

AFFORDABLE HOUSING CODE AMENDMENTS – SUMMARY

1. Significant density bonus in single-and multi-family zones and through PUD process

Single-Family Residential Zones

- A. 50% additional density: one-third of bonus density reserved for those earning 80% AMI and below with the remaining two-thirds additional density market rate.

Multi-Family/Duplex/Townhouse Zones

- B. Density Doubled: one-third of bonus density reserved for those earning 80% AMI and below with the remaining two-thirds additional density market rate.

Planned Unit Developments

- C. Density Doubled: one-third of bonus density reserved for those earning 80% AMI and below with the remaining two-thirds additional density market rate.

2. Planned Unit Developments (PUD): increased amount of multi-family allowed, and decreased overall lot size.

- A. Allowed percentage of multi-family and duplex units combined is increased from 20% (or 10% for duplexes) to 50%.

- B. Sites allowed to complete a PUD is decreased from 10 acres to 5 acres.

3. Parking Reductions and Increased Height in Downtown (C-1), Community (C-3) and Neighborhood Commercial (C-4) Districts

- A. 20% reduction in parking in C-3 and C-4 Districts if 10% of multi-family units created are reserved for those earning 80% AMI and below.

- B. One additional story added to structures in C-3 and C-4 Districts if 10% of units created are reserved for those earning 80% AMI and below.

4. Accessory Dwelling Unit Amendments.

- A. Removing notification requirements. This will make these permit much quicker to approve.

- B. Increase the allowable square footage from 900 s.f. to 1,000 s.f.

- C. Remove the requirement that utilities must be shared.

5. Safe-Guards to ensure neighborhood compatibility and quality living environments are created:

- A. All new development required to comply with the City's design standards.
- B. Density transitions, open space, landscape buffers, fencing/berms required when new development has increased density or smaller lot sizes than existing neighborhoods abutting new ones.
- C. Height transitions required.
- D. If parking is reduced covenants/agreements required to monitor on-site vehicles.

6. Requirements to ensure affordable housing remains affordable

- A. Developers receive two market rate units in exchange for the creation of one affordable housing unit. The affordable housing units will be required to be reserved for those earning 80% AMI and below; to ensure these units are occupied by qualified individuals/families binding covenants/agreements will be required and yearly compliance reports will be submitted to the City.

7. Other code amendments aimed at the creation of missing-middle housing

- A. Code that allows zero lot line townhomes to be individually platted and sold for Duplexes and Zero lot line Townhomes.
- B. Amendments to regulations governing how permits are processed to shorten processing timeframes.
- C. Additional requirements for minimum densities.

Chapter 17.73

REGULATIONS TO ENCOURAGE AFFORDABLE HOUSING

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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 used in this Chapter are specifically defined in MVMC Chapter 17.06, Definitions.

- 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”** is defined as follows:
 1. 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 of the monthly household income being paid for monthly housing expenses (mortgage and mortgage insurance, property taxes, property insurance and homeowners’ dues).
 2. 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 an appropriate utility allowance).
- C. **“Bonus Density Units”** and **“Bonus Units”** are the additional dwelling units authorized through MVMC Chapter 17.73.
- D. **“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 within the same phase, as other dwelling units. Applicant's will not be allowed to construct their market rate units first and wait to construct their affordable housing units.
 2. All developments with their associated dwelling units created using this Chapter of the Mount Vernon Municipal Code shall be required to comply with the City's Design Standards codified in Chapter 17.70.
 3. Prior to the issuance of any building permits, the City shall review and approve the location and unit mix of the 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.

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 • Density bonus units can be single-family, duplexes, townhouses, or multi-family • Covenants and Agreements per 17.73.080 required • Density transitions and Design Standards per 17.73.090 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 • Density bonus units can be single-family, duplexes, townhouses, or multi-family • Covenants and Agreements per 17.73.080 required • Density transitions and Design Standards per 17.73.090 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 • Density bonus units can be single-family, duplexes, townhouses, or multi-family • Covenants and Agreements per 17.73.080 required • Density transitions and Design Standards per 17.73.090 required
R-1, 3.0 Single-Family Residential	Minimum and Maximum Density: 4.0 to 3.23 du/acre Minimum Lot Size: 9,000	50% bonus density from 3.23 to 4.85 du/acre if 33.3% bonus units are Affordable Housing Units	<ul style="list-style-type: none"> • No minimum lot sizes • Density bonus units can be single-family, duplexes, townhouses, or multi-family • Covenants and Agreements per 17.73.080 required • Density transitions and Design Standards per 17.73.090 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. For added clarity an illustrative example is also included.

