

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE NO. 1978

AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON AMENDING THE FOLLOWING SECTIONS OF THE SNOHOMISH MUNICIPAL CODE; 14.39.020, 14.39.030, 14.30.040, 14.30.050, 14.20.360, 14.31.110, 14.33.060, 14.35.130, 14.37.040, 14.25.070, 2.14.060 ALL RELATING TO THE AUTHORITY OF THE DESIGN REVIEW BOARD, THE PROCESS FOR REVIEW OF APPLICATIONS, PROVIDING A PROCESS FOR VARIANCES AND DESIGN REVIEW BOARD MEETING TIMES.

WHEREAS, various provisions within the Snohomish Municipal Code address the authority and responsibilities of the City's Design Review Board; and

WHEREAS, the City Council finds it necessary to incorporate proposed language relating to design review into the Snohomish Municipal Code; and

WHEREAS, the City Council finds that in order to make the design review process more efficient and yet protect the integrity of the Historic District, design review within the Historic District should be performed by the Design Review Board.

WHEREAS, the City Council finds that use of the *Residential Development Handbook* is inadequate for use in commercial applications; and

WHEREAS, on May 2, 2001 the Planning Commission held a public hearing to review the proposed design review process and to accept input from City staff and public; and

WHEREAS, on May 16, 2001 the Snohomish City Council held a public hearing to review the proposed design review process and to accept input from City staff and public.

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

Section 1: SMC Chapter 14.39.020 is hereby amended to read as follows:

14.39.020 Review Authority.

- A. In the Historic District, the Design Review Board (DRB) shall review the following:
1. Any alteration to the exterior of an existing structure.
 2. Construction of new structures.
 3. Installation of an exterior sign or fence.

4. Any mobile vendor structures and trailers which will be doing business in the City's Historic District for more than thirty days. The process for review is contained in SMC Chapter 14.33. Design review must be performed prior to the issuance of any business license for a mobile vendor.
5. Special tax valuations.
6. Requests for additions to the list of officially designated historic structures shall be reviewed by the DRB and a written recommendation made to the City Council. The City Council shall grant final approval for additions to the list. The Historic District design standards adopted pursuant to SMC Chapter 14.40 shall be applied by the DRB to items 1-4 above.

B. In all other land use districts, design review by the DRB shall be required in the following circumstances:

1. Construction of new structures involving multifamily use or Planned Residential Developments.
2. Significant alterations to the exterior of an existing multifamily development. For purposes of this section "significant alterations" means revision to the design theme, i.e. change from Victorian to Tudor style; or addition or deletion of square footage in excess of 1000 square feet or revision of the type of building material utilized so as to materially change the exterior appearance of the structure; or material revision to the landscaping, parking or other feature of the site.

Section 2: SMC Chapter 14.39.030 is hereby amended to read as follows:

14.39.030 Design Review Process. The following procedures shall govern the review process by the Design Review Board:

- A. Preapplication Meeting. Applicants proposing the following activities shall first have a preapplication conference with the City Planner and/or their designee:
 1. Multifamily developments and Planned Residential Developments.
 2. Any new structure in the Historic District
- B. Submittal Requirements. Depending on the nature of the request, all applicants submitting for DRB review shall provide the information listed in the application requirements, SMC Section 14.05.050.
- C. Prior to public meeting with the DRB, the City shall make available to the public and the Design Review Board a staff report detailing the degree of compliance with the City's design standards or this ordinance.
- D. City staff shall schedule the application for a public meeting to consider the application.

- E. Design Review Board Meeting. The meeting shall be informal for the purpose of acquiring comments from the applicant, members of the public, City staff and consultants. The sequence of the proceedings shall be as follows:
1. Presentation by city staff reviewing the application and conformance with the adopted standards.
 2. Presentation by the applicant.
 3. Comments from any members of the public.
 4. Design Review Board deliberations, which shall include producing recommended findings of fact and conclusions with regard to compliance with the applicable design standards. Findings shall cite an applicable design standard and each condition of approval or denial shall cite applicable findings.
 5. The meeting shall be located in a public building; however the DRB may include as part of its meeting a visit to an applicant's site to gather additional fact concerning the application.
 6. The DRB shall forward their findings to the City Planner in the form of a recommendation.
- F. The City Planner shall issue a written administrative decision within 10 days of receipt of the DRB's recommended findings and conclusions. Said administrative decision shall incorporate the DRB's recommendations in approval of any land use action or building permit, except for any condition which is contrary to law or the applicable design standards.
- G. Any aggrieved party to the City Planner's decision and administrative determination may appeal the decision to the Hearing Examiner following the procedures contained in SMC Chapter 14.10. If no timely appeal is filed, then the City Planner's decision shall be final.

Section 3: SMC Chapter 14.39.040 is hereby amended to read as follows:

14.39.040 Design Standards. All matters subject to design_review shall comply with the following:

- A. For projects located in the Historic District: The "Snohomish Historic District Design Standards" for Snohomish, Washington and "The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" as set forth in SMC Chapter 14.40.
- B. Consistent with SMC 14.39.020, for projects located in all other land use designations: *Residential Development Handbook for Snohomish County Communities*, dated March 1992. In using this document, the word "should" shall be interpreted to mean "shall." If application of these standards results in conflicting requirements, then the requirement listed first in the *Handbook* shall be applied, with remaining conditions applied in the order in which they appear.

