

ORDINANCE NO. 3749

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, AMENDING MOUNT VERNON MUNICIPAL CODE CHAPTERS 17.06 (DEFINITIONS), 17.09 (DISTRICTS ESTABLISHED – ZONING MAP), 17.45 (DOWNTOWN DISTRICTS), CHAPTER 17.84 (PARKING AND LOADING), AND CHAPTER 17.93 (LANDSCAPING) TO IMPLEMENT PORTIONS OF THE SOUTH KINCAID SUBAREA PLAN, PROVIDING FOR SEVERABILITY, AND ESTABLISHING EFFECTIVE DATE

WHEREAS, RCW 36.70A.040 requires the City's development regulations implement its Comprehensive Plan; and,

WHEREAS, the City adopted the South Kincaid Subarea Plan with Ordinance 3748; and,

WHEREAS, the amendments to Chapters 17.06, 17.09, 17.45, 17.84, and 17.93 of the Mount Vernon Municipal Code implement portions of the South Kincaid Subarea Plan; and

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. The City Council does hereby adopt the above listed recitals as set forth fully herein.

SECTION TWO. PLANNING COMMISSION'S FINDINGS, CONCLUSIONS, AND RECOMMENDATION ADOPTED. The City Council adopts the Planning Commission's findings of fact and conclusions of law, outlined below, in their entirety.

A. PLANNING COMMISSION'S FINDINGS OF FACT:

1. A Threshold Determination of Non-significance (DNS) and Notice of Adoption of Existing Environmental Documents for the subject code amendments was issued on March 14, 2018 and published on March 16, 2018. The comment period for this determination tolled on March 27, 2018; and the appeal period tolled on April 6, 2018 with no comments or appeals on the determination.
2. Notice of adoption of the proposed code amendments has been duly transmitted in compliance with RCW 36.70A.106(1). The Department of Commerce has acknowledged the City has met this procedural requirement with Commerce's Material ID #: 24638.
3. The City of Mount Vernon has followed its adopted public participation program contained in Resolution 491. The Western Washington Growth Management Hearings Board reviewed Resolution 491 setting forth the City's Public Participation Program finding that the City's program satisfies the requirements of Washington State's Growth Management Act in Citizens v.

City of Mount Vernon, WWGMHB Case No. 98-2-0006c (Compliance Order, May 28, 1999). Following is a list of the public participation items that were completed leading up to the Council’s hearing on April 25, 2018:

- a. The Mount Vernon City Council passed Resolution 928 on March 8, 2017 that, in part, docketed the South Kincaid Subarea Plan as required per RCW 36.70A.130.
- b. Community workshop/meetings were held to solicit input from the public and interested parties on the South Kincaid Subarea Plan. Below is a table listing information on each of these workshops/meetings:

DATE	PLACE	PUBLIC NOTICE SUMMARY
May 25, 2017	Mount Vernon Fire Station #1 (901 South Second Street)	<ul style="list-style-type: none"> • Published in Skagit Valley Herald on May 22, 2017. • Special Meeting Notice consistent with RCW 42.30 distributed May 18, 2017. • Meeting notices mailed to all property owners inside and within 300-feet of the subarea boundaries. • Meeting information placed in the Mayor’s newsletter (distribution > 650). • Meeting notice and supplemental information placed on the City’s website.
September 20, 2017	Mount Vernon Police and Court Campus (1805 Continental Place)	<ul style="list-style-type: none"> • Published in Skagit Valley Herald on September 13, 2017. • Special Meeting Notice consistent with RCW 42.30 distributed September 12, 2017. • Meeting notices mailed to all property owners inside and within 300-feet of the subarea boundaries. • Meeting notice and supplemental information placed on the City’s website.
November 30, 2017	Mount Vernon Police and Court Campus (1805 Continental Place)	<ul style="list-style-type: none"> • Published in Skagit Valley Herald on November 9, 2017 and November 23, 2017. • Special Meeting Notice consistent with RCW 42.30 distributed November 6, 2017. • Meeting notice and supplemental information placed on the City’s website. • Meeting information placed in the Mayor’s newsletter (distribution > 650).
April 2, 2018	Mount Vernon Police and Court Campus (1805 Continental Place)	<ul style="list-style-type: none"> • Published in Skagit Valley Herald on March 22, 2018. Special Meeting Notice consistent with RCW 42.30 distributed March 19, 2018. • Meeting notices mailed to all property owners inside and within 300-feet of the subarea boundaries. • Meeting notice and supplemental information placed on the City’s website.

