

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2296**

**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 SECTIONS 14.65.030 ENTITLED "ADMINISTRATIVE DEVELOPMENT PLANS AND RECORDED DEVELOPMENT PLANS"; 14.207.085 ENTITLED "GENERAL SERVICES LAND USES: REGULATIONS"; 14.207.085 ENTITLED "GENERAL SERVICES LAND USES: REGULATIONS"; 14.210.110 ENTITLED "SETBACKS – MODIFICATIONS"; 14.210.230 ENTITLED "BUSINESS PARK AND AIRPORT INDUSTRY"; 14.210.330 ENTITLED "DIMENSIONAL REQUIREMENTS - TABLE 1 and Table 2" AND 14.290.040 AS AMENDED BY ORDINANCE NO. 2299 ENTITLED "ESTABLISHMENT OF IMPACT FEES"; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE**

**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**, it is appropriate for the City Council to review and amend the City's regulations from time to time to ensure the intent of the regulations is achieved; and

**WHEREAS**, because the various amendments provided herein are relatively minor in scope and impact, it is appropriate to consolidate these separate amendments to the Land Use Development Code within one ordinance; and

**WHEREAS**, the amendments provided herein were prepared to improve the functionality, clarity, and internal consistency of the Land Use Development Code; and

**WHEREAS**, the City Planner, acting as the SEPA Responsible Official, reviewed this proposed legislation and on February 1, 2016, issued a determination of non-significance (DNS); and

**WHEREAS**, in a public meeting on December 2, 2015, the Planning Commission evaluated issues related to the proposed amendments to the Development Code and recommended approval of the amendments as reflected in the minutes of the meeting; and

**WHEREAS**, on February 16, 2016, a public hearing on the proposed amendments was held by the City Council, and all persons wishing to be heard were heard; and

**WHEREAS**, public notice of the SEPA threshold determination and the public hearing for the legislation contained herein was provided as required by law; 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**, the City Council find that the Land Use Development Code amendments contained in this ordinance are: 1) internally consistent with the Comprehensive Plan; 2) consistent with the Growth Management Act and the State Environmental Policy Act; and 3) in the interest of the public health, safety, and welfare of Snohomish residents;

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

Section 1. SMC section 14.65.030 entitled "Administrative Development Plans and Recorded Development Plans" is hereby amended as follows:

14.65.030 Administrative Development Plans and Recorded Development Plans

A. Administrative development plans shall have the same purpose, process (Type 1 or 4 permit depending on whether the action is SEPA-exempt), and criteria as conditional use permits. An administrative development plan is required for several types of development within Title 14 SMC in the BP and MU designations. No administrative development plan shall be required for construction of one single family home on one lot, where permitted. In each instance where the approval of an administrative development plan is required, specific issues are noted that must be addressed as part of the approval and will be discussed in the staff report and included in the recommended action.

B. Recorded development plans shall have the same purpose, process (Type 5 or 6 permit depending on whether the action is SEPA-exempt), and criteria as conditional use permits except that recorded development plans, upon approval, shall be recorded in the same manner as subdivision in order to assure that the development plan will be implemented. A recorded development plan is required for several types of development within Title 14 SMC in the Airport Industry designation. In each instance where the approval of a recorded development plan is required, specific issues are noted that must be addressed as part of the approval and will be discussed in the staff report and included in the recommended action. (Ord. 2111, 2006; Ord. 2296, 2016)

Section 2. SMC section 14.207.080 entitled "General Services Land Use Table" is hereby amended as follows:

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
<b>Personal Services</b>														
Adult uses												p7		
Automotive repair								p		p1	p1	p	p1	
Automotive service								p		p	p	p	p	p
Cemetery, columbarium or mausoleum								p		p	p	p		
Childcare		c			p2	p2	p2	p2	p2		p			p2
Childcare, family – 12 children or less		c	c	c	c	c	c	c		c				c
Childcare, family – 6 children or less		c	p	p	p	p	p	p		p				p
Church, synagogue, temple, mosque				c9	c	c	c	((e))p		p	p	p	p	p
Community stable		c	p			c								
Funeral home/crematory								p		p	p	p		
General personal services								p		p	p	p	p	p
Industrial launderers											p	p		
Commercial kennel or cattery			p4	p4				p			p	p		
Animal grooming w/o kenneling/boarding								p		p	p	p		p
Miscellaneous repair								p		p	p	p	p	p
Social services								p((2))		p	p	c		c
Veterinary clinic w/o kenneling/boarding			c8					p4		p4	p4	p		p4
Veterinary clinic w/ kenneling/boarding			c8					p4			p4	p		p4
<b>Health Services</b>														
Hospital								p		p	p	p		p
Medical/dental lab								p		p	p	p		p
Miscellaneous health								p		p	p	p		p
Nursing/convalescent home				c6	c	p	p	p		p	p	p		p
Office/patient clinic								p	p	p	p			p
Congregate care/assisted living				c6	c	p	p	p		p	p			p
<b>Education Services</b>														
Elementary or middle/junior				c	c	c	c	p			p			p
School district support facility					c	c	c	p		p	p	p		p5
Secondary or high school				c	c	c	c	p		p	p			p
Specialized instruction school		c	c		c	c	c	p		p	p		p	p
Vocational school					c	c	c	p		p	p	p	p	p

