012. *What Happens to Low-Income Housing Tax Credit Properties at Year 15 and Beyond?* (HUD's Office of Policy Development and Research).
- Grover, Michael. 2007. *Community Land Trusts Strive for Permanent Housing Affordability* (Federal Reserve Bank of Minneapolis).

WHEREAS, the City utilized the State Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property for evaluating constitutional issues, in conjunction with and to inform its review of the Ordinance. The City has utilized the process, a process protected under Attorney-Client privilege pursuant to law including RCW 36.70A.370(4), with the City Attorney's Office which has reviewed the Advisory Memorandum and discussed this Memorandum, including the "warning signals" identified in the Memorandum, with decisions makers, and conducted an evaluation of all constitutional provisions potentially at issue and advised of the genuine legal risks, if any, with the adoption of this Ordinance to assure that the proposed regulatory or administrative actions did not result in an unconstitutional taking of private property, consistent with RCW 36.70A.370(2).

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

SECTION ONE. Recitals Incorporated. The City Council adopts the recitals set forth above as findings justifying adoption of this Ordinance and incorporates those recitals as if set forth fully herein. The Council also adopts the following additional findings in support of the adoption of this Ordinance:

1. (insert after hearing, as required)

SECTION TWO. PLANNING COMMISSION RECOMMENDATION ADOPTED.

A. Planning Commission Recommendation to the City Council:

At their public hearing on November 5, 2019 the Commission considered the items presented by City staff, the testimony of one individual and written comments by another individual. Following their deliberation of all these items the Planning Commission made a recommendation to adopt the amendments to the Mount Vernon Municipal Code that are contained in this Ordinance.

SECTION THREE. New Section. A new Chapter 17.73, Regulations to Encourage Affordable Housing, is added to the Mount Vernon Municipal Code as follows:

Chapter 17.73

REGULATIONS TO ENCOURAGE AFFORDABLE HOUSING

17.73.000 Purpose
 17.73.010 Definitions
 17.73.020 General Provisions
 17.73.030 Encouraging Affordable Housing in Single-Family Zones (R-1)
 17.73.040 Encouraging Affordable Housing in Duplex and Townhouse Zones (R-2)
 17.73.050 Encouraging Affordable Housing in Multi-Family Zones (R-3 and R-4)
 17.73.060 Encouraging Affordable Housing in Planned Unit Developments
 17.73.070 Encouraging Affordable Housing in Downtown, Community and Neighborhood Commercial Zones (C-1, C-3 and C-4)
 17.73.080 Required Affordable Housing for Rezones
 17.73.090 Required Covenants and Agreements
 17.73.100 Density Transitions and Design Standards
 17.73.110 Accessory Dwelling Units

17.73.000 Purpose

The purpose of this Chapter is to encourage long-term affordable single-and-multi-family housing for those earning 80% of the Area Median Income (AMI) and below in the zones listed within this Chapter while ensuring neighborhood compatibility and quality living environments for all citizens.

17.73.010 Definitions

The following words when used in this Chapter shall be defined as indicated below.

- A. **“Area Median Income”** or (AMI), means an income estimate developed with U.S. Census data and an inflation factor based on the Congressional Budget Office (CBO) forecast of the national Consumer Price Index (CPI). The U.S. Department of Housing and Urban Development (HUD) calculates and releases this data on a yearly basis.
- B. **“Affordable Housing” and “Affordable Housing Unit”** are the additional dwelling units authorized by this chapter of the MVMC and are further defined as:
 - 1. **Owner-Occupied.** A primary residence for an owner-occupied dwelling unit reserved for occupancy by eligible households, and affordable to households whose household annual income does not exceed eighty percent of the Mount Vernon-Anacortes, WA Metropolitan Statistical Area (MSA) median household income, adjusted for household size, as determined by the United States Department of Housing and Urban Development (HUD), with no more than 30 percent (30%) of the monthly household income being paid for monthly housing expenses. Monthly housing expenses defined as: mortgage, mortgage insurance, property taxes, property insurance, homeowners’ dues and a utility allowance.
 - 2. **Renter-Occupied.** A primary residence for a renter-occupied dwelling unit reserved for occupancy by eligible households, and affordable to households whose household annual income does not exceed eighty percent of the Mount Vernon-Anacortes MSA median household income, adjusted for household size, as determined by HUD, with no more than 30 percent of the monthly household income being paid for monthly housing expenses (rent and utility allowance).
 - 3. **Utility Allowance** means an allowance approved by the City for basic utilities such as water, sewer, electricity, and gas payable by the renter, which unless otherwise approved in writing by the City, shall be equal to the utility allowance published from time to time by the Skagit County Housing Authority for the type of Unit, or, if the City determines that no reasonably

- comparable figures are available from the Skagit County Housing Authority, the utility allowance shall be such an amount as the City determines is an adequate allowance for basic utilities, to the extent that such items are not paid by the Housing Owner. The Utility Allowance shall not include telephone, internet/wireless, or cable TV services.
- C. **“Base Units”** are the number of dwelling units authorized by the underlying zoning of a site calculated using the density calculations found in MVMC Chapter 17.06.
 - D. **“Bonus Units”** are the additional dwelling units authorized through MVMC Chapter 17.73 that are required to be affordable housing for the life of the project under which the base units and/or the bonus density units are used as dwelling units.
 - E. **“Market Rate Units”** are housing units that can be single-family, duplex, or multi-family structures that have no ownership or rent restrictions; which means the seller or landlord is free to sell or rent at whatever price they wish to.

17.73.020 General Provisions

- A. All of the below listed regulations shall apply to all new dwelling units created using the provisions of this Chapter.
 - 1. Affordable housing units shall be required to be created before, or at the same time, as the base units. Applicants will not be allowed to construct market rate units first and wait to construct the affordable housing units.
 - 2. Developments using this Chapter of the Mount Vernon Municipal Code shall comply with the regulations of the zoning district within which a development is located unless this Chapter specifically states otherwise.
 - 3. Prior to the issuance of any building permits, the City shall review and approve the location and unit mix of the bonus (affordable housing) units to ensure compliance with the following standards:
 - i. The affordable housing units shall be intermingled with all other dwelling units in the development. This means that the affordable housing units are not allowed to be placed together in one isolated area of a plat, or on one particular floor of a multi-family structure.
 - ii. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.
 - iii. The affordable housing units shall have floor areas that are no less than thirty percent smaller than the average floor areas for the market rate units within the same development. The floor areas being compared shall be for the same type of dwelling units, i.e. comparing market rate multi-family units to affordable multi-family units and market rate single-family units to affordable single-family units. For example, if the average floor area of the single-family detached units is 2,000 square feet then the affordable housing units are required to be 1,400 square feet or larger.
 - iv. No less than fifty percent of the affordable housing units shall be required to have the same number of average bedrooms that the same type of market rate housing in the same development has. For example, if the average number of bedrooms for the multi-family units is three then no less than fifty percent of the affordable units will be required to have at least three bedrooms.
 - 4. All properties with affordable housing units created under the provision of this Chapter shall record covenants and agreements and shall comply with the Density Transitions and Design Standards as prescribed in MVMC 17.73.090 and 17.73.100.
 - 5. If after completing the initial density calculations required to determine the number of affordable and market rate housing units the number of units to be created changes the Applicant shall be required to complete the same density steps to calculate the number of

bonus units in total, and how many of the bonus units will be required to be Affordable Housing Units.

17.73.030 Encouraging Affordable Housing in Single-Family Zones (R-1)

A. In each of the single-family zones listed below in Table 1 additional dwelling units may be created if a specified number of new homes are Affordable Housing Units.

TABLE 1: AFFORDABLE HOUSING BONUS DENSITY IN SINGLE FAMILY RESIDENTIAL ZONES

ZONING DESIGNATION	EXISTING REQUIREMENTS FROM CHAPTER 17.15	AFFORDABLE HOUSING DENSITY BONUS	DENSITY BONUS PROVISIONS AND REQUIREMENTS
R-1, 7.0 Single-Family Residential	Minimum and Maximum Density: 4.0 to 7.26 du/acre Minimum Lot Size: 4,500	50% bonus density from 7.26 to 10.89 du/acre if 33.3% of the bonus units are Affordable Housing Units	<ul style="list-style-type: none"> No minimum lot sizes Bonus units can be single-family, duplexes, townhouses, or multi-family Covenants and Agreements per 17.73.090 required Density transitions and Design Standards per 17.73.100 required
R-1, 5.0 Single-Family Residential	Minimum and Maximum Density: 4.0 to 5.73 du/acre Minimum Lot Size: 6,000	50% bonus density from 5.73 to 8.60 du/acre if 33.3% of the bonus units are Affordable Housing Units	<ul style="list-style-type: none"> No minimum lot sizes Bonus units can be single-family, duplexes, townhouses, or multi-family Covenants and Agreements per 17.73.090 required Density transitions and Design Standards per 17.73.100 required
R-1, 4.0 Single-Family Residential	Minimum and Maximum Density: 4.0 to 4.54 du/acre Minimum Lot Size: 7,500	50% bonus density from 4.54 to 6.81 du/acre if 33.3% of the bonus units are Affordable Housing Units	<ul style="list-style-type: none"> No minimum lot sizes Bonus units can be single-family, duplexes, townhouses, or multi-family Covenants and Agreements per 17.73.090 required Density transitions and Design Standards per 17.73.100 required

B. Following are the steps to calculate the number of bonus units in total, and how many of the bonus units will be required to be Affordable Housing Units. The steps listed below are required to be calculated in the order listed below. For added clarity, an illustrative example is also included.

The base density per MVMC Chapters 17.06 and 17.15 is calculated (assuming the maximum potential density per the underlying zoning designation).

1. The same density calculation is completed using the Affordable Housing Bonus Density (see the third column from the left in Table 1 above).
2. The base density (#1) is subtracted from the bonus density (#2). This is the number of bonus density units possible. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
3. 33.3% of the bonus units are required to be Affordable Housing Units. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
4. At the discretion of the Developer, the remaining 66.6% of the Bonus Units can be market rate or Affordable Housing Units.
5. Following is an example calculation using steps 1 to 5 above:

Assume a net site area: 8.73 acres that is zoned R-1. 7.0

Base Density Calculation: 8.73 acres x 7.26 du/acre = 63.38 single-family units

Bonus Density Calculation: 8.73 x 10.89 du/acre = 95.07 single-family units

BONUS DENSITY: Difference between standard zoning and this Chapter = 31.69 units

31.69 x 33.3% = 10.65, round up to 11 units. This means that 11 units are required to be Affordable Housing Units and the additional 21 units are given to the developer to be market rate or affordable units, the developer gets to decide.

- C. The dwelling units created shall:
1. Comply with the setbacks and lot coverage listed in MVMC 17.70 applicable to the type of unit (i.e. single-family, duplex, multi-family).
 2. Multi-family structures shall comply with the land coverage, and distance between buildings as required by Chapter 17.24 MVMC.
 3. Be limited to three stories but not more than 35 feet so long as the requirements of MVMC 17.73.100 are met.
 4. But for the duplex exception listed below, the dwelling units from the base density calculation are required to be single-family detached units; however, there is no prescribed minimum lot size.
 - i. A maximum of 20% of the single-family detached units calculated from the base density can duplex units. For example, if 20 single-family homes were permitted, an applicant could create 16 single-family homes and two duplexes.
 5. The bonus units can be single-family, duplexes, townhomes, or multi-family units.

17.73.040 Encouraging Affordable Housing in the Duplex and Townhouse Zone (R-2)

- A. In the Duplex and Townhouse zone, listed below in Table 2, additional dwelling units may be created if a specified number of the new homes are Affordable Housing Units.

TABLE 2: AFFORDABLE HOUSING BONUS DENSITY IN DUPLEX AND TOWNHOUSE RESIDENTIAL ZONE

ZONING DESIGNATION	REQUIREMENTS FROM CHAPTER 17.18	AFFORDABLE HOUSING DENSITY BONUS	DENSITY BONUS PROVISIONS AND REQUIREMENTS
R-2 Duplex and Townhome- Residential Zone	Minimum and Maximum Density: 8.0 to 10.0 du/acre	Density doubles from 10.0 to 20.0 du/acre if 33.3% of the bonus units are Affordable Housing Units	<ul style="list-style-type: none"> • Bonus units can be duplexes, townhouses, or multi-family • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required

- A. Following are the steps to calculate the number of bonus density units in total, and how many of the bonus units will be required to be Affordable Housing Units. The below listed steps are required to be calculated in the order listed below. For added clarity, an illustrative example is also included.
1. The base density per MVMC Chapters 17.06 and 17.18 is calculated (assuming the maximum potential density per the underlying zoning designation).

2. The same density calculation is completed using the Affordable Housing Bonus Density (see the third column from the left in Table 2 above).
3. The base density (#1) is subtracted from the bonus density (#2). This is the number of bonus units possible. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
4. 33.3% of the bonus units are required to be Affordable Housing Units. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
5. At the discretion of the Developer, the remaining 66.6% of the Bonus Units can be market rate or Affordable Housing Units.
6. Following is an example calculation using steps 1 to 5 above:

Assume a net site area: 3.7 acres that is zoned R-2

Base Density Calculation: $3.7 \text{ acres} \times 10 \text{ du/acre} = 37 \text{ units}$

Bonus Density Calculation: $3.7 \times 20 \text{ du/acre} = 74 \text{ units}$

BONUS DENSITY: Difference between standard zoning and this Chapter = 37 units

$37 \times 33.3\% = 12.32$. This means that 12 units are required to be Affordable Housing Units and the remaining 25 units are given to the developer to be market rate or affordable units, the developer gets to decide.

- B. The duplex and/or townhouse units/developments shall:
1. Comply with the setbacks listed in MVMC 17.70.
 2. Comply with the land coverage and parking as required by Chapter 17.18 MVMC.
 3. Be limited to three stories but not more than 35 feet so long as the requirements of MVMC 17.73.100 are complied with.
 4. The dwelling units from the base density calculation are required to be duplexes or townhomes; however, there is no prescribed minimum lot size.
 5. The bonus units can be duplexes, townhomes, or multi-family units.
 6. The creation of up to 35 dwelling units shall be an outright use and when 36 or more dwelling units are created they shall be permitted by a conditional use permit classified by MVMC 14.05 as a Type III permit.

17.73.050 Encouraging Affordable Housing in Multi-Family Zones (R-3 and R-4)

- A. In the multi-family zones listed below in Table 3 additional dwelling units may be created if a specified number of the new homes are Affordable Housing Units.

TABLE 3: AFFORDABLE HOUSING BONUS DENSITY IN MULTI- FAMILY RESIDENTIAL ZONES

ZONING DESIGNATION	REQUIREMENTS FROM CHAPTER 17.24 and 17.27	AFFORDABLE HOUSING DENSITY BONUS	DENSITY BONUS PROVISIONS AND REQUIREMENTS
R-3 Multi-Family Residential	Minimum and Maximum Density: 10 to 15 du/acre	Density doubles from 15 to 30 du/acre if 33.3% of the bonus units are Affordable Housing Units.	<ul style="list-style-type: none"> • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required
R-4 Multi-Family Residential	Minimum and Maximum Density: 10 to 20 du/acre	Density doubles from 20 to 40 du/acre if 33.3% of the bonus units are Affordable Housing Units	<ul style="list-style-type: none"> • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required

B. Following are the steps to calculate the number of bonus density units in total, and how many of the bonus units will be required to be Affordable Housing Units. The steps listed below are required to be calculated in the order listed below. For added clarity, an illustrative example is also included.

1. The base density per MVMC Chapters 17.06 and 17.24 or 17.27 (as applicable) is calculated (assuming the maximum potential density per the underlying zoning designation).
2. The same density calculation is completed using the Affordable Housing Bonus Density (see the third column from the left in Table 3 above).
3. The base density (#1) is subtracted from the bonus density (#2). This is the number of bonus density units possible. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
4. 33.3% of the bonus units are required to be Affordable Housing Units. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
5. At the discretion of the Developer, the remaining 66.6% of the Bonus Density Units can be market rate or Affordable Housing Units.
6. Following is an example calculation using steps 1 to 5 above:

Assume a net site area: 5.5 acres that is zoned R-4

Base Density Calculation: 5.5 acres x 20 du/acre = 110 units

Bonus Density Calculation: 5.5 x 40 du/acre = 220 units

BONUS DENSITY: Difference between standard zoning and this Chapter = 110 units

110 x 33.3 = 36.63, round up to 37. This means that 37 units are required to be Affordable Housing Units and the remaining 73 units are given to the developer to be market rate or affordable units, the developer gets to decide.