- c. On March 15, 2018 City Planner Rebecca Lowell completed an interview with a local radio station, KSVR-FM providing details on the South Kincaid Subarea Plan letting listeners know how to get involved with this process. KRVR-FM is radio channel 91.7 that provides talk and music in English and Spanish to the Skagit Valley Community.
4. The City’s Planning Commission was invited to all of the public workshops/meetings held on May 25, 2017, September 20, 2017, November 30, 2017 and April 2, 2018. The Commission was also briefed by staff on the subarea plan on February 20, 2018, March 6, 2018, and March 20, 2018.

5. The City Council was invited to all of the public workshops/meetings held on May 25, 2017, September 20, 2017, November 30, 2017 and April 2, 2018. The Council was also briefed by staff on the subarea plan on January 18, 2017, March 15, 2017, June 21, 2017, February 21, 2018, March 21, 2018, and April 18, 2018.
6. Notice of the Planning Commission’s public hearing on April 17, 2018 and the City Council’s public hearing on April 25, 2018 were mailed to property owners inside and within 300 feet of the subarea boundaries on March 14, 2018, was published in the Skagit Valley Herald on March 16, 2018, and was posted on the City’s website on March 14, 2018.
7. The Planning Commission finds the amendments to MVMC Chapters 17.06, 17.09, 17.45, 17.84, and 17.93 implement portions of the South Kincaid Subarea plan.

B. PLANNING COMMISSION’S CONCLUSIONS OF LAW:

1. The requirements for public participation in the development of this subarea plan 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.
2. The proposed amendments to the MVMC are found to be in compliance with the Mount Vernon Municipal Code and the State Growth Management Act.

C. PLANNING COMMISSION RECOMMENDATION TO THE CITY COUNCIL:

At their public hearing on April 17, 2018 following review of the materials presented by City staff and holding a public hearing the Planning Commission made a unanimous recommendation to adopt the Findings of Fact and Conclusions of Law outlined within this Ordinance and recommended City Council adopt the amendments to the MVMC found within this Ordinance.

SECTION THREE. Mount Vernon Municipal Code Chapter 17.45 entitled “Downtown Districts” is hereby repealed and re-enacted to read as follows:

**Chapter 17.45
DOWNTOWN DISTRICTS**

Sections:

- 17.45.010 Overall Intent.
- 17.45.020 Sub-districts and More Detailed Intent.
- 17.45.030 Permitted Uses.
- 17.45.040 Accessory uses.
- 17.45.050 Conditional uses.
- 17.45.060 Prohibited uses.
- 17.45.070 Development Standards.

17.45.010 Overall intent.

The intent of this chapter is to establish and preserve the City’s historic downtown and downtown-adjacent neighborhoods having a wide range of retail uses and businesses, housing options, public open space, government and professional offices and places of amusement in a setting conducive to safe, convenient, comfortable, and attractive pedestrian use.

