

ORDINANCE NO. 2745

AN ORDINANCE AMENDING CHAPTER 18.20 OF THE MOSES LAKE MUNICIPAL CODE ENTITLED "RESIDENTIAL ZONES"

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. Chapter 18.20 of the Moses Lake Municipal Code entitled "Residential Zones" is amended as follows:

18.20.030 Allowed Uses:

- A. The Residential Land Uses table indicates where categories of land uses may be permitted and whether those uses are allowed outright or by conditional use permit. Only residential zones are included in this table. Land uses not listed are prohibited unless allowed through the process specified in MLMC 18.20.020.D. Further interpretation of these zones may be obtained as specified in MLMC 20.03.020.B. Land uses are also subject to any footnotes contained within this chapter.
- B. The symbols used in the table represent the following:
 - 1. An "A" in a table cell indicates that the use is allowed subject to the applicable standards in this code in the zone listed at the top of the table.
 - 2. A "C" in a table cell indicates that the use is allowed by conditional use permit, subject to the conditional use provisions in MLMC 18.51 and any additional standards specified.
 - 3. An "X" in a table cell indicates the use is not allowed in the zone listed at the top of the table.
- C. Procedural requirements for permits are described in Moses Lake Municipal Code Title 20.
- D. Uses similar to those listed may be established as allowed or conditionally allowed through the interpretation procedures in MLMC 20.03.020.B. In determining whether a use should be permitted, the Community Development Director shall refer to the purpose statements found in MLMC 18.20.010 and the 1987 version of the Standard Industrial Classification Manual.

TABLE 1: LAND USES IN RESIDENTIAL ZONES				
USE CATEGORIES	R-1	R-2	R-3	R-4
Residential				
Single family detached dwelling	A	A	A	A
Single family attached dwelling, each unit on its own lot of record	A	A	A	X
Factory built residential structure not on a permanent chassis	A	A	A	A
Factory-built housing constructed to the standards of the State Building Code	A	A	A	A
Manufactured home	X	A	A	A
Duplex	X	A	A	X
Multi-family dwelling units	X	X	A	X

TABLE 1: LAND USES IN RESIDENTIAL ZONES				
USE CATEGORIES	R-1	R-2	R-3	R-4
Condominium (in compliance with MLMC 18.67)	A	A	A	A
Rental of apartment appurtenant to single family residence	X	C	C	C
Accessory dwelling unit (in compliance with 18.20.055)	A	A	A	X
Boarding house for not more than 3 people	X	C	C	X
Manufactured Home Park (in compliance with MLMC 18.65)	X	C	C	X
Temporary occupancy of recreational vehicle ¹	X	C	C	X
Commercial				
Adult Family Home ²	A	A	A	A
Assisted Living Facility	X	X	C	X
Family Day Care ³	A	A	A	A
Day Care Center--in home ⁴	C	C	C	X
Day Care Center--not in home ⁵	X	X	C	X
Home Occupation (in compliance with MLMC 18.55)	A	A	A	A
Professional Office	X	X	C	X
Golf course	C	C	C	C
Clubs, lodges, assembly halls	X	X	C	X
Athletic clubs	X	X	C	X
Boarding houses	X	X	C	X
Clinics, hospitals	X	X	C	X
Hotels, motels	X	X	C	X
Marinas	X	X	C	X
Recreational Vehicle Parks (in compliance with MLMC 18.71)	X	X	C	X
Commercial uses not specifically listed	X	X	X	X
Transportation, Communication, and Utilities				
Wireless communication facilities, in compliance with MLMC 18.78	X	X	X	X
Local utilities, below ground	A	A	A	A
Local utilities, above ground	C	C	C	C

TABLE 1: LAND USES IN RESIDENTIAL ZONES				
USE CATEGORIES	R-1	R-2	R-3	R-4
Regional utilities	C	C	C	C
Public and Institutional				
Park, playground, athletic field, other non-commercial recreation	A	A	A	A
schools—public and private	C	C	C	C
Churches and church structures or additions which may exceed 30' in height, and appurtenant uses	C	C	C	C
Cemeteries	C	C	C	C
Agricultural				
Commercial cultivation of land for agricultural products, vineyards, gardening, fruit growing	X	X	X	A
Keeping of livestock, poultry, rabbits, or bees (in compliance with MLMC 18.20.160)	X	X	X	A
Selling of agricultural products raised or grown on premises	X	X	X	A
Stables, riding academies, commercial dog kennels	X	X	X	C
Commercial produce stand (selling of seasonal agricultural products)	X	X	X	C
Miscellaneous				
Accessory use appurtenant to any primary use and not otherwise prohibited	A	A	A	A
Removal of soil or other natural materials for the purpose of sale or use as fill material ⁶	X	X	X	X

Footnotes for Table 1

1. A. The following criteria shall be met:
 - 1) Applicant must be a non-profit organization.
 - 2) The request is associated with a construction project which requires a conditional use permit.
 - 3) The location and siting of the RV units shall comply with MLMC 18.65.080 Setbacks and Separations of Manufactured Homes, MLMC 16.36 Fire Apparatus Access, and MLMC 16.48 Fire Hydrants.

- B. In addition to any other conditions the Planning Commission sets on the project, the following requirements shall be stipulated as conditions of the conditional use permit:
 - 1) The duration of the conditional use permit shall be specified and shall not be allowed to exceed the life of the building permit.
 - 2) The number of RV units to be allowed.

