

Re: Code amendment application



Kevin Maas <kevinmaas@gmail.com>

To Stacie Pratschner

Cc Peter Donovan

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Fri 2/16/2024 1:28 PM

Follow up. Completed on Monday, February 26, 2024.
We removed extra line breaks from this message.

Proposed Incremental Housing Supply Amendment.docx 31 KB	Draft Incremental Housing Supply Memo.pdf 2 MB
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Caution External Message

Thanks again for making the time to meet with me today, Stacie; I've attached my draft amendment, with the introductions written as though it would be passed through a standard process (as Anacortes just did in about 90 days) rather than as an interim emergency ordinance. I've also attached my housing supply memo, with both the required-parking matrix up front and additional context on zoning on the next two pages. Please note how the front page also highlights how Mount Vernon is missing an opportunity to build small detached houses, meaning its single-family stock will increasingly be owned only in that 120%+ AMI category, while Anacortes and Burlington make it easier/cheaper to build those ~1200 square-foot homes by requiring much less parking.

I will reach out to councilmembers and look forward more discussion on this issue!

Kevin

Incremental Housing Supply Memo

1. The City of Mount Vernon requires roughly twice as much off-street parking as other governments in Skagit County. In addition, Mount Vernon is the only entity to mandate that a portion of residential parking be provided in private garages. The greater flexibility provided by lower parking requirements in places like Anacortes and Burlington does not mean that no garages are built in those cities, nor that car-dependent developments have no place to park; in fact, zoning differences in other cities have led to overall parking outcomes arguably better than Mount Vernon. Most noticeably, other municipalities are seeing much more infill construction—including duplexes and smaller houses—compared to Mount Vernon. Among other reasons, this infill construction happens because it is easier to build in existing neighborhoods when not required to house 4-8 cars on a single lot. See the chart below for more details:

Minimum parking spots for:	Mount Vernon	Anacortes	Burlington	Sedro-Woolley	Skagit County
Single-family home	4 (including 2 garage spaces)	2	2	2	2
Small single-family home	4 (including 2 garage spaces)	1 (if lot is under 5,000 square feet)	1 (if downtown, less than 3 bedrooms, or on smaller lot than zoning)	2	2
Duplex (two three-bedroom units)	8 (including 4 garage spaces)	3.2	4 (2 if downtown)	4	4
Cottage	Not allowed	1.5	(Similar to small single-family home above)	Not allowed (code term for detached ADU)	Not allowed
Three-bedroom Multifamily	2	1.6	2	3	2

Besides parking mandates, the chart also shows that Mount Vernon provides no incentive to build smaller single-family homes. Burlington and Anacortes specifically provide parking reductions for homes on small lots or of small size; this expands housing choice and makes detached living possible further down the income scale.

2. Mount Vernon’s most congested residential parking areas exist due to zoning choices and Planned Unit Development agreements, not its parking code. Mount Vernon’s reliance on the Planned Unit Development (PUD) process for much of its recent single-family housing has created narrow streets to nowhere crowded with cars. Mount Vernon has also chosen to locate some of its multifamily housing on busy arterials, far from services and jobs, making these residents both car-dependent and parking-stressed. The City could have required 60-foot rights-of-way on grid patterns in new PUDs, or it could have located its multifamily zones near its traditional commercial core, but it chose not to.