1. The base density per MVMC Chapters 17.06 and 17.15 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 1 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 density 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: 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 sfr units

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

$31.69 \times 33.3\% = 10.65$, 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. For multi-family structures 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 17.73.090 are complied with.

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"> Density bonus units can be duplexes, townhouses, or multi-family Covenants and Agreements per 17.73.080 required Density transitions and Design Standards per 17.73.090 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. For added clarity an illustrative example is also included.

- The base density per MVMC Chapters 17.06 and 17.18 is calculated (assuming the maximum potential density per the underlying zoning designation).
- The same density calculation is completed using the Affordable Housing Bonus Density (see the third column from the left in Table 2 above).
- 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.
- 33.3% of the bonus density 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.
- At the discretion of the Developer, the remaining 66.6% of the Bonus Density Units can be market rate or Affordable Housing Units.
- 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 acres x 10 du/acre = 37 units

Bonus Density Calculation: 3.7 x 20 du/acre = 74 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 shall:

- Comply with the setbacks listed in MVMC 17.70.
- Comply with the land coverage and parking as required by Chapter 17.18 MVMC.
- Be limited to three stories but not more than 35 feet so long as the requirements of MVMC 17.73.090 are complied with.

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 17.73.080 required • Density transitions and Design Standards per 17.73.090 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 17.73.080 required • Density transitions and Design Standards per 17.73.090 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. 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 2 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 density 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 shall:
- Comply with the setbacks listed in MVMC 17.70.
 - Comply with the land coverage, distance between buildings, and parking as required by Chapter 17.24 MVMC.
 - Be limited to four stories and 45 feet so long as the requirements of MVMC 17.73.090 are complied with.

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 17.73.080 required Density transitions and Design Standards per 17.73.090 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 for bonus density units Covenants and Agreements per 17.73.080 required Density transitions and Design Standards per 17.73.055 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 for bonus density units Covenants and Agreements per 17.73.050 required Density transitions and Design Standards per 17.73.090 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 17.73.090. 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 multifamily and/or duplex units shall be part of a planned development in which not more than 50 percent of the overall density of the single-family dwelling units that are allowed and could physically be platted as part of the entire PUD can be multifamily and/or duplex units. 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:
 - a. Comply with the setbacks listed in MVMC 17.70.
 - b. Comply with the land coverage, distance between buildings, landscaping, parking and signage as required by Chapter 17.24 MVMC.
 - c. Be limited to four stories and 45 feet so long as the requirements of MVMC 17.73.090 are complied with.
 - d. No more than 75 multifamily units can be located in any one residential multifamily structure.
 4. The duplex units shall:
 - a. Comply with the setbacks listed in MVMC 17.70.
 - b. Comply with the land coverage, distance between buildings, landscaping, parking and signage as required by Chapter 17.18 MVMC.
 - c. Be limited to three stories but not more than 35 feet so long as the requirements of MVMC 17.73.090 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 Downtown, Community and Neighborhood Commercial zones listed below in Table 5 the number of required parking spaces can be reduced if a specified number of dwelling units are Affordable Housing Units.

TABLE 5: AFFORDABLE HOUSING PARKING REDUCTIONS IN DOWNTOWN, COMMUNITY AND NEIGHBORHOOD COMMERCIAL ZONES

ZONING DESIGNATION	PARKING REDUCTION	AFFORDABLE HOUSING PARKING REDUCTIONS	DENSITY BONUS PROVISIONS AND REQUIREMENTS
C-1 Downtown Districts C-3 Community Commercial C-4 Neighborhood Commercial	20% reduction of parking spaces required per MVMC 17.84	10% of units created must be reserved for and occupied by those earning 80% AMI and below	<ul style="list-style-type: none"> • Covenants and Agreements per 17.73.080 required • Density transitions and Design Standards per 17.73.090 required

- B. In the Community and Neighborhood Commercial zones listed below in Table 6 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 6: 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 17.73.080 required • Density transitions and Design Standards per 17.73.090 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 17.73.080 required • Density transitions and Design Standards per 17.73.090 required

