

**CHAPTER 18.20
RESIDENTIAL ZONES**

Sections:

- 18.20.010 Purpose
- 18.20.020 Additional Requirements
- 18.20.030 Allowed Uses
- 18.20.040 Prohibited
- 18.20.050 Development Standards for Residential Zones
- 18.20.060 Accessory Uses, Buildings, or Structures
- 18.20.070 Flag Lots
- 18.20.080 Lots Fronting on Curved Streets
- 18.20.090 Drainage
- 18.20.100 Recreational Equipment Parking and Storage
- 18.20.110 Satellite Receiving Antennas
- 18.20.120 Fences, Walls, and Hedges
- 18.20.130 Residential Density
- 18.20.140 Performance Standards
- 18.20.150 Performance Standards Residential Structures
- 18.20.160 Keeping of Livestock in the R-4 Zone

(Prior Ordinances - RR, Rural Residential Zone: Ord. 1933, 5/9/00; Ord. 1591, 1993; Ord. 1561, 1993; Ord. 1377, 1989; Ord. 1318, 1988; Ord. 1244, 1986; Ord. 1124, 1983; R-1 Zone: Ord. 1934, 5/9/00; Ord. 1861, 7/13/99; Ord. 1820, 10/27/98; Ord. 1762, 3/25/97; Ord. 1750, 1/28/97; Ord. 1712, 3/12/96; Ord. 1592, 1993; Ord. 1562, 1993; Ord. 1482, 1991; Ord. 1378, 1989; Ord. 1319, 1988; Ord. 1202, 1986; Ord. 1121, 1983; R-2 Zone: Ord. 1935, 5/9/00; Ord. 1862, 7/13/99; Ord. 1821, 10/27/98; Ord. 1763, 3/25/97; Ord. 1755, 2/25/97; Ord. 1752, 2/11/97; Ord. 1713, 3/12/96; Ord. 1593, 1993; Ord. 1563, 1993; Ord. 1483, 1991; Ord. 1379, 1989; Ord. 1320, 1988; Ord. 1203, 1986; Ord. 1123, 1982; Ord. 1122, 1983; R-3 Zone: Ord. 1936, 5/9/00; Ord. 1863, 7/13/99; Ord. 1822, 10/27/98; Ord. 1764, 3/25/97; Ord. 1756, 2/25/97; Ord. 1753, 2/1/97; Ord. 1714, 3/12/96; Ord. 1594, 1993; Ord. 1564, 1993; Ord. 1484, 1991; Ord. 1380, 1989; Ord. 1321, 1988; Ord. 1271, 1987; Ord. 1204, 1986; Ord. 1123, 1982; R-4, Residential Zone: Ord. 1938, 5/9/00; Ord. 1864, 7/13/99; Ord. 1823, 10/27/98; Ord. 1804, 6/9/98; MH, Mobile Home Subdivision Zone: Ord. 1937, 5/9/00; Ord. 1595, 1993; Ord. 1565, 1993; Ord. 810, 1977)

18.20.010 Purpose:

The purpose of this chapter is to provide for:

- A. The specific characteristics of residential development that may take place in Moses Lake;
- B. A consistent and compatible residential land use pattern;
- C. The residential housing needs of Moses Lake citizens;
- D. The public safety needs of Moses Lake citizens.

The R-1, Single Family Residential Zone is intended to provide for and to protect single family residences in specified low density residential areas and to preserve land for single family residential uses. Residential density generally ranges from one to four dwelling units per acre.

The R-2, Single Family and Two Family Residential Zone is intended to provide for and to protect single family and two (2) family residences in specified low density areas and to preserve land for single family and two (2) family residential uses. Residential density generally ranges from four (4) to eight (8) dwelling units per acre.

The R-3, Multi-Family Residential Zone is intended to accommodate medium to high density residential uses and to preserve land for such residential uses. Residential density generally

ranges from six (6) to fifteen (15) dwelling units per acre. The zone may also serve as a transitional buffer area between commercial areas and low-density residential areas. Limited commercial uses are permitted as conditional uses.