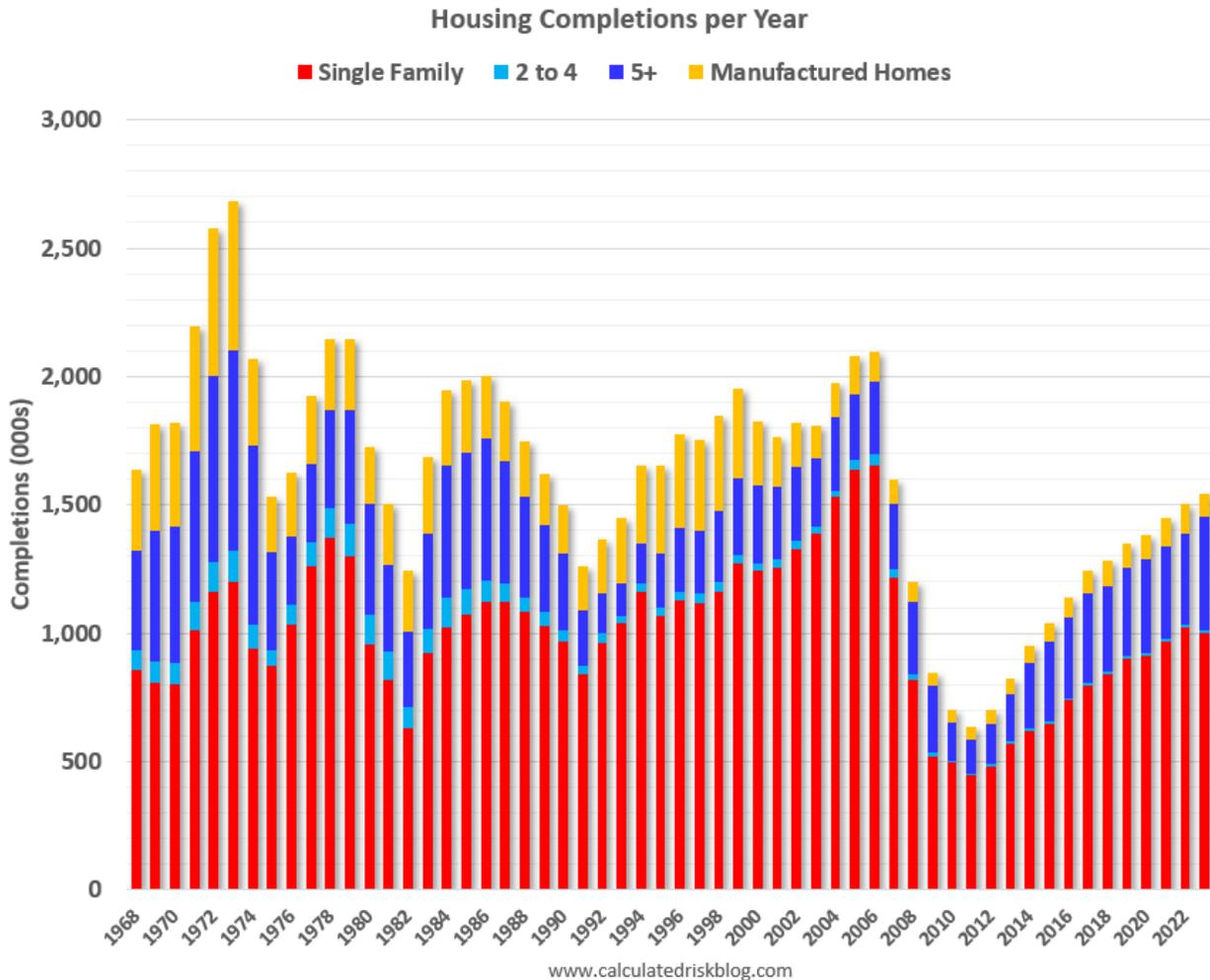
The four largest employers in Skagit County have most of their jobs located within a mile of the center of the map at right. Meanwhile, the dominant dark-orange residential zone requires four parking spaces per house (eight per duplex) and does not allow multifamily. With Mount Vernon’s population growth being pushed outside of the map area, those other residents will need cars to get to work—because they don’t have the option of living closer.

Defending the City’s double-sized parking requirements will not solve existing congestion; only moving towards smarter and more compact development closer to jobs and services will reduce the need for cars—and thus parking. Simply allowing more efficient usage of the smaller lots in the dark-orange R-1, 7.0 zone would absorb many new residents while strengthening the traditional commercial core and increasing non-automobile commuting.



3. Construction of duplexes and other middle housing has dried up nearly everywhere.

Nationally, duplexes and triplexes and quadplexes—combined--make up less than one percent of housing completions. This lack of middle housing has been a feature of construction since the Great Recession--and is especially pronounced in Mount Vernon. The chart below (found at <https://calculatedrisk.substack.com/p/154-million-total-housing-completions>) shows that single-family housing (red portion of each line) has generally recovered to historical averages, but middle housing (the light-blue sliver of each line) has not.



Each of the other cities in Skagit County has individually permitted more 2/3/4-unit middle housing during the past four years than Mount Vernon, so the trend is not irreversible locally. Furthermore, the Washington Legislature passed House Bill 1110 to pry open the middle housing option for residents who don't need detached single-family homes. A key part of this legislation is the reduction in allowed parking minimums for middle housing.

Incremental housing supply can be unlocked right now by allowing duplexes on any residential lot, designed for people over cars.