- C. The multi-family units/developments shall:
 - A. Comply with the setbacks listed in MVMC 17.70.

- B. Comply with the land coverage, distance between buildings, and parking as required by Chapter 17.24 MVMC.
- C. Be limited to four stories and 45 feet so long as the requirements of MVMC 17.73.100 are complied with.
- D. The creation of up to 35 dwelling units shall be an outright use and when 36 or more dwelling units are created they shall be permitted by a conditional use permit classified by MVMC 14.05 as a Type III permit.

17.73.060 Encouraging Affordable Housing in Planned Unit Developments

- A. In each of the single-family zones listed below in Table 4 additional dwelling units may be created if the Applicant uses the Planned Unit Development process codified within MVMC Chapter 17.69 and if a certain number of the bonus dwelling units are Affordable Housing Units.

TABLE 4: AFFORDABLE HOUSING BONUS DENSITY IN PLANNED UNIT DEVELOPMENTS

ZONING DESIGNATION	REQUIREMENTS FROM CHAPTER 17.15	AFFORDABLE HOUSING DENSITY BONUS	DENSITY BONUS PROVISIONS AND REQUIREMENTS
R-1, 7.0 Single-Family Residential	Minimum and Maximum Density: 4.0 to 7.26 du/acre Minimum Lot Size: 4,500	Density doubles from 7.26 to 14.52 du/acre if 33.3% of the bonus units are Affordable Housing Units.	<ul style="list-style-type: none"> • No minimum lot sizes • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required
R-1, 5.0 Single-Family Residential	Minimum and Maximum Density: 4.0 to 5.73 du/acre Minimum Lot Size: 5,000	Density doubles from 5.73 to 11.46 du/acre if 33% of the otherwise not allowed bonus units are occupied by those earning 80% AMI and below.	<ul style="list-style-type: none"> • No minimum lot sizes • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required
R-1, 4.0 Single-Family Residential	Minimum and Maximum Density: 4.0 to 4.54 du/acre Minimum Lot Size: 6,000	Density doubles from 4.54 to 9.08 du/acre if 33% of the otherwise not allowed bonus units are occupied by those earning 80% AMI and below.	<ul style="list-style-type: none"> • No minimum lot sizes • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required

- B. PUDs incorporating bonus affordable housing units shall be allowed to have a minimum lot area for a proposed PUD of five gross acres, versus the 10 gross acres required per MVMC 17.69.030(A).
- C. PUDs incorporating bonus affordable housing units shall be exempt from complying with MVMC 17.69.020(E).
- D. PUDs incorporating bonus affordable housing units shall be required to comply with the neighborhood context and transitions codified in MVMC 17.69.080(C) and the density transitions outlined below in subsection 17.73.100. Should there be a conflict between these two code sections the regulation that will provide the larger buffer shall be applied.
- E. PUDs incorporating bonus affordable housing units within a PUD shall be exempted from complying with MVMC 17.69.100, Modification of permitted uses – Multifamily units and 17.69.110, Modification of permitted uses – Duplex units, and shall instead be required to comply with the following modified regulations:

1. The placement of multifamily and/or duplex units (as defined within MVMC 17.06) within a PUD is discretionary by the city council. The city council may allow multifamily and duplex uses in single-family residential zones which are not otherwise permitted in the underlying zone so long as the requirements of this Chapter and Chapter 17.69 are complied with.
2. The total multifamily and/or duplex units shall comprise no more than 50% of the overall number of single-family dwelling units that are allowed and could physically be platted as part of the entire PUD. For example, if 100 single-family residential lots could be platted on a site, no more than 50 multifamily or duplex units can be constructed; which means that 50 single-family and 50 multifamily units (or 50 single-family, 30 multi-family and 20 duplex units) would be permitted so long as the overall density is not exceeded; and so long as city council makes a finding that the multifamily and/or duplex units can be placed and designed in such a way as to preserve the single-family character of the PUD and the surrounding area.
3. The multifamily units shall:
 - i. Comply with the setbacks listed in MVMC 17.70.
 - ii. Comply with the land coverage, distance between buildings, landscaping, parking and signage as required by Chapter 17.24 MVMC.
 - iii. Be limited to four stories and 45 feet so long as the requirements of MVMC 17.73.100 are complied with.
 - iv. No more than 75 multifamily units can be located in any one residential multifamily structure.
4. The duplex units shall:
 - i. Comply with the setbacks listed in MVMC 17.70.
 - ii. Comply with the land coverage, distance between buildings, landscaping, parking and signage as required by Chapter 17.18 MVMC.
 - iii. Be limited to three stories but not more than 35 feet so long as the requirements of MVMC 17.73.100 are complied with.

17.73.070 Encouraging Affordable Housing in Downtown, Community and Neighborhood Commercial Zones (C-1, C-3 and C-4)

- A. In the Community and Neighborhood Commercial zones listed below in Table 5 the maximum number of building stories and building height may be increased if a specified number of dwelling units that can be created as a result of the additional building story are Affordable Housing Units.

TABLE 5: AFFORDABLE HOUSING INCREASE IN BUILDING STORIES AND HEIGHT COMMUNITY AND NEIGHBORHOOD COMMERCIAL ZONES

ZONING DESIGNATION	ADDITIONAL STORY AND HEIGHT	NUMBER OF AFFORDABLE HOUSING UNITS REQUIRED	ADDITIONAL REQUIREMENTS
C-3 Community Commercial	Adding one additional building story in this zone means that structures can be 5 stories and 65 feet in height	33.3% of the bonus units that can be created as a result of adding an additional story to the building are Affordable Housing Units	<ul style="list-style-type: none"> • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required
C-4 Neighborhood Commercial	Adding one additional building story in this zone means that structures can be 4 stories and 55 feet in height	33.3% of the bonus units that can be created as a result of adding an additional story to the building are Affordable Housing Units	<ul style="list-style-type: none"> • Covenants and Agreements per 17.73.090 required • Density transitions and Design Standards per 17.73.100 required

B. Following are the steps to calculate the number of bonus units in total, and how many of the bonus units will be required to be Affordable Housing Units. The steps listed below are required to be calculated in the order listed below. For added clarity, an illustrative example is also included.

1. The number of dwelling units to be created without the additional building story and height is calculated.
2. The number of dwelling units to be created with the additional building story and height is calculated.
3. The number of dwelling units from calculation (#1) is subtracted from the number of units calculated in (#2). This is the number of bonus units possible. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
4. 33.3% of the bonus units are required to be Affordable Housing Units. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
5. At the discretion of the Developer, the remaining 66.6% of the Bonus Units can be market rate or Affordable Housing Units.
6. Following is an example calculation using steps 1 to 5 above:

Without the additional building story and height a structure will have 68 units

With the additional building story and height the structure will have 90 units

BONUS UNITS: Difference between with and without the additional story = 22 units

$22 \times 33.3\% = 7.32$. This means that 7 units are required to be Affordable Housing Units and the additional 15 units are given to the developer to be market rate or affordable units, the developer gets to decide.

17.73.080 Required Affordable Housing for Rezones

All rezones approved after the effective date of the Ordinance codifying this Chapter of the Mount Vernon Municipal Code shall be required to provide affordable dwelling units as a condition of the rezone.

- A. This Chapter shall apply to all zoning districts that allow the creation of dwelling units in any form, i.e. single-family, duplex, townhomes, stacked flats, apartments, condominiums, etc, and constitutes a floating overlay zone over these districts that shall be implemented when dwelling units are constructed following approval of a rezone.
 - 1. All rezones shall be recorded with the Skagit County Auditor and shall include the requirements of this Chapter to ensure current and future property owners are fully aware of the requirements to create Affordable Housing Units when development occurs on the property.

- B. Following are the steps to calculate how many of the dwelling units will be required to be Affordable Housing Units for rezoned properties. The steps listed below are required to be calculated in the order listed below. For added clarity, an illustrative example is also included.
 - 1. The base density per the underlying, or pre-rezone zoning designation in conjunction with MVMC Chapter 17.06 is calculated (assuming the maximum potential density per the pre-rezone zoning designation).
 - 2. The same density calculation is completed assuming the maximum potential density per the zoning designation the site will be rezoned to.
 - 3. The base density (#1) is subtracted from the rezone density (#2). This is the number of dwelling units possible because the site was rezoned. When this calculation results in a fraction, the number of dwelling units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
 - 4. 33.3% of the dwelling units possible as a result of the site being rezoned (i.e. the number of units calculated in #3 above) are required to be Affordable Housing Units. When this calculation results in a fraction, the number of Affordable Housing Units shall be rounded up to the next whole number (unit) if the fraction of the whole number is at least 0.50.
 - 5. At the discretion of the Developer, the remaining 66.6% of the Bonus Units can be market rate or Affordable Housing Units.
 - 6. Following is an example calculation using steps 1 to 5 above:

Assume a net site area: 13.21 acres

Rezone: site is zoned Public (P) and will be rezoned to Multi-Family Residential (R-3).

Base Density Calculation: The base density of the Public zone would be 0 because this zone does not allow single-family, duplex, or multi-family units.

Density Calculation Following Rezone: $13.21 \times 15 \text{ du/acre}$ (because one-half of the required parking will be provided beneath the habitable floors) = 198.15 multi-family units

DENSITY ATTRIBUTED TO REZONE: 198.15 multi-family units

$198.15 \times 33.3\% = 65.98$, round up to 66 units. This means that 66 units are required to be Affordable Housing Units and the additional 132 units can be market rate or affordable units, the developer gets to decide.

- C. All of the dwelling units created following the rezone shall:
 - 1. Comply with the setbacks and lot coverage listed in MVMC 17.70 applicable to the type of unit (i.e. single-family, duplex, multi-family).

2. As applicable, comply with the land coverage, lot size, building height, distance between buildings required by the zoning district the site was rezoned to.
3. Comply with all of the General Provisions outlined in MVMC 17.73.020.

17.73.090 Required Covenants and Agreements

Covenants and Agreements Required. Prior to final plat approval for subdivisions, or issuance of a certificate of occupancy for projects that do not require a subdivision, all properties with affordable housing units created under the provision of this Chapter shall, as applicable, record the below listed covenants and agreements with the Skagit County Auditor.

- A. Covenant and Agreement to Ensure Affordability. These covenants and agreements shall ensure the affordability of the housing units, whether they are rented or owned, by requiring these units to be Affordable Housing Units in perpetuity.
 1. In perpetuity means never ceasing and unlimited with respect to time. The Covenant and Agreement shall be in effect for the life of the project for which either the restricted units and/or the bonus density units are used as dwelling units.
 2. The Covenant and Agreement shall be binding and shall run with the land.
 3. The Covenant and Agreement shall be approved by the Mount Vernon City Attorney in content and form; and the City Council shall authorize the Mayor to sign this document prior to recording. Following adoption of this Ordinance the City shall prepare and keep on file Covenant and Agreement forms substantively meeting the requirements for these documents.
 4. The Covenant and Agreement, at a minimum, shall include:
 - a. Price restrictions for both home ownership and rental units.
 - b. Homebuyer or tenant qualifications.
 - c. How income will be monitored.
 - d. For rental units, the content and form of yearly reports that will be required to be submitted to the City verifying income eligibility for affordable units.
 - e. For owned units, the content and form of reports required to be submitted to the City to verify income eligibility for affordable units when ownership changes.
 - f. Any other applicable topics necessary to monitor and enforce the affordability of the bonus units.
- B. Covenant and Agreement for Landscape Buffers, Parking Facilities, Open Space Amenities, and Exterior of Buildings and Accessory Facilities. This covenant and agreement shall require property owners to maintain all landscaping and landscape buffers, open spaces with their associated improvements (e.g. benches, gazebos, etc) parking lot striping, paint on curbs, signage, exterior walls and decorative components of structures, and accessory facilities (e.g. mail box covers).
 1. The covenant shall be binding and shall run with the land.
 2. The Covenant and Agreement shall be approved by the Mount Vernon City Attorney in content and form; and the City Council shall authorize the Mayor to sign this document prior to recording. Following adoption of this Ordinance the City shall prepare and keep on file Covenant and Agreement forms substantively meeting the requirements for this document.
 3. The Covenant and Agreement, at a minimum, shall include:
 - a. Exhibit maps and detailed descriptions of all structures and improvements subject to the Covenant and Agreement.
 - b. Detailed outline of specific maintenance, repair, and replacement required for each improvement that is covered by the Covenant and Agreement.
 - c. Estimated maintenance and/or replacement schedule with approximate costs of such maintenance/replacement.

17.73.100 Density Transitions and Design Standards

- A. The purpose of the below listed landscaping buffers and height limitations is to preserve existing neighborhood character and to ensure existing neighborhoods and residential land use patterns have transitions in density and building heights as specified below.
1. Proposed lots shall be greater than or equal to the square footage and width found on all abutting property that is zoned or developed with residential structures with the following exceptions:
 - i. If the abutting property consists of lots that are more than 9,600 square feet in size and are more than 95 feet in width the proposed lots are allowed to be a maximum of 9,600 square feet and 95 feet in width instead of being required to match the abutting lot sizes and widths.
 - ii. If the developer chooses to create a 20-foot minimum forested buffer tract (as defined within MVMC 17.06.060) between the existing and proposed lots the proposed lots shall not be required to have a minimum square footage or lot width.
 2. Proposed lots and structures that abut non-residentially zoned or used land shall be required to create or maintain a 20-foot minimum forested buffer tract between the newly created lots and structures and the non-residentially zoned or used property.
 3. All proposed structures shall be limited to the maximum number of stories and building height that abutting properties are allowed under their respective zoning code with the following exceptions:
 - i. Buildings that are proposed to be taller than the building height allowed under the respective zoning code for abutting structures shall observe an additional 1-foot setback in addition to what the underlying zoning requires for each additional 1-foot of building height in excess of what the abutting property is allowed. Following is an example of how this height transition is applied.

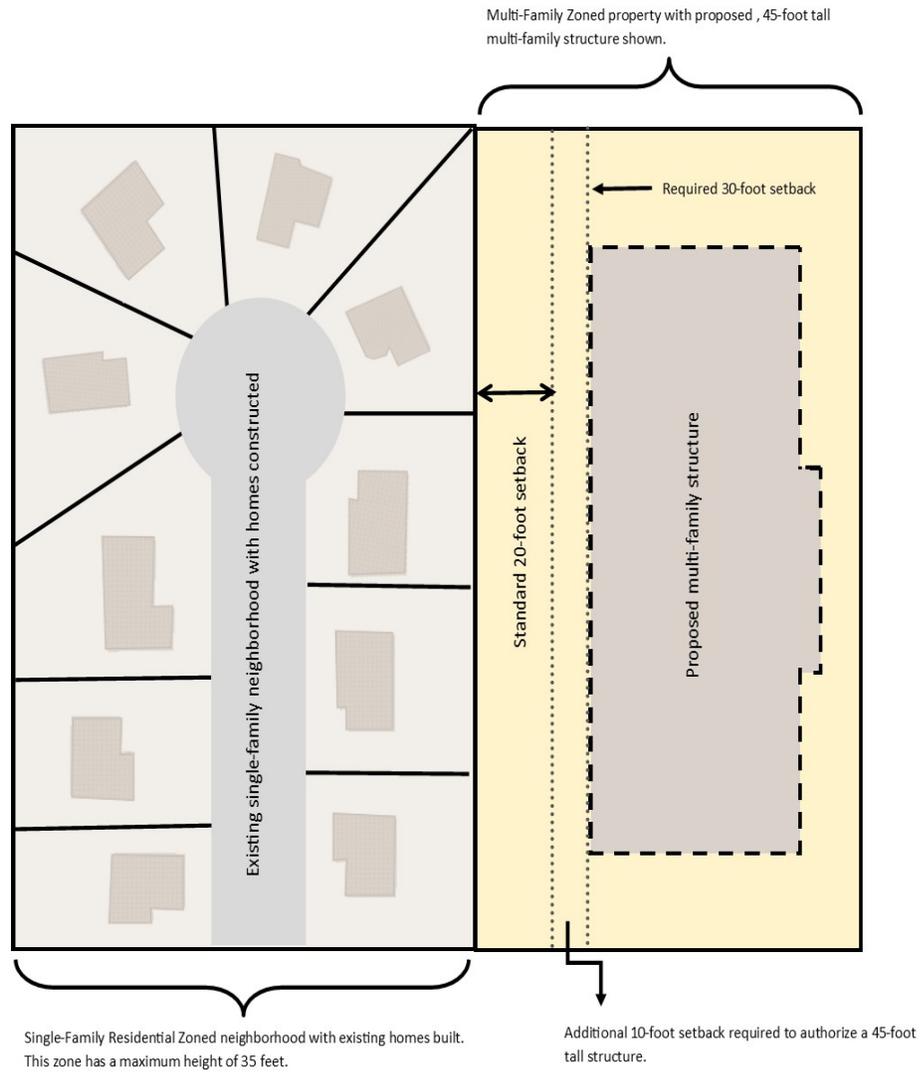
Proposed is a multi-family structure that is 45 feet in height above average abutting grade that abuts single-family residential lots.