The R-4, Residential Zone is intended to provide areas to accommodate a low density residential use pattern. The zone provides land which may be converted from the residential reserve designation to a development district. Land uses permitted in the zone and the standards applicable to it are designed so that future, more intensive development is not precluded. This zone is appropriate for properties which may not be suitable for dense urban development due to public facility limitations that cannot be corrected by extending existing facilities or upgrading existing facilities at a reasonable cost. Equestrian opportunities and keeping of animals consistent with the size of the property may be allowed. (Ord. 2144, 12/9/03)

18.20.020 Additional Requirements: Additional requirements are found in other chapters of the Municipal Code and other adopted City regulations, including but not limited to the following:

- A. MLMC 18.10, Citywide Regulations
- B. MLMC 18.45, Conservation and Reclamation Zone
- C. MLMC 18.49, Site Plan Review (for non-residential projects only)
- D. MLMC 18.51, Conditional and Unmentioned Uses
- E. MLMC 18.53, Flood Hazard Areas
- F. MLMC 18.54, Off-Street Parking and Loading
- G. MLMC 18.55, Home Occupations
- H. MLMC 18.57, Landscaping
- I. MLMC 18.58, Signs
- J. MLMC 18.60, Factory Built Homes
- K. MLMC 18.65, Manufactured Home Parks
- L. MLMC 18.23, Residential Redevelopment Areas
- M. MLMC 19.03, Classification and Designation of Resource Lands and Critical Areas and Regulations for the Interim Conservation and Protection of Resource Lands and Critical Areas
- N. MLMC 19.06, Classification and Designation of Wetlands and Regulations for the Conservation and Protection of Wetlands
- O. City of Moses Lake Shoreline Master Program (Ord. 2409, 8/12/08; Ord. 2144, 12/9/03)

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 |
| 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 for immediate family member requiring daily care, supervision, or guardianship | A | A | A | A |
| 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 |

| TABLE 1: LAND USES IN RESIDENTIAL ZONES | | | | |
|--|------------|------------|------------|------------|
| USE CATEGORIES | R-1 | R-2 | R-3 | R-4 |
| 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 |
| 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 |

| TABLE 1: LAND USES IN RESIDENTIAL ZONES | | | | |
|---|------------|------------|------------|------------|
| USE CATEGORIES | R-1 | R-2 | R-3 | R-4 |
| 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. (Ord. 2456, 5/12/09; Ord. 2409, 8/12/08; Ord. 2144, 12/9/03)

18.20.040 Prohibited: The following are prohibited in residential zones:

- A. Outside storage, collection, or dumping of any junk, scrap, garbage, unsightly material, litter, or debris except as may be contained in an approved garbage collection container.
- B. Outside storage, collection, or dumping of dismantled, partly dismantled, or wrecked vehicles, trailers, machinery, or their parts.
- C. Any use which does not or is not capable of conforming with the requirements of this chapter. (Ord. 2144, 12/9/03)

18.20.050 Development Standards for Residential Zones:

- A. Purpose: This section establishes the site requirements and development standards for uses in the residential zones. The standards and rules are established to provide flexibility in project design, prevent fire danger, provide adequate access and circulation, reduce incompatibilities, and prevent overloading of infrastructure due to the impacts of development.
- B. Explanation of table: Development standards are listed down the left column of the table and the residential zones are identified across the top row. The matrix cells contain the requirements of each zone. The footnotes identify particular requirements applicable to a specific use, standard, or zone.