Proposed Incremental Housing Supply Amendment

Process

Per RCW 43.21C.450, an amendment to remove parking requirements is a nonproject action categorically exempt from the State Environmental Policy Act.

The City must notify the Department of Commerce, at least 60 days in advance, of its intent to adopt development regulation amendments.

The City must publish public notices, allow comments, and hold public hearings through its Planning Commission.

Proposed Amendment

The proposed amendment would reduce the City's parking requirements when constructing single-family detached and duplex homes. It would also clarify that the creation of duplexes is an outright allowed use in the single-family residential districts.

Analysis

The source of this proposed amendment is Engrossed Second Substitute House Bill 1110 (HB1110), which became effective July 23, 2023. HB1110 requires most cities to allow a wide variety of denser "middle housing" types on any residential lot, while also reducing parking requirements and other development restrictions, all within six months of publishing their next comprehensive plan update. This proposed amendment seeks to immediately address only the least-dense form of middle housing (duplexes) and the reduced parking requirements. The specific HB1110 language is now found in RCW 36.70A.635:

(1) Except as provided in subsection (4) of this section, any city that is required or chooses to plan under RCW 36.70A.040 must provide by ordinance and incorporate into its development regulations, zoning regulations, and other official controls, authorization for the following:

(a) For cities with a population of at least 25,000 but less than 75,000 based on office of financial management population estimates:

(i) The development of at least two units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies;

....

(6) Any city subject to the requirements of this section:

(a) If applying design review for middle housing, only administrative design review shall be required;

(b) Except as provided in (a) of this subsection, shall not require through development regulations any standards for middle housing that are more restrictive than those required for detached single-family residences, but may apply any objective development regulations that are required for

detached single-family residences, including, but not limited to, set-back, lot coverage, stormwater, clearing, and tree canopy and retention requirements to ensure compliance with existing ordinances intended to protect critical areas and public health and safety;

(c) Shall apply to middle housing the same development permit and environmental review processes that apply to detached single-family residences, unless otherwise required by state law including, but not limited to, shoreline regulations under chapter [90.58](#) RCW, building codes under chapter [19.27](#) RCW, energy codes under chapter [19.27A](#) RCW, or electrical codes under chapter [19.28](#) RCW;

(d) Shall not require off-street parking as a condition of permitting development of middle housing within one-half mile walking distance of a major transit stop;

(e) Shall not require more than one off-street parking space per unit as a condition of permitting development of middle housing on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits;

(f) Shall not require more than two off-street parking spaces per unit as a condition of permitting development of middle housing on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits;

Per Chapter 17.17.130 MVMC, the City explicitly identifies duplexes in single-family residential districts as an affordable housing tool. Current regulations require eight off-street parking spaces per duplex and restrict construction if a duplex already exists in a neighborhood. This has resulted in substantially no duplex construction in existing single-family residential neighborhoods, exacerbating the crisis-level lack of housing availability in the City.

The Legislature has identified lots under 6,000 square feet as less likely to need parking for multiple cars. In the City, lots of this size are typically only found in the R-1, 7.0 Single Family Residential zoning; in turn, this zoning is generally only found within two miles of travel from downtown. The neighborhoods within the R-1, 7.0 zone are more compatible with non-automobile movement, such as walking, cycling, and transit, and also closer to both public and private services. Neighboring cities such as Anacortes and Burlington have already concluded that they have no compelling need to assume that smaller lots in denser neighborhoods will be car-dependent; these cities already allow as little as one parking space per single-family dwelling.

For lots under 6,000 square feet, this amendment would require only one off-street parking spot for a single-family unit and two off-street parking spots for a duplex. For lots 6,000 square feet and over, this amendment would require two off-street parking spots for a single-family home and four off-street parking spots for a duplex. HB1110 also simplifies the amendment process by exempting these changes from SEPA, with language now found in RCW 43.21C.450:

The following nonproject actions are categorically exempt from the requirements of this chapter:

....

(6) Amendments to development regulations to remove requirements for parking from development proposed to fill in an urban growth area designated according to RCW [36.70A.110](#).

See attachment below for the proposed amendment text in strike-through/underline track changes format.

Proposed changes are shown below in **Strikeout/Underline** track changes format.