The abutting single-family residential lots have a maximum height of 35 feet per their underlying zoning found in MVMC Chapter 17.15.

The difference between the proposed height and the allowed height of the abutting lots is 10 feet.

The proposed multi-family structure is required, per the underlying zoning, to observe a 20-foot rear yard setback. To have a structure that is 10 feet taller than structures on abutting properties are allowed, its rear yard setback is required to be increased from 20 to 30 feet.

Example Illustration of Additional Setback Required to Mitigate Additional Height Allowance



17.73.110 Accessory Dwelling Units

- A. Accessory dwelling units shall be outright permitted uses in the single-family and Residential Agricultural zoning districts codified within Chapter 17.15 and 17.12 of the MVMC.
- B. Accessory dwelling units are required to comply with the below listed regulations:
 - 1. An accessory dwelling unit may be established in an existing single-family dwelling unit or in a detached structure on a legal lot by any one or by a combination of the following methods:
 - i. Alteration of interior space of the dwelling; or
 - ii. Conversion of an attic, basement, attached or detached private garage, or other previously uninhabited portion of a dwelling; or
 - iii. Addition of attached living area onto an existing dwelling; or
 - iv. Construction of a detached living area.
 - 2. Each single-family dwelling on a legal building lot shall have not more than one accessory dwelling unit.
 - 3. One of the dwelling units shall be occupied by one or more owners of the property as the owner's permanent and principal residence. "Owners" shall include title holders and contract purchasers. The owner shall file a certification of owner-occupancy with the Development Services Department prior to the issuance of the permit to establish an accessory dwelling unit.
 - 4. The floor area of the accessory dwelling unit shall not exceed 1,000 square feet.
 - 5. Three off-street parking spaces shall be provided for the principal and accessory dwelling unit to share. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley, unless topography makes such access impossible.
 - 6. The single-family appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood. Only one entrance to the residential structure may be located on any street side of the structure; provided, that this limitation shall not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.
 - 7. The accessory and principal dwelling unit shall comply with all applicable requirements of the Building, Fire and Zoning Codes in effect when a technically complete application for an Accessory Dwelling Unit is submitted to the City.
 - 8. The owner of a single-family dwelling with an accessory dwelling unit shall file an owner's certificate of occupancy in a form acceptable to the city attorney no later than April 1st of each year. Any person who falsely certifies that he or she resides in a dwelling unit at the stated address to satisfy the requirements of this section shall be subject to the violation and penalty provisions of Title 19 of the MVMC.
 - 9. A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.
 - 10. All accessory dwelling units shall also be subject to the condition that such a permit shall automatically expire whenever:
 - i. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the approved plans; or
 - ii. The subject lot ceases to maintain at least three off-street parking spaces; or
 - iii. The applicant ceases to own or reside in either the principal or the accessory dwelling unit.

11. The applicant shall execute a Covenant and Agreement that shall be approved by the Mount Vernon City Attorney in content and form; that is required to be recorded with the Skagit County Auditor, providing notice to future owners or long-term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by the person to whom the accessory dwelling unit permit has been issued. The Covenant and Agreement shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single-family dwelling in the event that any condition of approval is violated.

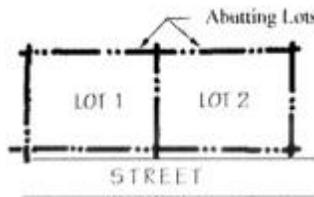
17.73.130 Other Affordable Housing Tools Offered by the City

- A. See Chapter 16.34 MVMC that authorizes the platting and subsequent sale of duplex and townhouse units.
- B. The creation of duplexes as an outright allowed use in the single-family residential districts codified in MVMC Chapter 17.15.
- C. The creation of additional dwelling units, and the ability to construct additional duplexes and multi-family structures through the Planned Unit Development process codified in MVMC Chapter 17.69.
- D. The creation of permanent supporting housing facilities authorized in MVMC Chapter 17.67.

SECTION FOUR. Section 17.06.010, A Definitions, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.06.010 A definitions.

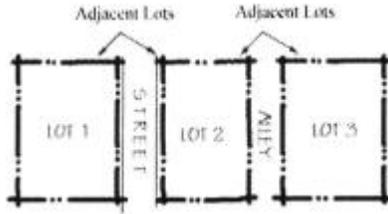
“Abutting” means to have boundaries that touch. When two parcels have a street or alley that runs between the two parcels, the two parcels are not abutting.



“Accessory building” means a subordinate building, the use of which is incidental to the use of the main building on the same lot where the building shall not exceed the height of and 50 percent of the existing gross floor area of the principal or main building, except where the principal or main building is less than 1,800 square feet in size, an accessory building of up to 900 square feet in size may be permitted.

“Accessory use” means a use incidental and subordinate in area, extent and purpose to the principal use and located on the same lot or in the same building as the principal or main use served on the same lot. This does not preclude the subject property from being subdivided through a binding site plan process at the time of development, or following the development of the proposed primary and accessory uses. Construction or initiation of an accessory use shall be concurrent with the primary permitted use or following the development and/or the commencement of the primary permitted use.

“Adjacent” means lots located across a public street, railroad, or right-of-way.



~~“Affordable housing” means units to be sold or rented to families earning less than 80 percent of the Skagit County median income, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development.~~

“Area Median Income” or (AMI), means an income estimate developed with U.S. Census data and an inflation factor based on the Congressional Budget Office (CBO) forecast of the national Consumer Price Index (CPI). The U.S. Department of Housing and Urban Development (HUD) calculates and releases this data on a yearly basis.

“Affordable Housing” and “Affordable Housing Unit” see the definition found in Chapter 17.73 MVMC.

“Agricultural use” means:

- A. The growing of crops, except marijuana;
- B. The sale of products produced on the premises except marijuana; provided, that the lot area is greater than two acres; and provided, that only one sales stand, 450 square feet or less, shall be permitted; and
- C. The raising of livestock, except commercial hogs; provided, that the operation conforms to all applicable health laws; and provided, that no more than one hooved animal (excluding sucklings) shall be permitted for each one-half acre lot area. In no case shall any building housing livestock be located less than 200 feet from any property line.

“Alley” means a public thoroughfare which affords access to abutting property and is usually not intended for general traffic circulation.

“Alteration” means a change or rearrangement of structural parts, or an enlargement by extension of the existing structural parts, of a building, or the moving of a building from one location to another, or any change in addition to or modification of occupancy, business, commercial, industrial or similar uses. The installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration.

Area, Building. “Building area” means the total ground coverage of a building or structure which provides shelter, measured from the outside of its external walls or supporting members or from a point four feet in from the outside edge of a cantilevered roof.

Area, Site. “Site area” means the total horizontal area within the property lines, excluding external streets.

“Awning” means a shelter, typically for a pedestrian walkway, that projects from and is supported by the exterior wall of a building. Awnings have noncombustible frames, but may have combustible coverings. Awnings may be fixed, retractable, folding or collapsible. Any structure which extends above any adjacent parapet or roof of a supporting building is not included within the definition of awning. (Ord. 3714 § 7, 2017; Ord. 3627 § 10, 2014; Ord. 3598 § 2, 2013; Ord. 3595 § 3, 2013).

SECTION FIVE. Section 17.06.090, S Definitions, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.06.190 S definitions.

“School” means any building or part thereof which is licensed by the state and is designed, constructed, or used for elementary and secondary education.

“Secure community transition facility” (SCTF) means, under RCW 71.09.020, a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250 and any community-based facilities established under this chapter and operated by the Washington State Secretary of Social and Health Services or under contract with the Secretary.

“Setback” means the horizontal distance from the property line of the lot, or street or vehicular access easement or tract to the building line of the structure.

“Shelter care facility” means a residence that provides temporary lodging to the victims and/or families of victims of a crime or other traumatic event; provided, that the shelter care facility must meet the criteria set forth in subsection A of the definition of group home.

“Sight-obscuring” is an adjective applied to a fence or wall meaning that the view from outside the subject property is substantially blocked by an opaque construction such as abutting wood boards or masonry.

“Sign” means any commercial communication device, structure or fixture, visible from a public right-of-way ~~and using which uses~~ graphics, pictures, symbols or written copy ~~that is and is~~ intended to aid an establishment or business in promoting the sale of a product, goods or services. For the purpose of this title, ~~the definition of~~ a sign shall not ~~be considered to be include~~ building or structural designs, national flags or flags of political subdivisions, symbolic flags or insignias of an institution, point of purchase ~~mechanical~~ product dispensers, holiday decorations, gravestones, historical site plaques, holiday displays, works of art, murals, and supergraphics as defined within this Chapter, that contain no sign copy. ~~or window displays.~~

“Site plan review committee” or “SPRC” means a committee composed of the development services director, city engineer, fire chief, and building inspector or their designees and additional departments, consultants and/or agencies deemed necessary by the development services director to adequately review the project.

“Special uses” means certain uses which because of special requirements, unique characteristics, or infrequent occurrence may be allowed in certain use districts only if approved by the hearing examiner or city council, pursuant to the criteria and procedures established in this title.

“Specialized housing unit for the elderly” means a room or group of rooms used by one or more individuals living separately from others, in a structure designed for the needs of elderly people. These establishments shall provide services such as the supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of an elderly person. These facilities shall include the provision of personal care, supervision of self-administered medication, limited health facilities, communal dining facilities and services such as housekeeping, organized social and recreational activities and transportation services. These facilities can include programs where the elderly are provided social programs during the day without overnight stays. These units are commonly referred to as:

Alzheimer care centers, assisted living facilities, congregate residences, continuing care retirement facilities, extended care facilities, long-term care facilities, residential health care facilities, skilled nursing homes, and hospice facilities. These facilities are not multifamily housing for the elderly. All specialized housing for the elderly shall comply with the following provisions:

A. The structure(s) shall comply with the city's design standards and guidelines for multifamily buildings codified within Chapter 17.70 MVMC, but shall not have to comply with the standards for "Common Spaces/Usable Recreation Areas, Individual Outdoor Spaces, and Location of Parking."

B. Limited signage shall be allowed to identify specialized housing for the elderly facilities. One identification sign not exceeding 20 square feet in sign area per sign face, and one directory sign not exceeding 15 square feet per sign face shall be permitted for each street frontage; however, signs shall not be internally illuminated, and pedestal signs shall not exceed five feet in height.

C. The number of parking spaces shall reflect all of the proposed uses within a structure utilized for specialized housing for the elderly. The following calculations shall be used to determine the number of off-street parking spaces on these sites. However, an applicant can choose to have a parking study completed by a licensed traffic engineer to determine the number of off-street parking spaces for a given facility. If such a study is submitted to the city; the applicant will pay for the city's traffic engineer to review and approve the parking recommendations outlined within such a report. If a parking study yields less parking than what is outlined below, the applicant will be required to justify the conclusions of their report; and the city may require restrictions in the form of covenants on a property to ensure that adequate parking spaces are provided. For example, the city could require that a covenant be placed on the property stating that a certain category of elderly resident not be able to have a vehicle on the site; or they could be limited to a certain number of vehicle(s) that a resident could bring with them. The off-street parking areas shall comply with the dimensional standards outlined within Chapter 17.84 MVMC.

1. Three-quarters parking spaces shall be provided for each room housing an elderly resident where a license from the State Department of Health is not required; and
2. For areas within the structure where skilled nursing care is required such as: nursing homes, hospice, and other similar facilities, there shall be one parking space for each five hospital type beds that are required to be licensed through the State Department of Health; and
3. For areas within the structure where assisted living or other similar care is required there shall be one parking space for each four hospital type beds that are required to be licensed through the State Department of Health; and
4. There shall be a parking space for every employee during the maximum shift so that employees are not parking within spaces designated for the elderly residents or their visiting guests; and
5. There shall be parking areas designated for the buses and/or vans that the facility will utilize for transporting their elderly residents; and
6. There shall be parking spaces designated specifically for guest parking.

"Specified anatomical areas" means both of the following:

A. Less than completely and opaquely covered:

1. Human genitals, pubic region;
2. Buttock;
3. 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.

"Specified sexual activities" means all of the following:

A. Human genitals in a state of sexual stimulation or arousal;

B. Acts of masturbation, sexual intercourse, or sodomy;

C. Fondling or other erotic touching of human genitals, pubic region, buttock, or breast.

Storage, Indoor. "Indoor storage" means a use engaged in the storage of goods and/or materials characterized by infrequent pick-up and delivery, and located within a building. The definition excludes hazardous material storage, self-service storage, warehousing and distribution.

Storage, Outdoor. “Outdoor storage” means a use engaged in outdoor storage, wholesale sales, rental, and distribution of products, supplies, and equipment. This definition excludes hazardous material storage, and warehousing and distribution.

“Story” means that portion of a building including between the upper surface of any floor and the upper surface of the floor above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six feet above grade, as defined in this chapter, for more than 50 percent of the total perimeter, or is more than 12 feet above grade at any point, such basement, cellar or unused under-floor space shall be considered as a story.

“Street” means a public or private thoroughfare which affords access to abutting properties.

Street, Arterial. “Arterial street” means streets intended for higher traffic volumes and speeds as designated by the public works department.

Street, Collector. “Collector street” means a street providing access with higher traffic volumes than a typical residential, commercial, or industrial access street. Collector streets are designated by the public works department.

“Structure” means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are mobile homes, Recreational Vehicles (e.g. motor homes, travel trailers, fifth wheel trailers, popup trailer, or truck camper), residential fences, retaining walls less than three feet in height, rockeries and similar improvements of a minor character. (Ord. 3474 § 3, 2009; Ord. 3429 §§ 33, 34, 35, 39, 40, 41, 2008; Ord. 3425 § 5, 2008; Ord. 3315, 2006; Ord. 3092 § 40, 2002; Ord. 3026 § 7(4), 2000; Ord. 2997 § 1, 2000; Ord. 2966 § 4, 1999; Ord. 2957 § 1, 1999; Ord. 2943 § 47, 1999; Ord. 2865 §§ 5, 6, 1998; Ord. 2631 § 1, 1994; Ord. 2591 § 1, 1994; Ord. 2352, 1989).

SECTION SIX. Section 17.09.010, Districts established and designated, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.09.010 Districts established and designated.

To classify, segregate and regulate the use of land, buildings and structures, the city is divided into the use districts identified in the following table. This table also identifies the comprehensive plan designation associated with each zoning district.