- C. Interpretations of the meaning or application of the provisions of the design standards described in this section shall be an administrative interpretation in accordance with SMC 14.03.020.

Section 4: SMC Chapter 14.39.050 is hereby amended to read as follows:

14.39.050 Variances. Variances from the provisions of this Chapter or any design standard adopted by the City may be allowed where special conditions pertaining to a specific piece of property and the literal enforcement of the provisions of this Chapter or design standard would cause undue and unnecessary hardship. The Design Review Board shall consider requests for a variance and shall make a recommendation to the Hearing Examiner.

- A. No variance shall be authorized by the Hearing Examiner unless the Hearing Examiner finds that all of the following facts and conditions exist:
1. There are unique physical conditions, including at least one of the following:
 - a. Historical structure(s) would lose a vital element of its historicity.
 - b. The streetscape (as defined in SMC 14.39.040) would fail to be enhanced.
 - c. Exceptional topographical or other unusual physical conditions.
 2. Due to physical conditions beyond the control of the applicant, strict conformity with the provisions of this Chapter will not allow reasonable use rights that are generally available to other property owners in the same area.
 3. The variance, if granted, will not be detrimental to adjacent properties.
 4. The practical difficulties or unnecessary hardship have not been created by the owner or predecessors in title.
 5. The variance, if granted, shall not constitute a land use re-designation, increase the permitted density, or cause a change in the boundaries of a land use designation.
- B. The process for review of the variance application shall first include the procedures set forth in SMC 14.39.030. Following the completion of these procedures, the applicant shall follow the process set forth in SMC 14.19.050. The Design Review Board and the Hearing Examiner shall use the variance criteria noted in SMC 14.39.050A. Any appeals shall be processed pursuant to SMC 14.19.100-160.
1. The Design Review Board may not grant variances, however, they may recommend a minor variance for approval by the City Planner provided they provide recommended written findings addressing the criteria in section A above.
 2. Minor variance for the purpose of this section shall be defined as follows: Any deviation from the literal application of a design standard that is less than ten percent of a dimensional requirement or in the case of an architectural requirement, does not adversely affect the quality of adjacent development or the historical integrity of the subject building.

Section 5: SMC 14.29.360 is hereby amended in part to read as it relates to note ***** as follows:

SMC 14.29.360 Dimensional Requirements - Table 1 (Footnote)

Commercial and Industrial Designations

	Commercial CO	Historic District Business HB	Business Park BP	Industrial IND	Airport Industry Mixed Use AI	MU
Open space (vegetated)	15% *****	15% *****	20%	15%	20%	15% *****
a. Percent landscaped (excl. screening)	5%	0%	5%	5%	5%	5%

***** 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; 20% vegetated open space shall be required for multifamily developments.

Section 6: SMC 14.31.110(E) is hereby amended to read as follows:

SMC 14.31.110 Special Design and Bulk and Dimensional Requirements.

E. Where a development allowed by this chapter will result in subdivision of four or fewer lots with lot sizes of four thousand (4,000) square feet or less the project must comply with the requirements of SMC 14.39.

Section 7: SMC 14.33.060 is hereby amended to read as follows:

SMC 14.33.060 Approval

Applications for design review shall be reviewed and approved consistent with the procedures and requirements of SMC Chapter 14.39.

Section 8: SMC 14.35.130(N) is hereby amended to read as follows:

SMC 14.35.130 Minimum Requirements for Off-Street Parking

N. Tandem Parking.

1. Tandem parking is permitted only for detached single-family residences

Section 9: SMC 14.37.040 is hereby amended to read as follows:

SMC 14.37.040 Procedure for Review and Approval

Density incentives and any relaxation of parking requirements shall be granted only upon review of the application and binding covenant as specified in SMC Chapter 14.37.020 by the Hearing Examiner, and review by the Design Review Board. The Hearing Examiner, after public hearing, shall approve or deny the application and binding covenant. A low-income development which receives a density incentive and/or a relaxation of parking requirements shall not receive building, construction, or other permits until the binding covenant has been executed.

Section 10: SMC 14.25.070 is hereby amended to read as follows:

SMC 14.25.070 Residential Land Uses: Notes.

1. Related to the operation of a farm, one unit per 10 acres
2. Accessory dwelling units must meet the following conditions:
 - a. One unit must be owner occupied.
 - b. The design of any exterior alteration or new structure necessary for the unit comply with the City's design standards adopted pursuant to SMC 14.40
 - c. One additional on-site parking space must be provided.
 - d. If the accessory unit is in a separate structure, it must be no greater than 800 square feet, or half the floor area of the existing structure, whichever is less.

Section 11. SMC 2.14.060 is hereby amended to read as follows:

2.14.060 Time, Place and Conduct of Meetings.

Meeting times of the Design Review Board shall be established by the City Council, except that the City Manager may schedule special meetings to accommodate workload or to ensure that the cost to applicants and the City are as low as possible. Generally, meeting times shall be at the same time and place from month to month. The Design Review Board shall comply with the provisions of the State Open Meetings Act.

PASSED by the City Council and APPROVED by the Mayor this 7th day of August, 2001.

CITY OF SNOHOMISH

By _____
A. Douglas Thorndike, Mayor

ATTEST:

By _____
Torchie Corey, City Clerk

APPROVED AS TO FORM:

By _____
Grant K. Weed, City Attorney

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