

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2240

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON AMENDING THE CITY'S DEVELOPMENT CODE, AS SET FORTH IN TITLE 14 OF THE SNOHOMISH MUNICIPAL CODE, BY AMENDING CHAPTER 14.100 SMC RELATING TO DEFINITIONS OF PLANNING TERMS; BY AMENDING CHAPTER 14.207 SMC RELATING TO PERMITTED RESIDENTIAL USES; BY AMENDING CHAPTER 14.210 SMC RELATING TO DIMENSIONAL STANDARDS; AND BY ADDING A NEW SUBSECTION 14.215.125 RELATING TO UNIT LOT SUBDIVISIONS

WHEREAS, in accordance with Goal 1 of the City's Strategic Plan, the City seeks to "Facilitate Citywide Economic Growth and Development" and "Support Downtown Revitalization and Redevelopment," including the development of new quality housing for City residents; and

WHEREAS, the economic downturn has had an adverse effect on the housing market in the City and throughout Snohomish County, and financing for residential construction projects has become significantly more difficult to obtain as a result; and

WHEREAS, the depressed housing market has resulted in decreased revenues, delay of construction projects, and underutilized land in the City of Snohomish; and

WHEREAS, offering a subdivision method that provides greater security for construction and home purchase loans can help encourage new residential development in the City by making loans more attainable; and

WHEREAS, allowing unit lot ownership for appropriate developments will improve the likelihood of construction financing for a given project and will incentivize the creation and purchase of new higher-density housing in areas of the City designated for such developments while maintaining the City's building standards and regulatory oversight for these developments; and

WHEREAS, the City has adopted a Land Use Development Code as Title 14 of the Snohomish Municipal Code ("Development Code") to implement the Comprehensive Plan and to ensure compatible and rational land development and land use in all portions of the City; and

WHEREAS, the Development Code currently permits certain housing types for which subdivision is not possible due to conflicts with dimensional standards in the Development Code; and

WHEREAS, incorporation of the unit lot subdivision provisions in the Development Code would allow subdivision of such housing types and therefore expand fee simple ownership options for home buyers; and

WHEREAS, the City Council finds that at this time it is appropriate to amend the Development Code to implement a unit lot subdivision process, which will encourage economic development and beneficial neighborhood growth; and

WHEREAS, the City has provided for broad public participation in considering the impact of these Development Code amendments; and

WHEREAS, in public meetings, the Planning Commission evaluated issues related to the proposed amendments to the Development Code; and

WHEREAS, on October 16, 2012, a public hearing on the proposed amendments was held by the City Council, and all persons wishing to be heard were heard; and

WHEREAS, pursuant to SMC 14.15.070 and RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed amendments to the City's Development Code; and

WHEREAS, on September 5, 2012, and consistent with SMC 14.15.090, the Planning Commission issued written findings and recommendation (Findings and Recommendation) to the City Council regarding the proposed Development Code amendments in which the Planning Commission found that the proposed amendments were internally consistent with the Comprehensive Plan, the Growth Management Act, and the State Environmental Policy Act, and were in the interest of the public health, safety, and welfare of Snohomish residents; and

WHEREAS, in the Findings and Recommendation, the Planning Commission recommended that the City Council adopt the proposed Development Code amendments;

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Planning Commission Findings and Recommendation.

The Planning Commission Findings and Recommendation are hereby adopted, incorporated by reference, and attached hereto as **Exhibit E**, including but not limited to the findings that the Development Code amendments adopted by this Ordinance are:

- a. Internally consistent with the City of Snohomish Comprehensive Plan;
- b. Consistent with the Washington State Growth Management Act;
- c. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
- d. In the interest of the public health, safety, and welfare of Snohomish residents.

Section 2. Adoption of SMC Section 14.215.125.

SMC Section 14.215.125 is hereby adopted as set forth in the attached **Exhibit A** and is incorporated herein by this reference.

Section 3. Amendment of Chapter 14.100 SMC.

