

CITY OF MOUNTLAKE TERRACE

ORDINANCE NO. 2553

AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, TO PROVIDE FOR ELECTRIC VEHICLE INFRASTRUCTURE BY ADDING A NEW CHAPTER 19.126 MTMC ELECTRIC VEHICLE INFRASTRUCTURE, A NEW MTMC 19.30.100, A NEW MTMC 19.80.280, AND A NEW MTMC 19.105.080 AND BY AMENDING ORDINANCE NO. 2447 §3 AND MTMC 19.23.100, ORDINANCE NO. 2476 §1 AND MTMC 19.45.050, ORDINANCE NO. 2503 §1 AND MTMC 19.50.070, ORDINANCE NO. 2476 §2 AND MTMC 19.55.050, ORDINANCE NO. 2551 § 2 AND MTMC 19.60.070, ORDINANCE NO. 2476 §3 AND MTMC 19.65.040, ORDINANCE NO 2074 §4.15(G) AND MTMC 19.75.070, AND ORDINANCE NO. 2476 §4 AND MTMC 19.85.040

WHEREAS, electric vehicles are increasingly becoming available in the Puget Sound region within which Mountlake Terrace is located; and

WHEREAS, using electricity in the Pacific Northwest to power vehicles, instead of using petroleum fuels, results in significant reductions in the emissions of pollutants, including greenhouse gases, and reduces reliance on imported sources of energy for transportation; and

WHEREAS, certain infrastructure, such as charging facilities, are needed to facilitate transportation by electric vehicles; and

WHEREAS, SSHB 1481, which was adopted by the State Legislature in 2009, requires Mountlake Terrace and other cities with a population greater than 20,000 and location within 1 mile of Interstate-5, Interstate-405, or State Route 520 to have development regulations that allow electric vehicle charging infrastructure; and

WHEREAS, the City Council recognizes that effective electric infrastructure will encourage the use of electric vehicles, potentially resulting in reduced greenhouse gases and other pollutants, and the City Council desires electric vehicle infrastructure in appropriate locations; and

WHEREAS, MTMC 19.110.240(C) contains three criteria, including consistency with the City's Comprehensive Plan, for amending the zoning code and both the Planning Commission and City Council considered whether the proposed zoning code amendments met each of the criteria; and

WHEREAS, the Growth Management Act of the State of Washington (GMA) contains goals and requirements, such as consistency with the local Comprehensive Plan, that pertains to zoning code amendments and the zoning code amendments in this Ordinance are consistent with the GMA; and

WHEREAS, after public notice, the Planning Commission held a public hearing on October 25, 2010, considered the record, found the proposed zoning code amendments for electric vehicle infrastructure to be consistent with the criteria in MTMC 19.110.240(C) for amending the zoning code and with the Growth Management Act, and recommended that the Council adopt the proposed zoning code amendments; and

WHEREAS, after public notice, the City Council held a public hearing on November 1, 2010, considered the proposed code amendments and the entire record, including recommendations from the Planning Commission, and found the proposed zoning code amendments to be consistent with the criteria in MTMC 19.110.240(C) and with the Growth Management Act;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Mountlake Terrace Municipal Code Section 19.125.140 Electric vehicle parking is hereby added to Chapter 19.125 to read as follows:

19.125.140 Electric vehicle parking.

Electric vehicle parking shall be provided in accordance with Chapter 19.126 MTMC.

Section 2. Mountlake Terrace Municipal Code Chapter 19.126 Electric Vehicle Infrastructure is hereby added to Title 19 Zoning Code to read as follows:

ELECTRIC VEHICLE INFRASTRUCTURES

Sections:

19.126.010 Purpose.

19.126.020 Definitions.

19.126.030 Permitted locations.

19.126.040 Required facilities.

19.126.050 General requirements.

19.126.060 Accessible facilities.

19.126.070 Charging and parking.

19.126.080 Parking restrictions.

19.126.090 Signage.

19.126.010 Purpose.

The purpose of this chapter is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such a transition necessitates.

19.126.020 Definitions.

For the purposes of this chapter and other chapters of the municipal code that address electric vehicle infrastructure, the following definitions shall apply.

“Accessible electric vehicle charging station” means an electric vehicle charging station

where the battery charging station equipment is located within accessible reach of a barrier-free access aisle (minimum 44-inch width) and the electric vehicle.

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

“Battery electric vehicle (BEV)” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

“Charging level” means the standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. Levels 1, 2, and 3 are defined by the electrical output, per the following specifications:

1. Level 1. Voltage including the range from 0 through 120.
2. Level 2. Voltage is greater than 120 and includes 240.
3. Level 3 is considered fast or rapid charging. Voltage is greater than 240.

“Designated accessible space” means an accessible parking space required by WAC 51-50-005 and designated for the exclusive use of parking vehicles with a State Disabled Parking Permit.

“Electric scooters and motorcycles” means any 2-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

“Electric vehicle charging station — restricted” means an electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

“Electric vehicle charging station — public” means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Medium-speed Electric Vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.

“Neighborhood Electric Vehicle” means a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.

“Non-Electric Vehicle” means any motor vehicle that does not meet the definition of “electric vehicle.”

“Plug-in hybrid electric vehicle (PHEV)” means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

19.126.030 Permitted locations.

Electric vehicle infrastructure shall be permitted in zoning districts of the city as identified in MTMC 19.23.100.