ZONING DESIGNATION	COMPREHENSIVE PLAN DESIGNATION	MINIMUM NET DENSITY	MAXIMUM NET DENSITY <i>(See Note 1)</i>	MINIMUM LOT SIZE <i>(See Note 2)</i>
RESIDENTIAL ZONING DISTRICTS:				
R-1, 7.0 Single-Family Residential	High Density Single-Family (SF-HI)	4.0 du/acre	7.26 du/acre	4,500 square feet
R-1, 5.0 Single-Family Residential	High Density Single-Family (SF-HI)	4.0 du/acre	5.73 du/acre	6,000 square feet
R-1, 4.0 Single-Family Residential	Medium Density Single-Family (SF-MED)	4.0 du/acre	4.54 du/acre	7,500 square feet
R-1, 3.0 Single-Family Residential	Medium Density Single-Family (SF-MED)	3.23 du/acre (See the land use element of the comprehensive plan for minimum density policies)	3.23 du/acre	9,000 square feet

ZONING DESIGNATION	COMPREHENSIVE PLAN DESIGNATION	MINIMUM NET DENSITY	MAXIMUM NET DENSITY <u>(See Note 1)</u>	MINIMUM LOT SIZE <u>(See Note 2)</u>
R-2 Two-Family Residential District	Low Density Multifamily (MF-LO)	8.0 du/acre	10 du/acre	6,500 square feet for a duplex or townhouse unit
R-3 Multifamily Residential District	Medium-High Density Multifamily (MF-MH)	10.0 du/acre	12 du/acre (Increased density up to a maximum of 15 du/acre may be achieved if at least 50% of the required parking spaces are located in an enclosed area beneath the habitable floors of the building or complex.)	N/A
R-4 Multifamily Residential District	Medium-High Density Multifamily (MF-MH)	10.0 du/acre	15 du/acre (Increased density up to a maximum of 20 du/acre may be achieved if at least 50% of the required parking spaces are located in an enclosed area beneath the habitable floors of the building or complex.)	N/A
R-A Residential Agricultural District	Agricultural with Density Transfer (AG)	1.24 du/acre (See the land use element of the comprehensive plan for minimum density policies)	1.24 du/acre	35,000 square feet
COMMERCIAL, INDUSTRIAL, OFFICE, PUBLIC AND MISCELLANEOUS ZONING DISTRICTS:				
Public (P)	Government Center Churches Schools Community or Neighborhood Park Open Space Cemetery South Kincaid Subarea	N/A	N/A	N/A
Residential Office District (R-O)	Residential Office/Professional Office	N/A	N/A	4,500 square feet
Health Care Development District (HD)	Health Care Development	N/A	N/A	N/A
Professional Office District (P-O)	Residential Office/Professional Office	N/A	N/A	N/A
Mobile Home Park District (MHP)	High Density Single- Family (SF-HI)	8 double-width or 10 single-width manufactured homes per acre	8 double-width or 10 single-width manufactured homes per acre	5 acres
Central Business District (C-1a)	Downtown Retail or South Kincaid Subarea <u>(See note 3)</u>	N/A	N/A	N/A

ZONING DESIGNATION	COMPREHENSIVE PLAN DESIGNATION	MINIMUM NET DENSITY	MAXIMUM NET DENSITY <i>(See Note 1)</i>	MINIMUM LOT SIZE <i>(See Note 2)</i>
Central Business District (C-1b)	Support Commercial	N/A	N/A	N/A
Central Business District (C-1c)	South Kincaid Subarea	N/A	N/A	N/A
General Commercial District (C-2)	Retail Malls, General Commercial, and Commercial/Industrial <i>(See note 4)</i>	N/A	N/A	N/A
Community Commercial District (C-3)	Community Retail, Mixed Use Center	N/A	N/A	N/A
Neighborhood Commercial District (C-4)	Neighborhood Retail, Mixed Use Center	N/A	N/A	N/A
Limited Commercial (LC)	Commercial/Limited Industrial	N/A	N/A	6,000 square feet
Commercial/Limited Industrial District (C-L)	Commercial/Limited Industrial	N/A	N/A	N/A
Light Manufacturing and Commercial District (M-1)	Commercial/Industrial	N/A	N/A	N/A
Industrial District (M-2)	Commercial/Industrial	N/A	N/A	N/A
Floodplain District (F-1)	Open Space/Cemetery	N/A	N/A	N/A

(1) R-1, 4.0, R-1, 5.0, R-1, 7.0, R-2, R-3 and R-4 zones are all authorized through Chapters 17.73, Regulations to Encourage Affordable Housing, and 17.119, Transfer or Purchase of Development Rights, to increase the maximum densities outlined within this table

(2) R-1, 4.0, R-1, 5.0, R-1, 7.0, R-2, R-3 and R-4 zones are all authorized through Chapters 17.73, Regulations to Encourage Affordable Housing, and 17.119, Transfer or Purchase of Development Rights, to decrease minimum lot sizes outlined within this table.

(3) C-1a zoned properties located south of Kincaid Street shall have a comprehensive plan designation of South Kincaid Subarea. All other C-1a zoned properties shall have a comprehensive plan designation of downtown retail.

(4) South Kincaid Subarea comprehensive plan designation exists for general commercial (C-2) zoned property south of Kincaid Street, east of Interstate-5 and west of the railroad tracks. This is the only area that shall be zoned C-2 with a comprehensive plan designation of South Kincaid Subarea. (Ord. 3749 § 6, 2018).

SECTION SEVEN. Section 17.12.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.12.030 Accessory uses.

Permitted accessory uses in the R-A district include:

- A. Those accessory uses permitted in the R-1 districts;
- B. Animal and implement barns, silos, sheds, accessory structures, and similar buildings needed in agricultural activities. Animal roaming areas shall be fenced;
- C. Home occupations as set forth in Chapter 17.96 MVMC and subject to the conditions contained therein;

- D. Each single-family residence is permitted to have one detached private garage; and
- E. Each single-family residence is permitted to have one accessory structure that can be used as a shed to store tools or other household items as long as it complies with the following requirements:
1. The total building area of the accessory structure shall be no more than 120 square feet.
 2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
 3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
 4. The accessory structure shall not have a permanent heat source.
 5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
 6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.
- ~~E. Each single family residence is permitted to have one accessory structure, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of 10-foot setback from any other building or property line.~~
- F. Accessory Dwelling Units must comply with the requirements outlined in MVMC 17.73.100.

SECTION EIGHT. Section 17.12.045, Special uses, of the Mount Vernon Municipal Code is hereby repealed.

17.12.045—Special uses.

~~Uses permitted by a special use permit in R-A districts are as follows:~~

- ~~A. Accessory dwelling unit, subject to the restrictions and regulations set forth in MVMC 17.81.110. (Ord. 3315, 2006; Ord. 2593 § 3, 1994).~~

SECTION NINE. Section 17.15.020, Subdistricts – Lot area requirements, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.15.020 Subdistricts – Lot area requirements.

District R-1 is further subdivided into districts as provided in the following table. Density is calculated per the definition of such found in Chapter 17.06 MVMC.

ZONING DESIGNATION	COMPREHENSIVE PLAN DESIGNATION	MINIMUM NET DENSITY	MAXIMUM NET DENSITY <i>(See Note 1)</i>	MINIMUM LOT SIZE <i>(See Note 2)</i>
R-1, 7.0 Single-Family Residential	High Density Single-Family (SF-HI)	4.0 du/acre	7.26 du/acre	4,500 square feet
R-1, 5.0 Single-Family Residential	High Density Single-Family (SF-HI)	4.0 du/acre	5.73 du/acre	6,000 square feet
R-1, 4.0 Single-Family Residential	Medium Density Single-Family (SF-MED)	4.0 du/acre	4.54 du/acre	7,500 square feet
R-1, 3.0 Single-Family Residential	Medium Density Single-Family (SF-MED)	3.23 du/acre (See the land use element of the comprehensive plan for minimum and maximum density policies)	3.23 du/acre	9,000 square feet

(1) R-1, 4.0, R-1, 5.0, and R-1, 7.0 zones are all authorized through Chapters 17.73, Regulations to Encourage Affordable Housing, and 17.119, Transfer or Purchase of Development Rights, to increase the maximum densities outlined within this table.
(2) R-1, 4.0, R-1, 5.0, and R-1, 7.0 zones are all authorized through Chapters 17.73, Regulations to Encourage Affordable Housing, and 17.119, Transfer or Purchase of Development Rights, to decrease the lot sizes outlined within this table.
 (Ord. 3429 § 52, 2008).

SECTION TEN. Section 17.15.030, Permitted uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.15.030 Permitted uses.

The uses that are permitted as a matter of right in R-1 districts are:

- A. Detached, single-family residential dwelling units. This use is limited to the placement of one such dwelling unit per certified lot and may consist of manufactured homes.
- B. Group homes and shelter homes.
- C. Municipal parks and playgrounds of less than one-half acre.
- D. Planned unit developments may be permitted in the R-1, 7.0; R-1, 5.0; and R-1, 4.0 districts according to the procedures specified in Chapter 17.69 MVMC and may include additional uses recommended by the comprehensive plan (i.e., multifamily and/or commercial retail centers).
- E. Residential subdivisions platted and approved after the effective date of the ordinance codified in this section may request approval as part of the subdivision application to provide ~~single family attached dwellings in the form of duplexes; provided, that each unit shall be situated on an individually platted lot and separated by a common wall having a two hour fire rating.~~

~~Further~~ provided, that all of the following conditions and requirements shall be met:

- ~~1. The lot area shall be a minimum of 6,500 square feet or equal to the zoning of the property, whichever is greater.~~
- 1. The lot area, setbacks, building height, maximum land coverage, landscaping, parking and signage shall be the same as the current zoning for the subdivision.
- 2. The design of each two-family unit shall be similar to other units in the subdivision and be designed to provide the appearance of a single-family unit by altering, for example, the location of front doors and windows, garages and access to garages, landscaping and fencing, etc. Additionally, the duplex units shall also comply with the City’s Design Standards codified in MVMC Chapter 17.70.

~~4. The site plan (including all exterior improvements on the lot), building floor plans, elevations, landscaping plans, exterior colors, and location and design of fencing are approved as part of the preliminary and final plat process.~~

~~5. The site plan and supplemental information is recorded along with the final plat.~~

~~3. The CC&Rs and final plat shall identify for future lot owners the locations of all two-family units within the subdivision.~~

~~7. Building height shall not exceed the average height of all units within the subdivision.~~

~~8. The units may be allowed at a minimum spacing of 300 feet or more. The 300 foot spacing shall be measured from the lot lines.~~

~~9. A phasing plan for the development of the subdivision and each of the duplex units shall be provided and approved.~~

~~4. No more than 20 ~~40~~ percent of the single-family density that will actually be constructed within the subdivision can be duplexes. For example, if 20 single-family homes were permitted, an applicant could, if they meet all of the conditions above, create 16 ~~18~~ single-family homes and two ~~one~~ duplexes. (Ord. 3429 § 53, 2008).~~

~~F. Duplexes on lots of record subject to the City's Design Standards codified in MVMC Chapter 17.70 provided there are no other duplexes constructed on lots that are abutting or adjacent to the lot upon which a duplex is desired.~~

~~G. Rooms may be rented to not more than two persons, other than the family which occupies a single-family dwelling; provided, there is compliance with health, fire and building code requirements.~~

~~H. A day nursery, as defined in Chapter 17.06 MVMC; provided, they are state-licensed and care for more than six but less than 12 children, exclusive of the child care provider's own children, at one time.~~

SECTION ELEVEN. Section 17.15.040, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.15.040 Accessory uses.

Permitted accessory uses in R-1 districts include:

A. Playgrounds when developed in connection with a small school, park, or community clubhouse not meeting size criteria of the public (P) district; provided, that playfields developed to the limits of a property shall be fenced with a six-foot-high fence with landscaping meeting the requirements of Chapter 17.99 MVMC along each side adjacent to developed private property. In lieu of fencing, a 15-foot buffer may be permitted;

B. Home occupations, as defined in Chapter 17.96 MVMC, and subject to the home conditions contained therein;

C. Housing of Small Animals. An accessory building used for the housing of small animals or fowl shall not exceed 36 square feet in floor area when located on a minimum lot and neither the building nor the fenced area for their roaming shall be closer than 25 feet to a property line, except by the recorded agreement of adjacent owners. The keeping of mink, goats, foxes or hogs is prohibited;

D. Gardening and fruit raising;

E. ~~Each single-family residence is permitted to have one detached~~ private garages;

F. Day nurseries, as defined in Chapter 17.06 MVMC; provided, they maintain a valid city business license, are state-licensed, and provide in-home care for 12 or fewer children, and provided there shall be no visible change in any dwelling or housekeeping unit, such as lighting, signs, exterior display, or outdoor storage of materials and equipment, which would attract attention to the day nursery conducted therein;

~~G. Each single-family residence is permitted to have one accessory structure that can be used as a shed to store tools or other household items as long as it complies with the following requirements:~~

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~G. Each single family residence is permitted to have one accessory structure, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line.~~

~~H. Accessory Dwelling Units complying with the requirements outlined in MVMC 17.73.100.~~

SECTION TWELVE. Section 17.15.045, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed.

17.15.045—Administrative conditional uses.

~~Uses permitted by an administrative conditional use permit and classified as a Type II permit in R-1 districts are as follows:~~

~~A. Duplexes, subject to the regulations of Chapter 17.18 MVMC, where there is no more than one other duplex or multifamily use within 600 feet of the proposed use; provided, that there is at least a 100-foot separation between another duplex or multifamily use within a single-family zone. The 600 feet may be reduced to 300 feet; provided, that 80 percent of the lots in the area described have single-family homes already built and that there is at least a 100-foot separation between another duplex or multifamily use within a single-family zone;~~

~~B. Day nurseries; provided, that the size, location and design are compatible with the residential character of the neighborhood;~~

~~C. Rooms may be rented to not more than two persons, other than the family which occupies a single-family dwelling; provided, there is compliance with health and building code requirements. (Ord. 3429 § 55, 2008).~~

SECTION THIRTEEN. Section 17.15.055, Special uses, of the Mount Vernon Municipal Code is hereby repealed.

17.15.055—Special uses.

~~Uses permitted by a special use permit in R-1 districts are as follows:~~

~~A. A day nursery, as defined in Chapter 17.06 MVMC; provided, they are state-licensed and care for more than six but less than 12 children, exclusive of the child care provider's own children, at one time.~~

~~B. Accessory dwelling unit, subject to the restrictions and regulations set forth in Chapter 17.81 MVMC. (Ord. 3429 § 56, 2008).~~

SECTION FOURTEEN. Section 17.18.010, Intent, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.18.010 Intent.

The intent of this chapter is to provide for areas within neighborhoods containing attached dwellings in the form of duplexes or townhouses at a minimum net density of eight to a maximum net density of 10 dwelling units per acre. However, Chapters 17.73, Regulations to Encourage Affordable Housing, and 17.119, Transfer or Purchase of Development Rights, can be used to increase the maximum density of this zoning district. (Ord. 3315, 2006; Ord. 2352, 1989).

SECTION FIFTEEN. Section 17.18.020, Permitted uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.18.020 Permitted uses.

Permitted primary uses in the R-2 district include:

- A. Those uses permitted in the R-1 district as long as the minimum net density for the district can be achieved;
- B. Two-family dwelling unit also known as a duplex;
- C. Townhomes;
- D. Planned unit developments may be permitted according to procedures specified in Chapter 17.69 MVMC and may include additional uses recommended by the comprehensive plan (i.e., multifamily and/or commercial retail centers);
- E. Municipal parks and playgrounds of less than one-half acre. (Ord. 3429 § 59, 2008).
- F. Day nurseries; provided, that the size, location and design are compatible with the residential character of the neighborhood.

SECTION SIXTEEN. Section 17.18.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.18.030 Accessory uses.

A. Permitted accessory uses in the R-2 district include those uses permitted in the R-1 district, except that no buildings to house small animals or fowl other than normal household pets shall be permitted.

B. Each duplex or townhouse structure is permitted to have one accessory structure that can be used as a shed to store tools or other household items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each dwelling unit is permitted to have one accessory structure, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 60, 2008).~~

SECTION SEVENTEEN. Section 17.18.045, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed.