| TABLE 2: DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES | | | | |
|--|------------------|------------------|------------|------------|
| Development Standards | R-1 | R-2 | R-3 | R-4 |
| Minimum lot size (in square feet) ¹ | 7000 | 7000 | 6000 | 32,670 |
| Minimum lot size for a corner lot (in square feet) | 7700 | 7700 | 6600 | 32,670 |
| Minimum lot size for a two-family dwelling (in square feet) ¹ | ---- | 8000 | 6000 | ---- |
| Additional lot area per dwelling unit in excess of 2 dwelling units (in square feet) | ---- | ---- | 1200 | ---- |
| Minimum lot depth | 100' | 100' | NS | 150' |
| Minimum lot depth on an arterial | 120' | 120' | 120' | 150' |
| Minimum lot width ² | 65' | 65' | NS | 100' |
| Minimum lot width, corner lot | 70' | 70' | NS | 150' |
| Minimum lot width for a two-family dwelling | ---- | 70' | NS | ---- |
| Minimum street frontage for flag lots | 20' | 20' | 20' | 40' |
| Front yard setback ³ | 25' | 25' | 15' | 25' |
| Interior side yard setback ³ (each side) | ---- | ---- | 5' | 20' |
| If lot is 65' wide or less | 5' | 5' | ---- | ---- |
| If lot is more than 65' | 7' | 7' | ---- | ---- |
| Exterior side yard setback ³ for lots 65' or greater in width | 25' | 25' | 15' | 25' |
| Exterior side yard setback ³ for lots less than 65' in width ⁴ | 20' | 20' | 15' | ---- |
| Rear yard setback ³ | 25' | 25' | 5' | 25' |
| Rear yard setback ³ , corner lot less than 70' in width | 10% of lot depth | 10% of lot depth | 5' | ---- |
| Rear yard setback ³ , corner lot 70' or greater in width | 15% of lot depth | 15% of lot depth | 5' | 25' |

| TABLE 2: DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES | | | | |
|---|---|---|---|---|
| Development Standards | R-1 | R-2 | R-3 | R-4 |
| Setback from the ordinary high water mark of Moses Lake ⁵ | 20' or 20% of lot depth, which ever is less | 20' or 20% of lot depth, which ever is less | 20' or 20% of lot depth, which ever is less | 20' or 20% of lot depth, which ever is less |
| Maximum lot coverage for multi-family structures | ---- | ---- | 50% | ---- |
| Minimum open space for multi-family | ---- | ---- | 1000 SF + 100 SF per unit ⁶ | |
| Maximum height of primary structure ⁷ | 30' ⁸ | 30' ⁸ | 40' ⁹ | 30' ¹¹ |
| Maximum height of detached accessory structure | 16' ¹⁰ | 16' ¹⁰ | 16' ¹⁰ | 35' ¹¹ |
| Minimum width of narrowest portion of main residential structure | 20' | 20' | 20' | 20' |
| Minimum roof pitch of main roof of residential structure (vertical:horizontal) | 3:12 | 3:12 | 3:12 | 3:12 |
| Maximum height of floor level above grade (single level residential structures) | 18" | 18" | 18" | 18" |
| Minimum required number of covered ¹² parking spaces | 1 | 1 | 0 | 1 |

NS= No Standard

Footnotes for Table 2

1. Exceptions:
 - A. In the R-1 and R-2 zone, lots platted prior to 1961 shall have a minimum lot size of six thousand (6000) square feet.
 - B. In the R-1, R-2, and R-3 zone, a building permit may be issued to a platted non-conforming lot that contains at least five thousand (5000) square feet and otherwise meets the underlying performance standards of the zone in at least eighty percent (80%) of the minimum bulk dimensions of width, depth, and building setback line.
2. In the R-1 and R-2 zone, lots platted prior to 1961 shall have a minimum lot width of sixty feet (60').
3. Setbacks
 - A. Within the setback area shown in Table 2, no building or structure (as defined in 18.06) shall be allowed, except flagpoles, signage, fencing, slope stability structures, and open steps and platforms having no roof covering. Eaves, cornices, and awnings may project into the required setback no more than two feet (2').