19.126.040 Required facilities.

A. Beginning July 1, 2011, development for each of the land uses identified in Table 1 of subsection B of this section shall be required to provide electric vehicle infrastructure as shown in the table. For purposes of Table 1, electric vehicle charging stations shall be provided when the development is 10,000 square feet or more and one of the following occurs:

1. A new building or a new off-street parking facility is developed;
2. An addition or improvement to an existing building is made that meets a certain threshold, pursuant to MTMC 19.120.250; or
3. The parking capacity of an existing building, site, or parking facility is increased by more than 50%.

B. The first column in Table 1 shows the type of land use for which electric vehicle charging stations shall be provided, pursuant to this section. The second column shows the minimum percentage of the facility’s parking spaces that shall provide a connection to electric vehicle charging stations.

Table 1 Required number of electric vehicle charging stations

Land Use Type	Percentage of Parking Spaces
Multi-household residential	10%
Lodging	3%
Retail, eating and drinking establishment	1%
Office, medical	3%

Land Use Type	Percentage of Parking Spaces
Industrial	1%
Institutional, Municipal	3%
Recreational/Entertainment/Cultural	1%
Other	3%

C. Design for expansion. In order to allow for additional electric vehicle parking in the future as the market for such vehicles grows, beginning January 1, 2011, all development that meets the criteria of subsection A of this section shall be designed to allow for double the amount of electric vehicle parking shown in Table 1.

1. Site design must provide electrical, associated ventilation, accessible parking, and wiring connection to transformer to support the additional potential future electric vehicle charging stations.

19.126.050 General station requirements.

A. Size. A standard size parking space shall be used for an electric vehicle charging station where such a station is required or planned.

B. Installation and equipment. The station installation and equipment shall be consistent with the rules and regulations adopted pursuant to RCW 19.27.540, Electric vehicle infrastructure requirements, and with applicable regulations under the City's Building Code Chapter 15.05 MTMC and Fire Code Chapter 15.10 MTMC Fire Code.

C. Location, design, and maintenance. Where provided, parking for electric vehicle charging purposes shall meet standards 1-5 of this subsection.

1. Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.

2. Clearance. Charging station equipment mounted on pedestals, light posts, bollards or other devices shall be a minimum of 24 inches clear from the face of curb.

3. Charging Station Equipment. Charging station outlets and connector devices shall be no less than 36 inches or no higher than 48 inches from the top of surface where mounted, and shall contain a retraction device and/or a place to hang permanent cords and connectors sufficiently above the ground or paved surface.

4. Charging Station Equipment Protection. When the electric vehicle charging station space is perpendicular or at an angle to curb face and charging equipment, adequate equipment protection, such as wheel stops or concrete-filled steel bollards shall be used.

5. Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

D. Data to be available. To allow for maintenance and notification, the owners of any private new electric vehicle infrastructure station that will be publicly available (see definition "electric vehicle charging station — public") shall provide information on the station's geographic location, date of installation, equipment type and model, and owner contact information.

E. Time limits may be placed on the number of hours that an electric vehicle is allowed to charge, prohibiting indefinite charging/parking. If applicable, warnings shall be posted to alert charging station users about hours of use and possible actions affecting electric vehicle

charging stations that are not being used according to posted rules.

F. Electric vehicle signage shall be provided pursuant to MTMC 19.126.090.

G. Location. Placement of a single electric vehicle charging station is preferred at the beginning or end stall on a block face.

19.126.060 Accessible facilities.

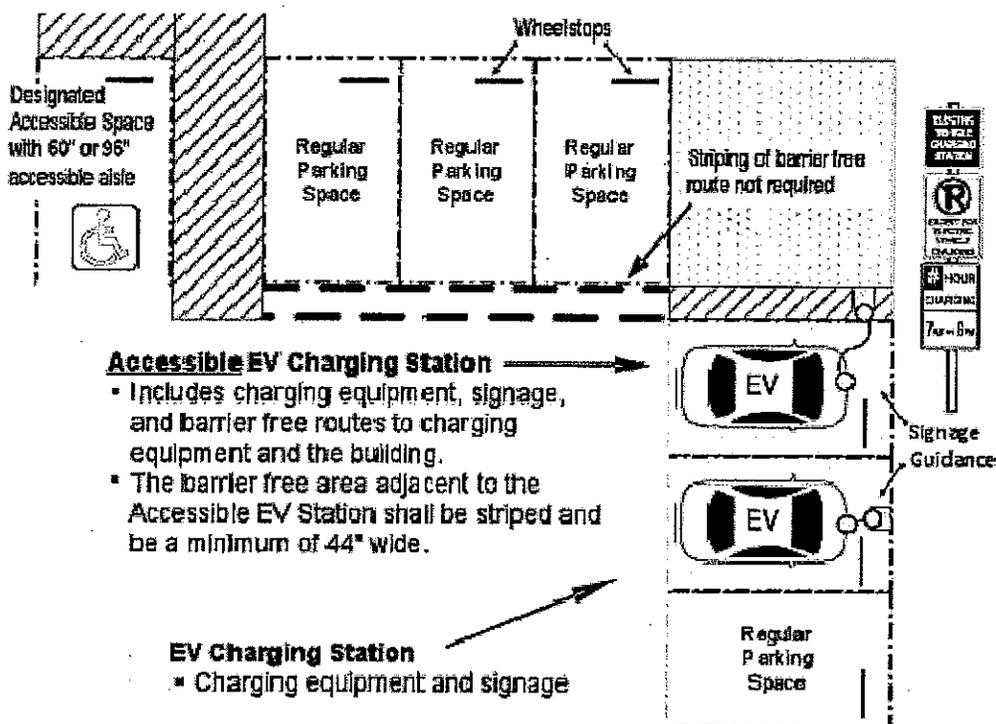
A. Where electric vehicle charging stations are provided in parking lots or parking garages, excluding garages in single-household residential units, accessible electric vehicle charging stations shall be provided according to the ratios shown on Table 1 in this subsection. The first column indicates the number of electric vehicle stations being provided on-site and the second column indicates the number of accessible charging stations that are to be provided for the corresponding number(s) of charging stations.