~~**17.18.045—Administrative conditional uses.**~~

~~Uses permitted by an administrative conditional use permit and classified as a Type II permit in R-2 districts are as follows:~~

~~A. Day nurseries; provided, that the size, location and design are compatible with the residential character of the neighborhood. (Ord. 3315, 2006; Ord. 3193 § 7, 2004).~~

SECTION EIGHTEEN. Section 17.24.010, Intent, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.24.010 Intent.

The intent of this chapter is to provide for areas within neighborhoods with good access containing multifamily residential development at a minimum net density of 10 to a maximum net density of 12 dwelling units per acre. However, Chapter 17.73 MVMC, Regulations to Encourage Affordable Housing can be used to increase the maximum density of this zoning district. (Ord. 3315, 2006; Ord. 2352, 1989).

SECTION NINETEEN. Section 17.24.020, Permitted uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.24.020 Permitted uses.

Permitted primary uses in the R-3 district include:

- A. Two-family and townhouse dwelling units that can meet the minimum density requirements of this zone;
- B. Multifamily residential developments of 75 dwelling units or less. The definition of “density for multifamily zoned developments” found in Chapter 17.06 MVMC describes how the maximum density is calculated within this zone;
- C. Municipal parks and playgrounds of less than one-half acre;
- D. Professional offices, such as medical and dental, under 4,000 square feet in gross floor area, providing the siting criteria of MVMC 17.24.045(A) are met and mitigate the impacts on the neighborhood. (Ord. 3773, 2019; Ord. 3429 § 62, 2008).

E. Professional offices, such as medical and dental offices; provided, that:

1. The type, size and construction are compatible with the residential intent or character of the district;
2. The design, landscaping and arrangement of parking spaces are compatible with the residential character of the project and the neighborhood;
3. Access is from a street capable of handling the traffic generated from the use, and is located such that it is compatible with the residential use and will not create a traffic hazard or congestion;

F. Specialized housing for the elderly with total building area under 12,000 square feet;

G. Day nursery; provided, that the size, location and design are compatible with the residential character of the development and neighborhood.

SECTION TWENTY. Section 17.24.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.24.030 Accessory uses.

A. Permitted accessory uses in the R-3 district include those uses permitted in the R-1 district, except that accessory buildings for small animals or fowl, other than normal household pets, shall not be permitted.

B. Each multi-family structure is permitted to have one accessory structure that can be used as a shed to store tools or other household items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each primary building (regardless of number of units) of a multifamily residence is permitted to have one accessory structure which is exempt from building permit requirements by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 63, 2008).~~

SECTION TWENTY-ONE. Section 17.24.045, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed.

~~**17.24.045—Administrative conditional uses.**~~

~~Uses permitted by an administrative conditional use permit and classified as a Type II permit in R-3 districts are as follows:~~

~~A. Professional offices, such as medical and dental offices; provided, that:~~

- ~~1. The type, size and construction are compatible with the residential intent or character of the district;~~
- ~~2. The design, landscaping and arrangement of parking spaces are compatible with the residential character of the project and the neighborhood;~~
- ~~3. Access is from a street capable of handling the traffic generated from the use, and is located such that it is compatible with the residential use and will not create a traffic hazard or congestion;~~

~~B. Specialized housing for the elderly with total building area under 12,000 square feet;~~

~~C. Day nursery; provided, that the size, location and design are compatible with the residential character of the development and neighborhood. (Ord. 3429 § 65, 2008).~~

SECTION TWENTY-TWO. Section 17.27.010, Intent, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.27.010 Intent.

The intent of this chapter is to provide for neighborhoods with close proximity to major arterials containing multifamily residential development at a minimum net density of 10 to a maximum net density of 15 dwelling units per acre. However, Chapter 17.73 MVMC, Regulations to Encourage Affordable Housing can be used to increase the maximum density of this zoning district. (Ord. 3315, 2006; Ord. 2352, 1989).

SECTION TWENTY-THREE. Section 17.27.020, Permitted uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.27.020 Permitted uses.

Permitted primary uses in the R-4 district include the following:

- A. Two-family and townhouse dwelling units that can meet the minimum density requirements of this zone;
- B. Multifamily residential developments of 75 dwelling units or less. The definition of “density for multifamily zoned developments” found in Chapter 17.06 MVMC describes how the maximum density is calculated within this zone;
- C. Municipal parks and playgrounds of less than one-half acre;
- ~~D. Professional offices, such as medical and dental, under 4,000 square feet in gross floor area, providing the siting criteria of MVMC 17.27.040(D) are met and mitigate the impacts on the neighborhood.~~ (Ord. 3773, 2019; Ord. 3429 § 68, 2008).
- D. Professional offices, such as medical and dental offices; provided, that:
 - 1. The type, size and construction are compatible with the residential intent or character of the district;
 - 2. The design, landscaping and arrangement of parking spaces are compatible with the residential character of the project and the neighborhood;
 - 3. Access is from a street capable of handling the traffic generated from the use, and is located such that it is compatible with the residential use and will not create a traffic hazard or congestion;
- E. Specialized housing for the elderly with total building area under 12,000 square feet;
- F. Day nursery; provided, that the size, location and design are compatible with the residential character of the development and neighborhood.

SECTION TWENTY-FOUR. Section 17.27.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.27.030 Accessory uses.

A. Permitted accessory uses in the R-4 district shall include those permitted in the R-1 district except that accessory buildings for small animals or fowl, other than normal household pets, shall not be permitted.

~~B. Each multi-family structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:~~

- 1. The total building area of the accessory structure shall be no more than 120 square feet.
- 2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
- 3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
- 4. The accessory structure shall not have a permanent heat source.
- 5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
- 6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each primary building (regardless of number of units) of a multifamily residence is permitted to have one accessory structure which is exempt from building permit requirements by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 69, 2008).~~

SECTION TWENTY-FIVE. Section 17.27.040, Conditional uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.27.040 Conditional uses.

Uses permitted by conditional use permit and classified as a Type III permit in the R-4 district are as follows:

A. Churches; provided, that their principal access is from a secondary arterial street or greater and they shall conform to all the development standards and requirements of the public (P) zone and concurrent with approval the city shall require both the comprehensive plan and zoning designations to be changed to public (P) during the city's next comprehensive plan amendment cycle;

B. Community clubhouses and community association offices serving the immediate neighborhood;

C. Public utilities;

~~D. Professional offices, such as medical and dental offices; provided, that:~~

~~1. The type, size and construction are compatible with the residential intent or character of the district;~~

~~2. The design, landscaping and arrangement of parking spaces are compatible with the residential character of the project and the neighborhood;~~

~~3. Access is from a street capable of handling the traffic generated from the use, and is located such that it is compatible with the residential use and will not create a traffic hazard or congestion;~~

D. Specialized housing for the elderly exceeding 10,000 square feet in size and/or 15 units;

E. Multifamily residential developments of 76 dwelling units or more; provided, that no less than 50 percent of the sum of the building footprints shall be in open space, landscaping, and active play or activity areas. The definition of density for multifamily zoned developments found in Chapter 17.06 MVMC describes how the maximum density is calculated within this zone;

F. Neighborhood convenience uses; provided, that:

1. They are incorporated with the design of a multifamily structure or complex;

2. At least 50 percent of the planned residential units are constructed before the neighborhood convenience, professional office, restaurant or day care center can be constructed;

3. The number of dwelling units in such a complex exceeds 30;

4. No use shall exceed 1,500 square feet in area;

5. The design, landscaping and arrangement of parking are compatible with the residential character of the project and neighborhood;

6. Access is from a major street and is located such that it is compatible with the residential use and will not create a traffic hazard or congestion; and

7. The multifamily density meets the definition for density for mixed use buildings or developments found within Chapter 17.06 MVMC;

G. Restaurants; provided, that they meet the same requirements for neighborhood convenience uses as set forth in subsection F of this section;

H. Bed and breakfast establishments which meet the following criteria:

1. The structure shall be owner-occupied and serve as the primary residence of the owner;

2. Adequate off-street parking of one parking space per guest room plus two spaces for the owner shall be provided but shall not be in the required front yard unless it is screened and is compatible with the surrounding neighborhood;

3. The structure shall meet all city building and fire codes to protect the safety of customers;

4. Individual rooms that are rented shall not contain cooking facilities;

5. The only meal to be provided to guests shall be breakfast and it shall only be served to guests taking lodging in the facility;

6. There shall not be any other bed and breakfast establishments within a 300-foot radius;

7. The maximum number of days that a guest may stay shall be limited to 14 consecutive days.

Guests may not stay more than 60 days in any one year;

8. The building structure may not be altered or remodeled to the extent that the resulting structure would be incompatible with the residential character of the neighborhood. (Ord. 3429 § 70, 2008).

SECTION TWENTY-SIX. Section 17.27.045, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed.

~~**17.27.045—Administrative conditional uses.**~~

~~Uses permitted by an administrative conditional use permit and classified as a Type II permit in the R-4 district are as follows:~~

~~A. Day nursery; provided, that the size, location and design are compatible with the residential character of the development and neighborhood. (Ord. 3429 § 71, 2008).~~

SECTION TWENTY-SEVEN. Section 17.30.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.30.030 Accessory uses.

A. Permitted accessory uses in the P district shall include those uses and activities customarily associated with and necessary to the operation of the permitted primary use. This shall include day nurseries, preschools, heliports, medical office buildings (MOB), when associated with, and included as, part of the master plan for a hospital, and college housing/dormitories (group living quarters for a student body), subject to the regulations of the R-4 multifamily residential district and included as part of a master plan for a college, and where it can be shown the particular accessory use is necessary to and customarily associated with the particular permitted use.

~~B. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:~~

- ~~1. The total building area of the accessory structure shall be no more than 120 square feet.~~
- ~~2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.~~
- ~~3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.~~
- ~~4. The accessory structure shall not have a permanent heat source.~~
- ~~5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.~~
- ~~6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.~~

~~B. Each primary building or structure may be permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be shown on the master plan. (Ord. 3429 § 76, 2008).~~

SECTION TWENTY-EIGHT. Section 17.33.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.33.030 Accessory uses.

A. ~~Permitted accessory uses in the R-O district shall include those permitted in the R-1 district except that accessory buildings for small animals or fowl, other than normal household pets, shall not be permitted. Permitted accessory uses in the R-O district are private garages, storage and other uses customarily incidental to the permitted uses.~~

B. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 80, 2008).~~

SECTION TWENTY-NINE. Section 17.42.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.42.030 Accessory uses.

~~A. Permitted accessory uses in the LC district shall include those permitted in the R-1 district except that accessory buildings for small animals or fowl, other than normal household pets, shall not be permitted. Permitted accessory uses in the LC district are garages, storage and other uses customarily incidental to the permitted uses.~~

B. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 89, 2008).~~

SECTION THIRTY. Section 17.45.040, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.45.040 Accessory uses.

Permitted accessory buildings and uses in the C-1 district include:

A. Residence for watchman, custodian, manager or property owner of permitted use provided it is located within the same building as the principal use. This residence can be located on the ground floor so long as it is not visible from the street.

B. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five-foot setback from any other building or property line.~~

C. Accessory dwelling unit subject to the requirements outlined in MVMC 17.73.100.

D. Card room.

E. Indoor storage. (Ord. 3749 § 3, 2018).

SECTION THIRTY-ONE. Section 17.48.025, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.48.025 Accessory uses.

Permitted accessory uses in the C-2 district include:

A. Residence for watchman, custodian, manager or property owner of permitted use provided it is located within the same building as the principal use;

B. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~B. Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five-foot setback from any other building or property line;~~

C. Mini-storage facilities;

D. Commercial or public parking garages and/or commercial or public surface parking; and

E. Card room. (Ord. 3429 § 97, 2008).

SECTION THIRTY-TWO. Section 17.51.020, Permitted uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.51.020 Permitted uses.

Permitted primary uses in the C-3 district include:

A. Commercial uses:

1. Retail stores;
2. Personal services;
3. Offices, banks, and financial institutions;
4. Hotels, motels, and lodging houses;
5. Eating and drinking establishments;
6. Theaters, bowling alleys, skating rinks and other entertainment uses;
7. Laundry and dry cleaning pickup stations;
8. Shopping centers consisting of either:
 - a. One to five retail uses occupying a lot area in excess of 60,000 square feet, or
 - b. Five or more retail uses sharing a common parking area and intended to function as a unified shopping complex regardless of lot area;
9. Drive-in banks and eating establishments; and
10. Gasoline service stations and automobile repair garages.

B. Public and quasi-public uses:

1. Governmental buildings, administrative offices;
2. Municipal parks of less than one-half acre;
3. Churches; provided, that their principal access is from a secondary arterial street or greater and they shall conform to all the development standards and requirements of the public (P) zone and concurrent with approval the city shall require both the comprehensive plan and zoning designations to be changed to public (P) during the city's next comprehensive plan amendment cycle;
4. Private vocational schools;

C. Other uses specifically permitted:

1. Printing operations;
2. Upholstery and furniture repair shops;

D. On-site hazardous waste treatment and storage facilities as an accessory use to a permitted use; provided such facilities comply with the State Hazardous Waste Siting Standards and Mount Vernon and State Environmental Policy Act requirements;

E. Emergency shelter for the homeless; provided emergency shelter for the homeless shall not be located within a 1,000-foot radius of any other emergency shelter for the homeless and an existing shelter shall not expand the existing square footage of their facility to accommodate additional homeless, except that the hearing examiner may approve a location within a lesser distance or an increase in square footage of the existing facility to serve additional homeless if the applicant can demonstrate that such location will not be materially detrimental to neighboring properties due to excessive noise, lighting, or other interference with the peaceful use and possession of said neighboring properties; and provided further, an emergency shelter for the homeless shall have 100 square feet of gross floor area per resident as defined by the city building code (MVMC Title 15); and provided further, an emergency shelter for the homeless shall have any and all licenses as required by state and local law. (Ord. 3429 § 99, 2008).

SECTION THIRTY-THREE. Section 17.51.025, Accessory Uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.51.025 Accessory uses.

Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 100, 2008).~~

SECTION THIRTY-FOUR. Section 17.51.045, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed.

17.51.045 — Administrative conditional uses.

~~Uses permitted by an administrative conditional use permit and classified as a Type II permit in the C-3 district are as follows:~~

~~A. Shopping centers, as limited below:~~

~~1. Those shopping centers consisting of either:~~

- ~~a. One to five retail uses occupying a lot area in excess of 60,000 square feet;~~
- ~~b. Five or more retail uses sharing a common parking area and intended to function as a unified shopping complex regardless of lot area;~~

~~2. An administrative conditional use permit for a shopping center shall constitute a permanent permit for the use regardless of any future transfer of ownership. However, any increase in size or departure from conditions attached to the original permit shall require the approval of a new administrative conditional use permit. Such new application will not jeopardize the original permit, but additional conditions may be required for approval of the new permit;~~

~~B. Drive in banks and eating establishments; and~~

~~C. Gasoline service stations and automobile repair garages. (Ord. 3315, 2006; Ord. 3193 § 24, 2004).~~

SECTION THIRTY-FIVE. Section 17.51.070, Building height, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.51.070 Building height.

Maximum building height shall be four stories, but not more than 50 feet. These maximum limits may be increased to six stories or 65 feet if parking is provided beneath the habitable stories or through use of Chapter 17.73. Uninhabitable stories such as a church spire, fleche, campanile, nave, a dome and lantern or a clock tower may be permitted to exceed the height limit provided such structures are not intended as advertising devices. (Ord. 3775, 2019; Ord. 3315, 2006; Ord. 2352, 1989).

SECTION THIRTY-SIX. Section 17.54.030, Permitted uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.54.030 Permitted uses.

Permitted primary uses in the C-4 district shall include:

A. Commercial.

1. Barbershops and beauty shops;
2. Drugstores;
3. Bakeries or cafes;
4. Dry cleaning and laundry pickup stations;
5. Coin-operated laundries;
6. Banks;
7. Delicatessens;
8. Movie rental businesses;
9. Day nursery;
10. Bookstores; and
11. Markets.

B. Professional offices and offices for medical and dental service.

C. Other small scale commercial and office uses that are similar in nature and have similar impacts to the surrounding neighborhood as the permitted uses listed above. (Ord. 3606 § 6, 2013).

