

**CITY OF SNOHOMISH  
Snohomish, Washington**

**ORDINANCE 2188**

**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 14.235 SMC RELATING TO OFF-STREET PARKING FOR BUILDINGS AND LAND USES SITUATED WITHIN THE HISTORIC BUSINESS DISTRICT**

**WHEREAS**, the City's Land Use Development Code (Development Code), as set forth in Title 14 SMC, provides off-street parking requirements and certain standards apply only within the Historic Business District land use designation; and

**WHEREAS**, SMC 14.235.040 provides off-street parking requirements for properties designated Historic Business District; and

**WHEREAS**, SMC 14.235.040 allows a change of use of an existing building, and for the remodeling and renovation of existing buildings within the Historic Business District without the establishment of off-street parking; and

**WHEREAS**, the current economic slowdown has resulted in many buildings within the Historic Business District being unoccupied for extended periods of time; and

**WHEREAS**, SMC 14.235.040 lacks clarity with regard to removal of existing parking and to the establishment of new uses within long-vacant buildings; and

**WHEREAS**, the City Planner, acting as the SEPA Responsible Official, reviewed this proposed development regulation amendment and on April 30, 2010 issued a determination of non-significance (DNS); and

**WHEREAS**, on May 18, 2010, 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 DNS and the public hearing for the proposed non-project actions were 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. Chapter 14.235 of the Snohomish Municipal Code is hereby amended by amending SMC 14.235.040, to read as follows:

**14.235.040 Parking Requirements for Existing and New Structures in the Historic Business District Land Use Designation.**

A. The provisions of this section shall take precedence over other provisions of Chapter 14.235 SMC.

B. Off-street parking shall be required for the construction or addition of new building floor area.

C. For new building area containing commercial, retail, and service uses, one off-street parking space shall be provided for each 400 gsf.

D. No building in existence on August 4, 1998 and situated within the Historic Business District land use designation shall be required to provide additional off-street parking as a condition of the following:

~~((A))~~ 1. Remodeling or renovation of existing floor space.

~~((B))~~ 2. Changes in use.

~~((C))~~ 3. For any deck, patio or other exterior seating or eating area constructed as a part of an existing eatery or drinking establishment.

~~((The addition of floor space or new construction shall be conditioned upon meeting the off-street parking requirements, according to use and square footage of the added floor space, except for commercial and retail uses which shall be one stall per every 400 gsf.))~~

F. No off-street parking in existence on (*effective date of this ordinance*) that satisfies the off-street parking requirements of this Code shall be eliminated unless replaced/relocated as otherwise allowed.

Section 2. 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 3. 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 18<sup>th</sup> day of May, 2010.

CITY OF SNOHOMISH

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

ATTEST:

APPROVED AS TO FORM:

By \_\_\_\_\_  
TORCHIE COREY, CITY CLERK

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