Table 1: Minimum Number of Accessible Electric Vehicle (EV) Charging Stations

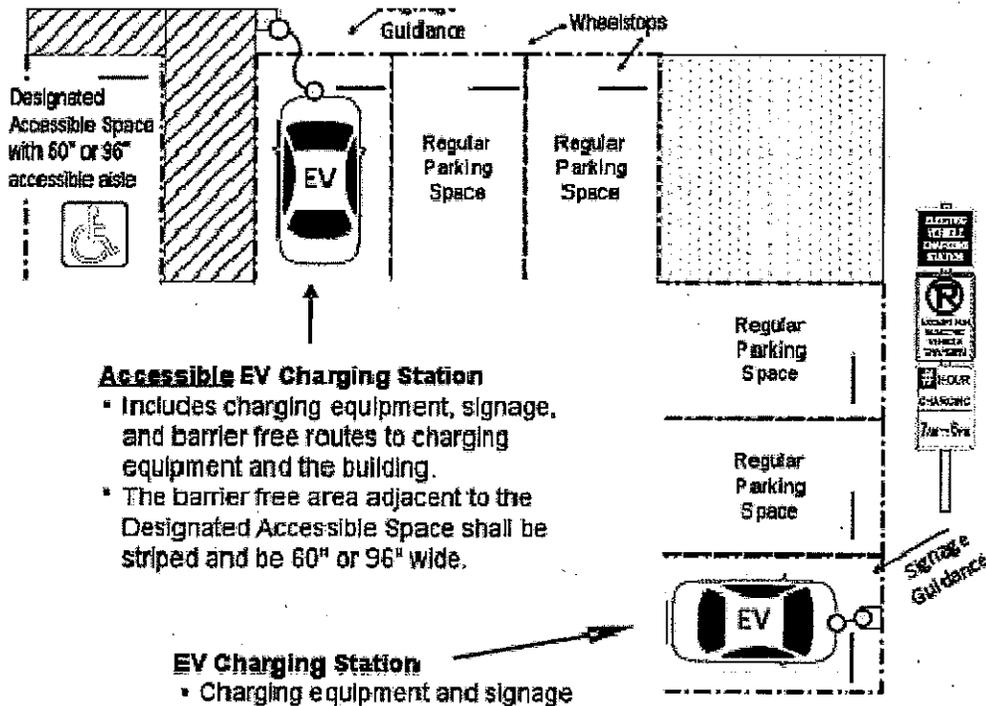
Number of EV charging stations	Minimum accessible EV charging stations
5-50	1
51-100	2
101-150	3
151-200	4
201-250	5
251-300	6

B. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons. Below are two options for providing for accessible electric vehicle charging stations.

Option 1



Option 2



19.126.070 Charging and parking.

A. Electric vehicle charging stations, where provided for public use, are reserved for parking and charging electric vehicles only.

B. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

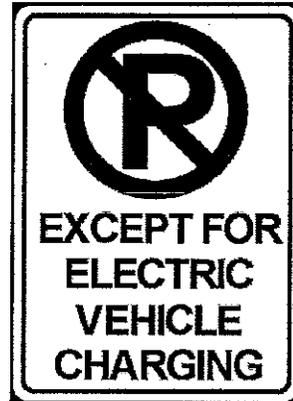
19.126.080 Parking restrictions.

A. No person shall stop, stand or park any non-electric vehicle in a space designated through signage as an electric vehicle charging station. Any non-electric vehicle is subject to removal by the property owner or the property owner's agent.

B. Any electric vehicle in any designated electric vehicle charging station and that either (a) is not electrically charging or (b) is parked beyond the days and hours designated on regulatory signs posted at or near the space, shall be subject to removal as posted by the property owner or the property owner's agent as posted by the property owner or the property owner's agent. For purposes of this subsection, "charging" means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

19.126.090 Signage.

A. Electric vehicle charging stations available for public use shall have posted signage, as identified in this subsection, allowing only charging electric vehicles to park in such spaces. For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.



B. Signage for parking of electric vehicles shall include:

1. Information on the charging station to identify voltage and amperage levels and any time of use, fees, or safety information.
2. As appropriate, directional signs at appropriate decision points to effectively guide motorists to the charging station space(s).

C. Optional Signage. Optional information may be posted to alert potential charging station users to other expectations.

Section 3. Mountlake Terrace Ordinance No. 2447 § 3 and Mountlake Terrace Municipal Code Section 19.23.100 Other land uses is hereby amended to read as follows:

19.23.100 Electric vehicle infrastructure.

A. Electric vehicle infrastructure facilities are permitted in zoning districts of the City as identified in Table 1. The table identifies in the first column the abbreviated name of each zoning district. The second, third, and fourth columns indicate a type of electric vehicle infrastructure. For each zoning district, the table identifies the type of electric vehicle infrastructure that is permitted and the process under which it is permitted. "P" indicates that the infrastructure corresponding to that column is a permitted use in the corresponding zoning district. "C" indicates that the infrastructure corresponding to that column is a conditional use in the corresponding zoning district. A column that is blank for a particular zoning district indicates that the infrastructure is not permitted in that zone.