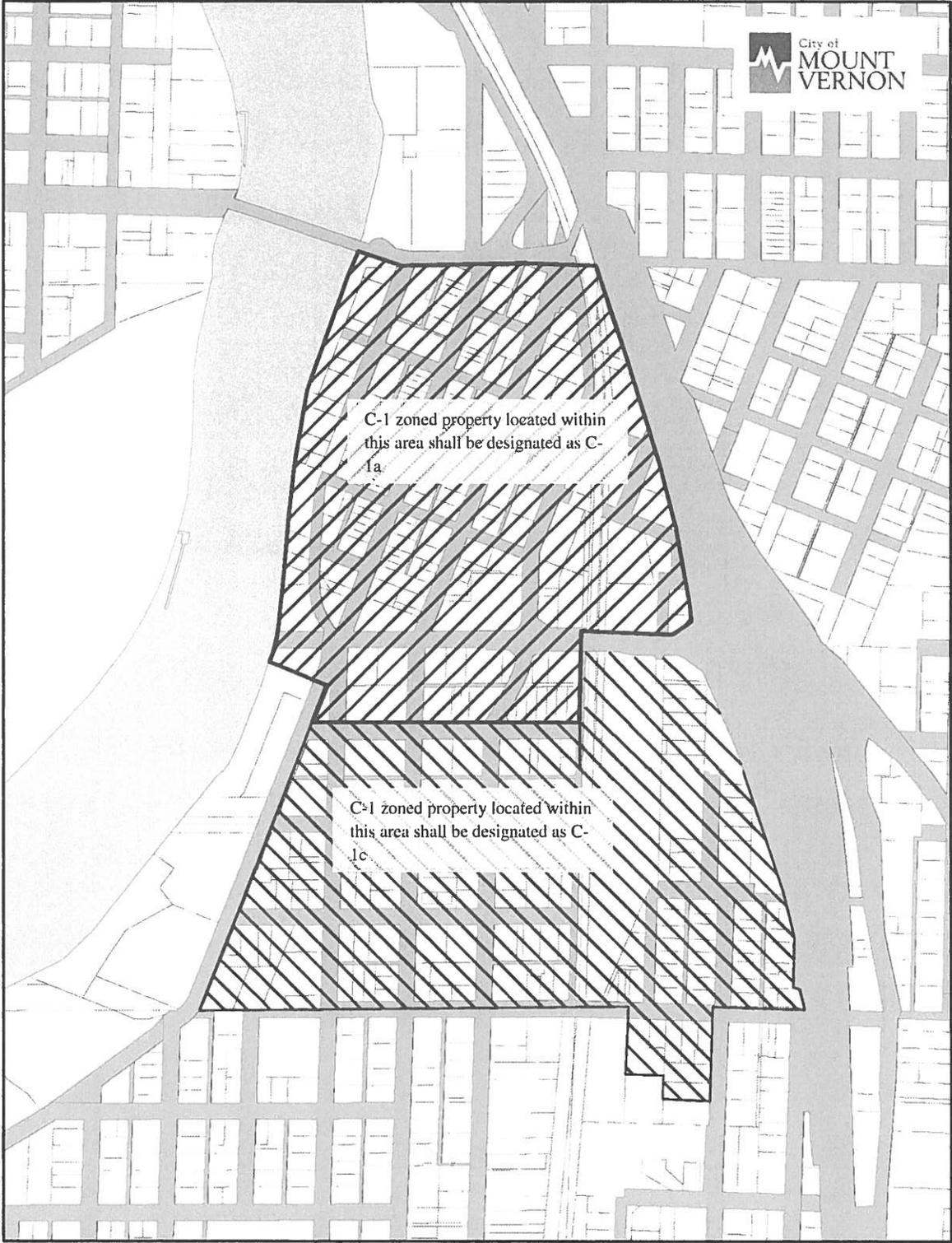
17.45.020 Sub-districts and more detailed intent.

The C-1 zone consists of three (3) distinct sub-districts identified and illustrated below:

- A. C-1a. That area bound by Division Street on the north, Broadway Street on the south between South 1st Street and the Burlington Northern Santa Fe (BNSF) railroad right-of-way and Kincaid Street on the south between the BNSF railroad right-of-way and Interstate-5, the Skagit River on the west, and Interstate-5 on the east.

1. This sub-district emphasizes pedestrian-oriented retail shopping on the ground floor. The area is required to include a high level of pedestrian amenities, including continuous storefronts with awnings, and pedestrian sidewalks wider than those found in other commercial zones. This sub-district is composed of pedestrian-friendly streetscapes intended for shoppers walking from merchant to merchant, open spaces, courtyards, trails, benches, appropriate lighting, and street trees. The design principles for buildings and streets are taken from traditional small towns not oriented to automobile travel.
- B. C-1b. All areas lying outside sub-districts C-1a and C-1c.
 1. This sub-district provides for those downtown support services such as banks, offices, motels, gas stations and print shops which are not as pedestrian-oriented but are essential to the life of the downtown businesses.
- C. C-1c. That area bound by Broadway Street to the north between South 1st Street and the Burlington Northern Santa Fe (BNSF) railroad right-of-way and Kincaid Street on the north between the BNSF railroad right-of-way and Interstate-5, South First Street to the west, Interstate-5 to the east, West Section Street (and a straight line projection of West Section Street from Harrison Street to South First Street) to the south with a projection of property extending approximately 630 linear feet the intersection of West Section Street and the BNSF railroad right-of-way then extending east along the north right-of-way of East Hazel Street to where it intersects South 6th Street, then north to a point where South 6th Street intersects with West Section Street.
 1. This sub-district is intended to be a diverse and pedestrian-friendly neighborhood with a mix of housing, civic uses, and workplaces all within a short walk of each other. The retail and entertainment uses found within the C-1a sub-district are intended to be supported by the C-1c sub-district.