(Ord. 2180, 2009; Ord. 2193, 2010; Ord. 2214, 2011; Ord 2268, 2014; Ord 2296, 2016)

Section 3. SMC Section 14.207.085 entitled “General Services Land Uses: Regulations” is hereby amended as follows:

1. Except tire retreading. See Manufacturing Land Uses Table.

2. Subject to a child drop off and pick up system that meets DSHS standards and subject to design features (~~((and a time schedule))~~) for use of outside play areas that will protect adjacent uses from significant noise levels. (Ord. 2296, 2016)
3. Only as an accessory to a cemetery.
4. Animal cremation services are not permitted. (Ord. 2193, 2010)
5. Only when adjacent to an existing or proposed school.
6. Subject to the following conditions: (Ord 2268, 2014)
  - a. Minimum contiguous site area of three acres.
  - b. Parking areas shall be screened from adjacent streets and residential uses.
  - c. All structures shall be offset from property lines a minimum of 20 feet.
7. Adult uses will be allowed in the area designated for Industry located between Bonneville Avenue, Highway 9 and Seventh Street.
8. Limited to large animal veterinaries.
9. Site must be located less than 300 feet from a street designated as a collector or arterial.

Section 4. SMC Section 14.210.110 entitled “Setbacks – Modifications” is hereby amended as follows:

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))~~A. 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))~~B. When deviations from standard setbacks are permitted for unit lot subdivisions pursuant to the provisions of SMC 14.215.125. (Ord. 2240, 2012; Ord. 2296, 2016)

Section 5. SMC Section 14.210.230 entitled “Business Park and Airport Industry” is hereby amended as follows:

A. Chapters 14.205 and 14.207 SMC govern permitted land uses in the Business Park and Airport Industry designations.

B. Minimum Area. A minimum of five (5) acres will normally be required for a Business Park development; however, existing smaller parcels that cannot be aggregated together to establish a 5 acre project will be allowed, subject to appropriate review and conditions.

C. Setbacks. Structures shall be a minimum distance of 50 feet from any property line abutting a residential land use designation. Where not abutting a residential designation, the minimum setback shall be zero, subject to compliance with the landscape screening requirements in Chapter 14.240 SMC.

~~((1. — From all public rights-of-way: A minimum setback of twenty (20) feet shall be complied with for structures designed for other than office and retail use. Buildings designed for office and/or retail use can be located so that they abut the front property line when pedestrian sidewalks and walkways abut the buildings.~~

~~2. — From all other property lines forming the perimeter development:~~

~~a. — Adjacent to nonresidential land use designations: Ten (10) feet.~~

~~b. — Adjacent to residential land use designations: A visual screen and a setback of not less than fifty (50) feet in depth shall be provided.))~~

D. Landscaping and Open Space.

1. The site shall consist of not less than 20 percent landscaping and/or open space, which open space may consist of undisturbed vegetation or water and will include the 5% area of required landscaping. In addition, any parking lot of over twenty (20) cars must provide a minimum of one contiguous one hundred (100) square foot landscaped island within the parking area for each ten (10) spaces. Up to 50% of the landscaping and open space requirement for a business park development may be provided by permanent dedication of a conservation easement to the City, a land trust, or another entity acceptable to the City of Snohomish, which easement shall restrict property to remain in open space in perpetuity within the same business park designation as the development in question.

2. At least 5% of the site must be in formal developed landscaping no less than two thousand (2,000) square feet in area and oriented towards the main entrance and public right-of-way.

3. Landscaping Adjacent to Streets. All uses which adjoin a street will also provide a landscape corridor of trees, planted no more than fifty (50) feet on center. Such landscaping shall not obscure the sight distance for traffic and pedestrians at the intersection of streets or driveways.

E. Access

1. Access Limitation. Business Parks shall have access to at least one major arterial. Access to the adjacent arterial and other streets will be provided in accordance with City traffic plans and will be constructed per Public Works Design and Construction Standards.
2. Access Assurance to Adjacent Properties. At the time of permit review the City may require as a condition of approval either:
  - a. That a frontage road or marginal access street be constructed to provide access to the arterial for adjacent properties.
  - b. That the applicant grants to adjacent properties the right to use the applicant’s arterial access.

F. Height Limitation. Building heights shall not exceed ~~((three (3) stories or forty five ((+)45(+)) feet. ((If a variance is applied for and granted to exceed three stories or forty five (45) feet, there shall be added one (1))~~ One additional foot of building height may be added for each additional foot of ((yard)) setback on all sides ((for each one (1) foot of additional building height)), provided that the total building height ((may))shall not exceed ((four (4) stories or))60 feet(( for buildings not having stories)).(Ord. 2296, 2016)

Section 6. SMC Section 14.210.330 entitled “Dimensional Requirements - Table 1 and Table 2” is hereby amended as set for in Exhibit A.