- B. The setbacks shown in the table are zoning setbacks. Larger setbacks may be required by the State Building Code, State Fire Code, sight distance requirements, or landscaping requirements (MLMC 18.57).
 - C. There shall be no side yard setback requirement for single family dwelling units sharing a common wall or attachment when each dwelling is on its own lot of record.
 - D. To determine the interior side setback requirement in the R-1 and R-2 zones, the lot width shall be measured at the front setback line for rectangular lots. For all other lot shapes, the average of the width at the front setback line and rear setback line shall be used to calculate the required interior side setback.
 - E. Within the setback area shown in Table 2, attached appurtenances such as, but not limited to, awnings, porch covers, and pergolas may encroach into the required setback no more than fifteen feet (15'). Any such attached appurtenance shall remain open and shall not be enclosed with walls for the purpose of creating habitable living space.
- 4. Except that residential structures in the R-1 and R-2 zone may conform to existing structures within two hundred feet (200') along either street but in no case shall a building be permitted less than fifteen feet (15') from a property line abutting a street.
 - 5. Setback from the ordinary high water mark of Moses Lake:
 - A. This setback does not apply to water-dependent structures such as docks or boathouse. Structures located within a lakefront rear yard shall be in compliance with Chapter 18.45 entitled C-R Zone and the Shoreline Master Program.
 - B. Lawfully existing structures built prior to the adoption of this ordinance shall not be required to comply with this setback. Building permits for lots in subdivisions approved prior to the adoption of this ordinance shall not be required to meet this setback. Subdivisions approved after the adoption of this ordinance and the request for building permits on lots in these subdivisions shall meet this setback.
 - 6. Open space shall not include parking areas or driveways and shall be usable outdoor area for recreation and landscaping. The smallest dimension of the open space area shall be not less than fifteen feet (15').
 - 7. The following structures are exempt from the building height restriction and may be erected higher than thirty feet (30') so long as the structure permitted is a distance from all property lines not less than its height and it meets any additional conditions as noted:
 - A. Church spires, steeples, and bell towers. Other portions of a church building may exceed thirty feet (30') if addressed as part of the conditional use permit for the building.
 - B. Flag poles.
 - C. Non-commercial antennas and towers related to wireless transmissions and relays, if permitted by law, so long as those towers are no higher than necessary to reasonably accommodate the use including the use of the shortest structure possible and crank-up or telescoping devices are used whenever possible.
 - D. Water reservoirs.
 - 8. In the R-1 and R-2 zones, a primary structure may be constructed up to thirty-five feet (35') in height under the following conditions:

- A. The interior side yard setback must be at least ten feet (10') with one additional foot of setback for each additional foot of building height over thirty feet (30') to a maximum required setback of fifteen feet (15').
 - B. A minimum lot size of twelve thousand five hundred (12,500) square feet.
9. In the R-3 Zone a primary structure may be constructed up to forty feet (40') in height under the following conditions:
- A. The rear yard and interior side yard setback must be at least ten feet (10') with one additional foot of setback for each additional foot of building height over thirty feet (30') to a maximum required setback of fifteen feet (15').
 - B. A minimum lot size of twelve thousand five hundred (12,500) square feet.
10. A detached accessory building in a residential zone may exceed sixteen feet (16') in height under the following conditions:
- A. Minimum lot size of fifteen thousand (15,000) square feet.
 - B. Minimum lot width of eighty feet (80').
 - C. Accessory building, primary structure, and impervious surfaces combined do not cover more than fifty percent (50%) of lot.
 - D. Any building over sixteen feet (16') in height must be consistent with the exterior of the primary structure in architectural style, siding, paint, roof pitch, and roofing material. If the primary structure has multiple roof pitches, the accessory building need only match one of them.
 - E. Interior side yard and rear yard setbacks as required by current code plus one additional foot for each additional foot in height over sixteen feet (16').
 - F. Building to be no taller than 26' or the height of the house, whichever is less.
 - G. Blank wall facades created by an accessory building over sixteen feet (16') in overall height and twenty-four feet (24') in width or length will require one window, with one (1) additional window required for each additional twelve feet (12') in width or length. Window trim shall match the window trim on the front of the house.
11. In the R-4 Zone, a primary or accessory structure may be constructed up to thirty-five feet (35') when the interior side yard setback is increased by one foot (1') of setback for each additional foot of building height over thirty feet (30').
12. In a garage or carport constructed to the standards of the State Building Code. (Ord. 2510, 8/11/09; Ord. 2409, 8/12/08; Ord. 2144, 12/9/03)

18.20.060 Accessory Uses, Buildings, or Structures:

- A. All accessory uses, buildings, and structures must be customarily incidental and subordinate to the principal building or use of the lot upon which it is located.
- B. Where there is a question regarding the inclusion or exclusion of a particular accessory use within any zone classification, the Community Development Director shall have the authority to make the final determination. The determination shall be based upon the general standards of this section and on an analysis of the compatibility of the use or structure with the predominant surrounding land use pattern and with the permitted principal uses of the zone

classification.