SMC Section 14.100.020 is hereby amended to include the new, amended, and deleted terms and definitions set forth in the attached **Exhibit B** and is incorporated herein by this reference.

Section 4. Amendment of Chapter 14.207 SMC.

SMC Sections 14.207.070 and 14.207.075 are hereby amended as set forth in the attached **Exhibit C** and are incorporated herein by this reference.

Section 5. Amendment of Chapter 14.210 SMC.

SMC Sections 14.210.060 and 14.210.110 are hereby amended as set forth in the attached **Exhibit D** and are incorporated herein by this reference.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 7. Effective Date. This ordinance shall be effective five days after adoption and publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 16th day of October, 2012.

CITY OF SNOHOMISH

By _____
KAREN GUZAK, MAYOR

ATTEST:

APPROVED AS TO FORM:

By _____
TORCHIE COREY, CITY CLERK

By _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

14.215.125 Fee Simple Unit Lot Subdivisions.

- A. **Purpose.** The purpose of this section is to allow subdivision of certain housing types listed as allowed uses in Chapter 14.207 SMC where subdivision is not otherwise possible due to conflicts between characteristics of the development type and applicable dimensional standards in Chapter 14.210 SMC. In such cases, the unit lot subdivision process provides opportunities for fee simple ownership of land as an alternative to condominium ownership. Unit lot subdivision applies the dimensional standards in Chapter 14.210 SMC to the overall site, the “parent lot”, while allowing flexibility in the dimensional standards for the subordinate “unit lots”. This section is not intended to permit uses or densities that are not otherwise allowed in the land use designations in which a unit lot subdivision is proposed.
- B. **Applicability.** Except for any site containing a detached accessory dwelling unit pursuant to SMC 14.207.075(2), lots developed or proposed to be developed with attached single-family buildings, detached single-family buildings permitted according to SMC 14.210.215, and manufactured home parks permitted according to SMC 14.210.220 may be subdivided into individual unit lots pursuant to this section. For previously developed lots, eligibility for unit lot subdivision shall be subject to compliance with all standards applicable to the parent lot and proposed unit lots. Inconsistency of existing development with the provisions of this section shall not constitute justification for a variance under Chapter 14.70 SMC.
- C. **Deviation from dimensional standards.** The overall development on the parent lot proposed for subdivision shall maintain consistency with the development standards applicable to the land use designation and the land use type at the time the application is vested, as specified by the applicable code provisions and this section. Subsequent additions or modification to the structure(s) shall not create any nonconformity of the parent lot. Deviation from setback, lot width, and lot area standards in Chapter 14.210 SMC may be approved for individual unit lots through a unit lot subdivision, subject to any limitations in this section. Structures on unit lots and structures divided by unit lots that conform to a recorded unit lot subdivision shall not be considered nonconforming under Chapter 14.82 SMC.
- D. **Subdivision of cottage housing and detached condominium development.** Development proposed pursuant to SMC 14.210.215 shall be eligible for unit lot subdivision. Setbacks from the perimeter property lines of the parent lot shall conform to the setbacks for the Single Family land use designation. Unit lots shall comply with all other provisions of SMC 14.210.215, except that lot lines shall be used in place of internal boundaries of exclusive use.
- E. **Mobile home parks.** Mobile home parks shall be eligible for unit lot subdivision where consistent with the criteria and standards in SMC 14.210.220, except that the unit lot subdivision and administrative development plan shall serve in lieu of the recorded development plan.