D. C-1 zoned property located within the areas mapped below shall have the sub-district designation that is shown.



17.45.030 Permitted Uses.

Permitted uses in the C-1 sub-districts include:

	Subarea C-1a	Subarea C-1b	Subarea C-1c
A. Retail stores.	Yes	Yes	Yes
B. Personal services.	Yes	Yes	Yes
C. Office uses with 500 square feet or less at ground-level.	Yes	Yes	Yes
D. Office uses with more than 500 square feet at ground-level.	No*	Yes	Yes
E. Banks and financial institutions.	Yes	Yes	Yes
F. Hotels.	Yes	Yes	Yes
G. Eating and drinking establishments.	Yes	Yes	Yes
H. Theaters.	Yes	Yes	Yes
I. Art galleries and museums.	Yes	Yes	Yes
J. Laundry and dry cleaning businesses.	No	Yes	Yes
K. Day nurseries.	Yes	Yes	Yes
L. Commercial or public parking garages and/or commercial or public surface parking.	Yes	No	No
M. Single-family, duplex, and multifamily residential uses with ground-level residential units of 35 units or less.	No*	No*	Yes
N. Single-family, duplex, and multifamily residential uses without ground-level residential units of 35 units or less.	Yes	Yes	Yes
O. Printing Operations	Yes	Yes	Yes
P. Upholstery shops	Yes	Yes	Yes
Q. Private and vocational schools.	Yes	Yes	Yes
R. Civic Uses.	Yes	Yes	Yes
S. Mixed use and live-work buildings.	Yes	Yes	Yes
T. Public parks, plazas and other open spaces.	Yes	Yes	Yes
U. Emergency shelter for the homeless; provided an 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 its occupancy set by the Fire Marshal and Building Official; and provided further, an emergency shelter for the homeless shall have any and all licenses as required by state and local law.	Yes	Yes	Yes

* Use possible with approved Conditional Use Permit, see MVMC 17.45.050

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 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.
- D. Card room.
- E. Indoor storage.

17.45.050 Conditional Uses.

A. Uses permitted by a Type III conditional use permit in the C-1 sub-districts are as follows:

	Subarea C-1a	Subarea C-1b	Subarea C-1c
1. Single-family, duplex, and multifamily residential uses without ground-level residential units of 36 units or more.	Yes	Yes	Yes
2. Single-family, duplex, and multifamily residential uses with ground-level residential units of any number subject to the following additional conditional use criteria: <ul style="list-style-type: none"> a. The ground level multifamily units shall be set back a minimum of 10 feet from any abutting right-of-way except for alleys. b. The ground level entry to the multi-family units shall be elevated to provide visual separation from the abutting pedestrian way into the living space of the dwelling unit. 	Yes	Yes	NA, an outright permitted use
3. Office uses with 500 square feet or more at ground-level subject to the following additional conditional use criteria: <ul style="list-style-type: none"> a. Ground level window displays are provided to create pedestrian interest. 	Yes	NA, an outright permitted use	NA, an outright permitted use
4. Commercial or public parking garages and/or commercial or public surface parking subject to the following additional conditional use criteria: <ul style="list-style-type: none"> a. Curb cuts shall be minimized. b. Surface parking shall have internal landscaping meeting the parking lot requirements found within Chapter 17.93 MVMC. c. Surface parking shall be screened from streets and pedestrian ways. 	NA, an outright permitted use	Yes	Yes

17.45.060 Prohibited Uses.

Uses prohibited in the C-1 district include:

- A. Outside sales of vehicles, boats, mobile homes, RVs and all other similar types of merchandise in the C-1a and C-1c sub-districts only.
- B. Drive-in and drive-through uses are prohibited in the C-1a and C-1c sub-districts.
- C. Automobile service and repair, fuel stations, car washes and all other similar services in the C-1a and C-1c sub-districts only.
- D. Outdoor storage and mini-storage facilities.
- E. Hazardous material storage, self-service storage, warehousing and distribution.
- F. Manufacturing, assembly or packaging of products from previously prepared materials.
- G. Warehouse and distribution uses.
- H. Sales of inoperable vehicles or used parts.
- I. Vehicles or vehicle parts recycling sites.
- J. Towing businesses and their associated temporary impound lots.
- K. Wrecking yards or junk vehicle storage.
- L. Storage yards for items that are not displayed for sale.