D. Day nurseries.

SECTION THIRTY-SEVEN. Section 17.54.035, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.54.035 Accessory uses.

Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 104, 2008).~~

SECTION THIRTY-EIGHT. Section 17.54.045, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed.

~~**17.54.045—Administrative conditional uses.**~~

~~Uses permitted by an administrative conditional use permit and classified as a Type II permit in the C-4 district are as follows:~~

~~A. Day nurseries. (Ord. 3429 § 106, 2008).~~

SECTION THIRTY-NINE. Section 17.54.080, Building height, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.54.080 Building height.

Maximum building height shall be two stories but not more than 25 feet, except that if housing is included above commercial space, the height may be increased to three stories but not more than 35 feet. Building height can also be increased through use of Chapter 17.73. (Ord. 3315, 2006; Ord. 2352, 1989).

SECTION FOURTY. Section 17.57.023, Administrative conditional uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.57.023 Accessory uses.

A. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.
6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~A. Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line; and~~

B. Card room. (Ord. 3429 § 112, 2008).

SECTION FORTY-ONE. Section 17.60.030, Accessory uses, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.60.030 Accessory uses.

Permitted accessory uses in the M-2 district include:

- A. Residences for watchmen or custodians;
- B. Employees' cafeterias and auditoriums;
- C. Parking lots for employees' cars or equipment used in the business;
- D. Each primary structure is permitted to have one accessory structure that can be used as a shed to store tools or other items as long as it complies with the following requirements:

1. The total building area of the accessory structure shall be no more than 120 square feet.
2. The accessory structure is required to be a single-story and is not allowed to be taller than the primary structure on the site.
3. The accessory structure shall be located in the rear yard and is required to maintain a minimum 5-foot setback from all property lines and all other structures.
4. The accessory structure shall not have a permanent heat source.
5. The accessory structure is intended to be for storage of tools or other household items and is not to be a space that is slept in.

6. The accessory structure is not allowed in critical areas or their associated buffers regulated under Chapter 15.40 MVMC.

~~D. Each primary building or structure is permitted to have one accessory building, which is exempt from building permit requirements, by definition of the International Building Code (120 square feet or less). These exempt structures are required to be located in the rear yard and maintain a minimum of five foot setback from any other building or property line. (Ord. 3429 § 115, 2008).~~

SECTION FORTY-TWO. Section 17.69.020, Scope, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.69.020 Scope.

A. This chapter shall apply to all permitted uses within the R-1, 7.0, R-1, 5.0, R-1, 4.0, and R-2 residential districts and constitutes a “floating” overlay zone over these districts; provided, however, this chapter permits the development of limited multifamily and duplex housing and limited commercial development in the above specified residential zones, so long as the requirements of this chapter are satisfied.

1. This chapter may be applied where adequate vacant land exists to meet the standards and criteria of this chapter.

B. The PUD process provides an alternative to traditional development under prescriptive zoning and subdivision standards. The performance standards associated with a PUD allow for departure from strict compliance with zoning and subdivision development standards. However, all proposed PUD development standards that depart from strict compliance with zoning and subdivision standards must demonstrate that they allow for better design and are in the public interest.

C. A PUD application must be processed with either an application for short subdivision or standard subdivision approval. The scope of this chapter is to allow more innovative ways of designing such development applications, enabling applicants to take advantage of incentives, including flexible zoning standards, in exchange for public benefits.

D. PUDs are not intended to provide infill housing on smaller parcels in established residential areas of the city. (Ord. 3504 § 4, 2010).

E. MVMC Chapter 17.73 authorizes specific deviations from the requirements of this Chapter when an Applicant chooses to utilize Chapter 17.73. As such, the provisions of Chapter 17.73 supersede the provisions of this Chapter when there is a conflict.

SECTION FORTY-THREE. Section 17.70.020, Areas and Developments Requiring Design Review, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.70.020 Areas and Developments Requiring Design Review

A. The Design Review Standards for residential structures, contained within and adopted by reference, in this Chapter shall apply to all of the following:

1. All duplex and multifamily structures regardless of what zoning designation they are constructed within.

2. Subdivisions permitted through the Planned Unit Development process contained within MVMC Chapter 17.69.

3. Subdivisions that utilize Transfer of Development Rights permitted through MVMC Chapter 17.119.

4. Short plats or standard plats and all of the residential structures associated with said plats where the average lot size is 7,600 square feet or less. In calculating the average lot size only lots where single-family homes will be constructed can be utilized.

5. Development on existing lots not described in subsections 1 - 4 above, when a deviation from the development standards is requested, ~~but only if the deviation from the standard is the same or is within 20~~

~~percent of what all abutting properties observe. The applicant will be solely responsible for demonstrating graphically and in a narrative the development conditions of the abutting properties.~~

6. Any building footprint expansion or addition (not including private garages or carports) over 50 percent of an existing multifamily structure or duplex.

B. The Design Review Standards for areas in and surrounding the historic downtown identified in Map 1.0 (below) shall apply to all activities/work as noted below:

1. All proposals to build, locate, construct, remodel, alter or modify any facade on any structure or building, or other visible element of the façade, of the structure or building or site, including, but not limited to: landscaping, parking lot layout, signs, placement outdoor furniture or accessories, outdoor lighting fixtures, fences, walls and roofing materials. This includes exterior painting. See subsections 17.70.050 and 17.70.060 for information on how Design Review Standards apply to different types of projects.

C. Design Review Standards for areas in and surrounding the historic downtown identified in Map 1.0 (below) shall not apply to the following activities/work:

1. Ordinary maintenance and repairs as defined in this Chapter, examples include cleaning of exterior facades, re-roofing, and interior tenant improvements so long as the resulting improvements are not visible from abutting rights-of-way.

(insert Map 1.0 here)

SECTION FORTY-FOUR. Section 17.81.110, Accessory dwelling units, of the Mount Vernon Municipal Code is hereby repealed.

~~17.81.110—Accessory dwelling units.~~

~~In the zones in which an accessory dwelling to a single family use is listed as a special use, the community and economic development director shall review all proposals following the requirements of Article II of this chapter (MVMC 17.81.500 through 17.81.590), Special Use Permits. In addition, the following standards and regulations shall apply to all proposed accessory dwelling units:~~

~~A. An accessory dwelling unit may be established in an existing single family dwelling unit or in a detached structure on a legal building lot by any one or by a combination of the following methods:~~

- ~~1. Alteration of interior space of the dwelling; or~~
- ~~2. Conversion of an attic, basement, attached or detached private garage, or other previously uninhabited portion of a dwelling; or~~
- ~~3. Addition of attached living area onto an existing dwelling; or~~
- ~~4. Construction of a detached living area.~~

~~B. Each single family dwelling on a legal building lot shall have not more than one accessory dwelling unit.~~

~~C. One of the dwelling units shall be occupied by one or more owners of the property as the owner's permanent and principal residence. "Owners" shall include title holders and contract purchasers. The owner shall file a certification or owner occupancy with the planning department prior to the issuance of the permit to establish an accessory dwelling unit.~~

~~D. The floor area of the accessory dwelling unit shall not exceed 900 square feet.~~

~~E. The total number of persons who may occupy the principal and accessory dwelling units combined shall not exceed the number of persons that are defined by this title as a "family."~~

~~F. Three off-street parking spaces shall be provided for the principal and accessory dwelling units. When the property abuts an alley, the off-street parking space for the accessory dwelling unit shall gain access from the alley, unless topography makes such access impossible.~~

~~G. The single family appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood. Only one entrance to the residential structure may be located on any street side of the structure; provided, that this limitation shall not affect the eligibility of a residential structure~~

~~which has more than one entrance on the front or street side on the effective date of the ordinance codified in this chapter.~~

~~H. Only one electric, one gas, and one water meter shall be allowed for the entire building, serving both the principal and accessory dwelling unit.~~

~~I. The accessory and principal dwelling unit shall comply with all applicable requirements of the International Building Code and zoning ordinance as adopted or amended by the city.~~

~~J. The owner of a single family dwelling with an accessory dwelling unit shall file an owner's certificate of occupancy in a form acceptable to the city attorney no later than April 1st of each year. Any person who falsely certifies that he or she resides in a dwelling unit at the stated address to satisfy the requirements of this section shall be subject to the violation and penalty provisions of Chapter 17.114 MVMC.~~

~~K. A permit for an accessory dwelling unit shall not be transferable to any lot other than the lot described in the application.~~

~~L. In addition to the conditions which may be imposed through the special use permit process, all accessory dwelling units shall also be subject to the condition that such a permit shall automatically expire whenever:~~

~~1. The accessory dwelling unit is substantially altered and is thus no longer in conformance with the approved plans; and~~

~~2. The subject lot ceases to maintain at least three off street parking spaces; and~~

~~3. The applicant ceases to own or reside in either the principal or the accessory dwelling unit.~~

~~M. The applicant shall provide a covenant in a form acceptable to the city attorney and suitable for recording with the county auditor, providing notice to future owners or long term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling unit or the principal dwelling by the person to whom the accessory dwelling unit permit has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this section and to provide for the removal of improvements added to convert the premises to an accessory dwelling unit and the restoration of the site to a single family dwelling in the event that any condition of approval is violated. (Ord. 3429 § 129, 2008).~~

SECTION FORTY-FIVE. Section 17.81.120, Variances, special uses permits and appeals for ADU, of the Mount Vernon Municipal Code is hereby repealed.

17.81.120—Variances, and special use permits and appeals for ADU.

~~A. Authority to Grant Variances and Special Use Permits for ADU.~~

~~1. The community and economic development director may grant variances not exceeding 20 percent of the lot width, setbacks, maximum lot coverage, building height, parking, and buffers from the provisions of the zoning code and special uses for ADUs, upon finding that all of the conditions set forth in MVMC 17.81.110 or 17.105.050 are met.~~

~~2. The community and economic development director shall specify the information which is required to be included in a variance application and special use for ADU application and shall provide appropriate application forms. An applicant for a variance or special use for ADU must file an application for a variance or special use for ADU, which must be complete, including all required information, forms, and filing fees, before the community and economic development director will consider the variance or special use permit for ADU.~~

~~3. Following receipt of a completed application form requesting a variance or special use for ADU, the community and economic development department shall mail a notice to all property owners within 100 feet of the subject property, and post a notice on the property. If, in the opinion of the community and economic development director, the required notice would not reach all persons who may be impacted by granting of the variance, the community and economic development director may require additional notice at his or her discretion. Substantial compliance with these requirements~~

for notice of public hearing shall relieve the city of any liability for failure to comply with these notice requirements.

4. The public notice shall state the nature of the application, location of the property, a statement that written comments must be submitted to the community and economic development director within 14 calendar days of the notice mailing date, and a statement that only those persons who send written comments are entitled to a notice of decision and have the ability to file an appeal.

5. Following receipt of a completed application form requesting a variance or special use for ADU from the zoning code, the community and economic development director shall determine if the request complies with all of the criteria set forth in MVMC 17.81.110 and 17.105.050 for special use permit for ADU.

6. The community and economic development director may approve, approve with conditions, or deny the variance or special use permit for ADU request, or may forward the application to the hearing examiner for public hearing and decision as stipulated below. The community and economic development director's decision is the final city action on the variance or special use permit for ADU request unless appealed to the hearing examiner as set forth below.

7. The community and economic development director shall send his/her written decision to the applicant, parties of record, and those persons who sent written comments on the application. The community and economic development director shall give reasons for the decision and outline appeal procedures.

8. An approved variance or special use permit for ADU shall become void after the expiration of one year from the date of final decision unless:

- a. A building permit application conforming to the approved variance or special use permit for ADU is filed with the city; or
- b. A subdivision, short subdivision, or lot line revision application conforming to the approved variance is filed with the city; or
- c. The approved variance or special use permit for ADU specifically provides for a longer time limit.

9. The applicant may request an extension of the time limit by filing a written request and appropriate filing fee with the community and economic development director prior to the variance or special use permit for ADU expiration date. The community and economic development director shall send notice of his/her decision on the extension request according to subsection (A)(7) of this section.

B. Appeal to Hearing Examiner.

1. Any adjacent property owner, party of record, or any person who sent written comments to the community and economic development director during the public review period on a variance or special use permit for ADU application, may file a letter of appeal and filing fee, with the department of community and economic development. This letter must be submitted within 15 calendar days after the notice mailing date of written decision by the community and economic development director. The appeal letter must state the appellant's reason(s) for the appeal, and must state the appellant's opinion on how the variance or special use permit for ADU request complies or does not comply with the decisional criteria set forth in MVMC 17.81.540 and 17.105.050.

2. Following receipt of an appeal letter meeting the above requirements (or forwarding of an application by the community and economic development director), a public hearing shall be scheduled before the hearing examiner. Notice of the hearing shall be sent at least 14 calendar days prior to the hearing. The notice shall describe the variance request, community and economic development director's decision, and location of the site, and date, time, and place of the hearing. Substantial compliance with these requirements for notice of public hearing shall relieve the city of any liability for failure to comply with these notice requirements.

3. The hearing before the examiner shall be de novo. The examiner shall have the authority to: prescribe rules and regulations for the conduct of public hearings; administer oaths to witnesses; subpoena witnesses and documents; allow for cross-examination of witnesses; and to preserve order during the hearing.

~~4. The examiner shall render a written decision approving, approving with conditions, or denying the variance or special use permit for ADU request. The decision shall be supported by findings of fact and conclusions. The examiner shall determine if the variance request meets the criteria in MVMC 17.81.540 or 17.105.050.~~

~~5. Following receipt of the examiner's decision, the community and economic development director shall send a copy of the decision to all parties of record. The examiner's decision is the final city action on the application unless appealed to a court of competent jurisdiction. (Ord. 3429 § 130, 2008).~~

SECTION FORTY-SIX. Section 17.105.010, Authority to grant variance, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.105.010 Authority to grant variance.

A. Authority to Grant Variances ~~and Special Use Permits for ADU.~~

1. The community and economic development director may grant variances not exceeding 20 percent of the lot width, setbacks, maximum lot coverage, building height, parking, and landscape buffers from the provisions of the zoning code ~~and special uses for ADUs,~~ upon finding that all of the conditions set forth in MVMC ~~17.81.110 or~~ 17.105.050 have been met.

2. The hearing examiner may grant variances from the terms of the zoning ordinances, from the official map ordinance and from other land use regulatory ordinances prescribed by city ordinance that are not covered within subsection (A)(1) of this section.

3. The community and economic development director shall specify the information which is required to be included in a variance ~~and special use for ADU~~ application and the applicant shall provide appropriate application materials as required within Chapter 14.05 MVMC.

4. Following receipt of a completed application form requesting a variance ~~or special use for ADU,~~ the community and economic development department will follow the noticing requirements within Chapter 14.05 MVMC.

5. Following receipt of a completed application form requesting a variance ~~or special use for ADU~~ from the zoning code, the community and economic development director shall determine if the request complies with all of the criteria set forth in MVMC ~~17.81.110 and~~ 17.105.050 ~~for special use permit for ADU.~~

6. Variances complying with section MVMC 17.105.010(A)(1): the community and economic development director may approve, approve with conditions, or deny the a variance ~~or special use permit for ADU~~ request, or may forward the application to the hearing examiner for public hearing and decision as stipulated below. The community and economic development director's decision is the final city action on the variance ~~or special use permit for ADU~~ request unless appealed to the hearing examiner as set forth below.

~~i. 7.~~ The community and economic development director shall send his/her written decision to the applicant, adjacent property owners within 100 feet, and those parties of record. The community and economic development director shall give reasons for the decision and outline appeal procedures.

~~7. 8.~~ An approved variance ~~or special use permit for ADU~~ shall become void after the expiration of one year from the date of final decision unless:

a. A building permit application conforming to the approved variance ~~or special use permit for ADU~~ is filed with the city; or

b. A subdivision, short subdivision, or lot line revision application conforming to the approved variance is filed with the city; or

c. The approved variance ~~or special use permit for ADU~~ specifically provides for a longer time limit.