- C. The following structures are customarily incidental to residential uses:
1. Carports or garages for the sole use of occupants of premises and their guests, attached or detached, for storage of motor vehicles, boats, and/or recreational vehicles.
 2. Greenhouses, private and non-commercial.
 3. Storage buildings for yard maintenance equipment and household goods.
- D. Accessory uses, buildings, and structures, other than fences and retaining walls, are prohibited from being located on a lot prior to a legal principal use.
- E. In the R-4 Zone, accessory buildings or structures intended for the keeping and maintenance of livestock shall be in compliance with Section 18.20.160.G of this chapter.
- F. Detached accessory buildings or structures are permitted in compliance with the use and bulk regulations and performance standards of this chapter, provided that:
1. The height of the accessory building or structure shall not exceed the maximum height listed in Table 2.
 2. Detached accessory buildings or structures shall comply with the front and side yard setback requirements of this chapter.
 3. There shall be no required rear yard setback except as required by the State Building Code. For the purposes of this section only, on a through lot, the Community Development Director may determine that one of the frontages of a through lot functions as a rear lot line and therefore does not require a rear yard setback for a detached accessory structure. In making such a determination, the Community Development Director shall consider the orientation of the primary structure on the lot and the development of other lots in the same area or neighborhood.
 4. No detached accessory building or structure shall be constructed on or over right-of-way or on or over a public easement.
 5. For structures accessory to residential uses in the R-1, R-2, and R-3 Zones, the total ground area of accessory structures may not exceed sixty percent (60%) of the total area of the primary dwelling unit, unless all of the following conditions are met:
 - a. The total area of all detached accessory structures does not exceed the size of the primary dwelling unit, or eight hundred and fifty (850) square feet, whichever is less.
 - b. No more than thirty-five percent (35%) of the lot may be covered by buildings.
 - c. The roof pitch of the accessory building(s) shall be at least three (3) vertical to twelve (12) horizontal.
 6. The accessory building shall be at least five feet (5') from the primary building on the lot. Separation between accessory buildings shall be as regulated by the State Building Code. (Ord. 2206, 5/24/05; Ord. 2144, 12/9/03)

18.20.070 Flag Lots:

- A. Flag lots shall have a minimum frontage on a dedicated right-of-way, as shown in Table 2.

- B. The flag pole portion of the lot shall not be considered in determining compliance with the requirements of this chapter.
- C. Private driveways shall be maintained and clear of obstruction to allow for access by emergency vehicles. (Ord. 2144, 12/9/03)

18.20.080 Lots Fronting on Curved Streets: The required width of residential lots fronting on curved streets may be reduced to not less than forty feet (40') provided that the required lot area is obtained within one hundred twenty feet (120') of the front property line abutting a curved street and that there shall be a minimum sixty-five foot (65') lot width at the front building line on the lot. (Ord. 2144, 12/9/03)

18.20.090 Drainage: Roofs shall drain in such a manner that water will not flow onto a public sidewalk. Water discharged from evaporative air conditioners shall be controlled by the owner so as to not discharge into a sanitary sewer unless approved by the City Engineer, and shall not flow onto a city street or onto adjacent lots. Paved areas exceeding two hundred (200) square feet in area shall be provided with approved drainage disposal systems on the property, except in areas where adequate storm drainage systems are available. (Ord. 2144, 12/9/03)

18.20.100 Recreational Equipment Parking and Storage: Recreational equipment, including camping trucks, motor homes, camping trailers, boats, boat trailers, and similar equipment may be parked or stored on premises. Recreational equipment stored or parked within side yard setbacks shall be permissible provided the occupants of the adjoining property consent thereto. (Ord. 2144, 12/9/03)