17.45.070 Development Standards.

- A. The following development standards apply to all C-1 zoned properties:
 - 1. Minimum lot area and lot width: Unrestricted.
 - 2. Minimum setbacks: Unrestricted.
 - 3. Density requirements: Unrestricted.
 - 4. Design Standards: Requirements found in Chapter 17.70 MVMC.
 - 5. Parking requirements: Requirements found in Chapter 17.84 MVMC.
 - 6. Signage requirements: Requirements found in Chapter 17.87 MVMC.
 - 7. Landscaping requirements: Requirements found in Chapter 17.93 MVMC.
- B. The following development standards apply to the C-1a sub-district only:
 - 1. Maximum height and stories: Unrestricted; however, all development shall comply with the Shoreline Management Master Program, Fire Code and Building Code that could limit the height and number of stories constructed.
- C. The following development standards apply to the C-1b and C-1c sub-districts only:
 - 1. Maximum height and stories: 50 feet and 4 stories; however, all development shall comply with the Shoreline Management Master Program, Fire Code and Building Code that could further limit the height and number of stories constructed.
- D. Downtown design recommendations, as adopted with Ordinance 3476, shall be applicable to new construction and redeveloped buildings within sub-districts C-1a and C-1c only.

SECTION FOUR. That Section 17.06.120, L definitions, is hereby amended to add a new definition for “Live-Work Building”, with the new definition to read as follows:

“Live-Work Building” means a building used jointly for commercial and residential purposes. The residential use shall be limited to one dwelling unit per leasable commercial space and the dwelling unit within the building shall be the primary dwelling of the person(s) operating the commercial use.

SECTION FIVE. That Section 17.06.130, M definitions, is hereby amended to add a new definition for “Mixed-Use Building”, with the new definition to read as follows:

“Mixed-Use Building” means a building that contains at least one floor devoted to nonresidential uses allowed within the zone the building is located within and at least one floor devoted to residential uses allowed within the zone the building is located within.

SECTION SIX. That Section 17.09.010, Districts established and designated, is hereby repealed and re-enacted, 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	MINIMUM LOT SIZE
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
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 home per acre	8 double-width or 10 single-width manufactured home per acre	5 acres
Central Business District (C-1a)	Downtown Retail or South Kincaid Subarea (See note 1)	N/A	N/A	N/A
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 (See note 2)	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) 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.
- (2) 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.

SECTION SEVEN. That Section 17.84.020, Parking requirements generally, is hereby repealed and re-enacted, with the new section to read as follows:

17.84.020 Parking requirements generally.

A. Reservation and designation of an area for off-street parking facilities shall be required for all land uses in accordance with the standards and requirements of this chapter. Where existing buildings do not now meet these requirements, off-street parking shall be provided as required herein for the entire structure when proposals for enlarging or increasing capacity of that building or use are made.

- B. Off-street parking spaces and driveways, when provided in accordance with these regulations, shall be paved with a durable, dust-free surface for vehicle parking.
- C. The use of joint use or shared driveways shall be encouraged.
- D. In any residential district except R-1 and R-2 none of the required off-street parking lot spaces shall be in the required front yard.
- E. All off-street parking shall be located on the premises except for the districts specified in this subsection.
 1. Property zoned C-1a located within 1,000 feet of the surface parking lots owned by the City abutting the Riverwalk trail located between the south right-of-way line of State Route 536 to approximately 90 feet south of the south right-of-way of West Kincaid Street are not required to provide on-site parking.
 2. Property zoned C-1b or C-1c located within 500 feet of City owned surface parking lots designated by the City for public use are not required to provide on-site parking for non-residential uses.
 3. Property zoned P, H-D, R-O, C-2, C-3, C-4, M-1 and M-2 may have the required off-street parking spaces within 500 feet of a building entrance, measured along a normal pedestrian route.
- F. Lighting of areas provided for off-street parking shall be so arranged that it shall not constitute a nuisance or hazard to passing traffic. Where lots used for off-street parking share a common boundary with any residentially zoned property, the illumination devices shall be directed away from the more restrictively zoned property. (Ord. 3315, 2006; Ord. 3271 § 1, 2005; Ord. 2598 § 10, 1994; Ord. 2352, 1989).

SECTION EIGHT. That Section 17.84.030, Number of parking spaces required, is hereby repealed and re-enacted, with the new section to read as follows:

17.84.030 Number of parking spaces required.

The minimum number of off-street parking spaces shall be as follows for the listed uses. Please note that when calculating the number of required spaces, do not round the number of spaces up.