Table 1

Zone	Charging Level 1 and Level 2 Station	Charging Level 3 Station	Battery Exchange Station
RS	P		
RM	P		
BC	P	P	P
BC/D	P	P ¹	P ¹
CG	P	P	P
F/T	P	P	P
LI/OP	P	P	P

Zone	Charging Level 1 and Level 2 Station	Charging Level 3 Station	Battery Exchange Station
REC	P	C	C
SSD/R	P		
SSD C/R	P	P ²	
PFS	P	P	P

¹ Permitted for all building types except Type 7.

² Not permitted in residential uses

Section 4. Mountlake Terrace Municipal Code Section 19.30.100 Electric Vehicle Charging Station Level 2, home preparation is hereby added to Mountlake Terrace Municipal Code Chapter 19.30 to read as follows:

19.30.100. Electric Vehicle Charging Station Level 2, home preparation.

A. Beginning July 1, 2011, all new home construction and additions modifying greater than 50% of the assessed value of the building shall be built to accommodate one electric vehicle charging station level 2, consistent with the National Electric Code Article 625.

1. The plan will identify a specific place or area where a level 2 charging station could be safely installed in the future without creating a tripping hazard.
2. The new construction or addition shall include installation of the necessary conduit to a potential future level 2 charging station.
3. The electrical load of the building shall accommodate a level 2 charging station, including any applicable ventilation requirements.

Section 5. Mountlake Terrace Ordinance No. 2476 §1 and Mountlake Terrace Municipal Code Section 19.45.050 Special regulations is hereby amended to read as follows:

19.45.050 Special regulations.

Special regulations, as specified below, shall apply to certain uses and locations in the BC district:

- A. Sexually oriented businesses/adult entertainment establishments shall not be permitted.
- B. For all multiple-household residential development, the ground floor shall be primarily for commercial uses, consistent with the City’s building code, except that Building Type E, as provided for in MTMC 19.45.030, may have commercial or residential uses on the ground floor.
- C. Bicycle storage for multiple-household dwellings shall be subject to the same standards as required within the RM districts.
- D. All uses shall be conducted wholly within an entirely enclosed building except for the following:
 1. Public utility facilities.
 2. Parking facilities and loading areas, provided that no area outside of an enclosed building shall be used for storage, repair or sale of vehicles.
 3. Vehicle service stations.
 4. Outdoor advertising structures.
 5. Sale or display of retail goods as part of a permitted farmer’s market, street vendor cart/stand or seasonal event, or sale or display of fresh market produce, including cut flowers, in conjunction with an adjacent business; provided, that no combination of awnings or tents that

comprise more than a total of 200 square feet anywhere on the lot shall remain outdoors on-site for more than 72 consecutive hours unless the structures are specifically permitted as a temporary use or part of an approved building in compliance with applicable building and fire code standards.

E. Uses that create a nuisance by reason of smoke, fumes, odor, steam, gases, vibration, hazard or noise shall be prohibited.

F. The storage of hazardous waste shall be allowed only as an accessory use to a legally established primary use of the property and shall be managed subject to all applicable federal, state, and local statutes.

G. Any use that includes an emergency vehicle as part of its operation shall be designed for emergency vehicle egress that is as safe as possible for pedestrians and traffic.

H. Street improvements, including curb, gutter, sidewalk, and planting area, shall be required for any lot that is being developed to include a new building or building expansion greater than 500 square feet, where such improvements are lacking or inconsistent with current City standards as required pursuant to MTMC 19.45.060.

I. Conditional uses shall be evaluated in part based on:

1. Pedestrian orientation.
2. Provision for transition between single-household zones and more intense uses.
3. Site and building design that is sensitive to the neighborhood context.

J. Outdoor play areas that serve any school or day care center with more than 12 juvenile attendees shall be designed in a manner that buffers potential noise impacts on any adjacent residents in a RS or RM district.

K. Single-household dwellings legally established prior to March 30, 2008, may be rebuilt, repaired, expanded, and otherwise changed for human occupancy to an extent not to exceed 50 percent of the actual value of the building. Accessory uses for an existing single-household dwelling such as garages, carports, storage sheds, and fences may be constructed subject to the same limits. Any improvements shall comply with the development regulations specified for the RS 7200 zoning district for single-household dwellings and accessory structures.

L. In this zoning district, no single retail establishment, whether located in a single building or combination of buildings on a site, shall exceed 60,000 square feet of gross floor area in the aggregate. The term "gross floor area" shall include indoor and outdoor space utilized for retail display and sale of goods. The gross floor area of adjacent stores shall be aggregated in cases where the stores (1) are engaged in the selling of similar or related goods, wares or merchandise and operate under common ownership or management; (2) share checkstands, a warehouse, or a distribution facility; or (3) otherwise operate as integrated business enterprises.

M. Off-street parking shall be provided for multiple-household dwellings in a total amount that equals at least 1.25 parking spaces per unit for each unit of two or less bedrooms and one additional parking space for each bedroom beyond two bedrooms in a unit. Parking spaces must include guest or flexible space, which is not contained within a private dwelling, at a ratio of at least one space for every four dwelling units unless a parking study is provided that documents to the satisfaction of the City's traffic engineer that a slightly different ratio of guest or flexible parking space is appropriate.

N. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 6. Mountlake Terrace Ordinance No. 2503 §1 and Mountlake Terrace Municipal Code Section 19.50.070 Special regulations is hereby amended to read as follows:

19.50.070 Special regulations.

Special regulations, as specified below, shall apply to certain uses and locations in the area zoned as BC Downtown:

A. Sexually oriented adult businesses/adult entertainment establishments shall not be permitted.

B. Multiple-household residential development shall be allowed; provided, that commercial uses are located on the ground floor in Building Types 1 through 5 and that in Building Type 1, 2A, and 2B, at least 60 percent of the ground floor shall be for commercial retail or commercial eating/drinking establishment uses. Residential uses are permitted in Building Type 7 without commercial uses, except that the ground floor of any Type 7 building facing 56th Avenue West shall be designed and built to accommodate commercial uses.