- I. 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. For added clarity an illustrative example is also included.
 - i. The number of dwelling units to be created without the additional building story and height is calculated.
 - ii. The number of dwelling units to be created with the additional building story and height is calculated.
 - iii. 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.
 - iv. 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.
 - v. At the discretion of the Developer, the remaining 66.6% of the Bonus Units can be market rate or Affordable Housing Units.
 - vi. 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 Covenants and Agreements

A. 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.

1. Covenant and Agreement to Ensure Affordability. This covenant and agreement shall ensure the affordability of the housing units by requiring these units to be Affordable Housing Units in perpetuity. The covenant shall be binding and shall run with the land. The covenant and agreement shall be approved by the Mount Vernon City Attorney in content and in form prior to recording. At the minimum the covenant shall include:
 - i. Price restrictions for both home ownership and rental units.
 - ii. Homebuyer or tenant qualifications.
 - iii. How income will be monitored.
 - iv. The content and format of yearly reports that will be required to be submitted to the City verifying income eligibility for affordable units
 - v. Any other applicable topics that the City deems necessary to monitor and enforce the affordability of the bonus density units.
2. Covenant and Agreement when Parking Reductions are Allowed. This covenant and agreement shall require property owners and tenants to limit the number of vehicles parked on and nearby a site used by owners, tenants, and/or guests. The covenant shall be binding and shall run with the land. The covenant and agreement shall be approved by the Mount Vernon City Attorney in content and in form prior to recording. At the minimum the covenant shall include:
 - i. Restrict the occupants of housing units to a specified number of automobiles.
 - ii. Any other applicable topics that the City deems necessary to monitor and enforce the number of vehicles occupants are allowed to have parked on a site and the parking used by guests visiting an owner or occupant.
2. 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 and tenants 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). The covenant shall be binding and shall run with the land. The covenant and agreement shall be approved by the Mount Vernon City Attorney in content and in form prior to recording. At the minimum the covenant shall include:
 - i. Exhibit maps and detailed descriptions of all structures and improvements subject to the Covenant and Agreement.
 - ii. Detailed outline of specific maintenance, repair, and replacement required for each improvement that is covered by the Covenant and Agreement.
 - iii. Estimated maintenance and/or replacement schedule with approximate costs of such maintenance/replacement.

17.73.090 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 and structures shall be equal to or more than the lot square footage and width found on all abutting property that is zoned or developed with residential structures with the following exceptions:
 - a. If the abutting property consists of lots that are more than 9,600 square feet in size and 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.
 - b. 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 nonresidentially 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 nonresidentially 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:
 - a. Buildings that are proposed to have an average building height taller than building height allowed under the respective zoning code for abutting structures shall observe an additional 1-foot setback for each additional 1-foot of building height in excess of what the abutting property is allowed. Following are two illustrative examples of how this height transition is applied.

Proposed development is a multi-family structure with an average abutting grade of 45 feet that abuts single-family residential lots on its north (side yard) and east (rear yard) boundaries.

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 structure is required to observe 20-foot side and rear yard setbacks on its north and east boundaries. To have a structure that is 10 feet taller than structures on abutting properties can be its side and rear yard setbacks are required to be increased to 30 feet.

17.73.100 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 building 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 or 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; and
 - ii. The subject lot ceases to maintain at least three off-street parking spaces; and
 - iii. The applicant ceases to own or reside in either the principal or the accessory dwelling unit.
 - 11. The applicant shall provide a covenant and agreement in a form acceptable to the Development Services Department and City Attorney 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 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.

17.73.110 Other Affordable Housing Tools Offered by the City

- A. See MVMC Chapter 16.34 that authorizes the platting and subsequent sale of duplex and townhouse units.
- B. Creation of Accessory Dwelling Units that can be 1000 square feet or smaller as an outright permitted use in single-family residential zones without having to pay additional impact or connection fees.
- 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.

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 plat the units contained within such structures to allow these units to be sold as individual 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” 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” 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.

“Codes, Covenants and Restrictions” means a document prepared by an Attorney licensed in the State of WA 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 Planning and 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.

16.34.020 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 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. Codes, Covenants and Restrictions.
 7. 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, accessways, or 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, building height, parking, and landscaping required according to the properties underlying zoning designation.
- 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.