Chapter 17.15

R-1 SINGLE-FAMILY DETACHED RESIDENTIAL DISTRICT

Sections:

[17.15.010 Intent.](#)

[17.15.020 Subdistricts – Lot area requirements.](#)

[17.15.030 Permitted uses.](#)

[17.15.040 Accessory uses.](#)

[17.15.045 Repealed.](#)

[17.15.050 Conditional uses.](#)

[17.15.055 Repealed.](#)

[17.15.060 Lot area and width.](#)

[17.15.070 Setbacks.](#)

[17.15.080 Maximum land coverage.](#)

[17.15.090 Building height.](#)

[17.15.100 Parking.](#)

[17.15.110 Signs.](#)

[17.15.120 Design review.](#)

17.15.010 Intent.

The intent of this chapter is to provide for single-family residential housing in neighborhoods of varying densities. (Ord. 3315, 2006; Ord. 2352, 1989).

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 (See Note 1)	MINIMUM LOT SIZE (See Note 2)
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 MVMC, 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 MVMC, Transfer or Purchase of Development Rights, to decrease the lot sizes outlined within this table.

(Ord. 3802 § 9, 2019).

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 duplexes; provided, that all of the following conditions and requirements shall be met:

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 Chapter [17.70](#) MVMC.

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

4. No more than 20 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 single-family homes and two duplexes.

F. Duplexes on lots of record subject to the city's design standards codified in Chapter [17.70](#) MVMC, ~~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. (Ord. 3802 § 10, 2019).

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 garage.

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 five-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.

H. Accessory dwelling units complying with the requirements outlined in MVMC [17.73.110](#). (Ord. 3802 § 11, 2019).

17.15.045 Administrative conditional uses.

Repealed by Ord. 3802. (Ord. 3429 § 55, 2008).

17.15.050 Conditional uses.

Uses permitted by a conditional use permit and classified as a Type III permit in R-1 districts 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 serving the immediate neighborhood;

D. 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.

E. Specialized housing for the elderly that meets the following criteria:

1. This use must be sited on a lot that is no smaller than 10 gross acres in size.
2. This use must have its primary access off of a city designated arterial street.

3. The total number of resident rooms within any one structure used for specialized housing for the elderly shall not exceed 100. This criteria is meant to limit the size of these facilities; and as such, an applicant cannot use construction methods to provide separations according to the building code that would result in a structure with more than 100 resident rooms.

4. The structures must meet the setbacks, lot coverage and building height specified within this chapter.

5. Type I landscape screening (as defined within MVMC [17.93.040](#)) shall be installed around the perimeter of the lot where it abuts other residential or public zoned properties.

6. All road frontages shall have no less than a 15-foot-wide landscape strip that complies with MVMC [17.93.020](#)(D) installed. Additionally, no less than 20 percent of the gross site area shall be landscaped; and all parking areas with more than 20 parking spaces shall comply with MVMC [17.93.030](#)(B).

7. A limited number of duplex units can be constructed to house the elderly; or a spouse of an elderly resident residing within the specialized housing for the elderly facility, so long as the following criteria are satisfied:

a. The number of overall units shall be calculated by taking the gross site area and subtracting out all public rights-of-way, critical areas as defined in Chapter [15.40](#) MVMC (but not buffer areas), the footprint(s) of all planned or existing buildings for specialized housing for the elderly and the parking and landscape areas associated with this use. The acreage that is left shall be multiplied by eight. Following is an example of how the maximum number of duplex units shall be calculated:

Example: 20-acre site

6 acres of public right-of-way

4.5 acres of building footprint(s)
of specialized housing for the
elderly

2.5 acres of parking for the
specialized housing for the elderly

4 acres of landscaping

0.5 acre of wetlands

20-acre site minus 17.5 acres listed above =

2.5 net acres

2.5 net acres x 8 = 20 units; which means that
10 duplexes could be constructed so long as
all of the listed siting criteria are met.

b. The duplex units shall meet the setbacks, lot coverage, parking and building height specified within this chapter.

c. The duplex units shall comply with the city's design standards and guidelines for duplex units codified under Chapter [17.70](#) MVMC.

d. The duplex units can only be constructed at the same time or following the construction of facilities for specialized housing for the elderly.

e. The elderly occupants of the duplexes shall be able to utilize the facilities of the specialized housing for the elderly such as their cafeteria, transportation services, the organized social and recreational activities, etc.; and the applicant for such facilities shall be required to record CC&Rs to ensure compliance with this forever.

f. The duplex units and the specialized housing for the elderly shall remain under the same ownership.