18.20.110 Satellite Receiving Antennas: Satellite receiving antennas shall be sited in compliance with the front and side yard setback requirements of this chapter. (Ord. 2144, 12/9/03)

18.20.120 Fences, Walls, and Hedges:

A. Solid fencing shall not obscure sight at intersection.

B. All corner lots shall maintain a vehicular sight triangle for safety purposes. A sight triangle shall be formed by measuring from the intersection of the extended curb line or the traveled right-of-way (if no curbs exist) of the adjacent street to a distance of fifty feet (50') from the corner point. The third side of the triangle is the straight line connecting the two (2) fifty foot (50') sides. Within the area comprising the triangle, no fence, shrub, or other physical obstruction higher than thirty-six inches (36") above the established street grade shall be permitted. See Figure 1.

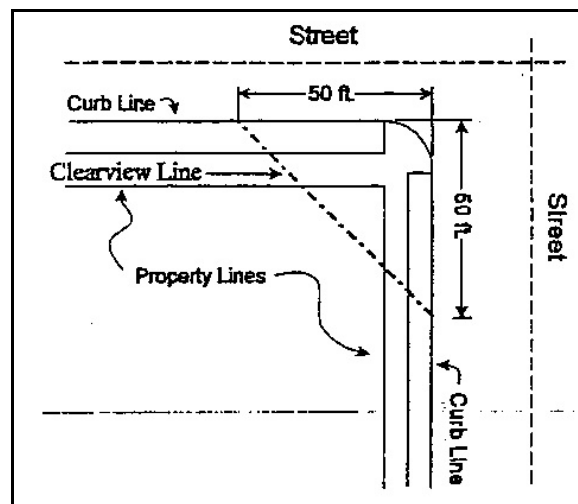


Figure 1

C. Fences and walls shall not exceed four feet (4') above finished ground level outside of the vehicle sight triangle in any front yard or corner lot exterior side yard, except for the following:

1. In the R-4 Zone, chain link, woven wire, or split rail fences, not to exceed five (5) feet in height are permitted. Fences of other materials and sight-obscuring fences shall not exceed 4'.

2. When one of the frontages of a through lot is a primary or secondary street, sight obscuring fences not exceeding six feet (6') in height may be built inside the property line to within five feet (5') of the sidewalk abutting the primary or secondary street, provided the following requirements are met unless otherwise approved by the Planning Commission:
 - a. The adjacent strip of land between the fence and the back of the adjacent sidewalk shall be improved by the property owner concurrent with the fence installation.
 - b. The property owner shall provide a treatment plan for the strip of land as part of the building permit application process.
 - c. The treatment plan shall provide for minimum treatment with grass, decorative rock, wood, bark, or any combination of such materials or similar materials in a manner that will minimize disturbance by natural elements or pedestrians. Additional landscaping is encouraged.
 - d. Approved landscaping, installed between the fence and the property line shall be permanently maintained in a healthy growing condition. Dead, diseased, and dying material shall be replaced immediately. Planted areas shall be maintained clear of rubbish and debris.
 - e. Fences proposed along Valley Road, Yonezawa Boulevard, Grape Drive, Division Street, and Nelson Road shall be three-dimensional, capped or framed, with twelve inch (12") wide pilasters located a maximum of sixteen feet (16') apart. Pilasters shall be of contrasting materials. The use of durable materials, such as masonry, is strongly encouraged. Masonry columns a minimum of two feet (2') wide may be placed every forty-eight feet (48') maximum if used in place of pilasters. All wood materials used must be painted or stained. Fences that are not consistent with the conditions specifically stated in this section may be allowed subject to the approval of the Planning Commission.
 - f. Lots contained within subdivisions may not apply for an individual fence permit unless the majority of the lots with arterial street frontage within that subdivision have already legally constructed six foot (6') high fencing along the frontage. If less than the majority of said lots have six foot (6') high fencing, then a subdivision fence pursuant to 18.20.120. K is required.
- D. Fences and walls shall not exceed eight feet (8') above finished ground level in any interior side or rear yard.
- E. Fences along walkways, pedestrian paths, or activity trail links open to the public shall be no more than four feet (4') solid or six feet (6') open in height or a combination of both with a maximum of four feet (4') solid portion starting from the top of the walkway, pedestrian path, or activity trail. Fencing located within the front or exterior side yard setback area may not exceed 4' in height. All fencing materials must be located inside the property line, and a landscaping treatment is required for the exterior side of the fence up to the hard surface pathway. This area shall be maintained by the property owner. The landscaping treatment plan is required in conjunction with the fence permit application and shall include a minimum treatment of grass, decorative rock, wood, bark, or any combination of such materials, or similar materials, in a manner that will minimize disturbance by natural elements or pedestrians. Additional landscaping is encouraged.
- F. All fences in residential zones shall be constructed of material commonly used in residential fence construction, such as wood, masonry, ornamental iron, chain link, and similar material. Fences of synthetic materials that have the functional equivalence of natural or traditional material may be substituted. Fences shall not be made of tires, or similar salvage materials, not originally designed as structural components of fences or buildings