- A. Apartments and/or multifamily residential structures: two for each dwelling containing two or more bedrooms, one and one-half for each dwelling containing one bedroom, and one for each dwelling containing less than one bedroom; provided, that specialized housing for the elderly shall be provided 0.75 spaces per dwelling. Adequate parking for guests shall also be provided;
- B. Banks, businesses, and professional offices: one for each 300 square feet of net floor area of the building;
- C. Bowling alleys: five for each alley;
- D. Churches, mortuaries, funeral homes: one for each five seats in the chapel or nave;
- E. Dance halls, places of assembly, exhibition halls without fixed seats: one for each 75 square feet of net floor area of the building;
- F. Drive-in restaurants, ice cream or soft-drink refreshment establishments, or similar drive-in uses which service auto-borne customers outside of the building: one for each 15 square feet of net floor area;
- G. Educational Activities.

1. Elementary and middle schools: three parking spaces for each two teaching stations, plus adequate visitor parking;

2. High schools: one parking space for each employee, plus one parking space for each eight students.

3. School auditoriums, stadiums and sports arenas: subject to review by the hearing examiner and approval of the city council;

4. Colleges and universities: subject to review by the hearing examiner and approval of the city council;

5. Nursery schools and day care centers: one parking space for each employee plus loading and unloading areas;

H. Emergency shelter for the homeless: one parking space should be provided for every 10 residents and one parking space for each staff position on duty;

I. Food stores, markets, and shopping centers having less than 5,000 square feet of net floor area, exclusive of basements: one for each 300 square feet of net leasable floor area of the building;

J. Food stores, markets, and shopping centers having more than 5,000 square feet of net floor area, exclusive of basement: one for each 200 square feet of net leasable floor area of the building;

K. Hospitals, sanitariums, convalescent homes, specialized housing units for the elderly: one for each five beds, plus one for each regular employee on the maximum shift;

L. Hotels, motels: one for each room or suite;

M. Manufacturing uses, including research and testing, laboratories, creameries, soft-drink bottling establishments, bakeries, canneries, printing and engraving shops: one for each one and one-half employees, with a minimum of two spaces;

N. Medical and dental clinics and offices: one for each 250 square feet of net floor area;

O. Outdoor sports areas without fixed seats: subject to review by the hearing examiner and approval of the city council;

P. Other retail establishments, such as furniture, appliance, hardware stores, household equipment service shops, clothing or shoe repair or service shops: one for each 400 square feet of net floor area of the building, providing that each must have at least four parking spaces;

Q. Public and private vocational and technical schools: one space for each 450 square feet of net floor area;

R. Public and Recreational Uses.

1. Libraries and museums: one parking space per 250 square feet of net floor area;

2. Parks: as determined by the community and economic development director and/or hearing examiner on an individual basis;

- S. Service shops: one for each employee, plus one for each piece of vehicular equipment;
- T. Offices: one parking space for each 300 square feet of net floor area;
- U. Meeting halls, courtrooms, and council chambers: one parking space for each 100 square feet of net floor area;
- V. Restaurants, ice cream or soft drink establishments, or similar uses which service auto-borne customers, both within the building and outside the building: one for each 100 square feet of net floor area;
- W. Rooming houses and lodging houses: one for each occupant;
- X. Skating rinks, health spas, and other commercial recreation places: one for each 100 square feet of net floor area of the building;
- Y. Stadiums, sports arenas, auditoriums and other places of assembly with fixed seats: one for each four seats;
- Z. Theaters: one for each four fixed theater seats;
- AA. Wholesale stores, warehouses and storage buildings, motor vehicle or machinery sales: one for each one and one-half employees, with a minimum of two spaces plus adequate spaces for customer parking. (Ord. 3518 § 4, 2011).

SECTION NINE. That Section 17.84.040, Parking requirements for unspecified uses, is hereby repealed and re-enacted, with the new section to read as follows:

17.84.040 Parking requirements for other uses and areas.

A. The minimum required number of off-street parking spaces for uses not specifically set forth in MVMC 17.84.030 can be determined by reference to substantially similar uses. Substantially similar uses shall be determined by the DS Director (or designee) as a Type I administrative determination.

B. Applicants can opt to have a parking study completed to determine the minimum number of off-street parking spaces their development will be required to provide.

1. These parking studies shall be completed by a registered, professional traffic engineer under contract with the City and applicants shall pay for all costs associated with these parking studies.

2. Parking studies in the C-1c zone can opt to evaluate on-street parking utilization and up to 35% of a development's parking requirement can be satisfied with underutilized on-street parking if the study finds that allowing this reduction in off-street parking will not negatively impact parking demand for all other existing uses within a three block radius of the proposed development.

3. The alternative number of parking spaces required to be created through this process can be approved by the DS Director (or designee) as a Type I process if the reduction in the required number of parking spaces is within 20% of what would otherwise be required with application of the parking ratios provided in this Chapter. Proposed reductions in parking that are greater than 20% of the standard are required to be approved by the Hearing Examiner through a Type III process.