8. If single-family detached housing units are constructed on the same site with specialized housing for the elderly facilities (as opposed to being located on individual platted lots), the number of single-family units that can be constructed shall be calculated by using the "density for mixed use buildings or developments" definition found in Chapter [17.06](#) MVMC. Single-family detached units must comply with the density and the other dimensional requirements of this chapter, they must remain under the same ownership as the specialized housing for the elderly facility unless they are located on individually platted lots, and shall comply with the city's design standards and guidelines codified under Chapter [17.70](#) MVMC. (Ord. 3474 § 4, 2009).

17.15.055 Special uses.

Repealed by Ord. 3802. (Ord. 3429 § 56, 2008).

17.15.060 Lot area and width.

A. Minimum lot area per dwelling unit shall be as specified in MVMC [17.15.020](#). Minimum lot width at the street line shall be 20 feet; however, two individually platted lots can share one common access point as long as both lots have legal access directly off of a right-of-way or a legally recognized access easement that is at least 20 feet in width. Minimum mean depth of lot shall be 60 feet.

B. Those parcels identified on Map LU-5 within the city's comprehensive plan shall have a net density no greater than 3.23 dwelling units per acre. (Ord. 3315, 2006; Ord. 3026 § 4, 2000; Ord. 2599 § 2, 1994; Ord. 2352, 1989).

17.15.070 Setbacks.

Minimum setback requirements are as follows:

A. Front yard: 25 feet on arterial streets and 20 feet on all other streets. Buildings on corner lots and through lots shall observe the minimum setback on both streets;

B. Side yard: five feet. The total of the two side yards shall be a minimum of 15 feet;

C. Rear yard: 20 feet. Where a rear yard abuts an alley, accessory buildings such as private garages and carports may be located no closer than eight feet to the rear property line.

D. For structures subject to design review per Chapter [17.70](#) MVMC setbacks are found in MVMC [17.70.070\(A\)](#). (Ord. 3773 § 10, 2018).

17.15.080 Maximum land coverage.

Maximum land coverage by buildings shall be 35 percent; except structures subject to design review per Chapter [17.70](#) MVMC are allowed to have a maximum land coverage of 40 percent. (Ord. 3773 § 11, 2018).

17.15.090 Building height.

Maximum building height shall be two stories, but not more than 35 feet, except that churches may exceed this height with special permission of the city council. (Ord. 3315, 2006; Ord. 2352, 1989).

17.15.100 Parking.

~~There shall be provided and maintained for each residence at least two enclosed (private garage) parking spaces plus a driveway apron that will accommodate no less than two vehicles to accommodate vehicles used by the residents and guests of a residence, for a total of not fewer than four parking spaces per dwelling unit.~~

For lots of record smaller than 6,000 square feet before any zero lot line subdivisions permitted by Chapter 16.34 MVMC or lot splits, there shall be provided on the lot at least one parking space per dwelling unit.

For lots of record 6,000 square feet or greater before any zero lot line subdivisions permitted by Chapter 16.34 MVMC or lot splits, there shall be provided on the lot at least two parking spaces per dwelling unit.

Exception: The community and economic development director may reduce the amount and type of required off-street parking for:

A. Affordable housing units as defined by Chapter [17.06](#) MVMC;

B. Senior housing developments. (Ord. 3429 § 58, 2008).

17.15.110 Signs.

No signs are permitted except as provided in Chapter [17.87](#) MVMC. (Ord. 3315, 2006; Ord. 2352, 1989).

17.15.120 Design review.

Certain uses permitted through this chapter are subject to the development regulations codified in Chapter [17.70](#) MVMC, Design Review. (Ord. 3773 § 12, 2018).

Proposed changes are shown below in **Strikeout/Underline** track changes format.

Chapter 17.18

R-2 DUPLEX AND TOWNHOUSE RESIDENTIAL DISTRICT

Sections:

[17.18.010 Intent.](#)

[17.18.020 Permitted uses.](#)

[17.18.030 Accessory uses.](#)

[17.18.040 Conditional uses.](#)

[17.18.045 Repealed.](#)

[17.18.050 Lot area and width.](#)

[17.18.060 Setbacks – Maximum land coverage – Building height.](#)

[17.18.070 Landscaping.](#)

[17.18.080 Parking.](#)

[17.18.090 Signs.](#)

[17.18.100 Design review.](#)

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 MVMC, Transfer or Purchase of Development Rights, can be used to increase the maximum density of this zoning district. (Ord. 3802 § 14, 2019).