~~9. The applicant may request an extension of the time limit by filing a written request and appropriate filing fee with the community and economic development director prior to the variance or special use~~

~~permit for ADU expiration date. The community and economic development director shall send notice of his/her decision on the extension request according to subsection (A)(6) of this section. (Ord. 3429 § 173, 2008).~~

SECTION FORTY-SEVEN. Section 17.105.080, Appeal from decision – Time limits, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.105.080 Appeal from decision – Time limits.

A. The action by the hearing examiner on an application for a variance or an appeal from the decision of the community and economic development director shall be final and conclusive unless a party with standing files an appeal according to MVMC 14.05.190.

B. Appeal to Hearing Examiner.

1. Appeals to the Hearing Examiner are required to comply with the requirements outlined in MVMC Chapter 14.05.

~~1. Any party with standing may file a notice of appeal and filing fee with the department of community and economic development. This notice must be submitted within 14 days after the notice mailing date of written decision by the community and economic development director. The appeal notice must state the appellant's reason(s) for the appeal, and must state the appellant's opinion on how the variance or special use permit for ADU request complies or does not comply with the decisional criteria set forth in MVMC 17.81.540 and 17.105.050.~~

~~2. Following receipt of an appeal notice meeting the above requirements (or forwarding of an application by the community and economic development director, a public hearing shall be scheduled before the hearing examiner. Notice of the hearing shall be sent at least 14 calendar days prior to the hearing. The notice shall describe the variance request, community and economic development director's decision, and location of the site, and date, time and place of the hearing. Substantial compliance with these requirements for notice of public hearing shall relieve the city of any liability for failure to comply with these notice requirements.~~

~~3. The hearing before the examiner shall be de novo. The examiner shall have the authority to: prescribe rules and regulations for the conduct of public hearings; administer oaths to witnesses; subpoena witnesses and documents; allow for cross-examination of witnesses; and to preserve order during the hearing.~~

~~4. The examiner shall render a written decision approving, approving with conditions, or denying the variance or special use permit for ADU request. The decision shall be supported by findings of fact and conclusions. The examiner shall determine if the variance request meets the criteria in MVMC 17.81.540 and 17.105.050.~~

~~5. Following receipt of the examiner's decision, the community and economic development director shall send a copy of the decision to all parties of record. The examiner's decision is the final city action on the application unless appealed to a court of competent jurisdiction. (Ord. 3429 § 180, 2008).~~

SECTION FORTY-EIGHT. Section 17.119.010, Permitted, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.119.010 Permitted.

The use of the R-1, 4.0 and R-2 residential zoning district areas as shown on the official zoning map of the city of Mount Vernon as a receiving zone for transfer or purchase of development rights from land zoned and/or designated open space, parks, wetland preserve or residential agriculture on the official city of Mount Vernon comprehensive plan map; the TDRs to receiving sites shall be permitted at the rate of one additional residential dwelling unit per entire net acre. The additional dwelling unit may be permitted in addition to dwelling unit bonuses for affordable housing as permitted under Chapter 17.73 MVMC. No fractional development rights shall be permitted. (Ord. 3515 § 3, 2011).

SECTION FOURTY-NINE. Section 17.119.025, Minimum lot size, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

17.119.025 Minimum lot size.

In no case can a lot created utilizing TDRs be smaller than 6,600. However, applications using TDRs and the provisions of MVMC Chapter 17.73 can create lots no smaller than 5,000 square feet. (Ord. 3315, 2006).

SECTION FIFTY. New Section. A new Chapter 16.34, Platting of Duplex and Townhouse Structures, is added to the Mount Vernon Municipal Code as follows:

Chapter 16.34

PLATTING OF DUPLEX AND TOWNHOUSE STRUCTURES

Sections:

- 16.34.010 Purpose
- 16.34.020 Definitions
- 16.34.030 Authority to Approve and Procedures
- 16.34.040 Additional Requirements

16.34.010 Purpose

The purpose of this Chapter is to:

- A. Allow duplex and townhouses structures to be platted with zero lot-lines to allow these units to be sold as individual, fee simple lots.
- B. Promote affordable housing, efficient use of land and energy, and the availability of a variety of housing types in different locations.
- C. Promote infill development.
- D. Provide for the public health, safety and welfare of the public and purchasers and residents of such townhouse units.

16.34.020 Definitions

The following words used in this Chapter are specifically defined in MVMC Chapter 16.04:

“Party Wall Agreement” or “Common Wall Agreement” means a document prepared by an Attorney licensed in the State of WA that contains/addresses all of the following elements with regard to party walls: easements, general rules of law, utilities, use, alteration of party wall, common roof and common foundations, sharing of repair and maintenance, weatherproofing, maintenance, damage, repair and destruction, insurance, and must run with the land in perpetuity.

“Party Wall” or “Common Wall” means the foundation wall, the footing under such foundation wall, the shaft liner fire wall supported by the foundation and a roof sheathing or parapet, if existing, capping such fire wall which are part of the original construction of the Units located on the Lots and are located and constructed on or adjacent to the common Lot boundary line which separates two adjoining Lots, and which constitutes a common wall between adjoining Units, as such Party Wall may be repaired or reconstructed. A Party Wall is a structural part of and physically joins the adjoining Units on each side of the Party Wall. The term "Party Wall" shall also include any two (2) walls that generally meet this definition, and that together constitute the wall between two adjoining Units, even if such walls are separated by a de-minimus amount of air space.

“Conditions, Covenants and Restrictions” means a document that complies with applicable Federal and State laws and that contains/addresses all of the following elements:

1. Creation of an association of owners (e.g. Homeowner’s Association or Governing Body) of the proposed lots that are required to provide for the control and maintenance of all improvements that will be owned by the Governing Body (usually a Homeowner’s Association) such as, parking, access ways, open spaces, fences, street trees, stormwater facilities, etc.
2. Maintenance. The CC&Rs shall contain provisions establishing the obligation and duty of the governing body of the project to continually maintain the common areas in a manner which, at a minimum, ensures compliance with this Code and all other applicable laws, regulations, and standards.
3. Assessment for Maintenance of Common Areas and Facilities. To protect the public health, safety, and welfare, provisions shall be made for monthly or annual assessments that pay for maintenance of all common areas.
4. The CC&Rs shall run with the land and are required to be reviewed and approved by the city attorney and the Development Services Department prior to recording a final plat or short plat.
5. To achieve the purposes of this section, the declarations of conditions, covenants, and restrictions (CC&Rs) or other applicable documents relating to the management of common area and facilities shall be subject to approval by the Development Services Department and the City Attorney.
6. Amendments to the CC&Rs that would amend, delete, modify, or otherwise affect any provision required by this section shall require the prior written approval of the Development Services Director and the City Attorney. To that end, the amendment shall not be effective unless:
7. Any other provisions which the Development Services Director or City Attorney determine are necessary and reasonable for ensuring compliance with the provisions of the municipal code or the conditions of approval of the project.
8. The CC&Rs shall be recorded prior to or concurrently with of the recordation of the plat, which the plat shall contain the recording instrument numbers thereupon.

“Zero Lot Line” means a structure is placed with at least one wall on a property line.

16.34.020 Authority to Approve and Procedures

- A. All duplex and townhouse developments creating 9 (or fewer) lots, tracts or parcels shall be required to:

1. Submit the same application materials outlined in MVMC Chapter 16.32 for preliminary and final short plats plus the items outlined below under sub-section C.
 2. Follow the same procedural steps and requirements, outlined in MVMC Chapter 16.32 for preliminary and final short plats.
 3. Be subject to the provisions of Chapters 16.04, 16.16, 16.20, and 16.28.
- B. All duplex and townhouse developments creating more than 9 lots, tracts or parcels shall be required to:
1. Submit the same application materials outlined in MVMC Chapters 16.08 and 16.12, respectively plus the items outlined below under sub-section C.
 2. Follow the same procedural steps and requirements outlined in MVMC Chapters 16.08 and 16.12, respectively.
 3. Be subject to the provisions of Chapters 16.04, 16.16, 16.20, and 16.28.
- C. In addition to the above-listed requirements, preliminary and final plats and short plats shall also be required to submit materials containing the following information:
1. The location of the buildings in reference to the exterior boundaries of the property.
 2. Location, horizontal dimensions, and identification of the townhouse units within each building.
 3. Identification of the thickness of common walls/party walls between or separating the individual units.
 4. Designation and identification of all common elements.
 5. The location and identification of all utilities serving the townhouse units including connection points to each duplex or townhouse unit.
 6. A Party Wall Agreement.
 7. Conditions, Covenants and Restrictions.
 8. Additional wording shall be added to the surveyor's certification statement for townhouse plats as follows:

"This plat substantially depicts the location and horizontal measurements of each unit and townhouse lot, lot designations, the building locations, all utilities serving the units, the location of parking, common elements, and storage spaces."

"Each duplex and townhouse unit created in this plat is served by individual water and sewer services from the public mains. Each unit owner shall own and be responsible for the operation, maintenance, and replacement of the water service line from the property shut-off valve located near the utility easement boundary to their unit. Additionally, each unit owner shall own and be responsible for the operation, maintenance and replacement of the sewer service line from their unit to the public sewer main, including the tapping saddle. The City reserves the right of ingress, egress and maintenance in private utility easements, access ways, and common areas".

16.34.030 Additional Platting and Lot Requirements

- A. Each duplex or townhouse lot shall contain all elements of the individual unit's structure recognizing the common vertical walls will be shared with abutting units. The only exception to this is for detached garages that can be located on tracts or lots to be owned by the Homeowner's Association; however, the ownership of each garage space shall be identified on the recorded plat.
- B. Each duplex or townhouse lot shall contain the attached private open space required per MVMC 17.70.
- C. Each individual duplex or townhouse lot shall have a minimum width of 20 feet.
- D. Zoning Requirements. Each duplex or townhouse structure (not individual lot) is required to comply with the lot coverage, building setbacks (excepting side yard setbacks where two dwelling units share

a common wall), building height, parking, and landscaping required according to the properties' underlying zoning designation or as modified by Chapter 17.73 MVMC.

- E. Subdivisions of sites containing previously constructed duplex or townhouse dwellings shall not be allowed unless all common walls meet, or are reconstructed to, current building code and fire code requirements for separately owned subdivided duplex or townhouse units, and all other standards of this Chapter are met.

SECTION FIFTY-TWO. Section 16.04, of the Mount Vernon Municipal Code shall have three new definitions added and is hereby repealed and reenacted with the new section to read as follows:

16.04.050 Definitions generally.

A. Words used in the present tense shall include the future tense; the future tense shall include the present tense. The singular number shall include the plural number; the plural number shall include the singular number. The word "may" is permissive; "shall" is mandatory. "Lot" includes the words "plot," "parcel," "tract," and "site"; and "building" includes the word "structure." "City" shall mean the city of Mount Vernon, Washington, and "county" shall mean Skagit County, Washington.

B. The definitions found within Chapters 14.05 and 17.06 MVMC are hereby adopted by reference in their entirety as they are currently written or amended in the future. (Ord. 3428 § 5, 2008).

16.04.060 Block.

"Block" means a group of lots, tracts or parcels within well-defined and fixed boundaries. (Ord. 3428 § 6, 2008).

16.04.070 City engineer.

"City engineer" means the duly appointed engineer for the city of Mount Vernon, is also known as the public works director, or his/her designee. (Ord. 3428 § 7, 2008).

16.04.080 City treasurer.

"City treasurer" means the duly appointed clerk-treasurer for the city of Mount Vernon. (Ord. 3428 § 8, 2008).

16.04.085 Codes, Covenants and Restrictions.

"Codes, Covenants and Restrictions" means a document that complies with applicable Federal and State laws and that contains/addresses all of the following elements:

1. Creation of an association of owners (e.g. Homeowner's Association or Governing Body) of the proposed lots that are required to provide for the control and maintenance of all improvements that will be owned by the Governing Body (usually a Homeowner's Association) such as, parking, accessways, open spaces, fences, street trees, stormwater facilities, etc.
2. Maintenance. The CC&Rs shall contain provisions establishing the obligation and duty of the governing body of the project to continually maintain the common areas in a manner which, at a minimum, ensures compliance with this Code and all other applicable laws, regulations, and standards.
3. Assessment for Maintenance of Common Areas and Facilities. To protect the public health, safety, and welfare, provisions shall be made for monthly or annual assessments that pay for maintenance of all common areas.
4. The CC&Rs shall run with the land and are required to be reviewed and approved by the city attorney and the Development Services Department prior to recording a final plat or short plat.
5. To achieve the purposes of this section, the declarations of conditions, covenants, and restrictions (CC&Rs) or other applicable documents relating to the management of common area and

facilities shall be subject to approval by the Development Services Department and the City Attorney.

6. Amendments to the CC&Rs that would amend, delete, modify, or otherwise affect any provision required by this section shall require the prior written approval of the Development Services Director and the City Attorney. To that end, the amendment shall not be effective unless:
7. Any other provisions which the Development Services Director or City Attorney determine are necessary and reasonable for ensuring compliance with the provisions of the municipal code or the conditions of approval of the project.
8. The CC&Rs shall be recorded prior to or at the same time of the recordation of the plat, which plat shall contain the recording instrument numbers thereupon.

16.04.090 Comprehensive plan.

“Comprehensive plan” means the coordinated plan that has been prepared for the physical development of the municipality; or any plan included in the comprehensive plan that has been prepared for the physical development of such municipality, and that designates among other things, plans and programs to encourage the most appropriate use of land and to lessen congestion throughout the municipality in the interest of public health, safety and welfare. All actions taken pursuant to this chapter shall be in compliance with the city comprehensive plan. (Ord. 3428 § 9, 2008).

16.04.100 Condominium unit.

“Condominium unit” is defined pursuant to RCW 64.34.216(1)(d). (Ord. 3428 § 10, 2008).

16.04.110 Council.

“Council” means the city council of Mount Vernon. (Ord. 3428 § 11, 2008).

16.04.120 County assessor.

“County assessor” means the duly elected county assessor. (Ord. 3428 § 12, 2008).

16.04.130 County auditor.

“County auditor” means the duly elected county auditor of Skagit County. (Ord. 3428 § 13, 2008).

16.04.140 County treasurer.

“County treasurer” means the duly elected Skagit County treasurer. (Ord. 3428 § 14, 2008).

16.04.150 Covenant.

“Covenant” means a binding and solemn agreement made by two or more individuals, parties, etc., to do or keep from doing a specified thing or things. (Ord. 3428 § 15, 2008).

16.04.160 Dedication.

“Dedication” means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or a short plat showing the dedication thereon and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit. (Ord. 3428 § 16, 2008).

16.04.170 Existing street.

“Existing street” means a presently traveled way with a minimum width of 15 feet of hard surfacing, irrespective of whether it has been accepted by the city for maintenance. A hard-surfaced street shall be a street consisting of either portland cement or asphaltic concrete as a wearing surface. (Ord. 3428 § 17, 2008).

16.04.180 Health department.

“Health department” means the Skagit County Department of Health. (Ord. 3428 § 18, 2008).

16.04.190 Lot.

“Lot” means a fractional part of subdivided land having fixed boundaries being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels of land. Lots shall be certified by the city according to the process outlined within Chapter 14.05 MVMC. (Ord. 3428 § 19, 2008).

16.04.200 Metes and bounds.

“Metes and bounds” means a description of real property that starts at a known point of beginning and describes the bearings and distances of the lines forming the boundaries of the property and is completed when the description returns to the point of beginning. (Ord. 3428 § 20, 2008).

16.04.210 Monument.

“Monument” means an object used to permanently mark a surveyed location. The size, shape and design of the monument are to be in accordance with standards specified by the city public works department. (Ord. 3428 § 21, 2008).

16.04.215 Party Wall Agreement.

“Party Wall Agreement” see the definition of such in Chapter 16.34 MVMC.

16.04.210 Party Wall.

“Party Wall” see the definition of such in Chapter 16.34 MVMC.

16.04.220 Pavement width.

“Pavement width” means the actual paved surface measured between faces of curbs of streets or from edge to edge of alley road surface. (Ord. 3428 § 22, 2008).