SECTION TEN. That Section 17.84.050, Parking requirements for mixed occupancies – Cooperative provisions, is hereby repealed and re-enacted, with the new section to read as follows:

17.84.050 Parking requirements for mixed occupancies – Cooperative provisions.

Nothing in this chapter shall be construed to prevent cooperative provision of off-street parking facilities for two or more buildings or uses; provided, that where the total combined area is less than 5,000 square feet, the total of such off-street parking spaces supplied cooperatively shall not be less than the sum of the requirements for the various uses computed separately. Where adjoining off-street parking facilities of two or more ownerships can be developed and designed as one facility, and where efficiency of off-street parking and circulation and economy of space will result from joint development, and where the total building area involved is 5,000 square feet or greater, a reduction of 10 percent of the total combined required off-street parking spaces may be permitted. None of the above provisions shall prevent the overlapping cooperative use of off-street parking facilities when the times during which such facilities are used are not conflicting. The development services director shall consider all relevant factors before approving any reduction in the required number of off-street parking spaces and make a written report of findings. (Ord. 3315, 2006; Ord. 3092 § 61, 2002; Ord. 2967 § 1, 1999; Ord. 2352, 1989).

SECTION ELEVEN. That Section 17.93.020, General site landscaping, is hereby repealed and re-enacted, with the new section to read as follows:

17.93.020 General site landscaping.

The following general standards will be required in all districts where landscaping is mandatory:

A. Landscaped areas shall include use of evergreen or deciduous trees and shrubs, perennial or annual flowers, gravel, river rock, driftwood, bark, rockeries, lawn, ornamental or decorative walkways (provided both sides abut landscaping), or a combination of such materials. A recommended approved list of plant materials shall be available at the office of the community and economic development director. It is strongly suggested that this list be utilized because of the unique soils, geology, and weather patterns of Mount Vernon. If this list is not used, the applicant must have a landscape architect, an arborist, or other similarly qualified professional document that the plant materials that have been chosen are suitable.

B. A plot plan drawn to scale shall be submitted to the community and economic development director showing the size of the property; location of buildings, driveways, loading docks, above-ground utilities, and outside storage areas; location of landscaping areas; and type, quantity, and size of plantings. Minimum tree size shall be two-inch caliper for deciduous trees and seven feet in height for evergreen trees and shall be full and bushy, minimum shrub size shall be two-gallon, and minimum ground cover size shall be one gallon or equivalents; see the most recent copy of the American National Standards Institute's American Standard for Nursery Stock for size standards.

C. No artificial lawn or shrubbery will be permitted in landscaped areas.

D. Planting areas along street frontages will be mandatory except for driveways and pedestrian walks within the property. Trees shall be planted at a maximum of 30 feet apart in such planting areas, with shrubs installed to attain coverage of at least 60 percent of the landscape area within two years. Ground covers shall also be installed to cover no less than 40 percent of the area not covered by the trees or shrubs. Variations in the planting of trees may be approved by the community and economic development director.

1. Trees utilized in these planting areas need to be compact to minimize conflict with underground and overhead utilities. Trees to be utilized shall be from the recommended approved list of plant materials or an approved equivalent.

2. The planting strip shall be a minimum of 15 feet wide in the R-2, R-3, and R-4 zoning districts. The planting strip may be reduced to a minimum of 10 feet in the P, H-D, R-O and P-O, LC, C-2, C-

3, C-4, and C-L zoning districts and to a minimum of five feet in the M-1 and M-2 zoning districts. Averaging shall be encouraged to promote variation of design.

3. Trees shall not be planted closer than one foot from any permanent hard surface paving or walkway.

E. Where landscaping areas are required along street frontages, no shrubs shall be higher than 36 inches and no tree shall have branches or foliage below five feet or placed within the sight triangle.

F. Landscaping in the vicinity of any fire hydrant, fire department sprinkler connection, or standpipe connection should not prevent such equipment from being immediately discernible nor in any other manner deter or hinder the fire department from gaining immediate access to said equipment. The following shall act as a guideline for the landscaping around said equipment, with final approval from the city fire marshal:

1. Fire Hydrants.

a. Fire hydrants shall be free from obstruction on all sides by a minimum clearance of three feet.

b. Fire hydrants along streets, driveways, parking lots, fire access routes (fire lanes), or at intersections shall be visible for at least 100 feet in all directions along such streets, driveways, access routes, or intersections. No plants or shrubs with a height of over 18 inches and no tree with branches or foliage below five feet shall be allowed in this sight visibility area.

