

**CITY OF SNOHOMISH**  
**Snohomish, Washington**

**ORDINANCE 2104**

**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 SMC 14.207.075, SMC 14.210.200, SMC 14.210.210, and SMC 14.210.330 RELATING TO MULTIFAMILY SENIOR HOUSING DENSITY.**

**WHEREAS**, the City's Development Code, as set forth in Title 14 SMC, allows increased residential density for multifamily senior development in the High Density Multifamily Residential designation; and

**WHEREAS**, a new, 6,000 square foot senior center facility will be constructed at the southeast corner of 2<sup>nd</sup> Street and Cypress Avenue, and

**WHEREAS**, in order to promote public health through walking and to encourage the use of alternative modes of transportation, it would be appropriate to encourage multifamily senior housing development within close proximity of the senior center, and

**WHEREAS**, other facilities and services in the vicinity of the senior center include a retail pharmacy, regional walking and biking trail, public swimming pool, athletic fields, public library, and police and fire stations, and

**WHEREAS**, incentive for the development of multifamily senior housing in the form of increased residential density is currently available to properties designated High Density Multifamily Residential, and

**WHEREAS**, SMC 14.235.050 defines "senior citizen" as a person over 62 years of age and specifies remedial measures in the event multifamily senior housing is occupied by individuals who are not senior citizens, and

**WHEREAS**, the Housing Element of the Snohomish Comprehensive Plan promotes the construction of housing appropriate for each segment of the community, and

**WHEREAS**, Policies MF 5.1 and MF 5.3 of the Comprehensive Plan call for a maximum residential density of 30 dwellings per acre for multifamily senior housing, and

**WHEREAS**, multifamily senior housing development is subject to applicable development regulations that collectively mitigate common adverse land use impacts including SEPA threshold determination requirements, design standards and guidelines, conventional zoning requirements, etc., and

**WHEREAS**, land use designations other than High Density Multifamily Residential currently exist near the senior center and extending the increased density incentive to those designations is appropriate, and

**WHEREAS**, allowing increased residential density in close proximity to the senior center is not expected to result in significant adverse unmitigated impacts or be inconsistent with the provisions of the Snohomish Comprehensive Plan, and

**WHEREAS**, allowing increased residential density in close proximity to the senior center will foster adopted goals of encouraging use of alternative modes of transportation, promoting a livable and walkable community, and locating housing in areas where public facilities and services are readily available, and promoting residential development suitable to unique segments of the community, and

**WHEREAS**, the City Planner, acting as the SEPA Responsible Official, reviewed this proposed development regulation amendment and subsequently issued a determination of non-significance, and

**WHEREAS**, the City is complying with the requirements of RCW 36.70A.106, regarding submission of the proposed and adopted Development Code amendments to the Washington State Department of Community, Trade, and Economic Development, and

**WHEREAS**, following public notice as required by applicable law, the City of Snohomish Planning Commission held a public hearing on this ordinance on January 4, 2006 and all persons wishing to be heard were heard, and

**WHEREAS**, following public notice as required by applicable law, the City of Snohomish City Council, held a public hearing on this ordinance on January 17, 2006 and all persons wishing to be heard were heard, and

**WHEREAS**, the City Council finds that the amendments contained in this Ordinance are internally consistent with the Comprehensive Plan, the Growth Management Act, the State Environmental Policy Act (SEPA), and will benefit and promote the public's health, safety, and general welfare;

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

Section 1. Chapter 14.207 of the Snohomish Municipal Code is hereby amended by amending SMC 14.207.075 to read as follows:

**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 recorded development plan.
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 14.210.200 for multifamily senior housing, multifamily residential density may not exceed eighteen (18) units per acre, in accordance with SMC 14.210.210.
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. The property must be in some form of public ownership.

Section 2. Chapter 14.210 of the Snohomish Municipal Code is hereby amended by amending SMC 14.210.200 to read as follows:

**14.210.200 Allowed Density for Senior Housing**

A maximum density of thirty (30) dwellings per acre is permitted for multifamily senior housing in the following instances:

- A. In the High Density Multifamily Residential Designation.
- B. In all land use designations within the area bounded by Lincoln Avenue to the west, Wood Street to the south, Second Street to the north, and the Pilchuck River to the east.

Section 3. Chapter 14.210 of the Snohomish Municipal Code is hereby amended by amending SMC 14.210.210 to read as follows:

**14.210.210 Special Considerations for Multi-Family Developments in Non-Multi-Family Land Use Designations**

- A. A Multi-family development outside the Historic District shall be reviewed consistent with the requirements of Chapter 14.230 SMC.
- B. All Multi-family developments shall provide 20 percent of the site in open space.
- C. All Multi-family developments shall meet the dimensional requirements of the MF-18 designation as set forth in SMC 14.210.330. The permitted density limitation of 18 dwellings per acre shall not apply where a higher residential density is authorized by SMC 14.210.200.

Section 4. Chapter 14.210 of the Snohomish Municipal Code is hereby amended by amending SMC 14.210.330 to read as follows:



**14.210.330 Dimensional Requirements - Table 2**

Residential and Other Misc. Designations

	Open Space OS	Urban Horticulture UH	Single Family Residential SF	Multi-family Residential - 12 du/acre MF12	Multi-family Residential - 18 du/acre MF18	Multi-family Residential - 24 du/acre MF18 MHP MF24	Public P	
Minimum Lot Size, in sq. ft.	none	10 acres	7,200	7,200	6,000	1 acre	5,000	3 acres
Lot Width, in feet	none	none	60	60	50	50	50	none
Permitted density, du/ac <sup>9</sup>	na	1 per 10 acres	6	12	18	10	24	na
Front Yard Setback, in feet			10	11				
a. From arterial	20	20	20	20	20		20	20
b. From all other streets	20	20	20	20	20		20	20
c. From prop. line (no street)	10	10	20	10	10		10	10
Side Yard Setback <sup>12</sup> , in feet	0	10	5	6	8		10	5
a. From residential	0	10						12
Rear Yard Setback, in feet	0	10	20 <sup>13</sup>	20	15		10	15
Lot coverage	20%	20%		80%	80%		80%	85%
Open space	80%	70%		20%	20%		20%	15%
a. Percent landscaped	na	na		5%	5%		5%	5%
Height limitation <sup>14</sup> in feet	35	40	35	35	35		40	for res: 35
(Note: whichever is more restrictive applies)								
Recorded development plan required			for PRD	for PRD	for PRD	yes	for PRD	

<sup>9</sup> An alternative maximum density may be permitted by SMC 14.210.200.

<sup>10</sup> Different front setback regulations apply if a PRD or lot size of less than 7200 sq ft is used. See 14.230.

<sup>11</sup> Different front setback regulations apply if a PRD or lot size of less than 7200 sq ft is used. See 14.230.

<sup>12</sup> Side yards abutting streets shall conform to 1/2 the front yard setbacks.

<sup>13</sup> If the property has an alley, vehicle access is required to be from the alley. Garage setback facing the alley SMC 14.210.130.

<sup>14</sup> Measured per 14.210.170.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such a decision or preemption shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other persons or circumstances.

Section 6. Effective Date. This Ordinance shall be effective five days after adoption and publication and Pursuant to RCW 35A.13.200 may be published in summary fashion.

PASSED by the City Council and APPROVED by the Mayor this 17<sup>th</sup> day of January, 2006.

CITY OF SNOHOMISH

By \_\_\_\_\_  
Randy Hamlin, Mayor

Attest:

By \_\_\_\_\_  
Torchie Corey, City Clerk

Approved as to form:

By \_\_\_\_\_  
Grant K. Weed, City Attorney