16.04.230 Plat.

A. “Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other division and dedications.

B. “Preliminary plat” is a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision, and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

C. “Final plat” is the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in this title.

D. “Short plat” is the map of representation of a short subdivision. A short plat consists of nine or fewer lots. (Ord. 3428 § 23, 2008).

16.04.240 Right-of-way.

“Right-of-way” or “R/W” or “R-O-W” means a strip of land dedicated to the city for street and utility purposes and on a portion of which a street is built or utilities are installed. (Ord. 3428 § 24, 2008).

16.04.250 Street.

A. “Street” means a dedicated and accepted public or private right-of-way for vehicular traffic. The word “street” includes the words “road,” “drive,” “boulevard” or “way.”

- B. "Arterial street" means an existing or proposed roadway designated an arterial by resolution of the city, or a roadway carrying or designed to carry more than 1,500 vehicles per day.
- C. "Collector street" means a roadway designed to carry medium volumes of vehicular traffic, provide access to the major street system, and collect the vehicular traffic from the intersecting minor streets.
- D. "Local or minor access street" means a street providing vehicular access to abutting properties.
- E. "Cul-de-sac" means a street intersecting another street at one end and permanently terminated by a vehicular turnaround at the other end.
- F. "Marginal access street" means a street that is parallel to and adjacent to a major arterial, that provides access to the properties abutting it and which separates the abutting properties from high-speed vehicular traffic.
- G. "Accepted street" means a street that has been accepted for maintenance by the city. Usually any street that has or had been improved to the prevailing minimum city standard is regarded as an accepted street.
- H. "Private street" means a privately owned and maintained access provided for by a tract, easement or other legal means.
- I. "Alley" means a public thoroughfare which affords access to abutting property and is usually not intended for general traffic circulation. (Ord. 3428 § 25, 2008).

16.04.260 Street and utility standards of the city.

"Street and utility standards of the city" shall consist of requirements contained in the following: The latest edition of the Standard Specifications for Road, Bridge, and Municipal Construction prepared by the Washington State Chapter of APWA; city of Mount Vernon engineering standards approved by the city engineer; Criteria for Sewage Works Design prepared by Washington State Department of Ecology; and the design standards for streets of the city outlined in MVMC Title 16. (Ord. 3428 § 26, 2008).

16.04.270 Subdivider.

"Subdivider" means any person, firm or corporation who subdivides or develops any land deemed to be a subdivision and is also referred to as the "applicant." (Ord. 3428 § 27, 2008).

16.04.280 Subdivision, short.

"Short subdivision" means the division of an area into nine or fewer lots, tracts or parcels. (Ord. 3428 § 28, 2008).

16.04.290 Subdivision, standard.

"Subdivision" means the division of land into 10 or more lots, tracts, parcels, sites or divisions for the purpose of sale or lease and shall include all re-subdivision of land. (Ord. 3428 § 29, 2008).

16.04.300 Zero Lot Line

"Zero Lot Line" see the definition of such in Chapter 16.34 MVMC..

16.04.300 Plat.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(27), 1979).

16.04.310 Plat certificate.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(28), 1979).

16.04.320 Right-of-way.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(29), 1979).

16.04.330 Street.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(30), 1979).

16.04.340 Street and utility standards of the city.

Repealed by Ord. 3428. (Ord. 2632 § 1, 1994; Ord. 1950 § 1(3)(31), 1979).

16.04.350 Subdivider.

Repealed by Ord. 3428. (Ord. 1950 § 1(3)(32), 1979).
 16.04.360 Subdivision.
 Repealed by Ord. 3428. (Ord. 1950 § 1(3)(33), 1979).

SECTION FIFTY-THREE. Section 14.05.060, Permit classification table, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

14.05.060 Permit classification table.

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Administrative Determination	X					
Accessory Dwelling Unit per MVMC 17.73.100	X					
Binding Site Plan, Final	X					
Binding Site Plan, Preliminary		X				
Boundary Line Adjustment	X					
Building Permit SEPA Exempt	X					
Code Interpretation	X					
Comprehensive Plan Map or Text Amendments						X
Administrative Conditional Use Permit		X				
Conditional Use Permit			X			
Conditional Use Permit for EPFs				X		
Critical Area Ordinance Reasonable Use Exception, Variances and Appeals per MVMC 15.40.130			X			
Design Review with Building Permit, or Administrative Design Review	X					
Design Review with Hearing Examiner Land Use Permit			X			
Design Review by Design Review Board			X			
Design Review Waiver per Chapter 17.70 MVMC	X		X			
Development Regulation Text Amendments to Chapter 3.40 MVMC and MVMC Titles 15, 16 and 17						X
Development Regulation Text Amendments to Chapters Except Chapter 3.40 MVMC and MVMC Titles 15, 16 and 17					X	
Environmental Review		X				
Fence or Wall Permit	X					
Fill and Grade Permit I	X					
Floodplain District Development Permit				X		

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Historic Structure – Designation				X		
Historic Structure – Exterior Alteration		X				
Home Occupation – Type I or Exemption	X					
Home Occupation – Type II		X				
Land Clearing Permits and Management Plans		X				
Land Clearing Moratorium Removal			X			
Land Clearing Single-Family Residential Moratorium Exception		X				
Landscape Modifications per MVMC 17.93.080	X					
Lot Certification	X					
Major Modification	X	X	X	X		
Master Plan Approval per MVMC 17.30.090				X		
Minor Modifications	X					
Model Home Permit	X					
Nonconforming Use – Ordinary Maintenance or Repair	X					
Nonconforming Use – Certificate of Use or Occupancy	X					
Nonconforming Use – Special Permission to Enlarge, Expand, or Reconstruct				X		
Plat, Preliminary				X		
Plat, Final					X	
Planned Unit Development, Final					X	
Planned Unit Development, Preliminary				X		
Rezoning Consistent with Comprehensive Plan				X		
Shoreline Conditional Use Permit			X			
Shoreline Exemption	X					
Shoreline Substantial Development Permit		X				
Shoreline Variance			X			
Short Plat, Preliminary		X				
Short Plat, Final	X					
Site Plan Approval	X					
Site Plan Approval per MVMC 17.39.150				X		
Special Use Permit			X			
Special Use Permit for ADUs		X				

Land Use Permit/Action	Permit Type					
	I	II	III	IV	V	VI
Street Vacations Subject to Procedural Requirements Outlined in Chapter 35.79 RCW						X
Street Design Modifications per Chapter 16.16 MVMC	X					
Temporary Homeless Encampment		X				
Temporary Use Permit Per Chapter 17.92 MVMC	X					
Transfer of Development Rights – Certificate of Available Rights	X					
Transfer of Development Rights – Approval to Utilize	X					
Transportation Concurrency when > 75 PM Peak Hour Trips Are Generated				X		
Variances			X			
Waivers per MVMC 14.10.110, Chapter 16.20 MVMC, and MVMC 17.84.130				X		
Zoning Boundary Determination per MVMC 17.09.040			X			
Zoning Variances Not Exceeding 20 Percent of Lot Width, Setbacks, Lot Coverage, Building Height, Parking, and Landscape Buffers		X				

SECTION FIFTY-FOUR. Section 14.05.150, Notice requirements, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

14.05.150 Notice requirements.

A. Notice of Application.

1. Applicability. A notice of application is not required for actions that are classified as Type I permits per MVMC 14.05.060; or actions specifically exempted under MVMC 14.05.040, but is required for all other development permit applications subject to notice requirements, except for binding site plans.

2. Content. Within 30 days of issuing a letter stating that an application is technically complete per MVMC 14.05.110(D), and as long as CEDD staff has not requested additional or corrected information per MVMC 14.05.110(D), the city shall issue a notice of application (NOA). The notice shall, at minimum, include the following:

- a. Owner, applicant and contact name;
- b. Project name and city file number;
- c. Date of counter completeness and technical completeness;
- d. A nonlegal project location description;
- e. Project description;
- f. A listing of all permits/approvals requested;
- g. The date the 14-day public comment period expires;
- h. The date, time, and place of a public hearing if one has been scheduled; and
- i. The following, or equivalent, statements: “To receive additional information regarding this project, contact the community and economic development department and request to be made a party of record” and “To become a party of record or to obtain further information regarding this project, contact the city of Mount Vernon community and economic development department at 910 Cleveland Avenue, Mount Vernon, WA 98273, (360) 336-6214.”

3. Distribution. Notices of application shall be made as follows:

a. By publication in the newspaper of record, except for the following permits:

- i. Administrative conditional use;
- ii. Fill and grade II;
- iii. Exterior alteration of a historic structure;
- iv. Type II home occupation;
- v. Short plat;
- ~~vi. Special use permit for an accessory dwelling unit;~~

~~vii. Zoning variance not exceeding 20 percent of the lot width, setbacks, lot coverage, building height, parking and landscape buffers;~~

b. By posting of a land use notice board placed by the applicant in a conspicuous location on each public street frontage bordering the subject property and visible by members of the public; and

c. By mail as follows:

i. For administrative conditional use permits, notice shall be mailed to adjacent and abutting property owners.

ii. For planned unit developments, notice shall be mailed to property owners within 500 feet of the project.

~~iii. For special use permits for accessory dwelling units (ADU) or~~ variances not exceeding 20 percent of the zoning requirements, notice shall be mailed to all property owners within 100 feet of the property.

iv. For all other applications, including annexations and short plats, notice to all owners located within the boundaries of a project and within 300 feet of the boundary of the development permit. If the applicant owns property abutting or adjacent to the boundary of the development permit, notice shall be sent to the owners of real property within 300 feet of any portion of the boundaries of abutting or adjacent properties owned by the applicant.

v. In addition, the notice shall be mailed to all city departments and agencies with jurisdiction as well as any other person who requests such notice in writing.

vi. With the submittal of a development permit that requires notice be sent via mail, the applicant shall provide mailing labels to the CEDD for their use in sending out notices. The applicant shall obtain the names and address of all property owners within the notification areas, specified above, from the Skagit County assessor's office. The list of property owners must be no older than 30 days. The applicant shall be responsible for updating the property owner list and the associated labels as their project is processed by the CEDD.

4. Optional Additional Public Notice. If the city deems additional notice necessary for a particular project application, the city may require additional public notice. The director shall make the sole determination if optional public notice is necessary, in addition to the notice requirements of this chapter. The city may require the applicant to provide any or all of the following additional forms of notice:

a. Mailed notice to owners and/or occupants of real property beyond the notification radius outlined above;

b. Mailed notice to public or private groups with known interest in a certain proposal or in the type of proposal being considered;

c. Mailed or published notice to the news media; and/or

d. Publication of additional notices in regional, neighborhood, or trade publications.

B. Notice of Administrative Decisions. The CEDD shall notify all parties of record, the project proponent, and affected government agencies of any Type II administrative decisions. Notification must be made by mail and shall include:

1. A description of the decision(s), including any conditions of approval;

2. A statement explaining where further information may be obtained;

3. Any threshold environmental determination issued for the project, if an application subject to an administrative approval requires an environmental threshold determination; and

4. The decision and a statement that the decision will be final unless an appeal to the hearing examiner is filed with the CEDD within 14 days of the date of the decision.

C. Notice of Public Hearing. Notice of a public hearing for all development applications subject to notification requirements including all open and closed record appeals shall be given as follows:

1. For applications where an open record hearing is required, the notice of public hearing will be sent to the applicant, owner, those property owners within the notification distances noted in subsection (A)(3) of this section, and all parties of record.
2. For Type IV and VI applications a notice of public hearing will be distributed for the open record hearing as outlined above; however, only the applicant, owner, and parties of record will receive an individual notice advising them of the date/time of the city council hearing where the final decision will be made.
3. Timing. Except as otherwise required, public notification of meetings, hearings, and pending actions shall be made by:
 - a. Publication at least 14 days before the date of a public meeting, hearing, or pending action in the newspaper of record, if one has been designated, or a newspaper of general circulation in the city; and
 - b. Mailing at least 14 days before the date of a public meeting, hearing, or pending action to all parties of record, the project proponent, and affected government agencies.
 - c. The day of the hearing can be counted as one of the required 14 days.
 - d. For Type IV and VI applications the notice of the city council hearing is not required to be published or posted on the subject site.
4. Content of Notice. The public notice shall include a general description of the proposed project, the action to be taken, a nonlegal description of the property, the time, date and place of the public hearing, and where further information may be obtained.

D. Notice of Final Plat. For Type V final plat approvals a notice will be distributed to the applicant, owner, and parties of record no less than five days prior to the city council meeting informing them that the city council will be taking action on the final plat at a closed record meeting where testimony will not be taken.

E. Notice of Examiner or Commission Decision. Notice of hearing examiner and planning commission decisions shall be made to all parties of record, the project proponent, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s), including any conditional approval;
2. A statement explaining where further information may be obtained;
3. The decision date and a statement that the decision will be final unless an appeal to the city council is filed with the CEDD within 14 days of the date of the decision.

F. Notice of Council Decision. Notice of city council decisions subject to notice requirements shall be made to all parties of record, the project proponent, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s), including any conditions of approval;
2. A statement explaining where further information may be obtained;
3. The decision date and a statement that the decision will be final unless the appropriate land use appeal, writ of review or appeal from the decision of the city council is filed.

G. Notice of Appeal. Notice of appeals subject to notice requirements shall be made to all parties of record, the project proponent, and affected government agencies. Notification shall be made by mail and must include:

1. A description of the decision(s) being appealed;
2. A statement explaining where further information may be obtained; and
3. A statement of when and where the appeal will be heard.

H. Failure to Receive Notice. Failure to receive such mailed notification, or posting of the land use notice board, as may be required in subsections A to G of this section shall have no effect upon the proposed action or application. (Ord. 3560 § 3, 2012).

SECTION FIFTY-FIVE. Section 14.05.210(B), of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

(the entire existing, codified table will be inserted here)

The column labeled as “Special Permit for Accessory Dwelling Unit” shall be renamed “Accessory Dwelling Unit” and the following submittals shall be removed:

- Affidavits for Labels and Verifying Posting of Public Information Sign
- Justification for Proposal
- List of Site and Surrounding Property Owners and Mailing Labels for Same
- Neighborhood Detail Map
- Public Works Approval Letter

SECTION FIFTY-SIX. Exhibit A, referenced within Mount Vernon Municipal Code 14.15.010, Established, shall include a new fees as follows:

Applications using Chapter 17.73 MVMC shall pay the following fee that is in addition to all other applicable fees:

- \$1,000.00 plus \$50.00 per dwelling unit being created (this is a one-time fee paid when land use permits are applied for)
- 100% of Consultant Cost

Applications using Chapter 16.34 MVMC shall pay the following fee that is in addition to all other applicable fees:

- \$1,000.00 plus \$50.00 per dwelling unit being created (this is a one-time fee paid when land use permits are applied for)
- 100% of Consultant Cost
- Monitoring Fees. Housing Owner shall pay to the City an annual monitoring fee, due on January 1st of each year, intended to cover the cost of City staff time to receive, review, document, and record compliance of each affordable housing unit with the terms of this Covenant and Agreement. The City estimates the cost to complete the described monitoring tasks will be \$75.00 for each Restricted Unit in 2019. Should City staff time needed to complete the required yearly monitoring tasks be less than \$75.00 per Restricted Unit the City will assess a reduced fee that covers only the required City staff time. Every year starting in 2020 the \$75.00 Restricted Unit monitoring fee shall be adjusted every year on January 1st to account for inflation. The Consumer Price Index (CPI) published by the Bureau of Labor Statistics that is part of the United States Department of Labor shall be used to account for inflation to increase or decrease the monitoring fees assessed by the City over time.

SECTION FIFTY-SEVEN. SEVERABILITY. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

SECTION FIFTY-EIGHT. SAVINGS CLAUSE. All previous ordinances which may be repealed in part or their entirety by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

SECTION FIFTY-NINE. This ordinance shall be in full force and effect five days after its passage, approval, and publication as provided by law.

PASSED AND ADOPTED this 11th day of December, 2019.

SIGNED AND APPROVED this ___ day of _____, 2019.

Doug Volesky, Finance Director

Jill Boudreau, Mayor

Approved as to form:

Kevin Rogerson, City Attorney

Published _____