C. Casinos or social card rooms as defined in RCW 9.46.0217 and 9.46.0282 shall not be permitted.

D. All uses shall be conducted wholly within an entirely enclosed building except for the following:

1. Public utility facilities;
2. Parking and loading areas; provided, that no area outside of an enclosed building shall be used for storage, repair or sale of vehicles;
3. Outdoor advertising structures;
4. Sale or display of retail goods as part of a permitted farmer's market, street vendor cart/stand or seasonal event, or sale or display of fresh market produce, including cut flowers, in conjunction with an adjacent business; provided, that no combination of awnings or tents that comprise more than a total of 200 square feet anywhere on the lot shall remain outdoors on-site for more than 72 consecutive hours unless the structures are specifically permitted as a temporary use or part of an approved building in compliance with applicable building and fire code standards.

E. Manufacture or assembly shall be limited to containers or supplies and final packaged products that do not exceed 12 feet in any dimension.

F. Nuisances and Safety. Uses that create a nuisance by reason of smoke, fumes, odor, steam, gases, vibration, hazard or noise shall be prohibited. Any use that includes emergency vehicles as part of its operation shall be designed for emergency vehicle egress that is as safe as possible for pedestrians and traffic.

G. Special Provisions for Existing Single-Household Dwellings. An existing detached single-household dwelling may be rebuilt, repaired, and otherwise changed for human occupancy to an extent not to exceed 50 percent of the assessed value of the building in any 60-month period. Accessory uses for an existing single-household dwelling such as garages, carports, storage sheds, and fences may be constructed subject to the same limits. In addition to the above provision, any such improvements shall comply with the development regulations specified for the RS 7200 zoning district for single-household dwellings and accessory structures.

H. Parking Standards for BC Downtown. Within the BC Downtown zone, a minimum number of vehicle parking spaces shall be provided on-site as follows:

1. Commercial uses: two spaces for each 1,000 square feet of gross, leasable area, except that the first 5,000 square feet of a retail use or an eating/drinking establishment within a building or on a single parcel shall be exempt from the minimum number of required parking spaces, so long as at least four on-street parking spaces are within 200 feet;
2. Residential uses: 1.25 spaces for each unit of two bedrooms or less; 1.5 spaces for

each unit of three bedrooms; one space per two bedrooms beyond three bedrooms in any unit.

Hotel: one space for each unit.

I. Commercial Frontage Requirements and Features. For commercial frontages in the BC Downtown district, no setback requirements shall be required from the right-of-way as long as the sight triangle at corners and sight distances are adequate and pedestrian activity areas of 15 feet, as measured between face of curb, excluding sidewalk bulbs which extend into the street to direct traffic and minimize crosswalk distances, and face of building, are provided consistent with design standards referenced in subsection J of this section. Street improvements, including sidewalk, curb, and gutter, will be required for any lot that is being developed where these are lacking or inconsistent with current standards. Improvements shall be designed by the applicant and may be constructed through private project funding, public-private partnership or with other downtown business and property owners.

J. Design Standards. To assure an attractive, pedestrian-friendly environment, all development occurring within the BC Downtown district upon the effective date of the ordinance codified in this section, unless otherwise exempted by this chapter, shall comply with Town Center design standards which are attached to the ordinance codified in this section and adopted by reference as though fully set forth herein and which shall be available from the Department. If said design standards appear to conflict with another provision of this title, the design standards shall prevail.

K. Landscaping, Pedestrian and Bicyclist Features. Pedestrian amenities, benches, bicycle stands, refuse and recycle containers may be located within required landscape areas and pedestrian activity areas as long as a minimum eight-foot-wide area is available for pedestrian and wheelchair use between intersections; provided, that the placement of such features is consistent with the design standards referenced in subsection J of this section.

L. Conditional uses shall be evaluated or conditioned in part based on:

1. Pedestrian orientation;
2. Avoidance of shading effect on public plazas and single-household zones;
3. Provision for transition between intense uses and single-household zones.

M. Garages. For single-dwelling houses and Type 7 buildings, garage openings shall not face public streets other than service alleys; provided, that this provision does not apply to any garage located more than 40 feet from a street or any garage legally built prior to January 1, 2009.

N. For development that provides environmentally friendly techniques, such as low stormwater impact measures or a LEED silver or higher rating, or public open space in addition to required pedestrian activity areas, the Department may approve minor deviations up to 10 percent from the required parking spaces and the exact dimensional requirements specified in MTMC 19.50.050(B)(2), except that no deviation from height requirements is allowed.

O. Within the area designated as Building District B incentives overlay, an extra story of development (up to six stories total) is allowed if the project provides low impact stormwater design and energy conservation features that achieve a greater environmental benefit than the minimum measures required by code and that are approved as sustainability incentives by the Director. Such development, if approved, is subject to the dimensional requirements of MTMC 19.50.050(B).

P. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 7. Mountlake Terrace Ordinance No. 2476 §2 and Mountlake Terrace Municipal Code Section 19.55.050 Special regulations is hereby amended to read as follows:

19.55.050 Special regulations.

Special regulations, as specified below, shall apply to certain uses and locations in the CG district:

- A. Sexually oriented businesses/adult entertainment establishments shall not be permitted.
- B. Multiple-household residential development shall be allowed; provided, that commercial uses, excluding parking facilities, are located on the ground floor facing and adjacent to the public street and comprise the majority of the ground floor building area.
- C. Bicycle storage for multiple-household dwellings shall be subject to the same standards as required within the RM districts pursuant to Chapter 19.35 MTMC.
- D. All uses shall be conducted wholly within an entirely enclosed building except for the following:
 1. Bulk retail items, such as vehicles, building materials, and manufactured homes.
 2. Public utility facilities.
 3. Parking facilities and loading areas; provided, that no area outside of an enclosed building shall be used for repair of vehicles.
 4. Vehicle service stations.
 5. Outdoor advertising structures.
- E. The storage of hazardous waste shall be allowed only as an accessory use to a legally established primary use of the property and shall be managed subject to all applicable federal, state, and local statutes.
- F. Any use that includes emergency vehicles as part of its operation shall be designed for emergency vehicle egress that is as safe as possible for pedestrians and traffic.
- G. Street improvements, including curb, gutter, sidewalk, and planting area, shall be required for any lot that is being developed to include a new building or building expansion greater than 500 square feet where such improvements are lacking or inconsistent with current City standards.
- H. Off-street parking shall be provided for multiple-household dwellings in a total amount that equals at least 1.25 parking spaces per unit for each unit of two or less bedrooms and one additional parking space for each bedroom beyond two bedrooms in a unit. Parking spaces must include guest or flexible space, which is not contained within a private dwelling, at a ratio of at least one space for every four dwelling units, unless a parking study is provided that documents to the satisfaction of the City's traffic engineer that a slightly different ratio of guest or flexible parking space is appropriate.
- I. Conditional uses shall be evaluated in part based on:
 1. Pedestrian and transit orientation.
 2. Provision for transition between single-household zones and more intense uses.
 3. Site and building design that is sensitive to the community context and to the use of adjacent properties.
- J. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 8. Mountlake Terrace Ordinance No. 2551 §2 and Mountlake Terrace Municipal Code Section 19.60.070 Special regulations is hereby amended to read as follows:

19.60.070 Special regulations.

Special regulations, as specified below, shall apply to certain uses and locations in the F/T district.

A. An existing single-household dwelling legally built prior to October 1, 2010 may continue to be used as a single-household dwelling to the extent it meets other applicable codes. The dwelling may also be rebuilt, repaired, expanded, improved, and otherwise changed for human occupancy, subject to the standards in MTMC 19.60.090.

B. Sexually oriented businesses/adult entertainment establishments shall not be permitted.

1. A circulator street shall be provided from 244th Street SW into the development known as Gateway Place and encompassing Building Districts A, B, and C. All lots within Building Districts A, B, and C shall have direct access from the circulator street. Direct access may be extended into and through Building District D.

C. Multiple-household residential development shall be allowed; provided, that commercial uses, excluding parking facilities, are located on the ground floor facing and adjacent to the circulator street or public street and comprise the majority of the ground floor building area. On the ground floor, residential use is limited to no more than 15% of the floor area.

D. Bicycle storage and parking shall be provided as follows:

1. Multiple-household dwellings shall be subject to the same bicycle storage standards as required within the RM districts pursuant to Chapter 19.35 MTMC.

2. Commercial uses shall be subject to the bicycle parking standards set forth in MTMC 19.125.130.B.

E. All uses shall be conducted wholly within an entirely enclosed building except for the following:

1. Large-scale retail items, such as vehicles and manufactured homes, provided that the items are actively being offered for sale from a retail store on the same site;

2. Parking facilities and loading areas for motor vehicles and bicycles;

3. Outdoor advertising structures and signage; and

4. Pedestrian activity areas, plazas, and outdoor cafes.

F. The storage of hazardous waste shall be allowed only as an accessory use to a legally established primary use of the property and shall be managed subject to all applicable federal, state, and local statutes.

G. Any use that includes emergency vehicles as part of its operation shall be designed for emergency vehicle egress that is as safe as possible for pedestrians and traffic.

H. Street improvements, including curb, gutter, sidewalk, and planting area consistent with the F/T Design Standards, and all necessary utilities shall be required to be installed for any lot that is being developed where such improvements are lacking or inconsistent with current City standards, provided that certain minor improvements or alterations, pursuant to this title, shall not of themselves trigger this requirement.

I. Vehicle parking Standards.

1. For non-residential uses, vehicle parking shall comply with the parking standards set forth in Chapter 19.125 MTMC, provided that in Building Districts E and F, the first 2,000 square feet of a retail or eating/drinking establishment use on a single lot shall be exempt from the minimum parking requirements as long as four available parking spaces are located within 200 feet.

2. For multiple-household dwellings, excluding townhomes and live-work units, off-street vehicle parking shall be provided in a total amount that equals at least 0.75 parking spaces per studio or one bedroom unit; 1.0 parking spaces per unit of two or less bedrooms, and one-half additional parking space for each bedroom beyond two bedrooms in a unit. Parking spaces must also include guest or flexible space that is not contained within a private dwelling, at a ratio

of at least one space for every four dwelling units, unless a parking study documents to the satisfaction of the Director, in consultation with the City's traffic engineer, that a slightly different ratio of guest or flexible parking space is appropriate.

3. For townhomes and live-work units, two off-street parking spaces are required per unit. At least one of the two required parking spaces must be in a garage within the townhome or live-work unit.