- F. **Approval process.** Unit lot subdivisions of four or fewer lots shall be processed as short plats and all others shall be processed as subdivisions according to the associated permit types in Chapter 14.20 SMC. Approval of a preliminary unit lot subdivision shall require a concurrent approval of an administrative development plan.
- G. **Approval Criteria.** In addition to any other standards and approval criteria applicable to a unit lot subdivision proposal, including but not limited to criteria in Chapter 14.65 SMC, Chapter 14.210 SMC, and Chapter 14.215 SMC, proposals shall be subject to the following:
1. Each unit lot shall have individual sewer service, water service, and a power meter specific to that unit.
 2. Private usable open space of at least 400 square feet, exclusive of required parking, shall be provided for each dwelling unit on the same unit lot as the dwelling unit it serves. Such areas shall have a minimum dimension of 15 feet and shall be usable.
 3. Parking shall be calculated and designed for each lot in compliance with Chapter 14.235 SMC, although parking required for a dwelling may be provided on a different lot or tract within the parent lot as long as the right to use that parking is formalized by an easement declared on the plat. Where parking for detached single-family buildings is provided on a different lot or tract, parking allowances for detached single-family residences in Chapter 14.235 SMC, including tandem parking and backing into a street, shall not apply.
 4. Access and utility easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association shall be executed for use and maintenance of common garage, parking, and vehicle access areas; drainage facilities, underground utilities; common open space (such as common courtyard open space); exterior building facades and roofs; and other similar features, and shall be recorded with the Snohomish County Auditor.
 5. Subdivision of common wall or zero-lot line development such as townhouses shall provide a five-foot wide building maintenance easement for external walls, eaves, chimneys, and other architectural features that rest directly on the lot line. The maintenance easement shall be shown on the face of the plat.
 6. The final plat shall note all conditions of approval, that unit lots are not buildable lots independent of the overall development, and that additional development of the individual unit lots, including but not limited to reconstruction, remodel, maintenance, and addition, shall comply with conditions of approval and may be limited as a result of the application of development standards to the parent lot or other applicable regulations.
 7. A detailed, scaled site plan with building footprints shall be submitted prior to the acceptance of the Unit Lot Subdivision application. Adequate information shall be provided to determine compliance with all applicable criteria.

H. **Severability.** If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by the Growth Management Hearings Board (Board) or 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. Provided, however, that if any section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board or a court of competent jurisdiction, then the section, sentence, clause, or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

EXHIBIT B

14.100.020 Definitions.

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~~**Dwelling, multiple family** (“Multiple family dwelling”) means a dwelling containing two or more dwelling units, but excluding townhouses and mobile homes.~~

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~~**Multi-family** ~~pertains to~~ means a building or site designed or used to house two or more families independently, excluding accessory dwelling units.~~

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~~**Multi-family unit** means an attached or detached dwelling unit in a multi-family structure or on a multi-family site.~~

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~~**Parent lot** means the initial lot from which unit lots are subdivided.~~

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~~**Single-family, attached** means any residential dwelling sharing a vertical wall with one or more dwellings on separate lots, with each dwelling having its own access to the outside. No portion of an attached single-family dwelling is located over another dwelling.~~

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~~**Single-family dwelling** means a building containing one dwelling unit on one lot. ~~The term includes single family detached and single family attached (row houses, townhouses, and similar types of housing).~~ The term excludes non-HUD-certified mobile homes; and travel trailers, recreational vehicles, tents, and other forms of portable or temporary housing.~~

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~~**Townhouse** means a dwelling unit, which is designed exclusively for occupancy by one family, no portion of which lies vertically under or over any portion of an adjacent unit, and which is attached to one or more townhouse units in a townhouse structure. A townhouse structure consists of at least two units joined by common walls which may be located on side lot lines. A townhouse has at least two private entrances at ground level. The term “townhouse” does not include a duplex.~~

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~~**Unit lot** means one of the individual lots created by the subdivision of a parent lot pursuant to Section 14.215.125 SMC.~~