Section 7. SMC Section 14.290.040 entitled “Establishment of Impact Fees” as previously amended by Ordinance 2299 is hereby amended as follows:

As a condition of approval of all development or development activity, as defined herein, or as a condition of issuance of a building permit for existing undeveloped lots, the City will require mitigation of adverse impacts on school services pursuant to the State Growth Management Act, RCW 36.70A, RCW 82.02 and this chapter. School impact fee amounts shall be based on the Snohomish School District’s adopted Capital Facilities Plan in the amounts shown in the adopted fee resolution No. 1340 as it now reads or is hereafter amended. ((2012-2017 as follows:

<del>((Development</del>	<del>Per Dwelling</del> <del>Impact Fee</del>
<del>Single Family Dwelling</del>	<del>\$896</del>
<del>Studio or one-bedroom multifamily dwelling</del>	<del>\$0</del>
<del>Multifamily dwelling with two or more bedrooms))</del>	<del>\$0</del>

(Ord. 2196, 2010; Ord. 2242, 2012; Ord. 2296, 2016)

Section 8. 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 9. 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 16<sup>th</sup> day of February, 2016.

CITY OF SNOHOMISH

By \_\_\_\_\_  
KAREN GUZAK, MAYOR

ATTEST:

APPROVED AS TO FORM:

By \_\_\_\_\_  
PAT ADAMS, CITY CLERK

By \_\_\_\_\_  
GRANT K. WEED, CITY ATTORNEY

Exhibit A

**Exhibit A14.210.330 Dimensional Requirements - Table 1**

Commercial and Industry Designations

	Commercial             CO	Historic District Business             HB	Business Park             BP	Industry             IND	Airport Industry             AI	Mixed Use             MU
Minimum Lot Size, in sq. ft.	5,000	none	20,000	none	25,000	5,000
<del>((Min. Area for recorded development plan))</del>	<del>((none))</del>	<del>((none))</del>	<del>((5 acres))</del>	<del>((none))</del>	<del>((5 acres))</del>	<del>((none))</del>
Lot Width, in feet	50	none	none	none	none	50
Permitted maximum density, du/ac <sup>1</sup>	18	18	18	na	1 per 10 acres	18
Front Yard Setback, in feet						
a. From street	0	0	0 <sup>2</sup>	0	35	0
b. From property line	0	0	0 <sup>2</sup>	0	0	0
Side Yard Setback <sup>2,3</sup> , in feet	0	0	0	0	0	0
Side Yard abuts residential designation	<del>((See 14.240 (landscape)))</del>	<del>((See 14.240 (landscape)))</del>	50	<del>((See 14.240 (landscape)))</del>	<del>((See 14.240 (landscape)))</del>	<del>((See 14.240 (landscape)))</del>
Rear Yard Setback, in feet	0	0	0 <sup>2</sup>	0	0	0
Rear Yard abuts residential designation <sup>2</sup>	<del>((See 14.240))</del>	<del>((See 14.240))</del>	50	<del>((See 14.240))</del>	<del>((See 14.240))</del>	<del>((See 14.240))</del>
Rear access from an alley	na	15				
Open space (vegetated) <sup>4</sup>	15% <sup>(4)</sup>	<del>((15%))<sup>(5)</sup></del>	20%	15%	20%	15% <sup>(6)</sup>
a. Percent landscaped (excl. screening)	5%	0%	5%	5%	5%	5%
Height limitation <sup>5(7)</sup> in feet <sup>6(8)</sup>	35	40	45	40	40	35
<del>((Access allowed per site))</del>						
<del>((a. From arterial))</del>			(1)			
<del>((b. From non arterial))</del>			<del>((subject to sdg))</del>			
<del>((Recorded development plan required))</del>			(yes)		(yes)	(yes <sup>9</sup> )

(Ord. 2143, 2008; Ord. 2187, 2010; Ord 2296, 2016)

<sup>1</sup> An alternative maximum density may be permitted by Chapter 14.285 SMC.

<sup>2</sup> ~~((Setback for office and/or retail use can be located so that they abut the front property line when pedestrian sidewalks and walkways abut the buildings.))~~ Subject to compliance with landscape screening requirements of Chapter 14.240 SMC.

<sup>3</sup> Side yards abutting streets shall conform to one-half (1/2) the front yard setbacks.

<sup>4</sup> Twenty percent (20%) vegetated open space required for multi-family developments.

~~((<sup>5</sup> Off site landscaping or improvements to the streetscape may be substituted for on site landscaping with the recommendation of the Design Review Board and approval of the City Planner; twenty percent (20%) vegetated open space shall be required for Multi family developments.))~~

<sup>6</sup> ~~Twenty percent (20%) vegetated open space required for multi family developments.))~~

<sup>7</sup> ~~(<sup>7</sup>)~~ Measured per SMC 14.210.170.

<sup>8</sup> ~~(<sup>8</sup>)~~ Height limitation of fifty-five (55) feet for public schools and other public educational facilities such as aquatic centers, stadiums and gymnasiums.

~~((<sup>9</sup> Unless single family residence.))~~