- G. Electric fences and barbed wire fences shall be prohibited, except in the R-4 Zone where they may be used to contain livestock. Such fences shall not be located within the front yard setback area or along property lines adjacent to other residential and commercial zones and shall be removed when the livestock use has been discontinued. Electric fences shall be posted with permanent signs every fifty feet (50') stating that the fence is electrified. All electric fences and appliances, equipment, and materials used in connection therewith shall be listed or labeled by a qualified testing agency and shall be installed in accordance with manufacturer's specifications and in compliance with the National Electrical Code.
- H. Responsibility of Owners and Occupants:
1. It shall be the responsibility of the owner and/or occupant of the property where a fence is erected to maintain the structure in good repair at all times. When a portion of the fence exceeding twenty five percent (25%) of the street frontage is found to be in a deteriorated condition and/or in need of repair, including, but not limited to, broken or missing structural components, and/or the fence is substantially less than perpendicular to grade, the Building Official, or his or her authorized agent, may order the fencing to be repaired, replaced or removed depending on the condition of the fence. Such order shall be in writing. If the fencing is ordered to be replaced, then new fencing shall meet the current regulations.
 2. The provisions of this section shall not apply to fences, walls, or shrubbery owned or maintained by the city, or to fences constructed or maintained by any other governmental body or agency, for which the principal purpose is inherent to public safety.
- I. An installation permit shall be required for the construction, erection, or installation of a fence or wall. All permit applications shall be reviewed and approved by the Building Official and the City Engineer for vehicular and pedestrian safety. Fences and walls exceeding six feet (6') in height are regulated by the State Building Code and require a building permit and associated fees.
- J. Additional information about fences is contained in MLMC 12.28.
- K. Subdivision Fencing: Border fences or walls not to exceed six feet (6') in height along streets bordering the subdivision and tapering to no higher than three feet (3') at street intersections and/or subdivision entrances may be permitted for new subdivisions under the following conditions:
1. The subdivision must be designed for interior street access to all lots abutting the border street(s).
 2. If such a fence is proposed it must be for all or a majority of the arterial street frontage the subject lots abut. Individual fences taller than forty-eight inches (48") on independent lots will not be permitted in the required set back areas.
 3. Fences shall be three-dimensional, capped or framed, with twelve inch (12") wide pilasters located a maximum of sixteen feet (16') apart. Pilasters shall be of contrasting materials. The use of durable materials, such as masonry, is strongly encouraged. Masonry columns a minimum of two feet (2') wide may be placed every forty-eight feet (48') maximum if used in place of pilasters. All wood materials must be painted or stained.
 4. The fence may be installed along the public right-of-way line provided there is a minimum of five feet (5') of irrigated landscaping between the fence and the street improvements (sidewalk, curb, gutter, street trees). Border fences may not extend into the front yard on corner lots.