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EXHIBIT C

14.207.070 Residential Land Use Table.

Land Use	Open Space	Public Park	Urban Horticulture	Single Family Residential	Low Density Residential	Medium Density Residential	High Density Residential	Commercial	Neighborhood Business	Historic Business District	Business Park	Industrial	Airport Industry	Mixed Use
	OS	PP	UH	SF	LD	MD	HD	CO	NB	HB	BP	IND	AI	MU
Dwelling Units														
Caretaker residence	p5	p							p14		p5	p5		
Efficiency dwelling unit						p	p	p		p				
Manufactured home			p1	p	p	p	p						p	
Mobile home park					c9	c9	c9							
Multifamily					p	p	p	p10		p	c6			p7
Senior citizen assisted				c	c	c	c	c		p	p			p7
Single-family detached			p1	p	p	p	p	p16		p	p16			p
Single-family attached				p17	p	p	p	p10		p	p6			p7
Group Residences														
Community residential facility-CRF				c	c	c	c	c		c				p7
CRF-prisoner release											c			
Dormitory		c						c	c				p8	p7
Accessory Uses														
Accessory dwelling units				p2	p2	p2	p2	p2	p14	p2				p2
Accessory structures		p		p	p	p	p							
Accessory uses		p	p11	p11	p11	p11	p11							
Home occupation			p3	p3	p3	p3	p3	p3		p3				p
Limited agricultural uses			p12	p12										
Animals (see Ch. 7.04 SMC)														
Private kennels (see Ch. 7.04 SMC)														
Temporary Lodging														
Bed and breakfast				c4	p	p	p	p		p				p
Bed and Breakfast Inn				c15	p	p	p	p		p				p
Hotel/motel							p	p		p				p
Organization hotel/lodging houses						p	p	p		p				p
Recreational Vehicle Parks		c										c13		

14.207.075 Residential Land Use: Regulations.

1. Related to the operation of a farm, one (1) unit per ten (10) acres.
2. Accessory dwelling units must meet the following conditions:
 - a. One (1) unit must be owner occupied.
 - b. The design of any exterior alteration or new structure necessary for the unit must comply with the City's design standards adopted in Chapters 14.225 and 14.230 SMC.
 - c. One (1) additional on-site parking space must be provided.
 - d. If the accessory unit is in a separate structure, it must be no greater than eight hundred (800) square feet or half the floor area of the existing structure, whichever is less.
3. Home occupations must meet the following conditions:
 - a. The occupation shall be conducted within an enclosed building.
 - b. No indication of the occupation, such as outdoor storage areas, abnormally higher traffic volumes, noise, vibration, dust, smoke or odors, shall be evident from outside the building in which the occupation is located.
 - c. The occupation shall not produce ground water pollution or introduce objectionable waste into the City sewer system.
 - d. Not more than one (1) person outside the immediate family group residing on the premises shall engage in such occupation.
 - e. Signing must comply with Chapter 14.245 SMC.
 - f. The occupation cannot exceed twenty-five percent (25%) of the home square footage.
 - g. The occupation must have a City business license.
 - h. The premises must be occupied by the occupation owner.
4. Bed & Breakfast (B&B) establishments must meet the following conditions:
 - a. The residence must be owner-occupied.
 - b. The Design Review Board must review the plan for off-street parking and, if the property is located within the Historic District, the design of the sign.
 - c. No more than four B&B rooms per residence.

- d. One (1) on-premise parking space must be provided per B&B room, in addition to parking required for the residence.
 - e. B&B rooms must be located in the structure of the principal residence.
 - f. No meals other than breakfast shall be provided, and no meals shall be sold to non-renters.
 - g. No room shall be rented to the same person or persons for more than thirty (30) days per year.
 - h. No rooms shall be rented on a permanent basis, and no other business activity may be conducted on the premises.
 - i. The B&B must maintain a City business license.
5. Employee living quarters as an accessory use shall meet the following conditions:
 - a. Living quarters shall be restricted to the use of caretakers, watchmen, and special employees in training.
 - b. Living quarters may be a separate building, manufactured home, or a portion of another building.
 - c. Only two (2) dwelling units shall be used for employee living quarters.
 6. Multi-family housing is allowed in conjunction with commercial use as a mixed use.
 - a. The gross square footage of multi-family housing must not exceed the gross square footage of commercial use.
 - b. Multiple family density may not exceed eighteen (18) units/acre, in accordance with Chapter 14.210 SMC.
 7. Requires an approved administrative development plan. (Ord. 2111, 2006)
 8. In conjunction with specialized school.
 9. Must meet mobile home park design requirements set forth in SMC 14.210.220.
 10. Except where a higher density is permitted by SMC 14.285.060 for low-income senior housing, multi-family residential density may not exceed eighteen (18) units per acre, in accordance with SMC 14.210.210. (Ord. 2143, 2008)
 11. Signs, fences, landscaping and screening in compliance with Title 14 SMC.