J. Design Standards. To assure an attractive, pedestrian-friendly environment, all development occurring within the F/T District upon the effective date of the ordinance codified in this section, unless otherwise exempted by this chapter, shall comply with the F/T Design Standards, which are attached to the ordinance codified in this section and adopted by reference as though fully set forth herein and which shall be available from the Department. If the F/T Design Standards appear to conflict with a provision of another chapter of this title, said Design Standards shall prevail within the F/T District.

K. Townhomes and live-work units are exempted from the F/T Design Standards but shall comply with building and site standards set forth in the Multi-family Design Standards.

L. Any development of Building Districts C and D shall be designed in a manner that allows a future roadway to connect directly with 236th Street SW, as approved by the Director, in order to ensure future access from 236th Street SW, consistent with the Comprehensive Plan Transportation Element.

M. For Building Districts B and D, a minimum tree buffer is required as specified in MTMC 19.60.050.B. The tree buffer shall primarily consist of a forested area of mature native trees and may be accompanied by younger trees and understory vegetation. Trees in the tree buffer area shall not be disturbed or removed, except as necessary for forest management or safety and subject to any studies and permits required by the municipal code.

N. Street frontages. A pedestrian activity area of at least 12 feet in width from the back of curb shall be provided along the entire frontage of vacant property that is being developed and, as required by MTMC 19.60.090, along the entire frontage of property that is being redeveloped. The pedestrian activity area is subject to the F/T Design Standards adopted under MTMC 19.60.070.J.

O. Undergrounding of power and other utility lines is required for all development in Building Districts A, B, C, and D. The placement of power poles, except as needed on a temporary basis during construction, is prohibited in Building Districts, A, B, C, and D. Undergrounding of power in Building Districts E and F is subject to the code requirements that apply to all areas of the city.

P. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 9. Mountlake Terrace Ordinance No. 2476 §3 and Mountlake Terrace Municipal Code Section 19.65.040 Special regulations is hereby amended to read as follows:

19.65.040 Special regulations.

The following special regulations shall apply to certain uses and locations in the area zoned as LI/OP:

A. Indoor shooting ranges shall be adequately soundproofed and shall be designed to prevent projectiles from escaping the premises.

B. To ensure an attractive appearance and transit/pedestrian access on major corridors used by the general public, all development occurring on property adjacent to the public right-of-way for 220th Street SW or 66th Avenue W within the LI/OP district upon the effective date of the ordinance codified in this section, unless otherwise exempted by this chapter, shall comply with the light industrial/office park (LI/OP) district design standards which are attached to the ordinance codified in this section and adopted by reference as though fully set forth herein and which shall be available from the Department. If said design standards appear to conflict with another provision of the municipal code, the design standards shall prevail. The LI/OP design standards do not apply to any property in the district that is not adjacent to 220th Street SW or 66th Avenue W, except as otherwise specified by this chapter.

C. Buildings that are at least 50 feet from the public right-of-way for 220th Street SW or 66th Avenue W are exempt from the building design standards contained in the LI/OP design standards.

D. Street improvements, including curb, gutter, sidewalk, and planting area, shall be required for any lot that is being developed to include a new building or building expansion greater than 500 square feet where such improvements are lacking or inconsistent with current City standards.

E. The standard dimensions in this district for sidewalk and planting areas on 220th Street SW or 66th Avenue W are a minimum of 13 feet from the face of the street curb and shall include a five-foot planting area next to the curb and a seven-and-one-half-foot-wide sidewalk, except that, as necessary, any portion of the sidewalk area that is on private property may be developed as a pedestrian activity area, subject to applicable provisions of the LI/OP district design standards adopted pursuant to this chapter. Sidewalks and planting areas to meet these dimensional requirements shall be installed as development or street reconstruction occurs, pursuant to specific provisions of this chapter.

F. Loading and service facilities shall not be within 60 feet of any RS or RM district unless no other location is possible due to site constraints.

G. Large-scale trash receptacles within 20 feet of the public right-of-way shall be screened from view. Screening shall consist of solid wood or masonry fencing six feet high, except as provided otherwise in the LI/OP district design standards adopted pursuant to this chapter.

H. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 10. Mountlake Terrace Ordinance No. 2074 §4.15(G) and Mountlake Terrace Municipal Code Section 19.75.070 Special regulations is hereby amended to read as follows:

19.75.070 Special regulations.

The following special regulations apply to uses located within the REC district as specified below:

A. Sexually oriented adult businesses/adult entertainment establishments shall be prohibited in the REC district;

B. Fencing for playfields, tennis courts, golf courses, basketball courts, and other related facilities are permitted. In some cases protective fencing or backstops may be constructed to a maximum of 50 feet in height to contain stray baseballs, golf balls, etc. Fencing for these facilities shall be reviewed and approved by the Planning Department and the Parks and Recreation Director;

C. Portable toilets/sani-cans are permitted outright for seasonal operations in parks and special events as approved by the Parks and Recreation Director;

D. Concession stands, permanent structure/building or temporary, shall be reviewed and approved by the Planning Department and the Parks and Recreation Director;

E. Golf Courses (Including Public and Private). Access to at least a minor arterial street is required. Commercial use or development accessory to the golf course is limited to a pro shop for the sale and rental of golf equipment, a driving range, and one eating/drinking establishment, meeting/assembly rooms and administrative offices; and

F. Public utility facilities are a conditional use in the Recreation district and subject to review and approval by the City Council.