5. A five foot (5') width of landscaping is required between the fence and the abutting arterial, except that if the arterial is SR-17 than landscaping must comply with section 18.57.040. Landscaping for all other arterials must include one of the following landscaping options:
 - a. Deciduous trees planted at an average spacing of twenty-five feet (25'), and a mix of evergreen and deciduous shrubs, spaced no further than 4' apart that do not exceed a height of four feet (4'), and non living groundcover; or
 - b. Deciduous trees planted at an average spacing of twenty-five feet (25'), and live groundcover.
6. The type and design of the fence and landscaping shall be reviewed and approved by the Planning Commission, and may be concurrent with the subdivision review process. The review shall include the fence material, landscaping, maintenance and the timing of the installation of fence and landscaping. All applications for subdivision fencing or walls shall be reviewed by the City Engineer for vehicular and pedestrian safety.
7. All landscaping elements, plant materials, and street trees shall be planted or installed by the developer and permanently maintained pursuant to MLMC 18.57.090 by a homeowner's association. In the absence of a homeowner's association, (i.e. if it is disbanded) landscaping shall be maintained by the individual property owner.
8. A homeowner's association, or similar organization, is required and shall perpetually maintain the fence and the landscaping. The developer and/or homeowners association shall provide evidence of such perpetual maintenance. The Community Development Director shall approve the evidence of the homeowners' association,
9. An irrigation system designed for the health of the street trees on arterial streets maintained by the homeowner's association or individual owner shall be required. (Ord. 2623, 7/26/11; Ord. 2456, 5/12/09; Ord. 2400, 6/10/08; Ord. 2269, 8/8/06)

18.20.130 Residential Density: No more than one (1) single family dwelling unit or one (1) two-family dwelling unit shall be permitted as a principal use on any individual lot except as allowed through the Planned Unit Development process (MLMC 18.67). (Ord. 2144, 12/9/03)

18.20.140 Performance Standards: Uses within the residential zones shall not inflict upon adjacent property smoke, dirt, dust, glare, odors, steam, vibration, noise, electrical interference, or excessive hazard. Noise in the residential zones shall not exceed the standards set forth in Chapter 8.28 of the Moses Lake Municipal Code entitled Noise Control. (Ord. 2144, 12/9/03)

18.20.150 Performance Standards Residential Structures:

- A. Roof construction shall be of non-reflective materials.
- B. Wheels and tongue of all manufactured homes not located in manufactured home parks shall be removed.
- C. All manufactured homes shall be new and previously untitled and shall bear the insignia of approval by the State of Washington or the U. S. Department of Housing and Urban Development indicating compliance with the National Manufactured Housing Construction Safety Standards Act of 1974 (effective June 15, 1976).
- D. Residential structures shall be constructed with a perimeter masonry or concrete foundation that is in accordance with the State Building Code.
- E. Residential structures shall have a hard surfaced route from the main entrance of the residence to the street.

- F. All required off-street parking spaces shall be paved. The access route from the street to the parking spaces shall also be paved, unless the street is not improved with paving. (Ord. 2400, 6/10/08; Ord. 2144, 12/9/03)

18.20.160 Keeping of Livestock in the R-4 Zone:

- A. Large livestock shall be defined as horses, mules, donkeys, burros, cattle, buffalo, sheep, goats, llamas, emus, ostriches and similar animals.
- B. Small livestock shall be defined as rabbits, guinea pigs, chickens, ducks, geese, turkeys, and other similar fowl.
- C. Not more than one (1) animal from the large livestock category shall be kept for each twenty thousand (20,000) square feet of area of lot area of the parcel of land upon which the animals are kept, except that three (3) goats or sheep may be considered the equivalent to one (1) large livestock.
- D. Not more than fifteen (15) animals or fowl of the small livestock category shall be kept for each five thousand (5,000) square feet of lot area of the parcel of land upon which the animals are kept.
- E. Livestock, rabbits, fowl, and bees shall be cared for in such a manner as will not create a nuisance such as noise, odors, air pollution, waste, vibration, traffic, physical hazard, or health hazard.
- F. The keeping of swine shall be prohibited.
- G. Pens, barns, stables, coops, corrals, or other structures used for the containment or housing of large livestock, shall not be located closer than one hundred feet (100') to any neighboring residential structure; structures used for the containment of small livestock shall not be located closer than twenty feet (20') from any neighboring residential structure. (Ord. 2144, 12/9/03)