12. Agricultural uses shall be limited in accordance with SMC 14.210.320.
13. Recreational Vehicle Parks must meet the following conditions:
 - a. Maximum of fifteen (15) dwelling units per acre.
 - b. Type III landscaping as defined in SMC 14.240.040(F)(3) shall be required along all property lines.
 - c. An emergency flood evacuation plan must be submitted to the City and be approved by the City Planner and City Fire Official. The City Planner and City Fire Official shall develop minimum requirements for the contents of flood evacuation plans.
 - d. Must comply with the requirements of Chapter 20.04 SMC relating to the establishment of trailer camps.
 - e. Length of stay shall be a total of not more than ninety (90) days in any calendar year.
 - f. Recreational trailer camps shall be only permitted south of the Snohomish River.
14. Employee and/or accessory living quarters as an accessory use shall meet the following conditions:
 - a. Living quarters must be on the second floor above the primary commercial use on the site.
 - b. The density of the employee and/or accessory living quarters shall not exceed the density of the highest density adjacent residential designation.
15. A Bed and Breakfast Inn must be located less than 300 feet from and have access to a street designated as a collector or arterial.
16. Permitted only through the unit lot subdivision process in SMC 14.215.125 and only where in compliance with the standards in SMC 14.210.215.
17. Permitted only in conjunction with a planned residential development under the provisions of Chapter 14.220 SMC.

EXHIBIT D

14.210.060 Division of Lots in Multi-Family Residential Use. Where a lot is devoted to a Multi-family residential use involving more than one separate building, such lot shall not be divided except when each proposed division complies with the requirements as to minimum lot area, setback, parking, and other conditions required for the land use designation in which such lot is located, except as provided for unit lot subdivisions in SMC 14.215.125.

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14.210.110 Setbacks – Modifications. The following setback modifications are permitted:

- A. When the common property line of two (2) lots is covered by a building(s), the setbacks required by this chapter shall not apply along the common property lines, and the two lots shall be considered one lot. Any subsequent permit requests must be accompanied by a lot line adjustment application.
- B. When a lot in a single-family designated area is located between lots having non-conforming front yard setbacks, the required front yard setback for such lot may be the average of the two (2) non-conforming setbacks or 60 percent of the required street setback, whichever results in the greater street setback.
- C. When deviations from standard setbacks are permitted for unit lot subdivisions pursuant to the provisions of SMC 14.215.125.

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EXHIBIT E



CITY OF SNOHOMISH

Founded 1859, Incorporated 1890

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CITY OF SNOHOMISH PLANNING COMMISSION FINDINGS AND RECOMMENDATION

The Planning Commission has reviewed amendments to SMC Title 14 relating to Unit Lot Subdivision as proposed in draft Ordinance 2240. After review of the proposed amendments and after consideration of information provided by City staff and by public comment, the Planning Commission makes the following findings and recommendation.

FINDINGS

Together with any additional findings documented in the minutes of the September 5, 2012, Planning Commission meeting, the Development Code amendments proposed in draft Ordinance 2240 are found to be:

- a. Internally consistent with the City of Snohomish Comprehensive Plan;
- b. Consistent with the Washington State Growth Management Act;
- c. Consistent with the Washington State Environmental Policy Act (Chapter 43.21C RCW); and
- d. In the interest of the public health, safety, and welfare of Snohomish residents.

RECOMMENDATION

Based on the above findings and incorporating any recommended revisions, the Planning Commission recommends that the City Council ADOPT Ordinance 2240.

Dated this 5th day of September, 2012.



Commissioner Joshua Scott, Chair