G. Signs shall be permitted subject to the following regulations:

1. Permanent Signs – Size. The maximum total freestanding or projecting sign area for a recreation facility shall not exceed an area of 100 square feet subject to the following criteria:

a. Recreation facility signs shall be only indirectly lighted;

b. The maximum sign area per street frontage shall be 50 square feet;

c. Signs advertising recreation facilities and associated commercial activities shall be permanently installed in the ground and not exceed a height of 15 feet above grade level at the base of the mounting pole or poles;

d. Associated commercial activities shall not have separate freestanding or pole mounted signs but may contain their trademark name within the recreation facility sign except that such trademark shall be secondary to the identification of the recreation facility and not exceed 25 percent of the sign area of said sign; and

e. The commercial activity may have one directional trademark sign located on the structure containing the use not to exceed 15 square feet in area and shall be only indirectly lighted.

2. Temporary Signs. Signs that cannot be classified under subsection (G)(1) of this section as permanent shall not be added into the size limitations for permanent signs but shall be restricted as to size, design, location and length of exhibition by the Planning Commission. Temporary signs shall be subject to the following design criteria:

a. They shall be in good taste and not detract from the aesthetics of the recreation facility;

b. They shall be constructed and maintained so that they do not become a public nuisance or eyesore from lack of maintenance or design;

c. The Planning Commission may require the removal of any such sign or signs if they are offensive in any way to the character and use of the recreation facility by the general public; and

d. Temporary signs shall be removed upon termination of the approval period of the Planning Commission.

H. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 11. Mountlake Terrace Municipal Code Section 19.80.280 Special Regulations is hereby added to Mountlake Terrace Municipal Code Chapter 19.80 to read as follows:

19.80.280 Special Regulations.

In the SDD/R district, Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 12. Mountlake Terrace Ordinance No. 2476 §4 and Mountlake Terrace Municipal Code Section 19.85.040 Special regulations is hereby amended to read as follows:

19.85.040 Special regulations.

Special regulations, as specified below, shall apply to the SDD C/R district.

A. Multiple-household dwellings are allowed only as part of a mixed commercial/residential development. Such residential uses shall not comprise more than 10 percent of the ground floor of any building.

B. All uses, including storage, shall be conducted wholly within an entirely enclosed building except for the following:

1. Public utility facilities.
2. Parking facilities and loading areas; provided, that no area outside of an enclosed building shall be used for storage or repair of vehicles.
3. Sale or rental of vehicles.
4. Vehicle service stations.
5. Outdoor advertising structures.
6. Sale or display of fresh produce, nursery supplies, and cut flowers.

C. Sexually oriented business/adult entertainment establishments shall not be permitted.

D. Off-street parking shall be provided for multiple-household dwellings in a total amount that equals at least 1.25 parking spaces per unit for each unit of two or less bedrooms and one additional parking space for each bedroom beyond two bedrooms in a unit. Parking spaces must include guest or flexible space, which is not contained within a private dwelling, at a ratio of at least one space for every four dwelling units, unless a parking study is provided that documents to the satisfaction of the City's traffic engineer that a slightly different ratio of guest or flexible parking space is appropriate.

E. Chapter 19.126 MTMC shall regulate electric vehicle infrastructure.

Section 13. Mountlake Terrace Municipal Code Section 19.105.020 Permitted uses is hereby added to Mountlake Terrace Municipal Code Chapter 19.105 to read as follows:

19.105.020 Permitted uses.

Permitted uses in the PFS district are limited to the following:

Public Service Facilities:

1. Disaster emergency facilities, temporary;
2. Fire/aid car stations;
3. Libraries;
4. Municipal office buildings;
5. Police stations;
6. Public work facilities;
7. Recycling collection stations;
8. Storm drainage facilities;
9. City-owned property devoted to public use such as street rights-of-way, or other

similar uses;

Recreation/Entertainment:

10. Recreation facilities, publicly owned;

Transportation Facilities:

11. Bus stops/shelter stations.
12. Electric vehicle charging stations, charging levels 1, 2, and 3.

Section 14. Mountlake Terrace Ordinance No. 1574 § 3.1 and Mountlake Terrace Municipal Code Section 16.05.080 Categorical exemptions and threshold determinations is hereby amended to read as follows:

16.05.080 Categorical exemptions and threshold determinations – RCW and WAC sections adopted.

MTMC 16.05.080 through 16.05.130 contain the rules for deciding whether a proposal has a “probable significant, adverse environmental impact” requiring an Environmental Impact Statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The City adopts the following sections by reference, as supplemented in MTMC 16.05.080 through 16.05.130:

WAC 197-11-300	Purpose of this part.
WAC 197-11-305	Categorical exemptions.
WAC 197-11-310	Threshold determination required.
WAC 197-11-315	Environmental checklist.
WAC 197-11-330	Threshold determination process.
WAC 197-11-335	Additional information.
WAC 197-11-340	Determination of nonsignificance (DNS).
WAC 197-11-350	Mitigated DNS.
WAC 197-11-360	Determination of significance (DS)/initiation of scoping.
WAC 197-11-390	Effect of threshold determination.
RCW 43.21C.410	Battery charging and exchange station installation

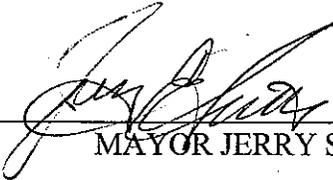
Section 15. Severability. If any section, sentence, clause or phrase of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 16. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 17. Effective date. This Ordinance shall be in full force and effect five (5) days after the date of publication.

Section 18. Summary. This Ordinance or a summary thereof, consisting of the title, shall be published in the official newspaper of the City and shall take effect and be in full force on the effective date of this Ordinance.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE this 1st day of November, 2010 and signed in authentication of its passage the 1st day of November, 2010.


MAYOR JERRY SMITH.

ATTEST: 
CITY CLERK

APPROVED AS TO FORM: Gregory G. Schrag, City Attorney