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.
- F. Day nurseries; provided, that the size, location and design are compatible with the residential character of the neighborhood. (Ord. 3802 § 15, 2019).

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 five-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. (Ord. 3802 § 16, 2019).

17.18.040 Conditional uses.

Uses permitted by a conditional use permit and classified as a Type III permit in R-2 districts 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. 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.

E. Specialized housing for the elderly that meets the following criteria:

1. This use must be sited on a lot that is no smaller than 10 gross acres in size.
2. This use must have its primary access off of a city designated arterial street.
3. The total number of resident rooms within any one structure used for specialized housing for the elderly shall not exceed 100. This criteria is meant to limit the size of these facilities; and as

such, an applicant cannot use construction methods to provide separations according to the building code that would result in a structure with more than 100 resident rooms.

4. The structures must meet the setbacks, lot coverage and building height specified within this chapter.

5. Type I landscape screening as defined within MVMC [17.93.040](#) shall be installed around the perimeter of the lot where it abuts other residential or public zoned properties.

6. All road frontages shall have no less than a 15-foot-wide landscape strip that complies with MVMD 17.93.020(D) installed. Additionally, no less than 20 percent of the gross site area shall be landscaped; and all parking areas with more than 20 parking spaces shall comply with MVMC [17.93.030\(B\)](#). (Ord. 3474 § 5, 2009).

17.18.045 Administrative conditional uses.

Repealed by Ord. 3802. (Ord. 3315, 2006; Ord. 3193 § 7, 2004).

17.18.050 Lot area and width.

Minimum lot area for a single-family residence shall be 4,500 square feet. Minimum lot area for a duplex or townhouse residence shall be 6,500 square feet. Minimum lot width at building line for a single-family residence shall be 40 feet. Minimum lot width at building line for two-family residence shall be 60 feet. (Ord. 3315, 2006; Ord. 2352, 1989).

17.18.060 Setbacks – Maximum land coverage – Building height.

A. Minimum setback requirements are as follows:

1. Front yard: 25 feet on arterial streets and 20 feet on all other streets. Buildings on corner lots and through lots shall observe the minimum setback on both streets;

2. Side yard: five feet. The total of the two side yards shall be a minimum of 15 feet;

3. Rear yard: 20 feet. Where a rear yard abuts an alley, accessory buildings such as private garages and carports may be located no closer than eight feet to the rear property line.

4. For structures subject to design review per Chapter [17.70](#) MVMC setbacks are found in MVMC [17.70.070\(A\)](#).

B. Maximum land coverage by buildings shall be 35 percent; except structures subject to design review per Chapter [17.70](#) MVMC are allowed to have a maximum land coverage of 40 percent.

C. Maximum building height shall be two stories, but not more than 35 feet, except that churches may exceed this height with special permission of the city council. (Ord. 3773 § 13, 2018).

17.18.070 Landscaping.

Landscaping shall be required pursuant to the terms of Chapter [17.93](#) MVMC. (Ord. 3315, 2006; Ord. 2352, 1989).

17.18.080 Parking.

~~There shall be provided and maintained for each residence at least two enclosed (private garage) parking spaces plus a driveway apron that will accommodate no less than two vehicles to accommodate vehicles used by the residents and guests of a residence, for a total of not fewer than four parking spaces per dwelling unit.~~

For lots of record smaller than 6,000 square feet before any zero lot line subdivisions permitted by Chapter 16.34 MVMC or lot splits, there shall be provided on the lot at least one parking space per dwelling unit.

For lots of record 6,000 square feet or greater before any zero lot line subdivisions permitted by Chapter 16.34 MVMC or lot splits, there shall be provided on the lot at least two parking spaces per dwelling unit.

Exception: The community and economic development director may reduce the amount and type of required off-street parking for:

- A. Affordable housing units as defined by Chapter [17.06](#) MVMC;
- B. Senior housing developments. (Ord. 3429 § 61, 2008).

17.18.090 Signs.

No signs are permitted except as provided in Chapter [17.87](#) MVMC. (Ord. 3315, 2006; Ord. 2352, 1989).

17.18.100 Design review.

Certain uses permitted through this chapter are subject to the development regulations codified in Chapter [17.70](#) MVMC, Design Review. (Ord. 3773 § 14, 2018).