2. Sprinkler and Standpipe Connections.

a. Fire department connections for sprinklers and standpipes shall be free from obstructions on all sides by a minimum clearance of three feet.

b. When a fire department connection is over 25 feet from a street, driveway, parking lot or fire access route, there shall be maintained a clear path with minimum width of three feet between the fire department connection and the street, driveway, parking lot or fire access route.

G. Landscaping will be installed in conformance with the following requirements. The percentage of each site to be landscaped is to be regarded as a minimum. In the event that, because of lot configuration, adjacent land uses or special circumstances, more landscaping is required to meet all requirements of this code, the higher amount of required landscaping will be installed.

1. Soil. Soil shall be prepared for landscape installation according to landscape industry standards, of proven applicability to local conditions, to be conducive to the healthy growth of new plants.

a. Topsoil, original to the site and if suitable for planting areas, may be stored during site construction for reuse during the landscape installation phase.

b. Topsoil shall be rich in organic material or amended to be so.

c. In residential development projects where rear yard setbacks between a rear fence and primary structure are not landscaped by the developer, soil in those areas must consist of topsoil viable for plant growth and be in suitable condition for landscaping prior to occupancy.

d. Construction debris must be removed and not buried on site.

2. Drainage. All landscape areas shall have adequate drainage, either through natural percolation or by means of an installed drainage system.

Zoning Classification	Percent of Gross Site Area to Be Landscaped
R-2, R-3, R-4, MHP	20%
P, H-D, R-O, P-O	15%
LC, C-2, C-3, C-4, C-L	10%
M-1, M-2	7%
F-1, Planned unit developments	To be determined by city council

H. The site area that the landscaping percentages above are calculated from is defined as the entire legal lot that is being developed minus all critical areas and their associated buffers.

I. Development in the C-1 zone shall be responsible for installing or replacing street trees in the right-of-way abutting a parcel/lot when new structures are built, improvements to a building are made that exceed 50% of the assessed value of the building, or when a change of use occurs. The City shall specify the type of street tree to be installed as well as installation requirements.

J. Use of Right-of-Way. In addition to the planting strips required in subsection D of this section, landscaping of excess (unused) street right-of-way is encouraged. Where a street is at its ultimate width, excess right-of-way is defined as the area between the property line and the sidewalk, whether existing or not. The community and economic development director may allow on-site street frontage landscaping requirements to be met by landscaping placed in the unimproved portions of rights-of-way not utilized for public purposes. The landscaping so placed within the excess right-of-way or when combined with landscape improvements on site must be equal to or in excess of the required on-site street frontage landscaping requirement. The applicant must demonstrate that the placement of landscaping in such a manner meets other standards of this section. All landscaping materials proposed to be installed in the right-of-way shall be reviewed to ensure that traffic safety considerations are met. Irrigation or sprinkling systems for watering landscaped areas in the right-of-way shall be encouraged if the project site has fewer than 20 required parking spaces but shall be required if 20 or more spaces are required. Maintenance of landscaping in the right-of-way shall be the responsibility of the owner of the landscaping; provided, however, that nothing in this section shall create or imply any interest of the landscaper and/or property owner in the excess right-of-way; and provided further, that in the event the city shall undertake to utilize the excess right-of-way, any landscaping shall be removed by the landscaper and/or property owner at their sole expense, or if not so removed may be destroyed by the city.

K. Irrigation. Irrigation or sprinkling systems for watering landscaped areas are strongly encouraged. If irrigation or sprinkling systems are not installed, the applicant shall demonstrate that all of the landscaping that will be installed is drought-tolerant.

L. Installation of landscaping materials shall take into consideration access to utility vaults, pedestals, and other public and private utility facilities.

M. Planting required within critical area buffers cannot count towards the overall amount of landscaping required on a site. (Ord. 3527 § 3, 2011).

SECTION TWELVE. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

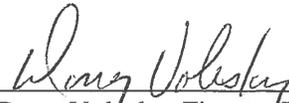
SECTION THIRTEEN. City staff are hereby directed to complete preparation of the final ordinance, including correction of any typographical or editorial edits.

PASSED AND ADOPTED this 25th day of April, 2018

SIGNED AND APPROVED this 26 day of April, 2018.



Jill Boudreau, Mayor



Doug Volésky, Finance Director

Approved as to form:



Kevin Rogerson, City Attorney

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