- 3) The RV site shall be left free of litter, debris, or other evidence of RV occupation upon the completion or removal of the use.
 - 4) A solid waste disposal plan shall be provided.
 2. An adult family home shall be licensed by the State of Washington Department of Social and Health Services, and a city business license shall be required.
 3. Family day care homes shall be licensed by the State of Washington Department of Social and Health Services and shall operate in compliance with the licensed capacity requirements for family day care homes. Certification by the office of child care policy licensor as providing a safe passenger loading area, and a city business license shall be required. The building and lot shall comply with all building, fire, safety, and health code requirements, and shall conform to the lot size, building size, setbacks, and lot coverage standards of the zone, except for legal nonconforming structures. Signage shall not be allowed. Hours of operation may be limited to facilitate neighborhood compatibility, while also providing appropriate opportunities for persons who use family day care and who work a non-standard shift. Proof that adjacent property owners have been notified in writing of the intent to locate and maintain such a facility shall be required.
 4. This shall be a day care facility that provides for the care of no more than 20 children in the family abode of the person holding the license issued by the Washington State Department of Social and Health Service. Day care centers must be in compliance with the following requirements:
 - A. Outdoor play areas shall not be located in front yards.
 - B. One on-site parking space is required for each employee in addition to the required resident parking.
 - C. An on-site, off-street loading and unloading area shall be required.
 - D. A city business license shall be required.
 - E. Signage shall not be permitted in the R-1, R-2, or R-4 Zones.
 - F. No structural or decorative alteration which would alter the character or be incompatible with the surrounding residences shall be permitted.
 - G. The use and structures shall be in compliance with zoning regulations and State Building Code requirements.
 - H. Day care centers shall be licensed by the State of Washington, Department of Social and Health Services and shall operate in compliance with the licensed capacity requirements as determined by the State of Washington, Department of Health Services, unless the Planning Commission stipulates fewer children.
 - I. The Planning Commission may impose conditions to mitigate any potential adverse impacts on the surrounding area.
 5. Subject to the following conditions:
 - A. Day care facilities shall be licensed by the State of Washington, Department of Social and Health Services and shall operate in compliance with the licensed capacity requirements as determined by the State of Washington, Department of Health Services, unless the Planning Commission stipulates fewer children.

- B. One (1) on-site parking space shall be required for each employee on the largest shift.
 - C. An on-site loading and unloading area shall be required.
6. Excavation for the purpose of on-site construction or landscaping is permitted.

18.20.055 Accessory Dwelling Units

A. Purpose:

- 1 To regulate the establishment of accessory dwelling units within or in conjunction with single-family dwellings while preserving the character of single-family neighborhoods.
- 2 To provide affordable housing options.
3. Make possible for adult children to provide care and support to a parent or other relatives in need of assistance.
4. To provide the opportunity for homeowners to gain security, companionship and the extra income necessary to help meet the rising costs of home ownership.
5. To provide infill housing opportunities and efficient land use throughout residential zones in the City.

B. Accessory dwelling units (ADU) shall meet all of the following standards:

1. In The R-1, R-2, and R-3 zones, an ADU may be created within, or detached from, any existing or new single-family dwelling as a subordinate use.
2. No more than one ADU may be created per legal lot of record.
3. Only the property owner, which shall include title holders and contract purchasers, may apply for an ADU. The property owner must occupy either the primary dwelling or the ADU as their principal residence for at least six months of the year.
4. One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling,
5. The ADU shall be designed to maintain the appearance of the primary dwelling as a single-family dwelling. Roof pitches and material, siding, trim, color, and windows of any new construction to house the ADU shall be similar and complementary to the primary dwelling.
6. In no case shall a detached ADU be less than 200 square feet, and no less than 300 square feet when part of the primary residence. No ADU shall be more than 800 square feet, excluding any related parking and stair areas.
7. The ADU shall include, at a minimum, kitchen, bathroom and sleeping facilities
8. Detached accessory dwelling units shall meet front, rear and side yard accessory structure setback requirements.
9. If a separate outside entrance is necessary for an ADU located within the primary dwelling, that entrance must be located either on the rear or side of the building.
10. A home occupation may be permitted in either the primary dwelling or the ADU but not in both.

11. An ADU shall not be subdivided or otherwise segregated in ownership from the primary dwelling unit unless the resulting lots meet all of the required minimum development standards
12. An address for an ADU shall be the same as the primary dwelling unit with a "B" added to the end of the address number.
13. The design and construction of the ADU shall conform to all applicable codes.
14. The property owner shall file a restrictive covenant with Grant County's auditor's office for the subject property prior to final building inspection approval for the ADU. The recorded information shall:
 - a. Identify the property by address and legal description
 - b. State that the owner(s) resides in either the principal or accessory dwelling unit.
 - c. State that the owner(s) will notify any prospective purchasers of the limitations of the ADU.
 - d. State that the ADU shall not be subdivided or otherwise segregated in ownership from the primary dwelling unit unless the resulting lots meet all of the required minimum development standards for the zone.
 - e. Provide, upon proper notice, for the removal of the ADU within 2 years, if any of the requirements of this title are violated.

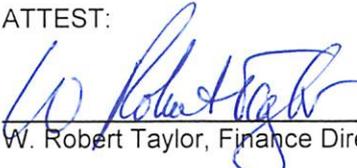
Section 2. This ordinance shall take effect and be in force five (5) days after its passage and publication of its summary as provided by law.

Adopted by the City Council and signed by its Mayor on January 13, 2015.



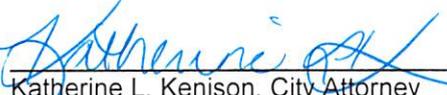
Dick Deane, Mayor

ATTEST:



W. Robert Taylor, Finance Director

APPROVED AS TO FORM:



Katherine L. Kenison, City Attorney